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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE COUNCIL COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 9, 1999
1:15 p.m.

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BILL 990037 - An ordinance amending Section 1 of the Ordinance approved June 25, 1998 (Bill No. 980452), entitled "An Ordinance authorizing the Commissioner of Public Property, Director of Commerce, Director of Aviation, and other officials of the City of Philadelphia to acquire real estate and enter into certain leases and other agreements with the Philadelphia Authority for Industrial Development, and other parties, necessary to permit development of two new airport terminals and other airport improvements," by further providing for the acquisition of certain interests in real estate by amicable negotiation, swap, or by condemnation; and authorizing the Commissioner of Public Property, the Director of Commerce, the Director of Finance, and other City officers to do all things necessary to carry out the intent of this ordinance.

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PRESENT: COUNCIL PRESIDENT ANNA C. VERNA, Chair
COUNCILWOMAN AUGUSTA A. CLARK
COUNCILMAN DAVID COHEN
COUNCILMAN JAMES F. KENNEY
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN FRANK DICICCO

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5 Charles Isdell. 4
6 Acting Director of Aviation
7 Philadelphia International Airport

8 William Martin. 8
9 Chief Deputy City Solicitor
10 Philadelphia International Airport

11 Ken Sipos 37
12 Department of Public Property

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2 P R O C E E D I N G S

3 COUNCIL PRESIDENT VERNA: Good

4 afternoon, everyone. This is the Rules Committee
5 public hearing. I would ask the clerk to please
6 read Bill No. 990037. Just read the title,
7 please.

8 THE CLERK: Okay. Bill No. 990037, an
9 ordinance amending Section 1 of the Ordinance
10 approved June 25, 1998 (Bill No. 980452), entitled
11 "An Ordinance authorizing the Commissioner of
12 Public Property, Director of Commerce, Director of
13 Aviation, and other officials of the City of
14 Philadelphia to acquire real estate and enter into
15 certain leases and other agreements with the
16 Philadelphia Authority for Industrial Development,
17 and other parties, necessary to permit development
18 of two new airport terminals and other Airport
19 improvements," by further providing for the
20 acquisition of certain interests in real estate by
21 amicable negotiation, swap, or by condemnation;
22 and authorizing the Commissioner of Public
23 Property, the Director of Commerce, the Director
24 of Finance, and other City officers to do all
25 things necessary to carry out the intent of this

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2 ordinance.

3 (Charles Isdell et al. come forward.)

4 COUNCIL PRESIDENT VERNA: Good

5 afternoon.

6 MR. ISDELL: Good afternoon.

7 COUNCIL PRESIDENT VERNA: Sorry to have

8 kept you waiting. Please identify yourself for

9 the record and proceed with your testimony.

10 MR. ISDELL: Good afternoon, Council

11 President Verna and members of the Rules

12 Committee. My name is Charles Isdell, and I'm the

13 Acting Director of Aviation for the City of

14 Philadelphia.

15 To my left is Ed Anastasi, the Deputy

16 Director of Aviation for Business and Finance. To

17 my right is William Martin, Chief Deputy City

18 Solicitor for Regulatory Affairs.

19 We're here today to testify in support

20 of Bill No. 990037, which amends Section 1 of an

21 ordinance that was approved by Council on June 25,

22 1998, which, you may recall, authorizes the City

23 to acquire certain real estate and enter into

24 certain other leases and agreements in order to

25 permit the development of two new airport

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2 terminals and other airport improvements at
3 Philadelphia International Airport.

4 The original ordinance anticipated the
5 acquisition of certain real estate by amicable
6 negotiation. This amending ordinance requests
7 that Council provide the Commissioner of Public
8 Property, the Director of Commerce, and the
9 Director of Aviation with additional flexibility
10 to acquire the same property by amicable
11 negotiation, swap, or by condemnation, if
12 necessary. It also anticipates acquisition of
13 something less than a fee simple interest -- for
14 example, an easement.

15 The property in question is a 5.6-acre
16 parcel located in Tinicum Township adjacent to the
17 Airport. The parcel is owned by K/B Fund II, a
18 Delaware limited partnership, and is necessary for
19 the construction of the new terminal projects. In
20 particular, this parcel will be used as an apron
21 around the new terminal and for underground
22 utility lines.

23 Since the introduction of this
24 ordinance, agreement has been reached with K/B
25 Fund II for the acquisition of the parcel. The

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2 agreement is, however, subject to land use
3 approval by Tinicum Township. This ordinance is
4 still needed in the event that K/B tries to
5 withdraw from the transaction or if the City is
6 delayed in receiving appropriate subdivision
7 approval from Tinicum.

8 The ordinance will also permit K/B to
9 grant to the City an easement over the parcel
10 which will facilitate the construction of the
11 project on an interim basis, if necessary, until
12 appropriate approvals from Tinicum can be
13 attained. After Tinicum approvals are received,
14 the City will complete the acquisition of title.

15 The purchase price for the parcel is
16 \$10.5 million, which will be paid from the
17 airport's passenger facility charges and will,
18 therefore, have no impact on the City's General
19 Fund.

20 In order for the construction schedule
21 to be maintained, it is requested the Council pass
22 the ordinance immediately. And we're available to
23 answer questions.

24 Thank you very much.

25 COUNCIL PRESIDENT VERNA: Thank you.

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2 The Chair recognizes Councilwoman
3 Clark.

4 COUNCILWOMAN CLARK: Thank you.

5 Good morning, sir. How are you?

6 MR. ISDELL: Good afternoon. How are
7 you?

8 COUNCILWOMAN CLARK: It is afternoon,
9 isn't it?

10 MR. ISDELL: Yes.

11 COUNCILWOMAN CLARK: Thank you.

12 How will we bring the acquired piece of
13 property within City boundaries, or is that a
14 problem? You say it's presently located in
15 Tinicum Township.

16 MR. ISDELL: Yes.

17 COUNCILWOMAN CLARK: Do we need to
18 annex it and make it a part of Philadelphia? How
19 does that work?

20 MR. ISDELL: An agreement was reached
21 with Tinicum Township last year use --

22 COUNCILWOMAN CLARK: For the use.

23 MR. ISDELL: -- which allows this
24 acquisition to take place. In other words, they
25 gave us approval to acquire this 5.6-acre parcel

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2 as part of a settlement agreement last year.

3 COUNCILWOMAN CLARK: Right, right.

4 MR. MARTIN: If I may, the property
5 would remain part of --

6 COUNCIL PRESIDENT VERNA: I'm sorry,
7 please identify yourself for the record.

8 MR. MARTIN: I'm sorry. William
9 Martin, Chief Deputy City Solicitor.

10 COUNCIL PRESIDENT VERNA: Thank you.

11 MR. MARTIN: The property would remain
12 as part of Tinicum Township and part of Delaware
13 County, but would be owned by the City of
14 Philadelphia.

15 COUNCILWOMAN CLARK: Okay. And they
16 would not -- is there some kind of a long-term
17 lease that prevents their interfering with our
18 intended use of it? How do we preserve the use
19 that we intend for property that's outside of
20 Philadelphia?

21 MR. ISDELL: Well, the agreement also
22 included a commitment to make best efforts for
23 Tinicum Township to approve the necessary zoning
24 and land use so that we could, in fact, construct
25 Terminal 1, the new international terminal, on

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2 using this parcel as a part of that project.

3 COUNCILWOMAN CLARK: Mr. Martin, you're
4 certain that legally, nothing will come up that
5 will interfere with the intended use after we have
6 acquired it and improved it?

7 MR. MARTIN: Councilwoman, I think that
8 Tinicum Township and Delaware County have entered
9 into an agreement with the City which would bind
10 them. They have acknowledged and consented to the
11 acquisition of this property, and they have
12 acknowledged and consented to the development of
13 the new international terminal, consistent with
14 the City's development plans.

15 And I think that our contact with
16 Tinicum and with Delaware County has continued to
17 be very amicable and cooperative all throughout
18 this process. If there were to be a change, I
19 think that the City would have clear rights under
20 its contract.

21 COUNCILWOMAN CLARK: For instance, will
22 Tinicum tax this property?

23 MR. MARTIN: The agreement with Tinicum
24 anticipated the acquisition of this property and
25 detailed total amounts of taxes that would be paid

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2 by the City for all of its airport property in the
3 township. So there is a total amount of taxes
4 being paid which covers not only this but also
5 other City-owned properties in the township.

6 COUNCILWOMAN CLARK: Thank you. I have
7 no further questions.

8 COUNCIL PRESIDENT VERNA: Thank you.
9 The Chair recognizes Councilman Nutter.

10 COUNCILMAN NUTTER: Thank you, Madam
11 Chair.

12 My first question is going back to the
13 previous ordinance back in June of '98. You're
14 here today because that ordinance only allowed you
15 to -- in the words of your testimony -- amicably
16 negotiate?

17 MR. ISDELL: Yes.

18 COUNCILMAN NUTTER: The purchase on
19 this property?

20 MR. ISDELL: Yes. The wording was "to
21 acquire by purchase." It did not include
22 condemnation, swap, or provision for such
23 easements, as we've referenced in the current
24 ordinance.

25 COUNCILMAN NUTTER: If you were to swap

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2 a piece of property, would you have to come back
3 to us for the acceptance of the then swapped
4 property?

