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## COUNCIL OF THE CITY OF PHILADELPHIA

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## COMMITTEE OF THE WHOLE

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Room 400, City Hall  
Philadelphia, Pennsylvania  
Thursday, June 12, 2008  
9:15 a.m.

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## PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL

COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN WILLIAM GREENLEE

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COUNCILMAN CURTIS JONES, JR.

COUNCILMAN JACK KELLY

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COUNCILMAN JAMES F. KENNEY

COUNCILWOMAN JOAN L. KRAJEWSKI

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COUNCILMAN BRIAN J. O'NEILL

COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN FRANK RIZZO

COUNCILWOMAN MARIAN B. TASCO

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RESOLUTION 080553 - Resolution confirming the  
appointment of Gilbert Rowe to the Malt and  
Brewed Beverage Hearing Board.

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RESOLUTION 080554 - Resolution confirming the  
appointment of Melissa Kim to the Malt and  
Brewed Beverage Hearing Board.

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V A R A L L O Incorporated

Litigation Support Services

Eleven Penn Center

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Philadelphia, Pennsylvania 19103

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COUNCIL PRESIDENT VERNA: Good morning. This is a public hearing of the Committee of the Whole.

I would ask Mr. McPherson to please read the resolutions before us.

MR. MCPHERSON: Resolution 080553, confirming the appointment of Gilbert Rowe to the Malt and Brewed Beverage Hearing Board.

Resolution 080554, confirming the appointment of Melissa Kim to the Malt and Brewed Beverage Hearing Board.

COUNCIL PRESIDENT VERNA: Are they here?

(Witnesses approached witness table.)

COUNCIL PRESIDENT VERNA: Good morning.

MS. KIM: Good morning.

COUNCIL PRESIDENT VERNA: Ms. Kim, would you please identify yourself for the record and just tell us something about yourself, and perhaps you could tell us why you'd like to serve on

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2           this Board.

3                       MS. KIM: It would be my  
4           pleasure.

5                       Good morning, Council President  
6           Verna and members of City Council. My  
7           name is Melissa Kim and I currently work  
8           as a litigating attorney for the law firm  
9           of Braverman Kaskey, P.C. here in  
10          Philadelphia. I am a candidate for the  
11          Malt and Brewed Beverage Hearing Board.  
12          Thank you for this opportunity to testify  
13          before City Council in consideration of  
14          Mayor Nutter's nomination.

15                      As you know, the three-person  
16          Malt and Brewed Beverage Hearing Board is  
17          administered within the Department of  
18          Licenses and Inspections and hears and  
19          decides protests to applications for  
20          permits to sell take-out malt and brewed  
21          beverages. These permits are City issued  
22          pursuant to the authority granted by the  
23          Commonwealth in the Pennsylvania Liquor  
24          Code. I believe for City Council to  
25          properly consider my nomination, it is

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2           important that I share a little bit of  
3           information about my background and my  
4           motivation for wanting to serve.

5                       I was born in Baltimore, but  
6           raised in Fort Lauderdale, Florida. My  
7           parents supported our family by owning  
8           and operating various small local  
9           businesses. As such, I developed an  
10          understanding and appreciation for the  
11          issues that small business owners  
12          confront. I have been a part of the  
13          Philadelphia community since 2000 when I  
14          matriculated into Temple's School of Law.  
15          I have a vested interest in the City and,  
16          if confirmed, will work with the Board to  
17          continue to promote public trust in the  
18          Philadelphia government.

19                      Thank you.

20                      COUNCIL PRESIDENT Verna: Thank  
21           you very much.

22                      Are there any questions from  
23           members of the Committee of Ms. Kim?

24                      COUNCILWOMAN Tascio: I have  
25           some questions, but do we want to hear

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2 from both?

3 COUNCIL PRESIDENT VERNA: Yes.

4 COUNCILWOMAN TASC0: I'd like  
5 to ask some questions.

6 COUNCIL PRESIDENT VERNA: You  
7 want to wait until they both testify?  
8 Very well.

9 Mr. Rowe.

10 MR. ROWE: Good morning,  
11 Council President Verna and members of  
12 City Council. My name is Gilbert Rowe  
13 and I am a candidate for the Malt and  
14 Brewed Beverage Hearing Board. Thank you  
15 also for the opportunity to testify  
16 before City Council in consideration of  
17 Mayor Nutter's nomination.

18 As you know, the three-person  
19 independent Malt and Brewed Beverage  
20 Hearing Board is administered within the  
21 Department of Licenses and Inspections  
22 and hears and decides protests to  
23 applications for permits to sell take-out  
24 malt and brewed beverages. These permits  
25 are City issued pursuant to the authority

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2       granted by the Commonwealth in the  
3       Pennsylvania Liquor Code.

4               My motivation for desiring to  
5       serve on this Board stems from my being a  
6       lifelong Philadelphian who has been  
7       committed and engaged with the  
8       Philadelphia community in various ways.  
9       Since 2003, I have been retired from the  
10      Philadelphia Commercial Development  
11      Corporation where I served as the  
12      Director of the Micro Loan Fund.

13             In addition to my 14 years of  
14      experience with PCDC, currently I am the  
15      Treasurer of the Executive Board of the  
16      East Falls Development Corporation and I  
17      serve on the Gypsy Lane Owners  
18      Association. I'm also quite involved in  
19      Haven Peniel United Methodist Church,  
20      where I serve as the Vice-Chair of the  
21      Board of Trustees. I'm also the Chairman  
22      of the Staff Pastor Parish Relations  
23      Committee and I am Board member of the  
24      Haven Peniel Development Corporation.

25             As you can see, I have been a

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2           consistently active and involved member  
3           of this Philadelphia community. Given my  
4           background, I have a keen interest in  
5           ensuring that as a Board member, I will  
6           make prudent and sound decisions  
7           regarding the issuance of permits.

8                     Thank you again for your  
9           consideration.

10                    COUNCIL PRESIDENT VERNA: Thank  
11           you. Thank you very much.

12                    The Chair recognizes  
13           Councilwoman Tasco.

14                    COUNCILWOMAN TASCO: Thank you.

15                    Good morning.

16                    MR. ROWE: Good morning.

17                    MS. KIM: Good morning.

18                    COUNCILWOMAN TASCO: Just  
19           talking to my assistant, one of the  
20           concerns that we have had with members of  
21           the Board before was their involvement in  
22           actively opposing any beer take-out in  
23           the community, and as a result of that,  
24           the majority of our disapprovals from the  
25           Board were overturned by the court.

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2 Would that be the case with  
3 either of you, your active involvement in  
4 the past opposing beer take-out, beverage  
5 take-outs?

6 MR. ROWE: No. I wasn't  
7 involved.

8 MS. KIM: I'm sorry. When you  
9 refer to "active involvement," are you  
10 referring to activities outside of the  
11 Board?

12 COUNCILWOMAN TASC0: Yes. Have  
13 you been a part of a community  
14 organization that has opposed beer  
15 take-out?

16 MS. KIM: No, I have not.

17 COUNCILWOMAN TASC0: You,  
18 Mr. Rowe?

19 MR. ROWE: Nor have I.

20 COUNCILWOMAN TASC0: Because  
21 one of the concerns that we've had with  
22 this whole process, that our staff has  
23 worked very hard to work with community  
24 organizations where we have had  
25 businesses that sell take-out beer. They

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2           have been a nuisance in the community,  
3           and when we got to the court, the court  
4           threw all the disapprovals out, and some  
5           of it was based on the activity of the  
6           Board member who had been actively  
7           involved in that.

8                       So I just want to say to you,  
9           it's very important that if a community  
10          organization or neighbors are opposing an  
11          activity in their neighborhood, that you  
12          give them serious consideration, because  
13          they are the ones who have to live with  
14          that nuisance on a daily basis, and so  
15          it's very important -- they feel that  
16          government fails them when they don't get  
17          any action.

18                      MR. ROWE: I'm almost sure this  
19          is a very important assignment for us,  
20          and having been part of the community,  
21          it's a very important assignment. And,  
22          of course, all communities are involved  
23          with the problem we've had in the past  
24          with those type of nuisances.

25                      COUNCILWOMAN TASCO: Now, I

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2           have another problem here. I know you're  
3           just getting appointed today, but we're  
4           having a festival on Ogontz Avenue on the  
5           20th of June. I don't know when you'll  
6           have your first meeting, but if you are  
7           confirmed, I call upon your good services  
8           to meet me here at the Hoagie Factory,  
9           which has a license transfer but needs a  
10          permit to do business, and if they can't  
11          do business on the weekend of the 20th,  
12          they're going to lose a lot of money. So  
13          that's very important.

14                    I don't know how you can -- you  
15          can work that out, but I hope some way  
16          that you can hear his case and give  
17          him -- allow L&I to issue them a permit  
18          to operate. We haven't had any problems  
19          with them. That's just a comment.

20                    Another question. Has anyone  
21          in your family ever had a business with  
22          brewed take-out?

23                    MR. ROWE: No.

24                    COUNCILWOMAN TASC0: Beverage  
25          take-out business?

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2 MS. KIM: No.

3 COUNCILWOMAN TASCO: We're just  
4 looking at all the possible challenges to  
5 your decision.

6 Thank you very much.

7 MR. ROWE: You're welcome.

8 MS. KIM: Thank you.

9 COUNCIL PRESIDENT VERNA: The  
10 Chair recognizes Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Thank  
12 you, Madam President.

13 We say to these new appointees  
14 or individuals that we look forward to  
15 approving this morning that this has been  
16 a big issue, as Councilwoman Tasco has  
17 said. It's been a big issue for this  
18 Council, because we do have neighborhood  
19 responsibility, and we ask you -- myself,  
20 we've been to some nine cases that were  
21 really, really important for the  
22 community, and in a couple where they  
23 went to the courts, the courts did not  
24 agree with the Board that you applied to  
25 be before, and one of the reasons they

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2           issue was notification, that they didn't  
3           get notified in time and, therefore, they  
4           threw them out. So we're in a position  
5           of starting all over again with some of  
6           our worst stop-and-go's, those who  
7           sell -- you go in one door where they  
8           have two loaves of bread and one pack of  
9           lunch meat and you go in the back and  
10          it's a bar. They have Plexiglass up and  
11          they have a little, quote/unquote, shot  
12          window where they pass liquor out of this  
13          little window so that people can buy.  
14          And a lot of obviously drug addicts and  
15          people down on their luck hang there,  
16          because they're open all the time. And  
17          that's a big issue for us, but those are  
18          the ones that won, and so they're  
19          operational all over again, the worst  
20          stop-and-go's.

21                   And I said all of that to say  
22          we will appeal to you to look at the  
23          reasons the courts fought us on that,  
24          even though the Board approved it, so  
25          that you may consider what it is they're

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2       looking for and help us so that if we  
3       start that process all over again, we'll  
4       have an opportunity to be successful in  
5       supporting community groups who fight  
6       those that operate wrongly and that don't  
7       support the community and that legally at  
8       this point have hang-out spots for drug  
9       addicts and people to hang in front that  
10      are anti all that this Council and our  
11      communities stand for.

12               We hope that you'll consider  
13      that and that you will commit yourselves  
14      to looking at those issues that the  
15      courts considered so that we may be  
16      successful should we start all over  
17      again.

18               MR. ROWE: Madam Blackwell,  
19      rest assured that I'm almost certain that  
20      all these issues will be taken care of  
21      and confronted. There's a lot of  
22      interest I have and I'm almost sure the  
23      other members of the Board will have in  
24      our community. I was born in  
25      Philadelphia and I was born in North

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2           Philadelphia, and I know just what's  
3           going on as far as the various  
4           neighborhoods are concerned. So you can  
5           rest assured that all consideration be  
6           given to our attention and to the problem  
7           that you just mentioned.

8                       COUNCILWOMAN BLACKWELL: Thank  
9           you. Thank you.

10                      MS. KIM: And I can assure you  
11           likewise, Councilwoman Blackwell. I'm  
12           trained as an attorney. I do have some  
13           knowledge and experience in handling  
14           hearings, as well as appearing before  
15           court.

16                      I've reviewed several of the  
17           decisions, the findings of fact and  
18           conclusions of law issued by the Board.  
19           I've also reviewed the City ordinance,  
20           which was very well written, as well as  
21           the Act of 2006 which created the Board  
22           through the Licenses and Inspections, and  
23           I can assure you that I will do my due  
24           diligence to make sure that the notice  
25           requirements are met and that the

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2 decisions of the Board will be sound so  
3 that there's very little room for them to  
4 be overturned by the Commonwealth courts.

5 COUNCILWOMAN BLACKWELL: Thank  
6 you. Thank you.

7 COUNCIL PRESIDENT VERNA: Thank  
8 you.

9 Any other questions from  
10 members of the Committee?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: Thank  
13 you both very much.

14 Do we have anyone that would  
15 like to testify on either of the  
16 resolutions before us?

17 (No response.)

18 COUNCIL PRESIDENT VERNA:  
19 Seeing no one, this will conclude our  
20 public hearing.

21 We will now go into our public  
22 meeting, and the Chair recognizes  
23 Councilwoman Tasco.

24 COUNCILWOMAN TASCO: Madam  
25 President, I move that Resolution 080553

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2           be reported out of Committee with a  
3           favorable recommendation.

4                       (Duly seconded.)

5                       COUNCIL PRESIDENT VERNA: It  
6           has been moved and properly seconded that  
7           Resolution No. 080553 be reported out of  
8           Committee with a favorable  
9           recommendation.

10                      All in favor will say aye.

11                      (Aye.)

12                      COUNCIL PRESIDENT VERNA: Those  
13           opposed?

14                      (No response.)

15                      COUNCIL PRESIDENT VERNA: The  
16           ayes have it and the motion carries.

17                      Again, the Chair recognizes  
18           Councilwoman Tasco.

19                      COUNCILWOMAN TASCO: Madam  
20           President, I move that Resolution 080554  
21           be reported out of Committee with a  
22           favorable recommendation.

23                      (Duly seconded.)

24                      COUNCIL PRESIDENT VERNA: It  
25           has been moved and seconded that

1           6/12/08 - WHOLE - RESOLUTIONS 080553 & 080554

2           Resolution No. 080554 be reported out of  
3           Committee with a favorable  
4           recommendation.

5                       All in favor will indicate by  
6           saying aye.

7                       (Aye.)

8                       COUNCIL PRESIDENT VERNA: Those  
9           opposed?

10                      (No response.)

11                      COUNCIL PRESIDENT VERNA: The  
12           ayes have it. The motion carries.

13                      This concludes our public  
14           meeting.

15                      Congratulations to you both.

16           We wish you luck. Thank you.

17                      MS. KIM: Thank you.

18                      MR. ROWE: Thank you.

19                      (Committee of the Whole  
20           adjourned at 9:30 a.m.)

21                      - - -

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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 June 12, 2008, 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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