

*Wilmington, Delaware
Louis L. Redding
City/County Building
May 17, 2018*

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

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

The Pledge of Allegiance was recited by City Council.

ROLL CALL

The following members responded to the Call of the Roll: Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy* and Walsh**, and Council President Shabazz. Total, thirteen.

MINUTES

After reading a portion of the minutes of May 3, 2018, upon a motion of Council Member Freel, seconded by Council Member Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Education, Youth & Families Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Nnamdi O. Chukwuocha, Chair	X		
Ernest "Trippi" Congo, II	X		
Va'Shun "Vash" Turner		X	
Charles M. "Bud" Freel	X		
Michelle Harlee, Vice-Chair		X	
President Hanifa Shabazz, Ex Officio	X		

President and Members of Council of
The City of Wilmington

May 9, 2018

Ladies and Gentlemen:

We, your Education, Youth & Families Committee, to who was referred
Ordinance No. 18-001 entitled:

AN ORDINANCE TO AMEND CHAPTER 35 OF THE CITY CODE
REGARDING HUMAN RIGHTS

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

Respectfully submitted, Members of
Education, Youth & Families Committee
/s/Nnamdi O. Chukwuocha, Chair
/s/Ernest “Trippi” Congo, II
/s/Va’Shun “Vash” Turner
/s/Charles M. Freel
/s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Chukwuocha, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Community Development & Urban Planning Committee Members</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Rysheema Dixon, Chair	X		
Nnamdi O. Chukwuocha	X		
Yolanda McCoy, Vice-Chair	X		
Ernest “Trippi” Congo, II	X		
Zanthia Oliver		X	
Va’Shun “Vash” Turner	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

May 10, 2018

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee, to who was referred **Substitute No. 1 to Ordinance No. 18-020** entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE
REGARDING OFFICIAL NAMES OF STREETS, PARKS,
PLAYGROUNDS, PLAZAS, BUILDINGS, FACILITIES, STATUES
AND MONUMENTS, OTHER LANDS RESERVED FOR PUBLIC USE

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

Respectfully submitted, Members of
Community Development & Urban Planning Committee
/s/Rysheema Dixon, Chair
/s/Nnamdi O. Chukwuocha
/s/Yolanda McCoy, Vice-Chair
/s/Va'Shun "Vash" Turner
/s/Hanifa Shabazz, Ex-Officio

Upon a motion of Council Member Dixon, seconded by Council Members Williams and Freel, the Report was received, recorded and filed. Motion prevailed.

Note: Although Council Member Congo was present at the May 10 Community and Economic Development Committee as reflected in the above Committee Report, however, his signature was inadvertently missed.

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Robert A. Williams		X	
Zanthia Oliver	X		
Nnamdi O. Chukwuocha, Vice-Chair	X		
Loretta Walsh		X	
Ciro Adams	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

May 14, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-007** entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION
ON REAL PROPERTY AND THE TAXABLE PROPERTY
OF PUBLIC UTILITIES FOR THE FISCAL YEAR
JULY 1, 2018 THROUGH JUNE 30, 2019

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

Respectfully submitted, Members of
 Finance & Economic Development Committee
 /s/Charles M. Freel, Chair
 /s/Zanthia Oliver
 /s/Nnamdi O. Chukwuocha, Vice-Chair
 /s/Ciro E. Adams
 /s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Freel, seconded by Council Member Williams, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Robert A. Williams		X	
Zanthia Oliver	X		
Nnamdi O. Chukwuocha, Vice-Chair	X		
Loretta Walsh		X	
Ciro Adams	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
 The City of Wilmington

May 14, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-008** entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE
 REGARDING (i) SEWER SYSTEM RATES AND CHARGES AND
 WATER RATES AND CHARGES FOR FISCAL YEAR 2019 AND
 (ii) MONTHLY FACILITIES CHARGES

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

Respectfully submitted, Members of
 Finance & Economic Development Committee
 /s/Charles M. Freel, Chair
 /s/Zanthia Oliver
 /s/Nnamdi O. Chukwuocha, Vice-Chair
 /s/Ciro E. Adams
 /s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Freel, seconded by Council Member Williams, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Robert A. Williams		X	
Zanthia Oliver	X		
Nnamdi O. Chukwuocha, Vice-Chair	X		
Loretta Walsh		X	
Ciro Adams	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

May 14, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Substitute No. 1 to Ordinance No. 18-009** entitled:

**AN ORDINANCE TO ADOPT A CAPITAL PROGRAM FOR
THE SIX FISCAL YEARS 2019 – 2024 INCLUSIVE**

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Zanthia Oliver
/s/Nnamdi O. Chukwuocha, Vice-Chair
/s/Ciro E. Adams
/s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Freel, seconded by Council Member Williams, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. “Bud” Freel, Chair	X		
Robert A. Williams		X	
Zanthia Oliver	X		
Nnamdi O. Chukwuocha, Vice-Chair	X		
Loretta Walsh		X	
Ciro Adams	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

May 14, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Substitute No. 1 to Ordinance No. 18-010** entitled:

**AN ORDINANCE TO ADOPT A CAPITAL BUDGET FOR
FISCAL YEAR 2019**

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Zanthia Oliver
/s/Nnamdi O. Chukwuocha, Vice-Chair
/s/Ciro E. Adams
/s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Freel, seconded by Council Member Williams, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. “Bud” Freel, Chair	X		
Robert A. Williams		X	
Zanthia Oliver	X		
Nnamdi O. Chukwuocha, Vice-Chair	X		
Loretta Walsh		X	
Ciro Adams	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

May 14, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Substitute No. 1 to Ordinance No. 18-011** entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2018 AND ENDING ON JUNE 30, 2019

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Nnamdi O. Chukwuocha, Vice-Chair
/s/Ciro E. Adams
/s/Hanifa Shabazz, Ex-Officio Member

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

On the question:

Council Member Guy: The Clerk said that Substitute No. 1 to Ordinance 18-011 was referred to the Finance Committee and I just want to make sure the record reflects that it was Ordinance 18-011 that was referred to the Finance Committee. And, also, just make a note in those minutes that – that committee meeting did not have Ordinance 18-011 on the written agenda and in fact, at that meeting the original ordinance was not discussed. I just want to make a note of that so that the record reflects what accurately – actually took place. So, we now have a substitute order – ah substitute ordinance that we're discussing that was never addressed at the committee meeting (inaudible). That's all I have Madam Chair.

President Shabazz: Ok, continue.

Upon a motion of Council Member Freel, seconded by Council Member Williams, the Report was received, recorded and filed. Motion prevailed.

Additional Note: Although Council Member Oliver was present at the May 14 Finance and Economic Development meeting as reflected in the above Committee Report, her signature was inadvertently missed.

TREASURER'S REPORT

The following Treasurer's Report as of May 17, 2018, was read into the record by City Clerk and upon a motion of Council Member Freel, seconded by Council Member Williams, with one "Nay" (Council Member Guy), the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 9 to Page 10.

[the remainder of this page intentionally left blank]

City of Wilmington Delaware

Velda Jones-Potter
City Treasurer

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



City of Wilmington Treasurer's Report as of May 17, 2018

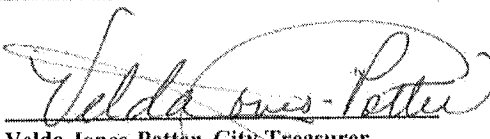
Cash on Hand:

General Account	M & T Bank	\$8,633,329.81
Central Deposit	M & T Bank	\$24,395.76
Payroll	M & T Bank	\$250,307.92
Total Petty Cash Accounts	M & T Bank	\$10,805.46
Grant-In-Aid	M & T Bank	\$231,734.67
Evidence/Found Currency Account	M & T Bank	\$933,931.27
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,576.67
Police Department Discretionary	M & T Bank	\$27,731.51
Pension Payroll Account	M & T Bank	\$17,558.22
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$34.81
Non-Uniform Pension-Plan 2	M & T Bank	\$2.30
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$195,260.88
Police Pension Account	M & T Bank	\$236,177.44
Fire Pension Account	M & T Bank	\$145,393.78
Worker's Comp 3rd Party Account	M & T Bank	\$29,736.97
Retiree Healthcare Account	M & T Bank	\$355,508.93
SubTotal		\$11,129,625.37
Total Cash on Hand		\$11,129,625.37

INVESTMENTS MAY 17, 2018:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
General	TD	CD	5/24/2018	1.68%	\$5,893.78	\$2,004,687.67
General	TD	CD	5/31/2018	1.71%	\$8,265.00	\$3,000,000.00
General	TD	CD	5/31/2018	1.69%	\$9,858.33	\$3,000,000.00
General	WSFS	CD	5/31/2018	1.65%	\$5,554.39	\$2,507,547.94
General	WSFS	CD	5/31/2018	1.68%	\$4,372.60	\$2,500,000.00
General	TD	CD	6/7/2018	1.66%	\$7,493.06	\$2,500,000.00
General	TD	CD	6/14/2018	1.65%	\$5,165.88	\$2,012,681.12
General	TD	CD	6/21/2018	1.73%	\$6,055.00	\$2,000,000.00
General	TD	CD	6/28/2018	1.73%	\$7,929.17	\$2,500,000.00
General	WSFS	CD	7/5/2018	1.75%	\$8,455.36	\$2,519,352.84
General	WSFS	CD	7/12/2018	1.82%	\$10,620.82	\$3,000,000.00
General	WSFS	CD	7/19/2018	1.82%	\$11,667.95	\$3,000,000.00
General ¹	TD	CD	6/29/2018	1.82%	\$45,242.69	\$15,643,786.32
SUB-TOTAL:						\$46,188,055.89
CAPITAL FUND:						
Capital	TD	CD	7/26/2018	1.86%	\$124,100.49	\$26,395,000.00
Capital	WSFS	CD	5/31/2018	1.75%	\$3,297.43	\$1,965,000.00
SUB-TOTAL:						\$28,360,000.00
RISK MGMT:						
Risk Management	WSFS	CD	7/11/2018	1.25%	\$98,995.64	\$7,919,651.00
Worker's Comp	WSFS	CD	7/11/2018	1.25%	\$98,995.64	\$7,919,651.00
Retiree Medical Escrow	Vanguard-OPEB					\$19,371,543.00
SUB-TOTAL:						\$35,210,845.00
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	5/31/2018	1.72%	\$8,625.75	\$5,230,000.00
Fire Pension	WSFS	CD	5/31/2018	1.68%	\$6,143.73	\$3,337,000.00
Escrow Pension	Edgar Lomax					\$20,632,205.00
Escrow Pension	Vanguard Fixed					\$38,532,194.00
Escrow Pension	Earnest Partners					\$22,303,770.00
Escrow Pension	Wilmington Trust					\$37,006,976.00
Escrow Pension	Vanguard Stock Index					\$44,336,659.00
Escrow Pension	Artisan Global					\$8,303,778.00
Escrow Pension	Dodge & Cox					\$11,045,091.00
Escrow Pension	Fidelity					\$19,730,869.00
Escrow Pension	Harding Loevner					\$8,373,227.00
Escrow Pension	MFS Management					\$24,720,692.00
SUB-TOTAL:						\$243,552,461.00
OTHER:						
Deferred Comp.	MassMutual					\$47,969,961.09
Total Investments						\$401,281,322.98
Total Cash on Hand						\$11,129,625.37
Grand Total						\$412,410,948.35

¹ Budget Reserve


Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

Chukwuocha	Recognize Department of Parks and Recreation 2018 Tennis in the Streets and 2018 Senior Health & Fitness Day
Oliver	Sympathy Curtis Lee Battle, Jr.
Oliver	Recognize Ida Mae R. Callahan Rodgers Stallings
Turner	Recognize Michelle J. Williams
Walsh	Recognize Captain Gordon Davis (Kiwanis Club of Wilmington – Firefighter of the 1 st Quarter)
Williams	Retirement Officer John Burns

LEGISLATIVE BUSINESS

President Shabazz: Council Member Chukwuocha.

Council Member Chukwuocha: Yes Madam President, I have a Ordinance, a Resolution to present and then as well as an Ordinance and three Resolutions on your behalf.

Council Member Chukwuocha presented and called for the third and final reading Ordinance No. 18-020 (Agenda #4517) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING OFFICIAL NAMES OF STREETS, PARKS, PLAYGROUNDS, PLAZAS, BUILDINGS, FACILITIES, STATUES AND MONUMENTS, OTHER LANDS RESERVED FOR PUBLIC USE

Council Member Chukwuocha: Madam President, I call this – present the – I’m sorry Madam President, Madame I have a **Substitute** Ordinance to present in lieu of that Ordinance:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING OFFICIAL NAMES OF STREETS, PARKS, PLAYGROUNDS, PLAZAS, BUILDINGS, FACILITIES, STATUES AND MONUMENTS, OTHER LANDS RESERVED FOR PUBLIC USE

FISCAL IMPACT STATEMENT: This Substitute Ordinance has no anticipated fiscal impact.

POLICY STATEMENT: This Substitute Ordinance is intended to further formalize the general criteria that should be applied to the process of naming or renaming a City facility in honor of an outstanding Wilmingtonian. This Substitute Ordinance was influenced by researching policies in place in other cities.

Upon a motion of Council Member Chukwuocha, seconded by Council Members Freel and Williams, the above **Substitute** Ordinance was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of the Ordinance.

President Shabazz: Councilman Turner.

