

*Wilmington, Delaware
Louis L. Redding
City/County Building
June 1, 2017*

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

The opening prayer was done by Ms. Andrea Queen, Deputy Clerk.

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 May 18, 2017, Council Member Walsh requested a correction to the minutes. Agenda #4365, which was an Ordinance pertaining to the Crown Castle Agreement, was inadvertently given the incorrect ordinance number and the need to be have minutes corrected to reflect the change from Ordinance No. 17-037 to Ordinance No. 17-018. Upon a motion of Council Member Walsh, seconded by Council Member Freel, it was moved the minutes, as amended, be accepted as written. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report as of June 1, 2017, was read into the record by City Clerk and upon a motion of Council Member Walsh, seconded by 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 2 to Page 3.

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Velda Jones-Potter
City Treasurer

Louis L. Redding City/County Building
800 French Street
Wilmington, Delaware 19801-3537
(302) 576-2480
treasurer@wilmingtonde.gov

City of Wilmington Delaware



City of Wilmington Treasurer's Report as of June 1, 2017

Cash on Hand:

General Account	M & T Bank	\$4,973,214.13
Central Deposit	M & T Bank	\$66,394.73
Payroll	M & T Bank	\$138,385.63
Total Petty Cash Accounts	M & T Bank	\$10,971.83
Grant-In-Aid	M & T Bank	\$287,342.13
Evidence/Found Currency Account	M & T Bank	\$565,199.60
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,506.43
Police Department Discretionary	M & T Bank	\$17,622.10
Pension Payroll Account	M & T Bank	\$104,450.33
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$2,295.81
Non-Uniform Pension-Plan 2	M & T Bank	\$1,072.18
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$1,496.71
Police Pension Account	M & T Bank	\$556.93
Fire Pension Account	M & T Bank	\$607.15
Worker's Comp 3rd Party Account	M & T Bank	\$0.00
Retiree Healthcare Account	M & T Bank	\$490,966.72
SubTotal		\$6,698,221.38
Total Cash on Hand		\$6,698,221.38

INVESTMENTS AS OF JUNE 1, 2017:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
General	WSFS	CD	6/8/2017	0.80%	\$1,535.82	\$2,502,561.65
General	TD	CD	6/8/2017	0.85%	\$2,503.42	\$2,500,000.00
General	TD	CD	6/22/2017	0.85%	\$3,318.49	\$2,500,000.00
General	TD	CD	6/30/2017	0.85%	\$1,157.08	\$1,602,786.53
General ¹	TD	CD	6/30/2017	0.91%	\$11,567.49	\$15,465,686.12
General	TD	CD	7/6/2017	0.85%	\$3,916.99	\$3,003,575.00
SUB-TOTAL:						\$27,574,609.30
CAPITAL FUND:						
Capital	TD	CD	6/28/2017	0.88%	\$24,109.59	\$20,000,000.00
Capital	TD	CD	6/28/2017	0.88%	\$10,126.03	\$10,000,000.00
Capital	WSFS	CD	6/30/2017	0.90%	\$376.08	\$492,000.00
Capital	WSFS	CD	7/19/2017	0.80%	\$15,277.81	\$7,745,000.00
SUB-TOTAL:						\$38,237,000.00
RISK MGMT:						
Risk Management	WSFS	CD	7/10/2017	0.50%	\$35,245.13	\$7,068,391.71
Worker's Comp	WSFS	CD	7/10/2017	0.50%	\$35,245.13	\$7,068,391.71
Retiree Medical Escrow	Vanguard-OPEB					\$16,742,441.00
SUB-TOTAL:						\$30,879,224.42
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	6/29/2017	0.90%	\$3,110.54	\$4,205,000.00
Fire Pension	TD	CD	6/29/2017	0.87%	\$1,761.21	\$2,463,000.00
Escrow Pension	Vanguard					\$42,030,944.00
Escrow Pension	Black Rock					\$23,758,878.00
Escrow Pension	Edgar Lomax					\$25,978,479.00
Escrow Pension	Wilmington Trust					\$49,222,070.00
Escrow Pension	Manning & Napier					\$14,300,791.00
Escrow Pension	Earnest Partners					\$21,554,818.00
Escrow Pension	MFS Management					\$26,161,098.00
Escrow Pension	American Funds					\$14,083,816.00
SUB-TOTAL:						\$223,758,894.00
OTHER:						
Deferred Comp.	MassMutual					\$44,224,196.73
Total Investments						\$364,673,924.45
Total Cash on Hand						\$6,698,221.38
Grand Total						\$371,372,145.83

¹ Budget Reserve


 Velda Jones-Potter, City Treasurer

REPORT OF COMMITTEES

None this evening.

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Robert L. "Bobby" Henderson
All Council	Retirement Mark Pilnick
All Council	Recognize David Karas, Ph.D.
Chukwuocha	Recognize Walter "Mr. Sonny" Graham
Freel	Sympathy Francis E. Menton
Guy	Congratulate Dr. Nina Anderson & TOVA-Delaware's 2017 Woman-Owned Small Business of the Year
Harlee	Celebrate Christian Growth Ministries - Church Street Launch
Oliver	Sympathy Leslie A. Roane
Shabazz	Sympathy Michael Sheppard
Shabazz	Sympathy Dr. Waldron H. Giles
Shabazz	Sympathy James Davis

Council Member Guy: On the motion.

President Shabazz: Excuse me.

Council Member Guy: On the motion. That means I have a comment. On the motion.

President Shabazz: And, your comment is?

Council Member Guy: Yes, I'm going to speak to one of the items.

President Shabazz: On one of the non-legislative business?

Council Member Guy: Yes.

President Shabazz: Let me get all approved and then you can speak on your....

Council Member Guy: Well, you're supposed to speak while it's pending. You already did a motion, you had a second and now we're on the motion. So, this is when you're to...

President Shabazz: You're speaking on the question?

Council Member Guy: Yes, I want to speak on it. Yes.

President Shabazz: Well, proceed.

Council Member Guy: Okay. You do have an option of pulling it out separately as a presentation or speaking on non-legislative business while it's being voted on. So, that's what I'm doing.

President Shabazz: Understood.

Council Member Guy: And, I just wanted to briefly comment about Dr. Anderson - Dr. Nina Anderson and I just wanted to make sure that the public was aware that she's being recognized because she was the 2017 Women-Owned Small Business Woman of the Year by the Small Business Administration. She was a person who was raised here in Wilmington, Delaware. She went to local high school; graduated from the University of Delaware with her Bachelors and Masters and received her Doctorate Degree and she's basically created a legacy in dealing with Sickle Anemia Disease. And, she often plays the violin at the UD games but she's an outstanding person and she's an example of what young folks growing up in Wilmington, there's no limits on what you can become and she's an example of that. That's all I have Madam President.

President Shabazz: All those in favor signify by saying "Aye", any opposed? Any other presentations for this evening?

Presentations were done.

Upon a motion of Council Member Walsh, seconded by Council Member Turner, Council returned to legislative business. Motion prevailed.

*Note: Council Member Congo was recognized at this time and marked present and reflected in the minutes herein (Roll Call).

LEGISLATIVE BUSINESS

President Shabazz: Council Member Chukwuocha.

Council Member Chukwuocha: Nothing tonight Madam President. Thank you.

President Shabazz: Council Member Congo.

Council Member Congo: Nothing tonight Madam President. Thank you.

President Shabazz: Council Member Oliver.

Council Member Oliver: No legislative business tonight Madam President.

President Shabazz: Council Member Harlee.

Council Member Harlee: Yes, Council President, I have an Ordinance to present and call for the first and second reading.

Council Member Harlee presented and called for the first and second reading Ordinance No. 17-019 (Agenda #4368) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE
CITY CODE REGARDING DIRECT DEPOSIT OF
CITY EMPLOYEE PAY

The above Ordinance was given two separate readings by title only and upon a motion of Council Member Harlee, seconded by Council Members Walsh, Freel and Williams, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

President Shabazz: Council Member Turner.

Council Member Turner: Thank you Madam President. Madam President, I have an Ordinance to present and call for the first and second reading.

Council Member Turner presented and called for the first and second reading Ordinance No. 17-020 (Agenda #4369) entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE
CITY CODE REGARDING A CURFEW FOR MINORS

Council Member Turner: Madam President, I move that be known as the first and second reading of the Ordinance and refer it to the Public Safety Committee.

Council Members Walsh and Williams: Second.

President Shabazz: It's been properly moved and seconded that be known as the first and second reading of the Ordinance and refer to the Public Safety Committee?

Council Member Turner: Yes.

President Shabazz: Education, Youth & Families?

Council Member Turner: I said the same thing but ...

President Shabazz: Education, Youth & Families?

Council Member Chukwuocha: I think it's Education, Youth & Families.

President Shabazz: Yeah, I think it's Education, Youth & Families Committee. Thank you.

The above Ordinance was given two separate readings by title only and upon a motion of Council Member Turner, seconded by Council Members Walsh and Williams, the Ordinance was received, recorded and referred to the Education, Youth & Families Committee. Motion prevailed.

President Shabazz: Council Member McCoy.

Council Member McCoy: Yes Madam President, I have a Resolution to present.

Council Member McCoy presented Resolution No. 17-039 (Agenda #4370) as follows:

WHEREAS, it is the prerogative of City Council to review and, from time to time, to take positions on legislation and policy changes proposed outside of Wilmington which would impact City residents; and

WHEREAS, House Bill 125, which is currently being considered by State lawmakers in the General Assembly, would effectively reinstate the death penalty in Delaware; and

WHEREAS, the "Extreme Crimes Protection Act," as it has been named, would revise the State's death penalty statute to ensure compliance with the U.S. Constitution as interpreted by the U.S. Supreme Court and the Delaware Supreme Court; and

WHEREAS, these revisions would address the concerns the State's Supreme Court raised when it ruled the State's death penalty statute unconstitutional last year, thereby reinstating the death penalty with certain requirements for the imposition of such a sentence; and

WHEREAS, opponents of the death penalty have argued fervently against the measure, citing the risk of executing an innocent person, the unfair application of the sentence, and the failure of the penalty to deter individuals from committing crimes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council opposes House Bill 125, and the reinstatement of the death penalty in Delaware.

On the question:

Council Member McCoy: Yes, the Resolution is seeking to oppose the House Bill 125 which is asking for the reinstatement of the death penalty. I've given –

basically I've stated that – on the Resolution that there's been no evidence that it deters violent crimes and it still runs the risk of executing an innocent person and it's disproportionately used on minorities.

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: Thank you Madam President. If it so pleases the sponsor, I would like to be added as a cosponsor.

Mrs. Seijo (City Clerk): So noted.

Council Member McCoy: Yes.

Council Member Congo: Madam President.

President Shabazz: Councilman Freel.

Council Member Freel: This Bill in Dover obviously causes me a great deal of conflict and I've talked to my colleague this. For many years, I was definitely opposed to the – through death penalty and then my life kind of changed eighteen years and I start looking at a lot of things differently. And, though I know and I agree it probably doesn't deter crime, morally it's probably wrong, but I just – in my gut know that if anything ever happened to my children, I would want the possibility of the death penalty for that person whoever they were. And, I know that might be wrong, but I'm sure like most parents, I've had nights where I've had nightmares about things happening to my kids and I would not be able – I would not be able to accept the fact that they were gone and this person whoever it might be, even though they got life person, might be able to sit there and laugh and tell jokes and things like that. So, just to be very honest about the whole situation and I tried to explain that to Ms. McCoy, I just can't support this this evening. Thank you.

President Shabazz: Councilman Congo.

Council Member Congo: Yes thank you. If it's okay, I'd like to be added as a cosponsor.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: Councilwoman Oliver.

Council Member Oliver: I'd like to be added as a cosponsor also.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: Council Member Walsh.

Council Member Walsh: I'd like to be added also Madam President and...

Mrs. Seijo (City Clerk): So noted.

Council Member Walsh: ...if I can make one comment, well maybe three sentiments of this and whatever. I kind of feel the way Mr. Freel does but I view it differently. I believe if something happened to my children, I would end up being the one in jail because I might be capable of taking someone else's life but, for me to sit on a jury and condemn another human being, I don't think I'm capable of doing that at all. And, that's where I'm hoping all of my acts of contrition and the ways of the cross and all the other things I've done in my life, I hope it's all real at the end of this life and that's for that man or woman to decide for the sins we commit on earth.

President Shabazz: Council Member Harlee.

Council Member Harlee: Yes, I would like to be added as a cosponsor as well. Thank you.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: Council Member Guy.

Council Member Guy: Yes Madam Chair, in the 90's I passed a Resolution right here on this City Council and the gist of it was asking that Delaware not use the death penalty until it could be research as to its lawfulness and appropriateness and over the last several decades what Delaware just recently learned within the last couple of years is that it had an unconstitutional system in place. And, so, all of this change and things of that nature that's being attempted down in Dover is an effort to take an unconstitutional system and make it constitutional but I like many of the people who spoke here, I'm not arguing about whether it's unconstitutional or not, I disagree with the use of the death penalty for a lot of reasons. The most obvious one is, there's people who can be put to death that may be innocent and with all of this new science that's available, sometime folks don't found out until 20 years later that a person was innocent. The other reason is that, you know, from a religious prospective, which that doesn't control everything for everybody but for me that matters and concerns me to go to the extent of killing somebody as human beings to actually have that kind of on us. And, I know it's terrible when people kill somebody as well but folks may actually get the easy way out being kill as oppose to being in jail for the rest of their lives. And, again, society is dangerous when we know that the criminal justice system makes mistakes. All you have to do is look at the history of court cases where cases have been overturned. So, for those reasons, I support this Resolution and I would hope they wouldn't have the death penalty at all down in Dover. That's all I have Madam Chair.

President Shabazz: Councilman Williams.

Council Member Williams: Thank you Madam President. For twenty years, I wore a badge representing the City of Wilmington. The images, the faces, the names, the places that I've seen and that can be done to a fellow human being by someone who has absolutely no conscious whatsoever, can't be erased. Recent happenings in our state of note where lives have been taken, police officers in general and the circumstances surrounding their death, in my opinion, warrant the upmost and the highest level of punishment possible. So, therefore, I cannot support this matter. Thank you.

President Shabazz: Council Member McCoy.

Council Member McCoy: Thank you Madam Chair. I'm sorry Madam President. Actually, I just had one more thing to say and based – to me it's based on sentences not being consistent. I do understand that people commit crimes and they do – I mean, these people are doing horrible things and I have never lost anyone for a violent crime but what I'm stating is that by bringing the death penalty back and we're not evenly distributing it, you know, it's more so about revenge rather than justice. When it comes to, you know, disproportionate use on minorities whether or not people who are impoverish or who cannot afford good defense, these are the people that we end up having to pay out after twenty years of being incarcerated because we – no one failed to do a DNA test. You know, these are the things – this is the reasoning behind it. Not the fact that these people didn't do heinous things and that whatever sentence that they get – there needs to be some justice but, we have to – we have to be certain and we never are. So, that's all I have to say.

President Shabazz: Thank you. Clerk will call the roll.

Upon a motion of Council Member McCoy, seconded by Council Member Walsh, the above 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, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, eleven. Nays, Council Members Williams and Freel. Total, two.

President Shabazz: Declare it adopted. Council Member Williams.

Council Member Williams: Yes ma'am, I have a – Madam President I have a Resolution to present.

Council Member Williams presented Resolution No. 17-040 (Agenda #4371) as follows:

WHEREAS, the Wilmington Fire Department and its valiant firefighters ensure the safety of the citizenry and businesses of the City of Wilmington on a daily basis as they regularly place themselves in harm's way; and

WHEREAS, it is incumbent upon the City of Wilmington to limit the risk encountered by the members of the Fire Department to the greatest degree possible by ensuring sufficient manpower to adequately fight any fire or other emergency in the City; and

WHEREAS, to this end, City of Wilmington Code Section 2-233 *Uniformed strength of fire department* (“Section 2-233”) mandates that the City of Wilmington maintain a level of manpower of no fewer than 172 firefighters – the number set forth in the position allocation list attached to the annual operating budget ordinance for FY2017; and

WHEREAS, Section 2-233 further provides that if the number of firefighters falls below 95% of the minimum number of 172 – *i.e.*, falls to 163 firefighters – then the fire chief must draft a Resolution calling for the commencement of a firefighter academy class, and present such Resolution to City Council for Council’s Review, after which the City of Wilmington must immediately commence the hiring process and hire sufficient additional firefighters to bring the number of firefighters up to the level of 172 firefighters; and

WHEREAS, the Wilmington Fire Department currently has 149 firefighters; and

WHEREAS, nothing in the City Code prohibits this legislative body from bringing forth legislation to ensure compliance with a law, thereby compelling City Council’s review as would otherwise occur if the fire chief had initiated the process; indeed, bringing forth such legislation is properly within the purview of this legislative body and, moreover, when it is brought to this body’s attention that a law is not being complied with, it is the fiduciary obligation of Council to ensure the mandates of the law are adhered to, especially when the failure to do so, as here, creates risk to the citizenry of and businesses in the City that Council has an obligation to protect.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council resolves that this Resolution satisfies the provisions set forth in City of Wilmington Code Sections 2-233, and Council further resolves that the Fire Department of the City of Wilmington shall immediately commence the hiring process and hire sufficient additional firefighters to bring manpower up to the minimum level of 172 firefighters, and thereby ensure the welfare and safety of our City’s citizenry and businesses.

Council Member Williams: Madam President, I move this Resolution be received, recorded and filed and adopted by Yea and Nay vote.

Council Member Turner: 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:

Council Member Williams: Madam President, one might ask why is this Resolution coming out now after the budget is already been done but the better question is that you should ask is why is a non-sitting public safety member from the committee

presenting this? Why did that person have to do the research, the preparation and the presentation? It should have been done by the Administration and it should have been done under the urgency and guidance of the Public Safety Committee. It seems they got a free pass for five (5) months in my opinion. Either it was ignored or it's was overlooked by the Public Safety Committee. I hope it was overlooked. But, since not a single mention about the budget cuts to public safety came from the Committee, there wasn't a single word that came out of that Committee about for or against those budget cuts. It makes me wonder. So, I respectfully wish to **withdraw** this Resolution as it's no longer valid at this point. Thank you.

President Shabazz: So noted. Council Member Freel.

Council Member Freel: Yes Madam President, I have an Ordinance to present and call for the first and second readings.

Council Member Freel presented and called for the first and second reading Ordinance No. 17-021 (Agenda #4373) entitled:

AN ORDINANCE TO AUTHORIZE AN ELECTRICITY
PROCUREMENT CONTRACT STARTING IN FY 2018

The above Ordinance was given two separate readings by title only and upon a motion of Council Member Freel, seconded by Council Members Williams and Walsh, the Ordinance was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

Council Member Freel: Thank you. That's all I have.

President Shabazz: Council Member Guy.

Council Member Guy: Yes Madam Chair. I have an Ordinance to present, agenda item 4359 and call for the third and final reading.

Council Member Guy presented and called for the third and final reading Ordinance No. 17-017 (Agenda #4359) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 7
TO THE FISCAL YEAR 2017 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 16-018, AS AMENDED)

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

Council Member Williams: Second.

President Shabazz: It's been properly moved and seconded that be known as the Enacting Clause of the Ordinance and call for the Yea and Nay vote.

On the question:

Council Member Guy: Yes Madam President, as we all know, out of the four at-large members of Council, I was the Councilman that received zero dollars. So, out of that came this ordinance as a way to provide some money for all these kids that need scholarships running around in the City of Wilmington who want to do something positive. So, that was the purpose of this ordinance. As I've said before, we were willing to spend forty-thousand dollars for a raise for a Chief of Police who wasn't even here yet and it appears to me as if we're not likely to be able to spend twenty-nine thousand dollars to help kids go to college. My concern is, is that the City Council Scholarship Program is open to everybody. The Mayor announced his scholarship program and he only limited to people who were in high school right now. The Code of the City of Wilmington prohibits age discrimination. So, I want to know how the Mayor, since he doesn't want Council to have money to distribute to everybody, how does he reconcile our anti-age discrimination legislation? So, in light of the Mayor continuing his position, I guess I'm going to have to take this legislation and see if he changes his mind at the next meeting because he has a letter that he distributed today saying that he's not – what's the magic word here – please be advise that he's not authorizing this budget amendment at this time. Because there's a timeframe where he has to be positively involved and he's unwilling to do that. So, that's all I have Madam Chair. So, this cannot go forward at this time as I understand.

President Shabazz: Are you asking – your sure – are you asking for it to be held?

Council Member Guy: According to what they sent to me as a notification that until he says that he's supporting this, that it can't move forward on this floor. That's what the notice that the Law Department sent. So, it has to basically to be held by operational law is what I'm saying.

President Shabazz: That's what I was asking. Are you asking for the legislation to be held?

Council Member Guy: Yeah – I'm not asking. I'm just acknowledging that they said it has to be because I prefer to move forward with it but understand that it has to be held.

President Shabazz: Your – your - - but you're the sponsor and you're presenting it and you're – I - -and my question to you on the legislation you have presented, are you asking it to be held?

Council Member Guy: Yes, it has to be held 'til the next meeting.

President Shabazz: Ok, thank you. Motion held.

Council Member Walsh: Doesn't need to be no motion.

President Shabazz: I meant – I meant to say Ordinance held.

Council Member Guy: Madam President, I have a Resolution to present. Resolution #4372.

Council Member Guy presented Resolution No. 17-041 (Agenda #4372) as follows:

WHEREAS, there are age requirements in the Wilmington Charter that may pose a problem if a 25-29 year old President of Wilmington City Council is required to fill a vacancy in the office of the Mayor, an office that requires the holder of the office to be 30 years old; and

WHEREAS, Council deems it appropriate to amend the Wilmington City Charter to allow twenty-five (25) year old residents of Wilmington to serve as the Mayor; and

WHEREAS, Sec. 2-103. - Qualifications of councilmen. "A councilman shall be a citizen of the United States, shall be a qualified elector of the city and shall have been such for at least one year prior to his election. No councilman shall hold any other city office or employment during the term for which he was elected to the city council. A councilman shall not be less than twenty-five (25) years of age when elected to office. He shall remain a resident of the councilmanic district from which he was elected during his term of office. If a councilman shall cease to possess any of these qualifications, including in the case of a councilman elected from a councilmanic district, residence in the district from which he was elected, or if he shall violate any expressed prohibition of this Charter, or if he be convicted of a crime involving moral turpitude, his office shall immediately be forfeited and become vacant. A councilman shall be deemed to have been convicted of a crime involving moral turpitude upon his conviction in superior court of the State of Delaware, or by an inferior court if its decision is not appealed to the superior court. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. The council shall be the sole judge of the qualifications and election of its members and for this purpose shall have power to subpoena witnesses and require the production of records."; and

WHEREAS, Sec. 3-300. - Mayor. "The mayor shall have been a resident of the city for at least two (2) years preceding election, shall be at least thirty (30) years of age at the time of his election and shall remain a resident during the term of office."; and

WHEREAS, Sec. 3-500. - Mayor. "In the case of the mayor's temporary disability or temporary absence, the president of the council shall act as mayor; and if the president of the council should resign or be unable to act, then the chairman of the finance committee of the council shall act as mayor; if the chairman of the finance committee should resign or be unable to act, then a mayor shall be appointed by a majority vote of the remaining councilmen from among the members of the council.

Whenever a vacancy occurs in the office of mayor by reason of death, resignation, removal from office or other cause, the president of the city council shall serve as mayor for the balance of the unexpired term and his office as president of council shall become vacant. A vacancy in the office of president of council shall be filled as provided in section 2-101."; and

WHEREAS, Sec. 2-51. - How amendments may be initiated. "The amendment of a charter shall be proposed by a resolution of the legislative body of a municipal corporation, three-quarters of all members elected thereto concurring ...".

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council proposes the following amendment to the Wilmington City Charter: [Brackets] indicate language deleted. Italics indicate new language added. Introduction. Sec. 3-300. - Mayor.

"The mayor shall have been a resident of the city for at least two (2) years preceding election, shall be at least [thirty (30)] *twenty-five (25)* years of age at the time of his election and shall remain a resident during the term of office."

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

Council Member 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:

Council Member Guy: Yes Madam Chair. A young person approached me back during the last election cycle and they pointed out to me – they said there's inconsistency in the Charter. They said that the President has to be twenty-five years old and the Mayor has to be thirty years old and it kind of surprise me to have a young person walk up to me having done that type of research and when I looked it up on my cell phone on MuniCode, the person was absolutely correct. So, first of all, I want to – it makes me feel good to know that there's young folks doing that kind of in depth research about the City of Wilmington's law and things of that nature. And, basically, what the person pointed out was that if a City Council President is twenty-seven years old and the Mayor resigns or retires, the person who's supposed to take that spot isn't thirty years old yet. So, the first thing, I think Madam Chair is, I'm wondering has the Law Department – they signed off on it approved as to form and I'm wondering has the Law Department ever issued any kind of opinion on this topic first of all or do they have any legal opinion as to what happens if the example I just gave came up because that goes to the need?

President Shabazz: So, are you asking – you're asking that as a question to be...

Council Member Guy: I'm asking as a question to the Law Department representative that's serving as the parliamentarian – just – I'm sure this came by all of their desk they scrutinize each piece of legislation, so, did anything come up when they researched this or when they looked into it? That's what I'm asking.

President Shabazz: Well he – he's serving as a parliamentarian and not as – and not in his position to give legal advice at this time. That was a question you probably should have asked before we brought the Resolution forward.

Council Member Guy: Well nobody – nobody has said a word so I'm just providing one last opportunity in case they have something that they've learned because they look into everything. So, if he doesn't that's fine.

President Shabazz: Well I don't – like I said I think that we poise – that question been poised and I wouldn't like to him have on the fly just make that – try to give an opinion on this without giving him adequate opportunity to have any documentation to research this to support his position.

Council Member Guy: Ok, well this provisions in the Code these are actually what the Code provision say and there is that disconnect and that's all I have. It looks like it needs to be corrected. That's all I have Madam Chair.

President Shabazz: Councilwoman Walsh.

Council Member Walsh: This Resolution actually requires a Charter change.

President Shabazz: Right.

Council Member Walsh: So, it's kind of neither here nor there what the Law Department thinks because they're not going to be the ones that are making the Code change. It has to be done down in Dover for a Charter change.

President Shabazz: Right.

Council Member Walsh: So, this is in fact going to the legislature to recommend that it be more consistent with the succession of the offices.

President Shabazz: Councilwoman McCoy.

Council Member McCoy: Yes Madam President. So, my question is would – are we voting this for a Charter change to be more consistent or are we voting to lower the age of the Mayor?

President Shabazz: Well, from my understanding the Resolution is proposing that they Charter change the age eligibility of the Mayor from thirty years to

twenty-five years. That's my understanding. Council Member Freel. Did you have a comment?

Council Member Freel: I guess – I guess I was just curious whether – being that this is the first time that this has come up or in front of us, was there ever discussion, I guess, to do the opposite to – to change the President from twenty-five to thirty and that way make it uniformed? But I don't know whether this was discussed at before so.

President Shabazz: Well, this, this, this is the first time it's brought before the Committee of the Whole for discussion. Council Member Harlee.

Council Member Harlee: Yes Council President, so, are we going to be voting on this Resolution?

President Shabazz: It's up for a vote, yes.

Council Member Harlee: Okay. So, I just want to say that when I originally seen this, my first thoughts about it was that at twenty-five years old, I figured, you know, even if you go to college, get degrees in local government, polices, etc., that there is something to be said for years of experience with certain decisions that need to be made. However, I said well let me do some research and go online and see how many other cities have mayors that are twenty-five years and under. I actually seen in the United States where we have actually seventy-seven mayors that are under the age of twenty-five and we actually have twenty-two mayors between the ages of twenty-six and twenty-nine. And, I began to look at those numbers and I also interviewed a couple of professionals, millennials – you got their input in terms of what did they think about the age limit dropping and from the interviews that I had with them, I was pretty impressed with the feedback as it related to what they shared as it related to if they're qualified, if they show track records experience of being passionate and wanting to, to make difference by getting involved and writing policies, why not give them a chance? So, after doing my research, I decided that I would be interested in supporting legislation to lower the age to twenty-five to give them a chance and hopefully it encourage them to get involved in civic duty to be ready at twenty-five. Thank you.

President Shabazz: Councilman Turner.

Council Member Turner: Thank you Madam President. I'm just like Council, Councilperson Freel of the fact of, you know, the up or down, but I do know that there's an age disparity of five years. So, regardless of any time during the term of the mayor of either passing on or resigning, there will be a discrepancy between the age of the President. I also, did a little research, not in depth as Councilwoman Harlee, thank you for that research you did, but certain surrounding areas have a lower age, age requirement than us in the City of Wilmington. So, I mean, I do think that this is a needed discussion, a needed Resolution to, to, to send to, send to the General Assembly to, to adjust in the Charter. I do, do agree with that. I didn't know that there were

seventy-seven other cities that has a mayor that's under twenty-five. That's, that's – that shock me today. So, I too would support this in light of some of the information that was presented today because we do need to, to, to make an adjustment on the age requirement. So, that's all I have.

President Shabazz: Councilwoman Harlee.

Council Member Harlee: Yes and I just want to add that I even looked up one of the gentlemen that's a mayor that got elected at the age of twenty-five. His name is Mayor Bogusz. He is the mayor of Des Plaines, Illinois and they have a population of fifty-nine thousand people and he's been the mayor since the age of twenty-five and he's still serving as mayor. And, he got started very early at the age of twenty-two; he was elected as the Alderman of the Third Ward earning 73% of the vote on a three-way race. That was pretty impressive to me and there were a number of individuals that got started early and I just want to say that it's – lower the age is one thing and individuals being qualified and showing that they are capable I know is another thing but the research is out there that there are seventy-seven, at least seventy-seven that are under the age of twenty-five. So, I just wanted to share that.

President Shabazz: If I could ask, Council Member Harlee, what did you – did you also see how many mayors there are across the whole United States to see how many seventy-seven percent represent from the totality of mayors because there's very small cities, you know, within the States and so, seventy-seven may sound a lot as compared to the magnitude of mayors that across the city? Did you get that number?

Council Member Harlee: It will – well, to answer your question, there were mayors of different size cities – small, medium and large. So, I was more interested in just knowing how many were out there of that age – twenty-five and under. I wanted to narrow twenty-five as well as between twenty-six and twenty-nine. Twenty-six and twenty-nine, so the total was like ninety-nine but I was more interested that research.

President Shabazz: Well, I have a quest - - I have – I also kind of agree with Councilman Freel as well as Councilman Turner regarding was there ever a consideration of maybe changing the numbers to the other direction – that the – instead of the mayor thirty years to twenty-five that the Council President had to be thirty years, so that we would keep that little level of time for life experience, work experience and also to be considered for a person that would run the City of Wilmington understanding the depth of and the intricate diversity of our city. We could understand that it might be something that's happening in other cities but looking at the design of our city what we think would be the best. Was that a consideration? Would that be consideration in the friendly amendment on this Resolution?

Council Member Guy: What would be the specific amendment?

President Shabazz: That the – that the - that the age would change. Instead of moving the mayor from thirty to twenty-five that the City Council President

would move with the number – to, to thirty instead of twenty-five. Instead of moving the mayor's age down to meet the age of the City Council, that the City Council move up to the age of the current age that's – designated for the mayor.

Council Member Guy: Right, yeah, that was considered and – and it was pretty quickly discounted in the conversations because basically for all of these years, folks have been eligible to run for City Council President at age twenty-five. So, to now all of a sudden to bump it up to thirty is actually reducing folks opportunity to participate in the political system. So, it's like taking away from folks. So, the other direction just put – makes everything equal. Or I guess, hypothetically if you take what you said, the age could be twenty-five for both, twenty-six for both, thirty for both. So, in just changing one that's what I came up from conversations and I too saw a lot of information that indicated that age is not the determining factor of the quality of representation provided by any elected official. That's basically commonly understood and folks at age twenty-five – there's a lot of people that are age twenty-five that are ready but they have to get elected. Just because they're eligible to run, they still have to get elected like anybody else. So, yes it was considered but that would take something from people who are already eligible. We now be recommending that people who are eligible won't be eligible.

President Shabazz: So, I take it as a “no” that you would not accept that as a friendly amendment?

Council Member Guy: No. It's a complete opposite of what I'm trying to do.

President Shabazz: Okay. Councilwoman Oliver.

Council Member Oliver: Thank you Madam President. That's was I – same question, I was considering to support this if he was willing to switch that to thirty. So, I was you this – I was asking the same question that you was asking.

President Shabazz: Council Member Walsh.

Council Member Walsh: But up into now you weren't talking about regular Councilmembers. You were discussing the president becoming the mayor and not a Councilmember moving up into president. Because Council as a whole – if the mayor dropped dead tomorrow and you became mayor - - number one, it wouldn't apply here because we all are over the age of twenty-five...

President Shabazz: Just barely.

Council Member Walsh: ...even for future, it would still be doable. Twenty-five years old would still be able to run for Council. Right?

President Shabazz: It's just the presidency position we're talking about. The age change. Councilman Adams.

Council Member Adams: Yes ma'am. Again, I certainly hope we, we consider your proposed, friendly amendment to change from twenty-five to thirty because you know, constitutionally when they put these things together a very long ago, they sort of equated life experiences with age. If you look at kid that if he does go to college, he comes back home around twenty-two or least finishes school at twenty-two and then at that time he would gain within a three-year period enough wisdom and knowledge to run for mayor at age twenty-five and then – also, you got to consider the amount of money the guy would need to raise to run in three years for his position of mayor. I just, I know myself at twenty-five perhaps I was a little wiser at thirty – I won't say I was a lot wiser at thirty but somehow, I started to figure things out. I guess around thirty-five. So, I think the suggestion of considering the friendly amendment to change the age from twenty-five to thirty based on life experiences and with someone at that young age would have to go through in order to gain the knowledge, wisdom and everything else in order to become mayor, I just think isn't a practical age and it wouldn't be a reason to cut that off. That's like say, gee whiz, if we cut the age for the President of the United States from thirty-five to twenty-five, we would give a lot more people opportunity to do that. And, I really, again, it's equating age with life experience which may be not necessarily correlated exactly but I do think that does say something to having a life experience at an age of thirty. So, I certainly would hope that the sponsor of this Resolution would reconsider the friendly amendment and move the age from twenty-five to thirty for Council President. Thank you.

President Shabazz: Council Member Freel.

Council Member Freel: It's actually a pretty interesting discussion. I guess I'm wondering what the urgency is of doing this tonight. I'm sure my colleague understands how the legislature works and I thought they're going to take this up by June 30th. So, I guess what I'm asking, why don't we just hold it and have some more discussion maybe refer it to some committee and have more discussion about it because it is an interesting topic.

Council Member Guy: Yes, on – on that issue, there's three numbers that are critical. You have the age of regular Council people than you have the President than you have the Mayor's age. If you move the President up to thirty than if one of those Council people become the President of Council, you got the same problem again potentially. Okay. That's when they're all even you don't have any problem. So, this – I hear different prospective on what's the equal number but usually in government when people have certain rights, you don't go quickly taking their rights from them. To move the age for Council or President of Council up to thirty is – would be viewed by a lot of people as like almost trying to cut young people out of participating in the political process when those have been those ages as far back as we can remember. So, at the end of the day, I don't know that there's like a rush and generally speaking, we don't have the appropriate committee in place to be able to address this kind of conversation. Because

this is the kind of issue when it comes to Charter changes that usually would go to a Judiciary Committee. So, what committee can we refer this to so that we can have more discussion on it? I don't mind – it's not like it's ...

President Shabazz: It's call the Committee of the Whole.

Council Member Freel: Right.

Council Member Guy: Okay well than let's schedule it for a Committee of the Whole meeting.

President Shabazz: Well we're in a Committee of the Whole. You want to held- hold it until the next Committee of the Whole meeting?

Council Member Guy: I don't mind. It's not like we have to pass it like right at this second.

President Shabazz: Very good.

Council Member Guy: We can have some more conversation on it.

Mrs. Seijo: Okay.

President Shabazz: Very good.

Mrs. Seijo: He's holding.

President Shabazz: It's held. Thank you.

Council Member Guy: What committee are we referring it to? The Committee of the Whole?

President Shabazz: Committee of the Whole.

Council Member Guy: Okay. Do we already have a date scheduled for the next Committee of the Whole meeting?

President Shabazz: June 15th.

Council Member Guy: Okay; so, moved. That's all I have Madam President.

President Shabazz: Council Member Walsh.

Council Member Walsh: I don't have any legislation. Thank you.

PETITIONS AND COMMUNICATIONS

On behalf of Council Member Chukwuocha, the City Clerk read the following communication:

May 22, 2017

Honorable Nnamdi O. Chukwuocha
Louis L. Redding
City/County Building
800 N. French Street, 9th floor
Wilmington, DE 19801

Dear Councilman Chukwuocha,

By way of this letter, you are hereby advised that Sara T. Toner, Esq. of Richards, Layton and Finger, P.A. submitted an application on behalf of Riverside Hospital Redevelopment, LLC for rezoning of 700 Lea Boulevard, Wilmington, Delaware. The application is submitted to the City Clerk, which in turn is referred to the Council Member representing the affected district, for submission to City Council.

Should you have any questions, please feel free to contact me. Thank you for your time and attention to this matter.

Sincerely,
/s/Maribel Seijo
City Clerk

Enclosure

Cc: Honorable Hanifa Shabazz, Council President (via email; w/o encl.)
Gary Fullman, Council Chief of Staff (via email; w/o encl.)
David Karas, Legislative & Policy Director (via email; w/o encl.)

Council Member Chukwuocha moved the above communication be received, recorded and filed and referred to the Planning Commission.

On behalf of Council Member Williams, the City Clerk read the following communication:

May 25, 2017

Honorable Robert A. Williams
Louis L. Redding
City/County Building
800 N. French Street, 9th floor
Wilmington, DE 19801

Dear Councilman Williams,

By way of this letter, you are hereby advised that Hon E. Tracey, Esq. of Young Conaway Stargatt & Taylor, LLP., submitted an application on behalf of Catholic Cemeteries, Inc. for annexation of Tax Parcel No. 07-036.30-060 into the City of Wilmington (a portion of the Cathedral Cemetery property located adjacent to Lancaster Avenue). The application is submitted to the City Clerk, which in turn is referred to the Council Member representing the affected district, for submission to City Council.

Should you have any questions, please feel free to contact me. Thank you for your time and attention to this matter.

Sincerely,
/s/Maribel Seijo
City Clerk

Enclosure

Cc: Honorable Hanifa Shabazz, Council President (via email w/o encl.)
Gary Fullman, Council Chief of Staff (via email w/o encl.)
David Karas, Legislative & Policy Director (via email w/o encl.)
Tanya Washington, Mayor's Chief of Staff (via email w/o encl.)
Luke W. Mette, City Solicitor (via email w/o encl.)
Herbert M. Inden, Director, Dept. of Planning and Development
Gwinneth Kaminsky, Planning Manager

Upon a motion of Council Member Williams, seconded by Council Member Walsh, the above communication was received, recorded and filed and referred to the Planning Commission. Motion prevailed.

Council Members announced Christina school board district election, civic association meetings/committee meetings and community events/activities and the various community throughout their districts. In addition, folks were encouraged to contact their local state legislator to not cut so deeply into the programs and services that support youth, children and families.

ADJOURNMENT

Council Member Turner moved for Council to adjourn at 8: 15 p.m.

Attest: 
Maribel Seijo, City Clerk