

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE ON RULES

- - - -

Room 696, City Hall
Philadelphia, Pennsylvania
Monday, December 1, 2003
1:20 p.m.

- - - -

BILLS 030645, 030670, 030709, 030721,
030730, 030740.

PRESENT:

COUNCILMAN JAMES KENNEY, Chair
COUNCILMAN FRANK DICICCO
COUNCILMAN BRIAN O'NEILL
COUNCILMAN MICHAEL NUTTER
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DAVID COHEN
COUNCILMAN RICHARD MARIANO
COUNCILMAN DARRELL CLARKE

- - - -

V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

I N D E X

1		
2		
3		
4	BILL 030740	PAGE
5	TOM WITT, ESQ., Wolfson Verecchia Group..	5
6	MARK CAPLAN, ESQ., Wolfson Verecchia.....	6
7	ALAN KESSLER, ESQ., Wolfson Verecchia...	17
8	JOE DESANTIS, McMahon Assoc.....	22
9	JENNIFER RICHARDS.....	56
10	PATTY KOZLOWSKI, PRO PAC.....	61
11	THERESA COSTELLO, PRCG.....	80
12	STATE REPRESENTATIVE JOHN TAYLOR.....	88
13	CHIP MARSHALL, Temple University Health	
14	System.....	95
15	JERRY COGLAN, Carpenters Union.....	108
16	HENRY NICHOLAS, Hospital Workers Union.	111
17	CAROLYN MURAWSKI.....	115
18	KAREN SCANNELL.....	117
19	DENNIS GUEST, Northeastern Hospital....	121
20	ROBERT VIDRA.....	124
21	MARY ANN TROMBETTA.....	127
22	MARK HANKIN, Arsenal Association.....	129
23	PATRICK HURRAN, Legend Properties.....	134
24	LAURA LANZA.....	137
25	ALBERT FREDERICO, Pennoni Associates...	148
	THOMAS WITT.....	262
16	BILL 030645	
17	WENDELL YOUNG, IV, UFCW Local 1776.....	152
18	PAT EIDING, AFL-CIO.....	167
19	IRWIN ARONSON, ESQ., UFCW Local 1776...	171
20	JOHN MCGRATH, Local 1823.....	179
21	MICHAEL SKLAROFF, ESQ.....	183
22	STEVEN POLLACK, Bar Association.....	189
23	JASON TODD, Pa. Realtors Association...	192
24	THOMAS CHAPMAN, City Planning	201
21	BILL 030730	
22	THOMAS CHAPMAN, City Planning.....	208
23	GREG SPEARMAN.....	212
24	ELDER PAMELA K. WILLIAMS.....	218
25	TRACY GORDON.....	220
24	BILL 030670	
25	THOMAS CHAPMAN, City Planning.....	222
	RICHARD MULCAHEY, ESQ.....	223
	SISTER BARBARA ANN WINNELLS.....	225

1

2

3

I N D E X (con't)

4

BILL 030709

PAGE

HERBERT WETZEL, Redevelopment Authority 228

5

RICHARD REDDING, City Planning..... 229

MR. PECATRORE, CATCH, Inc..... 230

6

KATHLEEN MURRAY..... 231

7

BILL 030721

HERBERT WETZEL, Redevelopment Authority 232

8

RICHARD REDDING, City Planning..... 234

JOANNA KING..... 234

9

JEREMY NEWBERG, Jefferson CDC..... 239

JOSEPH GETKA..... 240

10

DAMON GETKA..... 243

MELVIN HAMPTON..... 257

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen, the Council Committee on
4 Rules is now in session.

5 Let me make one brief request. This
6 room is not supposed to be used for Council
7 Chambers. It is a temporary room since we've
8 had the flood. Any extraneous conversation
9 just blows us away; We can't hear anything.
10 So if you need to talk, you've got to go out
11 in the hallway. We will allow everybody to be
12 heard. We'd like to conduct this in a very
13 civil way. So, hopefully, everybody will
14 abide by the rules and we'll get through this.
15 We have a very long witness list, so we'd like
16 to try to get moving on it. Thank you very
17 much for your attendance today.

18 The first Bill on the calendar is
19 Bill No. 030740, which is an Ordinance to
20 amend the Philadelphia zoning maps by changing
21 the zoning designations of certain areas of
22 land located within an area bounded by
23 Allegheny Avenue, Collins Street, Westmoreland
24 Street and Tulip Street.

25 Representatives of the Planning

1 12/1/03 - RULES - BILL 030740

2 Commission, please.

3 Is Mr. Chapman here?

4 We'd like the representatives of the
5 proposed developer, whoever is going to
6 testify. Mr. Kessler is on the list, and I
7 see a number of people with him, so whoever is
8 going to lead the testimony.

9 Please identify yourself for the
10 record and proceed.

11 MR. WITT: Good afternoon, Mr.
12 Kenney. I'm Tom Witt of Wolf, Block, Schorr &
13 Solis-Cohen. We're counsel to the Wolfson
14 Verecchia Group, which is the proposed
15 developer of the proposed Wal-Mart store at
16 this location. With me are my partner, Alan
17 Kessler, of Wolf Block. Also our co-counsel,
18 Mark Caplan is with us. Steve Wolfson of
19 Wolfson Verecchia Group, and Joe DeSantis of
20 McMahon Associates, who will address traffic
21 and related issues.

22 There are, among the various appeals
23 for support of this project, two that we
24 wanted to bring to your special attention.
25 They're each in the form of a letter to

1 12/1/03 - RULES - BILL 030740

2 Councilman DiCicco in October of this year,
3 the 45th Ward Executive Committee; and earlier
4 than that, in June of this year, from the Port
5 Richmond Industrial Development Enterprise.
6 You will find other community support as the
7 proceedings proceed. I would like to give you
8 to Mr. Caplan, who will present the witnesses
9 in the project.

10 MR. CAPLAN: Thank you, Mr. Witt.

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

13 MR. CAPLAN: My name is Mark Caplan,
14 Caplan, Stewart. I'm co-counsel with Mr.
15 Kessler and Mr. Witt for Wolfson Verecchia
16 Group, Inc., the developer of the proposed
17 project. I know you have a lot on your agenda
18 today, and we would like to describe the
19 existing conditions of the property, a brief
20 outline of the proposal, a brief outline of
21 the architectural plans which have been
22 discussed, and then a brief discussion by Joe
23 DeSantis, our traffic engineer from McMahon
24 and Associates, discussing traffic access to
25 the site, pedestrian access, and how delivery

1 12/1/03 - RULES - BILL 030740

2 trucks will get there.

3 I have put on the board in front of
4 you a plan prepared by Bowler Engineering, and
5 that plan shows what is essentially a City
6 block. It is a vacant former industrial
7 facility. In fact, it's two former vacant
8 industrial facilities; the G.B. Goldman Paper
9 Company property and the Wild Dye House
10 property. This property, which contains
11 roughly 400,000 square feet of vacant space,
12 covers an entire City block from Allegheny on
13 the south to Westmoreland on the north, from
14 Tulip on the east to the railroad tracks on
15 the west. And when Mr. DeSantis gets up here,
16 he'll take you through the details. I just
17 wanted you to understand the relative size of
18 the property.

19 As has been testified in these
20 Chambers before, there have been a number of
21 other potential developers -- or maybe I
22 should say redevelopers -- who have attempted
23 to take this vacant property and to reuse it,
24 to redevelop it and reuse it. And our
25 information is that all of those, save Mr.

1 12/1/03 - RULES - BILL 030740

2 Wolfson, have been unable to bring about a
3 viable project. Maybe that's because of what
4 is involved in the existing property. As I
5 said, it's over 400,000 square feet. It's got
6 to be demolished. It is contaminated with a
7 series of substances. The interior has
8 asbestos. There are some PCBs that need to be
9 removed. There's more than one underground
10 tank. There was a series of spills on this
11 property, I believe in the '80s and in the
12 '90s. And as part of our proposal to
13 redevelop this property, we have proposed to
14 the Department of Environmental Protection, a
15 comprehensive remediation plan that would be a
16 brown field solution to a property like this,
17 and that plan has been approved by DEP. And
18 we believe that that's been a significant
19 impediment, that and the large cost of
20 removing and getting rid of contaminated
21 property. That's a brief overview of the
22 existing conditions.

23 I'd like to move on to the second
24 part, and that's our proposal. As I said, we
25 will completely demolish the existing

1 12/1/03 - RULES - BILL 030740
2 buildings. As depicted on the drawing in
3 front of you, the tan area is a 139,000 square
4 foot Wal-Mart general merchandise store. This
5 store is not a super center. It is not
6 intended to contain a large food operation
7 that is the subject of other matters that you
8 have before you.

9 COUNCILMAN DICICCO: Mr. Chairman,
10 thank you.

11 Mr. Caplan, I'm sorry for
12 interrupting your testimony, but could you be
13 a little bit more specific as to the latter
14 part of your statement, the percentage of
15 space that we agreed to through negotiations
16 over the last several months?

17 MR. CAPLAN: Yes. You had a
18 colloquy when the big box ordinance was before
19 this Committee about two weeks ago. The
20 limitation is 10 percent; therefore, you would
21 have a maximum of food component in the entire
22 building of approximately 13,900 square feet,
23 which is what you normally see in a general
24 merchandise store. And I believe that you
25 have been given a letter from the developer or

1 12/1/03 - RULES - BILL 030740

2 from Mr. Witt regarding the details of the
3 restriction that would be incorporated into
4 the lease between Mr. Wolfson's entity and
5 Wal-Mart to prohibit a super center here, in
6 essence.

7 COUNCILMAN DICICCO: We have another
8 bill in front of us today, Bill No. 030645,
9 that would limit the amount of space in the
10 big box, if you will, future stores that would
11 come to Philadelphia. How does that compare
12 to the bill that we're speaking of here
13 regarding the Wal-Mart? If it falls within
14 those guidelines, the Wal-Mart proposal for
15 Allegheny Avenue would not exceed?

16 MR. CAPLAN: No, it would not exceed
17 that. When I was last here and I listened to
18 the testimony, there were some confusing items
19 about what could be built and what couldn't
20 be. Using the logical interpretation of that
21 bill, we would only have 10 percent of the
22 space in this building would be food.

23 COUNCILMAN DICICCO: So is it
24 correct to say if the bill that you're
25 testifying on concerning the -- whoever wants

1 12/1/03 - RULES - BILL 030740

2 to answer can answer this -- the bill that's
3 being testified on for the proposed Wal-Mart
4 on Allegheny Avenue if it were built, even if
5 the other bill, 030645, were to pass, the
6 Wal-Mart on Allegheny Avenue would be within
7 compliance? It would not exceed that bill?

8 MR. WITT: Tom Witt of Wolf, Block,
9 Schorr & Solis-Cohen.

10 The other bill combines food,
11 pharmaceuticals and toiletries and limits the
12 combination of those three categories to 10
13 percent of any store. We would not meet that
14 requirement. We will meet a requirement of no
15 more than 10 percent for food.

16 COUNCILMAN DICICCO: Thank you.

17 COUNCILMAN KENNEY: Councilman
18 Clarke.

19 COUNCILMAN CLARKE: Thank you, Mr.
20 Chairman.

21 Could I get some specific language
22 with respect to the restrictions? Is this in
23 the lease restriction or is it a deed
24 restriction for the site?

25 MR. CAPLAN: Well, we've got to work

1 12/1/03 - RULES - BILL 030740

2 that through with Councilman DiCicco. But at
3 a minimum there will be a restriction on the
4 Wal-Mart lease that will prohibit Wal-Mart
5 from having more than 10 percent.

6 We have also said that there will be
7 a recorded declaration of what you're broadly
8 calling a deed restriction. There will be a
9 document that will be recorded that will be in
10 the chain of title that will set forth that
11 restriction.

12 COUNCILMAN CLARKE: Upon any
13 termination of lease with Wal-Mart, any
14 similar entity coming in operating a similar
15 type of store, they would be restricted under
16 the caveat of that original agreement?

17 MR. CAPLAN: It's just between
18 Wal-Mart and Wolfson Verecchia. That's what's
19 been requested of us, as far as I know, to
20 this point, to really make sure that this is
21 not a Wal-Mart super center, which seems to be
22 the target of the other bill.

23 COUNCILMAN CLARKE: Okay.

24 COUNCILMAN KENNEY: Thank you very
25 much.

1 12/1/03 - RULES - BILL 030740

2 Please proceed.

3 COUNCILMAN NUTTER: Mr. Chairman.

4 COUNCILMAN KENNEY: I'm sorry.

5 Councilman Nutter.

6 COUNCILMAN NUTTER: Thank you, Mr.

7 Chairman. If it's okay, this is just a

8 follow-up to Councilman Clarke's question.

9 I thought the Councilman's question
10 was regarding something that we generally
11 refer to as this deed restriction, which I
12 don't want to argue with you as a lawyer, but
13 I thought generally when you had a deed
14 restriction, it usually ran with the land,
15 regardless of who the user was. I think that
16 was the Councilman's question.

17 MR. CAPLAN: I understand that,
18 Councilman Nutter. My understanding of the
19 discussions to this point have been that there
20 was an objection -- and we heard it here a
21 couple weeks ago -- by Mr. Young and 1776
22 specifically aimed at Wal-Mart, and that's
23 what we have concentrated on. And that
24 restriction, which will be in their lease,
25 will also be recorded.

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN NUTTER: Recorded where?

3 MR. CAPLAN: The lease is going to
4 be recorded, a memorandum of the lease will be
5 recorded and the restriction will be recorded.
6 They'll be recorded in the Department of
7 Records just like any other deed restriction.

8 COUNCILMAN NUTTER: I just wanted to
9 have it understood for the record where it was
10 recorded and the significance of such a
11 recording. Thank you.

12 MR. CAPLAN: To the right side of
13 the plan that you're looking at is Allegheny
14 Avenue. To the top, I believe it is Tulip
15 Street, and to the bottom is the railroad.
16 Behind that is Westmoreland Street. As you
17 can see, the entire Goldman and Wild Dye House
18 properties will be removed. We will have 652
19 parking spaces, landscaping, lighting, three
20 pedestrian accesses that Mr. DeSantis will
21 refer to, all of which will be in compliance
22 with the zoning district that we're asking
23 this property to be changed to.

24 I'm sure you are aware that to the
25 top of the drawing is Tulip Street, where

1 12/1/03 - RULES - BILL 030740

2 Northeastern Hospital is located. This plan
3 that you see is about the fourth version of
4 the plan. When we originally started months
5 ago, the truck loading dock, which is in the
6 lower left-hand corner, was completely
7 flipped. This was on the other side. We had
8 truck loading there. We had access from Tulip
9 Street. This configuration was objected to by
10 the hospital in discussions that Mr. Wolfson
11 had with representatives of the hospital. And
12 the bottom line is that we have completely
13 sealed off the Tulip Street side of our
14 property from vehicular access or truck access
15 to absolutely minimize any conflict with the
16 hospital.

17 There is, as you will see -- and
18 maybe I'm stealing Joe's thunder -- but there
19 are only three accesses to this property. On
20 Allegheny, where there will be a new light
21 that Mr. DeSantis will talk about; one on the
22 lower rear where the truck loading and truck
23 access is up against the railroad, and then a
24 small access near Tulip and Westmoreland for
25 traffic that wants to exit and use

1 12/1/03 - RULES - BILL 030740

2 Westmoreland Street. I think it's fair to say
3 that --

4 COUNCILMAN COHEN: Point of
5 information, Mr. Chairman.

6 COUNCILMAN KENNEY: Yes. Councilman
7 Cohen.

8 COUNCILMAN COHEN: Would you give me
9 again who the parties to the agreement are?

10 MR. CAPLAN: The parties to the
11 agreement are Wolfson Verecchia Group, Inc.,
12 who will be the owner of the property, and the
13 Wal-Mart stores or the Wal-Mart business trust
14 that will be the long-term lessee of the
15 property, Mr. Cohen.

16 COUNCILMAN COHEN: And the agreement
17 can be changed by those two parties?

18 MR. CAPLAN: No, that's not the
19 intention.

20 COUNCILMAN COHEN: I'm not asking
21 what the intention is. I'm asking whether
22 under the terms of the agreement -- as you
23 know as a lawyer, two parties in agreement can
24 always get together and change the agreement.
25 I'm asking, is that possible here?

1 12/1/03 - RULES - BILL 030740

2 MR. CAPLAN: No, it will not be
3 possible here.

4 COUNCILMAN COHEN: Why?

5 MR. CAPLAN: Because we will put in
6 whatever necessary language and make a third
7 party a beneficiary of this restriction so
8 that it can be enforced. We are not here
9 trying to put a sham over on Council.

10 COUNCILMAN COHEN: Well, that we
11 don't know. We're weighting the evidence to
12 see whether that's true or not. We're
13 certainly not going to take it in good faith
14 because that's not our job. Our job is to see
15 that laws are passed and that the laws mean
16 what they say.

17 MR. CAPLAN: I understand that, Mr.
18 Cohen.

19 Mr. Kessler.

20 COUNCILMAN COHEN: Mr. Kessler may
21 have other points of view with respect to
22 that, but then we disagree with lots of
23 things.

24 MR. KESSLER: Councilman Cohen, this
25 may be something we don't disagree with. This

1 12/1/03 - RULES - BILL 030740
2 is Alan Kessler of the Wolf, Block firm.
3 Councilman Cohen, we negotiated this with
4 Councilman DiCicco's office in good faith. I
5 can assure you we will agree to whatever
6 language is being requested. The 10 percent
7 limitation is a good faith restriction and
8 limitation. If it's the will of this Body
9 that it be deed restriction, we will do what
10 we have to do to accomplish that.

11 COUNCILMAN COHEN: We all have great
12 confidence in Councilman DiCicco, but this is
13 a 17-person Body. And a 17-person Body has
14 to, as an organization, be of one mind on this
15 issue, or at least the majority have to be.
16 That's our responsibility.

17 MR. KESSLER: Well, Councilman
18 Cohen, as I said, the offer I just made wasn't
19 to Councilman DiCicco. It was to the entire
20 Council. We will negotiate -- not negotiate
21 -- we'll agree --

22 COUNCILMAN COHEN: Well, we'd like
23 to have that negotiation take place here so we
24 can see it. I've made mistakes in my
25 lifetime. I'm sure Councilman DiCicco would

1 12/1/03 - RULES - BILL 030740

2 agree that on occasions he's made a mistake.
3 And I think that would go for every member of
4 this 17-member Body.

5 MR. KESSLER: Councilman Cohen,
6 we'll negotiate wherever this Body -- if it's
7 in this room or if it's in a Councilman's
8 office or a Councilwoman's office, we'll do
9 those negotiations.

10 COUNCILMAN COHEN: We would like to
11 know what everything is that's being
12 negotiated because the Councilman is now
13 asking, as the district Councilman involved,
14 he's asking for the approbation of the entire
15 Body, and therefore each of us, each of the 17
16 members -- or 16 currently in office -- have a
17 responsibility. And we want to be able to
18 answer to all the people in the City what that
19 responsibility is and how it will be carried
20 out.

21 MR. KESSLER: We understand.

22 COUNCILMAN KENNEY: Can I make one
23 suggestion, respectfully? I would like to get
24 through this panel's testimony and then we can
25 start asking them questions. If we get

1 12/1/03 - RULES - BILL 030740

2 sidetracked with side questions, we'll never
3 get through the list. So if I could ask for
4 everyone's agreement, that we would allow this
5 panel to finish and hold your questions until
6 they're through.

7 MR. CAPLAN: Thank you, Mr. Kenney.

8 At Councilman DiCicco's urging, Mr.
9 Wolfson and his consultants, the architects
10 from Tulsa, Oklahoma who are Wal-Mart's
11 architects, a company called BSW, met with a
12 number of civic organizations, business
13 associations to discuss all of the aspects of
14 this project. We talked about traffic. We
15 talked about location of entrance. We talked
16 about location of loading docks. We talked
17 about how trucks will get to and from the
18 distribution center.

19 As a result of those meetings -- and
20 Mr. Kessler will address this in a minute --
21 over many months we have made many changes to
22 the plan. As I said, we flipped the loading
23 dock. As I said, Wal-Mart architects from
24 Tulsa, Oklahoma came to the community, went
25 through the community, got a feel for the

1 12/1/03 - RULES - BILL 030740

2 architecture of the community. And in
3 discussions with neighborhood groups, came up
4 with a theme for all sides of the property,
5 which is a basic brick theme because it was
6 thought to be consistent with the architecture
7 of the neighborhood. That drawing in front of
8 you shows all sides of the property being clad
9 with the brick material.

10 Joe DeSantis is our traffic
11 engineer. Joe is a member of the firm of
12 McMahon and Associates, and as he will tell
13 you in a minute, he grew up across the street
14 from this property and he knows much more
15 about the traffic than I do. And using the
16 boards, Joe is going to tell you about access
17 from a vehicle point of view, pedestrian point
18 of view, and very important, how the trucks
19 are going to get there.

20 Joe, if you could come up.

21 COUNCILMAN KENNEY: You're going to
22 have to take one of those microphones out if
23 you're going to do it from there.

24 Please identify yourself for the
25 record.

1 12/1/03 - RULES - BILL 030740

2 MR. DESANTIS: Good afternoon. My
3 name is Joe DeSantis. I'm a principal at
4 McMahon Associates. We are a traffic and
5 transportation engineering firm based in Fort
6 Washington. We have offices in three states
7 and we've done traffic engineering work for
8 numerous large retailers, as well as Wal-Mart,
9 throughout the country.

10 COUNCILMAN KENNEY: Please proceed.

11 MR. CAPLAN: Joe, I think you know
12 enough about this property and the accesses
13 and the neighborhood to explain how this is
14 going to work, and I'm not going interrupt
15 you, or I'm going to try not to.

16 MR. DESANTIS: What I'll do is, I'll
17 take you through, again, as Mark said, three
18 categories of access and circulation;
19 vehicular access, pedestrian and then truck
20 deliveries.

21 Orienting the board again, we have
22 Tulip Street on the east side; Allegheny
23 Avenue along the southern side of the
24 property. The parking field is in front of
25 the building on the south side. There's three

1 12/1/03 - RULES - BILL 030740

2 curb cuts to the property; two on Westmoreland
3 Street. One is primarily for truck access and
4 the second is a rear access for vehicular
5 traffic. The primary access, however, will be
6 on Allegheny Avenue. We've designed it with
7 two lanes coming out of the driveway, and a
8 traffic signal will be located at that access
9 point. We've coordinated the design of the
10 traffic signal with the City's traffic
11 engineering division, and that signal will be
12 coordinated along with the rest of the signals
13 that are currently on Allegheny Avenue, which
14 are a part of the close system right now.

15 The access originally located
16 opposite Janney Street, which is one way
17 towards the site, through discussions with the
18 neighbors, there was some concern how that may
19 draw traffic through the neighborhood. With
20 that request, and working with the City's
21 traffic group, we relocated the signal to
22 Woody Street, which is actually one way away
23 from the site. And Woody Street is a
24 non-residential street. So it was felt that
25 that was a better location for this site. It

1 12/1/03 - RULES - BILL 030740

2 also gave us better spacing between the
3 traffic signals. So that's how the vehicular
4 access will work.

5 Pedestrian access, there's three
6 pathways to the front of the store; along the
7 railroad coming from the west, in the middle
8 of the site from Allegheny, opposite Janney,
9 and then walking along Tulip, there will be a
10 connection through on Tulip Street. There's a
11 bus stop on Allegheny Avenue at Janney Street.
12 Westbound buses will stop at Janney Street and
13 pedestrians can exit the bus and walk right up
14 the pathway to the front of the store and then
15 get back on the bus to continue westbound.
16 Eastbound bus stop at Janney Street, the
17 traffic signal at Woody will have pedestrian
18 traffic signals as part of the design. So
19 pedestrians can walk to the Woody Street
20 signal, push the button and cross the street
21 to access the site.

22 Truck driving was a third concern of
23 the residents. What we've done is coordinated
24 with Wal-Mart's distribution center to
25 identify how they would direct their trucks to

1 12/1/03 - RULES - BILL 030740

2 and from the site. Real quickly I'll run
3 through it. We have two boards. One shows
4 how truck traffic would come from the north
5 and south, particularly on I-95. This board
6 is oriented. It shows a large area of the
7 Port Richmond area. 95 is to the bottom of
8 the board. Aramingo Avenue is right here.
9 And this is Allegheny, and here is the site.
10 Truck traffic will be directed to exit I-95
11 coming from the north to the Aramingo
12 interchange at Adams Avenue and travel south
13 on Aramingo Avenue, turn right onto
14 Westmoreland and come into the rear of the
15 site.

16 To travel back north, they will be
17 required to come out onto Westmoreland, again
18 turn left, travel Aramingo to the interchange
19 and head north. Aramingo being a four-lane
20 highway with left-turn lanes is a better route
21 for the trucks.

22 To and from the south, the trucks
23 are directed to pass by the Allegheny
24 interchange, continue up to the Adams Avenue,
25 Aramingo Avenue interchange, travel back down

1 12/1/03 - RULES - BILL 030740

2 Aramingo Avenue to the site. And then the
3 reverse flow, travel back to Aramingo to the
4 interchange and then travel south on I-95. So
5 that's the truck route.

6 COUNCILMAN KENNEY: Are there any
7 other fact witnesses as far as in your panel?

8 MR. CAPLAN: Yes. Mr. Kessler has
9 been very much involved in a lot of the
10 negotiations, and would like to address
11 certain other concerns and events that have
12 taken place.

13 MR. KESSLER: Thank you, Mark. My
14 name again is Alan Kessler of Wolf, Block, and
15 I want to be brief. I just want to talk a
16 little bit about two things.

17 One, the process -- and obviously
18 the substance is far more important than
19 process -- but the process, and about the
20 applicant here, the developer. I'm not
21 talking about Wal-Mart. I'm talking about
22 Wolfson Verecchia. Steve Wolfson, who is to
23 my right, came to us over a year ago with this
24 project. And the timetable was, not
25 surprisingly, more than ambitious.

1 12/1/03 - RULES - BILL 030740

2 We had an early sit-down and made it
3 clear that there were a number of steps that
4 we had to undertake here, and at the end the
5 day, that we had to make sure that we satisfy
6 each and every segment that's involved in this
7 process, to the extent we could. That started
8 with the district Councilman involved, because
9 through him the project is introduced. I
10 think we met with Councilman DiCicco over a
11 year ago in my office to introduce the
12 project, to talk to him informally about what
13 we would have to do here and what we were
14 intended to do. We didn't ask Councilman
15 DiCicco at that time for anything. We just
16 asked him to please keep an open mind and to
17 help us maneuver and navigate and made sure we
18 were talking to all of the civic
19 representatives in the area that we should be
20 talking to, that we should be doing everything
21 that we could to address the obvious issues of
22 traffic and parking and safety. And we have
23 had, at my count, somewhere between six or
24 seven or eight meetings, some convened by
25 Councilman DiCicco with area political and

1 12/1/03 - RULES - BILL 030740

2 community leaders. Some directly with
3 community leaders. Some with the hospital.
4 We have turned ourselves inside out during
5 this process. And Mr. Wolfson has seen what
6 he had hoped for, and that is a bill to be
7 introduced sometime in March or April, turn
8 into May, turn into July, turn into October,
9 now fortunately, early December.

10 Mr. Wolfson understands the nature
11 of the area that he's come into. One of the
12 things that I take great pride in trying to do
13 with Mr. Wolfson, because this is his first
14 developmental project like this in the City of
15 Philadelphia, is to let him know some of the
16 things that I hope the Council is interested
17 in, some of the things I'm certainly
18 interested in, and that is attempting to meet
19 and address the community in which he is going
20 to proceed in more ways than just his
21 development. What I mean by that is
22 contributions that Wolfson Verecchia needs to
23 make to the community as a good corporate
24 citizen. It has made a proposal, assuming
25 this project goes, that that proposal is not

1 12/1/03 - RULES - BILL 030740

2 etched in stone. It's a very generous
3 proposal to some of the area parishes. But
4 the intent is a clear one, and that is to
5 become a citizen of this area, not only in
6 this business, but also, as I said, as a good
7 corporate citizen.

8 COUNCILMAN KENNEY: Thank you very
9 much.

10 Councilman DiCicco.

11 COUNCILMAN DICICCO: Thank you, Mr.
12 Chairman.

13 Thank you, Mr. Kessler, and thank
14 all of the members of your panel.

15 I want to go back to the question --
16 and I forget the gentleman who did a great job
17 of doing the traffic patterns -- has there
18 been any discussion on signage? We talked
19 about the truck route. How will the truckers
20 know? I know the Wal-Mart truckers may get a
21 map, if you will, for deliveries from the main
22 distribution center. Aside from that, were
23 there any discussions with the Streets
24 Department about signage that would restrict
25 truck traffic on the streets that are mainly

1 12/1/03 - RULES - BILL 030740
2 concerning folks on Westmoreland and Allegheny
3 Avenue?

4 MR. DESANTIS: At this point, there
5 have not been direct conversations on that
6 matter.

7 COUNCILMAN DICICCO: I think we're
8 going to need to do something quickly with
9 that as well.

10 As for the investments that Mr.
11 Kessler just spoke about with the parishes, to
12 be more direct, as of today, the developer has
13 agreed over a five-year period to make a
14 contribution to three of the parishes, St.
15 Adalbert's, Our Lady Help of Christians and
16 the BVM, I believe it was. Right?

17 MR. KESSLER: That's right.

18 COUNCILMAN DICICCO: And that would
19 be \$5,000 a year to each parish over the next
20 five years, which is right now a \$75,000
21 community reinvestment.

22 MR. KESSLER: That's correct.

23 COUNCILMAN DICICCO: And we still
24 have not, as you said, put that in stone
25 because there may be some additional

1 12/1/03 - RULES - BILL 030740

2 investments that we were looking at, within
3 reason.

4 MR. KESSLER: That's correct. And
5 let me say, Councilman, that even though that
6 is a contribution by the developer, Wolfson
7 Verecchia, I would like the record to just
8 reflect -- again, this is Alan Kessler -- that
9 Wal-Mart has made over \$170,000 of similar
10 community contributions over the last few
11 years with respect to three of its facilities.

12 COUNCILMAN DICICCO: We haven't even
13 addressed the Wal-Mart contributions; is that
14 correct? Is that what you're saying?

15 MR. CAPLAN: That's right. There
16 was a \$60,000 contribution last year made by
17 Wal-Mart to the community around the Columbus
18 Avenue store. I believe that there was a
19 \$40,000 contribution made to the community
20 with regard, I believe, to the store on the
21 Boulevard. And Franklin Mills -- maybe it was
22 the Sam's Club at Franklin Mills and the
23 Wal-Mart store at Franklin Mills made a
24 similar \$60,000 contribution. This is
25 Wal-Mart's standard operating procedure. It

1 12/1/03 - RULES - BILL 030740

2 just doesn't get very much publicity.

3 COUNCILMAN DICICCO: Thank you. I
4 have no further question for this panel at
5 this time.

6 COUNCILMAN KENNEY: Councilman
7 Clarke.

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

10 Mr. Chairman, can I ask that the
11 site plan be put up again? I had a couple
12 questions with respect to that.

13 COUNCILMAN KENNEY: The highway map?

14 COUNCILMAN CLARKE: No. The actual
15 site plan itself. If you can, can you just
16 point out the proximity of the residential
17 community, the hospital and any other
18 commercial properties or residential
19 properties?

20 MR. DESANTIS: Looking at the plan,
21 the hospital is across Tulip Street in this
22 area.

23 COUNCILMAN CLARKE: It's directly
24 across the street?

25 MR. DESANTIS: Directly across the

1 12/1/03 - RULES - BILL 030740

2 street.

3 COUNCILMAN DICICCO: Councilman
4 Clarke, the hospital runs from Allegheny
5 Avenue back to Westmoreland, so the entire
6 east side of Tulip Street is hospital.

7 COUNCILMAN CLARKE: Okay. Are there
8 any vehicular entrances on Tulip Street to the
9 hospital?

10 MR. DESANTIS: No, there will not
11 be. There will be no access at all.

12 COUNCILMAN CLARKE: No. To the
13 hospital.

14 COUNCILMAN KENNEY: Is there any
15 entrances to the hospital on Tulip Street?

16 MR. DESANTIS: Yes, there are.
17 There are a couple.

18 COUNCILMAN CLARKE: There are
19 entrances on Tulip from the hospital, but none
20 from the development?

21 MR. DESANTIS: That's correct.

22 COUNCILMAN CLARKE: Any residential
23 property? Just give me a run down on all of
24 the perimeter.

25 MR. DESANTIS: Starting on the

1 12/1/03 - RULES - BILL 030740

2 Westmoreland side, this is all industrial
3 warehousing. Some mixed residential in this
4 area, but again manufacturing and industrial.
5 This is the hospital through this block. The
6 residential is actually mostly on Allegheny
7 heading south and goes to about Janney Street.
8 On the other side of Janney through to the
9 railroad is warehousing and parking fields.

10 COUNCILMAN CLARKE: What's on the
11 bottom?

12 MR. DESANTIS: This is a railroad
13 that kind of dissects the area. And the other
14 side immediately is more industrial and the
15 residential really picks up by Amber Street,
16 which is a couple blocks away.

17 COUNCILMAN CLARKE: Okay. So you're
18 looking at essentially one side.

19 MR. DESANTIS: Right. Most of the
20 residential is towards the southeast portion.

21 COUNCILMAN DICICCO: A portion of
22 the south side of Allegheny Avenue. If you
23 can show him from Tulip to -- approximately 40
24 percent -- I'll go as high as 50 percent of
25 the south side of Allegheny Avenue is

1 12/1/03 - RULES - BILL 030740

2 residential. I think it's actually a little
3 bit less, but 50 percent max.

4 COUNCILMAN CLARKE: Thank you, Mr.
5 Chairman.

6 COUNCILMAN KENNEY: Thank you very
7 much.

8 Councilman Cohen.

9 COUNCILMAN COHEN: Mr. Kessler, what
10 brought about the contributions to the
11 community?

12 MR. KESSLER: I'm sorry, Councilman
13 Cohen.

14 COUNCILMAN COHEN: What brought
15 about the contributions made to the community?

16 MR. KESSLER: Councilman Cohen, as
17 Mr. Caplan and I both said, this is something
18 that Wal-Mart and its developers do as a
19 matter of course. It's just something they
20 don't get a whole lot of publicity for.

21 COUNCILMAN COHEN: Well, that could
22 be one side. How did the community accept the
23 proposal originally? Were the contributions
24 given to the community in order to win its
25 approval, or were they given in grateful

1 12/1/03 - RULES - BILL 030740

2 response to the acceptance by the community of
3 the proposal?

4 COUNCILMAN DICICCO: Councilman, if
5 you don't mind, maybe I can respond to that.

6 COUNCILMAN COHEN: Well, I would rather
7 you did not respond to that, Councilman. I'd
8 rather have Mr. Kessler respond to it because
9 he's responded in other ways.

10 COUNCILMAN DICICCO: But I'm the one
11 who made the request.

12 COUNCILMAN COHEN: What's that?

13 COUNCILMAN DICICCO: I made the
14 request of the developers, as I do with most
15 major projects in my district. I have done
16 that over the years. We just did a large
17 community reinvestment with the Ikea folks, as
18 you recall, about this time last year.
19 Whenever a large developer proposes to build a
20 facility in my district -- I assume it happens
21 in the other districts as well -- part of my
22 negotiations always deals with, if your
23 project gets approval, will there been any
24 consideration for community reinvestment. The
25 parishes that I mentioned that would receive

1 12/1/03 - RULES - BILL 030740

2 the community reinvestment dollars, should
3 this bill pass, was not at their request. In
4 fact, the pastors did not even know about this
5 until Wednesday or Friday of last week, that I
6 announced to them that I had in writing a
7 tentative agreement on the value of the
8 community reinvestment dollars from the
9 developer. We didn't even get into the
10 discussion about Wal-Mart yet.

11 So again, Mr. Kessler is really
12 responding to a request that I made of him as
13 the attorney who represents the developer and
14 Wal-Mart to some degree.

15 COUNCILMAN COHEN: Councilman, I
16 don't wish to engage you in any questioning
17 about your motivation. I know you too well, so
18 I know about your motivation, and it's always a
19 good one. But I am concerned Mr. Kessler who,
20 in another matter before us involving the
21 Philadelphia Housing Authority, sent the
22 letter, a copy of which was circulated to every
23 Member of Council, reminding the Councilmembers
24 of his efforts to collect money on behalf of
25 their reelection campaigns. That's what

1 12/1/03 - RULES - BILL 030740

2 concerns me. Because obviously Mr. Kessler,
3 when he found a Committee that was not as
4 amenable to him as he thought it ought to be,
5 apparently decided to remind us that he helps
6 us collect funds. And since my name is
7 apparently not among his contributors, he
8 reminded me -- and sent copies to every Member
9 of the Council -- reminding me of the fact that
10 he's collected money from my colleagues.

11 Now, that may or may not be a good
12 thing to do from the point of view of campaign
13 finance, but certainly Mr. Kessler has defied
14 the City Council. He has informed his clients
15 that they're under no obligation to come and
16 testify before City Council, yet he's here
17 today in response to a Wal-Mart proposal. And
18 so I am very concerned about how he looks at
19 these contributions, and why in some events he
20 offers them, in other events he doesn't. So
21 that's the reason I'm raising it, Councilman.
22 It has nothing to do with your request. It has
23 to do with the intent of Mr. Kessler in making
24 those available or recommending them to his
25 client.

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN DICICCO: I appreciate
3 that, sir. I don't think -- and I know you
4 weren't directing your comments to me -- but I
5 don't believe Mr. Kessler has made any
6 political contributions to me. In fact, when
7 I get back to my office I'm going to check to
8 make sure, and then I'm going to ask why or
9 why not.

10 MR. KESSLER: Mr. Chairman, if I
11 can. I have no idea what this has to do with
12 this hearing, and I'm not going to get into
13 it, quite frankly. But since there is a
14 record, I'm just going to say I completely
15 object to the characterization by Councilman
16 Cohen to that letter. That letter will speak,
17 or other letters will speak for themselves, as
18 well as comments made by Mr. Cohen to certain
19 third parties. But again, the last thing we
20 want to see is this hearing get diverted by
21 something that is completely irrelevant.

22 I appreciate Councilman DiCicco
23 explaining the nature of the community
24 reinvestment that this developer has agreed
25 to.

1 12/1/03 - RULES - BILL 030740

2 MR. CAPLAN: If I may, I'd like to
3 cut this off, but I have a response that I
4 think will be of interest to Councilman Cohen.
5 There are over a thousand signatures of
6 support. We didn't include in our
7 presentation, our witnesses, the people who
8 have spent a great deal of time with my client
9 who are here. They will be able to express
10 their own rationale for why they support this
11 project.

12 COUNCILMAN COHEN: Well, I'm very
13 concerned because I don't know what you know
14 perhaps, or maybe I know more than you know.
15 I don't know.

16 But I would like, Mr. Chairman, to
17 have read into the record a paragraph of a
18 letter Mr. Kessler sent to me as Chairman of
19 the Law and Government Committee, which he
20 circulated to all Members of City Council,
21 with respect to his idea of his political
22 contributions and what the Committee ought to
23 be doing.

24 COUNCILMAN KENNEY: Councilman, I
25 certainly can't stop any Member from speaking,

1 12/1/03 - RULES - BILL 030740

2 nor would I try to. I just don't know whether
3 or not that's particularly relevant. This
4 would be my opinion that that particular
5 paragraph probably isn't relative to the issue
6 we're discussing, but if you insist. I've
7 known you long enough to know that I'm not
8 going to stop you even if I tackle you in the
9 hallway. That's just my opinion, that I don't
10 think it's germane, but that's your decision to
11 make.

12 COUNCILMAN COHEN: Well, I would
13 like to ask Mr. Jason Mayland to read in a
14 paragraph from the letter sent to me by Mr.
15 Kessler earlier this year.

16 COUNCILMAN KENNEY: If you want to
17 read it, you can read it. Can you read it
18 yourself.

19 COUNCILMAN COHEN: I would like to
20 ask Mr. Mayland of my staff to read that one
21 paragraph.

22 MR. KESSLER: Councilman Kenney, can
23 I just interrupt and ask, if that's going to
24 be the case, that entire letter be made part
25 of the record.

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN KENNEY: Again, I'm sorry
3 that this issue is becoming the focal point of
4 this hearing.

5 COUNCILMAN COHEN: I'm very sorry
6 too, to have to insert this issue.

7 COUNCILMAN KENNEY: Well, I think,
8 though, in fairness to Mr. Kessler, maybe the
9 whole letter ought to be read, and not just
10 excerpts from it.

11 COUNCILMAN COHEN: I have no
12 objection to it, but I am requesting that that
13 particular paragraph which relates to the
14 subject under discussion be read into the
15 record.

16 COUNCILMAN KENNEY: Would you
17 consent to having your staff member reading
18 the entire letter.

19 COUNCILMAN COHEN: Yes. I have no
20 objection to it at all. It's much longer.

21 COUNCILMAN KENNEY: Please identify
22 yourself for the record. Take a seat right
23 here and use that microphone.

24 MR. MAYLAND: My name is Jason
25 Mayland, M-A-Y-L-A-N-D. I'm Councilman

1 12/1/03 - RULES - BILL 030740

2 Cohen's legislative assistant.

3 This letter is on Wolf, Block
4 letterhead, dated April 18th, 2003, via hand
5 delivery to the Honorable Councilman David
6 Cohen, City of Philadelphia, City Hall, Room
7 588, Philadelphia, Pennsylvania 19107. Copies
8 were circulated to all Members of Council and
9 to Carl Greene, the Executive Director of the
10 Philadelphia Housing Authority.

11 Regarding City Council's subpoena
12 issued to Carl Greene, Executive Director of
13 the Philadelphia Housing Authority.

14 "Dear Councilman Cohen, I am writing
15 to you as legal counsel to the Philadelphia
16 Housing Authority, PHA, concerning City Council
17 Resolution Nos. 030117 and 030227, the public
18 hearing notice for the hearing scheduled for
19 April 22nd, 2003 and the subpoena seeking to
20 compel Carl Greene, PHA's executive director,
21 to testify at that hearing.

22 "After reading the resolutions, the
23 notice, the subpoena and most recently the
24 media account of these matters in the
25 Philadelphia Inquirer, I am compelled to

1 12/1/03 - RULES - BILL 030740

2 respond, both as counsel to PHA and on a
3 personal level.

4 It is regrettable that these issues
5 have advanced to the point that any Member of
6 City Council believes a subpoena to compel
7 testimony is necessary. PHA already has
8 voluntarily provided to City Council, without
9 waiving its objections or any of its rights,
10 all of the documents you requested concerning
11 PHA's labor contracts. On more than one
12 occasion, we have asked you to identify the
13 information you seek from Mr. Greene so that we
14 would be able to consider whether PHA could
15 produce the information, without jeopardizing
16 PHA's interest in the current labor
17 negotiations. We have received no response to
18 our request.

19 "Moreover, Mr. Greene has scheduled
20 a meeting with you and Councilwoman Blackwell
21 on April 21st to discuss this matter. We
22 remain hopeful that the meeting will adequately
23 address your concerns and alleviate your
24 desires to have Mr. Greene provide any
25 testimony at a public hearing about matters

1 12/1/03 - RULES - BILL 030740

2 that are the subject of PHA's labor
3 negotiations.

4 You should be aware that as PHA's
5 counsel, I have recommended to Mr. Greene that
6 he not testify at the hearing scheduled for
7 April 22nd, 2003. If Mr. Greene were to
8 testify at the hearing, he would be in a
9 position where he might be asked to divulge
10 sensitive and confidential information about
11 PHA's labor negotiations, including potentially
12 privileged legal issues. This hearing
13 threatens to intrude upon PHA's deliberative
14 process and may jeopardize PHA's legal and
15 financial interests.

16 "PHA must be permitted to negotiate
17 with its labor unions according to the rules
18 established and enforced by the Pennsylvania
19 Labor Relations Board. As an authority created
20 under the laws of the Commonwealth, PHA must
21 respect the oversight structure created by the
22 Pennsylvania legislature, which provides local
23 control over PHA through five appointed
24 commissioners, and which does not provide an
25 oversight role to City Council.

1 12/1/03 - RULES - BILL 030740

2 "Moreover, as you know, the
3 Pennsylvania Supreme Court is now considering
4 issues regarding the status of PHA as a
5 Commonwealth agency. It would be unfortunate
6 and a mistake for you or any of your colleagues
7 to interpret a decision by Mr. Greene not to
8 testify about PHA's labor negotiations in
9 response to a subpoena as a reflection of a
10 lack of respect for City Council and its
11 Members. Nothing could be further from the
12 truth.

13 "On a personal level, I must say
14 that, like you, I have spent many years in
15 public service working for the betterment of
16 Philadelphia and its institutions. I have
17 served as a Chair of the Board of Building
18 Standards and the Board of Licenses and
19 Inspection Review and as a member of the City
20 Planning Commission, and currently as a member
21 of the Board of Philadelphia Industrial
22 Development Corporation. I also have many
23 years of service to our party, including as the
24 finance vice chair of the Democratic National
25 Committee, and with my recent appointment by

1 12/1/03 - RULES - BILL 030740

2 Governor Rendell, as the state finance chair of
3 the party. I have always responded generously
4 to the requests of many of your colleagues for
5 various forms of support, political, financial
6 and otherwise.

7 "I would certainly hope that you and
8 your fellow members of City Council would not
9 call into question my own deep respect for City
10 Council, or my motives for advising Mr. Greene
11 that he should decline to appear and to testify
12 concerning PHA's labor negotiations. As for
13 Mr. Green's motives, I personally represent to
14 you that they are based firmly upon protecting
15 the interests of PHA as an independent entity.

16 "Finally, on a related matter, I
17 wish to address how we might work together to
18 improve the quality of public disclosure about
19 these issues. In a recent Inquirer article,
20 Councilman Ortiz is quoted as having referred
21 to Mr. Greene as a transient, presumably
22 because he is not Philadelphia born. Knowing
23 Councilman Ortiz as I do, I truly believe that
24 he did not intend to inflame the current
25 debate.

1 12/1/03 - RULES - BILL 030740

2 "I have a close professional and
3 personal relationship with Carl Greene. I
4 consider him to be a true public servant, in
5 the best sense of that term. You may recall
6 that Mr. Greene arrived in Philadelphia five
7 years ago at the urging of then Mayor Rendell
8 to run PHA. During the past five years, Mr.
9 Greene has developed strong roots in
10 Philadelphia. Moreover, he has made enormous
11 contributions to the revitalization of
12 Philadelphia's neighborhoods and improvements
13 in the quantity and quality of low income
14 housing. He is not unlike tens of thousands of
15 others who have moved to Philadelphia,
16 including new immigrants and other public
17 servants, who have made enormous contributions
18 to the fabric of our City.

19 "Indeed, the issues we are now
20 addressing have nothing to do with the length
21 of Mr. Green's tenure at PHA. PHA executive
22 directors, like City Council Members, do not
23 serve indefinitely, but the institutions
24 themselves, PHA and City Council, are
25 permanent. Both will continue to function and

1 12/1/03 - RULES - BILL 030740

2 pursue their interests for the betterment of
3 Philadelphia, regardless of current leadership
4 or membership.

5 "Carl Greene and I are committed to
6 working with you to ensure that City Council is
7 provided adequate information, while at the
8 same time preserving PHA's legal and financial
9 interests in the ongoing labor negotiations.
10 To that end, we look forward to our meeting on
11 Monday.

12 "Respectfully, Alan C. Kessler for
13 Wolf, Block, Schorr & Solis-Cohen, Limited
14 Liability Partnership:

15 "Carbon copy, Members of the City
16 Council of the City of Philadelphia and Carl
17 Greene, Executive Director of the Philadelphia
18 Housing Authority."

19 COUNCILMAN COHEN: Mr. Kessler, did
20 you make any efforts to make any contributions
21 to the Mayor during the recent campaign?

22 MR. CAPLAN: Mr. Kenney, I may be
23 out of order, but I'm only here on the behalf
24 of the developer.

25 COUNCILMAN KENNEY: Could I just

1 12/1/03 - RULES - BILL 030740

2 have a moment?

3 COUNCILMAN COHEN: Well, I'd like to

4 know if you reminded the Mayor of your

5 contributions?

6 COUNCILMAN KENNEY: Councilman

7 Cohen.

8 COUNCILMAN COHEN: I just wondered,

9 Mr. Kessler, whether you had reminded the

10 Mayor that you had been a frequent contributor

11 of his in connection with this program.

12 MR. KESSLER: No.

13 COUNCILMAN COHEN: I did not get

14 your answer.

15 MR. KESSLER: The answer is no.

16 COUNCILMAN COHEN: Not at all? Did

17 you make any contributions to the Mayor's

18 recent election campaign.

19 MR. CAPLAN: I'm going to object to

20 this. I respectfully object to this.

21 COUNCILMAN KENNEY: You can

22 respectfully refuse to answer, or not.

23 MR. CAPLAN: I'm not Mr. Kessler's

24 counsel, but I am his co-counsel, and I would

25 suggest that we not answer this and that we

1 12/1/03 - RULES - BILL 030740

2 move on. We have a lot of people here.

3 COUNCILMAN KENNEY: I understand. I
4 understand the problem, but you have to
5 understand my situation. I have a Member of
6 this Committee who is not going to back off.
7 We've had a conversation, a private
8 conversation --

9 (Applause.)

10 COUNCILMAN KENNEY: We have to get
11 through the testimony. Everybody who has come
12 here, who has sat here, who stood in the
13 hallway has a right to be heard. I don't want
14 to have to drag this out until 9:00 tonight to
15 have people missing dinner and missing picking
16 up their kids and everything else. We can
17 dance around this all day. But we still need
18 to get through the testimony. You have a right
19 to refuse to answer the question. I made a
20 request. I can't stop it. I don't know what
21 else to say.

22 MR. KESSLER: Mr. Chairman, I don't
23 want to refuse to answer. But one question
24 leads to another question, which leads to
25 another question. I'm not a principal in this

1 12/1/03 - RULES - BILL 030740

2 matter. If I say yes, I'll answer that
3 question, there will be another question. If I
4 answer that question, there will be another
5 question. Then we are diverted from what we're
6 here for.

7 COUNCILMAN KENNEY: I totally
8 empathize with you, but I cannot physically
9 shut it down. I agree with you, but I don't
10 know how to physically stop someone from asking
11 questions as a Member of this Committee. I
12 would rather move on myself, but that's not the
13 direction we're going in. So you can use your
14 judgment as attorneys to answer or not answer
15 as you see fit.

16 MR. KESSLER: Mr. Chairman, I will
17 answer one more question, and then I'll refuse
18 to answer any other questions.

19
20 COUNCILMAN COHEN: I will not
21 tolerate that witness deciding how many
22 questions he will answer or not.

23 You are here before the Committee.
24 The Committee asks the question and you answer.
25 You are not in a position to decide how many

1 12/1/03 - RULES - BILL 030740

2 questions you're going to answer.

3 MR. KESSLER: The answer to that
4 question is, yes, I contributed to Mayor
5 Street.

6 COUNCILMAN COHEN: All right.

7 Mr. Chairman, out of respect to you
8 and other members of the Committee and to the
9 people that are here, I will withhold any
10 further questions at this point.

11 COUNCILMAN KENNEY: Thank you very
12 much.

13 Councilman Clarke, your finger is on
14 the button.

15 COUNCILMAN CLARKE: Mr. Chairman, I
16 don't want to belabor the point, and I think
17 that people here in this room need to
18 understand that developers contribute to
19 numerous Members of Council, not just simply
20 the Mayor and other elected officials. And the
21 tone of the questioning suggests somehow that
22 the Mayor is the only one who receives campaign
23 contributions from this developer or any other
24 developer that has come before us in the recent
25 weeks since the election. I want to, for the

1 12/1/03 - RULES - BILL 030740

2 record, indicate that it is the practice of not
3 only developers, but lawyers and other entities
4 contributing to not just the Mayor, but to all
5 members, all elected officials, both state and
6 local and on the federal level. So I just
7 wanted to say that for the record.

8 COUNCILMAN KENNEY: Thank you very
9 much, Councilman, for that. We appreciate it.

10 Are there any more questions for
11 this beleaguered panel.

12 MR. CAPLAN: It's not what we
13 expected, but thank you. We're done our
14 factual presentation, Mr. Chairman.

15 COUNCILMAN KENNEY: Councilman
16 DiCicco.

17 COUNCILMAN DICICCO: Thank you, Mr.
18 Chair.

19 If you guys -- you're going to be
20 here, I'm sure, for the rest of the hearing --
21 could hammer out something concerning the deed
22 restriction, lease restriction, what have you,
23 that would be helpful. I'd like to have that
24 before the end of this hearing today. And I'd
25 like to share that with my colleagues on this

1 12/1/03 - RULES - BILL 030740

2 panel.

3 MR. CAPLAN: We will get on the
4 phone. That's fine. Thank you.

5 COUNCILMAN KENNEY: Thank you very
6 much. I'd like to bring up witnesses in twos
7 and threes if possible.

8 The next people on my list are Jenn
9 Richards and Patty from Pro Pac. If they're
10 in the room, could you please come forward.

11 Next will be Mr. Cogan.

12 COUNCILMAN KENNEY: Just identify
13 yourself. Just as a word of advice, if
14 possible, I don't require you to say anything
15 or not say anything. But as the three of you
16 are panelized -- I assume the three of you are
17 on the same side of this issue?

18 MS. RICHARDS: No, we're not.

19 COUNCILMAN KENNEY: No, you're not.
20 Okay. Well, those that are on the same side
21 of the issue, if you can refrain from
22 repeating from what the other person just
23 said, but add something new, it will make the
24 hearing more interesting and save us some
25 time. So you're not restricted. You can

1 12/1/03 - RULES - BILL 030740

2 speak as long as you like.

3 Someone who wants to start first,
4 please identify yourself for the record.

5 MS. RICHARDS: I have to pick my kid
6 up, so I want to go first. My name is Jennifer
7 Richards. I live on the 3200 block of Memphis
8 Street.

9 First, I'd like to thank everyone
10 that attended, regardless of their stand on
11 the proposal that has been brought to you
12 today. As you can tell from the turn out, we
13 have many residents that care about our Port
14 Richmond community, and this just shows the
15 pride we have for where we live.

16 I live one block from the proposed
17 building of the Wal-Mart by Wolfson Verecchia
18 Group at the now abandoned Goldman Paper
19 Company. The paper company has been abandoned
20 for the last several years. In the last three
21 years, there has considerable decline on that
22 property and in the immediate area in which I
23 and others live. Not only has Goldman Paper
24 been an eye sore, but the surrounding houses in
25 the neighborhood have had many problems, such

1 12/1/03 - RULES - BILL 030740

2 as rodent and insect infestation. Homeless
3 people living around the property and set
4 numerous fires just to keep warm. And one
5 gentleman actually set himself on fire the
6 other day. I myself have gone out and
7 collected over a thousand signatures from the
8 immediate neighborhood. I stopped at Aramingo
9 Avenue. I went from Frankford Avenue to the
10 east side of Aramingo.

11 I've heard negative comments
12 directed by the opposition, and I would like to
13 make these statements. One of only the few
14 complaints that I have heard is about truck
15 traffic. The opposition states there is
16 already too much truck traffic in Port
17 Richmond. Goldman Paper used to have 10 trucks
18 and two trains a day going in and out of that
19 property, whereas Wal-Mart has already stated
20 at a public meeting in the Port Richmond
21 community that there would be no more than four
22 trucks a day going there during their busiest
23 season. That doesn't include FedEx, UPS, stuff
24 like that, and an average of two truck a day on
25 their normal times.

1 12/1/03 - RULES - BILL 030740

2 Another complaint is traffic
3 congestion. The opposition states that Port
4 Richmond is already too congested on Allegheny
5 and Aramingo Avenue, which I say to you, return
6 the avenue to the four-lane arterial highway it
7 was just three months ago, and that problem
8 would alleviate almost immediately.

9 I've heard complaints from Temple
10 and Northeastern Hospital that there should not
11 be a Wal-Mart across the street from the
12 hospital, which is funny for me to hear since
13 Wal-Mart has worked with the hospital and
14 rearranging the plan so the hospital will
15 benefit by designating some of their area for
16 the hospital and staff parking. I think this
17 is more than generous, since the hospital owns
18 two unfinished parking lots. I think the
19 hospital ought not throw parking stones where
20 other parking lots may be built.

21 I know there is one positive to the
22 proposal: 300 additional jobs in my community.
23 What are the negatives to that? None. I think
24 it makes Port Richmond a better place to live
25 and welcome any company to this community that

1 12/1/03 - RULES - BILL 030740

2 can give me that.

3 I would like to say in closing that
4 this nuisance problem with Goldman Paper should
5 be torn out immediately and a responsible owner
6 build on that site. Wolfson Verecchia Group
7 has kept in constant contact with the
8 neighborhood, and they know our concerns. They
9 know what we as a community need, what we as a
10 community want, and we know what we want as a
11 community to expect from them. And I
12 personally will make sure that what is promised
13 by them will be kept to the community that I
14 have lived in for all my life.

15 I ask you to vote yes on the zoning
16 issues that are brought before you today. I'd
17 like to thank you for hearing me as the
18 representative of the 1,000 signatures for a
19 better, richer Port Richmond community. Thank
20 you.

21 (Applause.)

22 COUNCILMAN KENNEY: Thank you.

23 Councilman DiCicco, please.

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

1 12/1/03 - RULES - BILL 030740

2 And thank you, Mrs. Richards. Thank
3 you for all the work you've done, as I will
4 thank everyone else, even the opposition.

5 MS. RICHARDS: Can I say one thing,
6 though? I got a letter from my church way
7 before I knew you were giving anybody any
8 money. I got one from Sister Mary Ripp (ph)
9 from Our Lady of Help months ago.

10 COUNCILMAN DICICCO: By the way, I'm
11 not giving anyone any money, personally
12 anyway. I've negotiated some community
13 reinvestment dollars. Where do you live in
14 proximity to the proposed site.

15 MS. RICHARDS: It's Tulip Street,
16 the hospital, Memphis Street. I'm a block and
17 a half.

18 COUNCILMAN DICICCO: So you're about
19 a block, block and a half east of the Tulip
20 Street side of the proposed Wal-Mart. So
21 you're a neighbor, a close neighbor.

22 MS. RICHARDS: Right.

23 COUNCILMAN DICICCO: Thank you. I
24 have no further questions.

25 COUNCILMAN KENNEY: Thank you very

1 12/1/03 - RULES - BILL 030740

2 much.

3 Please identify yourself for the
4 record.

5 MS. KOZLOWSKI: My name is Patty
6 Kozlowski, K-O-Z-L-O-W-S-K-I. I'm the director
7 of the Port Richmond on Patrol and Business
8 Association. I want to explain to you how the
9 Port Richmond on Patrol and Business
10 Association -- it's shortened to PRO PAC -- and
11 the Port Richmond Community Group, we're two
12 civic associations in Port Richmond, how we
13 came to the conclusion that the Port Richmond
14 community does not want this Wal-Mart at Tulip
15 and Allegheny.

16 In late February of 2003 a community
17 meeting was called at the Nativity BVM parish,
18 approximately five blocks east of the Tulip
19 and Allegheny site, to update the Port
20 Richmond community on a proposed Wal-Mart
21 coming to the Goldman Paper site. At this
22 meeting, over 300 people attended and were
23 presented a very short presentation from
24 Steven Wolfson of the Wolfson Verecchia Group
25 that would be developing the site. John

1 12/1/03 - RULES - BILL 030740

2 Myerson, a Union 1776 representative also
3 spoke about the negative effect a Wal-Mart
4 would have on the community. Also, John
5 McGrath of Union Local 1823, the building
6 trades, spoke in support of the Wal-Mart,
7 saying it would give his union members the
8 work to build the store. State Representative
9 John Taylor attended this meeting, as did City
10 Councilman Frank DiCicco.

11 After the guest speakers, we opened
12 the floor to residents' questions and concerns,
13 and the two major topics were, one, traffic
14 congestion and, two, the site being so close to
15 our community hospital, Northeastern Hospital.
16 At this time we asked the audience to give us a
17 feel of how they felt about Wal-Mart at Tulip
18 and Allegheny. Half the room wanted it and
19 half the room did not. We have 300 people in
20 this church hall. We asked for a show of
21 hands, who wants Wal-Mart, who doesn't.
22 Literally, half the room raised for yes, half
23 the room raised for no.

24 On a personal note, Port Richmond is
25 a neighborhood where if you're born and raised

1 12/1/03 - RULES - BILL 030740

2 there, like myself, if you don't know
3 everyone's name, you at least know their faces.
4 And I looked out to those 300 people in
5 Nativity Hall, and I did not know their faces.
6 Checking the sign-in sheet, we found out why.
7 There were union members from both sides that
8 attended the meeting. They did not live in
9 Port Richmond, but they have the audacity to
10 raise their hands and try to pad a community
11 decision for their own good. Guys were signing
12 their names and writing their addresses from
13 South Philly, Marlton, New Jersey and
14 Villanova, PA. One guy actually tried to sign
15 in as a resident of Port Richmond by writing
16 that he lived on Allegheny Street. Not only is
17 Allegheny Avenue not a street, but an avenue.
18 But buddy, you don't spell Allegheny with three
19 I's. So needless to say, this meeting was not
20 an honest make-up of Port Richmond residents,
21 and we could not get an honest read of what the
22 community really wanted.

23 Together, PRO PAC and PRCG got
24 together and we published an article in the
25 community newspaper, the Port Richmond Star,

1 12/1/03 - RULES - BILL 030740

2 outlining both the pros and cons of having a
3 Wal-Mart built at Tulip and Allegheny Avenues.
4 I'd like to submit the article to the board.
5 This article was published on March 26th, 2003.
6 At the end of the article, we asked residents
7 of Port Richmond to fill out a survey and tell
8 us if they wanted Wal-Mart to build at Tulip
9 and Allegheny Avenue. This survey was
10 published on the front page of the Port
11 Richmond Star, and we gave the community three
12 weeks to get it back to us. This edition of
13 the newspaper reached 12,000 door steps and
14 over 50 bulk drop locations throughout the Port
15 Richmond area. We also accepted photocopies of
16 the survey from residents.

17 The reason we chose this medium to
18 find out what Port Richmond wanted is because
19 we felt we could not validate a door-to-door
20 petition. We could not verify if someone was
21 signing more than once or if they even lived in
22 the area. Once you read the article and the
23 survey, you'll see that we asked for a name,
24 address and phone number of the resident, and
25 then we took a random sampling of surveys to

1 12/1/03 - RULES - BILL 030740

2 verify.

3 At the end of this three-week
4 period, a group of PRO PAC and PRCG members
5 counted and recounted the surveys. In the end,
6 the number was 171 Port Richmond residents
7 wanted Wal-Mart and 548 Port Richmond residents
8 did not want Wal-Mart at Tulip and Allegheny
9 Avenue. We published the results in the
10 community newspaper and forwarded the
11 information to all interested parties. To the
12 two civic groups of Port Richmond, our
13 community had spoken, and they had said no to
14 Wal-Mart at Tulip and Allegheny.

15 This survey procedure was full of
16 dirty tricks. But from both sides. We asked
17 the survey to be mailed in to where we meet at,
18 which is the Samuel Recreation Center. There
19 was a locked ballot box there, a locked survey
20 box that the rec leaders didn't have a key to
21 or anything. On the day the survey was due,
22 April 9th, someone showed up and said they were
23 my lawyer and wanted to pick up the surveys. I
24 don't have a lawyer. I'm 26 years old. I
25 still live with my mom and dad. I don't have a

1 12/1/03 - RULES - BILL 030740

2 lawyer.

3 Before I conclude my testimony, I
4 want to give you a brief look at our community
5 of Port Richmond. We are not anti-Wal-Mart or
6 anti-development. We just don't feel that a
7 seven-acre commercial development with a big
8 box retail store is the best idea for that
9 Allegheny Avenue location. An avenue that has
10 three of our churches and our schools, a
11 playground, a rec center, our beloved Campbell
12 Square, where the community holds Halloween
13 parties, Christmas tree lightings and summer
14 evening concerts. An avenue that has over 50
15 medical offices where the patients still walk
16 to their appointments. An avenue where when
17 one of the five funeral homes has a viewing, we
18 don't use a hearse. Instead, the pall bearers
19 simply lead the procession across Allegheny
20 Avenue into one of our churches. You don't see
21 that anymore, but it's still in Port Richmond.
22 This is a place where every June the graduating
23 nurses from the Northeastern Hospital School of
24 Nursing don their black and red cap and gowns
25 and participate in the traditional strut east

1 12/1/03 - RULES - BILL 030740
2 on Allegheny into the Nativity BVM to graduate
3 and become RNs. This is the place where the
4 biggest event in early May isn't election day,
5 but it's the day when our parishes have their
6 May processions, and hundreds of school
7 children dressed in white dresses and suits
8 walk along Allegheny Avenue to crown the
9 Blessed Mother. This is an avenue where our
10 high school students from Little Flower, North
11 Catholic, Hallahan, Northeast High, Kensington
12 High can catch the Septa 60 route at 7:00 a.m.
13 And finally, this is the place where after the
14 strut on Broad Street on New Year's Day, our
15 own Polish American string band comes home and
16 serenades Port Richmond on Allegheny Avenue.
17 They start right at Tulip and Allegheny and
18 serenade for the sick patients at Northeast
19 Hospital, and then they serenade the crowds of
20 thousands in front of every church to wish them
21 a happy and healthy new year. And you want to
22 put a Wal-Mart in the middle of this. Even a
23 guy that spells Allegheny with three I's knows
24 that this doesn't fit. Thank you.
25 (Applause.)

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN KENNEY: Thank you very
3 much.

4 Councilman DiCicco.

5 COUNCILMAN DICICCO: Thank you, Mr.
6 Chairman.

7 Thank you, Patty for your testimony
8 and all of the work that you've put into this
9 issue.

10 The random sampling that you refer
11 to, the random sampling as a result of the
12 polling, how many households did you sample?

13 MS. KOZLOWSKI: I'm going to say
14 about 250 to 270 people we called out of the
15 700. That was because we had some votes that
16 we thought were fraudulent or void and we found
17 some that we had to take out.

18 COUNCILMAN DICICCO: Did you also
19 ask when you did the random sampling of those
20 individuals whether they supported or not; was
21 that part of your testimony.

22 MS. KOZLOWSKI: What we did is, the
23 random sampling, we would get a name and it
24 would say, Patty Kozłowski, 3619 Thompson
25 Street, with the phone number. We would call

1 12/1/03 - RULES - BILL 030740

2 and ask for that person, identify ourselves,
3 ask what they wrote on the survey, and that's
4 how we verified it.

5 COUNCILMAN DICICCO: Of the group
6 that you surveyed, did you have any folks that
7 did not live -- were there any false --

8 MS. KOZLOWSKI: Yes.

9 COUNCILMAN DICICCO: What percentage
10 was that, do you know.

11 MS. KOZLOWSKI: I have all the
12 surveys here. Maybe about 30 of the votes
13 were fraudulent or they did not live in the
14 Port Richmond area.

15 COUNCILMAN DICICCO: So 15 percent
16 approximately of the 200 that you called were
17 not accurate.

18 MS. KOZLOWSKI: No. I'm talking
19 about the whole --

20 COUNCILMAN DICICCO: Of the whole
21 700 or 800.

22 MS. KOZLOWSKI: The numbers I gave
23 you, 171 for and 548 against, everything was
24 valid with them. I also have votes that we
25 called that they either lived in Fishtown or

1 12/1/03 - RULES - BILL 030740

2 Bridesburg or Jersey.

3 COUNCILMAN DICICCO: That's what I
4 was trying to get at. How many of that 700 or
5 800 fell into that category?

6 MS. KOZLOWSKI: None of them.

7 COUNCILMAN DICICCO: None of the
8 final count. They were all accurate.

9 MS. KOZLOWSKI: They were all
10 accurate.

11 COUNCILMAN DICICCO: All right. I
12 needed to know that. Thank you.

13 You are familiar with the Goldman
14 Printing, and Ms. Richards testified before
15 you about the truck traffic; is that an
16 accurate statement.

17 MS. KOZLOWSKI: Yes. I'm sorry.
18 Can you say that --

19 COUNCILMAN DICICCO: Was it accurate
20 what she referred to as the amount of truck
21 traffic that Goldman Printing Company would
22 produce on a daily basis.

23 MS. KOZLOWSKI: I can't answer that.
24 I don't know. I don't live in the close
25 proximity that Ms. Richards does.

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN DICICCO: But you're
3 familiar with when the printing company was up
4 and running.

5 MS. KOZLOWSKI: Yes.

6 COUNCILMAN KENNEY: She said she was
7 26.

8 COUNCILMAN DICICCO: I know. But
9 they only closed three years ago after a
10 desperate attempt on my behalf and others to
11 try to keep them there. We worked with the
12 Commerce Department, and we also worked with
13 PRIDE, the Port Richmond Industrial
14 Development Enterprise Zone, to try to keep
15 them there. But despite our best efforts and
16 a guarantee of tax credits and tax abatements
17 from the City, it was just not feasible for a
18 number of reasons, but primarily because the
19 building is in such dire need of repairs that
20 the cost renovating or retrofitting that
21 building were astronomical, which left the
22 owners of that company -- they had to get out.
23 There was just no way they could stay. So now
24 we have a vacant building there.

25 I was at that meeting, by the way,

1 12/1/03 - RULES - BILL 030740

2 BVM, I think. I even asked a question -- or
3 you asked it -- I was standing next to you --
4 how many people actually live here. And I
5 think, if I'm not mistaken, we probably had
6 about 50 to 75 out of that 500, 600 that
7 actually lived in the Port Richmond community.

8 MS. KOZLOWSKI: That is correct.
9 And that is why we felt we were forced to do
10 the survey because we felt any big community
11 meeting that we did like that, we would have
12 unions from both sides trying to pad the vote.

13 COUNCILMAN DICICCO: A little bit
14 further west over the last few years there
15 have been some other big boxes, if you will.
16 I think it's a Walgreen's up near Frankford
17 Avenue.

18 MS. KOZLOWSKI: Yes.

19 COUNCILMAN DICICCO: Kensington
20 Avenue, rather.

21 MS. KOZLOWSKI: Kensington Avenue
22 near North Catholic.

23 COUNCILMAN DICICCO: I think there
24 may have been some opposition to those for a
25 whole host of reasons at that time. It's not

1 12/1/03 - RULES - BILL 030740

2 your neighborhood, but it's not far away.

3 Have you noticed any negative impact from
4 those developments?

5 MS. KOZLOWSKI: I'm not familiar
6 with that area there.

7 COUNCILMAN DICICCO: Well, it's
8 Allegheny Avenue they're using, right? Any
9 additional traffic that would interfere with
10 some of the events that take place.

11 MS. KOZLOWSKI: Are you talking
12 about the Wal-Mart at K and A.

13 COUNCILMAN DICICCO: Yes.

14 MS. KOZLOWSKI: No. I'm not
15 familiar with any additional traffic from the
16 Walgreen's.

17 COUNCILMAN DICICCO: And that is
18 about how many blocks from the proposed
19 Wal-Mart site roughly.

20 MS. KOZLOWSKI: I'm going to say no
21 more than 10 blocks.

22 COUNCILMAN DICICCO: No more than 10
23 blocks. So in that general vicinity, from
24 I-95 to Kensington Avenue, there are other big
25 boxes, if you will.

1 12/1/03 - RULES - BILL 030740

2 MS. KOZLOWSKI: I wouldn't describe
3 Walgreen's as a big box because it's a
4 pharmacy. I think a big box is something like
5 Wal-Mart. Wal-Mart just said they're going to
6 put 652 parking spaces in there. Walgreen's
7 has maybe, what, 15 to 20 parking spaces.

8 COUNCILMAN DICICCO: I'm not
9 familiar with the number of spots. I've been
10 there a few times doing some political things,
11 not necessarily to shop. But I think at the
12 time -- and it wasn't from the Port Richmond
13 community -- where other neighbors in that
14 area were concerned about traffic and noise
15 and maintenance. It may not be a big box.
16 It's a small, big box, if there is any such
17 thing as a small, big box. And I heard
18 someone say, it's Kensington, but it's really
19 not that far from the Northeast Hospital and
20 this proposed site.

21 When that survey was taken, was
22 there any information in there that was not
23 available at the time of the survey or the
24 time of the meeting that we both spoke about,
25 that you spoke about at BVM, areas where the

1 12/1/03 - RULES - BILL 030740

2 ingress and egress has been changed, the
3 facade of the building, the truck zones or the
4 routes that the trucks will not be taking, was
5 that included, any of that information
6 included in the survey?

7 And I'm not being critical, but I
8 think it's important that a lot of things from
9 that meeting, which I agree was not really an
10 appropriate meeting because most of the people
11 who were there did not live, not only in the
12 community, they didn't even live in the City,
13 was not an accurate description or a way in
14 which we can at least talk through some of
15 those issues that were on everyone's mind.

16 MS. KOZLOWSKI: What the article did
17 was, it listed the pros and the cons of what
18 was brought up at that meeting. It was the
19 feedback we got from the community residents at
20 that meeting we addressed. And we played
21 devil's advocate with one another. We wrote
22 the cons and then the pros and then asked them
23 with that information --

24 COUNCILMAN DICICCO: Traffic, I
25 assume, was one. What else would be a con.

1 12/1/03 - RULES - BILL 030740

2 MS. KOZLOWSKI: Would you like me to
3 read you the pros and cons.

4 COUNCILMAN DICICCO: Just a couple
5 of each.

6 MS. KOZLOWSKI: Here's the cons.
7 There will be a huge increase in traffic on
8 the already busy Allegheny Avenue. With three
9 schools, churches and our hospital, this is an
10 accident waiting to happen.

11 There will be another influx of
12 people traveling into the area.

13 There will be more retail theft and
14 fear of robberies and muggings that now plague
15 the Aramingo Avenue strip. For the City
16 Council Members that are not familiar with
17 Port Richmond, Aramingo Avenue from Allegheny
18 Avenue up to Wheatsheaf Lane is nothing but
19 commercial strips, and we've had a series of
20 robberies and muggings that plague that
21 because we have shopping malls, a Blockbuster
22 Video, a Bally's Gym, an IHOP. We have an
23 Acme, a Pathmark, a Shop Rite. It's nothing
24 but commercial, so of course the crime is
25 higher there.

1 12/1/03 - RULES - BILL 030740

2 Wal-Mart will have a negative effect
3 on the small mom and pop stores that make our
4 community unique. Will you still shop at
5 several stores on your corner if you can just
6 get it at Wal-Mart?

7 A Wal-Mart next to a hospital isn't
8 a good thing. With the traffic jams, will
9 shopping traffic slow the ambulance?

10 Tulip and Westmoreland Streets
11 cannot hold this volume of traffic. The street
12 widths are not big enough for a retail store to
13 receive tractor trailer shipments and constant
14 customer car traffic.

15 Does the Wal-Mart need to be at a
16 site so close to residential properties and
17 such a congested area? What about a site on
18 Castor Avenue or Wheatsheaf Lane or further
19 north on Aramingo Avenue?

20 No matter where the Wal-Mart chooses
21 to build, the building trade unions of
22 Philadelphia will get the work, and even then
23 it will only be six months of work. According
24 to Union 1776, which represents the food and
25 commercial workers in the City, Wal-Mart

1 12/1/03 - RULES - BILL 030740

2 workers make an average of \$3.00 per hour.

3 That was something union.

4 Now, the pros, the good things about
5 Wal-Mart. The Goldman Paper Company parcel of
6 land will no longer be a vacant eye sore for
7 this community. As it stands now, it's subject
8 to graffiti, squatters, prostitutes, drug
9 dealers and arsonists.

10 Wal-Mart likes to hire senior
11 citizens because of their strong work ethic and
12 customer service values.

13 Wal-Mart has established and proven
14 itself as a company that gives back to the
15 community.

16 The proposed Wal-Mart will not be a
17 super center, meaning it will not sell fresh
18 food items, such as produce, deli, dairy,
19 seafood.

20 Having a national retailer build in
21 community does not make people move away. In
22 fact, it keeps the current population and
23 brings in new residents and forms a stronger
24 tax base.

25 Having the Wal-Mart next to the

1 12/1/03 - RULES - BILL 030740

2 hospital will actually add convenience for both
3 patients and family members who need last
4 minute supplies and personal items.

5 The building trades union of
6 Philadelphia who supports the building of this
7 Wal-Mart, because its carpenters, electricians,
8 et cetera, will receive the contracts to
9 construct this facility. So that was just a
10 rundown. That wasn't all the pros and cons,
11 but those was the major points.

12 COUNCILMAN DICICCO: Thank you.

13 MS. KOZLOWSKI: So I think we gave
14 them a fair share of yes and no and asked them
15 to decide and tell us what they wanted.

16 COUNCILMAN DICICCO: Thank you.

17 COUNCILMAN KENNEY: Could you just
18 wait one second? I want to get this one
19 witness in and then I'll come back to you for
20 questions.

21 COUNCILMAN COHEN: Okay.

22 COUNCILMAN KENNEY: Thank you.

23 Could you identify yourself for the
24 record.

25 MS. COSTELLO: Hi. My name is

1 12/1/03 - RULES - BILL 030740

2 Theresa Costello. I'm with the Port Richmond
3 Community Group. We are a group of volunteers
4 who have monthly meetings for the last three
5 years for residents to address quality of life
6 issues and requests for City service. I'm here
7 to represent many neighborhood groups who could
8 not be here today. I have letters of
9 opposition from the Port Richmond Business
10 Association, Nativity BVM Church Seniors, Port
11 Richmond Senior Center, Mother of Divine Grace
12 Seniors; Joseph Pizulski (ph), Fraternal
13 Association; Father Kelly, of Our Lady Help of
14 Christians Church; Barbara McCabe (ph) of
15 Friends of Campbell's Square; and Jerry
16 Ratchford (ph), who is a school crossing guard
17 at Aramingo and Clearfield Street.

18 There are just a few points that I
19 would like to make. We have opposition from
20 each neighborhood group in the area. None of
21 these groups have ever been approached by
22 Councilman DiCicco or by the developer or by
23 Wolf, Block. We've never been involved in any
24 sort of negotiations. We had one meeting and
25 that was it.

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN DICICCO: Mr. Chairman.

3 Did I hear you say that I never
4 contacted any of those groups.

5 MS. COSTELLO: No.

6 COUNCILMAN DICICCO: How do you know
7 that.

8 MS. COSTELLO: Because they've
9 signed on, sir.

10 COUNCILMAN DICICCO: They've signed
11 on.

12 MS. COSTELLO: They've never met
13 with you about that.

14 COUNCILMAN DICICCO: Did you attend
15 any of the meetings that I attended.

16 MS. COSTELLO: You were at one
17 meeting, sir.

18 COUNCILMAN DICICCO: Which one.

19 MS. COSTELLO: Which was the
20 Nativity BVM meeting.

21 COUNCILMAN DICICCO: Were you at the
22 subsequent meeting that Pat had at the
23 recreation center.

24 MS. COSTELLO: I wasn't at PRO PAC.

25 COUNCILMAN DICICCO: I was there.

1 12/1/03 - RULES - BILL 030740

2 Do you know that the first meeting I had with
3 the developer and the attorneys who represent
4 this project was back in November of 2002, and
5 that we've had many discussions and there have
6 been petitions, there have been articles in
7 the newspaper? I've been mentioned in most of
8 them. And you're going to suggest that I've
9 not attended and not contacted or been
10 involved with these folks?

11 MS. COSTELLO: I'm sorry. I'm just
12 representing what they've told me.

13 COUNCILMAN DICICCO: You are. Well,
14 let me say this to you about the Port Richmond
15 Business Association. I've met with them more
16 times than I care to remember over the last
17 eight years, and every proposal that they came
18 up to that I supported hasn't gone anywhere
19 because they have never acted on what they
20 wanted me to do, including \$100,000 grant that
21 I had waiting for them to do a lighting
22 project on Richmond Street.

23 Thank you.

24 MS. COSTELLO: Am I allowed to
25 continue, sir?

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN KENNEY: Sure.

3 MS. COSTELLO: These groups feel
4 they deserve a voice, and before you make a
5 major change for our area, we're asking to
6 give them an opportunity to speak to the whole
7 Council.

8 I have a great concern about
9 increased traffic on the 3100 block of Tulip
10 Street. One block from the site in question
11 is where I live. And my concern is that an
12 ambulance would be stuck in Wal-Mart traffic.
13 My mother is 74 year old, and if by some
14 chance she has a heart attack, and the
15 ambulance needs to take her to the emergency
16 room, I'm concerned with whether or not they
17 would be able to make it because minutes make
18 a difference. There's a lot of elderly in the
19 area, and I think that they have that concern.

20 There are some neighbors who are for
21 the Wal-Mart. Some of them demanded that the
22 hospital post three quiet zone signs.
23 Apparently there was some trouble with six
24 skate boarders who were making noise on a
25 concrete ramp that runs between Tulip Street

1 12/1/03 - RULES - BILL 030740

2 where the nursing building is, and Memphis
3 Street. And it was demanded that they put up
4 this quiet zone sign, so I'm wondering how
5 Wal-Mart would maintain the quiet in the area.
6 I'd really like to have one of those quiet zone
7 signs for my street because I'm right down the
8 block from where this Wal-Mart would be.

9 COUNCILMAN DICICCO: You should
10 request it of your district Councilperson.

11 MS. COSTELLO: That would be you,
12 sir. Can I have a big sign.

13 Our neighborhood has many mom and
14 pop stores or family-run businesses who depend
15 on their various stores to make a living.
16 It's part of the charm of our neighborhood.
17 The local butcher knows your name, and the
18 nearest grocery store will order something
19 special just for you. We still have candy
20 stores where kids go with change. We have an
21 ice cream store where you can go get a cone.
22 We have small cafes where neighbors meet for
23 coffee and to discuss issues. Jean's Craft
24 Store on Allegheny Avenue, a couple of blocks
25 from this site, makes bow ribbons for every

1 12/1/03 - RULES - BILL 030740

2 holiday and every house hangs them. A huge,
3 cheap shopping center forced upon a community
4 that does not want it will destroy all of
5 that.

6 We deserve a voice and a vote.
7 Thank you.

8 COUNCILMAN KENNEY: Thank you very
9 much.

10 Councilman Cohen.

11 COUNCILMAN COHEN: At last long,
12 we're hearing from the community. I thought
13 maybe Port Richmond had died, not hearing
14 anything. This is a kind of situation which
15 pits two good public interests against each
16 other. One is the community and one is labor.

17 Back in my early days politically,
18 when jobs were needed as desperately as they
19 are today, we had something at the federal
20 level called Work Progress Administration,
21 where the federal government took the
22 responsibility of supporting programs that
23 provided jobs. We all know jobs are needed,
24 and they're needed desperately. But the
25 question is, do you get jobs at the cost of a

1 12/1/03 - RULES - BILL 030740

2 community? The jobs are jobs that occur
3 basically during the construction period. We
4 like to see construction. But should
5 construction come in and destroy a
6 neighborhood? That's the question that is
7 raised here. And wherever jobs are needed, it
8 seems to me they ought to take place in a way
9 which builds neighborhoods, and doesn't hurt
10 them. I hate to see two good forces oppose to
11 each other. Sure we need jobs. The Bush
12 Administration has been killing them off.
13 That's why Bush is going to be a one-term
14 president in my judgment.

15 (Applause.)

16 COUNCILMAN COHEN: But that doesn't
17 justify destroying a neighborhood. I'd like
18 to ask the question of the two witnesses that
19 just testified on behalf of Port Richmond. Do
20 you think that the contributions to the parish
21 offset the damage to the neighborhood.

22 MS. COSTELLO: Absolutely not.

23 COUNCILMAN COHEN: Some say
24 absolutely. Some say not at all. Now, I
25 think pay to play is bad whether it's

1 12/1/03 - RULES - BILL 030740

2 approaching government or approaching private
3 people. The reason in my judgment
4 contributions were offered by Wal-Mart and by
5 Mr. Kessler, if he was the one that did it on
6 behalf of Wal-Mart, whoever did it on behalf
7 of Wal-Mart, was in an effort to buy the
8 confidence of the community, when they knew
9 the community had good reason to be opposed to
10 it. I'm against trying to buy off the
11 community, as I'm opposed to trying to buy off
12 government officials.

13 Therefore, based on the testimony
14 thus far I've got to say I think the community
15 is forever. The jobs, we've got to find
16 another way we've got to get them. The two
17 groups ought not be fighting each other. They
18 ought to be able to work together to provide
19 jobs and the long, healthy life for a
20 community. Thank you.

21 (Applause.)

22 COUNCILMAN KENNEY: Thank you very
23 much.

24 State Representative John Taylor,
25 and Mr. Marshall, if you'd like to come.

1 12/1/03 - RULES - BILL 030740

2 We'll have the Carpenters Union
3 next.

4 Good afternoon. Whoever would like
5 to go first, please identify yourself for the
6 record. Good afternoon.

7 MR. TAYLOR: Good afternoon,
8 Chairman Kenney. I'm Representative John
9 Taylor. I'm a representative of Port Richmond
10 since 1985. Good afternoon to the rest of the
11 Councilmen. Many of you have been in front of
12 me, Chairman of the Urban Affairs Committee,
13 over the last few years, so I appreciate what
14 you're going through. Philadelphia Council is
15 a little different, but I will try not to be
16 redundant. I'll try to get through this as
17 fast as I can.

18 Gentlemen, what I say to people when
19 they visit Harrisburg, we show them the
20 buttons that we use to cast votes. There's a
21 red button for no and a green button for yes.
22 There's no maybe button. So this as not been
23 an easy situation or an easy decision. But
24 after careful consideration, I'd like to state
25 that I'm opposed to this ordinance and to the

1 12/1/03 - RULES - BILL 030740

2 proposed use of the Goldman site, which as I
3 understand, will be the future site of a
4 Wal-Mart.

5 First let me say I understand fully
6 the obvious benefits to this ordinance and the
7 proposed use of the property. There is no
8 doubt that merely clearing this property, which
9 is an eye sore, an arson risk and a severely
10 contaminated site would be a positive step for
11 the community. I have stated in the past that
12 it is my firm belief that abandoned properties
13 only lead to more abandoned properties.

14 I also understand that this
15 ordinance and the development as proposed will
16 bring short-term construction jobs in the
17 neighborhood and additional retail jobs in the
18 future. I do not dismiss the elimination of
19 this building, nor the creation of jobs
20 lightly. I do submit to you, however, that we
21 should not decide this issue on the basis of
22 those short-term benefits and ignore the
23 long-term stability of Port Richmond. We can
24 choose instant gratification over long-term
25 goals of this neighborhood, but we will do so

1 12/1/03 - RULES - BILL 030740

2 with the overall detriment of Port Richmond.

3 It its often difficult to look past short-term

4 benefits for the long-term good. In this case

5 we must.

6 The location of this property is a

7 critical spot in Port Richmond. It is

8 undoubtedly the largest parcel of land that

9 will become available that fronts Allegheny

10 Avenue and is available for development. What

11 happens in that spot could determine the future

12 of Port Richmond. It is also located in a

13 neighborhood that is experiencing an increase

14 in crime and is negatively impacted by traffic

15 in the area of Tulip and Allegheny and Aramingo

16 and Allegheny. To play host to a Wal-Mart that

17 will serve a large section of the City will

18 have a negative impact on that ongoing problem

19 of crime and traffic congestion.

20 Due to the complaints that we

21 receive at every single community meeting and

22 at calls to my office, the problems of police

23 response time are the most critical problems

24 facing the residents of the Port Richmond

25 community. We are constantly reminded that

1 12/1/03 - RULES - BILL 030740

2 this particular community is not a priority
3 when it comes to a police response. Either the
4 Philadelphia Police Department is under-manned
5 in our area or the deployment of officers is
6 done in such a way that police just don't come
7 for quality of life crime. Just do not come.
8 Or if they do come, they arrive two to five
9 hours after the call. Either way, we are not
10 prepared for thousands of additional cars and
11 pedestrians that will result due to Wal-Mart.

12 And I did hear testimony about the
13 enforcement of trucks. If you live in Port
14 Richmond and you think about getting police to
15 enforce the trucking laws, that is hilarious.
16 In later testimony, you'll hear preliminary
17 reports from a traffic engineering study that
18 clearly shows the neighborhood will have a
19 difficult time dealing with the additional
20 traffic.

21 Allegheny Avenue has been recently
22 redesigned, further restricting the safe flow
23 of traffic. There are a large number of senior
24 citizens and school children crossing Allegheny
25 at all times of the day, going to doctors

1 12/1/03 - RULES - BILL 030740

2 appointments, and there are three schools and
3 churches along a one-mile strip of Allegheny
4 Avenue.

5 Port Richmond is already a host to
6 what was years ago the fastest growing retail
7 strip in the eastern part of United States.
8 Sadly, that is no longer the case. Even now we
9 have abandoned strip malls in our neighborhood.
10 We have a completely abandoned strip mall at
11 Aramingo and Tioga. Just a few weeks ago, a
12 large drug store closed at Aramingo and
13 Wheatsheaf Lane. A Wal-Mart at Tulip and
14 Allegheny, by design, will help accelerate
15 closings and abandonment on a retail strip on
16 Aramingo Avenue. This proposal has no large
17 road access as other big box developments do,
18 and what's worse is it's right next door to a
19 hospital.

20 I can only point out to you, Members
21 of Council, that I go by Wal-Marts all the
22 time, and you're looking at 611 and Street
23 Road, Route 73, Roosevelt Boulevard. 12 lanes
24 of traffic. Delaware Avenue, 95. That's
25 where Wal-Marts are, not in a neighborhood

1 12/1/03 - RULES - BILL 030740

2 with such a small intersection as Tulip and
3 Allegheny.

4 Finally, I have grave concerns about
5 this process. To zone this property by
6 ordinance, at least to this point, eliminates
7 the input of the Planning Commission, which
8 weighs in on zoning issues in the City. I've
9 advised the Planning Commission that a negative
10 opinion on the rezoning ordinance occurred in
11 June, which is the basis for this ordinance.

12 In closing, while there is much
13 controversy about Wal-Marts nationwide, there
14 is an argument that would suggest that at least
15 Wal-Marts on open spaces, as a part of urban
16 sprawl, does not change the character of an
17 existing neighborhood, nor impact existing
18 jobs. Long-term, I am very concerned about the
19 impact of Wal-Mart on the stability of Port
20 Richmond. While there are short-term gains
21 here -- and nobody is questioning that --
22 overall and in the long run, this is not
23 positive for Port Richmond.

24 What makes this proposal
25 additionally illogical is the fact that we can

1 12/1/03 - RULES - BILL 030740

2 achieve the short-term goals of blight and
3 elimination and the creation of jobs by
4 allowing a different use. Then we can
5 capitalize on the immediate opportunities and
6 at the same time advance the quality of life in
7 Port Richmond.

8 Gentlemen, I would just close by
9 saying -- and I said this at different zoning
10 proposals over the years, and I say it to the
11 police all the time now -- I would not want to
12 live next to a Wal-Mart. I don't think any of
13 you would want to live next to a Wal-Mart.

14 (Applause.)

15 MR. TAYLOR: If it was on a wide
16 development, as we see these developments
17 across the Commonwealth and in New Jersey,
18 it's in very open space in general. And I
19 would suggest to you that this is a very
20 negative situation. Thank you.

21 COUNCILMAN KENNEY: Thank you very
22 much for your testimony, Representative.

23 Mr. Marshall, please identify
24 yourself for the record.

25 MR. MARSHALL: Good afternoon,

1 12/1/03 - RULES - BILL 030740

2 Chairman Kenney, Members of Council. My name
3 is Chip Marshall, Chairman and CEO of the
4 Temple University Health System. I'm also the
5 chairman of Temple East, Incorporated,
6 Northeastern Hospital. Thank you for providing
7 me the opportunity to comment on behalf of
8 Northeastern Hospital on an ordinance to amend
9 the Philadelphia zoning maps by changing the
10 zoning designations of land bounded by
11 Allegheny Avenue, Collins Street, Westmoreland
12 Street and Tulip Street, which is commonly
13 known as the Goldman site.

14 Specifically, the ordinance changes
15 the zoning classification of the Goldman site
16 from C1 Commercial to ASC Area Shopping Center,
17 which would pave the way for development of a
18 Wal-Mart or other large scale retail store.

19 At the outset, I must emphatically
20 state that the Northeastern Hospital strongly
21 opposes the rezoning of the Goldman site to
22 Area Shopping Center use.

23 First, the zoning change appears to
24 be on a legislative fast track without any
25 meaningful information supporting the

1 12/1/03 - RULES - BILL 030740

2 advancement of any long-term plan for Port
3 Richmond or the City of Philadelphia. Indeed,
4 Northeastern Hospital, one of Port Richmond's
5 oldest and largest employers, became aware of
6 this fast track approach inadvertently when it
7 recently learned that the zoning classification
8 of nearly half of its campus was changed, along
9 with the Goldman site, from G2 General
10 Industrial, to C1 Commercial Use. This zoning
11 change was made in the form of an amendment to
12 a bill during Council Session.

13 Consequently, Northeastern Hospital,
14 which is adjacent to the Goldman site, was
15 provided no opportunity to comment on this
16 change that affected its own property and
17 several acres along its Tulip Street border.
18 Just three weeks ago Northeastern learned of
19 the current proposed ordinance to change the
20 zoning classification of the Goldman site to
21 Area Shopping Center. When Northeastern
22 requested that today's hearing on the zoning
23 change be postponed, however, our request was
24 denied. As a result, Northeastern is again
25 deprived of the opportunity to fully evaluate

1 12/1/03 - RULES - BILL 030740

2 the proposed change and to work with the
3 community and the City to conduct meaningful
4 planning for its Port Richmond neighborhood.

5 Secondly, the zoning change will
6 currently inhibit Northeastern Hospital's
7 ability to serve the healthcare needs of Port
8 Richmond and the lower Northeast Philadelphia
9 neighborhood it serves. While Northeastern was
10 not afforded time to conduct a complete traffic
11 study, it did engage Pennoni and Associates,
12 which has begun the traffic evaluation process.
13 Mr. Frederico of Pennoni is here today and will
14 testify directly as to his preliminary
15 findings.

16 In advance of Penoni's traffic
17 engineering report, let me note for the record
18 that Northeastern Hospital currently serves
19 more than 10,000 inpatients, 75,000
20 outpatients, 31,000 emergency department
21 patients, and delivers nearly 1,000 infants
22 annually. With the recent closure of nearby
23 Parkview Hospital, we expect these patient
24 numbers to increase substantially.
25 Unfortunately, many of these patients are in

1 12/1/03 - RULES - BILL 030740

2 critical Need of hospital services, and a
3 traffic delay caused by an adjacent area
4 shopping center could interrupt ambulance
5 service and jeopardize a patient's ability to
6 receive timely and necessary care.

7 Clearly, any zoning change that will
8 intensify traffic near Tulip Street and
9 Allegheny Avenue will undermine the ability of
10 patients to access the hospital, and such a
11 change should only take place upon complete
12 and prudent review. This is simply too
13 important an issue to be rushed.

14 Third, if the Goldman site is
15 rezoned as proposed, Northeastern will be
16 confined to an area less than one City block,
17 served by narrow City streets and bounded by
18 an obstructive shopping center and a bustling
19 industrial park. Because the rezoning to Area
20 Shopping Center use would create an
21 environment that would make Northeastern's
22 current location neither safe for patients nor
23 conducive to an outstanding community
24 hospital, we will be compelled to consider
25 alternative strategies as we plan for the

1 12/1/03 - RULES - BILL 030740

2 future of Northeastern Hospital.

3 Council needs to carefully consider
4 the real and practical impact that an area
5 shopping center would have on Northeastern's
6 mission to continue serving the Port Richmond
7 community. As the major provider of medical
8 services in Port Richmond, we must be
9 responsive to the community's health care
10 needs. While the community's need for health
11 care services will increase, Northeastern
12 would be severely limited in its ability to
13 provide the necessary services, given the
14 state of its building, its limited capacity
15 and the changing landscape of the surrounding
16 businesses.

17 If I can diverge for one second, Mr.
18 Chairman. We are currently in the process and
19 will complete a multi-million dollar
20 renovation and expansion of our emergency
21 department precisely to meet the needs as I
22 described earlier. That job will be finished
23 this summer. And there's a great irony here,
24 as we will then have the region's
25 state-of-the-art community health emergency

1 12/1/03 - RULES - BILL 030740

2 room facility, and our ambulances will be
3 obstructed by the traffic of getting the
4 patients that need our services there.

5 Northeastern Hospital is one of Port
6 Richmond's oldest and largest employers. In
7 this role, Northeastern's focus is not on
8 temporary jobs, nor low-paying jobs. Rather,
9 Northeastern builds permanent jobs, good jobs,
10 jobs with a living wage, a job that offers
11 family benefits, and jobs that are based in
12 the community served.

13 If the Goldman site were to become
14 available, Northeastern would look toward
15 purchasing the site, demolishing the vacant
16 structure and building a landscaped parking
17 lot with attractive lighting and fencing.
18 This improvement would benefit the community
19 by removing an offensive eye sore, and at the
20 same time remedy the lack of sufficient
21 parking in the vicinity of Northeastern
22 Hospital. As Northeastern conducts long-term
23 planning with the community we might also
24 consider the site for new hospital services.

25 Mr. Chairman, I am extremely proud

1 12/1/03 - RULES - BILL 030740

2 that the Temple University Health System is
3 one of the City's top employers, with nearly
4 8,000 employees, with nearly 900 of those
5 employees based at Northeastern Hospital, and
6 with 426 of our employees living in the
7 immediate neighborhood that Northeastern
8 serves. With this in mind, I question how the
9 proposed rezoning fits with the City's
10 long-term plans for Port Richmond and how it
11 would promote the health, safety and general
12 welfare of the community.

13 With this said, please know that the
14 Temple University Health System -- and you
15 have my personal pledge -- remains committed
16 to working with the City and the community to
17 eliminate this neighborhood eye sore at the
18 Goldman site and to restore the property to a
19 thriving community asset.

20 In closing, I strongly urge Members
21 of the Rules Committee to reject Bill No.
22 030470, an ordinance to amend City zoning maps
23 by changing the zoning classification of the
24 Goldman site to Area Shopping Center. This
25 rezoning would cripple Northeastern Hospital's

1 12/1/03 - RULES - BILL 030740

2 ability to provide critical services to the
3 broad community that depends on it for health
4 care, and it would effectively force the
5 Temple University Health System to consider
6 alternative strategy as it plans for the
7 future of Northeastern Hospital.

8 While the area shopping center
9 change would benefit a select few, it would
10 undermine the residential nature and the small
11 town fabric of the Port Richmond Community
12 that Northeastern Hospital has loyally served
13 since 1912. The rezoning has no relation to
14 promoting the public health, safety and
15 general welfare of this community.

16 Thank you, again, Mr. Chairman, and
17 Members of Council for hearing me. I
18 appreciate this opportunity. Thank you.

19 (Applause.)

20 COUNCILMAN KENNEY: Thank you for
21 your testimony.

22 Councilman DiCicco.

23 COUNCILMAN DICICCO: Thank you, Mr.
24 Chairman.

25 Thank you, Mr. Taylor, for your

1 12/1/03 - RULES - BILL 030740

2 testimony. You and I have been talking about
3 this for a long time, and we both agree that
4 anything other than a vacant property would be
5 somewhat advantageous to the community,
6 although we disagree on the use at the present
7 time.

8 Mr. Marshall, I just want to make a
9 comment on your testimony where you suggest
10 that this legislation is on the fast track. I
11 think we're about 10 days shy of 13 months
12 that the first meeting took place about this
13 proposed site. I don't suggest that that's
14 the fast track.

15 The letter I received from Mr. Perry
16 from Northeast Hospital dated November 24th
17 was received in my office either on the 25th
18 or the 26th, which was a day or two before
19 Thanksgiving, asking me to continue this
20 hearing. I would have probably entertained
21 that had I gotten it a little bit sooner, but
22 it was just a little bit too difficult to try
23 and get word out to all the folks who were
24 involved, both pro and con on this issue,
25 especially given the Thanksgiving holiday. So

1 12/1/03 - RULES - BILL 030740

2 you have to understand that it isn't that I
3 just ignored it at all.

4 MR. MARSHALL: I appreciate that,
5 Councilman. Certainly on behalf of Mr. Perry
6 and myself, we apologize for the delay.

7 COUNCILMAN DICICCO: I'm not looking
8 for apologies. I just wanted to set the
9 record straight that this isn't something that
10 was sitting in my desk for any length of time.

11 The other issue I have is the issue
12 on the ordinance that we did in June that
13 would re-map a significant number of
14 properties in the vicinity of Northeast
15 Hospital from G2 Industrial. The reason that
16 bill was introduced really had nothing to do
17 with this at all, because if it did, it would
18 have been taken care of and we wouldn't even
19 be here today. I left this out specifically
20 as an issue because I wanted community
21 involvement and I wanted the hospital's input.

22 By the way, I do respect the
23 hospital and what it does for that community.
24 I actually sat on the board for a number of
25 years, and have been very involved in a number

1 12/1/03 - RULES - BILL 030740

2 of issues, one maybe a year or two ago that
3 Representative Taylor and I attended where the
4 community was somewhat very concerned about
5 what they, in their opinion, believed was a
6 lack of cooperation from the hospital as it
7 relates to the parking lot, the emergency
8 entrance areas of ingress and egress and a
9 whole host of other things, and I involved
10 myself in that and I think we got through it
11 quite well. I think everyone today is a lot
12 more satisfied with the way conditions are,
13 including security.

14 MR. MARSHALL: And we appreciate
15 your leadership in that.

16 COUNCILMAN DICICCO: But I want to
17 explain to you for the record, the reason that
18 bill was done in June was at the request of
19 the community. The community asked me to do
20 something about the proliferation of auto body
21 shops that were taking over vacant, abandoned
22 industrial buildings, and by matter of right,
23 were able to open up body shops. And they
24 didn't wanted body shops on their residential
25 blocks, and I understand that. That was the

1 12/1/03 - RULES - BILL 030740

2 purpose of that bill, in addition to a bar on
3 Allegheny Avenue that had been a nuisance bar.
4 That legislation I did in June took care of
5 those problems at the community's request. It
6 was not directed to either support this
7 project or be against it or in any way
8 restrict any potential growth of Northeast
9 Hospital.

10 Goldman Paper has been abandoned for
11 a number of years now. I think three years.
12 I could be wrong. Two years at the least.
13 There's been no communication, at least in my
14 recollection, from Northeast Hospital or
15 Temple about this site. No one came to me and
16 said, we would like to preserve this. We
17 would like for you to do something that will
18 help us preserve this for future development
19 or to create a parking lot. No one ever
20 attempted to contact me, to the best of my
21 knowledge, or the community for that matter.
22 I've been at many of Ms. Costello's community
23 meetings. I probably went to five or six of
24 them last year. I don't ever recall anyone
25 saying, please don't do anything to change the

1 12/1/03 - RULES - BILL 030740

2 Goldman site to be anything other than future
3 development for Northeast Hospital.

4 So I don't think this is fast
5 tracking anything. It is a process. If I did
6 it three months from now and the community was
7 opposed, I think they would say the same thing
8 then. I think the line is drawn. There's no
9 question about it. I'm going to make a
10 decision. I get paid a lot of money, they
11 tell me, for doing these things, as the rest
12 of us do. And it's unfortunate that there was
13 really no communication. Maybe this would
14 have been resolved in a different fashion. I
15 don't know. Maybe it wouldn't have been.

16 But I wanted the record to reflect
17 that the bill that was done in June was not
18 directed at this. It was at the community's
19 request. Because I did several walk-throughs
20 in that community and I saw firsthand the
21 number of auto body shops that are opening up
22 in those neighborhoods. And that was the best
23 thing I could do. I wanted to do it before we
24 recessed for the summer break because more
25 body shops would have opened up during the

1 12/1/03 - RULES - BILL 030740

2 recess. So I wanted to stop that.

3 Again, I thank you for your
4 testimony.

5 Thank you, Representative Taylor.

6 COUNCILMAN KENNEY: Thank you very
7 much. Good afternoon.

8 Jerry Cogan, please. Please
9 identify yourself for the record.

10 MR. COGLAN: My name is Jerry
11 Cogan. I represent the Carpenters Union in
12 the City of Philadelphia. I'm the council
13 representative. Good afternoon, Mr. Chairman,
14 Councilman, and other distinguished Councilmen
15 and women. I just have a few brief remarks.

16 The Carpenters Union is located at
17 18th and Spring Garden Streets. It represents
18 over 10,000 carpenters. I'm here today in
19 support of Bill No. 030740, which would allow
20 the forward progression of the development in
21 the Port Richmond section of the City.

22 Presently on Allegheny Avenue at the
23 site of the proposed new development is an
24 abandoned building. With the graffiti on the
25 walls and the building in its decrepit state,

1 12/1/03 - RULES - BILL 030740

2 it has been an eye sore to anyone passing by.
3 Some have even questioned the structural
4 integrity of the building. It's obvious to
5 any onlooker that there has not been any
6 maintenance performed on the building in many
7 years, nor is there any scheduled maintenance
8 in the future.

9 Neighbors have reported seeing
10 illegal drug activity in and around the
11 abandoned building. Intravenous drug use,
12 cocaine crack smoking. The concerns there are
13 that the abandoned building is vulnerable to
14 fire, and the potential for a disaster is ever
15 present.

16 Carpenters Local 1856 has over a
17 thousand members, hundreds of which reside in
18 the Port Richmond area. The construction area
19 in this industry has been very slow, due to
20 the economic times that we have been
21 experiencing. It has caused a sharp drop in
22 our employment opportunities. At the present
23 time, we have hundreds and hundreds of
24 carpenters out of work. We have members who
25 have been out of work for such an extended

1 12/1/03 - RULES - BILL 030740

2 period of time that they're on the verge of
3 losing their homes because their unemployment
4 has run out or is about to run out. Their
5 families and themselves may not be eligible
6 for health benefits due to the duration of the
7 time they've been out of work.

8 Bill 030740 would allow the
9 developer to demolish the existing structure
10 and develop the property, thereby creating
11 jobs, not only during the construction phase,
12 but jobs when the project is completed as
13 well.

14 I had attended a meeting in mid-May
15 of this year that was held by the two
16 community groups adjacent to the project. All
17 of their concerns have been met by the
18 developers. Lighting in and around the
19 project would be plentiful. More than
20 adequate parking would be available. And the
21 trash issues would be constantly patrolled.

22 Another thing, the developer has
23 agreed to use all union contractors so that
24 there will not be any wage and benefit
25 questions that will arise.

1 12/1/03 - RULES - BILL 030740

2 In conclusion, Mr. Chairman, I would
3 urge you and your Committee to pass this Bill
4 No. 030740, because when a developer
5 formulates a plan and is willing to invest in
6 a community that will create jobs, we should
7 not try to stifle that development. Quite
8 frankly, we need those jobs, and we need them
9 now. Thank you for your time and
10 consideration.

11 (Applause.)

12 COUNCILMAN KENNEY: Thank you for
13 your testimony. There doesn't appear to be
14 any questions. Thank you.

15 Henry Nicholas, please.

16 Also, if I could ask Carolyn
17 Murawski, if she is still here, and Barbara
18 Schofield, employees of Northeastern Hospital,
19 please come forward.

20 Mr. Nicholas, how are you? Good
21 afternoon. Please identify yourself for the
22 record.

23 MR. NICHOLAS: Good afternoon, Mr.
24 Chairman. My name is Henry Nicholas. I'm
25 president of the Hospital Workers Union here

1 12/1/03 - RULES - BILL 030740

2 in Philadelphia, representing 17,000 hospital
3 workers here in Philadelphia, and a majority
4 of those employees who work at the
5 Northeastern Hospital. I'm here to make a
6 plea on behalf of the oldest institution in
7 the neighborhood and the largest employer in
8 the neighborhood.

9 Over the last several years, Temple
10 University has moved to make Northeastern
11 Hospital a cornerstone of the community. As a
12 result of their activities, the workers who
13 worked at Neumann and part of the workers at
14 Episcopal are now at that site.

15 Clearly we believe that this agenda
16 that's on the table now does not bode well for
17 the future of the development of the largest
18 employer in the neighborhood.

19 It makes sense for us that if there
20 is going to be growth, that there ought to be
21 positive growth. And I come with a bias --
22 let the record be clear -- Wal-Mart's agenda
23 for all workers in the country is not
24 undisputed. Their model is to be a one-stop
25 shop. They have achieved that. And I check

1 12/1/03 - RULES - BILL 030740

2 them out all the time to make sure that they
3 have not started an operating room in the
4 Wal-Mart here. You can get everything, but an
5 operation. And I'm fearful that they'll get
6 there soon.

7 And the jobs that they produce are
8 not jobs where you can make a living wage.
9 Everyone is for more jobs. But we need jobs
10 that can take care of your family so you can
11 be a reasonable, outstanding citizen in the
12 community. And so my appearance here is to
13 say a better idea is the one that Chip
14 Marshall put forward to you, because we
15 believe that Northeastern Hospital will
16 continue to be a cornerstone of that
17 community, and we need the time to demonstrate
18 that we are there to stay and we are there
19 with a full commitment to the neighborhood.

20 All of the jobs in Northeastern are
21 unionized jobs, and they'll stay unionized
22 jobs. None of the jobs in Wal-Mart -- except
23 once the building is over -- everything
24 returns to non-union employees with minimum
25 wage and with no healthcare benefits. They

1 12/1/03 - RULES - BILL 030740

2 can't even be a good citizen to the hospital
3 right next door because they don't provide
4 healthcare until you've been on the job for
5 one year. And then only for the worker and
6 none for the family.

7 So I'm here to make a plea to
8 Council that that neighborhood needs a stable
9 vision about the future. And the future is
10 not temporary part-time jobs, but good paying
11 jobs where people can take care of their
12 families. Thank you.

13 (Applause.)

14 COUNCILMAN KENNEY: Thank you very
15 much. Thank you for your testimony.

16 Would you please identify yourself
17 for the record?

18 MS. MURAWSKI: Sure. My name is
19 Carolyn Murawski, M-U-R-A-W-S-K-I.

20 COUNCILMAN KENNEY: Could I ask one
21 question? Is Ms. Schofield here?

22 (No response.)

23 COUNCILMAN KENNEY: Okay. Thank
24 you.

25 Please proceed.

1 12/1/03 - RULES - BILL 030740

2 MS. MURAWSKI: I wear a couple hats.

3 One of the hats is that I am a registered
4 nurse at Northeastern Hospital and I also live
5 in the community. I live actually in St.
6 Anne's Parish, but being raised there, Port
7 Richmond, Fishtown, Saint Anne's Parish, we
8 look at it as one community. I'm raising a
9 daughter right now. And I'm not for them
10 building a Wal-Mart.

11 One of the things is -- I just want
12 to tell you a story. I had a patient last
13 year who was dying, and the last thing she
14 asked was to get her family. And I called her
15 family up, and her family did come on to the
16 floor, but what happened was, they couldn't
17 find parking. It wasn't at Wal-Mart, just
18 local parking. And the family was very upset.
19 One of the things that they were upset about
20 was no parking.

21 I deal with patients every day.
22 Patients are in a two-bedroom room. Doctors
23 come in and give them diagnoses that are
24 pretty bad, HIV to Hepatitis C, and the other
25 patient in the other bed hears it because

1 12/1/03 - RULES - BILL 030740

2 there's no privacy. As soon as I discharge a
3 patient, as fast as I discharge them, another
4 patient is in. The patient states that they
5 laid in the emergency room for a day, two
6 days, just for the fact that we don't have
7 enough room.

8 I did work at Episcopal when that
9 closed. I'm familiar with Neumann when that
10 closed. And the patient load that we're
11 getting now is just --

12 COUNCILMAN KENNEY: Heavy.

13 MS. MURAWSKI: Yes. It's really
14 heavy. So if you have a Wal-Mart -- which I
15 just went shopping and I got a really good
16 deal on a VCR for my daughter, so I do like
17 Wal-Mart -- but right now if you build a
18 Wal-Mart, that's going to take away from the
19 hospital ever expanding. And as a nurse and
20 as someone who lives in the neighborhood, I
21 just don't want to see a Wal-Mart go up.

22 COUNCILMAN KENNEY: Okay. Thank you
23 for staying around. Thank you for your
24 testimony. Thank you very much.

25 Is Donna Ford here?

1 12/1/03 - RULES - BILL 030740

2 (No response.)

3 COUNCILMAN KENNEY: Bob Vidra.

4 Karen Scannell.

5 Laura Lanza.

6 Is Dr. Guest still here? Come
7 forward.

8 Ma'am, please identify yourself for
9 the record.

10 MS. SCANNELL: My name is Karen
11 Scannell. I'm a resident of Port Richmond.
12 I've lived in Port Richmond all my life, and
13 I'm opposed to the Wal-Mart for a few reasons.

14 I had lived in Richmond, like I
15 said, all my life. And before all those strip
16 malls went up, we didn't have the crime that
17 is there now. My concern is with the Wal-Mart
18 coming into the neighborhood, it's going to
19 bring in more crime, more traffic, more
20 people, more trash.

21 Wal-Mart did, at the one community
22 meeting that we had, state that they were
23 going to take care of the trash. They're
24 going to take care of the trash on their site.
25 But just like Kmart and the rest of the stores

1 12/1/03 - RULES - BILL 030740

2 on that strip mall, when they leave their site
3 and get to the bus stop and decide they want
4 to put their new sneakers on or put their new
5 clothing on or whatever else they buy, the
6 trash gets left there. Who is going to clean
7 that?

8 As well as the traffic concerns,
9 which I feel wasn't brought up too much.
10 Being a tractor-trailer driver myself and
11 listening to their route of travel, it's
12 almost impossible to make a right-hand turn
13 off of Aramingo Avenue onto Westmoreland.
14 Westmoreland is a two-lane road going east and
15 west, I believe. Aramingo at the corner of
16 the turn is a two-lane highway, but you have
17 to make a right-hand turn from the right-hand
18 lane. There's not tractor-trailer that can
19 swing that corner without traffic being backed
20 up Memphis Street to the opposing side.

21 My mother, until three years ago,
22 lived at Memphis and Westmoreland, but we
23 moved her because she could not leave her
24 house because could not get across the street
25 to the stores. In the last community meeting,

1 12/1/03 - RULES - BILL 030740

2 that was the main concern.

3 What I remember about that meeting
4 was that it was going to come up for
5 discussion again and we would have another
6 meeting, which in turn, I found out four days
7 ago about this hearing, and that's why I'm
8 here today.

9 I don't feel the community is
10 getting as much information as they can. It
11 seems like it's always last minute, and then
12 we can't seem to get things organized. Me
13 personally, I'm not too involved with the
14 community groups. Laura Lanza is someone who
15 could not be here today and is very involved,
16 and that's where I get my information.

17 As I said, I personally have gotten
18 the information late every time. I'm not
19 saying that other people haven't gotten it,
20 but the community groups that I'm involved
21 with don't seem to be getting too much of an
22 advanced notice. That is all I have.

23 COUNCILMAN KENNEY: Thank you very
24 much. Where do you work?

25 MS. SCANNELL: I work at 30th Street

1 12/1/03 - RULES - BILL 030740

2 Station.

3 COUNCILMAN KENNEY: Is that what's
4 going to be moving to Southwest Philly?

5 MS. SCANNELL: Yes. 70th Street and
6 Lindbergh.

7 COUNCILMAN KENNEY: So you can
8 understand how difficult our job is. Because
9 I've sat through hearings where people in
10 Southwest Philly have come in and said, we
11 don't want the traffic in our area. What we
12 wind with -- I appreciate your testimony --
13 but we wind up with is having to make this
14 opposite choice over whether we put it in
15 Southwest Philly and make some people angry,
16 or the post office moves it to Maryland
17 somewhere. We're always juggling these
18 things.

19 MS. SCANNELL: It's not so much as
20 moving it. My point is, if anyone who drives
21 a tractor-trailer stands at Aramingo and
22 Westmoreland, you will know you cannot make
23 that turn. As a driver, I would go against
24 the traffic -- like someone said, the police
25 ain't going to stop me. I will go up to

1 12/1/03 - RULES - BILL 030740

2 Allegheny Avenue, cross Westmoreland and hang
3 a right on Tulip. There's nothing in my way
4 except for maybe a parked car.

5 COUNCILMAN KENNEY: My only point
6 was, you understand how difficult it is
7 because you're trying to balance economic
8 development and jobs with people's concerns in
9 the neighborhood. We have the same problem in
10 Southwest because people are concerned about
11 all the post office traffic.

12 MS. SCANNELL: I don't want to move
13 there either.

14 COUNCILMAN KENNEY: Doctor, please
15 identify yourself for the record.

16 MR. GUEST: My name is Dr. Dennis
17 Guest, G-U-E-S-T, and I'm the President of the
18 medical staff at Northeastern Hospital, as
19 well as the Chairman of the Emergency
20 Department at Northeastern Hospital.

21 I've been Chairman of the Emergency
22 Department for over 22 years, and certainly
23 I've seen the changes over the course of those
24 22 years, both at the hospital and in the
25 community, as well as in health care. I would

1 12/1/03 - RULES - BILL 030740

2 like, if I could read, to read two letters
3 from the past presidents of Northeastern
4 Hospital.

5 The first is from a Dr. Lawrence
6 Solish, M.D., chief of urology. He writes:

7 "To whom it may concern, I'm opposed
8 to the proposed location of a Wal-Mart on
9 Allegheny Avenue. I am concerned that it will
10 inhibit the ability of Northeastern Hospital
11 to provide long-range goals to serve the
12 healthcare needs of the community. I believe
13 it will also have a negative impact on the
14 traffic patterns for the hospital and office
15 patients."

16 The second letter is from Dr. Lee
17 Row (ph), M.D., past president of Northeastern
18 Hospital, and member of Northeastern Hospital
19 for over 24 years as chairman of surgery at
20 Northeastern Hospital.

21 He writes that he vehemently opposes
22 the construction of a Wal-Mart store across
23 from Northeastern Hospital on Allegheny
24 Avenue. "It would significantly impact
25 traffic patterns in an area already heavily

1 12/1/03 - RULES - BILL 030740

2 congested with passenger car and truck
3 traffic. As it is now, my handicapped and
4 elderly patients cannot find temporary parking
5 outside my office to exit their cars.

6 "I also believe that some of the
7 small businesses in the area will be impacted
8 as well. Many of these people have been my
9 patients for years, and I would like not to
10 see their livelihood taken from them. We
11 already have stores within walking distance
12 that are similar to Wal-Mart.

13 Very truly yours, Lee Row, M.D."

14 Finally, as the Chairman of the
15 Emergency Department, I've seen the volume
16 grow from -- where Mr. Marshall said 31,000 --
17 we're up to 34,000 actually. It just doesn't
18 support getting patients, critical patients,
19 sick patients, either by rescue, by police or
20 by private auto to our emergency department
21 when you build on a one-lane highway a
22 Wal-Mart type of store right next door. So
23 the medical staff vehemently opposes this
24 proposal.

25 COUNCILMAN KENNEY: Thank you very

1 12/1/03 - RULES - BILL 030740

2 much.

3 Sir, please identify yourself for
4 the record.

5 MR. VIDRA: My name is Robert Vidra.
6 I'm a resident on the 3000 block of Janney
7 Street. I guess my main concern is -- I also
8 drive a truck. Our streets are not designed
9 in our neighborhood to support the trucks that
10 are going up and down these streets.

11 We already have a company across the
12 street from me, Kramco, who is starting to
13 move their trucks -- there's actually an
14 unwritten rule they have with us that they
15 would only use Trenton Avenue. They're
16 starting to use our streets. Our sidewalks
17 are caving in. Our streets are caving in.
18 During the day where I work, our cars are
19 sideswiped.

20 We had video inspection of our sewer
21 lines this past summer. The people that were
22 doing it said they couldn't even get their
23 cameras through the sewer lines because our
24 pipes are mostly all terra-cotta. He said
25 they've done the whole neighborhood of Port

1 12/1/03 - RULES - BILL 030740

2 Richmond. They're very old. The streets were
3 not made to support the size of the trucks
4 that are coming up and down already.

5 Also, we have trucks that run all
6 night with these. That's illegal. I'm sure
7 it's going to be the same thing with Wal-Mart.
8 They've changed Allegheny Avenue to one lane
9 each way, so there is traffic backed up
10 already. It can take you sometimes 20 minutes
11 to go one block on Tulip Street towards the
12 hospital. If there's a problem on 95,
13 Aramingo Avenue, Tulip Street, all the
14 northbound streets are impacted already
15 because everybody comes through the
16 neighborhoods. Nobody obeys the signs to
17 stop.

18 We have three schools on Allegheny
19 Avenue. The City spent money to put up
20 flashing signs and nobody obeys them. We call
21 the police. Nothing is done. We call them
22 about the trucks running all night. Nothing
23 is done.

24 The crime, it's going to bring
25 crime. I'm not opposed to Wal-Mart. I'm

1 12/1/03 - RULES - BILL 030740

2 opposed to where they want to put it. A half
3 a mile up the street on Aramingo Avenue,
4 there's new access ramps from 95 that were
5 just put in. There's tons of land up there.
6 They could go up there. It just doesn't fit
7 where they want to put it.

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

10 Is Mr. Frederico still here?

11 Mary Ann Trombetta.

12 The last four we have listed is
13 Mark Hankin -- is Mark Hanlon here -- Patrick
14 Hurran, Theresa Farrell.

15 I would ask, since we've been
16 through a lot of testimony here, and many
17 people who are sitting here have heard the
18 testimony, if you can hit some new points, in
19 addition to your general opposition or favor
20 of it, it would be a help to kind of get us
21 through this witness list.

22 Would you please identify yourself
23 for the record?

24 MS. TROMBETTA: My name is Mary Ann
25 Trombetta, T-R-O-M-B-E-T-T-A. I'm a life-long

1 12/1/03 - RULES - BILL 030740

2 resident of Tulip Street for close to 50
3 years. My block feeds directly into Allegheny
4 Avenue and the Goldman Paper site.

5 My neighborhood of Port Richmond is
6 a walking neighborhood. I don't drive. Just
7 like many of my senior citizen neighbors, they
8 don't drive neither. We're walkers. We walk
9 Port Richmond. We walk Allegheny Avenue.
10 Even though it's very dangerous to cross, it
11 is the avenue that has our hospital, our
12 churches, our schools, our playground, our
13 Campbell Square Park, and is a vital part of
14 our neighborhood. A main artery that leads
15 traffic -- and believe me, plenty of it -- to
16 I-95 and Delaware Avenue.

17 We have over 500 school children
18 that cross that avenue three times a day. God
19 bless those crossing guards. We have 50
20 doctor's offices on that strip of Allegheny
21 Avenue, that the majority of their patients
22 walk to their appointments. Port Richmond is
23 still a community that has elderly people
24 walking to their doctor appointments. On
25 Sunday when the three churches end mass, it

1 12/1/03 - RULES - BILL 030740

2 looks like parade on the avenue.

3 The avenue is already overloaded
4 with traffic. It spills onto our side streets
5 when drivers hunt for a short cut. I don't
6 have to listen to the news to see if I-95 has
7 a back-up or there's an accident. It's on my
8 street. I live in the 3000 block of Tulip
9 Street, two blocks down. What do you think is
10 going to happen if a Wal-Mart opens at Tulip
11 and Allegheny? Port Richmond, a neighborhood
12 of tiny, one-way streets is going to be one
13 traffic jam. What about the school children?
14 What about the seniors? What about Port
15 Richmond?

16 I am asking Philadelphia City
17 Council not to sell out our Port Richmond,
18 just so the buying public can get their socks
19 and underwear a few cents cheaper. We're
20 worth more than a few cents. Yes, the
21 abandoned Goldman site is a disgrace to the
22 area, but to put a big box Wal-Mart or any
23 other store there would be a disaster for the
24 people of Port Richmond.

25 We are not anti-Wal-Mart. We

1 12/1/03 - RULES - BILL 030740

2 welcome Wal-Mart to look at other sites in our
3 area. Just do not build on such a location
4 that would hurt Port Richmond more than it
5 would help it.

6 Wal-Mart is famous for selling
7 discounted, cheap item. Do not discount the
8 community of Port Richmond and cheapen our
9 quality of life.

10 (Applause.)

11 COUNCILMAN KENNEY: Thank you very
12 much for your testimony.

13 Sir, please identify yourself.

14 MR. HANKIN: Yes. My name is Mark
15 Hankin, and I represent Arsenal Associates,
16 the owners and developers of the former
17 Frankford Arsenal, now known as the Arsenal
18 Business Center. I thank you for the
19 opportunity to address this Committee on the
20 matter of the proposed rezoning.

21 Let me first say that Arsenal
22 Associates is very much in favor of all
23 development that will positively impact
24 construction jobs, permanent jobs and tax
25 rateables for the City. We would never stand

1 12/1/03 - RULES - BILL 030740

2 in the way of any proposed project that would
3 have a positive impact on the City. Arsenal
4 Associates, the owner of the Arsenal Business
5 Center, has been committed to the creation of
6 jobs and its ongoing redevelopment of the
7 former Frankford Arsenal for over 20 years,
8 since 1983. We have spent well over \$25
9 million in redevelopment of the Arsenal
10 Business Center during this time period.
11 Unfortunately, this project has not proven
12 successful. As a result, we have worked for a
13 period of nine years in cooperation with this
14 Committee and all of the citizens groups in
15 the Frankford-Bridesburg area to rezone the
16 northern portion of the Arsenal Business
17 Center, approximately 45 acres, for
18 approximately 500,000 square foot retail
19 facility in the form of what is called a big
20 box center.

21 The cornerstone of this retail
22 development was to have been the construction
23 of a big box anchor which would provide the
24 base for the construction of the balance of
25 the retail center. We have been led to

1 12/1/03 - RULES - BILL 030740

2 understand by a commercial retail leasing
3 firm, that if a store was constructed at this
4 facility, as the proposed location for the
5 Wal-Mart, other retailers that are considering
6 the Arsenal Business Center might abandon
7 their interest in the Arsenal Business Center
8 property until they could assess the impact of
9 the proposed development. This would mean
10 that if we were to construct approximately
11 130,000 square feet of space at this location,
12 the proposed 500,000 square foot retail center
13 at the Arsenal Business Center might not be
14 able to go forward.

15 The impact on the City from this
16 proposed property is roughly one job for every
17 eight jobs that would be created at the
18 Arsenal Business Center. The Arsenal retail
19 center would generate approximately four times
20 as many construction jobs, four times as many
21 retail jobs and four times as much tax revenue
22 as this proposed development, for the
23 Wal-Mart.

24 In addition, without the successful
25 construction of the Arsenal retail center, the

1 12/1/03 - RULES - BILL 030740

2 remaining 750,000 square feet of office and
3 industrial space at the Arsenal Business
4 Center could be placed in jeopardy. As we
5 have committed to reinvest 100 percent of the
6 profits from the Arsenal retail center into
7 the remaining southern portion of the Arsenal
8 Business Center, the failure of the Arsenal
9 Business Center to go forward could result in
10 the closing of the southern portion, which has
11 had a negative cash flow for many years. This
12 could be the loss of over 1,200 existing jobs,
13 in addition to the loss of the many
14 construction jobs and permanent jobs
15 associated with the continued redevelopment of
16 the southern portion of the Arsenal Business
17 Center.

18 The spill-over effect from the
19 successful development of the Arsenal retail
20 center in the northern portion of the arsenal
21 could have created a few thousand more
22 additional permanent jobs in the northern
23 portion, as well in the southern portion, in
24 addition to the many construction jobs
25 associated with the continued redevelopment of

1 12/1/03 - RULES - BILL 030740

2 both sides of the Arsenal Business Center.

3 Therefore, I would request that this
4 Committee suspend the proposed actions on this
5 rezoning until such time as it can be
6 determined if the proposed Wal-Mart at this
7 site would definitely preclude the
8 construction of a retail center at the Arsenal
9 Business Center, of approximately four times
10 the size.

11 I cannot imagine that the
12 construction trades and the City would want to
13 take hasty action, which would generate only
14 one-quarter to one-eighth the number of
15 construction and permanent jobs that would be
16 created if both of these sites were able to
17 move forward. Given the time to determine the
18 impact, it may quite possibly allow us to
19 determine both projects would in fact be able
20 to go forward simultaneously for the benefit
21 of the City and both neighborhoods.

22 I thank you very much for your time
23 and consideration, and hope that you will
24 postpone your action until such time as early
25 next year, as we will have the ability to

1 12/1/03 - RULES - BILL 030740

2 assess the impact of this proposed
3 development.

4 COUNCILMAN KENNEY: Thank you for
5 your testimony.

6 Sir, would you please identify
7 yourself?

8 MR. HURRAN: Yes, Councilman. My
9 name is Patrick Hurran. I'm with Legend
10 Properties. We represent the Arsenal
11 Associates, the shopping center at the
12 Frankford Arsenal.

13 Mr. Hankin alleged to a process of
14 approximately nine years going through various
15 civic and community meetings with the
16 leadership and the membership. It was a long
17 time. During this time, the marketing efforts
18 were met with a dubious response from the
19 major retail community. But since the
20 Committee approved the zoning process last
21 May, we have been very, very successful in
22 reaching some of these big box tenants.
23 However, it is a very, very competitive market
24 out there. And we are presently on the top of
25 a momentum. We are very close to signing a

1 12/1/03 - RULES - BILL 030740

2 letter of intent with a major national
3 retailer, probably within two to three months,
4 certainly in the very early part of 2004.

5 Based upon the gap in the market and
6 the availability of the property, quite
7 frankly, we think that in the event another
8 major big box development occurs at the Tulip
9 and Allegheny site, even though we believe
10 it's not a competitive location, we feel that
11 the market will have to step back and take a
12 look and weigh it. As the advisors and the
13 agents to the Frankford Arsenal, we would
14 concur and request maybe postponing this a
15 little bit of time to see what effect this
16 will have on the market and on the Arsenal
17 Business Center project.

18 COUNCILMAN KENNEY: I understand
19 your position. I'm curious because,
20 theoretically, if you guys built a big box at
21 the Arsenal, and Temple does not move forward
22 with their plans develop, for whatever reason,
23 then the Goldman Paper site would remain. It
24 just seems that you guys want to build a big
25 box there, instead of building it there. I

1 12/1/03 - RULES - BILL 030740

2 understand why people are one side or the
3 other.

4 Don't you think that would have
5 similar issues in Bridesburg and surrounding
6 neighborhoods with a Wal-Mart there? It's
7 either bad for traffic -- it's not that far
8 away, Bridesburg, and it's very close to the
9 highway. Wouldn't we have a similar group of
10 people in here from Bridesburg coming in here
11 to complain about a big box there?

12 MR. HURRAN: Well, in fact, that's
13 why it took us nine years, because at the
14 hearing we had before this Committee, there
15 was unanimous support for this proposed
16 500,000 square foot retail center from all of
17 the citizens and business groups. In fact,
18 there were no objections. That's one reason
19 why we would like to see a postponement so
20 that we could see if they can both go forward.
21 Because in one case there's unanimous support
22 from the citizens group, and in this case
23 there's obviously a substantial objection from
24 not only citizens groups, but the business
25 community.

1 12/1/03 - RULES - BILL 030740

2 COUNCILMAN KENNEY: Thank you very
3 much for your testimony.

4 Theresa Farrell. Helen Daniels.

5 Are they in the room?

6 (No response.)

7 COUNCILMAN KENNEY: And the last
8 witness I have on this list is Laura Lanza.
9 And then we would like to move on to the next
10 bill, if possible.

11 Please identify yourself for the
12 record.

13 MS. LANZA: My name is Laura Lanza.
14 I'm a resident of Port Richmond at 3090
15 Aramingo Avenue. How many minutes do I have?
16 Two minutes?

17 COUNCILMAN KENNEY: You can have as
18 much time. This is last witness on the list
19 we have.

20 MS. LANZA: I'm just really glad to
21 be able to be here. I know this is an
22 important meeting for everybody here.

23 I'm speaking here as a resident of
24 Port Richmond, and as a new resident, not as
25 somebody who grew up or was born there, but

1 12/1/03 - RULES - BILL 030740

2 somebody who moved there three years ago, and
3 has seen a lot of changes, both positive and
4 negative, in the area.

5 I'm expressing concern about the
6 proposed amendment to zoning for reasons that
7 may have already been stated here before. I
8 was not expecting necessarily to be able to
9 come here, so I have something written down on
10 paper for you.

11 The issue before us regarding this
12 amendment concerns this vacant parcel, and I
13 think people have seen the map. But one thing
14 that needs to be noted is that this parcel is
15 on Allegheny Avenue in the middle of Port
16 Richmond. And if you know Port Richmond, you
17 know it's divided into four census tracts. It
18 is divided by Aramingo Avenue and Allegheny
19 Avenue.

20 Aramingo Avenue is infamous for its
21 strip mall development. We have past
22 Westmoreland two lanes of -- discount
23 primarily -- big box retail stores. And they
24 have replaced, since 1970, the formal
25 industrial sites that were there.

1 12/1/03 - RULES - BILL 030740

2 This neighborhood is an old
3 working-class neighborhood where people have
4 always lived very close to industrial lots and
5 all that, and since the '70s has more and more
6 had to deal with the impact of large scale
7 retail.

8 I'm sure people have covered the
9 impact of the trucks and the traffic and the
10 foot traffic and the trash, the litter and the
11 crime that has been occurring due to the huge
12 amount of regional shopping area that's on
13 Aramingo Avenue.

14 One thing I don't think has been
15 addressed in this amendment that I think
16 hopefully has been expressed is that two years
17 ago, people in the Port Richmond community
18 group started looking at each other and
19 saying, there's stuff going on here. There's
20 a lot of potential good stuff going on here.
21 We've got this river front. We're a river
22 ward. And we've got three new community
23 groups -- not even -- but reactivated
24 community groups. And we all started working
25 together and we had the Future the Port

1 12/1/03 - RULES - BILL 030740

2 Richmond meetings, at which time 30
3 representatives or more, everybody from the
4 Sons of Italy to the four or five parishes
5 that are there, to business, started coming
6 together, and we started to define a vision
7 for our community. This vision did not
8 include any more strip malls, especially not
9 expanding past the Aramingo line.

10 What we'd actually like to see
11 happen there is an upscaling of that retail
12 environment. And what we'd really like to see
13 is to see Allegheny Avenue, which is the
14 corridor that goes all the way to the river --
15 our public access to the river is Pulaski
16 Park. It's the only space that we actually
17 have a stake to this river front because we
18 are an industrial neighborhood. We're a
19 working neighborhood, and we're proud of it.

20 What we've been doing on Allegheny
21 is we've been seeing a huge investment of
22 immigrants and second and third-generation
23 Polish communities making businesses there,
24 many doctors. I'm a member of the Friends of
25 Campbell's Square. We've put in money, and

1 12/1/03 - RULES - BILL 030740

2 with the support of our Councilperson and
3 other folks in the neighborhood to make that a
4 revitalized area.

5 The thing is, is that it's not just
6 about a Wal-Mart or a big box store. It's
7 that site. That site is the largest vacant
8 parcel on Allegheny Avenue that goes from the
9 river all the way to the transportation
10 network at Kensington Avenue. And with it,
11 what you see is, you see a battle for decline
12 or reinvestment in that neighborhood.

13 Our concern right now is, our main
14 street used to be Richmond Street. It was
15 destroyed by I-95 in 1960. We know that there
16 is more I-95 work that's going to further
17 delay any of the renovations that we were
18 hoping for for Port Richmond. The community
19 mostly doesn't even know about this because it
20 was all done without public participation. It
21 just got sprung on us. So now our hopes hinge
22 on the revitalization of this Aramingo
23 corridor, which is a strip mall haven, and
24 also half that and half residents. And we
25 would just really like to see the one vacant

1 12/1/03 - RULES - BILL 030740

2 parcel that is left there, Goldman Paper site,
3 be preserved for a few minutes or a year or so
4 for us to have this chance for our
5 neighborhood plan.

6 We've asked for support from our
7 Council folks. We've asked both
8 Councilmembers to come to meetings. We've
9 realized if they don't give us the vision, we
10 need to produce the vision. We've been making
11 changes in the neighborhood. We've looked at
12 things that are concerns there, and we're
13 committed to making this neighborhood a great
14 neighborhood.

15 I moved to the neighborhood because
16 I am a doctoral candidate at Penn in city and
17 regional planning, and my focus is on
18 working-class neighborhoods, revitalizing
19 them. And this is an area that has a
20 tremendous potential to remain a viable area
21 for Philadelphia as a tax base, affordable
22 families. But it's at risk. And I don't
23 believe -- and I think I speak for a lot of
24 people -- not everybody -- but this Wal-Mart
25 here at this site is not going to help the

1 12/1/03 - RULES - BILL 030740

2 neighborhood with all the work that we've been
3 doing. The process was terminated.

4 We were told that what the community
5 wanted would be attended to. That has not
6 happened. I don't find it terribly surprising
7 that this is a Monday after two holidays when
8 the announcement came out. I'm concerned
9 about that. I'm just hoping that -- because I
10 know we can all work together -- that we can
11 find a way to make this Port Richmond, this
12 future, better than the siting of a big box
13 retail store.

14 I'm in planning. They say that the
15 traffic is going to go on Westmoreland.
16 There's no way. My mother-in-law can barely
17 get out the front door. She had to move out
18 of her house. She couldn't even walk because
19 of the traffic. That was before there was any
20 activity where this Wal-Mart is. Just have
21 anybody go down there. It doesn't take a
22 scientist. It doesn't take a doctoral
23 candidate. It doesn't take anybody except a
24 human being with eyes to see what actually
25 happens there. It's not going to work. It's

1 12/1/03 - RULES - BILL 030740

2 not the best for our neighborhood.

3 I just want to speak out that we
4 want to work with everybody on creating a
5 better future for this area. People have been
6 investing on this corridor, and they don't
7 deserve to have it trashed. That's all I have
8 to say. Thank you.

9 (Applause.)

10 COUNCILMAN KENNEY: Councilman
11 Cohen's microphone, please.

12 COUNCILMAN COHEN: Point of
13 information.

14 May I have the last witness come
15 back again to the table?

16 During your testimony, I believe I
17 heard you say that your district
18 Councilmembers are cooperative, and I think
19 you talked in terms of two district
20 Councilmembers.

21 MS. LANZA: I understand Port
22 Richmond to be Joan Krajewski's area and Frank
23 DiCicco's area.

24 COUNCILMAN COHEN: Well, I just want
25 you to know, in addition to that, you have

1 12/1/03 - RULES - BILL 030740

2 seven Councilmembers-at-large that you vote
3 on.

4 I would like to make clear that
5 while we all respect the district
6 Councilmembers and know that they have as a
7 primary concern the good welfare of that
8 immediate community, don't forget the
9 Council-at-large Members who also vote on this
10 issues and are concerned about the entire
11 City. So you have more than two district
12 Councilmembers. I hope they won't take
13 offense, but we think we're part of this City
14 Council. And we're not going to permit the
15 City Council to become 10 district
16 Councilmembers, when by the Charter we're a
17 17-person Body.

18 We respect the 10 district
19 Councilmembers. They obviously have a more
20 direct interest because only the districts
21 vote them, but the rest of us are voted in by
22 all the members of the City, including you.
23 So don't limit yourself to just the two
24 district Councilmembers.

25 We try to work with and support the

1 12/1/03 - RULES - BILL 030740
2 district Councilmembers, but at times on
3 issues as important this, you can see
4 sometimes there are differences of opinion,
5 and we try to resolve them in as friendly as a
6 way as possible. So use all your
7 Councilmembers; your seven at-large and your
8 one or two district Councilmembers. Feel free
9 to go to any of them. Thank you.

10 COUNCILMAN KENNEY: Thank you very
11 much.

12 Councilman, is that the beginning
13 speech for the reelection of David Cohen,
14 2007?

15 COUNCILMAN COHEN: Yes. I figure at
16 age 59 -- I said 59. I am much too young to
17 retire.

18 COUNCILMAN KENNEY: You'll be
19 dancing at my funeral.

20 COUNCILMAN COHEN: You're absolutely
21 right. My campaign is for the whole City,
22 because seven of us are elected by all of you.
23 So don't throw away your votes by voting for
24 us and then ignoring us. We will work with
25 you. We will work with the district

1 12/1/03 - RULES - BILL 030740

2 Councilmembers. And we'll get, I think,
3 better solutions when all of us work together,
4 as the last speaker said.

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 Go ahead.

8 MR. TAYLOR: For the record,
9 Representative John Taylor.

10 Mr. Chairman, I specifically made
11 reference to a traffic study and a witness
12 that is here who we relied on, frankly, to
13 give his view of what the traffic would be
14 there. I'm not sure about the precise legal
15 way to phrase this, but right now he has been
16 instructed not to give his testimony based on
17 his company having done prior work for
18 Wal-Mart. A traffic study is a traffic study.
19 However it comes down, we're all going to have
20 to live with that. I just wanted to let you
21 know that we expected him to testify, and he
22 is now not testifying.

23 COUNCILMAN KENNEY: Thank you. We
24 were informed by Council that that's the
25 situation.

1 12/1/03 - RULES - BILL 030740

2 There seems to be a change.

3 MR. TAYLOR: Strike that.

4 COUNCILMAN KENNEY: Can you give me
5 a general idea how long your testimony is?
6 Because if you're here to talk about a traffic
7 study, it would seem to me to be a lengthy
8 discussion I just have to know from a
9 scheduling standpoint.

10 MR. FREDERICO: My testimony is
11 under three minutes. There is no completed
12 traffic study at this point.

13 COUNCILMAN KENNEY: Please identify
14 yourself for the record.

15 MR. FREDERICO: My name is Albert
16 Frederico, and I'm with Pennoni Associates.

17 I would like to start out by saying
18 within the last hour I have been notified that
19 there is a conflict and I will recusing myself
20 from further work on this project. We were
21 retained by Northeastern Hospital to complete
22 a traffic study to evaluate the impact of the
23 Wal-Mart on the adjacent roadways. This study
24 again was in progress, and any findings I was
25 presenting today were preliminary.

1 12/1/03 - RULES - BILL 030740

2 The proposed development based on
3 Institute of Traffic Engineer standards is
4 expected to generate 7,000 new vehicular trips
5 a day. This is new traffic and not pass-by
6 traffic that would generally be on the road
7 already.

8 Per count data available by the
9 DVRPC, Allegheny Avenue currently carries just
10 over 14,000 vehicles per day. Doing a
11 preliminary evaluation based on the arterial
12 analysis methodology of the Highway Capacity
13 Manual, we would expect that the addition of
14 this traffic to Allegheny Avenue would result
15 in decreased travel speeds and a lower level
16 of service. Again, these conclusions are
17 preliminary. But we do feel that they at
18 least warrant further evaluation, as the
19 hospital was intending.

20 COUNCILMAN KENNEY: Thank you.
21 Thank you very much.

22 Councilman DiCicco.

23 COUNCILMAN DICICCO: Thank you, Mr.
24 Chairman.

25 Mr. Frederico, I apologize. I was

1 12/1/03 - RULES - BILL 030645

2 out of the room when you began your testimony.
3 When were you retained to do this traffic
4 study?

5 MR. FREDERICO: We were retained
6 within the last several weeks. I was made
7 aware within the last hour that there is a
8 conflict and I will be recusing myself from
9 further work on this.

10 COUNCILMAN DICICCO: You haven't
11 done any analysis, I assume then, if the
12 hospital were to develop that site to expand
13 their facilities, as was suggested as a
14 possible -- possible -- alternative, what the
15 impact of traffic, if a hospital facility were
16 placed on that site, would be?

17 MR. FREDERICO: Correct. We did no
18 comparison of potential hospital development.

19 COUNCILMAN KENNEY: Thank you very
20 much. Thank you for your testimony.

21 That will conclude the witness list
22 for this bill.

23 We will now move to Bill No. 030645,
24 which is an ordinance amending Title 14 of the
25 Philadelphia Code relating to zoning and

1 12/1/03 - RULES - BILL 030645
2 planning by amending Chapter 14-1600 entitled,
3 "Miscellaneous," by added a new Section
4 14-1628, entitled "Zoning and Construction
5 Permits for Retail Stores," all under certain
6 terms and conditions.

7 Mr. Young, Mr. Eiding, please.

8 Just let me make an announcement
9 prior to the testimony on this bill. Please
10 can I have your attention for a second? We
11 have five more bills. This one should be
12 relatively not too long hopefully. The next
13 three or four should not be that bad at all.
14 They're really technical changes for the
15 Redevelopment Authority. But we're not going
16 vote in the public meeting on this bill until
17 we've concluded the testimony on all the other
18 bills. So maybe another hour, just so you
19 know from a timing standpoint.

20 Back to this bill, my understanding
21 from the sponsor's staff is there is no
22 substantive changes in this bill from the last
23 hearing that we've had. While you're free to
24 testify in any manner, the record is very,
25 very lengthy about this issue. If we can add

1 12/1/03 - RULES - BILL 030645

2 any new information or anything else you'd
3 like to add from a new standpoint would be
4 helpful to us, as opposed to going over old
5 testimony, because the record is clear.

6 MR. YOUNG: First of all, thank you
7 for giving us an opportunity to speak again.
8 I will make it short. I do ask that the
9 comments from the last hearing be incorporated
10 in today's record.

11 I will not repeat the same issues,
12 but I was present as other witnesses testified
13 that day, and some of my comments here I think
14 will redress some of the issues brought up.

15 COUNCILMAN KENNEY: Did you identify
16 yourself?

17 MR. YOUNG: Yes. My name is Wendell
18 Young, IV. I'm a representative with the
19 United Food and Commercial Workers Local 1776.

20 Also, I wanted to point out, as I'm
21 sure everyone in Council is well aware, quite
22 a few people were out in the hallway. A lot
23 of our members are women with children and had
24 to leave. They couldn't wait until now. I
25 wish that hadn't been the case, but I

1 12/1/03 - RULES - BILL 030645

2 understand you have constraints here.

3 There are two basic kinds of
4 employers in Philadelphia, some like Raf
5 Lissack and Jeff Brown and those like big box
6 stores. Raf and Jeff provide good jobs with a
7 living wage and benefits. The benefits
8 include healthcare insurance that he pays for,
9 a pension plan to make sure that individuals
10 can retire with dignity, advancement
11 opportunities and other wellness benefits such
12 as child care, an education benefit and a
13 physical fitness benefit. If there's a better
14 combination offered in the City, I haven't
15 heard about it.

16 This kind of job is the kind that
17 allows people to move up the economic ladder.
18 They pay taxes to the City. They use their
19 child care benefit to pay other workers in the
20 City. They go to school, many in the City
21 schools, and expand their possibility. Raf,
22 for example, started out years ago with just
23 one store. Today he owns four in the City and
24 continues to expand his employment base while
25 investing in the community with new

1 12/1/03 - RULES - BILL 030645

2 supermarkets. These are the kind of employers
3 that we want. Employers who help their
4 workers move up the ladder, whether within
5 their own store or by moving on to other
6 stores and other jobs.

7 Local 1776 represents the workers of
8 the Wine and Spirit Shoppes, Rite Aid, Super
9 Fresh and Shop Rite, owned by Jeff Brown, Raf
10 Lissack and others, as well as Acme, to name
11 just a few. Each one of these stores, whether
12 a chain or individually owned, gives every
13 worker a chance to grow, to learn and to
14 provide for a family.

15 Just as important as the direct
16 benefits of a living wage job are the indirect
17 ones. The company ownership is much more
18 tightly tied to the community. These
19 unionized stores pay better. Studies have
20 shown that the pay on average is 33 percent
21 more than non-union super centers.

22 More importantly, each of these
23 stores spends about 13 percent of their income
24 on labor costs. That means that their money
25 stays in the community and is circulated

1 12/1/03 - RULES - BILL 030645

2 multiple times. An average big box super
3 center, such as Wal-Mart, only pays about 5
4 percent of its income back to the community in
5 labor costs. The majority of their money goes
6 straight out of the City and into huge bank
7 accounts in their corporate headquarters.

8 Smaller businesses are much more
9 receptive to the pressures placed on them by
10 the community, by community leaders, and
11 respond to the needs of the marketplace.
12 Owners like Raf take the time to know the
13 needs of their communities. They stock
14 shelves with the products that are purchased
15 by people living in their neighborhoods.
16 That's the kind of jobs, those are the kind of
17 employers we want in the City of Philadelphia.
18 We want the kind of jobs that are created by
19 small, family-owned businesses and we want the
20 kind of jobs that are provided by employers
21 who genuinely care for the people that work
22 for them.

23 We are far from anti-growth. There
24 is nobody in this room that would like to see
25 Philadelphia set national marks for economic

1 12/1/03 - RULES - BILL 030645

2 growth than I would. I just think that it's
3 important to create the right kind of jobs and
4 the right kind of growth. Seeing every
5 construction worker on the job somewhere in
6 the City would be amazing. I love to think of
7 all those workers providing new places for the
8 unemployed and underemployed to work, to live
9 and to raise families.

10 In the Philadelphia Inquirer on
11 Friday November 21st, 2003 there were two
12 articles that related directly to this
13 problem. One was entitled, "Wanted: Inner
14 City Supermarkets." The other was called,
15 "More, Larger and Smaller: Wal-Marts on Tap."
16 Both are included in the hand-outs that my
17 staff gave you. What a difference between the
18 two.

19 In "Wanted," the Inquirer's writer
20 talks about a report by the Pennsylvania State
21 House Committee on Health and Human Services
22 and the Department of Community and Economic
23 Development is about to release. This
24 report's findings are clear. There is a link
25 between a lack of grocery stores in the

1 12/1/03 - RULES - BILL 030645

2 inner-City Philadelphia and the rising
3 instances of nutrition-related diseases. If
4 we don't make an investment in our
5 communities, more children will grow up
6 malnourished in the richest, most prosperous
7 nation in the world, the nation that grows and
8 exports the most food in the world without
9 making supermarket growth a part of the
10 Neighborhood Transformation Initiative.

11 A catch 22 exists. Supermarkets
12 will not locate in areas without a stable
13 population base, and potential residents are
14 reluctant to move to a neighborhood without a
15 supermarket, the Inquirer reported. How does
16 this tie in to big box legislation? It's
17 simple. If more super centers were
18 constructed, like Cosco's, B.J.'s, Target,
19 K-Mart or Wal-Mart are built, the existing
20 chains and family-owned businesses are not
21 likely to reinvest Philadelphia. There will
22 be fewer and fewer grocery stores in the
23 neighborhoods. Business will be pulled out of
24 the areas of the City where there is room for
25 super centers. The neighborhood businesses in

1 12/1/03 - RULES - BILL 030645

2 communities will slowly die off.

3 The second article, "More, Bigger
4 and Smaller," -- Wal-Mart's coming addresses
5 the point particularly -- it reports, Scott,
6 who is Wal-Mart's CEO, is counting on pulling
7 in enough customers to make up for lost
8 business in nearby Wal-Marts. Wal-Mart used
9 to count on drawing customers from a base of
10 15 miles across. They now view a three to
11 four mile wide customer base. I imagine, if
12 you will, a city full of super centers, big
13 box super centers, every 30 or so blocks,
14 there would be another big box store choking
15 off the life out of Shop Rite, Acme, Rite Aid
16 and other local stores that do so much for our
17 communities.

18 This isn't smart growth. It's
19 predatory marketing. Think of it. Every time
20 you need a tube of tooth paste or a roll of
21 paper towels, anything that you use in your
22 own home, you're only choice would be to go to
23 Wal-Mart. That's not competition.

24 In a recent televised report on
25 KYW-3, a survey conducted in nearby southern

1 12/1/03 - RULES - BILL 030645

2 New Jersey showed that the prices at super
3 centers were not always the cheapest. In some
4 cases, a unionized grocery store such as Shop
5 Rite beat prices at two of the biggest super
6 centers, including Wal-Mart. There's a
7 perception that bigger is cheaper, so
8 neighborhood stores die.

9 Ten years ago I testified here in
10 City Council about the town of Hearne, Texas.
11 They had this very experience. A Wal-Mart
12 opened, forced all the other retailers in the
13 area to close. When they didn't make their
14 sales goals, the Wal-Mart shut its doors too.
15 The town is now a ghost town because many
16 people are unemployed, and there is nowhere to
17 purchase needed goods.

18 Today we don't need to go that far
19 away to see the effects of super centers. In
20 the Lehigh Valley, Lanco, Super Fresh, Shop
21 Rite, IGA, Acme and other supermarkets have
22 closed their doors forever because of
23 Wal-Mart's moving in. You can drive through
24 the downtown areas of York, Pennsylvania,
25 Gettysburg, Lancaster and communities across

1 12/1/03 - RULES - BILL 030645

2 Pennsylvania who have seen their retail
3 centers decimated by low wage, big box jobs.

4 Here in Philadelphia, Bradlee's and
5 Caldor's, as well as others, sited big box
6 super centers as one of the largest factors in
7 their closing. Many municipalities have seen
8 this and passed their own version of this
9 legislation. It limits the size of big box
10 stores and makes sure that they can't sell
11 more than 10 percent grocery items. Wal-Mart
12 claims that these big box laws are unfair and
13 targets them. Well, if it's a choice between
14 economic growth in the City of Philadelphia
15 and the economic growth of Wal-Mart, we at you
16 UFCW Local 1776 happily choose Philadelphia.

17 Super center operators claim that
18 they won't build a store where it's not
19 wanted. In fact, there's an article in the
20 Los Angeles Times from Monday, November 24th,
21 2003 where the CEO of Wal-Mart says just that.
22 Of course, he retreats by saying that he
23 doesn't know what it means to be unwanted
24 somewhere. According to his quote, "How do
25 you define where it's not wanted. I don't

1 12/1/03 - RULES - BILL 030645

2 think we're going to let them define whether
3 or not we come," Wal-Mart CEO, H. Lee Scott,
4 Jr., said in the Los Angeles Times. Isn't it
5 a bit outrageous when a community group rises
6 up against business box stores? Those stores
7 simply say that the community can't represent
8 itself, that the community isn't smart enough
9 to make its own decisions, choices. That's
10 not a credible stance.

11 A recent study found that Wal-Mart
12 is even going so far as to find where it's
13 wanted. In Contra Costa County, California,
14 similar legislation was recently passed.
15 Wal-Mart decided that they didn't like the
16 bill, and are now paying people more,
17 significantly more than what they pay their
18 retail workers to circulate petitions to
19 repeal this big box ban. Across the nation,
20 similar regulations have been passed, from
21 smaller cities and towns all the way to major
22 urban centers like San Diego. Residents have
23 taken a stand against super centers.

24 None of these ordinances has any
25 particular operators of target. The residents

1 12/1/03 - RULES - BILL 030645

2 of these towns and cities are just trying to
3 give people who pay a living wage a chance to
4 grow without being crushed by giant
5 multi-national corporations.

6 In his column for the Boston Globe
7 yesterday, Charles Stein wrote, "In 1952 in
8 testimony before Congress, Charles Wilson, the
9 former president of General Motors said, what
10 is good for the country is good for General
11 Motors, and what is good for General Motors is
12 good for the country." Would anyone make the
13 same statement about Wal-Mart today,
14 considering that General Motors paid good
15 wages and benefits and helped improve the
16 standard of living for our nation, where
17 Wal-Mart's pay is below poverty level and
18 helps reduce community standards?

19 At the last hearing, I was asked if
20 this bill would make Philadelphia one of the
21 first cities in the nation to pass big box
22 legislation. While the answer is no, as you
23 can see from information included in your
24 hand-out, I am surprised that Council would
25 give any weight to that question. This is a

1 12/1/03 - RULES - BILL 030645

2 great City, and can and should be a leader
3 among cities.

4 Concerns were also expressed about
5 whether or not a Nordstrom's would be able to
6 open under this proposed ordinance. The
7 answer is clearly yes. The bill specifically
8 discusses only non-taxable foods and places no
9 limit on prepared foods and carry-out foods.

10 A couple comments I would like to
11 make, in addition to the prepared text you
12 have there, some people who had testified
13 after me at the last hearing said that this
14 isn't really appropriate here. If the union
15 has an issue with Wal-Mart they ought to just
16 organize them. And I commented at the last
17 hearing about our experience here in the City
18 with Carrefour in the late '80s. We did
19 organize Carrefour. And we had a good, decent
20 labor contract there. And they left once the
21 City's tax abatements ended. But in the time
22 they were here and in the five years they did
23 business here, even with the union contract,
24 they shut down seven neighborhood community
25 supermarkets during that time. The answer is

1 12/1/03 - RULES - BILL 030645

2 not to organize. We will not do our best in
3 our area as we Carrefour. In the meantime,
4 these kind of stores are bad for a community.
5 Carpenters Union appear were earlier today.

6 There was a study just released. It
7 was pre-published on November 20th and it will
8 be formally published today by a Washington,
9 D.C. Based group called Smart Growth. I want
10 to read a couple of lines from it.

11 "A new study by Good Jobs First
12 finds that contrary to common belief, smart
13 growth policies are good for construction
14 jobs. The report provides evidence that smart
15 growth can create more employment
16 opportunities than sprawl for workers who
17 build residential and commercial structures
18 and transportation infrastructures.

19 Our findings challenge the
20 conventional idea that construction employment
21 suffers when communities seek to curb sprawl
22 and manage growth, said Phillip Matura (ph),
23 GJF's corporate research director and primary
24 author of the study. In fact, our research
25 shows just the opposite, that smart growth

1 12/1/03 - RULES - BILL 030645

2 fosters job growth."

3 It goes on to say that organized
4 labor is playing an expanding role in the
5 movement against sprawl, and that they see a
6 growing involvement from unions, including the
7 building trades, in an effort to promote smart
8 growth. And their findings suggest the very
9 trend is likely to continue.

10 Another issue that was brought up by
11 an attorney that came in and spoke, I believe,
12 on behalf of some developers, that this bill
13 may very well be unconstitutional. That
14 couldn't be further from the truth. Just not
15 too long ago in Lower Gwynedd there was a
16 court that challenged a similar legislation
17 putting limits on retailers. And a state
18 court has upheld that here in Pennsylvania,
19 there are no unconstitutional issues here at
20 all.

21 And the last thing I'd like to say
22 is, if I recall right, some people testified
23 that this kind of thing is bad for business,
24 that it's not good for business here in
25 Philadelphia. I recall back in the early '80s

1 12/1/03 - RULES - BILL 030645

2 it was Philadelphia who led the nation, the
3 first municipality ever to pass a plant
4 closing law. Some Councilmembers were here
5 then and recall it well, I'm sure. They were
6 told then that would be bad for business.
7 Well, the rest of the nation went on and
8 followed.

9 Many communities throughout the
10 country had taken that blueprint, passed
11 similar laws limiting what employers can or
12 can't do when they're closing down and giving
13 workers fair warning. In fact, once the
14 Federal Warn Act was approved, it was
15 basically modeled after what happened here in
16 Philadelphia. It was even stronger than what
17 happened here in Philadelphia. I'm proud that
18 our City led in that challenge back then, and
19 I'd like to see them lead this challenge here
20 today.

21 On behalf of the 22,000 members of
22 Local 1776, I urge this Committee to pass this
23 legislation, suspend the Rules, and let the
24 full Council vote to accept it before the end
25 of this session. I thank you. I know it's

1 12/1/03 - RULES - BILL 030645

2 been a busy day, but I will be happy to answer
3 any questions.

4 COUNCILMAN KENNEY: Thank you very
5 much for your testimony.

6 Mr. Eiding, please.

7 MR. EIDING: Thank you, Mr.
8 Chairman.

9 Councilmembers, My name is Pat
10 Eiding. I'm the President of the Philadelphia
11 Council of the AFL-CIO.

12 As I stated here the last time I
13 testified, we represent about 125,000 members
14 at the present time. It's important that I
15 note included in that membership is the
16 building trade unions, the public sector
17 unions and private unions.

18 I won't go over my complete
19 testimony from before because I think Wendell
20 Young certainly covered an awful lot, that we
21 would be redundant in many of the things, but
22 it's important that I speak out on a couple
23 issues.

24 One is the statements made at the
25 last hearing, that this kind of restriction on

1 12/1/03 - RULES - BILL 030645

2 big box or super stores would restrict or turn
3 away developers. I think that's really a
4 stretch when we realize that there's an awful
5 lot of building that goes on besides one or
6 two big box stores in a City of this size.
7 The amount of Acme's and Super Fresh and those
8 kinds of stores that have been here for many
9 years, traditional stores, and the amount of
10 work that they do -- and I know coming from
11 the trades, and especially the mechanical
12 field, there's renovation going on all the
13 time in those kinds of stores. What that
14 means to us here in Philadelphia is that
15 they're all union jobs. What that means is
16 they're all living wage jobs. They're jobs
17 that have benefits. They're people who live
18 in the City and pay taxes.

19 When you go with a company -- and I
20 know Wal-Mart keeps popping up. We don't want
21 to use them as the only example because there
22 are other people who may want to come in and
23 build super stores. But Wal-Mart is a good
24 example because when they talk about paying
25 people -- one of the comments I read recently

1 12/1/03 - RULES - BILL 030645

2 from the CEO is, we pay them what we have to.
3 And what that means is, if they have don't
4 have to pay them more than \$7.00 an hour, they
5 won't. If they don't have to give benefits,
6 they won't. It doesn't matter whether they
7 deserve it because they work hard.

8 What's important about that is
9 that's the reason Wal-Mart can sell items so
10 much cheaper than everybody else. That's why
11 they have such a great history of predatory
12 pricing. There's no way in the world that a
13 local Acme or retail store or just a corner
14 store can compete with them, because, listen,
15 if you read anything at all about these big
16 market areas, they demand the lowest prices
17 from the suppliers.

18 If you really want to take a look at
19 Wal-Mart and those kinds of big stores, 90
20 percent of the things you turn over would be
21 made in China, and I think the kids there get
22 about 25 cents an hour. I don't think
23 Philadelphia is about that. I think this City
24 for all working people is about living wages.
25 It's about benefits and it's about having the

1 12/1/03 - RULES - BILL 030645

2 right to make a decent wage.

3 The other thing that I think is
4 important is -- and I want to get back to the
5 construction area because I don't want to go
6 away from letting anybody thinking that I
7 don't care about more jobs for the
8 construction workers. That's certainly been
9 my history for my whole life. What I believe
10 -- and I firmly believe or I wouldn't be here
11 today -- if the Wal-Mart would build a super
12 store, it would probably take away more
13 construction jobs that would be building other
14 food stores and regular traditional stores and
15 renovating those stores than you would get out
16 of one construction site.

17 But on top of that, what happens
18 when they do build it, whoever that big super
19 store builder is, the people who work there do
20 not earn living wages. And I hate to bring it
21 up, it was mentioned earlier, they certainly
22 won't have benefits and they won't have the
23 kinds of jobs people should have living in the
24 City of Philadelphia. I think that's
25 important.

1 12/1/03 - RULES - BILL 030645

2 I think that we would get more jobs
3 by not having companies go out of business
4 because they can't compete with Wal-Mart and
5 the other big stores. I think we'd have more
6 construction jobs because more people would
7 develop. I think we've heard many times over,
8 there's nobody who can compete with these
9 stores, so why would they build, why would
10 they stay in business.

11 So that's why I come here today, and
12 I come here in favor of this ordinance, and
13 would hope that the Council would consider and
14 pass this bill and keep the kinds of
15 livelihoods and the kinds of businesses in
16 Philadelphia that have traditionally kept this
17 City the great City that it is. Thank you.

18 COUNCILMAN KENNEY: Thank you very
19 much.

20 Please identify yourself for the
21 record.

22 MR. ARONSON: Thank you, Mr.
23 Chairman. My name is Irwin Aronson. That's
24 I-R-W-I-N. Aronson is A-R-O-N-S-O-N. I am
25 here in my capacity as counsel to UFCW Local

1 12/1/03 - RULES - BILL 030645

2 1776. I'm a member of the Philadelphia-based
3 law firm of Willig, Williams & Davidson.

4 My purpose in taking the microphone
5 is not to speak in terms of the merits of this
6 legislative proposal. My clients, by way of
7 Mr. Young and Mr. Eiding, have more than amply
8 discussed the public policy aspects of this at
9 the last hearing and again today.

10 What I do want to have this
11 Committee be aware of is that we are here and
12 present and available for responding to
13 questions of a technical nature that may have
14 arisen at the last hearing or may be on the
15 minds of the Members of this Committee today
16 with respect to the legislation. To that end,
17 I want to address three points very briefly
18 that I understand came up at the last hearing.

19 The first is a suggestion that this
20 legislation has a Constitutional infirmity
21 because of a notion that it is somehow
22 exclusionary with respect to zoning. It
23 simply is not exclusionary and this would not
24 represent exclusionary zoning at all.

25 Mr. Young alluded to that with

1 12/1/03 - RULES - BILL 030645
2 respect to a recent decision of Pennsylvania's
3 Commonwealth Court in Montgomery County
4 wherein similar legislation that has been on
5 the books for some time was initially found to
6 be flawed by the Common Pleas Court of
7 Montgomery County. But ultimately on appeal,
8 the Judge, speaking for the Commonwealth
9 Court, ended a plurality decision, but a
10 majority decision indicated very clearly the
11 analysis to be applied to allegedly
12 exclusionary zoning rules.

13 In that analysis she determined that
14 this type of rule does not prohibit any
15 particular business enterprise, but merely
16 deals with size. Analytically what she
17 articulated, for example, that if Home Depot
18 could not comfortably operate in a 50 or
19 60,000 square foot store, that did not mean
20 that lumbar yards and hardware stores were
21 excluded. It only meant that someone else,
22 for example, the DiCicco Hardware Store or
23 lumberyard theoretically, hypothetically could
24 operate at a smaller store and make a profit.
25 So it's not exclusionary. That's one issue

1 12/1/03 - RULES - BILL 030645

2 that I want to address.

3 The second is that under the City's
4 Home Rule Charter, Section 5-1005 indicates
5 that persons who are aggrieved by the issuance
6 of various City licenses or permits are
7 afforded a hearing before the Board of
8 Licenses and Inspection and Review. And the
9 suggestion is that the hearing process
10 contemplated by this legislation would
11 supercede that, and that again is an erroneous
12 diversionary tactic.

13 Obviously, we have an election of
14 remedies here. There is no sense or no intent
15 that we can discern or glean in reading
16 legislation to substitute one for the other,
17 but there would be an opportunity to elect
18 like remedies.

19 Finally, there is an allegation that
20 there is a limitation on the penalties that
21 can be imposed, and this legislation
22 potentially exceeds that limitation. There is
23 no penalty section in this legislation, per
24 se. What there is is a liquidated damages
25 section that indicates when and in the event

1 12/1/03 - RULES - BILL 030645

2 someone who has been granted a permit
3 undertakes activities which are violative of
4 the permit, because the damages can't be
5 adequately and rapidly measured, the
6 legislation creates what those damages ought
7 to be. And they have been described and have
8 been discussed before this Committee
9 previously. So the \$300 penalty rule would
10 apply only so far as penalties, and this is
11 not penal in nature.

12 Thank you very much, Mr. Chairman,
13 and Committee Members.

14 COUNCILMAN KENNEY: Thank you very
15 much for your testimony.

16 Thank you, gentlemen.

17 Mr. McGrath, please.

18 COUNCILMAN COHEN: Mr. Chairman.

19 COUNCILMAN KENNEY: Yes, Councilman.

20 COUNCILMAN COHEN: As a student in
21 high school, I was very good in arithmetic and
22 terrible in algebra and trigonometry. So
23 forgive me, because I think there are elements
24 here involved like that.

25 Do I gather -- and if I'm wrong,

1 12/1/03 - RULES - BILL 030645

2 please correct me -- that they're aspects of
3 Wal-Mart that are being discussed between
4 these two bills that we've heard so far?

5 One is that there is a sizable area
6 of thinking that Wal-Mart, as an employer,
7 does not recognize the rights of labor, as
8 labor generally thinks it ought to do it,
9 irrespective of what size store they're in.
10 That's one point of view.

11 The second point of view is that
12 the super center, which apparently Wal-Mart
13 specializes in, represents a very special
14 threat by Wal -Mart, separate and apart from
15 the threat raised by their lack of enthusiasm
16 for labor organization. Am I right or am I
17 wrong? Did I miss something in those two
18 issues?

19 MR. YOUNG: I assume the question is
20 for me, or any of us? I'll answer it.

21 I believe you're right in your
22 assessment on the first point. Wal-Mart's
23 record of violating people's rights in a
24 number of ways, whether it's their activity
25 involved in organizing or their civil rights,

1 12/1/03 - RULES - BILL 030645

2 not only with workers, but with suppliers,
3 vendors, contractors, communities is well
4 documented, well established. They're the
5 most sued company in the country and I believe
6 in the world.

7 There are a number of class action
8 suits currently under way and pending.
9 Numerous labor law violations, whether
10 directed at individual workers, for example,
11 for daring to marry someone of a different
12 race, or directed whole groups of workers for
13 trying to organize. Like in Texas where the
14 UFCW organized a group of Wal-Mart workers and
15 they shut down the whole meat sections of the
16 stores throughout the whole region and
17 eventually across the nation. So their record
18 is terrible in that regard.

19 The second point you brought up, the
20 size. There are two different bills here
21 today. The one I'm testifying about is
22 specifically the second one, the one that's
23 under consideration right now.

24 I was here a few weeks ago,
25 Councilman, and I'm not sure if you caught

1 12/1/03 - RULES - BILL 030645

2 that testimony or had a chance to review it,
3 but the super centers are particularly lethal
4 in terms of their predatory practices in the
5 community, the impact on the community. This
6 bill seeks to put limits on the size of the
7 store and the mix of merchandise to prevent
8 Wal-Mart from building super centers in the
9 City of Philadelphia.

10 MR. EIDING: If I can add to that,
11 please. The point about Wal-Mart and as far
12 as their wages and pay, those kinds of things,
13 let me just say publicly, we will organize
14 Wal-Mart. There's no problem. We'll organize
15 them, and we'll organize the stores that are
16 traditional-sized Wal-Marts. If a store comes
17 into this area that doesn't exceed the numbers
18 that we are talking about, we'll get those
19 organized. I have great faith in that.

20 But the problem we're facing with
21 this bill is the super store, the super store
22 that would put people out of business that
23 already has good employers and are paying
24 decent wages won't build here. That's the
25 concern we have with this. It doesn't apply

1 12/1/03 - RULES - BILL 030645

2 itself to whether Wal-Mart is union or
3 non-union. It applies itself to these super
4 stores that won't drive away the employers
5 that are good employers.

6 COUNCILMAN COHEN: Thank you very
7 much for that clarification.

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

10 Mr. McGrath, please. Please
11 identify yourself for the record.

12 Would Mr. Sklaroff and Mr. Pollack
13 prepare themselves, please.

14 MR. MCGRATH: Thank you. Good
15 afternoon, Mr. Chairman, Members of the
16 Council, fellow citizens. My name is John T.
17 McGrath, Jr. I'm from Local Union 1823.
18 We're the floor layers and drapery workers out
19 of the Carpenters Union. And as such, I
20 belong to a union that represents thousands of
21 families in the City of Philadelphia. And on
22 behalf of those families in the City of
23 Philadelphia, we are against the artificial
24 restriction of economic growth, job growth and
25 tax revenue.

1 12/1/03 - RULES - BILL 030645

2 The bill we have at hand is a bill
3 that will restrict the develop of a Wal-Mart
4 at Tulip at Allegheny Avenue. If this bill is
5 passed, it will place restrictions on the
6 development of that Wal-Mart. And so to be
7 realistic and pragmatic, a bird in the hand is
8 worth two in the bush.

9 We have a developer that has a site
10 that will build there. It's concrete. It's
11 tangible. We will have construction jobs on
12 that project if things go the way we want them
13 to go with the Wal-Mart being built. If you
14 support this bill that you have in front of
15 you, you will put restrictions on it, and
16 therefore, the families that belong to our
17 union will be hurt. It will hurt development.
18 It will hurt economic growth. It will hurt
19 job growth and tax revenue. The City needs
20 the tax revenue. Our families need the jobs
21 and the economic growth. So we would ask you
22 on our behalf.

23 We do not support this bill and we
24 do not want artificial restrictions on growth,
25 jobs, or tax revenue.

1 12/1/03 - RULES - BILL 030645

2 COUNCILMAN KENNEY: Thank you very
3 much for your testimony.

4 Yes, Councilman Cohen.

5 COUNCILMAN COHEN: Do I gather from
6 the witness that he hopes to turn the first
7 discussion on the first bill at Tulip and
8 Allegheny, that you hope that at some point
9 that may become a super center?

10 Are you concerned that this second
11 bill that we're talking would prevent Tulip
12 and Allegheny location from becoming a super
13 center, and therefore you don't want this bill
14 passed?

15 MR. MCGRATH: Our concern is with
16 artificial restrictions on growth. And so we
17 don't want anything to restrict the
18 possibility of this Wal-Mart being built.

19 COUNCILMAN COHEN: Or of the
20 Wal-Mart at Tulip and Allegheny from becoming
21 a super center; isn't that right?

22 MR. MCGRATH: We just want it built.

23 COUNCILMAN COHEN: You want it
24 built. As far as you're concerned, if it
25 turns into super center, that's fine? Do I

1 12/1/03 - RULES - BILL 030645

2 put words in your mouth or am I right?

3 MR. MCGRATH: Whatever it takes to
4 get it built. We want it built.

5 COUNCILMAN COHEN: Well, I don't
6 know what you mean by it. It was presented to
7 us as something that's not a super center,
8 with the agreement on the part of some people
9 that they will take steps to prevent it from
10 ever becoming super center. I assume you're
11 against them taking those steps. You want the
12 freedom to turn Tulip and Allegheny into a
13 super center?

14 MR. MCGRATH: In clarification, Mr.
15 Councilman, if this is passed, it could
16 inhibit developers from coming into the City,
17 which would put restrictions on their
18 development, and therefore, it could endanger
19 construction jobs. We don't want to do that.
20 We're not in favor of restrictions.

21 COUNCILMAN COHEN: You don't want
22 any restrictions on any building?

23 MR. MCGRATH: No, sir. No, not any
24 restrictions. That's pretty broad and pretty
25 vast. What we're talking about now, we don't

1 12/1/03 - RULES - BILL 030645

2 want these restrictions.

3 COUNCILMAN COHEN: Any size
4 restriction you don't want?

5 MR. MCGRATH: No. The bigger the
6 better.

7 COUNCILMAN COHEN: The bigger the
8 better and wherever located?

9 MR. MCGRATH: Yes. As long as it's
10 built union.

11 COUNCILMAN COHEN: That's the answer
12 I was seeking. I just wanted to know what
13 your point of view was.

14 MR. MCGRATH: Okay. Thank you, sir.
15 I'm sorry if I wasn't clear.

16 COUNCILMAN KENNEY: Thank you very
17 much.

18 Mr. Sklaroff.

19 Mr. Pollack.

20 Is Jason Todd here?

21 Gentlemen, identify yourselves for
22 the record.

23 MR. SKLAROFF: Thank you, Mr.
24 Chairman, and Members of this Committee. My
25 name is Michael Sklaroff, law firm of Ballard,

1 12/1/03 - RULES - BILL 030645

2 Spahr, Andrews and Ingersoll. We'll try not
3 to go over the same territory we went over at
4 the last hearing.

5 If you recall, Doug Grayson (ph)
6 vice president for development of Pennsylvania
7 Real Estate Investment Trust testified at the
8 last hearing, and he said that in his view,
9 this was a signal to the development community
10 not to come to Philadelphia, and I want to
11 elaborate more on that.

12 What I want to talk about is this
13 bill, the bill before you. You're here
14 because there are some important issues and
15 the arguments on both sides. And these issues
16 involve what we would call macro economics.

17 The spirit behind this bill, I
18 assume, has to do with trying to create, in
19 effect, an island in the Sea of Nafta. Well,
20 I don't know that cities can do that.
21 Philadelphia has to be open to redevelopment,
22 to rebirth, to renewal, to jobs, to
23 opportunities. This bill is not the way to do
24 it. This bill has flaws in it. It has not
25 been rewritten. It doesn't seem to have had

1 12/1/03 - RULES - BILL 030645

2 the input from the Philadelphia Planning
3 Commission that it needs.

4 But let me tell you a little story,
5 a Philadelphia story. I was born in the Park
6 Side section of the City. And my first
7 memory, retail memory, was being given a
8 quarter by my grandmom to go to the corner
9 grocery, Fishneski's (ph), to get a tin of
10 tuna fish, which you could buy for a quarter.
11 That was on Lightey Avenue. Then we moved out
12 to, I think it was called West Park. And my
13 mom used to shop at the Penn Fruit, now a
14 blessed memory on City Avenue. Then there
15 came a time that we briefly left the City of
16 Philadelphia. And we shopped at the
17 Cheltenham Shopping Center, which had, if I
18 recall correctly, an Acme. And then in my
19 adult years, I came back to Philadelphia. I
20 lived in the Spring Garden section since the
21 early '70s. Now I shop at a whole foods
22 market, which is really a community center in
23 our neighborhood and a blessing. Now, what do
24 all of those grocery stores, the mom and pop
25 store on Lightey Avenue, the Penn Fruit on

1 12/1/03 - RULES - BILL 030645

2 City Avenue, the Acme at Cheltenham Shopping
3 Center and the whole foods at 20th, roughly,
4 and Hammond, what do they all have in common?
5 Each and every one of these in this bill would
6 be prohibited. Each and every one of them.
7 Because this bill says you can't sell
8 groceries in the City of Philadelphia if
9 you're under 90,000 square feet. That's the
10 unintended consequence. This bill has not
11 been amended.

12 The first order of business of this
13 Council under the charter should be, do no
14 harm. This bill sends all kinds of messages
15 that this is not a serious bill, and if City
16 Council passes it, it's not seriously looking
17 at the text of the bill. That's number one.
18 The unintended consequences of this bill is
19 you can't really sell food until you get up to
20 90,000 square feet of a store or a facility.
21 And then, you can't sell more than 10 percent.
22 Not just the food, but also of cosmetics,
23 soaps, nonprescription drugs and/or
24 toiletries.

25 So let's get to what happens at

1 12/1/03 - RULES - BILL 030645
2 90,000 square feet. At that point you're not
3 allowed to have in a store in a facility --
4 and shopping facility is not defined. I would
5 take that as a shopping center. So if you
6 have, for example, a 50,000-square-foot Acme
7 in a shopping center, you can't put that in a
8 shopping center of, let's say, 400,000 square
9 feet because it's more than 10 percent,
10 putting aside the whole question of these big
11 mega stores, of which there doesn't seem to be
12 any evidence yet.

13 Assuming that this would be passed
14 -- and I hope it won't be -- then you have the
15 reporting requirements, the reporting
16 requirements of these facilities to the
17 department of L & I, which as it is, is
18 strapped for enough money to pay its employees
19 a decent wage and to have enough employees to
20 service the licensing and inspections function
21 under the City Charter. Did you budget a half
22 million or a million dollars to hire all the
23 people it would take to monitor this? I don't
24 think so. I don't think anyone in this
25 Council is going to put that in the budget

1 12/1/03 - RULES - BILL 030645

2 that's going to be adopted in the next fiscal
3 year. So it's a non starter there. It's over
4 regulation. It requires reporting without
5 standards.

6 And then you get to the question of
7 180,000 square feet, and I won't even address
8 that because Mr. Pollack, who's going to be
9 speaking on behalf of the Bar Association and
10 the Board of Governors will address this. But
11 the point of this is, is that the signal this
12 gives out is one of confusion. The bill is
13 ill considered. It doesn't do what it
14 accomplishes. It inadvertently creates havoc
15 in the City of Philadelphia. I think this
16 needs to be reviewed by the Planning
17 Commission. It needs to be reviewed by
18 Council staff.

19 And I will tell you, the authority
20 for making this Constitutional is not one case
21 in Lower Gwynedd, where in Lower Gwynedd the
22 Commonwealth Court decided you could limit
23 retail stores to 6,000 square feet. That does
24 not inform decisions of this City Council.
25 The City of Philadelphia, a good and great

1 12/1/03 - RULES - BILL 030645

2 City empowering this region, shouldn't be
3 aligning itself with parochial communities
4 that limit certain uses to 6,000 square feet.

5 Thank you for your attention.

6 COUNCILMAN KENNEY: Thank you.

7 Mr. Pollack, please.

8 MR. POLLACK: Chairman Kenney,
9 Members of the Council, my name is Steven
10 Pollack. I'm here today as a representative
11 of the Board of Governors of the Philadelphia
12 Bar Association.

13 On November 25th at a meeting of the
14 Board of Governors, there was a resolution
15 passed by the Board of Governors to be opposed
16 to the bill as it is currently written.
17 Hopefully, a copy of that resolution has been
18 submitted to you or will be handed out to you.

19 Mr. Sklaroff has covered many of the
20 grounds that we would like to bring to this
21 panel's attention. What we feel is, again,
22 that the unintended consequences of this bill
23 has devastating effects on the mom and pop
24 stores, the little existing groceries, in that
25 it seems to have a hole in it, that if you're

1 12/1/03 - RULES - BILL 030645

2 under 90,000 square feet and you sell any of
3 these items, that you too will not be able to
4 get any building permits or zoning permits.
5 So we think that that is something that we are
6 deeply concerned about.

7 The Bar Association itself is not
8 taking any position, nor do we have any notion
9 that there would be two Wal-Mart bills or any
10 kinds of bills of that nature. What we were
11 concerned about in taking this is what was
12 happening to existing businesses in the City
13 of Philadelphia and to our zoning code as we
14 look at it.

15 Also, with regard -- with due
16 respect -- to the earlier opinion with regard
17 to the penalty sections, there seems to be a
18 taxation or a penalty that's imposed depending
19 on the size, but it also opens it up to that
20 anybody can be a plaintiff and that damages
21 can be awarded to the plaintiff, but no
22 damages could be awarded to a defendant if
23 they were able to hold back a challenge as to
24 whether they were 10 percent or 11 percent of
25 gross sales. So we feel that there are lots

1 12/1/03 - RULES - BILL 030645
2 of things that are going on in this bill that
3 maybe Council has -- we'll leave to Council
4 the determination as to whether or not big
5 boxes is something this town wants or doesn't
6 want.

7 If you're going to be doing this, we
8 as the Board of Governors feel that you don't
9 want to take away the ability of our smaller
10 businesses to be able to get their permits and
11 to be able to expand and also to have dictated
12 to them the kind of merchandise that they can
13 sell.

14 COUNCILMAN KENNEY: Are there any
15 questions for these witnesses?

16 (No response.)

17 COUNCILMAN KENNEY: Seeing none,
18 thank you for your testimony.

19 Mr. Todd, please.

20 Is there a Rochelle Dutes,
21 D-U-T-E-S, in the room?

22 (No response.)

23 COUNCILMAN KENNEY: Thank you.
24 Please identify yourself for the record.

25 MR. TODD: Mr. Chairman, Members of

1 12/1/03 - RULES - BILL 030645
2 the Council, my name is Jason Todd. I'm
3 government affairs manager here on behalf of
4 the Pennsylvania Retailers Association. I'm
5 here today to ask you to oppose the ordinance
6 that's before you.

7 The Pennsylvania Retailers
8 Association was formed in 1932 to foster,
9 protect and promote the welfare of those
10 engaged in retail merchandising in the
11 Commonwealth of Pennsylvania. Members include
12 small and large independent stores, and
13 national chain stores representing a variety
14 of retail businesses, including clothing,
15 gifts, auto supplies, furniture and other
16 specialty stores.

17 PRA's primary focus is to represent
18 the retail industry before the General
19 Assembly, Governor's Office and various state
20 agencies. Our member companies believe that a
21 strong, free enterprise system is the key to a
22 strong economy, and a strong economy benefits
23 all segments of every community.

24 As you consider public policy
25 changes relating to the growth of large

1 12/1/03 - RULES - BILL 030645

2 discount retail stores, we ask that you
3 recognize the tremendous benefits that
4 one-stop shopping and competitively priced
5 products bring to consumers. Mass retailing
6 means that people do not have to travel as far
7 to get what they need and they can afford more
8 for less.

9 We ask the Committee to also
10 consider other ways which retailers benefit
11 communities. For example, large format
12 discount retailers offer substantial economic
13 benefit to local communities. Last year one
14 member gave each local store manager in
15 Philadelphia the authority to distribute
16 \$4,200 to a variety of local charities,
17 including youth at risk programs, affordable
18 housing efforts, environmental initiatives and
19 disaster recovery. Another major retailer
20 donates more than \$1 million per week to
21 communities where the company does business.
22 And yet another donated \$170,000 to the City
23 of Philadelphia.

24 Large format retailers also offer a
25 variety of employment opportunities for your

1 12/1/03 - RULES - BILL 030645

2 citizens. Currently, our large retail provide
3 over a thousand jobs to the City of
4 Philadelphia. Many students get their first
5 job working part-time in high school and
6 during college at our stores. For those that
7 need a flexible work schedule, our large
8 format stores provide an opportunity to work
9 during the times that fit their demanding
10 schedules.

11 Finally, mass retailers offer
12 excellent careers in retailing as store
13 managers. Our stores provide good jobs and
14 meet a variety of workers' skill levels and
15 time schedules.

16 We believe the vast majority of
17 people in Philadelphia want more choice and
18 convenience in their shopping experience, and
19 that the City could benefit from the value,
20 selection, job opportunities and commitment
21 mass retailers provide.

22 PRA strongly believes that an
23 outright ban is unfair, arbitrary and a direct
24 assault on the consumers of Philadelphia.
25 Such a law is a prime example of the

1 12/1/03 - RULES - BILL 030645

2 government meddling in the free market system
3 on which this country was founded. By
4 severely restricting large format retailers,
5 Philadelphia will clearly place itself at a
6 competitive disadvantage to those neighboring
7 cities without such laws. This may likely
8 result in fewer jobs, reduced tax revenue and
9 a weakened economy.

10 In addition, requiring certain size
11 stores to submit an economic impact statement
12 is discriminatory and gives competitors an
13 unfair advantage. It is for these reasons
14 that anti-retail, anti-growth and
15 anti -consumer legislation makes poor public
16 policy and should be avoided. Thank you for
17 your time. We urge the Committee to vote no
18 on this ordinance.

19 COUNCILMAN KENNEY: Thank you very
20 much for your testimony.

21 Councilman Cohen.

22 COUNCILMAN COHEN: Aren't there a
23 number of competing interests here? Isn't
24 government in a position where it has to try
25 to deal with all of them fairly? So my

1 12/1/03 - RULES - BILL 030645

2 question would be directly on the basis of
3 that, is the intended consequence achievable?
4 Will the bill, if enacted by us, will it be
5 successful in preventing Wal-Mart from
6 building a super center? It may also have
7 unintended consequences, but will the intended
8 consequence be achieved?

9 MR. TODD: Well, if Wal-Mart intends
10 to build a super center or any other retailer
11 intends to build a store over 180,000 square
12 feet selling nontaxable items, that will keep
13 them out, yes. That's what the bill states.

14 COUNCILMAN COHEN: That would be
15 banned?

16 MR. TODD: That would be banned.

17 COUNCILMAN COHEN: All right. I
18 think we're in that position from time to
19 time. There are competing interests and we
20 have to try to resolve all of them. It seems
21 to me this bill may very well be something
22 that everybody is a little bit unhappy with,
23 but yet begins to deal with the problem.
24 Obviously, there's a lot of feeling that the
25 big giants can stamp out little groups. And

1 12/1/03 - RULES - BILL 030645

2 Philadelphia is a town of neighborhoods and
3 lots of little retail stores. And the
4 experience has been that a giant can come in
5 and suppress the stores, which is what's
6 happening in most of our neighborhoods with
7 very few retail establishments. Now, as we
8 try to rebuild neighborhoods to enable small
9 businesses to at least survive, if not
10 flourish, we're looking for ways to achieve
11 that.

12 Does not this bill move in that
13 direction? Would it make it much more likely
14 that small businesses will be able to sustain
15 themselves?

16 MR. TODD: It's a slippery slope
17 once you start regulating what a store can
18 sell and what they cannot sell within their
19 four walls. You're not regulating a Starbucks
20 store that is putting the mom and pop shop
21 down the street that sells coffee, you're not
22 regulating that, but yet you put mom and pop
23 down the road out of business with a Starbucks
24 store, but you're not legislating against
25 them.

1 12/1/03 - RULES - BILL 030645

2 It's a question of fairness and
3 consumer choice. Leave it to the consumers of
4 Philadelphia to decide where they want to
5 shop, is where we're coming from.

6 COUNCILMAN COHEN: But from the time
7 you're born, aren't you on a slippery slope?
8 At some point you're going to die. You don't
9 know when. So from that point of view, you
10 can't avoid every slippery slope, because in
11 the meantime, while you survive, you've got to
12 live.

13 One of the questions we've got to
14 ask ourselves in the Council is, are we so
15 committed to the concept of bigness that we
16 don't care about small business anymore? Was
17 that just words that we use temporarily, and
18 are we really interested in the big guys
19 because big guys can give us much bigger
20 campaign contributions? Therefore, pay to
21 play operates at both the government level and
22 operates at the community level.

23 Community groups get so little in
24 the way of services that, of course, if a
25 developer comes in and says, we'll outfit a

1 12/1/03 - RULES - BILL 030645

2 library, or we'll give it more books or we'll
3 put in some extra equipment in a playground,
4 the tendency of community groups is, we're not
5 going to get anything any other way, so they
6 give in, just like politicians give in who
7 feel they need this extra money to get
8 elected. I think pay to play operates not
9 just at the government level, it operates at
10 every level.

11 I think it's clear here that
12 Wal-Mart is using a law firm that establishes
13 itself by the letter I read into the record as
14 probably the number one law firm in getting
15 campaign contributions. And as a method of
16 convincing people, as well as government
17 officials, that what Wal-Mart wants is good
18 for the country and maybe for the world. I
19 have serious question as to whether that makes
20 good sense for Philadelphia.

21 So I'm sure we're on a slippery
22 slope, but then all of us always feel we're on
23 slippery slopes all the time. So what's new
24 today? You know, we've got to try to decide,
25 isn't the small businessman good for

1 12/1/03 - RULES - BILL 030645

2 neighborhood? Isn't it good to have a local
3 shoe repairman? Isn't it good to have a local
4 grocery store, that kind of thing.

5 Thank you, Mr. Chairman.

6 MR. TODD: In this free market
7 enterprise, local business can find other ways
8 to compete against the big boys. And it's
9 about fairness and the free market economy --

10 COUNCILMAN COHEN: Well, why do they
11 have to find other ways? Why isn't this a
12 good way of saying, we're not going to let you
13 take it advantage of your economic strength?
14 Doesn't big business have so many methods of
15 gaining its way? Why do they need this extra
16 business of having a super box?

17 MR. TODD: I'm not sure what you're
18 question is.

19 COUNCILMAN KENNEY: Thank you,
20 Councilman.

21 Is there a representative from the
22 Planning Commission here?

23 Mr. Chapman, can you please come up?

24 We are currently dealing with Bill
25 No. 030645. Does the Planning Commission have

1 12/1/03 - RULES - BILL 030645

2 any thoughts or opinion on this particular
3 legislation?

4 MR. CHAPMAN: Mr. Kenney, good
5 afternoon. Deputy City Planning Commission,
6 my name is Thomas Chapman. This bill has not
7 been considered by the Planning Commission at
8 this time.

9 COUNCILMAN KENNEY: Is there any
10 plans for the Commission to consider it?

11 MR. CHAPMAN: The Planning
12 Commission does have a meeting next Wednesday,
13 I believe it is.

14 COUNCILMAN KENNEY: Is this on the
15 agenda, do you know?

16 MR. CHAPMAN: The agenda is not set.

17 COUNCILMAN KENNEY: Is it likely
18 that this will be on the agenda? I mean, do
19 you think, based on past experience, that this
20 may be on the agenda? Do you guys deal with
21 every bill that has something to do with
22 zoning or planning?

23 MR. CHAPMAN: Yes, that's correct.
24 Anything that amends Title 14 is required to
25 be considered by the Planning Commission under

1 12/1/03 - RULES - BILL 030645

2 the Home Rule Charter.

3 COUNCILMAN KENNEY: Thank you very
4 much.

5 Councilman Cohen.

6 COUNCILMAN COHEN: Irwin Aronson is
7 from the Bar Association, and would like the
8 opportunity to respond here today.

9 COUNCILMAN KENNEY: Is he prepared
10 to do so now?

11 COUNCILMAN COHEN: Yes. I
12 understand he's prepared to go right on.

13 Just give us the other point of
14 view.

15 COUNCILMAN KENNEY: Come forward.

16 The one thing that I'm getting
17 increasingly concerned about is we have now
18 two sets of lawyers with two different
19 opinions, which is not uncommon; however, the
20 one lawyer that we normally are required to
21 abide --

22 COUNCILMAN COHEN: Nobody will be
23 allowed a rebuttal.

24 COUNCILMAN KENNEY: The lawyers that
25 we're usually required to at least listen to

1 12/1/03 - RULES - BILL 030645

2 or take into consideration are the Solicitor's
3 Office, and we haven't heard anything from
4 them. Certainly, this lawyer's opinion is
5 important to hear, as was the Bar Association
6 people, but again, in the end the City's
7 Solicitor's Office is kind of our Ultimate
8 guide.

9 So with that being said, please.

10 MR. ARONSON: Thank you, Mr.
11 Chairman. My name again is Irwin Aronson.
12 I've been previously introduced before this
13 Committee. A couple of comments.

14 An allegation was made by one of the
15 witnesses that the legislation as drafted
16 prohibits any grocery store of less than
17 90,000 square feet to exist. This is simply
18 false. It is a misreading or a
19 mischaracterization of what is in the
20 legislation, to the best of my knowledge. And
21 if for some reason there would need in the
22 otherwise salutary effect of this legislation
23 to have some modest modification of that
24 language to make it clear to Mr. Sklaroff, I'm
25 sure we could work that through.

1 12/1/03 - RULES - BILL 030645

2 COUNCILMAN KENNEY: What sections
3 are suggesting that?

4 MR. ARONSON: I'm not suggesting any
5 section because I don't where he reads that
6 from. But if it is indeed something that
7 creates an ambiguity where I didn't see one --
8 .

9 COUNCILMAN COHEN: I'd just suggest
10 you and Mr. Sklaroff get together.

11 MR. ARONSON: If that was necessary.
12 Really, this bill is ripe for passage. Let me
13 suggest some other responses, if I may,
14 Councilman Cohen, and Committee Members, Mr.
15 Chairman.

16 There are, contrary to the assertion
17 made to you, over 170 cities and towns
18 throughout the United States that have adopted
19 legislation akin to what is before you today
20 in Bill No. 030645. To suggest that
21 Philadelphia is an island against Nafta or is
22 being proposed to be such is hyperbolic
23 certainly, but doesn't get us to the point. I
24 use that as a touch stone .

25 In reading the resolution, which

1 12/1/03 - RULES - BILL 030645

2 I've just seen for the first time only about
3 several moments ago, the resolution adopted by
4 my union, the Bar Association, I find myself
5 in that rare situation where I'm opposed to
6 something that a union is doing. And I say
7 that because primarily as I read the
8 resolution and its various introductory
9 comments, it is addressing not legal issues,
10 but public policy issues, which are decisions
11 for the City Council to make, not for we
12 lawyers to make. It implies that the
13 legislation is vague, but I have read it and I
14 see no such vagaries. It speaks in detail
15 about adverse impacts on business and trade.
16 And indeed, any regulatory activity undertaken
17 by any deliberative or legislative body has
18 some adverse impact on some sector. That's
19 just the fundamental nature of regulatory
20 activity. That's a consequence of how we deal
21 with competing interests in a society, as
22 Councilman Cohen has alluded to earlier today,
23 both in conversations on this legislation and
24 the legislation that was previously
25 introduced.

1 12/1/03 - RULES - BILL 030645

2 There are no hidden taxes or hidden
3 penalties in this legislation as I've read it,
4 as I've reviewed it. It doesn't exclude
5 anything. It limits and restricts
6 inappropriate fashions consistent with the
7 public policy that this City Council develops
8 for the entire City.

9 In closing, let me suggest to you
10 that any suggestion that a decision of the
11 Commonwealth Court of Pennsylvania is not
12 binding on the City of Philadelphia is a
13 suggestion that in and of itself is an effort
14 to lead this City Council down a path of
15 rejecting the rule of law, something which
16 this City Council has itself rejected on many,
17 many occasions over many centuries. Thank you
18 very much.

19 COUNCILMAN COHEN: Like all good
20 lawyers, Mr. Sklaroff can find weaknesses in
21 bills and he could look where they exist and
22 he can also find them where they don't exist,
23 but that goes with being a lawyer and that's
24 why it was important to have both sides
25 presented today.

1 12/1/03 - RULES - BILL 030645

2 MR. ARONSON: Thank you, Councilman
3 Cohen. Indeed, were I not able to find flaws
4 in everyone else's work, I wouldn't be able to
5 make a living. Thank you.

6 COUNCILMAN KENNEY: Thank you very
7 much.

8 In addition to the Planning
9 Commission and the Solicitor's Office being
10 silent on this issue, we have not heard either
11 from the Commerce Department or from the
12 Mayor's Office. So we're not getting a lot of
13 input from the government formally as to where
14 they stand on this bill, and that's not a
15 common practice.

16 COUNCILMAN COHEN: We haven't gotten
17 any position on either bill, have we, today?

18 COUNCILMAN KENNEY: No.

19 COUNCILMAN COHEN: That's par for
20 the course. The Mayor is hiding.

21 COUNCILMAN KENNEY: Anybody else to
22 testify on this bill?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing none,
25 we'll now move to Bill No. 030730, which is an

1 12/1/03 - RULES - BILL 030730
2 ordinance amending Title 14 of the
3 Philadelphia Code, entitled, "Zoning and
4 Planning," by adding a new Section 14-1628
5 entitled, "District Special Controls,"
6 prohibiting certain uses in relation to the
7 sale of malt and brew beverages, all under
8 certain terms and conditions.

9 Can we have Mr. Chapman, please?

10 There's four people to testify from
11 the community. I just want to let the
12 community know that I've polled the Members of
13 the Committee. All of the Members of the
14 Committee are in favor of this bill, and we
15 are going to vote to put it out of Committee
16 today. So any comments you make, be made with
17 the understanding that we're all voting yes on
18 it, so you can save yourself some time and
19 energy, but we love to hear from you anyway.
20 Thank you.

21 Mr. Chapman.

22 MR. CHAPMAN: Good afternoon, once
23 again, Mr. Chairman and Members of the Rules
24 Committee. For the City Planning Commission,
25 my name is Thomas Chapman.

1 12/1/03 - RULES - BILL 030730

2 This bill, Bill No. 030730, was
3 introduced by Councilmembers Blackwell,
4 Council President Verna, Councilmembers
5 DiCicco, Miller, Nutter and Tasco on November
6 13th of this year. If enacted, this bill
7 would amend Title 14 of the Philadelphia Code
8 by adding a new Section 14-1628, entitled,
9 "District Special Controls." This bill would
10 prohibit certain uses related to the sale of
11 malt and brew beverages in the 1st, 2nd, 3rd,
12 4th, 8th and 9th Councilmanic districts. This
13 bill, again, has not been considered by the
14 Planning Commission. It's scheduled to be on
15 our meeting agenda for next week.

16 COUNCILMAN KENNEY: Councilmember
17 Blackwell, please.

18 COUNCILWOMAN BLACKWELL: Thank you.
19 For those who were at the previous hearing, as
20 you may know, we introduced a bill to have a
21 pilot program in the 3rd District, but we're
22 very, very pleased to have Councilman DiCicco
23 approach us first and then other
24 Councilmembers about being included in this
25 whole issue of zoning for stop-and-goes. So

1 12/1/03 - RULES - BILL 030730

2 as was read, certainly my colleagues,
3 Councilman DiCicco, Councilwoman Verna,
4 Councilman Nutter, Councilwoman Tasco and
5 Councilwoman Miller are all included in this
6 legislation.

7 Given the fact that I've had many
8 people ask me, especially press, about our
9 position on this, as all of us know and
10 everyone who has the experience of living near
11 a stop-and-go, realizes that we are interested
12 in the more than 90 percent of great
13 businesses that exist in our City, but
14 certainly we want the ability to try to
15 regulate as much as we can those who allow
16 their establishments to be hang outs, who sell
17 cigarette paper and loose cigarettes and have
18 drugs and other illegal activities going on
19 inside and out. That is our agenda only, to
20 help to maintain and increase the quality of
21 life for all who live and work in our City.

22 We support great businesses and we
23 don't support or respect those who do not work
24 with the community. And this bill will permit
25 every business to, in the future, to go apply

1 12/1/03 - RULES - BILL 030730

2 for a variance with zoning, which will allow
3 the community the opportunity to participate
4 in the process and have dialog with new
5 stop-and-goes in their areas. That's what
6 it's all about for us.

7 Certainly to those who have come to
8 testify, we will be having hearings later on
9 in the month where we invite our state
10 officials to talk about stop-and-goes overall
11 and the bigger problem of regulation, how many
12 there are, as much as they did liquor laws
13 years ago when there were a lot of bars in one
14 neighborhood. We'll have that discussion.
15 We'll begin that discussion with hearings
16 later on in the month.

17 Mr. Chairman, thank you very much.
18 Thank everyone for their patience. We know
19 it's been a rough day.

20 COUNCILMAN KENNEY: Thank you very
21 much.

22 Is there any representative from the
23 community who would like to go on the record
24 for a moment?

25 Please identify yourself.

1 12/1/03 - RULES - BILL 030730

2 MR. SPEARMAN: My name is Greg
3 Spearman. I'm currently participating in a
4 boycott up on 55th and Larchwood. I think
5 we've been out 391 days straight today.

6 I'm very much concerned about the
7 quality of life issues in our community. Not
8 only do we address stop-and-goes, we address
9 concerns. Actually, I'm president of the 18th
10 District Community Town Watch which, of
11 course, these type of issues are paramount.
12 And for us to be out there 391 days
13 consistently from the time that they opened to
14 the time they close, at least shows the
15 commitment, and not only with me, but with my
16 other members that we have to maintain a
17 quality of life in our community.

18 I think it's misunderstood by those
19 Councilmembers of yours who haven't signed on
20 to it because I think it will send a sign or
21 show a sign of solidarity across Philadelphia.
22 And being proactive instead of reactive to
23 these types of establishments -- because it's
24 documented throughout the law enforcement
25 agencies and Councilmembers across

1 12/1/03 - RULES - BILL 030730

2 Philadelphia -- that these here types of
3 business are nuisances. I'd like to applaud
4 Councilman DiCicco for signing right on
5 without any hesitation, because that shows the
6 signs of leadership that's definitely needed
7 in our community.

8 We understand the teeth that are in
9 this bill, instead of like some others like to
10 say, lack of teeth in the bill, and it at
11 least shows that the Members, the
12 Councilmembers that signed on, are truly
13 concerned and doing what they can to assist
14 us.

15 Because the signage that these type
16 of establishments put up in their stores is
17 offensive. They are just outright breaking
18 the law by not having seating in their
19 establishments. I can show you dozens -- and
20 I'm not talking about one or two -- dozens in
21 West Philadelphia alone. I can take you in
22 North Philadelphia. That's why I'm truly
23 concerned why Councilman Clarke didn't sign on
24 before he did. I do believe that he is going
25 to participate, and I hope it's true. Because

1 12/1/03 - RULES - BILL 030730

2 North Philadelphia is littered with these type
3 of establishments.

4 The types of products shows that
5 they're target marketed to minority and
6 economically depressed communities, and they
7 are persistent on putting these type of
8 products that we -- and I'm talking about
9 responsible citizens -- do not buy. Blunt
10 wraps, we don't buy blunt wraps. I'm not
11 talking about Topp paper. Blunt wraps. The
12 sole purpose of blunt wraps is to wrap
13 marijuana. The tobacco industry found out
14 that they can just sell the paper without the
15 tobacco to the young kids for the wrapping of
16 marijuana exclusively. Straight shooters,
17 which are crack pipes. They call them roses.
18 These types of establishments sell them. They
19 don't hide them. They sell them. They have
20 them sitting up in boxes. This is offensive.
21 This is offending to us who go out and work
22 every day. We jump on these buses. We are
23 law-abiding citizens. And then to look up and
24 see that we don't have no recourse.

25 We already went through it where you

1 12/1/03 - RULES - BILL 030730

2 say the City, the City says the state, and we
3 get caught in between to be sitting up here
4 and know that there is an establishment that
5 we are standing out in front of for 391 days
6 that don't have seating, still don't have
7 seating, never intended to have seating. They
8 have seating in the back now to try to make
9 one think that they had seating, but that's
10 back in their work area. Never intended for
11 the public use. No restroom. Just outright
12 go into business to break the law. Going to
13 compromise our safety.

14 Shootings. Shootings are not
15 uncommon outside of these establishments. And
16 as we all know, we found out with the JBM that
17 these here characters can't shoot. So we're
18 talking about stray bullets flying across the
19 street, down the street and hitting us. And
20 the establishment that I'm talking about now,
21 in their refrigeration, they have Hugs, the 25
22 cent drinks that the kids drink, sitting right
23 next to a row of 40-ounce malt liquor right
24 next to it. That's why we're here.

25 We went over it, but once you stand

1 12/1/03 - RULES - BILL 030730

2 outside an establishment and go through these
3 frustrating tactics that they try to put you
4 through, this is just minor. We're out there
5 from 7 a.m. to 2 a.m.

6 This bill will not address the
7 issues that we're here for. We're here
8 fighting for other communities that will go
9 through the same type of disrespect that this
10 business has shown us in our community.
11 That's what we're here for.

12 I said in the past, the last time
13 that I was here, there is a new tactic that
14 they have going on now, they have included
15 with the stop-and-goes, bars. So they have
16 bars. They actually cut the bars in half, so
17 it's half the volume. So you can sit at the
18 bar. You got the stop-and-go in the front or
19 in the back. On the 1500 block of South 16th
20 Street they have one. They got Plexiglass up
21 to the bar so the ones sitting in the bar,
22 they're sliding drinks through. The 5200
23 Block of Girard Avenue, they have one, yet
24 kids are still allowed to go in there.

25 What I'd like to say to the other

1 12/1/03 - RULES - BILL 030730

2 Councilmembers who didn't sign on, such as
3 O'Neill, Krajewski or whoever else it is, with
4 the implosion of these high rises and with the
5 scattering of these here tenants of PHA and
6 what not, they're moving into your community
7 and so are these stop-and-goes. So it still
8 will affect you just the same. If you think
9 you're excluded, you're not. And if we, an
10 organized community, have to stand outside of
11 an establishment for 390-something days, just
12 think about the communities that don't have
13 the ability to mobilize or organize such as
14 we. It's overwhelming. Not only that, it's
15 insulting. I truly feel insulted and
16 disrespected by the financiers, the business
17 owners and those who think it it's just
18 acceptable for these type of businesses and
19 practices to happen in our community. I truly
20 feel insulted.

21 And there's no reason not to sign to
22 this bill and show the solidarity that is
23 needed for the liquor industry to know that
24 it's not acceptable just to come in and
25 destroy the quality of life of our communities

1 12/1/03 - RULES - BILL 030730

2 here in Philadelphia. It's not acceptable.
3 At one time it was acceptable to take and put
4 -- it was not acceptable and felt disrespected
5 to slide your food or money through a hole in
6 the store. Now it's become acceptable. Now
7 they're trying to force it to be acceptable to
8 slide a drink through a hole.

9 Well, we took an organized (sic)
10 around a bar on 54th and Spruce. They had the
11 store configuration to set up for a
12 stop-and-go in the front and a bar in the
13 back. And we stopped that. We still got our
14 eye on them because we found out one of common
15 denominators in these types of establishments
16 is that they will say anything to get what
17 they want. Once they get inside, they do what
18 they want. I'd like to thank you.

19 COUNCILMAN KENNEY: Thank you.

20 Ma'am.

21 MS. WILLIAMS: Good afternoon to the
22 Committee. My name is Elder Pamela K.
23 Williams. I'm here representing the Kim
24 Denise Williams Foundation, which is a
25 non-profit organization from West

1 12/1/03 - RULES - BILL 030730

2 Philadelphia.

3 After hearing the statement of
4 Councilwoman Jannie Blackwell, I would like to
5 commend the Committee for its anticipated
6 approval of this bill, and we would hope that
7 the upcoming hearings would allow the
8 community an opportunity to voice their
9 opinions on the restructuring of how we deal
10 with the violators of this bill, and how we
11 deal with the laws that have been on the books
12 for years in reference to the locale of these
13 stop-and-goes and the quantity of the
14 stop-and-goes within our community.

15 Let me say as a representative of a
16 portion of the West Philadelphia community,
17 that we do commend you voting on this and we
18 look forward to the upcoming hearings that
19 we'll be able to voice our opinions and assist
20 you in making adjustments to the bills so that
21 the community will have a greater voice in
22 structuring these facilities in our community.
23 But we do thank you and appreciate your
24 anticipated approval.

25 COUNCILMAN KENNEY: Thank you for

1 12/1/03 - RULES - BILL 030730

2 your attendance and your patience in waiting.

3 Please identify yourself for the
4 record.

5 MS. GORDON: Hi. I'm Tracy Gordon.
6 I'm a community organizer in Southwest
7 Philadelphia.

8 One of the things that I also wanted
9 to emphasize is I'm happy that you're going to
10 put a freeze on the bills, but the stores that
11 they have existing now are just gateway houses
12 for drugs. If you look at the configuration,
13 you'll see that in the windows, they'll have
14 the blunt paper right next to the sunflower
15 seeds and the fish, and like he said, the
16 Hugs. And I think that's a violation because
17 if minors aren't allowed to go into bars --
18 and I guess that was because of the alcohol --
19 then we're thinking that maybe they shouldn't
20 be allowed to even go into these stop-and-goes
21 because you have the potato chips in the
22 window right next to the drug paraphernalia.
23 Everybody knows that blunts are drug
24 paraphernalia.

25 Another thing that they're violating

1 12/1/03 - RULES - BILL 030730

2 is our quality of life with the unsightly,
3 disrespectful nudity signs that's placed in
4 these windows. You'll have scantily clad
5 women with the 40 bottles in the windows with
6 neon signs. I think that we should look into
7 the reconfiguration of these stores.

8 Lastly, I wanted to say is these
9 stores, everybody knows they're hangouts for
10 drug dealers. If I can see it when I'm
11 walking by, how in the world if I own the
12 store, don't I see it. For the most part,
13 they don't even live in our community. They
14 live in other communities that don't even
15 allow it. So I just wanted you all to also
16 consider us passing a law to restructure how
17 they present stores in our neighborhood.

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

20 As I said before, the Committee will
21 be voting this bill out with a favorable
22 recommendation and a Rules suspension to allow
23 for final passage the week after this
24 Thursday.

25 Councilmember Clarke.

1 12/1/03 - RULES - BILL 030730

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

4 Mr. Chairman, there will be an
5 amendment to the bill.

6 COUNCILMAN KENNEY: Okay. So,
7 Councilman Clarke, you'll be amending your
8 district into the bill?

9 COUNCILMAN CLARKE: Yes, sir.

10 COUNCILMAN KENNEY: The next bill
11 for consideration is 030670, which is an
12 ordinance to amend the Philadelphia Zoning
13 Maps by changing the zoning designations of
14 certain areas of land located within an area
15 bounded by 2nd Street, Turner Street, Hancock
16 Street and Oxford Street.

17 Mr. Chapman, please, first, Planning
18 Commission. Please identify yourself.

19 MR. CHAPMAN: Good afternoon once
20 again, Mr. Chairman, and Members of the
21 Committee. For the City Planning Commission,
22 I'm Thomas Chapman.

23 This bill was introduced on October
24 16th of this year by Councilmember Mariano.
25 It would rezone the block bounded by 2nd

1 12/1/03 - RULES - BILL 030730

2 Street, Turner Street, Hancock Street and
3 Oxford Street from the existing G2 General
4 Industrial, to RC1 Residential.

5 This rezoning has been requested to
6 allow the development of this site with a
7 residential 30-unit new construction
8 residential for elderly and disabled persons.
9 This rezoning proposal is scheduled to be
10 considered by the Planning Commission at its
11 meeting of December 9th, 2003. Thank you.

12 COUNCILMAN KENNEY: Thank you very
13 much.

14 Any questions for Mr. Chapman?

15 (No response.)

16 COUNCILMAN KENNEY: Seeing none,
17 please come forward.

18 Please identify yourself for the
19 record.

20 MR. MULCAHEY: Good afternoon, Mr.
21 Chairman, Members of the Council. My name is
22 Richard T. Mulcahey Jr., of the Schubert,
23 Bellwoar firm. I represent the buyer of this
24 property, Sicilian Housing Corporation, which
25 is a non-profit housing organization

1 12/1/03 - RULES - BILL 030730

2 established by the Sisters of Saint Joseph in
3 Chestnut Hill. With me is Sister Barbara Ann
4 Winnells (ph), who is the treasurer of the
5 Sisters of Saint Joseph, and we do have a
6 short proposal to show you, a short
7 presentation.

8 The sisters are going to request
9 approval to construct a 49-unit, Section 20
10 Housing for the elderly. They have two
11 similar projects; one in Flourtown, Montgomery
12 County, close to the campus at Chestnut Hill;
13 and they have another project similar in
14 McSherrystown, Adams County, Pennsylvania.
15 HUD has given superior ratings to both
16 projects. And what the sisters would like to
17 do is take the former site of Mrs. Restler's
18 Food Products, which is now a vacant lot with
19 a burned down building, demolish the existing
20 structures and put up a new structure. And I
21 do have plans just to show you, if you care.

22 Mr. Chairman, the three plans show a
23 site plan, what the building would look like,
24 and the third is a floor plan. HUD has
25 approved a grant to the Sisters of Saint

1 12/1/03 - RULES - BILL 030730

2 Joseph in the amount of \$5.899 million to
3 construct this at the site. And as I said,
4 there will be 49 one-bedroom apartments, and
5 there will be rental assistance that will be
6 granted of approximately \$900,000 dollars over
7 the next five years. That is the basic
8 presentation for the project. And I do have
9 Sister Barbara Ann Winnells here who could
10 talk about the discussions that she had with
11 the neighborhood groups in support of this
12 project.

13 COUNCILMAN KENNEY: Sister, would
14 you please identify yourself for the record?

15 MS. WINNELLS: My name is Sister
16 Barbara Ann Winnells, Sister of Saint Joseph.

17 We had been looking for a possible
18 site, and after conversation with Scott
19 Christian, the executive director of
20 Kensington South, he encouraged us that this
21 was a dream that they had. And what they were
22 going to was to look to use this site and to
23 go after tax credits. However, we felt we
24 could work together since we already had the
25 funding from HUD.

1 12/1/03 - RULES - BILL 030730

2 We met with Scott on two occasions,
3 August 12th and 18th, and went over the
4 proposal. He then introduced us to the zoning
5 group of Kensington South, and we met with the
6 representatives from their zoning group. We
7 then went out to the neighborhood. They
8 received it very favorably and they really
9 feel this will be a gift to their
10 neighborhood.

11 On September 3rd we met with the
12 neighbors and everyone was very positive and
13 everyone voted for it that evening. At that
14 point we just came with the idea. We had no
15 drawings. And we encouraged them, that if we
16 went to our architect and got drawings, that
17 they would have a better sense of what was
18 going to happen. So we did that and then we
19 met again on October 7th. And at that meeting
20 we had many neighbors from the neighborhood,
21 the extended neighborhood as well as the
22 immediate neighborhood, and there was 100
23 percent in favor of moving ahead with this
24 proposal.

25 COUNCILMAN KENNEY: Thank you very

1 12/1/03 - RULES - BILL 030709

2 much for your testimony.

3 Are there any questions for the
4 witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing none,
7 thank you for coming.

8 I'm sure the bill will get approval.
9 The plan will receive approval of the
10 Committee and final passage within a week from
11 this Thursday by the full Council. Thank you
12 for your work in the community.

13 Anyone else to testify on this bill?

14 COUNCILMAN KENNEY: Seeing none, we
15 will now go to Bill No. 030709, an ordinance
16 approving the fourth amendment of the
17 redevelopment proposal for the Point Breeze
18 East Urban Renewal Area, being the area
19 generally bounded by the southerly side of
20 Washington Avenue on the north, the westerly
21 side of Broad Street on the east, the
22 northerly side of Moore Street on the south
23 and the easterly side of 20th Street on the
24 west, including the fourth amendment to the
25 Urban Renewal Plan and the second amendment to

1 12/1/03 - RULES - BILL 030709

2 the relocation plan, which provides, inter
3 alia, for the additional land acquisition of
4 approximately three properties for
5 residential and related uses; the provision
6 of certain relocation services, as required by
7 law and declaring that condemnation is not
8 imminent with respect to the project.

9 Mr. Wetzel.

10 MR. WETZEL: Good afternoon. My
11 name is Herbert Wetzel, Executive Director of
12 the Redevelopment Authority of the City of
13 Philadelphia.

14 Mr. Chairperson and Members of the
15 Committee, I'm here to speak in support of
16 Bill No. 030709, the fourth amended
17 redevelopment proposal and fourth amended
18 Urban Renewal Plan for the Point Breeze
19 redevelopment area and the Point Breeze Urban
20 Renewal area.

21 This bill would authorize the
22 Redevelopment Authority to acquire three
23 vacant lots for institutional development.
24 The properties to be acquired are located at
25 1208, 1210 and 1212 South 15th Street.

1 12/1/03 - RULES - BILL 030709

2 Acquisition funding will be provided utilizing
3 bond proceeds from the Neighborhood
4 Transformation Initiative.

5 These properties will be acquired on
6 behalf of Citizens Acting Together Can Help,
7 Inc., or CATCH, a non-profit social service
8 provider. CATCH focuses its efforts in four
9 primary areas; mental health, developmental,
10 disability services, continuum of care for the
11 homeless and management services. CATCH will
12 use this site to construct a new facility to
13 replace an outdated nearby facility.

14 Mr. Chairperson and Members of the
15 Committee, I respectfully request favorable
16 consideration of Bill No. 030709, and would
17 also ask for the suspension of Council Rules
18 to allow first reading on December 4th, 2003.

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

21 MR. REDDING: Yes. Good afternoon,
22 Mr. Chairman, Members of the Committee. I'm
23 Richard Redding from the City Planning
24 Commission and I'm Deputy Director of
25 Community Planning testifying in favor of Bill

1 12/1/03 - RULES - BILL 030709
2 030709. It's an amended redevelopment
3 proposal for Point Breeze East Urban Renewal
4 Area authorizing acquisition of three
5 properties for a group home to be occupied by
6 CATCH organization.

7 The Planning Commission approved
8 this at its October meeting. Thank you.

9 COUNCILMAN KENNEY: Mr. Pescatore,
10 please identify yourself for the record.

11 MR. PESCATORE (ph): Yes. I'm
12 Pescatore. I'm CEO of CATCH, Incorporated.
13 This proposal is to replace an existing
14 residential facility literally across the
15 street from the acquired lots.

16 COUNCILMAN KENNEY: Thank you.
17 Thank you for your organization's fine work in
18 our neighborhoods, especially in South Philly
19 for many years now.

20 MR. PESCATORE: Thank you very much,
21 Mr. Chairman.

22 COUNCILMAN KENNEY: Yes? Who are
23 you?

24 MS. MURRAY: Good evening, Members
25 of the Committee. My name is Kathleen Murray.

1 12/1/03 - RULES - BILL 030709

2 I'm here to represent Council President Anna
3 Verna. She has asked me to convey her strong
4 support for this bill to you. CATCH did try
5 and purchase the properties, but because of
6 various questions of powers of attorney, have
7 not been able to do so.

8 COUNCILMAN KENNEY: Thank you for
9 your testimony.

10 Any questions?

11 (No response.)

12 COUNCILMAN KENNEY: Thank you very
13 much. Thanks for coming in and thanks for
14 your patience in waiting.

15 Anyone else to testify on this bill?

16 Seeing none, we will move to Bill
17 No. 030721, which is an ordinance approving
18 the second amendment of the redevelopment
19 proposal for the Jefferson Square Urban
20 Renewal Area, being the area generally bounded
21 by Washington Avenue on the north, South 4th
22 Street on the east, Dickinson Street on the
23 south and South 6th Street on the west,
24 including the second amendment to the Urban
25 Renewal Plan and the first amendment to the

1 12/1/03 - RULES - BILL 030709

2 relocation plan, which provides, inter alia,
3 for the additional land acquisition of
4 approximately 25 properties for residential
5 and related uses; the provision of certain
6 relocation services, as required by law and
7 declaring that condemnation is not imminent
8 with respect to the project.

9 Please identify yourself for the
10 record.

11 MR. WETZEL: My name is Herbert
12 Wetzel, executive director of the
13 Redevelopment Authority of the City of
14 Philadelphia.

15 COUNCILMAN KENNEY: Please proceed.

16 MR. WETZEL: Good evening, Mr.
17 Chairperson and Members of the Committee. I'm
18 here to speak in support of Bill No. 030721,
19 the second amended redevelopment proposal and
20 second amended Urban Renewal Plan for the
21 Jefferson Square Redevelopment Area and the
22 Jefferson Square Urban Renewal Area.

23 This bill would authorize the
24 Redevelopment Authority to acquire 25
25 properties, 22 occupied structures, one vacant

1 12/1/03 - RULES - BILL 030709

2 structure and two vacant lots on behalf of the
3 Jefferson Square Community Development
4 Corporation.

5 This project will complete the
6 City's commitment to acquire property for the
7 Jefferson Square Neighborhood Revitalization
8 Plan, which will result in the development of
9 93 units, 63 new construction market rate
10 units and 30 affordable units, of which six
11 are rehabilitation and 24 are new
12 construction.

13 The project is located in the area
14 bounded by South 4th Street, South 5th Street,
15 Federal Street and Reed Street. 22 properties
16 are occupied and will require relocation
17 assistance. As of this date, 16 of the
18 existing homeowners, according to the
19 developer, have already selected Jefferson
20 Square homes as their replacement house.

21 The acquisition cost is estimated at
22 \$1.75 million. 50 percent of this cost will
23 be financed with CDBG funds and 50 percent
24 will be financed with state funds.

25 Mr. Chairperson and Members of the

1 12/1/03 - RULES - BILL 030709

2 Committee, I respectfully request favorable
3 consideration of Bill No. 032721, and would
4 ask for the suspension of Council Rules to
5 allow first reading on December 4th, 2003.

6 COUNCILMAN KENNEY: Thank you very
7 much.

8 Anything else?

9 MR. REDDING: Nothing to add. The
10 Planning Commission approved this at its
11 October meeting, so we're testifying in favor.

12 COUNCILMAN KENNEY: Great. Thank
13 you.

14 I understand there may be a couple
15 community witnesses.

16 Is there anyone else to testify on
17 this bill?

18 (No response.)

19 MR. KING: Good evening, everyone.
20 My name is Joanna King.

21 I was living in the 1300 block of
22 South Leithgow Street for about 43 or 44
23 years. I liked it there. When this company
24 came through, Jefferson Square, it was hard
25 for me to understand, but finally I did. I

1 12/1/03 - RULES - BILL 030709

2 did what I thought was best for me to do. I
3 voluntarily agreed for my house to be
4 condemned. They promised me a new home and
5 they also promised me that I could live in my
6 old home until the new one is complete, then
7 we'll move out of my old home into the new
8 home. And Jefferson Square, everything they
9 told us yet, so far they did it. And they
10 were very cooperating to us. They help us out
11 wonderfully. And I want to give thanks to
12 Jeremy Newberg, Grant and my Councilman,
13 Frankie DiCicco.

14 I was in my street for, like,
15 40-some years. All my kids grew up on the
16 street and, like, the elementary school, they
17 graduated, they got married and everything on
18 that street. It was hard for me to give it
19 up. But when I thought about the thing that
20 was best for me, I did. I'm glad I did. I
21 want to thank each and every one who made this
22 a success.

23 We had a meeting, I think it was the
24 day before election, and some of the Jefferson
25 Square members were there, and they talked to

1 12/1/03 - RULES - BILL 030709

2 us and what they said they would do, they did
3 it. We really appreciate that. We really
4 appreciate that.

5 COUNCILMAN KENNEY: Thank you.

6 MS. KING: We love you. And if
7 there's anything we can do to help because you
8 help us out wonderfully, Mr. Newberg, Grant
9 and my Councilman, Frankie DiCicco.

10 COUNCILMAN KENNEY: I watched this
11 process go forward as almost an observer from
12 the very beginnings with Councilman DiCicco
13 and Jeremy and the neighbors, and it was a
14 very difficult process because people were
15 losing their homes. As you said, 45 years you
16 used to live there. But it really is nice to
17 see with persistence from my Councilman too --
18 he's also my Councilman -- persistence and
19 patience and working with people. You have a
20 smile on your face and you're telling us you
21 love us, which is very frightening to us
22 because that doesn't happen to us often.
23 Usually people are saying other things about
24 us. I'm glad that everything worked out for
25 you.

1 12/1/03 - RULES - BILL 030709

2 I want to recognize Councilman
3 DiCicco and thank him for all his work.

4 COUNCILMAN DICICCO: When was the
5 first condemnation?

6 MR. REDDING: It was approved in
7 December of 1999.

8 COUNCILMAN DICICCO: So it's four
9 years since the first condemnation. And the
10 mood in this room, with the exception of I
11 think one or two people, is entirely different
12 now than it was then.

13 I want to thank you and the rest of
14 the neighbors that I know are here today, not
15 only the time you put in today, but for the
16 four or five years -- actually almost seven
17 years from the date of its inception when you
18 looked at me and said, who is this man that
19 wants to take my home, to accepting what we
20 offered and moving that community in the right
21 direction.

22 We haven't let you down on any
23 promises since then and I assure you going
24 forward, we will live up to all the promises
25 we've made and continue that relationship.

1 12/1/03 - RULES - BILL 030709

2 Thank you for being here and thank you for
3 your kind words.

4 You're allowed to call me Frankie.

5 She's the only lady who calls me Frankie.

6 COUNCILMAN KENNEY: Councilman Cohen
7 has a comment.

8 COUNCILMAN COHEN: Yes. I want to
9 congratulate the neighbors and Councilman
10 DiCicco in achieving a solution here that
11 makes everybody happy. If I recollect
12 correctly, I was being my usual obnoxious self
13 at the hearing --

14 COUNCILMAN DICICCO: Yes, you were.

15 COUNCILMAN COHEN: -- fighting on
16 behalf of something I hadn't heard about until
17 the hearing date and for the rights of the
18 tenants. And Councilman DiCicco, while he
19 hated me for doing it, was very cooperative in
20 agreeing to meet with everybody. It's been a
21 long, hard process, and I'm delighted it's
22 worked out to everybody's advantage.

23 So to the neighborhood it shows,
24 don't give up on the City even when we seem to
25 be unreasonable.

1 12/1/03 - RULES - BILL 030709

2 To ourselves, congratulations for a
3 job well done, Councilman DiCicco.

4 (Applause.)

5 COUNCILMAN DICICCO: Thank you.

6 MR. NEWBERG: My name is Jeremy
7 Newberg. I'm the director of the Jefferson
8 Square Community Development Corporation.

9 I want to thank the City, because
10 the only way a project of this magnitude can
11 occur is with all the resources of the City
12 coming and coordinating to make it happen.
13 It's the Redevelopment Authority for land
14 acquisition. It's OHCD for innovative
15 funding. But deeper, it's L & I for
16 cooperation in dealing with demolition. It's
17 the City Solicitor in dealing with properties
18 with back taxes. All those elements were just
19 so critical.

20 Personally, I want to thank Herb
21 Wetzel and Michael Kuntz (ph) and his staff,
22 because without them we couldn't be here. So
23 thank you.

24 COUNCILMAN KENNEY: Thank you very
25 much.

1 12/1/03 - RULES - BILL 030709

2 Sir, could you please identify
3 yourself for the record.

4 MR. JOSEPH GETKA: Yes. My name is
5 Joseph J. Getka. I am the owner of record of
6 1230, 1232, 1234 South 5th Street, as well 504
7 Titan Street, which is a connecting and
8 adjacent property.

9 This is the first notice that I
10 received in the mail, as well as one that's at
11 the post office now, which I haven't had a
12 chance to pick up yet because I wasn't home
13 when it was delivered, that there was a
14 meeting on condemning my properties.

15 On the first condemnation
16 proceeding, we never knew about it until a
17 friend called me and told me, your name is in
18 the paper. They condemned your properties.
19 So I just want to make note that that is how
20 this happened.

21 Since I owned 1234, and 1234 was
22 not condemned, and I own 504, which the yard
23 is connected, and that was not condemned, only
24 30 and 32 was condemned, and 32 was already
25 half built as a duplex -- I believe it was

1 12/1/03 - RULES - BILL 030709

2 going to be a triplex -- and I gave that to my
3 son, who is Drexel University student. And he
4 was going to finish fixing upstairs, rent it
5 out to friends, and it was going to pay for
6 his tuition. As a result of the City taking
7 this property, he has not been able move
8 anybody in it upstairs, and we've had to pay
9 his tuition out of our pocket all these years.
10 He is still living there.

11 Now, because you took 30 and 32,
12 which I bought legitimately from the City of
13 Philadelphia sometime before this taking, I --
14 and had not taken 34 -- I was forced to hire
15 an attorney and go to court to try to save the
16 two properties, since they were in the middle
17 of the L shape that I already owned. So when
18 you look at this parcel and look down the
19 years -- and I always thought this
20 neighborhood was going to do well, which is
21 why I bought those properties.

22 I'm a retired police officer. I'm
23 currently a school police officer. I've done
24 all the my work on all my properties after
25 work at the expense of my family. These

1 12/1/03 - RULES - BILL 030709

2 places had been on fire when I was able to get
3 them, and I had to repair all that damage and
4 I did it all myself.

5 So because, again, the two
6 properties were taken and not the L, I went to
7 court to try to fight the taking of those two
8 properties because I wanted to develop those
9 two properties. I told them I was going to
10 build a house that was like the one at 2nd and
11 Catherine, on the corner property, which was a
12 vacant lot with off-street parking, and then
13 finish rebuilding the center one, and I would
14 have owned that. Somewhere down in the
15 future, after I'm dead, my family could have
16 knocked down all four of the houses and built
17 a nice mansion if they wanted to because it
18 would have been a lot size.

19 I've been talking to Mr. Newberg
20 and the gentleman from the Redevelopment
21 Authority. I'm supposed to meet with him
22 Wednesday. But we want to make sure that we
23 get compensated. Because 1234, we didn't know
24 until last week that that was being taken
25 until it appeared in the paper and I got the

1 12/1/03 - RULES - BILL 030709

2 letter in the mail. We assumed all along
3 that, okay, my son will get another property
4 to move into and he could stay where he is now
5 until it's built.

6 MR. DAMON GETKA: Just to break in,
7 my name is Damon Getka, and I live at 1232
8 South 5th Street. I've been living there for
9 about three-and-a-half years. I was living
10 there before it was taken.

11 I don't have a story like Mrs. King
12 over there. I have not had a good experience
13 with this, simply because it kind of broke my
14 dreams down because I was finally going to be
15 a property owner. I had a place I was living
16 in. I moved in there and I was fixing up the
17 second and third floors. We were in the
18 middle of trying to get a kitchen when
19 somebody called us and said, your property has
20 been taken. And I've continued to live there.
21 It was listed as blighted, and I can't really
22 argue with that too much for the second and
23 third floor.

24 We were initially offered about
25 \$6,000 for the house. I think we paid about

1 12/1/03 - RULES - BILL 030709

2 \$13,000 to the City to buy it. And it's just
3 really not fair. We're kind of getting
4 strong-armed out of our apartments and our
5 property. That's where I've been living all
6 this time. I don't know what's going to
7 happen as soon as the construction is ready to
8 be done. Are they just going to kick me out
9 on the street?

10 At one point, supposedly they
11 offered us -- they said they would give us --
12 since we had a vacant lot and a house, they
13 were going to give us one of the other houses
14 that they were building in the area.

15 Meanwhile, we were fighting the taking,
16 thinking that we could actually keep it
17 because it made no sense to take those two
18 properties without taking 1234, which is the
19 issue of today. And then when we went back
20 and said, all right, well, let's talk about
21 where my house can be. They said, well, I'm
22 sorry, that window of opportunity is closed
23 and we'll no longer offer you a house. So
24 where am I going to live now?

25 COUNCILMAN KENNEY: Councilman.

1 12/1/03 - RULES - BILL 030709

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

4 When were these properties
5 purchased?

6 MR. JOSEPH GETKA: I didn't get a
7 chance to stop at my attorney's and get the
8 notes of testimony. I took the case to court
9 and we lost in Common Pleas Court. Then I
10 appealed it.

11 COUNCILMAN DICICCO: When were the
12 properties purchased?

13 MR. JOSEPH GETKA: Late '80s. Over
14 10 years ago.

15 COUNCILMAN DICICCO: What's on 1230
16 today?

17 MR. JOSEPH GETKA: It's a vacant
18 lot.

19 COUNCILMAN DICICCO: When you
20 purchased in the late '80s, what was it then?

21 MR. JOSEPH GETKA: 1230 --

22 COUNCILMAN DICICCO: Is vacant lot
23 today?

24 MR. JOSEPH GETKA: Yes. Is it a
25 vacant lot today because the City knocked the

1 12/1/03 - RULES - BILL 030709

2 house down.

3 COUNCILMAN DICICCO: When did the
4 City knock the house down?

5 MR. JOSEPH GETKA: I don't have the
6 exact date. We can find that out.

7 COUNCILMAN DICICCO: Was it after
8 you purchased it or prior to purchase?

9 MR. JOSEPH GETKA: Prior.

10 COUNCILMAN DICICCO: So you
11 purchased it as a vacant lot; is that correct?

12 MR. JOSEPH GETKA: Yes.

13 COUNCILMAN DICICCO: 1232, what is
14 there today?

15 MR. DAMON GETKA: My house.

16 MR. JOSEPH GETKA: It's a
17 three-story house.

18 COUNCILMAN DICICCO: 1234?

19 MR. JOSEPH GETKA: A single family
20 dwelling, three stories, four bedrooms,
21 occupied.

22 COUNCILMAN DICICCO: It is occupied?

23 MR. JOSEPH GETKA: Yes, it is.

24 MR. DAMON GETKA: It's been occupied
25 for the past ten years.

1 12/1/03 - RULES - BILL 030709

2 COUNCILMAN DICICCO: 504 Titan, what
3 is there today?

4 MR. DAMON GETKA: A single family
5 dwelling, occupied as well for about the same
6 amount of time as 1234. We got them around
7 the same time.

8 COUNCILMAN DICICCO: You mentioned
9 1230 and 1232, your desire to turn them into a
10 duplex or a triplex?

11 MR. JOSEPH GETKA: No. 1232 was
12 zoned triplex when I bought it.

13 COUNCILMAN DICICCO: In the '80s?

14 MR. JOSEPH GETKA: Yes. I was going
15 to reduce it back to a duplex with a
16 first-floor apartment, where he is. And the
17 second floor would have been three bedrooms,
18 or two bedrooms on the third floor and a den
19 in the rear of the second floor.

20 COUNCILMAN DICICCO: Are you aware
21 that each of these four properties are
22 currently zoned single family? You would have
23 to go, if you maintain ownership and if you
24 were able to continue to own these properties,
25 that you would have to go to the Zoning Board

1 12/1/03 - RULES - BILL 030709

2 of Adjustments for a variance?

3 MR. JOSEPH GETKA: I was going to
4 get the variance to go from three to two,
5 which I understand is more desirable than
6 going from two to three.

7 COUNCILMAN DICICCO: I can tell you
8 that it's been my practice since I've been in
9 Council for eight years to oppose any
10 multi-family dwellings within the middle of
11 any block.

12 MR. JOSEPH GETKA: It was existing.

13 COUNCILMAN DICICCO: It's not being
14 used now. You said he was the only one living
15 in there.

16 MR. DAMON GETKA: When we bought
17 1234 it was occupied. It was a triplex, but
18 after we bought it was pretty much by that
19 time vacant, so I moved in.

20 MR. JOSEPH GETKA: 1234 is a single
21 family dwelling. That's what's occupied.
22 We're talking about 1232 where he's living,
23 and he has been living there all this time.

24 COUNCILMAN DICICCO: On the first
25 floor?

1 12/1/03 - RULES - BILL 030709

2 MR. JOSEPH GETKA: He's living on
3 the first floor and he has all his stuff
4 upstairs. He does computer repair and also
5 has a work-out room upstairs. He was using
6 the whole place basically.

7 COUNCILMAN DICICCO: You would not
8 be legally allowed to convert that into a
9 multi-family dwelling until you go to the
10 Zoning Board of Adjustments for the variance.

11 MR. JOSEPH GETKA: It was a triplex
12 when I bought it.

13 COUNCILMAN DICICCO: It has been
14 abandoned. The use has been abandoned for
15 three consecutive years. The legislation I
16 did in 1996 changed the classification for
17 that property, and mostly all the properties
18 in that general vicinity, so you would not be
19 entitled to a multi-family dwelling as a
20 matter of right. I'm not suggesting that you
21 wouldn't get the approval from the Board.

22 MR. JOSEPH GETKA: I can live with
23 32 being a single family dwelling. And I was
24 going to build a single family dwelling, like
25 I said, like the one at 2nd and Catherine on

1 12/1/03 - RULES - BILL 030709

2 the corner property with off-street parking.

3 COUNCILMAN DICICCO: Why have you
4 waited since the late '80s until now to decide
5 to develop this site?

6 MR. JOSEPH GETKA: I've been
7 developing. When 1230 was a three-story
8 building, it was set on fire by the junkies.
9 I have been boarding that place up, and you
10 can bring in all the neighbors and tenants of
11 mine to discuss it. I have been cleaning and
12 boarding when that corner store that used to
13 be there was a butcher shop or something.

14 COUNCILMAN DICICCO: When was it
15 torched?

16 MR JOSEPH GETKA: It was torched
17 twice. It was torched before I got it. So
18 what I did was, I put \$800 down to force a
19 sheriff's sale on the property because there
20 was too much taxes owed on it. I was in the
21 process of getting that when they came and
22 started to knock it down.

23 I then called a lot of people and I
24 said, hey, I want to fix this place up. It is
25 not structurally unsound. They said, oh,

1 12/1/03 - RULES - BILL 030709

2 yeah, it's structurally unsound. I said,
3 well, stop at the first floor and I'll go from
4 there, because they had already started taking
5 it out from the third. So I could not stop
6 the demolition because these guys got their
7 money and they were going to knock that place
8 down at any cost. So I had to let that go.

9 COUNCILMAN DICICCO: But L & I
10 determined that it was structurally unsound?

11 MR. JOSEPH GETKA: Somebody did.
12 Then I end up with a dirty, rotten vacant lot.
13 I have letters that I wrote to Ed Rendell at
14 the time about this vacant lot. And I was
15 cleaning the lot. And again, you can ask the
16 neighbors. I can bring them in. I was
17 cleaning that lot for years. Then I said to
18 myself, you know what, why am I cleaning this
19 lot? Why don't I just put a sheriff's sale on
20 it? I went down and got the sheriff's sale on
21 that. People bid against me, but I won the
22 bid. That is how I acquired 30.

23 COUNCILMAN DICICCO: Five years or
24 so ago, the last time the building was set on
25 fire, you proceeded to board up the property

1 12/1/03 - RULES - BILL 030709

2 and maintain it?

3 MR. JOSEPH GETKA: I care about all
4 of that. I thought I was doing the City a
5 favor. I care about litter. I care about all
6 of that, so that's why I was doing it.

7 COUNCILMAN DICICCO: Is it true that
8 you have had some conversations with Mr.
9 Newberg of the Jefferson Square CDC? And is
10 it not true that you have been trying to
11 negotiate a more reasonable, in your opinion,
12 settlement on monetary compensation?

13 MR. JOSEPH GETKA: Since we
14 basically lost the case in Superior Court -- I
15 appealed it to Superior Court. It cost me
16 thousands of dollars to get this stuff printed
17 up and all that. And they turned it down.

18 COUNCILMAN DICICCO: Now we're stuck
19 in the financial negotiation.

20 MR. JOSEPH GETKA: We never
21 negotiated. We haven't done anything.

22 COUNCILMAN DICICCO: You were given
23 an offer, and you don't believe that the offer
24 is sufficient?

25 MR. JOSEPH GETKA: No. No. No. I

1 12/1/03 - RULES - BILL 030709

2 haven't been given an offer yet. This all
3 happened in the last week.

4 COUNCILMAN DICICCO: You haven't
5 been given an offer?

6 MR. JOSEPH GETKA: No. I haven't
7 received nothing in writing, nothing at all as
8 to what it is. We are willing to sit down and
9 talk, if that's the case.

10 COUNCILMAN DICICCO: That's what I
11 need. We're going to talk.

12 MR. JOSEPH GETKA: Again, I don't
13 want to lose because of what I have invested
14 here. I have myself and my sweat. Like I
15 said, instead of going home every day, I was
16 going down there and working every night,
17 giving up time with my family. That's what
18 I've been doing with these properties, and I
19 continue to do it because I have another
20 property I'm working on.

21 COUNCILMAN DICICCO: People are
22 living in them, right?

23 MR. JOSEPH GETKA: In what?

24 COUNCILMAN DICICCO: You said 504 is
25 occupied?

1 12/1/03 - RULES - BILL 030709

2 MR. JOSEPH GETKA: 504 has been
3 occupied, yes.

4 COUNCILMAN DICICCO: You're not
5 working in that property. What property are
6 you working in every night that you say you've
7 given up this time with your family?

8 MR. JOSEPH GETKA: All the
9 properties that I've owned.

10 MR. DAMON GETKA: We didn't hire a
11 construction company. We did the work
12 ourselves. We lifted all the sheet rock. We
13 did all the fixtures.

14 MR. JOSEPH GETKA: That's what I'm
15 saying. When I leave my regular job, I would
16 do that work. I do all that work.

17 COUNCILMAN DICICCO: So we're still
18 negotiating on the acquisition price. Okay.

19 MR. DAMON GETKA: Also, one of the
20 points that we had was simply that, like I
21 said -- I'm sorry that we keep bringing 1230
22 and 1232, but the simple fact is we were never
23 notified. They claim that we could not be
24 found, even though we have our name on the
25 titles.

1 12/1/03 - RULES - BILL 030709

2 COUNCILMAN DICICCO: What is the
3 mailing address for taxes and water bills and
4 whatever for those properties?

5 MR. JOSEPH GETKA: 2887 Stamford
6 Street, Northeast Philadelphia.

7 COUNCILMAN DICICCO: That's on the
8 deed? Is that part of your deed?

9 MR. JOSEPH GETKA: Also, it's on the
10 latest letter for this hearing, which I never
11 received for the first hearing. I would have
12 been down here for that, as you well know.

13 Again, we never thought 34 was at
14 issue because they didn't take it, even when
15 the judge at the trial said, well, why are you
16 taking Mr. Getka's 30 and 32, when you're not
17 taking 34. They didn't come out with a good
18 answer. I should have won the case on that
19 basis alone.

20 COUNCILMAN DICICCO: Well, the
21 answer is, when we did the first condemnation
22 many years ago, four years ago, the
23 redevelopment at that time under the
24 directorship of Mr. Noah Eisenstat believed
25 there was not enough money to do the entire

1 12/1/03 - RULES - BILL 030709

2 condemnation. I wish it would have been done
3 then because we wouldn't have to be here
4 today.

5 MR. JOSEPH GETKA: Exactly. And so,
6 does Council understand the money I had to
7 spend on the attorney to fight for the first
8 two? Do you understand that, that I could not
9 just lay down? What were they going to do
10 with it, knock down 32 and put one rinky-dink
11 house on two lots 16 by 60 feet?

12 COUNCILMAN DICICCO: It's not a
13 rinky-dink hose because my house is 16 by 30
14 feet, actually, which is smaller. I don't
15 consider that to be rinky-dink.

16 MR. JOSEPH GETKA: In Thursday's
17 paper, 335 Wharton Street, I believe, just
18 sold for \$220,000. I bought these properties
19 because I knew its proximity to Center City,
20 and it would be lucrative for me. I'm 62
21 years old now. I'm getting prepared to
22 retire, and I fully expected to retire on the
23 income from those properties, and that's why
24 I'm telling you, I don't want to lose here.
25 That's my position.

1 12/1/03 - RULES - BILL 030709

2 COUNCILMAN KENNEY: Mr. Wetzel,
3 you'll have a conversation, or Jeremy.

4 COUNCILMAN DICICCO: We'll continue
5 the conversation.

6 Thank you for your testimony.

7 COUNCILMAN KENNEY: Please identify
8 yourself for the record.

9 MR. HAMPTON: Gentlemen and Council,
10 I'm Melvin Hampton, and I'm here to testify
11 regarding my property at 1215 South 4th
12 Street.

13 First there's a procedural matter.
14 I came home from New York about, oh, six
15 o'clock and I got this memo or this letter.
16 That was Friday. And then I opened it, had no
17 one to consult with. So Monday, today, I read
18 I had to appear -- well, I could appear -- at
19 this meeting at one o'clock. So I think
20 that's a procedural matter that I'd just like
21 to put on the record. I had no time to
22 formulate my thoughts, formulate the issues
23 that I have about 1215 South 4th Street.

24 Nevertheless, I have had -- I have
25 not had a chance to separate all my issues.

1 12/1/03 - RULES - BILL 030709

2 However, there are several issues -- or maybe
3 just two -- that are most important to me.
4 The fair market value of the property, I seem
5 to have an understanding that that can be
6 settled. I don't know, but that's the
7 understanding I got from Jeremy Newberg.

8 And the procedure, if they go south,
9 that means if you vote to have the property
10 taken, I can still challenge the fair market
11 value. I gave the offer paper to my attorney
12 that Jeremy Newberg and I were going over.
13 I've had at least, oh, about three weeks of
14 negotiations. My attorney, Mr. Krakower,
15 could not be here today. He is reviewing the
16 papers, and I'll get an answer as to his view
17 as far as what are the contents and what have
18 you.

19 I was to get back with Mr. Newberg
20 -- this was about three weeks ago -- this
21 week, I presume. I had a mishap last week and
22 I could not do it last week. So this week I
23 was supposed to get back with Newberg in terms
24 of the appraisal of my property. Now, I have
25 an idea was this is all about. But I'm

1 12/1/03 - RULES - BILL 030709

2 totally caught off guard or unprepared to
3 discuss my property in terms of your desire to
4 take it or to prove the billing.

5 Now, I wonder what will happen to my
6 property agreement with Jefferson Square
7 regarding the land of my father and mother. I
8 here testimony at night -- well, several
9 testimonies -- but my parents owned that
10 property for 65 years. And I don't think that
11 it will come down to my getting some monies
12 for the property. I see it as a family
13 estate, and I still want to stay there as a
14 family estate. I still want to have the
15 property as a family estate. That's all I
16 have.

17 COUNCILMAN KENNEY: Have you been in
18 continuing discussion with Mr. Newberg and/or
19 Mr. Wetzel? Mr. Newberg you've been talking
20 to?

21 MR. HAMPTON: Yes, Mr. Newberg.

22 COUNCILMAN KENNEY: Is this moving
23 toward some conclusion?

24 MR. HAMPTON: We were moving, yes.
25 This is prior to the condemnation. As I said,

1 12/1/03 - RULES - BILL 030709

2 my brother died in the week between this. And
3 two weeks before that, I said, okay, we're
4 getting closer. He gave me the papers. The
5 only thing I asked him, will I get my own
6 appraisal. I not only got one, but I got two.
7 And I gave them my one paper that indicated
8 the appraised value, and now I'm getting
9 another. I assume he didn't put it in
10 writing, which I think, you know, we should
11 have done, or maybe I thought he would have
12 done, but this was supposed to be this week.

13 All of a sudden, I get this notice
14 Friday evening, and Monday I'm here. And I
15 had to take off from my place of employment in
16 New York.

17 COUNCILMAN KENNEY: Do you live at
18 the property?

19 MR. HAMPTON: No. This is land.

20 COUNCILMAN KENNEY: You live out of
21 town?

22 MR. HAMPTON: Yes. But it's a
23 family estate.

24 COUNCILMAN KENNEY: I understand.
25 So you are going to continue your conversation

1 12/1/03 - RULES - BILL 030730

2 with Newberg?

3 MR. HAMPTON: I presume, yes.

4 COUNCILMAN KENNEY: Thank you very
5 much. Anyone else to testify on this bill?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing none, I
8 want to go back to Bill No. 030730.

9 The Chair recognizes Councilmember
10 Clarke to describe a proposed amendment to
11 Bill 030730.

12 COUNCILMAN CLARKE: Thank you, Mr.
13 Chairman.

14 Mr. Chairman, we're essentially
15 amending this particular bill to incorporate
16 the 5th Councilmanic District. Section 1,
17 14-1628 will be numbered as Number 7,
18 prohibited uses in the 5th Councilmanic
19 District, the sale by a restaurant of malt or
20 brew beverages for consumption off the
21 premises shall be prohibited in the 5th
22 Councilmanic District, notwithstanding any
23 other provision of this code to the contrary.

24 COUNCILMAN KENNEY: Thank you very
25 much.

1 12/1/03 - RULES - BILL 030740

2 Are there any questions on the
3 proposed amendment?

4 (No response.)

5 COUNCILMAN KENNEY: Mr. Witt, would
6 you please come up to the witness table?

7 This is relating to Bill No. 030740,
8 regarding a description of a deed restriction,
9 a proposed deed restriction, for the
10 aforementioned parcel of land.

11 Please identify yourself for the
12 record.

13 MR. WITT: Thank you, Mr. Kenney.
14 I'm Tom Witt of Wolf, Block, Schorr &
15 Sollis-Cohen. We're counsel to the Wolfson
16 Verecchia Group.

17 We have worked out with the district
18 Councilman a more precise and somewhat amended
19 statement of the proposed restriction that was
20 discussed more generally in the earlier
21 testimony today.

22 This restatement accomplishes three
23 things. Number one, it specifically names
24 someone who has the benefit and can enforce
25 the restriction.

1 12/1/03 - RULES - BILL 030740

2 Number two, whereas we had proposed
3 something which would have the duration of 10
4 years, this has an unlimited duration.

5 Number three was, we had proposed a
6 restriction which would apply to Wal-Mart and
7 its affiliates. This applies to everyone.
8 The text which has been handed to you, and
9 which we'd like to be on the record, is as
10 follows:

11 "This deed restriction is for the
12 benefit of an incorporated civic organization.
13 We suggest PRIDE, but if PRIDE declines, then
14 another shall be selected by the district
15 Councilperson."

16 Then we have the text of the
17 restriction. "So long as the property is used
18 as a general merchandise store, discount
19 store, department store or similar use, no
20 more than 10 percent of the floor area of the
21 building will be used for the sale of food -
22 this will permit the property to be a food
23 supermarket, but not a so-called "Super
24 Center". And for the record, the words "super
25 center" are in quotation marks and have

1 12/1/03 - RULES - BILL 030740

2 initial capitals.

3 Returning to the text, "Food for
4 this purpose is food for human consumption off
5 premises. Food for this purpose does not
6 include candy, gum, nutritional bars,
7 nutritional supplements, vitamins and
8 pharmaceuticals. The organization which has
9 the benefit will have the power to enforce the
10 covenant."

11 COUNCILMAN KENNEY: Any comment?

12 Any questions on the restriction?

13 COUNCILMAN COHEN: Obviously,
14 Wal-Mart can deal with that organization and
15 convince them at some later time to change the
16 restriction. I thought you were talking about
17 putting in a restriction that had some meaning
18 to it, not one that fools people.

19 COUNCILMAN KENNEY: Any other
20 comment?

21 (No response.)

22 COUNCILMAN KENNEY: Thank you very
23 much.

24 Anyone else to testify on any of
25 these bills?

1 12/1/03 - RULES - BILL 030740

2 (No response.)

3 COUNCILMAN KENNEY: We will now move
4 from our public hearing into a public meeting.

5 - - - -

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON RULES

5

- - - -

6

Monday, December 1, 2003

7

- - - -

8

9

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

11

BILLS 030645, 030670, 030709,
030721, 030730, 030740.

13

14

PRESENT:

15

COUNCILMAN JAMES KENNEY, Chair

16

COUNCILMAN FRANK DICICCO

17

COUNCILMAN BRIAN O'NEILL

18

COUNCILMAN MICHAEL NUTTER

19

COUNCILWOMAN JANNIE BLACKWELL

20

COUNCILMAN DAVID COHEN

21

COUNCILMAN DARRELL CLARKE

22

23

24

25

1 12/1/03 - RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: The Chair
3 recognizes Councilman DiCicco for a motion on
4 030740.

5 COUNCILMAN KENNEY: This is the
6 ordinance which would rezone areas of Port
7 Richmond bounded by Allegheny Avenue, Collins
8 Street, Westmoreland Street and Tulip Street
9 for proposed development by Wal-Mart at that
10 location.

11 Councilman DiCicco.

12 COUNCILMAN DICICCO: Thank you, Mr.
13 Chairman.

14 Mr. Chair, I move that Bill 030740
15 be reported out of Committee with a favorable
16 recommendation and that the Rules of Council
17 be suspended so as to permit first reading at
18 our next Council Session.

19 COUNCILMAN KENNEY: Is there a
20 second before discussion?

21 (Duly seconded.)

22 COUNCILMAN KENNEY: Moved and
23 seconded.

24 The Chair recognizes Councilmember
25 Cohen.

1 12/1/03 - RULES - PUBLIC MEETING

2 COUNCILMAN COHEN: Mr. Chairman, I
3 strongly speak against this motion. I would
4 rather move to hold this bill until all the
5 questions about it are raised. I think it's
6 important for the community not to be thwarted
7 by City Council, but to be supported by
8 Council. Just because we've just been elected
9 for four years doesn't give us the right to
10 ignore the community's feeling. And I think
11 the community spoke loud and clear today. It
12 has many, many reservations about this.

13 Everybody who knows anything about
14 Wal-Mart knows that it's not a company that
15 any neighborhood is happy to have. Whether or
16 not it's worth having at all could be
17 questionable. But I don't think we ought to
18 do it under the guise of we've got to do it
19 quickly because the term is ending. There's a
20 new term beginning on January 5th, five weeks
21 from today. Let's give it the necessary
22 thought.

23 We don't need employers that don't
24 provide insurance, health benefits and just
25 provide minimum wages. And I don't think that

1 12/1/03 - RULES - PUBLIC MEETING

2 Philadelphia City Council ought to say yes to
3 sort such an organization in face of the
4 concerted opposition by the Port Richmond
5 community.

6 So I urge my colleagues to
7 substitute a motion to hold the bill, and I
8 would move, sir, that this bill be held for
9 further study.

10 COUNCILMAN KENNEY: There is no
11 second to that motion.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: The Chair notes
14 that there's a motion on the floor to approve
15 the bill and suspend the Rules. It's been
16 moved and seconded.

17 All in favor?

18 (Aye.)

19 COUNCILMAN KENNEY: Any opposed?

20 COUNCILMAN COHEN: Opposed.

21 COUNCILMAN KENNEY: Let the record
22 note that Councilman Cohen has voted no on
23 Bill No. 030740, but it will be reported out
24 of Committee with a favorable recommendation,
25 and a request will be made for Rules

1 12/1/03 - RULES - PUBLIC MEETING

2 suspension to allow for first reading at our
3 next Council Session.

4 Bill No. 030645, which is an
5 ordinance amending Title 14 of the
6 Philadelphia Code relating to zoning and
7 planning by amending Chapter 14-1600 entitled,
8 "Miscellaneous," by adding a new Section
9 14-1628 entitled, "Zoning and Construction
10 Permits for Retail Stores." For want of a
11 better term, this is a super center
12 restriction of 10 percent of food items in
13 anything above 90,000 square feet.

14 In the Chair's opinion, we don't
15 have a lot of information from the City
16 Solicitor, the Commerce Department, the Mayor
17 or the Commerce Director. Forced to vote on
18 this Bill tonight without that information, I
19 would have to vote no. I don't really want to
20 vote no on it, but would want a little more
21 information from those particular people.
22 Because we don't really have many instances
23 where the Administration and four major
24 sections, including the Planning Commission of
25 the Administration, are silent on a bill. The

1 12/1/03 - RULES - PUBLIC MEETING

2 sponsor is not here to ask for that
3 consideration for additional information. So
4 if it's the Committee's pleasure, we can hold
5 it or not. It's up to the Members of the
6 Committee. If there's no motion to approve
7 it, I will deem it request to held.

8 (No response.)

9 COUNCILMAN KENNEY: Since there's no
10 motion to approve it, we hold the bill to the
11 call of the Chair.

12 Bill No. 030730, which is an
13 ordinance amending Title 14 of the
14 Philadelphia Code entitled, "Zoning and
15 Planning," by adding a new Section 14-1628
16 entitled, "District Special Controls,"
17 prohibiting certain uses in relation to sale
18 of malt and brew beverages.

19 The Chair recognizes Councilmember
20 Clarke for a motion to approve the amendment
21 read into the record in the public hearing.

22 COUNCILMAN CLARKE: Thank you, Mr.
23 Chairman.

24 Mr. Chairman, it's actually been
25 told in the additional language. It should

1 12/1/03 - RULES - PUBLIC MEETING

2 also be added to the amendment on each
3 individual number in the Section 1, "In each
4 district there should be language that
5 incorporates at the restaurant." It should
6 say, "or take-out restaurant." And after the
7 word brewed, it should say, "brewed or
8 alcoholic beverages."

9 COUNCILMAN KENNEY: Councilman
10 Nutter.

11 COUNCILMAN NUTTER: So the sentence
12 would be, "Sale by a restaurant or take-out
13 restaurant of malt or brewed --

14 COUNCILMAN CLARKE: Alcoholic
15 beverages.

16 COUNCILMAN NUTTER: "Alcoholic
17 beverages for consumption off the premises."
18 So every number 1 through 6 -- which would
19 actually be now 1 through 7, you're adding the
20 5th in with the same language. That would be
21 the amendment?

22 COUNCILMAN CLARKE: Yes.

23 COUNCILMAN NUTTER: Just one last
24 question. I'm assuming just for consistency
25 you're going to put the 5th in right after the

1 12/1/03 - RULES - PUBLIC MEETING

2 4th, which means we need to re-number 5 and 6
3 and make them 6 and 7?

4 COUNCILMAN CLARKE: Actually, in the
5 public hearing I actually incorporated it as
6 number 7, not knowing that they corresponded
7 with the Council districts.

8 So I would like to, Mr. Chairman,
9 amend that language to insert the 5th
10 Councilmanic District as number 5.

11 COUNCILMAN NUTTER: And the 8th
12 would be number 6, and the 9th would be number
13 7.

14 COUNCILMAN KENNEY: Okay. So
15 there's actually two amendments; one
16 clarifying the ban of the sale, and the other
17 one is to conclude your district.

18 Is there a second?

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Moved and
21 seconded.

22 All those in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: There are none
25 opposed.

1 12/1/03 - RULES - PUBLIC MEETING

2 The amendment will be approved
3 accordingly.

4 The Chair recognizes Councilmember
5 Clarke on a motion on Bill 030730 as amended.

6 COUNCILMAN CLARKE: Thank you, Mr.
7 Chairman.

8 I make a motion that Bill No. 030730
9 as amended be reported out of Committee with a
10 favorable recommendation and a request for a
11 suspension of the Rules.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: Moved and
14 seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: There are none
18 opposed.

19 Bill No. 030730 as amended will be
20 reported out of this Committee with a
21 favorable recommendation and a request will be
22 made for Rules suspension to allow first
23 reading at our next Council Session.

24 The Chair recognizes Councilmember
25 Cohen for a motion on Bill No. 030670 with a

1 12/1/03 - RULES - PUBLIC MEETING

2 Rules suspension.

3 COUNCILMAN COHEN: I move that the
4 bill be reported out with a favorable
5 recommendation and with a request for a
6 suspension of Rules to permit first reading.

7 (Duly seconded.)

8 COUNCILMAN KENNEY: Moved and
9 seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN KENNEY: There are none
13 opposed.

14 Bill No. 030670 will be reported out
15 of this Committee with a favorable
16 recommendation and a request will be made for
17 Rules suspension to allow for first reading at
18 our next Council Session.

19 The Chair recognizes Councilmember
20 Nutter for a motion on Bill No. 030709.

21 COUNCILMAN NUTTER: Thank you, Mr.
22 Chairman.

23 I move that Bill 030709 be reported
24 out of this Committee with a favorable
25 recommendation and a further recommendation

1 12/1/03 - RULES - PUBLIC MEETING

2 that the Rules of Council be suspended so as
3 to permit first reading next Session.

4 (Duly seconded.)

5 COUNCILMAN KENNEY: Moved and
6 seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN KENNEY: There are none
10 opposed.

11 Bill No. 030709 will be reported out
12 of this Committee with a favorable
13 recommendation and a request will be made for
14 Rules suspension to allow first reading at our
15 next Council Session.

16 The Chair recognizes Councilmember
17 DiCicco for a motion on Bill No. 030721.

18 COUNCILMAN DICICCO: Thank you, Mr.
19 Chair.

20 I move that Bill No. 030721 be
21 reported out of Committee with a favorable
22 recommendation and a further recommendation
23 that the Rules of Council be suspended.

24 COUNCILMAN KENNEY: Second?

25 (Duly seconded.)

1 12/1/03 - RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: It's been moved
3 and seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN KENNEY: There are none
7 opposed.

8 Bill No. 030721 will be reported out
9 of this Committee with a favorable
10 recommendation and a request will be made for
11 Rules suspension to allow first reading at our
12 next Council Session.

13 Before we leave this evening, I
14 would like personally thank on behalf the
15 Committee, Lisa, our stenographer. You're a
16 soldier.

17 (Applause.)

18 COUNCILMAN KENNEY: And it's not
19 just tonight. It's every day you work for us.
20 You really do a great job. Thank you very
21 much.

22 That will conclude the business of
23 the Committee. Thank you for your attendance.

24 (Council adjourned at 6:02 p.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Monday, December 1, 2003, were
reported fully and accurately by me, and that
this is a correct transcript of the same.

RE: COMMITTEE ON RULES

Lisa C. Bradley, RPR