

*Wilmington, Delaware
Louis L. Redding
City/County Building
December 8, 2016*

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

Invocation was given by Joe Garcia.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

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

President Gregory: Mark Ms. Dorsey Walker present please.

Mrs. Seijo (City Clerk): So noted; thank you.

*Note: Ms. Dorsey Walker was marked present and reflected in the minutes herein (Roll Call).

MINUTES

After reading a portion of the minutes of December 1, 2016, upon a motion of Ms. Walsh, seconded by Mr. Freel/Mr. Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 5, 2016

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Substitute No. 1 to Ordinance No. 16-062** entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE
REGARDING THE AUDIT REVIEW COMMITTEE

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

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

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 5, 2016

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 16-063** entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE
REGARDING UNPAID PARKING PENALTIES THAT ARE OLDER
THAN SEVEN YEARS

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

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

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 5, 2016

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 16-064** entitled:

AN ORDINANCE TO AMEND THE CAPITAL IMPROVEMENT PROGRAM FOR THE SIX FISCAL YEARS 2006-2011 INCLUSIVE

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

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

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 5, 2016

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 16-065**
entitled:

AN ORDINANCE TO AMEND THE CAPITAL BUDGET FOR
FISCAL YEAR 2006 BY AMENDING SUBSTITUTE NO. 1 TO
ORDINANCE NO. 05-017

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

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

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

President Gregory: Mark Mr. Prado present please.

Mrs. Seijo (City Clerk): So noted.

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 5, 2016

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Substitute No. 1 to Ordinance No. 16-066** entitled:

AN ORDINANCE CONSTITUTING BUDGET AMENDMENT NO. 5 TO THE FISCAL YEAR 2017 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 16-018, AS AMENDED) (BY MAKING CHANGES IN THE OFFICE OF CITY COUNCIL AND APPROPRIATING THE USE OF THE CATV FUND BALANCE

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

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

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 7, 2016

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred
Ordinance No. 16-059 entitled:

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING AND ANNUAL
FUNDING AGREEMENT BETWEEN THE CITY OF
WILMINGTON AND THE WILMINGTON NEIGHBORHOOD
CONSERVANCY LAND BANK

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

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

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 7, 2016

Ladies and Gentlemen:

We, your **Housing, Licenses & Inspections Committee**, met on the
above date at 5:00 p.m., Council Member Maria D. Cabrera presiding. The following
item were discussed:

- A resolution authorizing the disposition of 400 and 402 West 30th Street to Inter Neighborhood Foundation
- A resolution authorizing the disposition of 20 South Street to New Castle County Division of Community Development and Housing
- Discuss a Resolution authorizing the disposition of 0 Washington Street, Wilmington, DE 19801

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

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

TREASURER'S REPORT

The following Treasurer's Report dated December 8, 2016 was read into the record by the City Clerk and upon a motion of Ms. Walsh, seconded by Mr. Freel/Mr. Williams, the Report was received, recorded and filed. Motion prevailed.

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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON December 8, 2016

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 715.81
105	Police Pension Account	M & T Bank	\$ 2,981.19
106	Fire Pension Account	M & T Bank	\$ 6,456.51
107	Evidence/Found Currency Account	M & T Bank	\$ 370,275.67
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 1.00
113	Non-Uniform Pension	M & T Bank	\$ 1,252.06
114	Central Deposit	M & T Bank	\$ 24,344.80
117	Cement Workers	Wilmington Savings Fund	\$ 33,506.43
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 6,826.07
120	Grant-In-Aid Account	M & T Bank	\$ 402,738.00
130	Payroll	M & T Bank	\$ 298,120.83
131	Pension Payroll Account	M & T Bank	\$ 64,768.27
139	Pension Healthcare Account	M & T Bank	\$ 4,431.84
	Total Cash on Hand		\$ 1,233,560.68

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	12/08/16	0.01%	\$ 1.95	\$ 7,098,691.00
116	General	WSFS	CD	12/09/16	0.45%	\$ 2,278.36	\$ 2,400,000.00
116	General	TD	CD	12/15/16	0.39%	\$ 379.17	\$ 2,500,000.00
116	General	WSFS	CD	12/21/16	0.45%	\$ 2,021.92	\$ 2,000,000.00
116	General	TD	CD	12/21/16	0.41%	\$ 747.12	\$ 1,600,000.00
124	Non-Uniform 1990	WSFS	CD	12/29/16	0.45%	\$ 1,152.12	\$ 3,115,000.00
106	Fire Pension	WSFS	CD	12/29/16	0.45%	\$ 393.90	\$ 1,065,000.00
105	Police Pension	WSFS	CD	12/29/16	0.45%	\$ 149.79	\$ 405,000.00
116	General	WSFS	CD	01/06/17	0.45%	\$ 1,294.52	\$ 2,100,000.00
110	Capital	WSFS	CD	01/20/17	0.45%	\$ 14,671.23	\$ 10,000,000.00
116	General	TD	CD	01/20/17	0.44%	\$ 1,540.00	\$ 2,100,000.00
116	General ¹	TD	CD	01/31/17	0.48%	\$ 24,646.19	\$ 15,403,864.00
110	Capital	WSFS	CD	02/02/17	0.45%	\$ 8,476.02	\$ 5,500,000.00
116	General	WSFS	CD	02/03/17	0.49%	\$ 2,094.24	\$ 2,400,000.00
110	Capital	TD	CD	02/16/17	0.49%	\$ 17,966.67	\$ 10,000,000.00
116	General	TD	CD	02/17/17	0.48%	\$ 2,633.34	\$ 2,500,000.00
110	Capital	WSFS	CD	05/05/17	0.55%	\$ 50,630.13	\$ 20,000,000.00
514	Risk Management	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
515	Worker's Comp	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
104	Escrow Pension	Vanguard					\$ 44,306,798.00
104	Escrow Pension	Black Rock					\$ 23,842,329.00
104	Escrow Pension	Edgar Lomax					\$ 23,340,230.00
104	Escrow Pension	Wilmington Trust					\$ 44,267,812.00
104	Escrow Pension	Manning & Napier					\$ 10,288,560.00
104	Escrow Pension	Earnest Partners					\$ 18,627,767.00
104	Escrow Pension	GMO					\$ 11,896,247.00
104	Escrow Pension	MFS Management					\$ 23,102,563.00
104	Escrow Pension	American Funds					\$ 10,298,223.00
139	Medical Escrow	Vanguard-OPEB					\$ 15,545,251.00
116	Deferred Comp.	MassMutual					\$ 41,617,893.00
	Total Investments						\$ 371,458,011.42
	Total Cash on Hand						\$ <u>1,233,560.68</u>
	Grand Total						\$ 372,691,572.10

¹ Budget Reserve

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Senior Firefighter Ardythe Hope
Shabazz	Sympathy Yvonne O. Price
Wright	Best wishes Mrs. Sara Jane Mitchell-Shockley – 90 th Birthday

President Gregory: Are there any presentation this evening? Hearing none we going to give this opportunity for each Councilperson if they would like to say something and as this is the last City Council meeting, there are a couple other committee meetings, we'll do so at this time; for those who are leaving you'll find on your desk a gift from City Council which is, I believe is a clock. But I'm getting my gavel that I've been using for the last four (4) years. So, if you would like to say something at this time, you're more than welcome do so. I assume that we're going to adjourn after the regular order of business and not have an opportunity at that point and time.

During this time, Council Members of the 106th Session expressed their farewell statements to their colleagues, staff, administration and to the residence of the City of Wilmington.

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

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President. Thank you sir.

President Gregory: Mr. Congo.

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

Mr. Congo presented Resolution No. 16-092 (Agenda #4305) 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, pursuant to Wilm. C. (Charter) §8-205, the City may sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way or other interest over or in such real estate with “authority by general ordinance and later resolution from Council so to do”; and

WHEREAS, the City of Wilmington (the “City”), owns the properties located at 400 and 402 West 30th Street, Wilmington, DE 19802, being New Castle

County Tax Parcel ID No.: 26-015.40-137 and 26-015.40-138 respectively (the "Properties"); and

WHEREAS, the Wilmington Housing Partnership is the owner of the properties located at 404 and 406 West 30th Street, and has entered into an agreement to transfer ownership of 404 and 406 West 30th Street to the Inter Neighborhood Foundation; and

WHEREAS, the City has agreed to transfer ownership of the Properties to the Inter Neighborhood Foundation so that the Inter Neighborhood Foundation can facilitate a large-scale redevelopment of the 400 block of West 30th Street for home ownership opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby authorizes and approves the disposition of the Properties to the Inter Neighborhood Foundation for One Dollar (\$1.00).

BE IT FURTHER RESOLVED that the City will not provide any further subsidies to the Inter Neighborhood Foundation for this project as the City is providing the Properties for nominal consideration.

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 Properties, including any and all further undertakings and assurances that may be appropriate.

On the question:

Mr. Congo: Yes Mr. President, this is just authorizing the Administration to dispose of 400 and 402 West 30th Street to enter into Inter Neighborhood Foundation for renovation for homeownership.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Congo, seconded by Mr. Williams/Ms. Shabazz, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Darius Brown: Nothing tonight.

President Gregory: Ms. Shabazz.

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

On behalf of President Gregory, Ms. Shabazz presented and called for third and final reading Ordinance No. 16-059 (Agenda #4288) entitled:

AN ORDINANCE TO AUTHORIZE THE EXECUTION
OF A MEMORANDUM OF UNDERSTANDING AND
ANNUAL FUNDING AGREEMENT BETWEEN THE
CITY OF WILMINGTON AND THE WILMINGTON
NEIGHBORHOOD CONSERVANCY LAND BANK

On the question:

Ms. Shabazz: Mr. President, this Ordinance presented by the Administration to City Council's approval, it would authorize the City Administration to sign a memorandum of understanding with the Wilmington Neighborhood Conservancy Land Bank governing the relationship and collaboration between the two entities. The MOU encompasses such topics as City funding for the Land Bank and the transfer of city owned properties to the Land Bank and annual report and other information to be made available to the City.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Mr. Williams/Ms. Walsh, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted.

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

On behalf of President Gregory, Ms. Shabazz presented and called for the third and final reading Ordinance No. 16-064 (Agenda #4300) entitled:

AN ORDINANCE TO AMEND THE CAPITAL
IMPROVEMENT PROGRAM FOR THE SIX FISCAL
YEARS 2006-2011 INCLUSIVE

On the question:

Ms. Shabazz: This Ordinance calls for Council's approval to – and it would amend the 2006 Capital Budget Program to create a new program within the budget known as the Eden Park Architectural and Engineering Services.

President Gregory: This is opportunity for us to provide additional - - an additional and, and only all weathered field in the City of Wilmington for our youth

athletics. It's my understanding it's now configured for a football field, their thinking to expand it to a soccer field because it would be larger and by being all weathered we would get more use out of it because the integrity of the field would not be compromised to wear and tear nor would it be compromised in inclement weather. The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the aforementioned Ordinance was read for the third and final time and 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted.

Ms. Shabazz: Mr. President, I have another Ordinance to present on your behalf and call for the third and final reading.

On behalf of President Gregory, Ms. Shabazz presented and called for third and final reading Ordinance No. 16-065 (Agenda #4301) entitled:

AN ORDINANCE TO AMEND THE CAPITAL BUDGET
FOR FISCAL YEAR 2006 BY AMENDING SUBSTITUTE
NO. 1 TO ORDINANCE NO. 05-017

On the question:

Ms. Shabazz: This Ordinance is also asking for Council's approval which would amend the 2006 Capital Budget to appropriate \$200,000 for the completion of the Eden Park and Architectural and Engineering Services. The funds would be taken from an existing balance in the now completed Peter Spencer Plaza Renovation Project budget line.

President Gregory: Mr. Williams, did you have your hand up?

Mr. Williams: Yes sir. Thank you Mr. President, the spirit of this Ordinance, I'm, I'm, I'm 100% behind and the concept I'm 100% behind but I'm going to be presenting a Resolution here shortly asking for some funds to keep the fire stations open, so I can't in good conscious vote for this.

President Gregory: But this is brick and mortar. This is not operating money.

Mr. Williams: I understand.

President Gregory: And we can't be re-purpose brick and mortar bond money for operating money. So, I've done my due diligence to capture a field for kids

from the capital budget not the operating budget. I'm not asking for \$200,000 to be re-purposed from the general purpose for this purpose and I am in support of your Resolution Mr. Williams by the way.

Mr. Williams: That's the answer I was looking for. Thank you.

President Gregory: Thank you. The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Mr. Prado, the aforementioned Ordinance was read for the third and final time and 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

Mrs. Seijo (City Clerk): Yes.

President Gregory: Mr. Prado.

Mr. Prado: Oh. Oh ok, I have a Resolution to present.

Mr. Prado presented Resolution No. 16-093 (Agenda #4306) 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, pursuant to Wilm. C. (Charter) §8-205, the City may sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way or other interest over or in such real estate with "authority by general ordinance and later resolution from Council so to do"; and

WHEREAS, the City of Wilmington (the "City"), entered into an agreement dated September 29, 1982 with Quaker Hill LP for the disposition of a property known as 0 Washington Street, Wilmington, DE 19801, located at the corner of 2nd and Washington Streets, and being New Castle County Tax Parcel ID No.: 26-043.10-360 (the "Property") for \$22,000; and

WHEREAS, there is no record of title to the Property ever being transferred from the City to Quaker Hill LP, nor any record of any payment received by the City for the transfer of the Property; and

WHEREAS, Quaker Hill LP has requested the City, by and through the Department of Real Estate and Housing, ensure proper transfer of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby authorizes and approves the disposition of the Property and instructs the Department of Real Estate and Housing to ensure proper transfer of the Property.

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 Properties, including any and all further undertakings and assurances that may be appropriate.

On the question:

Mr. Prado: This is a housekeeping matter. A disposition of 0 Washington Street.

President Gregory: Ms. Walsh.

Ms. Walsh: Was this discussed at the Housing meeting?

Ms. Shabazz: Yes.

Ms. Cabrera: Yes it was.

Ms. Walsh: Ok, since 1982, seriously. And, it says it came to the attention because obviously no deed has ever been filed and there is no record of ever paying money. Why is this happening now? Are they selling this property? Quaker Hill out paid?

Ms. Cabrera: No they're not.

President Gregory: You go ahead Ms., you know?

Ms. Cabrera: Okay, so what happen was that this property when that area was during the renovations back in the 80's that accordingly Quaker Hill felt that they had paid for it but there was no record of them having paid for it and because the property is just sitting there whether it belongs to the City or whether it belongs to them and they are using it and they're using it as parking, what this is basically doing is formalizing the fact that they do own that property and we did receive a payment – a small payment for it and now it's been deeded. There was no record on file that they had paid for it. They couldn't show proof that they did and there was no deed. So, because it was just standing out there as a loose end, it was time to, you know, tie that loose end.

Ms. Walsh: Ok, thank you.

Mr. President: The Clerk will call the roll.

Upon a motion of Mr. Prado, seconded by Mr. Williams, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Ms. Dorsey Walker.

Ms. Dorsey Walker: No legislative business tonight Mr. President.

Thanks.

President Gregory: Mr. Williams.

Mr. Williams: Mr. President, I am humble to present a Resolution.

Mr. Williams presented Resolution No. 16-094 (Agenda #4307) as follows:

WHEREAS, Wilmington City Council (“Council”) enacted Code Section 2-3 establishing the procedure for naming City of Wilmington (“City”) streets, parks, playgrounds, plazas, buildings, facilities, statues, monuments, and other lands reserved for public use to commemorate a person of significance to the City; and

WHEREAS, on September 24, 2016, the Wilmington Fire Department’s bravest -Captain Christopher Leach, Lieutenant Jerry Fickes, and Senior Firefighter Ardythe Hope - answered the call of duty, setting aside all concerns for their own safety and rushed into a blazing house fire in an attempt to save the lives of others they believed to be trapped by the fire; and

WHEREAS, Captain Leach and Lieutenant Fickes were killed in the line of duty on September 24, 2016, and Senior Firefighter Hope, after courageously fighting for her life, ultimately succumbed to her injuries on December 1, 2016; and

WHEREAS, this was the deadliest fire in the Wilmington Fire Department’s history, and Council deems it its duty to honor and commemorate these three fallen heroes, Captain Christopher Leach, Lieutenant Jerry Fickes, and Senior Firefighter Ardythe Hope, who gave their lives for the City they loved; and

WHEREAS, there is nothing we can do to bring these Angels back to us and there is little we can do to fully honor their lives; furthermore, although any gesture we make will pale in comparison to their heroic acts, it is incumbent upon the City to honor their memories by naming their “home” fire stations after each of these heroes; and

WHEREAS, Wilmington Fire Stations #4, #5 and #6 shall hereafter be named in honor of our heroes who died in the line of duty, valiantly serving their beloved City till the end.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Fire Station #4 is hereby named in honor of Lieutenant Jerry Fickes, and shall hereafter be known as “The Lieutenant Jerry Fickes

Memorial Station,” and such name shall be prominently placed on the front of Fire Station # 4 and shall remain in place so long as the City owns and operates said building.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Fire Station #5 is hereby named in honor of Senior Firefighter Ardythe Hope, and shall hereafter be known as “The Senior Firefighter Ardythe Hope Memorial Station,” and such name shall be prominently placed on the front of Fire Station # 5 and shall remain in place so long as the City owns and operates said building.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Fire Station #6 is hereby named in honor of Captain Christopher Leach, and shall hereafter be known as “The Captain Christopher Leach Memorial Station,” and such name shall be prominently placed on the front of Fire Station # 6 and shall remain in place so long as the City owns and operates said building.

On the question:

Mr. Williams: Mr. President as was just read into the record this is a Resolution to honor those firefighters that gave the ultimate sacrifice and I would be remised if I did not introduce Ms. Kelly Star Zillow (spelling) who’s in our mixed today. She’s the mother of Christopher Leach’s children. And, I also want to recognize our distinguished members from 1590 and any firefighters that are with us this evening.

President Gregory: Mr. Brown.

Mr. Michael Brown: I just wanted to be added as a cosponsor.

President Gregory: Likewise, I want to also. Ms. Cabrera.

Ms. Cabrera: Mr. President, I also would like to be added.

President Gregory: inaudible.

Ms. Walsh: I think it would be appropriate for Council as a whole unless somebody objected Mr. President.

President Gregory: Say what?

Ms. Walsh: It would - for Council as a whole unless somebody objected.

Ms. Shabazz: I agree.

President Gregory: (inaudible)...somebody would do that?

Ms. Shabazz: I too want to be on it.

President Gregory: I’m trying to get - - I’m looking at everybody to get eye contact. That’s what I’m doing.

Ms. Walsh: Yes, I want to be on it.

Mr. Williams: Yes.

President Gregory: So, we're going to put – we'll put everybody on it as sponsors.

Ms. Shabazz: Yes.

Mr. Williams: Thank you.

Ms. Shabazz: Thank you.

Ms. Cabrera: It's appropriate.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Williams, seconded by Ms. Dorsey Walker/Mr. Freel, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Mr. Williams, you have a Resolution.

Mr. Williams: Yes sir, I have a Resolution to present.

Mr. Williams presented Resolution No. 16-095 (Agenda #4308) as follows:

WHEREAS, due to budget constraints and a current shortage in manpower, the Wilmington Fire Department (“WFD”) has expended significant funding in overtime pay to ensure the department is able to properly serve and protect the citizens of Wilmington; and

WHEREAS, the WFD is unable to sustain the current overtime spending levels, and as a result has implemented a policy of station house closures and reassignment of firefighters among the fire houses to ensure levels of service can be met throughout the City; and

WHEREAS, Station # 6 on North Union Street has been shuttered and the firefighters from Station # 6 have been assigned to other fire houses; and

WHEREAS, the City believes that having Station # 6 closed is not a viable long term solution to the financial problems affecting the WFD; and

WHEREAS, Mayor Dennis P. Williams, City Council president Theopalis K. Gregory, Sr., City Councilman Robert A. Williams, and Delaware State Representative Helene M. Keeley have come together to resolve this situation; and

WHEREAS, Mayor Williams, City Council president Gregory, City Councilman Williams, and State Representative Keeley have agreed that the State of Delaware will allocate three-hundred thousand dollars (\$300,000) to the City of Wilmington, thereby ensuring that Station # 6 remains open for the foreseeable future and thus ensures the safety of our citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council hereby formally requests the State of Delaware, through State Representative Helene Keeley, allocate to the City of Wilmington three-hundred thousand dollars (\$300,000) to be used to ensure that Station # 6 remains open to ensure the safety of the citizens of the City of Wilmington.

BE IT FURTHER RESOLVED that City Council wishes to recognize the efforts of Mayor Williams, City Council president Gregory, City Councilman Williams, and State Representative Keeley for their efforts in striking a creative solution to this problem.

BE IT FURTHER RESOLVED, that the City Council, the Mayor, and the City Clerk are hereby authorized to take all actions necessary to effectuate receipt of the above allocation.

On the question:

Mr. Williams: Mr. President, this Resolution with the help of yourself, the Mayor, Public Safety Chair Michael Brown and State Representative Helene Keely, we're attempting to, to end this practice for the time being. Shutting station or Engine 6 directly affects the citizens in my district – it has been earmarked as the only engine that would be shut under these conditions and I'm asking for some assistance to get us up over this hump so that we can reevaluate down the road.

President Gregory: Mr. Michael Brown

Mr. Michael Brown: I just want to ask to be added on this one as well.

Mr. Williams: Yes sir.

President Gregory: So noted. Mr. Darius Brown.

Mr. Darius Brown: Thank you Mr. President. I agree with the spirit of the Resolution; I believe that \$300,000 that we're asking for is not going to meet the need that we're going to have in the operation of our fire department. This is something that we go through all the time within our public safety departments and by the end of this fiscal year it's definitely going to be more than \$300,000. Our common practice is to reconciliation to address the overture in departments. You lead efforts during this session of our Council body to look at the Birkshire Report, we know our challenges our fire department have with manpower now and we know what the coming Council Administration are going to inherit. So, I understand the spirit of the Resolution and I am

going to support it tonight but, you know, \$300,000 is just not going to address the issues that we have with our fire department in any way.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. Just to address my Council colleague, it was brought to the attention of the sponsor

Mr. Darius Brown: It's not a question.

Ms. Dorsey Walker: Oh ...

Mr. Darius Brown: I'm not asking a question.

Ms. Dorsey Walker: Oh, okay. I just wanted to address it however, the reason why we were asking for \$300,000 so that the public is aware is that is the amount that the State Representative representing my district as well as Council Member Williams' district is willing to try to get from JFC for us.

President Gregory: Thank you. Mr. Williams.

Mr. Williams: Thank you Mr. President. In light of the conversation we're having, you know, remember we did turn down \$1.5 million, so, I don't think \$300,000 is that significant at this point.

President Gregory: Ms. Cabrera.

Ms. Cabrera: I would like to be added as a sponsor as well.

President Gregory: So noted. The Clerk will call the roll.

Upon a motion of Mr. Williams, seconded by Ms. Dorsey Walker/Ms. Cabrera, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted.

Mr. Williams: Thank you.

President Gregory: Mr. Freel.

Mr. Freel: Mr. President, I have a Resolution and two Ordinances for third and final.

Mr. Freel presented Resolution No. 16-096 (Agenda #4309) as follows:

WHEREAS, on December 3, 2015, the Council passed Resolution No. 15-071, which approved a collective bargaining agreement (“CBA”) between the CITY OF WILMINGTON, a municipal corporation of the State of Delaware, and the DELAWARE PUBLIC EMPLOYEES, COUNCIL 81 AFSCME AFL-CIO AND ITS AFFILIATE LOCAL UNION 1102B (“Local 1102B”), with a term of July 1, 2015 through June 30, 2018; and

WHEREAS, the Council deems it necessary and appropriate to approve an amendment to the CBA (“Amendment”).

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.

On the question:

Mr. Freel: Yes Mr. President, quickly, this is the new contract with Local 1102B. It extends from July 1, 2015 to June 30, 2018. They will receive a one percent COLA increase for Fiscal Year 17 and Fiscal Year 18. They will also receive \$250 signing bonus for Fiscal Year 17 and Fiscal Year 18. The total cost in Fiscal Year 17 is \$17,100.00 and the cost in Fiscal Year 18 is \$17,200.00 and, it’s my understanding that they ratified this agreement on November 21, 2016.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh/Mr. Williams, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Mr. Freel.

Mr. Freel: I have an Ordinance to present.

Mr. Freel presented and called for the third and final reading Ordinance No. 16-062 (Agenda #4293) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING THE AUDIT REVIEW COMMITTEE

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

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY
CODE REGARDING THE AUDIT REVIEW COMMITTEE

On the question:

Mr. Freel: Yes Mr. President, what we're trying to do here is revamp this Audit Review Committee. My hope is that this takes away the appearance of conflict of interest that we have with the present committee where it was all basically internal department heads and Council representatives. We couldn't have the Auditor auditing one of the departments where the head of the department is actually sitting on the Review Committee. So, what we tried to do here is bring more public participation into the committee. You'll see on page 2 under membership, we will now have five (5) members, three (3) public members; under "C" there's specific qualifications we're looking for dealing with accounting and auditing experience; we also have the term and vacancies listed here to give the new Mayor and the new President of Council time to find the right people for this committee. We are setting an effective date of April 1, 2017.

President Gregory: Ms. Cabrera.

Ms. Cabrera: I would like to be added as a sponsor and I think that this is a wonderful step in the right direction and that the same practice should probably be adopted when it comes to any of the City's appeals either with parking tickets or anything else so that the appearance of the City is involved and favoritism is not there. I think it should be independent and our residence should feel that they're getting a fair shake on anything that's going on.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. Mr. Freel

Mr. Freel: One more Ordinance please.

Mr. Freel presented and called for the third and final reading Ordinance No. 16-066 (Agenda #4302) entitled:

AN ORDINANCE CONSTITUTING BUDGET AMENDMENT
NO. 5 TO THE FISCAL YEAR 2017 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 16-018, AS AMENDED) BY MAKING

CHANGES IN THE OFFICE OF CITY COUNCIL AND
APPROPRIATING THE USE OF THE CATV FUND BALANCE

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

AN ORDINANCE CONSTITUTING BUDGET AMENDMENT
NO. 5 TO THE FISCAL YEAR 2017 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 16-018, AS AMENDED) BY MAKING
CHANGES IN THE OFFICE OF CITY COUNCIL AND
APPROPRIATING THE USE OF THE CATV FUND BALANCE

On the question:

Mr. Freel: Yes Mr. President, I apologize in advance but I have a lengthy motion to make for a floor amendment at this time.

President Gregory: Mr. Freel, let me ask you a question because it may help us as we go through this. If you can't do it, don't do it. I don't want to take you off of what you're trying to accomplish. But can you give us a bottom line on what this does in terms of positions and an amount? If not, just go through it the way it is.

Mr. Freel: Well you will see at the end when I read under the synopsis, it will talk about positions being added...

President Gregory: Ok...

Mr. Freel: ...and deleted...

President Gregory: ...all right...

Mr. Freel: ...and savings.

President Gregory: ...oh thank you. We'll wait than.

Mr. Freel: Okay. In the title on Page 1, line 4 delete the words "and appropriating the use of CATV fund balance". The title should now read: by making changes in the office of City Council. On Page 2, item number 4, strike out the item number 4 by striking the following language: add the position of "Chief Operating Officer grade "EXT, at an annual salary of \$90,000. On Attachment "A" of the Position Allocation List, which is the last page of the Ordinance, strike the Chief Operating Administrator position. Change the departmental total from 29 to 28, change 20.55 to 19.85, and change 8.45 to 8.15. On Page 2, replace item number 4 with the following added language: Change the salary of the City Clerk to \$80,000, grade "EXT". On Page 2, item #5, strike \$96,000 and insert \$80,000 for Legislative & Policy Director. On Page 3, Section 3: strike \$173,261,579 and insert \$173,247,084. On Page 5 in the "City

Council”: in the “City” column, line 1, strike \$1,549,211 and insert \$1,558,132; in the “Special” column, line 1, strike \$808,408 and insert \$784,992; In the “Total City” line 1, strike \$2,357,619 and insert \$2,343,124; In the Total Line, line 5, strike \$2,323,680 and insert \$2,332,601; in the “Total Special”, line 5, strike \$967,413 and insert \$943,997; in the “Total”, line 5, strike \$3,291,093 and insert \$3,276,598. On Page 13, Section 18, line 1, strike \$12,401,166 and insert \$12,377,750. On Page 16, Section 14, strike the 2nd paragraph in its entirety which states: A transfer from the CATV Fund to the General balance in the amount of \$60,877 is authorized for FY2017 and such transfer shall be appropriated to the City Council Personal Services Account Group. On Page 18 in the synopsis and fiscal impact make the following changes: Line 3, strike two (2) new positions and insert one (1) new position; Line 4, strike twenty-nine (29) positions and insert twenty-eight (28) positions; Line 5, strike “The Substitute Ordinance also appropriates the use of \$60,877 of the CATV Fund Balance to be transferred to the City Council Personal Services Account group to absorb midyear staffing changes”. Line 7, strike \$60,877, insert savings -\$14,495. Line 8, strike \$121,754, insert savings -\$28,990. The synopsis now read: “The Substitute Ordinance amends the FY’17 Position Allocation List by making certain changes in the City Council Office, including adding one (1) new position, deleting one (1) existing position, deleting one (1) defunded position, and making certain other salary adjustments for a total of 28 positions. The fiscal impact to FY2017 is a saving of -\$14,495. The annualized fiscal impact is saving of -\$28,990. Can I have a second please?

President Gregory: We’re on the question.

Mr. Darius Brown: Second.

President Gregory: It’s been properly moved and seconded that be known as the amendment to the Ordinance and call for a Yea and Nay vote. All those in favor so note by saying “Aye”, Oppose, Abstentions. “Aye’s” have it.

Mr. Freel: On the question.

President Gregory: On the question.

Mr. Freel: Mr. President, this Ordinance as we do every four (4) years, well, let’s say when a new president comes in and they want to establish a staff to enact their vision and as this year is a specially important because we have so many new Council Members coming on board to have an organizational that would be able to work closely with them, grow them and move this Council forward.

President Gregory: Mr. Wright.

Mr. Wright: Thank you Mr. President. I expressed on last evening to President-Elect that I just feel like, like with this same Council here (106th Session), these things were voted on our night of our Inauguration. So, we’re making decisions for the next Council as it pertains to who’s working and things of that nature and I don’t have a

lot of information, so, we're voting – I'm voting to change something not knowing the capabilities of the individuals filing the positions and things of that nature. I just kind of uncertain about the whole thing and unease about it, so, I'm not sure where I'll be by the time of the roll call but I just think this probably is something that should happen under the 107th Session at the night of the inauguration as we did with the 106th Session and that's my position.

President Gregory: Mr. Freel.

Mr. Freel: Yes, this is no different a procedure we followed about four (4) years ago when the new President came on and wanted to make some changes in the staff before the new Council took office that Council passed an ordinance creating some new positions making changes so that when Council met in the first organizational meeting in January, the staff and everything had been resolved and we were able to vote on that staff that night.

Mr. Wright: Okay.

Mr. Freel: So this is no different than what we did about four (4) years ago; the exact same time.

President Gregory: Clerk, call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh, the aforementioned Substitute Ordinance, As Amended, was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Freel, Michael Brown, Cabrera and Walsh, and Council President Gregory. Total, ten. Nays, Council Members Dorsey Walker, Williams and Wright. Total, three.

President Gregory: Declare it adopted.

Mr. Freel: That's all I have, thank you sir.

President Gregory: Just a minute. Mr. Michael Brown.

Mr. Michael Brown: Yes Mr. President, I have a Resolution.

Mr. Michael Brown presented Resolution No. 16-097 (Agenda #4310) 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 Wilmington Police Department, has submitted two separate grant applications to the State of Delaware; and

WHEREAS, the grant applications are as follows: (a) \$58,324.96 from the State Aid to Local Law Enforcement (SALLE) program to provide advanced and specialized training in the areas of law and drug enforcement, and (b) \$31,329.76 from the Emergency Illegal Drug Enforcement (EIDE) program to fund overtime pay for specialized drug investigations; and

WHEREAS, neither of the grants require a local match; and

WHEREAS, the Council deems it necessary and proper to authorize the two State of Delaware grant applications totaling \$89,654.72, for the aforesaid purposes; and

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Police Department to accept the grant funds from the State of Delaware in the total amount of \$89,654.72, for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department is hereby authorized to accept grant funding from the SALLE program and the EIDE program, in the total amount of \$89,654.72, for the aforesaid purposes.

BE IT FURTHER RESOLVED that the Chief of Police of the Wilmington Police Department, or his designee, shall be authorized to take all necessary actions to accept and administer the grant funds.

On the question:

Mr. Michael Brown: Yes Mr. President, this Resolution is being presented to Council for their review and approval. And, if approve, the Council would be authorizing the Administration to apply to the State of Delaware for two law enforcement grants totaling \$89,654.72. The money would be used to provide specialized training to City police officers for drug enforcement and for special drug investigations. Neither grant, neither grant, neither grant requires the City to provide a local match of dollars.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Michael Brown, seconded by Mr. Williams/Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Ms. Cabrera.

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

Ms. Cabrera presented Resolution No. 16-098 (Agenda #4311) 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, pursuant to Wilm. C. (Charter) §8-205, the City may sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way or other interest over or in such real estate with “authority by general ordinance and later resolution from Council so to do”; and

WHEREAS, the City of Wilmington (the “City”), owns the property located at 20 South Street, New Castle, DE 19702, being New Castle County Tax Parcel ID No.: 10-005.20-124 (the “Property”); and

WHEREAS, the City acquired the Property by way of Sherriff Sale for unpaid debts owed to the City; and

WHEREAS, the City has entered into an agreement with the New Castle County Division of Community Development and Housing to provide the Property to the Division of Community Development and Housing to assist the County with their ongoing acquisition strategy in Hamilton Park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby authorizes and approves the disposition of the Property to the New Castle County Division of Community Development and Housing for One Dollar (\$1.00).

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 Properties, including any and all further undertakings and assurances that may be appropriate.

On the question:

Ms. Cabrera: This Resolution is being presented by the City Council for Council’s review and approval. We would be authorizing the Administration to apply to the State of Delaware for two – I’m sorry – wrong. The Resolution, sorry about that – we are conveying a property at 20 South Street in New Castle to the New Castle County Division of Community Development and Housing for the agency’s ongoing strategy of acquiring properties in the area of Hamilton Park. The City acquired the New Castle property by way of Sheriff’s Sale for unpaid debts.

President Gregory: The Clerk, call the roll.

Upon a motion of Ms. Cabrera, seconded by Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen.

President Gregory: Declare it adopted. Ms. Cabrera.

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

Ms. Cabrera presented and called for the third and final reading Ordinance No. 16-063 (Agenda #4296) entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE
CITY CODE REGARDING UNPAID PARKING
PENALTIES THAT ARE OLDER THAN SEVEN YEARS

On the question:

Ms. Cabrera: Mr. President, this Ordinance is being presented by the Administration for City Council's review and approval. This Ordinance will amend Chapter 37 of the City Code by requiring the Director of Finance to waive civil penalties that are owed in connection with unpaid parking violations that are older than seven years from the date of issuance and deem such penalties as uncollectible. As we know with most things there is a statute of limitation and it appears that although we have the seven year statute of limitation that this was done at the discretion of the finance director. So, what this is basically doing is saying that after seven (7) years that those civil penalties were deemed uncollectible. When we moved on to new technology and we were able to scan the license plates and the person's name came up, you could have a violation from twenty (20) years ago, however long, that you were no longer getting notices about or maybe something you never got a notice about, and it deemed that particular vehicle that you now own, it put into boot status. So, folks were getting booted. They may had paid their fines not knowingly that they had these outstanding fines from years ago, they weren't getting notices at that time, maybe now they are, so, now you pay the boot and you go through this process, who has time to appeal this. So, what this is doing is saying basically, look, if we haven't collected in the seven (7) years, we're not going to collect it, we need to forgive it and we just can't be dumping this on people in opportune moments.

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President. I, I, I just don't want to see the City get into a practice of catch me if you can. To me a fine is fine. It doesn't make you right and if its money that's owed to the City and it's rightfully ours, it's something we should be collecting.

President Gregory: We even have a statute of limitations for felons.

Mr. Williams: I understand that; certain felons.

President Gregory: A whole lot of them. Five (5) years; this is seven (7). The Clerk will call the roll.

Upon a motion of Ms. Cabrera, seconded by Ms. Shabazz/Ms. Walsh, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and

Nay Roll Call Vote: Yeas, Council Members Congo, Darius Brown, Shabazz, Freel, Cabrera and Wright, and Council President Gregory. Total, seven. Nays, Council Members Chukwuocha, Prado, Dorsey Walker, Williams, Michael Brown and Walsh. Total, six.

President Gregory: Declare it adopted and Ms. Cabrera that's the last third and final and that's the last ordinance for the 106th Session. Ms. Walsh.

Ms. Walsh: No, I don't have any legislation and I'm sorry Maria.

President Gregory: Thank you. Mr. Wright.

Mr. Wright: No legislation Mr. President; motion to adjourn.

President Gregory: All right, so moved.

Mr. Williams: Second. Thank you.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Mr. Wright, seconded by Mr. Williams, Council adjourned at 7:25 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk