

*City of Wilmington
Louis L. Redding
City/County Building
December 12, 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*, Wright and Council President Gregory. Total, twelve. Absent, Council Member Walsh. Total, one.

MINUTES

After reading a portion of the minutes of December 5, 2013, upon a motion of Mr. Freel, seconded by Mr. Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

Mr. Chukwuocha presented the following committee report:

<u>Education, Youth & Families Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Nnamdi O. Chukwuocha	X		
Michael A. Brown Sr.		X	
Maria D. Cabrera		X	
Ernest "Trippi" Congo, II	X		
Hanifa G.N. Shabazz			
Sherry Dorsey Walker	X		

December 11, 2013

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Education, Youth & Families Committee, met on the above date at 4:30 p.m., Councilman Nnamdi O. Chukwuocha presiding. The following items were discussed:

- Introduction of Nicole Adams, Parks & Recreation Family Services Director
- Job Training Program for At-Risk Youth Presentation
- Reach Academy Presentation

Respectfully submitted, Members of
Education, Youth & Families Committee
/s/Nnamdi O. Chukwuocha, Chair
/s/Ernest "Trippi" Congo, II
/s/Sherry Dorsey Walker

Upon a motion of Mr. Chukwuocha, seconded by Mr. Freel/Mr. Williams, the aforementioned Report was received, recorded, and filed. Motion prevailed.

Mr. Freel presented the following two-committee reports:

<u>Finance Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel	X		
Michael A. Brown Sr.	X		
Samuel Prado		X	
Hanifa G.N. Shabazz	X		
Loretta Walsh		X	

President and Members of Council of
The City of Wilmington

December 9, 2013

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Substitute No. 1 to Ordinance No. 13-038** entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2 TO THE FISCAL YEAR 2014 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 13-013, AS AMENDED), THE ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2013 AND ENDING ON JUNE 30, 2014

Have given this Ordinance careful study and recommend Council vote on it accordingly.

Respectfully submitted, Members of
Finance Committee
/s/Charles M. Freel, Chair
/s/Michael A. Brown, Sr.
/s/Hanifa G.N. Shabazz
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Freel, seconded by Ms. Shabazz/Mr. Williams, the
aforementioned Report was received, recorded, and filed. Motion prevailed.

<u>Finance Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel	X		
Michael A. Brown Sr.	X		
Samuel Prado		X	
Hanifa G.N. Shabazz	X		
Loretta Walsh		X	

December 9, 2013

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 13-039**
entitled:

AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO
EXTEND CONTRACT PD05006 – PARKING VIOLATION
PROCESSING AND COLLECTION SYSTEM WITH XEROX
STATE AND LOCAL SOLUTIONS, INC.

Have given this Ordinance careful study and recommend Council vote on
it accordingly.

Respectfully submitted, Members of
Finance Committee
/s/Charles M. Freel, Chair
/s/Michael A. Brown, Sr.
/s/Hanifa G.N. Shabazz
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Freel, seconded by Ms. Shabazz, the
aforementioned Report was received, recorded, and filed. Motion prevailed.

Ms. Shabazz presented the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado		X	
Robert A. Williams	X		

December 4, 2013

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 13-041 entitled:

AN ORDINANCE TO APPROVE THE REMOVAL AND
DISPOSITION OF SPRINGER STREET FROM THE
OFFICIAL CITY MAP

Have given this Ordinance careful study and recommend Council vote on
it accordingly.

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Hanifa Shabazz, Chair
/s/Nnamdi O. Chukwuocha
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Ms. Shabazz, seconded by Mr. Freel, the
aforementioned Report was received, recorded, and filed. Motion prevailed.

Mr. Freel presented the following committee report:

<u>Finance Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel	X		
Michael A. Brown Sr.	X		
Samuel Prado		X	
Hanifa G.N. Shabazz	X		
Loretta Walsh		X	

December 9, 2013

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Substitute No. 1 to Ordinance No. 13-043** entitled:

AN ORDINANCE TO APPROVE AND AUTHORIZE THE THIRD
PARTY OPERATOR AGREEMENT BETWEEN THE CITY OF
WILMINGTON AND LEASED ACCESS PRESERVATION
ASSOCIATION

Have given this Ordinance careful study and recommend Council vote on
it accordingly.

Respectfully submitted, Members of
Finance Committee
/s/Charles M. Freel, Chair
/s/Michael A. Brown, Sr.
/s/Hanifa Shabazz
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Freel, seconded by Ms. Shabazz, the
aforementioned Report was received, recorded, and filed. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report dated December 12, 2013 was read into
the record by the City Clerk, and upon a motion of Mr. Freel, seconded by Mr. Williams,
the Report was received, recorded and filed. Motion prevailed.

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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON December 12, 2013

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,527.81
105	Police Pension Account	M & T Bank	\$ 207.38
106	Fire Pension Account	M & T Bank	\$ 4,684.35
107	Evidence/Found Currency Account	M & T Bank	\$ 125,657.85
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 243,533.59
113	Non-Uniform Pension	M & T Bank	\$ 1,291.70
114	Central Deposit	M & T Bank	\$ 41,491.19
117	Cement Workers	Wilmington Savings Fund	\$ 33,369.71
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.24
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 3,010.18
130	Payroll	M & T Bank	\$ 60,913.08
131	Pension Payroll Account	M & T Bank	\$ 42,727.30
139	Pension Healthcare Account	M & T Bank	\$ <u>1,213.08</u>
	Total Cash on Hand		\$ 576,769.43

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	12/12/13	0.01%	\$ 1.56	\$ 5,682,902.00
116	General	WSFS	CD	12/13/13	0.30%	\$ 1,775.34	\$ 2,000,000.00
116	General	WSFS	CD	12/27/13	0.30%	\$ 2,005.47	\$ 2,000,000.00
124	Non-Uniform 1990	WSFS	CD	12/27/13	0.30%	\$ 1,415.38	\$ 5,555,000.00
106	Fire Pension	WSFS	CD	12/27/13	0.30%	\$ 425.51	\$ 1,670,000.00
116	General ¹	TD	CD	01/06/14	0.25%	\$ 9,061.12	\$ 14,537,615.00
116	General	WSFS	CD	01/10/14	0.30%	\$ 2,219.17	\$ 2,000,000.00
116	General	WSFS	CD	01/24/14	0.30%	\$ 2,449.31	\$ 2,000,000.00
110	Capital	WSFS	CD	02/05/14	0.30%	\$ 18,105.54	\$ 24,476,000.00
116	General	TD	CD	02/07/14	0.25%	\$ 2,205.48	\$ 2,000,000.00
110	Capital	WSFS	CD	02/19/14	0.30%	\$ 2,515.07	\$ 3,400,000.00
116	General	TD	CD	02/21/14	0.25%	\$ 2,397.26	\$ 2,000,000.00
110	Capital ³	TD	CD	03/03/14	0.25%	\$ 949.44	\$ 1,540,195.00
116	General	TD	CD	03/07/14	0.25%	\$ 2,520.55	\$ 2,000,000.00
116	General	TD	CD	03/21/14	0.25%	\$ 2,424.66	\$ 2,000,000.00
116	General	WSFS	CD	04/01/14	0.30%	\$ 2,576.71	\$ 1,900,000.00
116	General	TD	CD	04/04/14	0.25%	\$ 2,232.88	\$ 2,000,000.00
116	General	WSFS	CD	04/17/14	0.30%	\$ 2,745.20	\$ 2,000,000.00
116	General	TD	CD	04/25/14	0.25%	\$ 1,816.44	\$ 1,700,000.00
116	General	WSFS	CD	06/10/14	0.30%	\$ 2,260.27	\$ 1,375,000.00
514	Risk Management	WSFS	CD	07/11/14	0.30%	\$ 8,687.31	\$ 2,895,775.55
515	Worker's Comp.	WSFS	CD	07/11/14	0.30%	\$ 8,687.31	\$ 2,895,775.55
104	Escrow Pension	Affinity Wealth					\$ 1,495,284.00
104	Escrow Pension	Vanguard					\$ 21,600,802.00
104	Escrow Pension	Black Rock					\$ 55,258,679.00
104	Escrow Pension	Edgar Lomax					\$ 31,318,785.00
104	Escrow Pension	Wilmington Trust					\$ 35,096,577.00
104	Escrow Pension	Manning & Napier					\$ 22,665,934.00
104	Escrow Pension	Earnest Partners					\$ 13,954,753.00
104	Escrow Pension	GMO					\$ 11,555,738.00
139	Medical Escrow	Black Rock-OPEB					\$ 11,481,613.00
116	Deferred Comp.	MassMutual					\$ 36,437,080.00
	Total Investments						\$ 328,493,508.10
	Total Cash on Hand						\$ 576,769.43
	Grand Total						\$ 329,070,277.53

¹ Budget Reserve

³ SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

Upon a motion of Mr. Freel, seconded by Ms. Shabazz/Mr. Williams, the following non-legislative resolutions were accepted into the record and motion prevailed:

All Council	Sympathy Nathan "Doc" Hill
All Council	Sympathy Minerva Marrero
D. Brown	Sympathy Nelson Mandela
Shabazz	Sympathy Theodora Elizabeth Keeling
Walsh	Retirement Joseph Hemphill

*Note: At this time, Councilman Congo was marked present.

President Gregory: We have one to read into the record.

Sympathy Resolution for Nelson Mandela was read into the record as follows:

December 12, 2013

Sponsors: Council Member Darius J. Brown, Council President Theopolis K. Gregory, Sr., Council Members Nnamdi O. Chukwuocha, Ernest "Trippi" Congo, II, Hanifa G.N. Shabazz, Samuel Prado, Sherry Dorsey Walker, Robert A. Williams, Charles "Bud" Freel, Michael A. Brown, Sr., Maria D. Cabrera, Loretta Walsh and Justen A. Wright

Whereas, The world has lost a great man, a peacemaker, leader, pioneer and friend, THE HONORABLE NELSON ROLIHLEHLA MANDELA; and

Whereas, Mr. Mandela, a longtime advocate for eradicating the injustices of apartheid and raising the quality of life for people worldwide, served with compassion, dignity and vigor for his beloved South Africa; and

Whereas, The world watched as Nelson R. Mandela quietly walked the road to "freedom" after being imprisoned 27 years for his determination to lead his country out of decades of apartheid. He was awarded the Nobel Peace Prize in 1993 along with South African President F.W. de Klerk, for transitioning the nation from a system of racial segregation to a democratic South Africa; and

Whereas, Mr. Mandela was the "first" black President of South Africa. He served from 1994 to 1999, and continued to be a voice for development nations. He concluded nearly six decades of political activism. He published his autobiography in 1995, invited other political parties to join the cabinet of the government of National Unity, and founded the Truth and Reconciliation Commission to investigate past human rights abuses. His administration introduced measures to encourage land reform, combat poverty and expand healthcare services. He acted as mediator between Libya and the United

Kingdom in the Pan Am Flight 103 bombing trial and oversaw military intervention in Lesotho – just to name a few; and

Whereas, Mr. Mandela, an icon of true “political correctness,” never gave up or gave in. He will be dearly missed by the many, many nations who were benefactors of his kindness, knowledge and accomplishments.

Now, Therefore, Be It Resolved By The Council Of The City Of Wilmington, that this Council joins the innumerable out-pouring of love, sympathy and prayers to the family of The Honorable Nelson R. Mandela.

/s/Maribel Seijo, City Clerk

/s/Brenda James-Roberts, Senior First Assistant City Solicitor

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President, thank you.

President Gregory: Mr. Congo.

Mr. Congo: Nothing tonight Mr. President, thank you.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Nothing tonight.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Nothing tonight. Thank you.

President Gregory: Mr. Prado.

Mr. Williams: Absent.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Nothing tonight Mr. President. Thank you.

President Gregory: Mr. Williams.

Mr. Williams: Mr. President, I move that Council dissolve into the Committee of the Whole for the purpose of holding a public hearing on a large-scale redevelopment project known as “The Wilmington Flats”.

Upon a motion of Mr. Williams, seconded by Ms. Shabazz, Council dissolved into the Committee of the Whole for the purpose of holding a public hearing. Motion prevailed.

PUBLIC HEARING
APPROVE A LARGE-SCALE REDEVELOPMENT PROJECT KNOWN AS
"THE WILMINGTON FLATS" (ORDINANCE NO. 13-040)

The City Clerk read the Affidavit of Publication. Upon a motion of Mr. Williams, seconded by Mr. M. Brown, the Affidavit of Publication was made a part of the record and is on file in the City Clerk's Office. Motion prevailed.

The City Clerk read the Planning Commission Report. Upon a motion of Mr. Williams, seconded by Ms. Shabazz, the Planning Commission Report was made a part of the record and is on file in the City Clerk's Office. Motion prevailed.

President Gregory: Who's going to speak to it from the Planning Commission?

Department of Planning Representative: Good evening, my name is Mike Leventry. I'm with the Planning Department. The Woodlawn Trustee, Incorporated has submitted a large-scale redevelopment plan to rebuild their Flats neighborhood apartment community. It should be noted that the large-scale redevelopment project is within the R-3 zoning district and it's also proposing to move Springer Street. To summarize The Wilmington Flats proposal is: roughly bounded by 4th Street, 9th Street, Ferris Street and Union Street and located just west of the Little Italy neighborhood, it's currently comprised of 430 existing apartment units. They will be replaced by 450 new apartment units on a total of 11 city blocks. Those existing units have been deemed small, energy inefficient and just generally not markable by today's standards and under code by building standards. The project will phased over the course of 10-years and will require the vacation of Springer Street as I just mentioned.

I'm going to digress for just a moment to talk about Springer Street. The Department of Planning did an interdepartmental review with regards to the vacation of Springer Street. When it is or if it is I should say vacated, four blocks will be combining the two elongated blocks for the purpose of accommodating this proposal with the plans they have created with regard to the building and site layout. Within the interdepartmental review which included the Departments of L&I, Public Works and Fire, we have a number of, well a number of comments that we've collected, the Department of Fire had no adverse comments and actually noted that this (inaudible) situation, due to the fact that Springer's Street right-of-ways is constrained and they have a problem negotiating the width of that street with some of their larger apparatus. With regards to Public Works' people, knows there is infrastructure located within Springer Street and the applicant, Woodlawn Trustees, will have to work with the Department of Public Works moving forward to properly relocate that infrastructure.

It should be noted that there will no impact to the residents along Springer Street because all residences that use Springer Street are part of "The Flats" community and when Springer Street is indeed vacated and removed, those neighboring or adjacent residences will also be redeveloped as part of "The Flats" redevelopment project. That going back to the project, it should be noted that the inner blocks of the proposal will have taller apartment buildings between 3 and 4 stories in height. The Planning Department's analysis know that the overall design meshes well with the surrounding neighborhoods from a scale standpoint because the outer blocks will have a lower height that will blend or mesh well with the surrounding character if you will of the neighborhoods that down or butt up against "The Flats" neighborhood. Within the proposal the Trustees are proposing 390 off street parking spaces. Currently, I believe there are roughly 2 dozen off street parking spaces, so that would greatly alleviate the parking situation that "The Flats" neighborhood currently has. To again mesh the neighborhood, "The Flats" neighborhood with the Union Street commercial corridor, "The Flats" proposal is proposing 2 mixed used commercial buildings at the intersection of Union Street and 6th Street. Those mixed used buildings will not from what I've been told by the applicant, will not have any commercial uses but rather would house public services for "The Flats" neighborhood as well as adjacent neighborhoods.

The parking lots that are proposed along Union Street will accommodate the residents of the neighborhood but will also be used for or can be used by the businesses along Union Street, which have often noted the fact that parking is a scarce commodity for their commercial corridor. Now per Code Section 48-476 pertaining to large-scale redevelopments, the Woodlawn Trustees have gone through the following process and received the following approvals leading to the City Council consideration for their proposal. The Zoning Board of Adjustment approved a parking variance on November 13th for their proposal. As was noted earlier, the Planning Department Analysis dated November 15th recommends approval with conditions. It should be noted that the analysis that was done by the Planning Department was also an interdepartmental analysis. We solicited comments from the Fire Department, which requested that the Trustees install rolled curb and gutter within the internal corridors – vehicular corridors within their proposal. Licenses & Inspections noted that they had no adverse comments with regard to their proposal and confirmed compliance for the proposal with Code Section 48-476.

Public Works required utility design coordination between the Department of Public Works and the Woodlawn Trustees designers and engineers and noted the fact that street tree installation and stormwater manholes will have to be addressed within the design phase of the project and the Department of Planning had the following comments with regards to the proposal: developer agreements for utilities and street lights will need to be crafted; coordination with the Department of Public Works and the City with the applicant should occur or is recommended to occur to address safety concerns at the intersection of 8th Street, Grant Street and at Bancroft Parkway; we requested a tot-lot relocated to a more central location within the proposal to better accommodate all the residents within "The Flats" neighborhood; we requested a various locations additional street lights and bike racks be installed for residents and safety; we noted landscaping requirements for all parking lots that are to be constructed; and we requested additional construction details when they become available for variance zonings in the proposal;

(inaudible) requested that salvage and demolition or I should say, demolition materials be salvage from the existing flats whenever possible; and finally we strongly urged the Woodlawn Trustees to utilize Wilmington based labor as much as possible for the construction of this proposal.

Moving on to other items that the Trustees with this proposal have addressed, just taking a step back for a moment. I did received from the Trustees this afternoon an agreement, a letter clarifying and agreeing to all the conditions that were stipulated within the Planning Department's analysis. But moving on, it should be noted also that the Woodlawn Trustees went to Design Review and Preservation Commission and got approval of design, the architectural design of all their buildings and that approval occurred on August 15th and then finally as was noted earlier, the City Council's joint Housing, Licenses & Inspections and Public Works and Transportation Committee recommended approval at its meeting for December 4th all per code sections requirements of 48-476. That concludes my presentation. I'd be happy to answer any questions at this time.

President Gregory: Any questions from Council? Any questions from the public? Thank you very much.

Mr. Leventry: Thank you.

President Gregory: Public, question? You have to come - - you can't ask your question from back there. You have to come up here. Excuse me, you have to come on the floor. Just identify yourself and ask your question.

Mr. Church: You said that you guys were going to raise the Springer Street between those properties? And you said that what you were going to have on the out skirts that would be Union Street. Now, my question to you is this, you're going to build four story apartment buildings? So, what would happen...

President Gregory: Excuse me. I'm out of order. You can go sit down.

Mr. Church: Ok.

President Gregory: The questions come from the Council. Now, you can make any comments you want for or against. Let me correct myself before it goes too far.

Mr. Church: I have no further questions.

President Gregory: Thank you. Anybody else "for" or "against"? Mr. Davis. Mr. Davis, could you tell me whether you are "for" or "against"?

Mr. Davis: Against.

President Gregory: Alright. We're going to have all the "against" go first and then all the "for" will go next. My apologies, this is the second public hearing I've had in I guess ten months but we'll get it right.

AGAINST

Mr. Davis: Yes sir. My name is Dwight L. Davis and what I've heard on the radio and what I'm hearing this evening causes for great concern primarily because there's certain things that haven't been discussed. Number one, there hasn't been any discussion of the relocation of the families that live in these developments. That's a great concern, I'm not sure whether there is any federal money involved this project that requires a redevelopment or relocation of the families that live there. Secondly, there's a big concern with a ten to fifteen year project. I guess the easiest way to relocate the people is to tear down their homes and I'm not certain what I'm hearing is that the demolition of the homes will take place, I guess from what I'm reading in this Resolution, it says this is the approved any and all permits whether or not the permits will allow the demolition of these apartment complexes and in the first year and we'll be looking at empty lots until they decide to build and years seven, eight, nine or ten. So, I'd like to hear some questions surrounding federal money, relocation of the families, and what type of guarantees if any that the same type of individuals that's living there now, will be able to afford to come back and live in that community. Now, I know that Section 8 is becoming a thing of the (inaudible), but there is such a thing called mark to market, which is a new concept and this concept requires that if there is any subsidized of the rents that in fact the individuals receiving the subsidy will have to have a higher income level. So, it will be no more of federal subsidy where they're paying, the government is paying 90% of your rent. The government might be paying 50% of your rent and your rent has to be market rent. So, I don't know who's speaking for these people from 4th to 9th but just what I'm hearing, I would just ask Council to hold off on this vote until some more questions is raised and some satisfactory answers are provided. Thank you.

President Gregory: Anyone else "against"? I'm going to allow folks to speak "for" now, which will give the project folk an opportunity to speak. You're "against"? You're "for". So you can speak "for" and if someone from the project wants to speak "for", you're more than welcome to address what you think needs to be addressed. Come on up please Ms. Garris. Mark Maria Cabrera present.

*Note: At this time, Council Member Maria D. Cabrera was marked present.

FOR

Ms. Marla Garris: Thank you Council for the opportunity to speak for Woodlawn Trustee project for redeveloping "The Flats". I'm a member of Woodlawn Library and I have been for 50 years. I can vividly remember my mother walking me through Bancroft Parkway on my way to Lewis School and the memories really about the esthetics on Woodlawn and Bancroft Parkway will always be remembered by me. My mother was there at Lewis School to pick me up at 12:00 noon, of course we had a half-day of kindergarten, and on our way back we would stop at Woodlawn Library. That was my treat for the day, for being good in school. I've spoken to individuals in the

administration over at Woodlawn Trustees to give them my support about the project. I do live in the community, I live on Union Street. I have seen in the years how that neighborhood has deteriorated, not only with the population but with the housing. I would recommend to the members of Council to support the development of the new housing. Yes it would take about ten to fifteen years but it is well worth it and past the time. I also would like to speak about the Woodlawn Library. I've spoken to my City Councilman and I would like to see something saved from the old library. It doesn't really matter to me whether not it's furniture, bricks or whatever but because it's such a deep memory for me and it means a lot to me about the old Woodlawn Library, I would just like for something to be preserved from that original library. Besides that, I just would tell Council that - just think about the families. We need to really put the neighbor back into neighborhood and since I've been in that particular area basically all over this city, we've kind of lost that. We no longer know to treat our neighbors as neighbors. So, hopefully not only with the new housing that would take place that we can also look at other areas. We've done it to HOPE IV over in the bucket, now Woodlawn Trustees is bringing a new set of housing to the Westside and really West Center City is past due for re-housing. A lot of the times you have to tear down the old in order to bring the new. So, let's keep that in mind. It's nothing new that hasn't been done with HUD. There's a project "Rebuilt by Design" that has been done after hurricane Sandy and a lot of the things I'm sure the Planning Department can probably look into that, we need to rebuild our city and make Wilmington really again "A Place to be Somebody". Thank you.

President Gregory: Thank you. Anyone else "for" the project? Is someone from the development group want to speak "for" the project?

Mr. Vernon Green: Vernon Green and Lisa Goodman for Woodlawn Trustees. Mr. Davis I have a specific answers to some of your questions.

President Gregory: Direct your response to the Chair please and to the Council people.

Mr. Green: I apologize. The question came up as far as what we're planning on doing and Woodlawn has a 100 year history of providing affordable housing here in the City of Wilmington and that would not change. What we're doing is we are doing this in several phases. Right now this plan is being a total of seven different phases and the idea is we're doing in phases so that we do not have to go through a relocation of our residents. Our residents are planning on being within our community. We will take them from some of the buildings and moving into other ones. So, they remain a part of our community. I think that was the biggest concern that we've had and we've even answered that question repeatedly to every single meeting and we're committed to it.

President Gregory: Thank you.

Ms. Goodman: Mr. Chair, Mr. President, we're happy to answer any other questions that Council might have. We had a full and complete hearing at committee on this. Councilman Williams was there and has been intimately involved in this project all

along. The project is designed to not displace anyone. It is designed to as close as possible to replicate the look and the feel of the existing "Flats" to honor the 100 year tradition of providing affordable housing and to continue to do so. It is been thoroughly vetted by the DRPC, by the Planning Commission, by two committees of this Council and by many, many individuals meetings with the communities. We look forward to working with the communities on this project and we're happy to answer any questions that Council might have.

President Gregory: Thank you. Anyone else to speak "for"? Let me just remind Council, there's been an opportunity to speak and ask questions now. When we go back to into regular order business, there will be another opportunity to speak to the legislation but not necessary to ask questions. Mr. Freel.

Mr. Freel: Yes, I was just hoping that you would go ahead and explain a little bit also about the demolition that it doesn't all happen at once and how that would work.

Ms. Goodman: Correct. The project is proposed to be done in seven phases and because there is a natural turnover of residents because this is affordable housing, folks save up money and in a perfect world they are able to buy their own houses or move on to other areas of the city and so Woodlawn has planned to as those vacancies come up and they're ready to begin a phase, to hold off renting those units so they can move folks. That would allow orderly demolition and rebuild of "The Flats" one phase at a time. So, it would not in fact be the case that 11 blocks would be demo at once. It would be done phase by phase very carefully in a very controlled way so that the heart of "The Flats" is always up and occupied because that is Woodlawn's driving mission is to provide housing.

Mr. Freel: Thank you.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you. Can you speak to what's the concern of the current residents being able to still afford the rent for these newly developed properties?

Ms. Goodman: Yes. The short answer is that this will continue to be affordable housing. It has been, it was Mr. Bancroft's original vision to provide safe and sanitary affordable housing and the plan is and it's Woodlawn's primary mission to provide affordable housing and this will continue to be affordable housing.

President Gregory: But also under Councilperson Hanifa Shabazz's leadership and I know that I've heard Darius Brown's, Mr. Browns' voice on this, I've heard Ms. Dorsey Walker's voice and Mr. Williams' and I believe Mr. Wright earlier today talk about employment and so that folks know we're in the process of initiating a (inaudible) to it. You're going to speak to it?

Ms. Goodman: Yes.

President Gregory: Ok. So the employment issue is being address and Ms. Shabazz can speak to that at the appropriate time. Mr. Wright.

Mr. Wright: Thank you Mr. President. Can you speak to, I know in the committee meeting you expressed the dimensions of the current residences that are there or apartment sizes and how you plan to renovate and enlarge those apartments, can you speak to that?

Ms. Goodman: Yes. I'ma allow Mr.

Mr. Wright: As well as the structure that you will be keeping for historical purposes.

Mr. Green: Yes, the average increase in size of the units is going to be about 30%. Some of our units are as small as about close to 500 square feet. We have bedrooms quite honestly that are sizes of some people's walk-in closets, thus the need to make a change. We are committed to provide the same type of housing that already exist, just larger in size and much more energy efficient. There's also a block that is not being demolition and it's at the 700 block of Bancroft Parkway, which actually captured all of the designed that we use in "The Flats" right down to the granite exposed foundation, front and rear entry basements and a very reasonable floor plan. These buildings will built just a little differently and they're actually going to be able to be retro so that they will be able to be kept in appearance quite honestly the same as they are today and the inside brought up to today's standards.

President Gregory: Mr. Wright.

Mr. Wright: Yes sir. Can you also speak to parking?

Ms. Goodman: My favorite subject. Currently we have about 36 off-street parking spaces. Everything else is really we're relying on on-street parking. We're going from 36 to excessive 360. Ten times the number of parking spaces, which frees up an immense amount of on-street parking for residents in our community, around our community, our neighbors and for the businesses that are in the district as well.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. In our committee meeting we had extensive conversation regarding local hire. Ten years of construction means a possible career for individuals. Could you share with everyone about the things – the position you have in place to ensure that all the way down to the subcontractors that there will be a great encouragement for local hire and even your committed support of assuring that there was proper work for this development to ensure our local hire qualify for those skills.

Mr. Green: I can tell you that we are truly excited that this is going to be an opportunity for Wilmingtonians to have jobs. Construction jobs, jobs that will be hopefully will also grow around the area as I think the Westside become that more of a stronger part of the city. We have met with some of the local contractors, some of the local contractor unions, Local 55, gentlemen, thank you so much for being here. We are truly committed to making sure that Wilmington jobs are part of this project not all over the world. We would hope that the economy would get to be so great that we would have to try to figure out where we're going to find our Wilmington workers. I think the idea is that we have training programs that are already place that have a true commitment of making people available as well as skill labor and we're truly committed that through our general contractors and the subcontractors, we're going to make sure that they look at Wilmington first.

Ms. Shabazz: If I may Mr. Chair.

President Gregory: Yes.

Ms. Shabazz: The way that you would do that would not just be in gentlemen agreement, will there be any type of documented requirement that they do -- get down your general and your subs adhere to local hiring practices?

Mr. Green: Yes, we're working on those documents literally as we speak and we're looking to make those demands rather strong.

Ms. Shabazz: Thank you.

President Gregory: Mr. Brown.

Mr. D. Brown: Thank you Mr. President. What is the total cost of the project?

Mr. Green: In today's dollars, we're looking it may exceed one hundred million dollars.

Mr. D. Brown: How much has currently been raised?

Mr. Green: We're into the financing part right now. Where the great part is, is that we own the land. So we have no acquisition costs.

Mr. D. Brown: Have you have the dollars to fund to the first phase of the project?

Mr. Green: Not as of yet. We'll be going for financing as we go through the next year.

Ms. Goodman: Councilman, it is important to note that when one goes out for this type of financing, one must first have the approvals before one can actually apply for the financing. So, this is a very carefully thought out process to align this project as so many other projects get aligned to avail the project of that financing stream that is out there but we cannot go forward until we have hopefully tonight the blessing of this body.

President Gregory: Mr. Williams.

Mr. Williams: Can you speak briefly about personal safety and public safety surrounding your proposal.

Mr. Green: Happy to. When we were talking to our residents when we first thought about this project about a year ago, one of the very first things they mentioned was, they felt very safe in their neighborhood but they felt the city was changing and wanted to know if would start doing things like incorporating security measures. So, we have already begun that and would be making it as part of the project. We're looking to do additional video surveillance that hopefully would be sophisticated enough that we would be able to tie into the city and have the city be able to do the same type of items. The other thing that we're looking at is all of the buildings that are going to be built will have full sprinkler systems as being a requirement of the building. Even if the code at this point does not call for that, that's part of what we're mandating.

Mr. Williams: Just a follow-up if I can.

President Gregory: Mr. Williams.

Mr. Williams: As the Councilman I frequently hear complaints from residents and passerby in referenced to trash collection and just a breed that seems to accumulate on the ends of the road, what plans do you have to combat that and is there any community area that's going to be available for members of the community to partake?

Mr. Green: Yes, as far as the trash and we feel that pain literally everyday and it's not just people local that shall we say move the trash to the end of the street, we actually have people coming in from other areas just literally putting the trash up because they know we'll pick it up. What we're looking to do is internalize the trash collection so we'll have actual areas within the parking lot that are sheltered within the buildings that will have a dumpster area as well as the areas for reclamation so that we'll be able to keep off the streets, out of site and well maintained.

Mr. Williams: Just a quick about any public space for....

Mr. Green: Yes. Part of what we're going to be doing is we're going to add two additional parking - - pocket parks that will be actually located just off of 6th Street. Again, one of the things we're able to is to have a little bit more open space and part of Woodlawn's mission is also the preservation the creation of open spaces.

Mr. Williams: Just a quick follow-up. I know in the committee there was some discussion about community space for meetings and maybe a flu clinic or something along that line. Could you speak a little bit about that?

Mr. Green: Yes. It was mentioned by Mike Leventry when he was up here earlier. Over on 6th Street, actually on the eastside of 6th Street on Union, there are two buildings that are being set there that are commercial in design but the intent there is strictly for community services not just for our residences but those people that live in the area. That will be community space for meetings as well as perhaps health clinics, after school reading programs, the type of thing that we don't have spaces for right now within the city that we'll be able to make some allocation space for those uses.

Mr. Williams: Thank you.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Yes, thank you Mr. President. Could you speak to the preservation of existing green space?

Mr. Green: The (inaudible) space we have there right now is called the Bancroft Parkway, okay. Mr. Bancroft donated that land to the City of Wilmington as Delaware's first and only greenway at its time. That land belongs to the City so therefore, would not be affected by this project with the exception of we have to add enhancements with the City's permission to make it even more usable and more community friendly.

President Gregory: Go ahead Mr. Brown.

Mr. D. Brown: Thank you. What is the assessed value of the existing land for the project?

Mr. Green: I'll be honest with you I've been out of the market for a long time. I put my broker's license on ice many, many years ago. I really don't know. I would really just be guessing.

Mr. D. Brown: Do you remember the last number from however many years ago that was?

Mr. Green: I would say land value if I was guessing probably somewhere in the vicinity of about maybe fifteen, eighteen million dollars.

President Gregory: Thank you.

Mr. Green: Thank you Mr. President.

President Gregory: Mark Mr. Prado present please.

Mrs. Seijo: So noted.

*Note: At this time, Councilman Samuel Prado was marked present.

President Gregory: Mr. Williams.

Upon a motion of Mr. Williams, seconded by Ms. Shabazz, Council returned to Regular Order of Business. Motion prevailed.

REGULAR ORDER OF BUSINESS

Mr. Williams presented the following committee report:

<u>Housing, Licenses & Inspections Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Samuel Prado		X	
Darius J. Brown			X
Maria D. Cabrera		X	
Nnamdi O. Chukwuocha	X		
Hanifa G.N. Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of
The City of Wilmington

December 4, 2013

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred
Ordinance No. 13-040 entitled:

AN ORDINANCE TO APPROVE A LARGE-SCALE
REDEVLEOPMENT PROJECT KNOWN AS
"THE WILMINGTON FLATS" REDEVELOPMENT

Have given this Ordinance careful study and recommend Council vote on it
accordingly.

Respectfully submitted, Members of
Housing, Licenses & Inspections Committee
/s/Nnamdi O. Chukwuocha
/s/Hanifa Shabazz
/s/Sherry Dorsey Walker
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Williams, seconded by Ms. Shabazz, the aforementioned Report was received, recorded, and filed. Motion prevailed.

President Gregory: There are no findings.

Mrs. Seijo: No findings.

President Gregory: Present your ordinance.

Mr. Williams presented and called for the third and final reading Ordinance No. 13-040 entitled:

AN ORDINANCE TO APPROVE A LARGE-SCALE
REDEVLEOPMENT PROJECT KNOWN AS
"THE WILMINGTON FLATS" REDEVELOPMENT

Mr. Williams: Mr. President, after the hearing that we just held, I'm in support of this Ordinance. I think that any entity that wishes to invest a hundred million dollars in well over eleven acres of land in our City not only is going to have a financial impact but it's also going to create some synergy in our city. It's going to create affordable housing. It's going to create energy efficient housing, safer housing. Woodlawn has been doing this for 100 years and I think they're doing it right. So, I'm in support of this Ordinance sir.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. I too am in support of this Ordinance. I'm really excited about their commitment to hire locally and the fact that they're in conversation with Local 55 is really enthusiastic to me and the fact that Councilwoman Shabazz will be spearheading the initiative with the junior members of Council helping her out, I'm really excited about that.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. I too would be supporting this Ordinance tonight. The fact that they will be expanding now to 450 low-subsidized houses especially with the issue that we have here in the City of homelessness to create more housing and also to create a even more congenial neighborhood and of course excited as I am is because their enthusiastic interest and support of valuing the importance of local hiring. This is going to be careers for some individuals to be able to work on this project from start to finish.

President Gregory: Mr. Freel.

Mr. Freel: Mr. President, you hear a lot of the positives in their presentation where there was parking, quality housing, jobs but I think they also should

be commended because they were out there meeting with everybody in the community whether it was one person or ten people trying to answer their questions, trying to address issues. I think the job creation one is a perfect example where they have really try to step up and address the issue. So, I think it's a great project and I hope we gets approved this evening. Thank you.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Thank you Mr. President. Based on the testimony that we heard tonight and also the information that has been shared at previous Council meetings and knowing the involvement that they've had in neighborhoods, I will be supporting tonight but it's also because of the promise that they've made to our City. It's a promise they've made for 100 years and that same commitment they're making for hopefully another 100 years through this project over the next ten years and hiring locally. It's something that we all wished I believe, more of our developers would do in our City those that come in to develop. So, I think this is more from the mission of Mr. Bancroft to now t's more than just about a dollar for Woodlawn. It's about really making investments into people and to their families and providing opportunity for respectful honorable living conditions and also for them to have a place that they can call home. So, with that, I'll be supporting it. Thank you.

President Gregory: Thank you. Ms. Cabrera.

Ms. Cabrera: Yes, thank you Mr. President. Now at a time where we see some people walking away from our City and not investment in Wilmington, Woodlawn has a stake in this community. They continue to invest in Wilmington, they're not walking away. I support this because number one: my biggest concern was the workforce development – local jobs – making sure that we hire Wilmingtonians on this project. Too often we see that has not happened with a construction in our City. I have met with the leadership of Woodlawn and they've assured me of this as well as other Council Members. So, I think we're all pretty much on the same track with that. The second point was crime free housing. Their tenants are accountable. They are accountable as landlords. I'm looking to them as an example of things that I would like to see happen in other areas of our City where you have to police your own tenants. It shouldn't be the job of the community or the police or this Council or anybody else to make sure that landlords are responsible for the people that they rent to. So, that to me really stood out. They're responsible, they have a proving track record, so I do plan to support this and I also plan to hold accountable if any of things we've discussed especially with the workforce development don't go through. Thank you.

President Gregory: Clerk will call the roll please.

Upon a motion of Mr. Williams, seconded by Ms. Shabazz, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed 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, Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Gregory: Declare it adopted. #3881.

Mr. Williams: Mr. President, I have an Ordinance to present and call for the third and final reading.

Mr. Williams presented and called for the third and final reading Ordinance No. 13-041 entitled:

AN ORDINANCE TO APPROVE THE REMOVAL AND
DISPOSITION OF SPRINGER STREET FROM THE
OFFICIAL CITY MAP

Mr. Williams: Mr. President, after having just pass the prior piece, this is a sister piece to speak to the fact that Springer Street would have to be removed from map in order for this large-scale development project to take place. We've heard from the Planning Council as to what they need to do to make that happen and I'm satisfied they're going to meet all of the requirements.

President Gregory: Clerk will call the roll please.

Upon a motion of Mr. Williams, seconded by Ms. Shabazz, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed 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, Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Gregory: Declare it adopted. Mr. Freel.

Mr. Freel: Yes, Mr. President. I believe I have two third and final and one first and second.

Mr. Freel presented and called for the third and final reading Ordinance No. 13-038 entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2
TO THE FISCAL YEAR 2014 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 13-013, AS AMENDED), THE

ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2013 AND ENDING ON JUNE 30, 2014

Mr. President, I have a **Substitute** to present in lieu of that ordinance:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2
TO THE FISCAL YEAR 2014 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 13-013, AS AMENDED), THE
ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2013 AND ENDING ON JUNE 30, 2014

Mr. Freel: I do have a question before I get into the explanation of the Ordinance. The Ordinance that I voted that we voted out of committee on Monday evening, now has a note on it that was not on there on Monday when we voted it out. So, I'm asking you or Mr. Carney, does that change the Substitute Ordinance now?

President Gregory: Can I see the note?

Mr. Freel: It's probably on your...

President Gregory: The answer is yes. It does change it.

Mr. Freel: It's probably on yours too. It's on Page 18.

President Gregory: That same note appeared on the Ordinance that we passed this past summer but it went on there after we passed it and the Mayor signed it at that time. So, what I would do is just hold until we can get clarification on where we're going with this. Mr. Freel. We have time in January to address the matters that are in that Ordinance.

Mr. M. Brown: That's right.

Mr. Freel: Can I hold it at this time or can I accept a friendly amendment deleting that wording from the Ordinance?

President Gregory: You could do that.

Ms. Shabazz: So moved.

Mr. Freel: I'm sorry. I'm on the question to Mr. Carney. Thank you though.

Ms. Shabazz: You're welcome.

Mr. Carney: Council Member Freel I was not involved in the writing of that Ordinance. As far as the requirement under the Code and the Charter, it is that the City Solicitor approve as the form. The note seems to indicate that there's certain issues with the substance and it seems to be clarification that the Solicitor was not approving certain substantive issues but was still approving as to form. You can certainly hold the Ordinance. I would also recommend that if you just proceed forward to vote. If you want to revisit in January, I don't see why you couldn't vote.

President Gregory: We could amend it or we can hold it. The agreement that I thought we had coming out of a conference was that we would move forth as we did in the spring/summer, which will then contemplate that that note would be added if they choose to after we passed it. That note was not in the Ordinance this spring/summer when we passed the Ordinance, it came on afterwards when the Mayor vetoed, I mean passed it, he signed it and send it back over. So, that note being on it now, is not a part of the agreement we had in cooperating with the Administration.

Mr. Freel: I guess my other concern is when we met Monday night in Finance Committee, I was very clear about why we were doing a Substitute Ordinance and the City Solicitor was sitting right there and I don't recall him...

President Gregory: No.

Mr. Freel: ...stating that he would have to add this note again.

President Gregory: That's correct. But in the meeting on the 9th floor in City Council's Conference Room, there was an agreement I thought that that note could -- we would not protest that note being added when the Mayor sign it and send it over as it was this past summer.

Mr. Carney: Councilman. Can I ask, is the substance - - the substance of the amendment before Council tonight is the same the actual Ordinance itself, the changes to the Position Allocation List and so forth?

Mr. Wright: No.

Mr. Carney: That was not changed? There's just a note added under.

President Gregory: It's a very substantive note in doing that.

Mr. Freel: The Ordinance and the Position Allocation List are the ones that we voted out of committee...

Mr. Carney: As a Substitute.

Mr. Freel: ...on Monday as a Substitute but that note on there - - if it had came in like a cover letter or something like that, I guess I would view it differently but the fact that he actually written this on the Ordinance, is my concern.

