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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 1, 2006
11:40 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN JACK KELLY
COUNCILWOMAN BLONDELL REYNOLDS BROWN

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BILL 051232 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by Parkside
Avenue, 50th Street, a railroad
right-of-way...

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BILL 051233 - An ordinance approving the
second amendment of the redevelopment proposal
for the West Parkside Urban Renewal Area...

18

19

BILL 051143 - An ordinance amending Section
10-112 of The Philadelphia Code, entitled
"Keeping Farm Animals," by deleting...

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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

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COUNCIL PRESIDENT VERNA:

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Again, I welcome everyone to this public

4

hearing on the Committee of the Rules.

5

I would like the record to

6

reflect that we have a quorum. To my

7

immediate left is Councilwoman Blackwell.

8

To her left is Councilwoman Brown. To my

9

immediate right is Councilman Kelly, and

10

Councilman Clarke is also in attendance.

11

I would ask Mr. Murray to

12

please read the title of Bill No. 051232.

13

MS. MURRAY: Bill No. 051232,

14

an ordinance to amend the Philadelphia

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Zoning Maps by changing the zoning

16

designations of certain areas of land

17

located within an area bounded by

18

Parkside Avenue, 50th Street, a railroad

19

right-of-way, 52nd Street, Columbia

20

Avenue and 51st Street.

21

COUNCIL PRESIDENT VERNA: May I

22

ask City Planning to please come up to

23

testify.

24

Good morning. Please identify

25

yourself for the record.

1 2/1/06 - RULES - BILL 051232, ETC.

2 MR. GREGORSKI: Good morning,
3 Madam President and members of the Rules
4 Committee. My name is Martin Gregorski.
5 I'm a Zoning Planner in the Development
6 Planning Division of the City Planning
7 Commission. I am here today to testify
8 on Bill No. 051232. Bill No. 051232 was
9 introduced by Councilmember Nutter on
10 December 22nd, the year 2005.

11 This bill rezones an area
12 bounded by Parkside Avenue, 50th Street,
13 a railroad right-of-way, 52nd Street,
14 Columbia Avenue and 51st Street. The
15 purpose of this bill is to rezone
16 approximately 30 acres of land from a
17 zoning designation of partly L-3 Limited
18 Industrial, partly L-5 Limited
19 Industrial, partly G-2 General
20 Industrial, partly C-1 Commercial, partly
21 R-9A Residential, partly R-9 Residential
22 and partly ASC Area Shopping Center to a
23 designation of partly L-3 Limited
24 Industrial, partly L-5 Limited
25 Industrial, partly G-2 General Industrial

1 2/1/06 - RULES - BILL 051232, ETC.

2 and partly Area Shopping Center, ASC, in
3 order to allow the development of a new
4 shopping center.

5 The Planning Commission at its
6 meeting of March 10, 2005 considered and
7 approved this item as an amendment to the
8 Parkside-Lancaster Redevelopment Area
9 plan, changing the proposed land use to
10 Commercial and a redevelopment proposal
11 for the acquisition of 55 properties.
12 Accordingly, this bill is consistent with
13 the previous policy of the Planning
14 Commission and we recommend that it be
15 approved.

16 I'll be happy to answer any
17 questions of the Committee.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much.

20 According to your testimony,
21 the City Planning approved the
22 redevelopment proposal that would
23 authorize the acquisition of 55
24 properties.

25 MR. GREGORSKI: That's correct.

1 2/1/06 - RULES - BILL 051232, ETC.

2 COUNCIL PRESIDENT VERNA: The
3 bill that we will consider very shortly
4 approves the acquisition of only ten
5 properties. Will the Planning Commission
6 have to approve a new development
7 proposal?

8 MR. GREGORSKI: That, I do not
9 know. I'd have to check on that. I'm
10 really not sure.

11 COUNCIL PRESIDENT VERNA: Is
12 somebody here that could address that
13 issue?

14 MR. REDDING: Good morning,
15 Madam President.

16 COUNCIL PRESIDENT VERNA: Good
17 morning.

18 MR. REDDING: And members of
19 the Committee. I'm Richard Redding,
20 Acting Director, Community Planning
21 Division at the Philadelphia City
22 Planning Commission.

23 Could you repeat the question
24 one more time, please?

25 COUNCIL PRESIDENT VERNA:

1 2/1/06 - RULES - BILL 051232, ETC.

2 Certainly. I said according to testimony
3 that we heard, the Planning Commission
4 approved a redevelopment proposal that
5 would authorize the acquisition of 55
6 properties. The bill that we will
7 consider very shortly approves the
8 acquisition of only ten properties. Will
9 the Planning Commission have to approve a
10 new development proposal?

11 MR. REDDING: Madam President,
12 the answer is no. The authorization for
13 55 properties gives us the ability, if
14 needed, to acquire buildings in a given
15 area. Many of those properties were able
16 to be purchased through private means,
17 and the ten is the only portion of the 55
18 that will be necessary. Additional
19 acquisitions will not be needed to be
20 authorized. And this is for the
21 expansion of the shopping center site in
22 the West Parkside community.

23 COUNCIL PRESIDENT VERNA: Fine.
24 Thank you very much.

25 Any questions from members of

1 2/1/06 - RULES - BILL 051232, ETC.

2 the Committee?

3 (No response.)

4 COUNCIL PRESIDENT VERNA:

5 Gentlemen, thank you.

6 MR. GREGORSKI: Thank you.

7 COUNCIL PRESIDENT VERNA: Do we
8 have anyone else to testify on this bill?

9 (No response.)

10 COUNCIL PRESIDENT VERNA:

11 Seeing no one, I would ask Ms. Murray to
12 please read the title of Bill No. 051233.

13 MS. MURRAY: Bill No. 051233,
14 an ordinance approving the second
15 amendment of the redevelopment proposal
16 for the West Parkside Urban Renewal Area,
17 being the area generally bounded by
18 Parkside Avenue on the north, Belmont
19 Avenue and Girard Avenue on the east,
20 Lancaster Avenue on the south, 52nd
21 Street and the Pennsylvania Central
22 Railroad Line on the west, including the
23 second amendment to the urban renewal
24 plan and the first amendment to the
25 relocation plan, which provides, inter

1 2/1/06 - RULES - BILL 051232, ETC.
2 alia, for the additional land acquisition
3 of approximately ten properties for
4 commercial and related uses; the
5 provision of certain relocation services,
6 as required by law; and declaring that
7 condemnation is not imminent with respect
8 to the Project.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 Mr. Wetzel, are you going to
12 testify?

13 Good afternoon.

14 MR. WETZEL: Hello. How are
15 you this morning?

16 COUNCIL PRESIDENT VERNA: It is
17 afternoon; is it not?

18 MR. WETZEL: Or afternoon.
19 It's getting very close.

20 My name is Herbert Wetzel. I'm
21 Executive Director of the Redevelopment
22 Authority of the City of Philadelphia.

23 Madam Chairperson and members
24 of the Committee, I'm here to speak in
25 support of Bill No. 051233, which is the

1 2/1/06 - RULES - BILL 051232, ETC.
2 second amendment of the redevelopment
3 proposal and the third amendment of the
4 urban renewal plan for the 44th and Aspen
5 Urban Renewal Areas.

6 The bill authorizes the
7 Redevelopment Authority to acquire ten
8 vacant structures and lots in the
9 Parkside-Lancaster Redevelopment Area,
10 West Parkside Urban Renewal Area for
11 commercial development.

12 These properties will be
13 assembled with others that have been
14 purchased privately by the Goldenberg
15 Management, Inc. for the new construction
16 of a retail center that will include
17 approximately 306,000 square feet of
18 retail space. The shopping center will
19 be anchored by a Lowe's Home Improvement
20 Center.

21 Goldenberg Management, Inc. has
22 entered into a Non-Assistance Agreement
23 with the Redevelopment Authority that
24 will require the Goldenberg Management,
25 Inc. to reimburse all direct and indirect

1 2/1/06 - RULES - BILL 051232, ETC.
2 costs incurred by the Authority
3 throughout this project. The estimated
4 acquisition costs are \$782,000. The
5 properties to be acquired under this plan
6 are within the project footprint and will
7 be used for commercial and related
8 development.

9 Madam Chairperson and members
10 of the Committee, I respectfully request
11 favorable consideration of Bill No.
12 051233 and also would ask for the
13 suspension of Council rules to allow
14 first reading on February 2, 2006.

15 COUNCIL PRESIDENT VERNA:
16 Mr. Wetzel, what did you say the
17 estimated cost of this acquisition was?

18 MR. WETZEL: It's \$782,000.
19 That includes the 35 percent contingency
20 for payment in court and other additional
21 contingencies, advertising and other
22 related costs.

23 COUNCIL PRESIDENT VERNA: Can
24 you tell us what the source of funds for
25 the acquisition is?

1 2/1/06 - RULES - BILL 051232, ETC.

2 MR. WETZEL: Yes. The source
3 of funds is the Goldenberg Management,
4 Inc. They are providing all the funds
5 necessary for the acquisition.

6 COUNCIL PRESIDENT VERNA: Can
7 you tell us how the acquisition funds
8 will be recycled?

9 MR. WETZEL: These would not --
10 unless there are tax delinquent
11 properties, and if there are tax
12 delinquent properties here that are being
13 acquired, then the City will go in and
14 claim either at settlement with the owner
15 or if we pay into court, the City will
16 claim any liens and judgments that it has
17 on these properties, and then those funds
18 are available to the City of
19 Philadelphia.

20 COUNCIL PRESIDENT VERNA: I
21 guess we're assuming that none of the
22 properties are occupied.

23 MR. WETZEL: To our knowledge,
24 there are seven vacant structures and
25 three vacant lots.

1 2/1/06 - RULES - BILL 051232, ETC.

2 and imminent? I just saw some place it's
3 not imminent.

4 MR. WETZEL: Yes. It's a legal
5 term that essentially clarifies that the
6 action of Council is the approval of the
7 proposal, but is not an act of
8 condemnation. This Council is
9 authorizing the Redevelopment Authority
10 to proceed if it so chooses to institute
11 this proposal, but it is not an act of
12 condemnation on the part of the City of
13 Philadelphia or this Council.

14 COUNCILWOMAN BLACKWELL: Thank
15 you.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chair recognizes Councilman
19 Kelly.

20 COUNCILMAN KELLY: Thank you,
21 Madam Chair.

22 Mr. Wetzel, I just want to
23 know, what is the estimated value of
24 these properties?

25 MR. WETZEL: Sir, I can get

1 2/1/06 - RULES - BILL 051232, ETC.

2 that for you. Today I don't have the
3 detailed budget with me.

4 COUNCILMAN KELLY: Is it based
5 on fair market value?

6 MR. WETZEL: It's based on an
7 estimate, but the first thing that we
8 would do if this proposal is adopted and
9 signed by the Mayor is first notify the
10 owners of the property. We've already
11 done so for this hearing purposes, but
12 notify them that we've engaged an
13 appraiser, a state certified licensed
14 appraiser, who will come out to the
15 property, that they have a right to be
16 there, to be in contact with that
17 appraiser, be there when the appraiser
18 does their work and provide comments to
19 the appraiser. Based on that appraisal,
20 we would then make an offer. So what we
21 have is an estimate at this point in
22 time.

23 COUNCILMAN KELLY: And the
24 estimate takes in a lot more than just
25 the value of the property.

1 2/1/06 - RULES - BILL 051232, ETC.

2 MR. WETZEL: Well, yes.

3 COUNCILMAN KELLY: As you
4 mentioned before, it's --

5 MR. WETZEL: All the
6 advertising costs and potential legal
7 expenses that could be incurred and
8 everything associated with this.

9 COUNCILMAN KELLY: Okay. Thank
10 you.

11 MR. WETZEL: You're welcome.

12 COUNCILMAN KELLY: Thank you,
13 Madam Chair.

14 COUNCIL PRESIDENT VERNA: Any
15 other questions from members of the
16 Committee?

17 (No response.)

18 COUNCIL PRESIDENT VERNA:
19 Seeing none, Mr. Wetzel, I thank you.

20 Do we have anyone else to
21 testify on this bill?

22 (No response.)

23 COUNCIL PRESIDENT VERNA:
24 Seeing no one, I would ask Ms. Murray to
25 please read the title of Bill No. 051143.

1 2/1/06 - RULES - BILL 051232, ETC.

2 MS. MURRAY: Bill No. 051143,
3 an ordinance amending Section 10-112 of
4 The Philadelphia Code, entitled "Keeping
5 Farm Animals," by deleting the provision
6 permitting the keeping of farm animals on
7 parcels of 3 acres or more.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 Do we have anyone from the
11 Administration to testify on this bill?

12 (No response.)

13 COUNCIL PRESIDENT VERNA:
14 Seeing no one, I would ask if we have any
15 witnesses.

16 MS. MURRAY: Bernadette Cartin.

17 COUNCIL PRESIDENT VERNA:
18 Hello. We appreciate your coming in to
19 testify. Please identify yourself for
20 the record.

21 MS. CARTIN: Good morning. My
22 name is Bernadette Cartin. I'm a
23 life-long resident of the City of
24 Philadelphia. I'm here to testify on
25 behalf of Philadelphia residents who

1 2/1/06 - RULES - BILL 051232, ETC.

2 oppose the banning of farm-type animals.

3 The current bill seeks to
4 remove an exemption for residents who
5 have three or more acres.

6 COUNCIL PRESIDENT VERNA: Who
7 have?

8 MS. CARTIN: Excuse me. Three
9 or more acres. I'm sorry.

10 This would make it impossible
11 for any resident to keep these animals
12 regardless of how much room they have. I
13 and the people I represent would like the
14 Council to remove any restriction on
15 owning farm-type pets by residents who
16 live in a house.

17 Philadelphia was founded on
18 principles of tolerance and individual
19 freedom. The farm animal ban enacted
20 over 300 years later is a slap in the
21 face to all that William Penn stood for.
22 There are quality of life issues to be
23 considered in depriving City dwellers of
24 the opportunity to keep chickens or ducks
25 for eggs or a goat for milk. People all

1 2/1/06 - RULES - BILL 051232, ETC.

2 over the City have gardens that provide
3 fresh produce. Until recently, they also
4 had the option of keeping chickens for
5 fresh, healthful eggs. Why should all
6 people be deprived of this opportunity
7 just because a few have the idea that it
8 shouldn't be done?

9 A blanket ban on all farm
10 animals punishes people who choose to
11 enjoy these extraordinary pets and
12 detracts from their quality of life. It
13 detracts from the quality of life of
14 neighbors who enjoy being able to see
15 these animals without going to a zoo or
16 traveling many miles to a farm.

17 This law needs to be revoked,
18 because neighbors can unfortunately be
19 spiteful or vindictive. A neighbor might
20 become angry at a neighbor for some
21 perceived or actual offense which is
22 totally unrelated to whether or not that
23 person keeps farm animals, yet the angry
24 neighbor can use the present law to
25 attack that person in one of the most

1 2/1/06 - RULES - BILL 051232, ETC.

2 hurtful ways imaginable to an animal
3 lover, which is to attack beloved pets.

4 We have all seen the
5 devastation of Katrina and other
6 disasters and heard story after story of
7 the people who stayed in their homes at
8 great personal risk because they would
9 not and could not leave their pets
10 behind. Such love and devotion is also
11 found among Philadelphia's pet owners
12 whether the pet be a cat, dog, parrot,
13 duck, chicken or goat.

14 A person who chooses to keep
15 some chickens in the yard for
16 companionship, to provide eggs or to eat
17 garden pests should not be singled out
18 and made to get rid of these pets if they
19 do not or never have caused a problem for
20 anyone. If such animals do cause
21 problems for other people in the
22 neighborhood, their owners can be dealt
23 with on an individual basis by existing
24 agencies.

25 If an owner of farm animals has

1 2/1/06 - RULES - BILL 051232, ETC.

2 been found repeatedly non-compliant with
3 requests to reduce noise or improve
4 sanitation, that individual should be
5 subject to removal of some or all of his
6 or her animals, just as a cat hoarder or
7 dog collector has animals removed for
8 health or sanitation concerns. A blanket
9 ban on all farm animals persecutes people
10 who choose to enjoy these extraordinary
11 pets.

12 In the spirit of William Penn,
13 Philadelphia should continue its
14 tradition of tolerance toward all good
15 citizens allowing all rights and freedoms
16 that do not impede the rights and
17 freedoms of others.

18 This law needs to be revoked or
19 at least altered to provide for the
20 rights and quality of life of people who
21 like to keep their special pets.

22 Philadelphia is based on the rule of the
23 majority and respect for the rights of
24 the minority. The majority of
25 Philadelphia citizens may choose not to

1 2/1/06 - RULES - BILL 051232, ETC.

2 keep farm-type pets for various reasons,
3 but no law should prevent the minority
4 who choose to do so from exercising that
5 right.

6 Thank you. And if I could
7 enter into the record, I have a petition
8 that was signed by 207 people in the week
9 that I had to ask for these signatures.
10 They represent citizens from all over the
11 City, and I would like that into the
12 record, if I might.

13 Thank you.

14 COUNCIL PRESIDENT VERNA: For
15 the record, can you tell us how many
16 acres of ground you have?

17 MS. CARTIN: Approximately one
18 and a half.

19 COUNCIL PRESIDENT VERNA: And
20 can you further inform us as to what type
21 of animals you have?

22 MS. CARTIN: I have horses. I
23 have chickens. I have ducks.

24 COUNCIL PRESIDENT VERNA: Well,
25 according to the Code, I was very curious

1 2/1/06 - RULES - BILL 051232, ETC.

2 to know what a farm animal --

3 MS. CARTIN: The bill --

4 COUNCIL PRESIDENT VERNA: I was
5 just rather curious to know what a farm
6 animal as --

7 MS. CARTIN: According to the
8 definition --

9 COUNCIL PRESIDENT VERNA: If
10 you don't mind.

11 MS. CARTIN: I'm sorry.

12 COUNCIL PRESIDENT VERNA: I was
13 curious to know how you defined a farm
14 animal, and according to the Code, it's
15 any chicken, goose, duck, turkey, goat,
16 sheep, pig, cow or other farm animal.
17 The horse, as you indicated you have,
18 would not be excluded.

19 MS. CARTIN: Correct.

20 COUNCIL PRESIDENT VERNA: Now,
21 how close are you to your nearest
22 neighbor?

23 MS. CARTIN: That's hard -- I
24 don't know. It's hard for me to
25 determine, but I would like to make it

1 2/1/06 - RULES - BILL 051232, ETC.

2 known that of the signatures on that
3 petition, most of them are from the
4 closest neighbors to me, and those people
5 enjoy coming and looking at my animals,
6 and they are very upset at the
7 possibility --

8 COUNCIL PRESIDENT VERNA: Do
9 any of your neighbors have farm animals?

10 MS. CARTIN: No, they don't.

11 COUNCIL PRESIDENT VERNA: Okay.

12 Any questions from members of
13 the Committee?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: I
16 thank you for coming in to testify.
17 Thank you very much.

18 Do we have anyone else to
19 testify?

20 MS. MURRAY: Harry Citrino.

21 COUNCIL PRESIDENT VERNA: I
22 think it is afternoon now, so I can say,
23 good afternoon.

24 MR. CITRINO: Good afternoon.

25 COUNCIL PRESIDENT VERNA:

1 2/1/06 - RULES - BILL 051232, ETC.

2 Please identify yourself for the record.

3 MR. CITRINO: It is just after
4 noon, and good afternoon, Madam President
5 and Honorable Councilmembers. My name is
6 Harry Citrino, C-I-T-R-I-N-O. I'm an
7 attorney in Philadelphia, and I am here
8 for two purposes. One, I am the Health
9 Education and Welfare Chairperson for the
10 Greater Bustleton Civic League and also
11 as an attorney. I represent a farmer who
12 lives in Northeast Philadelphia, quite
13 close to the Fox Chase Farm, which is
14 owned by the City.

15 This ordinance that went into
16 effect a while ago, although we were
17 opposed to that ordinance going into
18 effect, because as the prior woman that
19 testified indicated, there are a number
20 of people in the City who for purposes of
21 one reason or another like to have fresh
22 eggs or fresh milk or the wool from the
23 sheep or whatever they choose to do, and
24 there was an exclusion put into the bill
25 that said anyone with three acres or

23 I see that Councilman O'Neill
24 is not present, and I don't know if any
25 of the Honorable Councilpeople might --

1 2/1/06 - RULES - BILL 051232, ETC.

2 COUNCIL PRESIDENT VERNA: A
3 member of his staff is here, who will
4 certainly be more than happy to testify
5 on the Councilman's behalf.

6 MR. CITRINO: Then if I could
7 tell Mr. Finestone that I don't think
8 that this amendment should be put into
9 effect if the bill is going to remain as
10 it is.

11 I also see a constitutional
12 issue. The City is now embroiled in a
13 number of small pieces of litigation
14 based on the last bill, because some
15 people who owned farm animals have now
16 started litigation. These cases are in
17 progress at the present time concerning
18 the ordinance that's in progress.

19 I did want to bring to the
20 Council's attention that of the top ten
21 cities in this country population-wise,
22 Philadelphia is the only one that has
23 attempted to pass a ban on farm animals.
24 Even New York City with in excess of 8
25 million people does not have a ban on

1 2/1/06 - RULES - BILL 051232, ETC.

2 farm animals. And with the value of land
3 in Manhattan as expensive as it is,
4 there's no ban on farm animals.

5 Since constitutionally a person
6 has the right to life, liberty and the
7 pursuit of happiness, I qualify the fact
8 that life is the air you breathe, the
9 food you eat, the water and milk that you
10 drink, and I think it would behoove
11 Council to look closely at this even for
12 the constitutional issue of taking away
13 someone's life. If their life is they're
14 a farmer, you're actually forcing them to
15 lose part of their life if they're going
16 to lose those farm animals. They no
17 longer have access to farm fresh eggs.
18 They no longer have access to the milk
19 from the goat or the cow. And I think it
20 would be unfair to minimize and constrain
21 the residents of the City of Philadelphia
22 in this way.

23 The last person that testified
24 did say that this is a City founded on
25 tolerance, and we allow a lot of

1 2/1/06 - RULES - BILL 051232, ETC.
2 different people to do a lot of different
3 things as long as it doesn't hurt anybody
4 else, and I find that if someone owns
5 more than three acres of land, I don't
6 think it's going to hurt anybody else
7 that they continue to have these animals.

8 I do thank you for the
9 opportunity of testifying. I'll be
10 interested to hear what Mr. Finestone has
11 to say. Thank you very much.

12 COUNCIL PRESIDENT VERNA: Thank
13 you, Mr. Citrino.

14 The Chair recognizes Councilman
15 Kelly.

16 COUNCILMAN KELLY: Mr. Citrino,
17 I just have a question. The farmer that
18 you're representing or you have
19 represented, could you tell me if he's in
20 business or is this just a hobby for him?

21 MR. CITRINO: He's a registered
22 farmer. He happens to be my son. That's
23 why I'm here. That's his life. He wants
24 to be a farmer.

25 COUNCILMAN KELLY: He does

1 2/1/06 - RULES - BILL 051232, ETC.

2 sell --

3 MR. CITRINO: He's registered
4 with the City. He has a business
5 license, business privilege license. He
6 sells fruits and vegetables out front of
7 his property.

8 COUNCILMAN KELLY: How many
9 acres does he have?

10 MR. CITRINO: He currently has
11 3.25 acres on one parcel, but we now own
12 two adjoining parcels, which are now
13 another one and a half acres. So he's
14 closing in on five acres.

15 COUNCILMAN KELLY: Okay. Thank
16 you.

17 MR. CITRINO: You're welcome.

18 COUNCIL PRESIDENT Verna: The
19 Chair recognizes Councilwoman Brown.

20 COUNCILWOMAN BROWN: Thank you,
21 Madam President.

22 So please help me understand.
23 I'm confused by your testimony. Do you
24 support this bill or do you not?

25 MR. CITRINO: I do not support

1 2/1/06 - RULES - BILL 051232, ETC.
2 this bill. I do not support the
3 amendment. I'm here in opposition to
4 Councilman O'Neill's proposal to
5 eliminate that portion of the bill that
6 says people with over three acres can
7 have the farm. He wants to take that out
8 of the bill and now say nobody in the
9 City can have the farm. And I suggest to
10 the Honorable Councilwoman that Fox Chase
11 Farm is about 1.2 miles away from my
12 son's farm, and Fox Chase Farm has all
13 these animals, the same types of animals.
14 It's an educational facility. The City
15 owns it.

16 COUNCILWOMAN BROWN: I see.

17 MR. CITRINO: So to stop
18 someone that's a mile away and say you
19 can't have it, he'll turn himself into an
20 educational facility and invite the
21 public in to see, he'll show them how to
22 grow fruits and vegetables and how to
23 raise animals.

24 COUNCILWOMAN BROWN: Do you
25 know to what extent the community at

1 2/1/06 - RULES - BILL 051232, ETC.

2 large in that area is, A, aware of this
3 bill and where they might sit with this
4 bill?

5 MR. CITRINO: I don't think
6 that anyone knows about this bill. The
7 only reason I found out about it was
8 because it was on the Internet. I don't
9 think the community as a whole knows
10 anything about this bill. I don't think
11 they have -- that farm has been there
12 since 1760. That's how old that farm is.

13 COUNCILWOMAN BROWN: So one
14 should gather from your answer that
15 there's been no community public debate
16 or exchange.

17 MR. CITRINO: Nothing.

18 COUNCILWOMAN BROWN: Thank you
19 for your testimony.

20 MR. CITRINO: Thank you very
21 much.

22 COUNCIL PRESIDENT VERNA:
23 You're welcome.

24 Any other questions from
25 members of the Committee?

1 2/1/06 - RULES - BILL 051232, ETC.

2 (No response.)

3 COUNCIL PRESIDENT Verna: Thank
4 you very much, sir.

5 MR. CITRINO: Thank you very
6 much, Madam President.

7 COUNCIL PRESIDENT Verna:
8 You're welcome.

9 Our next witness?

10 MS. MURRAY: Aaron Finestone.

11 MR. FINESTONE: Good afternoon,
12 Council President. Aaron Finestone, City
13 Council technical staff. I'm here for
14 Councilman O'Neill.

15 Just for clarification,
16 Councilwoman Brown, the Fox Chase Farm is
17 exempt under the ordinance for an
18 educational institution.

19 Councilman O'Neill originally
20 agreed to the three-acre exemption on the
21 belief that there was an actual farm of
22 more than three acres, and the
23 information that he now has is that the
24 farm in question is not an actual farm.
25 If in fact it is an actual farm, he would

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2 be willing to meet with the owner and
3 work out some controls to protect the
4 community. And the controls would amount
5 to certain setback requirements, because
6 there have been problems -- the problems
7 with farm animals are sanitation and
8 smell, and there is a concern that unless
9 there are certain controls, certain
10 distances, that it would be a nuisance to
11 the neighbors. However, since he has not
12 been able to find an actual farm, he
13 believes the bill should be approved.

14 COUNCIL PRESIDENT VERNA: Can
15 you tell me or tell the Committee how
16 many farms or such farms are perhaps in
17 the Councilman's district? I just don't
18 know how many we would have within the
19 City limits. Are we talking about one
20 farm?

21 MR. FINESTONE: We're not aware
22 of any farms.

23 COUNCIL PRESIDENT VERNA:
24 You're not aware of any farms?

25 MR. FINESTONE: No. There's a

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2 distinction between people keeping
3 chickens in their backyard and operating
4 a working farm as your business where
5 this is your primary -- there's not
6 enough open land in Philadelphia.

7 COUNCIL PRESIDENT VERNA:
8 Councilman Kelly.

9 COUNCILMAN KELLY: I just
10 wanted to know, have you received any
11 complaints? Has the Council office
12 received many complaints about any of the
13 smell or the --

14 MR. FINESTONE: As to
15 Mr. Citrino's client's farm, I'm not
16 aware of any, but I can't say one way or
17 the other.

18 COUNCILMAN KELLY: You're not
19 aware of any complaints?

20 MR. FINESTONE: I'm not aware.
21 It doesn't mean there are; it doesn't
22 mean there's not. I'm just not aware of
23 it.

24 COUNCILMAN KELLY: And would
25 you know the closest neighbor to that

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2 particular farm?

3 MR. FINESTONE: No, sir.

4 COUNCILMAN KELLY: You don't.

5 And you haven't heard one way or the

6 other whether the neighbors --

7 MR. FINESTONE: Personally I

8 know nothing. I don't know.

9 COUNCILMAN KELLY: You haven't

10 received any specific complaints?

11 MR. FINESTONE: I don't know if

12 anything has come into the office, but

13 speaking for myself, I have no knowledge

14 either way.

15 COUNCILMAN KELLY: Okay. Thank

16 you.

17 COUNCIL PRESIDENT VERNA: Thank

18 you very much.

19 Are there any other questions

20 from members of the Committee on this

21 bill?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: Thank

24 you.

25 MR. FINESTONE: Thank you.

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2 COUNCIL PRESIDENT VERNA: Do we
3 have anyone else to testify?

4 MR. CITRINO: May I approach,
5 Madam President?

6 COUNCIL PRESIDENT VERNA: I beg
7 your pardon?

8 MR. CITRINO: May I approach?
9 I've already testified, but I --

10 COUNCIL PRESIDENT VERNA: You
11 have, and we usually don't do this, but I
12 think there are some members that are a
13 little perplexed. So maybe you could --

14 MR. CITRINO: Thank you very
15 much.

16 COUNCIL PRESIDENT VERNA: --
17 clear the air, so to speak.

18 MR. CITRINO: I appreciate it.
19 There is an actual farm. It's
20 located on Welsh Road in Northeast
21 Philadelphia. Like I said, it's about
22 three and a half acres.

23 COUNCIL PRESIDENT VERNA: Is
24 this your son's farm?

25 MR. CITRINO: This is my son's

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2 farm. This is the farm. I don't know of
3 any other farms either.

4 COUNCIL PRESIDENT VERNA: Does
5 it fall within the educational-type farm
6 that Mr. Aaron Finestone spoke about
7 earlier?

8 MR. CITRINO: Fox Chase Farm is
9 the educational farm. It's about a mile
10 over. Fox Chase Farm is City owned.
11 This is the only privately owned farm
12 that I know of in the City. And when my
13 son talked about it about seven or eight
14 years ago when he wanted to purchase the
15 land, he said, I think it would be great.
16 The farm --

17 COUNCIL PRESIDENT VERNA: How
18 many acres is your son's farm?

19 MR. CITRINO: Approximately
20 3.5, and I said we've just acquired
21 another acre and a half. It's closing in
22 on five acres, and there's a stream that
23 runs through the farm. It's in Bustleton
24 and it is an operational farm. So I
25 thought I'd just clarify that for the

1 2/1/06 - RULES - BILL 051232, ETC.

2 Councilmembers.

3 COUNCILWOMAN BLACKWELL: Thank
4 you.

5 MR. CITRINO: Thank you very
6 much.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Mr. Finestone.

10 MR. FINESTONE: I just received
11 a call from our office. We have received
12 complaints about Mr. Citrino's client's
13 farm and they're from people on Redd
14 Rambler Road who have made complaints.

15 COUNCIL PRESIDENT VERNA: What
16 type of complaints?

17 MR. FINESTONE: I need to call
18 back. I apologize. May I have a moment?

19 COUNCIL PRESIDENT VERNA: We'll
20 wait.

21 MR. CITRINO: If we could bring
22 maps out to show the Councilpeople. The
23 people on Redd Rambler Road don't even
24 own the land that they're talking about.
25 Some of their backyards are actually part

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2 of my son's farm. That's why they're
3 complaining. The way the stream runs,
4 the land runs across the stream. My son
5 owns their backyards. They want to
6 complain because they don't like that
7 fact. So if there's complaints, the
8 complaints are going to be nebulous
9 complaints about we don't like having the
10 farm there, because they don't really own
11 most of the land that they think they
12 own.

13 COUNCIL PRESIDENT VERNA: The
14 Chair recognizes Councilman Kelly.

15 COUNCILMAN KELLY: Mr. Citrino,
16 I'm just curious about the neighbors that
17 you just alluded to. Is this a
18 development? Is this a new development
19 or have those homes been there for years?

20 MR. CITRINO: No, sir. This
21 farmhouse that my son lives in, I'm going
22 to date it back to 1760.

23 COUNCILMAN KELLY: I'm talking
24 about the neighbors.

25 MR. CITRINO: The houses?

1 2/1/06 - RULES - BILL 051232, ETC.

2 COUNCILMAN KELLY: The houses,
3 are they newer?

4 MR. CITRINO: Those houses are
5 probably 1950's homes. They're probably
6 about 50 years old.

7 COUNCILMAN KELLY: So they were
8 built after your farm? In other words,
9 your farm was there beforehand and these
10 homes were built after that?

11 MR. CITRINO: That is correct.

12 COUNCILMAN KELLY: Okay.

13 MR. CITRINO: And the one
14 neighbor that I think Mr. Finestone is
15 alluding to has complained from the day
16 she moved in. She moved from Fishtown or
17 Port Richmond or wherever it was. And
18 she didn't care. There shouldn't be any
19 animals in the City of Philadelphia.
20 That was her position, and it's been that
21 way. She's called the Department of
22 Health.

23 COUNCILMAN KELLY: So this
24 could be just one neighbor complaining
25 about they don't like animals evidently?

1 2/1/06 - RULES - BILL 051232, ETC.

2 MR. CITRINO: That is correct.

3 So the Board of Health has been out a
4 number of times five, six years ago.
5 License & Inspections has been out. And
6 everybody that comes says how clean it
7 is, how there is a barn, there is a
8 fenced-in farm yard. The animals can't
9 get away from the farm yard.

10 COUNCILMAN KELLY: Are there
11 any violations, as far as you know?

12 MR. CITRINO: No violations.

13 COUNCILMAN KELLY: No
14 violations at all --

15 MR. CITRINO: None

16 COUNCILMAN KELLY: -- from L&I
17 or from the Health Department or
18 whatever?

19 MR. CITRINO: Nothing.

20 COUNCILMAN KELLY: Thank you.

21 MR. FINESTONE: May I respond?
22 The office just called down again. The
23 complaints include roosters crowing and
24 keeping people from sleeping,
25 particularly police and fire people. The

1 2/1/06 - RULES - BILL 051232, ETC.

2 complaints about smell and complaints
3 about environmental runoff into the
4 stream, pollution of the stream. The
5 chicken coop is near a neighbor's
6 backyard. Noise. And neighbors say it's
7 not a working farm. It's somebody who
8 likes to keep chickens and animals in
9 their backyard.

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 Any questions or comments from
13 members of the Committee?

14 MS. CARTIN: May I respond?

15 COUNCIL PRESIDENT VERNA: I
16 think you had an opportunity to testify.
17 I would like to clarify this. If you
18 want to come up to the witness table, but
19 I'm going to ask you to please be brief.
20 Please come up and add to what has
21 already been stated.

22 MS. CARTIN: I just wanted to
23 respond --

24 COUNCIL PRESIDENT VERNA:
25 Identify yourself for the record, please.

1 2/1/06 - RULES - BILL 051232, ETC.

2 MS. CARTIN: Bernadette Cartin.

3 I just wanted to respond to the
4 comment about the complaints about
5 roosters crowing. I also live in
6 Councilman O'Neill's district, and most
7 of the signatures in my petition are from
8 the people who live right behind me, who
9 are also in his district, and those
10 people enjoy hearing the roosters crow.
11 It makes them feel like they're in the
12 country. That's what they've told me.
13 And one man moved up from Kensington and
14 said that if the animals ever go, he's
15 moving out because it wouldn't be any fun
16 to live up where he lives anymore because
17 of that.

18 COUNCIL PRESIDENT VERNA: Thank
19 you. And a copy of the petition that you
20 have submitted this morning, a copy will
21 be given to Councilman O'Neill's office.

22 Anyone else to testify? Any
23 questions of these witnesses?

24 (No response.)

25 COUNCIL PRESIDENT VERNA:

1 2/1/06 - RULES - BILL 051232, ETC.

2 Seeing none, this will conclude our
3 public hearing. We will now go into the
4 public meeting. Thank you.

5 The Chair recognizes Councilman
6 Clarke regarding Bill No. 051232.

7 COUNCILMAN CLARKE: Thank you,
8 Madam President. I move that Bill 051232
9 be reported out of Committee with a
10 favorable recommendation and a request
11 for a suspension of the rules to allow
12 reading at the next session of Council.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: It
15 has been moved and seconded that Bill No.
16 051232 be reported out of Committee with
17 a favorable recommendation, also a
18 recommendation that the rules of Council
19 be suspended so as to permit first
20 reading at our next session of Council.

21 All in favor will please
22 indicate by saying aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 2/1/06 - RULES - BILL 051232, ETC.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and the motion carries.

5 Again, the Chair recognizes
6 Councilman Clarke regarding Bill No.
7 051233.

8 COUNCILMAN CLARKE: Madam
9 President, I move that Bill 051233 be
10 reported out of Committee with a
11 favorable recommendation and a request
12 for a suspension of the rules as to allow
13 reading at the next session of Council.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that Bill No.
17 051233 be reported out of Committee with
18 a favorable recommendation, also a
19 recommendation that the rules of Council
20 be suspended so as to permit first
21 reading at our next session of Council.

22 All in favor will please
23 indicate by saying aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 2/1/06 - RULES - BILL 051232, ETC.

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it and the motion carries.

6 Again, the Chair recognizes
7 Councilman Clarke regarding Bill No.
8 051143.

9 COUNCILMAN CLARKE: Madam
10 President, it's my understanding that the
11 Committee is requesting that this bill be
12 held at this time until there could be
13 more clarification on some of the issues.

14 COUNCIL PRESIDENT VERNA: All
15 in favor will say aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those
18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The
21 ayes have it and Bill No. 051143 will be
22 held until such time as more information
23 can be provided.

24 Thank you all very much for
25 your patience.

1 2/1/06 - RULES - BILL 051232, ETC.

2 (Committee on Rules adjourned

3 at 12:20 p.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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foregoing matter on February 1, 2006, 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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