Council Member Turner: Thank you, thank you Madam Chair. I think in the committee meeting, Councilman Guy planned out the fact that the Code reads that our resolution be voted on seven – seven votes. Um, we still have in the language, um, in – in line 3 under (d) – still have it – in language a majority vote of Council and it says ah to authorize a resolution. Um, do we need to, to – is that code change in the Code because the Code states um – that resolutions need seven votes?

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: Thank you Madam President, there was a question forwarded to, to Legal to Law and we did receive a response to that and it stated firmly that the City Charter does not ordain the number of votes needed to pass a resolution. Thus this, the Council is free to ordain and a resolution can pass by third quarters of votes.

Council Member Walsh: Madam President, may I be marked present please?

President Shabazz: Please mark Councilwoman Walsh present please.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: Councilwoman Harlee.

Council Member Harlee: Thank you Council President. I want to sort of echo the same sentiments of Councilman Turner as it relates to the discussion that we had um in committee around (d) (3) and since we, as a Council, already have – it established that seven (7) out of the thirteen (13) is what we typically ah – those are numbers and the, the practice that we currently, I personally don't see the need to have super majority if the purpose and the motive of this legislation is to have a best practice, if that is the sole purpose of it to have a best practice, clearly we have a best practice here and with our seven out of thirteen votes, I think would be additive to this legislation verses it saying super majority. Thank you.

President Shabazz: Councilman Congo.

Council Member Congo: Yes thank you Madam President. Is it still in the language where those individuals who are not in um – in um – in an elected position, who, who wants to be honored, if they wouldn't be able to unless they were deceased? Is that still in the language?

Council Member Chukwuocha: It...

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: ...it wasn't that they were deceased, they had to be out of office five (5) years.

Council Member Congo: Right. Just for – just for those who are not in office, just a citizen, are they able to be recognized whether they're still living or they would have to be deceased?

Council Member Chukwuocha: The – the process is that if, if the individual is living then that will entail that you would need the special circumstances where you would need the majority vote.

Council Member Congo: Ok, all right, thank you.

President Shabazz: Councilman Guy.

Council Member Guy: Um yes, I'm – I'm going to just stick with the ah, one of general principles that ah, I mentioned at the meeting and, that is today, right now, we as City Council can do all of the things that are in that ordinance. We're empowered to make those kind of decisions, and so, it always grabs my attention where if we've been delegated certain authority by the State of Delaware as the legislative branch of this govern – of this government, to be able to make certain decisions, how is it that we are now creating some law to restrict us and that empowers people in the executive department to have input to the process? I, I never understand giving away our power and authority. The Mayor's Office they never present some ordinance or resolution to City Council for us to vote on to reduce his power and give it to us. So, just as a general principle, I don't think we should do this. Now, we can have policies, we can create a rule. We don't have a whole of rules, we could just have these policies in our rule as to what we agree as what's important or what we think it's important as we exercise the powers that we have but we don't need the Mayor's Office, ah, his department heads, and the Mayor has to sign-off on this ordinance. The Mayor doesn't sign-off on our resolutions and we don't sign-off on his executive authority to issue directives to his department. So, I'm not for giving up any legislative power authority and binding us in

some way that's legislative through ordinance that we can just do by resolution with some policies. That's all I have Madam Chair.

President Shabazz: Councilwoman Harlee.

Council Member Harlee: Ah yes, thank you Council President. For clarification, what number is super majority?

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: I believe if I'm not mistaken, from the math that my colleague did what was ten – would be ten members that were suggested in order to get the super majority of three quarter.

Council Member Harlee: Follow-up.

President Shabazz: Councilwoman.

Council Member Harlee: Thank you Council President. Again, during our committee meeting, we – I think there were a number of Councilmembers' present that felt that we already have a decorum already established as it relates to our Council, seven out of thirteen and if we start bending the rules for this resolution, I feel as though that this is not going in the right direction to start changing super majority verses what is already been established. So, if this legislation is going to remain with the super majority then I'm not going to be able to vote for it.

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: I just want just for clarity so that everyone understands that this – this majority isn't being implemented as a burden. It's actually an exemption to a rule. It's allowing exemptions, so, that's what it's doing. It's not hindering anything. So, I don't know if we're not understanding the purpose of it but if, if we don't allow it then we'll run the possibility of just being stuck in the same place of not going forward because we'll end up in the same place.

President Shabazz: Councilman - Councilman Turner.

Council Member Turner: Thank you Madam Chair. Um, basically three – three reads that if, if, if any person ah, such as Councilman Congo asked about um, if someone, you know, an individual wasn't retired or deceased and we want to be recognized, then that section three, if I believe reads, that's where – that's where you would vote for the super majority. Would that be correct, um?

Council Member Chukwuocha: Right.

Council Member Turner: So, so, with that being said, I think that once you get to that line, you shouldn't need a super majority, you should just need majority. If everybody – if seven people feels as though the person should be recognized if they, you know, not retired or deceased, and they're living and still in their capacity, I don't think that that needs to be a super majority. I think that should read majority vote because we're only voting on if someone from two, two (2) (a), line three (3) or line four (4), if, if, if you know, if a political office, if they're not retired for more than five (5) years we'll make an exemption and that's where it falls in for section three (3). So, it's no need for that to be super majority. It's not a super majority for all of this legislation that part right there can still read approval by majority.

President Shabazz: Councilman Chukwuocha would you like to close the debate please?

Council Member Chukwuocha: As I stated during the committee meeting, I'm, I'm willing – I know the intent of why the three quarters was, was implemented but I am willing to, to amend it to just a simple majority and I'm, I'm fine with that. I believe that my intent was, was to allow inclusion in it and not for this to be a divisive or a barrier as well what's most important to have the process in place.

Council Member Williams: Does he need a second?

Council Member Guy: Madam Chair.

Council Member Williams: Does he need a second for that amendment?

President Shabazz: Was that your acceptance – you moving to accept a friendly amendment?

Council Member Chukwuocha: Absolutely Madam.

Council Member Williams: Second.

President Shabazz: Councilman Williams second. The amendment has – the friendly amendment of the um, I'm trying to make sure I say it right, the friendly amendment of the removal of the super majority to a ...

Council Member Chukwuocha: Just a majority.

President Shabazz...majority vote - the exception - we ah accept it. All those in favor signify by saying Aye, any oppose?

Council Member Congo: Do we have on the question or not? No.

President Shabazz: Wait a minute, I want to get the oppose first and then I'll say on the question.

Council Member Congo: Okay.

President Shabazz: All those in favor...

Council Members: Ayes.

President Shabazz: All those opposed. On the question. Councilman Congo.

Council Member Congo: Yes thank you Madam President, so I – I just, I guess I need help to understand how if so, if we make this amendment, what changes? I don't understand the intent of the legislation if we make the amendment because we already have a process that we already do and it seems like the legislation is repetitive – is repetitive but maybe – excuse me ma'am, maybe I just don't have clarity if anybody can help me understand that.