5 MR. ISDELL: Yes.

6 COUNCILMAN NUTTER: Or the giving up
7 of, I guess, in that case -- I'm sorry, bad
8 phraseology. Actually, for the giving up of the
9 then swapped property? Because we would take in
10 this property and we'd have to give them another
11 property, right?

12 MR. ISDELL: That's correct.

13 COUNCILMAN NUTTER: Wouldn't that hold
14 up this transaction? 'Cause you don't have
15 approval today. Or are you -- is there something
16 in this ordinance today that allows you to swap
17 any piece of property as long as it's of
18 comparable value?

19 MR. ISDELL: No. I think the swap
20 provision is really, at least at this moment, not
21 contemplated as a likely mechanism to acquire the
22 property.

23 COUNCILMAN NUTTER: No, I understand
24 that but you're asking for our permission to do
25 that. I'm just trying to play that scenario out

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2 and understand what would happen.

3 MR. MARTIN: I think, Councilman, that
4 if the Aviation Department wanted to take
5 advantage of this language, they would be
6 compelled to come back to Council and --

7 COUNCILMAN NUTTER: Identify a piece of
8 property, say what you wanted. But you would not
9 be able to conclude this particular transaction
10 'cause you don't have a piece of property at that
11 point that you're legally authorized to swap out,
12 right?

13 MR. MARTIN: Not that I'm aware of. If
14 they wanted to conclude the transaction through
15 the swap component in the language.

16 COUNCILMAN NUTTER: Right, okay. And
17 then by condemnation -- now, how would we as a
18 city government condemn a piece of property that's
19 in another jurisdiction?

20 MR. MARTIN: The filing would be made
21 in Delaware County but the enabling legislation --

22 COUNCILMAN NUTTER: Who would be
23 condemning? What governmental unit would be
24 proceeding to condemnation?

25 MR. MARTIN: The City of Philadelphia

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2 would be exercising its authority to condemn in
3 connection with expansion of the airport and
4 taking that action in the courts of Delaware
5 County.

6 COUNCILMAN NUTTER: You're saying that
7 the City of Philadelphia can -- because we have
8 property adjacent to another county, that we can
9 go into their courts and try to condemn a piece of
10 property that's not in our political
11 jurisdiction?

12 MR. MARTIN: Yes, Councilman, if we
13 have consent of the -- the language in the statute
14 is "local authorities," which we do. It's 53,
15 Section 14161.

16 COUNCILMAN NUTTER: Okay, that's pretty
17 interesting.

18 COUNCIL PRESIDENT VERNA: Maybe
19 somebody from the --

20 COUNCILMAN NUTTER: Tinicum Township, I
21 mean, have they passed a resolution saying that if
22 you need to do this, we'll agree to this? Or, I
23 mean --

24 MR. MARTIN: Tinicum has agreed by a
25 contract signed by their executive branch,

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2 representatives of their executive branch, to
3 exercise best efforts to provide us any necessary
4 assistance in the acquisition of the property.

5 COUNCILMAN NUTTER: Including
6 condemnation. Okay.

7 Later on in Mr. Isdell's testimony, you
8 say that the ordinance is still needed in the
9 event that K/B tries to withdraw from the
10 transaction.

11 Are you -- I mean, what's the status of
12 the negotiations? Are we at that -- are things
13 that bad that they might just back out?

14 MR. ISDELL: No. The negotiations
15 continue to be amicable, but it does seem prudent
16 to us to continue to pursue the passage of this
17 ordinance so that we will be protected in the
18 event that the SALE does not come to closure.

19 COUNCILMAN NUTTER: And so your theory
20 is that if they back out, you'll then use the
21 condemnation right or theory as laid out in the
22 previous discussion. That completes that loop,
23 that's why you want to do that.

24 MR. ISDELL: That's correct.

25 COUNCILMAN NUTTER: And then, secondly,

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2 you say that if the City is delayed in receiving
3 appropriate subdivision approval -- and that
4 sentence goes on. What do you consider "delayed,"
5 and is that more a function of the sales
6 transaction? Or do you -- I mean, you've
7 indicated that you get general cooperation from
8 Tinicum Township, so. . .

9 MR. ISDELL: I think in terms of the
10 potential delay in the subdivision by Tinicum,
11 it's really just a practical matter of -- they
12 have a once-a-month meeting. We are hopeful that
13 we will get the approval within the time frame
14 that doesn't set back the start of construction.

15 COUNCILMAN NUTTER: Right.

16 MR. ISDELL: But, again, just to be on
17 the safe side, we felt like it would be a good
18 idea to continue this ordinance.

19 COUNCILMAN NUTTER: Okay. Last
20 question: What's the anticipated start date?

21 MR. ISDELL: We want to begin
22 construction -- originally, it was supposed to be
23 April 1st; we're now looking at mid- to late-April
24 as our start date.

25 COUNCILMAN NUTTER: Okay. Thank you.

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2 COUNCIL PRESIDENT VERNA: Thank you.

3 The Chair recognizes Councilman Cohen.

4 COUNCILMAN COHEN: How long have there
5 been negotiations with this company that owns the
6 land?

7 MR. ISDELL: I believe the actual
8 negotiations began late last year -- possibly
9 November but I think definitely December.
10 December.

11 COUNCILMAN COHEN: I am just puzzled as
12 to why now this legislation is being requested.
13 Has there been something that was not foreseen or
14 anticipated before, when the legislation was first
15 introduced?

16 'Cause we have acquired land from
17 Tinicum Township for the airport over many years,
18 haven't we? It's not a new venture into Tinicum
19 Township. Isn't a good portion of the airport in
20 Tinicum Township?

21 MR. ISDELL: Yes, that's correct.

22 COUNCILMAN COHEN: So that we've had an
23 ongoing relationship and, from what we seem to
24 know about it, it's been a good relationship with
25 Tinicum Township.

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2 MR. ISDELL: That's also correct.

3 Again, I think that our introduction or our
4 request for the introduction of the ordinance,
5 which originated in January, really grew out of
6 the negotiation process and our sense that we
7 were, in fact, negotiating a business transaction
8 with an entity, which certainly, you know, has
9 been a worthy competitor or adversary; and
10 therefore, it was very important for us to come to
11 the table with all of our prerogatives, and -- I'm
12 sorry -- am I --

13 COUNCILWOMAN CLARK: Mr. Isdell --
14 excuse me, Mr. Cohen.

15 Madam Chair, I do have to leave. I'd
16 like to be recorded as voting aye on this bill.

17 COUNCIL PRESIDENT Verna: Thank you.

18 COUNCILWOMAN CLARK: Thank you for
19 coming in, Mr. Isdell.

20 MR. ISDELL: Thank you, Councilwoman.

21 COUNCIL PRESIDENT Verna: Are you
22 asking for a suspension of the rules?

23 MR. ISDELL: Yes, we were going to ask
24 for a suspension of the rules.

25 COUNCILWOMAN CLARK: Yes, and I vote

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2 for suspension as well as for the bill as it comes
3 out.

4 COUNCIL PRESIDENT VERNA: Thank you.

5 COUNCILMAN COHEN: I guess my next
6 question is -- I'm just still, you know, I think
7 there must be something that has not yet come out
8 in the testimony. It seems unusual at this late
9 stage to suddenly ask for what would otherwise
10 seem to be a fairly routine, you know, request.

11 MR. ISDELL: Well, I think in all
12 candor, that in the process of negotiating for the
13 purchase of this parcel, our feeling became
14 stronger and stronger through the month of
15 December and early in January that if we had it to
16 do over again, we should have included the
17 condemnation language in the original ordinance.
18 And we certainly, you know, apologize for any
19 inconvenience that that would cause to Council.

20 But our ultimate decision was that the
21 prudent course of action would be to attempt as
22 quickly as possible to add that -- those
23 provisions to the acquisition language we already
24 had in place so that we would be completely armed
25 and prepared for any eventuality.

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2 And the real overriding concern we have
3 is the absolute necessity to get onto this parcel
4 before the end of April. The potential loss of --
5 the potential cost in terms of interest by not
6 starting the project on time is significant enough
7 that, again, we wanted to cover all of our flanks,
8 so to speak. And that's really how we arrived
9 here today.

10 COUNCILMAN COHEN: And to the Chief
11 Deputy City Solicitor, the basis of our having
12 jurisdiction to condemn lies on the consent of the
13 Tinicum Township government? Is that what gives
14 us the jurisdiction?

15 MR. MARTIN: Councilman, the language
16 authorizes cities of the first class to take the
17 condemnation specifically in connection with
18 airport uses, and the quote is: "With the consent
19 of the local authorities where such land is
20 situated."

21 COUNCILMAN COHEN: And we have that
22 consent, you're stating?

23 MR. MARTIN: Yes, sir, yes.

24 COUNCILMAN COHEN: All right. One last
25 question.

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2 In response to Councilman Nutter's
3 question, you said that if there was a swap, we'd
4 have to come back to City Council. Now, I don't
5 find -- it seems to me the language of this
6 ordinance totally makes coming back to City
7 Council unnecessary. And I would agree I think it
8 ought to come back, but I see nothing in this
9 language which prevents the City from moving right
10 ahead because it directs the various departments
11 of the City to proceed.

12 And in Section 2 -- that's in Section
13 1. In Section 2, it authorizes all of them to
14 execute all documents and do all things necessary
15 to carry out the intent of the ordinance. I don't
16 see anything which indicates, under any
17 circumstances, that anything comes back to City
18 Council.

19 But if you could explain that Mr.
20 Martin, I'd be appreciative. I would kind of feel
21 that maybe there ought to be some language in here
22 that indicates that it's coming back under
23 whatever circumstances it would come back, but it
24 seems to me this ordinance talks in opposite
25 language.

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2 MR. MARTIN: I understand your
3 question, Councilman.

4 I guess I have two points. Because of
5 my familiarity with the transaction, I know that
6 there's currently no expectation or discussions
7 relating to a swap. So I understand your concern.

8 COUNCILMAN COHEN: Was that the only
9 circumstance under which the matter would come
10 back for consideration before City Council, only
11 if there were a swap?

12 MR. MARTIN: Yes, I think so
13 Councilman. The two scenarios that I think are --
14 the most likely scenario is that the acquisition
15 proceeds under the pending agreement of sale under
16 the authority granted back in the June ordinance.

17 The two other potential scenarios are
18 that the transaction is delayed in Tinicum but the
19 airport wants to enter into an easement to
20 facilitate the timely commencement of the
21 development. I think that this ordinance would
22 permit the entering into that easement without
23 coming back to City Council.

24 The other potential scenario is that
25 unexpectedly, our dealings with the seller fall

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2 apart altogether, and the City attempts to secure
3 the property promptly by proceeding with
4 condemnation under the terms that we've discussed
5 generally here. Again, I don't believe, if that
6 was the course of action taken, that it would come
7 back to City Council.

8 And I think what I understood Mr.
9 Isdell to say was that his commitment here would
10 be that if a swap arose -- but again, it's not
11 currently at all being considered -- that he would
12 anticipate coming back to Council.

13 COUNCILMAN COHEN: You mean if some of
14 the City-owned airport land were ever considered
15 as a swap for this land that we need, that under
16 those circumstances, it would come back to the
17 Council?

18 MR. ISDELL: Yes, that's the commitment
19 that we've made.

20 COUNCILMAN COHEN: But you don't
21 foresee any possibility of that occurring from the
22 present circumstances?

23 MR. ISDELL: Not at this time, no.

24 COUNCILMAN COHEN: The swap would
25 presumably be with Tinicum Township and not with

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2 the owner of this property were that ever to
3 occur?

4 MR. MARTIN: I think the language would
5 contemplate a swap with the owner.

6 COUNCILMAN NUTTER: With the owner.

7 COUNCILMAN COHEN: With the owner.

8 MR. MARTIN: But, again, that's what
9 the language contemplates, but that's not
10 contemplated by the transactions currently being
11 discussed.

12 COUNCILMAN COHEN: Is there any kind of
13 an agreement of sale with the owner?

14 MR. MARTIN: Yes, there is.

15 COUNCILMAN COHEN: What are the
16 remaining issues and negotiations?

17 MR. ISDELL: The subdivision approval
18 by Tinicum Township, which we had previously
19 mentioned, I think, is pretty much the only
20 outstanding matter that remains to be completed at
21 this time.

22 COUNCILMAN COHEN: So the only matter
23 is with the government, which has pledged its
24 cooperation to us.

25 MR. ISDELL: That's correct. And,

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2 again, I think it really becomes more of an issue
3 of timeliness than of our ultimate approval. And
4 we wanted to be able, as we said, if necessary, to
5 access the property and begin work, even if it's
6 through an easement while they continue their
7 appropriate deliberations and approvals.

8 COUNCILMAN COHEN: Is that really the
9 main reason to be able to get onto the property?
10 And if you can't work out all the details of
11 whatever remains yet to be negotiated, that you
12 would at least want to get the right to go onto
13 the land in the form of an easement?

14 MR. ISDELL: Yes, because the utility
15 relocations that precede a lot of the other
16 construction work are, unfortunately, centered
17 around that one little parcel of property. And
18 that has to start right at the beginning of
19 construction.

20 COUNCILMAN COHEN: All right, thank
21 you.

22 COUNCIL PRESIDENT Verna: Are there any
23 other questions?

24 The Chair recognizes Councilman Ken.

25 COUNCILMAN KENNEY: Thank you, Madam

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2 Chair.

3 Isn't a swap highly unlikely under any
4 circumstances? I mean, we would have acquired
5 land at the airport because we need in the first
6 place; we probably wouldn't be in a position to
7 want to swap it anyway. And under normal
8 circumstances, any land we need, we could either
9 buy or condemn.

10 MR. ISDELL: You're absolutely right.
11 It's highly unlikely. And I guess it was put in
12 there because it was one of these situations where
13 since we had to come back and, in effect,
14 technically amend the previous ordinance, the best
15 legal advice we got was to include all
16 possibilities this time so that we wouldn't have
17 to theoretically come back again.

18 COUNCILMAN KENNEY: Does this also open
19 up the possibility of a land swap with land being
20 held by public property, not by the airport?

21 For example, if this company, instead
22 of a negotiated sale, had interest in a similar
23 sized parcel in some other part of the City, does
24 a swap potential exist in that scenario? And then
25 you would, of course, have to come back to Council

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2 with any public property action that had to be
3 taken. But is there a possibility that that kind
4 of swap could take place with land owned by the
5 City in some other part of the City?

6 MR. ISDELL: Again, I think it's highly
7 unlikely. I think whether the language in this
8 proposed ordinance makes that a legal possibility,
9 is that your question?

10 COUNCILMAN KENNEY: Yes.

11 MR. ISDELL: Well, I'm going to defer
12 to counsel.

13 MR. MARTIN: Thank you, Mr. Isdell.

14 I believe that there would be in this
15 situation a commitment to come back to Council.
16 And, you know, I'm trying to pick my words
17 carefully 'cause I'm not trying to assert any
18 general position of the Department regarding the
19 significance of the phrase "swap" in an ordinance
20 of this type.

21 But as to this transaction, Mr.
22 Isdell's indicated that if he wants to take
23 advantage of the phrase "swap," that he'll come
24 back to Council.

25 COUNCILMAN KENNEY: Okay. But as far

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2 as anything the Public Property Department might
3 have available to swap, they would naturally have
4 to come back here in order to dispose of that
5 land, anyway.

6 MR. ISDELL: Right.

7 COUNCILMAN KENNEY: Outside the realm
8 of what the airport can do on its own or through
9 this ordinance.

10 MR. ISDELL: That's true, that's
11 correct.

12 COUNCILMAN KENNEY: Okay, thank you.

13 COUNCIL PRESIDENT VERNA: Are there any
14 other questions?

15 Mr. Isdell, could you tell me what, if
16 any, adverse effects can the Philadelphia
17 residents -- particularly those in Eastwick --
18 expect from the operation of this airport
19 expansion once it's fully operational?

20 MR. ISDELL: With the expansion
21 specifically of the two new terminals, Terminal 1
22 and terminal F, I don't really see them having a
23 negative impact on the surrounding communities.
24 I'm thinking specifically of the two most common
25 complaints, which would be noise and traffic.

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2 There will be a lot of reconfiguration
3 of airport roadways associated with this terminal
4 construction, and there will also be a
5 reconstruction of the I-95 ramps approaching the
6 airport from the south in a northerly direction.
7 Those traffic patterns would not have any impact
8 on the Eastwick community specifically, as far as
9 I can determine.

10 And in terms of noise, because these
11 terminals will not have any impact on the use of
12 our taxiways and runways, I don't see them having
13 a negative impact on the community from a noise
14 basis either.

15 I do think we could probably tout some
16 of benefits of both the construction in terms of
17 employment and the general economic benefits to
18 the community that these projects would entail,
19 but I don't really see any negatives, frankly, at
20 this time.

21 COUNCIL PRESIDENT VERA: I know people
22 in the Eastwick community have complained on
23 numerous occasions about the noise level. And we
24 live in South Philadelphia and I can almost tell
25 you the time of the evening -- I know exactly at

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2 11 o'clock that there's going to be a plane going
3 by. And, I'll tell, you some nights, if it's
4 foggy or what have you, I think the plane's going
5 to come right into the bedroom.

6 MR. ISDELL: Yes. Well, there is some
7 good news, which is that we have just initiated
8 our Part 150 Noise Study, which was also included
9 in the agreement that was put together with
10 Tinicum Township last year, but that noise study
11 encompasses all of the surrounding communities of
12 the airport. It will look at the decibel levels
13 in what they call "concentric contours" emanating
14 from the runways outward. And it will also look
15 at noise abatement procedures that the airport
16 would propose after the initial analysis is done,
17 which may or quite possibly could be funded by the
18 federal government in order to reduce the impact
19 of noise on the surrounding communities.

20 But it is true that in foggy and rainy
21 conditions, we frequently get more complaints than
22 on clear days and nights because the low ceiling
23 amplifies the noise at ground level. It also
24 generally results in a turnaround of our normal
25 flow. In other words, we're generally operating

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2 in a flow that goes from east to west on our two
3 main runways.

4 In periods of rain and inclement
5 weather, frequently the winds have turned in the
6 opposite direction, and the air traffic
7 controllers then turn the traffic in the opposite
8 direction and it runs in a west-to-east flow. And
9 that change triggers commonly a number of noise
10 complaints from people who, about 70 to 75 percent
11 of the time, are not affected by noise.

12 This is the kind of thing that we will
13 be analyzing in a more scientific way over the
14 next 12 to 18 months and coming up with what we
15 hope will be solutions that will help us in the
16 future.

17 COUNCIL PRESIDENT VERNA: The Chair
18 recognizes Councilman DiCicco.

19 COUNCILMAN DICICCO: Thank you, Madam
20 President.

21 Good afternoon.

22 MR. ISDELL: Good afternoon.

23 COUNCILMAN DICICCO: I live about three
24 blocks from both Council President Anna Verna and
25 Councilman Kenney -- we live three blocks away in

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2 either direction.

3 The flight patterns that I've been
4 noticing in the last couple of years are the
5 morning return flights, I guess, whenever the Red
6 Eye is coming in from wherever they are, are
7 different from the flight patterns that I observe
8 at night. At night, it seems that the planes
9 returning go out more towards the Delaware River
10 and follow the river up. And I'm able to see this
11 'cause I have a roof deck.

12 MR. ISDELL: Yes.

13 COUNCILMAN DICICCO: So I literally can
14 sit up there and observe these. And it's a pretty
15 sight, but in the morning at 6, it's kind of
16 disturbing when they kind of cut across that.
17 They come from maybe Center City and kind of cut
18 across on a southeasterly pattern, which literally
19 cuts across the neighborhoods that we live in.

20 And I'm not one to really complain, but
21 I'm sure you must be getting some complaints. If
22 you haven't, I'd be surprised. My house -- the
23 light fixtures -- I have recessed lighting. It
24 actually vibrates; they're that close. I don't
25 know what the ceiling is, a thousand feet or

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2 whatever.

3 MR. ISDELL: Right.

4 COUNCILMAN DICICCO: Is there a reason?

5 And it doesn't matter whether it's clear weather
6 or foggy, rainy weather, the pattern seems to be
7 more in the a.m. more than in the p.m. -- with me
8 anyway -- to come across the residential community
9 more so, as opposed to going out, down the river
10 and up.

11 COUNCILMAN KENNEY: I just want to add
12 on if I may. This is something I've raised at
13 least a half a dozen times. It's an issue of
14 time, as far as I understand. My understanding,
15 from the flight path required by the FAA, they're
16 supposed to go down the river, both down the
17 Delaware bank and right over the Schuylkill for
18 safety issues. I mean, if they ever, God forbid,
19 have to ditch, they're going to ditch in water as
20 opposed to ditching over Frank's house.

21 MR. ISDELL: Yes.

22 COUNCILMAN KENNEY: But the issue, as I
23 understand from my investigation with the FAA, is
24 that the tower gives them permission to do that
25 cut across -- basically across South Philadelphia

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2 in an effort to save 5 to 10 minutes in flight
3 time. And it is both concerning from a safety
4 point of view, from a noise point of view, and
5 from an environmental point of view with the
6 emission that actually, I assume, pops down on top
7 of the houses as opposed to down on the river.

8 And I've seen ongoing flight patterns
9 while driving over the bridge -- you see those
10 that do it the right way, come right down the
11 Delaware, bank right, come down the Schuylkill, and
12 in for landing.

13 I just think it's an issue, Frank, of
14 time that they save the 5, 7, 10 minutes so they
15 cut across the City as opposed to going down the
16 regular flight path.

17 MR. ISDELL: I think that's possible.
18 I honestly have not heard this specific complaint
19 before.

20 We actually have computer equipment at
21 the airport already that enables us to track
22 flight patterns throughout the day. I would like
23 to take a look at that.

24 This is specifically -- it seems to
25 happens a lot in the early-morning hours?

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2 COUNCIL PRESIDENT VERNA: I find it
3 more in the evening.

4 COUNCILMAN KENNEY: I find it more in
5 the evening too. But he's a single guy and he's
6 probably out at night.

7 And also the height at which they come
8 in. In the evening hours in the summer, for
9 example -- I guess in the winter, you notice it
10 less 'cause your windows and doors are closed.
11 But in the summer, I mean I remember -- I mean, I
12 lived on the 300 block of Cantrell Street; I
13 sometimes thought I could see the movie that was
14 on in the plane itself as it came over in eastern
15 end of South Philly.

16 I mean, it's annoying when you hear it
17 and see it, and you wonder why they're cutting
18 across as opposed to going on what I understood to
19 be the approved flight path to enter from the
20 northeast section of the City.

21 MR. ISDELL: Right. It's also true --
22 although this usually is only an isolated
23 incident. If you're hearing this repeatedly, it's
24 probably not the case. But there are times when
25 the pilots don't do what they're supposed to do,

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2 and that's something that we do find with what we
3 call our "Tracor tracking system."

4 But, you know, if you're agreeable,
5 what I'd like to do is take a look at some
6 patterns over a period of a week or two and report
7 back to you what our findings are. I don't know
8 that we can make the noise problem go away
9 permanently or, you know, reduce it to everyone's
10 satisfaction, but we can certainly identify areas
11 where pilots or airlines are not following proper
12 procedures. We can identify the altitudes that
13 the planes are flying when they're passing over.

14 And if you could, it would probably
15 help me if you had like an intersection that's
16 near all three of your homes that I could use as a
17 point of analysis.

18 COUNCILMAN KENNEY: Broad and Snyder.

19 MR. ISDELL: Broad and Snyder? Okay.

20 COUNCILMAN DICICCO: Or even further
21 north, like at Broad and Washington Avenue. It's
22 kind of between Broad Street and the river, kind
23 of, most of it when they cut in?

24 COUNCILMAN KENNEY: Yeah.

25 COUNCILMAN DICICCO: Broad Street and

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2 the Delaware River, in that general vicinity.

3 MR. ISDELL: Okay.

4 COUNCIL PRESIDENT VERNA: I'm sure that
5 my colleagues from South Philadelphia get the same
6 amount of complaints from the area residents as I
7 do about the noise level.

8 And I'm not exaggerating when I tell
9 you that I do not need a clock in the bedroom.

10 COUNCILMAN DICICCO: That's what
11 happens to me at 6 in the morning.

12 COUNCIL PRESIDENT VERNA: I can usually
13 tell what time it is by the airplanes flying
14 over. And I know that every night, at 11 o'clock,
15 there's one; I think at quarter after 11, there's
16 another. I mean, you could actually time them.

17 So if you could check into that,
18 Mr. Isdell, and get back to us, I'd appreciate it.

19 MR. ISDELL: Certainly, I will.

20 COUNCIL PRESIDENT VERNA: Thank you.

21 Any other questions from members of the
22 committee?

23 (No further questions at this time.)

24 COUNCIL PRESIDENT VERNA: Does the
25 Department of Public Property want to testify?

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2 (Ken Sipos comes forward.)

3 MR. SIPOS: Madam Chairwoman, members
4 of the committee, my name is Ken Sipos, from the
5 Department of Public Property. And Public
6 Property supports this legislation.

7 COUNCIL PRESIDENT VERNA: Thank you
8 very much.

9 Mr. Isdell, do you want to make a
10 formal request for the suspension of the rules?

11 MR. ISDELL: Yes. The Division
12 requests a suspension of the rules so that the
13 first and second --

14 COUNCIL PRESIDENT VERNA: First reading
15 will be at our next Council session.

16 MR. ISDELL: So that it will be
17 expedited, yes. Thank you.

18 COUNCIL PRESIDENT VERNA: Are there any
19 other questions or comments from members of the
20 committee?

21 (No further questions or comments at
22 this time.)

23 COUNCIL PRESIDENT VERNA: If not, this
24 concludes the public hearing.

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1 3/9/99 COMMITTEE ON RULES - PUBLIC MEETING

2 COUNCIL PRESIDENT VERNA: We will now
3 go into our public meeting.

4 The Chair recognizes Councilman Nutter.

5 COUNCILMAN NUTTER: Madam Chair, I move
6 that Bill No. 990037 be reported out of this
7 committee with a favorable recommendation and A
8 further recommendation that the rules of Council
9 be suspended so as to permit first reading at our
10 next session of Council.

11 COUNCILMAN COHEN: Seconded.

12 COUNCILWOMAN VERNA: It has been
13 properly moved and seconded that Bill No. 990037
14 be reported out of committee with a favorable
15 recommendation; also a recommendation that the
16 rules of Council be suspended so as to permit
17 first reading at our next session of Council.

18 All those in favor will signify by
19 saying aye?

20 Those opposed?

21 The ayes have it, the motion is
22 carried.

23 This concludes the public meeting of
24 the Rules Committee. Thank you very much.

25 (Adjourned at 1:51 p.m.)

1 3/9/99 COMMITTEE ON RULES - PUBLIC MEETING

2 C E R T I F I C A T E

3

4

5 I HEREBY CERTIFY that the foregoing
6 proceedings of the Council of the City of
7 Philadelphia of Tuesday, March 9, 1999, were
8 reported fully and accurately by me, and that this
9 is a correct transcript of same.

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11

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13 RE: COUNCIL COMMITTEE ON RULES

14 BILL NO. 990037

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21 _____,

22 JOSEPHINE CARDILLO,

23 Registered Professional Reporter

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