

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
November 6, 2014*

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

Invocation was given by Traci Owens.

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.

President Gregory asked for a moment of silence for Officer Justin Wilkers who was injured the other day in the line of duty.

### **MINUTES**

After reading a portion of the minutes of October 16, 2014, 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:

<b><u>Public Works &amp; Transportation Committee Member</u></b>	<b><u>Present</u></b>	<b><u>Absent with Leave</u></b>	<b><u>Absent w/out Leave</u></b>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado		X	
Robert A. Williams		X	

October 15, 2014

President and Members of Council of  
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred **Ordinance No. 14-019** entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/PARKING REGULATIONS

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

Respectfully submitted, Members of  
Public Works & Transportation Committee  
/s/Hanifa Shabazz, Chair  
/s/Nnamdi O. Chukwuocha

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, the aforementioned 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 G.N. Shabazz	X		
Loretta Walsh		X	

October 6, 2014

President and Members of Council of  
The City of Wilmington

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 14-042** entitled:

AN ORDINANCE ESTABLISHING A MINIMUM WAGE PAID BY THOSE PARTIES WHO ENTER INTO CONTRACTS WITH THE CITY

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 Ms. Walsh, seconded by Mr. Williams, the  
 aforementioned Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Public Works &amp; Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado		X	
Robert A. Williams		X	

October 15, 2014

President and Members of Council of  
 The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred  
**Ordinance No. 14-043** entitled:

AN ORDINANCE TO AUTHORIZE A MULTI-YEAR  
 SUPERVISORY CONTROL AND DATA ACQUISITION  
 SERVICES (“SCADA”) AGREEMENT WITH ALLIED  
 CONTROL SERVICES, INC.

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

Respectfully submitted, Members of  
 Public Works & Transportation Committee  
 /s/Hanifa Shabazz, Chair  
 /s/Nnamdi O. Chukwuocha

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

The City Clerk read the following committee report:

<u>Public Works &amp; Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado		X	
Robert A. Williams		X	

October 15, 2014

President and Members of Council of  
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred  
**Ordinance No. 14-044** entitled:

AN ORDINANCE TO AUTHORIZE CITY CONTRACT D15023PW –  
GASOLINE, HEATING OIL, AND DIESEL FUEL – DELIVERY  
SERVICES WITH JAMES RIVER SOLUTIONS, LLC.

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

Respectfully submitted, Members of  
Public Works & Transportation Committee  
/s/Hanifa Shabazz, Chair  
/s/Nnamdi O. Chukwuocha

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, the  
aforementioned 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 G.N. Shabazz		X	
Loretta Walsh	X		

President and Members of Council of  
The City of Wilmington

November 3, 2014

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 14-048**  
entitled:

AN ORIDNANCE CONSTITUTING AMENDMENT NO. 2 TO  
FISCAL YEAR 2015 OPERATING BUDGET (BEING AN  
ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE  
NO. 14-016, AS AMENDED) BY MAKING CHANGES TO THE  
FISCAL YEAR 2015 POSITION ALLOCATION LIST FOR THE  
CITY AUDITOR'S OFFICE

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/Loretta Walsh  
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Ms. Walsh, seconded by Mr. Williams, the  
aforementioned 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.			
Samuel Prado		X	
Hanifa G.N. Shabazz		X	
Loretta Walsh	X		

President and Members of Council of  
The City of Wilmington

November 3, 2014

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 14-049**  
entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S  
 GENERAL OBLIGATION BONDS IN ORDER TO PROVIDE THE  
 FUNDS NECESSARY TO FINANCE THE COSTS OF ACQUIRING  
 CONTAINERS FOR MUNICIPAL SOLID WASTE COLLECTION  
 AND RECYCLING RECEPTACLES FOR USE WITHIN THE CITY  
 LIMITS; PROVIDING FOR THE SALE OF THE BONDS; AND  
 AUTHORIZING OTHER NECESSARY ACTION

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/Loretta Walsh  
 /s/Theopalis K. Gregory, Sr., Ex Officio

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

The City Clerk read the following committee report:

<u>Health, Aging &amp; 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

October 22, 2014

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 on Breast Cancer Awareness Month by Chadeia Mitchell from the Delaware Breast Cancer Coalition
- A presentation on Domestic Violence Awareness Month by Noel Duckworth from the Delaware Coalition Against Domestic Violence

Respectfully submitted, Members of  
 Health, Aging & Disabilities Committee  
 /s/Robert A. Williams, Chair  
 /s/Sherry Dorsey Walker  
 /s/Justen A. Wright

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

\*Note: At this time, Ms. Shabazz was marked present.

**TREASURER'S REPORT**

The following Treasurer's Report dated November 6, 2014 was read into  
 the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr.  
 Williams, the Report was received, recorded and filed. Motion prevailed.

**TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON NOVEMBER 6, 2014**

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,963.81
105	Police Pension Account	M & T Bank	\$ 2,852.49
106	Fire Pension Account	M & T Bank	\$ 2,455.62
107	Evidence/Found Currency Account	M & T Bank	\$ 159,108.02
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	\$ 1,111.82
114	Central Deposit	M & T Bank	\$ 13,318.13
117	Cement Workers	Wilmington Savings	\$ 33,828.67
118	Worker's Comp. 3 <sup>rd</sup> Party Account	Fund	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 2,490.83
130	Payroll	M & T Bank	\$ 97,010.53
131	Pension Payroll Account	M & T Bank	\$ 34,621.88
139	Pension Healthcare Account	M & T Bank	\$ <u>42,841.98</u>
	Total Cash on Hand	M & T Bank	\$ <b>408,746.98</b>

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	11/06/14	0.01%	\$ 1.74	\$ 6,318,811.00
116	General	WSFS	CD	11/07/14	0.25%	\$ 794.52	\$ 2,000,000.00
116	General	WSFS	CD	11/14/14	0.30%	\$ 1,380.82	\$ 2,000,000.00
116	General <sup>1</sup>	TD	CD	11/20/14	0.25%	\$ 9,249.03	\$ 15,003,965.00
110	Capital	WSFS	CD	11/21/14	0.30%	\$ 21,927.81	\$ 24,476,000.00
124	Non-Uniform 1990	WSFS	CD	11/24/14	0.30%	\$ 1,048.97	\$ 5,105,000.00
105	Police Pension	WSFS	CD	11/24/14	0.30%	\$ 91.44	\$ 445,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 1,578.08	\$ 2,000,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 3,698.63	\$ 5,000,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 1,474.52	\$ 2,300,000.00
116	General	TD	CD	12/12/14	0.25%	\$ 1,452.06	\$ 2,000,000.00
116	General	WSFS	CD	12/17/14	0.30%	\$ 1,541.09	\$ 2,500,000.00
116	General	TD	CD	12/23/14	0.25%	\$ 1,602.74	\$ 2,000,000.00
116	General	TD	CD	01/05/15	0.25%	\$ 1,181.51	\$ 1,500,000.00
116	General	WSFS	CD	01/09/15	0.30%	\$ 1,873.97	\$ 2,000,000.00
110	Capital <sup>2</sup>	TD	CD	01/15/15	0.25%	\$ 1,287.02	\$ 1,540,195.00
116	General	WSFS	CD	01/23/15	0.30%	\$ 2,071.23	\$ 2,000,000.00
116	General	TD	CD	01/30/15	0.25%	\$ 1,181.51	\$ 1,500,000.00
116	General	WSFS	CD	02/06/15	0.30%	\$ 1,841.10	\$ 2,000,000.00
116	General	TD	CD	02/20/15	0.25%	\$ 3,835.62	\$ 5,000,000.00
514	Risk Management	WSFS	CD	07/10/15	0.35%	\$ 14,938.32	\$ 4,279,819.74
515	Worker's Comp.	WSFS	CD	07/10/15	0.35%	\$ 14,938.32	\$ 4,279,819.74
104	Escrow Pension	Affinity Wealth					\$ 1,481,730.00
104	Escrow Pension	Vanguard					\$ 34,765,400.00
104	Escrow Pension	Black Rock					\$ 26,981,862.00
104	Escrow Pension	Edgar Lomax					\$ 16,933,635.00
104	Escrow Pension	Wilmington Trust					\$ 46,283,657.00
104	Escrow Pension	Manning & Napier					\$ 21,689,321.00
104	Escrow Pension	Earnest Partners					\$ 17,674,196.00
104	Escrow Pension	GMO					\$ 11,912,798.00
104	Escrow Pension	MFS Management					\$ 19,947,102.00
139	Medical Escrow	Black Rock-OPEB					\$ 12,728,130.00
116	Deferred Comp.	MassMutual					\$ 39,447,151.00
	Total Investments						\$ 345,093,592.48
	Total Cash on Hand						\$ 408,746.98
	Grand Total						\$ 345,502,339.46

<sup>1</sup> Budget Reserve

<sup>2</sup> SEU

/s/Henry W. Supinski  
City Treasurer



## NON-LEGISLATIVE BUSINESS

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

All Council	Commend Wallace Saunders, Tina Smith and Kathleen Hopkins' Rescue of Victim
M. Brown	Sympathy Deacon James B. Manley
Cabrera	Congratulate Tahjae Michelle Rogers, North Brandywine Village Civic Association Good Citizen Honoree
Cabrera	Congratulate Virginia Esteban ( <i>José Martí Gold Award for Outstanding Editorial Column</i> )
Dorsey Walker	Recognize Nation of Moorish Americans
Gregory	Tribute Hanover Presbyterian Church and the Female Harmony Society
Gregory	Benedette Winton Retirement from Kingswood
Shabazz	Welcome Mimi Brown – <i>WDAS Radio</i>
Shabazz	Congratulate Our Time Honorees
Williams	Recognize Sam Beard – " <i>Lifetime Achievement Award</i> "
Williams	Recognize Peg Tigie – " <i>2014 David G. Menser Award</i> "
Williams	Downtown Visions 20 <sup>th</sup> Anniversary
Williams	Recognize Pancreatic Cancer Awareness Month
Williams	Congratulate Community Athletic League All Stars
Wright	Sympathy Alma C. Cooper Stewart
Wright	Sympathy Ruth A. Jervy
Wright	Best wishes Walter Lee Mitchell – 90 <sup>th</sup> Birthday

\*\*Note: Mr. Prado was marked present during non-legislative business.

## LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

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

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Yes Mr. President, I have an Ordinance to present.

\*\*\*Note: Mr. Freel was marked present at this time.

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Yes Mr. President, I have an Ordinance to present and call for third and final reading.

Mr. Darius Brown presented and called for the third and final reading Ordinance No. 14-042 (Rev. 1, Agenda #3976) entitled:

AN ORDINANCE ESTABLISHING A MINIMUM WAGE  
PAID BY THOSE PARTIES WHO ENTER INTO  
CONTRACTS WITH THE CITY

Mr. Darius Brown: Yes Mr. President, this Ordinance establishes a minimum wage of \$10.10 to be paid by those parties who enter into contracts with the City of Wilmington. This Ordinance applies to contracts for which competitive bidding is required and will become effective January 1, 2015.

President Gregory: Ms. Walsh.

Ms. Walsh: Yes Mr. President, number one I apologize for not being able to get to the meeting that this was debated. I am supporting this, this evening but there is one thing that I want to point out, you know, from the comments I've read in the paper about the City's response to this and about having to hire another person, I will not be voting for any addition to the allocation list because number one, it's completely unnecessary for the City to hire anybody to make sure this is done, that the onus on this is during the bidding contract which all those numbers are there anyway. If somebody violates that it should be the Law Department handling it now. But if a violation is reported and if they're proven that they did violate any of the City's laws, they should lose their business license and their contract should then become null and void. So the Law Department needs to work on what is put into those contracts rather than the immediate reaction being another city employee has to be hired. So I do support this but I will not support another employee.

Mr. Darius Brown: I'll wait for the rest of my colleagues before I...

President Gregory: You're on.

Mr. Darius Brown: Ok. I just want to clarify that during the negotiation and conversations around this legislation many of my colleagues did expressed concerns somewhat to Council Member Walsh and we've had meetings with Council, the Administration, the Office of OMB, the Law Department and the Finance Department and this legislation in no way is impacted through any - - it's not impacted fiscally through any operations of the City's Finance Department.

President Gregory: Ms. Cabrera.

Ms. Cabrera: I support this wholeheartedly and I would like to be added as a sponsor. I think it's time that we set an example at least here in the State of Delaware where we know that the average for anyone to survive – for an average family to survive is \$10.22 an hour and at least we send a message in city government saying

that we need to start making some changes so that people can afford to live just – just to pay the bare minimum. This isn't going to make anybody rich. This is a wonderful, wonderful start and I thank you my colleague Darius Brown because we have been working on this diligently to try to get the minimum wage up period in this country. Thank you.

President Gregory: Clerk will call the roll please.

Mr. Darius Brown: Mr. President.

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

President Gregory: Declare it adopted. Mr. Brown.

Mr. Darius Brown: Mr. President, I have a Resolution to present.

Mr. Darius Brown presented Resolution No. 14-050 (Agenda #3991) as follows:

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

**WHEREAS**, the City, through its Department of Real Estate and Housing (the “Department”), has expressed an interest in obtaining ownership of the property known as Tax Parcel No. 26-029.20.207 being located at 507 Vandever Avenue, Wilmington, Delaware (the “Property”); and

**WHEREAS**, the Bank of New York Mellon Trust, being the current legal owner of the Property, has agreed to donate the Property to the City; and

**WHEREAS**, after acquisition of the Property, the City intends to transfer or redevelop the Property to assist with Vandever Avenue redevelopment efforts.

**NOW, THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF WILMINGTON** (the “Council”) that Council, acting pursuant to Wilm. C. (Charter) § 8-204, hereby authorizes and approves the acceptance of the Property by the City from the current owner, the Bank of New York Mellon Trust, and authorizes the Department to execute any and all documents and to take all actions necessary to effectuate the acceptance of the Property, including any and all further undertakings and assurances that may be appropriate.

Mr. Darius Brown: Yes Mr. President, this Resolution authorizes the City's Department of Real Estate and Housing to accept the donation of 507 Vandever Avenue being a parcel number from the Bank of New York Mellon Trust. This is an ongoing initiative of the City's Real Estate and Housing Department working with different banks as a result of our economic downturn and many of the foreclosure challenges that we've had in the City of Wilmington. With the Department receiving this property it is their intent and goal to rehab this property and that it will be sold to homeowner.

President Gregory: Clerk will call the roll please.

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to 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, Wright and Council President Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Michael Brown. Total, two.

President Gregory: Declare it adopted.

Mr. Darius Brown: Mr. President, I have a Resolution to present.

Mr. Darius Brown presented Resolution No. 14-051 (Agenda #3992) as follows:

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

**WHEREAS**, the City, through its Department of Real Estate and Housing (the "Department"), has expressed an interest in obtaining ownership of the properties known as (1) Tax Parcel No. 26-036.30.120 being located at 911 North Pine Street, Wilmington, Delaware and (2) Tax Parcel No. 26-036.30.554 being located at 927 Bennett Street, Wilmington, Delaware (together, the "Properties"); and

**WHEREAS**, the US Bank National Association Trustee, being the current legal owner of both Properties, has agreed to donate the Properties to the City; and

**WHEREAS**, after acquisition of the Properties, the City intends to transfer or redevelop the Properties to assist with eastside revitalization efforts.

**NOW, THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF WILMINGTON** (the "Council") that Council, acting pursuant to Wilm. C. (Charter) § 8-204, hereby authorizes and approves the acceptance of the Properties by the City from the current owner, the US Bank National Association Trustee, and authorizes the Department to execute any and all documents and to take all actions necessary to effectuate the acceptance of the Properties, including any and all further undertakings and assurances that may be appropriate.

Mr. Darius Brown: Yes Mr. President, this Resolution authorizes the City's Department of Real Estate and Housing to accept the donation of 911 North Pine Street and 927 Bennett Street from the US Bank National Association Trustee. This is again a part of our efforts to try to stabilize some areas in our city that have been impacted by economic downturn of foreclosure and these two properties particularly would be part of our larger efforts on Eastside of Wilmington through the Eastside Rise Project.

President Gregory: Clerk will call roll.

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh, the aforementioned Resolution was received, adopted as read and directed to 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, Wright and Council President Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Michael Brown. Total, two.

President Gregory: Declare it adopted. Ms. Shabazz.

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

Ms. Shabazz presented and called for the third and final reading Ordinance No. 14-043 (Agenda #3977) entitled:

AN ORDINANCE TO AUTHORIZE A MULTI-YEAR SUPERVISORY CONTROL AND DATA ACQUISITION SERVICES ("SCADA") AGREEMENT WITH ALLIED CONTROL SERVICES, INC.

Ms. Shabazz: Yes Mr. President, this Ordinance was presented by the Administration for approval by Council to enter into a one-year contract with an option to renew for three additional consecutive years with Allied Control Services to assess, recommend and implement improvements to the Supervisory Control and Data Acquisition program in the Water Department within the Public Works. The initial one-year contract has three one-year optional renewal carries an estimated annual cost of \$350,000.

President Gregory: Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh/Mr. Williams, 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright and Council President

Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Michael Brown. Total, two.

President Gregory: Declare it adopted.

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

Ms. Shabazz presented and called for the third and final reading Ordinance No. 14-044 (Agenda #3978) entitled:

AN ORDINANCE TO AUTHORIZE CITY CONTRACT D15023PW – GASOLINE, HEATING OIL, AND DIESEL FUEL – DELIVERY SERVICES WITH JAMES RIVER SOLUTIONS, LLC.

Ms. Shabazz: This Ordinance is presented for Council to enact to enter into a one-year contract with an option to renew two consecutive years with James River Solutions for supplies of gasoline, heating oil and diesel for various City buildings and vehicles. The cost of the contract is \$1,952,185.50.

President Gregory: 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 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, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright and Council President Gregory. Total, eleven. Nays, none. Absent, Council Members Congo and Michael Brown. Total, two.

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

Ms. Shabazz presented Resolution No. 14-052 (Agenda #3993) as follows:

**WHEREAS**, by its Ordinance No. 97-051, amending 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 a requirement for Council approval by resolution and including authorization for expedited grant applications when necessary, prior to Council's resolution; and

**WHEREAS**, the City, through its Department of Public Works, has been awarded a Wastewater Planning Matching Grant from the Delaware Department of Natural Resources and Environmental Control (DNREC), in the amount of \$55,000 to support evaluation of the viability of an off-line, contained, Combined Sewer Overflow ("CSO") storage facility within the footprint of the abandoned 14<sup>th</sup> Street Quarry for storage of stormwater run-off from CSO 4a; and

**WHEREAS**, CSO 4a is the highest volume outfall in the city's combined system, and, if the concept is feasible, the city could significantly boost its CSO capture rate helping the City meet or exceed the goals of the Final Long Term Control Plan by constructing a new holding tank in the Quarry; and

**WHEREAS**, DNREC's Wastewater Planning Matching Grant requires matching funds and Public Works has sufficient funds to cover the remaining \$55,000 cost of the engineering evaluation; and

**WHEREAS**, the Council deems it necessary and proper to authorize Public Works to accept the aforesaid grant from DNREC through execution of a grant agreement and any other documents necessary for the implementation of the grant.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department of Public Works is hereby authorized to accept the \$55,000 in grant funding from DNREC's Wastewater Planning Matching Grant to support the evaluation of the viability of an off-line, contained, Combined Sewer Overflow ("CSO") storage facility within the footprint of the abandoned 14<sup>th</sup> Street Quarry for storage of stormwater run-off from CSO 4a. The Director of Public Works or his appointee is hereby authorized to execute a grant agreement and any other documents necessary for the implementation of the grant.

**FURTHER RESOLVED** that the Department of Public Works shall be authorized to take all necessary actions to administer the grant and the grant program for the City of Wilmington.

Ms. Shabazz: This Resolution comes before Council to authorize the Department of Public Works to accept a \$55,000 grant from the Department of Natural Resources and Environmental Control for an evaluation to determine the viability of a combined sewer overflow storage facility at an abandoned quarry on 14<sup>th</sup> Street behind the old – behind the Brown Boys Club.

Mr. Darius Brown: Mr. President.

President Gregory: Yes.

Mr. Darius Brown: Thank you Mr. President. This Resolution and project came about through some ongoing conversations over the last year and half through the old Brandywine Village organization, a group of stakeholders in the northeast area of my Council district, the Brandywine Coalition, Vandever Avenue Civic Association, the 3<sup>rd</sup> District Planning Council, they engaged the City's Public Works Department and through the innovation of one of the staff members at the Public Works Department, Mr. Bryan Lennon. He came up with this idea to use the Brown Boys and Girls Club quarry which many of us know for many, many years there's been proposals and ideas about how to utilize this property to help us here in the City with our infrastructure challenges that we have especially concerning heavy rains and how that really overflows our system and many of that - - much of that flows into the Brandywine River, which is in my Council district. So, I'm going to ask my colleagues to support this tonight.

President Gregory: Clerk will call the roll.

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

Mrs. Seijo: Declare it.

Mr. Wright: Declare it adopted.

President Gregory: Declare it adopted.

Mrs. Seijo: Thank you.

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. 14-050 (Agenda #3994) entitled:

AN ORDINANCE TO APPROVE THAT CERTAIN AGREEMENT BETWEEN THE CITY, THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE ROTARY CLUB OF WILMINGTON FOR IMPROVEMENTS TO H. FLETCHER BROWN PARK

This Ordinance was given two separate readings by title only and upon a motion of Ms. Shabazz, seconded by Mr. Williams, was received, recorded and referred to the Education, Youth & Families Committee. Motion prevailed.

Ms. Shabazz: That's all for tonight, thank you.

President Gregory: Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Nothing tonight. Thank you Mr. President.

President Gregory: Mr. Williams.



Mr. Williams: No legislative business this evening Mr. President. Thank you.

President Gregory: Mr. Freel.

Mr. Freel: Mr. President, I have three Ordinances I think for third and final and two first and second and one Resolution.

Mr. Freel presented and called for the third and final reading Ordinance No. 14-019 (Agenda #3921) entitled:

TO ENACT CERTAIN TRAFFIC/PARKING REGULATIONS

Mr. Freel: Yes Mr. President, I would also like to make a motion to delete Section 1 that's in the 8<sup>th</sup> District.

President Gregory: Can I get a second?

Ms. Shabazz/Ms. Walsh: Second.

President Gregory: Properly moved and seconded that there be an amendment to delete...

Mr. Freel: Section 1.

President Gregory: Section 1.

Mr. Freel: Yup.

President Gregory: All those in favor so note by saying Aye, Oppose, Abstentions. Ayes have it.

Mr. Freel: This is just a housekeeping measure I believe Mr. President for a number of traffic - - signs restrictions in a number of districts throughout the City of Wilmington.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Mr. Williams, the aforementioned Ordinance, **As Amended**, was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright and Council President Gregory. Total, eleven. Nays, none. Absent, Council Member Congo and Michael Brown. Total, two.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the third and final reading Ordinance No. 14-048 (Agenda #3987) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2 TO FISCAL YEAR 2015 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 14-016, AS AMENDED) BY MAKING CHANGES TO THE FISCAL YEAR 2015 POSITION ALLOCATION LIST FOR THE CITY AUDITOR'S OFFICE

Mr. Freel: Yes Mr. President, Mr. Jeter our City Auditor came before the committee earlier this week and explained that he felt strongly that he needed another staff auditor position to accomplish his goals of performing a certain amount of audits throughout the year. He is recommending that we do that by adding a position but also by deleting a vacant position, the Auditing Administrative Assistant and, he'd also like to change the title of one position. For Fiscal Year 2015 it's going to be revenue neutral and I guess we're just going to have to revisit this issue during the budget hearings to figure out what the increase of cost would be for future years. But I appreciate the effort that he made at least by deleting a position in favor of adding another position.

President Gregory: I want to commend Mr. Jeter for his - - the way he went about doing this engaging in one on one conversations and then group conversation, recognizing our oversight and checks and balances authority as a Council. I've talked to him in small groups and committee meetings and again I was encouraging that it should be revenue neutral not only now but also in 2016, you find some money someplace else and his budget cut. He's stated that a - - in good faith as a strong goal that he would like to achieve and based on the rationale and the presentation, I believe that he does need this position at this time. The Clerk will call the roll.

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

President Gregory: Declare it adopted.

Mr. Freel presented and called for the third and final reading Ordinance No. 14-049 (Rev. 1, Agenda #3988) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF  
THE CITY'S GENERAL OBLIGATION BONDS IN  
ORDER TO PROVIDE THE FUNDS NECESSARY TO  
TO FINANCE THE COSTS OF ACQUIRING CONTAINERS  
FOR MUNICIPAL SOLID WASTE COLLECTION AND  
RECYCLING RECEPTACLES FOR USE WITHIN THE  
CITY LIMITS; PROVIDING FOR THE SALE OF THE  
BONDS; AND AUTHORIZING OTHER NECESSARY  
ACTION

Mr. Freel: Mr. President, this Ordinance by itself just raises - - issues some bonds to raise some funds to purchase basically trash bins for the residents in the City of Wilmington. If you recall some years back we did a couple of pilot areas in Southbridge and the Hilltop and we'd like to look to start rolling that out citywide. I want to say though that this just a small piece of a larger program that Council Member Shabazz and I been working on for a number of years and more of that will roll out over the next several months. But the ultimate goals are to reduce the city's reliance on the landfill where we've seen our dumping fee rates go from \$48 a ton almost up to \$80; to improve our recycling rates here in Wilmington and obviously the ultimate goal always is to have a cleaner and nicer city to live in. But this is just one piece of a number of items that will roll out over the next several months in how we deal with trash here in the City of Wilmington.

President Gregory: I want to commend the two of you for moving this forward as a concept, as a project that's good for the City; however, I believe that the entire Finance Committee should be on as sponsors including myself because of the broad nature of the amount of money and the vehicle that we're using to finance. If we were in a budget cycle, it would go through the Finance Committee, so, we should add those folks to this piece of legislation. Ms. Shabazz.

Ms. Shabazz: Yes Mr. President, the question that I had was regarding or maybe a statement, that this is really going to be something very important for the City since we are going to experience a difference in our dumping fees and volumes of rubbish since we no longer have dependence to compost because that was taking some other - - of the waste and it's no longer be doing so. So, we definitely need as many types of projects that's going to assist us to deal with our waste.

President Gregory: Mr. Brown

Mr. Darius Brown: Thank you Mr. President. I want to commend my colleagues for this and want to be added as a co-sponsor for it. As many of my colleagues know and have heard me expressed since the pilot project began there were many neighborhoods in the 3<sup>rd</sup> Council District that wanted trashcans and made a lot of noise about them wanting trashcans and we've tried many different ways to try and get trashcans to residents in the City of Wilmington and I just want to commend on

continuing to persevere and again being innovative in how we can get this project done to serve the residence of the City of Wilmington.

President Gregory: Ms. Cabrera.

Ms. Cabrera: I too would like to be added as a sponsor. I think this is very important as we look at all (inaudible) of cleaning up the city and the recycling in the city. A clean city sends a message. It sends a message that we care and giving people the vehicle to keep clean I think it's tremendous. I hate how the city looks after trash day because people really are not doing what they're supposed to do in terms of keeping the trash under cover. So, I think this will be a huge help in helping to keep our city clean and I commend my colleagues as well.

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

President Gregory: Declare it adopted.

Mr. Freel presented and called for the first and second reading Ordinance No. 14-051 (Agenda #3995) entitled:

AN ORDINANCE TO AUTHORIZE AN AGREEMENT  
WITH LERRO CORPORATION TO PROVIDE ON-SITE  
ENGINEERING SERVICES FOR WITN TV

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

Mr. Freel presented Resolution No. 14-053 (Agenda #3996) as follows:

**WHEREAS**, by its Ordinance No. 97-051, amending 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 a requirement for Council approval by resolution and including authorization for expedited grant applications when necessary, prior to Council's resolution; and

**WHEREAS**, the City, through its Department of Public Works, has been awarded a grant from the Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Waste and Hazardous Substances, and the Financial Assistance Branch, in the amount of \$143,150 to support the City's SMART program which is a waste improvement strategy designed to increase recycling diversion rates; and

**WHEREAS**, the Delaware Solid Waste Recycling Law (7 Del. C. §6055) established a Universal Recycling Grant and Low Interest Loan Program to assist persons, including municipalities, engaged in the business of collecting, transporting, processing, or marketing recyclable materials; and

**WHEREAS**, the DNREC's Universal Recycling Grant does not require matching funds; and

**WHEREAS**, the Council deems it necessary and proper to authorize the Department of Public Works to accept the aforesaid grant from DNREC through execution of a grant agreement and any other documents necessary for the implementation of the grant.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department of Public Works is hereby authorized to accept the \$143,150 in grant funding from DNREC's Universal Recycling Grant Program to support the City's SMART program which is a waste improvement strategy designed to increase recycling diversion rates. A copy of the award letter of the \$143,150 is attached hereto. The Director of Public Works or his appointee is hereby authorized to execute a grant agreement and any other documents necessary for the implementation of the grant.

**FURTHER RESOLVED** that the Department of Public Works shall be authorized to take all necessary actions to administer the grant and the grant program for the City of Wilmington.

Mr. Freel: Yes Mr. President, this is actually a companion piece to the earlier piece dealing with the trash bins. We've been fortunate to get a grant of a little over \$143,000 through the Division of Waste and Hazardous Substance in DNREC. This money will be used solely for education for our residence as we move to changes in how we deal with trash and recycling in the City. I think we all agree that education, education, education is so important. It's got to be constant and this will help us cover some initiatives to make that happen.

President Gregory: Clerk will call the roll.

Upon a motion of Mr. Freel, 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, Cabrera, Walsh, Wright and Council President Gregory. Total, eleven. Nays, none. Absent, Council Member Congo and Michael Brown. Total, two.

Mr. Wright: Declare it adopted.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the first and second reading Ordinance No. 14-052 (Agenda #3997) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE  
CITY CODE REGARDING ADOPTION OF COUNTY  
ANNUAL AND QUARTERLY ASSESSMENTS OF  
MUNICIPAL PROPERTY

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

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

President Gregory: Thank you. Ms. Cabrera.

Ms. Cabrera: No legislation this evening. Thank you.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation, thanks.

President Gregory: Mr. Wright.

Mr. Wright: Declare it adopted. No, I'm teasing.

**PETITIONS AND COMMUNICATIONS**

Council Members announced committee meetings, civic association and community meetings and community events throughout their districts. In addition, Council Members commended and thanked various individuals, civic association groups, city departments and other entities for various programs and assisting with different initiatives throughout their districts. Council Members spoke about the following matters: well wishes for a speedy recovery were expressed to Officer Justin Wilkers; railroad cleanup at Concord Avenue and Route 202; and including but not limited to the kick-off (Nov. 15<sup>th</sup>) to open enrollment for Affordable Healthcare.

Council Member Walsh addressed a housekeeping measure from the last Council meeting in which she stated that Ordinance No. 14-045 was going to be heard in the Committee of the Whole and it actually will be addressed in the Economic Development Committee meeting, which will be held next Thursday (Nov. 13<sup>th</sup>) at 4:30pm. The aforementioned Ordinance deals with the Baynard Boulevard Area and Comprehensive Plan.

Council Member Cabrera was congratulated for being selected as "One of Delaware Valley's Most Influential Latinos", in which she will be honored in Philadelphia on November 21<sup>st</sup>.

**ADJOURNMENT**

Upon a motion of Mr. Wright, seconded by Ms. Cabrera, Council adjourned at 7:53 p.m. Motion prevailed.

Attest: Maribel Seijo  
Maribel Seijo, City Clerk