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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 6, 2004
10:15 a.m.

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BILL 040643 - An Ordinance authorizing the
Paving of Capri Drive...

10

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BILL 040763 - An Ordinance authorizing the
revision of lines and grades...

12

BILL 040766 - An Ordinance amending Section
9-205 of the Philadelphia Code...

13

14

BILL 040781 - An Ordinance authorizing and
directing the revision of lines and grades
on a portion of City Plan No. 146...

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BILL 040782 - An Ordinance authorizing the
revision of lines and grades on a portion of
City Plan No. 238...

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BILL 040783 - An Ordinance amending Section
9-208 of the Philadelphia Code...

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BILL 040784 - An Ordinance authorizing the
Pennsylvania Horticultural Society...

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2 PRESENT:

3 COUNCILMAN FRANK DICICCO, Chair
4 COUNCILMAN MICHAEL NUTTER
5 COUNCILWOMAN DONNA REED MILLER
6 COUNCILMAN FRANK RIZZO
7 COUNCILMAN DAVID COHEN
8 COUNCILMAN JUAN RAMOS

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1 10/06/04 - STREETS - BILL 040766

2 COUNCILMAN DICICCO: Good morning.

3 We do have a quorum. My name is Frank
4 DiCicco. I'm the Chair of the Streets and
5 Services Committee. In attendance today are
6 to my left Councilman Rizzo; to my right
7 Councilmember Donna Reed Miller and Councilman
8 Nutter. We have a short list, so it shouldn't
9 take very long.

10 With that I would ask the Clerk to
11 read the title of the first bill.

12 THE CLERK: Bill No. 040766, an
13 ordinance amending Section 9-205 of the
14 Philadelphia Code relating to sidewalk sales
15 and vending in residential areas by adding a
16 new provision prohibiting sidewalk sales and
17 vending in the areas of bordered by and
18 including Chew Avenue, Stenton Avenue, Johnson
19 Street and Mount Airy Avenue, both sides.

20 COUNCILMAN DICICCO: Good morning,
21 Mr. Haigler. Please identify yourself for the
22 record and proceed with your testimony.

23 MR. HAIGLER: Good morning,
24 Councilman DiCicco and members of the
25 Committee. I am Otis Haigler, Jr., Director

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2 of Legislative Affairs for the Department of
3 Licenses and Inspections. I'm here to provide
4 testimony on Bill 040766 which, if enacted,
5 will prohibit sidewalk sales and vending in
6 the area bordered and including Chew Avenue,
7 Stenton Avenue, Johnson Street and Mount Airy
8 Avenue, both sides.

9 The Department offers no objection
10 to the enactment of Bill No. 040766, as this
11 is within Council's prerogative under section
12 9-205(8)(p) of the Philadelphia Code. The
13 Committee and Council should, however, be
14 mindful that continued limitations placed on
15 location where vending is permitted with
16 impact on this type of activity in the City
17 since legal locations to conduct vending
18 operations will be at a premium.

19 Thank you for the opportunity to
20 provide testimony. And if you have any
21 questions, I'll be happy to answer that at
22 this time.

23 COUNCILMAN DICICCO: Thank you, Mr.
24 Haigler.

25 Any questions for this witness from

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2 the Committee?

3 The Chair recognizes Councilwoman
4 Miller.

5 COUNCILWOMAN MILLER: Thank you, Mr.
6 Chair.

7 This is a bill that we submitted,
8 that I submitted, at the request of the
9 neighbors in that particular community. So I
10 thank you for your testimony and just wanted
11 to state that for the record.

12 COUNCILMAN DICICCO: Thank you. Any
13 other questions for this witness from the
14 Committee?

15 (No response.)

16 COUNCILMAN DICICCO: Anyone else
17 here who wishes to testify for or against the
18 bill?

19 (No response.)

20 COUNCILMAN DICICCO: Seeing none, I
21 just want to recognize that Councilmember
22 Cohen is in attendance as well.

23 And bill 040782 is being tabled at
24 the request of the sponsor who just happens to
25 be me.

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2 The Clerk will read the title of the
3 next bill.

4 THE CLERK: Bill No. 040783, an
5 ordinance amending Section 9-208 of the
6 Philadelphia Code, entitled "Sidewalk Cafes,"
7 by permitting sidewalk cafes to be maintained
8 on Ninth Street, both sides, between Christian
9 Street and Federal Street, under certain terms
10 and conditions.

11 COUNCILMAN DICICCO: Good morning.
12 Please identify yourself for the record and
13 proceed with your testimony.

14 MR. MAUTZ: Good morning, Chairman
15 and Members of the Committee. My name is
16 William Mautz and I'm a construction engineer
17 with the Streets Department. I'm here to
18 offer the following testimony for Bill No.
19 040783.

20 This bill amends Section 9-208 of
21 the Philadelphia Code entitled "Sidewalk
22 Cafes" by permitting sidewalk cafes to be
23 maintained on Ninth Street, both sides,
24 between Christian Street and Federal Street.

25 The Streets Department has no

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2 objection to the passage of the bill.

3 COUNCILMAN DICICCO: Thank you.

4 Any questions?

5 Councilman Cohen.

6 COUNCILMAN COHEN: Could you tell us
7 the basis of your decision to approve this
8 bill?

9 What process did you go through in
10 the Streets Department?

11 MR. MAUTZ: In terms of process,
12 it's basically adding a location that no
13 longer requires an ordinance, a private
14 interest ordinance, but it would still need to
15 placement requirements under the code.

16 COUNCILMAN COHEN: Could you explain
17 that in simple language? What's a replacement
18 part?

19 MR. MAUTZ: In order words,
20 Councilman, it's adding a location to the code
21 that can be approved without a private
22 interest ordinance. What would need to be
23 done is they would need to follow the process
24 which is to submit a sidewalk cafe plan
25 showing the amount of tables, where it's

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2 located within the right-of-way, and the
3 Streets Department would review it based on
4 the Code requirements.

5 COUNCILMAN COHEN: And did that
6 happen in this case?

7 MR. MAUTZ: If there's a sidewalk
8 cafe that's going to be in this area, that
9 would be done.

10 COUNCILMAN COHEN: No. Do you have
11 evidence to show that it was done?

12 MR. MAUTZ: In order to get approved
13 and ultimately get a sidewalk cafe license,
14 they would need to apply to the Streets
15 Department. In terms of what record do I have
16 in that particular area, I'd have to see what
17 was submitted.

18 COUNCILMAN COHEN: Well, could you
19 see that and furnish it to the Committee
20 Chairman?

21 COUNCILMAN DICICCO: I'm sorry, I
22 didn't hear that question. Was that directed
23 to me? I apologize.

24 COUNCILMAN COHEN: What's that?

25 COUNCILMAN DICICCO: Could you

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2 repeat that question, Councilman?

3 COUNCILMAN COHEN: His answer was
4 that he would need to see something in order
5 to know whether that was done, the process was
6 followed in this case. I asked him to see if
7 he has it and submit it to you as Chairman of
8 the Committee. This is evidence that it was
9 done. I'm interested in knowing whether the
10 process provided for was, in fact, done.

11 COUNCILMAN DICICCO: Maybe I can
12 shed light on this particular piece of
13 legislation. I'm not speaking about generally
14 sidewalk cafes throughout the City, but
15 everyone is familiar with Ninth Street, the
16 Italian Market, the open-air market down
17 there. And for some reason --

18 COUNCILMAN COHEN: I'm not following
19 that. What?

20 COUNCILMAN DICICCO: Most people are
21 familiar with the Italian Market in South
22 Philadelphia, the open-air market

23 COUNCILMAN COHEN: So am I.

24 COUNCILMAN DICICCO: And most
25 people, I think, would be under the

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2 impression, including myself, that the outdoor
3 vending including outdoor cafes was legal, it
4 was permitted. But we found out going through
5 a process from the time we began the
6 reconstruction of Ninth Street several years
7 ago up until recently that although vending
8 was permitted on the cart-way as well as on
9 the sidewalk, there was no provision -- and
10 you can correct me Mr. Mautz. There was no
11 provision -- and the term I'm using may not be
12 correct when I say provision or Code. Did not
13 allow for a sidewalk cafe, although there are
14 a number of business folks who are using the
15 sidewalks for that purpose. So what I am
16 attempting to do is legalize an existing use
17 for a number of the businesses that had been
18 using the sidewalks for the purpose of outdoor
19 cafe.

20 COUNCILMAN COHEN: I'm trying to
21 find out what the Streets Department did
22 beyond receiving a copy of the request from
23 the local Councilman. I'm just interesting in
24 the process. I have no problem with your
25 result. I want to know how you achieved that

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2 result.

3 MR. MAUTZ: Okay. In terms of our
4 non-objection I'm the person that made that
5 determination. In terms of what's being added
6 to the code, it's really discretionary on the
7 District Councilman he wants to add that to
8 the locations that can be approved without a
9 private interest ordinance. Past that point,
10 they still need to go through the process to
11 legalize what is out there. Or if it's a new
12 sidewalk cafe application, they would still
13 need to come through us to get approved in
14 terms of placement, how many tables, open
15 space, things of that nature.

16 COUNCILMAN COHEN: In this case it
17 was recommended by the District Councilmember?

18 MR. MAUTZ: That's correct.

19 COUNCILMAN COHEN: Thank you.
20 That's all I wanted to know, what the process
21 is and for different kinds of activities. And
22 in this case, all you need is a
23 recommendation. Thank you.

24 COUNCILMAN DICICCO: Thank you.

25 The Clerk will read the title of the

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2 next bill.

3 THE CLERK: Bill No. 040784, an
4 ordinance authorizing the Pennsylvania
5 Horticultural Society to construct, and the
6 Fox Chase-Rockledge Business Association to
7 maintain, a Welcome to Fox Chase sign in the
8 Fox Chase Traffic Island located between
9 Hasbrook and Oxford Avenues, under certain
10 terms and conditions.

11 MR. MAUTZ: Good morning, Chairman
12 and Members of the Committee. My name is
13 William Mautz and I'm a construction engineer
14 with the Streets Department. I'm here to
15 offer the following testimony for Bill No.
16 040784.

17 This bill authorizes the
18 Pennsylvania Horticultural Society to
19 construct and the Fox Chase-Rockledge Business
20 Association to maintain a Welcome to Fox Chase
21 sign in the traffic island located between
22 Hasbrook and Oxford Avenues. The
23 non-electrified sign which is approximately 4
24 feet wide by 5 feet will be located at the
25 south end of the landscape traffic island.

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2 The Streets Department has reviewed
3 the plans and has no objection to the passage
4 of the bill.

5 COUNCILMAN DICICCO: Thank you.

6 Good morning, ma'am. You wish to
7 testify?

8 MS. ROY: Yes.

9 COUNCILMAN DICICCO: Please identify
10 yourself for the record, spell your name for
11 the stenographer and proceed with your
12 testimony.

13 MS. ROY: Good morning, Councilman
14 DiCicco and Members of the Committee my name
15 is Maitreyi Roy, M-A-I-T-R-E-Y-I, and the last
16 name is Roy, R-O-Y. I'm with the Philadelphia
17 Green Program at the Pennsylvania
18 Horticultural Society. Philadelphia Green,
19 working in partnership with the Fox
20 Chase-Rockledge Business Association request
21 approval of this ordinance granting permission
22 to construct and maintain the sign that states
23 "Welcome to Fox Chase." This sign is locate
24 in the newly installed median planting at the
25 intersection of Oxford and Hasbrook Avenues

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2 and is designed and constructed according to
3 the standards and specifications approved by
4 the Streets Department.

5 Philadelphia Green has been working
6 in the City for nearly 30 years helping
7 neighborhood residents, community
8 organizations, City agencies, and other groups
9 to create and maintain quality open spaces.
10 Last year, as a part the Mayor's Neighborhood
11 Transformation Initiative, we worked with the
12 Business Association to develop this new
13 gateway to their business district. Together,
14 we've taken a bare unattractive median area
15 and turned it into an attractive colorful
16 gateway to the community.

17 The Business Association is
18 committed to providing all ongoing maintenance
19 and care for the newly installed plantings as
20 well the new sign. They've entered into a
21 formal agreement with the Streets Department
22 regarding the ongoing maintenance and care
23 that they would provide so that the new
24 improvements continue to positively contribute
25 to the quality of life in this community. A

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2 formal agreement signed both by the Streets
3 Department and Business Association is on file
4 with the Streets Department.

5 Philadelphia green will work with
6 the Business Association and provide the
7 necessary technical assistance regarding
8 landscape management to ensure that the new
9 improvements are cared for.

10 The Fox Chase Business Association
11 and Pennsylvania Horticultural Society's
12 Philadelphia Green Program will request
13 approval of this ordinance in support of this
14 worthy project. Thank you.

15 COUNCILMAN DICICCO: Thank you.

16 Councilman Cohen.

17 COUNCILMAN COHEN: To the
18 representative from Philadelphia green, is
19 your agency interested in the general foliage?
20 For example, recently ly a business and a
21 school cut down huge amounts of greenery, one
22 near residential area, the other in a kind of
23 open area. Neighbors have been complaining
24 because the areas now look barren. Now, what
25 was cut down was on the property they

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2 presumably owned, both the business and the
3 school. Would your organization be concerned
4 about that fact? Should people notify you?
5 Do I advise them to and you will decide under
6 your theories of landscape management it was
7 appropriate to do?

8 MS. ROY: We'd be happy to provide
9 any technical assistance regarding projects
10 like that, and we do that frequently. Most
11 plantings in such areas are typically managed
12 by either Fairmount Park Commission or other
13 City agencies, and we work closely with them
14 if there's a need to provide any landscape
15 management assistance.

16 COUNCILMAN COHEN: Are there are any
17 requirements with respect to that?

18 MS. ROY: There are a lot of very
19 old, dying trees in the City and they need,
20 actually, to be removed and replanted. So
21 it's an ongoing and challenging issue across
22 the City with the older tree population.

23 COUNCILMAN COHEN: Let me give you
24 two illustrations that I have in mind that
25 rose very recently. One was in the northeast

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2 where Morrissey Corporation. They own a lot
3 that's land locked apparently, and the
4 community and contractor trying to deal with
5 that. I don't know whether they'll be
6 successful or not. Councilman O'Neill and my
7 office will be working on that phase. But the
8 contractor Morrissey on land that he clearly
9 owns cut down huge amounts of greenery so that
10 what is now visible seems to people to be a
11 blighted area rather than an attractive area.
12 That's instance number 1.

13 Instance number 2 is along Ogontz
14 Avenue near Lindley there used to be a private
15 Catholic school. I think a Greek Orthodox
16 Catholic school. It was taken over by LaSalle
17 and it was high on top of a hill. Nobody knew
18 it unless they drove up the roadway. Nobody
19 knew of its existence. It was covered by
20 lovely greenery, which if you drove on Ogontz
21 Avenue you saw the greenery but you did not
22 see the outline of buildings. Apparently,
23 LaSalle University decided to cut all the
24 greenery and now it clearly supposes the
25 building which is far less attractive

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2 greenery. Now, I assume it's on LaSalle
3 property. And assuming that it's on LaSalle
4 property, is an owner free to destroy that
5 kind of foliage when it's owned without
6 communication with anybody?

7 That's the question I'm raising
8 really both areas.

9 Assuming they did it on their on
10 property, does the community which was
11 affected by the change in scenery, does the
12 community have any answer to that? Is there
13 anything that stops people from cutting down
14 greenery on their own property?

15 MS. ROY: I'm not sure if I'm the
16 right person to be answering that question. I
17 think there are certain City laws that protect
18 trees and open space, but I'm not sure what
19 laws apply to this one. Overall, we believe
20 that trees and open space in the City are
21 positive assets and should be protected, but
22 it's hard to comment on those specifics
23 without knowing all of the details.

24 COUNCILMAN COHEN: Well, what
25 agency, if any, you believe would have

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2 jurisdiction over that?

3 COUNCILMAN DICICCO: If I may,
4 interject, I think Fairmount Park may have
5 some involvement in --

6 COUNCILMAN COHEN: What's that?

7 COUNCILMAN DICICCO: Fairmount Park
8 Commission, I think. I know from time to time
9 constituents in my district request to have
10 trees removed that are not yet dead and they
11 want it removed for certain reasons, too big,
12 it's overgrown, what have you. And in my
13 experience, Councilman, generally the decision
14 lies with the Fairmount Park Commission. So
15 that may be where you might want to start.

16 COUNCILMAN COHEN: Does that sound
17 okay to you, too?

18 MS. ROY: Yes.

19 COUNCILMAN COHEN: It sounds pretty
20 good to me.

21 Thank you, Mr. Chairman.

22 COUNCILMAN DICICCO: Thank you. Let
23 the record reflect that the Councilman Ramos
24 is now in attendance as well.

25 Any questions for these witnesses

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2 from the Committee?

3 (No response.)

4 COUNCILMAN DICICCO: Anyone else
5 here who wishes s to testify for or against
6 the bill?

7 (No response.)

8 COUNCILMAN DICICCO: Seeing none,
9 the Clerk will read the title of the next
10 bill.

11 THE CLERK: Bill No. 040643, an
12 ordinance authorizing the paving of Capri
13 Drive, DaVinci Drive and Verona Drive, under
14 certain terms and conditions.

15 COUNCILMAN DICICCO: Good morning,
16 Mr. Ledger. Please identify yourself for the
17 record and proceed with your testimony.

18 MR. LEDGER: Good afternoon, Mr.
19 Chairman and Members of the Committee. My
20 name Herman Ledger. I'm acting Survey Borough
21 Manager for the Department of Streets. The
22 Department of Streets would like to offer the
23 following testimony on Bill No. 040643.

24 This is not an administrative
25 ordinance but an ordinance requested by Mr.

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2 Peter Kelsen of Blank Rome, LLP, One Logan
3 Square, 18th and Cherry Streets, Philadelphia,
4 PA 19103. The purpose of this ordinance is to
5 pave these new streets to facilitate a revised
6 development plan proposed by Westram
7 Development Company.

8 This ordinance supported by the
9 Department of Streets and is recommended to
10 your Committee for favorable action.

11 COUNCILMAN DICICCO: Councilman
12 Cohen.

13 COUNCILMAN COHEN: Do you know who
14 the principal of Westram Development Company
15 is?

16 MR. LEDGER: Excuse me?

17 COUNCILMAN COHEN: You said this
18 ordinance is requested by a law firm on behalf
19 of Westram Development Company.

20 MR. LEDGER: Westram Development
21 Company, yes.

22 COUNCILMAN COHEN: And who are the
23 principals of Westram Development Company?
24 That's the name? I've never heard the name
25 before.

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2 MR. LEDGER: Councilman, I've only
3 been in this position for one week, and I'm
4 not as familiar with this development as I
5 would like to be. I'll find out and I'll get
6 right back to you.

7 COUNCILMAN COHEN: Well, I would
8 appreciate it because I'd like to know upon
9 whose request this is being made. It does not
10 help us if we're given a name that we're
11 unfamiliar with.

12 MR. LEDGER: I've been informed that
13 the president of the company is John Westram.

14 COUNCILMAN COHEN: Are there other
15 officers?

16 MR. LEDGER: Yes, I'm sure. But
17 like I said, I'm not familiar with these
18 because I'm just new at this position, so I
19 can check into it and get back to you as quick
20 as possible.

21 COUNCILMAN COHEN: Could you ask
22 that you give the information of all the
23 officers of the company to the chairman of the
24 Committee?

25 MR. LEDGER: Excuse?

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2 COUNCILMAN COHEN: Would you check
3 into it and list all the officers and send
4 that list to the Chairman of the Committee?

5 MR. LEDGER: Yes, I have a list of
6 all the officers and I will send it to
7 everybody.

8 COUNCILMAN COHEN: Thank you.

9 COUNCILMAN DICICCO: Any other
10 questions for this witness from the Committee?

11 (No response.)

12 COUNCILMAN DICICCO: Anyone else
13 here who wishes to testify for or against?

14 (No response.)

15 COUNCILMAN DICICCO: Seeing none,
16 the Clerk will read the title of the next
17 bill.

18 THE CLERK: Bill No. 040763, an
19 ordinance authorizing the revision of lines
20 and grades on a portion of City Plan No. 187
21 by striking from the City Plan and vacating a
22 portion of Salmon Street between Castor Avenue
23 and Butler Street and reserving and placing on
24 the City Plan a right-of-way for drainage
25 purposes and water main purposes within the

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2 bed of Salmon Street, under certain terms and
3 conditions.

4 COUNCILMAN DICICCO: Mr. Ledger.

5 MR. LEDGER: The Department of
6 Streets would like to offer the following
7 testimony on Bill No. 040763.

8 This is not an Administrative
9 ordinance, but an ordinance requested by Mr.
10 Jerald S. Batoff, Esquire, 200 South Ithan
11 Avenue, Villanova, Pennsylvania 19085.

12 The purpose of this ordinance is to
13 facilitate further development of a retail
14 shopping district.

15 This ordinance is supported by the
16 Department of Streets and is recommended to
17 your Committee for favorable action.

18 COUNCILMAN DICICCO: Councilman
19 Cohen.

20 COUNCILMAN COHEN: Could you tell us
21 who the attorney represents?

22 I'm mystified. Why are attorneys
23 asking for that, hiding the name of the people
24 involved directly?

25 Who is does this attorney represent?

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2 MR. SOFFER: The attorney who
3 represents this commercial development is
4 Jerry Batoff.

5 COUNCILMAN COHEN: They represent
6 who?

7 COUNCILMAN DICICCO: A commercial
8 developer.

9 COUNCILMAN COHEN: What's the name?

10 MR. SOFFER: Jerry Batoff I believe
11 is a partner within that company.

12 COUNCILMAN COHEN: Who is?

13 COUNCILMAN DICICCO: Jerry Batoff.

14 COUNCILMAN COHEN: Has anybody
15 checked to see whether all the taxes due from
16 the person have been paid?

17 We've been embarrassed recently by a
18 number of City offerings to people who owe
19 taxes.

20 COUNCILMAN DICICCO: Councilman, I
21 can't speak to this particular development.
22 But in the developments that Mr. Batoff and
23 his company have done in my district and
24 primarily along Aramingo Avenue, I have full
25 knowledge that he has paid all taxes and is up

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2 to date. So as far as know --

3 COUNCILMAN COHEN: That's as far as
4 one-tenth of the City.

5 Before we act, it seems me we ought
6 to get --

7 COUNCILMAN DICICCO: So they only
8 pay taxes if they develop in my district?
9 That's okay. Well, I'll have to expand my
10 district citywide maybe and make that work.

11 Mr. Batoff is here, Councilman. He
12 just entered the room.

13 COUNCILMAN COHEN: Maybe he's coming
14 to testify and tell us.

15 COUNCILMAN DICICCO: Mr. Batoff,
16 would you please approach the witness table?

17 I believe, Mr. Batoff, when you were
18 out of the room, Councilman Cohen asked a
19 question of these gentlemen as to, A, who the
20 developer was, and do we know whether the
21 developer is in good standing with the City of
22 Philadelphia, specifically in terms of any
23 back taxes and alike.

24 COUNCILMAN COHEN: If he's the son
25 of the original William Batoff, I assume he's

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2 in good shape.

3 MR. BATOFF: Yes, I am definitely in
4 good standing.

5 COUNCILMAN DICICCO: Excuse me.
6 Would you identify yourself for the record and
7 then proceed?

8 MR. BATOFF: Jerry Batoff. I'm the
9 principal of this particular development.
10 Actually, I've done numerous developments in
11 this particular area. And, in fact, we just
12 received Zoning Board approval with 500
13 residents in support of the project for
14 community groups and one Councilman, but no
15 partridges in a pare tree.

16 Councilwoman Krajewski is firmly in
17 support of the project. And, in fact, I don't
18 know why it said that it's a plan for me
19 because it was based on discussions with the
20 Councilwoman. I thought actually it was a
21 request by the Councilwoman's office, not by
22 me.

23 COUNCILMAN COHEN: What, on zoning?

24 MR. BATOFF: On this little portion
25 of a street that's being stricken.

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2 COUNCILMAN COHEN: Because I
3 wondered why the name your name or whoever the
4 developer was --

5 MR. BATOFF: Well, because I'm
6 involved with the development group, that's
7 probably why my name is on it, but I'm not
8 here as an attorney.

9 COUNCILMAN COHEN: In what role are
10 you here?

11 MR. BATOFF: The developer.

12 COUNCILMAN COHEN: What struck me
13 was on several other bills this morning names
14 of attorneys have been given which means we
15 don't know who the people are that are really
16 interested. I was wondering why. Is it
17 necessary to have an attorney to deal with the
18 Streets Department?

19 MR. BATOFF: I don't think it is.
20 I'm not paying one to do that.

21 COUNCILMAN COHEN: Well, who is the
22 attorney listed in your case?

23 MR. LEDGER: On this particular
24 case?

25 COUNCILMAN COHEN: Yes.

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2 MR. LEDGER: There is none. It just
3 puts his name down. Because he is an
4 attorney, they list it that way out of
5 respect.

6 COUNCILMAN DICICCO: In this case,
7 Councilman, Mr. Batoff who happens to be an
8 attorney who happens to also be the developer.

9 MR. LEDGER: It would be the same
10 thing if he was a doctor. Out of respect, we
11 would put it down as M.D., even though it has
12 nothing with this particular situation.

13 COUNCILMAN COHEN: Let me complete
14 the question to Mr. Batoff since he's here.

15 Is your company, whatever you do
16 with respect to the City, fully paid up on
17 City taxes?

18 MR. BATOFF: 100 percent.

19 COUNCILMAN COHEN: That's fine. If
20 we limit our approvals to groups yours, we'll
21 have no problem.

22 COUNCILMAN DICICCO: And you're paid
23 up 100 percent not only in the 1st
24 Councilmanic District but other districts
25 where you did development?

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2 MR. BATOFF: That's correct.

3 COUNCILMAN DICICCO: Thank you, Mr.

4 Batoff.

5 Any other questions for these

6 witnesses?

7 (No response.)

8 COUNCILMAN DICICCO: Anyone else

9 here who wishes to testify for or against the

10 bill?

11 (No response.)

12 COUNCILMAN DICICCO: Seeing none,

13 the Clerk will read the title of the next

14 bill.

15 THE CLERK: Bill No. 040781, an

16 ordinance authorizing and directing the

17 revision of lines and grades on a portion of

18 City Plan No. 146 by striking from the City

19 Plan and vacating Morse Street from Beach

20 Street to Allen Street, by striking from the

21 City Plan and vacating Allen Street from Morse

22 Street northeastwardly approximately 80 feet

23 to a dead end, and by reserving and placing a

24 right-of-way for gas main purposes within the

25 lines of Morse Street from Beach Street to

1 10/06/04 - STREETS - BILL 040781

2 Allen Street, all under certain terms and
3 conditions.

4 COUNCILMAN DICICCO: Begin with your
5 testimony. Thank you.

6 MR. LEDGER: The Department of
7 Streets would like to offer the following
8 testimony Bill No. 040781.

9 This is not an administrative
10 ordinance, but an ordinance requested by
11 Edward A. Taraskus, Esquire, Suite 603, 1530
12 Chestnut Street, Philadelphia, Pennsylvania
13 19102 who represents John Catagnus.

14 The purpose of this ordinance is to
15 grant the legal authority to strike these
16 streets from City Plan.

17 This ordinance is supported by
18 Department of Streets and is recommended to
19 your Committee for favorable action.

20 MR. SOFFER: Good morning, Chairman
21 and Members of the Streets and Services
22 Committee. My name is Martin Soffer, I'm a
23 City Planner and I'm here today to testimony
24 on behalf of the City Planning Commission.

25 This bill authorizes the striking

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2 from the City Plan and the vacating of two
3 unneeded paper streets located in the Port
4 Richmond section of Northeast Philadelphia.

5 The purpose of this ordinance is to
6 remove the legal encumbrances and permit
7 future development.

8 The Planning Commission recommends
9 that Bill No. 040781 be approved. Thank you.

10 COUNCILMAN DICICCO: Councilman
11 Cohen.

12 COUNCILMAN COHEN: Mr. Soffer,
13 explain to us why the Planning Commission is
14 following your recommendation.

15 You just said it's for development.
16 Can we know what kind of development?

17 What caused this to come to the
18 surface now?

19 Does somebody have a specific plan?

20 Have neighbors been notified of the
21 fact there may be a change?

22 They are the kinds of questions we'd
23 like to know.

24 Does the Planning Commission deal
25 with those.

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2 MR. SOFFER: If I may, Councilman
3 Cohen, in a typical situation --

4 COUNCILMAN COHEN: Could you limit
5 yourself to this situation? What did you do
6 in this situation?

7 MR. SOFFER: This is a
8 pre-development stage.

9 COUNCILMAN COHEN: Who may develop
10 it, in your judgment?

11 MR. SOFFER: The developer would
12 submit to the appropriate City agencies
13 conceptual plans and legal portions, meaning
14 they're in control of all the properties
15 around these stub end streets. This
16 pre-development stage meets that legal
17 criteria for them to consolidate parcels,
18 relocate or abandon any rights-of-ways or
19 utilities are there within that property which
20 they own for future development. At this
21 point and time, there are conceptual plans but
22 not a fine engineered plan which is still
23 subject to review and approve by all the
24 appropriate City agencies. But this is
25 actually what they call the pre-development

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2 stage.

3 COUNCILMAN COHEN: And there is no
4 developer?

5 MR. SOFFER: There is a party of
6 interest at this point in time.

7 COUNCILMAN COHEN: Well, why don't
8 we get to know that now early on? Isn't that
9 public information?

10 MR. SOFFER: Yes, it is. And that's
11 part the legislation. I don't have that name
12 with me.

13 COUNCILMAN COHEN: Well, Mr.
14 Chairman, I suggest that before we get
15 approval if we get the name of the developer.

16 MR. SOFFER: The name that was given
17 on record is --

18 MR. LEDGER: John Catagnus.

19 COUNCILMAN COHEN: Do we know
20 anything about him?

21 Has the City had him as a developer
22 before.

23 I've never heard the name. That
24 doesn't mean much. There are many developers
25 I've never heard of.

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2 What's the history of the City with
3 Mr. Catagnus? What does he usual develop?

4 That kind of information is
5 important to have early on.

6 MR. SOFFER: This gentleman would
7 have to meet all the requirements of all the
8 agencies that are involved in this development
9 process.

10 John represents what's under his
11 name but it's actually the Polonia Social
12 Club. That's the name of that structure.
13 It's under his name. This is an L-shaped stub
14 end street.

15 COUNCILMAN COHEN: It's an L-shaped
16 what?

17 MR. SOFFER: And L-shaped stub end
18 street. This will be for a future addition,
19 parking, but he controls that land around the
20 L of that stub end street and he has the
21 support of all abutting neighbors to close
22 this unneeded street.

23 COUNCILMAN COHEN: You mean he
24 personally has unlimited support to do
25 whatever he wants?

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2 MR. SOFFER: He has support for the
3 striking of the street from the official City
4 plan. His proposed development would be
5 subject to the review by the appropriate
6 agencies and the public at large at the Zoning
7 Board or at a public body when the development
8 is submitted to the City.

9 COUNCILMAN COHEN: You mean the
10 neighbors, you believe, have given him
11 unrestricted freedom to develop whatever he
12 wants there and not authorize it in advance?

13 I don't believe that for a moment,
14 Mr. Soffer.

15 MR. SOFFER: Councilman, the action
16 before us today is the striking of this
17 unneeded street.

18 COUNCILMAN COHEN: But why don't you
19 level with the people and tell them was it's
20 for?

21 COUNCILMAN DICICCO: Councilman, I
22 introduced this bill on behalf of the
23 applicant. If the applicant at some point
24 decides to develop that site after vacating
25 the street, he would have to go or she would

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2 have to go through the same procedure that
3 anyone else would if they do not conform with
4 the Code. If they want to build a facility
5 there that requires a hearing in front of the
6 Zoning Board of Adjustments, they will be
7 required to get a hearing. The striking of
8 the street does not preclude them having to go
9 through a process, a public process, for
10 developing that site in the future

11 COUNCILMAN COHEN: But if there's
12 any information, why shouldn't it be made
13 available now?

14 Maybe the people will refuse go
15 along with it. They might say, "We want this
16 street stricken if such-and-such is done, but
17 if something is else is done we're against the
18 striking the street."

19 Level with the people and give them
20 all the information instead of hiding it.

21 MR. SOFFER: Councilman, he would
22 have to present whatever his proposal to --

23 COUNCILMAN COHEN: He must have some
24 reason. What's his reason? Don't we ask? Or
25 are we dummies and we just listen and say,

1 10/06/04 - STREETS - BILL 040781

2 "Oh, you want to move it for some unknown
3 reason?"

4 COUNCILMAN DICICCO: Councilman, his
5 reason for whatever it is today does not
6 necessarily mean that that is something that
7 he'll pursue in the future. I've seen --
8 developers from time to time may change what
9 it is that they wanted to develop at a
10 particular time in their life and then change
11 it five years later to become something else.
12 And at that time, there will be a public
13 process where the community will be heard,
14 have an opportunity to be heard

15 COUNCILMAN COHEN: But that's late
16 in the game. Why don't they tell us now? Why
17 do we have a system that permits all the
18 preparation for something that we suddenly
19 explode upon the people when he's got a
20 contract set and already, he comes in, he
21 yells he's got a loan good for a certain
22 period of time, the time is of the essence --

23 MR. SOFFER: Councilman --

24 COUNCILMAN COHEN: I don't
25 understand.

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2 MR. SOFFER: Quite often there's a
3 consolidation of parcels --

4 COUNCILMAN COHEN: Mr. Soffer, this
5 is a Council hearing. I must say that when a
6 Councilman is indicating that he or she wants
7 to ask a question, you permit them to ask the
8 question.

9 MR. SOFFER: Yes, sir.

10 COUNCILMAN COHEN: And my question
11 is, has this always been a procedure or is
12 this a change in procedure of the Planning
13 Commission to do things without knowing why?
14 Just a developer comes in and says, or an
15 owner of the property, "I'd like a street
16 stricken." You say, "Yes, sir. Let's see is
17 there any reason not to strike it" and you say
18 no and you never ask him what he's going to do
19 about it?

20 Are you part of the effort to keep
21 information from the people of Philadelphia?

22 I thought the Planning Commission
23 favored openness.

24 MR. SOFFER: The Planning Commission
25 does favor openness.

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2 COUNCILMAN COHEN: Why now? If he
3 changes his mind, there are procedures for
4 changing one's mind. I understand that.
5 There's no reason why people shouldn't be
6 given a reason for this happening now so they
7 can begin their thinking process and their
8 planning process. They'll probably agree with
9 them or they won't. But whichever way, let's
10 be fair with citizens instead of suddenly
11 unleashing a plan upon them and then telling
12 them, "You've got to move quickly because we
13 only have a guarantee for month or to two"?

14 Why can't we ask? You mean, we're
15 mummies, we're not permitted to ask the
16 developer questions? Is that what the City
17 has developed into?

18 MR. SOFFER: If I may, in the
19 routine striking of minor streets where the
20 property is controlled by the applicant, he
21 does have a right of due process to strike
22 that street if he's in total of the properties
23 but is still subject to the review by
24 neighbors and the public bodies for whatever
25 he's going to propose, whether it be a parking

1 10/06/04 - STREETS - BILL 040781

2 lot or an addition to his building. It has
3 not been confirmed what he wants to do with it
4 5 years from now, 10 years from now. Right
5 now it may be temporary use of increasing the
6 parking. But, again, he still has a right to
7 change that direction, whatever his proposal.

8 The striking of such streets is a
9 routine pre-development process, with the
10 exception of large developers where you're
11 reconfiguring public streets for large
12 subdivisions.

13 COUNCILMAN COHEN: Is his the only
14 land that covers the area, is his the only
15 contiguous property?

16 MR. SOFFER: He has the support of
17 his abutting neighbor for this particular
18 action before you today.

19 COUNCILMAN COHEN: Well, tell me
20 what the abutting neighbor thinks is going to
21 happen to the land, why he agreed. On what
22 basis did he agree to this?

23 MR. SOFFER: Northwestern Products
24 is supporting this.

25 COUNCILMAN COHEN: On what basis?

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2 What do they believe is going to be happening?

3 MR. SOFFER: I do not know, but they
4 support his action.

5 COUNCILMAN COHEN: I just don't
6 understand this policy. You mean a developer
7 asks and people are afraid in government to
8 ask him why he's asking for the change? I
9 just don't understand that kind of government.

10 COUNCILMAN DICICCO: Maybe what we
11 should refer to this as a property owner, not
12 necessarily a developer. The person that
13 we're talking about already owns the land
14 abutting the street, which I will point to you
15 in a second.

16 COUNCILMAN COHEN: Except he said
17 there's another owner. He says there's
18 another owner.

19 COUNCILMAN DICICCO: Next door to
20 this property there's abutting owner. If you
21 look at the map the street actually goes
22 nowhere but onto the property of both the
23 owners of both properties on either side. It
24 is not a through street. The public really
25 has no use for it.

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2 COUNCILMAN COHEN: And who becomes
3 the owner of the new street?

4 COUNCILMAN DICICCO: The person,
5 whose name I don't have, who originally -- the
6 person who owns the property.

7 MR. SOFFER: That's John Catagnus
8 who owns the abutting land that's basically --

9 COUNCILMAN COHEN: What does he pay
10 for it?

11 COUNCILMAN DICICCO: What does he
12 what?

13 COUNCILMAN COHEN: What does he pay
14 for the new land? Now he's got additional
15 property.

16 COUNCILMAN DICICCO: I assume it
17 will now become part of his deed and the taxes
18 will be accordingly. He gets new land added
19 on to the existing parcel. His taxes will go
20 up accordingly.

21 COUNCILMAN COHEN: His taxes, but
22 what does he pay for the land? Everybody pays
23 taxes on proper real estate they acquire. But
24 to acquire real estate generally costs money.

25 I'm not saying this is right or

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2 wrong. I'm just trying to figure out why it's
3 such a mystery and nobody knows anything.

4 COUNCILMAN DICICCO: I don't know
5 what, if any, costs other than the \$200
6 posting of --

7 MR. LEDGER: Councilman, yes, he
8 does own the underlying land.

9 COUNCILMAN DICICCO: He owns the
10 underlying land.

11 COUNCILMAN COHEN: What's the
12 underlying land?

13 MR. SOFFER: In some cases, streets
14 are placed on official City Plan but the land
15 underneath it is owned by one party or
16 another. In the event where land under a
17 public street is not within the deed of the
18 abutting property owners, then the normal
19 procedure is it is split down the middle.

20 COUNCILMAN COHEN: What do you mean,
21 it's split down the middle?

22 MR. SOFFER: It reverts back to the
23 abutting owners. If it's in somebody's deed
24 and that encumbrance is stricken, that goes to
25 the party of interest whose deed is underneath

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2 that public street.

3 In the event that the public street
4 is not in the abutting property owner's deeds,
5 then it goes to the middle of that street to
6 be stricken and every abutting property owner
7 gets a portion of that street to that mid
8 point line.

9 In this case, it's our understanding
10 that John Catagnus owns the underlying land.

11 COUNCILMAN DICICCO: Let me ask you
12 a question. Presently that street is the City
13 of Philadelphia's responsibility; is that
14 correct?

15 MR. SOFFER: That's correct.

16 COUNCILMAN DICICCO: The public
17 really has no use, it's not a thoroughfare, it
18 doesn't connect you from one street to another,
19 it dead ends on this property and the adjacent
20 property?

21 MR. SOFFER: Correct.

22 COUNCILMAN DICICCO: So technically
23 any maintenance of that street as it exists
24 today is the responsibility of the City of
25 Philadelphia, the taxpayers of the City of

1 10/06/04 - STREETS - BILL 040781

2 Philadelphia?

3 MR. SOFFER: That's correct.

4 COUNCILMAN DICICCO: Once we strike
5 this from the City Plan, then the expense for
6 the maintenance and all and ongoing
7 improvements to that street will become the
8 sole responsibility of the owner or owners of
9 that land?

10 MR. SOFFER: That is correct.

11 COUNCILMAN DICICCO: So the
12 taxpayers in one sense may not be getting any
13 financial payment for the street, but we do
14 relieve ourselves from any ongoing maintenance
15 of that particular street; is that correct?

16 MR. SOFFER: That is correct,
17 Councilman.

18 MR. LEDGER: That is correct.

19 Also, Councilman, one part of the
20 street is reserving a right-of-way for gas
21 main purposes. It will still remain with the
22 gas department so nobody --

23 COUNCILMAN DICICCO: I noticed that
24 in the legislation under Section E, I believe.
25 Section E on Page 2, "The agreement shall

1 10/06/04 - STREETS - BILL 040781

2 provide that no changes in grades shall be
3 made and that no buildings or other structures
4 either overhead, underground or upon the
5 surface shall be constructed within the lines
6 of the right-of-way or abutting thereon unless
7 the plans for such structures shall be
8 submitted to and approved by the Philadelphia
9 Gas Works."

10 MR. LEDGER: Correct.

11 COUNCILMAN DICICCO: So in addition
12 to any zoning that may be required, there are
13 utility companies that will have a say in what
14 will be permitted to occur on that site, on
15 the existing street?

16 COUNCILMAN COHEN: Mr. Chairman, it
17 seems to me if it were in the interest of PGW
18 and/or the City of Philadelphia to close the
19 street, one of them would have moved to do so.
20 The fact is that the street closing is being
21 sought not by the City or by PGW, but by a
22 private owner.

23 Now, somebody tells me in testimony
24 that it is believed that Catagnus is the owner
25 of the deed of the land underneath. What is

1 10/06/04 - STREETS - BILL 040781

2 your evidence on that?

3 COUNCILMAN DICICCO: I think that in
4 answer to your question --

5 COUNCILMAN COHEN: Why don't you
6 have a deed showing that?

7 COUNCILMAN DICICCO: In answer to
8 your question, if it was in the best interest
9 of the City to do something with the street, I
10 think this legislation speaks to that. It is
11 in the best interest of City. I thought it
12 was in the best interest of the City to vacate
13 this street because they have no need for it
14 but to maintain it for no purposes but for the
15 owners who own the properties on either side.
16 So why shouldn't we not get rid of this,
17 vacate this street and let the owners decide?

18 COUNCILMAN COHEN: But we're not the
19 ones moving to do it. He mentioned an
20 attorney's name representing Catagnus?

21 COUNCILMAN DICICCO: That's the
22 application process, Councilman. You've been
23 around here long enough; you understand that.

24 And so what's the different who
25 initiated it? The bottom line is --

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2 COUNCILMAN COHEN: Because who
3 initiated it had an interest in initiating it,
4 and the City had an obligation to find out
5 what that interest was --

6 COUNCILMAN DICICCO: But the City
7 doesn't go around looking to vacate streets to
8 somebody unless somebody needs it.

9 COUNCILMAN COHEN: -- instead of
10 hiding from the developer and saying, "Yes,
11 sir. What else can we give you today? We'll
12 give you a street, we'll give you property,
13 we'll give you everything."

14 Why is the City so complacent when
15 somebody asks for a give-away? I've never
16 heard of such a thing. No wonder there's an
17 element of the City of cynicism and corruption
18 when you can just ask the City for things and
19 they say, "Yeah, you want it, okay, have it.
20 We're not even going to ask you any questions
21 as to why."

22 It's about time we changed the way
23 of doing business.

24 COUNCILMAN DICICCO: Any other
25 questions for these witnesses?

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2 (No response.)

3 COUNCILMAN DICICCO: Anyone else
4 here who wishes to testify for or against?

5 (No response.)

6 COUNCILMAN DICICCO: Seeing none,
7 this concludes the public hearing on the
8 Committee Streets and Services.

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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON STREETS AND SERVICES

5

- - - -

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Wednesday, October 6, 2004

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Public meeting conducted by the
Committee on Streets and Services, held in
Room 400, City Hall, Philadelphia,
Pennsylvania, on the above date, to consider
action on the following:

12

BILLS 040643, 040763, 040766,
040781, 040782, 040783, 040784.

13

14

PRESENT:

15

16

COUNCILMAN FRANK DICICCO, Chair

COUNCILMAN MICHAEL NUTTER

COUNCILWOMAN DONNA REED MILLER

17

COUNCILMAN FRANK RIZZO

COUNCILMAN DAVID COHEN

18

COUNCILMAN JUAN RAMOS

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1 10/06/04 - STREETS - PUBLIC MEETING

2 COUNCILMAN DICICCO: We'll now move
3 into the public meeting.

4 The Chair recognizes Councilman
5 Ramos.

6 COUNCILMAN RAMOS: Mr. Chairman, I
7 move that Bill No. 040766 be reported out of
8 Committee with a --

9 COUNCILMAN COHEN: Mr. Chairman, may
10 I note that in the instances I've raised
11 serious questions, my vote will be no until
12 the information is furnished.

13 There's no reason to doubt the final
14 outcome, but I'm very worried about the lack
15 of process.

16 COUNCILMAN DICICCO: Including Mr.
17 Batoff's.

18 COUNCILMAN COHEN: Including what?

19 COUNCILMAN DICICCO: The one prior
20 to that one was Mr. Batoff, Salmon Street.

21 COUNCILMAN COHEN: (Inaudible.)

22 COUNCILMAN DICICCO: Well, there's a
23 motion that 040766 be approved and that the
24 Rules of Council be suspended.

25 All those in favor signify by saying

1 10/06/04 - STREETS - PUBLIC MEETING

2 aye.

3 (Aye.)

4 COUNCILMAN DICICCO: Those opposed?

5 (No response.)

6 COUNCILMAN DICICCO: The ayes have
7 it. The bill is approved.

8 Councilman Ramos.

9 COUNCILMAN RAMOS: Mr. Chairman, I
10 move that Bill No. 040783 be reported out of
11 Committee with a favorable recommendation and
12 that the Rules of Council be suspended to
13 permit first reading of this bill at our next
14 scheduled Council meeting.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been
17 properly moved and seconded that Bill No.
18 040783 be reported out of Committee with a
19 favorable recommendation and that the Rules of
20 Council be suspended.

21 All those in favor signify by saying
22 aye.

23 (Aye.)

24 COUNCILMAN DICICCO: Those opposed?

25 (No response.)

1 10/06/04 - STREETS - PUBLIC MEETING

2 COUNCILMAN DICICCO: The bill is
3 approved.

4 Councilman Ramos.

5 COUNCILMAN RAMOS: Mr. Chairman, I
6 move that Bill No. 040784 be reported out of
7 Committee with a favorable recommendation and
8 that the Rules of Council be suspended to
9 permit first reading of this bill at our next
10 scheduled Council meeting.

11 (Duly seconded.)

12 COUNCILMAN DICICCO: It's been
13 properly moved and seconded that Bill No.
14 040784 be reported out of Committee with a
15 favorable recommendation and that the Rules of
16 Council be suspended.

17 All those in favor signify by saying
18 aye.

19 (Aye.)

20 COUNCILMAN DICICCO: Those opposed?

21 (No response.)

22 COUNCILMAN DICICCO: The bill is
23 approved.

24 Councilman Ramos.

25 COUNCILMAN RAMOS: Mr. Chairman, I

1 10/06/04 - STREETS - PUBLIC MEETING

2 move that Bill No. 040643 be reported out of
3 Committee with a favorable recommendation and
4 that the Rules of Council be suspended to
5 permit first reading of this bill at our next
6 scheduled Council meeting.

7 (Duly seconded.)

8 COUNCILMAN DICICCO: It's been
9 properly moved and seconded that Bill No.
10 040643 be reported out of Committee with a
11 favorable recommendation and that the Rules of
12 Council be suspended.

13 All those in favor signify by saying
14 aye.

15 (Aye.)

16 COUNCILMAN DICICCO: Those opposed?

17 (No response.)

18 COUNCILMAN DICICCO: The bill is
19 approved.

20 Councilman Ramos.

21 COUNCILMAN RAMOS: Mr. Chairman, I
22 move that Bill No. 040763 be reported out of
23 Committee with a favorable recommendation and
24 that the Rules of Council be suspended to
25 permit first reading of this bill at our next

1 10/06/04 - STREETS - PUBLIC MEETING

2 scheduled Council meeting.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been

5 properly moved and seconded that Bill No.

6 040763 be reported out of Committee with a

7 favorable recommendation and that the Rules of

8 Council be suspended.

9 All those in favor signify by saying

10 aye.

11 (Aye.)

12 COUNCILMAN DICICCO: Those opposed?

13 (No response.)

14 COUNCILMAN DICICCO: The bill is

15 approved.

16 Councilman Ramos.

17 COUNCILMAN RAMOS: Mr. Chairman, I

18 move that Bill No. 040781 be reported out of

19 Committee with a favorable recommendation and

20 that the Rules of Council be suspended to

21 permit first reading of this bill at our next

22 scheduled Council meeting.

23 (Duly seconded.)

24 COUNCILMAN DICICCO: It's been

25 properly moved and seconded that Bill No.

1 10/06/04 - STREETS - PUBLIC MEETING

2 040781 be reported out of Committee with a
3 favorable recommendation and that the Rules of
4 Council be suspended.

5 All those in favor signify by saying
6 aye.

7 (Aye.)

8 COUNCILMAN DICICCO: Those opposed?

9 COUNCILMAN COHEN: No.

10 COUNCILMAN DICICCO: Let the record
11 note that Councilman Cohen is voting no on
12 that bill, 040781.

13 Thank you for your cooperation.

14 This concludes the public meeting on
15 the Committee of Streets and Services.

16 (Council adjourned at 11:03 a.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 Wednesday, October 6, 2004,
were reported fully and accurately by me, and
that this is a correct transcript of the same.

RE: COMMITTEE ON STREETS AND SERVICES

Lisa C. Bradley, RPR