President Shabazz: Sponsor, would you like to give him clarity?

Council Member Chukwuocha: So, if you have an exception if – you're – you're nominating someone a building to be named after someone who let's say they're, they're still alive and you want them to present it, originally as stated in the ordinance before, the amendment, we were asking for a three-quarter vote, and now we're not, you'll just have to get the majority seven.

Council Member Congo: But can't we do that now unless I understand something correctly?

Council Member Chukwuocha: Do what now?

Council Member Congo: Can't we do – can't we move forward with – with the – with the seven vote now? I mean - we, again, I'm not following...

Council Member Chukwuocha: The – this is as an exception to the process. So, I mean, this is a part of the process. So, we're not, talking about the number of votes that we can or can't vote on, we're talking about an exception to the process.

President Shabazz: And, I'd like to get – I'd like to get order, we went through the question and answer part in Council, this is to debate – I mean in committee, so I'm just trying to get your point, your debate on your position on whether you want to

vote for the legislation as presented or not. So, some of the questions we had asked already in committee. And, I've already called for the – the um, last debate from the sponsor.

Council Member Guy: According to the rules, we're each entitled to five (5) minutes. It's written in our rules. You can't just arbitrary change the rules. That's what we're arguing about.

President Shabazz: We're not arb – I did not arbitrary change the rules, I gave everyone a chance, I asked for the last debate and he – because no one else had their hand up. Your hand came up after I called for the last – the sponsor to give his last debate.

Council Member Guy: Because I know the rules say I'm entitled to two opportunities to speak. So, you can't just take it.

President Shabazz: I didn't take from you...

Council Member Guy: Okay, my hand is up.

President Shabazz: Point of order. Point of order and the...

Council Member Guy: He made a motion after you closed...

President Shabazz: Point of order, point of order. Councilman Guy.

Council Member Guy: Ok, what just happened is what this ordinance is all about. When Tiger Woods became the greatest golfer in the world, they want to change the rules of the game so he couldn't win. Okay. When Wilkes, Wilkes Chamberlain became the greatest in the lane, they want to change the rules, so that he wouldn't be as affective. I'm a civil rights person. I remember when this Wilmington City Council where it didn't have no diversity and so, people of color wouldn't have no say in naming any dog on thing. So now we have broad diversity, gender diversity, so now somebody want to change the rules of the game and restrict our collective ability for seven people deciding they want to recognize somebody. When you see people changing the rules in the middle of the game, they're taking your power and authority from you and they want you to be the one to do it. This has happened repeatedly. The Police Department and the Law Department told us we don't need the city police manual and we voted not to see the city police manual. The Law Department told us we don't need all the legal reports, so, we voted not to get all the legal information. So, what I'm saying to you is, we already have all the power that's vested in us as the legislative branch to manned things however we want to and we don't have any business diminishing that in any way that involves the Mayor's Office signing an ordinance that now restricts us from what we can and cannot do. We don't have any business doing that and if we do it, we

just do it. But the public needs to understand exactly what we're doing and what we're being asked to do. That's all I have Madam Chair.

President Shabazz: Councilman Chukwuocha would you like to close out the debate?

Council Member Chukwuocha: Yes ma'am, I definitely have no understanding of how anyone would think that this is restricting our power or giving power to the administration. There was a, a lack of policy or procedure in place, we're doing our job by putting one in place asking for a – ah, a letter of from the department chair, we're not saying that that letter is governing our authority. We're just asking for the input from the administration and I think that's – as well as the sponsor of the legislation would submit something, something is being submitted from the administration, I don't see how we're diminishing our authority or, or our ability to, to, to do our legislative duties at all and through this ordinance.

President Shabazz: Clerk will call the roll.

Mrs. Seijo (City Clerk): Madam President, I think we're still on the question on the amendment.

Council Member Chukwuocha: The amendment.

President Shabazz: Okay, on the question on the amendment. So, on the question, so we need to vote on the amendment. Okay, we need to vote on the amendment that item (d), number three (3), now states: "in the event any the conditions enumerated in (d) (2) of this section are not met, a resolution authorizing such proposed naming or renaming shall require approval by a majority vote of Council. All those in favor signify by saying Aye (Aye), all those Opposed. Amendment approved. So, we now call for the vote of the res – of the Ordinance as amended.

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

The **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, Oliver, Harlee, McCoy, Williams, Freel, Adams, Dixon and Walsh, and Council President Shabazz. Total, ten. Nays, Council Members Congo, Turner and Guy. Total, three.

President Shabazz: Declare it adopted. Councilman Chukwuocha.

Council Member Chukwuocha presented Resolution No. 18-036 (Agenda #4521) 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 Department of Parks and Recreation submitted a grant application through CityFest, Inc., a non-profit corporation that is a component unit of the City of Wilmington, to the Bank of America Charitable Foundation in the amount of \$65,000.00 to support the City's 2018 Summer Career Development Program (the "Youth Program") formally known as the Summer Youth Employment Program; and

WHEREAS, the Bank of America Charitable Foundation has previously supported and funded of the Youth Program; and

WHEREAS, the Youth Program offers job opportunities to the City's youth ages 14 to 20; and

WHEREAS, the City is not required to provide matching funds for receipt of these grant funds; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON the Department of Parks and Recreation's grant application to the Bank of America Charitable Foundation in the amount of \$65,000.00 is hereby authorized.

BE IT FURTHER RESOLVED that the Director of the Department of Parks and Recreation or his designee are hereby authorized to take all necessary actions to apply for and accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: This grant would have a positive fiscal impact on the City. The Resolution approves a grant application to the Bank of America Charitable Foundation for \$65,000.00 with no matching funds requirement. The youth employed by this grant will pay the City Wage Tax, thus having a positive fiscal impact to the City.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, the above Resolution was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of the Resolution.

President Shabazz: The Clerk will call the roll.

The Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

On behalf of President Shabazz, Council Member Chukwuocha presented and called for the third and final reading Ordinance No. 18-001 (Agenda #4473) entitled:

AN ORDINANCE TO AMEND CHAPTER 35 OF THE
CITY CODE REGARDING HUMAN RIGHTS

FISCAL IMPACT STATEMENT: Provided the historical existence of the Civil Rights Commission and its citizen composition, as well as overlapping standards encompassed in the operations of the City's Department of Human Resources, this ordinance has no anticipated negative fiscal impact.

POLICY STATEMENT: This proposed Ordinance is designed to help the City of Wilmington implement the principles of the Universal Declaration of Human Rights and the United Nations Convention on Elimination of All Forms of Discrimination Against Women on a local level. This Ordinance has been driven by substantial research conducted on Human Right Cities and Cities of CEDAW, and is intended to enhance the quality of life for Wilmington's residents and visitors.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, the above Ordinance was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of the Ordinance.

President Shabazz: The Clerk will call the roll.

The Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Dixon, Guy and Walsh, and Council President Shabazz. Total, twelve. Nays, none. Present, Council Member Adams. Total, one.

President Shabazz: Declare it adopted.

On behalf of President Shabazz, Council Member Chukwuocha presented Resolution No. 18-037 (Agenda #4522) as follows:

WHEREAS, around the United States, public safety is among the most important responsibilities of city governments and remains the foundation for all social goods, from health and education to community cohesion, and beyond; and

WHEREAS, each year, millions of children are exposed to violence in their homes, schools, and communities. African-American children and youth, are among the most likely members of our society to be exposed to trauma, are also among the least likely to receive the services that could prevent the development of trauma-related emotional and behavioral difficulties. Exposure to youth violence, which characteristically includes children who witness or are victimized by violence, has been

shown to interfere with the development of a child's ability to self-regulate and learn from life experiences, and must be treated as a public health crisis; and

WHEREAS, a study conducted by the Center for American Progress found that twenty-six percent of children in the United States will witness or experience a traumatic event before the age of four, and the way a child responds to trauma depends upon their developmental level, environmental factors and family setting; and

WHEREAS, children of color living in poverty, which account for 38 percent of African American children, 32 percent of Hispanic children and 35 percent of Native American, are more likely to experience multiple traumatic events, a major risk factor for psychological distress; and

WHEREAS, reinvestment and increased support for outreach programs such as the Child Development - Community Policing Program, (CD-CP) operated by the Wilmington Police Department, engage the community in creating and sustaining environments that prevent violence and promote positive youth engagement; and

WHEREAS, National Youth Violence Prevention Week, March 19-23, is an opportunity to raise awareness about the problem of youth exposure to violence, and to educate our whole community about ways to stop or prevent violence; and

WHEREAS, an understanding of how trauma affects children and youth is the first step towards creating a community sensitive to the effects of trauma. Schools and community organizations play a vital role in preparing staff to identify and address the needs of children and youth, and to aid in the prevention of developmental behavioral and mental health problems.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council calls upon the Mayor, district superintendents, school boards, and community organizations serving youth throughout the City of Wilmington, to ensure that all of Wilmington's children who have been impacted by violent acts be provided the resources necessary to more effectively overcome barriers to trauma-informed treatment.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, the above Resolution was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of Resolution. Council Member Adams made some comments.

President Shabazz: The Clerk will call the roll.

The 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, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

On behalf of President Shabazz, Council Member Chukwuocha presented Resolution No. 18-038 (Agenda #4523) as follows:

WHEREAS, according to data from the U.S. Department of Education, more than 3 million students in grades K-12 were suspended in the 2015-16 school year, more than double the rate in the 1970s. “Zero tolerance” policies, which refer to wide-ranging policies and practices that mandate the removal of students from school for both severe and minor offenses, have resulted in a disproportionate number of children of color suspended, expelled, and referred to law enforcement; and

WHEREAS, according to the Center for American Progress, 250 preschoolers are suspended or expelled every day, more than three times higher than school-aged children. Data presented by the U.S. Department of Education (DOE) reveal that African American children represented 18 percent of public preschool enrollment, but 48 percent of preschoolers receiving multiple out-of-school suspensions; and

WHEREAS, of the approximately 50,000 suspensions throughout the State of Delaware in the 2015-16 school year, just over 7 percent of those were for students in pre-kindergarten through second grade. Although enrollment for students in pre-K through second grade is down 4% since 2015, suspensions among this group have increased by 30% during that same period; and

WHEREAS, students of color are disproportionately dealt the harshest exclusionary penalties—expulsions and out-of-school suspensions. In the 2016-17 school year, nearly 2,500 Delaware students in pre-K through second grade received out-of-school suspensions, forcing them to miss academic instruction that was vital to their long-term academic achievement. Suspending children – sometimes for minor infractions – criminalizes them instead of providing them with supportive and inclusive school environments; and

WHEREAS, the philosophy of restorative justice practices as an alternative to harmful, racially biased zero-tolerance policies, reaffirms a growing movement to institutionalize peaceful and non-punitive approaches for addressing harm and behavior. Intervening with youth and families at the first sign of at-risk behaviors embodies the mission The Wilmington Community Advisory Council (WCAC), formerly known as the CDC Community Advisory Council. Relatively informal practices, such as restorative dialogue, classroom circles and peer courts promote community building and tasks students with discussing issues with those with whom they experienced conflict.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council encourages the elimination pre-K through second grade out-of-school suspensions and urges school districts to invest in additional training and resources to support schools as they move away from discriminatory and punitive discipline measures and toward restorative practices.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, the above Resolution was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of Resolution.

Council Member Turner made some comments and raised a question. Council Member Chukwuocha responded. Council Member Williams, Council Member Guy, and Council Member Adams made some comments. Council Member Turner and Council Member Chukwuocha made additional comments.

President Shabazz: Clerk will call the roll.

The 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, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

On behalf of President Shabazz, Council Member Chukwuocha presented Resolution No. 18-039 (Agenda #4524) as follows:

WHEREAS, demographic analysis conducted by The News Journal indicates that by 2060, Delaware will be one of the most diverse states in the nation, with New Castle County's racial and ethnic mix ranking in the top 6 percent of counties nationwide. Such projections reaffirm the need for elementary and secondary schools to better prepare students for an increasingly racially and ethnically diverse society and global economy. Ethnic Studies curricula stress the importance of critically examining the world through the lens of traditionally marginalized populations, encouraging a sense of community engagement and social responsibility; and

WHEREAS, students of color account for more than 50 percent of the total student population in traditional school districts serving students from the City of Wilmington. As students of color proceed through the school system, research has found that the overwhelming dominance of Euro-American perspectives lead many such students to disengage from academic learning. Ethnic Studies, sometimes referred to as multicultural education or culturally responsive teaching, signifies a shift toward the experiences of ethnic communities who are often marginalized in classroom textbooks; and

WHEREAS, knowledge of the histories and experiences of diverse groups of people is essential to thrive in a globalized community. Ethnic Studies have shown significant increases in student attendance, Grade Point Average(GPA), and high-school credits earned towards graduation for the most marginalized students, based on research conducted by the Stanford Graduate School of Education; and

WHEREAS, Ethnic Studies programs empower students from minority communities to reclaim their history, while enabling students of other backgrounds to learn about cultures beyond their own. Racial disparities in K-12 educational achievement necessitate the need for promising social-psychological interventions that illuminate a path forward in breaking the cycles of poverty, violence, and incarceration that so many communities of color face. Citywide education reform efforts aimed at improving math and reading proficiency rates, providing access to highly effective educators and school climate, must be reimagined to incent innovation and advance systemic education improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council encourages the adoption of a K-12 Ethnic Studies curriculum in school districts operating in and serving students from the City of Wilmington. The development of a comprehensive Ethnic Studies curriculum

acknowledges the diversity of Delaware and would embrace the history and culture of all people.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Walsh, the above Resolution was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of Resolution.

Council Member Harlee made a comment and raised a question. Council Member Chukwuocha responded. Council Member Harlee made additional comments. Council Member Chukwuocha made additional comments as well.

President Shabazz: Clerk will call the roll.

The 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, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted. Council Member Congo.

Council Member Congo: Nothing tonight Madam President, thank you.

President Shabazz: Councilwoman Oliver.

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 18-021 (Agenda #4525) entitled:

AN ORDINANCE TO (I) APPROVE THE REMOVAL OF A PORTION OF DOWNING DRIVE FROM THE OFFICIAL CITY MAP AND (II) ACCEPT THE DEDICATION OF A CUL-DE-SAC AS PART OF THE NEWLY CONFIGURED DOWNING DRIVE RIGHT-OF-WAY

FISCAL IMPACT STATEMENT: This Ordinance has no significant anticipated fiscal impact.

Council Member Oliver moved the Ordinance be received, recorded and referred to the Public Works & Transportation Committee.

On behalf of President Shabazz, Council Member Oliver presented and called for the first and second reading Ordinance No. 18-022 (Agenda #4526) entitled:

AN ORDINANCE TO AUTHORIZE THE DEDICATIONAL
ACCESS CHANNEL AGREEMENT BETWEEN RED CLAY
CONSOLIDATED SCHOOL DISTRICT AND THE CITY
OF WILMINGTON

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

Upon a motion of Council Member Oliver, seconded by Council Member Freel, the Ordinance was received, recorded and referred to the Cable, Video and Telecommunications Commission. Motion prevailed.

On behalf of President Shabazz, Council Member Oliver presented and called for the first and second reading Ordinance No. 18-023 (Agenda #4527) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY
CODE REGARDING STORAGE OF TAPES OF COUNCIL
MEETINGS

FISCAL IMPACT STATEMENT: This Ordinance could result in cost savings associated with electronic storage of videos, compared with the costs of purchasing, storing and archiving tapes.

POLICY STATEMENT: This proposed Ordinance is intended to ensure that the City Code section pertaining to the storage of video footage from Council meetings includes language inclusive of electronic files, to account for advancements in technology and the modernization of the City's television station. Research indicates that electronic retention can lower the cost of storage and archiving, while enhancing accessibility to the public.

Upon a motion of Council Member Oliver, seconded by Council Member Walsh, the Ordinance was received, recorded and referred to the Cable, Video and Telecommunications Commission. Motion prevailed.

President Shabazz: Council Member Turner.

Council Member Turner: Nothing tonight.

President Shabazz: Council Member McCoy.

Council Member McCoy: Nothing tonight Madam President.

President Shabazz: Council Member Williams.

Council Member Turner: Madam President, Madam President, you skipped Fourth District.

President Shabazz: Sorry. Council Member Harlee.

Council Member Harlee: No legislation tonight Council President, thank you.

President Shabazz: Sorry. Council Member Turner, McCoy, Council Member Williams.

Council Member Williams: No legislation this evening, thank you.

President Shabazz: Thank you. Council Member Freel.

Council Member Freel: Yes Madam President, I have five ordinances for third and final and I believe three for first and second.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-007 (Agenda #4489) entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION
ON REAL PROPERTY AND THE TAXABLE PROPERTY
OF PUBLIC UTILITIES FOR THE FISCAL YEAR JULY 1,
2018 THROUGH JUNE 30, 2019

Upon a motion of Council Member Freel, seconded by Council Member Walsh, the above Ordinance was before the Council for its consideration. Council Member Freel spoke on the purpose of the Ordinance.

President Shabazz: The Clerk will call the roll.

The Ordinance was read for third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-008 (Agenda #4490) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE
CITY CODE REGARDING (i) SEWER SYSTEM RATES
AND CHARGES AND WATER RATES AND CHARGES
FOR FISCAL YEAR 2019 AND (ii) MONTHLY
FACILITIES CHARGES

FISCAL IMPACT: The projected fiscal impact of this Ordinance is an annual increase of \$1.39 million in revenue (net of bad debt) to the Water/Sewer Fund. Below is a table showing the fiscal impact on a typical residential customer living in the City.

FY 2019 Rate Increase Impact on Typical Residential Customer			
Water, Sewer & Stormwater Typical Monthly Bill Impact (Inside City Residential 5/8 inch meter @ 4,000 gallons monthly consumption)			
Services	Monthly Charge FY 2018	Monthly Charge FY 2019	Monthly Increase
Water	26.90	30.19	3.29
Sewer	20.18	22.64	2.46
Stormwater	4.95	4.95	0.00
Total Bill	\$52.03	\$57.78	\$5.75

Upon a motion of Council Member Freel, seconded by Council Members Williams and Walsh, the above Ordinance was before the Council for its consideration. Council Member Freel spoke on the purpose of the Ordinance.

President Shabazz: Clerk will call the roll.

The Ordinance was read for third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-009 (Agenda#4491) entitled:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM
FOR THE SIX FISCAL YEARS 2019 – 2014 INCLUSIVE

Council Member Freel: Madam President, I have a **Substitute** to present in lieu of that Ordinance:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM
FOR THE SIX FISCAL YEARS 2019 – 2014 INCLUSIVE

CAPTIAL PROGRAM IMPACT STATEMENT: The six-year Capital Program for Fiscal Years 2019-2024 is \$264,528,000. This is an estimate of funds necessary to meet the future capital needs of the City. The breakdown is as follows: \$139,588,000, General Fund; \$100,440,000, Water/Sewer Fund; and \$24,500,000, Other Funds.

Upon a motion of Council Member Freel, seconded by Council Member Williams, the above **Substitute Ordinance** was before the Council for its consideration. Council Member Freel spoke on the purpose of the Ordinance.

President Shabazz: Clerk will call the roll.

The **Substitute Ordinance** was read for 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, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Walsh, and Council President Shabazz. Total, eleven. Nays, Council Members Congo and Guy. Total, two.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-010 (Agenda #4492) entitled:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET
FOR FISCAL YEAR 2019

Council Member Freel: Madam President, I have a **Substitute** to present in lieu of that Ordinance:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET
FOR FISCAL YEAR 2019

Upon a motion of Council Member Freel, seconded by Council Member Williams, the above **Substitute Ordinance** was before the Council for its consideration. Council Member Freel spoke on the purpose of the Ordinance. Council Member Guy made some comments.

President Shabazz: Clerk will call the roll.

The **Substitute Ordinance** was read for 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, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Walsh, and Council President Shabazz. Total, eleven. Nays, Council Members Congo and Guy. Total, two.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-011 (Agenda #4493) entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2018 AND ENDING ON JUNE 30, 2019

Council Member Freel: Madam President, I have a **Substitute** to present.

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2018 AND ENDING ON JUNE 30, 2019

Upon a motion of Council Member Freel, seconded by Council Members Williams and Walsh, the above Ordinance was before the Council for its consideration. Council Member Freel thanked the members of Council for their participation and the review process this year at the budget hearings. Council Member Freel spoke on the purpose of the Substitute Ordinance.

Council Member Turner raised a question. Council Member Harlee raised a question. President Shabazz stated that she would let everyone make their debate and hopefully during the debate, the questions would be answered. Council Member Adams made some comments. Council Member Williams made some comments. Council Member Guy made some comments. Council Member Dixon made some comments. Council Member Turner made some comments. Council Member Congo made some comments. Council Member Chukwuocha made some comments. Council Member Walsh made some comments. Council Member Guy made additional comments. Council Member Adams made additional comments. Council Member Congo made additional comments. Council Member Harlee made additional comments. During closing remarks, Council Member Freel responded to some of the questions that were raised and made additional comments.

President Shabazz: Call for the roll please.

The **Substitute Ordinance** was read for 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, Oliver, Harlee, McCoy, Williams, Freel, Dixon and Walsh, and Council President Shabazz. Total, nine. Nays, Council Members Congo, Turner, Adams and Guy. Total, four.

President Shabazz: Declare it adopted.

Council Member Freel: And, I have three ordinances for first and second.

President Shabazz: Continue.

Council Member Walsh: Madam President. Permission to leave.

President Shabazz: Yes, permission to be excused.

Council Member Congo: Madam President, may I be excused please?

President Shabazz: Permission to be excused.

Council Member Congo: Thank you.

Council Member Turner: Madam President, may I be excused? No, never mind.

President Shabazz: Councilman Congo.

Council Member Congo: Thank you.

President Shabazz: Yes.

Council Member Congo: Alright, thank you.

President Shabazz: Councilman Freel.

Council Member Freel: Yes.

Council Member Freel presented and called for the first and second reading Ordinance No. 18-024 (Agenda #4530) entitled:

AN ORDINANCE TO AUTHORIZE A CONTRACT
BETWEEN THE CITY OF WILMINGTON AND USI
INSURANCE SERVICES LLC FOR LIFE AND HEALTH
INSURANCE BROKERAGE SERVICES

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is a contract for the period of one (1) year from July 1, 2018 through June 30, 2019 at an estimated price of One Hundred Thirty-Five Thousand Dollars (\$135,000.00), with the possibility of three (3) extensions of one (1) year each thereafter at the same annual price.

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

Council Member Freel presented and called for the first and second reading Ordinance No. 18-025 (Agenda #4531) entitled:

AN ORDINANCE TO AUTHORIZE A CONTRACT
BETWEEN THE CITY OF WLMINGTON AND USI
INSURANCE SERVICES LLC FOR PROPERTY AND
CASUALTY INSURANCE BROKERAGE SERVICES

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is a contract for the period of one (1) year from July 1, 2018 through June 30, 2019 at an estimated price of Sixty Thousand Dollars (\$60,000.00), with this the possibility of three (3) extensions of one (1) year each thereafter at the same annual price.

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

Council Member Freel presented and called for the first and second reading Ordinance No. 18-026 (Agenda #4532) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE
CITY CODE REGARDING THE HEAD TAX
ABATEMENT/EXEMPTION PROGRAM

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

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

President Shabazz: Thank you. Councilman Adams.

Council Member Adams: Ah, no legislation tonight ma'am.

President Shabazz: Council Member Dixon.

Council Member Dixon: Um yes Madam President, I have two Resolutions to present.

Council Member Dixon presented Resolution No. 18-040 (Agenda #4534) 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 Department of Planning and Development submitted a grant application to the Delaware Department of State, Division of Historical and

Cultural Affairs in the amount of \$7,932 to continue the City's Historic Preservation Planning Program, which has been in existence for over 30 years; and

WHEREAS, the U.S. Department of the Interior provides funding to the Delaware Division of Historical and Cultural Affairs to act as a pass through for this grant; and

WHEREAS, the Department of Planning and Development intends to use the grant, as it has in past years, to partially fund the position of Historic Preservation Planner; and

WHEREAS, the grant requires matching funds that equal or exceed 40% of the total project cost, which is \$5,288; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Planning and Development's grant application to the Delaware Department of State, Division of Historical and Cultural Affairs in the amount of \$7,932 to support the City's Historic Preservation Planning Program is hereby authorized.

BE IT FURTHER RESOLVED that the Director of the Department of Planning and Development or his designee is hereby authorized to take all necessary actions to apply for and accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City by accepting this grant. The grant requires matching funds of a minimum of 40% of the total project costs and the City has proposed more than sufficient funds in the proposed FY 2019 operating budget, which meets the match requirement. The grant will defray some of the fiscal impact of the position of Historic Preservation Planner.

Upon a motion of Council Member Dixon, seconded by Council Member McCoy, the above Resolution was before the Council for its consideration. Council Member Dixon spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Congo and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Dixon presented Resolution No. 18-041 (Agenda #4535) as follows:

WHEREAS, the American Civil Liberties Union (ACLU) was constructed to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States; and

WHEREAS, the ACLU's Campaign for Smart Justice represents a nationwide campaign effort committed to redesigning the criminal justice system – one that is substantially smaller, centered on restorative justice practices and helps people make a successful transition back to mainstream society. Today, the United States makes up about 5 percent of the world's population and has 21 percent of the world's prisoners; and

WHEREAS, in 2016, African Americans represented 12 percent of the U.S. adult population but 33 percent of the sentenced prison population. These disproportionate outcomes are attributable to “tough on crime” policies and legislation enacted by policymakers in the 1980s. From 1980 to 2007 about one in three of the 25.4 million adults arrested for drugs was African American. Mandatory minimums and three-strikes sentencing laws have resulted in unnecessarily harsh and disproportionately devastating racial disparities within our criminal justice system; and

WHEREAS, according to the Sentencing Project, despite African American juveniles accounting for only 16 percent of the youth population, 37 percent of their cases are moved to criminal court and 58 percent of African American youth are sent to adult prisons. Harsh school punishments, from suspensions to arrests, have led to high numbers of youth of color encountering the juvenile-justice system at an earlier age; and

WHEREAS, of April 2018, there are a total of 1,074 sentenced inmates and 544 detentioners being held at Howard R. Young Correctional Institution. African Americans account for 67 percent of the correctional population, where nearly half of the population is between the ages of 19 and 30. Based on analysis performed by the Delaware Criminal Justice Council, about 75 percent of offenders were rearrested for a serious offense within 3 years of their release, and the average term for those sentenced to more than one year was 742 days.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council supports the bipartisan effort of the ACLU's Campaign for Smart Justice by recognizing the obstacles faced by previously incarcerated individuals and its negative impact on individuals, the community, and the City of Wilmington.

Upon a motion of Council Member Dixon, seconded by Council Members Freel and McCoy, the above Resolution was before the Council for its consideration. Council Member Dixon spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Turner, McCoy, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, Council Member Williams. Total, one. Absent, Council Members Congo and Walsh. Total, two.

President Shabazz: Declare it adopted. Council Member Guy.

Council Member Guy: Yes Madam President, I have a Resolution to present, agenda item 4536.

Council Member Guy presented Resolution No. 18-042 (Agenda #4536) as follows:

WHEREAS, pursuant to Wilm. C. § 2-3 the mayor retains authority to sub-name by executive order any city street and designate the appropriate sub-name signage pursuant to subsection 2-298(17); and

WHEREAS, it is fitting that the City take steps to properly recognize and pay tribute to Wilmington residents who make a significant impact on history and culture through their exemplary accomplishments; and

WHEREAS, one such resident is the renowned Edward L. Loper Sr., a nationally recognized artist whose paintings are celebrated for their vibrant use of color. His work is displayed in the Philadelphia Art Museum, the Delaware Art Museum, the Corcoran Gallery in Washington, DC, the Howard University Gallery of Art, the Museum of African American Art in Tampa, the Pennsylvania Academy of Fine Arts, and the Clark-Atlanta University Collection of African American Art. His paintings have also held places of honor in the Delaware Governor's Mansion and in the Vice President's official residence at Number One Observatory Circle in Washington, D.C. In the latter case, Vice President Joe Biden paid a personal visit to Dr. Loper's home to accept the work; and

WHEREAS, Dr. Loper was born in Wilmington in 1916 and grew up on Heald Street near Gander Hill. He graduated from Howard High School at a time when it was the only secondary school open to African Americans in the state. In 1936, he became the only African American to work as an illustrator for the Delaware Division of the Works Progress Administration (WPA), a federally funded program designed to keep artists working during the Great Depression. The intricately detailed illustrations of American folk art he produced for the project have been preserved and digitized by the National Gallery of Art; and

WHEREAS, inspired by fellow Delaware artists Andrew Wyeth and Howard Pyle, Dr. Loper began teaching himself to paint, visiting the Philadelphia Museum of Art every weekend to observe the brush strokes of great masters. His hard work paid off, allowing him to break barriers facing black artists in the pre-Civil Rights era. In 1937, he became the first African American to enter the Annual Delaware Exhibition at the Wilmington Society of Fine Arts, where his work, "After a Shower," won an honorable mention award. In 1941, he returned to the Annual Delaware Exhibition and won first prize for "Late Afternoon." The same year, he exhibited a one-man show at the University of Delaware during a time when the school was still racially segregated. In 1945, he gained national acclaim when his works were included in the historic exhibition "The Negro Artist Comes of Age" at the Albany Institute of History and Art; and

WHEREAS, Dr. Loper, who received many accolades and awards throughout his life, including an Honorary Doctorate of Fine Arts from Delaware State University, an Honorary Degree of Humane Letters from the University of Delaware and the Governor's Award for the Arts, said he made a deal with God that if he could make a living as a painter, he would give back by teaching. He was true to his word and taught for over 60 years, including 25 years at the Delaware Museum of Art. During his time as an instructor, he helped countless aspiring artists to “see color”; and

WHEREAS, City Council wishes to recognize the extraordinary accomplishments and contributions of Edward L. Loper, Sr., the “Prophet of Color” who opened doors for African American artists in Delaware, captured the essence of Wilmington in his celebrated paintings, and helped shape and inspire generations of Delaware artists through his dedicated work as a teacher. Council therefore encourages the Mayor to sub-name the 1200 block of North Heald Street as “Edward L. Loper, Sr. Boulevard.”

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council respectfully encourages the Mayor to designate the 1200 block of North Heald Street as “Edward L. Loper, Sr. Boulevard,” in recognition of Mr. Loper’s significant contributions to the City of Wilmington. City Council looks forward to joining the Administration in celebrating this designation.

Upon a motion of Council Member Guy, seconded by Council Members Freel and McCoy, the above Resolution was before the Council for its consideration. Council Member Guy mentioned that there were three or four people who said they wanted their names added and noted to his colleagues that this might be a good time to tell the Clerk.

Council Members Oliver, Turner, Chukwuocha, Harlee and Williams, and Council President Shabazz asked to be added as co-sponsors.

Council Member Guy spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Congo and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Guy: That’s all I have Madam Chair.

President Shabazz: Councilman Williams you’re presenting on behalf of Councilwoman Walsh.

Council Member Williams: That's correct Madam President, I have a Resolution to present.

On behalf of Council Member Walsh, Council Member Williams presented Resolution No. 18-043 (Agenda #4537) 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, applied for a grant in the amount of \$151,362.00 from the Delaware Criminal Justice Council; and

WHEREAS, the proposed grant funds would be used to fund a Crime Analyst and Consultant for a Strategic Intervention Plan to combat violent crime in Wilmington; and

WHEREAS, no matching funds are required; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department's grant application to the Delaware Criminal Justice Council in the amount of \$151,362.00 is hereby authorized.

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

FISCAL IMPACT STATEMENT: There is no negative fiscal impact on the City, because no local matching funds are required by the grant.

Upon a motion of Council Member Williams, seconded by Council Members Freel and McCoy, the above Resolution was before the Council for its consideration. Council Member Williams spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Congo and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Turner: Madam President, can I be excused?

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

On behalf of Council Member Walsh, Council Member Williams presented and called for the first and second reading Ordinance No. 18-027 (Agenda #4538) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A
CONTRACT BETWEEN THE CITY OF WLMINGTON
AND ASSET MANAGEMENT ALLIANCE, LLC FOR
BUILDING MANAGEMENT SERVICES FOR THE
CITY'S EMERGENCY OPERATIONS CENTER

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is a contract for the period of one (1) year from July 1, 2018 through June 30, 2019, at an estimated price of Ninety-Eight Thousand Five Hundred Eight Dollars (\$98,508.00), with the possibility of three (3) additional extensions of one (1) year thereafter at the same annual price, at the option of the City.

Upon a motion of Council Member Williams, seconded by Council Member Freel, the Ordinance was received, recorded and referred to the Public Safety Committee. Motion prevailed.

Council Member Williams: Nothing further this evening, thank you.

President Shabazz: We'll now move into petitions and communications and I would like to accept if Council would like to forego that or would you...

Council Member Turner: Madam President, may I be excused please?

Council Member Oliver: So move.

President Shabazz: I accept a motion to adjourn the meeting.

Council Member Freel: Second.

PETITIONS AND COMMUNICATIONS

There was no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Council Member Oliver, seconded by Council Member
Freel, Council adjourned at 8:52 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk