

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC PROPERTY AND
PUBLIC WORKS

Via Microsoft Teams
Philadelphia, Pennsylvania
Monday, November 30, 2020
4:17 p.m.

PRESENT:

COUNCILMAN BOBBY HENON, CHAIR
COUNCILMAN ALLAN DOMB
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN HELEN GYM
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILLS 200619 and 200662

- - -

1 11/30/20 - PUBLIC PROPERTY - BILL 200619

2 COUNCILMAN HENON: Good
3 afternoon and welcome to the Committee of
4 Public Property and Public Works for
5 today, Monday, November 30th, 2020.

6 I understand that state law
7 currently requires that the following
8 announcement be made at the beginning of
9 every remote public hearing as follows:

10 Due to the current public
11 health emergency, City Council committees
12 are currently meeting remotely. We are
13 using Microsoft Teams to make these
14 remote hearings possible. Instructions
15 for how the public may view and offer
16 public testimony at public hearings of
17 Council committees are included in the
18 public hearing notices that are published
19 in the Daily News, Inquirer, and Legal
20 Intelligencer prior to the hearings, and
21 can also be found on PHLCouncil.com.

22 Will the Clerk please call the
23 roll to take attendance. Members that
24 are in attendance, please indicate that
25 they are present when their names are

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2 called. Also please say a few brief
3 words when responding so your image will
4 be displayed on the screen when you
5 speak.

6 Our Clerk for today is Mr.
7 Perzel.

8 Mr. Perzel, would you please
9 read the roll.

10 THE CLERK: Councilmember Bobby
11 Henon.

12 COUNCILMAN HENON: Present.

13 THE CLERK: Councilmember Mark
14 Squilla.

15 COUNCILMAN SQUILLA: Present.

16 THE CLERK: Councilmember Jamie
17 Gauthier.

18 COUNCILWOMAN GAUTHIER:
19 Present.

20 THE CLERK: Councilmember Helen
21 Gym.

22 COUNCILWOMAN GYM: Present.

23 THE CLERK: Councilmember David
24 Oh.

25 COUNCILMAN OH: Present.

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2 THE CLERK: Councilmember Allan
3 Domb.

4 COUNCILMAN DOMB: Present.

5 THE CLERK: And Councilmember
6 Curtis Jones.

7 (No response.)

8 COUNCILMAN HENON: Thank you.

9 A quorum of the Committee is present and
10 this hearing is now called to order.

11 This is a public hearing of the Committee
12 of Public Property and Public Works
13 regarding Bill No. 200619.

14 Before we begin, I want to
15 announce that Bill No. 200662 will be
16 held. Please let the record reflect that
17 Bill No. 200662 is held at the request of
18 the sponsor and will be heard at a later
19 date.

20 Clerk, would you please read
21 the title of the bill.

22 THE CLERK: Bill 200619,
23 authorizing the Chief Executive Officer
24 of Philadelphia International Airport,
25 the Director of Commerce, the

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2 Commissioner of Public Property, the
3 Streets Commissioner and the Water
4 Commissioner, or any or all of them, on
5 behalf of the City of Philadelphia, to
6 enter into a non-exclusive license
7 agreement with the owner of 6900
8 Essington Avenue, 6902 Essington Avenue
9 and 6904 Essington Avenue to allow for
10 the continued use of a utility corridor
11 and related improvements through property
12 owned by the City of Philadelphia bounded
13 approximately by the southern boundary of
14 6900 Essington Avenue and continuing to
15 the northern boundary of the Fort Mifflin
16 Terminal Complex on Hog Island Road in
17 Philadelphia and Delaware Counties, all
18 under certain terms and conditions.

19 COUNCILMAN HENON: Thank you,
20 Clerk.

21 Before we begin to hear
22 testimony from witnesses we have for
23 today, everyone who has been invited to
24 the meeting to testify should be aware
25 that this is a public hearing and this

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2 hearing is being recorded. Because the
3 hearing is public, participants and
4 viewers have no reasonable expectation of
5 privacy. By continuing to be in the
6 meeting, you are consenting to being
7 recorded.

8 Additionally, prior to
9 recognizing the members for questions or
10 comments they have for any witnesses, I
11 will note for the record that at this
12 time they will use the Chat feature
13 available in Microsoft Teams to allow
14 members to signify that they wish to be
15 recognized. In order to comply with the
16 Sunshine Act, the Chat feature must only
17 be used for this purpose.

18 Before we call the panel for
19 Bill No. 200619, the Chair would like to
20 recognize the bill sponsor, Councilmember
21 Johnson.

22 COUNCILMAN JOHNSON: Thank you
23 very much, Mr. Chairman. I don't have
24 any major comments regarding this
25 particular bill and so -- that's it.

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2 Thank you.

3 COUNCILMAN HENON: Thank you,
4 Councilmember.

5 Clerk, would you please read
6 the panel.

7 THE CLERK: James Tyrrell.

8 COUNCILMAN HENON: Good
9 afternoon, Mr. Tyrrell. You are
10 connected and ready to proceed with your
11 testimony. Please state your name for
12 the record and then begin.

13 MR. TYRRELL: James Tyrrell,
14 Chief Revenue Officer, Philadelphia
15 International Airport.

16 Good afternoon, Chairman Henon
17 and members of the Public Property and
18 Public Works Committee. My name is Jim
19 Tyrrell, Chief Revenue Officer for
20 Philadelphia International Airport, and I
21 appear before you today to testify in
22 support of Bill No. 200619.

23 As you know, Philadelphia
24 International Airport is owned and
25 operated by the City of Philadelphia.

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The Airport operates without local tax dollars and relies primarily on fees paid by airlines, along with revenues generated from other business activities located at the Airport to pay all of the associated costs with the operations of the Airport.

One of those other revenue sources -- one of those other sources of Airport revenues is license fees paid by owners of pipelines that cross Airport property. Bill No. 200619 would authorize the City and Philadelphia Energy Solutions Refining and Marketing LLC, which is owned by Hilco Redevelopment Partners, to enter into a license agreement with respect to the pipeline owned by Hilco. The pipeline, which has been in operation for decades, carries gasoline and diesel fuel from the property near the Airport formerly operated as a refinery to nearby Fort Mifflin Terminal Complex, a tank farm, on Hog Island Road beside the Delaware

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2 River.

3 Between the refinery property
4 and the tank farm, the pipeline traverses
5 City property managed by the Water
6 Department, Streets Department, and the
7 Airport. Executives of the City's Water
8 and Streets Department and the Public
9 Property Commissioner have expressed
10 their support of this bill.

11 The pipeline has been
12 licensed -- had been previously licensed
13 under a City Council-approved 1997
14 agreement between the City and Sun
15 Company Inc., which formerly owned the
16 Hilco refinery property. Because that
17 agreement no longer applies to this
18 pipeline, Hilco and the City have
19 recognized that a new agreement is
20 needed.

21 In June of 2020, a letter from
22 the City's Managing Director to Jeremy
23 Grey, Executive Vice President of Hilco
24 Redevelopment Partners, the City
25 committed to working with Hilco on a

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2 license agreement for this pipeline known
3 as the Laurel Feeder. The Airport, the
4 Water and Streets Department, the Public
5 Property Commissioner, and Hilco supports
6 this bill authorizing a license agreement
7 between the City and Hilco, similar in
8 form to the agreement attached to the
9 June 2020 letter. Key terms of the new
10 agreement called out in the bill include
11 the agreement not obligating the City to
12 spend money, making it possible for the
13 term of the agreement to exceed the
14 four-year limitation consistent with the
15 City's Home Rule Charter Section 8-2003.
16 Consistent with that provision, a term
17 for the new agreement of up to 50 years
18 is called out.

19 Another key term in the bill is
20 that the agreement will provide for a
21 license fee determined by an appraisal.

22 I greatly appreciate the
23 opportunity to speak to you today in
24 support of Bill No. 200619 and
25 respectfully request that the rules be

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2 suspended to allow for first reading at
3 the next Council session.

4 I am available to answer any
5 questions you may have at this time.

6 Thank you, Chairman Henon.

7 COUNCILMAN JOHNSON:

8 Mr. Chairman?

9 COUNCILMAN HENON: Thank you,
10 Mr. Tyrrell.

11 The Chair recognizes Councilman
12 Johnson.

13 COUNCILMAN JOHNSON: Yeah,
14 Mr. Chairman. First and foremost, I want
15 to thank Mr. Jim Tyrrell and his team for
16 their hard work and the dedication in
17 working with Hilco around this bill and
18 want to ask for my colleagues'
19 affirmative support.

20 Thank you very much,
21 Mr. Chairman.

22 COUNCILMAN HENON: Thank you,
23 Councilman.

24 Is there anyone else here who
25 wishes to testify on Bill No. 200619?

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2 (No response.)

3 COUNCILMAN HENON: Anyone on
4 the Committee have any questions for
5 Mr. Tyrrell on this bill?

6 We have a question from
7 Councilmember Domb. You are now
8 recognized.

9 COUNCILMAN DOMB: Thank you,
10 Chairman Henon.

11 And thank you, Mr. Tyrrell. I
12 just had a couple quick questions.

13 Basically what we're doing is,
14 we're leasing the space in between the
15 refinery and where the final destination
16 is going to, correct?

17 MR. TYRRELL: That is correct,
18 Councilmember. It is a right-of-way
19 between those two destinations.

20 COUNCILMAN DOMB: And the value
21 of that is determined by an appraiser?

22 MR. TYRRELL: Absolutely.

23 COUNCILMAN DOMB: And in the
24 past, what's been the dollars involved?

25 MR. TYRRELL: It's been a per

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2 square foot charge that has been
3 determined by fair market value
4 appraisals. The last one has not been
5 done for several years.

6 COUNCILMAN DOMB: And if we
7 can't come to an agreement, what's the
8 alternative way to transport it?

9 MR. TYRRELL: Typically the
10 process we employ is to have an appraisal
11 done. If there is some objection to the
12 value, then the lessee or licensee can
13 have another appraisal done. If they
14 fall within 10 percent of each other, we
15 usually agree to split the difference.
16 If they fall outside of that range, a
17 third appraiser is mutually identified
18 and then a new and review appraisal will
19 be conducted.

20 COUNCILMAN DOMB: Are there
21 other leases like this throughout the
22 City?

23 MR. TYRRELL: Several. The
24 Airport has several. I'm not sure about
25 other City departments.

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2 COUNCILMAN DOMB: Right. So
3 there are comparables that the appraiser
4 can use?

5 MR. TYRRELL: Yes, sir.

6 COUNCILMAN DOMB: Thank you
7 very much. Thank you.

8 Thank you, Mr. Chairman.

9 MR. TYRRELL: You're welcome.

10 COUNCILMAN HENON: Thank you,
11 Councilmember.

12 Any other members on the
13 Committee have any questions for
14 Mr. Tyrrell?

15 (No response.)

16 COUNCILMAN HENON: Is there
17 anyone else here from the public that
18 have any questions that have joined us,
19 any questions for Mr. Tyrrell?

20 (No response.)

21 COUNCILMAN HENON: Mr. Tyrrell,
22 I thank you for your time and your --

23 COUNCILMAN DOMB: I have a
24 question.

25 COUNCILMAN HENON: Councilman

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2 Domb.

3 COUNCILMAN DOMB: I think I
4 asked you this, but I don't know if I got
5 an answer. What do you think ballpark
6 the dollar figure is going to be?

7 MR. TYRRELL: I don't recall
8 what the recent appraised value has been,
9 Councilmember. It's been several years
10 since we've had a right-of-way appraised.

11 COUNCILMAN DOMB: And do we
12 hire the appraiser, the City?

13 MR. TYRRELL: We do. The
14 Airport actually has an appraiser under
15 contract who specializes in these types
16 of projects.

17 COUNCILMAN DOMB: Okay. Thank
18 you very much. Thank you.

19 MR. TYRRELL: You're welcome.

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

22 COUNCILMAN HENON: Thank you,
23 Councilmember.

24 There being no further
25 questions from members of the Committee

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2 and no other witnesses to testify, I will
3 ask if there is anyone else present in
4 today's hearing whose name we have failed
5 to call and that wishes to offer
6 testimony on any of the bills that are
7 being considered here today?

8 (No response.)

9 COUNCILMAN HENON: Hearing none
10 and seeing none, I want to thank all the
11 panels. I want to thank you,
12 Mr. Tyrrell, for your testimony here for
13 today and for your participation. We
14 value your input.

15 I now invite all panelists and
16 witnesses to please disconnect from the
17 meeting before we go into our public
18 meeting. We will now pause for the
19 proceedings briefly as multiple
20 participants may have to leave the
21 hearing.

22 (Pause.)

23 COUNCILMAN HENON: This
24 concludes the public hearing of the
25 Committee. We will now go into our

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2 public meeting to consider the action to
3 be taken on the bill that is before this
4 Committee here today.

5 Clerk, would you please call
6 the roll.

7 THE CLERK: Councilmember Bobby
8 Henon.

9 COUNCILMAN HENON: Present.

10 THE CLERK: Councilmember Mark
11 Squilla.

12 COUNCILMAN SQUILLA: Present.

13 THE CLERK: Councilmember Jamie
14 Gauthier.

15 COUNCILWOMAN GAUTHIER:
16 Present.

17 THE CLERK: Councilmember Helen
18 Gym.

19 COUNCILWOMAN GYM: Present.

20 THE CLERK: Councilmember David
21 Oh.

22 COUNCILMAN OH: Present.

23 THE CLERK: Councilmember Allan
24 Domb.

25 COUNCILMAN DOMB: Present.

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THE CLERK: And Councilman
Curtis Jones.

(No response.)

COUNCILMAN HENON: I want to
thank you all. We will now go into our
public meeting.

The Chair recognizes
Councilmember Squilla for a motion on
Bill No. 200619.

COUNCILMAN SQUILLA: Thank you,
Mr. Chair. I move that Bill No. 200619
be reported from this Committee with a
favorable recommendation and further move
that the rules of Council be suspended to
permit the first reading of this bill at
the next session of Council.

COUNCILMAN HENON: Can I get a
second?

(Duly seconded.)

COUNCILMAN HENON: Let the
record reflect that Councilmember
Gauthier has seconded the motion.

It has been moved and properly
seconded that Bill No. 200619 be reported

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2 from this Committee with a favorable
3 recommendation and further moved that the
4 rules of Council be suspended as to
5 permit the reading of this bill at our
6 next session of Council.

7 All those in favor on the
8 motion signify by saying aye.

9 (Aye.)

10 COUNCILMAN HENON: Opposed?

11 (No response.)

12 COUNCILMAN HENON: The ayes
13 have it and the motion carries.

14 This concludes our Public
15 Property and Public Works Committee
16 hearing. I want to thank you all for
17 your hard work today. And being that
18 there are no additional remarks, this
19 Committee hearing is concluded.

20 Thank you all for your
21 attendance today and have a blessed day.

22 (Committee on Public Property
23 and Public Works concluded at 4:32 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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