

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

5

- - -

6

Room 401, City Hall
Philadelphia, Pennsylvania
Thursday, October 18, 2001
1:35 p.m.

7

8

- - -

9

BILL 000224 - An Ordinance authorizing the
Commissioner of Public Property to execute and
deliver to PAID...

10

BILL 000261 - An Ordinance authorizing the
Commissioner of Public Property, on behalf of the
City of Philadelphia, to purchase fee simple
title...

11

12

BILL 000316 - An Ordinance authorizing the
Commissioner of Public Property, on behalf of the
City of Philadelphia, to purchase fee simple
title...

13

14

BILL 010347 - An Ordinance approving the sale of a
certain lot or piece of City-owned ground...

15

BILL 010494 - An Ordinance amending Section 9-601...

16

BILL 010553 - An Ordinance authorizing the
Commissioner of Public Property, on behalf of the
City of Philadelphia, to execute a quit claim
deed...

17

- - -

18

PRESENT:

19

COUNCILMAN JAMES F. KENNEY, Chair

COUNCIL PRESIDENT ANNA C. VERNA

20

COUNCILWOMAN JANNIE BLACKWELL

21

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN DARRELL L. CLARKE

22

COUNCILMAN FRANK RIZZO

- - -

23

VINCENT VARALLO ASSOCIATES, INC.

24

Registered Professional Reporters

Eleven Penn Center

25

1835 Market Street, Suite 600

Philadelphia, Pennsylvania 19103

(215) 561-2220

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

	PAGE
BILL 000224 (WITHDRAWN)	12
BILL 000261 (WITHDRAWN)	13
BILL 000316 ANDRES PEREZ, JR., Commissioner Dept. of Public Property	14
THOMAS CHAPMAN, City Planning Committee	14
BILL 010347 ANDRES PEREZ, JR., Commissioner Department of Public Property	10
THOMAS CHAPMAN, City Planning Committee	10
EILEEN DREB	11
BILL 010494 OTIS HAGLER, JR., Licences and Inspections..	16
BILL 010553 ANDRES PEREZ, JR., Commissioner Department of Public Property	4
KATHERINE WARD, ESQUIRE	6

1 10/18/01 - PUBLIC PROPERTY - BILL 010553

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen. This is the Committee on
4 Public Property and Public Works. We apologize for
5 the delay and appreciate your patience in waiting.

6 The first bill on the calendar is
7 010553, which is an ordinance authorizing the
8 Commissioner of Public Property, on behalf of the
9 City of Philadelphia, to execute a quit claim deed
10 or such other document or documents to convey some
11 or all of the City's interest in a certain property
12 commonly known as 3600-3700 South 26th Street, near
13 Penrose Avenue, to American Premiere Underwriters,
14 Inc., a corporation organized and existing under the
15 laws of the Commonwealth of Pennsylvania, or to
16 grant such consent as may be necessary to enable the
17 sale of such property by APU to Danbro, L.P., a
18 limited partnership organized and existing under the
19 laws of the Commonwealth of Pennsylvania, or to
20 Danbro's assignee, in exchange for consideration
21 deemed appropriate by the Commissioner of Public
22 Property, and under and subject to such terms and
23 conditions as the Commissioner of Public Property
24 deems necessary and appropriate.

25 Please identify yourself for the record

1 10/18/01 - PUBLIC PROPERTY - BILL 010553
2 its in interest under the South Philadelphia
3 Railroad Agreement in consideration of its interest
4 in 3.544 acres. Consideration is \$10,603.89 and
5 indemnification of all potential environmental
6 liability arising from the property from both the
7 buyer and the seller. The transfer of this parcel
8 will allow the development of this site for a local
9 company. I also ask that the rules be suspended so
10 the ordinance may be passed upon the second reading
11 at Council. Thank you.

12 COUNCILMAN KENNEY: Commissioner, we
13 obtained the appropriate appraisals and other
14 documentation necessary to authorize the
15 transaction.

16 MR. PEREZ: Yes. This was done in a
17 rather extensive effort by the Law Department to try
18 and determine what the rights may be. And the
19 valuation was based on a similar transaction on a
20 cost per square foot basis.

21 COUNCILMAN KENNEY: Thank you.

22 Any questions for the Commissioner?

23 Thank you very much.

24 Anyone else to testify on this bill?

25 Please identify yourself for the record.

1 10/18/01 - PUBLIC PROPERTY - BILL 010553

2 MS. WARD: Thank you. Good afternoon.

3 My name is Katherine Ward. I'm an attorney for
4 Dambro Limited Partners, a potential buyer of the
5 property. And we have not been in discussions with
6 the City on this issue, although we are aware of the
7 discussions. We just wanted to put on the record
8 that we do oppose having to give an indemnification
9 to the City as we are in the process of, hopefully,
10 starting to clean up the contamination on the
11 property. And obviously, we would be responsible
12 and indemnify the City for anything going forward.
13 However, we do object to having to give an
14 indemnification to the City for past condition of
15 the property.

16 COUNCILMAN KENNEY: Could you please,
17 for the record, explain a little bit about the
18 potential use of the site after it is exchanged,
19 after it is acquired by Danbro?

20 MS. WARD: Certainly. Danbro Limited
21 Partnership is an affiliated company with D'Angelo
22 Brothers, Inc., which is an excavation company
23 regarding a lot -- they do a lot of the site work on
24 the major projects in and around the City. They are
25 looking to this site to consolidate all of their

1 10/18/01 - PUBLIC PROPERTY - BILL 010553

2 operations and facilities in one place in the City
3 to maintain their operations in the city limits.
4 They're actually very excited about the location of
5 this site. As the committee may or may not know,
6 the site has been drastically under-utilized and
7 basically is a dumping ground for people and is a
8 real eyesore. Danbro is looking forward to putting
9 a nice building, several buildings and nice
10 facilities on the property and making it a
11 productive use again.

12 COUNCILMAN KENNEY: What's the company's
13 business? What would be its use?

14 MS. WARD: D'Angelo Brothers, Inc., is
15 an excavator, re-grader, they do site work.

16 COUNCILMAN KENNEY: Fine.

17 Commissioner, as I understand it, the
18 existing conditions at the site are -- and this is a
19 City-owned property, correct?

20 MR. PEREZ: It is not a City-owned
21 property. It may have been at one time. And at one
22 time certain interests were carried forward through
23 other transactions. That's the best way I can
24 explain it without a lawyer present. And what
25 you're authorizing me to do is to issue a quit claim

1 10/18/01 - PUBLIC PROPERTY - BILL 010553

2 deed on any of those interests for the fee that we
3 referenced and the indemnification.

4 COUNCILMAN KENNEY: Could you explain
5 the issue of the indemnification opposition?

6 MS. WARD: Certainly. Our issue is that
7 we have no responsibility for the past condition of
8 the property. We have never owned or operated this
9 property. We are looking forward to owning and
10 operating this property. As a condition of the
11 sale, we are agreeing to move forward and perform
12 the rather substantial clean-up that is necessary on
13 this property. However, we don't feel it's
14 appropriate or fair or reasonable without
15 consideration to indemnify any past entity in
16 connection with the contamination we did not cause.

17 COUNCILMAN KENNEY: You want this piece
18 of legislation to proceed forward?

19 MS. WARD: We absolutely do want the
20 City's interest to be resolved, yes.

21 COUNCILMAN KENNEY: So you're here
22 actually in favor of the ordinance with reservations
23 that you've expressed?

24 MS. WARD: Absolutely.

25 COUNCILMAN KENNEY: And Commissioner,

1 10/18/01 - PUBLIC PROPERTY - BILL 010347

2 you're simply here to express the view of the
3 Administration and the Law Department, I guess
4 and --

5 MR. PEREZ: Law Department and Commerce.
6 I really was not involved with the face-to-face
7 dealings surrounding this.

8 COUNCILMAN KENNEY: Is Danbro, L.P.,
9 looking at other sites in the City or outside the
10 City?

11 MS. WARD: This is the site that they --
12 this is their preferred site for their operations.

13 COUNCILMAN KENNEY: Okay. Are there any
14 questions?

15 Thank you very much for your testimony.

16 MS. WARD: Thank you.

17 COUNCILMAN KENNEY: Is there anyone who
18 would like to testify on this bill additionally?

19 Seeing none, we will now move to Bill
20 No. 010347, which is an ordinance approving the sale
21 of a certain lot or piece of City-owned ground, with
22 the buildings and improvements thereon erected, if
23 any, situate 826-28 New Market Street in the City of
24 Philadelphia, and authorizing the Commissioner of
25 Public Property to execute and deliver a deed to the

1 10/18/01 - PUBLIC PROPERTY - BILL 010347

2 purchaser, under certain terms and conditions.

3 Please identify yourself for the record
4 and proceed.

5 MR. PEREZ: Again, good afternoon, Mr.
6 Chairman. Commissioner Perez for the Department of
7 Public Property here in support of Bill NO. 010347.
8 In summary, although I submitted a rather simple
9 prior testimony, this is a surplus property which we
10 put up for sale at auction. There's a prior
11 ordinance authorizing that auction. And what this
12 ordinance seeks is the approval for the private
13 transaction with the individual buyer.

14 MR. CHAPMAN: Good afternoon, Mr.
15 Chairman and members of the committee. For the City
16 Planning Commission, my name is Thomas Chapman.
17 This bill concerns the sale of a property located at
18 826 to 28 New Market Street. This property is
19 currently a vacant lot. It's zoned G2 General
20 Industrial. Eileen and Walter Dreb purchased this
21 property at public auction on January 31, 2001, at a
22 price of \$24,000. The successful bidders intend to
23 fence off this property and use it as a play lot for
24 their adjacent home. The Planning Commission at its
25 meeting on May 24, 2001, recommended that Bill No.

1 10/18/01 - PUBLIC PROPERTY - BILL 010347

2 010347 be approved.

3 COUNCILMAN KENNEY: Thank you very much.

4 Any questions of these witnesses?

5 MR. PEREZ: Mr. Chairman, I also ask
6 that the rules be suspended so the ordinance maybe
7 passed on the second reading.

8 COUNCILMAN KENNEY: Thank you very much.

9 Please identify yourself for the record.

10 MS. DREB: My name is Eileen Dreb, and
11 my husband and I wanted to the purchase the lot to
12 build an addition onto our house and make a play
13 area for our children.

14 COUNCILMAN KENNEY: Great. Very sorry
15 to have you wait so long.

16 MS. DREB: That's no problem.

17 COUNCILMAN KENNEY: And we also
18 appreciate the fact that you're willing to make a
19 continued investment in the City as opposed to
20 moving your children to another community outside of
21 Philadelphia to have a larger yard and lot for them
22 to play in. We appreciate the fact that you've
23 committed to the City and are willing to continue to
24 invest in it and we'll do our best to get this
25 through as soon as possible.

1 10/18/01 - PUBLIC PROPERTY - BILL 000224

2 MS. DREB: Thank you.

3 COUNCILMAN KENNEY: Thank you for
4 coming.

5 Any questions?

6 Thank you very much.

7 Next bill on the agenda is Bill No.
8 000224, an ordinance authorizing the Commissioner of
9 Public Property to execute and deliver to the
10 Philadelphia Authority for Industrial Development,
11 PAID, without consideration, a deed conveying fee
12 simple title to a certain tract of City-owned land
13 with the buildings and improvements thereon, situate
14 at 1300, 1302, and 1304 Frankford Avenue, under and
15 subject to the terms and conditions of the
16 Philadelphia Industrial and Commercial Development
17 Agreement between the City, the PAID, and the
18 Philadelphia Industrial Development Corporation.

19 Please identify yourself for the record.

20 MR. PEREZ: Mr. Chairman, again Andres
21 Perez, Commissioner of the Department of Public
22 Property. I had understood this was withdrawn.

23 COUNCILMAN KENNEY: Let the record note
24 that this bill has been withdrawn.

25 The next bill for consideration is Bill

1 10/18/01 - PUBLIC PROPERTY - BILL 000316
2 No. 000261, which is an ordinance authorizing the
3 Commissioner of Public Property, on behalf of the
4 City of Philadelphia to purchase fee simple title to
5 certain properties bounded by Buttonwood Street,
6 Hamilton Street, Nectarine Street and Spring Garden
7 Avenue with any improvements situated thereon
8 located in the Fifth Ward, under certain terms and
9 conditions.

10 I assume Spring Garden Avenue is Spring
11 Garden Street.

12 MR. PEREZ: Yes.

13 COUNCILMAN KENNEY: Please identify
14 yourself for the record.

15 MR. PEREZ: Again, Mr. Chairman, I'm
16 Commissioner Perez, Department of Public Property.
17 And we are actually asking for withdrawal of this
18 bill in favor of handling this transaction through
19 Bill No. 000316. There were some errors when they
20 had been submitted and Bill No. --

21 COUNCILMAN KENNEY: So 000316 is
22 replacing 000261?

23 MR. PEREZ: Yes, with the correct
24 boundaries.

25 COUNCILMAN KENNEY: And that's been

1 10/18/01 - PUBLIC PROPERTY - BILL 000316

2 discussed with the District Councilperson?

3 MR. PEREZ: Yes.

4 COUNCILMAN KENNEY: Okay.

5 The next bill for consideration is on
6 000316, an ordinance authorizing the Commissioner of
7 Public Property, on behalf of the City of
8 Philadelphia to purchase fee simple title to certain
9 properties bounded by Buttonwood Street, North Ninth
10 Street, North Tenth Street, Nectarine Street and
11 Spring Garden Street with any improvements situated
12 thereon located in the Fifth Ward, under certain
13 terms and conditions.

14 Please identify yourself for the record.

15 MR. PEREZ: Good afternoon. I'm
16 Commissioner Perez, Department of Public Property,
17 Mr. Chairman. This ordinance allows us to exercise
18 our option to acquire these properties. It was an
19 option that we had overlooked in our prior
20 transaction when we acquired the building that was
21 associated with it. This closes the loop on that
22 and provides parking space that we are currently
23 paying a rental fee on.

24 COUNCILMAN KENNEY: Mr. Chapman.

25 MR. CHAPMAN: Once again, for the City

1 10/18/01 - PUBLIC PROPERTY - BILL 010494

2 MR. HAGLER: Good day, Councilman Kenney
3 and members of the committee. I am Otis Hagler,
4 Jr., Legislative Regulatory Affairs Manager for the
5 Department of Licences and Inspections. Today I am
6 here to provide testimony on Bill 010494 which, if
7 enacted, will require the posting of signs lifting
8 the method of payment at public parking garages and
9 lots. The department has no options to the
10 enactment of Bill 010494 and is prepared to enforce
11 its provisions should it become law. Thank you.
12 I'll be happy to answer any questions at this time.

13 COUNCILMAN KENNEY: Thank you very much.
14 For the record, this is an ordinance of my
15 suggestion. We receive in my office a number of
16 complaints from people both in town, in the City and
17 outside the City who upon visiting Philadelphia and
18 parking in one of our public parking lots return to
19 their car to find out that they can only pay cash
20 and not accept credit cards. And we wanted to make
21 it easier for people to pick and choose lots that
22 accept various methods of payment, especially with
23 people who are traveling for conventions and other
24 types of business. People normally use credit cards
25 as a regular act of doing business throughout their

1 10/18/01 - PUBLIC PROPERTY - BILL 010494

2 day. And we've gotten a number of complaints that
3 upon all day long parking that they're presented
4 with a 25 or \$30 parking bill, cash only. We don't
5 want to require the parking lot to do anything --
6 require them to do anything by accepting credit
7 cards, we just want to make sure that the parking
8 public was aware that this is a cash-only lot or
9 various methods of payment, so we thank you for your
10 testimony.

11 MR. HAGLER: Thank you.

12 COUNCILMAN KENNEY: Councilmember
13 Clarke.

14 COUNCILMAN CLARKE: Thank you, Mr.
15 Chairman. Just one quick question with respect to
16 the sizes of the garages. Is it subject to all,
17 everybody City-wide?

18 COUNCILMAN KENNEY: It's multi-level
19 garages, flat-level garages City-wide.

20 COUNCILMAN CLARKE: Thank you.

21 COUNCILMAN KENNEY: Any other questions?

22 Seeing none, this will conclude the
23 testimony on the bills listed day. I want to make
24 sure for the record that we had a quorum present
25 prior to the start of this hearing with

1 10/18/01 - PUBLIC PROPERTY - BILL 010494

2 Councilmember Rizzo, Council President Verna,
3 Councilmember Blackwell, Councilmember Clarke,
4 Councilmember Reynolds-Brown and Councilmember
5 Kenney as chairman.

6 That will conclude the business of the
7 public hearing.

8 - - -

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

- - -

Thursday, October 18, 2001

- - -

Public Meeting conducted by the
Committee on Public Property and Public Works, held
in Room 401, City Hall, Philadelphia, Pennsylvania,
on the above date, to consider action on the
following:

BILLS 000224, 000261, 000316, 010347, 010494,
010553

- - -

PRESENT:

COUNCILMAN JAMES F. KENNEY, Chair
COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN JANNIE BLACKWELL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK RIZZO

- - -

1 10/18/01 - PUBLIC PROPERTY - PUBLIC MEETING

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

4 The Chair recognizes Councilmember
5 Clarke for a motion on Bill 000316.

6 COUNCILMAN CLARKE: Thank you, Mr.
7 Chairman. I make a motion that Bill No. 000316 be
8 reported out of committee with favorable
9 recommendation and request for suspension of the
10 rules so as to be read at the next Session of
11 Council.

12 (Duly seconded.)

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

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: There are none
18 opposed.

19 Bill No. 000316 will be reported out of
20 the committee favorably. A request will be made for
21 rules suspension to allow first reading at our next
22 Council Session.

23 The Chair recognizes Councilmember
24 Blackwell for a motion on Bill No. 010347.

25 COUNCILWOMAN BLACKWELL: Mr. Chairman, I

1 10/18/01 - PUBLIC PROPERTY - PUBLIC MEETING

2 move that Bill No. 010347 be reported out of
3 committee with a favorable recommendation and also
4 that the rules be suspended so as to permit first
5 reading at our next Session of Council.

6 (Duly seconded.)

7 COUNCILMAN KENNEY: Moved and seconded.

8 All in favor?

9 (Aye.)

10 COUNCILMAN KENNEY: There are none
11 opposed.

12 Bill No. 010347 reported out of this
13 committee favorably. A request will be made for
14 rules suspension to allow first reading at our next
15 Council Session.

16 The Chair recognizes Councilmember
17 Blondell Reynolds-Brown for a motion on Bill No.
18 010494.

19 COUNCILWOMAN REYNOLDS-BROWN: Mr.
20 Chairman, I move that we move 010494 out of
21 committee with a recommendation and so have a first
22 reading at the first meeting of Council with a
23 suspension of the rules.

24 COUNCILMAN KENNEY: Thank you very much.

25 Do I hear a second?

1 10/18/01 - PUBLIC PROPERTY - PUBLIC MEETING

2 (Duly seconded.)

3 COUNCILMAN KENNEY: Move and seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN KENNEY: There are none

7 opposed.

8 Bill No. 010494 will be reported out of
9 this committee with a favorable recommendation. A
10 request will be made for rule suspension to allow
11 first reading at our next Council Session.

12 The Chair recognizes Councilmember Rizzo
13 for a motion on Bill No. 010553 with a suspension of
14 the rules.

15 COUNCILMAN RIZZO: I'm sorry, Mr. Chair.
16 I apologize I was not -- could you take care of that
17 one for me?

18 COUNCILMAN KENNEY: Sure. No problem.

19 Councilmember Blackwell, please would
20 you make a motion n Bill 010553?

21 COUNCILWOMAN BLACKWELL: Yes, Mr.
22 Chairman. I move that Bill No. 010553 be reported
23 out of committee with a favorable recommendation and
24 also a recommendation that the rules be suspended so
25 as to permit first reading the at our next Session

1 10/18/01 - PUBLIC PROPERTY - PUBLIC MEETING

2 of Council.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: Moved and seconded.

5 All in favor?

6 (Aye.)

7 COUNCILMAN KENNEY: There are none

8 opposed.

9 Bill No. 010553 reported out of this
10 committee favorably. A request will be made for
11 rules suspension to allow first reading at our next
12 Council Session.

13 That concludes business of today's
14 hearing and meeting. Thank you for your attendance.

15 I'm sorry. For the record Bill No.
16 000224 will be withdrawn at the request of the
17 sponsor. Bill No. 000261 will be also withdrawn at
18 the request of the sponsor.

19 That concludes our business. Thank you.

20 (Council adjourned at 1:54 p.m.)

21 - - -

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 October 18, 2001, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

Lisa C. Bradley, RPR
and Notary Public