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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania.
Thursday, September 15, 2005
9:45 a.m.

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8

BILLS 050421 AND 050660

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PRESENT:

10

COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILWOMAN JANNIE BLACKWELL

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COUNCILMAN DARRELL L. CLARKE

13

COUNCILMAN FRANK DiCICCO

14

COUNCILMAN W. WILSON GOODE, JR.

15

COUNCILMAN JAMES F. KENNEY

16

COUNCILMAN RICHARD T. MARIANO

17

COUNCILWOMAN DONNA REED MILLER

18

COUNCILMAN BRIAN J. O'NEILL

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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1 9/15/05 - RULES - BILL 050660

2 COUNCIL PRESIDENT VERNA: Good
3 morning, everyone. This is a public
4 hearing of the Committee on Rules
5 regarding Bill No. 050660. Mr. Wetzel is
6 here. I would appreciate his coming up
7 to the witness stand to testify.

8 MR. MCPHERSON: Should I read
9 the title?

10 COUNCIL PRESIDENT VERNA: I beg
11 your pardon?

12 MR. MCPHERSON: Should I read
13 the title?

14 COUNCIL PRESIDENT VERNA: I
15 would ask Mr. McPherson to first read the
16 title, please.

17 MR. MCPHERSON: Bill No.
18 050660, an ordinance approving the third
19 amendment of the redevelopment proposal
20 for the 44th and Aspen Urban Renewal
21 Area, being the area generally bounded by
22 Lancaster Avenue, Belmont Avenue,
23 Pennsgrove Street, 42nd Street,
24 Westminster Avenue, Holly Street, Aspen
25 Street, 40th Street, Haverford Avenue,

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2 44th Street, Fairmount Avenue and 47th
3 Street.

4 COUNCIL PRESIDENT VERNA: Good
5 morning. Please identify yourself for
6 the record and proceed with your
7 testimony.

8 MR. WETZEL: My name is Herbert
9 Wetzel. I'm Executive Director of the
10 Redevelopment Authority of the City of
11 Philadelphia.

12 Madam Chairperson and members
13 of the Committee, I am here to speak in
14 support of Bill No. 050660, which is the
15 third amendment of the redevelopment
16 proposal and the third amendment of the
17 Urban Renewal Plan for 44th and Aspen
18 Urban Renewal Area.

19 This bill would authorize the
20 Redevelopment Authority to acquire 377
21 properties, 239 vacant lots, 106 vacant
22 structures and 32 occupied structures for
23 residential and commercial development.

24 With regards to residential
25 development, 374 properties, which is 236

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2 vacant lots, 106 vacant structures and 32
3 occupied structures, will be acquired to
4 support the Mill Creek Hope VI
5 Revitalization Project that proposes the
6 development of 75 to 100 units of rental
7 housing and a minimum of 50 home
8 ownership units.

9 The total estimated cost for
10 the total Mill Creek Hope VI
11 Revitalization Project is \$163 million,
12 of which 30 million will be used for the
13 Mill Creek extension development that
14 these properties would be used for.
15 Construction is planned to commence in
16 the fall of 2006.

17 Regarding development for
18 commercial, three vacant lots are
19 proposed to be acquired. These
20 properties are proposed for construction
21 of a seafood take-out facility, including
22 cold storage and off-street loading, that
23 complements an existing seafood facility
24 known as Bottom of the Sea located across
25 the street from the vacant lots proposed

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2 to be acquired. The properties to be
3 acquired under this plan are within the
4 existing project area footprint.

5 Madam Chairperson and members
6 of the Committee, I respectfully request
7 favorable consideration of Bill No.
8 050660 and would ask for a suspension of
9 Council rules to allow a first reading on
10 September 15, 2005. Thank you.

11 COUNCIL PRESIDENT VERNA:
12 You're welcome.

13 The Chair recognizes
14 Councilwoman Blackwell.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President.

17 With regard to the bills and to
18 this legislation, we would like to say
19 that our job is to try to develop land.
20 If there are occupied owners or occupied
21 properties where you've done a lot of
22 renovations -- because most of the
23 information we have formally in RDA is
24 about five months old. If there are
25 people that are occupied owners, we're

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2 happy to work with them. If you just
3 renovated your property, please see
4 Alisa, who is in Xerox. Most of you know
5 her. And we will visit those.

6 What we really want to do is,
7 all of those that are old and where we
8 have a lot of lots or we have a lot of
9 abandoned property that will never be
10 fixed, please allow us the opportunity to
11 develop it.

12 Every now and then, we ask you
13 to face the fact that you are compensated
14 for your property and that I hope that
15 some of you will be honest and know that
16 if you've had a property or a vacant lot
17 for 20 years and you haven't been able to
18 do anything, then let us improve your
19 community, and give us the opportunity to
20 work with you and justly compensate you
21 in that regard.

22 Thank you, Madam President, and
23 welcome back.

24 COUNCIL PRESIDENT VERNA:
25 Welcome back to everybody. I hope

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2 everybody had a nice summer vacation.

3 COUNCILWOMAN BLACKWELL: Yes.

4 Welcome back.

5 COUNCIL PRESIDENT VERNA: Thank

6 you.

7 Mr. Wetzel, when you testified
8 on April 25th of this year on Bill No.
9 050215 regarding the approval of the
10 second amendment of the redevelopment
11 proposal for the 44th and Aspen Urban
12 Renewal Area, you stated that the total
13 project amount for the Mill Creek Hope VI
14 Project was approximately \$102 million.
15 However, today your testimony is that the
16 project will cost \$163 million, of which
17 \$30 million will be used for the Mill
18 Creek extension development.

19 Would you be kind enough to
20 explain what the Mill Creek extension
21 development comprises? Is it the
22 additional 75 to 100 rental units and the
23 50 or more home ownership units that you
24 mentioned in your testimony?

25 MR. WETZEL: Yeah. The Mill

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2 Creek Project, essentially all of the
3 land has been assembled for the original
4 Mill Creek Hope VI. PHA, in the
5 meantime, was able to develop an elderly
6 project several blocks away from the
7 original Mill Creek site and was able to
8 get additional money to have an expansion
9 of the Mill Creek Hope VI.

10 So you are correct, it is the
11 additional rental housing, the additional
12 up to 50 home ownership units that will
13 be built on the land that is in this
14 ordinance. And the additional money that
15 they're raising is through the sale of
16 tax credits and additional money from
17 HUD.

18 COUNCIL PRESIDENT VERNA: So
19 what is the additional \$31 million going
20 to be used for?

21 MR. WETZEL: It's going to be
22 used for the development of the rental
23 units and the home ownership units.

24 COUNCIL PRESIDENT VERNA: Would
25 you please explain what the sources of

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2 funding are for the total project? Are
3 there any NTI funds? If so, if you can
4 tell us and what amount.

5 MR. WETZEL: There are no NTI
6 funds being used in this. The land
7 assembly is being paid for by PHA, and
8 PHA is using both HUD money and
9 low-income housing tax credits to develop
10 this site.

11 COUNCIL PRESIDENT VERNA: Will
12 all of the occupants of the occupied
13 properties be relocated, and can you tell
14 us how that is progressing?

15 MR. WETZEL: That would not
16 have commenced. It cannot commence until
17 this ordinance would be approved by this
18 Council and signed by the Mayor.

19 COUNCIL PRESIDENT VERNA: Well,
20 I'm sure there had to be community
21 meetings so that people who are living in
22 these occupied properties would have some
23 indication as to what would be
24 forthcoming if in fact this ordinance
25 were approved.

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2 MR. WETZEL: My understanding
3 is that there's been communications
4 between the Councilperson's office and
5 staff and many of the residents in the
6 neighborhood.

7 VISITORS: No. No.

8 COUNCIL PRESIDENT Verna: I was
9 told that this hearing would take
10 approximately five minutes. Today is our
11 Council session day, and I'm going to be
12 very willing to listen for as long as we
13 can to the testimony, so I'm going to ask
14 that everybody be courteous and please be
15 brief.

16 Mr. Wetzel, what is the
17 projected completion date of the project?

18 MR. WETZEL: Council President,
19 I have Michael Johns here from the
20 Philadelphia Housing Authority who can
21 answer some of those questions you're
22 asking.

23 COUNCIL PRESIDENT Verna: Thank
24 you.

25 Sir, would you please identify

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2 yourself for the record?

3 MR. JOHNS: Good morning, Madam
4 President. Michael Johns. I'm the
5 General Manager for Program Development
6 and Design for the Philadelphia Housing
7 Authority.

8 Your question was how long
9 should the construction process take for
10 this development. We're estimating
11 approximately two and a half years to
12 complete construction for the 150 or so
13 properties.

14 COUNCIL PRESIDENT VERNA: With
15 regard to the Bottom of the Sea, Inc.
16 acquisition, who will pay the acquisition
17 cost?

18 MR. WETZEL: The acquisition
19 cost of this one -- can you hold a
20 second?

21 NTI funding.

22 COUNCIL PRESIDENT VERNA: I beg
23 your pardon?

24 MR. WETZEL: NTI funding.

25 COUNCIL PRESIDENT VERNA: I

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2 thought you said there was no NTI
3 funds --

4 MR. WETZEL: In the Hope VI
5 Project.

6 COUNCIL PRESIDENT VERNA: --
7 being used for the project.

8 MR. WETZEL: For the Hope VI
9 Project, there's no NTI funding.

10 COUNCIL PRESIDENT VERNA: So
11 how much of NTI money will be used for
12 the acquisition of the Bottom of the Sea,
13 Inc.?

14 MR. WETZEL: It's approximately
15 \$42,000.

16 COUNCIL PRESIDENT VERNA: Will
17 condemnation be required for either of
18 these projects?

19 MR. WETZEL: It is anticipated
20 that it will be, yes.

21 COUNCIL PRESIDENT VERNA: Very
22 well.

23 I don't have a board, so any
24 member that would like to ask a question,
25 if he or she would just indicate by

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2 raising their hand, I would be more than
3 happy to recognize you.

4 The Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Madam President.

8 Good morning. With respect to
9 the relocatees or the potential
10 relocatees in the Hope VI, is there a
11 process or will there be a process in
12 place if in fact individuals are
13 relocated, they will be given an
14 opportunity for first right of refusal
15 for any of the new home ownership units
16 or rental units that are built?

17 MR. JOHNS: We will do
18 everything in our power to offer any
19 relocatees opportunities for the new
20 housing units.

21 COUNCILMAN CLARKE: What are
22 your powers? You said you'll do
23 everything within your powers. What are
24 your powers?

25 MR. JOHNS: We have to follow

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2 essentially the same procedure that the
3 Redevelopment Authority has to do in
4 terms of relocation.

5 So in terms of -- all I can
6 explain is what we did in our first phase
7 when we did the relocations for
8 approximately 400 and so properties. The
9 residents who were relocated from the
10 community did have the opportunity to
11 return or to come back to the new
12 development, and some persons did.

13 COUNCILMAN CLARKE: Were those
14 residents PHA tenants?

15 MR. JOHNS: No. Some residents
16 were PHA residents and some residents
17 were private residents and that did come
18 back as renters or did come back as
19 homeowners.

20 COUNCILMAN CLARKE: Is that a
21 process that was authorized by --

22 MR. JOHNS: That became part of
23 the process, yes.

24 COUNCILMAN CLARKE: Will you
25 look at a similar process in this

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2 instance?

3 MR. JOHNS: Yes. Yes.

4 COUNCILMAN CLARKE: Can you
5 talk to me about how you do that? I know
6 there's certain restrictions as it
7 relates to opportunities for new housing.
8 I think you're required to have open
9 process.

10 MR. JOHNS: Sure.

11 COUNCILMAN CLARKE: But is
12 there like a point system or you give
13 some preferences to residents?

14 MR. JOHNS: Yes. What we did
15 was, for the Hope VI, public housing
16 residents that were initially affected by
17 the relocation had the first right, of
18 course, to return, because it was a
19 public housing site, and then we dealt
20 with the residents in the community who
21 also had the second sort of right to
22 return and have the opportunity to go
23 into the rental units or to the home
24 ownership units. So that's the way that
25 the process typically works.

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2 COUNCILMAN CLARKE: In terms of
3 the timing of all of that, what's the
4 timing? I understand once the ordinance
5 is passed, we essentially authorize the
6 Redevelopment Authority to proceed with
7 offer letters for taking. Does the
8 relocation process start simultaneous
9 with that or do you wait until everything
10 is done on the condemnation end?

11 MR. WETZEL: In essence, when
12 we send out the offer letter, we also
13 send out what's called the General
14 Information Notice regarding relocation,
15 and then we start following that up by
16 contacting the individuals, taking down
17 the data and their information, finding
18 out whether it's a tenant or
19 owner-occupied property and begin the
20 process of relocation.

21 If there's a possibility that
22 in working with PHA and if it looks like
23 there's a real possibility that someone
24 would come back to that particular
25 project site, we've worked with PHA in

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2 the past to do temporary relocations or
3 even PHA has provided units for
4 individuals to live in until they can
5 move back to the project site.

6 COUNCILMAN CLARKE: Some of the
7 terms that you are using, like
8 "possibilities" and "everything within my
9 power," leave me a little unclear. Is
10 there some sort of document or some sort
11 of memorandum of understanding that's
12 traditionally done in these cases
13 where -- I know you both, and I, more
14 often than not, trust you both, but when
15 you're talking about individuals' lives
16 and their homes, I think that the
17 preference to have something a little
18 stronger than the possibility or within
19 my power, some sort of language, an
20 official document or something that will
21 ensure that if in fact this proceeds in
22 this manner, there's a definite
23 opportunity for people to have the chance
24 of getting a new home in this immediate
25 area.

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2 Are you precluded by law to
3 have such a document?

4 MR. WETZEL: The regulations
5 that we operate under -- and the unique
6 thing here is, when we're dealing with
7 both public housing regulations and the
8 Uniform Relocation Act, which are not the
9 same set of regulations, Michael Johns
10 can correct me, but he has an obligation
11 for any PHA tenants that are moved, to
12 give them an opportunity to come back
13 first, because they were displaced by
14 this.

15 Under the act and legislation
16 that we operate under, persons displaced
17 by government action are to be given
18 first priority for the opportunities that
19 are created as a result of their
20 displacement.

21 We have worked with PHA to work
22 in that manner so that they can -- they
23 have to offer their tenants first under
24 their regulations, and then what we did
25 is then worked with displaced individuals

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2 once all the PHA tenants who wanted to
3 come back came back. Michael can correct
4 me if I'm wrong.

5 MR. JOHNS: That's right.

6 MR. WETZEL: But we are
7 required to offer those individuals
8 displaced by the project --

9 COUNCILMAN CLARKE: Out of the
10 proposed 39 relocatees, how many are PHA
11 residents?

12 MR. JOHNS: There are three
13 PHA-occupied households. Approximately
14 three.

15 COUNCILMAN CLARKE: So you're
16 only required to give first preference to
17 three PHA residents, and the remaining 36
18 will then be in that second tier of
19 priority?

20 MR. JOHNS: Right. Correct.

21 MR. WETZEL: That's correct.

22 COUNCILMAN CLARKE: Is that
23 something that's going to be in writing
24 or can you put it in writing?

25 MR. JOHNS: It's our policy.

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2 It's part of our standard policy for
3 relocation for Hope VI. It's part of the
4 HUD requirement.

5 COUNCILMAN CLARKE: Is it in
6 writing?

7 MR. JOHNS: Yes. The HUD
8 policy is in writing, yes.

9 COUNCILMAN CLARKE: Okay. Can
10 we have, through the Chair, a copy of
11 that document so people and
12 Councilmembers will have an understanding
13 of what that policy is as it relates to
14 this?

15 MR. JOHNS: Sure.

16 COUNCILMAN CLARKE: Thank you,
17 Madam President.

18 COUNCIL PRESIDENT VERNA:
19 You're welcome.

20 The Chair recognizes Councilman
21 Kenney.

22 COUNCILMAN KENNEY: Thank you,
23 Madam President.

24 What constitutes a person being
25 a tenant of PHA? What is the proof that

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2 they are a tenant? How do you determine
3 that? Is it the existence of a lease?

4 MR. JOHNS: Yes. They have a
5 lease with the Philadelphia Housing
6 Authority.

7 COUNCILMAN KENNEY: Will the
8 individuals who are involved who are not
9 PHA tenants, if you signed a lease with
10 them, would they not become a PHA tenant
11 and have first preference to the
12 properties?

13 MR. JOHNS: If they were on the
14 public housing waiting list and they met
15 the criteria and they became public
16 housing residents, then they would be
17 public housing residents.

18 COUNCILMAN KENNEY: Why can't
19 you just figure out a way to get the
20 other 36 people, if they are interested?

21 MR. JOHNS: There's a public
22 housing waiting list.

23 COUNCILMAN KENNEY: Who would
24 be the potential complainant in the event
25 that these people were given preference,

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2 if they desired to take one of these
3 units? I mean, is not their relocation
4 hardship enough that they would be given
5 at least the same priority as the
6 existing three PHA tenants?

7 I mean, if you're taking
8 someone's home, that's pretty much making
9 them homeless. The regulations would
10 preclude those people from being given a
11 special circumstance because of the
12 hardship that they're facing as a result
13 of government action?

14 MR. JOHNS: No. I think Herb
15 talked about the relocation.

16 COUNCILMAN KENNEY: But haven't
17 we been able to give people preference,
18 and understandably so, who we're
19 intending to bring up from the Gulf Coast
20 in public housing?

21 I mean, I understand the
22 disaster is of an amazing proportion, but
23 losing your home in Philadelphia is no
24 different than losing your home anywhere
25 else, and if --

12 (Applause.)

15 COUNCILWOMAN MILLER: Thank
16 you, Madam President.

17 Mr. Wetzel, I guess about a
18 year and a half ago when we had hearings
19 regarding relocation, some of the first
20 relocations under the NTI program, there
21 was a system there that needed to be
22 revised or improved. Can you tell me
23 what the process is and the time line in
24 terms of notification to residents
25 regarding their request to be relocated?

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2 MR. WETZEL: Yes.

3 COUNCILWOMAN MILLER: And what
4 changed? I mean, then there were some
5 things clearly that needed to be changed,
6 and what has improved?

7 MR. WETZEL: What we
8 essentially did was, the system of
9 notification now is that, first of all,
10 people are notified in advance of this
11 hearing.

12 In addition to that, we worked
13 with Community Legal Services and a
14 number of the legal providers in the City
15 of Philadelphia so that in addition to
16 when they received their first notice
17 letter, they're also receiving
18 information on free legal services that
19 will be available to them. We send out
20 what's called a General Information
21 Notice that essentially says, Look, don't
22 move, if we proceed, you'll be entitled
23 to benefits, don't move, don't stop
24 paying your rent, don't stop paying your
25 mortgage, you're still the owner of the

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2 property.

3 Staff goes out and does
4 interviews and takes down information.
5 There could be two households sharing a
6 house, so we may have two relocations at
7 one site rather than just one.

8 But we begin working with
9 people and we begin explaining to them
10 and providing to them the information
11 both in brochures and explaining to
12 individuals their rights under the
13 Uniform Relocation Act.

14 They have a right to a
15 replacement -- first of all, they have a
16 right to just compensation for their
17 property. They have the right to a
18 replacement dwelling unit, and if that
19 replacement dwelling unit is more
20 expensive than the house that we're
21 acquiring, we have an obligation to pay
22 the difference. So if the house is
23 appraised for \$30,000 and the replacement
24 dwelling unit is \$60,000, we have an
25 obligation to not only pay the \$30,000

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2 for the home but the additional \$30,000
3 to acquire the replacement house.

4 We have an obligation to pay
5 any additional closing costs that are
6 incurred by the owner as a result of the
7 acquisition of the replacement house.
8 We're required to pay either a fixed
9 moving payment or an actual moving
10 payment. A fixed moving payment means if
11 you've got seven rooms in the house, you
12 get a \$950 check and you move yourself or
13 you can have a bonded insured mover come
14 in, pack, move you and unpack you. We
15 pay either way. Those are our
16 obligations for a tenant-occupied
17 property.

18 We have an obligation to find a
19 comparable rental unit for that
20 individual. If the individual is
21 currently paying \$250 a month for a
22 rental unit and the comparable dwelling
23 unit is \$450 a month, we have to pay that
24 additional \$200 difference for five years
25 or 60 months.

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2 Again, we also have the
3 obligation to put down the deposit, the
4 security deposit, for that particular
5 unit and we have an obligation to provide
6 the tenant with an actual or fixed moving
7 payment.

8 A little bit more complicated,
9 and I'll try to be real brief with it,
10 is, tenants can take their payment and
11 become homeowners. In the example I gave
12 you, 60 months times 200 is \$12,000.
13 We've had tenants take that money and put
14 a down payment on a house and become a
15 homeowner. That's their right under the
16 Uniform Act.

17 And on other occasions, we've
18 had elderly individuals who basically
19 have said, I don't need to own a home
20 anymore, I'm going to become a tenant, I
21 want to move into a senior complex.

22 So you can be homeowner to
23 homeowner, tenant to tenant, tenant to
24 homeowner or homeowner to tenant. In all
25 of those situations, we have specific

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2 obligations under the federal regulations
3 under what's called the Uniform
4 Relocation Act.

5 COUNCILWOMAN MILLER: And this
6 whole process takes what in months? It's
7 not something that just happens over
8 night.

9 MR. WETZEL: Generally it's
10 nine to 12 months.

11 COUNCILWOMAN MILLER: Nine to
12 12 months, okay. So nine to 12 months
13 ago you started talking to residents in
14 this area?

15 MR. WETZEL: No. No. No.

16 COUNCILWOMAN MILLER: Or the
17 first notification --

18 MR. WETZEL: No. Nine to 12
19 months from when Council and the Mayor
20 authorize an ordinance.

21 COUNCILWOMAN MILLER: So how
22 long ago was that in this case?

23 MR. WETZEL: The ordinance is
24 before the Council today. It has not
25 been passed.

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2 COUNCILWOMAN MILLER: All
3 right. But people have been talked to,
4 notified, what?

5 VISITORS: No. No. No.

6 COUNCILWOMAN MILLER: Okay.
7 Thank you.

8 Thank you, Madam President.

9 COUNCIL PRESIDENT Verna: Are
10 there any other members of the Committee
11 that would like to ask any questions?

12 (No response.)

13 COUNCIL PRESIDENT Verna:
14 Seeing none, the Chair recognizes
15 Councilman DiCicco.

16 MR. JOHNS: We have copies of
17 the Relocation Act.

18 COUNCIL PRESIDENT Verna: Just
19 a moment, sir.

20 COUNCILMAN DiCICCO: Thank you,
21 Madam President.

22 I don't particularly want to
23 put my nose in some other Councilperson's
24 business, but, Mr. Wetzel, of the 32
25 occupied properties, how many of those

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2 are homeowners versus renters?

3 MR. WETZEL: I'll have to get
4 the number for you. I don't have it
5 right now.

6 COUNCILMAN DiCICCO: This
7 sounds very similar to me, having gone
8 through this on a number of occasions
9 with the former Martin Luther King
10 Housing Development, which ultimately
11 became the Universal Homes, and then the
12 Jefferson Square Project, which is coming
13 to its completion. That, I think, is
14 probably more similar to this situation
15 than the others, where we were able to,
16 as you know, work out some arrangements
17 with some of the long-time residents who
18 really didn't want to move out of the
19 neighborhood where we made that
20 arrangement where there's some equity --
21 or the relocation dollars were put into
22 the CDC for the purpose of them then
23 becoming homeowners of the new newly
24 built home.

25 Is there any discussion about that

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2 or is it too early for that to happen?

3 MR. WETZEL: What's different
4 here, and Michael Johns is going to have
5 to answer this, this is a federally
6 financed public housing activity. And
7 Mr. Johns is going to be in a position to
8 answer that, because like I tried to
9 explain a little bit earlier, you have
10 two federal laws or set of regulations in
11 operation right now. We're going to have
12 to follow the Uniform Relocation Act.
13 PHA is going to have to follow the Hope
14 VI regulation.

15 COUNCILMAN DiCICCO: So there's
16 no adjustment to be made as we were able
17 to do with Jefferson Square because it
18 was a combination of federal and city,
19 state and some private monies?

20 MR. WETZEL: Right, but it was
21 federal CDBG and HOME money rather than
22 federal public housing dollars. But I
23 think Mr. Johns indicated before that we
24 have and will continue, or PHA will, to
25 make every effort to anybody who is

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2 displaced for this project to come back.

3 COUNCILMAN DiCICCO: I'm sure
4 you will. I just was curious as to
5 what -- now I understand better why you
6 can't mirror the same process we did at
7 Jefferson Square. Thank you.

8 Thank you, Madam President.

9 COUNCIL PRESIDENT VERNA:
10 You're welcome.

11 Do we have any other questions
12 of these witnesses?

13 (No response.)

14 COUNCIL PRESIDENT VERNA:
15 Seeing none, do we have anyone else who
16 would like to testify?

17 Please approach the witness
18 table, identify yourself, please.

19 Mr. Wetzel, I ask that you
20 remain behind.

21 Good morning. Please identify
22 yourself.

23 MS. ROSE PHILLIPS: Good
24 morning. My name is Rose Phillips and I
25 am a homeowner. I don't presently live

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2 in my house, but I have to move back
3 because where I am, I have to move out
4 of. Okay? But before --

5 COUNCIL PRESIDENT VERNA: So is
6 your home presently vacant?

7 MS. ROSE PHILLIPS: Someone is
8 there.

9 COUNCIL PRESIDENT VERNA: -- or
10 is it rented?

11 MS. ROSE PHILLIPS: Someone is
12 there.

13 But before you do anything, I
14 would ask that you would have Michael
15 Johns, Jannie Blackwell, and whoever else
16 needs to be there, to come to our
17 neighborhood and have a meeting so we can
18 voice our opinions, what we want to do
19 and how we want to do it, and not just
20 let them dictate to us. That's all.
21 Thank you.

22 COUNCIL PRESIDENT VERNA:
23 You're welcome. Our next witness.

24 (Applause.)

25 PASTOR BRYANT: My name is

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2 Pastor Lavenia Bryant and I represent
3 this group in the area from Haverford
4 Avenue to Lancaster Avenue from 42nd on
5 up, and I want to speak expressly to
6 everyone involved in this situation.

7 We're here to protest the
8 eminent domain taking place in our
9 Lancaster Avenue community impacting our
10 properties.

11 Eminent domain, the definition
12 for it is, the power of the state to
13 demand the compulsory purchase of private
14 property for its own use without the
15 owner's consent. Governments have used
16 eminent domain to acquire real property
17 for the completion of a public project,
18 such as a road, where the owner is
19 unwilling to negotiate a price for its
20 sale.

21 Nationally, across the United
22 States, we are seeing an increasing abuse
23 by state and local government of eminent
24 domain powers. Instead of dislocating
25 property owners for public projects,

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2 for the project of private developers, as
3 I said before. Amen. And we are tired
4 of it. Amen.

5 And then you want to give us a
6 little money, root up our businesses that
7 we worked for all of our lives. Our
8 businesses were established when we were
9 children.

10 (Applause.)

11 PASTOR BRYANT: I was working
12 in a store at 4219 Aspen Street when I
13 came home from school so we could pay for
14 that building. We took turns jumping
15 rope in front of the store and waiting on
16 the customers, amen, so that we could pay
17 for those buildings that we own today.
18 Amen. And we bought it with hard-earned
19 money. Amen. We worked for it. Nobody
20 gave us a grant. Amen. And even in the
21 last five years or more, I put in for two
22 grants to even give improvement to the
23 two business properties that I had and
24 was denied. Yet we have, like the man
25 said earlier, people coming out of the

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2 country and getting the monies and the
3 fundings to redevelop and to do whatever
4 they want on our property. Amen. And we
5 have a problem with that.

6 The problem of eminent domain
7 abuse was highlighted by the Supreme
8 Court decision in June 2005, Kelo versus
9 City of New London. This decision gives
10 government the green light to take your
11 home or business and give it to a
12 politically connected private developer
13 because that developer might be able to
14 produce more taxes and more jobs off of
15 your land.

16 In response to this abuse, more
17 than 30 states have passed or have
18 introduced legislation offering
19 protection to property owners, which is a
20 good thing.

21 State Senator Jeffrey Piccola
22 introduced legislation, 2005 PA, HB 1835
23 on July 1st, 2005. This legislation has
24 been sponsored by State Representative
25 Thomas Yewcic. The legislation has been

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2 sent to the Committee on State
3 Government, and public hearings are
4 currently being held. If passed, the
5 legislation will amend the Pennsylvania
6 statute to read, A municipality has no
7 power or right to appropriate a property
8 by eminent domain to turn it over to a
9 non-public interest or to add or increase
10 the tax base of the municipality, to take
11 land by condemnation without a reverter
12 clause in the declaration of taking which
13 clause assures that the property will
14 revert back to the condemnee or its heirs
15 should the property ever be used for a
16 non-public purpose.

17 And we believe that if you're
18 going to take our property, amen, to make
19 money for yourself or your vision that
20 you have, then you are to put us back in
21 our properties, give it back to us after
22 you redevelop it so it won't stick out
23 like a sore thumb and mess up your plan.

24 (Applause.)

25 PASTOR BRYANT: 2005 HB 1836

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2 was also introduced by Representative
3 Yewcic. It amends all the preliminary
4 languages on objections of the above
5 House bill.

6 If our own state government in
7 our states are recognizing that there is
8 an abuse of eminent domain going on
9 across the country, why are we still
10 seeing this happen in Philadelphia, amen,
11 the City of Brotherly Love, amen, the
12 first state? Okay?

13 If our own government and our
14 states are not recognizing the abuse,
15 then who do we have fighting for us? Who
16 have we elected and who have we put in
17 place to fight for us? Why aren't you
18 doing your jobs? Amen.

19 We very seldom get this
20 opportunity to speak such as I'm speaking
21 today. So we have you for our mouth
22 piece, and we want you to stand up for us
23 and fight for our rights. And I'm going
24 to tell you something, minority people
25 don't have a problem with redeveloping.

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2 We don't have a problem with that. We
3 like upgrading. We like to see things
4 look better, but why tear our houses down
5 and give us nothing, and our businesses?

6 I have two businesses. Why
7 tear them down and give us nothing for it
8 when we have worked and struggled so hard
9 way back to the proclamation of
10 emancipation, amen, all the way back to
11 Abraham Lincoln? Let's go all the way
12 back to when the Americans came in and
13 took the property from the Indians.
14 Okay? Let's go all the way back there.
15 Amen. Same scenario, and you're still
16 doing the same things. Nothing has
17 changed. Amen. Nothing has changed, and
18 it's time for change. It's time for
19 change. Amen.

20 (Applause.)

21 COUNCIL PRESIDENT VERNA: Thank
22 you very much. If you could conclude
23 your remarks, I would really appreciate
24 it, because we do have Council sessions.

25 PASTOR BRYANT: Two minutes,

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2 because I'm speaking for all the people
3 behind me, so there won't be a whole lot
4 more people speaking, so I'm going to
5 finish this. It's only going to take me
6 a couple of minutes. Amen.

7 Eminent domain was never
8 intended to displace low-income property
9 owners to raise more tax money for the
10 City. I think the City is getting a
11 whole lot of taxes now. Amen.
12 Everybody's car is in the pound. Amen.
13 We are getting a whole lot of money from
14 that. We got other avenues, the parking
15 tickets. We got to fold up our cars and
16 put them in our pocket when we go
17 downtown. Amen.

18 So I believe the City is
19 getting enough money to do some things
20 that need to be done. Amen. The poor
21 people, and especially the minority poor
22 people in this City, have been the
23 victims of displacement for more than 50
24 years. We have seen urban renewal slum
25 clearance and university expansion

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2 disrupt entire communities.

3 As I discussed, I discussed it
4 with a friend of mine and a neighbor
5 concerning this eminent domain, and she
6 told me about her grandmother who at the
7 age of 73 had been displaced four times,
8 four times in less than five years in
9 North Central Philadelphia during the
10 '50s as a result of urban renewal. She
11 owned a property on North Warwick Street
12 for more than 35 years. She was forced
13 to move from a stable block because of
14 the Housing Authority's plans to erect
15 Harrison Plaza.

16 This block consisted primarily
17 of homeowners who maintained their
18 properties and kept their blocks clean.
19 She wanted to stay in her long-term
20 community and move to North 11th
21 Street -- she had to move to North 11th
22 Street as a renter, not a homeowner
23 anymore but a renter, amen, in the Temple
24 University expansion plan.

25 When she moved to 13th and

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2 Girard Avenue, she was displaced by the
3 development of the Yorktown community.
4 She finally relented and moved out of the
5 community to North 16th Street.

6 So, see, more than once and
7 more than twice, amen, she was uprooted
8 from her home. Now, this is America.
9 Amen. There used to be a time they only
10 asked for 40 acres and a mule. We know
11 now that we've gone further than that.
12 Only the farmers need the mule now.
13 Okay? But we still yet need our
14 stabilized position in life like
15 everybody else. Amen.

16 We don't want to be uprooted,
17 but we don't mind you fixing up our
18 properties and giving it back.

19 COUNCIL PRESIDENT VERNA: I
20 don't want to be rude. I think your
21 testimony has been excellent.

22 PASTOR BRYANT: And I thank you
23 so much for your time.

24 COUNCIL PRESIDENT VERNA:
25 However, we are pressured for time. We

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2 do have our Council session today and we
3 do have another bill to be considered.

4 And I just feel very confident that --

5 PASTOR BRYANT: I think that I
6 said --

7 COUNCIL PRESIDENT VERNA:

8 Excuse me. I just feel very confident
9 that you will have another opportunity to
10 express your views.

11 Our next witness --

12 PASTOR BRYANT: I want to thank
13 you for your time, you and everybody that
14 heard.

15 COUNCIL PRESIDENT VERNA:

16 You're welcome, I'm sure. Thank you for
17 coming in.

18 Our next witness is a
19 representative from St. Ignatius Church.

20 MS. LISA JONES: Excuse me. I
21 think I was here before the next witness.

22 COUNCIL PRESIDENT VERNA: I'm
23 sorry?

24 MS. LISA JONES: I said I don't
25 want to be rude, but I was sitting up

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2 here before anyone else came up, and I
3 did want to speak. I'm a homeowner.

4 COUNCIL PRESIDENT VERNA: I
5 can't hear a word you're saying.

6 MS. LISA JONES: I said I was
7 here before whoever you're speaking with,
8 unless you're cutting off the homeowners
9 to stop speaking.

10 My name is Lisa Jones. I'm a
11 homeowner on the 600 Preston Street. I
12 more so had questions I just wanted to
13 throw out to you, because I got my letter
14 yesterday. I did find out about this two
15 weeks ago because other neighbors got
16 their letters two weeks ago, but I got my
17 letter yesterday, because I called.

18 But I wanted to put these
19 questions out, because I'm a homeowner
20 and I'm a low-income homeowner, a working
21 low-income homeowner, a wife, a mother,
22 and I have watched that area -- I don't
23 want to lose focus. That's why I wrote
24 my questions.

25 In any event, I want to put

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2 this out here. One, I wanted to know who
3 are all these shareholders for this
4 project? Just food for thought for my
5 own needs. And what are the specific
6 areas allocated for the locations of
7 relocating people?

8 Have you considered the overall
9 well-being, physically, mentally,
10 spiritually, of the homeowners? And how
11 our seniors, like the Reverend just was
12 speaking about, specifically our seniors,
13 is going to be -- what service is going
14 to be allocated for them?

15 What is the complete criteria
16 that's going to be offered for these
17 changes that's going to be taking place?
18 What information is going to be given
19 back out to the community? And is
20 anything in writing about the obligation
21 that's being offered?

22 That's the last thing I wanted
23 to say. Thank you.

24 COUNCIL PRESIDENT VERNA:
25 Father?

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2 COUNCILMAN KENNEY: Madam
3 President?

4 COUNCIL PRESIDENT Verna: Yes.

5 COUNCILMAN KENNEY: I recognize
6 this is a very difficult process, and it
7 always will be, but the fact that this
8 witness who just testified said that she
9 got her letter yesterday, to me it
10 doesn't seem as if this is really ready.
11 And the one thing I would like to see,
12 and I know we've had some discussion on
13 the Committee, is that I would like to
14 see the RDA and the PHA take a week and
15 maybe try to figure out a way to, in a
16 document, to guarantee people who have
17 lived there for generations, that they
18 have first shot at the houses. I just
19 think it's fair.

20 I mean, again, as I said
21 earlier, everyone wants to see the
22 improvement in the neighborhood,
23 including the people that are here, but
24 really they should not suffer as a result
25 of it. I know the timetable and the tax

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2 credits are critical, but I think our
3 discussion on schedule allows us six,
4 seven days to try to come up with
5 something that gives people some level of
6 comfort that they're going to be taken
7 care of.

8 I just think getting a letter
9 the day before is really -- and I
10 recognize the size of the bureaucracy,
11 and I'm not criticizing, because things
12 do happen, but I can't imagine going to
13 the mail slot and getting a letter that
14 tomorrow the future of my home is going
15 to be decided on. I just don't think
16 it's a fair way to do things. And I
17 think we have time to at least try to
18 give them some legal assurances that
19 they'll have the first crack at the new
20 homes.

21 COUNCIL PRESIDENT VERNA: Thank
22 you, Councilman.

23 Father, kindly identify
24 yourself for the record. Thank you again
25 for your patience.

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2 FATHER OKONSKI: My name is
3 Father Joseph Okonski. I'm Pastor of Our
4 Mother of Sorrows Church at 48th and
5 Girard and St. Ignatius Church at 43rd
6 and Wallace. We're directly impacted
7 because several weeks ago we received a
8 letter also stating that a piece of our
9 property, which is used for the
10 playground for our day care and also as a
11 prayer garden, would be assumed by
12 eminent domain.

13 Certainly that was the only
14 notice that we have received.
15 Immediately we contacted Councilwoman
16 Blackwell's office. We sent them a
17 letter, we notified them, and gratefully,
18 we have found out that through Alisa, who
19 has been working with us, that that 646
20 property has been removed from the
21 eminent domain list, and we are very,
22 very grateful, and we thank you,
23 Councilwoman Blackwell.

24 COUNCILWOMAN BLACKWELL: Thank
25 you.

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2 FATHER OKONSKI: But we have to
3 listen very carefully. Pastor Bryant
4 spoke so very, very well, as did so many
5 of these people here. There's a lot of
6 hurt. There are many people who feel
7 that they're very much out alone. We,
8 along with everyone here, we have not
9 been notified. There have been no public
10 meetings to let us know what is happening
11 in our neighborhood.

12 We are very grateful for
13 redevelopment. We are very grateful for
14 all that is happening, but the people
15 that are still living there have lived
16 there for years and have lived through a
17 lot of difficulties. They've endured
18 crime. They've endured the drugs.
19 They've endured all the abandoned homes,
20 and it is their neighborhood. And we
21 have been there well over 150 years
22 ourselves.

23 So we would just ask that talk
24 to us, communicate with us, let us know
25 what is happening in our neighborhood,

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2 and please ensure that those who do live
3 there will be properly and justly taken
4 care of.

5 Thank you.

6 (Applause.)

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilwoman Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank
10 you very much. Thank you, Father, and
11 thank you, Pastor, who testified and all
12 who are here.

13 All the visitors here are
14 concerned. Again, I'll ask Alisa to
15 raise her hand. All of you who are an
16 owner-occupied property, please see her.

17 As you know, Madam President,
18 whenever there's been a meeting where we
19 talk about this issue in the community, I
20 attend. I absolutely don't know why
21 people feel that they don't know what's
22 going on and that they're left out of the
23 loop.

24 Having said that, there is a
25 process, and I agree that people should

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2 know and should have in writing, and
3 we've already talked with Michael Johns
4 and we'll talk with Carl Greene about
5 them seeing it again in writing and
6 bringing it back, if you will agree to
7 continue this hearing, so that they're
8 not afraid of what is happening and so
9 that people don't feel disenfranchised.
10 Certainly it is not the intent of the
11 City.

12 For the Pastor who asked about
13 who earns money, it's all government
14 money. It's tax money, whether it's on a
15 federal or local level, and so there is
16 no private entity earning money, and it
17 is all -- I don't believe of those who
18 need fighting those who don't have. It
19 just doesn't make sense, because we're
20 all the same community.

21 So certainly we are happy to
22 meet with them, and those of you with
23 specific issues who are in properties
24 that you own, please see Alisa. And any
25 other meetings that are called, we're

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2 always happy to go.

3 I regret, Madam President, that
4 we're here and that there is a debate,
5 but certainly we hear the concerns of the
6 community and are happy to ask you if you
7 would continue this for a week so that we
8 may have a chance to get together and see
9 what we can work out with PHA.

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 COUNCILWOMAN BLACKWELL: And
13 the Redevelopment Authority. Forgive me.

14 COUNCIL PRESIDENT VERNA: At
15 the request of the sponsor of this bill,
16 we're going to continue the public
17 hearing until Wednesday, September 21st
18 at 10:00 a.m. Any of you that would like
19 to come back to testify are certainly
20 more than welcome to, and I feel very
21 confident that there will be a meeting
22 scheduled with the community, the
23 Redevelopment Authority, PHA and
24 Councilwoman Blackwell to address any and
25 all of your concerns.

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2 So, as I said, at the request
3 of the sponsor, we will continue this
4 hearing until Wednesday, September 21st
5 at 10:00 a.m., and I'm certain that all
6 of your concerns can be addressed between
7 now and then.

8 Thank you all very much for
9 coming in. We do have another bill to be
10 heard, so if you feel that you would like
11 to leave, you can do so, and please do so
12 in a very, very quiet manner. Thank you
13 very much.

14 The next bill to be considered
15 is Bill No. 050421, and I would ask
16 Mr. McPherson to please read the title of
17 the bill.

18 MR. MCPHERSON: An ordinance to
19 amend the Philadelphia Zoning Maps --

20 COUNCIL PRESIDENT VERNA: I'm
21 sorry. We're trying to conduct business.
22 Please leave very orderly and very
23 quietly. Thank you.

24 MR. MCPHERSON: An ordinance to
25 amend the Philadelphia Zoning Maps by

1 9/15/05 - RULES - BILL 050421
2 changing the zoning designations of
3 certain areas of land located within an
4 area bounded by Bluegrass Road, Grant
5 Avenue, Ashton Road and Willits Road.

6 COUNCIL PRESIDENT Verna: Who
7 do we have to testify on this?

8 Please identify yourself for
9 the record and proceed with your
10 testimony.

11 MR. GREGORSKI: Good morning,
12 Madam President, members of the Rules
13 Committee. My name is Martin Gregorski.
14 I'm a Zoning Planner --

15 COUNCIL PRESIDENT Verna:
16 Excuse me, sir.

17 The noise level is much too
18 high. As I said, we are trying to
19 conduct business. Thank you.

20 MR. GREGORSKI: Good morning,
21 Madam President, members of the Rules
22 Committee. My name is Martin Gregorski.
23 I'm a Zoning Planner in the Development
24 Planning Division of the City Planning
25 Commission. I'm here today to testify on

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2 Bill No. 050421.

3 Bill No. 050421 was introduced
4 by Councilmember O'Neill on May 12th of
5 this year. This bill rezones an area
6 bounded by Bluegrass Road, Grant Avenue,
7 Ashton Road and Willits Road. The
8 purpose of this bill is to rezone
9 approximately 19 acres of land from a
10 zoning designation of L-2 limited
11 industrial to a designation of R-1A
12 residential in order to allow the
13 development of 71 detached single-family
14 dwellings on proposed new City streets.

15 The proposed development will
16 have an area above the underground
17 stormwater management system dedicated
18 for a community park.

19 The Planning Commission, at its
20 meeting of March 10, 2005, considered and
21 approved this item as a preliminary plat.
22 Accordingly, this bill is consistent with
23 previous policy of the Planning
24 Commission and we recommend that it be
25 approved.

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2 I'll be happy to answer any
3 questions of the Committee.

4 COUNCIL PRESIDENT VERNA: Thank
5 you. Are there any L-2 uses on this
6 property presently? If so, can you tell
7 us what they are?

8 MR. GREGORSKI: This property
9 is currently vacant --

10 COUNCIL PRESIDENT VERNA:
11 Excuse me. And will they have to be
12 relocated?

13 MR. GREGORSKI: There are no
14 relocations on this property. It's
15 currently vacant industrial land.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Who is the developer?

19 MR. GREGORSKI: The developer
20 is Synergy Group, LLC.

21 COUNCILMAN O'NEILL: There's
22 actually two different developers.

23 COUNCIL PRESIDENT VERNA:
24 Councilman O'Neill, since you know who
25 the developers are, would you make note

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2 for the record, please?

3 COUNCILMAN O'NEILL: Yes.

4 There are two different developments,
5 side by side almost, on two separate
6 parcels that will be somewhat identical,
7 but two different developers bought each
8 parcel and have met with the Ashton Civic
9 Association and worked out the parameters
10 of new single homes in this area.

11 Bienenfeld and Company -- I'm
12 not exactly sure of the proper title of
13 the company, but Bienenfeld Corporation
14 is one of the developers and I believe
15 the other developer is a gentleman named
16 Azafran.

17 MR. GREGORSKI: Correct.

18 COUNCILMAN O'NEILL: And they
19 have had many community meetings and it's
20 been worked out.

21 They will still have to go to
22 the Zoning Board after this, because they
23 won't meet all the metes and bounds of
24 these districts, but they kind of fall
25 between two districts and this is the

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2 stricter of the two.

3 And because there are
4 industrial properties nearby, they have
5 agreed to put in the documents of each of
6 the homeowners that they are living next
7 to existing industrial, so the industrial
8 owners in the area, particularly one
9 building, will not have what often
10 happens happen to them, which is people
11 complaining about noise or trucks coming
12 by, because they were there first.

13 But it would be an improvement
14 to the neighborhood and the surrounding
15 row home areas. A lot of apartments in
16 this area are happy to see the single
17 homes being built.

18 Thank you.

19 COUNCIL PRESIDENT Verna: Thank
20 you.

21 If this is approved, when do
22 you anticipate that the project will be
23 completed?

24 MR. GREGORSKI: This project
25 still has to go for a final plat approval

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2 after the rezoning of this property.
3 That could take place as early as next
4 month. After that, they could go to the
5 Zoning Board. Roughly take eight weeks
6 or so. Right after that, building
7 permits and construction.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 Are there any questions from
11 members of the Committee?

12 (No response.)

13 COUNCIL PRESIDENT VERNA:
14 Seeing none, do we have anyone that would
15 like to testify on this bill?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: Is
18 there a request for a suspension of the
19 rules?

20 COUNCILMAN O'NEILL: I've got
21 no request.

22 COUNCIL PRESIDENT VERNA: So
23 we'll just let it go.

24 Okay. This will conclude the
25 public hearing of the Committee on Rules.

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2 The Chair recognizes Councilman
3 Clarke regarding Bill No. 050421. We
4 will now go into our public meeting.

5 COUNCILMAN CLARKE: Thank you,
6 Madam President. Madam President, I move
7 that Bill No. 050421 be reported out of
8 Committee with a favorable
9 recommendation.

10 COUNCIL PRESIDENT VERNA: Do I
11 hear a second?

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: It
14 has been moved and seconded that Bill No.
15 050421 be reported out of Committee with
16 a favorable recommendation.

17 All in favor will indicate by
18 saying aye.

19 (Aye.)

20 COUNCIL PRESIDENT VERNA: Those
21 opposed?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: The
24 ayes have it and the bill will be
25 reported out of Committee with a

1 9/15/05 - RULES - BILL 050421

2 favorable recommendation.

3 I would like to reiterate that
4 Bill No. 050660 will be continued until
5 Wednesday, September 21st at 10:00 a.m.

6 I would ask my colleagues to
7 please go immediately into the caucus so
8 that we can in fact get started with our
9 caucus and then come into our Council
10 session.

11 And for our visitors, we should
12 not be more than 15 minutes. Thank you.

13 (Committee on Rules concluded
14 at 10:50 a.m.)

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foregoing matter on September 15, 2005, and

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