

*Wilmington, Delaware
Louis L. Redding
City/County Building
January 19, 2017*

Council met in regular session on the above date at 6:30 p.m., President Hanifa Shabazz presiding.

At this time, a silent reflection was done.

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, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen.

MINUTES

After reading a portion of the minutes of December 8, 2016 and January 3, 2017, upon a motion of Council Member Walsh, seconded by Council Member Freel and Council Member Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel	X		
Robert A. Williams	X		
Zanthia Oliver	X		
Nnamdi O. Chukwuocha	X		
Loretta Walsh		X	
Ciro Adams	X		
President Hanifa Shabazz, Ex Officio	X		

President and Members of Council of
The City of Wilmington

January 12, 2017

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 17-001** entitled:

AN ORDINANCE CONSTITUTING BUDGET AMENDMENT NO. 6
TO THE FISCAL YEAR 2017 OPERATING BUDGET (BEING AN
ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE
NO. 16-18, AS AMENDED) BY AMENDING THE POSITION
ALLOCATION LIST FOR THE OFFICES OF THE MAYOR AND
CTIY TREASURER AND THE DEPARTMENT OF PLANNING
AND DEVELOPMENT, INCLUDING CERTAIN SALARY
ADJUSTMENT, AND BY AMENDING THE EXECUTIVE AND
MANAGERIAL SALARY STRUCTURE MATRIX

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/Robert A. Williams
/s/Zanthia Oliver
/s/Nnamdi O. Chukwuocha
/s/Ciro Adams
/s/Hanifa Shabazz, Ex Officio Member

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

TREASURER'S REPORT

The following Treasurer's Report dated January 19, 2017 was read into
the record by the City Clerk and upon a motion of Council Member Walsh, seconded by
Council Member Williams/Council Member Freel; the Report was received, recorded and
filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 3 to Page 4.

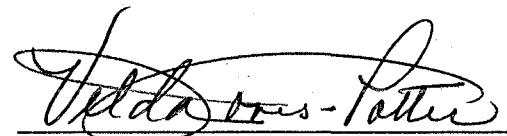
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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON JANUARY 19, 2017

102	Community Development Block Grant	M & T Bank	\$1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$715.81
105	Police Pension Account	M & T Bank	\$728,410.93
106	Fire Pension Account	M & T Bank	\$4,419.49
107	Evidence/Found Currency Account	M & T Bank	\$336,516.17
108	Rent Withholding Escrow	M & T Bank	\$4,137.97
110	Capital Projects Account	M & T Bank	\$1.00
113	Non-Uniform Pension	M & T Bank	\$19,072.18
114	Central Deposit	M & T Bank	\$31,791.22
117	Cement Workers	Wilmington Savings Fund	\$33,506.43
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$0.00
124	Non-Uniform Pension Act of 1990	M & T Bank	\$8,412.11
120	Grant-In-Aid Account	M & T Bank	\$402,738.00
130	Payroll	M & T Bank	\$176,743.72
131	Pension Payroll Account	M & T Bank	\$19,282.95
139	Pension Healthcare Account	M & T Bank	<u>\$57,937.51</u>
	Total Cash on Hand		\$1,823,686.49

Fund Code	Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
116	General	M&T Bank	RP	1/19/2017	0.01%	\$3.70	\$8,713,750.00
116	General	WSFS	CD	1/20/2017	0.60%	\$986.30	\$2,000,000.00
116	General	TD	CD	1/20/2017	0.60%	\$789.04	\$1,600,000.00
124	Non-Uniform 1990	WSFS	CD	1/27/2017	0.65%	\$1,691.33	\$3,275,000.00
106	Fire Pension	WSFS	CD	1/27/2017	0.65%	\$317.60	\$615,000.00
105	Police Pension	WSFS	CD	1/27/2017	0.65%	\$51.64	\$100,000.00
116	General	WSFS	CD	1/6/2017	0.45%	\$1,294.52	\$2,100,000.00
110	Capital	WSFS	CD	1/20/2017	0.45%	\$14,671.23	\$10,000,000.00
116	General	TD	CD	1/20/2017	0.44%	\$1,540.00	\$2,100,000.00
116	General ¹	TD	CD	1/31/2017	0.48%	\$24,646.19	\$15,403,864.00
110	Capital	WSFS	CD	2/2/2017	0.45%	\$8,476.02	\$5,500,000.00
116	General	WSFS	CD	2/3/2017	0.49%	\$2,094.24	\$2,400,000.00
110	Capital	TD	CD	2/16/2017	0.49%	\$17,966.67	\$10,000,000.00
116	General	TD	CD	2/17/2017	0.48%	\$2,633.34	\$2,500,000.00
110	Capital	WSFS	CD	5/5/2017	0.55%	\$50,630.13	\$20,000,000.00
514	Risk Management	WSFS	CD	7/10/2017	0.50%	\$35,245.13	\$7,068,391.71
515	Worker's Comp	WSFS	CD	7/10/2017	0.50%	\$35,245.13	\$7,068,391.71
104	Escrow Pension	Vanguard					\$46,585,708.00
104	Escrow Pension	Black Rock					\$23,454,882.00
104	Escrow Pension	Edgar Lomax					\$25,072,376.00
104	Escrow Pension	Wilmington Trust					\$45,889,264.00
104	Escrow Pension	Manning & Napier					\$11,352,682.00
104	Escrow Pension	Earnest Partners					\$19,869,203.00
104	Escrow Pension	MFS Management					\$23,101,016.00
104	Escrow Pension	American Funds					\$11,213,755.00
139	Medical Escrow	Vanguard-OPEB					\$15,842,265.00
116	Deferred Comp.	MassMutual					\$42,023,646.89
	Total Investments						\$364,849,195.31
	Total Cash on Hand						\$1,823,686.49
	Grand Total						\$366,672,881.80

¹ Budget Reserve



Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Recognize Chris Johnson
Oliver	Recognize Nathaniel Milton
Williams	Sympathy Lois Margolet

President Shabazz acknowledged Council's sympathies to the family of Mr. Harold Lindsay who passed last week.

Upon a motion of Council Member Walsh, seconded by Council Member Freel/ Council Member Williams, Council moved to legislative business. Motion prevailed.

LEGISLATIVE BUSINESS

President Shabazz: Councilman Chukwuocha, any?

Council Member Chukwuocha: Nothing tonight Madame President; thank you ma'am.

President Shabazz: Councilman Congo.

Council Member Congo: Nothing tonight Madame President; thank you.

President Shabazz: Councilwoman Oliver.

Council Member Oliver: Nothing tonight Madame President.

President Shabazz: Councilwoman Harlee.

Council Member Harlee: Nothing tonight Council President.

President Shabazz: Councilwoman - - Council Member Turner.

Council Member Turner: Nothing tonight Madame President.

President Shabazz: Council Member McCoy.

Council Member McCoy: Nothing tonight Madame President.

President Shabazz: Council Member Williams.

Council Member Williams: Madame President, no legislation this evening; thank you.

President Shabazz: Council Member Freel.

Council Member Freel: Madame President, I have one (1) Ordinance for third and final, two (2) Resolutions and one (1) Ordinance for first and second.

Council Member Freel presented Ordinance No. 17-001 (Agenda #4315) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 6
OF THE FISCAL YEAR 2017 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 16-018, AS AMENDED) BY MAKING
CHANGES TO THE POSITION ALLOCATION LISTS FOR
THE OFFICES OF THE MAYOR AND CITY TREASURER
AND THE DEPARTMENT OF PLANNING AND
DEVELOPMENT, INCLUDING THE EXECUTIVE AND
MANAGERIAL SALARY STRUCTURE MATRIX

Council Member Freel: Madame President, I move that be known as the Enacting Clause of the Ordinance and call for the Yea and Nay vote.

Council Member Walsh/ Council Member Williams: Second.

On the question:

Council Member Freel: Madame President, I'd like to make a motion for friendly amendment at this time as such: In Attachment "A", Fiscal Year 2017 Departmental Position Allocation List, Page 1, the Department of the Mayor's Office, strike out the job title "Communications Assistant" and replace with "Communications Officer". The title should now read: "Communications Officer".

President Shabazz: Accept the motion to accept the friendly amendment?

Council Member Chukwuocha/Mr. Williams: Second.

President Shabazz: It's been moved and second that the friendly amendment be accepted as presented. All those in favor say "Aye", any Opposed?

On the question:

Council Member Freel: Yes, Madame President, this basically sets up some changes in the Mayor's Office – the new Administration and the new Administration in the Treasurer's Office, in the Mayor's Office I believe there's eleven (11) title changes and then one (1) in the Planning Department. You will see from the sheets that there's a number of changes either in salary or benefits; some increases; some

decreases. The impact to this Fiscal Year 2017 for the Mayor's Office is saving of \$19,000. In the Treasurer's Office we have one (1) new position; we have one (1) title change and two (2) salary adjustments. For the Fiscal Year '17 there's a cost of \$17,500.

President Shabazz: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh/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, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

Mr. Freel presented Resolution No. 17-004 (Agenda #4316) as follows:

WHEREAS, The Honorable Michael S. Purzycki has notified the President of City Council and the Chair of the Finance and Economic Development Committee of his intent to appoint Earl T. Jeter, CPA, as City Auditor; and

WHEREAS, Wilmington City Charter Section 3-201 requires that the Mayor's appointment of a City Auditor be with the consent of the majority of all members of City Council; and

WHEREAS, on January 12, 2017, pursuant to Rule 8 of the City Council Rules, the Finance and Economic Development Committee held a hearing on the proposed appointment of Mr. Jeter as City Auditor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that, pursuant to City Charter Section 3-201 and Rule 8 of the City Council Rules, the appointment of Earl T. Jeter, CPA, as City Auditor of Wilmington is hereby confirmed.

Mr. Freel: Madame President, I move this Resolution be received, recorded and filed and adopted by Yea and Nay vote.

Mr. Williams: Second.

President Shabazz: It's been properly moved and second the Resolution be received, recorded and filed and adopted by Yea and Nay vote.

On the question:

Mr. Freel: Yes Madame President, as Council knows, there are two (2) positions that are appointed by the Mayor that need the consent of Council and one (1) is the City Auditor. Before us this evening we have Mr. Earl Jeter, who is a CPA, he has experienced in the private-sector, non-profit and government experience. We've been fortunate to have Mr. Jeter as our City Auditor for the past four-years and one of things

that I think that highlights those four-years is his efforts to make the office more transparent. Also, Mr. Jeter is a city resident.

President Shabazz: Councilman Williams.

Mr. Williams: Madame President, thank you. Ordinarily we're taking a person at their resume and we're just kind of getting a feel for them but we got a past proven reliable auditor here. He's brought integrity back to the office and the level of integrity is accelerated in the fact that he's participating in peer to peer reviews. So, I think that he comes highly recommended.

President Shabazz: Councilman Guy.

Mr. Guy: Yes, I want to comment on that same comment. If auditors can get away with it, they don't want peer reviews because they can be to your benefit or to your detriment. The fact that his office participated in one and had positive results that's outstanding. So, I'm confident we're in good hands.

President Shabazz: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Mr. Williams, 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, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

Mr. Freel presented Resolution No. 17-005 (Agenda #4317) as follows:

WHEREAS, The Honorable Michael S. Purzycki has notified the President of City Council and the Chair of the Finance and Economic Development Committee of his intent to appoint Mr. Luke W. Mette, Esq., as City Solicitor; and

WHEREAS, Wilmington City Charter Section 3-203 requires that the Mayor's appointment of a City Solicitor be with the consent of the majority of all members of City Council; and

WHEREAS, on January 12, 2017, pursuant to Rule 8 of the City Council Rules, the Finance and Economic Development Committee held a hearing on the proposed appointment of Mr. Mette as City Solicitor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that, pursuant to City Charter Section 3-203 and Rule 8 of the City Council Rules, the appointment of Mr. Luke W. Mette, Esq., as City Solicitor of Wilmington is hereby confirmed.

Upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, the aforementioned Resolution was before the Council for action. Motion prevailed.

President Shabazz: It's been properly moved and seconded, the Resolution be received, recorded and filed and adopted by Yea and Nay vote.

On the question:

Mr. Freel: Yes Madame President, the second position that needs Council's consent is the City Solicitor. Before us we have the name of Mr. Luke Mette, Esquire. He's been a member of the bar since late 1980's. Mr. Mette has worked for AstraZeneca for about twenty-two (22) years rising from a staff attorney to a Deputy General Counsel and global head of litigation. At this point in his life, he has decided to pursue a career in public service. During his hearing last week, there were answers to two (2) questions that kind of touched me, one was his response to the fact that he understands the sensitivity of being the City Solicitor in a urban area and some of the challenges the residents of Wilmington face and being understanding in those challenges and I thought he answered that appropriate. The second one was the fact that he understood that we – we have budget issues here in the City of Wilmington and he's going to do everything in his power, not just to keep his budget in line, but to be looking on the outside for assistance in dealing with some of our city issues. Mr. Mette is a city resident.

President Shabazz: Councilman Williams.

Mr. Williams: Thank you Madame President, the resume speaks for itself for Mr. Mette. Here's a guy that could go anywhere and has been everywhere and he chooses to come to Wilmington and represent us. I think we're fortunate to have somebody with his skills – his skills set; his knowledge; his abilities to keep us down the proper path through litigation. So, I, I, highly recommend him.

President Shabazz: Councilman Guy.

Mr. Guy: Yes, Madame President, he's a wise man or his advisors are wise folks or both because they sent out a communication asking if anybody wanted to meet with him and that always leads to a good outcome. So, I had an opportunity to talk to him lawyer to lawyer and, and I feel good about the prospects of us handling our legal affairs. But I'm quite sure there'll be times when we – everybody doesn't agree because we kind of know on the legislative branch that they're an executive branch appointee but that's not often that there's a disagreement.

President Shabazz: Councilwoman Walsh.

Ms. Walsh: Thank you Madame President. I was not at the hearing but I did get a chance to meet with Mr. Mette last week and I think considering some of the information that we're just now receiving of things that have happened in our City and

information that we're going to be receiving, I think the wealth of experience that he does have both private and in government and he's opened this with questions that I asked him about how he would (inaudible) to the Mayor's Office and City Council because one thing I think people need to remember about this position and I said this to him is, this position is a protector of the people. It is really supposed to protect the people from the Mayor and City Council to make sure that we're not doing harm to them too. And, we need somebody strong enough to stand up to us and to stand up to the Mayor and not worried about losing their jobs and so, what you're doing is wrong or you can't do that. And, I believe we've met that in this candidate.

President Shabazz: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Mr. Williams, 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, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

Mr. Freel: Madame President, congratulations to Mr. Jeter and Mr. Mette.

President Shabazz: Congratulations.

Mr. Freel: We have one (1) more Ordinance for first and second.

Mrs. Seijo (City Clerk): Yes.

Mr. Freel presented and called for the first and second reading Ordinance No. 17-002 (Agenda #4318) entitled:

AN ORDINANCE TO AUTHORIZE CITY CONTRACT
17006HRPS – LIMITED SERVICES EMPLOYMENT -
WITH INTEGRITY STAFFING SOLUTIONS, INC.

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 & Economic Development Committee. Motion prevailed.

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

President Shabazz: Council Member Adams, any legislation tonight sir?

Mr. Adams: No, I do not ma'am; thank you.

President Shabazz: Council Member Dixon.

Ms. Dixon: Nothing tonight Madame President.

President Shabazz: Council Member Guy.

Mr. Guy: Yes Madame President, I have a Resolution to present, agenda item 4319.

Mr. Guy presented Resolution No. 17-006 (Agenda #4319) as follows:

WHEREAS, the late William H. “Dutch” Burton, while a former member of this Council, played a pivotal role in the development of U.S civil rights law as the plaintiff in the landmark case of Burton v. Wilmington Parking Authority, 365 U.S 715 (1961); and

WHEREAS, the case decided for all the time whether a governmental body could tacitly ratify racial discrimination by its inaction, acquiescence or tolerance, in this case of discrimination by a private tenant who leased space in a governmental facility; and

WHEREAS, the Wilmington Parking Authority can take legitimate pride in its contribution to the development of civil rights law by its involvement in this case and its prompt compliance with the Court’s decision, however reluctant its participation may have been at the time; and

WHEREAS, it is appropriate that the role of William H. “Dutch” Burton in this landmark case be memorialized.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council requests that the Wilmington Parking Authority memorialize the contribution of William H. “Dutch” Burton to the continuing struggle to eliminate racial discrimination by renaming the Wilmington Parking Authority the “William H. Burton Wilmington Parking Authority,” or by other appropriate action that will continually commemorate his role in the advancement of civil rights.

Mr. Guy: I move this Resolution be received, recorded and filed and adopted by Yea and Nay vote.

Mr. Williams: Second.

President Gregory: It’s been properly moved and seconded the Resolution be received, recorded and filed and adopted by Yea and Nay vote.

On the question:

Mr. Guy: Yes Madame President, I need to first set the stage for this. This is one (1) of three (3) civil rights related Resolutions that I’m presenting tonight and as a bit of history to set the background, Wilmington City Council in 1951 passed

legislation to create the Wilmington Parking Authority and then the Mayor signed that as well on July 23, 1951. And so, this organization now kind of has evolved and it's presently an organization that has a five (5) member board of directors that are appointed by the Mayor. So, this is an organization that's intertwined with the City of Wilmington and it was birthed by the City of Wilmington. And so, City Council authorized folks to go incorporate the Wilmington Parking Authority. It was interesting researching them because if you go to their website, you can't find the names of the five (5) people who are on their boards of directors. But, I'm sure if the office is contacted, we'll be able to get in contact with those individuals should we have the need to. Now, William "Dutch" Burton was a member of Wilmington City Council and what William "Dutch" Burton did is he learned of some Chrysler employees who went to the Wilmington Parking Authority facility over near 9th Street and that was a publicly funded facility and there was a restaurant called "The Eagle Restaurant".

A lot of the folks here may remember there was a store called "The Ninth Street Bookstore", well before it was The Ninth Street Bookstore it was the "The Eagle Restaurant". And, some Chrysler workers went there and they weren't allowed to be served because they were African American and so they ended up getting in contact with their City Councilman Dutch Burton and the attorney in this community Louis Redding. So, Councilman Dutch Burton and Louis Redding worked together so, Dutch Burton went to the eagle – went to the Parking Authority Garage, parked in the garage, walked to the restaurant, went in and they refused to service him and then he and Lou Redding went to the Court of Chancery filed a suit and (inaudible) of the suit was that when governmental funding goes into projects, a private business can't be in that governmentally funded facility and discriminate because it's basically the same thing as the government itself discriminating. And, the Delaware Supreme Court overturned the case basically saying, if they want to discriminate, they can discriminate. So the USA Supreme Court said "no". When you're that intertwined with public funding, you can't discriminate in that public building. And, that was a groundbreaking case that had impact over the entire country because it was the U.S. Supreme Court. And, there's not a whole lot of City Council people or elected people anywhere in this country particularly back at that time who while they're in their position will stand up to civil rights like that and be a plaintiff. And so, the essence of this Resolution is that the Wilmington Parking Authority is being asked to consider a name change to the "Wilmington Dutch Burton Wilmington Parking Authority" or for them to look at their facility or to come up with some other proposal that would be appropriate under the circumstances. So, that's the essence of this Madame President.

Madame President...

President Shabazz: Councilman Turner.

Mr. Turner: I would like to go on as a cosponsor to this Resolution.

President Shabazz: So noted.

Mr. Guy: There was several people who said they wanted to be cosponsors and whoever – whoever wanted to...

President Shabazz: Council ...

Mr. Guy: ...they're more than welcome to.

President Shabazz: Councilwoman Walsh.

Ms. Walsh: I would also like to be a cosponsor because I actually had the privilege of meeting Dutch Burton very late in his life and, he certainly had the stories if nothing else. He was a really interesting man. My only concern about this is though that I was trying to do something with the Parking Authority like ten (10) years ago and because it was at a time where – the one on Orange Street was coming down and all sort of things and I ended up realizing that we don't own any of this. That it's actually through the State of Delaware. So, I think when passing this tonight, Mr. Guy, that you would pursue this – send this to the Governor's Office too, so, that if in fact, the State has a whole lot to do with Parking Authority, that they're aware of what our intentions are also.

Mr. Guy: It sounds like a good idea. Our legislative representative....

President Shabazz: Mr. Guy, can you wait for me to recognize you please sir? Ok. You'll have a turn after everyone else turn to speak.

Madame President ...

President Shabazz: Wait a minute. Councilman Williams.

Mr. Williams: I just want to be added as cosponsor, thank you ma'am.

President Shabazz: Councilman Congo.

Mr. Congo: Yes, a cosponsor please.

President Shabazz: Ok. Councilman Adams.

Mr. Adams: Yes ma'am, thank you. I attended the Public Works Committee last evening and Councilman Guy gave an excellent historical presentation of this because of that I actually went home and read the case "Burton vs. Wilmington Parking Authority", it was a Supreme Court case it's actually precedent case for the Fourteenth Amendment. So, I was totally unaware of the significance of this case and was a little bit setback by the fact that they actually lost this case in Delaware Supreme Court level, but they were cognizant enough for the issue to go to the United States Supreme Court who did win our favor with this and, I would certainly welcome the

opportunity to sponsor this Resolution also. I think it's a wonderful case that everyone here should learn in history. Thank you and thank you Councilman Guy for making us aware of this.

President Shabazz: Councilwoman Harlee.

Ms. Harlee: Yes Council President, I would like to be a cosponsor as well in addition to my other Council colleagues. Last night I too was impressed with the history of former Council Dutch Burton and I think it's a distinguished honor and achievement. Thank you.

President Shabazz: Anyone else? The Clerk will call the roll.

Upon a motion of Mr. Guy, seconded by Mr. Williams, the Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

Mr. Guy: Madame President, I have a Resolution to present, agenda item 4320.

Mr. Guy presented Resolution No. 17-007 (Agenda #4320) as follows:

WHEREAS, Council believes that a quality education is essential in producing opportunities for a successful life and improving the quality of life for each citizen; and

WHEREAS, Wilmington students in primary and secondary schools should be recognized for their academic achievements, as well as other outstanding achievements associated with a successful matriculation; and

WHEREAS, Council would like to recognize all Wilmington students who attend schools in the above-stated education levels and are deemed outstanding in areas such as academic, attendance, sports, and community service, and commend them through awards for their achievements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council requests that the Superintendents of the Christina, Brandywine, Red Clay, Colonial and Vocational school districts and the Principals or Headmasters of all other public and private school assist Council in its efforts to recognize outstanding Wilmington students by providing Council with the names and addresses of those students residing in the City of Wilmington who have demonstrated outstanding achievements in the areas set forth in this resolution

FURTHER RESOLVED, that a copy of this Resolution be sent to the Superintendent of each of the above named school districts and to the Principals and Headmasters of all other schools located within the referenced school districts.

Mr. Guy: I move this Resolution be received, recorded and filed and adopted by Yea and Nay vote.

Mr. Williams/Ms. Walsh: Second.

President Shabazz: It's been properly moved and seconded the Resolution be received, recorded and filed and adopted by Yea and Nay vote.

On the question:

Mr. Guy: Yes Madame President, what this Resolution does is puts back into place something that we used to do years ago when I was on Council and that is that we would coordinate with the school districts and they would provide us with names of students that are doing good things so that at least at a minimum, we could provide them with Resolutions. Now, just so happen, that at one of our meetings a question was asked as to whether school districts even want to do something like that. Now, I do they do because I've been a teacher for seven (7) years in the public schools for Delaware and I'm certified all the way up where I could be the superintendent education for the State of Delaware. So, I would know very well that school districts appreciate communities reaching out to them to try to give positive reinforcement to the students. Now, I was just at the vocational school district earlier this week and talked to one of their district head people and told them that I'll be getting back in touch with them soon in all likelihood to get the names of some of the students from Wilmington that are doing well in various areas and he said – he was just happy that somebody's going to reach out like that. And, so, I'm hoping that we reach out as a group. They're ready to respond to me as an individual but I think the power is in students knowing that we as their elected representatives appreciate when they do good things. That's all I have Madame President.

President Shabazz: Councilman Chukwuocha.

Mr. Chukwuocha: Thank you Madame President. I have two (2) letters I would like read into read.

Note: The two aforementioned letters read into record are included herein as an insert from Page 16 through 17.



BRANDYWINE SCHOOL DISTRICT

1311 Brandywine Boulevard
Wilmington, DE 19809-2306

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January 19, 2017

Dear Council of the City of Wilmington,

Please allow this letter to serve as an initial response to the proposed resolution by Councilman Guy that would request personal contact information of students as part of student recognition program. While we applaud the efforts of City Council and would oblige the request, the dissemination of personal information of students would be deemed a violation of Family Educational Rights and Privacy Act (FERPA). In order for Brandywine School District to support the release of such information to a third party entity parent and/or guardian consent would be required.

Again we applaud and appreciate the efforts of the proposed resolution. Formal recognition of the richness and positive attributes of the young people within our community is long overdue. If we can be of any assistance as you continue to investigate this matter feel free to contact us!

Sincerely,

Dorrell Green
Assistant Superintendent



Nurture. Inspire. Support.

100 West 10th Street
Suite 308
Wilmington, DE 19801
302.778.5999

January 19, 2017

Council of the City of Wilmington
800 N. French Street #1
Wilmington, DE 19801

Dear Council President and Council Members,

I respectfully submit this letter as comment on Council Member Guy's recent resolution that seeks to recognize the accomplishments of our City of Wilmington students. While I am a firm believer that we must celebrate and recognize the amazing work of all of our students, I am concerned that compliance with this resolution as stated could be in violation of our charter schools' FERPA (Family Educational Rights and Privacy Act) policies that are federally required to provide parents with the right to have some control over the disclosure of personally identifiable information from their child's education records.

Also, as a point of reference, we have 25 charter schools across the state of Delaware. 23 are authorized by the State of DE and 2 are authorized by Red Clay (Charter School of Wilmington and Delaware Military Academy). Most of our charters serve children throughout the state, so it is quite possible that there is a charter school not in one of the districts listed in the resolution that is serving students from the City of Wilmington.

As stated above, I do believe that we must recognize our students for their extraordinary efforts. I would be glad to work with the Council to find ways to do this from our charter schools that would avoid potential FERPA violations.

Best,

A handwritten signature in black ink that reads "Kendall Massett". The signature is written in a cursive, flowing style.

Kendall Massett
Executive Director
Delaware Charter Schools Network

Mr. Chukwuocha: Thank you Madame President, those two records – letters I believe truly signifies a few the points of contingent which were presented during the Education, Youth & Families Committee. I think that not only the legality of asking the schools to respond but also I think the other point about the lack of inclusion of all of our schools were (inaudible) the way it's written that many of the students who attend schools that are not within a district and many of our charter schools are independent districts which aren't listed in this as well as it was mentioned about our students who attend the schools within let's say the (inaudible) are within the Ferris School or the New Castle County Detention Center, those students wouldn't be recognized under this current Resolution as presented. And, lastly, Madame President, I think there is a point of clarity to me that needs to be brought forward. One; that this is a legislative body and we provide oversight for those in the administrative branch that provides the direct services. So, for us as a Council to say that we're going to create something without working with our direct service, without working with our Parks and Recreation or our Youth & Families Division within Parks and Recreation, you can say that Council is going to assume this duty of reaching out to the school and establishing this system to contact the schools quarterly or every tri-master to receive the grades and then going beyond that of us not having a clear system of securing the data that's going to be received, it – this, this Resolution as presented, it just did not offer a clear path forward and everyone supports the intent but I believe the path forward was not presented in this legislation as it was presented and it offered just as many questions as it did challenges for me and for those reasons Madame President, I will not be supporting it this evening. Thank you.

President Shabazz: Thank you. Councilman Williams.

Mr. Williams: Thank you Madame President and the points that are brought I think are somewhat valid; however, you know, we continuously seek to try and recognize the youth that are doing the right thing in our City and this is trying to do that. To recognize youth that are in our City that are doing the right thing. But the procedural parts of it, it's something that we can work on. We're not saying that we actually have to have their data. Let the schools give us a list of the names and give them that certificate recognizing that they're actually doing the right thing. And, if this Council body is recognizes that they're doing the right thing, ever youth at one point in their life, we reflect on the one time somebody said a positive thing to them so it earmark a change in their behavior and put them in the path of positivity and I think that's the spirit of what we're trying to do instead of trying to pick it apart. I think we're trying to find the spirit of lifting and engaging our youth and recognizing their efforts and showing that we truly care as a body.

President Shabazz: Councilman Congo.

Mr. Congo: Yes, thank you Madame President, yes I do understand some of the caution that we have to, just take moving forward if this does pass with the – we see the children's personal information but I don't think that we can let red tape stand in the way of celebrating our children. There's too much that they do that is great – that is never recognized by any local media and for us to try to – to try to encourage them, I

think that we just have to move full steam ahead. Kids get permission to go on field trips every year, I'm sure that a parent would not mind their child receiving an award from City Council. I can't even (inaudible) it doesn't necessarily where we have to deliver it to their house. If we have to deliver it to the school and the children took it home, I think the intent is just to celebrate the children for doing excellent and I think that we have to – we have to support that. We can work out the smaller details afterwards but I don't think that we can – we cannot afford to – to not celebrate our children's accomplishments. Thank you.

President Shabazz: Councilman Adams.

Mr. Adams: Thank you Madame President. I would like to echo what Councilman Williams and Councilman Congo had said. Certainly under the significance to recognize these children is important especially here in the City of Wilmington where we have the significant dropout rate and anything (inaudible) in doing positive nature, I think would be very good. I'd like to – move that this Resolution be tabled so that perhaps if Councilman Guy could slightly change the language so that intent would still be there, however, it could meet some individuals concerns with regard to this so that we can vote doing this at a later time.

President Shabazz: Do I hear a second?

Mr. Williams/Ms. Oliver: Second.

President Shabazz: It's been moved and second, all those in favor?

Ayes...

President Shabazz: Any opposed?

Yes....

Mr. Guy: Roll call Madame.

President Shabazz: Roll Call.

Mrs. Seijo (City Clerk): Mr. Chukwuocha: No; Mr. Congo....this is a Roll Call to Table?

President Shabazz: This is Roll Call to Table. So, if you're in favor of tabling, your response is in favor to tabling it.

Mr. Chukwuocha: They wanted to go forward, I'm fine with the sponsor letting it go forward. I don't want to table it.

Mrs. Seijo: Mr. Congo: No, I don't want to table it; Ms. Oliver: Yeah, I want to table it; Ms. Harlee: Yes, I want to table it; Mr. Turner: No; Mrs. McCoy: Yes; Mr. Williams: Yes; Mr. Freel: Yes; Mr. Adams: Yes; Ms. Dixon: Yes; Mr. Guy: No; Ms. Walsh: No; Ms. Shabazz: Yes. Total: 8 Yeas to Table and 5 Nays to Table.

President Shabazz: Ok, so Resolution #4320 would be tabled to the next – the appropriate time.

Mr. Guy: What is the time Madame President?

President Shabazz: It's lift, when you lift it. It goes back into the committee for further discussion and then bring back out.

Mr. Guy: According to our Council Rules, it's supposed to be tabled to a time certain. Tabling is not to be....

President Shabazz: To the next Council meeting.

Mr. Guy: ...tabling is not to be used to avoid addressing the issues - to the next meeting?

President Shabazz: To the next Council meeting.

Mr. Guy: All right.

President Shabazz: You're next Resolution sir.

Mr. Guy: Yes, Madame President, I have a Resolution to present, agenda item 4321.

Mr. Guy presented Resolution 17-008 (Agenda #4321) as follows:

WHEREAS, Section 2-100 of Charter of the City of Wilmington ("City Charter") mandates that the City Council shall consist of, "...twelve (12) members, of whom eight (8) shall be elected from councilmanic districts and four (4) from the city at large, and the president of council, who shall be elected by the people from the city at large"; and

WHEREAS, Section 2-102 of the City Charter further states that, "there shall be eight (8) councilmanic districts, each encompassing as nearly as possible a contiguous area in which is included as nearly as practicable an equal population distribution."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council is not supportive of any change in the City Charter regarding the structure of City Council or any reduction in the number or type of council members or councilmanic districts.

Mr. Guy: I move the Resolution be received, recorded and filed and adopted by Yea and Nay vote.

Mr. Williams: Second.

President Shabazz: It's been properly moved and seconded the Resolution be received, recorded and filed and adopted by Yea and Nay vote.

On the question:

Mr. Guy: Yes Madame President, this is straight forward Resolution as reflected in the Now, Therefore, Be it Resolved section, there's been ongoing efforts to change the structure of government. It's been going on for years and this Council just arrived. During the last campaign there was one (1) person who ran for office who revealed that he was part of a group of people who want to take the Council and cut it in half. They want to move us from eight (8) districts to four (4) districts and from four (4) at-large to two (2) at-large. The object of this is for this Council to have an opportunity right in the beginning to not get caught up in the effort of what I call division because if this early in the game we're not able to come together and say, we ran for these seats, we ran for this structure and we're going to support the way it's been structured then you're going to have people looking at each other. Because under the game plan that some people have plan that's going to put possibly the first district and the second district together and now you have two (2) Council people that have to work together for four (4) years but at the same time they're wondering if in four (4) years they have to fight against each other. That's not a good healthy situation. The third and fourth district possibly get put together. So, now you have Councilwoman Harlee and Councilwoman Oliver having to spend four (4) years working together but kind of looking at each other like, I better make sure that I'm over in your district in case they put us together. In the fifth and the sixth districts, Councilman Turner, Councilwoman McCoy and seventh and eight districts – Councilman Freel and Councilman Williams, we don't need that stuff. And, then you got four (4) at-large people looking at each other. So, is the Republican seat going to be eliminated? So, this is an opportunity for folks to say, we – we, we have enough as I always say, we have ninety-nine problems and the structure of Council isn't one. So, this is a chance for folks to get that mess off of our table so we can work on the problems of the City not the problem that there's some people that they have who want to change the structure so that they can get better control of the city government. So, that's all I have Madame President.

Madame President...

President Shabazz: Councilwoman Walsh.

Ms. Walsh: Yes, thank you Madame President. I actually I'm not in support of any of this. Something I was asked of or through many campaigns was, would you support a reduction of City Council or a reduction of government period? And, I've always said "yes". For 71,000 people in this room – not in this room – that would – that

would be amazing, in our city and how low does it have to go with that many people are represented? The part of the problem with our people is like they're overly represented. There's a governor and lieutenant governor and treasurer and state auditor and you go down and down and down, then state senators and state reps and county council members and city council members and look at the mess we're in. So, number one I think that if the people of this city wanted a reduction of this Council – these seats are loaned to us, they're not giving to us. We didn't inherit them, we went out and sought them and putting people against each other, I mean that's just conjecture and it should be about winning the next election either. It should be about doing your job now. And, Councilman Guy is right, you know, if you have seventy-five things wrong with this City, this shouldn't be one of them and I don't think we should be addressing tonight but I'll vote against it if it comes up because if there is a bill in the legislature to reduce Council, I'm telling everybody right upfront now, I'll be supportive of it. Hey, I did a bill to limit Council terms. Who would that hurt? Me.

President Shabazz: Councilman Turner.

Mr. Turner: Yes Madame President, thank you. What bothers me is that we're talking about reducing Council when some people have been Council for many terms and during these terms, the population of Wilmington, Delaware has went up. So, we haven't thought about changing it over the thirty (30) years or haven't put that in with the population going – going up. You know, so it bothers me now that I'm a part of Council and now, you know, everybody ran about change but this is not the change that I wanted for Council. Some of – it's a lot of work than a district Councilperson, so, just including the fifth and the sixth or the fourth and the third, sometimes I think that the fourth needs to be broken up. I mean, that's a lot of area for the Fourth District. You know, for us to make change and reduce it now, I just think that's not – not appropriate and that's not the type of change that I came to run for Council for to be honest with you and I just had to say that.

President Shabazz: Councilman Williams.

Mr. Williams: Thank you Madame President. Basically, the only language I see in this that's says, we're not supportive. We're not changing anything. We're just saying collectively as a body that we're not in support of any changes. Back a few months ago in the 106th Session, we did put forth a Resolution asking for an overview – an over site.

President Shabazz: That was an Ordinance.

Mr. Williams: Or an Ordinance, I'm sorry. We'll allow that to take place. We're just boasting ourselves as 107th Council that we don't support it; however, we will have to respect it, whatever report comes out there and we'll handle it accordingly. But we're just collectively as a voice saying, we're not in support of any changes at this time.

President Shabazz: Councilman Congo.

Mr. Congo: Yes thank you Madame President, I was actually one of the sponsors in the original Ordinance that tried to reduce Council and I've always been a proponent of a smaller government since I've been on Council. I think that it is kind of unfair how we as a Council have always asked that different departments to reduce their footprint but we never have. So, that's why I was always looking at it from a financial point of saving the City money. But I do realize that – that could be very dangerous. Someone mentioned earlier that we're – the Council is a protective of people and that's what we do. We protect our constituents and to reduce the number of Council that they would be doing an injustice to our residents. Sometimes we need to send very strong messages to Dover and I think – I think a smaller number of Council people would have a smaller effect on the – on the, I guess the message that we can send to Dover around education, around prison reforms. We need everyone in this room to fight for our city residents and a reduce – a reduction of Council, I think we'll be going on the wrong direction. Now, if you want to look at maybe adjusting salaries so it does make more sense financially, I think that makes all the sense in the world but to take away Council Members and take away the voices of the people that those Council Members – that we represent, I think it's dangerous and it's going down a very dangerous path. Thank you.

President Shabazz: Councilwoman Harlee.

Ms. Harlee: Thank you Council President. I echo the sentiments of my other Council colleagues that are in favor of continuing this particular Council 107 as it stands. Being in the Fourth District and talking to many of the residents during my campaign, business owners as well as residents, the Fourth District in particularly is growing. It's not getting smaller. When you look downtown, you will – 8th Street, 9th Street, Orange Street, Shipley Street and also in the Eight District. So, our population in the City of Wilmington is getting – it's increasing. So, I'm in support of us looking at ways to cut costs in local government and I'm in favor of us – in favor of us reviewing possibly other areas but to reduce Council, I want to – I'm in favor of this Council remaining the size that it is. Thank you.

President Shabazz: Councilwoman McCoy.

Mrs. McCoy: Yes, thank you Madame President. Actually, I am in favor of the reduction of Council. The reason being is that we're at actually 71,000, no, 72,000 people here within our City and we have other cities that are – that are quite large and only just have a few more Council people then we have. And, so, what it is that, I think that it would be more understanding if we made our Council people – if we reduce the number make them full-time so that it, you know, we would be able to take care of all of the issues of the people within the districts. But, to continue the large number that we have and for us to not really get much done with all the different personalities and conflicts and things of that nature, I think that maybe less would be better.

President Shabazz: Councilman Freel.

Mr. Freel: Yes, I guess I'm a little bit disappointed to see this Resolution come before the Commission got to do its work. Actually, we did discuss this issue, I want to say about seven or eight years ago before the last census and that's the appropriate time to do it. But the Commission was given a couple of different paths. One was the size of Council and other one was a distribution, the other one was the responsibilities of the Council President and to look at whether that should be full or part-time. And another piece, which I thought was important, was whether Council position should be staggered as far as terms, so not all thirteen are running at the same time. More like County Council does where some run every two years for four year terms. So, I thought it was a good concept at least to look at it. They might come back and say hey, everything is working fine, leave it alone but to pass this before they could even be formed and do their work is kind of disappointing. We've heard for many years, even from some Council Members seating on this floor tonight that we should take a look at ourselves and is this the right number and we tried to do that and it kind of fair and objective way by talking about having a commission. So, we shouldn't be so worried about ourselves and our positions but what we think it's best for the City as a whole. Thank you.

President Shabazz: Councilman Chukwuocha.

Mr. Chukwuocha: Thank you Madame President and I would agree with those sentiments and really I remember my colleague Councilman Congo, every single year during budget hearings emphatic that Council needs to be assess just like we assess all of the other departments. I believe that was the true intent of this legislation. It had nothing to do with putting one member against another member but really us being honest with ourselves about it just as we try to hold the other departments accountable, to do that to ourselves and if we're going to ask them to do that then we – we said that we would do it ourselves. It was nothing about saying this or saying that – this Commission was going to review and come back with recommendations and point blank just to say, I guess, the other part of it is that nothing that this Commission would do would impact this 107th Session. So, we're talking about us but we're not talking about us. If there was recommendations they wouldn't impact the 107th, it would be going forward. So, for us to be thinking about ourselves that's completely wrong. Again, as was stated, let's think about the City and the true intent in which this was sponsored.

President Shabazz: Councilwoman Oliver.

Ms. Oliver: Thank you Madame President. I would like to ask Councilman Congo what made him change his mind since he put in an Ordinance and what happen – I mean, and if there's supposed to be a Commission, have you set-up a Commission? So, I just wanted to know since he put in an Ordinance, what really made him change his mind so I can get a clear understanding since he put it in.

President Shabazz: I'll ask the question for you because you address the President.

Ms. Oliver: Oh, ok; thanks.

President Shabazz: Councilman Congo, would you like to answer that question as to why you changed your mind?

Mr. Congo: Yes, yes; thank you. As I, as I stated earlier, my intentions before were strictly financial to try to help the City save some money and I thought it was only fair. But I don't think that everybody's intentions are pure as mine – as mine – as mine intentions were. So, I think that we just have to take a lot of caution in reducing the – our power and we're at a point now where we can send strong messages to Mayor's Office, we can send strong messages to Dover, to the County and we don't need to take a chance on reducing our Council and lessen the strength of our message. If I thought everybody's intentions were strictly pure, I wouldn't have a problem with it but I don't believe everybody's intentions are pure as mine were. So, we just have to – you have to – you have to think outside of the finances and realize what that's saying to Wilmington and what that's saying to our residents and what that's saying to County and to Dover. We can't risk lessen our – our, our power and the message that we can send to Dover. I honestly on the education, we have to really take some stronger looks at our public education system. We don't have a – we don't have a lot of influence on it but the more of us there are, the more people that we can kind of get us to – to support our movement towards changing our education system and changing our prison system, I think it's the better and, if you reduce Council that's just going to lessen our numbers. So, I don't think that we can – we can't play with that. It's not – it's not – you have to look outside of the finances because it's way bigger than the finances.

President Shabazz: Councilman Guy, I would allow you the last words sir.

Mr. Guy: Did everyone get their first turn?

President Shabazz: Everyone is going through their first turn, okay and Councilwoman Oliver would be on the second turn. Councilman Turner will be next and you would have a second turn after everyone has spoken. Councilwoman Oliver.

Ms. Oliver: So, I thought it was – I thought it was more than just about reducing – I thought the Commission was more – it was just about reducing Council. So, that's what I'm trying to – that's my point I'm trying – because there's other things that they were supposed to look at. Supposed to maybe making this a full-time job and other things that Bud – that Councilman Freel had said. So, I'm table – or tabling this also until I get a clear understanding because it sounds like it just – everybody just thinking it's about reducing Council and it doesn't sound like its – I mean....

President Shabazz: If I can give clarity. Even if we did this Resolution, it does not say stop us from still going forward with the task force. It just – it just – we just say the majority or whoever votes for or against it, just says that their against the – reducing the amount of Council.

Ms. Oliver: Oh no, I'm not for reducing the amount of Council. Okay.

President Shabazz: Councilman Turner.

Mr. Turner: For?

Ms. Oliver: No, I'm not for reducing the Council.

President Shabazz: Councilman Turner.

Mr. Turner: Yes Madame President, I heard our Councilwoman McCoy's about population and I do – I do my research and I checked with another small city like ours, which is Kenton, Ohio, and they have 72,535 population and they have thirteen Councilmembers – they have twelve and a president. So, we are in line with other small cities with the number of Council that we have now and I know that this is a Resolution but this is also making a statement from this Council that we don't want to change for the 108th Session that's coming after us. So, yes, this won't change the 107th Session but this will change the structure of the 108th Session that comes after us. We, we, we didn't want – we had an opportunity to change Council on the Inauguration day and we didn't want to make the stand day but now we want to make stand to reduce Council, I'm a little confused with, with, with some – with this going on with Council. So, but, but, I don't want to reduce it. I gave you the numbers as far as Kenton, Ohio that's similar like a small city like ours and they have the same amount of Council as we do.

President Shabazz: And this is a Resolution and it's not an Ordinance, so, this is just making a statement of position. It would have to go to the General Assembly to make the final change. So, we would not – it would not be us and if the General Assembly decided to do that, you know, it would be the General Assembly that makes - that makes that decision.

Mr. Turner: Can I ask? ...

President Shabazz: Sir.

Mr. Turner: But, but it would make a state – if we vote yes on this Resolution it would make a stand about the 107th Session standing that we want to keep the thirteen Council existing, correct?

President Shabazz: You would make that statement, yes. The majority of Council if that's the way it goes. I saw hands. Councilwoman Dixon.

Council Member Dixon: I just wanted to ask, when is the Commission put forth their recommendations?

President Shabazz: Well, we're putting the Commission together.

Council Member Dixon: Okay.

President Shabazz: And then once they do, we will, if there is a time limit in the Ordinance as when they should bring back their findings and they – and then they will present that to us and then we will then take those findings in consideration and then make our decision based on their findings. We might, as Councilman Freel said, we might not agree with their findings. The findings may say that we're fine based on, you know, the needs of the City. So, it's just to really take a forensic look at ourselves as we stated for quite some time and – and to see what if those points that are in the Ordinance as our size, as our – whether we're full-time or part-time, if we should be staggered, if we think we can operate in a better format. But, if you never look at yourself, you don't know what – how we can improve ourselves. Councilwoman Harlee.

Council Member Harlee: Thank you Council President. I was looking at the Resolution 16-060.

President Shabazz: That's Ordinance.

Council Member Harlee: Well; thank you. Excuse, voted July 14, 2016...

President Shabazz: It's a Resolution, I'm sorry.

Council Member Harlee: ...aha, and it was to the 106 Council?

President Shabazz: Correct.

Council Member Harlee: ...and when you look at the verbiage here, it, it, on Page 2, so I guess, one question is, if this passed in July, is there a reason why the Council 106 did not do this? That's one question. And then, my second question is that – it says on Page 2, "Further Resolved, that the Council Organization Commission is requested to conduct its review of City Council's structure and organization – including, but not limited to, the enumerated points below and make findings and recommendations to this Council, which would be 106, within 180 days of its appointment. So, this was put on the desk here and I was just asking about it.

President Shabazz: I can't answer as to why the previous President did not move on it. I can't answer that and since it is an ordinance that has been put forth as something to act on as I came in as President, I'm just continuing on. I can't explain as to why there was no movement but I know that it was something we said we would do so that's why we were moving forward with it.

Council Member Harlee: May I continue?

President Shabazz: Yes ma'am.

Council Member Harlee: Thank you. And, when you look at 180 days from July 14th that time has expired.

President Shabazz: Okay.

Council Member Harlee: ...to put the review together. I'm just trying to put this all in prospective that's all.

President Shabazz: I understand.

Council Member Harlee: Thank you.

President Shabazz: Councilman Guy.

Council Member Guy: Yes Madame President, my Resolution stands alone. So, this document, this Resolution from the last Council that has been something that keep – folks keep trying to kind of put up as reason not to vote for my Resolution. They're not connected. But, since we keep talking about it, I have some comments along those same lines and that is, when you read a Resolution, like 16-060, what you do, as I see it, is every time they reference a legal document, you need to look at the legal document. So, the very first sentence says, Section 2-100 and if you go to Section 2-100 in the Charter and I've tried to tell everybody on this Council that there's a website, www.municode.com, so that anytime we see a reference to a section, you can quickly go to right on this Council floor. In that section, I'ma read an excerpt. It says, each Council Member shall receive a salary at the rate of \$8,000 per annual or such other sum as the Council shall from time to time ordain. So, Council is in the business of ordaining pay raises. It doesn't say compensation commission. It's nowhere referenced in the Charter. So, that's the first point I want to make. What I've learned in my years involved in government is when elected officials put in commissions, to make recommendations for them and they let one person pick all five of the people who are going to be on the commission, then the outcome of the commission is preordained. So, you can't play that game on me.

So, whoever drafted this Resolution in the first place, somehow, the people in the Law Department must not have really fought strongly to say, hey, you need to have a broader distribution of how you put this thing together, not just one person. But if you continue on or such other sum as the Council shall from time to time ordain but the annual salary shall not be increased during the current term of Council Members enacting such ordinance. So that means we can't give ourselves raises and the prior one couldn't give themselves raises. But, then here is how they conclude, no change shall be made in the compensation of members of the City Council during the final six (6) months of the terms of the members of the City Council. Now, when you look at the date of this

document, July 14, 2016, a light bulb went off on somebody's head that they were inside the six (6) month period and they forgot to give themselves raises, the people who were on Council who were planning to stay on Council. And, so, they created this apparatus – it don't have to be all the people, okay, but they realized it because this is right after six (6) months passed, oh, too late to give ourselves a pay raise, so let's create this commission but then it says in the Now, Therefore, Be It Resolved clause, because all that whereas stuff doesn't mean anything, the only thing that really matters is, Now, Therefore, Be It Resolved, it says subsequently discussed and considered among the full body of City Council. They're referencing themselves and there's a word where they say, this Council. The only Council at the last Council could call this Council, was them. So, the times passed; this thing has expired and I would have never commented on it, except people are trying to use it to undermine my very simple Resolution. So, that's all I have Madame President.

President Shabazz: Council Member Walsh.

Council Member Walsh: Yes, thank you Council President. The only I want to say because I'm not going to get into some type of urinating match of who wanted what on this Council because one is seating here who was a cosponsor and the other one isn't here anymore. But, you might recall that Council President Gregory had said, I believe publicly, because I didn't have a private conversation with him in the last six (6) months of Council really, that because he wasn't going to be here and so many other members weren't going to be here, he was holding off for the next President and at that point we didn't know it was going to be you or somebody else, could of point this commission. And, this doesn't say 180 days after this passed that the report has to be done or that they had to be even appointed. It says 180 days of its appointment. So, the legislation has already passed, it's not jumping from one year to another. I would imagine it would be up to you to make the appointments because that's the way it's written and the end of it all says, and shall not take effect, and that is any legislation that is passed from the findings of the commission, would have to be approved by everybody on – not everybody on Council but by a majority of Council, and still would not take effect until the 108th Session. So, how much time have we spent on this?

President Shabazz: And also, the Council had already put in for salary adjustments for this incoming Council – 106th – so that Council – salary adjustments had already been made. The 106th Council made salary adjustments for the 107th Session already. So, it wasn't as this was, you know, I just want to clear up a fact that Councilman Guy had stated, that it had already been done. So, it wasn't as if someone was doing it so that they could give themselves a raise. But, I'd like to call for the vote please.

Council Member Guy: I get the last say, that's the rule.

President Shabazz: Yes, you can close the debate.

Council Member Guy: Ok. So, the point I want to make is this, I've had an opportunity to speak with Councilman Congo about this and if you all remember when he first came on Council, he didn't want his salary. Ok, because he's probably one of the riches young folks around here. So, it's not about the money for him when he sponsored this. He said he sponsored because he thought it might have made sense for saving money but now there's some other factors. But, I want to go back to where I started. When I started this night I said that I had three civil rights pieces of legislation and I live in a community where it's the only community in the whole state of Delaware that I'm aware of where there's people who don't live in Wilmington, trying to interfere with Wilmington's structure of government so that they can control the City of Wilmington from outside of Wilmington. They're not doing it in Dover. The State of Delaware has forty-one (41) reps and twenty-one (21) senators and nineteen (19) school districts and you don't see them cutting the size of Council in Middletown and Newark. So, people out of our city want to control our city and I want to know tonight whether or not the people seating here at the table are in my view going to say, "no" you're not influencing what we're doing, we're going to all vote here for what we believe in is best for the City. So, we're going to have a difference of opinion but let's find out what the majority of people have to say. That's all I have.

President Shabazz: Call for the vote.

Upon a motion of Mr. Guy, seconded by Mr. Williams, the 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 Congo, Oliver, Harlee, Turner, Williams, Adams, Dixon and Guy. Total, eight. Nays, Chukwuocha, McCoy, Freel, Walsh and Shabazz. Total, five.

President Shabazz: Declare it adopted.

Council Member Guy: That's all I have Madame President.

President Shabazz: Thank you sir. Councilwoman Walsh.

Council Member Walsh: I don't have any legislation tonight, thank you.

PETITIONS AND COMMUNICATIONS

Council Members announced committee meetings/civic association meetings and community events/activities throughout their districts. Council Members spoke on the following: President Shabazz was thanked for honoring Harold Lindsay tonight and was also thanked for running an excellent Council meeting and for her leadership skills; Public Works Department was thanked for doing an excellent job during the storm; folks were encouraged to check up on the elderly; folks were also encouraged to continue to patronize the businesses downtown; State Representative Dr. Al O. Plant, Sr. was thanked for the upcoming state holiday in Delaware, Martin Luther King Day, and folks were reminded that if it wasn't for State Representative Plant,

Delaware would not have that day as a state holiday; folks were reminded of several legislations presented tonight such as equal protection cause, the Brown v. Board of Education and voting rights legislation and that when you have a city like Wilmington it's important to be politically empowered in all neighborhoods; and including but not limited to, folks were encouraged to help the local food pantries.

President Shabazz thanked everyone for their patience as she gets acclimated to the Council President chair and how she would like to work collectively with the 107th Session of Council. She expressed that it would be a good thing to look at ourselves and expressed it would be a good thing for the citizens, to do a feasible study to see about how we operate and how they want us to represent them. President Shabazz stated that it is not the number of members that makes you strong; it's the unity of the member that makes you strong. In addition, she encouraged the continuance of dialogue, collaboration and compromise and stated that she feels very confident of the 107th Session with all the new ideas and voices that we have among us, is going to move this city forward.

ADJOURNMENT

Upon a motion of Council Member Walsh, seconded by Council Member Freel, Council adjourned at 8:00 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk