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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON PUBLIC PROPERTY & PUBLIC WORKS

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Room 696, City Hall
Philadelphia, Pennsylvania
Tuesday, November 18, 2003
1:25 p.m.

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BILL 030642

BILL 030662

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BILL 030684

BILL 030689

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BILL 030711

BILL 030713

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PRESENT:

15

COUNCILMAN JAMES KENNEY, Chair

COUNCILWOMAN JANNIE BLACKWELL

16

COUNCILMAN DARREL CLARKE

COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN MICHAEL NUTTER

COUNCILMAN FRANK RIZZO

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I N D E X

1			
2			
3			
4	BILL 030642		PAGE
5	ANDRES PEREZ, Public Property.....	3	
6	BILL 030662		
7	ANDRES PEREZ, Public Property.....	6	
8	BILL 030684		
9	ANDRES PEREZ, Public Property.....	9	
10	DUANE BUMB, Commerce.....	9	
11	BILL 030689		
12	ANDRES PEREZ, Public Property.....	13	
13	DENNIS WALLER, Fairmount Park Com...	13	
14	BILL 030711		
15	ANDRES PEREZ, Public Property.....	15	
16	DENNIS WALLER, Fairmount Park Com...	15	
17	BILL 030713		
18	ANDRES PEREZ, Public Property.....	17	
19	JIM O'HARA, Center on Alcohol and		
20	Marketing, Georgetown University,		
21	Washington, D.C.....	18	
22	JESSE BROWN, NAAAPI.....	22	
23			
24			
25			

1 11/18/03 - PUBLIC PROPERTY - BILL 030642

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen. We have a quorum;
4 Councilman Nutter, Councilmember Blackwell,
5 Councilmember Donna Reed Miller and
6 Councilmember Darrell Clarke.

7 The first Bill on the agenda today
8 is Bill No. 030642, which is an Ordinance
9 authorizing the Commissioner of the Department
10 of Public Property on behalf of the City of
11 Philadelphia to purchase from the United
12 States Postal Service fee simple title to a
13 parcel of land with the buildings and
14 improvements thereon known as 3061 Island
15 Avenue, all under certain terms and
16 conditions.

17 Please identify yourself for the
18 record and proceed.

19 MR. PEREZ: Good afternoon, Mr.
20 Chairman. My name is Andres Perez,
21 Commissioner of the Department of Public
22 Property for the City of Philadelphia. I am
23 here on behalf of Bill No. 030642 requesting
24 Council support and suspension of the Rules.

25 The Bill authorizes acquisition of

1 11/18/03 - PUBLIC PROPERTY - BILL 030642
2 3061 Island Avenue from the United States
3 Postal Service.

4 This particular property is related
5 to the installation of a Streets Department
6 project and roadway in support of the Postal
7 Service's new facility at a nearby location.
8 The Postal Service has offered it to us and
9 we're accepting it with the intent of reusing
10 it, most likely for the Department of
11 Recreation.

12 COUNCILMAN KENNEY: Is there a
13 purchase price associated, or is it under
14 negotiation?

15 MR. PEREZ: There's no cash
16 involved. The Post Office may have
17 restrictions in the event of resale.

18 COUNCILMAN KENNEY: Oh. So they're
19 giving it to us?

20 MR. PEREZ: Yes.

21 COUNCILMAN KENNEY: Good job.

22 Are there any questions for the
23 Commissioner?

24 (No response.)

25 COUNCILMAN KENNEY: Seeing none,

1 11/18/03 - PUBLIC PROPERTY - BILL 030662

2 anybody else to testify on this Bill?

3 (No response.)

4 COUNCILMAN KENNEY: Seeing none, we
5 will now move to Bill No. 030662, an Ordinance
6 authorizing the Commissioner of Public
7 Property to execute and deliver to the
8 Redevelopment Authority of the City of
9 Philadelphia, without consideration, a deed
10 conveying fee title to a certain owned lot
11 with improvements thereon described according
12 to a Plan of Properties made for the
13 Redevelopment Authority of the City of
14 Philadelphia by Vincent J. Nero, Surveyor and
15 Regulator of the Third District, dated April
16 26, 1965, under certain terms and conditions
17 pursuant to the Redevelopment Cooperation Law
18 Act of May 24th, 1945, P.L. 982 as amended,
19 and authorizing the Redevelopment Authority to
20 convey to the Mount Tabor Community Education
21 and Economic Development Corporation, without
22 consideration, the below described property
23 for non-profit housing development, pursuant
24 to the Redevelopment Authority Redevelopment
25 Agreement.

1 11/18/03 - PUBLIC PROPERTY - BILL 030662

2 Please identify yourself for the
3 record.

4 MR. PEREZ: Good afternoon. I'm
5 Commissioner Perez for the Department of
6 Public Property. I'm here in support of
7 030662, the Ordinance authorizing the transfer
8 to the Redevelopment Authority of the
9 referenced property.

10 The intent here is to provide the
11 property to the Community Development
12 Corporation for their intended redevelopment
13 through the Redevelopment Agreement with the
14 Redevelopment Authority, and again ask for a
15 suspension of the Rules.

16 COUNCILMAN KENNEY: Thank you very
17 much.

18 Any questions for the Commissioner?
19 Councilmember Miller.

20 Let the record show that Councilman
21 Rizzo is also in attendance.

22 COUNCILWOMAN MILLER: What is the
23 address of the parcel? "A deed conveying
24 title to a certain owned lot." Which lot?
25 Where is the lot?

1 11/18/03 - PUBLIC PROPERTY - BILL 030662

2 MR. PEREZ: I'm embarrassed to say I
3 didn't bring the address with me.

4 COUNCILMAN KENNEY: Do you know what
5 district it's in?

6 MR. PEREZ: It's Northern
7 Liberties, 700 block of North 7th Street.

8 COUNCILMAN KENNEY: What council
9 district? Who's the Councilperson?

10 MR. PEREZ: It's the Mount Tabor.
11 It's Councilman Clarke. Seventh Street.

12 COUNCILMAN KENNEY: My assumption is
13 that when a Bill gets to this level, the
14 District Councilperson has already signed off
15 on it.

16 Councilmember Clarke, would you like
17 to explain for Councilwoman Miller's benefit
18 the address and location of the property?

19 COUNCILMAN CLARKE: Thank you, Mr.
20 Chairman.

21 Mr. Chairman, Members of the
22 Committee, these are parcels of land that were
23 in the City's inventory for some time.
24 They're currently utilized, unfortunately, for
25 fixing of abandoned vehicles and other

1 11/18/03 - PUBLIC PROPERTY - BILL 030662
2 unsavory activity. Mount Tabor Church, along
3 with the Community Development Corporation,
4 which was formed as a subsidiary, is
5 interested in acquiring these parcels to build
6 on to their facility. I think they want to
7 build some senior citizen housing and some
8 other supportive type of development. It's
9 something we've been working with the
10 community and Mount Tabor Church with.

11 COUNCILWOMAN MILLER: Thank you,
12 Councilman Clarke.

13 Just as a Member of the Committee, I
14 think we should always have addresses included
15 in a bill. Because it's like you're voting on
16 something you really just don't know anything
17 about.

18 MR. PEREZ: I agree, and I apologize
19 for the oversight.

20 COUNCILMAN KENNEY: I think that's a
21 fair request, and hopefully that will be
22 corrected in the future.

23 Any other questions for the
24 Commissioner?

25 (No response.)

1 11/18/03 - PUBLIC PROPERTY - BILL 030684

2 COUNCILMAN KENNEY: Anyone else to
3 testify on this Bill?

4 (No response.)

5 COUNCILMAN KENNEY: Seeing none, we
6 will now move to Bill 030684, an Ordinance
7 authorizing the Commissioner of Public
8 Property on behalf of the City of Philadelphia
9 to purchase fee simple title of a certain
10 parcel of land with the buildings and
11 improvements thereon known as 2212 West
12 Indiana Avenue, all under certain terms and
13 conditions.

14 Mr. PEREZ: Again, good afternoon.
15 Commissioner Perez from the Department of
16 Public Property, here in support of Bill No.
17 030684. Also present is Duane Bumb from the
18 Commerce Department. We are seeking approval
19 of the Bill and the suspension of the Rules.

20 COUNCILMAN KENNEY: Mr. Bumb, please
21 identify yourself for the record.

22 MR. BUMB: Good afternoon,
23 Councilman Kenney. My name is Duane Bumb.
24 I'm the Deputy Director of Commerce. I
25 appreciate the opportunity to provide

1 11/18/03 - PUBLIC PROPERTY - BILL 030684

2 testimony.

3 This property is 2212 West Indiana
4 and it will be assembled with adjacent
5 properties in the vicinity of 22nd and Indiana
6 Streets and will be developed as a parking lot
7 for the benefit of the 22nd Street commercial
8 corridor merchants. The commercial corridor
9 has a shortage of parking spaces which are
10 needed to meet the growing retail demand. The
11 parking demand has been documented many times,
12 most recently in the Philadelphia Shops
13 Inventory. The commercial corridor grew in
14 total of commercial units from 125 to 148 over
15 the period between 1988 and 1995. The vacancy
16 rate has dropped by 18 percent. With a
17 parking index of 1.4 spaces per 1,000 square
18 feet of gross leasable area, North 22nd Street
19 is one of the most difficult retail corridors
20 to find parking in the entire City. To remain
21 viable, the North 22nd Street commercial
22 corridor needs a targeted capital investment
23 in parking to strengthen its long-term
24 business viability.

25 The Ordinance before you today will

1 11/18/03 - PUBLIC PROPERTY - BILL 030684
2 permit the purchase of fee simple title
3 allowing construction to begin on the existing
4 vacant and under-utilized lots in this
5 neighborhood. The Department of Commerce has
6 provided funding for a parking lot
7 construction through its neighborhood Capital
8 Budget. Once the parking lot is constructed,
9 the North 22nd Street Merchants' Association,
10 in conjunction with Allegheny West Foundation,
11 will sublease the parking lot from the City
12 and will be responsible for the operation of
13 the facility, including insurance, maintenance
14 and management costs of the site.

15 The project is critical to the
16 future success of North 22nd Street as a
17 thriving neighborhood commercial corridor. I,
18 therefore, urge your support. Thank you.

19 COUNCILMAN KENNEY: Thank you very
20 much.

21 Any questions for Mr. Bumb?
22 Councilmember Miller.

23 COUNCILWOMAN MILLER: I just want to
24 say that this is a project that my office has
25 been involved in, I guess, for about three

1 11/18/03 - PUBLIC PROPERTY - BILL 030689

2 years or more.

3 This commercial strip has grown by
4 leaps and bounds and we're very proud of its
5 growth and development. Parking is
6 desperately needed there. So I just want to
7 thank all those who helped us with this
8 project. Thank you.

9 COUNCILMAN KENNEY: Thank you very
10 much.

11 Any other questions or comments for
12 these witnesses?

13 (No response.)

14 COUNCILMAN KENNEY: Seeing none,
15 anyone in the room to testify on this Bill?

16 (No response.)

17 COUNCILMAN KENNEY: Seeing none, we
18 will now move to Bill No. 030689, an Ordinance
19 authorizing the Commissioner of Public
20 Property, on behalf of the City of
21 Philadelphia, to exchange fee simple title to
22 approximately 292 square feet of certain
23 Fairmount Park land with the improvements
24 thereon located Northeast of the Manayunk
25 Canal and approximately 260 feet to the

1 11/18/03 - PUBLIC PROPERTY - BILL 030689
2 Northwest of Fountain Street, in consideration
3 for fee simple title to a certain portion of a
4 parcel of land with the improvements thereon
5 located at 116 Fountain Street, which land,
6 upon acquisition by the City, shall be under
7 the jurisdiction of the Fairmount Park
8 Commission, all under certain terms and
9 conditions.

10 Please identify yourself for the
11 record.

12 MR. PEREZ: Good afternoon. I'm
13 Commissioner Perez from the Department of
14 Public Property. I'm here in reference to
15 Bill No. 030689, authorizing the land swap
16 that is just detailed in the Ordinance itself.
17 I'm here in support of the Bill, and again
18 request suspension of the rules.

19 COUNCILMAN KENNEY: Thank you very
20 much.

21 MR. PEREZ: Present is Mr. Dennis
22 Waller from Fairmount Park.

23 MR. WALLER: Dennis Waller,
24 Councilman, Deputy Director of Fairmount Park
25 Commission, indicating that the Fairmount Park

1 11/18/03 - PUBLIC PROPERTY - BILL 030689
2 Commission has reviewed and voted and is in
3 support of this land swap.

4 COUNCILMAN KENNEY: Could you
5 explain for the record what the land swap
6 involves and what the purpose of it is?

7 MR. WALLER: Yes. It is an exchange
8 of approximately 292 feet of park land with
9 the improvements thereon located on Northeast
10 Manayunk Canal.

11 Councilman, it is a strip of land
12 running adjacent to the Canal. We feel that
13 that swap will also protect the Canal, allow
14 us to complete a towpath and also make the
15 park contiguous so we can also protect it. It
16 calls for those folks that we are swapping
17 with also to provide maintenance and also put
18 up a maintenance endowment on an annual basis
19 so we can maintain that property.

20 COUNCILMAN KENNEY: Great. Thank
21 you.

22 Any questions for these witnesses?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing none,
25 anyone else in the room to testify on this

1 11/18/03 - PUBLIC PROPERTY - BILL 030711

2 bill?

3 (No response.)

4 COUNCILMAN KENNEY: Seeing none, we
5 will now move to Bill 030711, an Ordinance
6 amending Section 15-201 of the Philadelphia
7 Code, relating to areas under the care and
8 jurisdiction of the Fairmount Park Commission,
9 by adding the parcel of land generally bounded
10 by 21st Street, Porter Street, 22nd Street and
11 Shunk Street, to those lands under the care
12 and jurisdiction of the Fairmount Park
13 Commission.

14 Please identify yourself for the
15 record.

16 MR. PEREZ: Good afternoon. I'm
17 Commissioner Perez from the Department of
18 Public Property. I'm here in support of Bill
19 030711, essentially authorizing the transfer
20 of jurisdiction of the existing park
21 referenced in the ordinance from the
22 Recreation Department to Fairmount Park.

23 MR. WALLER: Dennis Waller,
24 Councilman, Deputy Director of the Fairmount
25 Park Commission. Once again, the Fairmount

1 11/18/03 - PUBLIC PROPERTY - BILL 030711

2 Park Commission is in support of this swap.

3 I believe there will be a name
4 change, if I'm not mistaken, Commissioner,
5 to -- this is the Girard Estates property,
6 Councilpersons.

7 Once again, the Recreation
8 Department feels as though the Fairmount Park
9 Commission, having more expertise in
10 maintaining historic properties, would be in a
11 better position to maintain this property. We
12 have agreed, our Commissioners have voted, and
13 have agreed to take over this property.

14 COUNCILMAN KENNEY: And there is a
15 budget allocation for the Commission in order
16 to take over this park? I mean, it's probably
17 one of the nicer parks in the City, and its
18 maintenance, I assume, is substantial in order
19 to keep it looking that way. Is there a
20 budgetary issue in there?

21 MR. WALLER: There is a budgetary --

22 COUNCILMAN KENNEY: You think you
23 can handle it?

24 MR. WALLER: We think we can handle
25 it, Councilman.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 COUNCILMAN KENNEY: Great. Thank
3 you.

4 Any questions for these witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Anyone else to
7 testify on this bill?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing none, we
10 will now move to Bill No. 030713, an Ordinance
11 amending Chapter 17-100 of the Philadelphia
12 Code, entitled, "Procurement Contracts," by
13 adding a provision requiring that every
14 contract which permits any person to place
15 advertising on City-owned or controlled
16 property shall include a provision prohibiting
17 the placement on such property of
18 advertisements for alcohol, under certain
19 terms and conditions.

20 Please identify yourself for the
21 record.

22 MR. PEREZ: Good afternoon. I'm
23 Commissioner Perez, Department of Public
24 Property. I'm here in reference to Bill No.
25 030713.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 The Department seeks your support of
3 this Bill in an expedited handling by
4 suspension of the Rules.

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 Any questions for the Commissioner.
8 (No response.)

9 COUNCILMAN KENNEY: Seeing none, the
10 Chair now calls Mr. Jim O'Hara, Executive
11 Director of the Center on Alcohol Marketing
12 and Youth, Georgetown University.

13 I'd also like to ask the Reverend
14 Jesse Brown, the Executive Director of the
15 National Association of African Americans for
16 Positive Imagery to please come together at
17 the table.

18 Whoever would like to go first,
19 please identify yourself for the record.

20 MR. O'HARA: Thank you very much,
21 Councilman. My name is Jim O'Hara. I'm the
22 Executive Director of the Center on Alcohol
23 Marketing and Youth at Georgetown University.
24 Thank you for allowing me to come here today
25 to speak to you about this issue.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 Your concern about alcohol
3 advertising and the exposure of underage youth
4 is very understandable. What I would like to
5 do today is place your concern about alcohol
6 advertising on City-owned property in the
7 context of alcohol advertising that is
8 reaching underage youth in our country.

9 As many of you know, underage
10 drinking is an endemic public health problem
11 in this country. In the last 10 years, we
12 have failed to make much progress, as my first
13 chart shows that the prevalence rates stayed
14 flat. All too often we find that parents
15 don't realize how much drinking their own
16 children are doing. We did a survey this
17 summer, and parents underestimated by a factor
18 of 50 percent the drinking that their own
19 children were doing. The harm caused by
20 underage drinking in this country is
21 significant.

22 Alcohol is a cause in the three
23 leading causes of death among our youth. And
24 we know that the age of initiation, the age of
25 first use of alcohol is going down. For youth

1 11/18/03 - PUBLIC PROPERTY - BILL 030713
2 12 to 17, it's now estimated those drinkers
3 actually began drinking when they were under
4 13 years of age.

5 And finally, the use of alcohol by
6 youth in our country is marked by risk and
7 abuse. More than 90 percent of the alcohol
8 consumed by youth 12 to 17 is consumed when
9 they're drinking five or more drinks at a
10 time.

11 Alcohol advertising is regulated in
12 this country by the industry itself. The
13 industry has codes. Each of the major sectors
14 of the industry has codes about how they
15 should advertise and where they should
16 advertise. In fact, in the last month the
17 Beer Institute and the Distilled Spirits
18 Council of the United States have changed
19 their codes to address some of the criticisms
20 that have been made of those codes in the
21 past.

22 I gave you a couple of examples of
23 ads that raise questions about how well the
24 regulation is actually working. As you can
25 see, the one ad of the three young persons

1 11/18/03 - PUBLIC PROPERTY - BILL 030713
2 raises questions about whether it is in fact
3 in conformity with the Distilled Spirits
4 Council Code about not using people who appear
5 underage. That ad is presently in the process
6 of being taken down by the company because of
7 complaints.

8 What the Center has looked at, and
9 I'll describe very briefly, is the alcohol
10 advertising that reaches our underage youth in
11 magazines, on radio and in TV. The way that
12 we look at that is we take a look at where the
13 ads are actually placed and we take a look at
14 the composition of the audience, what the
15 underage youth is.

16 In our research over the past year,
17 we have found that in many, many instances,
18 underage youth are disproportionately present
19 in the audience. What that simply means is
20 that the underage youth for magazine
21 readership is about 15.8 percent. If
22 advertising is placed where underage youth are
23 more than 15.8 percent, then the youth are
24 more likely to see that advertising. And we
25 found in 2001, for instance, just looking at

1 11/18/03 - PUBLIC PROPERTY - BILL 030713
2 magazines, that underage youth 12 to 20 saw 45
3 percent more beer advertising and 27 percent
4 more distilled spirits advertising.

5 When we took a look at television in
6 2001 we saw, for instance, that underage youth
7 were more likely to see advertising for beer
8 and ale than for products that we normally
9 associate with underage youth, like fruit
10 juice or gum or skin care products.

11 So in short your concern about the
12 exposure of youth to alcohol advertising is
13 very understandable when you take a look at
14 even the broader context of what our underage
15 youth are exposed to in their daily life in
16 watching television, listening to radio and
17 reading magazines. Thank you.

18 COUNCILMAN KENNEY: Thank you very
19 much.

20 Reverend Brown.

21 REVEREND BROWN: I'm Reverend Jesse
22 Brown, Executive Director of the National
23 Association of African Americans for Positive
24 Imagery, and I'm a member with the Black
25 Clergy of Philadelphia and vicinity.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 Mr. Chairman and Members of this
3 Committee, thank you for allowing me to
4 testify in favor of this Bill eliminating the
5 advertising of alcohol products on City
6 property.

7 I would like to applaud the efforts
8 of the City to correct an oversight that
9 occurred in 1998 when SEPTA and the Council
10 agreed that Philadelphia should have a transit
11 system entirely free of alcohol and tobacco
12 products.

13 NAAAPI is familiar with the
14 marketing practices of the alcohol industry,
15 having successfully fought over the years to
16 keep products that specifically targeted
17 African Americans out of our community.
18 Today, I am joining with members of the
19 community and the clergy to urge you to
20 continue the positive work that have begun and
21 to report this Bill favorably out of Committee
22 and eventually into law.

23 The great City of Philadelphia
24 should not be in the business of advertising
25 alcohol products in places where children are

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 likely to see them. As I am sure you already
3 know, just a short drive from here in the
4 neighborhoods throughout the City, children
5 are already bombarded with the advertising,
6 with alcohol advertising on billboards, which
7 many of these billboards are illegal, on
8 storefronts and, sadly to say, even in their
9 own homes on the Internet and television and
10 other venues.

11 I have provided examples of some of
12 these advertising venues for your review,
13 particularly on our bus shelters here in the
14 City. You have two or three pictures there, a
15 review of that.

16 While this might seem like a small
17 step, the Council would be making a big
18 statement to the industry and advertisers. We
19 will not allow you to advertise your products
20 to our children. I have seen the transit
21 shelter contract that the City extended with
22 Viacom Outdoor, and I know that the vendor,
23 fearing this day would come, placed language
24 in the contract holding the City responsible
25 for money lost when alcohol went the way of

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 tobacco. I also know that within a reasonable
3 time, these companies will recover any lost
4 revenue from alcohol advertising, just as they
5 did with tobacco following the settlement
6 agreement.

7 Although this action would not
8 affect the current contract negotiated earlier
9 this year through 2005, we have met with the
10 Mayor's Office and we are confident that the
11 Mayor will be successful in negotiating a
12 phase out as soon as possible following the
13 actions by this Council.

14 We're asking Mayor Street, who has
15 fought hard for safer neighborhoods, to take
16 leadership on this issue and reach out to
17 businesses and advertising in the soon-to-be
18 open spaces. Give children a chance to do the
19 very innocent thing, go to school without the
20 additional alcohol ads portraying scantily
21 clad women and young-looking people promoting
22 the coolness of alcoholic beverages. Allow
23 the City to make money advertising age
24 appropriate products like sneakers and soft
25 drinks. Young people have enough influencing

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 factors in their lives and don't need the
3 continued influences of alcohol advertising on
4 City-owned properties.

5 In a year when the Pennsylvania
6 General Assembly voted to cut over \$100
7 million from the drug and alcohol treatment
8 budget, which happened this year, and then the
9 Pennsylvania Liquor Control Board approved a
10 \$4 million advertising campaign for alcohol,
11 your action will help ensure that the
12 advertisement of alcohol products are not
13 thrust in the face of school children, as they
14 wait for a ride from school. As the industry
15 becomes more desperate and greedy, the alcohol
16 products that are not on City-owned buildings
17 and parks.

18 Thank you for your consideration and
19 continued leadership on this very important
20 public health issue. Please consider our
21 testimony and the alarming statistics
22 presented by the Center on Alcohol Marketing
23 and Youth and consider, really, the welfare of
24 the children of Philadelphia.

25 COUNCILMAN KENNEY: Thank you very

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 much for your testimony. Thank you very much.

3 Is Mr. Norton here from the Center
4 on Alcohol Marketing and Youth?

5 MR. O'HARA: No. He won't be
6 testifying.

7 COUNCILMAN KENNEY: Thank you very
8 much.

9 Charlene Connors, please.

10 COUNCILMAN RIZZO: She's not here.

11 COUNCILMAN KENNEY: Are there any
12 other witnesses to testify on this Bill?

13 The Chair recognizes Councilman
14 Rizzo.

15 COUNCILMAN RIZZO: I have a question
16 for Commissioner Perez. Would that be
17 appropriate?

18 COUNCILMAN KENNEY: Please.

19 COUNCILMAN RIZZO: Good afternoon,
20 Commissioner.

21 MR. PEREZ: Good afternoon,
22 Councilman.

23 COUNCILMAN RIZZO: Commissioner, I
24 have a couple questions -- maybe just one --
25 about this entire process.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 I think of all the confusing issues
3 in the City. The bus shelter issue is very
4 confusing to the general public. As a matter
5 of fact, it was even confusing to me until I
6 learned. It's a SEPTA shelter that covers
7 SEPTA passengers, and the City of Philadelphia
8 owns the shelters. I don't get it. Why don't
9 these shelters belong to SEPTA? Why are we
10 even in this business? Why are we involved?
11 I just don't get it why we are doing this.

12 When I first got involved in this, I
13 saw one of them vandalized. They threw a
14 cinder block through the shelter glass. So I
15 called SEPTA, thinking, you know, a little bit
16 of common sense, that they'd be responsible
17 for it. And after about a week they came back
18 and said, "No, we don't take care of those.
19 The City of Philadelphia does."

20 Do you think at some time now we
21 ought to start looking at maybe giving these
22 shelters or getting out of this business?
23 Because I don't know even know why the
24 Department of Public Property is even involved
25 in it.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 MR. PEREZ: I don't have a very good
3 answer for the initial question. It was a
4 concession agreement which was in place when I
5 was first appointed as Commissioner back in
6 1990. So the reason about SEPTA versus us and
7 the historical basis for the current
8 condition, I really don't know what that
9 answer is.

10 However, it has been a Public
11 Property concession agreement issued
12 periodically, I think, on a 10-year cycle on a
13 concession bid basis. Currently it's extended
14 to, I believe, 2005. And the vendor is
15 required to perform all the maintenance,
16 including recovery from damage and vandalism.
17 The revenue goes directly to the City's
18 General Fund.

19 COUNCILMAN RIZZO: So that most
20 likely is the answer to the question. But is
21 all the aggravation -- all I can tell you is
22 that I've seen these things terribly
23 vandalized with etchings all over them, with
24 advertising permanently taped to them with
25 permanent adhesive-type materials. I've

1 11/18/03 - PUBLIC PROPERTY - BILL 030713
2 called and tried to get them cleaned up. I
3 don't even know who we're supposed to call.
4 Is there a phone number that you can provide
5 us to the maintenance contractor that we can
6 call directly?

7 Because I'll tell you -- again, the
8 one that was vandalized with the cinder block
9 thrown through it, the cinder block landed
10 where the passengers stand. And a week, 10
11 days later, the cinder block was still there
12 and the glass was just all over the sidewalk
13 and street. And the Police Department didn't
14 pretend to know what to do or who to call. I
15 think there's a lot of confusion because the
16 assumption is that it's SEPTA.

17 Is there something that you could do
18 to look at this to see if there's still some
19 way of maybe licensing to SEPTA that you can
20 still get your revenue, and give it, in my
21 opinion, where it belongs, to SEPTA?

22 MR. PEREZ: I'll certainly make sure
23 that the Administration understands that
24 request and take it into account before the
25 next concession agreement is put out to bid.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 And I will get the number and provide
3 Councilmembers.

4 COUNCILMAN RIZZO: I'd like to find
5 out what is the expectation when a citizen
6 calls or a Councilmember calls or Public
7 Property calls, what's the expectation on
8 getting a repair?

9 MR. PEREZ: I believe there's a
10 48-hour response time required on repairs.
11 But I'll verify that.

12 COUNCILMAN RIZZO: Is there a
13 contract?

14 MR. PEREZ: There's a contract.

15 COUNCILMAN RIZZO: Could you send
16 the Chair a copy of it? Maybe the Chair would
17 distribute a copy of the contract and a phone
18 number where we can call.

19 MR. PEREZ: Certainly.

20 COUNCILMAN RIZZO: Thank you.

21 COUNCILMAN KENNEY: Thank you very
22 much.

23 Any other questions for the
24 witnesses or the Commissioner.

25 (No response.)

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 COUNCILMAN KENNEY: Anyone else in
3 the room to testify on this Bill?

4 (No response.)

5 COUNCILMAN KENNEY: The Chair
6 recognizes Councilmember Nutter.

7 COUNCILMAN NUTTER: Thank you, Mr.
8 Chairman, Members of the Committee and
9 Councilman Rizzo, cosponsor of the Bill.

10 I have a number of items, Mr.
11 Chairman, that I need to move into the record,
12 as well as some proposed amendments and
13 legislative findings and one substantive
14 amendment to correct an unanticipated result
15 of this Bill. What I'd like to do, Mr.
16 Chairman, is hand out the amendments. I'd
17 like to read a number of the items into the
18 record. Unfortunately, we may have to
19 anticipate subsequent actions by other people.

20 From the legislative findings, Mr.
21 Chairman, in Section 17-110, the Council finds
22 that, A, a September 10, 2003 report entitled,
23 "Underage Drinking, a Collective
24 Responsibility," released by the National
25 Academy of Science that stated that more youth

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 drink alcohol than smoke tobacco or use other
3 illegal drugs.

4 B, in the most recent national
5 survey on drug use, the 2002 Monitoring the
6 Future Report, almost half or 48.6 percent of
7 the 12th graders reported recent alcohol use.

8 C, underage drinking plays a
9 substantial role in the three leading causes
10 of death among youth, motor vehicle
11 fatalities, suicide and homicide.

12 D, according to the American Medical
13 Association, underage drinking is a factor in
14 nearly one half of all teen automobile
15 crashes, the leading cause of death among
16 teenagers.

17 E, alcohol abuse is also linked to
18 two-thirds of all sexual assaults and date
19 rape, and is a major factor in unprotected sex
20 among youth, thereby increasing their risk of
21 sexually transmitted diseases.

22 F, the National Academy of Science
23 estimates that the social cost of underage
24 drinking is \$53 billion.

25 G, in the Philadelphia Safe and

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 Sound Report Card 2003, substance abuse among
3 high school youth was rated, quote,
4 challenging with major obstacles, unquote.

5 H, the most recent youth risk
6 behavior survey compiled in 2001, which is
7 based on self reports by Philadelphia public
8 high school students, found that 31.6 percent
9 of high school youth report having had one
10 drink in the most recent 30-day period.

11 I, research of the National
12 Institute on Alcohol Abuse and Alcoholism,
13 entitled "Effects of the Mass Media on the Use
14 and Abuse of Alcohol" has found that exposure
15 to alcohol advertisements effects young
16 people's beliefs about drinking, intention to
17 drink and actual drinking behavior.

18 J, a substantial portion of alcohol
19 advertising reaches an underage audience and
20 is presented in a style that is attractive to
21 youth.

22 K, a 1996 study of children ages 9
23 to 11 found that children were more familiar
24 with Budweiser's television frogs, than with
25 Kellogg's Tony the Tiger or Smokey the Bear.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 L, in a survey conducted by the
3 Center on Alcohol Marketing and Youth in June
4 of 2003, two-thirds of parents say that seeing
5 and hearing alcohol advertisements makes teens
6 more liking to drink alcohol, and 82 percent
7 of the parents surveyed said that the risky
8 behavior teens engage in while under the
9 influence of alcohol is a problem in society
10 today.

11 M, children and youth utilize
12 City-owned and controlled property on a daily
13 basis, such as school buildings, recreation
14 centers, libraries and bus shelters.

15 N, to the extent that commercial
16 advertising is allowed in these public
17 facilities, the City of Philadelphia can play
18 a positive role in reducing exposure of youth
19 to alcohol advertisements by prohibiting the
20 placement of such advertisements on
21 publicly-owned or controlled property.

22 There is also an amendment for
23 Section 2, adding a new sentence. For
24 purposes of this Section, City-owned or
25 controlled property does not include property

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 used to hold professional sporting events.

3 That is a listing of the amendments,
4 Mr. Chairman. The last of which, naturally,
5 is to cover our new sports stadiums.

6 I would also add for the record that
7 there are surveys that I'd like included, with
8 the Chair's permission, from the American
9 Medical Association, a study from them, as
10 well as a study from the National Academy of
11 Science, as well as the 2003 section from the
12 report card from Philadelphia Safe and Sound
13 on substance abuse among high school youth,
14 which makes reference to alcohol.

15 Lastly, I know there's a letter in
16 the record from one of the beer companies in
17 reference of what our abilities to conduct
18 this kind of effort on behalf of citizens here
19 in Philadelphia. I would make reference to
20 and hand out legal opinion from the Law
21 Department on this particular Bill, as well as
22 make reference to the City of Baltimore and
23 their efforts a few years ago. That Bill
24 prohibited outdoor advertising in all
25 locations for alcoholic beverages.

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 This Bill, Mr. Chairman, only
3 prevents alcohol ads on property that is under
4 contract to the City of Philadelphia. It does
5 not impact our stadiums. Many other outdoor
6 advertising venues are available, and these
7 represent, I believe, the least restrictive
8 provisions. There was a court case on this
9 matter when Anheiser Busch sued the City of
10 Baltimore on its efforts. The City's Bill was
11 upheld by the US Court of Appeals for the 4th
12 Circuit, in saying that it did represent the
13 City's efforts to protect the public interest
14 in meeting the four-part test with regard to
15 the issues of freedom of speech.

16 With those items in the record, Mr.
17 Chairman, at the appropriate time I'd like to
18 move the amendments.

19 COUNCILMAN KENNEY: Thank you very
20 much. We'll move them in the public meeting.
21 Thank you.

22 Any other comments or questions?

23 MR. PEREZ: Mr. Chairman, if I may.
24 Referring back to Bill No. 030662, clarifying
25 for the record that the property is known as

1 11/18/03 - PUBLIC PROPERTY - BILL 030713

2 973 North 7th Street. Thank you.

3 COUNCILMAN KENNEY: Thank you very
4 much.

5 That will conclude the hearing on
6 the Committee of Public Property and Public
7 Works.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

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COMMITTEE ON PUBLIC PROPERTY & PUBIC WORKS

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Tuesday, November 18, 2003

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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:

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BILLS 030642, 030662, 030684,
030689, 030711, 030713.

13

14

PRESENT:

15

16

COUNCILMAN JAMES KENNEY, Chair
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DARREL CLARKE
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL NUTTER
COUNCILMAN FRANK RIZZO

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1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 COUNCILMAN KENNEY: We will now
3 convene a public meeting.

4 The Chair recognizes Councilmember
5 Blackwell for a motion on Bill No. 030642.

6 COUNCILWOMAN BLACKWELL: Thank you.

7 I move that the Bill just listed be
8 reported out of Committee with a favorable
9 recommendation and a recommendation for
10 suspension of the Rules so as to permit first
11 reading at our next Session of Council.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: Moved and
14 seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: There are none
18 opposed.

19 Bill No. 030642 will report out of
20 this Committee with a favorable
21 recommendation, and a request will be made for
22 Rules suspension to allow first reading at our
23 next Council Session.

24 The Chair recognize Councilmember
25 Clarke for a motion on Bill No. 030662.

1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 COUNCILMAN CLARKE: Thank you, Mr.
3 Chairman.

4 I make a motion that Bill No. 030662
5 be reported out of Committee with a favorable
6 recommendation and request for a suspension of
7 the Rules as to allow reading at our next
8 Session of Council.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and
11 seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN KENNEY: There are none
15 opposed.

16 Bill No. 030662 will be reported out
17 of this Committee favorably and request will
18 be made for Rules suspension to allow for
19 first reading at our next Council Session.

20 The Chair recognizes Councilmember
21 Miller for a motion on Bill No. 030684.

22 COUNCILWOMAN MILLER: Mr. Chair, I
23 move that Bill No. 030684 be reported out of
24 this Committee with a favorable
25 recommendation, and that the Rules of Council

1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING
2 be suspended so as to permit first reading at
3 our next Session.

4 (Duly seconded.)

5 COUNCILMAN KENNEY: Moved and
6 seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN KENNEY: There are none
10 opposed.

11 Bill No. 030684 will be reported out
12 of this Committee with a favorable
13 recommendation and a request will be made for
14 Rules suspension to allow first reading at our
15 next Session.

16 The Chair recognizes Councilman
17 Nutter for a motion on Bill No. 030689.

18 COUNCILMAN NUTTER: Mr. Chairman,
19 it's my understanding that there were
20 amendments put forward or an attachment to
21 Bill 030689.

22 Commissioner, is that correct?

23 MR. PEREZ: I'm not certain that
24 that meets the test of an amendment. We
25 provided the actual detailed legal description

1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING
2 for parcel A and parcel B referenced in the
3 Ordinance.

4 COUNCILMAN KENNEY: Let's just do it
5 to be safe.

6 COUNCILMAN NUTTER: Mr. Chairman, I
7 move the adoption of the document that was
8 handed in by Commissioner Perez.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and
11 seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN KENNEY: There are none
15 opposed. The attachments will be approved
16 accordingly.

17 The Chair recognizes Councilmember
18 Nutter for a motion on the amended Bill.

19 COUNCILMAN NUTTER: Mr. Chairman, I
20 move that Bill 030689, as amended, be reported
21 out of this Committee with a favorable
22 recommendation and a further recommendation
23 that the Rules of Council be suspended so as
24 to permit first reading at our next Council
25 Session.

1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 (Duly seconded.)

3 COUNCILMAN KENNEY: Move and
4 seconded.

5 All in favor?

6 (Aye.)

7 COUNCILMAN KENNEY: There are none
8 opposed. Bill No. 030689, as amended, will be
9 reported out of this Committee with a
10 favorable recommendation and request will be
11 made for Rules suspension to allow first
12 reading at our next Council Session.

13 The Chair recognizes Councilmember
14 Rizzo for a motion on 030711.

15 COUNCILMAN RIZZO: Mr. Chairman, I
16 move that Bill No. 030711 be reported out of
17 Committee with a favorable recommendation,
18 with a recommendation that the Rules of
19 Council be suspended so as to permit first
20 reading of this Bill at our next Session of
21 City Council.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: Moved and
24 seconded.

25 All in favor?

1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING

2 (Aye.)

3 COUNCILMAN KENNEY: There are none
4 opposed.

5 Bill No. 030711 will be reported out
6 of this Committee favorably. A request will
7 be made for Rules suspension to allow for
8 first reading at our next Council Session.

9 The Chair recognizes Councilmember
10 Nutter for a motion to approve the amendments
11 to Bill No. 030713.

12 COUNCILMAN NUTTER: Mr. Chairman, I
13 move that the amendments as read into the
14 record in the public hearing be adopted.

15 (Duly seconded.)

16 COUNCILMAN KENNEY: Moved and
17 seconded.

18 All in favor?

19 (Aye.)

20 COUNCILMAN KENNEY: There are none
21 opposed. The amendments are approved
22 accordingly.

23 The Chair recognizes Councilmember
24 Nutter for a motion on the amended Bill.

25 COUNCILMAN NUTTER: Mr. Chairman, I

1 11/18/03 - PUBLIC PROPERTY - PUBLIC MEETING
2 move that Bill 030713, as amended, be reported
3 out of this Committee with a favorable
4 recommendation and a further recommendation
5 that the Rules of Council be suspended so as
6 to permit first reading at our next Session.

7 (Duly seconded.)

8 COUNCILMAN KENNEY: Moved and
9 seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN KENNEY: There are none
13 opposed.

14 Bill No. 030713, as amended, will be
15 reported out of this Committee with a
16 favorable recommendation and a request me made
17 for rules suspension to allow first reading at
18 our next Council Session.

19 That concludes the business of the
20 Committee on Public Property and Public Works.
21 Thank you for your attendance.

22 (Council adjourned at 2:00 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 November 18, 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