President Gregory: Just a minute. Mr. Wright.

Mr. Wright: I guess my other question is depending on how we move on this the note can be removed and then be added after we pass it and still be considered a part of the Ordinance?

President Gregory: That was an agreement. I wouldn't consider it a part of the Ordinance. The Ordinance is no (inaudible). So we would move on. That was a compromise. There's a compromise. It's an Administration - - I can't keep you from writing something on the Ordinance. All I want you to sign it. You sign it, you write a note on this, as far as I'm concern the law is without that note. You can interpret as being with the note. That was the agreement so that we could move forward. That was a real good agreement. I thought it was an agreement. When we have an agreement and I'm thinking we're trying to see if someone "yes" you got an agreement, all the body language and all the indications were that we had an agreement. That's what I would say. There was an agreement, move forth without that note and I said to him whatever you put on when the Mayor signs and send it back over to us (inaudible) because as far as I'm concern it's not the law. You can say it is the law. Go ahead.

Mr. Wright: Alright thank you. My last question I guess is for Mr. Carney at this point. So, your advice would be or your suggestion - - I guess you're saying that we can remove it and still move forward although the Solicitor has already made the implication or stated his position? Is that - - are you able to make that call, I guess is my question?

Mr. Carney: I would say that you can hold the Ordinance. You can proceed forward to vote. As far as the removing of it - - an amendment to remove it, since it's not a portion of the Ordinance itself and not a provision, yeah, it's a note that he signed that he made underneath his signature. It's not section 1, 2, 3 or 4 of the Ordinance I wouldn't think you would be able to amend it on the floor.

President Gregory: So, that means we have to hold it.

Mr. Wright: Yeah.

President Gregory: They need to come back based on the agreement with an Ordinance with no note on it but we're passing for it. We're passing for them. What the Mayor does after the fact is on them. That was a very reasonable position and in fact when we got up from the table, I kind of say something "that was easy, see how everybody cooperates" and everybody said "yes". But that note should have come after the fact. Yes?

Mr. Wright: My last question I guess - - my question is for the sponsor then. Are you going to hold it because if you don't hold it then I have more to say?

President Gregory: Can you hold it?

Mr. Freel: Well, I mean I'm going to have to now because I'm just surprised this is on here. I mean I thought everything had been resolved.

President Gregory: He's going to hold it. You have something?

Mr. Wright: Excused me.

Mr. Congo: Not if it's going to be held. I guess my concern was do we need to let the community know what we're talking about but if he's going to hold it, I'm not sure....

President Gregory: We're going to hold it. Okay, thank you. Mr. Freel.

Mr. Freel: Mr. President, I don't if it's the right thing to do or not but I'd like to accept a friendly motion to just remove this language from the Ordinance so that we can get this passed because we did make some commitments financially to address some issues. So, that's what I'd like to.

Ms. Shabazz: Second.

President Gregory: I'm okay with. I can suggest to you though that the commitment we made would not come to fruition until January. So, by not having these resources before the first or second meeting in January, it's not going to in any way whatsoever be disruptive. But we would go back to the agreement that we had and that is that note would not be on there. We're not in any way whatsoever holding up anything with holding this until that note is removed. I just don't want a precedent to be set that we pass ordinances with footnotes on them. That's not the process. It's not the process to put a note on it after we pass it and you sign it and send it back over but we accepted it in a spirit of compromise. We accepted it (inaudible) looks good at compromise (inaudible) and we're willing to do it this time and that was the agreement coming out of the conference. That was the agreement. No one said there wasn't an agreement. No one called and said we change our minds. That was the agreement. So, we either negotiate in good faith or we don't. That was an agreement. That's what I have to keep going back to. So, am I to expect and anticipate this in the future? What do we do? It's just disingenuous in my opinion. Yes Mr. Wright.

Mr. Wright: Mr. President, if we move forward with extracting this with that motion, can we do a voice vote rather than all in favor vote, please?

President Gregory: Well, on a motion we first do a voice vote. If it's not clear as to yea, nay or abstain, then we'll have to go to a roll call. Mr. Wright.

Mr. Wright: Excuse me, individual roll call vote. I would like.

President Gregory: Individual roll call?

Mr. Freel: (inaudible) voice vote.

President Gregory: You only do that if the voice vote is not clear. The Rule says, you only do that if the voice vote is not clear. The Rule say, you go to a roll call vote if the voice vote is not clear as to yea, nay or abstain.

Mr. Wright: But you can make the request to do it that way. Is that not correct?

President Gregory: No, we're not going - - no, no, no.

Mr. Wright: Can we request that? Is that not correct?

Ms. Shabazz: Out of question.

President Gregory: Okay. Is there a motion and second still on the floor?

Ms. Shabazz: Question before.

President Gregory: It's on the question. We're on the question on the motion as this point in time. Ms. Sherry Dorsey Walker.

Mr. Wright: Excused me.

Ms. Dorsey Walker: Mr. President, since it looks like we're going to move forward at what point to Councilman Congo's point do we disclose what is stated here to the public?

Mr. Wright: Yeah.

President Gregory: We will - - we will in just a minute. What is your motion Mr. Freel?

Mr. Wright: Right, thank you.

Mr. Freel: My motion is a simple motion to just to delete the language at the bottom of Page 18 under the signature and title of City Solicitor. That's the motion.

President Gregory: Let me see that.

Mr. M. Brown: Can we get a yea or nay vote on that one?

President Gregory: Do we have a second to that?

Mr. M. Brown: Can we get a yea or nay vote on that one?

Ms. Shabazz/Ms. Dorsey Walker: Second.

President Gregory: And what's being suggested that we delete is this: Mr. Migliore has approve as to form the 12th day of December, 2013 City Solicitor Michael P. Migliore. Then he has a handwritten note on the typed Ordinance here is, the above signature does not nor should it be read in any manner to constitute an opinion of the Office of the City Solicitor as to the legality or constitutionality of content of this Ordinance. Further to this point, as to such matters contained in this Ordinance, the Office of the City Solicitor previously issued several legal opinions. Which were not favorable to us. We're on the question.

Mrs. Seijo: There was a motion.

Mr. Congo: Why would he, um....

Mr. Wright: Point of order Mr. President. He just made a new motion, it was seconded, now we're moving to the question?

President Gregory: Yeah, he repeated the first motion.

Mr. Wright: So the first motion was valid?

President Gregory: Yeah. He made a motion. The motion was valid. He made a motion and I'm asking again is it seconded.

Ms. Shabazz: I'm confused.

President Gregory: Just wait a minute. I asked him to repeat his motion, he's repeated it. I'm asking if it's going to be seconded. I'm asking for it to be repeated. If not, we're going to move on. There being no second, we're going to go to the next thing on the - - you're going to vote on it as is?

Mr. Freel: I mean, no. If I can't get a second to delete it, I'll just hold it up.

President Gregory: Thank you. I appreciate that.

Mr. M. Brown: Second, to hold it.

After extensive discussion, Mr. Freel **held** Substitute No. 1 to Ordinance No. 13-038.

President Gregory: Can we go to the next piece of legislation please? The next piece of legislation please.

Mr. Freel: I have another one for third and final please.

Mr. Freel presented and called for the third and final reading Ordinance No. 13-039 entitled:

AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO
EXTEND CONTRACT PD05006 – PARKING VIOLATION
PROCESSING AND COLLECTION SYSTEM WITH XEROX
STATE AND LOCAL SOLUTIONS, INC.

Mr. Freel: Yes Mr. President. The Administration and the Finance Department has come to us and asked us to just extend this contract for six months. It runs out in December. The reason they want to do that is because they're preparing a new RFP to go back out and solicitor vendors and it's going to be tied in also to some of the SMART meters that we have out there now. So, it does not increase the cost existing, I mean it's the same rates as we're paying now, so there's no increase in the rates and it's just for six months to take us through to the end of the fiscal year June 30, 2014.

President Gregory: Clerk will call the roll please.

Upon a motion of Mr. Freel, seconded by Mr. Williams, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed 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, Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Gregory: Declare it adopted. #3890.

Mrs. Seijo: One second.

Mr. Freel presented and called for the first and second reading Ordinance No. 13-045 entitled:

A PROJECT ORDINANCE APPROVING AND AUTHORIZING
THE FINANCING OF A PROJECT FOR THE COMMUNITY
EDUCATION BUILDING CORP.; MAKING CERTAIN
FINDINGS WITH RESPECT THERETO; AUTHORIZING THE

ISSUANCE OF CITY OF WILMINGTON REVENUE BONDS
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO
EXCEED \$35,000,000; AND AUTHORIZING OTHER
NECESSARY ACTION

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Mr. Williams, was received, recorded, and referred to the Finance Committee. Motion prevailed.

Mr. Freel: That's all, thank you.

President Gregory: Thank you. Mr. Brown. Michael Brown.

Mr. M. Brown: Yes Mr. President. I have an Ordinance to present and call for the third and final.

Mr. M. Brown presented and called for the third and final reading
Ordinance No. 13-043 entitled:

AN ORDINANCE TO APPROVE AND AUTHORIZE
THE THIRD PARTY OPERATOR AGREEMENT
BETWEEN THE CITY OF WILMINGTON AND LEASED
ACCESS PRESERVATION ASSOCIATION

Mr. President, I have a **Substitute** to present in lieu of that ordinance:

AN ORDINANCE TO APPROVE AND AUTHORIZE
THE THIRD PARTY OPERATOR AGREEMENT
BETWEEN THE CITY OF WILMINGTON AND LEASED
ACCESS PRESERVATION ASSOCIATION

Mr. M. Brown: Yes Mr. President. As this has been long anticipated and waited upon for the TPO, Third Party Operator for Leased Access for Channel 28. This Substitute Ordinance authorizes the City to enter into a public access and lease access management agreement with LAPA, which provides LAPA with a three-year contract to construct, maintain, produce and operate the studio and access channel made available by Comcast and New Castle County.

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President. First of all, I just wanted to say thank you to the Committee that sat there and listened to the proposals and gave a great deal of weight to each of the proposals to come up with LAPA as the Ordinance calls for. They've been passed proving and reliable. They're from Wilmington; they're involved in Wilmington situations; they're part of our community. So, who better to represent our

community and put forth the information to our community than our actual community members? So, I thank the Committee for their diligence.

President Gregory: Mr. Congo.

Mr. Congo: Thank you Mr. President. Just in disclosure, it has been suggested that I don't - - well, that I vote present because of my relationship with my mom who is on the Board. So, I'm going to vote present.

President Gregory: I'm going to do one further, it's not been suggested that you not vote. It's been advised that you not vote.

Mr. Congo: Advised.

President Gregory: That's a little stronger.

Mr. Congo: Alright. Sorry mom.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Yes, I'm support this Ordinance this evening. I do want to again just reiterate as I did in the contract hearing with the Commission that we look at the process procedures for the public access piece of this. As there are many people that feel that the public access should have never been part of the leased and live access which means that the public feels that they may be short changed in the process. So, I am looking to the leadership and the management of LAPA to make sure that there's time accessible to the community. Not at three o'clock in the morning, hours that people would actual view the TV and that there's a process of fairness to make sure that everybody has an opportunity to get on and to share their message. I congratulate them and we'll move forward to working together.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Thank you Mr. President. I just want to thank the members of this Council that served on this Committee for the vetting during this process and bringing this forward tonight and based upon the recommendation of the Committee members, I will supporting this tonight.

President Gregory: Thank you. Clerk will call the....oh, Mr. Wright.

Mr. Wright: Thank you Mr. President. It was advised that...

President Gregory: Suggested.

Mr. Wright: ...oh, suggested, okay, that I don't have substantial interest in this and that I could vote but I feel as though I do and I am, I think it's called a Producer under LAPA...

President Gregory: You're a sub-producer.

Mr. Wright: ...sub-producer under LAPA.

President Gregory: You're like one, two, three (inaudible)...

Mr. Wright: ...right, but at the same time, I financially give to that. So, I'm personally going to be voting present, just because of that.

President Gregory: I appreciate that.

Mr. Wright: My personal thing.

President Gregory: I appreciate that. Ok, Clerk will call the roll please.

Upon a motion of Mr. M. Brown, seconded by Mr. Williams, the aforementioned Substitute Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, M. Brown, Cabrera, and Council President Gregory. Total, nine. Nays, Council Member Freel. Total, one. Present, Council Members Congo and Wright. Total, two. Absent, Council Member Walsh. Total, one.

President Gregory: Declare it adopted.

Mr. M. Brown: Mr. President.

President Gregory: Yes.

Mr. M. Brown: Mr. President, I have an Ordinance to present and call for the first and second on the reading.

Mr. M. Brown presented and called for the first and second reading Ordinance No. 13-046 entitled:

AN ORDINANCE TO AUTHORIZE A SERVICE
AGREEMENT WITH NIXLE, LLC, FOR AN INTERNET-
BASED PUBLIC EMERGENCY COMMUNICATIONS
SYSTEM

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. M. Brown, seconded by Mr. Williams, was received, recorded, and referred to the Public Safety Committee. Motion prevailed.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Nothing this evening, thank you sir.

President Gregory: Mr. Wright.

Mr. Wright: Nothing tonight Mr. President. Thank you.

PETITIONS AND COMMUNICATIONS

Council Members announced committee and civic meetings, community events and community projects in their districts as well as expressed sympathies. Council Members expressed their thanks to various city departments and individuals as well as thanked Council staff. Council Members spoke on the following matters: unemployment rate being very high in the City of Wilmington and the need to provide a solution; ongoing crime in the City and the need to work together with the Wilmington Police Department as well as the need for residents to get involved; News Journal article; Affordable Care Act extension; the need for the Centers for Disease Control and Prevention to study addiction as it relates to crime; and including but not limited a request to have Downtown Visions to provide service to the Westside business area as it currently does for the downtown business area. Council Members expressed holiday greetings to everyone and President Gregory recognized Police Chief Dunning who was sitting in the audience.

ADJOURNMENT

Upon a motion of Mr. Williams/Mr. M. Brown, seconded by Ms. Cabrera, Council adjourned at 8:06 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk