

*Louis L. Redding
City/County Building
April 18, 2013*

Council met in regular session on the above date at 6:30 p.m., President Theopalis K. Gregory, Sr. presiding.

Invocation was given by Joe Garcia.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

The following members responded to the Call of the Roll: Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, M. Brown, Cabrera, Walsh, Wright and Council President Gregory. Total, thirteen.

MINUTES

After reading a portion of the minutes of April 4, 2013, upon a motion of Ms. Walsh, seconded by Mr. Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

No committee reports presented this evening.

TREASURER'S REPORT

The following Treasurer's Report dated April 18, 2013 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel, the Report was received, recorded and filed. Motion prevailed.

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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON April 18, 2013

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,072.22
105	Police Pension Account	M & T Bank	\$ 5,055.86
106	Fire Pension Account	M & T Bank	\$ 2,284.60
107	Evidence/Found Currency Account	M & T Bank	\$ 233,870.45
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 382,481.89
113	Non-Uniform Pension	M & T Bank	\$ 1,291.70
114	Central Deposit	M & T Bank	\$ 152,894.42
117	Cement Workers	Wilmington Savings Fund	\$ 33,339.63
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.21
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 1,116.32
130	Payroll	M & T Bank	\$ 194,263.43
131	Pension Payroll Account	M & T Bank	\$ 10,266.32
139	Pension Healthcare Account	M & T Bank	\$ <u>32,057.11</u>
	Total Cash on Hand		\$ 1,067,136.13

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	04/18/13	0.25%	\$ 61.04	\$ 8,911,893.00
116	General ¹	TD	CD	04/18/13	0.25%	\$ 6,852.72	\$ 14,292,802.00
116	General	WSFS	CD	04/19/13	0.30%	\$ 902.54	\$ 2,000,000.00
124	Non-Uniform 1990	WSFS	CD	04/25/13	0.30%	\$ 1,141.72	\$ 4,790,000.00
105	Police Pension	WSFS	CD	04/25/13	0.30%	\$ 63.16	\$ 265,000.00
110	Capital ²	TD	CD	04/26/13	0.25%	\$ 84.47	\$ 425,260.75
110	Capital	WSFS	CD	05/01/13	0.30%	\$ 1,280.54	\$ 1,900,000.00
110	Capital	WSFS	CD	05/01/13	0.30%	\$ 18,105.53	\$ 24,476,000.00
116	General	WSFS	CD	05/03/13	0.30%	\$ 1,052.05	\$ 2,000,000.00
110	Capital ³	TD	CD	05/06/13	0.25%	\$ 738.45	\$ 1,540,195.00
116	General	WSFS	CD	05/17/13	0.30%	\$ 1,282.19	\$ 2,000,000.00
116	General	WSFS	CD	05/31/13	0.30%	\$ 1,380.82	\$ 2,000,000.00
110	Capital	WSFS	CD	06/03/13	0.30%	\$ 3,863.01	\$ 10,000,000.00
116	General	WSFS	CD	06/03/13	0.30%	\$ 5,301.36	\$ 5,000,000.00
110	Capital	WSFS	CD	06/03/13	0.30%	\$ 986.30	\$ 2,000,000.00
116	General	WSFS	CD	06/10/13	0.30%	\$ 1,084.93	\$ 2,000,000.00
514	Risk Management	WSFS	CD	07/11/13	0.50%	\$ 7,564.25	\$ 1,512,851.52
515	Worker's Comp.	WSFS	CD	07/11/13	0.50%	\$ 7,564.25	\$ 1,512,851.52
104	Escrow Pension	Affinity Wealth					\$ 1,005,597.00
104	Escrow Pension	Vanguard					\$ 17,694,738.00
104	Escrow Pension	Black Rock					\$ 51,724,709.00
104	Escrow Pension	Edgar Lomax					\$ 25,731,134.00
104	Escrow Pension	Wilmington Trust					\$ 30,986,619.00
104	Escrow Pension	Manning & Napier					\$ 23,704,680.00
104	Escrow Pension	Earnest Partners					\$ 11,644,082.00
104	Escrow Pension	GMO					\$ 10,591,744.00
139	Medical Escrow	Merrill Lynch					\$ 9,730,081.00
116	The Hartford	Deferred Comp.					\$ 32,694,939.00
	Total Investments						\$ 302,135,176.79
	Total Cash on Hand						\$ 1,067,136.13
	Grand Total						\$ 303,202,312.92

¹ Budget Reserve

² Lincoln Towers BAN ³ SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

Upon a motion of Ms. Walsh, seconded by Mr. Freel, the following non-legislative resolutions were accepted into the record:

D. Brown	Congratulate Howard High School of Technology Boys State Basketball Champions
D. Brown	Faith & Deliverance Outreach Ministries, Inc. 11 th Anniversary
M. Brown/Gregory	Sympathy Garfield Stallings, Jr.
Cabrera	Recognize Former Wilmington Police Department Inspector
Nancy Dietz	
Chukwuocha	Recognize Harlan Elementary Basketball Team and Cheerleaders
Congo	Commend 8 year old Joseph Schorah
Gregory	Recognize KinFolk Program
Dorsey Walker	Congratulate St. Elizabeth High School Girls State Basketball Champions

LEGISLATIVE BUSINESS

President Gregory: Councilman Chukwuocha.

Mr. Chukwuocha: None tonight Mr. President. Thank you Sir.

President Gregory: Councilman Congo.

Mr. Congo: Yes Mr. President. I have two Resolutions to present.

Mr. Congo presented Resolution No. 13-024 as follows:

WHEREAS, pursuant to Section 2-363 of the Code of the City of Wilmington ("City"), the City may apply for and receive grant funds to be used for a wide variety of City activities, subject to the approval of City Council; and

WHEREAS, the City has been approved by the Department of Education for the State of Delaware to receive approximately \$560,000.00 in grant funds from the Federal government for the operation and cost of the Summer Food Service Program (the "Food Program"), which is set to run from June 17, 2013 through August 16, 2013; and

WHEREAS, although the City is not required to provide matching funds for receipt of these grant funds, the City is initially required to pay the Food Program vendor with City funds and is then reimbursed by the Federal government through the State of Delaware for the payments. Importantly, there will be no net financial impact on the City, provided the City complies with all Federal and State requirements attached to the Food Program; and

WHEREAS, the City is prepared to put Contract 14005PR – Summer Food Service Program (the “Contract”) – for vendors to provide meals for eligible participants in the Food Program out for bidding (a copy of the Contract is on file with the Division of Procurement and Records); and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City’s use of the grant funds for the Food Program in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described Federal grant funds received from the State of Delaware for the Program be accepted and approved, and the Mayor or his designee, and the City Clerk are hereby authorized and directed to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

Mr. Congo: I guess Mr. President, as it was just explained. This is just a grant for us to be able to feed a lot of the children and their families during the summer. I believe it feeds around 1200 children a day and there are no matching funds. It’s an annual grant for the Summer Youth Program.

President Gregory: Clerk, call the roll.

Upon a motion of Mr. Congo, seconded by Ms. Walsh, the above aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, M. Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Mr. Congo: Mr. President, I have another Resolution to present.

Mr. Congo presented Resolution No. 13-025 as follows:

WHEREAS, pursuant to Section 2-363 of the City of Wilmington Code, the City of Wilmington (the “City”) may apply for and receive grant funds to be used for a wide variety of City activities, subject to approval by the Council of the City of Wilmington (the “City Council”); and

WHEREAS, the City’s Department of Parks and Recreation has applied to the Delaware Criminal Justice Council, pursuant to its Mini-Grant Program, to receive approximately \$12,257.00 in a grant from the State of Delaware for the ‘Taking It to the Streets’ program which aims to implement prevention strategies and education presentations to at-risk youth regarding substance abuse and involvement in criminal activities; and

WHEREAS, the said grant does not require a mandatory match by the City; and

WHEREAS, to timely qualify for the grant and receive the funding, the application for the grant had to be submitted in advance of the time for City Council to approve the grant application; and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City's grant application to the Delaware Criminal Justice Council Mini-Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the application for the grant submitted to the Delaware Criminal Justice Council for the 'Taking It to the Streets' program be approved, and that the Mayor and the City Clerk are hereby authorized to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

Mr. Congo: Yes Mr. President. This is a new grant that the Parks & Rec. Department has come with just to try to provide more outreach to our city's youth. I think it's a great effort what they're trying to implement. There are no matching funds.

President Gregory: Clerk, call the roll.

Upon a motion of Mr. Congo, seconded by Ms. Walsh, the above aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, M Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted. Mr. Darius Brown.

Mr. D. Brown: Yes Mr. President. I have a Resolution to present.

Mr. D. Brown presented Resolution No. 13-026 as follows:

WHEREAS, Wilmington City Council believes that the residual impact of violence has led to significant disinvestment by the business community, mass migration of single family households, reduction of property values and an overall sense of hopelessness in the City of Wilmington. The impact of violent behavior reverberates beyond the immediately impacted neighborhood and spreads to the municipalities throughout our state; and

WHEREAS, Wilmington City Council supports the Safe Neighborhood Justice Reinvestment Resolution which implements strategies and public policies to reduce crime, promote public safety and create safe neighborhoods within the City of Wilmington and throughout the State; and

WHEREAS, Wilmington City Council recommends that the Delaware General Assembly establish a Community Court in the City of Wilmington; and

WHEREAS, Wilmington City Council recommends that the Delaware General Assembly adopt programs and services within the Community Court by the Delaware Department of Corrections, Department of Labor, Department of Education, Department of Health and Social Services, and Department of Children, Youth and their Families; and

WHEREAS, the Community Court seeks to give certain nonviolent defendants in the State of Delaware a second chance through innovative alternatives to incarceration. One such example offers nonviolent felony drug offenders an opportunity to avoid incarceration and to receive education and workforce training, along with social services; and

WHEREAS, the goal of this recommendation is to reduce recidivism without compromising public safety and to help nonviolent defendants work towards a more successful and productive future.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council respectfully urges the State of Delaware to create the proposed Community Court, thereby affording nonviolent defendants alternatives to incarceration and an opportunity to prevent the reoccurrence of criminal behavior.

Mr. D. Brown: Yes Mr. President. There's been great dialogue nationally and locally around how we can implement a justice reinvestment approach to criminal justice. Recently, here locally there was an event that was highlighted in yesterday's paper around justice reinvestment. This Resolution supports an initiative that began about five (5) years ago when there was a safe surrender program that worked with the Delaware courts, the federal courts, and many of our law enforcement agencies, and from that the State's Justice of Peace Court has been working over those last five (5) to six (6) years on how to implement a community court and looking at doing that here in the City of Wilmington. A portion of this information has been presented in prior sessions of Council to members that were part of the previous session. So, this Resolution is simply saying that we as a body support the State initiative of Justice Reinvestment and the development of this community court.

President Gregory: Councilwoman Walsh.

Ms. Walsh: Mr. President, first I'd like to be added to this.

Mrs. Seijo: So noted.

Ms. Walsh: Second of all, we did have one judge in Court of Common Pleas, Judge Herlihy, not Judge Herlihy, Judge Flickinger, who did put together what he was calling somewhat of a drug court. So, that those who might even repeat offenders were caught with substance in their system, that rather than being re-incarcerated, that they would be allowed to follow certain rules and to enter into education programs and blah, blah, blah. Well, he's retiring. I have no idea. I haven't had that much

involvement with a court for over a year now. So, I don't know if it's going to continue if other judges have bought into it but this is something that should be done in all the courts in our State.

President Gregory: Right. I believe Judge Rocanelli administers that program now.

Ms. Walsh: Okay, good.

President Gregory: Councilman Brown, Michael.

Mr. M. Brown: I'd like to be added.

Mrs. Seijo: So noted.

President Gregory: Councilwoman Shabazz.

Ms. Shabazz: I too would like to be added.

Mrs. Seijo: So noted.

President Gregory: Councilwoman Walker, Councilman Freel, I mean Williams.

Mrs. Seijo: Williams has to be added. Sure, so noted.

President Gregory: And Walker.

Mrs. Seijo: Walker.

Ms. Dorsey Walker – Dorsey Walker.

Ms. Cabrera: Be added as co-sponsor.

President Gregory: Councilwoman Cabrera.

Ms. Dorsey Walker: Dorsey Walker.

Mrs. Seijo: Dorsey Walker, yes ma'am.

Ms. Dorsey Walker: Thank you.

Mrs. Seijo: Cabrera.

President Gregory: Clerk, call the roll.

Upon a motion of Mr. D. Brown, seconded by Ms. Walsh, the above aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, M Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Mr. D. Brown: Yes Mr. President. I have a Resolution to present.

Mr. D. Brown presented Resolution No. 13-027 as follows:

WHEREAS, the National Rifle Association (the “NRA”) provides ‘ArmsCare Plus’ Firearms Insurance to NRA members in good standing, which provides protection for their legal firearms and accessories up to \$1,000,000 in coverage. Accessories include scopes, rings, mounts, slings and sling swivels, which are attached to the insured firearm; and

WHEREAS, ArmsCare Plus covers firearms and accessories against direct physical loss, damage, fire and theft where homeowners insurance policies fall short. ArmsCare Plus also covers theft from a vehicle when the theft is the result of breaking and entering a locked vehicle or locked portion of a vehicle; and

WHEREAS, Wilmington City Council urges that the Safe Neighborhoods Firearms Insurance Resolution be adopted as Delaware State Law; and

WHEREAS, Wilmington City Council recommends by this Resolution that the enactment of Safe Neighborhoods Firearm Insurance Resolution read as follows:

1. To require that individuals secure liability insurance before obtaining a license to own a firearm;
2. A person in the State of Delaware who owns a firearm shall obtain and continuously maintain an active liability insurance policy in an amount no less than \$250,000.
3. The insurance policy required shall cover any and all damages resulting from negligent acts, or willful acts not undertaken in self-defense, involving the use of the insured firearm while it is owned by the policy holder.

4. Failure to maintain required insurance policy shall result in the immediate revocation of the firearm owner's registration, license and any other privileges to own a firearm.
5. A person shall be presumed to be the owner of a lost or stolen firearm until such loss or theft is reported to the Delaware State Police or other designated agency.
6. A person who owns a firearm on the effective date of this legislation shall obtain the insurance required by this section within 30 calendar days of the effective date.
7. The requirement of this section shall not apply to a peace officer who is authorized to carry a firearm.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council respectfully urges the State of Delaware to enact legislation which requires liability insurance to lawfully own and possess a firearm and contains similar provisions to those found herein.

Mr. D. Brown: Yes Mr. President. This Resolution speaks to individuals that own a firearm barring those that are law enforcement officers, that they would have a level of liability insurance for their firearm. Apart of a larger conversation that's been had within the State but it's also supported by an organization that we support, which is National League of Local Government or National League of Cities. So, again it's not - - it's very specific in how it's presented and the NRA (inaudible) they provide this to their members at a billion dollar level. This Resolution is just asking that firearm owners have it at a lower level in addition to having it at a lower level, it's also important to understand that individuals traditionally have this insurance through their homeowner insurance. So that will be incorporated into this.

President Gregory: Councilman Williams.

Mr. Williams: Just a quick question Mr. President. Under House Bill 218 as an amendment to the Patriot Act, retired law enforcement officers are also entitled to carry a firearm. Will that fall under this provision?

President Gregory: Yes.

Mr. Williams: Thank you.

President Gregory: Councilwoman Walsh.

Ms. Walsh: I think that some people remember that I did the first gun control bill on this floor. So, I am a major proponent of stopping guns getting into anybody's hands. My concern about this is once again the State legislature prohibits us from passing any sort of gun control law. There is a bill being introduced in Dover as we speak hopefully that rescinds that which - - we're hoping very much that it's going to pass. But until that's done, nothing we send down to them really matters and also unfortunately, to me this is increasing the membership NRA, which I will never do because it would be cheaper to get the insurance through the NRA where you're automatically insured if you have certain things than it would be to pay the insurance on those certain things. So, for that I'll vote present so I don't vote against because I will never vote against anything that would limit the amount of guns in individual hands. But for that alone, I'm sorry, I can't support it.

President Gregory: Councilman Darius Brown.

Mr. D. Brown: Thank you Mr. President. The NRA language is a point of background - understanding the spirit of the Resolution and also ...

Ms. Walsh: Oh no. I know you didn't mean to increase membership in the NRA.

Mr. D. Brown: ...right, right. So, the NRA information is just citing what the level of insurances that NRA offers their members. Saying that it's reasonable for us to - through legislation request that individuals that own a firearm have insurance at a certain level and that level does not meet the high standard of the NRA.

President Gregory: Do you have any idea of how much premium would be?

Mr. D. Brown: The premium would be around \$200 per month.

President Gregory: Per month?

Mr. D. Brown: Per month. Yes Sir.

President Gregory: You got some? Mr. Prado.

Mr. Prado: That was one of my questions. That seems like a lot of money I think. What is insurance for though?

Mr. D. Brown: It's to own a firearm. Just like you own a car, you have insurance for your car. You'll have insurance for your firearm.

Mr. Prado: But I guess I don't understand. With my car insurance if I get in an accident that's why I have insurance. Is that what gun insurance is too?

Mr. D. Brown: Correct.

Mr. Prado: So...

President Gregory: That's if the gun is improperly used, not if it's properly used.

Mr. D. Brown: Correct.

Mr. Prado: What's an example though of gun insurance - - an incident where a gun insurance is used?

President Gregory: It's when - - if the gun is properly used, the insurance doesn't kick in. It's when it's improperly used - - reckless, negligent, stolen - you don't report it stolen, sufficient amount time and then someone uses the gun. It's when improperly used is when the insurance will kick in. Councilman Congo.

Mr. Congo: Yes, thank you Mr. President. I do think that it's a good piece in theory but I think there are a few road blocks that prevent from being like a really, really great piece. One of them is just that premium that we heard. I think it's pretty unfair for us put that type of burden on a gun owner if they have to pay an additional \$200 a month. I think that's a pretty (inaudible) amount to pay for insurance. So, I probably will be following Councilwoman Walsh's direction. I will never want to vote against anything that's trying to encourage some type, some form of gun control but it's hard to support this piece based on that. Thank you.

President Gregory: Thank you.

Mr. Wright: Thank you Mr. President. Just for me personally, I guess I don't have enough knowledge to really vote in a certain way for this. So, I will be voting present as well. I don't - - I guess I will say I'm ignorant to some degree as to all the facets of this Resolution in what it can or will do and implications thereof. So, not seeing what actually has been put forth or the genesis or document for this, I just have to present as well. Thank you.

President Gregory: Councilwoman Shabazz.

Ms. Shabazz: Thank you Mr. President. I have a couple of questions. Is this Resolution is that establishing a safe neighborhood firearm insurance or is this the Safe Neighborhood Firearm Insurance is already a program?

Mr. D. Brown: That is a title of the Resolution.

Ms. Shabazz: Is the title of the Resolution.

Mr. D. Brown: Of the Resolution, not of the program. The Program is your traditional insurance that you can get through State Farms, Geico any other insurance agency. It's not particularly just NRA. Again, NRA was used because NRA has such a high level.

Ms. Shabazz: I understand that. My other question is if, are you saying that if a person that insurance policy would cover if someone used that gun and in a violent act and then the insurance will kick in to cover the person that was shot by the insured gun?

Mr. D. Brown: Correct.

President Gregory: Councilman Brown, did this come out of your committee?

Mr. M. Brown: No Sir.

President Gregory: Did this go through a committee process?

Mr. D. Brown: It's a Resolution.

Ms. Shabazz: It's still can go through.

Mr. D. Brown: It's a Resolution. It's not an Ordinance.

Mr. Wright: Resolution can go....

President Gregory: Being an attorney if a gun is used improper, I can sue you anyway.

Mr. Wright: Right.

President Gregory: I get to your personal assets, if you have any personal assets. If I pay \$200 a month for a premium, I guess the deterrence is for me to get the gun because I don't want to pay \$200. The deterrence is not for me using it in a proper. So in all likelihood, me, as a legitimate citizen who wants to carry a gun, I'm not paying \$200 a month. Now you've now chilled my ability to carry a gun to protect myself. So, I'm not so sure that this does what it's designed to do. That's the reason why I asked if it went into committee and out. But we do bring Resolution directly to the floor?

Mr. D. Brown: That is correct.

President Gregory: I'm good with that. Dorsey without a hyphen Walker.

Ms. Dorsey Walker: My only concern pretty much what you just said. I have a lot of retired public safety officials in my district and I'm concern about the fact that - - and they've already talked to me about this because I believe they kind of knew something was coming down the pike, that they would not be in support of something like this. And, do I have a lot of law abiding citizens in my district - - have a little bit of you know, a little bit of everything. But the law abiding citizens I definitely don't want them to kind of fall under this prevue of having to pay insurance on top of all their other bills in order to be able to have a firearm.

President Gregory: Actually not to give legal advice but I think homeowners insurance may cover some conduct that takes place in and about a person's home. Your car insurance may cover some aspect of improper conduct in and about the car. Yeah?

Mr. D. Brown: Thank you Mr. President. I appreciate the dialogue of my colleagues tonight. I think this is something that could use a few more conversation around and so I'll hold the Resolution for tonight. Thank you Mr. President.

President Gregory: Thank you.

Mrs. Seijo: Thank you.

Although the above aforementioned Resolution was properly moved by Mr. D. Brown and seconded by Ms. Walsh, after extensive discussion Mr. D. Brown held Resolution No. 13-027 (Agenda No. 3811).

President Gregory: You have another Resolution?

Mr. D. Brown: I have another Resolution to present Mr. President.

President Gregory: Mr. Freel has to leave. He asked to be excused.

Mr. D. Brown presented Resolution No. 13-028 as follows:

WHEREAS, Wilmington City Council believes violence in neighborhoods and communities exacts a toll that goes far beyond intended or unintended victims and their families. Witnessing violence, or living in a community overcome by violent activities, leads to physical and mental health issues, exacerbates widespread unhealthy behavior and creates a diminished sense of community wellbeing; and

WHEREAS, Wilmington City Council supports the Safe Neighborhood Gun Confiscation Resolution which implements strategies and public policies to reduce crime, promote public safety, and create safe neighborhoods within the City of Wilmington and throughout the State of Delaware; and

WHEREAS, the Wilmington City Council recommends that the Delaware General Assembly create an online data base established for the purpose of identifying

persons who become prohibited from owning or possessing a firearm subsequent to the date of ownership; and

WHEREAS, the online data base will compare each new felony conviction, restraining order or mental instability incident, and law enforcement will contact the prohibited person and assure that the gun is removed or confiscated from that person no longer eligible to own or possess the firearm; and

WHEREAS, no legal gun owner will be inconvenienced and no legally owned weapons will be confiscated.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council urge the Delaware General Assembly to create a data based mechanism for detecting lawful firearm owners who subsequently become prohibited from firearm ownership for the purposes of confiscating such firearms.

Mr. D. Brown: Thank you Mr. President. This Resolution asks the Delaware General Assembly to create an online data base establish for the purpose of identifying persons who become prohibited from owning or possessing a firearm subsequent to the date of their ownership. Many cases that we may be familiar with are in domestic cases or individuals may be a gun owner and then after an incident around domestic violence in the court, they are no longer allowed or they're prohibited from being a legal gun owner.

President Gregory: On the question. I did on the question, didn't I? Clerk will call the roll.

Mrs. Seijo: Thank you.

Upon a motion of Mr. D. Brown, seconded by Ms. Walsh, the above aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Vote: Yeas, Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, M. Brown, Cabrera, Walsh, and Council President Gregory. Total, ten. Nays, none. Present, Council Member Williams. Total, one. Absent, Council Members Freel and Wright. Total, two.

President Gregory: Declare it adopted.

Mr. D. Brown: Mr. President, I have a Resolution to present.

Mr. D. Brown presented Resolution No. 13-029 as follows:

WHEREAS, there has been an on-going effort by the State of Delaware Department of Justice to crack down on violent criminals; and

WHEREAS, legislative action is needed to toughen penalties for gun related violence; and

WHEREAS, Attorney General Joseph R. Biden, III and the Delaware General Assembly will propose measures that will focus on violent criminals who are prohibited from possessing firearms and continue to break the law and threaten the safety of the community; and

WHEREAS, the legislation as proposed by the General Assembly would:

Impose a 1 year mandatory sentence for those convicted of unlawfully carrying a concealed firearm. Currently there is no minimum mandatory sentence for this crime.

Add the crime of "Possession of a Firearm During the Commission of a Felony" to the list of serious violent felonies that can trigger enhanced prison sentences under Delaware's habitual offender statute. The "Possession of a Firearm During the Commissions of a Felony" was not an offense when the habitual offender statute was enacted in 1970.

Significantly increase the prison sentences for violent offenders who are convicted of possessing a gun. Under current law the following minimum mandatory jail sentences apply: 1 year if the offender is previously convicted of a violent felony; 3 years if the offender committed a previous violent felony within 10 years; and 5 years if the offender was previously convicted of 2 or more violent felonies. This bill would increase those minimum mandatory jail sentences to 3 years if the offender is previously convicted of a violent felony; 5 years if the offender committed a previous violent felony within 10 years; and 10 years if the offender was previously convicted of 2 or more violent felonies.

Include juvenile adjudications for violent felonies in triggering the minimum prison sentences. Although juveniles found guilty of violent felonies are prohibited from possessing a gun, those juvenile "adjudications" under current law do not count as convictions that would trigger minimum jail sentences if they are later convicted of a gun offense.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council supports Attorney General Joseph R. Biden, III and the General Assembly on their Criminal Justice Proposal to Toughen Penalties for Criminals Committing Crimes with Guns and encourages all General Assembly members to vote to approve the legislation.

Mr. D. Brown: Thank you Mr. President. Our Delaware Governor and Delaware Attorney General began back in late January around some proposals around gun laws and this an addition to that that was introduced about two (2) weeks ago by Delaware Attorney General and Members of the General Assembly. There's four components and this has support up and down the State, Democrats and Republicans and these pieces are sponsored by representatives that have been in former law enforcement and corrections, so on and so forth.

President Gregory: Anybody else? Mr. Williams.

Mr. Williams: For the same reason that Councilwoman Walsh spoke of earlier in reference to us not really having any teeth just yet if this situation in Dover would to come our way. Actually Councilman Brown, you kind of beat me to the punch because this is something that I've been looking at seriously for last few months. I just wish that we can get that authority from Dover. I will be supporting this. I'd like to be a co-sponsor also.

Mrs. Seijo: So noted.

Mr. D. Brown: Mr. President. I just want for clarity. These are all Resolutions, these are not Ordinances and this Resolution is in the spirit of this body supporting the legislation that the Attorney General and Members of the General Assembly have proposed.

President Gregory: Anyone else? There's one line here that cause me some (inaudible) to pause and that's to impose the one (1) year mandatory sentence for those convicted of unlawful carrying a concealed weapon. Currently there's no minimum mandatory sentence for this crime and those innocent folk who - - rather (inaudible) folk who tend to do that and there was a famous case up on 4th Street where a very responsible person was - - they would be exposed to one (1) year mandatory sentence and the trend in Superior Court is not to engage in individualized sentencing and it's very robot. They're very robot like in administering justice. They don't look at the individual. I'm just not a big proponent of mandatory sentences. I'm really not. It should be individualized. Years ago mandatory sentences came along because it was actually started off to make sure you didn't have disparate sentencing. So just say if you get caught, everybody get the same thing but people don't realize that discretion starts on the street through the Police Department and through the judges and there are all kinds of exceptions. People can go in and come back out different kinds of ways. I mean while I do believe we have a handgun problem in the City of Wilmington, I just have philosophical views with respect to mandatory sentencing. It just doesn't ring well with because in particular we talk about concealed deadly weapons. I a lot of folk who are just real good folk could be in a position where they are currently conceal a deadly weapon and not having gotten a registration. So, I'm not going to vote favorable on this. Anybody else? Councilwoman Walsh.

Ms. Walsh: I do understand and perhaps some of the problems with these Resolutions does stem from it being more exact about being in support of legislation that's already down there - being in (inaudible) in the General Assembly. In this case, you know, you want a gun, you better know what the ground rules are and if the ground rules are - - you can walk around with that gun on your hip all you want because that's not a conceal weapon. But if you want to put it in your pocket and you want to put in your glove compartment, you want to put it underneath your shirt and you don't get a license too bad and that's how I feel and that's me personally that I think we make excuses all the time. I'm sure I have family members that have guns that don't have

permits for it. If they get arrested, don't call me for bail because I'm not coming to get you.

President Gregory: I could live with that analysis and you can make it a crime but my problem is mandatory sentencing because discretion starts from the police officer through court system and who's going to make those decisions on who's going to be exposed to one (1) year and who's not. So, it's philosophical on that regard. I agree you can be penalized for not having done it the right way. There should be penalty, it should be a crime but the crime does not (inaudible) a one (1) year minimum mandatory sentence exposure for law abiding citizens. Mr. Williams. I'm sorry, go ahead.

Ms. Walsh: You work in the business.

President Gregory: Yeah.

Ms. Walsh: So, you know how many plea bargains there are.

President Gregory: I know the discretion begins....

Ms. Walsh: So, the real innocent person who really is innocent that gets caught up in something like this, there's a 99% chance they will be plea bargain.

President Gregory: And so.

Ms. Shabazz: Mr. President. Can you not see me I have my hand up?

President Gregory: I'm sorry. Hold on. Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. Councilman Brown are you stating that everything in the bold starting from impose a one (1) year mandatory is what's already in the law and you're just regurgitating what the General Assembly – what the law is already in proposed? Or is this an addition that you've added into the language?

Mr. D. Brown: No. These are the proposals. This is what is proposed. It is not existing law. It is proposed.

Ms. Shabazz: I know. What's proposed from the State?

Mr. D. Brown: Yes.

President Gregory: I can live with everything below but that one (1) year mandatory causes me to pause.

Ms. Shabazz: Yeah, I agree.

President Gregory: You could have retired again police officers who haven't gone through the process - - they getting ready to go to through the process - - (inaudible) something happens - - and then there's discretion and I'm telling you discretion begins on the street. It begins on the street. Councilman Williams.

Mr. Williams: Sir, thank you very much. Just to go off of that also, discretion does start on the street and then you have an intake process. So, once you apply that felony, it's either whether the AG's Office wants to pursue it or not. So, their discretion kicks in also but it's a three (3) tier process before you finally get the final ruling from that judge.

President Gregory: And that's a whole lot of discretion.

Mr. Williams: Correct.

Mr. D. Brown: That's the law.

President Gregory: Yeah, that's the process but I've been there and done that.

Mr. D. Brown: Roll call Mr. President.

President Gregory: No. You don't call for a roll. Anybody else has anything?

Ms. Walsh: Ah, he can call the motion.

President Gregory: Did you have something?

Ms. Walsh: Point of order.

President Gregory: Mr. Wright.

Mr. Wright: Yes. Everybody has an opportunity to speak though before the sponsor gets the last word.

President Gregory: Thanks. Excuse me.

Mr. Wright: I'm sorry Mr. President. Alright, but my question is simply. So, in essence say if I took a relative's car and there was a gun in there and I was pulled over, then I will be responsible...

President Gregory: You got it.

Mr. Wright: ...for the minimum mandatory the one (1) year?

President Gregory: You got it.

Mr. Wright: Possibility?

President Gregory: Yeah (inaudible) incidental situation where one can be exposed to that one (1) year. I'm not - - I'm not going to do that. Yes.

Ms. Dorsey Walker: I just have a quick question. How does it work if say for instance you're license but your spouse isn't?

President Gregory: It's a good point.

Ms. Dorsey Walker: Right but it's in, you know.

President Gregory: Your spouse isn't license, you can't have the gun. He or she is carrying a concealed deadly weapon. But discretion is discretion and you ask for human beings to exercise good discretion. They can exercise that discretion in the contexts of individualized sentencing before the judge. I just don't want the discretion to be on the street and take in the AG's Office. I don't want that. I want the discretion to be before a judge in the contexts of individualized sentencing. No problem with the one (1) year sentence. I have no problem for two (2) years sentence. I have no problem for three (3) years sentence but it should be individualized and based on the person's background, history and who they are and where they're going and where they came from. That's just the way I've felt. I do not like mandatory sentencing because when we're moving to individualized sentencing more and more because of the prisons are overcrowded, should we have done that, the crisis (inaudible), do we put people in jail for the wrong reasons. I guess this is my little liberalism. I guess kind of coming out and you know being a defense attorney all those years, there is discretion in this room, in my opinion. Yes Mr. Brown. No we're not calling for a vote. Mr. Williams.

Mr. Williams: Just a final comment. It's the cavalier attitude towards firearms. It really needs to have some regulations to it. As a firearm owner, I don't think I would leave it in the glove compartment for my wife. I don't think because I'm a responsible owners and that firearm stays with me. So, the cavalier attitude needs to be tighten up and we need this educational process that there is a possibility of one (1) year sentence, if you are cavalier about this.

President Gregory: Individualized sentencing, not mandatory. That's all I'm suggesting.

Mr. Williams: Thank you.

President Gregory: And again, they will process it a context of individualized sentencing as to you and your wife.

Mr. Williams: Correct.

President Gregory: And what happened on the facts not the hammer of one (1) year because - - but who's going to decide on the street whether I (inaudible) that gun or not because you're who you are? Who's going to decide at intake how to process it? Who's going to decide at the AG's? Now, this may be a small issue but we're talking about people's liberty. But I believe you can increase the sentence to three (3) years, four (4) years in the contexts of individualized sentence.

Ms. Walsh: Mr. President. I want to ask you a question, please.

President Gregory: Absolutely.

Ms. Walsh: So, I can't find my driver license so I can just borrow my husband's and that should take care of me if I get stop for speeding?

President Gregory: What you say?

Ms. Walsh: I can't find my driver license.

President Gregory: Bad analogy.

Ms. Walsh: I don't think so. I think it is a bad analogy because one can take someone's life away.

President Gregory: Bad analogy.

Ms. Walsh: But I think you're getting what I mean.

President Gregory: Clerk, call the roll.

Upon a motion of Mr. D. Brown, seconded by Ms. Walsh, the above aforementioned Resolution was received, **DEFEATED** as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members D. Brown, Prado, Williams, and Walsh. Total, four. Nays, Council Members Chukwuocha, Congo, Shabazz, Dorsey Walker, M. Brown, Cabrera, Wright, and Council President Gregory. Total, eight. Absent, Council Member Freel. Total, one.

President Gregory: Declare it defeated. Mr. D. Brown. Anything else?
Ms. Shabazz.

Ms. Shabazz: Yes Mr. President. I have a Resolution to present.

Ms. Shabazz presented Resolution No. 13-030 as follows:

WHEREAS, Wilm. C. § 2-10 requires City Council approval for any agreement entered into between the City and other governmental or quasi-governmental agencies for support, aid or mutual cooperation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby approves that certain Delaware Mutual Aid and Assistance Agreement for Intrastate Water/Wastewater Agency Response Network, a copy of which, in substantial form, is attached hereto and made a part hereof as Exhibit "A".

FURTHER RESOLVED that the Commissioner of the Department of Public Works is hereby authorized and directed to execute as many copies of said Agreement as may be necessary.

Ms. Shabazz: Mr. President. This Resolution authorizes the Department of Public Works for the City of Wilmington to enter into a Delaware Mutual Aid and Assistance Agreement for Intrastate Water/Wastewater Agency Response Network also known as WARN. What this does is save - - we kind of really acted under a gentlemen hand shake type of an agreement with our intrastate cities in case of emergencies that we would support each other by providing resources if there was a major emergency. This puts it in writing. This is stipulations and standards to it and we're one of the last states in the United States to have something in writing and it did come out of Council, I mean committee with a vote to come to the floor.

President Gregory: Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the above aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Chukwuocha, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, M. Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Freel. Total, two.

President Gregory: Declare it adopted.

Ms. Shabazz: That's all for tonight Mr. President. Thank you.

President Gregory: Mr. Prado.

Mr. Prado: No legislation Mr. President. Thank you.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Mr. President, I have a Resolution to present.

Ms. Dorsey Walker presented Resolution No. 13-031 as follows:

WHEREAS, the "DE Repeal Project" is a coalition of organizations from the Delaware community working to abolish the death penalty; and

WHEREAS, per capita, the State of Delaware ranks third in the nation for executions, and currently has 17 men on death row; and

WHEREAS, since 1992 Delaware has conducted 16 executions, compared to California having executed only 13 men despite having the largest death row in the country; and

WHEREAS, the death penalty is often not imposed in the worst murder cases, and a person is more likely to receive a death sentence based on their race, location, or economic standing rather than on the severity of their crime; and

WHEREAS, more than a dozen states have researched the cost of the death penalty, and it has been concluded that the death penalty is more expensive than life in prison without parole; and

WHEREAS, the high cost of the death penalty diverts valuable resources from the Attorney General's Office and other law enforcement organizations, preventing the prosecution of other cases; and

WHEREAS, Senate Bill No. 19, the Death Penalty Repeal, was recently passed by an 11-10 vote by the Delaware Senate, and shall now move into the Delaware House of Representatives for a vote.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council fully supports Senate Bill No. 19, the Death Penalty Repeal, and further encourages the members of the House of Representatives to vote to approve the legislation.

Ms. Dorsey Walker: Mr. President, first and foremost, I'd like to have - - the co-sponsors were supposed to be added, Councilwoman Cabrera, Councilwoman Shabazz and Councilwoman Walsh.

President Gregory: So noted.

Mrs. Seijo: Cabrera, Shabazz, and Walsh?

Ms. Dorsey Walker: Yes ma'am. Thank you.

Mrs. Seijo: So noted.

Ms. Dorsey Walker: As it was just read, the whole purpose for Delaware Repeal is to abolish the death penalty in the State of Delaware. It passed the Senate, Delaware Senate with 11-10 vote and as it was read. It kind of speaks for itself, the death penalty has been imposed improperly in this State and it cost the State an astronomical amount of money to keep people on death row. Next week we're going to hear from Police and Fire and Public Safety and that money can be going into their departments versus going into the prison system.

President Gregory: Mr. Prado.

Mr. Prado: I saw when New Jersey did this. The State of Maryland and I didn't think this was coming to Delaware. I always thought Delaware was little different from New Jersey but the more time passes it looks like we're going to become one union with that State. It just seems like we're heading down the same path and I just don't agree with this. I'm sorry but I think we have short memories in this State. There are people that I just - - that don't deserve to live, alright. And, you know, do people forget Brian Steckel? Does that name sound familiar? That was the monster that - - let's see - - he raped a woman with a screwdriver and then set her on fire and then sent letters to her mother talking about how fun it was to do that to. That's who gets executed in Delaware and I just can't see why we would give somebody like that a chance of life. I'll never accept argument that, "oh well life in prison is worse punishment". That's not true because they fight to the end to stop the death penalty, most of them. There was one guy a couple of years ago that say, go ahead and do it but that's the exception of the rule. I just - I don't believe Delaware abuse it. I don't believe that. I mean, I think Delaware has a reputation of you know, arbitrarily executing people. I understand you have Texas which, okay one could argue down there that you know - - you need some reforms for the way they do it. But I don't believe that Delaware has that reputation. I just do not want to see this option to deal with the worst of the worst to be taken away and that's what I think it should be - - the worst of the worst. You know, if it's a crime of passion, if there's certain things that there's mitigating factors that's different. But when these horrendous crimes that take place, this should still be an option in our State and I just hope the House does not pass this. That's my humble opinion.

President Gregory: Clerk, call the roll. I'm sorry.

Ms. Walsh: You called...

Ms. Cabrera: Yes, I would like to speak on this...

Ms. Walsh: ... you called the roll.

President Gregory: No.

Ms. Cabrera: ...because I had to do a lot of soul searching when the whole subject came up and I guess my feeling is this is that death is way too easy. Kill somebody that it, it's done is over. I recently was at an event with a I guess nationally where family members of victims gathered and after because I being very sensitive to the victims as well, I said I don't know where I would stand on this issue. So, I had to like I said soul searching, talked to people and after talking to families of victims and understanding that for them, seeing the person put to death didn't bring closure, it didn't bring any less grief or peace. They had to come to terms with that on their own to accept the death of their love one and that putting that person to death didn't make it any easier for them. So, after evaluating that I said this is the way to go because at the same time whether Delaware abuses this or not, the bottom line is that there is no 100% surety.

That we as human beings are the ones processing these cases and mistakes are made and although there is a lot of evidence, there also a lot of evidence showing how mistakes have been made. Maybe not in Delaware but in other places, and the cost because these people are going to fight it till the end, I just don't see - - I see where that one can be put to better use. So, the victims, maybe not all victims but after talking to that group of people, felt that this wasn't going to bring peace, personally I rather be somebody punished. I believe in torture versus death.

President Gregory: Councilman Brown.

Mr. D. Brown: Thank you Mr. President. I believe there is a roll in our criminal justice and correction system for the death penalty. Me outside of just personal feelings which I have heard expressed tonight, just understanding that there are lives that are being taken away and with lives being taken away, some sentencing are life, some sentencing should be the death penalty. I don't think it's a question of does that bring the love ones or those family members some type of service around that because they can never get that individual back in which they lost. Me personally, I lost a dear friend. A dear friend that many people in City of Wilmington, many members of Council remember who was killed nearly seven (7) years ago, that individual was put to death. His family still lives with that pain but that does not mean that individual should not have been put to death. The State even named a law after him, Cameron's law, and I believe that there is a place in our system for the death penalty.

President Gregory: Councilwoman Walsh.

Ms. Walsh: Mr. President, I've always been against the death penalty because the - - just the chance that a mistake is made is too - - almost as horrific as the crime to think about. But, you know, some of it has to do with how I was raised religiously. This past time down the Senate, was very proud of a friend of mine whose father was murdered and he was murdered doing a kind deed for somebody else too. He didn't have any hidden guns, he didn't have anything. He went out and you know, late night to help somebody that needed something and my friend testify down in Dover for the first time on the death penalty that's come up to rescind the death penalty. I was very, very proud of him because as Maria just said, that people could, you know, carry this anger around forever with them or decide that they don't want to be God and just allow the person - - if there is a next life - - for that person to be dealt with at that point.

President Gregory: Council Member Shabazz.

Ms. Shabazz: Thank you Mr. President. I too have had many families of love ones who have been murdered by someone else and the question is what is the - - what should be the fair action to that person. I guess my spirit tells me too that man does not give life, so man should not have the right to take it away. We don't know, sometimes you could give death penalty is getting somebody off the hook because they don't have to stand - - in living the agony of what they did in taking somebody's life.

So, sometimes having set here and set in the agony behind prisons knowing that they've taking someone's life and have to live with that is somewhat more of punishment. So, on that basis that's why I'm co-sponsoring this.

President Gregory: Mr. Williams.

Mr. Williams: I just want to tell Councilwoman Dorsey Walker what a brave individual you are bringing this to the floor tonight. My professional career tells me one thing. My personal life tells me another. I'll be voting present as I'm still torn between this. Thank you.

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Thank you Mr. President. I'm not a big talker as most people here probably know but I am moved to speak because years ago my brother and I visited a prison up in Pennsylvania and it was a very moving experience. We got to interact with individuals who were on death row and it was touching to hear their stories and to hear and witness forgiveness in people's voices. One of the men till this day is still a friend. He still writes and once - - that summer we had the summer camp and he wrote letters to everyone, every child in our camp and I'll never forget one little girl, it was her birthday and he made her a card and I know that doesn't mean anything to what he did but I know for that little girl what it meant and you can't say anything but I felt it. I felt what was in his heart. What was then was then and what's now is now and as social worker you don't judge people by their past. You judge them by their present and I will be supporting this and I know. Again, to having a friend who's in that position, I know and I value it. Thank you Mr. President.

President Gregory: Mr. Brown.

Mr. M. Brown: Thank you. Mr. President, sitting here hearing everybody because of my religion I was tossing between this, I've been tossing between it, even when I was asked did I want to join in and I will support this tonight because it reminds me of one was on his left and one was on his right. One said if you're who you said you are, and then the other says, remember me and the one that said remember me said, you'll be with me in paradise. So, those words and others that I could quote but I won't, gives me the notion as Councilwoman Shabazz said, we don't have that right. But everybody has to make their own mark and be judged on that day and so for that, having said that, I will support this.

President Gregory: I had the opportunity to work in the Prosecutor's Office in Miami when I graduated from law school and one of the questions they asked me was could I - - my thinking on the death penalty. At that time I said that as a Prosecutor, I would do my job. If you have the death penalty, I would ask for the death penalty because I'm going to do my job. But I also said but I'll oppose it. I'm not in favor of the death penalty but if you give me the job, I'm going to do my job and they

appreciated that answer and I got the job but I just didn't take it. So, I just think that to some extent death is too easy. I mean you live in that little cell, you're in isolation, you come out 24 hours or 6 hours, who would want to live like that. And the other thing that was said is due process is not perfect. So we don't always expose the worst of the worst to the death penalty. What one would characterize as monstrous so to speak. It's just not perfect. Due process means we do the best we can to give you a fair trial. At the end of the day, man decides what to do in the contents of man's law but there's another law. Now when Ms. Dorsey Walker first kind of in a little casual conversation told me she was going to Dover on this, I said look, I got issues down here I got to deal with. I'm not a proponent or opponent. So, I wouldn't spend a lot of time on the issue but I offered my opinion. I think that death is final and we find that a lot of folks are convicted and wrongfully convicted years later and I would not want to be a person to put someone to death because - - I guess (inaudible) a higher level of convicting somebody it has to be, right now is proof beyond a reasonable doubt. Maybe it's got to be proof beyond a doubt and no one certain doubt and absolute and forever and I guess I could live with that a little bit in terms of due process. So, I'm going to support this because that's my opinion. That's the way I feel about it. We're going to go to Ms. Dorsey Walker and then we're going to call the roll.

Ms. Dorsey Walker: Thank you Mr. President. Just real quickly thank you Councilman Williams for your kind words but I wanted to share something with my colleagues. Originally I did support the death penalty. I had a love one that was killed and it must have happened when I was about eleven years old and I didn't think - - I was like if there was only way that this could be resolved is if the people who did this and I said people it was plural, that people who did this if they had to feel how we felt. And then I got to a place when I grew spiritually, I said that's not going to change anything. That's not going to bring my love one back. However, what can I do through this process so the Murder Victims Families for Reconciliation, it's only four (4) in the country, and they have one here in Delaware. And, I started to get involved with them - - I've been involved with Delaware's Appeal since its inception two (2) years. So, growing spiritually and then really taken in the word, Isaiah 59:15, the Lord looked and was displeased that there was no justice. That's how I turned myself around by the grace of God. I wanted share that with my colleagues.

President Gregory: Clerk, call the roll.

Upon a motion of Ms. Dorsey Walker, seconded by Ms. Walsh, the above aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Shabazz, Dorsey Walker, M. Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, nine. Nays, Council Members D. Brown and Prado. Total, two. Present, Council Member Williams. Total, one. Absent, Council Member Freel. Total, one.

President Gregory: Declare it adopted.

Mr. Wright: Mr. President.

President Gregory: Mr. Wright needs to be excused. Mr. Williams.

Mr. Williams: No legislative business this evening Sir.

President Gregory: Mr. Freel had to leave. Mr. Michael Brown.

Mr. M. Brown: Yes Mr. President, nothing tonight.

President Gregory: Ms. Cabrera.

Ms. Cabrera: No, none this evening.

President Gregory: Ms. Walsh.

Ms. Walsh: I have a Resolution Mr. President.

Ms. Walsh presented Resolution No. 13-032 as follows:

WHEREAS, the City of Wilmington (the "City") is prohibited by State law from governing certain matters within its boundaries such as the number and placement of non-profit group homes; and

WHEREAS, the majority of non-profit entities in the City are funded, licensed and regulated by the State of Delaware; and

WHEREAS, non-profit group homes are exempt from City of Wilmington property tax and therefore receive a variety of City services without annual contribution; and

WHEREAS, crime, vagrancy and neighborhood destabilization have become serious issues in the City due in part to the proliferation of non-profit group homes; and

WHEREAS, although many non-profit group homes are properly managed, other agencies are poorly managed and have placed an additional burden on City residents and City public safety and administrative services; and

WHEREAS, many recipients of services provided by non-profit group homes in the City are non-residents and have never before lived in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that this Council urges the Governor of the State of Delaware and the Secretary of Health and Social Services to issue a moratorium on funding any additional newly created non-profit group homes within the City of Wilmington, and further recommends that a more stringent review process be adopted for all existing group homes currently funded by the State of Delaware.

Ms. Walsh: Mr. President, I think you might remember as other Council members' might, that we had a hearing in this Chamber on non-profits about two in a half months ago now, which we're still gathering information on. In the meantime, we've actually started gathering information from all over the City and have been getting comments from people all over the City whether it be dealing with Section 8's, non-private businesses, that don't even appear to be a working business anymore, so those are issues that we're going to be appealing or going to be addressing when the committee is formed within hopefully the next two weeks. But the one thing that kept coming up in every single neighborhood was group homes. And, should the City of Wilmington become the grounds for the State to put every person in group homes. Should that not be shared by the County? Should that not be shared by other Counties in our State? Many of the homes that we have in our State right now, we have even out of state people that are in many of the group homes and that until the Secretary of Health and Social Services came to our meeting and we showed her the impact of social services in West Center City, she had no idea that that many organizations were actually housed and we didn't have even had the whole Council district there, just you know, a section of that Council district.

So, this is just humbly asking, we can't order them to, the Governor and the Secretary of Health and Social Services, not to provide any new group homes throughout the City of Wilmington, not just in one section, for a year moratorium on it so that we can gather even further information from every Council district as to the impact social services have had in everybody's neighborhood on this floor. What amaze me and I understand, when Resolutions like this come up it's like somebody is screaming the roof is falling, the roof is falling. I got phone calls all day long. I'm involved in a whole lot of non-profits and every one of them called me and it was fine. I answered every one of their questions. But I also got a whole lot of emails and phone calls in support of this Resolution but the woman who spoke this evening, she said, the disparate impact of what something like this could do to homeless is what she said - - what I want our non-profits to think about right now is the disparate impact that many of them are having in our City on the homeowners, on the people that pay the bills in order for their facilities to get police protection and fire protection, in many cases trash pickup and all the other things that come along with not being a tax organization and this is all we're trying to point out to the State.

Do we think we have an obligation to people with disabilities in our State? Absolutely, absolutely, every neighborhood does, every community does - every County does. In our case, it just seems to be on overdrive and that whenever there is something that could be a potential problem, if it's located in the City, than it's out of sight, out of mind. So, all we're asking for is time out. Everybody go to their corners for a year and it might not take a year. When the panel gets put together and recommendations come out, you know, it could be six months. But for right now asking the Governor and the Secretary for a year on time outs for funding group homes in the City of Wilmington - new group homes, new ones.

President Gregory: Mr. Prado.

Mr. Prado: Thank you Mr. President. I just want to second everything that Councilwoman Walsh said so eloquently. This is - - she pretty much summed up how I feel and the part that I find frustrating is that if I own a home or you own a home, anybody and you sell it to one of these groups, if they want to make a group home, it becomes a group home just because they say so. There's no fighting it because if you fight it, you're discriminating against them. That's the way the rule is, which I find unfair because once that home, which was once a private property, now becomes a group home, we lose the tax base and the folks that are paying the taxes, which is in essence paying the bills for the City, are stuck most likely higher taxes and having to deal with the fallout from some of these group homes. Not all of them because I will tell you that there are organizations that are fantastic like the Catholic Charities the way they run things is - - I have no issue with that. If I ever call them if there's a problem at one of their houses, they take care of it. There's no questioning my motives why I called but you call some of these other organizations, they turn it around on you and they say, well, what do you mean, why are you calling us, what you don't like these people? You have a problem with them? It's really frustrating dealing with them because they want to automatically turn it around on you and make it sound like you just have an issue with this home because it's a group home or it's serving certain population and that's not the case. But, first off, I would like to be a co-sponsor to this.

Mrs. Seijo: So noted.

Mr. Prado: But, as the Resolution stated, you know, the City of Wilmington is getting all these homes are being put in the City and all we're saying is there should be a little bit more - geographically they should be a little bit more equitable in the way these are being funding and disbursed throughout our State. But it's always the City particularly over where I am too in West Center City, Hilltop and Cool Springs. It just seems like we're always getting these homes and it should just be in Claymont, New Castle, Newark, Middletown, these are all areas where you can get services and you get be on bus lines. It shouldn't just only be the City of Wilmington.

President Gregory: Mr. Congo.

Mr. Congo: Yes Mr. President, thank you. This is a really good piece and I do plan on supporting it but I guess I want to just put out a general question out there to my colleagues. What can we do - - is there anything that we can do now about the frustration that a lot of these homes are causing?

President Gregory: Well you cannot zone homes and housing for the needy out your neighborhood and that's not what we're talking about doing. The issue here is the income or the funding stream to some of these group homes and I guess the answer to your question is you have nuisance laws and there are cause under the nuisance law etc that could be an issue but as long it's not based on some discriminatory reason. So, there are things that you can do under the nuisance laws.

Mr. Congo: Okay, yeah. That was my next question. They're not exempt from the nuisance laws, right?

President Gregory: No. No, neighbors have a responsibility in (inaudible) duty of the neighbors. In other words, they're not exempt no more that you can discriminate against them.

Mr. Congo: Okay, thank you.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Yeah, I had a couple of questions. Are there any new group homes applications or anyone in process that are in the system now that are applying that we know of?

Ms. Walsh: I don't know. No, I don't.

Ms. Cabrera: Okay. Now, this would not exclude if someone came in and started to do a for-profit group home, if it was for-profit versus a non-profit?

Ms. Walsh: If a for-profit group home actually becomes part of zoning problem because yes that question was brought up to me today. That what we need to do with the Committee that is being formed is to look at those for-profit organizations too just not the non-profit organizations.

Ms. Cabrera: Thank you.

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Thank you Mr. President. I had that same question about just (inaudible) if there was any group home that were currently proposed. But, then as a life-long person who's worked in the non-profit I feel I guess torn in a way, I understand the issues that are being discussed and the problems that some non-profits group homes are causing but having labored again in non-profits and worked in the group home, very prominent group home, who does good work in Delaware and Wilmington at the Bayard House, and I hear, I read this and I say, so if the Bayard House received a grant and they were able to expand and we have so many homes that we could, you know, love to have them move into a facility or building to extend, then how can we block that?

President Gregory: You can never stop them from coming or expanding. The object here is to put a mechanism in place to evaluate where we are and that the State have a dialogue with us to ensure that we are involved in the process of ensuring that they are funding responsible homes. So, the Bayard House is a responsible home. This would not impact long term at Bayard House.

Mr. Chukwuocha: I understand their funding is separate through the Diocese but other group homes as well who are non-profit funding through the State are running good businesses and that are in agreement with the community. They're working in harmony. I understand that in some of our communities are saturated with non-profits and some of them aren't performing in good standing with the community. So, I understand that issue. So, I just think that one challenge is trying to, just to me, paints a broad stroke across that and I think that's an issue for me.

President Gregory: I think ninety percent of what you said, I agree with in trying to explain the question that you asked.

Mr. Chukwuocha: Yes Sir.

Ms. Walsh: Mr. President. The question is on funding any additional newly created non-profit group homes. Newly created, Bayard House is in existence. You know, I have group homes around the corner from me. Nobody even knows they're group homes. They are wonderful folks that live there. They have great caretakers who are responsible and make the people living in the homes responsible for - - that is their home. That is their house. Whether they have a room in it or they have the entire facility. Each person should be proud of where they live and we have many group homes throughout this City that do take the responsibility for their clients, for their residents, for everything - - the condition of their property but we also have some that don't and all we're asking is a timeout with the State. That's it. I'm not saying we're banning them, we're doing this. We're doing that. We're asking for a timeout.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Yes Mr. President. I have some questions around the Resolution. There's some things that have been a part of the dialogue but aren't a part of the actual Resolution. One being, the one year time frame isn't within this Resolution. The conversation around a Committee isn't a part of this Resolution. I don't know if that's a community based committee, a committee of Council members, what looks like but it hasn't been communicated through the Resolution. There's no language around outcomes. What are we looking for? What's the objective of having this moratorium? What is the objective of the Committee that's not a part of the language? In addition to that, for us to look at - - because most of this has come from a particular area in the City of Wilmington, the question of there actually being group homes in that area, the State and Federal Government define a group home a certain way. And, I believe the facilities that are ran there are not group homes. So, the actual Resolution language doesn't represent what we're trying to do. In addition to that, there has been a previous case and I say that because by us identifying non-profit group homes we've have segmented out for-profit group homes. This is not just mean large organizations or entities; there are individuals that operate group homes. There's a large national and state push to provide housing for returning veterans, which in many cases could fall under this broad definition of a group home.

Also, with us looking at this moratorium for these group homes, it comes to the question, will we be violating federal law. Will we actually be violating The Fair Housing Act in supporting this type of moratorium? The Fair Housing Act speaks to how we have to provide housing for individuals at certain levels. Recently, there was a case in Sussex County where a entity applied to Sussex County for low-income housing, which would fall under The Fair Housing Act as presented here and the County did not award them or support them in providing that housing and in doing so, the County was then sued by that entity. With us supporting this even though it is a Resolution, because of us supporting that language, what Sussex County also found was that they were in violation in many federal and state laws around housing because of what they did by not awarding that entity. So, I do understand the spirit of it and I support the spirit of it but I think there's a lot of things that have been a part of the dialogue that aren't including in it and I think those things should be including in it for us to really grasp what we want to do around the issue because it is something that we need to address and also possibly holding this and let it be vetted through Housing.

President Gregory: That may be a suggestion but let me say this. If we were to pass this Resolution tonight and someone walked in tomorrow and put an application in to start of the process for a group home, they would be permitted to do so. If the State - - you can't put a moratorium on group homes, technically but we are telling the State evaluate what you're doing and assessing what you're doing over the next year with respect to group homes being responsible or not. That's perfectly legal in my opinion. But if doing between now and the State doing their process any and all applications are going to be heard but most money unless it's Catholic Charities or some other non-profit corporation or foundation is going to fund them, most, a lot of them are funded by the State and I guess the other (inaudible) will hear that. One could say that's (inaudible) discrimination in some kind of way. But, you're only talking about a year. When Councilwoman Walsh proposed this I suggested a moratorium, I said, six month, she said, a year. So, we have a year but - - one of things that she said that was very compelling and that is that our neighborhoods are being discriminating against. Our neighborhoods are being impacting in a disparate way in terms of how this is being done and I guess neighborhoods have rights too.

I'm want to make clear that in my neighborhood where I live I don't mind sharing my neighborhood with anyone that has less than me, absolutely. There's an Oxford House in my neighborhood, one block from me on the parallel street, exact same address. There was a house down across from Hanover Church, I was - - in my neighborhood. Some folks wanted to oppose, I was a proponent for it because I saw it coming in. It's very reasonable. The person that runs that Oxford House, they do a very good job, I have no problem with that. So, I'm one that shares. I'm not a not in my backyard kind of guy. But what I heard in that testimony in this room, there's a problem and even though those who are in favor of sharing their neighborhoods said, we have a problem, we need to get our arms around this problem. And, it's just not in that neighborhood, it's citywide. So, its moratorium, we're not trying to zone anybody out. We're not saying they can't apply tomorrow or the next day or the next day, they can.

We're just asking the State to be judicious and Catholic Charities I guess to be judicious and every corporation that hears shout of our voices to be judicious in providing that support to them as a non-profit for the next year until we can get our arms around this. Councilwoman Shabazz.

Ms. Shabazz: Thank you Mr. President. I understand the spirit of this Resolution. I really do and I do know in various pockets of our City group homes are causing a lot of heartache for residents who work hard and do the right thing. I'm hoping that also the spirit of this Resolution is telling the State that the City of Wilmington has a homeless problem. Whether they're shipped or where they are, a lot of are - - we have a major homeless problem with young teenagers. I just met with some of the Eastside residents and we're looking at trying to come up with a resident for - - we know we have a growing population of young adults, single fathers with children that are in need of housing of some sort. So, because of the volume and the lack of their lack of economic availability, a group home typesetting will give them the support that they will need. So, if we're asking the State to look at not just any applications, I hope that we're asking also in the spirit of this Resolution, that we're asking to look at the whole issue of homelessness and the issues that we're facing in our neighborhoods. So, it doesn't just come back that you're talking about the agencies that currently trying to resolve the overwhelming growing impact of homelessness and mental illness and drug addiction that our communities face. I mean the demand is pushing the fact - - if we have so many in one area or even throughout our neighborhoods is because we have overwhelming problem with these particular social ills. So, with all this, I hope this is also not saying just to stop because we're sick and tired of those who are less fortunate than us but through saying that we want them to look at this and that when they go to fund - - take any individuals who want to take on social service of serving those who are less fortunate that protected class of individuals, that they do it - - that they realize it because it's such a major problem in our City. Thank you.

President Gregory: Anyone else? Ms. Walker, Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. In listening to the spirit of conversation, I'm wondering if we can offer a friendly amendment because I read this four times and I don't see where it says that we only want to do this for one (1) year. So, is it possible to amend it and put in here that this is for one (1) year?

Ms. Walsh: Mr. President. I apologize for that. In the original one - - I read it too quickly tonight - - I had a year in it the whole time. Somebody took the year out. So, I don't even care at this point if we reduced it to six (6) months.

President Gregory: I say six (6) months. Mr. Brown. Six (6) months. That's an amendment, a friendly amendment, motion, second.

Ms. Shabazz/Mr. Williams/Mr. M. Brown: Second.

President Gregory: Those in favor so note by saying Aye, Oppose. Aye's have it.

Ms. Walsh: Do you want to say where the amendment goes or we're just going like put a six (6) month stamp on it?

Mrs. Seijo: Where do you want it?

President Gregory: He's going to figure that out.

Ms. Shabazz: Issue a six (6) month moratorium.

President Gregory: Carney is going to figure that out. It's the last line. Just put last line, this shall be a six (6) month moratorium.

Mr. Tom Carney: She needs to read the language.

President Gregory: I just told you the language, "there shall be a six (6) month moratorium.

Ms. Dorsey Walker: No though, he's saying she needs to read it though Mr. President.

President Gregory: Who?

Mr. M. Brown: Where it would go in the Resolution.

Mr. D. Brown: She needs to read it in the record.

Mrs. Seijo: Not me.

President Gregory: Councilwoman Walsh, did you read it?

Ms. Walsh: Read the Resolution?

President Gregory: No, no. The amendment that you want, there shall be a six (6) month Resolution, moratorium.

Ms. Walsh: No, you've been kind of doing that all night long, jumping five (5) feet ahead of where your brain is...

President Gregory: Go ahead - - go ahead - - make your motion.

Ms. Walsh: ...where your mouth is rather.

President Gregory: Make your motion.

Ms. Walsh: Okay. I do make a motion and where am I'm doing this for?

President Gregory: It shall be six (6) month....

Ms. Dorsey Walker: Six (6) month moratorium.

President Gregory: Make it the very last line, the very last line. This shall be a six (6) month moratorium.

Ms. Walsh: After State of Delaware just put for six months. That's my amendment.

President Gregory: Okay.

Ms. Walsh: Is there a second on the amendment?

Mr. Williams/Ms. Dorsey Walker: Second.

President Gregory: It's been properly moved and seconded, all those in favor so note by saying Aye, Oppose, Abstentions. Ayes have it. Okay. If a group home wanted to open up next to me, I would not oppose it but I'd go and tell them I'ma tell you what you aint going to do and what you're going to do and if they didn't do what I told them but you aint going to do and what you're going to do, then I'll be at war with them. But I wouldn't oppose it because they're simply a group home and that's what we in essence are talking about here is management and trying to get our arm around the history around this. Now if a second one wanted to open up across the street from them, wait, wait, we have got to hold some conversation here. Not only am I going to tell you what you aint going to do and what you are going to do, I'm going to fight you and keep you out of here. Then that's me as individual and I can do that as a private citizen. So, we're like helping private citizens. Thinking of it that way, we're helping private citizens giving them a tool to deal with this problem. That's all we're doing. But, one comes, no problem, next to me or goes up on the other corner, you can come. But now wait a minute, three? I have some tools as a private citizen that I'm going to use to say, no. Enough is enough and that's my prerogative as a private citizen. No state action, no government action, none whatsoever. So, we're providing a tool for them. That's government and that's what we do for our constituents. Clerk, call the roll.

Mr. M. Brown: I had my hand up Mr. President.

President Gregory: Mr. Brown.

Mr. M. Brown: Thank you. I just want to comment very briefly on this. Councilman Darius Brown brought up a good point and I understand the Resolution, I understand the reading, I understand the language and to some degree it could send the wrong message down in Dover that we - - you know, do you want to help? Do you want to be a part of it or you don't want to be a part of it? And again, it comes with that analogy you just gave right in my backyard to some folks and all that, but Councilman Darius Brown mentioned and this is probably where it got me at where I know for sure that there is a residential - forthcoming, a residential for veterans coming up on the Westside on Washington Street. While you're right, this is not going to affect it, they're still going to do it but for someone who was doing it to get the funding, they may look at, someone may look at and say well you know, we want to give you some funding but we're getting some pressure from over this side of the - - or north up in Wilmington and we may want to just want to hold back on giving you funding to help you get this much needed residential group home for veterans in place. I personally am - - I'm going to vote present on it but I just wanted to put that out there that while I agree you know, it's still going to happen, while I also want to put it out there that may be a mark there to hesitate - - for people to get funding towards it. I'm a veteran. I want to see it happen. And, last but not least, when I was hungry you fed me. When I was thirsty, you gave me water. When I was homeless, you sheltered me. These that do the least of me to my children, so I just want to leave that open.

Ms. Walsh: Mr. President, it's my Resolution so I'd like to have the last word.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Thank you Mr. President. I appreciate the additions in the language but also I want Council to understand because of the precedent that I cited tonight in Sussex County that this would also put not only potential future funding but also existing funding around HUD funding that the City receives.

President Gregory: That's your opinion.

Mr. D. Brown: No, that is a precedent opinion - well not an opinion...

President Gregory: Well, you realize Sussex took some action. They took what we call state action. We're just expressing our opinion. It's really....

Mr. D. Brown: No Sir. The entity sues us.

President Gregory: I know but Sussex what did Sussex do affirmatively?

Mr. D. Brown: They denied...

President Gregory: They can deny anybody. Somebody walks in tomorrow and want to start a group home, they can do it.

Mr. D. Brown: If the veteran's home on Washington Street, we passed this, HUD can determine we're not going to have a veterans' home in Wilmington because of this moratorium.

Ms. Walsh: No.

Mr. D. Brown: Yes they can.

President Gregory: I'm not going to agree with you. You can put that out there but I'm not going to agree with you on that.

Mr. Congo: Mr. President.

President Gregory: Ms. Walsh.

Mr. Congo: One comment please.

President Gregory: Mr. Congo.

Mr. Congo: Thank you. I think that the Resolution does mean very well. I think everybody in this room knows what the intent is. It seems like we're going around - - we're beating around the bush. If the problem is a certain business here in the City, I think we need to direct all of our energy towards correcting that problem with its Connections. Let's go after Connection and make them be more responsible instead of beating around the bush and trying do things in a way that may not be as direct as we need to be. You know, the neighborhoods are suffering from Connections lack of responsibility. So, if that's the issue, let's - - what can we do to make Connections to be a more responsible business in the City?

President Gregory: That's a good point but is Connections listening to us? How do we get their attention? Mr. Chukwuocha, Mr. Brown, Ms. Walsh and then we're going to end.

Mr. Chukwuocha: Thank you Mr. President. I just had a question about an existing non-profit group home in - let's say this existing, they're not newly but they're existing and they apply for a new funding source or a new grant, and that's my view of what's happening currently in one of our communities where they are applying for so many different grants from the State and they're receiving, how is this, I guess stopping that is my question? How will this address that? Because they're not newly, I mean the corporation itself, non-profit, the history is existing and they're saying, they are applying for a new a program but it's not a new group home. So, I'm wondering how will this impact that funding or how will it change the situation because they're going after a new pot of money?

President Gregory: The moratorium is for six (6) months. You requested moratorium, it's for six (6) months but it impacted because of the message we're sending possibly. I think that's more accurate than saying there's some legal ramification to what we're doing. I don't think we're going to negatively impact anyone over the next six (6) months. Sussex took affirmative action to deny. We're not - - legal - - within their rules. We're not taking any affirmative action. We're sending a message saying, State please evaluate how you do this and make sure the folks that you give group homes to are responsible. Yes Loretta.

Ms. Loretta: First of all, the Governor...

President Gregory: Mr. Brown and then we'll come to you.

Ms. Walsh: I'm sorry?

President Gregory: We're going to do Mr. Brown first and then we're come to you.

Ms. Walsh: Okay, go ahead.

Mr. D. Brown: Thank you Mr. President. My final comment on this issue is that I appreciate the community interest and how we can improve our communities and I just hope the same effort around this issue will be an effort that we take around education with public schools and charter schools, around liquor stores, around any other things that may be nuisances to our communities.

President Gregory: It's interesting. I did the school thing and I did the liquor store thing. Ms. Shabazz.

Ms. Shabazz: Mr. President, the conversation was going directly and focused on the language of the Resolution and then it got back to the injustice, the underline spirit of the Resolution. If we're to - - you know, some of the things that have been said are just not fair and the whole spirit of it that's why I stated the way I said it, the spirited, I know the intended spirit of it if that's what the intended spirit of it is but when we're start throwing particular organizations names out and not giving them their just due process and allow them to speak on their behalf and it's been done several times on this floor and several times through various processes and I think that's an injustice to the organization and with full disclosure, I am an employee of that organization and I try to keep my Councilwoman's hat on and the whole thinking of the whole idea, which is why I made the comments the way I did. But again, I just really don't appreciate at this floor, the disrespect and the unfairness of not allowing the justice this organization - - this institution is suppose to allow about law - - making laws and not giving that organization the due process. Because it wasn't about one particular organization - - threw their name out and even though we kind of know that's the under spirit of it because we've used this institution before to go after that institution and I think if we're going to do justice that

we are suppose to uphold that we should really give them an opportunity to defend themselves and I just wanted to make that statement and full disclosure.

Ms. Walsh: Thank you Ms. Shabazz. Number one, that organization might have started the whole discussion. This Resolution didn't come from that organization. This actually Mr. Congo came from a group of people in your area who had been working on the Comprehensive Plan who asked to meet with me because of the hearing in March because they were very concern about neighborhoods over there and, hat concern has been ongoing for a couple of - - for a while. Especially when one of our non-profits in the City who already has a successful program in West Center City but wanted to move because of all the other problems over there to your Council district and were willing to spend a million dollars on a house and people started to get upset from that moment on that a group home environment would be willing to be able to spend that much on a real estate property when they themselves who live in the neighborhood couldn't afford to do that and it was a single family house before that and you know, the question was, how could a non-profit even do this when that million dollars can do so much more towards helping that non-profit? So, that's how all this came about, this particular Resolution. It's not aimed at one agency. If the Governor gets this Monday, he can throw it in the trash can and say, call Loretta Walsh up and tell her to go to hell, I'm going to do what I want and so is my Secretary. So, it isn't aimed at one organization. It is asking the State to please come and sit at the table with us. Please look at the harm you are doing to our City and that's all this does.

President Gregory: Clerk, call the roll.

Upon a motion of Ms. Walsh, seconded by Ms. Shabazz, the above aforementioned Resolution As Amended, was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Prado, Dorsey Walker, Williams, Cabrera, Walsh, and Council President Gregory. Total, eight. Nays, Council Members D. Brown and Shabazz. Total, two. Present, Council Member M. Brown. Total, one. Absent, Council Members Freel and Wright. Total, two.

President Gregory: Declare it adopted.

Ms. Walsh: That's all I have this evening. Thank you Mr. President.

President Gregory: It's about twenty minutes to nine. Can I get consensus on whether we're going to do petitions and communications tonight?

Upon a motion of Mr. M. Brown, seconded by Mr. Prado, Council suspended petitions and communications tonight with one Nay (Ms. Cabrera). Motion prevailed.

PETITIONS AND COMMUNICATIONS

No petitions and communications this evening.

ADJOURNMENT

Upon a motion of Mr. M. Brown, seconded by Ms. Cabrera, Council adjourned at 8:41 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk