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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING - COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 19, 2005, 2:46 p.m.

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BILL 050215 - An Ordinance approving the second
amendment of the redevelopment
proposal for the 44th and Aspen
Urban Renewal Area, being the area
generally bounded by Lancaster
Avenue, Belmont Avenue, Pennsgrove
Street, Forty-second Street,
Haverford Avenue, Forty-fourth
Street, Fairmount Avenue and
Forty-seventh Street, including the
second amendment to the urban
renewal plan and the relocation
plan, which provides, inter alia,
for the additional land acquisition
of approximately six (6) properties
for residential and related uses;
the provision of certain relocation
services, as required by law; and
declaring that condemnation is not
imminent with respect to the
Project.

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BILL 050216 - An Ordinance enacting a new Section
14-310 of The Philadelphia Code,
entitled "Predatory Superstores,"
and amending Section 14-102 entitled

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2 "Definitions," Section 14-1802
3 entitled "Criteria for Granting
4 Zoning Variances" and Section
5 14-1704 entitled "Enforcement," to
6 prohibit the development and
7 construction of Predatory
8 Superstores, and the reconstruction,
9 modification or alternation of
10 existing structures to become
11 Predatory Superstores; and further
12 to prohibit zoning variances which
13 would endanger the economic health
14 and vitality of the surrounding
15 community; providing penalties for
16 non-compliance and granting remedies
17 to aggrieved persons; all under
18 certain terms and conditions.

11 BILL 050229 - An Ordinance approving the twelfth
12 amendment of the redevelopment
13 proposal for the Mantua Urban
14 Renewal Area, being the area
15 beginning at the intersection of
16 Fortieth Street and Spring Garden
17 Street, including the ninth
18 amendment to the urban renewal plan
19 and the relocation plan, as amended,
20 which provides, inter alia, for the
21 additional land acquisition of
22 approximately forty-three (43)
23 properties for residential and
24 related uses; the provision of
25 certain relocation services, as
required by law and declaring that
condemnation is not imminent with
respect to the Project.

21 PRESENT:

22 COUNCIL PRESIDENT ANNA C. VERNA
23 COUNCILMAN DAVID COHEN
24 COUNCILMAN BRIAN J. O'NEILL
25 COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JACK KELLY

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2 PRESENT (Continued):

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COUNCILMAN JAMES F. KENNEY

COUNCILWOMAN JOAN L. KRAJEWSKI

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COUNCILMAN RICHARD T. MARIANO

COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN MICHAEL A. NUTTER

COUNCILMAN JUAN F. RAMOS

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COUNCILWOMAN BLONDELL REYNOLDS-BROWN

COUNCILMAN FRANK RIZZO

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COUNCILWOMAN MARIAN B. TASCO

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

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5 COUNCIL PRESIDENT VERNA: Since we
6 have so many witnesses, we are going to
7 recess the Committee of the Whole and go into
8 the public hearing of the Committee on Rules
9 regarding Bill Number 050216.

10 I would ask Mr. McPherson to please
11 read the title of the bill.

12 MR. MCPHERSON: Bill 050216, an
13 ordinance enacting a new Section 14-310 of
14 The Philadelphia Code entitled predatory
15 superstores and amending Section 14-102
16 entitled definition Section 14-1802, entitled
17 criteria for granting zoning variances, and
18 Section 14-1704 entitled enforcement.

19 COUNCIL PRESIDENT VERNA: Mr. Young,
20 welcome.

21 MR. YOUNG: Afternoon.

22 COUNCIL PRESIDENT VERNA: Will you
23 please identify yourself for the record and
24 proceed with your testimony.

25 MR. YOUNG: My name...

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2 COUNCIL PRESIDENT VERNA: Excuse me,
3 sir. The noise level is much too high. We
4 can't hear the witness.

5 MR. YOUNG: My name is Wendell
6 Young, IV. I'm with United Food and
7 Commercial Workers, Local 1776, here in
8 eastern Pennsylvania.

9 With me today is Herman Wooden,
10 Secretary-Treasurer of the local and a lot of
11 our members, as you can see.

12 Madam President, I want to thank you
13 and the committee for the opportunity to
14 speak on Bill 050216.

15 If I can for just a moment, a
16 personal note, it is good to see Councilwoman
17 Krajewski back and appearing well. And
18 having grown up in Northeast Philadelphia,
19 I'm particularly thrilled.

20 050216 is an important bill not only
21 to our members, but to Philadelphia. And we
22 came here today prepared to talk about it in
23 detail. We think it's an important bill
24 because we believe that there should be
25 growth in the City of Philadelphia. There

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2 should be smart economic growth.

3 We want a bill like this one or this
4 particular bill because we see -- we think
5 there's an opportunity that not only can
6 Philadelphia succeed as it grows, but those
7 retailers like Acme, Superfresh, Shoprite,
8 Pathmark and others, who have been here in
9 some cases for over 100 years, should have
10 the opportunity to grow with development and
11 not be put out of business because of
12 development.

13 (Applause.)

14 MR. YOUNG: We do not believe this
15 bill stops any development. We do not
16 believe it restricts sites from being built
17 as big as those folks who want to build them
18 are able to.

19 What it does, though, is provide an
20 opportunity for existing companies to grow
21 with the city and the city's growth.

22 For that reason, there are a lot of
23 different constituent groups who have some
24 different opinions. We would like to bring a
25 bill back that is improved.

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2 We would like the opportunity -- We
3 would like to ask, respectfully ask that the
4 Council hold the bill for the time being so
5 that we can continue discussions that we've
6 already begun with the building trades, with
7 others, with members of Council who have
8 expressed an interest in this bill and the
9 principals in it.

10 And we thank those people for their
11 help. But we think that we... you know, that
12 we would best serve this Council and the city
13 and the intent of the bill if we spend a
14 little more time at it.

15 And for that reason, as I said, we
16 respectfully request that you hold it for the
17 time being.

18 COUNCIL PRESIDENT VERNA: Thank you.

19 The Chair recognizes Councilman
20 Cohen.

21 COUNCILMAN COHEN: Thank you, Madam
22 President.

23 Prior to Mr. Young's announcement, I
24 met with him. I know how hard the union has
25 been working to unify rather than to divide.

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2 They don't want members of the
3 Council to be put in between building trades
4 and other groups, because they see in this
5 bill the opportunity to really advance
6 business development in a healthy way, by
7 having it grow rather than having it cause
8 concerns.

9 Therefore, I very much support Mr.
10 Young's notion of giving the union more time
11 to work out with all other groups and to come
12 back here, hopefully, with a bill that
13 represents everybody's best interests.

14 (Applause and cheers.)

15 COUNCILMAN COHEN: And therefore, I
16 urge that this matter be held for another
17 day. And in the fall we'll be able to
18 benefit from the union's study, and
19 conversations with all other involved groups.

20 So I move, Madam Chair, that we take
21 no action further today on this bill and
22 agree with the recommendation given to us by
23 this great union and its great union leader.

24 COUNCIL PRESIDENT VERNA: Thank you.

25 (Applause and cheers.)

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2 COUNCIL PRESIDENT VERNA: The Chair
3 recognizes Councilman O'Neill.

4 COUNCILMAN O'NEILL: Yes. I'd like
5 to join in and make sure this is a bipartisan
6 motion, that all we want not in this -- just
7 in this room but I think in this city, is to
8 make sure our supermarkets stay and thrive.
9 And anything we can do to work --

10 (Applause and cheers.).

11 COUNCILMAN O'NEILL: -- to work with
12 all interested parties would be in our
13 benefit. Thank you.

14 COUNCIL PRESIDENT VERNA: Thank you.

15 And I do have a list of witnesses
16 who had expressed a desire to testify on this
17 bill.

18 Since it is being held, and it will
19 probably be recalled sometime in September, I
20 would hope that everybody would agree who
21 called to testify today will wait until the
22 bill comes up again. Does anybody have any
23 objection to that who's on the this list?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Seeing

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2 none, we will hold Bill Number 050216.

3 Thank you all very much.

4 (Applause and cheers.)

5 COUNCILMAN O'NEILL: Thank you.

6 COUNCIL PRESIDENT VERNA: I'm asking

7 Mr. McPherson to please read Bill Number

8 050215.

9 MR. MCPHERSON: 050215. An
10 ordinance approving...

11 COUNCIL PRESIDENT VERNA: We are
12 still trying to have a public hearing.

13 MR. MCPHERSON: Bill Number 050215,
14 an Ordinance approving the second amendment
15 of the redevelopment proposal for the 44th
16 and Aspen Urban Renewal Area, being the area
17 generally bounded by Lancaster Avenue,
18 Belmont Avenue, Pennsgrove Street,
19 Forty-second Street, Haverford Avenue,
20 Forty-fourth Street, Fairmount Avenue and
21 Forty-seventh Street.

22 COUNCIL PRESIDENT VERNA: All right.

23 Who do we have to testify on Bill
24 Number 050215?

25 Mr. Wetzel.

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2 Good afternoon.

3 MR. WETZEL: Good afternoon.

4 COUNCIL PRESIDENT VERNA: I believe
5 the last time this bill was listed there...
6 Anyone having private conversations, please
7 do so in the corridor.

8 There was some question about this
9 bill. And at that time you were going to be
10 working with Councilwoman Blackwell and the
11 interested parties. Has that been done?

12 MR. WETZEL: Yes, it has, Council
13 President.

14 COUNCIL PRESIDENT VERNA: Do you
15 want to make your presentation, please?

16 MR. WETZEL: And in addition, the
17 request was that the developer, in this case
18 P.H.A., was requested to come and add
19 testimony, to the extent of what the project
20 is.

21 COUNCIL PRESIDENT VERNA: Okay.

22 MR. WETZEL: And the representative
23 of P.H.A. is here today.

24 COUNCIL PRESIDENT VERNA: All right.
25 May we here hear from P.H.A., please.

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2 MR. MORRIS: Good afternoon, Madam
3 President.

4 For the record my name is Vincent
5 Morris, representing the P.H.A.

6 Today we're here to request approval
7 of ordinance 050215. That will give us the
8 chance to complete 80 rental units and 25
9 home ownership units in the Mill Creek area
10 known as Lucien E. Blackwell.

11 There are four vacant properties
12 that we need the R.D.A. to convey to us so
13 that we can complete the 80 unit rental
14 development. Two of the properties will be
15 used for the 80 rental portion, and the other
16 two will be used for the 25 home ownership
17 units.

18 The total cost of construction in
19 this area is up over \$21 million.

20 Today we ask for favorable
21 consideration, as we have actually passed a
22 couple deadlocked H.U.D. requirements. We
23 are concerned that there is the possibility
24 of losing some tax credit equity.

25 COUNCIL PRESIDENT VERNA: So in

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2 essence I think you're asking for a
3 suspension of the rules.

4 MR. MORRIS: Yes, ma'am.

5 COUNCIL PRESIDENT VERNA: And
6 Councilwoman Blackwell, the last time this
7 bill was listed, I think there were some area
8 residents that had concerns. Were these
9 concerns all worked out?

10 COUNCILWOMAN BLACKWELL: Certainly.
11 And we would like to ask Mr. Wetzel if he
12 would place on the record that testimony and
13 the fact that the Redevelopment Authority
14 will not be trying to acquire those
15 properties.

16 MR. WETZEL: That is the next bill,
17 Councilwoman. This bill is all vacant lots.
18 It's the next bill that the individuals came
19 in on.

20 COUNCILWOMAN BLACKWELL: Thank you.

21 MR. WETZEL: On this bill it was...
22 the request was to have P.H.A. come in and
23 define the project.

24 COUNCILWOMAN BLACKWELL: Thank you.

25 COUNCIL PRESIDENT VERNA: Thank you.

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2 Is there anyone to testify on this
3 bill?

4 (No response.)

5 COUNCIL PRESIDENT VERNA: Seeing
6 none, I would ask Mr. McPherson to please
7 read the title of Bill Number 050229.

8 MR. MCPHERSON: Bill Number 050229,
9 an Ordinance approving the twelfth amendment
10 of the redevelopment proposal for the Mantua
11 Urban Renewal Area, being the area beginning
12 at the intersection of Fortieth Street and
13 Spring Garden Street, including the ninth
14 amendment to the urban renewal plan and the
15 relocation plan.

16 COUNCIL PRESIDENT VERNA: All right.
17 Mr. Wetzel.

18 MR. WETZEL: Yes. We in
19 Councilwoman Blackwell's office have worked
20 out -- Although there are properties, these
21 properties will remain in the ordinance as
22 required.

23 We've agreed on a list of properties
24 that the Councilperson sent to us. Those
25 properties are on Aspen Street. They will

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2 remain in the ordinance, but we have agreed
3 not to acquire those specific addresses as
4 identified in a letter from Councilwoman
5 Blackwell to myself, and we have -- we are
6 affirming that on the record now.

7 COUNCIL PRESIDENT VERNA: Thank you.

8 Are there any witnesses to testify
9 on Bill Number 050229?

10 Please approach the witness table.

11 Mr. Wetzel, I don't know if you
12 asked, but is there a request for a
13 suspension?

14 MR. WETZEL: Yes. That was made in
15 my original testimony. And I would repeat
16 that again today, Council President.

17 COUNCIL PRESIDENT VERNA: Thank you.

18 Please approach the witness table,
19 identify yourself for the record and proceed
20 with your testimony.

21 MR. DRANE: Good afternoon, Council.
22 My name is Richard Drane from the Mantua
23 section of the city, representing the
24 community organization.

25 And we're here to let everyone know

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2 that the Union Hill Home Development would be
3 a great idea in our community because it's
4 been hit by blight for over the past 30
5 years, I'll say.

6 And through homeowner developers and
7 Councilwoman Jannie Blackwell's office, in
8 conjunction with the H.U.D. coalition,
9 AMASCO, we have partnered with homeowner
10 developers to come up with a community-based
11 organization and a for-profit organization to
12 revitalize our poverty stricken and blighted
13 community.

14 And we know that the Union Hill
15 Homes would be a major plus for our
16 community. We have the support of our
17 community on the basis of maybe over 100
18 percent.

19 The Union Hill Homes would be a plus
20 because it would bring employment to the
21 area. It would help us in a lot of areas to
22 employ a lot of people who would possibly be
23 caught up in the legal system.

24 And it would help us to get the
25 drugs out of our community. It would help

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2 our schools. It would help our seniors feel
3 much safer, knowing that they are in a more
4 secured environment, as opposed to the one
5 that we now live in.

6 And this partnership with Union Hill
7 Developers is a unique idea to partner with
8 the community to bring the community into a
9 partnership that is, like, unique.

10 Because a lot of times when
11 developers come into communities, they don't
12 necessarily have the goodness of heart of the
13 community.

14 So, this time we get to chance to
15 play a major role in what is happening in our
16 community, to watch it come where it is now,
17 to where it is trying to go.

18 And where it's trying to go now is
19 to be one of those real productive
20 communities, one of those communities, as we
21 see a lot of development going on in the
22 city.

23 We need the newer homes. We need to
24 be in the races for these, for the newer
25 homes, because without it, all we sitting

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2 around with is a bunch of empty lots and old
3 abandoned buildings that are being used for
4 vice and crime and corruption and
5 devastation.

6 And I need to say this to Council.
7 The Mantua section of the city is a very
8 small section of the city, but yet we have
9 one of the highest crime rates per capita,
10 you know, throughout the city. And a lot of
11 that has to do with the blight, the
12 rundownness.

13 Yes, ma'am.

14 COUNCIL PRESIDENT VERNA: Sorry. I
15 don't mean to cut you short, but I think
16 you're saying that you are in favor of this.

17 MR. DRANE: I'm absolutely in favor
18 of it, 100 percent, Council President.

19 COUNCIL PRESIDENT VERNA: Thank you
20 very much. We appreciate it. Thanks for
21 coming in.

22 MR. DRANE: Thank you for your
23 kindness. Thank you for your support.

24 COUNCIL PRESIDENT VERNA: Thank you.
25 Good afternoon.

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2 MR. HAWKINS: My name is Steve
3 Hawkins. I'm the President of Union Home
4 Developers, a non-profit, that's partnering
5 with Home Ownership Developer. And we
6 wholeheartedly support the building of 50
7 homes in the Ashton Street area of Mantua.

8 It has been a very successful
9 partnership which they have let the community
10 in. And we have grown to develop more, in
11 hopes of partnering with other developers to
12 revitalize our area. Thank you.

13 COUNCIL PRESIDENT VERNA: Thank you.

14 Madam, are you going to testify?

15 MS. ARMSTEAD: Yes.

16 COUNCIL PRESIDENT VERNA: Please
17 identify yourself for the record.

18 MS. ARMSTEAD: Okay. Mary and
19 Eugene Armstead. Armstead, A-r-m-s-t-e-a-d.
20 Okay. We were former owners of 711 North
21 40th Street.

22 We had been in the property -- We
23 had actually raised our three children there.
24 There was three -- It was three apartments.
25 We converted that to one family dwelling.

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2 We were working on the property
3 until my husband took sick. Then we went
4 back. And we found out that the property was
5 destroyed.

6 We are in favor of them developing,
7 but we've been hit with a \$50,000 fine for
8 them tearing down the property which we were
9 never notified.

10 So, what we are asking is, because
11 we were holding this property to increase our
12 income as seniors and to fall back on... The
13 property is now gone. We are stuck with the
14 \$50,000 as well as the back taxes.

15 So we're asking for some type of
16 compensation, where they will either wipe
17 this clear, and pay the back taxes, and maybe
18 give us something where our work wouldn't be
19 in vain. Do you understand what I'm saying?

20 COUNCIL PRESIDENT VERNA: Thank you.

21 The Chair recognizes Councilwoman
22 Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank you.

24 This demolition of the property in
25 question was not part of the NTI but it was

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2 an L & I demo lien for a blighted property.

3 And it is under repair.

4 We certainly support the homeowners'
5 right to appeal. And otherwise, all the
6 other NTI issues... As I said, this was a
7 separate L & I demo for a blighted property.

8 All the others have been exempted.
9 This is the one that was in a whole separate
10 area.

11 And we certainly thank her for
12 coming and support her right to appeal the
13 process. And she's doing that now.

14 COUNCIL PRESIDENT VERNA: Great.
15 Okay. Thank you very much.

16 Do we have anyone else to testify on
17 this bill?

18 (No response.)

19 Seeing none, this will conclude the
20 public hearing of the Committee on Rules.

21 (Recess at 3:10 to 3:11 p.m.)

22 COUNCILWOMAN TASC0: Excuse me.

23 We're going back to the Committee on Rules so
24 that we can report the bills out. We'll do
25 the best we can.

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2 Bill 050215 will be reported out of
3 the Rules Committee with a suspension of the
4 rules.

5 And all in favor will say aye.

6 (Chorus of "ayes.")

7 COUNCILWOMAN TASC0: Is there any
8 opposition?

9 (No response.)

10 COUNCILWOMAN TASC0: There being
11 none...

12 Bill 050229, could I have a motion
13 to move that out of committee?

14 COUNCILWOMAN BLACKWELL: Madam
15 Chair, we move that bill be reported out of
16 committee with a favorable recommendation and
17 recommendation for suspension of the rules.

18 UNIDENTIFIED COUNCIL PERSON:
19 Second.

20 COUNCILWOMAN TASC0: It has been
21 moved and seconded that Bill 050229 be
22 reported out of committee with a favorable
23 recommendation and a request for the
24 suspension of the rules.

25 All in favor will say aye.

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2 (Chorus of "ayes.")

3 COUNCILWOMAN TASC0: Any opposition?

4 (No response.)

5 COUNCILWOMAN TASC0: There being
6 none, the motion is carried. The Rules
7 Committee is adjourned.

8 COUNCILMAN KENNEY: Point of order
9 for the Rules Committee. Even though these
10 are Councilwoman Blackwell's rules, she's not
11 a member of the Rules Committee.

12 So, as a member of the Rules
13 Committee, I'd like to make those motions
14 formally on all three bills -- two bills, to
15 suspend the rules and have them out of
16 committee. If I can get a second from
17 another member of the Rules Committee.

18 UNIDENTIFIED COUNCIL PERSON:
19 Second.

20 COUNCILMAN KENNEY: Okay.

21 COUNCILWOMAN TASC0: So be it.

22 COUNCILMAN KENNEY: I just wanted to
23 make sure the record was clear that it was
24 the Rules Committee. Thank you.

25 COUNCILWOMAN TASC0: Thank you.

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2 All in favor?
3 (Chorus of "ayes.")
4 COUNCILWOMAN TASC0: All right.
5 Bill 050216 will be held.
6 (Public hearing concluded at 3:17
7 p.m.)
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CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the public hearing of The Philadelphia City Council, taken on May 19, 2005, and that this is a true and correct transcript of same.

DAVID A. DEIK, RPR and
Commissioner of Deeds

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)