

*Wilmington, Delaware
Louis L. Redding
City/County Building
October 6, 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, Darius Brown, Shabazz, Prado*, Dorsey Walker, Williams, Freel, Cabrera**, Walsh and Wright and Council President Gregory . Total, eleven. Absent, Council Members Congo and Michael Brown. Total, two.

MINUTES

After reading a portion of the minutes of September 15, 2016, upon a motion of Ms. Walsh, seconded by Mr. Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Health, Aging & Disabilities Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Robert A. Williams	X		
Darius J. Brown		X	
Charles M. "Bud" Freel		X	
Sherry Dorsey Walker		X	
Justen A. Wright		X	

President and Members of Council of
The City of Wilmington

Date: September 28, 2016

Ladies and Gentlemen:

We, your Health, Aging & Disabilities Committee, met on the above date at 5:00 p.m., Council Member Robert A. Williams presiding. The following items were discussed:

- A presentation by Dr. Seyedmehdi Jadali regarding St. Francis Hospital being designed as a level 3 Trauma Center

Respectfully submitted, Members of
Health, Aging & Disabilities Committee
/s/Robert A. Williams, Chair

Note: The above referenced item did not require to be voted out of committee.

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

TREASURER'S REPORT

The following Treasurer's Report dated October 6, 2016 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel and Ms. Shabazz, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON OCTOBER 6, 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	\$ 2,254.06
106	Fire Pension Account	M & T Bank	\$ 1,186.55
107	Evidence/Found Currency Account	M & T Bank	\$ 411,473.63
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	\$ 22,839.27
117	Cement Workers	Wilmington Savings Fund	\$ 33,502.45
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 6,648.36
120	Grant-In-Aid Account	M & T Bank	\$ 402,738.00
130	Payroll	M & T Bank	\$ 188,109.25
131	Pension Payroll Account	M & T Bank	\$ 38,447.37
139	Pension Healthcare Account	M & T Bank	<u>\$ 110,384.42</u>
	Total Cash on Hand		\$ 1,236,694.43

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	10/06/16	0.01%	\$ 2.25	\$ 8,183,692.00
110	Capital	TD	CD	10/07/16	0.50%	\$ 14,583.34	\$ 10,000,000.00
116	General	WSFS	CD	10/07/16	0.40%	\$ 942.46	\$ 2,000,000.00
116	General	WSFS	CD	10/07/16	0.40%	\$ 565.47	\$ 1,200,000.00
116	General	TD	CD	10/14/16	0.41%	\$ 637.78	\$ 1,000,000.00
116	General	TD	CD	10/14/16	0.41%	\$ 956.67	\$ 1,500,000.00
116	General	TD	CD	10/21/16	0.50%	\$ 1,187.50	\$ 1,500,000.00
116	General	TD	CD	10/28/16	0.50%	\$ 4,280.56	\$ 4,600,000.00
124	Non-Uniform 1990	WSFS	CD	10/28/16	0.45%	\$ 1,065.21	\$ 2,880,000.00
106	Fire Pension	WSFS	CD	10/28/16	0.45%	\$ 357.53	\$ 1,000,000.00
105	Police Pension	WSFS	CD	10/28/16	0.45%	\$ 80.45	\$ 225,000.00
116	General	TD	CD	11/01/16	0.43%	\$ 2,747.23	\$ 4,600,000.00
116	General	TD	CD	11/10/16	0.43%	\$ 1,691.34	\$ 2,400,000.00
110	Capital	WSFS	CD	11/18/16	0.50%	\$ 99,726.02	\$ 20,000,000.00
116	General	TD	CD	11/21/16	0.43%	\$ 1,730.75	\$ 2,100,000.00
116	General	TD	CD	11/21/16	0.47%	\$ 1,096.67	\$ 1,500,000.00
116	General	WSFS	CD	11/30/16	0.45%	\$ 2,278.35	\$ 2,400,000.00
116	General	TD	CD	11/30/16	0.50%	\$ 4,861.12	\$ 5,000,000.00
116	General	WSFS	CD	12/09/16	0.45%	\$ 2,278.36	\$ 2,400,000.00
116	General	WSFS	CD	12/21/16	0.45%	\$ 2,021.92	\$ 2,000,000.00
110	Capital	WSFS	CD	01/20/17	0.45%	\$ 14,671.23	\$ 10,000,000.00
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
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					\$ 45,236,023.00
104	Escrow Pension	Black Rock					\$ 23,931,350.00
104	Escrow Pension	Edgar Lomax					\$ 23,839,222.00
104	Escrow Pension	Wilmington Trust					\$ 44,433,565.00
104	Escrow Pension	Manning & Napier					\$ 10,613,773.00
104	Escrow Pension	Earnest Partners					\$ 18,979,409.00
104	Escrow Pension	GMO					\$ 11,908,163.00
104	Escrow Pension	MFS Management					\$ 23,466,438.00
104	Escrow Pension	American Funds					\$ 10,279,659.00
139	Medical Escrow	Vanguard-OPEB					\$ 15,751,934.00
116	Deferred Comp.	MassMutual					\$ 40,705,605.00
	Total Investments						\$ 390,674,480.42
	Total Cash on Hand						\$ <u>1,236,694.43</u>
	Grand Total						\$ 391,911,174.85

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	Best wishes William L. "Bill" Allen, Jr.
All Council	Commend Knights of Peter Claver Council 383 and the Ladies Auxiliary Court
All Council	Sympathy Lieutenant Christopher Leach
All Council	Sympathy Senior Firefighter Jerry W. Fickes, Jr.
All Council	Sympathy Wesley N. Smith
D. Brown	Welcome Dr. Benjamin J. Caldwell and Minister Pamela Caldwell
D. Brown/Cabrera	Sympathy Frank J. Masley
M. Brown	Sympathy Clarence A. McNeill
Congo	Congratulate Mount Zion Miracle Station Seventh-day Adventist Church
Congo	Recognize Pastor Melvyn Hayden and Denise Hayden
Congo	Recognize Evangelist Conklin B. Gentry
Shabazz	Recognize LaVerne Harmon
Shabazz	Commend Gina Worthey
Williams	Sympathy Firefighter Michael Paul McNulty, Sr.

A moment of silence was done in memory of the two falling firefighters and to keep the other two firefighters that are still recuperating in prayer.

President Gregory: We're going to 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).

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

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

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Thank you Mr. President, nothing tonight.

President Gregory: Mr. - - I'm sorry ok...Ms. - Ms. - I was going to skip over you if you want me to. Ms. Shabazz, I can come back to you...

Ms. Shabazz: Ok we can come back...

President Gregory: ...if you want to get in the picture.

Ms. Shabazz: ...yeah I do.

President Gregory: You go ahead. Mr. Prado. Hurry up. Mr. Prado.

Mr. Prado: Present.

President Gregory: No, no, no, no - nothing tonight Mr. President.

Mr. Prado: Sorry.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President, nothing tonight.

President Gregory: Mr. Williams.

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

Mrs. Seijo (City Clerk): If you can give me just one minute, we're out of order.

President Gregory: Sorry about that.

Mr. Williams: That's all right.

Mr. Williams presented and called for the first and second reading Ordinance No. 16-049 (Agenda #4270) entitled:

AN ORDINANCE TO REZONE 2303 PYLE STREET
FROM C-5 (HEAVY COMMERCIAL) TO R-3 (ONE-
FAMILY ROW HOUSES)

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

Mr. Freel: And the Planning Commission.

Mr. Williams: That was already heard in the Planning Commission.

Mr. Wright: Out of order.

President Gregory: Mr. – Mr. – Mr. Williams, #4271.

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

Mr. Williams presented Resolution No. 16-075 (Agenda #4271) as follows:

WHEREAS, the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area was adopted by City Council in 1959 and last amended on December 5, 1991; and

WHEREAS, the City Planning Commission approved further amendments to the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area at its meeting on August 16, 2016, via City Planning Commission Resolution 11-16; and

WHEREAS, the provisions of Wilm. C. '5-600(a) require that a duly advertised public hearing be held by the Council prior to the adoption of modifications to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that a public hearing on the amendments to the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area be held by the Council on November 17th, 2016 at 6:30 p.m. in the City Council Chambers.

BE IT FURTHER RESOLVED, that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

On the question:

Mr. Williams: Mr. President, this Resolution schedules a public hearing to allow the public to voice their opinions on a proposed amendment to the Neighborhood Comprehensive Development Plan for the Southwest Analysis Area November 17, 2016 at 6:30pm in City Council Chambers.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. #4271.

Mr. Williams: Mr. President, I have a Resolution to present.

Mrs. Seijo (City Clerk): One second.

President Gregory: Mark Ms. Cabrera present please.

Mrs. Seijo (City Clerk): So noted.

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

Mr. Williams presented Resolution No. 16-076 (Agenda #4272) as follows:

WHEREAS, contemporaneous with this resolution, an Ordinance will be introduced to the Wilmington City Council which will propose amendments to Chapter 48 of the City Code relating to the zoning classifications of a parcel of land being Tax Parcel 26-026.10-103, located at 2303 Pyle Street from C-5 to R-3 zoning classification; and

WHEREAS, the City Planning Commission reviewed the proposed rezoning at its August 16, 2016 regular meeting and made a recommendation to approve the proposed rezoning by City Planning Commission Resolution 12-16; and

WHEREAS, the City Council proposes to schedule a public hearing for review of the proposed rezoning Ordinance, or a Substitute thereto, to be duly advertised in conformity with Wilm. C. '48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council hereby schedules a public hearing on said proposed re-zoning Ordinance, or a Substitute thereto, to be held on November 17th, 2016, at 6:30 p.m., in the City Council Chambers, to consider the proposal to rezone the land being Tax Parcel 26-026.10-103 located at 2303 Pyle Street, from C-5 (Heavy Commercial) to R-3 (One-Family Row Houses).

FURTHER RESOLVED, that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

On the question:

Mr. Williams: Mr. President, this Resolution schedules a public hearing to allow the public to voice their opinions on the proposed rezoning of Tax Parcel 26.026.10-101 located at 2303 Pyle from C-5 (Heavy Commercial) to R-3 (One-Family Row House) on November 17, 2016 at 6:30pm in the Council Chambers.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. You want to continue or you want to go back to Ms. Shabazz?

Mrs. Seijo (City Clerk): Whichever you prefer sir.

President Gregory: We'll go back to Ms. Shabazz. I might forget her.
Ms. Shabazz.

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

Ms. Shabazz presented and called for the first and second reading Ordinance No. 16-050 (Agenda #4269) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

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

President Gregory: Mr. Freel.

Mr. Freel: Two Ordinances for first and second.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-051 (Agenda #4273) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE
CITY CODE REGARDING THE ESTABLISHMENT
OF COUNCIL ORGANIZATIONAL FUND

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

President Gregory: Mr. Freel.

Mr. Freel: One more.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-052 (Agenda #4274) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2
TO THE FISCAL YEAR 2017 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE
NO. 1 TO ORDINANCE NO. 16-018, AS AMENDED)

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

President Gregory: Ms. Cabrera.

Ms. Cabrera: Nothing this evening sir.

President Gregory: Ms. Walsh.

Ms. Walsh: Mr. President, I have an Ordinance to present for first and second.

Ms. Walsh presented and called for the first and second reading Ordinance No. 16-053 (Agenda #4275) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE
CITY CODE REGARDING RESTRICTIONS ON
SELECTING, RECLASSIFYING, OR OTHERWISE
PLACING MEMBERS OF THE APPOINTED SERVICE
IN VACANT POSITIONS IN THE CLASSIFIED
SERVICE DURING A LAME-DUCK PERIOD

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

President Gregory: I entertain a - - Mr. Wright.

Mr. Wright: No legislation.

President Gregory: I entertain a motion to adjourn.

Mr. Wright: So moved.

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 6:54 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk