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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COMMITTEE ON STREETS AND SERVICES

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- - -
Room 400 City Hall
Philadelphia, Pennsylvania
Mon., 5/10/99, 2:10 p.m.
- - -

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BILL 990143 - Authorizing striking from City Plan
of East River Road from Calumet Street. . .

7

BILL 990151 - Authorizing construction of sanitary
sewer, appurtenant work in portion of Trevoise Rd.

8

BILL 980758 - Authorizing construction of water
main and appurtenant work to provide. . .

9

BILL 990205 - Authorizing G&G Enterprises to
construct and maintain building encroachment. . .

10

BILL 990218 - Authorizing LaLiberte, LP to
construct and maintain building footings. . .

11

BILL 990139 - Granting permission to Charles M.
Falk, owner of the newsstand located at. . .

12

BILL 990145 - Granting permission to Girish P.
Sanghvi, owner of the newsstand located at. . .

13

BILL 990159 - Authorizing Joseph Stanfa to
construct and maintain a canopy. . .

14

BILL 990185 - Authorizing Gino DeJesse, owner of
the property 1824 East Passyunk Avenue. . .

15

BILL 990202, 990203 - Authorizing the University
of the Arts to construct and maintain. . .

16

BILL 990204 - Granting permission to Elizabeth M.
Landy to construct. . .

17

BILL 990226 - Amending an ordinance authorizing
and directing revision of lines and grades. . .

18

BILL 990252 - Granting permission to Thomas J.
Elliot to construct. . .

19

BILL 990250- Rehabilitating retaining wall. . .

20

PRESENT: COUNCILMAN FRANK DICICCO, Chairman
COUNCILMAN DAVID COHEN
COUNCILMAN ANGEL ORTIZ
COUNCILMAN MICHAEL A. NUTTER
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN FRANK RIZZO

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(215) 561-2220

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1 5/10/99 STREETS & SERVICES COMMITTEE

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

3 COUNCILMAN DICICCO: Good afternoon,
4 everyone. The public meeting for the Committee on
5 Streets and Services is now in session. We have
6 established a quorum, and in attendance are the
7 committee members. To my far left, Councilmember
8 Rizzo, Councilmember Cohen. To my extreme right
9 is Councilwoman Miller and myself, I'm Councilman
10 DiCicco, I'm the Chair of this committee. And
11 also in attendance is Councilman Nutter.

12 The clerk will please read the title of
13 the first bill, please.

14 THE CLERK: We're going to start with
15 Bill No. 990143, an ordinance authorizing the
16 striking from City Plan No. 163 of East River Road
17 from Calumet Street to the line of Fairmount Park,
18 under certain terms and conditions.

19 (Marty Soffer comes forward.)

20 COUNCILMAN DICICCO: Good afternoon and
21 please state your name and title for the record.

22 MR. SOFFER: My name is Martin Soffer.
23 I'm from the City Planning Commission. Good
24 afternoon, Mr. Chairman and members of the
25 committee.

1 5/10/99 STS. & SVS. - BILL 990143

2 COUNCILMAN DICICCO: Good afternoon.

3 MR. SOFFER: Mr. Chairman and members
4 of the committee, the proposed ordinance
5 authorizes the striking of a paper street located
6 in the East Falls section of northwest
7 Philadelphia. The purpose of this ordinance is to
8 remove the encumbrance of the street and legalize
9 the construction of a gas station and convenience
10 store.

11 Therefore, by action at its meeting on
12 April 15, 1999, the Planning Commission recommends
13 that Bill No. 990143 be approved. Thank you.

14 COUNCILMAN DICICCO: Thank you.

15 (Paul Lonie comes forward.)

16 MR. LONIE: Good afternoon, Mr.
17 Chairman. My name is Paul Lonie, Survey Bureau
18 Manager of the Department of Streets, and the
19 Department of Streets would like to offer the
20 following testimony on Bill No. 990143.

21 This is not an administrative
22 ordinance, but an ordinance requested by Mr.
23 Robert Lane of Morgan, Lewis & and Bachius, 2001
24 Logan Square, Philadelphia, who represents Amoco
25 Oil Company. The purpose of this ordinance is to

1 5/10/99 STS. & SVS. - BILL 990151
2 legally strike East River Road from the City
3 Plan. This ordinance is supported by the
4 Department of Streets and is recommended to the
5 committee for favorable consideration.

6 COUNCILMAN DICICCO: Thank you.

7 Are there any questions for these
8 witnesses from the members of this committee?

9 (No questions.)

10 COUNCILMAN DICICCO: Is there anyone
11 else who wishes to testify?

12 (No response.)

13 COUNCILMAN DICICCO: Hearing none, the
14 clerk will read the title of the next bill.

15 THE CLERK: Bill No. 990151, an
16 ordinance authorizing the construction of a
17 sanitary sewer and appurtenant work in a portion
18 of Trevoise Road.

19 (Paul McCloskey comes forward.)

20 COUNCILMAN DICICCO: Good afternoon.

21 MR. MCCLOSKEY: Good afternoon, Mr.
22 Chairman and members of the committee. My name is
23 Paul McCloskey. I'm representing the Water
24 Department. I'd like to offer some testimony on
25 Bill No. 990151.

1 5/10/99 STS. & SVS. - BILL 990151

2 This authorizes the Water Department to
3 construct a sanitary sewer on Trevoise Road south
4 from Edison Avenue to approximately 1400 feet
5 southeast of Edison Street.

6 Trevoise Road is a block of
7 single-family dwellings in the 700 section of the
8 city. This is a long block which is apparently
9 being serviced by individual cesspools for each
10 property. These on-site systems have outlived
11 their usefulness and require total replacement.
12 However, it is doubtful, under current
13 Commonwealth regulations, that the systems will be
14 allowed to be rebuilt.

15 The malfunction of the septic system's
16 created an un-sanitary condition. Over the last
17 ten years, we've been able to resolve problems of
18 some of the residents by allowing them to connect
19 one of their on-site septic sewers located along a
20 creek at the rear of their properties. However,
21 the remaining properties can only be relieved with
22 the construction of a sewer.

23 In light of the fact that the residents
24 are serviced by public water, these remaining
25 residents requested a public sewer. An assessment

1 5/10/99 STS. & SVS. - BILL 990151
2 bill should be levied against the owners having
3 the frontage in order to absorb a portion of the
4 cost of construction, and the residents shall be
5 required to connect a new sewer at their costs in
6 accordance with City code.

7 We recommend that this bill should be
8 favorably recommend out of committee.

9 COUNCILMAN DICICCO: Are there any
10 questions for this witness from any members of the
11 committee? Yes, Councilman Cohen?

12 COUNCILMAN COHEN: Is this any
13 different from the usual City policy or is this
14 the regular City policy?

15 MR. MCCLOSKEY: This is the regular
16 City policy, sir. If on-site -- it's -- these
17 people have on-site septic systems; they'd have no
18 other place to go. Their systems have failed for
19 the most part, and there is no public sewer
20 available in front of their houses. They have --
21 if -- if we do not put a sewer in, they will
22 literally have to abandon their houses when where
23 cesspools fail.

24 COUNCILMAN COHEN: About how old are
25 the houses?

1 5/10/99 STS. & SVS. - BILL 990151

2 MR. MCCLOSKEY: The houses are -- I
3 believe the houses are about 50 years old.

4 COUNCILMAN COHEN: All right. Thank
5 you, Mr. Chairman.

6 COUNCILMAN DICICCO: Thank you.

7 Any other questions? Councilmember
8 Rizzo?

9 COUNCILMAN RIZZO: Is there unanimous
10 approval of all the residents? Is there anyone
11 balking that they don't want to be part of this
12 project?

13 MR. MCCLOSKEY: There is a majority --
14 there are petitions submit by the majority of the
15 its residents. That is basically the procedure.

16 What we did, at Councilman O'Neill's
17 request, was to issue a letter to all of the
18 property owners explaining to them that the --
19 even though that they would have to connect to the
20 sewer, that they would have to pay for a
21 connection once the sewer is built, and to give
22 them an opportunity, you know, to explain their
23 costs involved in this. And we received no
24 protest whatsoever.

25 Even people who had cesspools that are

1 5/10/99 STS. & SVS. - BILL 990151

2 still active basically said that because of the
3 difficulty it is for resale of the properties and
4 the enhancement that this would make as far as the
5 upscaling of how much their properties would cost
6 that they were agreeable to it.

7 COUNCILMAN RIZZO: Is there any policy
8 in the Water Department if anyone would have a
9 hardship in the connection fee?

10 MR. MCCLOSKEY: We do have a low-cost
11 loans system that we would offer to them if that
12 would be the case.

13 COUNCILMAN RIZZO: Thank you very much.
14 Thank you Mr. Chairman.

15 COUNCILMAN DICICCO: Thank you. Any
16 other questions?

17 (No further questions.)

18 COUNCILMAN DICICCO: Hearing none, the
19 clerk will read the title of the next bill. Thank
20 you for testimony.

21 THE CLERK: Bill No. 980758, an
22 ordinance authorizing the construction of a water
23 main and appurtenant work required to provide
24 public water service in a portion of Berkshire
25 Street.

1 5/10/99 STS. & SVS. - BILL 980758

2 MR. MCCLOSKEY: Again, my name is Paul
3 McCloskey. I'm representing the Water Department
4 in regard to Bill No. 980758, we offer the
5 following testimony.

6 This bill authorizes the Water
7 Department to construct a water main on Berkshire
8 Street from Richmond Street to approximately 235
9 feet west of Salmon. Berkshire Street is a block
10 of single-family row houses located in the
11 Bridesburg section of the city.

12 The block is currently serviced by an
13 existing private water main that has deteriorated
14 beyond its usefulness and requires total
15 replacement. A public water main has been
16 requested by the residents. An assessment shall
17 be levied against the owners having frontage in
18 order to absorb a portion of the costs of the
19 construction in accordance with the Philadelphia
20 Code.

21 COUNCILMAN DICICCO: Thank you. Any
22 question from this committee?

23 Is there an effective date for this,
24 Paul?

25 MR. MCCLOSKEY: Pardon me?

1 5/10/99 STS. & SVS. - BILL 990205

2 COUNCILMAN DICICCO: Is there an
3 effective date? Councilman Cohen is asking, is it
4 -- is this the whole bill, is there anything else
5 that belongs to this?

6 MR. LONIE: No.

7 COUNCILMAN DICICCO: Are there any
8 other questions for this witness from the
9 committee?

10 (No further questions.)

11 COUNCILMAN DICICCO: Is there anyone
12 else here who wishes to testify?

13 (No response.)

14 COUNCILMAN DICICCO: Hearing none, the
15 clerk will read the title of the next bill.

16 THE CLERK: Bill No. 990205,
17 authorizing G&G Enterprises, owner of the property
18 1605 to 1627 Sansom Street, Philadelphia,
19 Pennsylvania, 19103, to construct and maintain a
20 building encroachment with electric lights over
21 and above the south footway and cartway of the
22 1600 block of Stock Exchange Place adjacent to the
23 rear of the property 1605 to 1627 Sansom Street,
24 all under certain terms and conditions.

25 (Mike Longshore comes forward.)

1 5/10/99 STS. & SVS. - BILL 990205

2 MR. LONGSHORE: Good afternoon,
3 Chairman DiCicco and members of City Council. My
4 name is Mike Longshore, Chief Permits Officer,
5 representing the Streets Department in today's
6 testimony.

7 In reference to Bill No. 990205, this
8 is not an administration ordinance but rather an
9 ordinance by request on behalf of G&G Enterprises,
10 owner of the property 1605 to 1627 Sansom Street,
11 Philadelphia, PA, 19103.

12 The purpose of this ordinance is to
13 acquire from City Council the permission to
14 construct and maintain a building encroachment
15 with electric lights encroaching approximately 9
16 feet 11 inches from the property line over and
17 above the south footway and cartway Stock Exchange
18 Place, with a minimum vertical clearance above the
19 public right-of-way of approximately 17 feet.
20 This encroachment extends 11 stories in height,
21 and is approximately 100 feet west of the west
22 curb line of 16th Street to a point 290 feet from
23 said point.

24 The Department of Streets has reviewed
25 the plan for this property and had some

1 5/10/99 STS. & SVS. - BILL 990205
2 reservations about this encroachment as it
3 pertains to the public right-of-way, in particular
4 the safety issue involved with the vertical
5 clearance above the footway and cartway areas.
6 This issue has been resolved to our satisfaction.
7 Therefore, the Department of Streets has no
8 objection to the passage of this bill.

9 COUNCILMAN DICICCO: Thank you.

10 Mr. Primavera.

11 MR. PRIMAVERA: Yes, Chairman DiCicco.
12 On behalf of G&G --

13 COUNCILMAN DICICCO: State your name
14 for the record.

15 MR. PRIMAVERA: Yes. Carl Primavera,
16 P-R-I-M-V-E-R-A. With me is Dan Zablosky (ph.).
17 We're both principals with regard to G&G. And
18 also Jerry Roller, who's the architect. I'd like
19 to pass up for the record reduced graphics showing
20 the proposed parking garage, both from Sansom
21 Street and from the former Ionic, which is now
22 Stock Exchange Place, along with a floor-by-floor
23 layout of the garage.

24 What I'd also like to do while I
25 briefly describe it is have Jerry Roller point on

1 5/10/99 STS. & SVS. - BILL 990205

2 the enlarged graphs so you'll be able to see what
3 we're talking about. This is the block on Sansom
4 Street which was formally under the control of the
5 Rappaport estate, and it previously had been a
6 good service block with some restaurants. But
7 over the past, I don't know, five to eight years,
8 it has deteriorated to a point where it's really
9 considered -- it's kind of off limits. And
10 there's nothing that really can be done with those
11 buildings because they're obsolete and they're
12 really in no condition to be rehabbed.

13 So based upon some discussions and some
14 investigation, it was determined that the block
15 would be most appropriately designed for a parking
16 garage since Sansom Street, at that point, is
17 really a service corridor. The only problem with
18 the design is that the depth of the properties are
19 so narrow that there was insufficient surface for
20 a turning radius. So what was designed and what
21 Mr. Longshore just mentioned is that there will be
22 an encroachment over the former Ionic Street,
23 which is now Stock Exchange Place, at an elevated
24 level so that you'll still be able to transverse
25 it with trash trucks or utility trucks. But now

1 5/10/99 STS. & SVS. - BILL 990205

2 it will be able, at about 17 feet up, to extend
3 over a portion of the right-of-way, and in doing
4 so, be able to develop this garage.

5 And as you'll see from the photographs,
6 it looks like this is really going to be a
7 handsome addition. We're also going to maintain
8 the improvements that we make, and you'll see
9 lighting and you'll see a whole reconfiguration of
10 that Stock Exchange Place. So instead of a lot of
11 the Dumpsters and the rats and the trash, you're
12 going to see an attractive, well-lit area. It's
13 still going to be the back of the buildings, but
14 it's going to be much, much more conducive to what
15 we hope to be the substantial investment in Center
16 City.

17 So with that and with the hope that
18 you'll be favorably reporting on this, we'd
19 request that you suspend the rules also. If, as
20 we hope, at some point in the future, there's
21 another building that we may acquire, we're
22 talking to the owners right now, then we would
23 extend it all the way to 16th Street. It's
24 currently a building which is vacant, and it
25 previously had the old Holtz Cigar, but we don't

1 5/10/99 STS. & SVS. - BILL 990205

2 control that can't so we ask for any relief with
3 regard to that. But if, as we hope in the future,
4 we acquire that, then that building too would be
5 removed, and it would be consolidated into this
6 garage.

7 COUNCILMAN DICICCO: Is there anyone
8 else going to be testifying? You don't have to if
9 you don't want to.

10 (Laughter.)

11 MR. PRIMAVERA: We brought everyone
12 here in case there was any specific questions.

13 COUNCILMAN DICICCO: I just have a
14 question. I'm familiar with this, as you know,
15 and I've had some meetings with you, Carl, and Mr.
16 Spilo (ph.). The community issues have all been
17 resolved?

18 MR. PRIMAVERA: Yes.

19 COUNCILMAN DICICCO: Just for the
20 record, I'd like to have that --

21 MR. PRIMAVERA: And I actually have a
22 letter which I can pass up. We went to CCRA, and
23 they --

24 COUNCILMAN DICICCO: Right. Would you
25 explain what that acronym is 'cause others don't

1 5/10/99 STS. & SVS. - BILL 990205

2 know.

3 MR. PRIMAVERA: Yes. It's the Center
4 City Residents Association. We also will need
5 zoning for this ultimately, and we explained to
6 them and we showed them this, and they did give us
7 a letter of support. I guess that was about three
8 weeks ago.

9 COUNCILMAN DICICCO: Thank you.

10 And for the record, I've had some
11 conversations with Judith Eden from CCRA, and she
12 had indicated her support for the project also.
13 But I just wanted to get that on the record.

14 Councilmember Cohen?

15 COUNCILMAN COHEN: One question I have
16 is on line 4, section 1. It says you're planning
17 to construct and maintain a building addition with
18 electric lights. And I don't see anything else
19 that refers to electric lights, so I'd like to
20 know why do you have that and what are your plans
21 with respect to electric lights.

22 MR. PRIMAVERA: Yeah, I'll let Jerry
23 Roller handle that. It's really part of what we
24 had spoken about. The City has requested certain
25 upgrades, which we're going to handle at our own

1 5/10/99 STS. & SVS. - BILL 990205

2 expense, but I'll let Jerry talk about that.

3 COUNCILMAN DICICCO: Jerry, identify
4 yourself for the record, please.

5 MR. ROLLER: Jerry Roller, J.P. Roller
6 Architects.

7 The picture that we have of the rear of
8 the building which is the area in question shows
9 that one of the conditions is that there be down
10 lighting underneath the overhang to provide
11 illumination for the street area. This was
12 something the Streets Department has requested and
13 we've agreed to do; that's why it's in the
14 ordinance. These are lights which we will
15 illuminate and maintain as a part of the building.

16 COUNCILMAN COHEN: All right. At this
17 time, no further questions.

18 They're just the lights as shown on
19 this? Obviously, I'm concerned about whether it
20 was lights in connection with the billboard or
21 something of that --

22 MR. ROLLER: No, no, no. That's just
23 strictly illumination for the street. There will
24 be other lights in the garage for safety, but
25 there is no signage or advertisement considered as

1 5/10/99 STS. & SVS. - BILL 990205

2 part of this rear addition.

3 COUNCILMAN DICICCO: Actually, from my
4 knowledge of that street, when this project is
5 complete, even though the building will be canter
6 levered over the street, which tendency would
7 black out natural light, this will actually make
8 it brighter than it is today with the installation
9 of those lights.

10 COUNCILMAN COHEN: Well, it looks like
11 an attractive addition.

12 COUNCILMAN DICICCO: Councilmember
13 Rizzo?

14 COUNCILMAN RIZZO: Thank you.

15 Could you tell me the height of the
16 first overhang to the street.

17 MR. ROLLER: The clearance under there
18 is a minimum of 17 feet. It may be higher or
19 lower as we engineer it, but that's the minimum
20 requirement from the City Streets Department.

21 COUNCILMAN RIZZO: And I don't like to
22 assume that the lights will be illuminated 365
23 days a week from sunset to sunrise.

24 MR. ROLLER: You assume correctly.

25 COUNCILMAN RIZZO: Thank you.

1 5/10/99 STS. & SVS. - BILL 990128

2 COUNCILMAN DICICCO: Are there any
3 other questions for these witnesses from the
4 committee?

5 (No further questions at this time.)

6 COUNCILMAN DICICCO: Hearing none, is
7 there anyone else here who wishes to testify for
8 or against this bill?

9 (No response.)

10 COUNCILMAN DICICCO: Hearing none, the
11 clerk will read the title of the next bill.

12 Thank you, gentlemen.

13 MR. PRIMAVERA: Thank you.

14 THE CLERK: Bill No. 990218, an
15 ordinance authorizing LaLiberte, LP, owner of the
16 properties 116 to 122 South 17th Street
17 Philadelphia, Pennsylvania, 19103, and 1729 to
18 1735 Sansom Street, Philadelphia, Pennsylvania,
19 19103, to construct and maintain building footings
20 in and under the north footway of Sansom Street
21 and the south footway of Stock Exchange Place,
22 under certain terms and conditions.

23 MR. LONGSHORE: Good afternoon, members
24 of Council. My name's Mike Longshore, Chief
25 Permits Officer, representing the Department of

1 5/10/99 STS. & SVS. - BILL 990128

2 Streets in today's testimony.

3 In reference to Bill No. 990218, this
4 is not an administrative ordinance, bur rather an
5 ordinance by request on behalf LaLiberte Limited
6 Partnership, owner of the properties 116 to 122
7 South 17th Street and 1729 to 1735 Sansom Street,
8 Philadelphia, Pennsylvania, 19103.

9 The purpose of this ordinance is to
10 acquire from City Council the permission to
11 construct and maintain building footings that
12 extend approximately 20 feet below the grade of
13 the north footway of Sansom Street and the south
14 footway of Stock Exchange Place. The footings
15 will be encroaching three feet under the north
16 footway of Sansom Street from the property line
17 and three feet under the south footway of Stock
18 Exchange Place from the property line.

19 The Department of Streets has reviewed
20 the plan for this property and has no objection to
21 the passage of this bill.

22 COUNCILMAN DICICCO: Good afternoon.
23 You wish to testify, ma'am?

24 LALIBERTE COUNSEL: My name is --

25 COUNCILMAN DICICCO: You'll have to

1 5/10/99 STS. & SVS. - BILL 990128

2 pull that microphone much closer to you.

3 LALIBERTE COUNSEL: My name is Sharon
4 Ciletta (ph.), and I'm with the law firm Ballard,
5 Spahr, Andrews & Ingersoll, and we represent
6 LaLiberte, the owner of the property that will be
7 affected by the ordinance. And we're here in
8 support of the ordinance and to request that a
9 suspension of the rules so that it might be read
10 on Thursday, and also to answer any questions that
11 you might have.

12 COUNCILMAN DICICCO: Is this in
13 anticipation of the hotel?

14 LALIBERTE COUNSEL: Yes.

15 COUNCILMAN DICICCO: Okay, I wanted to
16 make sure. How many rooms are going to be in that
17 hotel?

18 LALIBERTE COUNSEL: 306.

19 COUNCILMAN DICICCO: Okay. It's a
20 French hotel or something, right? We didn't TIF
21 it, I don't think there's a TIF involved in this,
22 right? Is there a TIF? Are you familiar with
23 that?

24 LALIBERTE COUNSEL: I don't know, no.

25 COUNCILMAN DICICCO: It is -- what's

1 5/10/99 STS. & SVS. - BILL 990128

2 the name of the hotel? It's on here.

3 COUNCILMAN COHEN: I was wondering if
4 it has. . . what's the planned hotel? Do we know
5 of any planned hotel there? Is that involving the
6 Ritz Carlton moving?

7 COUNCILMAN DICICCO: No.

8 LALIBERTE COUNSEL: This is the hotel
9 (unintelligible).

10 COUNCILMAN DICICCO: This is not --
11 maybe I can explain it. This is -- the Ritz Hotel
12 is moving across the street to the Mellon Bank
13 Building. This is the Stock Exchange building at
14 17th and Sansom being taken over by a private
15 developer for the purpose of building a hotel at
16 that sight.

17 LALIBERTE COUNSEL: That's right. It
18 will be the renovation of Stock Exchange and the
19 demolition of four one-story buildings in addition
20 will be built on that ground.

21 COUNCILMAN COHEN: Isn't the current
22 Ritz on 17th Street?

23 COUNCILMAN DICICCO: That's in the
24 Liberty One Building. It's the Liberty Two or
25 Liberty One -- it's in that complex this is

1 5/10/99 STS. & SVS. - BILL 990128

2 separate.

3 COUNCILMAN COHEN: So they're going to
4 be very close to each other.

5 COUNCILMAN DICICCO: About a block
6 away, about a block away.

7 COUNCILMAN COHEN: Okay.

8 COUNCILWOMAN MILLER: I have a
9 question.

10 COUNCILMAN DICICCO: Councilmember
11 Miller?

12 COUNCILWOMAN MILLER: Thank you.

13 Good afternoon. Does this bill have
14 anything to do with the bill we just heard? Is
15 there any connection since both projects are so
16 close?

17 MR. LONGSHORE: The only connection I
18 could see, Councilwoman, is that the first bill
19 that we just heard will probably greatly enhance
20 this property as far as alleviating traffic
21 congestion and having parking available for the
22 hotel residents.

23 COUNCILMAN DICICCO: Yeah, maybe I can
24 address that 'cause even though it's not in my
25 district, in the absence of Councilmember Street,

1 5/10/99 STS. & SVS. - BILL 990128

2 I've been dealing with some of these issues.

3 There is a great demand for additional
4 spaces in Center City, especially on the west side
5 as it relates to the hotels and restaurants. And
6 that parking garage that we just heard about, as
7 Mr. Longshore just stated, will go a long way in
8 enhancing that, the ability of future
9 development. My guess is that this hotel will
10 probably be using some of the spaces in that
11 garage for guests, overnight guests or whatever
12 else they're going to have in that hotel to
13 accommodate banquet rooms.

14 So they really will go together even
15 though they're two separate and distinct entities,
16 not related in that regard but they will come
17 together at some point, I'm sure.

18 LALIBERTE COUNSEL: There will
19 additionally be 59 accessory parking spaces in the
20 structure itself.

21 COUNCILMAN COHEN: Could you speak into
22 the microphone; we can't get your voice.

23 LALIBERTE COUNSEL: There will
24 additionally be in the hotel 59 accessory
25 valley-style parking spaces.

1 5/10/99 STS. & SVS. - BILL 990139

2 COUNCILMAN COHEN: Okay.

3 COUNCILMAN DICICCO: Okay. Any other
4 questions?

5 (No further questions at this time.)

6 COUNCILMAN DICICCO: Is there anyone
7 else here who wishes to testify?

8 (No response.)

9 COUNCILMAN DICICCO: Thank you. Thank
10 both of you. Thanks, Sharon.

11 The clerk will read the title of the
12 next bill.

13 THE CLERK: Bill No. 990139, an
14 ordinance granting permission to Charles M. Falk,
15 owner of the newsstand located on the northwest
16 corner of 36th and Market Streets, to construct,
17 use and maintain an electrical line and
18 telecommunications fiber optic line over and
19 across the north footway of Market Street for the
20 purpose of supplying electrical and phone service
21 to his newsstand, under certain terms and
22 conditions.

23 MR. LONGSHORE: Good afternoon,
24 Chairman DiCicco and members of the City Council.
25 My name is Mike Longshore, Chief Permits Officer,

1 5/10/99 STS. & SVS. - BILL 990139
2 representing the Department of Streets in today's
3 testimony.

4 In reference to Bill No. 990139, this
5 is not an administration ordinance but rather an
6 ordinance by request on behalf of Charles M. Falk,
7 owner and operator of the newsstand located on the
8 northwest corner of 36th and Market Streets.

9 The purpose of this ordinance is to
10 acquire from City Council the permission to
11 construct and maintain electrical and fiber optic
12 conduit and appurtenances to the above newsstand.
13 The purpose of these utility connections are for
14 lottery sales which results in queues on the
15 sidewalks, causing unsafe conditions for
16 pedestrians and vehicular traffic as well.

17 In light of these safety issues, the
18 Department of Streets does not recommend passage
19 of this bill.

20 COUNCILMAN DICICCO: Are there any
21 other questions?

22 COUNCILMAN COHEN: Did he say it does
23 or does not?

24 COUNCILMAN DICICCO: Does not.

25 COUNCILMAN COHEN: Councilmember Cohen

1 5/10/99 STS. & SVS. - BILL 990145

2 almost heard -- he thought he heard you say you do
3 recommend it; he was quite taken aback by that.

4 COUNCILMAN COHEN: I was going to say
5 congratulates on changing your position.

6 MR. LONGSHORE: Maybe some day,
7 Councilman.

8 COUNCILMAN DICICCO: Any questions for
9 this witness from the committee?

10 (No questions.)

11 COUNCILMAN DICICCO: Anyone else here
12 who wishes to testify?

13 (No response.)

14 COUNCILMAN DICICCO: Hearing none, the
15 clerk will read the title of the next bill.

16 THE CLERK: Bill No. 990145, an
17 ordinance granting permission to Girish P.
18 Sanghvi, owner of the newsstand located on the
19 northeast corner of Ninth and Market Streets, to
20 construct, use, and maintain an electrical conduit
21 and service line and a fiber optic conduit and
22 phone service line in and under Ninth and Market
23 Streets for the purpose of supplying electrical
24 service and phone service to his newsstand, under
25 certain terms and conditions.

1 5/10/99 STS. & SVS. - BILL 990145

2 MR. LONGSHORE: Good afternoon,
3 Chairman DiCicco and members of City Council. My
4 name is Mike Longshore, Chief Permits Officer,
5 representing the Streets Department in today's
6 testimony.

7 In reference to Bill No. 990145, this
8 is not an administration ordinance but rather an
9 ordinance by request on behalf of Girish P.
10 Sanghvi, owner and operator of the newsstand
11 located on the northeast corner of Ninth and
12 Market Streets.

13 The purpose of this ordinance is to
14 acquire from City Council the permission to
15 construct and maintain electrical and fiber
16 conduit appurtenances to the above newsstand. The
17 locations of these proposed underground
18 connections are in and under the public
19 right-of-ways of Ninth Street and Market Street.
20 The purposes of these utility connections are for
21 lottery sales, which results in queues on the
22 sidewalk, causing unsafe conditions for
23 pedestrians. Therefore, the Department of Streets
24 does not recommend passage of this bill.

25 COUNCILMAN COHEN: Could you tell us

1 5/10/99 STS. & SVS. - BILL 990145

2 again why the Department of Streets has this
3 position.

4 MR. LONGSHORE: The administration of
5 the Department of Streets' position is the unsafe
6 queueing of the pedestrians on the sidewalk to
7 purchase lottery tickets. The access on some of
8 these newsstands is in front of the stand, causing
9 a limited access for pedestrians walking down the
10 street.

11 COUNCILMAN COHEN: The Department
12 doesn't think it's that possible people might
13 queue up for other things, just for lottery
14 tickets.

15 MR. LONGSHORE: It's mostly lottery
16 tickets, 'cause again --

17 COUNCILMAN COHEN: I'm just trying to
18 figure out again why the Department is opposed to
19 this.

20 COUNCILMAN DICICCO: Because I think in
21 the purchasing of the lottery tickets, I think
22 there's a time factor where sometimes people will
23 purchase a significant number of tickets, and it
24 does require a lot of time.

25 But I also think that the one thing --

1 5/10/99 STS. & SVS. - BILL 990145

2 and I appreciate what the concerns of the Streets
3 Department is. When it comes to very narrow
4 sidewalks, sometimes even the purchasing -- I
5 think in some cases, we probably shouldn't even
6 have newsstands there at all, and we've been
7 talking about this with the new design of the
8 newsstands we're looking at for Center City. But
9 I think it's something that we need to look at
10 more carefully, and maybe we'd look at the width
11 of that sidewalk and the conditions of that
12 intersection. It would probably give us a better
13 understanding of whether or not we should pass or,
14 you know, support some of these bills.

15 Councilmember Rizzo?

16 COUNCILMAN RIZZO: I can understand
17 Councilman Cohen's concern about the sale of
18 lottery tickets because when he's a senior citizen
19 -- the proceeds of the lottery ticket sales go to
20 senior citizens. Isn't that right?

21 In all seriousness, why do we have just
22 a blanket policy? Why don't we evaluate location
23 by location? I don't think it's fair because,
24 seriously, the proceeds of lottery ticket sales go
25 for a very good cause. And just to have a blanket

1 5/10/99 STS. & SVS. - BILL 990145
2 statement that all newsstands should be rejected
3 because of the potential of congestion, I don't
4 think is a fair response -- unless you correct me
5 and tell me that look at each one and have a
6 quantitative way of coming to this decision. But
7 just having a blanket decision I don't think is
8 appropriate.

9 MR. LONGSHORE: We don't look at each
10 individual stand as far as recommending whether
11 they should be supported for lottery, you're
12 correct, Councilman. That was never in place in
13 the City, as far as I'm aware of in the Streets
14 Department to look at each individual on a
15 case-by-case basis.

16 Hopefully, as Chairman DiCicco said, in
17 the near future, with discussion ongoing with the
18 Newsstand Association, we could possibly allow
19 some modification to our regulations.

20 COUNCILMAN DICICCO: Thank you. Any
21 other questions?

22 Councilwoman Miller?

23 COUNCILWOMAN MILLER: Yes. Is there
24 any data on people getting hurt or any accidents
25 happening in and around those newsstands

1 5/10/99 STS. & SVS. - BILL 990145

2 throughout the city or in the congested areas or
3 smaller sidewalks?

4 MR. LONGSHORE: There is data from
5 Traffic Engineering for, I believe -- now I'm not
6 sure if that's on sidewalk injuries or connected
7 with vehicular traffic, but I will find out for
8 you. I know they do in-depth studies for
9 pedestrian and vehicular accidents at different
10 locations throughout the city.

11 As far as this being related to lottery
12 sales, I will check with Traffic Engineering and
13 get back to you on that.

14 COUNCILWOMAN MILLER: Okay, thank you.

15 COUNCILMAN DICICCO: Councilmember
16 Cohen?

17 COUNCILMAN COHEN: Just for the benefit
18 of members of any members of the audience, this is
19 the recommendation of the Streets Department; it
20 does not mean that City Council will necessarily
21 follow that recommendation. City Council
22 considers that recommendation and, generally, we
23 reject it with respect to the question of these
24 newspaper stands and the selling of lottery
25 tickets.

1 5/10/99 STS. & SVS. - BILL 990159

2 What the chairman talked about was an
3 effort to bring everybody together on it. There
4 may very well be, as the Chairman and Councilman
5 Rizzo said, some places where it's just
6 inappropriate where there's so little room and
7 maybe there ought not to be a newsstand. And so
8 we're hoping that we'll stop this charade of the
9 Streets Department rejecting it and Council
10 overriding it.

11 COUNCILMAN DICICCO: Thank you.

12 Any other questions?

13 (No further questions.)

14 COUNCILMAN DICICCO: Is there anyone
15 else here who wishes to testify?

16 (No response.)

17 COUNCILMAN DICICCO: Hearing none, the
18 clerk will read the title of the next bill.

19 THE CLERK: Bill No. 990159, an
20 ordinance authorizing Joseph Stanfa, 1328-30 South
21 Warfield Street, Philadelphia, Pennsylvania,
22 19146, owner of the property 1300-04 South
23 Warfield Street, Philadelphia, Pennsylvania,
24 19146, to construct and maintain a canopy with
25 support columns on and over the west footway of

1 5/10/99 STS. & SVS. - BILL 990159

2 Warfield Street, under certain terms and

3 conditions.

4 MR. LONGSHORE: Good afternoon, good
5 afternoon Chairman DiCicco and members of City
6 Council. My name is Mike Longshore, Chief Permits
7 Officer, representing the Streets Department in
8 today's testimony.

9 In reference to Bill No. 990159, this
10 is not an administration ordinance but rather an
11 ordinance by request on behalf of Joseph Stanfa,
12 1328-30 South Warfield Street, Philadelphia,
13 Pennsylvania, 19146, owner of the property 1300-04
14 South Warfield Street, Philadelphia, PA, 19146.

15 The purpose of this ordinance is to
16 acquire from City Council the permission to
17 construct and maintain a canopy with support
18 columns projecting approximately a maximum of 7
19 feet over the west footway of Warfield Street,
20 with a minimum vertical clearance above the
21 footway of 8-foot-6-inches. The canopy's
22 approximately 19 foot in length and constructed of
23 steel and aluminum.

24 The Department of Streets has reviewed
25 the plan of this property and has no objection to

1 5/10/99 STS. & SVS. - BILL 990165

2 the passage of this bill.

3 COUNCILMAN DICICCO: Any questions for
4 this witness?

5 (No questions.)

6 COUNCILMAN DICICCO: Anyone else here
7 who wishes to testify?

8 (No response.)

9 COUNCILMAN DICICCO: Hearing none, the
10 clerk will read the title of the next bill.

11 THE CLERK: Bill No. 990165, an
12 ordinance granting permission to COSTAR LLC,
13 lessee of the property located at 325 Chestnut
14 Street, Philadelphia, Pennsylvania, 19106, to
15 operate and maintain an open-air sidewalk cafe on
16 the north footway of Chestnut Street, adjacent to
17 325 Chestnut Street, under certain terms and
18 conditions.

19 MR. LONGSHORE: Good afternoon,
20 Chairman DiCicco and members of City Council. My
21 name is Mike Longshore, Chief Permits Officer,
22 representing the Streets Department in today's
23 testimony.

24 In reference to Bill No. 990165, this
25 is not an administration ordinance but rather an

1 5/10/99 STS. & SVS. - BILL 990165
2 ordinance by request on behalf of COSTAR Limited
3 Liability Corporation, lessee of the property
4 located at 325 Chestnut Street, Philadelphia,
5 Pennsylvania, 19106.

6 The purpose of this ordinance is to
7 acquire from City Council the permission to
8 operate and maintain an open-air sidewalk cafe
9 encroaching approximately 8-foot-1-inch on the
10 north footway of Chestnut Street, alleviating 8
11 foot of unobstructed footway for a distance of
12 approximately 35 foot in front of the property 325
13 Chestnut Street.

14 The Department of Streets has reviewed
15 the plan for this property, and we have no
16 objection to the passage of this bill.

17 COUNCILMAN DICICCO: Any questions for
18 this witness from members of the committee?

19 (No questions.)

20 COUNCILMAN DICICCO: Anyone else who
21 wishes to testify?

22 (No response.)

23 COUNCILMAN DICICCO: Hearing none --
24 We're going to ask for a suspension of the rules.
25 Do we need to do that now or when we read the

1 5/10/99 STS. & SVS. - BILL 990185

2 bill?

3 COUNCILMAN COHEN: Later on when we --

4 COUNCILMAN DICICCO: Later on, okay.

5 The clerk will read the title of the
6 next bill.

7 For the record, I'd like to make note
8 that Councilmember Ortiz has now joined us.

9 THE CLERK: Bill No. 990185, an
10 ordinance authorizing Gino DeJesse, the owner of
11 the property 1824 East Passyunk Avenue,
12 Philadelphia, Pennsylvania, 19147, to construct
13 and maintain various encroachments onto and over
14 the east footway of 13th Street and the north
15 footway of Passyunk Avenue adjacent to the
16 property 1824 East Passyunk Avenue, all under
17 certain terms and conditions.

18 MR. LONGSHORE: Good afternoon,
19 Chairman DiCicco and members of City Council. My
20 name is Mike Longshore, Chief Permits Officer,
21 representing the Streets Department in today's
22 testimony.

23 In reference to Bill No. 990185, this
24 is not an administration ordinance but rather an
25 ordinance by request on behalf of Gino DeJesse,

1 5/10/99 STS. & SVS. - BILL 990185

2 owner of the property 1824 East Passyunk Avenue,
3 Philadelphia, Pennsylvania, 19147.

4 The purpose of this ordinance is to
5 acquire from City Council the permission to
6 construct and maintain the following encroachments
7 adjacent to his property: a fenced-in area for a
8 Dumpster encroaching 4 foot onto the east footway
9 of 13th Street, leaving 8 foot unobstructed
10 footway for pedestrians. The fencing is
11 approximately 10 foot in length. An electrified
12 vestibule encroaching 4 foot onto the north
13 footway of Passyunk Avenue, leaving 8 foot
14 unobstructed footway for pedestrians. The
15 vestibule is mainly to be constructed of masonry
16 and glass and will be 5 foot in length.

17 The Department of Streets has reviewed
18 the plan for this property and has no objection to
19 the passage of this bill.

20 COUNCILMAN DICICCO: Any questions for
21 this witness from the committee?

22 (No questions.)

23 COUNCILMAN DICICCO: Anyone else who
24 wishes to testify?

25 (No response.)

1 5/10/99 STS. & SVS. - BILL 990202

2 COUNCILMAN DICICCO: Hearing none, the
3 clerk will read the title of the next bill.

4 THE CLERK: Bill No. 990202, an
5 ordinance authorizing the University of the Arts,
6 owner of the property 211 South Broad Street,
7 Philadelphia, Pennsylvania, 19102, to construct
8 and maintain an electrified marquee attached to
9 the property 211 South Broad Street and projecting
10 over the east footway of Broad Street, under
11 certain terms and conditions.

12 MR. LONGSHORE: Good afternoon,
13 Chairman DiCicco and members of City Council. My
14 name is Mike Longshore, Chief Permits Officer,
15 representing the Streets Department in today's
16 testimony.

17 In reference to Bill No. 990202, this
18 is not an administration ordinance but rather an
19 ordinance by request on behalf of the University
20 of the Arts, owner of the property 211 South Broad
21 Street, Philadelphia, Pennsylvania, 19102.

22 The purpose of this ordinance is to
23 acquire from City Council the permission to
24 construct and maintain an electrified marquee
25 constructed of wood frame, structural steel, and

1 5/10/99 STS. & SVS. - BILL 990202
2 glass that projects approximately
3 16-feet-10-inches over the east footway of Broad
4 Street. The marquee has a vertical clearance
5 above the footway of 10-foot-7-inches and has
6 approximately 21-foot-8-inches in width. The
7 marquee will be located approximately 130 feet
8 south of the south curb line of Walnut Street to a
9 point approximately 151-feet-8-inches from said
10 point.

11 The Department of Streets has reviewed
12 the plan of this property and has no objection to
13 the passage of this bill.

14 COUNCILMAN DICICCO: Are there any
15 questions for this witness from the committee?

16 (No questions.)

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

19 (No response.)

20 COUNCILMAN DICICCO: Hearing none, the
21 clerk will read the title of the next bill.

22 THE CLERK: Bill No. 990203, an
23 ordinance authorizing the University of the Arts,
24 owner of the property 211 South Broad Street,
25 Philadelphia, Pennsylvania, 19102, to construct

1 5/10/99 STS. & SVS. - BILL 990203
2 and maintain various encroachments onto and over
3 the east footway of Broad Street and the south
4 footway of Walnut Street adjacent to the property
5 211 South Broad Street, all under certain terms
6 and conditions.

7 MR. LONGSHORE: Good afternoon,
8 Chairman DiCicco and members of City Council. My
9 name is Mike Longshore, Chief Programs Officer,
10 representing the Streets Department on today's
11 testimony.

12 In reference to Bill No. 990203, this
13 is not an administration ordinance but rather an
14 ordinance by request on behalf of the University
15 of the Arts, owner of the property 211 South Broad
16 Street, Philadelphia, Pennsylvania, 19102.

17 The purpose of this ordinance is to
18 acquire from City Council the permission to
19 construct and maintain various encroachments as
20 follows: 5 rigid awnings constructed of
21 structural steel and fabric, all of which project
22 out from the building line 4-foot-1.5-inches, with
23 a minimum vertical clearance above the footways of
24 9 foot; 2 awnings encroaching over the east
25 footway of Broad Street and are both

1 5/10/99 STS. & SVS. - BILL 990203
2 34-foot-11-inches in length. There are three
3 awnings that encroach over the south footway of
4 Walnut Street that are 23-foot-3-inches,
5 14-foot-2-inches, and 22-foot-11-inches in length,
6 respectively. The architectural embellishments
7 include columns, bases, pilasters, and balustrades
8 and encompass both frontages of the property.
9 They are located onto and over the south east
10 footway of Walnut Street and the east footway of
11 Broad Street. The maximum project of all of the
12 above will be 3 foot and 1/2 inch.

13 The Department of Streets has reviewed
14 the plan for this property and has no objection to
15 the passage of this bill.

16 COUNCILMAN DICICCO: Are there any
17 questions for this witness from the committee?

18 (No questions.)

19 COUNCILMAN DICICCO: Is there anyone
20 else here to testify?

21 (No response.)

22 COUNCILMAN DICICCO: The clerk will
23 read the title of the next bill.

24 THE CLERK: Bill No. 990204, an
25 ordinance granting permission to Elizabeth M.

1 5/10/99 STS. & SVS. - BILL 990204

2 Landy, owner and operator of the newsstand located
3 on the traffic island of 13th Street, Passyunk
4 Avenue, and Mifflin Street, to construct, use, and
5 maintain overhead electrical and telecommunication
6 lines from an existing utility pole on the island,
7 over and across the public right-of-way for the
8 purpose of supplying electrical and phone service
9 to her newsstand, under certain terms and
10 conditions.

11 MR. LONGSHORE: Good afternoon,
12 Chairman DiCicco and members of City Council. My
13 name is Mike Longshore, Chief Permits Officer,
14 representing the Streets Department in today's
15 testimony.

16 In reference to Bill No. 990204, this
17 is not an administration ordinance but rather an
18 ordinance by request on behalf of Elizabeth M.
19 Landy, the owner and operator of the newsstand
20 located on the traffic island at 13th Street,
21 Passyunk Avenue, and Mifflin Street.

22 The purpose of this ordinance is to
23 acquire from City Council the permission to
24 construct and maintain electrical and fiber optic
25 conduit and appurtenances to the above newsstand.

1 5/10/99 STS. & SVS. - BILL 990226

2 The purposes of these utility connections are for
3 lottery sales which results in queues on the
4 sidewalk, causing unsafe conditions for
5 pedestrians and vehicular traffic as well.

6 In light of these safety issues, the
7 Department of Streets does not recommend passage
8 of this bill.

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

11 (No questions.)

12 COUNCILMAN DICICCO: Is there anyone
13 else here who wishes to testify?

14 (No response.)

15 COUNCILMAN DICICCO: Hearing none, the
16 clerk will read the title of the next bill.

17 THE CLERK: Bill No. 990226, an
18 ordinance amending Section 2 of an ordinance (Bill
19 No. 980045) approved April 13, 1998, entitled "An
20 ordinance authorizing and directing the revision
21 of lines and grades on a portion of City Plan No.
22 307 by striking from the City Plan and vacating
23 Spring Street from 13th Street to Clarion Street,
24 under certain terms and conditions" therein.

25 MR. LONIE: Good afternoon, Mr.

1 5/10/99 STS. & SVS. - BILL 990226

2 Chairman. My name is Paul Lonie, Survey Bureau
3 Manager of the Department of Streets, and the
4 Department of Streets would like to offer the
5 following testimony on Bill 990226.

6 This is not an administrative
7 ordinance, but an ordinance requested by Mr. P.
8 Zaccaro (ph.), P. Zaccaro Company, Incorporated,
9 218 Lafayette Street, New York, New York. The
10 purpose of this ordinance is to extend the
11 expiration date of an ordinance approved April 13,
12 1998. The purpose of that ordinance was to grant
13 the authority to strike Spring Street so that a
14 270-room affordable hotel serving the Pennsylvania
15 Convention Center can be constructed.

16 This ordinance is supported by the
17 Department of Streets, and is recommended to your
18 committee for favorable action.

19 COUNCILMAN DICICCO: Any questions for
20 this witness from the committee?

21 (No questions.)

22 COUNCILMAN DICICCO: Anyone else here
23 who wishes to testify?

24 (No response.)

25 COUNCILMAN DICICCO: Hearing none, the

1 5/10/99 STS. & SVS. - BILL 990252

2 clerk will read the title of the next bill.

3 THE CLERK: Bill No. 990252, an
4 ordinance granting permission to Thomas J. Elliot,
5 t/a American Kitchens, 219 Quarry Street,
6 Philadelphia, Pennsylvania, 19106, to construct,
7 use, and maintain a conduit and fiber optic
8 telecommunication cable under and across Quarry
9 Street, east of Bread Street, all under certain
10 terms and conditions.

11 MR. LONGSHORE: Good afternoon,
12 Chairman DiCicco and members of City Council. My
13 name is Mike Longshore, Chief Permits Officer,
14 representing the Streets Department on today's
15 testimony.

16 In reference to Bill No. 990252, this
17 is not an administration ordinance but rather an
18 ordinance requested by Thomas J. Elliot, t/a as
19 American Kitchens, 219 Quarry Street,
20 Philadelphia, Pennsylvania, 19106.

21 The purpose of this ordinance is to
22 acquire from City Council the permission to
23 construct, use, and maintain a conduit and fiber
24 optic telecommunication cable under and across
25 Quarry Street. This conduit and cable will

1 5/10/99 STS. & SVS. - BILL 990252
2 connect two buildings owned by Thomas J. Elliot,
3 being 219 Quarry Street and 135 Bread Street, and
4 will supply communications services.

5 The facilities are to be constructed
6 under and across Quarry Street from the property
7 135 Bread Street beginning at a point
8 approximately 75 feet east of the east curb line
9 of Bread Street and 5-foot-9-inches south of the
10 south curb line of Quarry Street and extending
11 approximately 25 feet north under the entire
12 right-of-way to the building 219 Quarry Street.

13 The plan for this project is pending
14 before the committee of Highway Supervisors, with
15 approvals expected shortly. Therefore, the
16 Department of Streets has no objection to the
17 passage of this bill.

18 COUNCILMAN DICICCO: Are there any
19 questions for this witness from the committee?

20 (No questions.)

21 COUNCILMAN DICICCO: Is there anyone
22 else here who wishes to testify?

23 MR. LONGSHORE: If I may, Mr. Chairman,
24 I'd like to ask for a suspension of rules on all
25 the bills I testified on today to allow for first

1 5/10/99 STS. & SVS. - BILL 990250

2 hearing at the next meeting of Council.

3 COUNCILMAN DICICCO: Thank you.

4 THE CLERK: Bill No. 990206 has been
5 withdrawn at the request of the sponsor.

6 The final bill is Bill No. 990250, an
7 ordinance authorizing the Commissioner of the
8 Department of Streets to take steps necessary to
9 rehabilitate or replace a retaining wall which is
10 located in the rear of premises 5202 through 5254
11 Berks Street, inclusive, and in the rear of
12 premises 5201 through 5245 Euclid Street,
13 inclusive; and which has been identified as being
14 in a dangerous and hazardous condition and which
15 constitutes an imminent threat to the health,
16 safety, and general welfare of the public; and
17 authorizing the assessment of the properties
18 legally liable for the aforesaid work.

19 COUNCILMAN DICICCO: Excuse me sir,
20 before you begin, Councilman Nutter, would you
21 like to make a statement first or would you rather
22 they proceed with their testimony?

23 COUNCILMAN NUTTER: Mr. Chairman I
24 appreciate it. I'll have more to say later.

25 Just that there are a number of

1 5/10/99 STS. & SVS. - BILL 990250
2 neighborhood residents who are affected by the
3 current condition either living on Berk Street or
4 Euclid Street. This has been a long-standing
5 problem. I have some documents that I can hand
6 out to members of the committee. We also have
7 some recently-taken pictures of the conditions so
8 that the committee members can get a full
9 appreciation for what these neighbors are dealing
10 with.

11 COUNCILMAN DICICCO: Thank you.

12 COUNCILMAN NUTTER: Thank you.

13 COUNCILMAN DICICCO: Thank you, sir.

14 Please state your name for the record.

15 MR. MOFFITT: My name is Michael
16 Moffitt. And good afternoon, Chairman DiCicco and
17 members of Council.

18 Thank you for allowing is this
19 opportunity to testify regarding the retaining
20 wall between the 5200 block of Berk Street and
21 Euclid Street. And Bill No. 990250, which was
22 introduced to Council by Mr. Nutter on April 22,
23 1999.

24 This retaining wall urgently needs
25 repair. This is a situation that has persisted

1 5/10/99 STS. & SVS. - BILL 990250

2 for over 20 years. The large hole and broken
3 debris poses a serious health and safety hazard to
4 the children and residents of these two blocks.
5 The condition of this wall continues to
6 deteriorate affecting the saleable value of
7 properties in this area. While the saleable value
8 of our homes continues down because of this
9 situation, our taxes based on the saleable value
10 of our properties have continued to rise.

11 Over the years there has been
12 innumerable meetings, and we have been in touch
13 with various City officials, including Councilman
14 Michael Nutter to try to facilitate the repair of
15 this retaining wall. In September 1993, a meeting
16 held was held with Mr. Donald S. Graham,
17 Coordinator of Highway Projects. At that meeting,
18 Mr. Graham stated that the wall is the property of
19 the 5200 block of Euclid Street and that they were
20 solely responsible for initiating repair of the
21 wall. Mr. Graham stated that the wall was
22 condemned by the City in 1975. He also stated
23 that while the primary cause of the collapsible
24 wall was heavy traffic primarily from City trash
25 trucks, and the City takes no responsibility

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2 because trash is picked up at the invitation of
3 the residents.

4 Under the act of July 11, 1923, P.L.
5 1032, the City is required to rehabilitate or
6 replace the said retaining wall, correct the
7 dangerous conditions, and assess the cost therefor
8 against the legally liable abutting property
9 owners. This mechanism to repair this wall was
10 clearly in place in 1975 when the wall was
11 condemned. If these repairs were effected at that
12 time, the estimated cost to the residents would
13 have been approximately \$11,730. However, since
14 no action was taken to remedy this condition, the
15 cost has soared to the most recent given us in
16 1993 of \$198,000-plus. The actual costs at this
17 point may be much more than this.

18 Regarding financial assessments for the
19 repair of this wall, it is hoped that the block
20 grants and other financial aid will be made
21 available to offset the cost of the repair.
22 Mrs. Marilyn B. Wood indicated that in a letter
23 dated 8/6/93, that in a similar situation in Logan
24 and Roxborough specifically, State assistance and
25 in some instances, federal assistance were made

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2 available. She also indicated that federal block
3 grants funds obtained through OHCD could be and
4 have been allocated in the past for situations
5 similar to ours.

6 Several of the property closest to the
7 most damaged part of the wall are PHA properties.
8 Thus, Philadelphia has some financial
9 responsibility regarding the repair of this wall
10 as well. These properties were inspected by PHA
11 prior to sale. And in my situation, a thorough
12 itemizing inspection report was rendered prior to
13 sale.

14 This damage should have been repaired
15 prior to sale of the properties. And at the very
16 least, buyers should have been made aware that
17 these repairs were needed prior to the sale of the
18 property; yet this was not the case.

19 We are hopeful that this bill receives
20 a favorable hearing and response from the City
21 Council and that repair of this wall finally be
22 accomplished.

23 Thank you.

24 COUNCILMAN DICICCO: Thank you.

25 Is there anyone else who wishes to

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2 testify?

3 (Alfred Taylor comes forward.)

4 COUNCILMAN DICICCO: Please speak
5 directly into the mike and state your name for the
6 record. Thank you.

7 MR. TAYLOR: Alfred Taylor. I live at
8 5242 West Berk Street. I've been living at my
9 residence for approximately 34 years. And during
10 that time, the wall has deteriorated, true, but
11 the specific cause of the collapse of the wall and
12 driveway was the trash trucks. Now, they are
13 liable, the City's liable. We own the property
14 but they did the damage. Just like when they're
15 picking your trash out in the front of your house
16 and they damage your sidewalk, the City is liable,
17 whether we invite them or not.

18 Cars will not do damage to a driveway.
19 That driveway has been in deplorable condition for
20 years. If there's a fire there right now, the
21 Fire Department cannot come up there and fight a
22 fire from the back of the house. The dangerous
23 situation causes fearful cause of going into the
24 hole. And the City comes and puts up a barrier.
25 The barrier stays there about five minutes. That

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2 is not the answer.

3 As the residents, we pay our taxes.

4 The City's liable, and we want some action without
5 it coming out of our pockets because the City is
6 responsible for this damage they did to our yard
7 -- our driveway. And this has been going on for
8 years, back and forth, back and forth. And we
9 want some action but we're not going to pay for
10 damage that we did not do.

11 Thank you.

12 COUNCILMAN DICICCO: Thank you.

13 MR. ROWLEY: My name is Alphonso
14 Rowley (ph.).

15 COUNCILMAN DICICCO: I couldn't get
16 your name. You'll have to pull the mike closer to
17 you.

18 MR. ROWLEY: My name is Alphonso
19 Rowley. I live in the 5200 block of Euclid
20 Street.

21 The wall in the back of the property,
22 it's in bad shape. You have concrete, hanging
23 concrete, slates of concrete. Kids play back
24 there. The foundation of the wall from the hole,
25 the sand and everything going into people's

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2 drains, people's drains are clogged up. They are
3 moving out their property. Properties are being
4 vacant. You got rats back there, you got kids
5 hanging out in the back back there. It's a lot of
6 problems back there.

7 We'd like to have all of that corrected
8 because we have a problem. It brings the value of
9 our properties down. We just tied up right now,
10 we just can't do anything. We'd like to have that
11 repaired.

12 COUNCILMAN DICICCO: Thank you.

13 Is there anyone else who wishes to
14 testify? The gentleman to my right, are you
15 testifying sir?

16 (Answers off-mike.)

17 COUNCILMAN DICICCO: Okay. Any
18 questions from this committee?

19 Councilmember Cohen?

20 COUNCILMAN COHEN: Not a question but
21 comments. The condition described very vividly
22 and clearly is repeated all throughout the City.
23 And I think the City's present policy has to
24 change. We've got to be able to give relief in
25 these situations.

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2 The City at one time had a whole group
3 of contractors that would bid for the contract,
4 and they would enforce it through a lien
5 procedure. Everybody had to share in the common
6 area, had to share in the payment of the common
7 area. But the City didn't give the contractors
8 any protection. So that when a few people refused
9 to the pay, the City said to the contractors,
10 That's your headache. Gradually, the contractors
11 refused to work with the City because most of the
12 contractors are relatively small businessmen.

13 I think there has to be a thorough
14 review. I think this bill is excellent in that it
15 raises this question, and I think we've got to
16 find a way. And the whole city is interested in
17 it because what leads to blight is this kind of
18 condition. If somebody wants to sell a house,
19 it's almost impossible if the new potential owner
20 comes in and looks at driveway or a retaining
21 wall.

22 And very rarely is it public -- in the
23 last 20 years that I've been in Council as a
24 councilman at large, I know of only one case where
25 individual residents were able to get together and

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2 get a contractor to do the job. There were lots
3 of headaches and it took many years before it
4 worked. So that's clearly not an answer.

5 We've got to find answer that's fair to
6 the homeowners and is fair to the City and that
7 takes care of the situation. It is a major cause
8 of blight, it is a danger. Two witnesses who have
9 testified to their security and to the safety,
10 because places have to be open so that if there's
11 emergency services needed, the City's Fire
12 Department or police or whoever has to be able to
13 come in.

14 And I think this cries out for
15 immediate attention and I'm very pleased that
16 Councilman Nutter has raised the issue sharply by
17 this bill.

18 COUNCILMAN DICICCO: Thank you.

19 Councilmember Nutter?

20 COUNCILMAN NUTTER: Thank you, Mr.
21 Chairman.

22 First let me say to my constituents,
23 thank you very much for coming in. We've had a
24 number of discussions, as you've testified to,
25 over the years. This has been a particularly

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2 perplexing problem, as you know, I've laid out in
3 a number of the meetings.

4 I wanted to share with you -- I had to
5 kind of refresh my recollection on this by going
6 through the file that I have on the Berks-Euclid
7 Street wall. I'm not particularly known for
8 having a lot of files, but I do actually have a
9 file on this one.

10 Somewhere in about March or so of 1992
11 -- you will recall that I came into office in
12 January of 1992 -- I began pursuing this
13 particular issue. There is a memo from Mr.
14 Lorenzo Krueger, now no longer with the Streets
15 Department, a former bridge engineer. And we did
16 a survey in the March-April 1992 time period. And
17 as the gentlemen testified, the estimate that was
18 derived in 1992 was the \$198,000 figure. Although
19 I believe from previous memos as far back as 1975
20 or so, obviously, the costs were much lower at
21 that time.

22 Now, at least for the record, in 1975,
23 I was just graduating from high school. So I
24 wasn't directly involved in the matter at that
25 time. But in '92 and in '93, and I also believe

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2 in 1994, whether a series of letters to virtually
3 every governmental entity of the City, state, and
4 federal level or subsequent follow-up with the
5 Streets Department, we have been somewhat
6 perplexed as to how to solve this particular
7 problem.

8 Councilman Cohen is absolutely correct
9 in what he laid out to you, and I've shared with
10 you on a number of occasions, there are certainly
11 some legal issues that are involved. Mr. Taylor
12 raises the issue of possible City liability when
13 you think about the traffic and the weight of cars
14 which are, you know, minimally a couple tons, or
15 maybe one ton, in comparison to the regular usage
16 of this driveway area by heavy sanitation vehicles
17 and the like, and what that may contribute to this
18 particular problem.

19 Now, I think we all know at this moment
20 for a problem that started in the 1975 time
21 period, and now we're in 1999, we might not ever
22 be able to figure out who had the bulk of the
23 responsibility -- whether it's cars owned by
24 residents or whether its trucks owned by the City,
25 but I do not believe we can get away from some

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2 potential City responsibility and liability.

3 The Streets Department is here and some
4 other agencies. They have information that they
5 want to share with us, and there will be a fair
6 amount of back and forth, I would assume, between
7 Council and the Streets Department about how we
8 get to the point of solving this kind of problem.
9 Because, again, as Councilman Cohen said, the
10 previous system is such that we literally drove
11 people away from doing this work. No one is going
12 to take on this kind of job at 200-some-odd
13 thousand dollars without some assurance that
14 they're going to get paid. I mean, you know,
15 nobody's going to do this out of the kindness of
16 their heart.

17 And the magnitude of this problem.
18 Because I know off the top of my head that I
19 probably have at least four other known locations
20 throughout the district, there could be others.
21 And there's an entire city that is faced with this
22 kind of problem. And so you start developing some
23 rather large numbers of walls and some fairly
24 expensive numbers in terms of repair.

25 We certainly don't mean to hold you

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2 hostage as we try to solve that problem, but I do
3 ask your indulgence and your sensitivity that to
4 solve your problem, we will have to figure out
5 what we do with the next group that comes in and
6 the next group and the next group and the next
7 group. And so we want to be cautious and we want
8 to be diligent but I am firmly committed to
9 getting a resolution to this particular problem.
10 That is what brings us here today.

11 This is a methodology that has been
12 used many, many years ago. I found a bill from
13 1957 where this particular process and procedure
14 was used to fix a wall. And, you know, we're at a
15 little bit of our wit's end, as you are, but you
16 are experiencing much more of the problem than we
17 ever will. And so we are committed, many of us,
18 to trying to find a solution to this problem.

19 I would encourage you, if you can, to
20 stay for the dialogue back and forth between us
21 and the Streets Department. It might help to shed
22 some additional light on this as we try to grapple
23 with solving this problem. But I greatly
24 appreciate your taking the time to come in today
25 for this very serious matter.

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2 Thank you.

3 COUNCILMAN DICICCO: Thank you.

4 Councilman Cohen?

5 COUNCILMAN COHEN: Just a couple of
6 observations.

7 First, this matter has been so buried
8 by the City administration that about three years
9 ago, shortly before the other David Cohen -- the
10 David L. Cohen, Mayor Rendell's assistant -- was
11 meeting with a group of Councilmembers, and I
12 raised this issue at the meeting. He looked
13 totally blank. It had been covered so deeply that
14 no one had ever brought it to his attention. He
15 did not know there was -- he went, What is this
16 problem you're talking about driveways and
17 retaining walls? He had said that nobody had ever
18 -- it had never through the City administration
19 had ever reached the top levels. This -- I can
20 assure you, with Councilman Nutter as the
21 watchdog, I can assure this is going to get to the
22 highest levels.

23 Now, I think offers -- while it's a
24 very difficult thing for the City, it also offers
25 a wonderful opportunity. We're looking for jobs

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2 for people coming off welfare. We have thousands
3 and thousands of untrained workers, you know,
4 available for work. The unemployment rate is
5 still very high on unskilled work. It seems to me
6 that this would offer a great opportunity if it's
7 necessary for the City to incorporate some kind of
8 a local work program that would have this as a
9 main objective. I think it would keep the costs
10 way down and it would be a tremendous service --
11 not only to the people doing the work but to the
12 whole city.

13 And I recommend that, Councilman
14 Nutter, for your consideration as one of the
15 approaches that might be used.

16 COUNCILMAN DICICCO: Councilmember
17 Ortiz?

18 COUNCILMAN ORTIZ: Yeah, I identify
19 myself with the statements of Councilman Nutter
20 and Councilman Cohen.

21 My thing is a question. I have in
22 front of me testimony that says that some of these
23 properties are owned by PHA and that there should
24 be some sort of responsibility and that the most
25 damaged parts are next to the PHA properties, and

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2 the PHA bears some responsibilities along these
3 lines. I just want to know what's the role and
4 what is going to be asked of PHA, if any, to come
5 into this issue.

6 COUNCILMAN NUTTER: Councilman, I think
7 my response and my experience has been, the
8 magnitude of this problem, and we have the
9 pictures up here and, I mean, pictures certainly
10 do tell some of the story; an actual site visit
11 would tell you even more.

12 But when we have the engineers up, I
13 think part of their testimony is probably going to
14 be that you really do have to repair the entire
15 wall and you would not even be able to really
16 spot-repair something like this. So I believe
17 that all of the property owners will have to be
18 involved, whether they are private citizens or
19 other governmental agencies. There is no getting
20 around it.

21 I think that if we're going to try to
22 go through this effort, you have to have complete
23 replacement. And PHA, like everyone else, would
24 have to step up to the place.

25 COUNCILMAN ORTIZ: All right.

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2 COUNCILMAN NUTTER: Mr. Chairman, I'd
3 also mention that I'd like to have evidence in the
4 record as if it were read, and copies have been
5 given to the committee members. There is a memo
6 from Raymond Havey from the Streets Department 7th
7 Survey District to me, dated 5/4/99, with some
8 copies of previous estimates and work that was
9 done by the Streets Department that ascertains
10 which blocks are responsible for either for the
11 retaining wall or the adjacent driveway.

12 There's a copy of a document that the
13 Streets Department produces on alleys, driveways,
14 retaining walls, and the like that talks about
15 responsibility of homeowners and processes that a
16 city like Philadelphia, a city of the first class,
17 can take to try to deal with these issues. And I
18 just ask that these documents be attached and
19 become a part of this record.

20 COUNCILMAN DICICCO: So noted.

21 MR. ROWLEY: May I ask a question?

22 COUNCILMAN DICICCO: Yes. Please state
23 your name again.

24 MR. ROWLEY: My name's Alphonso Rowley
25 from the 5200 block of Euclid Street.

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2 There's a hole in the wall, it's a
3 couple of holes with hanging concrete. Part of
4 that wall to me is solid. I was just wondering
5 why the whole wall has to be torn down and be
6 replaced.

7 COUNCILMAN NUTTER: I believe that
8 there will be people from the Streets Department
9 here hopefully who could respond to that. I've
10 asked that question over some period of time. I
11 think you will have an answer. May not like the
12 answer, but they do have an answer to that
13 particular question. I've asked that question.

14 MR. ROWLEY: Also 'cause the fact is
15 that it's a lot of people that live on that
16 block. I'm quite sure that they won't even have
17 the money if they have to pay part of that.

18 COUNCILMAN NUTTER: Right, I
19 understand.

20 MR. ROWLEY: There's going to be a
21 problem with that.

22 COUNCILMAN NUTTER: Right. It's a
23 major public policy here. There is also a funding
24 issue -- whether it's funding from the government
25 side, whether funding from the residents.

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2 You'll recall one of the letters I
3 wrote, for instance, I think, to the Redevelopment
4 Authority. They made notes of various loan
5 programs they have that vary by interest rate,
6 depending on income and those kinds of things. I
7 mean, for the moment, at least, I think I've kind
8 of scoured the universe of potential funding
9 sources. There is one last one that we might have
10 some opportunity to access.

11 But why don't we -- are there other
12 citizens who wish to testify? 'Cause I think we
13 want to try to get the Streets Department people
14 on to get to some of the questions that you've
15 asked and get some answers.

16 COUNCILMAN DICICCO: Did you want to
17 speak again, sir?

18 MR. MOFFITT: Yes, yes.

19 COUNCILMAN DICICCO: Your name again
20 for the record.

21 MR. MOFFITT: Yeah, my name is Michael
22 Moffitt.

23 I really appreciate all that's being
24 done, you know, and I was just thinking along the
25 lines. You know, I travel a lot. And as I go out

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2 of the city and I come back into the city, you
3 know, I could see that real big sign that says,
4 you know, "Welcome to Philadelphia, the City That
5 Loves You Back." And I tend to think that, you
6 know, when you look at the neighborhoods where
7 this situation is occurring, it's not just the
8 5200 block of Berk Street and Euclid Street, but
9 it's all over.

10 You know, and I'm thinking along the
11 lines of, you know, it would be a good thing to
12 invest in those neighborhoods because this is all
13 a part of Philadelphia. This is not just the
14 Berks Street area but it's citywide. So and I'm
15 just saying, you know, as a minor thought, you
16 know, to invest. You know, I mean, it's kind of
17 hard to find the money here and find the money
18 there. But when we need to find the money, invest
19 in the neighborhoods.

20 COUNCILMAN NUTTER: I understand.
21 You're preaching to the choir.

22 COUNCILMAN DICICCO: Yes, sir?

23 MR. TAYLOR: Alfred Taylor.

24 When you talk about reinvesting like
25 the Chestnut Street adventure they did years ago.

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2 Now we going to tear it up again. There's money
3 around; why not give it back to the neighbors
4 instead of to big business? Everything is big
5 business. What about us, what about us?

6 If you've got money in one block --
7 they did sidewalks, they dug the sidewalks up to
8 plant a tree. They dig before, you know, they put
9 the tree there? Why not just cement the whole
10 sidewalk, come back a week later, dig a hole in
11 the sidewalk and put the tree there? Is that
12 wasting money? Spend some of that money on us.

13 COUNCILMAN DICICCO: Thank you.

14 COUNCILMAN NUTTER: All right, thank
15 you.

16 COUNCILMAN DICICCO: Mr. Lonie from the
17 Streets Department? Who's next? Any other
18 citizens who wish to testify?

19 (No response.)

20 COUNCILMAN DICICCO: You're all welcome
21 to stay as Councilmember Nutter mentioned earlier,
22 so if you gentlemen would -- you can sit over here
23 if you'd like or go on the other side of the rail,
24 wherever you're comfortable. In case you want to
25 get back up to. . .

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2 Thank you.

3 MR. LONIE: Good afternoon, Mr.

4 Chairman. My name is Paul Lonie, Survey Bureau
5 Manager of the Department of Streets, and the
6 Department of Streets would like to offer the
7 following testimony on Bill 990250, authorizing
8 the Department of Streets to take steps necessary
9 to repair the retaining wall in the rear of 5200
10 Euclid Street.

11 This wall has been in need of repair
12 for many years. It has collapsed and complete
13 restoration is required. The wall was condemned
14 by Board of Health on July 17, 1975. The policy
15 of the City on such matters is to hold community
16 meetings with the abutting property owners. Two
17 meetings were held with the community. At that
18 time, the approximate cost and shared responsible
19 were given to the respective owners. A majority
20 of the property owners did not sign the petition
21 circulated which would have requested the City to
22 contract for the repair of the wall.

23 Our policy was and remains that a
24 majority of property owners must request repairs
25 to be made for the City to proceed further. The

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2 reason for this policy is that driveways, alleys,
3 and retaining walls all exist within private
4 property and do not fall under the jurisdiction of
5 the Department of Streets as rights-of-way.

6 However, Section 11-306f. Of the
7 Philadelphia Code grants the responsibility to the
8 district surveyor to charge fees for furnishing
9 lines and grades to abate nuisances such as
10 alleys, driveways, and retaining walls. The code
11 further outlines in Section 11-506 titled "Alleys,
12 Driveways, and Retaining Walls," the methods that
13 we should use in assessing these repairs. We have
14 reexamined the cost of this will and estimate the
15 cost to repair the damage would be today
16 \$237,600.

17 We would also like to share with the
18 Council the possibility that other such walls
19 exist, and the repair of these walls could place a
20 heavy financial burden on the citizens of
21 Philadelphia. We have approximately 1,303,100
22 linear feet of retaining walls within the city.
23 We know at this time that over 25,000 feet of
24 walls have been identified by request or
25 condemnation as needing repair. The cost of this

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2 would be approximately \$5,040,000. This
3 represents 63 walls, and this does not count the
4 major Manayunk walls.

5 On the average, we process nine
6 complaints a year from 1961 to 1978. Since that
7 time, we only process complaints accompanied by a
8 petition signed by a majority of the property
9 owners. Assuming continuation of the 1961 to 1978
10 failure rate, we project that 189 walls may have
11 been of may have developed problems since 1978.
12 The approximate cost to repair these walls would
13 \$15,1220, totaling \$20,160,000. The projected
14 cost of this remediation spread over five years
15 would be \$4 million per year, excluding unusual
16 heightened wall and confined circumstances walls,
17 such as exists sometimes in Manayunk.

18 Included in my testimony is a map from
19 our geographic information system that shows the
20 majority of the retaining walls in the city and
21 the respective Councilmatic districts within which
22 they reside and the expected associated costs.
23 Therefore, the Department of Streets asks that
24 Council to weigh the total impact of this
25 legislation before reaching a decision.

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2 COUNCILMAN DICICCO: Thank you.

3 Mr. Lonie, I just want to jump over to
4 another issue. One of the other gentlemen earlier
5 testified that some of the damage that has already
6 been caused was caused as a result of the
7 sanitation trucks. Obviously, it's probably a
8 narrow driveway, and with the size of some of
9 tray's trucks, its maneuverability is difficult.

10 Is there any reason why we're not
11 picking up trash in the front of these houses so
12 that maybe at least temporarily, we can minimize
13 any further damage to the building? Because, I
14 mean it's amazing that given the time that this
15 condition has existed, based on your testimony and
16 the testimony of others, that it is only as bad as
17 it appears in these pictures and not eve worse.
18 I'm just curious about that.

19 I mean, it doesn't get us to where we
20 want on repairing the wall, I understand, but from
21 a safety standpoint, one of the --

22 MR. LONIE: Well, obviously, at this
23 point, we can't pick up trash, especially at the
24 bottom driveway in here because it's blocked by
25 the collapse of the wall.

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2 COUNCILMAN DICICCO: But on the upper
3 driveway.

4 MR. LONIE: The upper driveway -- I do
5 and I'll share with the committee some newer
6 pictures that show the upper driveway. And I'm
7 not sure at this point in time, and the folks in
8 the community could probably answer this better
9 than I. Do they still pick up trash in the
10 driveway?

11 (Community members present respond in
12 the negative.)

13 COUNCILMAN DICICCO: No? Okay, that
14 answered that question. We don't have to worry
15 about that then.

16 MR. LONIE: But again, like the
17 neighbors stated, we do not, as the Department of
18 Streets, go into any private driveways, because
19 they are private property, to pick up trash unless
20 we are invited by the community.

21 COUNCILMAN DICICCO: And the only other
22 suggestion I would offer until we reach some --
23 and this by no means is meant to be suggested to
24 be a cure-all or a way of not addressing the
25 bigger picture here. Would jersey barriers on the

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2 upper driveway, which I think is the Berks Street
3 side, be helpful to prevent any further contact
4 with the stone wall to keep that from falling
5 off? 'Cause that's rather inexpensive. I'm
6 looking just for something that --

7 MR. LONIE: Yes. But, again, like so
8 many other times in this, we could do that but we
9 don't have necessarily the right to put them up
10 because this is private property.

11 COUNCILMAN DICICCO: Well, if we can
12 get past that.

13 MR. LONIE: If we can get past that,
14 then we would have no problem doing that. I mean,
15 obviously, it is a safety hazard.

16 COUNCILMAN DICICCO: I mean, I'm
17 looking at this picture here with a huge gaping
18 hole in the lower level which has maybe five or
19 six cores of stones just hanging out there with no
20 support underneath. I mean, if somebody taps that
21 wall, it's going to go, and more would go.

22 And, again, I'm not suggesting that the
23 jersey barriers are the answer to a long-term
24 solution, but maybe from a safety point, even
25 though we don't have, quote/unquote, the

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2 authority, I think we do have some responsibility
3 when it comes to public safety. And if there's a
4 legal way of getting around that, because in the
5 interest of public safety, we have the right to go
6 in there and put something up as a temporary
7 measure.

8 I think -- and this is Councilman
9 Nutter's issue and since it is in his district,
10 but maybe we can get something at least
11 temporarily. And I just put that out there for
12 discussion. Thank you.

13 Councilmember Cohen?

14 COUNCILMAN COHEN: Could I suggest that
15 we go into a formal hearing and we have a
16 preliminary discussion so that if any
17 Councilmember has to leave, as I understand one
18 has to, Councilman Ortiz, a vote can be left. And
19 then we could get a public meeting and then we
20 could go back to the hearing.

21 COUNCILMAN DICICCO: Okay.

22 COUNCILMAN COHEN: 'Cause I know I have
23 questions of the witness.

24 COUNCILMAN NUTTER: I understand.

25 COUNCILMAN DICICCO: Okay. So

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2 officially --

3 COUNCILMAN COHEN: Recess the hearing
4 and call a public meeting.

5 COUNCILMAN DICICCO: All right. At
6 this time, we'll recess the public meeting on
7 Streets and Services and go into the public
8 meeting. We'll recess the public hearing and go
9 into the public meeting.

10 Councilmember Cohen and then
11 Councilmember Ortiz and then Councilmember Rizzo.

12 COUNCILMAN ORTIZ: I would like to be
13 reported as voting aye, especially on this bill,
14 and all of the other bills that are in the
15 hearing. So that -- and I also will be -- we have
16 established a quorum as such so that -- 'cause I
17 have to leave.

18 Mr. Chairman? I'd like to be recorded
19 as voting aye on this bill and the other bills
20 that are present before the committee. And I
21 would like to be recorded as voting aye on any
22 amendments that are made to any of the bills and
23 obviously anything else.

24 Thank you.

25 COUNCILMAN DICICCO: Thank you. Now we

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2 will recess the public meeting and go back to the
3 public hearing. Thank you.
4 Councilmember Rizzo.
5 COUNCILMAN RIZZO: After looking at
6 these most recent pictures, I consider this, what
7 I see here --
8 COUNCILMAN NUTTER: Councilman, I'm
9 sorry to interrupt you. Actually, those are not
10 the most recent pictures.
11 MR. LONIE: They're the most recent
12 ones we have.
13 COUNCILMAN NUTTER: They're the most
14 recent from the Streets Department. If you look
15 at the date on the back of those pictures, I
16 believe it's 1992. These pictures were taken
17 three days ago. But, I mean, they all show the
18 same thing, but. . .
19 MR. LONIE: But --
20 COUNCILMAN RIZZO: Based on the
21 pictures from '92, if nothing's changed I'd
22 consider this a crisis. If we had an oil spill,
23 we would do whatever it takes to deal with that.
24 If we had a fire, we wouldn't say, Geez, it's
25 expensive, we won't put it out. In my opinion,

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2 this is a fire and it needs to be repaired before
3 we have someone killed, a child, someone.

4 And I don't want to be an alarmist here
5 but based on those pictures, and I would assume
6 it's gotten worse since 1992, that this is a
7 crisis that needs to be dealt with. And whatever
8 it takes to get it done, let's get it done.

9 MR. LONIE: That's true. One of the
10 concerns that, again, the Streets Department would
11 like to share with the Council is that you're
12 right, and Councilman Nutter has brought forth his
13 constituents, as well as he should. But there's a
14 lot of other people out there that are in the same
15 circumstance. I mean, you know, I'm aware of in
16 our testimony that we have 63 walls in that
17 condition out floating around there.

18 And it's just that we -- or I guess
19 this Council really needs to deal with the
20 administration and the policy issues here. The
21 Department of Streets has always been glad to do
22 everything for engineering and anything that's
23 within our charter to do to make these things as
24 painless as possible. But there's only so much
25 that we can do.

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2 COUNCILMAN RIZZO: Are you telling me
3 that the total tab on what you know the number of
4 linear feet of retaining walls, to do all the
5 repairs, involves how much money?

6 MR. LONIE: Probably about \$20 million.

7 COUNCILMAN DICICCO: Thank you.
8 Councilmember Nutter?

9 COUNCILMAN NUTTER: Thank you, Mr.
10 Chairman.

11 Similar to some of the comments made by
12 my colleagues, Mr. Lonie, and I appreciate your
13 coming over today. I'm sure there was a fight in
14 the office about who was going to end up --

15 MR. LONIE: Who had the honor.

16 COUNCILMAN NUTTER: -- about who was
17 going to end up being sent over here to try to
18 deal with this. Obviously, you have upset
19 somebody in the Streets Department.

20 (Laughter.)

21 COUNCILMAN NUTTER: I mean, similar to
22 what the Department of Licenses and Inspections
23 does, when I call them and say, you know, there's
24 a house that is possibly structurally damaged, may
25 be falling down, they go out, they make an

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2 inspection, they slap an orange notice up on it
3 saying the property's imminently dangerous, do not
4 enter. And, hopefully, within a relatively short
5 period of time, which is a private piece of
6 property, we demolish it. It is gone, you don't
7 see it anymore. We go after the people who own
8 the house, we put a lien on it, and we track them
9 down. Many of those people are probably now in
10 our tax lien sale portfolio. But we did it.

11 And I will never just shrug my
12 shoulders at \$20 million; \$20 million is a lot of
13 money, \$198,000 is a lot of money from where I sit
14 and where I come from. But whether it's the 5200
15 of Berks and Euclid, whether it's 5700 Stewart,
16 whether it's Nassau Road or the others that I'm
17 aware of today in my district, 63 walls is 63
18 walls. And if there are 63 other blocks in this
19 city that are experiencing the same problem, I
20 mean, you're not arguing at the table that there's
21 not a threat to the health, safety, and welfare of
22 the people, you're not arguing that people should
23 just learn to live with it. You're not even
24 necessarily making an argument at this point,
25 given what some of these numbers are, that the

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2 people should just shell out money themselves.

3 Your basic testimony is, We have a lot
4 of walls, they cost a lot of money, we don't
5 necessarily have the money, or have not searched
6 for the money today, and we have some public
7 policy issues to deal with both for the ones that
8 we know and the ones going forward. I mean,
9 that's basically what you're saying.

10 MR. LONIE: That's correct.

11 COUNCILMAN NUTTER: You're not
12 disputing the need, you're not saying that we
13 shouldn't. You're saying you don't know how
14 you're going to do it based on what your current
15 budget is today and that you don't have
16 \$20 million to do this because your dollars are
17 dedicated to other things.

18 MR. LONIE: Right. Well, that's one
19 thing. The other thing that I would like to say
20 too is that we in the Streets Department have no
21 enforcement power. We can certify, we can do
22 that. Only Licenses and Inspections can condemn
23 and do things like that. This is private
24 property, and it's not within our charter to go
25 out and basically put red notices around and say

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2 things like that. We just don't have the legal
3 ability to do that.

4 COUNCILMAN NUTTER: What, though, from
5 your perspective, is the condemnation by the Board
6 of Health, is that more in line with the
7 Pennsylvania statute that has to do with retaining
8 walls and the process that has to be established
9 in order for the City, under the previous system,
10 to put the liens against the -- or, I guess,
11 first we actually bill the people if they don't
12 pay, it gets into a lien, and then the lien was
13 then in the past given to the contractor. The
14 problem with that program is that the contractor
15 then had to run around and try to collect the
16 money on their own.

17 MR. LONIE; well, just one thing too.
18 I was around in '78 when the policy basically
19 changed. And when the policy changed, it was --

20 COUNCILMAN NUTTER: Changed from what
21 to what?

22 MR. LONIE: From when the City could go
23 in and basically say, This is a problem, we're
24 going to go in and give you notice, 30 days. Fix
25 it or we're going to send somebody in to do it,

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2 and we'll bill you later.

3 COUNCILMAN NUTTER: Mm-hmm.

4 MR. LONIE: The administration of the
5 department and the City at that time decided that
6 this wasn't fair, that the communities needed to
7 have a say in their own destiny, and that the City
8 was usurping that right. And so that was really
9 what changed that policy. It was more community
10 involvement when some of the people didn't want
11 this to happen.

12 COUNCILMAN NUTTER: Look, look, Mr.
13 Longshore, you know, I've lived my --

14 COUNCILMAN DICICCO: Not Mr. Longshore.

15 COUNCILMAN NUTTER: I'm sorry.

16 COUNCILMAN COHEN: Good try.

17 COUNCILMAN NUTTER: Mr. Lonie. You
18 know, from my elected service and my community
19 service, I mean, you know, I love community
20 involvement. I believe in it, I live and die by
21 it. But after 23 years of community involvement,
22 I've got a much worse situation than I ever
23 possibly could have imagined. The numbers are way
24 beyond what any person living on the block can
25 deal with on their own.

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2 And so now I believe that the wheel has
3 come back around and the policy needs to be
4 rethought. And if any other communities are
5 experiencing this level of distress with these
6 walls, we have now reached an impossible
7 situation.

8 The community process now is, people
9 come to the meeting, they hear the numbers that we
10 throw out at them. We tell them, You can organize
11 on your own and collectively put your dollars
12 together and pay for it yourself. Or we can have
13 this community process where you can petition us
14 to basically charge you an astronomical sum of
15 money, which most of you may not be able to pay.
16 Not that you don't want to, but you can only pay
17 what you can pay.

18 Now, under those circumstances, very
19 few people in their right mind are going to sign
20 up for that program. And that's why we're in the
21 condition that we're in.

22 So, I mean, whether it is a new
23 infrastructure fund, whether there is a
24 partnership between citizens and the government,
25 whether it's the use of community block

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2 development grant funds, for which this particular
3 community does qualify. And it is an emergency
4 condition, it is a blight condition. Based on my
5 review of the federal regulations governing HUD
6 and the CDBG program, I believe this is an
7 eligible activity. And that's where the
8 rethinking needs to go.

9 I mean, we can continue to say
10 technically, and we will be correct, it's private
11 property, we don't have anything to do with it,
12 it's on you. What we are allowing ourselves to
13 do, and I see Mr. Clark is back this, and you
14 know, maybe at the end of the day, it's subject to
15 some judge to decide.

16 But based on just my file -- and I
17 understand Larry Moy has ten times as much
18 information as I do -- if something happens back
19 there, there is an enormous record that has been
20 compiled that demonstrates that this government
21 has been on notice for a long period of time about
22 this. And I'm not so sure that we want to take
23 our chances in State or federal court with all
24 this information on the record.

25 So, I mean, it is what it is, and I'm

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2 not charging the Streets Department with doing
3 anything. I'm not saying that you don't care
4 'cause I know you care. And I believe that if
5 you had the dollars and policy changes were made,
6 you'd be out there tomorrow trying to do something
7 about it. I think that your testimony is helpful,
8 I think the statement that you made with regard to
9 Council, City Council and its future actions and
10 its awareness, and if you can get that map in a
11 form that, you know, is a little more
12 user-friendly for us, or even detailed by Council
13 district so that people can see what's going on,
14 you know, we've dealt with a lot of somewhat
15 complicated matters. But somebody has to decide
16 that it's a priority, that it's on the radar
17 screen and that we're going to deal with it in
18 comprehensive fashion. And that's all I'm
19 asking.

20 You know, I've tried to be cooperative
21 on this and not unreasonable. But there are a lot
22 of people who are experiencing this kind of
23 distress and we need to do something about it, and
24 I know we're not going to solve the problem
25 tomorrow, and we do need to get a full assessment

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2 of what it is that we're looking at. But the next
3 step is for all these other complicated problems
4 that we have solved. When the final decision was
5 on it's a money thing, we have figured that one
6 out, time and time again.

7 MR. LONIE: Right. I wish you success,
8 I really do. I hope that this Council does have
9 the wisdom to find and help these people in the
10 best way they can. We, at the Department of
11 Streets, will do everything we can to help in that
12 effort if there is a legal and a funded way to
13 repair these.

14 COUNCILMAN DICICCO: Councilmember
15 Miller?

16 COUNCILWOMAN MILLER: I want to add for
17 the record that retaining walls is an issue in the
18 8th Councilmatic district. And I was wondering,
19 when someone purchases a home, is it made very
20 clear to them that that retaining wall on their
21 property is their responsibility?

22 MR. LONIE: Yes, ma'am, it is. There
23 is a clause right after the legal description of a
24 deed that outlines the rights and
25 responsibilities. And it will say also including

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2 the right maintenance privileged use of an alley,
3 a driveway, a retaining wall. It has to state
4 that in right in the deed.

5 COUNCILWOMAN MILLER: 'Cause, you know,
6 we get a lot of calls, of course, about retaining
7 walls. And most people seem to be unaware that as
8 a homeowner, that's their responsibility. All
9 think it's the City.

10 MR. LONIE: I know, I know. That is a
11 problem.

12 COUNCILWOMAN MILLER: This gentleman
13 wants an answer.

14 COUNCILMAN DICICCO: Sir, you wanted to
15 say --

16 COUNCILMAN RIZZO: I wanted to follow
17 up.

18 COUNCILMAN DICICCO: All right, first a
19 follow-up by Councilmember Rizzo.

20 COUNCILMAN RIZZO: Have we identified
21 -- maybe Councilwoman Miller can help with this.
22 Are any of these properties affected being rented
23 that we have not dealt effectively with the
24 landlords to make sure that these conditions are
25 corrected? Have we identify owner-occupied versus

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2 the --

3 MR. LONIE: Right.

4 COUNCILMAN RIZZO: -- rental
5 situations?

6 MR. LONIE: In the case of municipal
7 assessment like this, we base our assessments on
8 the recorded owner, not someone that's renting it
9 or anything like that.

10 One of the other problem in a situation
11 like this is, this wall might be 250, 300, 400
12 feet long. And in a lot of cases, maybe only 70
13 feet of it's collapsed. While State law mandates
14 that we assess all the property owners together,
15 the people on the other end of the block say,
16 That's not my wall, that's their wall up the other
17 end. So they always vote no on these matters.
18 That's what really gets difficult to get a
19 majority of the owners to do this.

20 COUNCILMAN RIZZO: Thank you.

21 Thank you for that opportunity.

22 COUNCILMAN DICICCO: Councilman Cohen?

23 COUNCILMAN COHEN: You know,
24 historically, we appreciate your willing to be the
25 messenger today and get the blow. But I was in

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2 City Council in 1968, and that's more than 30
3 years ago, and the Streets Department historically
4 has always discouraged and looked for every way to
5 discourage people from participating.

6 I took so much of your indications, you
7 know, that the Streets Department tried to help.
8 It's never tried to help. It didn't matter who
9 the commissioner was, but apparently, there's an
10 entrenched bureaucracy that always found reasons
11 like the one you just gave, you know. And the
12 Streets Department always been opposed to it.

13 I was told a number of years ago that
14 the costs -- about 10 or 12 years ago that the
15 cost to the City would not be \$20 million. And
16 then, you know, the dollars were worth much more
17 less, but that it would be 500 million or more.
18 Now, this is the first time -- and I want to again
19 commend Councilman Nutter for this, for at least
20 getting a factual statement as to what the exact
21 cost is.

22 And \$20 million spread over several
23 fiscal years with some responsibility shared with
24 some contributions from the Community Development
25 Block Grant Fund is, for a city the size of

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2 Philadelphia, not a major crisis financial
3 problem. It's foolish to describe it that way.
4 And I think we ought to get or find a way to get
5 along with the business of dealing with the most
6 severe -- and this looks to me like it fits that
7 clear category, but this is not a major financial
8 crisis for a city that has a general fund budget
9 of \$2.5 billion, that has a surplus of over 69
10 million -- as a matter of fact, I think that was
11 last year's. I think this budget is well over
12 \$100 million this fiscal year.

13 No one wants to throw money away or
14 waste it, but we're talking about saving
15 neighborhoods here. And instead of the City just
16 making speeches how it's interested in the
17 neighborhoods while it does nothing, this is a
18 practical example as how to how you can prevent
19 houses from being abandoned by this. You can all
20 kinds of things that will improve Philadelphia as
21 a wonderful place to live in, and the cost is very
22 low in fact. And I just hope we move ahead. I
23 think we ought to pass this bill. I think Council
24 ought to act quickly. And as we move forward, we
25 can work out the details.

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2 Again, you deserve a medal for coming
3 here today and being the messenger that's bearing
4 the news, but I have to tell you that my
5 experience is totally different. If you talk to
6 neighbors all throughout the city, you'll find out
7 that at every step, the City objected.

8 Councilman Nutter, the reason this is a
9 matter of public safety is that the technique was
10 for the City to come and examine it. And only
11 when the City found that there was a danger to
12 public safety and public welfare was the property
13 then condemned. That created the legal
14 responsibility for doing something. And here we
15 have on the one hand, the City was condemning this
16 as unhealthy, as dangerous, and then closing the
17 door and getting anything done.

18 Thank you.

19 COUNCILMAN NUTTER: Thank you, thank
20 you.

21 COUNCILMAN DICICCO: Sir?

22 MR. MOFFITT: Yeah, my name is Michael
23 Moffitt, and I wanted to say, you know, as far as
24 regards to deeds and what's on the deed what the
25 homeowner's responsible for, you know, we've had

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2 this situation for a long time. And we got in
3 touch with a Channel 10 news reporter, and she
4 took a look at the deeds on Euclid Street, and she
5 couldn't find anything about a retaining wall.
6 Also with Berk Street. So it gives the property
7 boundaries, X-amount of footway driveway and so on
8 and so forth.

9 COUNCILMAN DICICCO: Councilmember
10 Nutter?

11 COUNCILMAN NUTTER: Thank you. I had
12 asked, and I'd be glad to get you and the
13 neighbors a copy of the memo from just the other
14 day 'cause I wanted to have a fresh document. And
15 I asked Mr. Havey, how did the Streets Department
16 or the Survey Bureau actually determine who was
17 responsible for what, how did they make that
18 determination? And as the previous determination
19 had been made, and I'll read a part of this memo,
20 he says:

21 "For the record, in addition to
22 reexamining the physical site, I've examined all
23 of our internal documents relating to the problem.
24 Please note that the properties on Berk Street
25 predated the Euclid Street properties."

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2 So first they tried to figure out which
3 properties were built when, because that normally
4 tells you why the wall was built in the first
5 place and who it was built for.

6 "The upper driveway was constructed
7 expressly for Berk Street. Later, the Euclid
8 Street properties were constructed with a driveway
9 along their rear, plus a retaining wall to protect
10 the pre-existing upper driveway from collapsing
11 onto the newer lower driveway of Euclid Street.

12 "My conclusion is that repair and
13 maintenance of the upper driveway is the
14 responsibility of the properties 5200-54 Berk
15 Street. The repair and maintenance of the
16 retaining wall and lower driveway is the
17 responsibility of the properties 5201-45 Euclid
18 Street."

19 So the Berk Street neighbors have
20 responsibility for their driveway; that is their
21 driveway, it was built for them. At a later point
22 in time -- it could have been six months, it could
23 have been a year, you know, whenever it was,
24 'cause we know that the properties out in
25 Wynnefield are 50, 60 years old. At some point in

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2 time, the Euclid Street properties were built, and
3 with that construction, a retaining wall was
4 built, and so that is kind of the line of
5 demarcation as to who is responsible for what.
6 Berks Street has the driveway, Euclid Street has
7 the retaining wall. That is the consistent
8 documentation going back to 1975 and with site
9 visits.

10 So I have not -- if I've seen your
11 deeds, I don't remember that I've seen them. So I
12 don't know what's on your deed or what's not on
13 your deed. But the other method of figuring out
14 what happened and the legal method of doing that
15 is to figure out why was the structure built, who
16 was it built for, and if not for Euclid Street
17 ever being built, apparently, there would have
18 never been a retaining wall. That's the answer to
19 the question.

20 Mr. Chairman, unfortunately, I have to
21 be asked to excused, although I get the impression
22 we might be wrapping up. I have a young lady
23 waiting for me. She is four years old, and she
24 will be very upset if I don't get her from
25 preschool.

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2 COUNCILMAN DICICCO: And they talk
3 about the women I go out with.

4 COUNCILMAN NUTTER: Yeah.
5 (Laughter.)

6 COUNCILMAN DICICCO: Okay, thank you.
7 Anyone else here who wishes to testify
8 for or against this bill?

9 (No response.)

10 COUNCILMAN DICICCO: Hearing none, this
11 concludes the public hearing.

12 - - -

13 COUNCILMAN DICICCO: We will now move
14 into the public meeting.

15 And I do want to state for the record,
16 I thank the neighbors for coming here today and
17 value your input. And we will work with your
18 Councilmember to see if we could find a resolution
19 to this problem. Thank you.

20 MR. LONIE: Mr. Chairman, on the
21 extension ordinance for Spring Street, I'd like to
22 recommend a waving of the rules, please.

23 THE CLERK: Suspension.

24 MR. LONIE: That's the one. Thank you.

25 COUNCILMAN DICICCO: The Chair

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2 recognizes Councilman Cohen for motion on Bill No.

3 980758.

4 COUNCILMAN COHEN: Mr. Chairman, I move

5 that Bill No. 980758 be reported out with a

6 favorable recommendation.

7 (Duly seconded.)

8 COUNCILMAN DICICCO: It's been moved

9 and seconded that Bill No. 980758 be reported out

10 of committee with a favorable recommendation.

11 All those in favor of the bill, signify

12 by saying aye.

13 Those opposed say nay?

14 The bill is approved.

15 For the record, five members of the

16 committee are here: Councilmember Rizzo,

17 Councilmember Cohen, Councilmember Miller, and,

18 myself, Councilman DiCicco. And Councilmember

19 Ortiz left his vote in the affirmative for all

20 bills.

21 Councilmember Cohen for a motion on

22 Bill No. 990139.

23 COUNCILMAN COHEN: Mr. Chairman, I move

24 that Bill No. 990139 be reported out with a

25 favorable recommendation and with a request for

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2 the suspension of rules to permit first reading at
3 the next Council meeting.

4 (Duly seconded.)

5 COUNCILMAN DICICCO: It's been properly
6 moved and seconded that Bill No. 990139 be
7 reported out of committee with a favorable
8 recommendation and that the rules of Council be
9 suspended.

10 All those in favor of the bill, signify
11 by saying aye?

12 Those opposed say nay?

13 The bill is approved.

14 The Chair recognizes Councilman Cohen
15 for a motion Bill No. 990143.

16 COUNCILMAN COHEN: Mr. Chairman, I move
17 that Bill No. 990143 be reported out with a
18 favorable recommendation.

19 (Duly seconded.)

20 COUNCILMAN DICICCO: It's been properly
21 moved and seconded that Bill No. 990143 be
22 reported out of committee with a favorable
23 recommendation.

24 All those in favor of the bill, signify
25 by saying aye?

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2 Those opposed say nay?

3 The bill is approved.

4 The Chair recognizes Councilmember
5 Cohen for a motion on Bill No. 990145.

6 COUNCILMAN COHEN: Mr. Chairman. I
7 move that Bill No. 990145 be reported out of
8 committee with a favorable recommendation and with
9 a request for suspension of the rules to permit
10 first reading at the next Council session.

11 (Duly seconded.)

12 COUNCILMAN DICICCO: It has been
13 properly moved and seconded that Bill No. 990145
14 be reported out of committee with a favorable
15 recommendation and that the rules of Council be
16 suspended.

17 All those in favor of the bill, signify
18 by saying aye?

19 Those opposed say nay?

20 The bill is approved.

21 The Chair recognizes Councilman Cohen
22 for a motion on Bill No. 990151.

23 COUNCILMAN COHEN: Mr. Chairman, I move
24 that Bill No. 990151 be reported out with a
25 favorable recommendation.

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2 (Duly seconded.)

3 COUNCILMAN DICICCO: It has been
4 properly moved and seconded that Bill No. 990151
5 be reported out of committee with a favorable
6 recommendation.

7 All those if favor of the bill, signify
8 by saying aye?

9 Those opposed say nay?

10 The bill is approved.

11 The Chair recognizes Councilmember
12 Cohen for a motion on Bill No. 990159.

13 COUNCILMAN COHEN: Mr. Chairman, I move
14 that Bill No. 990159 be reported out of committee
15 with a favorable recommendation and with a request
16 for a suspension of the rules to permit first
17 reading at the next section of City Council.

18 (Duly seconded.)

19 COUNCILMAN DICICCO: It has been
20 properly moved and seconded that Bill No. 990159
21 be reported out of committee with a favorable
22 recommendation and that the rules of Council be
23 suspended.

24 All those in favor of the bill, signify
25 by saying aye?

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2 Those opposed say nay?

3 The bill is approved.

4 COUNCILMAN DICICCO: The Chair

5 recognizes Councilmember Cohen for a motion on

6 Bill No. 990165.

7 COUNCILMAN COHEN: Mr. Chairman, I move
8 that Council Bill No. 990165 be reported out with
9 a favorable recommendation and with a request for
10 a suspension of the rules to permit first reading
11 at the next session of City Council.

12 (Duly seconded.)

13 COUNCILMAN DICICCO: It has been
14 properly moved and seconded that Bill No. 990165
15 be reported out of committee with a favorable
16 recommendation and that the rules of Council be
17 suspended.

18 All those in favor of the bill, signify
19 by saying aye?

20 Those opposed, say nay?

21 The bill is approved.

22 The Chair recognizes Councilman Cohen
23 for a motion on Bill No. 990185.

24 COUNCILMAN COHEN: Mr. Chairman, I move
25 that Council Bill No. 990185 be reported out with

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2 a favorable recommendation and with a request for
3 suspension of the rules to permit first reading at
4 the next session of City Council.

5 (Duly seconded.)

6 COUNCILMAN DICICCO: It has been
7 properly moved and seconded that Bill No. 990185
8 be reported out of committee with a favorable
9 recommendation and that the rules of Council be
10 suspended.

11 All those in favor of the bill, signify
12 by saying aye?

13 Those opposed say nay?

14 The bill is approved.

15 The Chair recognizes Councilmember
16 Cohen for a motion on Bill No. 990202.

17 COUNCILMAN COHEN: Mr. Chairman, I move
18 that Council Bill No. 990202 be reported out with
19 a favorable recommendation and with a request for
20 a suspension of rules to permit first reading at
21 the next session of City Council.

22 (Duly seconded.)

23 COUNCILMAN DICICCO: It has been
24 properly moved and seconded that Bill No. 990202
25 be reported out of committee with a favorable

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2 recommendation and that the rules of Council be
3 suspended.

4 All those in favor of the bill, signify
5 by saying aye?

6 Those opposed, say nay?

7 The bill is approved.

8 The Chair recognizes Councilman Cohen
9 for a motion on Bill No. 990203.

10 COUNCILMAN COHEN: Mr. Chairman, I move
11 that Council Bill No. 990203 be reported out of
12 committee with a favorable recommendation and with
13 a request for suspension of the rules to permit
14 first reading at our next session of Council.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It has been
17 properly moved and seconded that Bill No. 990203
18 be reported out of committee with a favorable
19 recommendation and that the rules of Council be
20 suspended.

21 All those in favor of the bill, signify
22 by saying aye?

23 Those opposed say nay?

24 The bill is approved.

25 The Chair recognizes Councilmember

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2 Cohen for a motion on Bill No. 990204.

3 COUNCILMAN COHEN: Mr. Chairman, I move
4 that Council Bill No. 990204 be reported out with
5 a favorable recommendation and with a request for
6 suspension of the rules to permit first reading at
7 our next session Council session.

8 (Properly seconded.)

9 COUNCILMAN DICICCO: It has been
10 properly moved and seconded that Bill No. 990204
11 be reported out of committee with a favorable
12 recommendation and that the rules of Council be
13 suspended.

14 All those in favor of the bill, signify
15 by saying aye?

16 Those opposed say nay?

17 The bill is approved.

18 The Chair recognizes Councilman Cohen
19 for a motion on Bill No. 990205.

20 COUNCILMAN COHEN: Mr. Chairman, I move
21 that Council Bill No. 990205 be reported out with
22 a favorable recommendation and with a request for
23 suspension of the rules to permit first reading at
24 the next session of City Council.

25 (Duly seconded.)

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2 COUNCILMAN DICICCO: It has been
3 properly moved and seconded that Bill No. 990205
4 be reported out of committee with a favorable
5 recommendation and that the rules of Council be
6 suspended.

7 All those in favor of the bill will
8 signify by saying aye?

9 Those opposed, say nay?

10 The bill is approved.

11 The Chair recognizes Councilman Cohen
12 for a motion on Bill No. 990218.

13 COUNCILMAN COHEN: Mr. Chairman, I move
14 that Council Bill No. 990218 be reported out with
15 a favorable recommendation and with a request for
16 suspension of the rules so as to permit first
17 reading at the next Council session.

18 (Duly seconded.)

19 COUNCILMAN DICICCO: It has been
20 properly moved and seconded that Bill No. 990218
21 be reported.

22 All those in favor of the bill will
23 signify by saying aye?

24 Those opposed, say nay?

25 The bill is approved.

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2 The Chair recognizes Councilman Cohen
3 for a motion on Bill No. 990226.

4 COUNCILMAN COHEN: Mr. Chairman, I move
5 that Council Bill No. 990226 be reported out with
6 a favorable recommendation and with a request for
7 a suspension of the rules to permit first reading
8 at the next session of City Council.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It has been
11 properly moved and seconded that Bill No. 990226
12 be reported out of committee with a favorable
13 recommendation and a recommendation that the rules
14 of Council be suspended.

15 All those in favor of the bill, signify
16 by saying aye?

17 Those opposed, say nay?

18 The bill is approved.

19 The Chair recognizes Councilman Cohen
20 for a motion on Bill No. 990250.

21 COUNCILMAN COHEN: Mr. Chairman, I move
22 that Council Bill No. 990250 be reported out with
23 a favorable recommendation.

24 (Duly seconded.)

25 COUNCILMAN DICICCO: It has been

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2 properly moved and seconded that Bill No. 990250
3 be reported out of committee with a favorable
4 recommendation.

5 All those in favor of the bill, signify
6 by saying aye?

7 Those opposed say nay?

8 The bill is approved.

9 The Chair recognizes Councilman Cohen
10 for a motion on Bill No. 990252.

11 COUNCILMAN COHEN: Mr. Chairman, I move
12 that Council Bill 990252 be reported out with a
13 favorable recommendation and with a request that
14 the rules of Council be suspended to permit first
15 reading at the next session of Council.

16 (Duly seconded.)

17 COUNCILMAN DICICCO: It has been
18 properly moved and seconded that Bill No. 990252
19 be reported out of committee with a favorable
20 recommendation and that the rules of Council be
21 suspended so as to permit first reading.

22 All those in favor of the bill, signify
23 by saying aye?

24 Those opposed say nay?

25 The bill is approved.

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2 This concludes the public meeting on
3 the Council Committee of Streets and Services, and
4 I want to thank the committee members for
5 attending today.

6 (Adjourned at 3:35 p.m.)

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RE: COUNCIL COMMITTEE ON STREETS & SERVICES

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I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Monday, May 10, 1999, were
reported fully and accurately by me, and that this
is a correct transcript of same.

BILL NO.'S 990143, 990151 980758, 990205,
990218, 990139, 990145, 990159, 990185,
990202, 990203, 990204, 990226, 990250,
990252

JOSEPHINE CARDILLO,
Registered Professional Reporter