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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING

COMMITTEE ON PUBLIC PROPERTY

- - -

Room 696, City Hall
Philadelphia, Pennsylvania
Thursday, May 29, 2003
1:45 p.m.

- - -

BILLS 030200, 030216, 030245, 030246, 030253,
030292, 030332, 030353, 030370, 030379, 030392.

- - -

PRESENT:

COUNCILMAN JAMES KENNEY, Chair
COUNCILMAN MICHAEL NUTTER
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DARRELL CLARKE
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN DONNA REED MILLER

- - -

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I N D E X

3	BILL 030246	PAGE
	VINCENT CARNUCCIO	3
4	BILL 030292	
	ANITA ROBINSON HUNT	5
5	BILL 030245	
	JIM TIANO, Police Department.....	11
6	EDWARD CHIODETTI, Police Department	14
	FRANK THOMPSON, Philadelphia Vietnam	
7	Veterans Memorial	28
	LARRY ZIPF, BOMA	29
8	WILLIAM CRITICOS, One & Two Commerce Square...	37
	DON HAAS, Bell Atlantic Tower	38
9	RICHARD EVANS, 11 Penn Center	43
	KATHLEEN WILKINS	46
10	EILEEN O'BRIEN, Department of Finance	51
	JOSHUA NIMS	53
11	BRIAN WINTERS	68
	STEVEN BRODY, of Title 10 Skate Park	77
12	BILL 030370	
	ANDRES PEREZ, Commissioner, Public Property ..	78
13	ALBA MARTINEZ, Commissioner, Department of	
	Human Services	79
14	RICHARD TUSTIN, Capital Program Office	84
	BILL NO. 030216	
15	CHARLES ISDELL, Director of Aviation	87
	HERBERT WETZEL, Redevelopment Authority.....	93
16	STEVEN ENGELMYER, ESQ.	98
	MARTIN GREGORSKI, City Planning Commission ..	103
17	BILL 030332	
	THOMAS DALFO, PAID and PIDC	105
18	RICHARD DEMARCO, ESQ.	107
	ANDRES PEREZ, Commissioner, Public Property..	108
19	BILL 030379	
	ANDRES PEREZ, Commissioner, Public Property..	109
20	CAROLYN WALLACE, Pa. Environmental Council...	110
	MARTIN GREGORSKI, City Planning Commission ..	114
21	BILL 030200	
	ANDRES PEREZ, Commissioner, Public Property..	116
22	HENRY SCHWARTZ, Law Department	117
	DAN SHAW, Law Department	119
23	BILL 030353	
	ANDRES PEREZ, Commissioner, Public Property..	120
24		
25		

1 05/29/03 - PUBLIC PROPERTY - BILL 030246

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen. The Council Committee on
4 Public Property and Public Works is now in session.
5 We will hear a number of Bills today.

6 The first Bill is Bill No. 030246, which
7 is an Ordinance naming and designating the Southwark
8 Branch of the Free Library of Philadelphia located
9 at 932 South Seventh Street as the Charles Santore
10 Branch of the Free Library of Philadelphia.

11 Mr. Carnuccio, please. Please come
12 forward.

13 Is there anyone here from the
14 Administration to testify on this Bill?

15 (No response.)

16 COUNCILMAN KENNEY: Please identify
17 yourself for the record.

18 MR. CARNUCCIO: Vincent Carnuccio.
19 First, I'd like to thank Councilmembers for
20 introducing this Bill. I had a petition to rename
21 Southwark Branch of Philadelphia, Seventh and
22 Carpenter as the Charles Santore Public Library by
23 the City has public recognition for over 70 years of
24 civic, labor and political service to the community
25 by Mr. Santore.

1 05/29/03 - PUBLIC PROPERTY - BILL 030246

2 I have 2,202 signatures signed on this.

3 I have letters today from Susan Haney, Second Ward
4 Republican Ward Leader; Burhman Smith, former
5 President of Local 696 AFSCME; and John Gallagher,
6 vice president of Ring One Veterans Boxing
7 Association.

8 To save the Council's time, I have these
9 letters here which I would like to hand out to each
10 one.

11 COUNCILMAN KENNEY: Will the
12 Sergeant-at-Arms please take the letters. We'll
13 make sure they're distributed to everyone .

14 MR. CARNUCCIO: The three letters will
15 be read in part.

16 COUNCILMAN KENNEY: Actually, it would
17 be easier if we just submitted the letters for the
18 stenographer. If you want to read part of one, that
19 will be fine.

20 MR. CARNUCCIO: They're short and sweet.

21 COUNCILMAN KENNEY: We're all supportive
22 of this, so you don't have to convince anybody.

23 MR. CARNUCCIO: I sealed them things up,
24 and in there I had something from Ring One Magazine.
25 That wouldn't be on the agenda today.

1 05/29/03 - PUBLIC PROPERTY - BILL 030292

2 Thank you.

3 COUNCILMAN KENNEY: Thank you very much.

4 Anyone else to testify on this Bill?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing none, we'll
7 now move to Bill No. 030292, an Ordinance naming and
8 designating the gymnasium of the Lonnie Young
9 Recreation Center at 1100 east Chelton Avenue as the
10 David P. Richardson, Jr., Memorial Gymnasium.

11 Is there anyone to testify on this Bill?
12 Please come forward.

13 Good afternoon. Please identify
14 yourself for the record.

15 MS. HUNT: Good afternoon. My name is
16 Anita Robinson Hunt. I am a community organizer in
17 the 12th Ward, 1 through 6 Division; committee
18 person of the 12th, 12-2; and also Director of the
19 Northwest Community Development Corporation sitting
20 on the Board of Lonnie Young Recreation Center
21 Advisory Board; and also a member of the Citywide
22 Police Advisory Board.

23 The community and friends of the late
24 honorable David P. Richardson, Jr., have chosen to
25 keep the legacy of our late, dedicated civic servant

1 05/29/03 - PUBLIC PROPERTY - BILL 030292

2 alive by naming the newly-built gym at the Lonnie
3 Young Recreation Center in his honor.

4 The David P. Richardson, Jr., was a
5 life-long resident of the Germantown community. He
6 was elected in 1973 to the House of Representatives
7 of the 201st Legislative District. He was reelected
8 to 11 consecutive terms. He was a community
9 activist, served four years as the President of the
10 National Black Caucus of State Legislators, a member
11 of the Lonnie Young Recreation Advisory Board until
12 his demise. He also served on numerous boards
13 served as the chairman of the house and Welfare
14 Committee which has jurisdiction over programs
15 affecting women, children, the elderly, handicapped,
16 disabled, and homeless Pennsylvanians. It would
17 take me several hours naming all of his
18 accomplishments. In 1978, he was instrumental in
19 having the East Germantown Senior Building built as
20 an annex to the Lonnie Young Recreation Center.

21 He also had a community picnic for 24
22 years for the Germantown community. The day of his
23 passing, he was at Lonnie Young Recreation Center
24 with his committee preparing for the 25th annual
25 picnic.

1 05/29/03 - PUBLIC PROPERTY - BILL 030292

2 He also fought diligently to get the
3 funds for a new Lonnie Young Recreation Center to be
4 built. Finally had the funding in place for the
5 construction to start but died before he could see
6 his dream come alive.

7 Thanks to the Honorable Councilwoman
8 Donna Reed Miller and predecessor State
9 Representative John Meyers, David's dream finally
10 came true.

11 Mr. Richardson died while serving as a
12 State Legislative Representative on August 18, 1995,
13 and was honored by people all over the world. By
14 dedicating this gym in the name of the late
15 Honorable David P. Richardson, Jr., we will be
16 honoring the life work and importance of community
17 development and supporting the needs of our youth
18 that this great pioneer died fighting for.

19 Thank you.

20 COUNCILMAN KENNEY: Thank you very much
21 for your testimony. Dave was a great man.

22 Councilwoman Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank you. As
24 many of you know, Lucien served with Dave Richardson
25 and I worked with the Governor in Harrisburg during

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 that time so in effect worked with Dave as well.

3 And so we are absolutely honored to honor him. And
4 it is certainly long overdue. Thank you.

5 COUNCILMAN KENNEY: Thank you very much.

6 Is there anyone else to testify on this
7 Bill?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing none, we will
10 now move to Bill No. 030245, an Ordinance amending
11 Title 10 of the Philadelphia Code relating to
12 regulation of individual conduct and activity by
13 amending Section 10-610 entitled "Skateboarding on
14 Public Property" and section 10-1608 entitled
15 "Hearings," to prohibited additional conduct, revise
16 enforcement procedures, and make certain technical
17 amendments, all under certain terms and conditions.

18 The Chair recognizes Chief Inspector
19 Tiano and Captain Chiodetti.

20 The Chair recognizes, prior to that,
21 Councilman Nutter for remarks.

22 COUNCILMAN NUTTER: Thank you, Mr.
23 Chairman. I'll be brief. Mr. Chairman, this matter
24 primarily comes to us as a result of a number of
25 meetings and requests from property owners, large

1 05/29/03 - PUBLIC PROPERTY - BILL 030245
2 building owners almost all of whom are members of
3 the organization called BOMA, Building Owners and
4 Managers Association. Their concerns are the damage
5 to their private property which is fully accessible
6 to the public. And the primary purpose of this Bill
7 is to deal with that particular issue, where the
8 open space that the public travels through but is
9 technically owned by private property owners, their
10 concern is is that it continues to be somewhat
11 unprotected, not only from damage from skateboards,
12 but also roller blades and bicycles.

13 As I've stated previously on this
14 particular matter, I am certainly not against any of
15 the appropriate uses of these items, but the concern
16 for property damage, especially for private property
17 owners, does compel me to put this measure forward,
18 listen to the testimony, and see if we can further
19 protect these large property owners who are
20 significant taxpayers in our City from this kind of
21 damage to their private property.

22 So I appreciate the opportunity, Mr.
23 Chairman.

24 COUNCILMAN KENNEY: Thank you very much.
25 Councilmember Blackwell.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILWOMAN BLACKWELL: Thank you very
3 much. Certainly, I did not recognize our Captain,
4 not in uniform, forgive me. Bit it's good to see
5 both of you. I absolutely believe that it is the
6 responsibility of legislators to try to come up with
7 positive legislation. I don't generally support the
8 tone of negative legislation. I don't believe that
9 we should stop -- and I'm sure my colleague agrees.
10 I don't believe that we should prohibit people using
11 roller blades or bicycles. I didn't support some of
12 the stuff that we've done in the past dealing with
13 quality-of-life issues. And I don't support not
14 being able to use roller blades or bicycles as well
15 as folks not being able to skateboard.

16 I believe that the City is working with
17 those skateboarders to try to find a site and that
18 the City, the Administration, has for sometime.

19 But it's just that the whole issue --
20 you know, in America there's a place for everybody.
21 We may have to try to find out where that should be,
22 and I think that's the issue. The rub is where we
23 can find a place to -- we want to respect homeowners
24 and business owners, and we want to respect the
25 rights of young people who certainly also want to

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 ride their bikes or roller blade or skateboard. So
3 I think that's the rub. That comes down to the
4 issue, where it works, not the activity it itself.

5 Thank you, Mr. Chairman.

6 COUNCILMAN KENNEY: Thank you very much.

7 Could you identify yourself for the
8 record and proceed?

9 CHIEF INSPECTOR TIANO: Chief Inspector
10 Jim Tiano from the Community Affairs Bureau.

11 I had been the Commanding Officer of
12 Central Police Division, and before that the
13 Commanding Officer of 9th District for about 13
14 years in Central Division. Sp I was asked here to
15 basically by the BOMA Organization and the City
16 Police Department to add my expertise.

17 I think you'll see the gallery is full
18 of building owners and managers from throughout the
19 high-rise buildings in Center City.

20 The problem is a lot of damage is caused
21 in the private sector as well as we know it was
22 caused in John F. Kennedy Plaza, AKA, Love Park.
23 Thousands and thousands of dollars.

24 Another factor that we don't touch on
25 and I had the opportunity to talk to many seniors

1 05/29/03 - PUBLIC PROPERTY - BILL 030245
2 that would call, the seniors that walk through there
3 are paying their water bills and different utilities
4 when they're accosted by someone in mid-air on a
5 skateboard. It's a frightening, frightening
6 experience for seniors. We have been very fortunate
7 we didn't have many seniors with broken hips and
8 things like that with the youth jumping up and down
9 off the different plateaus.

10 When met recently with the BOMA
11 Organization, that's again the Building Owners
12 Manager's Association, and they had much concern
13 about the damages to several buildings. I know
14 there's people in this Chambers who would like to
15 testify about the damages and what's occurred at
16 their buildings. So I won't touch on that. I think
17 that's up to them to come up and testify about the
18 thousands of dollars worth of damage being done by
19 skateboarders.

20 When we do enforce skateboarders, we
21 were doing it mostly in John F. Kennedy Plaza, and
22 that was done by the Concourse Unit under captain
23 Edward Giodetti's command and we would issue the
24 code violation notice. And under the new ordinance
25 that was passed a couple years ago, we were able to

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 take the skateboarders and put them on a property
3 receipt. The problem with that is we displace the
4 skateboarders then to the private sector where they
5 would go to Bell Atlantic Building and many of the
6 buildings on Market Street.

7 So we're here today -- when I say "we're
8 here," I'm here with the building owners and the
9 managers and people that are concerned about
10 skateboarding in Center City, looking for some
11 relief from Council.

12 COUNCILMAN KENNEY: Any questions for
13 Chief Inspector Tiano?

14 Councilman Nutter.

15 COUNCILMAN NUTTER: Thank you, Mr.
16 Chairman.

17 Chief inspector Tiano, your testimony is
18 that the Department has had some success in
19 deterring the illegal and sometimes destructive
20 activity, it appears that has also required virtual
21 around-the-clock protection of some sites. Is it
22 also your understanding that -- and you've alluded
23 to it on a couple of occasion -- there have been a
24 number of problems for private property owners who
25 have large or open public plazas, they're not public

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 property but they're accessible by public.

3 CHIEF INSPECTOR TIANO: We have many
4 members in this gallery that would love to testify
5 about their respective buildings and the damages
6 incurred; some in thousands and thousands of
7 dollars.

8 When I did mention earlier, Councilman,
9 about the enforcement, the problem with the
10 enforcement is we can't put one or two police
11 officers there to address this problem. When we do
12 it, we need four to six officers. And many times we
13 have to expand our quality-of-life funds that we get
14 from the federal government. And it's kind of a
15 shame to use that kind of money for that. But we
16 cannot enforce it with one police officer because
17 they run right out the park at the high rate of
18 speed on them skateboards. So I would say
19 roughly -- and you can correct me, Captain -- over a
20 thousand code violation notices.

21 CAPTAIN CHIODETTI: Yes.

22 COUNCILMAN KENNEY: Captain, could you
23 please identify yourself for the record?

24 CAPTAIN CHIODETTI: Yes, Captain Edward
25 Chiodetti, Commanding Officer, Center City District,

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 formerly of the Concourse Unit. And the Chief is
3 correct, we've issued thousands of code violation
4 notices for skateboarding in Love park and Dilworth
5 Plaza exclusively.

6 COUNCILMAN KENNEY: What happens to them
7 once they're issued? What's the process?

8 CAPTAIN CHIODETTI: Originally when we
9 first started this, because of complaints from
10 members of city government and private citizens, the
11 officer would take the information, write it down on
12 what we call an incident report, and turn it into
13 our officer who is trained in the issuance of code
14 violation notices. That's probably the equivalent
15 of a parking ticket. At that point, the person that
16 received the violation was required to pay a fine of
17 \$25. Apparently, that had little impact or success
18 because the skateboarding continued. As the Chief
19 alluded to, in order to try to prevent this from
20 continuing, we had to actually put together
21 strategies to try to catch the skateboarders in
22 numbers, particularly on weekends when they would
23 come from all parts of the State, I would say,
24 certainly Bucks County, Montgomery County, and
25 surrounding areas of the City to skateboard in Love

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 Park for the most part, JFK Plaza Love Park. We had
3 to actually put together these strategies in order
4 to catch them to issue the violations. Again, the
5 penalty was to issue this summons. And whether they
6 paid for it or not, that was really up to them, I
7 guess.

8 We put in some stricter enforcement, the
9 Bill that was introduced two years ago where it gave
10 us the ability to confiscate the skateboards.
11 Again, the rules were applied that if we witness
12 them skateboarding, the police officer on the site
13 could issue the summons and confiscate the
14 skateboard. That was put into play. It required,
15 instead of having one officer trained in the
16 issuance of skateboards, I had to train the whole
17 unit to enable them to have the ability to issue
18 these citations.

19 COUNCILMAN KENNEY: Excuse me. This is
20 Councilman Nutter's line of questioning. If you
21 could flush it out a little bit. Did the officers
22 take the boards or no?

23 CAPTAIN CHIODETTI: Yes.

24 COUNCILMAN KENNEY: What was the --

25 CAPTAIN CHIODETTI: We had the ability

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 to confiscate the boards. However, they could pay a
3 \$25 fine and the board had to be returned. It
4 wasn't permanent. And in some cases, we didn't even
5 finish the paperwork, and they would show up at our
6 headquarters with their receipt and we had to return
7 the board. In some instances, they stayed there for
8 a couple weeks and they would return. But almost
9 every board was returned to the owner, with the
10 exception of a few. That was hundreds of boards
11 over the last couple of years.

12 COUNCILMAN NUTTER: Out of that, and
13 again, out of some of the meetings that we've had, a
14 discussion arose around the issue of seeking to
15 increase the fine to then use as a further
16 deterrent. For some people, \$25, similar to some of
17 the other violations, they might figure it's just
18 the cost of enjoyment for that particular day. And
19 there were suggestions that the fine be increased
20 actually my recollection is of more than \$75, but I
21 think for the moment we agreed that it was somewhat
22 more reasonable to have it at the new number of \$75.
23 But your testimony seems to indicate that \$25 was
24 almost being laughed at or so immediately responded
25 to that it was of no deterrence whatsoever. Is that

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 true?

3 CAPTAIN CHIODETTI: Well \$25 was
4 absolutely no deterrence at all. It's listed up to
5 \$300. And I really don't know how that works. No
6 one has ever been fined over --

7 COUNCILMAN NUTTER: That's if you
8 actually go to court and they go through the whole
9 process. The judge could ultimately -- if you have
10 an actual hearing, the judge could take you all the
11 way up to that number. That's actually the limit
12 for all violations of the Philadelphia Code, not
13 just this particular violation.

14 CAPTAIN CHIODETTI: To my knowledge, the
15 standard price is \$25, that's what they're fined.
16 And that's if they're fined. I believe that not
17 everyone's fined. But that's what we were dealing
18 with.

19 From time to time, depending on the
20 number of complaints that would come in and, I
21 guess, the time of the year, like now when
22 skateboarding is most prevalent, we had to put
23 basically a full court press out there.

24 COUNCILMAN NUTTER: Tell us about your
25 experience with privately owned property open to the

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 public. What's that experience been?

3 CAPTAIN CHIODETTI: Well, to be honest
4 with you, Mr. Nutter, I just realized not too long
5 ago that because of the stringent policing in JFK
6 Plaza that a lot of these skateboarders who normally
7 probably at one time would have skated in Love Park
8 now moved into some of the plazas in these office
9 buildings in Center City. I didn't realize it until
10 I started attending the BOMA meetings and I would
11 hear them complain about it. They themselves would
12 say, "Since they can't skate in Love Park anymore
13 since the renovations, now they're moving into our
14 buildings." That's when I really learned of it.
15 And I didn't realize it was that much or that
16 serious.

17 COUNCILMAN NUTTER: Let me ask one last
18 question just for the record.

19 Captain and Chief Inspector, do you have
20 any personal animus, any personal moral beliefs or
21 convictions against the activities of either
22 skateboarding, roller blading, or bicycles in
23 general? Or is your role as police officers to
24 enforce the law and prevent property damage and
25 vandalism?

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 CHIEF INSPECTOR TIANO: Not in all. In
3 fact, I started the in-line town watch skates when I
4 was captain in the 9th District. I'm very close to
5 that group.

6 COUNCILMAN KENNEY: You took a tumble,
7 too, I think, didn't you?

8 CHIEF INSPECTOR TIANO: Yes, I did. On
9 live TV. Thanks for recognizing that.

10 (Laughter.)

11 COUNCILMAN NUTTER: For which Councilman
12 Kenney will not let you forget, right? And you
13 haven't been on the roller blades since?

14 CHIEF INSPECTOR TIANO: No, I haven't.
15 I'm an admirer of them.

16 On a serious note, we do attend a lot of
17 business meetings. And the business community has
18 asked for relief. I know the Bell Atlantic
19 Building, the manager Bob Martin -- I don't know if
20 he's in the court room -- he had a load of damage.
21 We put a detail there on a Saturday or Bell Atlantic
22 would hire off-duty officers. We just had a BOMA
23 meeting a few weeks ago where several members
24 brought staggering amounts of damage to our
25 attention and asked for some kind of relief. That's

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 why we're here, basically to support the business
3 community.

4 And of course, like I said before, I do
5 have a fear for senior citizens because I've
6 received calls that they're scared to death when one
7 of them skates come at them. We're just lucky
8 nobody was hurt seriously that way.

9 COUNCILMAN NUTTER: Thank you. Thank
10 you, Inspector. Thank you, Captain.

11 COUNCILMAN KENNEY: Thank you very much.
12 I think part of the problem with this controversy is
13 it is a younger person's activity, it is a lot of
14 vibrancy and a lot of excitement and people are very
15 fond of it and it's very popular nationwide. I
16 think part of the problem is trying to balance that
17 with the safety of people.

18 I mean, I know myself traversing through
19 an area where they're doing it, I really need to be
20 on my guard as to whether or a board slips away,
21 whether somebody comes at you or you don't really
22 see, your vision is blocked and somebody comes
23 flying over a ramp or a railing, it really does keep
24 you on your guard. And I also know people that have
25 had serious ankle injuries as a result of the board

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 slipping out off a trick winding whacking somebody
3 in the ankle.

4 It's really a shame that we can't find a
5 way to coexist. I do think the public safety
6 probably should come first. I know myself, just
7 from personal experience -- I have nothing against
8 the young people. I think they're pretty artistic
9 and pretty athletic. It's just I don't really want
10 to get one of those boards stuck in my neck. That's
11 part what we were all trying to figure out, a way to
12 balance people's right to enjoy public space both
13 from an athletic and an entertaining side, but also
14 from a safety side, too. So I know that's a very
15 difficult issue that Councilman Nutter's been
16 wrestling with and all of us have been wrestling
17 with. Hopefully, we'll make the right decision.

18 Any other questions for these witnesses?

19 CHIEF INSPECTOR TIANO: Just let me
20 close with this: When they opened up the
21 skateboarding park, our officers were giving out
22 hundreds of pamphlets telling the youngsters where
23 to go where the City has provided them a place to
24 go. So we were giving them out for about 30 to 45
25 days before we even started enforcement. But of

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 course, that's not where they wanted to be. I had a
3 kid with a German accent stop me one Saturday. He
4 came from Germany to skateboard here. It was such
5 big deal because this was featured in this magazine.
6 This is a big thing to come here and say he
7 skateboarded in that JFK Plaza.

8 COUNCILMAN NUTTER: I mean, Councilman
9 Kenney is absolutely correct, and I think at times
10 my position on this has either slightly obscured or
11 overwhelmed by the larger issue. I think it is an
12 incredibly athletic sport. It is a sport. It is
13 growing across this country, if not throughout the
14 world, and that the City should support it and help
15 promote it. We had the X-Games here two years in a
16 row not too long ago, and I fully support the use of
17 sports equipment at the appropriate location, at
18 locations for which that activity -- for what the
19 place was built for. You generally play basketball
20 on a court. You roller skate on places that are
21 made for that or out on a sidewalk or on the public
22 street. But the plaza issue and the public property
23 issue and the private property conflict where you
24 have multiple users who are not all anticipating the
25 variety of uses. Generally walking down the street

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 in Philadelphia or going across an open, you're not
3 anticipating walking into a basketball game. It
4 just doesn't happen. So the Councilman is correct,
5 there is a need for coexistence, but the facilities
6 to be used should be for that particular purpose.

7 There's also been this slight
8 romanticizing of some of this in the sense that many
9 of the users -- and I've certainly observed them --
10 are kids, but many are not. And I'd like if you
11 could at least share with us again your experience.
12 There's this -- I've referred to it as it's almost
13 kind of an Ozzie and Harriet kind of Opie with the
14 little beanie cap and the propeller on and just out
15 having a good time and walking senior citizens
16 across the street.

17 That's not necessarily been my
18 experience. And there some very young people who
19 are doing it. But many of them are not young. They
20 are much older. And they are, unfortunately, maybe
21 inadvertently engaged in serious property damage.
22 And that's my only concern with this.

23 I'd love us to have a full open -- it
24 could be a replica, for all I care, and would
25 certainly support a replica of the Love Park

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 experience at a place that was built for that. And
3 it should be visible, it should be accessible, it
4 should be fully supported by the City of
5 Philadelphia. But you cannot take over someone
6 else's property and destroy it just for your own
7 pleasure and enjoyment. None of us would accept
8 that on any piece of property that any of us owned.
9 No one of us allow people to come and destroy our
10 personal items because it fulfills their sense of
11 pleasure.

12 So tell us a little bit about the user
13 population.

14 CHIEF INSPECTOR TIANO: Well, I'm going
15 to say the majority are over 18, but I would say
16 from the paperwork I saw, a majority over 18,
17 correct?

18 CAPTAIN CHIODETTI: Yes. Many college
19 students from the area colleges. A lot of times
20 we'll get the addresses or their identification,
21 they'll be from out of state, Indiana, wherever it
22 might be. And then we'll find out that they attend
23 the area colleges. So they're from all -- the
24 sport, it's a big sport and the ages are anywhere up
25 to 30 years old, I'd say.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN NUTTER: Well, we've
3 supported many sports in this City. And as the
4 roller hockey craze grew, we built roller hockey
5 rinks. As the tennis craze grew, we built tennis
6 courts. We build just about everything that anyone
7 would like, and the City should be actively involved
8 in the skateboard park and other roller-type
9 facilities. And whether it's at our neighborhood
10 rec centers or for something like this at a
11 prominent Center City location, I think we should be
12 fully engaged and active in it and give people a
13 place to go.

14 CHIEF INSPECTOR TIANO: Also, I
15 contacted colleagues from other jurisdictions,
16 Jenkintown, Doylestown, Bucks County. They don't
17 have it.

18 COUNCILMAN KENNEY: They don't have it
19 or they don't permit it.

20 CHIEF INSPECTOR TIANO: They will not
21 permit it. They take it very serious.

22 COUNCILMAN NUTTER: And so as a result,
23 Philadelphia becomes the location?

24 CHIEF INSPECTOR TIANO: Philly's the
25 place to go.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 CAPTAIN CHIODETTI: I may say, Love
3 Park, JFK Park is the very popular -- I don't know
4 why, but I think it's because of the design, at
5 least before they renovated the park, that attracted
6 so many boarders. I've never viewed it personally,
7 ut my understanding is it was a common website among
8 skateboarders and one of the most prominent places
9 throughout the country to skate, all skateboarders
10 want to come here and skate there. So it's more
11 than just, you know, leniency on the part of
12 Philadelphia compared to maybe the surrounding
13 suburbs. It's just the design of that particular
14 park that attracted the skateboarders. That's the
15 understanding that I had.

16 COUNCILMAN NUTTER: Thank you.

17 COUNCILMAN KENNEY: Thank you.

18 Anymore questions for these witnesses?

19 (No response.)

20 COUNCILMAN KENNEY: Seeing none, we will
21 ask for Mr. Frank Thompson.

22 And is Mr. Lawrence Zipf here?

23 Could you please take a table also?

24 Mr. Thompson, could you please identify
25 yourself for the record?

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 MR. THOMPSON: I'm Frank Thompson. I'm
3 the Vice President of the Philadelphia Vietnam
4 Veterans Memorial.

5 COUNCILMAN KENNEY: Please proceed.

6 MR. THOMPSON: I'm here today to support
7 Councilman Nutter's Bill to increase the fine.

8 Over the past two and a half years we
9 had the vigorous enforcement program with the Center
10 City Districts to cut down on the skateboarding and
11 roller blading which has caused numerous damages to
12 the Vietnam Veterans Memorial in excess of over
13 \$50,000 in the past two years. The skateboard
14 itself, the metal portion comes in contact with
15 granite and chips it, tears it apart. They use a
16 wax that they put on the granite to give them a
17 lift. That wax has an oil in it. As you know,
18 Councilman, you've seen our memorial, there's
19 permanent staining that takes place. Also, 98
20 percent of all our arrests -- and we've arrested 156
21 people in the past two years -- 98 percent of them
22 are from outside the City. And 75 percent of them
23 above the age of 18.

24 Just last Saturday I stopped six people
25 from going into the memorial with their skateboards.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 They were all from Boothwyn. Their mother had
3 dropped them off to go skating in the City of
4 Philadelphia. Of course, we stopped them. Did a
5 pedestrian stop on them and we called for the mother
6 to come back and pick them up and take them out of
7 the City. That's what they're doing. All of our
8 arrests are-- 98 percent of them are from outside
9 the City. They're coming here to skate in the City.

10 And they look at the fine -- if we don't
11 charge them misdemeanor and they just get hit with a
12 summary offense, a lot of them don't even show up at
13 Community Court. They laugh at it. So a hefty fine
14 and the taking of their property is what's actually
15 necessary. It could be, actually, a deterrent not
16 to come to our City.

17 Come here, spend your money, have a good
18 time, go where you're supposed to go; don't damage
19 somebody else's property, especially our beloved
20 memorial. Thank you.

21 COUNCILMAN KENNEY: Thank you very much.
22 Please identify yourself for the record.

23 MR. ZIPF: My name is Larry Zipf. Good
24 after noon, Chairman Kenney and Members of the
25 Committee on Public works and Public Property. My

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 name is Larry Zipf, and as the president of the
3 Building Owners and Manager's Association of
4 Philadelphia, otherwise known as BOMA, I'm here to
5 ask for your support of Bill 030245.

6 BOMA is a non-profit organization whose
7 members management and leasing services to over 51
8 million square feet of office space in the City of
9 Philadelphia. Over half a million building
10 occupants, employees, and visitors pass through our
11 doors every day. The assessed value of the real
12 estate of the office buildings you manage within the
13 City exceeds \$1.6 billion. This produces annual
14 real estate taxes for the City of approximately
15 \$133 million.

16 BOMA member buildings and occupants pay
17 revenues to the City, excluding real estate taxes in
18 excess of \$1.3 billion annually comprised of City
19 wage taxes, business privilege taxes, U&O taxes in
20 the Center City District assessment.

21 We're here today to discuss the ongoing,
22 unmitigated and costly damage created by
23 skateboarders roller bladers and bicyclists that has
24 continued despite skateboarding legislation that was
25 put in effect two years ago. Additional support

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 from the Members of City Council is desperately
3 needed.

4 While it is typically young people who
5 are involved, these are not children playing. They
6 are acts of vandalism and trespassing and are
7 extremely destructive to private property. Our
8 members are impacted as follows:

9 First, due to the uncontrolled actions
10 of these individuals, our members are faced with
11 increased insurance rates due to liability issues.
12 It is only a matter of time before an innocent
13 bystander is hit by a flying skateboard or
14 individual in their efforts to jump, grind, or
15 traverse steps, railings, and benches all on private
16 property.

17 Second, there are members that have
18 incurred a substantial increase in security costs
19 since they are forced to hire off-duty police or
20 private guards on weekends to maintain safety
21 outside of their buildings. With the increase in
22 security, which is especially critical since
23 September 11th, the security officers are distracted
24 from their primary duties while chasing individuals
25 on skateboards, bikes, and roller blades.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 Third, the cost to repair the damage
3 created by these individuals is over \$130,000
4 annually for some buildings in Center City. These
5 additional costs impact the operating expenses of
6 the property and are ultimately passed on through
7 higher rental rates to the tenants. This is just
8 one of the several issues that make it problematic
9 to retain tenants in our City. Our members have
10 invested millions of dollars on their properties and
11 to have further financial burden placed upon them by
12 the recklessness of the of the skateboarders, roller
13 bladers and bicyclists is unfair.

14 This ordinance will strengthen current
15 legislation, and BOMA asks that you support Bill
16 030245. Thank you for this opportunity. I'd be
17 happy to answer any questions you may have.

18 COUNCILMAN KENNEY: Any questions for
19 this witnesses?

20 Councilman Nutter.

21 COUNCILMAN NUTTER: Mr. Zipf, could you
22 give us some examples or if you have any handouts
23 that could put financial figures into the record
24 indicating the different buildings that have been
25 impacted by this activity, the amount of damage

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 sustained at these particular locations?

3 MR. ZIPF: Yes, I can. The Bell
4 Atlantic Tower has incurred approximately \$88,000 in
5 damage. Additionally, they spend \$8,000 a year in
6 prevention, and an additional \$5,000 in security
7 patrols.

8 1700 Market Street has spent over
9 \$10,000 installing marble guards in the seating
10 areas as well as thousands of dollars to clean the
11 marble and replace trash receptacles.

12 United Plaza has spent over \$25,000 in
13 repairs just during a six-month period for damages
14 caused by skateboarders.

15 1600 Market Street is just over \$5,000.
16 The granite pavers have been damaged and replaced at
17 a cost of \$25,000 each.

18 11 Penn Center has probably suffer the
19 greatest damage at \$130,000. They've had to replace
20 all their building handrails, light fixtures, and
21 they have installed round knobs on the top of the
22 handrails but they continue to be abused.

23 The last example would be 102 Commerce
24 Square has spent over \$60,000 repairing and
25 retrofitting signage, pavers, and benches. It does

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 not include additional security costs on a daily
3 basis and costs that were incurred during the
4 X-Games when the skateboarders were most prevalent
5 in the City.

6 That totals about \$318,000. Many of
7 these are annual recurring costs.

8 COUNCILMAN NUTTER: So your position is
9 you have these great buildings, open plazas, I guess
10 they were designed such that people would utilize
11 them, walk through, sit down, eat lunch, look at the
12 sky, whatever it is that people want to do. And
13 your position is you'd like people to continue to
14 enjoy your open plazas, but you'd not like to have
15 them destroyed by activity that the plazas were not
16 designed for; is that right?

17 MR. SIPF: That's an accurate summary,
18 yes, sir.

19 COUNCILMAN NUTTER: Are there other
20 representatives of BOMA with us here today?

21 COUNCILMAN KENNEY: Yes, we have
22 additional witnesses.

23 Councilman Rizzo.

24 COUNCILMAN RIZZO: Mr. Sipf, I may have
25 missed this, but you also have liability at those

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 properties; am I correct? If one of these
3 skateboarders choose to sue the property owner, they
4 could do that?

5 MR. SIPF: Absolutely. The liability
6 insurance issues have gone up dramatically since
7 September 11th, for one. Secondly, the increased
8 risk of safety is a factor for people on our
9 property which we're responsible for. I did mention
10 that.

11 COUNCILMAN RIZZO: If one much these
12 security guards calls the police when there are
13 people violating, do they come out and actually ask
14 them to leave, or do they rely on the Philadelphia
15 Police to respond to a 911 call of a complaint that
16 you have trespassing on your property?

17 MR. SIPF: If you don't mind, I'd prefer
18 to have some of the folks who are dealing directly
19 with this with the response they've had.

20 COUNCILMAN RIZZO: I'm curious on how
21 you move them from skateboarding on a particular
22 BOMA-represented property.

23 MR. SIPF: It may be best if you heard
24 from the folks who are making those calls directly.

25 COUNCILMAN RIZZO: I'll ask the Chair

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 whoever could answer that.

3 COUNCILMAN KENNEY: Councilman, we have
4 a few representatives from specific buildings.

5 COUNCILMAN RIZZO: I'll wait to get that
6 answer.

7 COUNCILMAN KENNEY: They're coming right
8 on.

9 COUNCILMAN RIZZO: Thank you, Mr.
10 Chairman.

11 MR. THOMPSON: Mr. Chairman, if I may,
12 we had had to increase our insurance at the memorial
13 from a half million to a million dollars for
14 liability purposes. And it primarily deals with the
15 people going in there with their skateboards and not
16 only destroying our property, but causing harm to
17 other people that they may be knocking over. I
18 mean, our place -- the War Memorial, they'll tell
19 you that's the greatest place in the City to go
20 skateboarding because of its design. And we have
21 some vets that have been in there, if they run into
22 them, not only hurt are they going to hurt the
23 person with their board, but the person that does
24 the hurting is very possibly also going to become
25 hurt. So we've had to increase our liability from

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 500,000 to \$1 million on our site.

3 COUNCILMAN KENNEY: Thank you very much.

4 William Criticos, Richard Evans and Don
5 Haas, please come forward.

6 Please identify yourself for the record.

7 MR. CRITICOS: Good afternoon. I'm Bill
8 Criticos from One and Two Commerce Square, and I
9 support Bill No. 030245. In fact I would be happier
10 if the fines were much higher.

11 Mr. Zipf pretty much went over a lot of
12 what I was going to say in my statement here. But
13 we've had about \$180,000 worth of damage over the
14 last three years at Commerce Square. They destroy
15 the handrails. We've put buttons on the handrails
16 to try to prevent it. We've had to add extra
17 security that sit outside during the lunchtime.
18 They disturb people. They intimidate people with
19 their skateboards and their bikes. They destroy our
20 signage out front. We've tried everything.

21 To answer Councilman Rizzo's question,
22 we used to run them off, our security guards used to
23 run them off to try to minimize the damage. By the
24 time we got there, pretty much the damage was done.
25 Since we've met with the police, we've tried another

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 avenue we try calling the police and saying we have
3 vandalism in progress. Sometimes the police come,
4 sometimes they don't. Frankly, I understand that
5 they have more important things to deal with than
6 skateboarders.

7 We're a huge tax revenue base for the
8 City of Philadelphia, and we deserve some kind of
9 support and some kind of relief when it comes to the
10 destruction that they're causing.

11 COUNCILMAN KENNEY: Thank you.

12 Please identify yourself for the record.

13 MR. HAAS: My name is Don Haas with the
14 Bell Atlantic Tower at 1717 Arch.

15 The Bell Atlantic Towers is a 1.2
16 million square foot high-rise office building in the
17 City. We have a beautiful plaza that's been
18 thoroughly destroyed over the years by the
19 skateboarders, bicycle riders. The roller blades
20 haven't been much of a problem. But everybody who
21 wants to grind comes to the Bell Atlantic Tower.
22 The damage to the stone has cost us well in excess
23 of \$80,000. And that doesn't even take into
24 consideration the personal liability issues that you
25 could have with people getting hurt.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 We've had to end up running people off
3 that were doing photo shoots for skater magazines at
4 3 o'clock in the afternoon with no regard for any of
5 the public egress in the plaza or on 18th Street.
6 We've attempted numerous methods to make it less
7 attractive to skateboarding. We've increased
8 security patrols with our in-house people, we've
9 purchased police coverage on prime times. We've put
10 numerous anti-skateboarding devices in place on the
11 most attractive pieces: Handrails, seats, benches
12 that we have out there. It really destroys look and
13 it's only marginally effective.

14 We are, again, asking for some type of
15 relief to mitigate the continual damage that we
16 have.

17 Answering Mr. Rizzo comment about the
18 police. It really depends on the 911 priorities.
19 If you're calling at 2 o'clock on a Saturday night,
20 your pretty well low on the totem pole if you have a
21 lot of other activity going on in the City. And
22 that's when you get a lot of activity. You get
23 people car loads in. You go out and take the
24 license plate numbers down, rarely is it a
25 Pennsylvania plate. We get a Jersey plates, New

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 York plates, Delaware. It's amazing. The ranges of
3 ages can be from 20 to 25 year olds and you can have
4 20 of them in a pack. You can have some younger kids, 15
5 to 20, just skateboarding around the whole day.

6 It's very disruptive. Thank you.

7 COUNCILMAN KENNEY: Councilman Rizzo.

8 COUNCILMAN RIZZO: I'm sorry the Police
9 Department left, but I know there's representatives
10 of the Administration here in the room. Maybe
11 there's something short-term that can be done to get
12 that priority changed in a way directly with the
13 district to get you some response. Maybe there's a
14 way -- and I know there's been other issues that
15 that's been addressed. So I would hope that whoever
16 is here looking around -- I see Jim Donaghy from the
17 Managing Director's Office. Maybe there's something
18 that can bring that response sooner.

19 MR. HAAS: Even with a fast response,
20 your chances of apprehension are very low. It's a
21 numbers game. If you have 1 to 2 officers come out
22 and you have 20 skateboarders there, you're lucky if
23 you catch the slow on.

24 COUNCILMAN RIZZO: That's not
25 necessarily -- well, we have bike cops; maybe we're

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 heading in the direction skateboard cops.

3 But I think the point is maybe it would
4 be nice to apprehend them, but just getting them out
5 of your area to prevent damage would also be, I
6 think, something that you'd be appreciative of also.

7 MR. HAAS: Once they're there, the done
8 damage is done; it really is because it's
9 reactionary on everybody's part. Because once the
10 blade -- you know, once they grind, it's done.

11 COUNCILMAN RIZZO: I'm not suggesting
12 that that's a long-term solution. I'm talking
13 about right now if your critical of the response,
14 then maybe we need to fix that.

15 MR. HAAS: I don't know if we would say
16 we were critical of te response. I think we're
17 cognizant of other priorities. Property damage is a
18 low priority if I'm answering a robbery in progress
19 or some other type of civil disturbance.

20 MR. CRITICOS: Since we've met with
21 Inspector Banick (ph) and some of the other people
22 from the Police Department recently, they've pledged
23 to give us some additional support and run it up
24 flagpole as far as priority. But frankly, all we're
25 doing is when they're working with my building,

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 they're running them off my building; they're going
3 to his building. I mean once they realize they
4 can't skate at Commerce for a while, they'll go to
5 Bell Atlantic, then they'll go to United Engineers.
6 And ultimately we need something that's going curb
7 this on a more permanent basis.

8 COUNCILMAN NUTTER: I think Councilman
9 Rizzo raises an important point. And again, I'd at
10 least like to state for the record, I mean, I'm not
11 interested in deterring the excitement of youth or
12 the enthusiasm of sport. I'm not interested in
13 trying to increase fines. This is not for
14 generating revenue for the City of Philadelphia.
15 I'm not even interested in confiscation of the
16 boards. I mean, we don't have anything to do with
17 them if we have them. All we're interesting in
18 protecting private property from destruction. That
19 is the big issue here. And you never have to worry
20 about a fine, you never have to worry about having
21 your board confiscated, you never have to worry
22 about us saying anything to you if you don't do what
23 you're not supposed to do: Skate, roll, ride on
24 someone else's property or anywhere where it is
25 prohibited. You can do it to your heart's content

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 where it's allowed.

3 Again, I don't necessarily know that it
4 is onerous on people to ask them to not destroy
5 someone else's property. I mean, it's generally a
6 lesson that I think most of us pretty much have
7 figured out by the time we're maybe 6, 7 years old.
8 It needs to be reinforced from time to time, I
9 think, with all of us. But it's a fundamental
10 premise: Don't touch what doesn't belong to you;
11 put things bac the way you found them; don't destroy
12 other people's stuff. I mean, this is like
13 kindergarten concepts here.

14 MR. CRITICOS: I agree. I think most of
15 our kids here probably own these things, but they
16 don't go up and down our neighborhood's cars or
17 things like that. They skate within the law.

18 MR. HAAS: Most skateboarders that I've
19 encountered feel it's their right to skate where
20 they want. And if there's damage done, sobeit.

21 COUNCILMAN KENNEY: Thank you.

22 Sir, could you identify yourself for the
23 record?

24 MR. EVANS: My name is Rick Evans, and I
25 manage 11 Penn Center at the corner of 19th and

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 Market.

3 When the property was designed and built
4 in the mid-'80s, the architect paid special
5 attention to the design of the handrails on our
6 plaza. They incorporated light fixtures directly
7 into the handrails for lighting the steps. This was
8 both a blessing and a curse. It was a blessing
9 because of the dramatic lighting effects surrounding
10 the property. It was a curse because of the
11 skateboarders. Jumping up and down on the handrails
12 with their boards caused the components of the light
13 fixtures to break creating a safety hazard on the
14 steps when the lights went out. Just as important
15 was the damage to the handrails themselves. By the
16 skateboarders jumping onto the handrails, it caused
17 the handrails to crack and break at the base where
18 they were attached to the ground or plaza. The
19 results were a constant maintenance problem and
20 expense issue which passed on to our tenants and
21 increase their occupancy cost.

22 Two years ago, it was determined we
23 could no longer repair the handrails and lighting
24 because of its condition. We replaced all 26
25 handrails and had to install new light fixtures on

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 the steps since the original lights were part of the
3 handrails. The cost was in excess of \$130,000.

4 We also installed knobs on the handrails
5 to prevent the skateboarders from damaging them.
6 This has not worked. We are still sustaining damage
7 to the handrails. And in fact, we are missing a
8 couple of the knobs right now. They probably see
9 the knobs as a challenge to jump over.

10 Another aspect of the nuisance they
11 cause is the noise they generate. Adjacent to 11
12 Penn Center is the Penn Center House, a cooperative.
13 On several occasions, I have received calls from
14 their residents and their property manager
15 complaining about the noise late at night caused by
16 the skateboarders. I have assured them that my
17 security runs them off when they are observed on our
18 closed circuit TV and during their patrol rounds.

19 Needless to say, I strongly support this
20 ordinance on behalf of my tenants and, to an extent,
21 the residents of Penn Center House. Thank you.

22 COUNCILMAN KENNEY: Thank you very much.
23 Any questions for these witnesses?

24 (No response.)

25 COUNCILMAN KENNEY: Seeing none, we will

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 ask Kathleen Wilkins and Eileen O'Brien to please
3 come forward.

4 Please identify yourself for the record
5 and speak directly into the microphone.

6 MS. WILKINS: Hi, my name is Cathy
7 Wilkins. I'm the property manager at the United
8 Plaza Building located at 30 South 17th Street.

9 About a year ago, my building underwent
10 a major renovation, a \$5 million improvement. On
11 the 17th and 18th Street plazas, before the fence
12 was taken from construction, the skateboarders were
13 removing the fence and skating in the new renovated
14 area. It's made of granite and concrete.

15 The skateboarding problem continued
16 usually after business hours and on the weekends.
17 We had to incur an extra cost to install zoom
18 cameras on the outside, and we installed over a
19 hundred pegs to deter the skateboarders. However,
20 it wasn't a deterrent.

21 We also had to increase security in
22 order to control the situation with them destroying
23 the granite on the brand-new plaza. That didn't
24 work either. When they were approached by my
25 security officers, the skateboarders were arrogant,

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 nasty, they would pull the pegs off the granite on
3 the benches and throw them at the security officers.
4 They also threw the pegs at a nearby pizzeria across
5 the street and damaged about three or four windows.
6 The pizza owner was very upset and wanted to hold me
7 accountable for the actions of the skateboarders.

8 My building has sustained over \$25,000
9 in damage in a six-month period. I've attached
10 pictures here of the pegs that I've put on the
11 planters to deter them. That didn't work. They
12 ripped them off. So I was continually having
13 somebody come in and replace them. And I had to
14 design granite slabs and strategically place them
15 along the paver in order to prevent them from
16 skateboarding.

17 I just wanted to give you an idea of the
18 size of the plaza. It's about 10,000 square feet.

19 COUNCILMAN KENNEY: Did the metal
20 angles, did they work.

21 MS. WILKINS: No, they did not work.
22 They pulled them out.

23 COUNCILMAN KENNEY: As long as they're
24 in, it works? But they take them out?

25 MS. WILKINS: No. On the one --.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN KENNEY: I'm looking at these
3 metal --

4 MS. WILKINS: The second picture is the
5 second design I had to go to due to the fact that
6 they kept ripping the pegs out.

7 COUNCILMAN KENNEY: Oh, these are the
8 pegs?

9 MS. WILKINS: The first ones are pegs.

10 COUNCILMAN KENNEY: That's what they
11 were throwing at the pizza place?

12 MS. WILKINS: That's what they were
13 throwing at my officer and the pizzeria across the
14 street from me.

15 I did work with the 9 District. I
16 worked with security officers. I was successful in
17 about 25 arrests. I worked with the 9th District.
18 They were very helpful. Instead of saying we had
19 skateboarders on the plaza, we tell them we had a
20 vandalism in process. They dispatched an officer.
21 They confiscated the board, took them to the
22 station. But the problem continued.

23 Once of the word got out that we were
24 aggressively pursuing skateboarders, they just went
25 to bill's place, which is Commerce Square.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN RIZZO: Point of information.

3 COUNCILMAN KENNEY: Councilman Rizzo.

4 COUNCILMAN RIZZO: SO basically, what
5 you had to do is you had to -- I don't want to use
6 the word fudge it a little, but you had to -- the
7 police didn't know whether it was someone with a
8 hammer breaking your planters or a skateboarder. So
9 you kind of elevate it without being as clear as you
10 could have been.

11 MS. WILKINS: I met with the captain of
12 the 9th District and this is how he advised me to
13 handle the situation.

14 COUNCILMAN RIZZO: The captain's very
15 creative.

16 MS. WILKINS: It was successful.

17 COUNCILMAN RIZZO: Because the police
18 office that got the assignment didn't know what the
19 situation was, and that's unfortunate. That's what
20 needs to get fixed. We need to temporarily ask the
21 Police Department that when you call and you're very
22 clear about the call, not that you have to create a
23 situation that's not clear --

24 MS. WILKINS: Well, the problem we ran
25 into was as part of the renovation my cameras, our

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 digital, I actually had to bring in my vendor and
3 transpose the skateboarder damaging the property
4 onto an analog tape and give it to Police
5 Department. But the problem was once they received
6 that tape, nobody knew what to do. We were looking
7 at not only should the skateboarder be responsible,
8 but the parents should be responsible and try to
9 enforce the \$300 fine.

10 COUNCILMAN RIZZO: Again, my point, and
11 I don't want to belabor this, we need to work with
12 the Police Department to figure out a way to get the
13 response based on accurate information, not
14 information that's not clear that could possibly
15 jeopardize an officer's safety responding to
16 something other than a skateboarder. We need to get
17 the same response when you call about a
18 skateboarders as when you call and report vandalism.
19 Because I don't think it's fair to the officer that
20 they have to respond to a call that's not other than
21 skateboarding. So we need to figure that out on how
22 to get that accomplished. And I'm going to meeting
23 with the Managing Director at 4 o'clock on another
24 issue, and I'm going to bring this to the Managing
25 Director's attention that we need to figure out that

1 05/29/03 - PUBLIC PROPERTY - BILL 030245
2 if there are bike officers in the area, that they
3 get the assignment. If there are foot patrols,
4 which there may not be, that they get the
5 assignment. That's why we've just spent almost a
6 hundred million dollars on a radio system that gives
7 ours officers on foot and on bikes better coverage.
8 So what we need to do is figure out at the police
9 radio level if you call about that, who in fact gets
10 the assignment. Does the sector car that works in
11 the 9th District get it, does the bike police
12 officer, does a police officer in a special unit
13 respond just to basically get those folks out of the
14 way to prevent further damage? Again, I like your
15 engineering approach to fixing the problem also.

16 MS. WILKINS: Thank you.

17 COUNCILMAN RIZZO: Thanks.

18 COUNCILMAN KENNEY: Thank you very much.

19 Any other questions for this witness?

20 (No response.)

21 COUNCILMAN KENNEY: We will now call
22 Eileen O'Brien, please.

23 MS. O'BRIEN: Good afternoon, Councilman
24 and Members of the Committee. My name is Eileen
25 O'Brien. I'm an Administrative Analyst in the

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 Department of Finance Code Unit.

3 I reviewed Bill 030245 with respect to
4 the responsibilities assigned to the Director of the
5 Finance. Current provisions of the Philadelphia
6 Code prohibits skateboarding on posted private
7 property and set the initial dollar value of the
8 ticket that can be issued for this infraction at
9 \$25, along with the confiscation of the skateboard.
10 The skateboard can be returned the same day as the
11 ticket issued if paid in cash. This is has not
12 proven to be a sufficient deterrent to the
13 prohibited behavior.

14 The Bill before you today would increase
15 the ticket amount to \$75 and extend the prohibition
16 to those using roller blades or bicycles on posted
17 private property, not just skateboards. A provision
18 for the confiscation of these other items is also
19 established.

20 It's conceivable that the issuance of a
21 \$25 ticket is viewed as worth of the risk in
22 violating this law present. Increasing that amount
23 to \$75 will hopefully discourage many more
24 individuals from engaging in this type of behavior
25 and reduce the damage to private property owners.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 My office is prepared to work with
3 Councilman Nutter, the Police Department, and the
4 Building Owners Association to assist in the
5 implementation and enforcement of this ordinance.

6 And we thank you for your support of
7 this legislation which is intended to improve the
8 quality of life throughout the City. Thank you.

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

11 Are there any questions for Ms. O'Brien?

12 (No response.)

13 COUNCILMAN KENNEY: Seeing none, thank
14 you very much.

15 We've had a request for testimony from
16 Joshua Nims, please.

17 Can I see a hand-raise of anybody else
18 interesting in testifying on this Bill? Anyone
19 else, so I know from time perspective.

20 Good afternoon. Please identify
21 yourself for the record Joshua Nims.

22 COUNCILMAN KENNEY: Please proceed.

23 MR. NIMS: I think everybody -- I know
24 that Councilman Nutter is familiar with me and
25 Councilwoman Blackwell as well. I represent usually

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 the skateboarders in the City through the Franklin
3 Paine Skate Park Fund Organization. We've been very
4 in making what's happening at the Art Museum happen,
5 as well as making a lot of statements over the past
6 couple of years about situation at Love and
7 skateboarding around the City.

8 Today, though, I don't think this issue
9 is as much about skateboarding as it may be a
10 quality-of-life initiative over all. So I come
11 before you today to voice disagreement with Section
12 10-610 Philadelphia Code as amended by this Bill.

13 The proposed amendments, regardless of
14 their negative impacts on skateboarding are simply
15 bad for business overall, in my opinion and I think
16 in the opinion of a lot of skateboarders and
17 business people.

18 Philadelphia is presently in a fight for
19 its life, but one hand may not know what the other
20 is doing. Millions of dollars are being spent right
21 now trying to attract creative young people to our
22 City. We're trying to get high tech, skill-oriented
23 young people to come into our City and to stay here
24 to implement our economy as we go into the 21st
25 century. But this proposed amendment, as it

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 broadens the ban on a number of recreational
3 activities on a lot of properties throughout the
4 City, those same people who are affected are likely
5 to be those same young people who we're trying to
6 attract and retain in our City. So it seems like
7 raising the fines and creating a larger application
8 for the existing Bill is just bad for business in
9 terms of attracting and retaining young people in
10 our City. It's the wrong message that we're sending
11 to the people who are most likely to make up the
12 creative class of citizens that Philadelphia has
13 been spending so much money to retain.

14 Cities like Vancouver have taken the
15 type of argument that I'm making about this creative
16 class and treating this creative class with a
17 certain amount of respect in order to keep them here
18 and have actually relaxed their laws against
19 skateboarding and has seen a continued increase in
20 their Center City -- they don't call it Center City
21 -- but their central city locations in terms of
22 young people moving in and staying because they feel
23 welcome.

24 And again, I'm not necessarily saying
25 that this argument is diametrically opposed to the

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 argument that there's a lot of property damage going
3 on in the City. There definitely is, and it has to
4 be addressed in some way. Unfortunately, at the
5 same time, if as it's addressed this way we take the
6 chance of damaging our City's reputation to the very
7 young people that we're trying to attract to make
8 our City continue to grow in the 21st Century. I
9 think that's the most salient argument against the
10 Bill right now, rather bringing up all of the
11 passions of the skateboarding community and their
12 parents.

13 I will note that skateboarders -- I've
14 heard in the testimony already that's it's
15 understood now and accepted that skateboarders are
16 adults, that most of these skateboarders we're
17 talking about are over 18. That means they're
18 voting age and they're going to start voting. That
19 means that Council, as it makes its decisions about
20 these Bills, will potentially need to take the
21 skateboarders a little more seriously in terms of
22 their ability to be voters and part of an active
23 constituency, not just young people who like
24 kindergartners, haven't quite learned their lessons
25 about life yet. Again, I'm not making excuses for

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 the points that are well taken. Damage is being
3 done and these property owners are obviously
4 suffering a financial hit as a result of it.

5 COUNCILMAN KENNEY: I'm curious as to
6 your opinion or your views on what constitutes
7 private property. I guess what I'm bewildered about
8 is while I understand this creative class
9 argument -- and we can argue whether or not that's
10 in fact true, but I'm stipulate that you're
11 accurate. When does a person's private property
12 become subject to protection? Do you own a car?

13 MR. NIMS: Yes.

14 COUNCILMAN KENNEY: If I decided that I
15 wanted to grind on your fender and you were in the
16 house watching TV and I did a little jump and I
17 grinded down your fender, would that be okay?

18 MR. NIMS: I'll say this --

19 COUNCILMAN KENNEY: I think part of the
20 problem is that we look at this larger space as
21 somehow it's public, but it really isn't public;
22 it's privately owned as your car is privately owned,
23 as your front step is privately owned, and I don't
24 understand the dichotomy in view as to you can use
25 other people's private property as opposed --

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 MR. NIMS: Well, I'm not going to come
3 up here and say that I support using other people's
4 private property in a way that is going to damage it
5 and cause thousands of dollars. That's why I'm
6 making the argument that this is instead is about
7 protecting the interest of a class of young people
8 who we are trying to attract to our City. If we try
9 to attract young people to our City through the
10 advertising and through the outreach things that
11 we're doing through the universities and then at the
12 same time pass legislation that significantly
13 affects their choice of recreation, then there's a
14 mixed message being sent. This may not be --

15 COUNCILMAN NUTTER: How do they have a
16 choice in recreation to be on someone's private
17 property?

18 MR. NIMS: The point actually is --

19 COUNCILMAN NUTTER: No, that is the
20 point.

21 MR. NIMS: We're talking about roller
22 blading, bicyling and skateboarding.

23 COUNCILMAN NUTTER: On private property.

24 MR. NIMS: On property generally.

25 COUNCILMAN NUTTER: And Public Property.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 MR. NIMS: Public property as well.

3 Obviously, there's going to be some gray area there.

4 From the perspective of the young person
5 who comes into the City --

6 COUNCILMAN NUTTER: No. There's gray
7 area.

8 MR. NIMS: If you'll entertain me on
9 this.

10 COUNCILMAN NUTTER: Go ahead. Always
11 good to talk to you, Joshua.

12 MR. NIMS: Thank you, sir.

13 What ends up happening is that young
14 people are going to be negatively affect and already
15 are negatively affect by this type of legislation.
16 They look at this type of legislation and say, "Do I
17 want to come to a City that has this type of
18 legislation on the books, or would I rather go
19 somewhere like Vancouver, like Washington, D.C.,
20 like New York City where there is a somewhat more
21 relaxed atmosphere?"

22 COUNCILMAN KENNEY: Part of what I don't
23 understand is that if this were a Bill to ban
24 skateboarding, roller blading and bicycle riding in
25 the City, I could understand you being upset or

1 05/29/03 - PUBLIC PROPERTY - BILL 030245
2 being concerned about it. I don't think we would do
3 anything like that. The point is that it's not a
4 ban on skateboarding; it's a prohibition on where
5 you can do it. And when it comes to the issue of a
6 person's or a company's private property, I don't
7 see where there's a valid argument that people
8 should have access to it to be able to destroy it or
9 cause its destruction.

10 COUNCILMAN NUTTER: Or that it's a
11 deterrent to them coming here.

12 Do you have a driver's license.

13 MR. NIMS: Yes, sir, I do.

14 COUNCILMAN NUTTER: Do you think it's an
15 onerous requirement by the Commonwealth of
16 Pennsylvania that you should have to have a drivers
17 license to drive a vehicle, or is that a deterrent
18 to people coming to Pennsylvania.

19 MR. NIMS: No, having a driver's license
20 is a good idea, obviously.

21 COUNCILMAN NUTTER: So tell me how the
22 young person is affected by a law that says you
23 can't destroy someone's private property. Tell me
24 why you wouldn't want to come here.

25 MR. NIMS: Sir, because the law doesn't

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 say you can't destroy private property. It says you
3 can't ride a skateboard on public property and
4 private public.

5 COUNCILMAN NUTTER: It does not include
6 the street. It does not include the sidewalk. It
7 includes public property. Now, Josh, you and I have
8 had this conversation many, many times. We met at
9 Love Park. It's public property which is defined
10 and it's private property. What's the gray area?

11 MR. NIMS: I guess the gray area is the
12 open space that overlaps. Take the clothes pin, for
13 example, the clothes pin area at 1500. There is a
14 large, flat, wide-open space there. It's wonderful
15 for skateboarding.

16 COUNCILMAN NUTTER: I'm sure. It's not
17 ours.

18 MR. NIMS: There aren't really any
19 ledges or edges to speak of that are useful
20 skateboarding. The ones that are there are really
21 high and rarely used.

22 COUNCILMAN NUTTER: Well, yeah, because
23 if you use the edge at the steps, you might end up
24 on the lower level.

25 MR. NIMS: Exactly. But also the large

1 05/29/03 - PUBLIC PROPERTY - BILL 030245
2 blocks out there as well, they're very high and
3 difficult to use. Yet that flat space there is a
4 wonderful place to ride a skateboard. And yet,
5 according to the Bill as it stands now, it's illegal
6 to ride a skateboard there. I have to admit that
7 that doesn't -- it just doesn't seem fair, maybe
8 you can say. If that's as good an argument as I have,
9 maybe --

10 COUNCILMAN NUTTER: Let me ask you. You
11 raised the fairness argument. You're a lawyer now,
12 right?

13 MR. NIMS: Yes, sir.

14 COUNCILMAN NUTTER: So you know when you
15 open doors, you end up going behind them, right?

16 MR. NIMS: Absolutely.

17 COUNCILMAN NUTTER: So let's talk about
18 fairness. Now, is it fair to Bell Atlantic Tower
19 owner that they spent \$88,000 to fix damage to their
20 property caused by people who were doing something
21 that was not authorized by them? Is that fair?

22 MR. NIMS: No.

23 COUNCILMAN NUTTER: Is it to the folks
24 at 11 Penn Center who spent \$130,000.

25 MR. NIMS: No. In fact, we can

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 stipulate down your list "no" to all of those.

3 The issue, in my opinion, is that this
4 is not good for our attraction and retention efforts
5 in this City.

6 COUNCILMAN NUTTER: Well, let me ask
7 this question. Let's take it from the more positive
8 side, because there are two sides to this particular
9 argument. So what would it take to get the
10 skateboarders or others to stop damaging either
11 public or private property and engage in the more
12 positive side of this? And what should the City be
13 doing to better encourage this behavior? And then I
14 want you to tell me that after we do all those
15 things, that the boarders are going to stop
16 destroying public and property.

17 MR. NIMS: I can't tell you that.

18 COUNCILMAN NUTTER: So what should we be
19 doing?

20 MR. NIMS: On the other hand, we've
21 already actively started trying to build -- get the
22 skate park built at the Art Museum. That's going
23 along very well. We've had a lot of support from
24 Councilwoman Blackwell, from Councilman Darrell
25 Clarke. You've expressed some interest in helping

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 with some land in your district. All that's very
3 positive on that front and is moving along very
4 well. And hopefully, yes, a year from now --

5 COUNCILMAN NUTTER: And after we do all
6 of those things --

7 MR. NIMS: There's something built and
8 in place that the majority of these parents who are
9 dropping their kids off --

10 COUNCILMAN NUTTER: From outside City,
11 but we'll put that to the side.

12 MR. NIMS: Right, from outside of the
13 City.

14 COUNCILMAN NUTTER: Because that becomes
15 a part of our responsibility that we should provide
16 facilities for people to come and use here in
17 Philadelphia that their own municipalities don't
18 provide them; somehow that's a part of our
19 responsibility too?

20 MR. NIMS: No, and I didn't say that.

21 COUNCILMAN NUTTER: Okay. So after we
22 do all that -- let's say we build a wonderful
23 skateboard park designed by the skateboarders and
24 they have all the input that they could hope and
25 desire; that you build something in my district,

25 You think the skateboarders have a right

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 to damage private and public property?

3 MR. NIMS: No, I don't. I will say this
4 too, though, that there's a certain amount of
5 recognition, I think, by a lot of this testimony
6 that we've heard today that skateboarding draws
7 young people into our City.

8 COUNCILMAN NUTTER: I don't dispute
9 that.

10 MR. NIMS: That has to be a positive.

11 COUNCILMAN NUTTER: I want as many young
12 people to come here as possible. The City continues
13 to lose population. I just want them to stop
14 damaging our property that the public taxpayers have
15 to pay for and I want them to stop damaging private
16 property which is discouraging to our business
17 community where some of these young people might
18 actually want to get a job. The two have to work in
19 sync. It's not going to help us attract young
20 people if the businesses don't want to be here
21 because we cannot control or help them maintain
22 their private property. It's not exactly a selling
23 point to businesses.

24 MR. NIMS: I also think we could get
25 into a chicken and egg circle about that.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN NUTTER: So the two go
3 together. We have to protect our businesses. We
4 have to protect the economic engine that helps drive
5 this City that would provide a job for young people
6 because one of the reasons young people don't stay
7 in Philadelphia after they get an incredible
8 education at a City that has more colleges and
9 universities than almost any other region in the
10 United States, one of the reasons they don't stay
11 here is because they can't get a job. And if we
12 further drive our businesses out of here, they can't
13 get a job. That's the bottom line. Stop destroying
14 private property. Again, I would say, it is
15 generally a lesson that most of us learn somewhere
16 between kindergarten and third grade. There is no
17 excuse. None.

18 (Applause.)

19 MR. NIMS: Do you have any further
20 questions?

21 COUNCILMAN NUTTER: Josh, you know I
22 like you. You don't want to ask me do I have any
23 more questions. You don't have enough time in your
24 life to deal with all the questions that I might
25 have. I look forward to talking to you soon. Send

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 contribution form to the Franklin Paine
3 organization, please.

4 MR. NIMS: I have a few things to pass
5 out to the group as well. Thank you.

6 COUNCILMAN KENNEY: Thank you very much.

7 Any owes questions?

8 (No response.)

9 COUNCILMAN KENNEY: None.

10 Anyone else to testify on this Bill?

11 Please identify yourself.

12 MR. WINTERS: My name is Brian Winters.
13 I live in Philadelphia. I'm 24 years old. I own a
14 small business in Old City. I provide technical
15 services and a retail outlet for people to shop at.
16 I want to make this quick and simple, not trying to
17 suck up anybody's time, but without a place or
18 provisions for me to skateboard, I'm still going to
19 skate these places that you've mentioned before. By
20 raising the fine, I'm just going to run faster.
21 It's been something I've been doing for ten years,
22 trying to evade cops so I don't get the fine, while
23 I was in school and now when I'm out of school
24 trying run the business and my wallet's kind
25 strapped and I want to stay alive, I'm not

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 skateboarding.

3 COUNCILMAN KENNEY: What kind of
4 business do you own?

5 MR. WINTERS: I own a retail store in
6 Old City. It's a retail outlet.

7 COUNCILMAN KENNEY: Can I ask you
8 question? Baseball is like the American pastime --
9 one of the American pastimes. If I decided that I
10 wanted to have a hard ball game across the street
11 from your store and had my friend Michael Nutter
12 here pitch me hard balls and I batted them against
13 your window, wouldn't you call the police? Or would
14 you think that that was my right to engage in a
15 sport of my choosing at the place that I chose?

16 MR. WINTERS: If it was intentional --

17 COUNCILMAN KENNEY: No, I'm not
18 intentionally trying to break anything. I'm playing
19 baseball where I want to play it and he's pitching
20 me the ball and I'm hitting will where I want to hit
21 it. And if it breaks your window on your retail
22 store, you wouldn't call the police? You'd say, "No
23 problem, fellows. Enjoy yourself."

24 MR. WINTERS: I think that if there was
25 baseball field a block away from where we're playing

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 baseball in front of my store, I would ask you if
3 you could kindly go down there and let's work on
4 fixing my window.

5 COUNCILMAN NUTTER: Why? What's wrong
6 with what the Councilman wants to do?

7 MR WINTERS: It's just common sense.

8 COUNCILMAN NUTTER: He just doing what
9 he wants to do our in front of your place. What's
10 the problem?

11 MR. WINTERS: There's provisions for him
12 to play baseball a block away from store. I think
13 I'd ask him if he would go play there.

14 COUNCILMAN NUTTER: The City is in the
15 process of building a skateboard park.

16 COUNCILMAN KENNEY: We have one already.

17 MR. WINTERS: I have heard nothing about
18 a skateboard park and seen nothing about a
19 skateboard park.

20 COUNCILMAN KENNEY: We have a skateboard
21 park at Franklin Roosevelt Park, which is known as
22 The Lakes in South Philadelphia.

23 MR. WINTERS: And how can I get there?
24 I don't have a car or a bike.

25 COUNCILMAN KENNEY: You have a subway

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 drops you at Broad and Pattison Avenue.

3 COUNCILMAN NUTTER: Ride your
4 skateboard.

5 COUNCILMAN NUTTER: Actually, the subway
6 stop at Broad and Pattison is right at the entrance
7 of the park.

8 MR. WINTERS: SEPTA's pretty expensive.
9 It's going to be the most expensive public
10 transportation system to use in the nation in
11 another few months.

12 COUNCILMAN NUTTER: That's a different
13 hearing for a different day.

14 Let me ask you a question. Do you allow
15 shoplifting at your retail store?

16 MR. WINTERS: I don't allow that, no.
17 That wouldn't be a very wise business decision by
18 me, would it?

19 COUNCILMAN NUTTER: You think it's a
20 wise business decision for these folks to let people
21 continue to destroy their property?

22 MR. WINTERS: That's not what I'm trying
23 to get at.

24 COUNCILMAN NUTTER: I'm not sure what
25 you're trying to get at. I'm asking you do you

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 allow people to do things to your business that are
3 illegal --

4 MR. WINTERS: No.

5 COUNCILMAN NUTTER: -- and are against
6 your business interest? That's what I'm asking you
7 now as a business person.

8 MR. WINTERS: No.

9 COUNCILMAN NUTTER: Okay.

10 MR. WINTERS: But if it's in the
11 interest of a community around my business to work
12 with them to keep those baseballs from flying
13 through my window, I would be more than willing to
14 build a baseball park or a place to go and swing
15 that bat.

16 COUNCILMAN NUTTER: Well, let's say the
17 folks came in and say, "Hey, it's our community
18 interest to have as many of your goods as possible
19 in our hands without paying for them." Is that okay
20 with you? It's in the community interest. I don't
21 know what your retail business is; you don't have to
22 tell me. But whatever it is, the community believes
23 it's in their community interest to have as many of
24 your goods in their hands as possible without
25 stopping by the little cash register there. Is that

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 something you support.

3 MR. WINTERS: I support shopping
4 at my business.

5 COUNCILMAN NUTTER: But not shoplifting?

6 MR. WINTERS: No.

7 COUNCILMAN NUTTER: That's fine. No
8 problem.

9 MR. WINTERS: My statement is purely I
10 think it would be wiser decision to work towards
11 providing a space for people with bikes, roller
12 blades and skateboards to go to, to direct them to
13 rather than to raise this fine to deter them and
14 send a message across that we don't want you in this
15 City at all. There aren't any hard boundaries what
16 determines public and private space.

17 COUNCILMAN KENNEY: Yes, there is. It's
18 called a deed. Inside the deeded area is private
19 property.

20 MR. WINTERS: A deed's not posted on
21 every wall in the City. It's not posted on signs.
22 I don't recognize that when I'm just walking around
23 casually minding my business getting something to
24 eat.

25 COUNCILMAN KENNEY: Councilman Rizzo.

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN RIZZO: You know, I don't
3 want to continue making all these examples, but
4 something just hit me. Do you think a person just
5 wanted to go to any one of these properties and set
6 up their barbecue grill and invite five or six
7 friends down and have a barbecue cue in the
8 courtyard, do you think that's okay?

9 MR. WINTERS: Aren't those what the
10 roach coaches are on each corner?

11 COUNCILMAN RIZZO: No, I'm talking about
12 somebody pulls a charcoal barbecue grill in the
13 center of the courtyard and invites 10 of their
14 friends down for a barbecue. You think that's okay?

15 MR. WINTERS: No. Not without
16 permission.

17 COUNCILMAN RIZZO: Well, why do you
18 think you should be able to go skateboarding on that
19 same property without permission?

20 MR. WINTERS: I understand that I'm not
21 allowed to. But the pure substance of my argument
22 is I don't have a place to go and that's why I'm
23 there.

24 COUNCILMAN RIZZO: Well, guess what, you
25 got to change recreation. You got to go play

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 basketball or something until we get it figured out.

3 MR. WINTERS: So a lifestyle that I have
4 built myself around --

5 COUNCILMAN RIZZO: I hate to be real
6 blunt with you here, but maybe -- if you believe
7 that you're violating the law, then you really need
8 to find a different place. If people come from all
9 over the country and the world to skateboard in
10 Philadelphia, and you've just agreed that you're
11 breaking the law, that you shouldn't be doing it. I
12 mean, you seem like a bright young man. You own a
13 business. You don't have to -- it's not a question
14 of right and wrong. You understand that it's wrong,
15 correct? And if you get arrested, it's on you.

16 MR. WINTERS: I understand that. I'm
17 simply trying to make a point that instead of
18 raising these fines to detract people --

19 COUNCILMAN RIZZO: Well, you're make a
20 stupid point. You're making a really stupid point
21 to say that it's wrong and then complain that the
22 fine shouldn't be increased.

23 MR. WINTERS: I'm trying to make a point
24 that maybe instead of focussing our energies and
25 our thoughts into making --

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN RIZZO: Are you business
3 person that has -- you see skateboard equipment and
4 supplies; is that what you do?

5 MR. WINTERS: Can I get the words out of
6 my month without being interrupted?

7 COUNCILMAN RIZZO: No, you can't until
8 I'm finished. Could you tell me, is what you do?
9 You sell skateboard accessories and supplies, is
10 that what you do?

11 MR. WINTERS: I sell mostly books and
12 clothing.

13 COUNCILMAN RIZZO: For skateboard.

14 MR. WINTERS: Skate related.

15 COUNCILMAN RIZZO: So you have a vested
16 interest in this, correct?

17 MR. WINTERS: Yes.

18 MR. RIZZO: And you're more concerned
19 about your profit and your ability to sell these
20 magazines and clothing to skateboarders than the --
21 you're not considerate at all to the people that are
22 being harmed here?

23 MR. WINTERS: I'm here to represent
24 skateboarders because my interests are trying to
25 make --

1 05/29/03 - PUBLIC PROPERTY - BILL 030245

2 COUNCILMAN RIZZO: Your interest is the
3 dollar. And you should be interested in these
4 folks' dollar too. Thank you.

5 COUNCILMAN KENNEY: Thank you very much.

6 Thank you for your testimony.

7 Anyone else to testify on this Bill?

8 Please identify yourself for the record.

9 MR. BRODY: Steven Brody, President of
10 Title 10 Skate Park.

11 COUNCILMAN KENNEY: Please proceed.

12 MR. BRODY: Our family is in the
13 recreation entertainment business. We own bowling
14 centers, and we have decided to build an indoor
15 extreme skate park on Delaware Avenue.

16 I agree that the skateboarders do need a
17 place to skateboard. I do agree that the property
18 of the assorted buildings and other buildings
19 throughout the City and Delaware Valley should be
20 protected. We plan to offer -- and we've worked
21 with these gentlemen that were here this afternoon
22 and others -- to offer this indoor extreme skate
23 park, a facility where it would be pay to skate but
24 a number of discounts to understand their needs and
25 their sensitivity. And in addition, we are not

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 going to have a pro shop. We're allowing all the
3 assorted independent skateboard shops to enjoy the
4 profits of their business.

5 So we are coming to Philadelphia August
6 the 1st to August 15th on Delaware Avenue to offer a
7 spot for them to skateboard.

8 COUNCILMAN KENNEY: Terrific. Thank
9 you. Thank you very much.

10 No one else to testify on this Bill, we
11 will now move to Bill No. 030370, an ordinance
12 authorizing the Commissioner of Public Property, on
13 behalf of the City of Philadelphia, to acquire from
14 the Urban Education Development Research and Retreat
15 Center, Inc., fee simple title to, and all other
16 real property interests in, approximately five acres
17 of real estate within the property known as 4601
18 Market Street, under certain terms and conditions.

19 Please identify yourself.

20 MR. PEREZ: Good afternoon, Chairman
21 Kenney and Members of the Committee Public Property
22 and Public Works. My name Andres Perez, and I'm
23 Commissioner of the Department of Public Property.
24 I'm here today in support of Bill No. 030370.

25 In the interest of time, my less than

1 05/29/03 - PUBLIC PROPERTY - BILL 030370
2 one-page testimony is summarized simply by saying
3 that it is self-explanatory. It is the City's
4 desire to acquire the referenced parcel. It is the
5 City's interest in acquiring referenced parcel with
6 your authorization for the --

7 COUNCILMAN KENNEY: Excuse me. I'm
8 sorry. Could we take all private conversations in
9 the hallway? Thank you.

10 I'm sorry, Commissioner. Please
11 proceed. You're in favor of the transaction?

12 MR. PEREZ: You're in favor of the
13 transaction to allow the construction of a new youth
14 study center.

15 And present also is Commissioner
16 Martinez.

17 COUNCILMAN KENNEY: Hi. Please identify
18 yourself for the record.

19 MS. MARTINEZ: Good afternoon. My name
20 is Alba Martinez. I'm Commissioner of the
21 Department of Human Services.

22 COUNCILMAN KENNEY: Please proceed.

23 MS. MARTINEZ: I have two and a half
24 pages of testimony. Chairman, I was going to read
25 them, if that's okay.

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 COUNCILMAN KENNEY: Yes.

3 MR. MARTINEZ: Good afternoon, Chairman
4 Kenney and Members of the Public Property and Public
5 Works Committee. Thank you for the opportunity to
6 appear before you as you consider Bill 030370 for
7 the purchase of property to build a new Juvenile
8 Justice Center for the City of Philadelphia.

9 We have worked hard over the past three
10 years to prepare for a move to the City's new
11 Juvenile Justice Center. The City has committed
12 \$48 million in its Capital Budget for the new center
13 after the Street Administration pledged and the
14 Mayor pledged in his 2000 inaugural address to make
15 improving the lives of Philadelphia's children and
16 youth a major priority of our Administration. The
17 Mayor outlined a comprehensive agenda for children
18 which included the construction of a new Juvenile
19 Justice Center to replace the existing Youth Study
20 Center.

21 The task for planning a new Juvenile
22 Justice Center has been a daunting one, but DHS as
23 lead agency solicited and received the long-term
24 commitment and collective effort of all Philadelphia
25 juvenile justice stakeholders. A new Juvenile

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 Justice Center Committee formed in 2001 served as a
3 working group to help the City in its efforts to
4 plan a new center. The Committee reviewed
5 considerable work and research on best practice in
6 juvenile justice programing, policies, and design.
7 It helped provide recommendations and guidance
8 regarding the location and funding for a new
9 Juvenile Justice Center.

10 The proposed center, as the Youth Study
11 Center does now, will provide temporary care,
12 custody, and control for alleged and adjudicated
13 delinquents aged 13 and over who are awaiting court
14 action or placement in a long-term residential
15 facility. The new center, through its state-of-art
16 design and programming will provide protection to
17 the community, a safe and security setting for youth
18 and staff, and ensure that residents are available
19 for their scheduled court hearings.

20 The current Youth Study Center does all
21 of this now. However, the current Youth Study
22 Center was built in 1952 and it has seen its basic
23 infrastructure deteriorate to the point that it is
24 in need of constant maintenance and repair. It is
25 no longer suitable for the provision of appropriate

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 safety, security, management or care of the
3 juveniles in our custody who have to be served
4 there. The deteriorating conditions adversely
5 affect adequate programming in the areas of medical
6 mental health, education, and recreation services.
7 As a result, our City's compliance with federal and
8 state mandates and juvenile justice accrediting
9 standards is constantly at risk. Yet despite the
10 inadequacies of the physical plant, we persevere and
11 we have improved dramatically the programming at the
12 Youth Study Center so that the City's most troubled
13 youth are provided the most positive services. We
14 still provide a year-round educational program
15 through the Philadelphia School District, which has
16 expanded to six days a week year-round;
17 gender-specific programming to meet the needs of an
18 increasing population of girls; medical coverage 24
19 hours a day, 7 day a week, and on-site dental care;
20 on-site mental health services to children through a
21 contract with CHOP, the Children's Hospital of
22 Philadelphia.

23 Still, we are not satisfied with the
24 current age and condition of the Youth Study Center
25 can adequately accommodate much of this programming.

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 We believe, as do all Philadelphia's juvenile
3 justice stakeholders that a new state-of-the-art
4 Juvenile Justice Center would allow is to do even
5 more and meet more fully the comprehensive needs of
6 children in the juvenile justice system in order to
7 give them the best possible chance for a positive
8 and productive future.

9 A new detention center with more space
10 and ambient surroundings would facilitate more
11 positive interaction between youth, the center's
12 staff, families, legal and social service providers,
13 and the community agencies and volunteers who work
14 with our youth. It would also have an immediate
15 positive impact on our capital budget plans,
16 management, and expenditures.

17 Maintenance contracts and costs would be
18 reduced as a function of the design and construction
19 materials of a new facility. Overtime costs
20 chargeable to the Youth Study Center for borrowing
21 someone from other City departments for emergency
22 repairs would be reduced considerably, if not
23 completely eliminated. Additional overtime savings
24 would be realized in child care costs with new
25 building design that eliminates isolated areas

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 serving juveniles that currently exist at the Youth
3 Study Center which prohibit efficient and effective
4 staffing patterns when the center population is
5 high.

6 Finally, the need for a new Juvenile
7 Justice Center for the City has been discussed for
8 over 20 years. Today, we are closer than ever
9 before to making a new state-of-the-art facility for
10 our children possible.

11 City Council and your support to
12 approval and passage of this Bill will help this
13 make this a reality. Thank you very much.

14 COUNCILMAN KENNEY: Thank you very much.
15 What's the construction timetable? And has the
16 design been completed? Is there something -- maybe
17 not today, but is there something we could see
18 relative to --

19 MR. PEREZ: Mr. Tustin is available from
20 the Capital Program also.

21 COUNCILMAN KENNEY: Thank you.
22 Please identify yourself.

23 MR. TUSTIN: Good Morning. My name is
24 Richard Tustin. I'm the Director of the City's
25 Capital Program Office.

1 05/29/03 - PUBLIC PROPERTY - BILL 030370

2 Our office has been working very closely
3 with Commissioner Martinez over the past several
4 years to do several things. First, to develop a
5 program; then to do a site search, identify an
6 appropriate site; and hopefully now negotiate with
7 the owners of that site. Should we come to a
8 resolution on the sale and purchase of the property,
9 we would be ready to go out with an RFP for design
10 services.

11 A year ago -- maybe 18 months ago, we
12 went out with what's called an RFQ which is a
13 Request for Qualifications. That went out
14 nationwide of coast to coast. We advertise through
15 national AIA, as well as through business journals,
16 local newspapers, and other periodicals. We
17 received in the neighborhood of 25 responses to that
18 from firms from coast to coast that do this, you
19 know, this is their primary business. We have
20 reviewed those RFQs. And once we do end up
21 purchasing a site, we will go out with a short list
22 RFP to probably six to eight firms.

23 COUNCILMAN KENNEY: What is your best
24 timetable as far as design professional selection,
25 design approval, and then start a construction and

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 completion.

3 MR. TUSTIN: Our normal process for
4 selecting a firm takes about two months, maybe three
5 months at the most. It would probably be a 9 to
6 10-month design process. And then we'd have a
7 three-month bid award process, which is the normal
8 Public Works. And then we're looking at a two-year
9 construction schedule.

10 COUNCILMAN KENNEY: Okay. Thank you.

11 Any other questions?

12 (No response.)

13 COUNCILMAN KENNEY: Thank you very much.

14 MR. PEREZ: Mr. Chairman, I'd like to
15 clarify that our intention is to acquire a portion
16 of 4601 Market Street; and if successful, we will in
17 the end have a different address for it.

18 COUNCILMAN KENNEY: Thank you very much.

19 Anyone else to testify on this Bill?

20 (No response.)

21 COUNCILMAN KENNEY: Seeing none, we
22 thank you.

23 We'll move to Bill No. 030216, an
24 Ordinance authorizing real estate transactions
25 necessary to permit the City of Philadelphia to

1 05/29/03 - PUBLIC PROPERTY - BILL 030216
2 acquire property needed for use by the Philadelphia
3 International Airport; in particular, authorizing
4 the Director of Commerce and the Commissioner of
5 Public Property to acquire, by amicable negotiation,
6 swap or by condemnation, any and all interests in a
7 certain parcel of property located on the south side
8 of Bartram Avenue within the limits of Philadelphia,
9 Pennsylvania.

10 Please identify yourself for the record.

11 MR. ISDELL: Is is my Charles Isdell,
12 Director of Aviation. Good afternoon. I'm pleased
13 to appear before you today to testify in support of
14 Bill 030216.

15 This Bill will authorize the City of
16 Philadelphia through its Department of Commerce,
17 Division of Aviation and Department of Public
18 Property to acquire approximately 16.26 acres of
19 real property located on the south side of Bartram
20 Avenue within the limit of Philadelphia,
21 Pennsylvania, or use by Philadelphia International
22 Airport to expand the existing employee parking lot.
23 The property will be acquired either by negotiated
24 purchase or, more likely, by condemnation. The
25 purchase price or condemnation award, when

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 determined, will be paid with monies from the
3 Aviation Fund with no General Fund impact. The City
4 has an appraisal, which I'll be more than glad to
5 share with you. The property is surrounded by PNC
6 Bank to the west, I-95 to the South, the south side
7 of Bartram Avenue to the north, and on the east
8 airport's existing employee parking lot. The
9 location of the property and its proximity to the
10 existing parking lot will allow the airport to use
11 the property for additional employee parking at
12 minimal expense almost immediately upon acquisition.

13 Currently, the airport is severely
14 constrained in its employee parking. The existing
15 lot contains approximately 2400 parking spaces.
16 Since the lot opened in 1996, the airport employee
17 population has grown significantly with the opening
18 of Terminal F in 2001, and the new International
19 Terminal this year. In addition, the New
20 Transportation Security Administration alone has
21 added nearly 1,000 employees with access to the lot.

22 Even taking into account the economic
23 impact of 9/11/01, the airport now employs over
24 14,000 people who have access to the parking lot.
25 Employee parking capacity, however, has remained

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 unchanged. Currently, during peak hours when major
3 shift changes occur, there's a severe shortage of
4 available parking spaces. This can result in
5 employees lateness and occasionally insufficient
6 staffing to provide maximum customer service.

7 SEPTA's recent announcement that
8 budgetary reductions could result in the closure of
9 the airport high-speed line is also cause for
10 concern, as nearly 1,000 airport employees currently
11 use the high-speed line every day. Without it, many
12 of them would be forced to drive to work, increasing
13 the strain on the employee parking lot.

14 For all the reasons specified, the
15 airport has an urgent and immediate need for
16 additional space for employee parking.

17 The property in question is owned by the
18 Redevelopment Authority of the City of Philadelphia.
19 You may recall that the Division of Aviation
20 previously introduced legislation in March of 2001
21 requesting authority to acquire the property. The
22 Bill was held to the call of the Chair at that time
23 until additional information was provided to the
24 Committee. It's my understanding that the
25 information was supplied to this Committee by the

RDA. Executive Director Herbert Wetzel to my left is here today from the RDA. And if you desire, we'll explain the relationship between the RDA and redeveloper New Eastwick Corporation. The Committee should also be aware that New Eastwick Corporation filed a petition for the appointment Board of View pursuant to the Eminent Domain Code requesting a determination of the amount of compensation New Eastwick Corporation is entitled to as compensation for inverse condemnation as a result of the City's conduct. The petition alleges that the City's actions have taken all beneficial use and enjoyment of New Eastwick Corporation's rights in the property. The City has filed preliminary objections, copies of which I have with me today. The Redevelopment Development Authority has filed a motion for a declaratory judgment seeking to set aside New Eastwick Corporation's rights, if any, in the property. I have copies of the pending declaratory judgement action as well. Irrespective of the outcome of these pending actions, we will need and, therefore, request Council approval to acquire the property.

I greatly appreciate the opportunity to

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 speak to today in support of this Bill. I also
3 request a suspension of the Rules so that the
4 ordinance may be passed upon second reading. And
5 I'll be happy to answer any questions.

6 I believe the Department of Public
7 Property also has testimony.

8 COUNCILMAN KENNEY: Let's go back,
9 because we've been through this with this before.
10 What we have is a parcel of land, and you can
11 correct my characterization if I'm wrong. A parcel
12 of land since 1961 has been controlled by a
13 corporation that has not developed the land nor paid
14 taxes nor even kept it in clean; that was all on our
15 tab. There's an undisputed need that we need to
16 expand our parking for employees and parking
17 generally down there. But the potential is that
18 we're going to pay this company that's done nothing
19 on this property since 1961 millions of dollars to
20 get out of the way, basically, because it's our
21 land; they own the development rights to it and have
22 owned the development rights since 1961.

23 Help me get where I need to be as a
24 Member of Board of Directors of this company, while
25 wanting to help you with this legislation to get it

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 moving, basically giving card blanche to the amount

3 of money the taxpayer will have to pay -- we always

4 get involved in this splitting hairs between

5 taxpayers and flyers. I think the flying public are

6 taxpayers. Passenger facilities charges are

7 basically a tax. It's taxpayers money. It's not

8 General Fund, but it's taxpayers' money. People who

9 pay taxes to go and fly in and out of our airport

10 pay a required fee, which to my mind is a tax, and

11 to use that money to buy this property. And the

12 problem I have is that once I let this go, this

13 property could be sold at a negotiated sale or

14 condemnation for 5 million, 6 million, 7 million, 10

15 million. I mean, how do I justify my fiduciary

16 responsibility as a member of this Board of

17 Directors by giving authority to the airport, Public

18 Property Department, to negotiate a sale that in the

19 end I can't control the price? Not only control the

20 price, won't have any approval of the price.

21 Because what would really be sad is that if we allow

22 this to go, suspend the rules, get you on your way,

23 you go negotiate a sale or condemn this property and

24 we give the Korman Corporation \$7 million for doing

25 nothing on this property since 1961, not even paying

1 05/29/03 - PUBLIC PROPERTY - BILL 030216
2 10 cents in taxes. I wouldn't even mind if they
3 paid the real estate taxes on the land since 1961.
4 All right, fine. Or if they tried to develop it.
5 It's just they've sat on it as a slum landlord for
6 the most part, and now we're going to take flying
7 public's money and reward them for doing nothing on
8 that land.

9 Granted, this is not your
10 responsibility, it's not your fault, you need the
11 land. But how do I justify that as my
12 responsibility as an elected official and Chairman
13 of this Committee to allow that to happen? I still
14 get an answer to it.

15 Herb, help me.

16 MR. WETZEL: I'll try, Councilman. My
17 name is Herbert Wetzel, Executive Director of the
18 Redevelopment Authority of the City of Philadelphia.
19 There are some others who are with me today that
20 probably could better articulate the legal strategy
21 that we've entered into.

22 When you raised this issue at the
23 hearings two years ago, we began to think about the
24 very fact -- and the issue you raised is why should
25 someone who's never taken title, never had

1 05/29/03 - PUBLIC PROPERTY - BILL 030216
2 responsibility, never paid liability insurance,
3 never paid real estate taxes; if it was dumped on,
4 never had to clean up, gain any benefit from that
5 parcel of land? Why should one public entity
6 acquire a property owned by other public entity and
7 pay this third party because of a relationship that
8 was constructed in 1961?

9 What we did is -- and I think part of
10 the problem was because this agreement was around
11 for so long, people took it for granted that it just
12 was just going to be there. And because it got
13 extended several times, the assumption was that
14 agreement is going to be been there. And I think
15 that's why representatives came to the last Council
16 hearing, as you will recall, and articulated their
17 right to receive their money, which I think is what
18 actually tabled this whole thing.

19 We hired outside counsel who's done
20 extensive research. We have filled a lawsuit to
21 essentially make null and void this agreement, not
22 only for Parcel C, there's other developable land
23 down there, including 50 acres of residential land
24 that is developable that's just being sat on. This
25 could be productive land. There could be people

1 05/29/03 - PUBLIC PROPERTY - BILL 030216
2 living down there. There could be tax revenues
3 coming from that particular land as well. All of
4 that land is essentially handcuffed in that
5 agreement, and it's time for that agreement to end.
6 It's a bad agreement. It's the kind of agreement
7 that you would never enter into today. We believe
8 we have a strong legal case, and I would ask others
9 to articulate that to you, of winning this thing.

10 I think that raises a question. If I
11 were in your seat, I'd be saying, well, what happens
12 if you don't win. I've approved something now and
13 we don't win.

14 COUNCILMAN KENNEY: Are you telling me
15 that the approval of this legislation would
16 retroactively effected by the winning of the
17 lawsuit.

18 MR. WETZEL: No, what I'm suggesting is
19 that winning the lawsuit -- the ownership and title
20 of this land, if this legislation was approved and
21 the City condemned, title to this land would pass to
22 the City of Philadelphia. The fight would not be
23 over who owns it --

24 COUNCILMAN KENNEY: Excuse me. I don't
25 mean to interrupt. I understood the parcel of land

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 to be owned by the City of Philadelphia with the
3 development rights going to Korman Corporation.

4 MR. WETZEL: No, it's owned by the
5 Redevelopment Authority. The City would condemn the
6 land that's owned by the Redevelopment Authority.
7 Upon the filing of a Declaration of Taking, title to
8 that land would pass to the City of Philadelphia and
9 they could proceed to build the airport parking.
10 The battle would be over who's entitled to the
11 money. The New Eastwick Corporation, which i the
12 redeveloper --

13 COUNCILMAN KENNEY: The non-redeveloper.

14 MR. WETZEL: Well, there's some
15 interesting things about that at this point.

16 COUNCILMAN KENNEY: But you can
17 understand too how ironic it is that we're not only
18 going to reward someone who's not developed the land
19 or paid taxes, but we're taking a parcel of land
20 owned by a quasi-City agency, turning it over to a
21 City agency, and paying somebody in the middle to
22 get out of the way.

23 MR. WETZEL: I agree. Listen, we fully
24 agree with you. And as a matter of fact, your
25 insight that you provided to us really triggered us

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 to say, does this agreement really have to exist?

3 Can we challenge this agreement?

4 Our intent is they should not get a
5 dime.

6 COUNCILMAN KENNEY: Would the money be
7 held? If this legislation goes forward and a title
8 transferred from RDA to Airport, no money would be
9 paid to Korman until the result of the lawsuit?

10 MR. WETZEL: Our counsel can correct me
11 on this, but the City would pay the money into the
12 court, it would sit in court while that lawsuit is
13 being fought.

14 COUNCILMAN KENNEY: How do we determine
15 the amount of the money that would sit in escrow?

16 MR. WETZEL: Generally, it's going to be
17 the appraised value of the real state.

18 COUNCILMAN KENNEY: What happens if we
19 lose the case?

20 MR. WETZEL: I would like to have
21 Counsel come up and answer that for you. I think I
22 know the answer, but I'd like Steve Engelmyer who is
23 representing us as outside Counsel.

24 MR. ENGELMYER: Good afternoon,
25 Councilman.

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 COUNCILMAN KENNEY: Good afternoon.

3 MR. ENGELMYER: So I'm answering the
4 question you raised, could I impose upon you to
5 repeat it, please?

6 COUNCILMAN KENNEY: Ask the question
7 again?

8 MR. ENGELMYER: Yes, sir.

9 COUNCILMAN KENNEY: The legislation goes
10 forward. Transfer of the title is made from RDA to
11 the airport. An appraisal is made or has been done
12 and that amount of money is parked in a escrow
13 account until the decision of the court on the
14 effort to eliminate or obviate the development
15 agreement.

16 MR. ENGELMYER: Yes, sir.

17 COUNCILMAN KENNEY: What happens if we
18 lose?

19 MR. ENGELMYER: The RDA has brought a
20 lawsuit to try to declare the rights of New Eastwick
21 null and void in the agreement. If your question is
22 what happens if we loss that lawsuit, what would
23 happen is on the assumption there is a fight over
24 the amount that should be paid, it's typical of any
25 condemnation proceeding, it would go to a Board of

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 View. They would determine whose appraisal is the
3 right one, and that would set the price for the
4 property. No different than any other condemnation.

5 COUNCILMAN KENNEY: What firm do you
6 represent?

7 MR. ENGELMYER: I'm with the firm of
8 Kleinbard, Bell & Brecker. We are outside counsel
9 to the Redevelopment Authority.

10 COUNCILMAN KENNEY: Please be patient
11 with me. When the revelation of this entire thing
12 came forward, it is so disdainful and so disgraceful
13 that this even existed and that we had to wind up
14 being held over a barrel on the PNC
15 back-of-the-house deal to extend this stupid thing
16 even further, which at the time I think we voted on
17 it but I don't think that was ever divulged that was
18 part of -- or at least maybe not divulged in
19 testimony, that that was part of the deal.

20 What makes you think that we're in a
21 strong position to win this?

22 MR. ENGELMYER: Mr. Chairman, what we
23 have done at the RDA's direction, and I thing,
24 again, as Mr. Wetzel indicated, triggered by the
25 issues that you raised, we went back and took closer

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 look at the agreement itself and who New Eastwick

3 is. I think you very accurately described them as

4 the non-developer rather than the developer. And

5 here's what we have found. It is our belief, and

6 this is alleged in our complaint, that New Eastwick

7 in reality doesn't even exist any more. They may

8 have existed . They may have existed 42 years ago,

9 which is almost before my time, but they certainly

10 don't exist now. We don't think they're a viable

11 entity. We don't think they're an operating entity.

12 We think to a great extent they have been subsumed

13 by the Korman Corporation, which is why they were

14 here, I think, two years ago. And as Mr. Chairman

15 may know, the agreement does not allow the developer

16 with whom we have signed an agreement to go

17 nonviable and in essence to sell themselves to

18 another entity without the approval of the

19 authority. None of that has ever happened. So our

20 view is we are dealing with a party to an agreement

21 that really -- there's no "their" there any more.

22 So I would never guarantee a result of a lawsuit.

23 You'd laugh me out of the room if I did that. But

24 we certainly believe we have merit, and we look to

25 this Committee and appreciate the issues that they

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 have raised.

3 COUNCILMAN KENNEY: Okay. I want to do
4 this. I want to get it down. I want to give you
5 some relief on your needs. I'm just going on faith
6 that this is going to work out and that we're going
7 to potentially have no cost at all in transferring
8 the title.

9 If we're successful in the lawsuit, is
10 it a possibility we won't pay anything?

11 MR. ENGELMYER: If we are successful in
12 the lawsuit, it is likely, in fact, we would pay
13 zero -- well, let me specific. The airport would
14 pay the Redevelopment Authority. The Redevelopment
15 Authority would not pay anything to New East
16 Eastwick.

17 COUNCILMAN KENNEY: What would the
18 airport be paying the Redevelopment Authority? What
19 is the consideration based on?

20 MR. WETZEL: Councilman, in 1972 when
21 Richard Nixon ended the urban renewal programs and
22 created the Community Development Block Grant
23 Program, there's a close-out agreement with HUD, the
24 City of Philadelphia HUD and the Redevelopment
25 Authority on all the land that was acquired with

1 05/29/03 - PUBLIC PROPERTY - BILL 030216
2 urban renewal financing. And what that essentially
3 requires is that the Redevelopment Authority dispose
4 of that land for fair market value. The money that
5 it receives from the disposition of land must go
6 back into the Community Development Block Grant
7 Program. In other words, during the years
8 post-1972, Community Development Block Grant funds
9 have been used to maintain, clean, stabilize land
10 that was brought from a prior program. And so HUD
11 basically said, if you sell a parcel, that money has
12 to go back into the City's Community Development
13 Block Grant Program.

14 So if the property were disposed of to
15 the City or the airport for fair market value, those
16 funds then go right back into the City's Community
17 Development Block Grant Program. The Redevelopment
18 Authority cannot keep that money. That money must
19 be transferred back under this close-out agreement.
20 So it would come back into the City but it would be
21 different money at that point. It would have to be
22 used for housing and community development, which is
23 not a bad thing.

24 COUNCILMAN KENNEY: No, not at all.

25 Any other questions?

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 (No response.)

3 COUNCILMAN KENNEY: None. Thanks.

4 Anyone else to testify on this Bill?

5 Please let the record show that the
6 Department of Property through Commissioner Perez
7 supports the transaction as outlined.

8 Please identify yourself.

9 MR. GREGORSKI: Good afternoon, Mr.
10 Chairman and Members of the Committee on Public
11 Property and Public Works. My name is Marty
12 Gregorski, and I'm a Zoning Planner with the
13 Philadelphia City Planning Commission. I'm here
14 today to testify on Bill No. 030216.

15 Councilmember Blackwell introduced this
16 Bill on behalf of Council President Verna on April
17 10th of this year. The property that is subject to
18 this Bill is the same property that was subject of
19 Bill No. 010191, which was also introduced by
20 Councilmember Blackwell of behalf of Council
21 President Verna on March 29, 2001.

22 This parcel is located on the south side
23 of Bartram Avenue west of 84th Street and is zoned
24 C-3 Commercial. This property contains
25 approximately 16.3 acres. This is a vacant property

1 05/29/03 - PUBLIC PROPERTY - BILL 030216

2 that is owned by the Redevelopment Authority, and
3 once conveyed will be used by the Philadelphia
4 International Airport for employee parking.

5 The Airport needs to create additional
6 employee facilities for its airlines, support
7 businesses, concessionaires and government agency
8 tenants. The existing employee parking lot, which
9 is adjacent to lot, is no longer adequate due to the
10 rapid growth in the airport employment since the
11 opening of the lot in 1996.

12 The Planning Commission at its meeting
13 of April 19, 2001, recommended that Bill No. 010191
14 be approved. And accordingly, we recommend that
15 Bill No. 030216 be approved. Thank you.

16 COUNCILMAN KENNEY: Is this your first
17 time with us?

18 MR. GREGORSKI: It is.

19 COUNCILMAN KENNEY: Welcome. You did a
20 very nice job for the first time out. We look
21 forward to seeing you soon.

22 Councilman Rizzo.

23 COUNCILMAN RIZZO: Mr. Chairman, I have
24 a meeting at 4 o'clock. I must leave, so I'd like
25 to leave my vote yes on all of the Bills before the

1 05/29/03 - PUBLIC PROPERTY - BILL 030332

2 Committee today.

3 COUNCILMAN KENNEY: Thank you very much.

4 The record will so reflect.

5 Anyone else to testify on this Bill?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing none, we will
8 now move to Bill No. 030332, which is an Ordinance
9 authorizing the Commissioner of Public Property to
10 execute and deliver to the Philadelphia Authority
11 for Industrial Development, without consideration, a
12 deed conveying fee simple title to a certain tract
13 of City-owned land with the buildings and
14 improvements thereon, situate at the southeast
15 corner of 31st and Oakford Streets, generally under
16 and subject to the terms and conditions of the
17 Philadelphia Industrial and commercial Development
18 Agreement between the City, the PAID, and the
19 Philadelphia Industrial Development Corporation.

20 Good afternoon. Please identify
21 yourself.

22 MR. DALFO: My name is Thomas Dalfo.
23 I'm a vice president with the Philadelphia
24 Industrial Development Corporation. I'm here
25 representing PIDC and the Philadelphia Authority for

1 05/29/03 - PUBLIC PROPERTY - BILL 030332

2 Industrial Development.

3 COUNCILMAN KENNEY: Please proceed.

4 MR. DALFO: We're here today to support
5 Bill 030332. The Bill will authorize the City to
6 convey a parcel containing 2.3 acres of vacant land
7 located at 30th and Oakford Streets to PAID. After
8 acquisition, PAID will in turn convey this property
9 to J.D. Mack and Company, a private real estate
10 development company.

11 The company intends construct
12 approximately 21,000 square feet of retail space
13 that will include a national drug store chain store
14 and possibly a bank or a restaurant. Their
15 development plans are not finalized at this point.
16 It is anticipated that they'll create approximately
17 20 new jobs. And the total cost of development is
18 in the area of \$4.5 million.

19 The Bill will also PAID to negotiate a
20 sale with J.D. Mack and Company in accordance with
21 the terms and conditions of the Philadelphia
22 Industrial and Commercial Development Agreement
23 between the City, PAID, and PIDC. The sale will be
24 based upon two independent appraisals of the
25 property and its redevelopment as a retail site.

1 05/29/03 - PUBLIC PROPERTY - BILL 030332

2 The appraisals have not been completed yet. We
3 expect to have the results from those in
4 approximately four to six weeks.

5 We believe that the development of this
6 property as well as the adjacent property the
7 developer will be acquiring on Grays Ferry Avenue
8 will greatly enhance the development of that
9 particular portion of Grays Ferry Avenue.

10 Representatives from J.D. Mack have met
11 with the various community groups, the Kings Village
12 Civic Association and the Grays Ferry Neighborhood
13 Association to discuss the project and get community
14 input into the type of development that will occur.

15 I would ask that the Committee consider
16 the bill favorably and consider suspending the Rules
17 and permitting reading at the next regular scheduled
18 Council meeting.

19 COUNCILMAN KENNEY: Thank you.

20 Mr. Mark.

21 MR. MARK: Thank you, Mr. Chairman.

22 Richard DeMarco from Klehr, Harrison, Harvey
23 Branzburg & Ellers, representing J.D. Mack and
24 Company. I have no formal testimony other than to
25 thank PIDC for their efforts in helping this project

1 05/29/03 - PUBLIC PROPERTY - BILL 030379
2 along and to thank the Public Property Committee and
3 City Council for consideration of this Bill. Thank
4 you.

5 COUNCILMAN KENNEY: Thank you.

6 Commissioner.

7 MR. PEREZ: Mr. Chairman, as
8 Commissioner of Public Property, we support the
9 Bill.

10 COUNCILMAN KENNEY: Thank you very much.

11 Anyone else to testify on this Bill?

12 (No response.)

13 COUNCILMAN KENNEY: Seeing none, we will
14 move to Bill No. 030379, An Ordinance authorizing
15 the Commissioner of Public Property, on behalf of
16 the City of Philadelphia, to acquire from the
17 Consolidated Rail Corporation all of its right,
18 title and interest, if any, in and to certain real
19 property comprised of parcels of real estate, also
20 known as part of the Kensington & Tacony Industrial
21 Track; and to acquire from the Commonwealth of
22 Pennsylvania, acting by and through the Pennsylvania
23 Fish and Boat Commission, all of its right, title
24 and interest, if any, in and to certain parcels of
25 real estate known as the Frankford Arsenal Boat Ramp

1 05/29/03 - PUBLIC PROPERTY - BILL 030379

2 property and the Tacony Boat Ramp properties; all
3 under certain terms and conditions.

4 Please identify for the record.

5 MR. PEREZ: Mr. Chairman, my name is
6 Andres Perez, I'm Commissioner of Public Property.
7 I'm here in support of Bill 030379. At the
8 recommendation of the Law Department and the request
9 of Councilwoman Krajewski, I would like to submit
10 some corrections to the Bill as an amendment.

11 The purpose of the Bill was authorize
12 the acquisition of the referenced parcels. The
13 purpose of the amendment was to clarify and strike
14 out certain references that would imply that Council
15 is also renaming land that is not public property.

16 COUNCILMAN KENNEY: Okay.

17 MR. PEREZ: Unfortunately, the project
18 behind this is not a Public Property project and I'm
19 not well versed in the details of it. The
20 representatives that were to speak on the issue are
21 not present. There is another individual present to
22 explain details.

23 COUNCILMAN KENNEY: We have a witness.

24 Come forward, please. Please identify
25 yourself for the record.

1 05/29/03 - PUBLIC PROPERTY - BILL 030379

2 MS. WALLACE: Good afternoon, Chairman
3 Kenney and Members of the Committee on Public
4 Property and Public Works. I'm Carolyn Wallace,
5 Director of Community Redevelopment Programs for the
6 Pennsylvania Environmental Council. Patrick Star,
7 our Vice President of PEC intended to be here today
8 but is busy with last minute details of our annual
9 dinner which is tonight which has over 500 people,
10 so apologizes for not being here.

11 COUNCILMAN KENNEY: No problem.

12 MS. WALLACE: I have testimony of his
13 that I asked to be distributed, so I'll just read a
14 few key paragraphs.

15 COUNCILMAN KENNEY: Please.

16 MS. WALLACE: I'm here today to testify
17 in favor of Ordinance 030379, specifically, the
18 authorization for the City of Philadelphia to
19 acquire an abandoned Conrail rail line known as the
20 Kensington and Tacony Industrial Track. It runs
21 along the edge of the Delaware Riverfront.

22 The Pennsylvania Environmental Council
23 has been involved in working to connect the City
24 neighborhoods to the Delaware River along the
25 section north of the Betsy Ross Bridge to Bucks

1 05/29/03 - PUBLIC PROPERTY - BILL 030379

2 County for well over seven years. Our efforts have
3 focused on facilitating new recreational
4 opportunities for City residents, restoration of
5 habitat and ecological elements along the river and
6 advocating for economic and community redevelopment
7 opportunities along the riverfront that would use
8 the river as a front door to the City and take
9 advantage of the tremendous value of waterfront
10 property for diversity of industrial, residential,
11 and commercial uses.

12 We're proud to report significant
13 progress in working to make the Kensington and
14 Tacony Trail known as the K & T a reality. The
15 ordinance you're considering would enable the City
16 of Philadelphia to purchase an initial 1.8 mile
17 section of the K & T, starting at the old Frankford
18 Creek just north of Rohm & Haas and accessible from
19 Tacony Street at the Frankford Arsenal Boat Launch
20 and ending at Millner Street just north of New State
21 Road, so there is an in and out to this section.

22 PEC and the Fairmount Park Commission
23 were successful in receiving a grant from the
24 Pennsylvania Department of Conservation and Natural
25 Resources to acquire the K & T from Conrail and

1 05/29/03 - PUBLIC PROPERTY - BILL 030379
2 conduct the necessary appraisals title search and
3 environmental studies. Conrail's Board has approved
4 of this transaction. The City would purchase the
5 property and convey it to the Fairmount Park
6 Commission for conversion and maintenance as a
7 trail. PEC has also applied for a state grant of
8 \$178,000 for design and engineering of the trail and
9 we would be working closely with the Streets
10 Department to award and manage that grant.

11 I need to add that we will not receive
12 this grant for this round of funding unless the City
13 is authorized to enclose us on the acquisition of
14 the rail line from Conrail by the end of June or
15 early in July. So we need this ordinance passed
16 now.

17 We have been working hard on all fronts
18 to make this deadline. The K & T is a key sea
19 project of the larger North Delaware Riverfront
20 Project that would transform major vacant and
21 under-utilized areas along the riverfront into new
22 communities for City residents and others who would
23 locate on the river instead of moving out to open
24 areas in the suburbs.

25 Again, thank you very much for the

1 05/29/03 - PUBLIC PROPERTY - BILL 030379

2 opportunity to speak to you today, and I'm happy to
3 answer any questions you might have about Ordinance
4 030379.

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

7 Any questions for this witness?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing none, is
10 there anyone else to testify on this Bill?

11 Please come forward.

12 MR. GREGORSKI: Good afternoon, Mr.
13 Chairman, Members of the Committee on Public
14 Property and Public Works. My name is Marty
15 Gregorski and I'm a Zoning Planner with Philadelphia
16 City Planning Commission. I'm here today to testify
17 on Bill No. 030379. Councilman Krajewski introduced
18 this Bill on May 15th of this year.

19 While this Bill has not yet been
20 considered by the Planning Commission, it will be at
21 the Commission's next hearing on June 17 of this
22 year. It will be the recommendation the Planning
23 Commission staff that this Bill be voted upon
24 favorably, as the acquisition of these parcels is
25 important to the Commission's plan for the North

1 05/29/03 - PUBLIC PROPERTY - BILL 030200

2 Delaware Riverfront. Thank you.

3 COUNCILMAN KENNEY: Thank you very much.

4 Anyone else to testify?

5 MR. PEREZ: I do want to clarify. There
6 is a representative from Fairmount Park, and it is
7 endorsed and supported by the Fairmount Park
8 Commission. I am a member of the Commission as well
9 Commissioner of Public Property.

10 COUNCILMAN KENNEY: Thank you very much.

11 Anyone else to testify on this Bill?

12 (No response.)

13 COUNCILMAN KENNEY: Seeing none, we will
14 move to Bill No. 030200, which is an Ordinance
15 authorizing the Commissioner of Public Property, on
16 behalf of the City of Philadelphia, to enter into a
17 Sublease Agreement to lease from the Philadelphia
18 Municipal Authority portions of the building located
19 at 1601-45 Cherry Street, also known as Three
20 Parkway, for use by the City and affiliated agencies
21 as office space, under certain terms and conditions.

22 Please identify yourself for the record
23 and proceed.

24 MR. PEREZ: Again, Mr. Chairman,
25 Commissioner Perez, Department of Public Property.

1 05/29/03 - PUBLIC PROPERTY - BILL 030200

2 I'm here in support of this Bill.

3 The intent of the Bill is to provide a
4 long-term lease for the referenced space and the
5 building commonly referred to as Three Parkway,
6 legally known as 1601-45 Cherry Street. It's
7 approximately two floors of the building that have
8 been rented for the expansion of the Department of
9 Human Services.

10 COUNCILMAN KENNEY: Are they currently
11 in there now?

12 MR. PEREZ: They've been in there for
13 about a month. This ordinance authorizes the
14 long-term engagement.

15 COUNCILMAN KENNEY: How long?

16 MR. PEREZ: Initial 10 years, plus --

17 COUNCILMAN KENNEY: Ten?

18 MR. PEREZ: Ten years plus extensions.

19 COUNCILMAN KENNEY: Is that standard?

20 MR. PEREZ: That's the approach we've
21 been taking. This is a permanent increase. This is
22 not a transitional or temporary increase in the
23 Department of Human Services staffing.

24 COUNCILMAN KENNEY: Do you know what the
25 monthly rental is?

1 05/29/03 - PUBLIC PROPERTY - BILL 030200

2 MR. PEREZ: I'm embarrassed to say that
3 I actually don't know that offhand and I should have
4 had that available.

5 It starts out at \$18 a square foot and I
6 believe it's approximately 46,000 square feet.

7 COUNCILMAN KENNEY: And how high does it
8 go?

9 MR. PEREZ: By the 10th year, I believe
10 it's at 26 and then it gets a market value
11 revaluation.

12 COUNCILMAN KENNEY: What's the strategy
13 on doing it such long term? Is it better to lock us
14 in between 18 and 26? Or is it better to do it 3 to
15 5 and try to figure out what the market is then? I
16 don't remember doing anything 10 years.

17 MR. PEREZ: We started that as part of
18 the prior Administration's overall approach to
19 restructuring the entire leasehold portfolio. We
20 were being victimized by many short-term leases,
21 110 short-term leases costing us approximately
22 \$40 million a year and growing with every
23 incremental renewal. So we had many leases that
24 rolled over in one year and often included a slight
25 increase. Over the years, those slight increases

1 05/29/03 - PUBLIC PROPERTY - BILL 030200

2 were pretty substantial. So the conclusion at the
3 time was to move to new spaces that were completely
4 rebuilt at what the market's contemporary value was,
5 which was substantially less than what we were
6 paying in some of those old buildings that we had
7 been in for 10 and 15 and 20 years. It is a risk
8 that we take that the market goes unfavorably.

9 COUNCILMAN KENNEY: Do we have the
10 ability to sublease?

11 MR. PEREZ: I don't believe we have that
12 in this lease. We normally don't ask for it.

13 We have members of the Law Department
14 that were part of the negotiating team.

15 COUNCILMAN KENNEY: Please identify
16 yourself.

17 MR. SCHWARTZ: Good afternoon, Henry
18 Schwartz, City Philadelphia Law Department. We have
19 the right to use it for DHS purposes or any other
20 City purposes. I think we've expanded it as far as
21 quasi-City so if we wanted to go through PAID and do
22 some other type of public use, we could do that as
23 well.

24 COUNCILMAN KENNEY: But not to a private
25 office or anything.

1 05/29/03 - PUBLIC PROPERTY - BILL 030200

2 Please identify yourself.

3 MR. SHAW: Dan Shaw, City Law

4 Department. There was restriction on use, and the
5 use was for, as Mr. Schwartz points out, City and
6 quasi agencies. So we wouldn't be able to lease it
7 to a private entity.

8 And also, a point of clarification for
9 accuracy purposes, the lease actually -- if this
10 ordinance is approved by Council and signed by the
11 Mayor, the lease in the first year is actually \$10 a
12 square foot and it goes up all the way to \$28, with
13 the idea of the first years getting very low rent.

14 The other thing is that the landlord
15 here -- landlords in the buildings in which we were
16 looking at which were close to other DHS buildings,
17 only sort of commercial downtown practice is 10
18 years. So that's another reason why.

19 COUNCILMAN KENNEY: That's more --

20 MR. SHAW: That's a standard commercial
21 Class A building.

22 COUNCILMAN KENNEY: That's fine. All
23 right.

24 Any other questions on this particular
25 Bill?

1 05/29/03 - PUBLIC PROPERTY - BILL 030535

2 (No response.)

3 COUNCILMAN KENNEY: Anyone else to
4 testify?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing none, we will
7 now move to Bill 030353, an Ordinance authorizing
8 the Commissioner of Public Property, on behalf of
9 the City of Philadelphia, to enter into a Sublease
10 Agreement to lease from the Philadelphia Municipal
11 Authority portions of the building located at 1500
12 John F. Kennedy Boulevard, also known as Two Penn
13 Center, for use by the City and affiliated agencies
14 as office space, under certain terms and conditions.

15 Please identify yourself for the record.

16 MR. PEREZ: Commissioner Perez,
17 Department of Public Property. I'm here in support
18 of this Bill. The intention of the Bill is to
19 permit a new agreement extending the lease for the
20 Pension Board's offices in the referenced building.

21 Mr. Kidwell from the Pension Board is
22 available as well as myself to try and answer any
23 questions.

24 COUNCILMAN KENNEY: So this is an
25 extension of an existing lease?

1 05/29/03 - PUBLIC PROPERTY - BILL 030535

2 MR. PEREZ: I think it's basically a
3 renewal because it includes an expansion of space.

4 COUNCILMAN KENNEY: What's the use now,
5 what department?

6 MR. PEREZ: It's strictly the Pension
7 Board.

8 COUNCILMAN KENNEY: And they'll be
9 expanding and extending or renewing a lease?

10 MR. PEREZ: Yes.

11 COUNCILMAN KENNEY: For period of how
12 many years?

13 MR. SCHWARTZ: Henry Schwartz from the
14 Law Department. For 10 years.

15 COUNCILMAN KENNEY: And same basic price
16 structure?

17 MR. SCHWARTZ: It's A slightly different
18 rent structure, but averages out about the same.

19 COUNCILMAN KENNEY: Any questions for
20 these witnesses?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing none, anyone
23 else to testify on this Bill?

24 (No response.)

25 COUNCILMAN KENNEY: Seeing none, that

1 05/29/03 - PUBLIC PROPERTY - BILL 030535

2 will conclude the business of the Public Property
3 Committee hearing.

4 COUNCILMAN KENNEY: We will now
5 convenient a public meeting --

6 MR. PEREZ: Mr. Chairman.

7 COUNCILMAN KENNEY: I'm sorry. We're
8 back into the hearing.

9 MR. PEREZ: I've got 030392 on my list.

10 COUNCILMAN KENNEY: Councilman DiCicco
11 has asked that be held.

12 MR. PEREZ: Very well.

13 In reference to have the Bills presented
14 and testified by the Department of Public Property,
15 we also asked for a suspension of the rules.

16 COUNCILMAN KENNEY: That's blanket
17 today. This is the last day out.

18 That will conclude the public hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

5

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Thursday, May 29, 2003

7

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8

Public Meeting conducted by the
Committee on Public Property and Public Works, held
in Room 696, City Hall, Philadelphia, Pennsylvania,
on the above date, to consider action on the
following:

Bills 030200, 030216, 030245, 030246,
030253, 030292, 030332, 030353, 030370, 030379,
030392.

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PRESENT:

15

COUNCILMAN JAMES KENNEY, Chair

16

COUNCILMAN MICHAEL NUTTER

17

COUNCILWOMAN JANNIE BLACKWELL

18

COUNCILMAN DARRELL CLARKE

19

COUNCILWOMAN BLONDELL REYNOLDS BROWN

20

COUNCILWOMAN DONNA REED MILLER

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1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 COUNCILMAN KENNEY: The Chair now
3 convenes a public meeting.

4 The Chair recognizes Councilmember
5 Reynolds Brown for a motion on Bill No. 030246.

6 COUNCILWOMAN BROWN: Thank you. I move
7 that Bill 030246 be reported out of Committee with a
8 favorable recommendation, and further move that the
9 Rules of Council be suspended so that we can hear
10 this Bill at the next meeting of City Council.

11 (Duly seconded.)

12 COUNCILMAN KENNEY: It's been moved and
13 seconded.

14 All in favor, aye.

15 (Aye.)

16 COUNCILMAN KENNEY: There are none
17 opposed.

18 Bill No 030246 reported out of this
19 Committee favorably, and a request will be made for
20 Rules suspension to allow for first reading at our
21 next Council Session.

22 The Chair recognizes Councilmember
23 Miller on a motion on 030292.

24 COUNCILWOMAN MILLER: Thank you. I move
25 that Bill No. 030292 be reported out of this

(Duly seconded.)

All in favor, aye.

(Duly seconded.)

COUNCILMAN KENNEY: It's been moved and

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 seconded.

3 All in favor, aye.

4 (Aye.)

5 COUNCILMAN KENNEY: Any opposed?

6 COUNCILWOMAN BLACKWELL: No.

7 COUNCILMAN KENNEY: One opposed. Let
8 the record show that Councilmember Blackwell is
9 opposed to this motion.

10 That motion passes. Bill No 030245
11 reported out of this Committee favorably, and a
12 request will be made for Rules suspension to allow
13 for first reading at our next Council Session.

14 The Chair recognizes Councilmember
15 Blackwell for a motion on Bill 030370.

16 COUNCILWOMAN BLACKWELL: I move that
17 Bill just mentioned be reported out Committee with
18 favorable recommendation and a recommendation for
19 suspension of the Rules so as to permit first
20 reading at our next Session of Council.

21 (Duly seconded.)

22 COUNCILMAN KENNEY: It's been moved and
23 seconded.

24 All in favor, aye.

25 (Aye.)

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 COUNCILMAN KENNEY: There are none
3 opposed.

4 Bill No 030370 reported out of this
5 Committee favorably, and a request will be made for
6 Rules suspension to allow for first reading at our
7 next Council Session.

8 The Chair recognizes Councilmember
9 Nutter for a motion on Bill No. 030216.

10 COUNCILMAN NUTTER: Thank you, Mr.
11 Chairman. I move that Bill 030216 be reported out
12 of this Committee with a favorable recommendation,
13 further recommendation Rules of Council be suspended
14 so as to permit first reading at our next Session.

15 (Duly seconded.)

16 COUNCILMAN KENNEY: It's been moved and
17 seconded.

18 All in favor, aye.

19 (Aye.)

20 COUNCILMAN KENNEY: There are none
21 opposed.

22 Bill No 030216 reported out of this
23 Committee favorably, and a request will be made for
24 Rules suspension to allow for first reading at our
25 next Council Session.

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 The Chair recognizes Councilmember
3 Nutter for a motion on Bill 030332.

4 COUNCILMAN NUTTER: Thank you, Mr.
5 Chairman. I move that Bill 030332 be reported out
6 of this Committee with favorable recommendation, and
7 a further recommendation that the Rules of Council
8 be suspended so as to permit first reading at our
9 next Session.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: It's been moved and
12 seconded.

13 All in favor, aye.

14 (Aye.)

15 COUNCILMAN KENNEY: There are none
16 opposed.

17 Bill No 030332 reported out of this
18 Committee favorably, and a request will be made for
19 Rules suspension to allow for first reading at our
20 next Council Session.

21 The Chair recognizes Councilmember
22 Nutter for a motion to approve the amendment to Bill
23 No. 030379.

24 COUNCILMAN NUTTER: Mr. Chairman, I move
25 that the amendment as circulated to Bill 030379 be

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 adopted.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: It's been moved and
5 seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN KENNEY: There are none
9 opposed.

10 The amendment to Bill No 030379 is
11 approved.

12 The Chair recognizes Councilmember
13 Nutter for a motion on the amended Bill 030379.

14 COUNCILMAN NUTTER: Mr. Chairman, I
15 move that Bill 030379, as amended, be reported out
16 of Committee with a favorable recommendation, and a
17 further recommendation that the Rules of Council be
18 suspended so as to permit first reading at our next
19 Session.

20 (Duly seconded.)

21 COUNCILMAN KENNEY: It's been moved and
22 seconded.

23 All in favor, aye.

24 (Aye.)

25 COUNCILMAN KENNEY: There are none

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 opposed.

3 Bill No 030379, as amended, reported out
4 of this Committee favorably, and a request will be
5 made for Rules suspension to allow for first reading
6 at our next Council Session.

7 The Chair recognizes Councilmember
8 Clarke for a motion on Bill 030200.

9 COUNCILMAN CLARKE: Thank you, Mr.
10 Chairman. I make a motion that Bill No. 030200 be
11 reported out of Committee with a favorable
12 recommendation, and a request for a suspension of
13 the Rules.

14 (Duly seconded.)

15 COUNCILMAN KENNEY: It's been moved and
16 seconded.

17 All in favor, aye.

18 (Aye.)

19 COUNCILMAN KENNEY: There are none
20 opposed.

21 Bill No 030200 reported out of this
22 Committee favorably, and a request will be made for
23 Rules suspension to allow for first reading at our
24 next Council Session.

25 The Chair recognizes Councilmember

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 Clarke on Bill 030353.

3 COUNCILMAN CLARKE: Thank you, Mr.
4 Chairman. I move that Bill No. 030353 be reported
5 out of Committee with favorable recommendation and a
6 request for a suspension of the Rules.

7 (Duly seconded.)

8 COUNCILMAN KENNEY: It's been moved and
9 seconded.

10 All in favor, aye.

11 (Aye.)

12 COUNCILMAN KENNEY: There are none
13 opposed.

14 Bill No 030353 reported out of this
15 Committee favorably, and a request will be made for
16 Rules suspension to allow for first reading at our
17 next Council Session.

18 The Chair recognizes Councilmember
19 Clarke for a motion to withdraw Bill 030253.

20 COUNCILMAN CLARKE: Thank you, Mr.
21 Chairman. I make a motion that Bill No. 030253 be
22 withdrawn.

23 (Duly seconded.)

24 COUNCILMAN KENNEY: It's been moved and
25 seconded.

1 05/29/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 All in favor, aye.

3 (Aye.)

4 COUNCILMAN KENNEY: There are none
5 opposed.

6 Bill No. 030253 is withdrawn.

7 Bill No. 030392 will be held at the
8 request of the sponsor.

9 That concludes the business of the
10 Public Property and Public Works Committee. Thank
11 you very much for your attendance.

12 (Council adjourned at 4:05 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of May 29, 2003, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

Lisa C. Bradley, RPR
and Notary Public