

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
April 21, 2016*

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

Invocation was given by Traci Owens.

The Pledge of Allegiance was recited by City Council.

### **ROLL CALL**

The following members responded to the Call of the Roll: Council Members Chukwuocha, Darius Brown, Shabazz, Prado\*, Dorsey Walker, Williams, Freel, Michael Brown, Walsh and Wright, and Council President Gregory. Total, eleven. Absent, Council Members Congo and Cabrera. Total, two.

### **MINUTES**

After reading a portion of the minutes of April 7, 2016, upon a motion of Ms. Walsh, seconded by Ms. Shabazz/Mr. Freel, it was moved they be accepted as written. Motion prevailed.

### **REPORT OF COMMITTEES**

The City Clerk read the following committee report:

<b><u>Finance Committee Member</u></b>	<b><u>Present</u></b>	<b><u>Absent with Leave</u></b>	<b><u>Absent w/out Leave</u></b>
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

Date: April 11, 2016

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 16-021**  
entitled:

- AN ORDINANCE TO CLOSE A PORTION OF LIBERTY STREET

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/Theopalis K. Gregory, Sr., Ex Officio

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

*\*Note: At this time, Mr. Prado was marked present and reflected in the minutes herein (Roll Call).*

### **TREASURER'S REPORT**

The following Treasurer's Report dated April 21, 2016 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel/Ms. Shabazz, the Report was received, recorded and filed. Motion prevailed.

*[the remainder of this space intentionally left blank]*

**TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON April 21, 2016**

102	Community Development Block	M & T Bank	\$ 1.00
104	Grant	M & T Bank	\$ 3,396.81
105	Old Non-Uniform Pension Account	M & T Bank	\$ 5,507.50
106	Police Pension Account	M & T Bank	\$ 3,771.73
107	Fire Pension Account	M & T Bank	\$ 638,671.53
108	Evidence/Found Currency Account	M & T Bank	\$ 4,137.97
110	Rent Withholding Escrow	M & T Bank	\$ 1.00
113	Capital Projects Account	M & T Bank	\$ 1,252.06
114	Non-Uniform Pension	M & T Bank	\$ 31,293.04
117	Central Deposit	Wilmington Savings Fund	\$ 33,474.96
118	Cement Workers	M & T Bank	\$ 13,003.23
124	Worker's Comp. 3 <sup>rd</sup> Party Account	M & T Bank	\$ 3,963.30
120	Non-Uniform Pension Act of 1990	M & T Bank	\$ 201,369.00
130	Grant-In-Aid Account	M & T Bank	\$ 175,561.03
131	Payroll	M & T Bank	\$ 20,809.78
139	Pension Payroll Account	M & T Bank	<u>\$ 53,161.52</u>
	Pension Healthcare Account		<b>\$ 1,189,375.46</b>
	Total Cash on Hand		

*[the remainder of this space intentionally left blank]*

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	04/21/16	0.01%	\$ 1.78	\$ 6,497,010.00
116	General	TD	CD	04/27/16	0.45%	\$ 750.00	\$ 1,500,000.00
116	General	TD	CD	04/29/16	0.50%	\$ 3,888.89	\$ 4,000,000.00
116	General	WSFS	CD	04/29/16	0.40%	\$ 859.17	\$ 1,600,000.00
116	General	WSFS	CD	05/13/16	0.45%	\$ 1,380.82	\$ 2,000,000.00
110	Capital	WSFS	CD	05/20/16	0.40%	\$ 19,945.20	\$ 10,000,000.00
116	General	TD	CD	05/20/16	0.41%	\$ 956.67	\$ 2,000,000.00
116	General	TD	CD	05/20/16	0.41%	\$ 717.50	\$ 1,500,000.00
110	Capital	WSFS	CD	05/27/16	0.40%	\$ 11,199.99	\$ 14,000,000.00
116	General	TD	CD	05/27/16	0.50%	\$ 1,833.34	\$ 2,000,000.00
116	General	TD	CD	06/01/16	0.55%	\$ 4,262.50	\$ 3,000,000.00
116	General	TD	CD	06/01/16	0.40%	\$ 1,433.34	\$ 3,000,000.00
116	General <sup>1</sup>	TD	CD	06/10/16	0.60%	\$ 21,996.05	\$ 15,169,686.00
116	General	TD	CD	06/10/16	0.43%	\$ 1,236.99	\$ 2,100,000.00
110	Capital	TD	CD	06/24/16	0.60%	\$ 16,333.34	\$ 10,000,000.00
514	Risk Management	WSFS	CD	07/11/16	0.40%	\$ 22,805.15	\$ 5,670,097.05
515	Worker's Comp	WSFS	CD	07/11/16	0.40%	\$ 22,805.15	\$ 5,670,097.05
110	Capital	WSFS	CD	11/18/16	0.50%	\$ 99,726.02	\$ 20,000,000.00
104	Escrow Pension	Affinity Wealth					\$ 1,430,488.00
104	Escrow Pension	Vanguard					\$ 41,091,259.00
104	Escrow Pension	Black Rock					\$ 25,092,775.00
104	Escrow Pension	Edgar Lomax					\$ 22,310,401.00
104	Escrow Pension	Wilmington Trust					\$ 45,179,100.00
104	Escrow Pension	Manning & Napier					\$ 10,323,052.00
104	Escrow Pension	Earnest Partners					\$ 17,514,932.00
104	Escrow Pension	GMO					\$ 11,455,691.00
104	Escrow Pension	MFS Management					\$ 22,189,502.00
104	Escrow Pension	American Funds					\$ 9,872,997.00
139	Medical Escrow	Black Rock-OPEB					\$ 14,028,881.00
116	Deferred Comp.	MassMutual					\$ 39,614,502.00
	Total Investments						\$ 369,810,470.10
	Total Cash on Hand						\$ <u>1,189,375.46</u>
	Grand Total						\$ 370,999,845.56

<sup>1</sup> Budget Reserve

/s/Henry W. Supinski  
City Treasurer

## NON-LEGISLATIVE BUSINESS

Upon a motion of Ms. Walsh and duly seconded, the following non-legislative resolutions were accepted into the record and motion prevailed:

All Council	Sympathy New Castle County Councilman Joseph M. Reda
All Council	Recognize Scott AME Zion Church 141 <sup>st</sup> Anniversary
All Council	Sympathy Reverend Willie Forace Smith Tymes
All Council	Recognize Paul Calistro 25 <sup>th</sup> Anniversary at West End Neighborhood House
All Council	Recognize Rev. Dr. Gloria M. Snipes, Pastor, Scott AME Zion Church
D. Brown	Sympathy Apostle Dr. Richard Milton Avant, Jr.
D. Brown	Sympathy Nathaniel "Mase" Mangrum
Cabrera	Recognize Brother Chris Posch of the Catholic Diocese
Chukwuocha	Recognize Paul Fedorkowicz
Gregory/M. Brown	Sympathy Olivia P. Shaw
Gregory/Shabazz	Commend Veronica F. Oliver
Williams	Recognize Dr. Jack P. Varsalona
Wright	Commend The Peace Drums Steel Band
Wright	Congratulate Johnnie B. Wilson, Kenneth Brown and Thomas James Ford

President Gregory: We're going to go to the regular order of business. Before that let's just quickly acknowledge the tragedy that took place this morning at Howard High School and we ask that everyone on Council keep both families – both families in your prayers and in your thoughts. There were tragedies on both sides of the aisle and we'll just keep them in our thoughts and our prayers.

## LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President; thank you sir.

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Nothing; thank you.

President Gregory: Ms. Shabazz.

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

Ms. Shabazz presented Resolution No. 16-031 (Agenda #4198) as follows:

**WHEREAS**, recent measures taken by some states to limit or preempt local authority, including the recently passed North Carolina House Bill 2 (HB2), present a threat to the principle of local control and are contrary to the ideal that inclusiveness is an essential pillar of strong cities; and

**WHEREAS**, unfortunately, the passage of HB2 was in reaction to the City of Charlotte's expansion of its anti-discrimination ordinance that included members of the LGBT community; and

**WHEREAS**, The National League of Cities, which represents the collective voice of 19,000 cities, towns and villages, stands united in the fight for the principles of local authority and condemns HB2 and similar actions taken by other state governments that restrict local authority; and

**WHEREAS**, limiting local authority inhibits locally elected leaders' responsibility to make decisions that are in the best interest of their residents and communities. The restrictions will further inhibit the ability to set wage levels that are reflective of the local cost of living, and impede the ability to promote the importance of immigrant inclusion; and

**WHEREAS**, all cities must stand united in protecting our nation's founding principles of equality, and in preventing states from undermining the fundamental rights of local governments to determine their own destinies.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Wilmington City Council stands in agreement with the National League of Cities by encouraging all cities to stand united in support of local authority and inclusiveness in face of state actions to preempt local control.

On the question:

Ms. Shabazz: Yes Mr. President, this Resolution is being presented by City Council for Council's review and approval and if approved, it would support the position of the National League of Cities, which has asked all cities to stand united in support of local authority in the face of actions by some states that preempt local authority. The National League of Cities, which represents over 19,000 cities, towns and villages, position followed a passage of North Carolina House Bill 2 that was intended to counter the decision of the City of Charlotte to expand its anti-discriminatory laws affecting LBGT community and others. This Resolution reasons that if states and usurp local authority, then efforts by local authorities to legislate subjects such as wage equality and immigration reform will be stifled. And, I ask my Councilmembers to stand with – the State of Wilmington and join along with the other cities of the National League of Cities in support of this.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. If it pleases the sponsor, I'd like to be a cosponsor please.

President Gregory: So noted. Mr. Chukwuocha.

Mr. Chukwuocha: I too Mr. President. Thank you sir.

President Gregory: So noted. Ms. Walsh.

Ms. Walsh: Same.

President Gregory: So noted; so noted.

Ms. Traci Owens (Deputy Clerk): Who else?

President Gregory: So noted.

Mrs. Maribel Seijo: Oh, wait a minute.

Mr. Wright: No, no, no, I don't...

Mrs. Maribel Seijo (City Clerk): Michael.

President Gregory: Michael Brown.

Mr. Michael Brown: Yes Mr. President.

President Gregory: Sherry Dorsey Walker, Loretta Walsh, Nnamdi Chukwuocha.

Mrs. Seijo (City Clerk): Thank you.

President Gregory: Oh, I'm sorry. Mr. Justen Wright.

Mr. Wright: Thank you Mr. President. So, just so I'm clear. So, this is basically saying that states who are trying to take power from a local municipality, is that what this is in opposition of?

President Gregory: Ms. Shabazz.

Ms. Shabazz: It's the – it's, it's, it's the opposition of the State having the authority to be able to do that.

Mr. Wright: Okay. I guess, just for me, I guess it's kind of similar to when the State offered the funding to the City of Wilmington they had the clause in there where they could take over the police department, that's kind of similar, right?

President Gregory: Ms. Shabazz.

Mr. Wright: Because it's about local control.

Ms. Shabazz: But it's questioning whether – I think that was a little somewhat different because it was questioning what was in the Charter. What this is doing is us standing united to protect our principles and equality so that we can prevent

States from undermining our fundamental rights as local government to determine what our own destinies are. There are some things under the Charter that yes that we must adhere to but it also are – it does give us – this gives us some strength to be able to make decisions that we know are essential to the quality of life for our citizens.

Mr. Wright: Okay; all right. I guess, just for me, it just kind of parallels in my mind to the attachment to the funding that we so often talked about with the clause that the State had with them taking over – control of our police department. Should they feel as though we didn't act in a proper manner to their pleasing, so...

Ms. Shabazz: With this would give us...

Mr. Wright: ...thank you...

Ms. Shabazz: ... the strength to be able to support them not doing nothing.

Mr. Wright: Right.

Ms. Shabazz: Because we're united together. So, this would support us – the State not being able to take that authority from us.

Mr. Wright: My point exactly. Thank you.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Walsh and Wright, and Council President Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Cabrera. Total, two.

President Gregory: Declare it adopted. I was just thinking about, you know, convening a sanctioning committee.

Mr. Michael Brown: I understand Mr. President. It won't happen again.

President Gregory: Ms. Shabazz.

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

Ms. Shabazz presented and called for the third and final reading Ordinance No. 16-010 (Agenda #4166) entitled:



AN ORDINANCE TO AUTHORIZE AN EXTENSION TO CITY  
CONTRACT 14045WDPS, FIRE HYDRANT TESTING AND  
REHABILITATION SERVICES WITH UTILITY SERVICE CO., IN.

On the question:

Ms. Shabazz: Mr. President, this Ordinance is presented by the Administration for City Council's review and approval. It will authorize the Administration through the Department of Public Works, to extend for one additional year the contract with Utility Service Company for the inspection and water flow testing and rehabilitation of the City's approximately 2,500 fire hydrants. The original contract was in effect – effective – became effective last March and contained two, one-year contract extensions. And, we currently pay \$386,920 (the same amount as the first year for this agreement) for this upcoming second year agreement if passed by Council.

President Gregory: Ms. Walsh.

Ms. Walsh: Thank you Mr. President and sponsor. I – I voted against this contract when it first came before Council and I'm going to vote against this tonight. With the amount of safety features that are needed in older houses today, such as, carbon monoxide and fire detectors; all the things that are needed in new builds; and just the basic safety that's there that wasn't there before, thereby, not as many fires are being fought by our department, that there are things that our department can do and this is one of them. And, they used to do. They did well as far as I could see. There's no reason for us to be spending this money when we can be using it towards the salaries of both the fire department and the public works because they're the ones who would fix the fire hydrants. I don't know any fancy chancy fire hydrants that have been put throughout the city and in the suburbs. So, I think this could be done in house and this is one of those contracts I just won't vote for.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, ten. Nays, Council Member Walsh. Total, one. Absent, Council Members Congo and Cabrera. Total, two.

President Gregory: Declare it adopted.

Ms. Shabazz: Mr. President, I have one more Ordinance to present and call for the third and final reading.

Ms. Shabazz presented and called for the third and final reading Ordinance No. 16-011 (Agenda #4167) entitled:

AN ORDINANCE TO AUTHORIZE AN EXTENSION TO CITY CONTRACT 14046WDPS, VALVE INSPECTION, EXERCISING, AND REHABILITATION SERVICES WITH UTILITY SERVICE CO., INC.

On the question:

Ms. Shabazz: Yes Mr. President, I'd like to make one floor amendment please on Page 1, the 2<sup>nd</sup> Whereas, the 2<sup>nd</sup> line: striking 2,500 fire hydrants and *insert, "11,000 valves"*.

President Gregory: You need a second on that motion.

Mr. Williams/Ms. Dorsey Walker: Second.

President Gregory: It's properly moved and seconded that we strike, 2,500 fire hydrants to 11,000 valves as noted. All those in favor so note by saying Aye, Oppose, Abstentions; Aye's have it. Motion carried.

Ms. Shabazz: Thank you Mr. President. This Ordinance is presented by the Administration for Council's review and approval. It would authorize - the authorization of the Department of Public Works to extend a one - a one additional year to this contract with Utility Service Company for the valve inspection and exercising and rehabilitation services. Again, this is like a companion to the other piece where it was originated in March of last year and this one-year contract extension at a cost of \$386,920 (the same as the first year of the agreement) and it will begin on March 12, 2016.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Mr. Williams, the aforementioned Ordinance, **As Amended**, 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown and Wright, and Council President Gregory. Total, ten. Nays, Council Member Walsh. Total, one. Absent, Council Members Congo and Cabrera. Total, two.

President Gregory: Declare it adopted. Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Mr. President, I have an Ordinance to present on our behalf and call for the third and final reading.

Ms. Dorsey Walker presented and called for the third and final reading Ordinance No. 16-021 (Agenda #4192) entitled:

AN ORDINANCE TO CLOSE A PORTION OF  
LIBERTY STREET

On the question:

Ms. Dorsey Walker: Mr. President, this is just an Ordinance so that we can close Liberty Street so we can get started with working on the new Fitness Park that will be in the 6<sup>th</sup> District.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Dorsey Walker, seconded by Mr. Williams/Ms. Walsh, 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Walsh and Wright, and Council President Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Cabrera. Total, two.

President Gregory: Declare it adopted. Mr. Williams.

Mr. Williams: Nothing this evening; thank you sir.

President Gregory: Mr. Freel.

Mr. Freel: Yes sir. I have one (1) Resolution and two (2) Ordinances for first and second.

Mr. Freel presented Resolution No. 16-032 (Agenda #4199) as follows:

**WHEREAS**, Section 2-363 of the City Code requires all grant funds to be approved by resolution of Council; and

**WHEREAS**, the City of Wilmington, through its Department of Parks and Recreation (the "Department"), has been awarded grant funds from various entities to assist in the renovation of Conaty Park; and

**WHEREAS**, the funds to be received are as follows: \$20,000 from Wilmington Housing Authority; \$20,000 from Delaware Center for Horticulture; and \$67,000 from the State of Delaware Community Transportation Fund; and

**WHEREAS**, the Council deems it necessary and appropriate to authorize the Department to accept the grant funds and proceed with the renovation of Conaty Park.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department is hereby authorized to accept the grant funds as follows for the renovation of Conaty Park: \$20,000 from Wilmington Housing Authority; \$20,000 from Delaware Center for Horticulture; and \$67,000 from the State of Delaware Community Transportation Fund.

**BE IT FURTHER RESOLVED** that the Department shall be authorized to take all necessary actions to accept the grant funds and move forward with the renovation of Conaty Park.

On the question:

Mr. Freel: Yes Mr. President, this is the second Resolution that completes us accepting or approving grants for the Conaty Park rehabilitation and this will take it up to the \$300,000 that we have raised to redo that park.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-024 (Agenda #4200) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING THE TERM OF THE CITY'S ACTIVE DEPOSITORY, M&T BANK

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 presented and called for the first and second reading Ordinance No. 16-025 (Agenda #4201) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE IN ORDER TO AUTHORIZE THE CITY TREASURER ACCESS TO THE BUDGET RESERVE ACCOUNT FUNDS AT THE END OF A FISCAL YEAR AND REPLENISHMENT OF THE BUDGET RESERVE ACCOUNT FUNDS IN THE ENSUING FISCAL YEAR FOR FISCAL YEAR 2016

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

President Gregory: Mr. Michael Brown.

Mr. Michael Brown: Yes Mr. President, nothing tonight. Thanks for asking.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation; thank you.

President Gregory: Mr. Wright.

Mr. Wright: No legislation; thank you.

President Gregory: Follow-up on the earlier comments about the tragedy this morning, if we could entertain a moment of silence I'd appreciate it. Entertain a motion to adjourn.

#### **PETITIONS AND COMMUNICATIONS**

There were no petitions and communications this evening.

#### **ADJOURNMENT**

Upon a motion of Mr. Williams, seconded by Mr. Michael Brown, Council adjourned at 6:54 p.m. Motion prevailed.

Attest:   
Maribel Seijo, City Clerk