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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 19, 2005
10:30 a.m.

- - -

BILLS 050510, 050750, 050796 AND 050797

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL L. CLARKE
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN JACK KELLY
COUNCILMAN FRANK DiCICCO

BILLS 050510, 050750, 050796 and 050797

- - -

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COUNCIL PRESIDENT VERNA: Good morning, everyone. This is a public hearing of the Committee on Rules.

I would ask Mr. McPherson to please read the title of Bill No. 050510.

MR. MCPHERSON: Bill No. 050510, an ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Allegheny Avenue, Collins Street, Westmoreland Street and Tulip Street.

COUNCIL PRESIDENT VERNA: Good morning. Please identify yourself for the record and proceed with your testimony.

MR. KRAMER: Good morning, Madam President and members of the Rules Committee. My name is William Kramer. I am the Senior Zoning Planner in the Development Planning Division of the City Planning Commission. I am here today to testify on Bill 050510. Councilman DiCicco introduced this bill on May 26th

1 10/19/05 - RULES - 050510, 750, 796, 797
2 of 2005.

3 This bill rezones 10.6 acres of
4 land in an area bounded by Allegheny
5 Avenue, Collins Street, Westmoreland
6 Street and Tulip Street. The land has a
7 current zoning designation of C-1
8 commercial and is to be changed to a
9 designation of C-3 commercial in order to
10 facilitate the use of this property as a
11 surface parking lot for Northeastern
12 Hospital, which is located directly
13 across Tulip Street. This rezoning will
14 also permit the hospital to develop the
15 vacant portion of this site for future
16 expansion of the hospital.

17 This bill was considered and
18 approved by the Planning Commission at
19 its meeting of October 17th of 2005.

20 Additionally, at the request of
21 the Law Department, they have asked us to
22 amend the bill to correct a minor error
23 in the legend, and I have those
24 amendments with me here.

25 That concludes my testimony. I

1 10/19/05 - RULES - 050510, 750, 796, 797
2 would be happy to answer any questions of
3 the Committee. Thank you.

4 COUNCIL PRESIDENT VERNA:
5 Mr. Kramer, what is the current use of
6 this property? It's a vacant lot?

7 MR. KRAMER: It at one time was
8 a vacant industrial building that was the
9 subject of a December zoning variance to
10 permit the use as a parking lot for the
11 hospital. It's a combination of an
12 employee parking facility and visitor
13 parking on the site, on the entire site,
14 and the rest of the site, which is about
15 a third of that site, is vacant at the
16 present time.

17 COUNCIL PRESIDENT VERNA: To
18 the best of your knowledge, is there any
19 opposition to this zoning change?

20 MR. KRAMER: To the best of my
21 knowledge, there is none. There was no
22 mention at our meeting. No one showed up
23 to protest the action.

24 COUNCIL PRESIDENT VERNA: And
25 the sponsor is here, so for the record, I

1 10/19/05 - RULES - 050510, 750, 796, 797
2 would like the sponsor to respond to that
3 also.

4 MR. DICICCO: No opposition.
5 Matter of fact, Madam President, the site
6 in question here this morning is the site
7 of the infamous Wal-Mart debate that I
8 had a couple of years ago. It's the
9 former Goldman Paper, I think it was
10 Goldman Paper Products Company factory,
11 that was vacated and was being proposed
12 to be developed as a Wal-Mart, as you
13 might recall.

14 COUNCIL PRESIDENT VERNA:
15 Right.

16 COUNCILMAN DICICCO: The
17 morning of the vote, I withdrew the bill.
18 Northeast Hospital came back with a
19 different plan they were interested in.
20 This will be very helpful to Northeast
21 Hospital.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 Mr. Kramer -- I'm sorry.

25 COUNCILMAN O'NEILL: Good job.

1 10/19/05 - RULES - 050510, 750, 796, 797

2 You put a lot of sweat in this one, and
3 you deserve a lot of credit for the way
4 it was handled.

5 COUNCIL PRESIDENT VERNA: The
6 Chair recognizes Councilman Clarke.

7 COUNCILMAN CLARKE: Madam
8 President, I would just like to say that
9 our dearly departed Councilman Cohen
10 would be extremely happy about this
11 development.

12 COUNCILMAN DICICCO: But
13 there's another zoning matter that
14 Wal-Mart is trying to build in my
15 district in another location not far from
16 here, and that's a result of an agreement
17 between the former purchaser of this site
18 where Northeast Hospital said, We will
19 help you find a suitable relocation site.
20 It happens to be that the suitable
21 relocation site is again in my district.

22 COUNCILMAN CLARKE: It's in
23 your district.

24 COUNCILMAN DICICCO: Round 2.

25 COUNCILMAN O'NEILL: Tioga

1 10/19/05 - RULES - 050510, 750, 796, 797

2 Pike?

3 COUNCILMAN DICICCO: Tioga

4 Pike, right.

5 COUNCIL PRESIDENT VERNA:

6 Mr. Kramer, for the record, can you tell
7 us how many parking spaces are planned?

8 COUNCILMAN DICICCO: Madam

9 Chair, if I can, there's a representative
10 from Northeast Hospital here as well.

11 COUNCIL PRESIDENT VERNA: If he
12 or she would approach the witness table,
13 that would be helpful.

14 MR. KRAMER: Madam President,
15 those plans call for an accessory parking
16 lot with 608 parking spaces.

17 COUNCIL PRESIDENT VERNA: 608?

18 MR. KRAMER: Yes, ma'am.

19 COUNCIL PRESIDENT VERNA: And
20 there would still be ample room for
21 future expansion of the hospital?

22 MR. KRAMER: Yes, ma'am, there
23 would, or at least what is left would be
24 permissible for -- it would certainly
25 limit the type of development that the

1 10/19/05 - RULES - 050510, 750, 796, 797

2 hospital could do based on the size of
3 the lot, but there is room for them to
4 have construction of a facility on that
5 lot for them, yes.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 Are there any questions from
9 members of the Committee?

10 (No response.)

11 COUNCIL PRESIDENT VERNA:
12 Seeing none, I thank you.

13 Do we have any questions for
14 the young lady at the table from the
15 hospital?

16 The Chair recognizes Councilman
17 Clarke.

18 COUNCILMAN CLARKE: Thank you,
19 Madam President.

20 MS. LEVINS: Good morning.

21 COUNCIL PRESIDENT VERNA:
22 Please identify yourself for the record.

23 MS. LEVINS: Yes. Good
24 morning, Councilwoman Verna. I'm
25 Katherine Levins, Director of Government

1 10/19/05 - RULES - 050510, 750, 796, 797
2 Affairs for Temple University Health
3 System.

4 COUNCIL PRESIDENT VERNA:
5 Councilman Clarke.

6 COUNCILMAN CLARKE: Good
7 morning. He may have mentioned it in his
8 testimony, but did you talk about the
9 expansion as it relates to job increases
10 at that site?

11 MS. LEVINS: I don't have the
12 numbers with me, but we do have an
13 overall plan for the entire Health
14 System, which involves a relocation of
15 many of our back office functions over to
16 a new site in the Hunting Park section,
17 and what that would enable us to do would
18 be to build jobs in all of our hospitals.

19 I have those numbers elsewhere.
20 I didn't bring them with me today, but
21 with that, we expect to be able to build
22 approximately 132, I believe it was,
23 immediately with the relocation, and
24 overall with the Health System over the
25 next several years at our hospitals, we

1 10/19/05 - RULES - 050510, 750, 796, 797

2 have an estimate of about 700 jobs.

3 COUNCILMAN CLARKE: So at this
4 particular site, there will be an
5 additional, you say, 132 at this site?

6 MS. LEVINS: No. No. Do you
7 mean as a result of the --

8 COUNCILMAN CLARKE: The
9 expansion proposal.

10 MS. LEVINS: The expansion?
11 No. That would be 132 overall at the
12 Health System.

13 COUNCILMAN CLARKE: Total?

14 MS. LEVINS: Yes, as a result
15 of the relocation of certain jobs that
16 are at Northeastern Hospital and a few of
17 our other hospitals, Jeanes, Episcopal,
18 to the new location.

19 COUNCILMAN CLARKE: Are these
20 higher paying jobs, mid range, higher
21 pay? What type of jobs?

22 MS. LEVINS: They're really a
23 mix, and I can send you -- I have it all
24 laid out, the type of jobs. We have
25 pretty detailed information on that, but

1 10/19/05 - RULES - 050510, 750, 796, 797

2 it would be a mix of entry-level jobs,
3 cafeteria workers, facility workers, up
4 to nurses, clinicians and physicians.
5 Really across the board.

6 COUNCILMAN CLARKE: Okay.

7 Thank you. If you could just provide
8 that through the Chair --

9 MS. LEVINS: Yes, I will.

10 COUNCILMAN CLARKE: -- when you
11 get time. Thank you.

12 COUNCIL PRESIDENT VERNA: Are
13 there any other questions or comments
14 from members of the Committee?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 I did not hear anyone ask for a
19 suspension of the rules. I assume that
20 there is no urgency to this?

21 COUNCILMAN DICICCO: She was
22 asking me. We'll have it done before we
23 recess December 15th, yes.

24 COUNCIL PRESIDENT VERNA: I'm
25 sorry?

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2 COUNCILMAN DICICCO: We would
3 have this voted out of Committee in final
4 passage before December 15th.

5 COUNCIL PRESIDENT VERNA: Oh,
6 yes.

7 COUNCILMAN DICICCO: So we
8 don't need a suspension. Thank you.

9 COUNCIL PRESIDENT VERNA: Fine.
10 Thank you.

11 Thank you very much.

12 MS. LEVINS: If I could just
13 thank Councilman DiCicco for his
14 leadership with this. He was very, very
15 helpful to us.

16 COUNCILMAN DICICCO: You can
17 thank me.

18 MS. LEVINS: And working with
19 the community.

20 COUNCIL PRESIDENT VERNA:
21 That's wonderful. Thank you very much
22 for coming in to testify.

23 Before we proceed with the next
24 bill, I would like the record to reflect
25 to my extreme left, we have Councilwoman

1 10/19/05 - RULES - 050510, 750, 796, 797

2 Brown, Councilman Kelly, Councilman
3 Clarke. To my immediate right, we have
4 Councilman O'Neill and Councilwoman
5 Miller. So we do have a quorum.

6 At this time, I would ask
7 Mr. McPherson to kindly read the title of
8 Bill No. 050750.

9 MR. MCPHERSON: An ordinance
10 amending Section 14-1621 of The
11 Philadelphia Code, entitled "Passyunk
12 Avenue Special District Controls," by
13 expanding the District boundaries to
14 include properties located in the East
15 Passyunk Avenue Business Improvement
16 District, all under certain terms and
17 conditions.

18 COUNCIL PRESIDENT VERNA:
19 Mr. Kramer, are you testifying?

20 MR. KRAMER: Yes, ma'am. Good
21 morning, Madam President and members of
22 the Rules Committee. My name is William
23 Kramer. I am the Senior Zoning Planner
24 in the Development Planning Division of
25 the City Planning Commission. I am here

1 10/19/05 - RULES - 050510, 750, 796, 797
2 to testify on Bill 050750. Councilman
3 DiCicco introduced this bill September
4 15th of 2005.

5 This bill amends Section
6 14-1621 of the Zoning Code by expanding
7 the boundaries of the Passyunk Avenue
8 Special District Controls to include all
9 properties located in the East Passyunk
10 Avenue Business Improvement District.

11 The Passyunk Avenue Special
12 District Controls were established under
13 Bill 010125, which the Planning
14 Commission considered and approved at its
15 meeting of November 15, 2001.

16 Accordingly, this bill is consistent with
17 the previous policy of the Planning
18 Commission and we recommend that it be
19 approved.

20 That concludes my testimony. I
21 would be happy to answer any questions of
22 the Committee.

23 COUNCIL PRESIDENT VERNA: Thank
24 you very much.

25 Do we have any questions from

1 10/19/05 - RULES - 050510, 750, 796, 797

2 members of the Committee?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: Do we
5 have anyone to testify on this bill?

6 (No response.)

7 COUNCIL PRESIDENT VERNA:
8 Seeing none, I would ask Mr. McPherson to
9 please --

10 COUNCILMAN DICICCO: Madam
11 Chair, on this one, I would ask for a
12 suspension of rules on this bill. Thank
13 you.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 I would ask Mr. McPherson to
17 please read the title of Bill No. 050796.

18 MR. MCPHERSON: An ordinance to
19 amend the Philadelphia Zoning Maps by
20 changing the zoning designation of
21 certain areas of land located within an
22 area bounded by Woodhaven Road, Bustleton
23 Avenue, the County Line, Trevoise Road,
24 Southampton Road and Worthington Road.

25 COUNCIL PRESIDENT VERNA:

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2 Mr. Kramer.

3 MR. KRAMER: Good morning,
4 Madam President and members of the Rules
5 Committee. My name is William Kramer. I
6 am the Senior Zoning Planner in the
7 Development Planning Division of the City
8 Planning Commission. I am here to
9 testify on Bill 050796. This bill was
10 introduced by Councilmember O'Neill on
11 September 22nd of this year.

12 This bill is a zoning remapping
13 bill for the Somerton area of the City.
14 It covers approximately 316 acres of land
15 bounded by Woodhaven Road, Bustleton
16 Avenue, the County Line, Trevoise Road,
17 Southampton Road and Worthington Road.
18 The area is primarily zoned with a mix of
19 residential classifications with certain
20 properties maintaining a commercial
21 designation along the major streets in
22 the area.

23 This bill will rezone a
24 majority of the residential properties to
25 a designation of R-1, R-1A or R-2 in

1 10/19/05 - RULES - 050510, 750, 796, 797

2 order to restrict their ability to be
3 subdivided as a matter of right and
4 without the input of the surrounding
5 community. The Somerton community
6 supports the rezoning of this area.

7 This bill was considered and
8 approved by the Planning Commission at
9 its meeting of October 17th of this year.

10 At the request of the Law
11 Department, we have amended the maps for
12 this bill, and the only changes is to
13 allow for better legibility of the maps
14 themselves.

15 This concludes my testimony and
16 I would be happy to answer any questions
17 of the Committee.

18 COUNCIL PRESIDENT VERNA: I'm
19 sorry. Mr. Kramer, I didn't quite hear
20 why you were asking for the amendment.

21 MR. KRAMER: The original maps
22 that were done, they're the same map,
23 they were a smaller scale, and the Law
24 Department felt that you could not read
25 the dimensions on the initial maps and

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2 asked us simply to make the maps bigger,
3 which is what we've done with those
4 amendments. It's more of a technical
5 issue. There is no changes to the map
6 itself.

7 COUNCIL PRESIDENT VERNA: Very
8 well. Thank you.

9 Are there any proposed
10 subdivisions of land in the area to be
11 rezoned? If so, how many and for what
12 purpose?

13 MR. KRAMER: There are always
14 subdivisions in question. There's only
15 one that is substantial that I'm aware
16 of, and that one has not been approved.
17 It's under negotiation with my division,
18 with Marty Soffer of my unit, that they
19 have never been able to come to an
20 agreement on with regard to how they
21 should lay out the property.

22 That's currently zoned R-4, and
23 this would change that designation to an
24 R-1 classification. But that one was, as
25 we considered it, not ready for

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2 consideration by the Commission. It's
3 right next to Woodhaven Road. As a
4 matter of fact, the proposal is bisected
5 by Woodhaven Road, which creates a bit of
6 a problem for the developer.

7 You get an occasional
8 development come in within an individual
9 property here and there, but an exact
10 number of that I do not have, and we have
11 not seen any come in to our office in
12 this area since the introduction of this
13 bill.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Are there any questions or
17 comments from members of the Committee on
18 this bill?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: Is
21 there anyone to testify? Please approach
22 the witness table, identify yourself for
23 the record and proceed with your
24 testimony.

25 MS. RICKER: Good morning,

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2 Chairman Verna and members of the Rules
3 Committee. My name is Lynn Ricker. I
4 live at 13480 Proctor Road in the
5 Somerton section of the City. I have
6 lived there my entire life. I am a
7 member of the Somerton Civic Association
8 and have been a member almost that long.

9 I am here to read the testimony
10 of the President of the Somerton Civic
11 Association, Mary Jane Hazell, who could
12 not be here today because of a death in
13 the family. I believe you have her
14 testimony.

15 Members of the Rules Committee,
16 I am here to read a letter from the
17 President, Mary Jane Hazell, who had a
18 death in her extended family and the
19 funeral is today.

20 "This bill, 050796, is
21 extremely important to the Somerton
22 community. We are in full support of
23 this ordinance and thank Councilman
24 O'Neill very much for his efforts on
25 this.

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2 "We have had an overload of
3 developers crowding our area. They are
4 removing one single-family home and
5 replacing it with three, four and
6 sometimes five in its place."

7 And I think that you had asked,
8 Council President Verna, if there were
9 any subdivisions. We have gotten word
10 this morning that there was an
11 over-the-counter permit issued for a
12 property two doors from where I live on
13 Proctor Road where a single-family home
14 was knocked down in violation of L&I.
15 They were not supposed to knock it down.
16 They were not supposed to cut down the
17 100-year-old trees. They did that also.

18 Mary Jane Hazell has also asked
19 me to give you photographs of that area.
20 I will give these up for the Committee,
21 and I will tell you what each one of them
22 represents.

23 Photograph No. 1 is the lot at
24 13498 Proctor Road, which I just spoke
25 of. You see the country road area. You

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2 see the nature and character of the
3 community.

4 No. 2 is the immediate
5 neighbors, my immediate neighbor, who
6 will be the immediate neighbor to this
7 empty lot. The boards are holding up
8 supposedly my poor neighbor's property.
9 They have been asked at least twice by
10 the building inspector from L&I to
11 regrade the property, and as you see,
12 nothing has been done.

13 Some of the trees in the area
14 to the right in that picture that my
15 neighbors own, the builder wanted to take
16 down. When my neighbors refused, they
17 killed the root sections. Those two
18 trees will die.

19 Picture No. 3 gives you an idea
20 of the country road nature of the
21 community.

22 Four, 5, 6 and 7 and 8 give you
23 an idea of the neighborhood. I took
24 pictures on Proctor Road to give you an
25 idea of what this area which we are

1 10/19/05 - RULES - 050510, 750, 796, 797

2 looking to be rezoned R-1 is and why we
3 need this level of protection.

4 Picture No. 9 and Picture No.
5 10 gives you an idea of some of the
6 shoehorning of homes into these big lots
7 that developers are doing. If you take a
8 look, some people can hardly get the car
9 off the street. That happens to be on
10 Byberry Road. There are no side yards,
11 no set-backs, no anything. They simply
12 are trying to make a quick buck and jam
13 as many homes on that property as
14 possible to take advantage of low
15 interest rates, ten-year tax abatement,
16 and the only protection that we have is
17 this bill.

18 If I may continue with
19 President Hazell's testimony. "A lot of
20 our streets are country roads, and they
21 are so few and precious that it really is
22 a shame to destroy them with overdense
23 construction. Unfortunately, we have a
24 lot of R-2, R-3 and R-4 zoning. It is
25 imperative that we work with Councilman

1 10/19/05 - RULES - 050510, 750, 796, 797

2 O'Neill and the City Planning Commission
3 and change what can be changed.

4 "Somerton is one of the few
5 communities that is a suburb within the
6 City. We are asking that you let us
7 correct a situation before it becomes a
8 problem that cannot be corrected. Please
9 pass this bill so we can start
10 immediately.

11 "Again, I am sorry that I could
12 not be here to testify."

13 Thank you, and I'll answer any
14 questions.

15 COUNCIL PRESIDENT VERNA: Thank
16 you very much.

17 Do any of the members have any
18 questions from the two witnesses at the
19 table?

20 COUNCILMAN O'NEILL: Thank you,
21 Madam President.

22 Ms. Ricker, you mentioned at
23 the outset that a permit was issued
24 today. Is that the property that has
25 been the discussion in a Civic

1 10/19/05 - RULES - 050510, 750, 796, 797

2 Association meeting the last two months
3 and the Pastor of St. Christopher's came,
4 for the first time in history, came to
5 protest against it as well?

6 MS. RICKER: That is correct.

7 COUNCILMAN O'NEILL: And how
8 many homes were permitted today, this
9 morning? Do you know how many?

10 MS. RICKER: Three.

11 COUNCILMAN O'NEILL: And the
12 issue was whether they would be two or
13 three, right? I mean, that was --

14 MS. RICKER: I believe so.

15 COUNCILMAN O'NEILL: Assuming
16 they would do it before this hour.

17 MS. RICKER: Yes. They had
18 originally asked for three. They were
19 told to go to the Zoning Board. They
20 withdrew that application and said they
21 could somehow finagle it around and do it
22 by right. Apparently, according to what
23 I've been told by Mr. Barrilli in your
24 office, apparently they have gotten a
25 permit.

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2 We will take a look at the
3 plans. If we think that is according to
4 law, there may be nothing we can do. If
5 it is not, we'll take it to court.

6 COUNCILMAN O'NEILL: Okay.

7 Mr. Kramer, could you respond
8 to that?

9 MR. KRAMER: I remember this
10 particular one when it was going to the
11 Zoning Board of Adjustment, and I had
12 seen the plans that were submitted to the
13 Zoning Board of Adjustment. I have not
14 personally seen any plans come in that
15 revised that, and I will have to check on
16 those when I get back to my office.

17 COUNCILMAN O'NEILL: As we'll
18 see in the next bill, there was a reason
19 when I introduced this legislation on
20 September 29th that I did not wish to
21 alert the community until after the
22 public committee hearing here. Because
23 of the pending Ordinance Doctrine, it
24 would prevent any changes after the
25 Committee reports a bill out with a

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2 favorable recommendation.

3 Unfortunately, these two
4 neighborhoods and these two bills,
5 Bustleton and Somerton, are very close to
6 each other. The same issue is involved,
7 and the Bustleton group involved in the
8 second bill, the Civic Association
9 decided about 12 days ago to alert the
10 community with that six-page scare
11 brochure that was put out, but in doing
12 so, they alerted all the builders who
13 have been doing this kind of thing for
14 the last several years since the tax
15 abatement and the hot real estate market
16 happened.

17 So it defeated the purpose of
18 what I was trying to do, was keep it
19 secret from the builders. The only way
20 you can do that is to wait until after
21 the hearing, then go back to the
22 community, make any reasonable changes
23 after you explain the bill before final
24 passage. You don't have that opportunity
25 once this kind of thing goes out.

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2 So I knew that the Somerton
3 builders knew what -- they're the same
4 builders, Bustleton and Somerton, that
5 are looking for these properties to tear
6 down, and so last Tuesday, I had the
7 opportunity to explain the bill to the
8 Somerton community and the Civic
9 Association. They, I think, by standing
10 vote --

11 MS. RICKER: Unanimous.

12 COUNCILMAN O'NEILL: --
13 approved it. And it's a shame, because
14 the very thing I was trying to avoid
15 happened apparently today. And this is
16 an issue that will probably be in court,
17 because there was some very feeble
18 justification for doing three homes on
19 that property instead of two, and a lot
20 of money involved in the difference
21 between the return on investment for
22 three homes for the builder instead of
23 two.

24 And I must say, the Planning
25 Commission dragged its feet on these

1 10/19/05 - RULES - 050510, 750, 796, 797
2 bills for a year and a half. It's a
3 two-week job. It took 18 months. The
4 builders are a lot more comfortable in
5 the Planning Commission office than they
6 are in my office, I can tell you that.

7 Nothing you said today
8 surprises me, and it's a shame. This
9 bill will be reported out with a
10 favorable recommendation. Unfortunately,
11 it won't have any effect on that
12 property, but I think that property's
13 application was made prior to the
14 submission of the introduction of this
15 bill. Hopefully, it will prevent others
16 like it.

17 MS. RICKER: We were aware that
18 we had to fight this particular property
19 separately, but our second goal was to
20 protect the rest of the community, and
21 this bill will do that.

22 COUNCILMAN O'NEILL: And I
23 might say, the person we're all familiar
24 with, because he's been in here for
25 years, Tom Chapman, since he's been the

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2 head of the Planning Commission for just
3 a few short months, he fast-tracked these
4 bills and they were done in a few weeks.
5 So I don't want to put a blanket over
6 Mr. Chapman, because he's been terrific
7 in the short time he's been there.

8 Thank you.

9 Thank you, Ms. Ricker.

10 MS. RICKER: Thank you.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 The Chair recognizes Councilman
14 Kelly.

15 COUNCILMAN KELLY: Yes. Thank
16 you, Madam President.

17 Ms. Ricker, I just want to
18 thank you and your President, Mary Jane
19 Hazell, and the members of the Board of
20 the Somerton Civic Association. As a
21 resident of Somerton, I appreciate all
22 the work that you've been doing up there
23 to prevent this type of development.

24 I also want to congratulate and
25 thank Councilman O'Neill for his

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2 oversight and his dedication into making
3 sure that the developers don't run amuck
4 in Somerton.

5 I know Dominic Ragucci is back
6 there. I just want to acknowledge his
7 presence. He's doing an excellent job
8 for Somerton.

9 And I will say this for the
10 record: I agree with Councilman O'Neill
11 as far as the Planning Commission. I
12 think you have to have a better response
13 and I think you have to have a better
14 oversight into what goes on in many of
15 these areas, especially in the Northeast.

16 Thank you.

17 MS. RICKER: Thank you,
18 Councilman.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Are there any other questions
22 or comments from members of the
23 Committee?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Do we

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2 have anyone else that would like to
3 testify on this bill?

4 (No response.)

5 COUNCIL PRESIDENT VERNA:

6 Seeing no one, I would ask Mr. McPherson
7 to please read the title of Bill No.
8 050797.

9 MR. MCPHERSON: An ordinance to
10 amend the Philadelphia Zoning Maps by
11 changing the zoning designations of
12 certain areas of land located within an
13 area bounded by Grant Avenue, Bustleton
14 Avenue, Bowler Street and the Roosevelt
15 Boulevard.

16 COUNCIL PRESIDENT VERNA:

17 Mr. Kramer.

18 MR. KRAMER: Good morning,
19 Madam President and members of the Rules
20 Committee. My name is William Kramer.
21 I'm the Senior Zoning Planner in the
22 Development Planning Division of the City
23 Planning Commission. I am here to
24 testify on Bill 050797. This bill was
25 introduced by Councilmember O'Neill

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2 September 22nd of 2005.

3 This bill is a zoning remapping
4 bill for the Bustleton area of the City,
5 covering approximately 158 acres of land
6 bounded by Bustleton Avenue, Bowler
7 Street, the Roosevelt Boulevard and Grant
8 Avenue.

9 The area is primarily zoned R-4
10 residential with certain properties
11 maintaining a commercial designation
12 along the major streets in the area.

13 The commercial designations
14 will remain the same under the provisions
15 of this ordinance. This bill will rezone
16 a majority of the residential properties
17 to a designation of R-1, R-1A or R-2 in
18 order to restrict their ability to be
19 subdivided as a matter of right.

20 At the request of the
21 community, this bill was not considered
22 at the Planning Commission meeting of
23 October 17, 2005.

24 At the request of the Law
25 Department, we also have to amend these

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2 bills, and, again, there were no changes
3 to the bill, but they requested that we
4 add dimensions and increase the size of
5 the maps in order to increase legibility.

6 I would be happy to answer any
7 questions of the Committee, and that
8 concludes my testimony.

9 COUNCILMAN O'NEILL:

10 Mr. Kramer, I just want to ask you,
11 because it's on the front page of the
12 Please Read This Six-Page Document
13 Immediately. I'm sure it's one of the
14 reasons why the residents are here that
15 showed up.

16 This was put out by the Civic
17 Association's Executive Board. It says
18 here, "Read Immediately. Your property
19 is about to be rezoned without your
20 knowledge," and that's absolutely true.
21 It would have been without anyone's
22 knowledge, but for the communication that
23 went back and forth on this brochure.
24 And it was a purpose. As I mentioned in
25 the previous bill, it was to lock out the

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2 developers and then work with the
3 community explaining why that had to be
4 done that way and not have a final bill
5 pass until everyone in the community was
6 satisfied with the way they were being
7 changed to accommodate that purpose.

8 The stated purpose of the bill
9 was requested by the Civic Association 18
10 months ago. There was nothing really
11 that had to be discussed with them,
12 because the bill follows to the letter
13 the instructions of what they wanted. As
14 Mr. Kramer just said, to upgrade the
15 zoning to prevent the tear-downs and
16 subdivision without any neighbor input,
17 which has been a disaster so far for the
18 Bustleton community.

19 But they couldn't just let the
20 cat out of the bag and tell the world
21 that this hearing was today. This is 12
22 days ago. It wasn't enough for the Civic
23 Association's Executive Committee to do
24 that. By the way, the President of the
25 Civic Association, while a very nice

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2 gentleman, happens to be the major
3 developer and builder and realtor doing
4 this. There's about four of them. He's
5 the main one.

6 So there was a very good reason
7 for me not publicizing this, although it
8 got publicized by the Civic Association.
9 But they didn't have to go this far.
10 "You must act now. The City wants to
11 change your right to improve your own
12 property." Not true. "If your house
13 burned down, you might not even have the
14 right to rebuild it." That's absolutely
15 false. Anyone would be able to tell
16 anybody that you couldn't rebuild your
17 house if it burned down and it's an
18 absolute lie even to suggest it.

19 I had an hour-long discussion
20 with the lady that put this together from
21 the Civic Association, explained what I
22 was doing, that I would come to the Civic
23 Association next Wednesday night, their
24 scheduled meeting, having gotten this
25 bill out of Committee quietly, and do the

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2 full Planning Commission presentation,
3 question and answer and not pass the bill
4 if it took a year until everyone was
5 satisfied and understood the reasons.

6 She chose instead to do this
7 the following day, Saturday a week ago,
8 and these poor people and others who
9 couldn't make it are scared out of their
10 wits over what is going to happen.

11 Because of this, I am going to,
12 after the testimony is taken, I am going
13 to hold this bill until the next date we
14 can have a Rules Committee hearing, which
15 will be November 2nd, and I'm going to
16 the Civic Association next Wednesday
17 night one angry Councilman.

18 And, again, I don't believe the
19 Planning Commission was looking out for
20 the neighbors as much as they were
21 looking out for the builders for the last
22 18 months or 12 days ago when all this
23 took place overnight. This was put out
24 between a Friday afternoon and a Saturday
25 morning.

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2 It's an awful lot of
3 information if you didn't get any of it
4 from the Planning Commission. And that
5 was the first notice that the Civic
6 Association had, and they publicized it
7 against the interests of the Bustleton
8 community, in my opinion.

9 So I will be there. There's
10 too many people confused by what was put
11 out here for me to report it out of
12 Committee as if I did something
13 surreptitiously.

14 The builders all know about it
15 now. 12 days to a builder is like 12
16 years when they have this. They're armed
17 with this when they ask now somebody to
18 sell their house to them. They're armed
19 with this. This is actually a weapon for
20 them to get the price they want to pay,
21 because the person is scared out of their
22 wits, they're now told on October 19th we
23 would be reporting something out that
24 would no longer allow this subdivision as
25 a matter of right.

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2 They now have two more weeks,
3 but I don't think it matters. I think
4 what's important is that the community
5 not believe that the City is doing
6 anything to them surreptitiously without
7 the proper motive and not looking out for
8 their best interest.

9 So I will go to the October
10 26th meeting next Wednesday. I'm sure
11 the Planning Commission will be there to
12 explain the details, and we'll have our
13 meeting, and hopefully on November 2nd
14 we'll report it out favorably.

15 But there are people that came
16 down. If they wish to testify, I believe
17 they should, and I certainly can answer
18 any questions that they have, or
19 Mr. Kramer can, that they have today.
20 But I just want to ask one question.

21 I think everyone in the
22 Committee recognizes that these bills are
23 identical. The Somerton Civic
24 Association, which is as savvy about
25 zoning as any in the City, had a standing

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2 ovation for the process and that it was
3 done the way it was done and approved it
4 unanimously. The Bustleton Civic
5 Association, whose President is a
6 builder, developer, realtor and should
7 know better, the entire group, because I
8 explained everything in detail to this
9 lady on their Executive Board that put
10 this out, and they're not here today.
11 They were going to bring buses down.
12 They didn't even have the courtesy to
13 show up after they put this out to
14 hundreds of homes that not just me, but I
15 understand members of the Rules Committee
16 have gotten calls and people are worried
17 and the Planning Commission has gotten
18 calls.

19 It's just sad that it had to
20 happen this way. One community gets
21 locked in this morning, and another one
22 is going to take two more weeks to get
23 locked in to the new zoning.

24 Mr. Kramer, the only question I
25 have for you is -- and it really follows

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2 up, I guess, the question that
3 Councilwoman Verna asked and she'll
4 probably do it again -- how many
5 subdivisions do you have in front of you
6 now in Bustleton that are not approved or
7 will be affected by this?

8 You asked the question very
9 well.

10 MR. KRAMER: I can answer your
11 question, Councilman. In the last week,
12 I have seen three different applications
13 come in that would be subdividing
14 existing buildings and creating more lots
15 out of it. We have seen three.

16 COUNCILMAN O'NEILL: Okay. And
17 that's a sin. And maybe you'll see three
18 more in the next two weeks.

19 But the fox had the key to the
20 hen house for the last two years and
21 thought that the hen house was always
22 going to be available to the fox. The
23 fox found out 12 days ago they only have
24 the key to a certain date. It changes
25 the fox's behavior. They get all of

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2 those hens out of there because they have
3 a time deadline when their key is not
4 going to work anymore.

5 And that's really what this is
6 about, and I really feel bad for the -- I
7 mean, I live in a non-conforming house
8 that was rezoned as part of a remapping
9 to help the whole area. It doesn't
10 affect me at all. I have new
11 developments, \$400,000 and \$500,000
12 houses that are being built as
13 non-conforming.

14 Non-conforming is a word that
15 sounds awful. It's not. Anybody with a
16 variance who lives in a non-conforming
17 house, anybody that's had their house
18 upgraded may very well be in a
19 non-conforming situation. It's only done
20 to upgrade the neighborhood. It's not
21 done to downgrade it.

22 There could have been a whole
23 lot of nice things about this upgrading
24 in this Civic Association six-page
25 document, or whatever it is, that wasn't

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2 mentioned to at least show the balance.

3 They knew every detail, because I went

4 over it with the lady 10, 12 days ago.

5 But I got that information. If

6 these people -- I certainly would like

7 them to testify if they want to. I've

8 told them I'll be at the meeting next

9 week. This is done for the entire

10 community's benefit, not to hurt anyone,

11 except the ability of builders to just do

12 things without their input.

13 COUNCIL PRESIDENT VERNA: Thank

14 you, Councilman.

15 Are there any questions or

16 comments from members of the Committee of

17 Mr. Kramer?

18 COUNCILMAN KELLY: I just had

19 one, Madam President.

20 I would like to know if there

21 are any Board members from Bustleton

22 Civic here.

23 COUNCILMAN O'NEILL: No one

24 showed up.

25 COUNCILMAN KELLY: No Board

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2 member?

3 COUNCILMAN O'NEILL: They don't
4 even have a representative.

5 COUNCILMAN KELLY: Well, that
6 speaks for them.

7 COUNCIL PRESIDENT VERNA: Do we
8 have anyone in the audience that would
9 like to testify on this particular bill?

10 Please approach the witness
11 table. Good morning. Kindly identify
12 yourself for the record.

13 MR. ZIAS: Good morning. Thank
14 you. My name is Robert Zias. I'm a
15 resident of Bustleton.

16 COUNCIL PRESIDENT VERNA:
17 Please continue.

18 MR. ZIAS: Thank you. I just
19 wanted to thank everyone for their time
20 this morning. I guess like many folks in
21 the Bustleton community at large, and I
22 see some kind neighbors who have shown up
23 this morning, I find myself a bit
24 ignorant this morning, to be very frank
25 with everyone and candid.

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2 I don't know much about
3 rezoning. I certainly didn't take that
4 as a part of study in college. What I do
5 know is that I really value the exchange
6 that the public could provide to their
7 community, particularly in advance, to
8 have input and exchange, if you will,
9 substantively to anything that would be
10 proposed that would affect our community.

11 So in the spirit of that, I
12 just had a brief statement to make, and I
13 guess I'll answer any questions, if I'm
14 capable.

15 COUNCILMAN O'NEILL: I just
16 want to make sure that those residents
17 that are here understood I was not going
18 to let this bill pass, not only without
19 your input but without reacting to it and
20 you agreeing with the final product. The
21 question was the timing of when that
22 input could be given because of the
23 notice that we just saw three tear-downs
24 in the last 12 days that occurred that
25 may not have occurred had I been able to

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2 do this the way I wanted to. And all of
3 you got this and the people that sent it
4 aren't even here and they haven't sent
5 anyone, which is unheard of at a zoning
6 hearing for a civic group that was
7 requested by them. This bill was
8 requested by the Civic Association.

9 While they may have been upset
10 with what was going on, they knew about
11 the details of what was being done. They
12 requested it 18 months ago, and the only
13 way to do it to prevent their own
14 President from using it -- and I'll
15 guarantee he's one of the three permits
16 that are out there in the last ten days
17 where the subdivisions have occurred --
18 that they knew that the process beginning
19 next Wednesday night could take a year,
20 and everyone would get their questions
21 answered, because it is specific to
22 stopping specific development.

23 Oftentimes a remapping is just,
24 well, we haven't done a remapping in six
25 years or ten years, let's take another

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2 look at it, see if we can clean up the
3 map, those kind of things.

4 This is specific to the
5 tear-down issue. And no one in the
6 community was not going to know about it,
7 but they would know about it when it was
8 too late for the developers to do
9 anything with the same knowledge. That's
10 all. I hope everybody understands that.
11 If you don't, I'll go over it with you
12 after the hearing. That's the only
13 reason. And the Civic Association was
14 aware of that when they put this out and
15 defeated the purpose of it.

16 Okay. But I am continuing it
17 until November 2nd so no one can complain
18 that there wasn't input prior to any
19 Council action, and that will be on
20 October 26th.

21 MR. ZIAS: Thank you.

22 COUNCILMAN O'NEILL: I
23 appreciate you coming down. I wish they
24 had come down, too.

25 MR. ZIAS: I agree with that

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2 sentiment. I just might say despite the
3 alarming nature of the handout, one thing
4 I truly did appreciate, and I'm sure I
5 speak for my entire community, is the
6 fact that it was informative in nature to
7 some extent, whereas I don't know that
8 we're always seeing that as a regular
9 basis for those we have serving our
10 community.

11 And with all due respect and a
12 great amount of respect I would give to
13 the Council, I believe that Bustleton in
14 particular could really benefit from more
15 of that type of exchange, maybe more
16 forums of that.

17 I think your assistant had
18 remarked earlier that he had actually
19 contacted some members of the community,
20 and I'm sitting there as a member of the
21 community asking myself in all honesty, I
22 hadn't heard a single thing from the
23 Council or read anything in the press
24 that this was going on. So, to me, with
25 all due respect, I feel a bit of

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2 subterfuge here. All I'm here to do is
3 to inform myself.

4 COUNCILMAN O'NEILL: You don't
5 agree with me, but that's fine. I get
6 elected to have you make a judgment every
7 four years as to whether I make the right
8 decisions.

9 MR. ZIAS: Agreed.

10 COUNCILMAN O'NEILL: I had to
11 make a decision on this, and I know I
12 made the right one with the knowledge
13 that I have. And everything you're
14 saying would have been accomplished
15 between today and whenever the community
16 was fully informed and satisfied.

17 But there was a reason, and
18 this lady knew it, and most of the
19 information in here is not true and most
20 of it -- this thing left out some very
21 good information that would have made you
22 feel a lot better about the bill. It
23 chose not to do it. They obviously have
24 their own reasons. But you're here.
25 Let's go.

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2 MR. ZIAS: Sure. Basically,
3 the community has had no time to assess
4 the implications or the seriousness that
5 this bill may affect on an individual
6 level within a family or individual
7 living in each of the residential units
8 or just in general for those that may
9 have an interest even for moving in the
10 community.

11 So humbly, we really submit
12 there are serious questions that may be
13 posed in individual cases or in cases of
14 groups, such of us that has shown up, to
15 really assess what the issues are and to
16 inform ourselves and to make a decision.

17 And I assure everyone sitting
18 here today, if I am finding on a personal
19 level that this is a positive thing for
20 the community, much like our friends up
21 in Somerton have done, I'll fully endorse
22 this measure and I will go to the nth
23 degree to do it.

24 But equally, I would caution
25 all of you that if this is something that

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2 I personally deem as not to the benefit
3 of our particular area of Philadelphia, I
4 will personally seek legal counsel and
5 exercise all four rights to pursue this.

6 COUNCILMAN O'NEILL: You're
7 very entitled to that.

8 MR. ZIAS: So that being said,
9 there are many inconsistencies apparently
10 in what is being proposed, and I'm just
11 going to highlight a few. For example,
12 why the irregular mix of R-1, R-1A, R-2
13 and R-4. People in similarly situated
14 lots are having different zoning. There
15 are specific examples, which, of course,
16 Mr. O'Neill, you do have a copy of. You
17 can certainly see that detail, as we'll
18 be also lending some insight to the
19 zoning folks as they come out next week.

20 Further, we do live in an
21 eclectic area, and many houses will be
22 made non-conforming, resulting in
23 hardship to the owners for even simple
24 changes to their homes.

25 This is a potential money

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2 generator for the City with no benefit to
3 homeowners wanting to make simple
4 changes.

5 The neighborhood does have a
6 long history of lot subdivision, and this
7 bill impacts hundreds for the sake of
8 relatively few remaining dividable lots.

9 In an area of more than 400
10 impacted single-family dwellings, this is
11 all because of a net number of nine new
12 houses that have been added recently.

13 And I will just close and say
14 thank you very much for your time. I
15 appreciate coming out here and having a
16 forum to exchange thoughts on this, and I
17 appreciate your candor, as well as your
18 integrity to carry this forward and
19 postpone the vote today. Thank you.

20 COUNCIL PRESIDENT VERNA:
21 You're welcome.

22 Good morning. Please identify
23 yourself for the record.

24 MR. LAGOMARSINO: Good morning.
25 My name is Robert Lagomarsino. I live at

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2 9613 Clark Street in the Bustleton
3 section of Philadelphia. I have lived
4 there for approximately 20 years.

5 My problem with this is -- I'm
6 in favor of it. I'm glad that they're
7 tearing down these houses that are --
8 some of them that are eyesores and
9 they're putting up sometimes two or three
10 houses in its place. It just happened to
11 me two doors away from me. There are two
12 new singles that went up in place of a
13 house that was an eyesore, and these
14 houses are selling for \$450,000.

15 And they're going to eventually
16 add to the City's tax base, add new
17 residents to the area. And in my
18 particular case, I have a house that has
19 a lot adjoining it and I've been paying
20 taxes on that lot for 20 years now just
21 to watch the grass grow.

22 Now, I don't want that to
23 change, after 20 years of me paying
24 taxes, someone is going to come along
25 because they don't want any new houses to

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2 be put up. That means I can't build
3 something on my lot. I don't think
4 that's right. I think it's un-American.

5 If there's some kind of an
6 issue with it to not put five houses up
7 on a lot that is only designed for one or
8 two, that's fine, but just to stop me, a
9 taxpayer, from doing this, I'm against
10 it.

11 And I really, frankly, don't
12 like the fact that it was trying to --
13 someone was trying to sneak it in in the
14 back door. That's my honest opinion.

15 Now, I'm going to go to this
16 meeting on Wednesday, and if I can find
17 out information that will change my mind,
18 that will be a different thing.

19 COUNCILMAN O'NEILL: Excuse me.
20 I just have a quick question. Is your
21 house up for sale?

22 MR. LAGOMARSINO: Yes, it is.

23 COUNCILMAN O'NEILL: So you're
24 moving?

25 MR. LAGOMARSINO: Possibly. It

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2 depends on how much I can get for my
3 house.

4 COUNCILMAN O'NEILL: Fine. I
5 appreciate your frankness. Thank you.

6 COUNCIL PRESIDENT VERNA: Good
7 morning. Please identify yourself for
8 the record.

9 MS. LAGOMARSINO: My name is
10 Kathleen Lagomarsino, and that was my
11 husband speaking. I live at 9613 Clark
12 Street. And I concur with everything my
13 husband said. And just like Councilman
14 O'Neill said, a lot of things were in
15 this paper that scared us and we didn't
16 like, but none of the good things were in
17 it. Well, I feel that the good things
18 should have been in it. We should have
19 gotten a pamphlet from him telling us
20 what the good things were, but we never
21 received anything like that.

22 So I just don't like the way
23 the whole thing is going. And it will
24 ultimately hurt our property. So I would
25 appreciate if it wasn't passed. Thank

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2 you.

3 COUNCIL PRESIDENT VERNA:

4 You're welcome.

5 Are there any questions or
6 comments from members of the Committee?

7 COUNCILMAN O'NEILL: I would
8 just like to say to the last couple, and
9 I understand your situation, but you can
10 thank the lady that put this out, because
11 if your house is sold because someone can
12 put two houses there and when this
13 passes, they can only put one, you've had
14 12 days and you're going to have 14 more.
15 And I don't anticipate beyond November
16 2nd this bill still sitting in Committee.
17 But nothing is going to happen today that
18 would have happened without this.

19 So somebody in a situation like
20 yours, somebody that the developers are
21 interested in has -- I want to make it
22 clear. You got 14 more days, and you
23 probably wouldn't have had the last 12
24 with the knowledge that's out there and
25 you wouldn't have the next 14. That's 26

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2 days' notice that you can thank Ms. Green
3 for in this thing. Because you're in a
4 different situation than most people.
5 I'm sorry. And I understand it, though.

6 MR. LAGOMARSINO: Right.

7 COUNCILMAN O'NEILL: I
8 appreciate your frankness. So good luck
9 and --

10 MR. LAGOMARSINO: See, it's not
11 entirely sure that I would even leave the
12 City. I may have this house built and
13 move into it myself to take advantage of
14 the ten-year tax abatement.

15 COUNCILMAN O'NEILL: I
16 understand.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 Any other questions or comments
20 from members of the Committee of the
21 witnesses at the table?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: Thank
24 you all for coming in. We appreciate
25 your taking the time to express your

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2 views.

3 COUNCILMAN O'NEILL: Thank you.

4 COUNCIL PRESIDENT VERNA: Do we
5 have anybody else in the audience that
6 would like to testify?

7 (No response.)

8 COUNCIL PRESIDENT VERNA:

9 Seeing no one, this will conclude the
10 public hearing of the Rules Committee.
11 We will now go into our public meeting,
12 and the Chair recognizes Councilman
13 Clarke regarding Bill No. 050510.

14 COUNCILMAN CLARKE: Thank you,
15 Madam President. Madam President, I move
16 that Bill 050510 be reported out of
17 Committee --

18 COUNCIL PRESIDENT VERNA:

19 Mr. Kramer, didn't you indicate that
20 there was an amendment to Bill 505010?

21 MR. KRAMER: Yes, ma'am, we
22 did. The Law Department wanted us to
23 correct a technical issue with regard to
24 the legend on the map.

25 COUNCIL PRESIDENT VERNA: We do

1 10/19/05 - RULES - 050510, 750, 796, 797

2 have that. Thank you.

3 COUNCILMAN CLARKE: My fault.

4 Sorry.

5 Madam President, I move for the

6 adoption of the amendment to Bill No.

7 050510.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It

10 has been moved and seconded that the

11 amendment as earlier presented be

12 adopted.

13 All in favor will indicate by

14 saying aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those

17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The

20 ayes have it. The motion carries.

21 Again, the Chair recognizes

22 Councilman Clarke.

23 COUNCILMAN CLARKE: Madam

24 President, I move that Bill 050510 be

25 reported out of Committee with a

1 10/19/05 - RULES - 050510, 750, 796, 797

2 favorable recommendation as amended.

3 (Duly seconded.)

4 COUNCIL PRESIDENT VERNA: It
5 has been moved and seconded that Bill No.
6 050510 be reported out of Committee with
7 a favorable recommendation as amended.

8 All in favor will please say
9 aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: The
15 ayes have it. The motion carries.

16 Again, the Chair recognizes
17 Councilman Clarke regarding Bill No.
18 050750.

19 COUNCILMAN CLARKE: Madam
20 President, I move that Bill 050750 be
21 reported out of Committee with a request
22 for rules suspension, be reported out
23 with a favorable recommendation.

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA: It

1 10/19/05 - RULES - 050510, 750, 796, 797
2 has been moved and seconded that Bill No.
3 050750 be reported out of Committee with
4 a favorable recommendation, also a
5 recommendation the rules of Council be
6 suspended so as to permit first reading
7 at our next session of Council.

8 All in favor will please say
9 aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: The
15 ayes have it. The motion carries.

16 The Chair will now consider
17 Bill No. 050796 and recognizes Councilman
18 Clarke.

19 COUNCILMAN CLARKE: Madam
20 President, my notes reflect we have an
21 amendment on this bill.

22 COUNCIL PRESIDENT VERNA: We
23 do.

24 COUNCILMAN CLARKE: I move for
25 the adoption of the amendment to Bill

1 10/19/05 - RULES - 050510, 750, 796, 797

2 050796.

3 (Duly seconded.)

4 COUNCIL PRESIDENT VERNA: It

5 has been moved and seconded that the

6 amendment as previously proposed be

7 approved.

8 All in favor will say aye.

9 (Aye.)

10 COUNCIL PRESIDENT VERNA: Those

11 opposed?

12 (No response.)

13 COUNCIL PRESIDENT VERNA: The

14 ayes have it, the motion carries, and the

15 Chair again recognizes Councilman Clarke.

16 COUNCILMAN CLARKE: Madam

17 President, I move that Bill 050796 be

18 reported out of Committee with a rules

19 suspension, be reported out with a

20 favorable recommendation as amended.

21 COUNCIL PRESIDENT VERNA: It

22 has been moved and seconded that Bill No.

23 050796 be reported out of Committee with

24 a favorable recommendation as amended and

25 further that the rules of Council be

1 10/19/05 - RULES - 050510, 750, 796, 797

2 suspended so as to permit first reading
3 at our next session of Council.

4 All in favor will indicate by
5 saying aye.

6 (Aye.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: The
11 ayes have it and the motion carries.

12 The Chair recognizes Councilman
13 O'Neill regarding Bill No. 050797.

14 COUNCILMAN O'NEILL: Madam
15 Chair, I think that amendment can be
16 approved at the next -- would you rather
17 the amendment approved on it today? Why
18 don't we approve it today.

19 COUNCIL PRESIDENT VERNA:
20 Whatever your desire is.

21 COUNCILMAN O'NEILL: The
22 amendment that was introduced by the
23 Planning Commission, I move approval.

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA: It

1 10/19/05 - RULES - 050510, 750, 796, 797

2 has been moved and seconded that the
3 amendment as proposed by City Planning be
4 approved.

5 All in favor will say aye.

6 (Aye.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: The
11 ayes have it and the amendment has been
12 adopted.

13 Again, the Chair recognizes
14 Councilman O'Neill.

15 COUNCILMAN O'NEILL: Madam
16 Chair, I move that Bill No. 050797 as
17 amended be held until the meeting of the
18 Rules Committee, which I understand is
19 being scheduled for November 2nd,
20 Wednesday, November 2nd at 10:00 a.m.

21 COUNCIL PRESIDENT VERNA: Thank
22 you. The record will reflect that Bill
23 No. 050797 is being continued until
24 November 2nd.

25 Thank you all very much for

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your patience. This concludes our public

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meeting. Everyone have a nice day.

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(Committee on Rules adjourned

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at 11:20 a.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on October 19, 2005, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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