

*Wilmington, Delaware
Louis L. Redding
City/County Building
June 15, 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, Williams, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Absent, Council Members McCoy, Freel and Walsh. Total, three.

MINUTES

After reading a portion of the minutes of June 1, 2017, upon a motion of Council Member Chukwuocha, seconded by 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>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Va'Shun "Vash" Turner, Chair	X		
Zanthia Oliver	X		
Loretta Walsh		X	
Michelle Harlee		X	
Ciro Adams, Vice-Chair	X		
President Hanifa Shabazz, Ex Officio		X	

President and Members of Council of
The City of Wilmington

June 13, 2017

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred **Ordinance No. 17-021** entitled:

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

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Va'Shun "Vash" Turner, Chair
/s/Zanthia Oliver
/s/Ciro Adams, Vice-Chair

Upon a motion of Council Member Turner, seconded by Council Member Williams, the above Report was received, recorded and filed. 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 Chukwuocha, seconded by Council Member Williams, 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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City of Wilmington Delaware

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 Treasurer's Report as of June 15, 2017

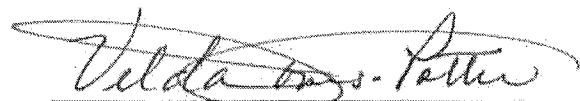
Cash on Hand:

General Account	M & T Bank	\$8,194,829.00
Central Deposit	M & T Bank	\$21,779.28
Payroll	M & T Bank	\$7,507.07
Total Petty Cash Accounts	M & T Bank	\$10,455.70
Grant-In-Aid	M & T Bank	\$287,342.13
Evidence/Found Currency Account	M & T Bank	\$811,597.60
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	\$17,372.10
Pension Payroll Account	M & T Bank	\$10,594.56
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	\$200,163.55
Police Pension Account	M & T Bank	\$954,067.49
Fire Pension Account	M & T Bank	\$49,660.66
Worker's Comp 3rd Party Account	M & T Bank	\$0.00
Retiree Healthcare Account	M & T Bank	\$192,879.76
SubTotal		\$10,799,262.29
Total Cash on Hand		\$10,799,262.29

INVESTMENTS JUNE 15, 2017:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
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	TD	CD	7/6/2017	0.85%	\$3,916.99	\$3,003,575.00
General	WSFS	CD	7/20/2017	0.95%	\$2,863.01	\$2,500,000.00
General	WSFS	CD	8/3/2017	0.95%	\$3,773.97	\$2,500,000.00
General	WSFS	CD	8/17/2017	0.95%	\$4,684.93	\$2,500,000.00
General ¹	TD	CD	6/30/2017	0.91%	\$11,567.49	\$15,465,686.12
SUB-TOTAL:						\$30,072,047.65
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	7/11/2017	0.95%	\$679.05	\$815,306.00
Worker's Comp	WSFS	CD	7/11/2017	0.95%	\$679.05	\$815,306.00
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					\$16,957,808.00
SUB-TOTAL:						\$32,725,203.42
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					\$42,614,796.00
Escrow Pension	Black Rock					\$23,891,555.00
Escrow Pension	Edgar Lomax					\$26,154,234.00
Escrow Pension	Wilmington Trust					\$49,489,336.00
Escrow Pension	Manning & Napier					\$14,695,426.00
Escrow Pension	Earnest Partners					\$21,834,105.00
Escrow Pension	MFS Management					\$27,214,490.00
Escrow Pension	American Funds					\$14,489,819.00
SUB-TOTAL:						\$227,051,761.00
OTHER:						
Deferred Comp.	MassMutual					\$44,352,807.52
Total Investments						\$372,438,819.59
Total Cash on Hand						\$10,799,262.29
Grand Total						\$383,238,081.88

¹ Budget Reserve


 Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Retirement Bobby Cummings
Shabazz	Commend Dr. LaVerne Harmon of Wilmington University
Williams	Commend Ryan Hahn, Sean Williams and Kayla Chambers
Williams	Commend Senior Firefighter Basilio Silva, Jr. and Firefighter Michael Wiktorowicz

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

LEGISLATIVE BUSINESS

President Shabazz: Councilmembers, at the June 1st meeting I proposed that Resolution 17-041 – Proposing an amendment to the Wilmington City Charter related to the age requirement of the Mayor be discussed by the Committee of the Whole as part of the June 15th Regular City Council meeting. Since then, I've received questions about whether incorporating the Committee of the Whole into a regular Council meeting was a good idea. As you know, Council staff polled you getting your feeling on this. You overwhelmingly recommended that Committee of the Whole be detached from the regular Council meeting. Based on your expressed feelings, I would like to recommend that this Resolution be pulled from the agenda this evening and added to the agenda for a Committee of the Whole meeting that's schedule on June 29th to engage in a more robust debate and discussion on this time. The delay in debating this extremely important issue will not be harmful because it will not be entertained by the General Assembly before January 2018. So, I'd like you to take that into consideration as we move forward with the agenda. Councilman Chukwuocha.

Council Member Chukwuocha: Yes Madam President, I have a Resolution to present and two Resolutions to present on your behalf.

President Shabazz: Yes sir.

Council Member Chukwuocha presented Resolution No. 17-042 (Agenda #4374) as follows:

WHEREAS, City Code Section 2-10(b)(2) requires agreements with other governmental or quasi-governmental agencies for mutual support be “subject to approval by city council by resolution approved by a majority of all the members of city council”; and

WHEREAS, the City of Wilmington Department of Parks and Recreation desires approval of the attached agreement for mutual support (“Agreement”) with New Castle Vo-Tech School District, Delaware Department of Education, and United Way of Delaware to employ 10 summer youth program participants, assist with training, and evaluate this pilot program; and

WHEREAS, the purpose of the Agreement is to help youth connect to school-based career pathways with related summer employment to gain first-hand knowledge of the workplace and develop career and college readiness skills; and

WHEREAS, the Agreement is at no cost to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILIMINGTON that the Agreement between the City of Wilmington, New Castle County Vo-Tech School District, Delaware Department of Education, and United Way of Delaware, a copy of which is attached hereto and made part hereof, is hereby approved.

BE IT FURTHER RESOLVE that the Director of Parks and Recreation, or his designee, shall be authorized to take all necessary actions to fulfill this agreement.

FISCAL IMPACT STATEMENT

There is no negative fiscal impact to the City by entering into the Agreement.

Council Member Chukwuocha: Madam President, I move that 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 Chukwuocha: Yes, Madam President, this Resolution is for Department of Parks and Recreation to approve an agreement to work with the New Castle County Vo-Tech School District as well as the Department of Education and the United Way. It’s for a pilot pathways program that will have ten youths from Howard High School participate in a year-long service program that would gear them to not only summer employment program but gear them and link them toward occupations of their interest.

President Shabazz: Clerk will call - - Councilwoman Harlee.

Council Member Harlee: Thank you. I just want to say that I would like to be added as a cosponsor to this piece of legislation. I think that it’s a good piece of legislation as it relates to ensuring that our youth are not just going on jobs just to be working but they will be gaining a skill. Thank you.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: Clerk will call the roll.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, 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, Williams, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Chukwuocha: Madam President, I have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Chukwuocha presented Resolution No. 17-043 (Agenda #4375) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the City of Wilmington has requested grant funds from other governmental entities in Delaware to help support efforts to implement the recommendations of the U.S. Centers for Disease Control and Prevention, as well as the work of the CDC Community Advisory Council formed to help address youth firearm violence in Wilmington through a holistic, public-health lens; and

WHEREAS, the City has requested \$40,000 from the State of Delaware, and \$40,000 from New Castle County; and

WHEREAS, the Council deems it necessary and appropriate to authorize the City to accept the funds, if awarded, and to facilitate implementation of the recommendations of the CDC in furtherance of the City's objectives to enhance public safety and the quality of life in Wilmington.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City's request for grant funds from State of Delaware and New Castle County is hereby authorized.

BE IT FURTHER RESOLVED that the City shall be authorized to take all necessary actions to accept the grant funds and move forward with supporting the efforts of the CDC Community Advisory Council to implement the recommendations issued by the Centers for Disease Control and Prevention related to curbing youth firearm violence in Wilmington.

Council Member Chukwuocha: Madam President, 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 Chukwuocha: Yes Madam President, this is a Resolution where we would be partnering with the State of Delaware as well as the New Castle County government in receiving funds to support the CDC Advisory Council implementation of its recommendations and this is for the administrative team that leads the effort.

President Shabazz: Council Member Williams.

Council Member Williams: Thank you Madam Chair. Just a quick question, are there any matching funds required of us?

President Shabazz: Of the City is also contributing the \$40,000 as well.

Council Member Williams: Thank you.

President Shabazz: Clerk will call the roll.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, 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, Williams, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Chukwuocha: Madam President, I have another Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Chukwuocha presented Resolution No. 17-044 (Agenda #4376) as follows:

WHEREAS, The Elementary and Secondary Education Act (ESEA) was signed by President Lyndon B. Johnson as means to ensure equal access to a quality education for all students, especially those living in poverty, while emphasizing high academic standards and accountability in public schools; and

WHEREAS, in January, House Resolution 610 was introduced in the United States Congress, the chief component of which – titled the “Choices in Education Act of 2017” – calls for the distribution of “federal funds for elementary and secondary education in the form of vouchers for eligible students...”; and

WHEREAS, H.R. 610 would repeal the provisions of ESEA, and would design a funding mechanism for federal block grants provided to states to carry out a school voucher funding system to award such vouchers to parents who elect to enroll their child in a private school, or to home-school their child; and

WHEREAS, school voucher programs carry the concern of reducing funds spent on public education, which could result in lessened funding to public schools and fewer resources to disadvantaged, low-income students. The *Congressional Research Institute* has found that this resolution would take money away from public schools and make it more difficult to hold educators accountable; and

WHEREAS, City Council wishes to express its opposition of House Resolution 610 given the potential detrimental impact it could have on public schools serving Wilmington students, especially in light of the current efforts related to the CDC Community Advisory Council and the Wilmington Education Improvement Commission to help harness additional resources for public education.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council opposes House Resolution 610 and encourages its federal representatives to consider the impact of H.R. 610 on Wilmington youth, particularly given the population of low-income families and children in Delaware's largest city.

Council Member Chukwuocha: Madam President, 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 Chukwuocha: Yes Madam President, this is a Resolution that Council is presenting in opposition to the United States House Resolution 610, which is geared toward creating the voucher system that would allow funds to be taken from our public school's systems and used in private schools. Basically, removing much needed funds from potentially our schools here in Wilmington that need more additional resources where allowing those resources to be stripped from our schools.

President Shabazz: Councilman Adams.

Council Member Adams: Yes Madam President, thank you very much. Madam President, I was absolutely shocked to read that we are opposing this U.S. House Resolution. The Resolution speaks to the Education Act of 1965 and we're trying to ensure equal access to a quality education for all students especially those living in poverty while emphasizing high academic standards and accountability in public schools. Now, when have we ever had that here in the City of Wilmington? I know, you're reticent because you can't say we did. Absolutely! What this is about and I understand that some democratic hack wrote the synopsis and so obviously and perhaps we

misunderstand. This Resolution in the U.S. House is about money, money! So, that the kid who lives in 9th Kirkwood, his parents can get money, instead of going to Bancroft School, can go down to St. Peter's Elementary School, a little bit further and attend that school. It's not about taking money from public schools. It's about providing money to the kid who lives in 24th & Lamotte who perhaps doesn't want to P.S. DuPont, that can take that money, apply for financial aid and go to Tower Hill School. Now, there's some people here who's grandchildren go to Tower School and they sit here on City Council. This is about providing opportunity to the children in the City of Wilmington and we have yet to do that here in the City of Wilmington for our kids. Now, we have one of these – a lady come up here and speak about a downward spiral about education here. While it's a State responsibility to make everything in the education and it's been terrible for years. It's not a downward spiral, it's Donte's inferno but gee whiz we don't teach classics anymore so we just think that's a divine comedy. Well, you know, I'm appalled that we actually can sit here and think that this is about the wrong thing. But like I said, hey, somebody miswrote the synopsis of this thing and so I understand where we need this, but let's just remember the history before we vote for this Resolution and a short history, okay? Just a short history.

Let's go back to "No Child Left Behind", oh, we deferred the standards and then we ask for a waiver when we have to implement them. Let's – let's go with President Obama, gee, we got \$2.2 billion for "Raise to the Top" – puff, went through those funds. Did it improve our education here in the City of Wilmington? Now, we have something different and we're against it one more time. And, gee, we have the audacity to mention Wilmington Education Improvement Authority. Hey, last year we deferred that, this year the Governor says we don't have the money to fund it. So, we can't even change our own system here at the Wilmington Education Advisory Committee. Gee, if you ask my buddy Tony Allen, who chaired the Committee, he'll tell you we haven't done anything for the kids in Wilmington in over forty years when (inaudible) got sued in 1974. So, hey, we got a Councilman on Council here that keeps talking about civil rights, hey, maybe we need to make education a civil right here in the City of Wilmington. Hey, all – and my tirade here – all I'm saying is that we need to support this because this is about providing parents the money so that they can get their kid out and into a school to provide the opportunity where they can learn to read, write and do arithmetic. That's what this is about! Providing money to the kids' parents so that they can go to a school where the three (inaudible) means reading, writing and arithmetic and they'll learn that. Thank you.

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: Thank you Madam President. Just a couple of points I wanted to note. I think the overall intent as is being reflected, reflects the original intent of Eastside and how it worked in the Elementary School Act and how it was but as they say the devil is in the details, how it's implemented, so many things as presented as my colleague stated that nothing has been done in over forty years for our children, plenty has been done. We lost our schools, we lost our high school and everything has been taken from us. If you think about our City of Wilmington and you think about how we've been impacted by the Charter School Act of 1995 and the

Neighborhood Schools Act of 2000, in theory and on paper, they sound great, just as this does in theory that it's going to be about equality but it's not. There's no equity at all because if you look at how it played out whether it's the Charter School Act or Neighborhood Schools Act, it always takes from us and we end up getting nothing in return but the short end of the stick. It never works out in our favor. It's always in favor of the surrounding – surrounding cities and surrounding communities always at the detriment of Wilmington. So, this will be exactly the same thing. We're speaking of these things just like we speak of our own former Wilmington High School where it was meant to be – oh this is going to be – oh it's going to be great. But look what we have and tell me how many of our students here – is the students you just mentioned from 24th & Lamotte or 9th & Locust, how many of those students are going to Wilmington Charter School? None. But in theory, on paper, that charter school sounded great and it would be a great asset for Wilmington but in essence we end up losing. And, this is just another example of how the same thing would happen. In theory, it sounds great. We're providing this equity and this funding and being able to be moved but the only movement would be away from our city schools and continue deterioration. Thank you, Madam President.

President Shabazz: Clerk will call the roll.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, 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, Dixon and Guy, and Council President Shabazz. Total, seven. Nays, Council Members Williams and Adams. Total, two. Present, Council Member Turner. Total, one. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted. Councilman Congo.

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

President Shabazz: Council Member Oliver.

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

Council Member Oliver presented Resolution No. 17-045 (Agenda #4377) as follows:

WHEREAS, pursuant to Wilm. C. (Charter) §1-101, the City may acquire, hold, manage, and dispose of property on such terms as it deems proper for any municipal purpose; and

WHEREAS, Wilm. C. §2-621(a) provides that the Council shall by resolution declare a property approved for disposition and authorize the conduct of disposition proceedings by the Department of Real Estate and Housing; and

WHEREAS, Wilm. C. §2-621(c) provides that governmental agencies, governmental authorities organized pursuant to Title 22 of the Delaware Code and non-profit organizations are exempt from the City’s bid procedures and that upon the declaration of a property as surplus, by resolution of City Council, the City may negotiate an agreement of sale, lease, exchange, or other transfer of such property owned by the City to any such governmental agency, governmental authority or non-profit organizations; and

WHEREAS, the City currently owns the parcels of real estate located at 5, 7, and 9 East 23rd Street, Wilmington, Delaware, being New Castle County Tax Parcel ID Nos. 26-022.40-108, 26-022.40-109, and 26-022.40-110 respectively, and 3, 4, 5, and 13 Gordon Street, Wilmington, Delaware, being New Castle County Tax Parcel ID Nos. 26-022.30-359, 26-022.30-369, 26-022.30-357, and 26-022.30-361 respectively (collectively the “Property”); and

WHEREAS, the Council upon the recommendation of the Department of Real Estate and Housing wishes to declare the Property surplus; and

WHEREAS, the Council further wishes to approve the disposition of the Property to Conscious Connections Inc. for the expansion of an existing community garden.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby declares the Property to be surplus and approves the Property for disposition to Conscious Connections Inc. for the expansion of an existing community garden.

BE IT FURTHER RESOLVED that Council hereby authorizes the Mayor or his designee to execute any and all documents necessary to effectuate disposition proceedings for the Property, including any and all further undertakings and assurances that may be appropriate.

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

Council Members Williams and Chukwuocha: 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 Oliver: Madam President, this Resolution is being presented the Administration. Mr. Williams and I think Councilwoman Rysheema does a lot of work with Mr. Williams. He trying to, I mean, they have acquired property surplus properties and authorize the disposition of 5 – lot 5, 7 on East 23rd Street and lot 3, 4, 5, 13 on Gordon Street. The Conscious Connections for – for expansion of existing community gardens. He was – has several gardens on that side of town and what happened I think it was a vacant building there – lots there, no one was doing anything with it. So, he was already working with the Administration prior to coming in and he has the same lot there so he does pretty good work. So, the City was trying to allot him this property to continue – he has a lot of kids out there that do community garden.

President Shabazz: Councilman Guy.

Council Member Guy: Yes, I have a major concern every time I see some land being transferred and sometime that problem resolves. So, I just want to get a better understanding. Is this one of those situations where the people are receiving complete deed simple ownership of these parcels of land or is this one of those situations where they're being able to use this land, you know, as long as they want to use it for the purpose of these gardens?

Council Member Oliver: Madam President.

President Shabazz: Yes ma'am.

Council Member Oliver: No, the committee meeting – Tom Ford in Real Estate he made it very clear that with these gardens with all of them, they just, they're used strictly for the community garden and once they start it, these properties will return to the City if they – if they, in the future. It's not just like they're giving to him. So, it's because of the community garden. It's a project and if they ever stop it today or tomorrow, those properties will all return to the City.

President Shabazz: Councilman Guy.

Council Member Guy: Yes, so, so there's not actually going to be a deed transferring the property? Is it going to be a lease?

Council Member Oliver: No. It's a deed but in, in the deed it is stated that that property is to returned to the City – it's not – it's strictly for community garden.

Council Member Guy: Could the staff make sure that we get a sample copy of that deed? I'm going to go along with this but I'd still would like to see a sample copy of the transferred documents. That's a motion if it needs to be that we be provided that because it's not...

Council Member Oliver: Madam President.

President Shabazz: I was – I was referring to the legislation – it just says all documents. It doesn't say what form of documentation. So, noted by staff. Clerk will call the roll.

Upon a motion of Council Member Oliver, seconded by Council Members Williams and Chukwuocha, 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, Williams, Adams and Guy, and Council President Shabazz. Total, nine. Nays, none. Present, Council Member Dixon. Total, one. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted. Council Member Harlee.

Council Member Harlee: Yes, I have – yes, Council President, I have an Ordinance 4378 to present and call for the first and second reading.

Council Member Harlee presented and called for the first and second reading Ordinance No. 17-022 (Agenda #4378) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE
CITY CODE BY AMENDING THE BOUNDARIES OF
THE WILMINGTON DOWNTOWN BUSINESS
IMPROVEMENT DISTRICT

The above Ordinance was given two separate readings by title only and upon a motion of Council Member Harlee, seconded by Council Member 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. I have one Resolution tonight. Madam President, I have a Resolution to present.

Council Member Turner presented Resolution No. 17-046 (Agenda #4379) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the City, through the Department of Public Works, has applied for a Sustainable Communities Planning Grant from the Delaware Department of Natural Resources and Environmental Control in the amount of \$80,000; and

WHEREAS, the proposed grant funds will be used to develop a sustainability plan related to sea level rise that builds on modeling already performed by the State of Delaware; and

WHEREAS, the Public Work's Department intends to provide \$20,000 of budgeted funds to meet the grant's matching funds requirement; and

WHEREAS, for timing purposes, the application for said grant was submitted in advance of City Council approval by resolution, but after a Public Works Committee meeting discussing the resolution; and

WHEREAS, the Council deems it necessary and proper to authorize the grant application, for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Public Works' grant application to the Delaware Department of Natural Resources and Environmental Control in the amount of \$80,000 is hereby authorized.

BE IT FURTHER RESOLVED that the Public Works Commissioner, or his designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT

There is no negative fiscal impact on the City. Although the grant requires that the City provide 20% in matching funds, the Department of Public Works intends to provide matching funds of \$20,000 from its Stormwater Operations Budget to pay for the \$100,000 project and meet the matching fund requirement.

Council Member Turner: 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 Turner: Yes Madam President, this Resolution is being presented by the Administration for Council's review and approval. If approved, Council would be authorizing the Department of Public Works' application for a \$80,000 Sustainable Communities Planning Grant from the Delaware Department of Natural Resources. This grant is also required by a 20% local match.

President Shabazz: Clerk will call the roll.

Upon a motion of Council Member Turner, seconded by Council Member Williams, 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, Williams, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted. Council Member Williams.

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

Council Member Williams presented and called for the first and second reading Ordinance No. 17-023 (Agenda #4380) entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE TO CREATE THE GUN OFFENDER REGISTRATION ACT

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

Council Member Williams: That's all I have this evening.

President Shabazz: Thank you. Council Member Turner, you're presenting on behalf of Council Member Freel?

Council Member Turner: Yes Madam President. I have an Ordinance to present and call for the third and final reading.

On behalf of Council Member Freel, Council Member Turner presented and called for the third and final reading Ordinance No. 17-021 (Agenda #4373) entitled:

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

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

On the question:

Council Member Turner: Yes Madam President, this Ordinance is being presented by the Administration for Council's review and approval. If approved, Council would be authorizing the City to enter into a contract or contracts with the three (3) short-listed electricity providers for the services starting in FY 2018 for a term of two (2) or three (3) with an option to extend for an additional one (1) or two (2) years.

President Shabazz: Clerk will call the roll.

Upon a motion of Council Member Turner, seconded by Council Member Williams, the above Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, Williams, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted. Councilman Chukwuocha, you're presenting on behalf of Councilman Freel?

Council Member Chukwuocha: Yes Madam President, I have an Ordinance - a Resolution to present on behalf - - I have an Ordinance for first and second and a Resolution to present on behalf of Councilman Freel.

On behalf of Council Member Freel, Council Member Chukwuocha presented and called for the first and second reading Ordinance No. 17-024 (Agenda #4381) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS OR A GENERAL OBLIGATION BOND ANTICIPATION NOTE, IN ORDER TO PROVIDE THE FUNDS NECESSARY TO FINANCE WATER METER REPLACEMENT COSTS; PROVIDING FOR THE SALE OF THE BONDS OR THE NOTE; AND AUTHORIZING OTHER NECESSARY ACTON

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

Mrs. Seijo (City Clerk): I think the other ones are Walsh.

President Shabazz: We'll come back when Councilwoman Walsh's turn.
Okay.

Mrs. Seijo (City Clerk): Thank you.

President Shabazz: Council Member Adams.

Council Member Adams: No legislation this evening ma'am.

President Shabazz: Council Member Dixon.

Council Member Dixon: Nothing tonight Madam.

President Shabazz: Council Member Guy.

Council Member Guy: Yes Madam President, I have a Resolution to present agenda item 4382.

Council Member Guy presented Resolution No. 17-047 (Agenda #4382) as follows:

WHEREAS, every law enforcement agency should have standards; and
WHEREAS, as a general rule police departments have a policy touching upon many issues including the following:

- 1) Use of Force – stating when and how force may be used by police officers
- 2) Racial Profiling – a ban on racial profiling, and data collection measures to ensure it is not happening
- 3) Citizen Complaint Procedure – how can members of the community file a complaint regarding an officer or an incident involving the law enforcement agency
- 4) Drawing and Displaying Firearms – stating when and how firearms can be used and displayed by officers
- 5) Vehicular Pursuits – stating when and how to engage in vehicular pursuits
- 6) Dealing with Fleeing Felons – stating how to engage with felons who are fleeing
- 7) Foot Pursuits – stating when and how officers may engage in foot pursuits
- 8) Internal Review – stating the procedures of the agencies internal review mechanisms
- 9) Shooting at/from a Motor Vehicle – stating when and how officers may shoot from a motor vehicle
- 10) Use of Impact, Edged, and Other Similar Weapons – stating when and how these weapons may be used
- 11) Crisis Intervention Training and Response – stating when and how officers handle crisis situations (e.g. involving the mentally disturbed, hostage situations, etc.)
- 12) Investigation Procedures – detailing procedures for investigating incidents
- 13) Canine Use – stating when and how police canine should/may be used
- 14) Evidence Preservation and Presentation – detailing how evidence is preserved and presented to investigators (internal and external)
- 15) Use of Tasers – stating when and how Taser devices may be used

WHEREAS, the Wilmington Police Department has standards and policies on a wide range of subjects; and

WHEREAS, many standards and policies of the Wilmington Police Department are not known to members of Wilmington City Council because the Wilmington Police Department Manual is not routinely distributed to members of Wilmington City Council; and

WHEREAS, Wilmington City Council access to the Wilmington Police Department Manual assists with ensuring greater levels of accountability, transparency, and openness.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Wilmington City Council is interested in having the ability to read and review the contents of the Wilmington Police Department Manual that includes important standards and policies.

BE IT FURTHER RESOLVED, that Wilmington City Council requests that a copy of the Wilmington Police Department Manual be distributed to each member of Wilmington City Council and that members of Wilmington City Council are placed on the distribution list to receive updates as the Wilmington Police Department Manual is amended.

Council Member Guy: 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 Guy: Yes Madam Chair, this Resolution was drafted and ready for introduction back on March 13th. Since that date, there's been variant activities that have taking place and we've since had a new Chief. And, at the last Committee meeting where this was on the agenda – not the last one but two meetings ago, it was held up to give the Administration and the Chief the opportunity to review the Police Manual and all of these important issues that impact residents of the City of Wilmington. And, for reasons unknown to me, the Chief of Staff who certain information was left with along with the Chief of Police and Administration did not get to complete their review by the last committee meeting. So, we're in this spiral going back to March 13th of either of the Council or the Administration taking intentional steps to prevent these issues through the Police Manual from being able to be discussed, addressed and determinations made as to what information is going to be made available to members of Wilmington City Council.

Now, over and over again I tried to share with members of Council that the way government operates in the legislative branch is usually a lot of the people who know stuff don't necessarily want everybody to know stuff because some people feel you're empowered by keeping other people down. My view is the complete opposite. You empower a whole organization by more people knowing more about what's going on. So most of the Council people I talked to didn't even know there was a Police Manual because they're not in that field and there's nothing wrong with that. But, how can you be a City Council representing your constituents, calling for community police relations and as members of Council you've never even had an opportunity to look at any component of the manual that tells the rules of the game. But yet, everybody wants the community to play by the rules of the game and we get complaints and don't have a sense of what's right and wrong. By way of example, a lot of people call me complaining that the motorcyclist drove right past the police officer and the police officer didn't go after him. Well, as a Councilperson getting a complaint it would be nice if I had a general

sense of what the Police Department's view is on how to deal with that type of incident because let's say hypothetically the Police Department doesn't want to have dangerous chases in the City and that's why they don't chase after everybody they see on a motorcycle. Well, if that's what they're doing and the public knew it or we knew it, then we can protect the Police Department just like - well they're actually looking out for the safety of the community. Or, maybe sometimes they chase if it's felon who just shot somebody than maybe they'll chase him. But, if we don't have any sense of the rules of the game, we don't have no business being a referee in the game. So, hopefully by the next time we meet, the Law Department and the Chief of Police and the Administration and all of them, would have looked at it and they say they want to look at it to see if there's any components that they need to pull out.

So, with that in mind, I believe it's probably worthwhile to give them an additional chance to look at this and give their recommendation as to whether they think we should have it. But I also want everybody here to know that some of you might say, well, we don't want Councilmembers to have it but I just want you all to know that being in the legal business for many, many years and in the civil rights business for many, many years, there's multitude of people who have the Wilmington Police Department Police Manual, you just don't have it. So, with that Madam Chair, we can push this back to the next meeting and hopefully they will report back to us because they made a commitment to report back to us before this meeting and I've not heard anything from the Chief. I don't know why he wouldn't do what he said he was going to do but there probably wasn't enough time for him to actually do what he said he was going to do.

President Shabazz: So, for clarity, are you making a motion to postpone to a particular date?

Council Member Guy: 'til the next Council meeting – basically because the Administration hasn't fulfilled their responsibilities to let us know their views on this and whether there's anything that needs to be redacted. So, yes.

President Shabazz: Next Council meeting or next Public Safety meeting?

Council Member Guy: No, the next Council meeting. I mean they're going to give us a written report whether they're for it or not. Everybody else in the world has but us. So, we just need to hear from them.

President Shabazz: Do I hear a second?

Council Member Turner: Second.

President Shabazz: All those in favor.

(Aye).

President Shabazz: Any oppose?

Council Member Adam: No.

President Shabazz: Motion carried. It's to be **held** until the next Council - City Council meeting July...

Mrs. Seijo (City Clerk): July 6th.

President Shabazz: July 6th. Be held to the next Council meeting July 6th. Council Member Guy, your Resolution agenda #4372.

Council Member Guy: Ok, Madam President, I have a Resolution to present agenda item 4372.

Council Member Guy presented Resolution 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 Turner: Second.

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

On the question:

Council Member Guy: Yes Madam Chair, this is the Resolution that's designed to set in motion the process to equalize the two ages for President of City Council and the Mayor since the law Charter says that if something happened and the Mayor quit or retired, the President becomes the Mayor. So, if the Mayor has to be thirty and if the President was twenty-seven, how's the President going to become the Mayor because they're not old enough. So, the object of this is to equalize those two. Now, I heard earlier today it seemed as if you said there was some kind of vote or poll taken of folks and they wanted to move this to the 29th to have a greater opportunity to discuss it. Did I understand that correctly the 29th?

President Shabazz: That's correct.

Council Member Guy: Okay. So, we can move this to the 29th but I do want to just remind members of Council that you gotta be careful when people are calling around and make sure you're not involved in taken votes that are outside of the public prevue because there is a FOIA provisions that puts some limitations on doing that kind of stuff. So, be careful because you – we could have just as easily did it all here and not behind the scenes and that's how governments get in trouble. So, hopefully, we won't get in trouble this time but that's dangerous stuff to do. That's all I have Madam Chair.

President Shabazz: So, you're making a motion to have this Resolution 17-041 be held and to be heard at the Committee of the Whole on June 29th?

Council Member Guy: Yeah, the meeting that's been scheduled for the 29th for that purpose.

President Shabazz: Okay. Do I hear a second?

Council Members Dixon and Williams: Second.

President Shabazz: All those in favor.

(Aye).

President Shabazz: Any opposed? Motion carried. **Held.** Councilman Chukwuocha, you're presenting for Council Member Walsh?

Council Member Chukwuocha: Yes Madam President, I have two Resolutions to present on behalf of Council Member Walsh.

On behalf of Council Member Walsh, Council Member Chukwuocha presented Resolution No. 17-048 (Agenda #4383) as follows:

WHEREAS, on October 20, 2016, the Council passed Resolution No. 16-080, which approved a collective bargaining agreement (“CBA”) between the CITY OF WILMINGTON, a municipal corporation of the State of Delaware, and THE FRATERNAL ORDER OF POLICE LODGE #1 (Rank and File);

WHEREAS, the Council deems it necessary and appropriate to approve a minor amendment to the CBA (“Amendment”); and

WHEREAS, the Amendment revises the timeline for addressing grievances to extend the time for a meeting with the Chief of Police and Human Resources upon appeal of a grievance decision by a division commander from 5 days to 30 days.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Amendment to the CBA, a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor, his designee, and the City Clerk are hereby authorized and directed to execute as many copies of the said Amendment as may be necessary.

FISCAL IMPACT STATEMENT

The CBA amendment has no fiscal impact on the City.

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

Council Member Dixon: 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 Chukwuocha: This is a Resolution being presented on behalf of the Administration. If approved, we'll be approving an amendment to the Collective Bargaining Agreement between the City and Fraternal Order of the Police Lodge #1 Rank and File and it extends the time for meeting with the Chief of Police and Human Resources upon an appeal of a grievance by the decision of the Division Commander from five (5) to thirty (30) days.

President Shabazz: Councilman Williams.

Council Member Williams: Thank you Madam President. This does give me some concern in that if an officer is grieved, it means they're in a situation that's not very thorough able and that there's a reason for them to express their displeasure. And, extending this from five (5), which orderly is plenty of time, especially now with computers and emails and memos that can be sent back and forth expertdiously, to extend it to thirty (30) days means that an officer who is aggrieved and in a precarious situation and feels as though things are not favorable, specifically working conditions is usually when a grievance occurs, to expand that to thirty (30) days, I think is not in our best interest. I, I don't know who came up with the thirty (30) day rule but I just don't think that's appropriate that a member of our workforce would have to be on hold for thirty (30) in a one favorable circumstance, waiting for an answer.

President Shabazz: Councilman Congo.

Council Member Congo: Yes thank you. Do we know why the Administration was to extend the time period?

President Shabazz: Well, this was discussed in committee. Councilman Adams.

Council Member Adams: Yes ma'am, this was discussed at the Public Safety meeting this past week. The Senior Corporal who was the Union Rep. did say that this was agreed to by the Lodge #1 and it was an agreement between them and the Administration as far as this Resolution is concern.

Council Member Congo: But, just a follow-up.

President Shabazz: Councilman Congo.

Council Member Congo: Do, do you know why? I don't think that answered the question. I understand that it was apparently agreed by the Lodge but do we know why it's going from five (5) to thirty (30) days?

President Shabazz: I don't. These types of agreement is usually are between the Administration and the organization - -

Council Member Oliver: The Union.

President Shabazz: Thank you; union.

Council Member Congo: Okay, thank you.

President Shabazz: Councilman Williams.

Council Member Williams: Thank you Madam President. I can tell you I'm a member of the Lodge and I was at the last three meetings and this was not discussed. So, I don't know where the Senior Corporal came up with his answer because it's not anything that was discussed via the Lodge.

President Shabazz: If you're at the Public Safety Committee meeting and the representative comes and speaks on it then we have to take that as they're speaking on behalf of Union.

Council Member Williams: Understood.

President Shabazz: Excuse me. Councilman Congo, to try to get the answer we're going to ask that – give the privilege of the floor to the Director of HR, which you like to come forward to be able to answer that question for you?

Council Member Congo: Yes, thank you.

Ms. Charlotte Barnes: Good evening members of Council. Can you repeat the question please?

Council Member Congo: Yes, I just want to know why the Administration wants to extend the time from five (5) to thirty (30) days?

Ms. Charlotte Barnes: This was a mutual agreement between the FOP and the City of Wilmington. There was a grievance filed that went to arbitration due to the time period that between – at the Commander level and when the Chief and the Human

Resources Department scheduled and heard agreements. It was all agreed that five (5) was just not enough time for it to happen. It went to arbitration – it was settled at arbitration. It is my understanding at a recent FOP meeting, Corporal Leahy as well as Sergeant Bozeman who is the Union President, notified the Administration that the FOP had unanimously ratified and that we could incorporate this into the agreement.

Council Member Congo: Okay. All right, thank you.

President Shabazz: Thank you Ms. Barnes.

Council Member Guy: I have a question.

President Shabazz: Of the HR Director? Councilman Guy.

Council Member Guy: Was there actually an arbitration decision?

Ms. Charlotte Barnes: It was a settlement in advance of what we got to arbitration – it was a settlement that came out of the arbitration in advance of it going to the full hearing.

Council Member Guy: Okay and – and was that distributed?

Ms. Charlotte Barnes: To? To the Council Members?

Council Member Guy: Yeah.

Ms. Charlotte Barnes: Customarily it is not but if – I don't see a reason that we could or should not but again, it was not a hearing – a full fledged arbitration decision, we were at the table, we resolved a lot of matters during that meeting and as a part of that settlement, the FOP agreed to go back and take that amendment to their Union, they did it and now it's coming back to us for you to adopt it.

Council Member Guy: So, it would be fair to say that what we're voting on is the same as what was agreed to?

Ms. Charlotte Barnes: It absolutely is. It absolutely is and actually once you adopt it, it will be incorporated into their contract.

President Shabazz: Thank, thank you Ms. Barnes.

Council Member Guy: I have another question for her.

President Shabazz: Excuse me.

Council Member Guy: I said I have another question for her.

President Shabazz: On the agreement? In reference to the agreement?

Council Member Guy: Right. Is there, is there, is there any way (inaudible) your process with respect to these agreement so that we get them kind of in a more timely fashion, that we're part of the distribution because the collective bargaining agreement is in the name of the City of Wilmington, right?

Ms. Charlotte Barnes: It is.

Council Member Guy: Yeah, so, if there's an agreement made in the name of the City of Wilmington, is there any way we can be part of the process when we reach these agreements in lieu of arbitration or when there's an arbitration agreement that we get them as Council so we know what's going on?

President Shabazz: But that question is regarding process and not necessarily the amendment to the CBA...

Council Member Guy: But the question...

President Shabazz: ...your question is about process.

Council Member Guy: ...it's about this amendment and the fact if we get them on a more timely basis we have a better opportunity to understand what's going with it. So, I was just asking while she's here, is that's something that we can receive as well?

President Shabazz: But that's still regarding process and not the Resolution that is – we're, we're asked to approve the amendment of the CBA and not the details of how the process comes about. I think that's something we can do offline but right now, I think that we're – what we're asked to vote upon is the acceptance of the amendment to the CBA and not the process.

Council Member Guy: Well, Madam Chair, what I've learned in my short life is that in the process...

President Shabazz: She can't answer that question...

Council Member Guy: ...yeah...

President Shabazz: ...you can answer it?

Council Member Guy: ...in the private sector...

President Shabazz: ...go ahead answer the question.

Council Member Guy: ...excuse me, hold on one second. In the private sector...

President Shabazz: Understand.

Council Member Guy: ...they just care about the result in government, the fundamental component of government is the process and so, the process...

President Shabazz: Okay Mr. Guy, I understand. I want to let her answer your question.

Council Member Guy: Okay.

Ms. Charlotte Barnes: The responsibility for negotiating union agreements rest with the Human Resources Department and the Law Department in concert with the Union. The Law Department – all parties to the agree – well, all parties involved with that process were at the table when the agreement was made as a result of an arbitration. Council was involved with adopting the agreement but not in negotiating...

President Shabazz: Right.

Ms. Charlotte Barnes: ...the agreement.

President Shabazz: Right.

Ms. Charlotte Barnes: And, so that settlement came out of a grievance that did go – the process was after it came out of the grievance, it went to the FOP because you cannot amend their contract without their body ratifying it. It went to them, they ratified it and so now it's here for you to adopt it, which is the process.

President Shabazz: Yes Councilman Guy.

Council Member Guy: Yeah and my point is once that all happens, right, because it's a resolution, it's not an ordinance, if it was a resolution we'd had a long period of time to get to look at it so we can figure out how we want to vote. When it's a resolution, it just gets thrown on there and immediately put on the agenda and so this the first time we get to talking about it. So, I'm just, I'm just asking can – as part of that process once it's finalized, can we get it immediately so that we can start preparing, studying and looking into it?

Ms. Charlotte Barnes: With all due respect Mr. Guy, it was discussed at the Public Safety meeting. So, this isn't the first time and I respect what you're asking me and to the extent that I get – the Administration – we can perhaps do that but I'm not going to make that commitment here tonight. Okay?

Council Member Guy: I was at the Public Safety meeting. So, I'm just saying we should get them – when that meeting was posted, I'm just asking can you get them to us when the meeting is posted instead of waiting until the meeting so we have time to digest it?

President Shabazz: Thank you Ms. Barnes.

Ms. Charlotte Barnes: You're welcome.

President Shabazz: Clerk will call the roll.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Dixon, 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, Adams, Dixon and Guy, and Council President Shabazz. Total, nine. Nays, none. Present, Council Member Williams. Total, one. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Chukwuocha: Madam President, I have another Resolution to present for Council Member Walsh.

On behalf of Council Member Walsh, Council Member Chukwuocha presented Resolution No. 17-049 (Agenda #4384) as follows:

WHEREAS, Wilmington City Council (“Council”) enacted Section 2-233 of the Wilmington City Code (“City Code”) establishing procedures for the Chief of the Wilmington Fire Department (“Fire Department”) to call for the commencement of an academy class if the manpower of the Fire Department falls below ninety-five (95) percent of the number of firefighters which is set forth in the position allocation list attached to the annual operating budget ordinance for the applicable fiscal year; and

WHEREAS, on May 18, 2017, the Council approved the annual operating budget ordinance for fiscal year 2018 (the “Budget Ordinance”); and

WHEREAS, the Chief of the Fire Department has represented that the manpower of the Fire Department has fallen below ninety-five percent of the number of firefighters set forth in the position allocation list attached to the Budget Ordinance; and

WHEREAS, pursuant to City Code Section 2-233(b), the Chief of the Fire Department has drafted a resolution calling for the commencement of an academy class and presented it to Council for its review.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council hereby recognizes that the Chief of the Fire Department has represented that the manpower of the Fire Department has fallen below ninety-five percent of the number of firefighters set forth in the position allocation list attached to the Budget Ordinance and has drafted a resolution calling for the commencement of an academy class for the Fire Department.

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

Council Member Dixon: 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:

Council Member Chukwuocha: Yes Madam President, by approval, Council is hereby recognizing that the Chief of the Fire Department has represented that the manpower of the Fire Department has fallen below 95% of the number of firefighters set forth in the position allocation list for the Budget ordinance and has drafted a resolution calling for the commencement of an academy class for the Fire Department.

President Shabazz: Councilman Williams.

Council Member Williams: Thank you Madam President. I'm in support of this Resolution although I am deeply disappointed in the number based on the FY'18 Budget. As I stated in the Resolution that I presented, this should have been done months ago and it's severely disappointing to know. But, to allow this attrition rate to degenerate to such a low point that, that – that placed a lot of lives in danger and at the same time took our budget and threw it to the roof. I really wished they'd be more responsible going forward.

President Shabazz: Clerk will call the roll.

Mrs. Seijo (City Clerk): Mr. Chukwuocha.

President Shabazz: Sorry, I looked both ways.

Council Member Guy: My hand was up...

Mrs. Seijo (City Clerk): Mr. Chukwuocha.

Council Member Guy: ...when he was talking.

Mrs. Seijo (City Clerk): Roll.

President Shabazz: Call for the roll.

Council Member Guy: That's purposeful Madam Chair.

President Shabazz: The Clerk will call the roll.

Council Member Guy: Okay.

Mrs. Seijo (City Clerk): Mr. Chukwuocha...

Upon a motion of Council Member Chukwuocha, seconded by Council Member Dixon, 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 Member Chukwuocha, Congo, Oliver, Harlee, Turner, Williams, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Absent, Council Members McCoy, Freel and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Chukwuocha: Madam President, I have a Resolution, Ordinance excuse me, to present on your behalf and call for a third and final reading.

President Shabazz/Mrs. Seijo: First and second.

Council Member Chukwuocha: Ah, first, oh it's backwards.

Mrs. Seijo (City Clerk): Sorry.

President Shabazz: It's first and second.

Mrs. Seijo (City Clerk): First and second.

Council Member Chukwuocha: First and second.

President Shabazz: Yes sir.

Mrs. Seijo (City Clerk): I apologize.

On behalf of President Shabazz, Council Member Chukwuocha presented and called for the first and second reading Ordinance No. 17-025 (Agenda #4385) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE
CITY CODE REGARDING THE REQUIREMENT OF
BI-MONTHLY REPORTS FROM THE LAW
DEPARTMENT

Upon a motion of Council Member Chukwuocha, seconded by Council Member Dixon, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

PETITIONS AND COMMUNICATIONS

Council Members announced civic association meetings/committee meetings and community events/activities in the various communities throughout their districts. Comments were made as it relates to the news media being biased in reporting information. Constituents were encouraged to view WITN Channel 22 for more information of events/activities going on in the various districts as well as the various locations for the extended hours of the Safe Haven Program. In addition, it was announced that there's a tremendous mosquito infestation problem in the Southbridge area and that there will be aerial spraying for the mosquitoes and residents were encouraged to attend a civic association to get their telephone number registered to receive announcements of when those aerial spraying will take place.

ADJOURNMENT

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, Council adjourned at 8:14 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk