

*Wilmington, Delaware
Louis L. Redding
City/County Building
May 21, 2015*

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

Invocation was given by Joe Garcia.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

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

MINUTES

After reading a portion of the minutes of May 7, 2015, upon a motion of Ms. Walsh, seconded by Mr. Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

May 18, 2015

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 15-009**
entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION
ON REAL PROPERTY AND THE TAXABLE PROPERTY
OF PUBLIC UTILITIES FOR THE FISCAL YEAR
JULY 1, 2015 THROUGH JUNE 30, 2016

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/Michael A. Brown, Sr.
/s/Samuel Prado
/s/Hanifa Shabazz
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Freel, 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

May 18, 2015

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 15-010**
entitled:

AN ORDINANCE REGARDING SEWER SYSTEM UNIT
CHARGES AND WATER RATES AND CHARGES AND
STORM WATER RATES AND CHARGES SET FORTH
IN CHAPTER 45 OF THE CITY CODE

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/Michael A. Brown, Sr.
/s/Samuel Prado
/s/Hanifa Shabazz
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Freel, 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

May 18, 2015

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 15-011**
entitled:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM FOR
THE SIX FISCAL YEARS 2016 – 2021, INCLUSIVE

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

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

Upon a motion of Mr. Freel, 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

May 18, 2015

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 15-012**
entitled:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET FOR
FISCAL YEAR 2016

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/Michael A. Brown, Sr.
/s/Samuel Prado
/s/Hanifa Shabazz
/s/Theopalis K. Gregory, Sr., Ex Officio

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

The City Clerk read the following committee:

<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

May 18, 2015

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Substitute No. 1** to **Ordinance No. 15-013** entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2015 AND ENDING ON JUNE 30, 2016

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

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

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

May 13, 2015

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred
Ordinance No. 15-019 entitled:

AN ORDINANCE TO AUTHORIZE THE DELAWARE CENTER FOR
HORTICULTURE TO LEASE FIVE CITY OWNED PARCELS OF
REAL ESTATE TO BE USED AS A COMMUNITY GARDEN

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

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

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

TREASURER'S REPORT

The following Treasurer's Report dated May 21, 2015 was read into the
record by the City Clerk and upon a motion of Ms. Walsh, seconded by Mr. Freel/Mr.
Williams; the Report was received, recorded and filed. Motion prevailed.

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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON MAY 21, 2015

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	\$ 4,716.77
106	Fire Pension Account	M & T Bank	\$ 784.67
107	Evidence/Found Currency Account	M & T Bank	\$ 539,937.36
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	\$ 1,431.94
114	Central Deposit	M & T Bank	\$ 26,873.39
117	Cement Workers	Wilmington Savings Fund	\$ 33,435.82
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 2,403.31
130	Payroll	M & T Bank	\$ 177,277.30
131	Pension Payroll Account	M & T Bank	\$ 6,009.94
139	Pension Healthcare Account	M & T Bank	\$ <u>1,431.38</u>
	Total Cash on Hand		\$ 813,408.89

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	05/21/15	0.01%	\$ 2.19	\$ 7,974,675.00
116	General	TD	CD	05/27/15	0.25%	\$ 719.18	\$ 1,500,000.00
124	Non-Uniform 1990	WSFS	CD	05/28/15	0.30%	\$ 143.01	\$ 600,000.00
106	Fire Pension	WSFS	CD	05/28/15	0.30%	\$ 572.05	\$ 2,400,000.00
116	General	TD	CD	05/29/15	0.25%	\$ 1,787.68	\$ 3,000,000.00
116	General	WSFS	CD	05/29/15	0.30%	\$ 3,345.21	\$ 5,500,000.00
116	General ¹	TD	CD	06/01/15	0.25%	\$ 9,351.79	\$ 15,003,965.00
116	General	WSFS	CD	06/10/15	0.30%	\$ 960.61	\$ 1,375,000.00
116	General	WSFS	CD	06/10/15	0.30%	\$ 960.61	\$ 1,375,000.00
116	General	TD	CD	06/12/15	0.25%	\$ 1,150.69	\$ 2,000,000.00
116	General	TD	CD	06/25/15	0.25%	\$ 708.91	\$ 1,500,000.00
116	General	TD	CD	06/25/15	0.25%	\$ 452.06	\$ 1,000,000.00
116	General	TD	CD	06/26/15	0.25%	\$ 1,610.96	\$ 2,400,000.00
110	Capital	WSFS	CD	06/29/15	0.30%	\$ 16,808.05	\$ 19,476,000.00
116	General	WSFS	CD	07/10/15	0.30%	\$ 1,518.90	\$ 2,200,000.00
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
116	General	TD	CD	07/23/15	0.25%	\$ 934.94	\$ 1,500,000.00
116	General	WSFS	CD	07/24/15	0.30%	\$ 1,854.25	\$ 2,400,000.00
116	General	TD	CD	08/07/15	0.25%	\$ 575.35	\$ 1,000,000.00
116	General	TD	CD	08/07/15	0.25%	\$ 657.54	\$ 1,200,000.00
110	Capital ²	TD	CD	08/21/15	0.25%	\$ 1,192.07	\$ 1,540,195.00
104	Escrow Pension	Affinity Wealth					\$ 1,495,282.00
104	Escrow Pension	Vanguard					\$ 31,596,445.00
104	Escrow Pension	Black Rock					\$ 27,521,497.00
104	Escrow Pension	Edgar Lomax					\$ 22,687,803.00
104	Escrow Pension	Wilmington Trust					\$ 47,284,301.00
104	Escrow Pension	Manning & Napier					\$ 15,103,873.00
104	Escrow Pension	Earnest Partners					\$ 18,488,306.00
104	Escrow Pension	GMO					\$ 12,171,279.00
104	Escrow Pension	MFS Management					\$ 21,568,432.00
104	Escrow Pension	American Funds					\$ 11,600,000.00
139	Medical Escrow	Black Rock-OPEB					\$ 13,084,016.00
116	Deferred Comp.	MassMutual					\$ 41,042,396.00
	Total Investments						\$ 347,148,104.48
	Total Cash on Hand						\$ 813,408.89
	Grand Total						\$ 347,961,513.37

¹ Budget Reserve

² SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Mattie F. Flonnory
Gregory	Sympathy Arteise M.N. Brown
Gregory	Sympathy Robert Vincent LaFate
Gregory	Sympathy Michael William Evans
M. Brown	Sympathy Blanche Rayfield
M. Brown	Sympathy Louise Spaulding
Dorsey Walker	Welcome United Baptist Convention of Delaware, Inc.

President Gregory: I don't think there's any presentation. If there are, let me know. We'll go to Legislative Business.

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

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

Mrs. Seijo: Sorry Mr. President.

Mr. Chukwuocha presented Resolution No. 15-019 (Agenda #4047) as follows:

WHEREAS, pursuant to Section 2-363 of the Code of the City of Wilmington ("City"), the City may apply for and receive grant funds to be used for a wide variety of City activities, subject to the approval of City Council; and

WHEREAS, the City has been approved by the State of Delaware Department of Labor Division of Employment and Training to receive approximately \$315,324.00 in grant funds for the operation and cost of the Summer Youth Employment Program (the "Youth Program"), which is set to run from June 15, 2015 through August 21, 2015 (see attached award letter dated May 04, 2015); and

WHEREAS, although the City is not required to provide matching funds for receipt of these grant funds, the City is initially required to pay the Youth Program employees with City funds and is then reimbursed by the State of Delaware for the payments. Importantly, there will be no net financial impact on the City, provided the City complies with all State requirements applicable to the Youth Program; and

WHEREAS, for timing purposes, the application for said grant had to be submitted in advance of City Council approval by resolution; and

WHEREAS, the City, through the Mayor or his designee, the Director of Parks and Recreation, may enter into Contract 5-753-SY – Summer Youth Employment

Program (the “Contract”) – to use the grant money to pay the wages of youth employed by the City as part of the Youth Program; and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City’s use of the grant funds for the Youth Program in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described grant funds received from the State of Delaware for the Summer Youth Employment Program be accepted and approved, and the Mayor or his designee, the Director of Parks and Recreation, and the City Clerk are hereby authorized and directed to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

On the question:

Mr. Chukwuocha: Yes Mr. President, this is an annual grant from the State, which supports our operation of our Summer Youth Employment Program. It’s accepting a grant from the Department of Labor in the amount of \$315,324, which would provide summer employment for five (5) weeks for 284 youths.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. Mr. Chukwuocha.

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

Mr. Chukwuocha presented Resolution No. 15-020 (Agenda #4048) as follows:

WHEREAS, pursuant to Section 2-363 of the Code of the City of Wilmington (“City”), the City may apply for and receive grant funds to be used for a wide variety of City activities, subject to the approval of City Council; and

WHEREAS, the City has applied for and has been preliminarily approved by the Department of Education for the State of Delaware to receive grant funds from the Federal government for the operation and cost of the USDA Summer Food Service Program (the “Food Program”), which is scheduled to run from June 15, 2015 through August 21, 2015, and which may be extended for one similar period upon the agreement of the parties; and

WHEREAS, the amount of the grant funds for the FY2015 Food Program is estimated by the Department of Parks and Recreation to be approximately \$791,512.00 based upon the increased number of meals projected to be served in comparison with the FY2014 Food Program (see Exhibit "A"); and

WHEREAS, although the City is not required to provide matching funds for receipt of these grant funds, the City is initially required to pay the Food Program vendor with City funds and is then reimbursed by the Federal government through the State of Delaware for the payments. There will be no net financial impact on the City, provided the City complies with all Federal and State requirements attached to the Food Program; and

WHEREAS, the City has prepared the necessary specifications to solicit bids from prospective vendors to submit bids for a contract to provide meals to eligible participants in the Food Program, which contract may be extended for one additional similar period; and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City's use of the grant funds for the Food Program in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described Federal grant funds received from the State of Delaware for the Food Program be accepted and approved, and the Mayor or his designee, and the City Clerk are hereby authorized to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary. This grant and the resulting contract to provide meals for the Food Program may be extended for one additional similar period upon the agreement of the parties.

On the question:

Mr. Chukwuocha: Yes Mr. President, this is the sister to the preceding grant that deals with the Summer Food Program for the summer, which provides the resources for us to have our Summer Food Program for the summer in the amount of \$791,512 Mr. President.

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

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

President Gregory: Declare it adopted. Mr. Congo.

Mr. Congo: Nothing tonight Mr. President, thank you.

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. 15-019 entitled:

AN ORDINANCE TO AUTHORIZE THE DELAWARE CENTER FOR HORTICULTURE TO LEASE FIVE CITY OWNED PARCELS OF REAL ESTATE TO BE USED AS A COMMUNITY GARDEN

On the question:

Mr. Darius Brown: Yes Mr. President, in an effort to (inaudible) create healthy neighborhoods in the City of Wilmington particularly in the 3rd Council District, this Ordinance allows us to continue existing partnership with Delaware Center for Horticulture to provide the Brandywine Urban Farm to them to continue the work that they've been doing in the 11th Street Bridge neighborhood area.

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

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, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freil, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Ms. Shabazz.

Ms. Shabazz: Yes Mr. President, Agenda #4040 (Ordinance No. 15-016) I will plan to hold for this evening.

President Gregory: Okay, thank you. #4049.

Ms. Shabazz: Yes, I have a Resolution to present.

Ms. Shabazz presented Resolution No. 15-021 (Agenda #4049) as follows:

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

WHEREAS, Carriage House Associates LLC (the “Seller”), a Delaware Limited Liability Company, has agreed to sell, and the City through the Office of Economic Development has agreed to purchase, contingent upon Wilmington City Council (“Council”) approval, the real property located at 726 A Street, Wilmington, Delaware, being Tax Parcel No.26-050.00-061 (the “Property”) for \$100,000.00. That certain Agreement of Sale is attached hereto as Exhibit “A”; and

WHEREAS, the City intends to utilize the Property for the development of the South Wilmington Wetlands Project and for the remediation of flooding in the Southbridge neighborhood; and

WHEREAS, the South Wilmington Wetlands Project and the land acquisition of the Finger-Gordon Property was approved by Ordinance 13-025 on September 4, 2013; and

WHEREAS, it was anticipated that the project may require additional land acquisition; and

WHEREAS, the hydraulic design of the South Wilmington Wetlands Project has been completed and that design calls for a second hydraulic connection between the Finger-Gordon Property and the Christina River; and

WHEREAS, the Property will be used to make the second hydraulic connection between the Finger-Gordon Property and the Christina River; and

WHEREAS, the Property has been appraised at a value of \$111,000.00; and

WHEREAS, the funding for this acquisition was approved as part of the 2014 Capital Improvement Plan, with the Water/Sewer fund being the source of the funding.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council authorizes and approves the acquisition of the Property by the City from Seller for One Hundred Thousand Dollars (\$100,000.00).

BE IT FURTHER RESOLVED that Council authorizes the Mayor or his designee to execute any and all documents and to take all actions necessary to effectuate the purchase and transfer of the Property to the City.

On the question:

Ms. Shabazz: Yes Mr. President, this Resolution authorizes the acquisition of 726 A Street. That property is needed for the continual development of the wetlands in South Wilmington. This property is - - some parts that helps us to handle the hydraulic connections. It's necessary for the pumping that will help mitigate the flooding in South Wilmington and we've been working on this for quite some time and we're getting closer to getting everything – all the properties necessary to develop the wetland and to mitigate the flooding that's been hampering in the South Wilmington area for the past fifty (50) years.

President Gregory: The 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, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, One.

President Gregory: Declare it adopted. Mark Mr. Prado present please.

Mrs. Seijo: So noted.

***Note:** At this time, Mr. Prado, was marked present.

President Gregory: Mr. Prado, you're next.

Mr. Prado: Oh, no legislation this evening Mr. President, thank you.

President Gregory: Thank you. Ms. Dorsey Walker.

Mr. Dorsey Walker: No legislative business tonight. Thank you Mr. President.

President Gregory: Thank you Mr. President. I have a Resolution to present.

Mr. Williams presented Resolution No. 15-022 (Agenda #4050) as follows:

WHEREAS, Nursing is an admirable field within the health care sector that focuses on the care of individuals, families and communities in order to attain, maintain, or regain optimal health and quality of life; and

WHEREAS, according to the American Journal of Nursing, healthcare workers often encounter patients who are delirious, agitated and sometimes aggressive in Emergency Departments, and in nursing homes; and

WHEREAS, recent studies suggest that when agitation spirals into full-blown assault, nurses are often the victims and as such, nurses from around the world are protesting what they say are inadequate protections in the workplace; and

WHEREAS, all nursing personnel should have the right to work in a healthy work environment free of abusive behavior such as bullying and workplace violence; and

WHEREAS, Council deems it appropriate and fair to request the Delaware General Assembly to institute workplace violence protections by adding Nurses to Title 11 *Section 612 *A-3 Assault 2nd Degree; and

WHEREAS, a person who commits assault in the second degree, classified as a Class D felony, in any of the 11 ways discussed below:

- By recklessly or intentionally causing serious physical injury to another person
- By recklessly or intentionally causing physical injury to another person by means of a deadly weapon or a dangerous instrument
- By intentionally causing physical injury to a law-enforcement officer, a volunteer firefighter, a full-time firefighter, emergency medical technician, paramedic, fire police officer, fire marshal, correctional officer, sheriff, a deputy sheriff, public transit operator, code enforcement constable or a code enforcement officer who is acting in the lawful performance of duty
- By intentionally causing physical injury to operator of an ambulance, rescue squad member, licensed practical nurse, registered nurse, paramedic, licensed medical doctor or any other person while such person is rendering emergency care
- By recklessly or intentionally causing physical injury to another person who is 62 years of age or older
- By intentionally assaulting a law enforcement officer while the officer is in the performance of the officer's duties, with any disabling chemical spray, or with any aerosol or hand sprayed liquid or gas, with the intent to incapacitate such officer and prevent the officer from performing such duties
- By intentionally, while engaged in commission of assault-related crimes, assaulting any other person with any disabling chemical spray, or with any aerosol or hand sprayed liquid or gas with the intent to incapacitate the victim
- By intentionally causing physical injury to any state employee or officer while that employee or officer discharges or attempts to discharge a duty of employment or office
- By recklessly or intentionally causing physical injury to a pregnant female
- If 18 years of age or older, by recklessly or intentionally causing physical injury to another person who has not yet reached the age of 6 years; provided that a justification defense, as discussed below, does not apply, or
- By recklessly or intentionally causing physical injury to a law enforcement officer, security officer, fire policeman, firefighter, paramedic, or emergency medical technician in the lawful performance of their duties by means of an electronic control device, which constitutes a class C felony.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council recognizes the need to protect our healthcare workers and thereby urges the Delaware General Assembly to do the same by adding Nurses to Title 11 *Section 612 *A-3 Assault 2nd Degree Felony.

On the question:

Mr. Williams: Mr. President, if I can start with the 5th Whereas, I need to make a friendly amendment. After Title 11 612, I want to add Section A-3 and on the back of the page Now, Therefore, Be It Resolved, also after 612 add Section A-3.

President Gregory: I think what you want is, Title 11 Delaware Code Section 612 A-3.

Mr. Williams: A-3, correct.

President Gregory: Section 612 A-3.

Mr. Williams: Section 612 A-3. That's correct.

President Gregory: Okay. So it will be amended in two places. Can I get a second on the motion?

Mr. Freel/Ms. Cabrera/Mr. M. Brown: Second.

President Gregory: Mr. Williams.

Mr. Williams: This Resolution is being presented at the Delaware General Assembly asking for them to add Nurses to 3rd Section. Currently, Nurses are in the 4th Section, which states that they would be covered against acts of aggression only on emergency basis. This would move them into the section where they would be in the performance of their duties. As we're all aware, we have many nurses in the field, a lot of hospice nurses and home healthcare nurses we carry some dangerous drugs and narcotics into some homes and is subjective to violent behavior.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. Mr. Freel.

Mr. Freel: Mr. President, I have one Resolution and then I believe five (5) Ordinances.

Mr. Freel presented Resolution No. 15-023 (Agenda #4051) as follows:

WHEREAS, Ordinance No. 14-026, which proposes amendments to the Zoning Map by rezoning property comprising the former Wilmington Finishing Company, from C-6 to W-4 and R-2 zoning classifications, was introduced by City Council at its regular meeting of June 5, 2014; and

WHEREAS, pursuant to Wilm. C. §48-52, the City Planning Commission has 90 days to review and submit a report to the Mayor concerning that Ordinance;

WHEREAS, on February 19, 2015 City Council passed a resolution to extend the City Planning Commission's time for review by ninety (90) days to on or about June 1, 2015; and

WHEREAS, City Council believes it is necessary and desirable to extend the City Planning Commission's time for review by an additional ninety (90) days through and including September 1, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the time for review and submission of a report by the City Planning Commission on Ordinance No. 14-026, or a Substitute thereto, is hereby extended an additional ninety (90) days through and including September 1, 2015.

On the question:

Mr. Freel: Mr. President, this just extends the review period for the rezoning of the Old Wilmington Finishing Company better known as the Bancroft Mills Site.

President Gregory: The 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, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the third and final reading Ordinance No. 15-009 (Agenda #4030) entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION
ON REAL PROPERTY AND THE TAXABLE PROPERTY
OF PUBLIC UTILITIES FOR THE FISCAL YEAR
JULY 1, 2015 THROUGH JUNE 30, 2016

On the question:

Mr. Freel: Yes Mr. President, this basically is the property tax for the next fiscal year and there is no increase for Fiscal Year 2016.

President Gregory: The Clerk will call the roll.

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, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the third and final reading Ordinance No. 15-010 (Agenda #4031) entitled:

AN ORDINANCE REGARDING SEWER SYSTEM UNIT CHARGES AND WATER RATES AND CHARGES AND STORM WATER RATES AND CHARGES SET FORTH IN CHAPTER 45 OF THE CIT CODE

On the question:

Mr. Freel: Yes Mr. President, once again this establishes the rates for water, sewer and storm water. The Mayor is proposing a zero (0) increase. I would like to make some comments at this time. As you know and other Council Members have been around for a number of years, for many years, the Water/Sewer Fund was almost treated like a political football. Rates weren't adjusted and when funds were needed to balance the General Fund, many times it came from the Water/Sewer Fund. Some years back the Administration and Council agreed that this enterprise fund had to be self-sustaining. Working with outside consultant and a new Citizen Advisory Board we agreed to establish a financial plan that would reflect the six year view of the Enterprise Fund evaluates its current financial position, project future obligations and needs and provide a path forward to achieve and sustain financial best practice standards. We actually set some performance standards that would cover annual operating and maintenance requirements, cover our annual debt service, repay the loan the General Fund, provide up to sixty (60) days of operating and maintenance reserve and start us on a path of cash financing of the CIP so we're not borrowing 100%.

As Council Members saw in the Water/Sewer hearing that we have - - we have a very aging infrastructure and many parts of that infrastructure are hundred to hundred and fifty years old. We've worked hard to achieve these goals. The consultant and Advisory Board this year recommended a 4.5 increase for Fiscal Year 2016. The Administration rejected the increase knowing that they would not want an increase next year at this time. Many on Council felt that this might be a step backwards. We proposed a modest three (3) percent increase and average about \$1.50 a month with

another 1.5 decrease in spending. The Administration rejected the proposal without discussion. The only respond was that last year they requested eight (8) percent and we only approved five (5) percent but I want remind – remind them that there was reasons why we were upset eight (8) percent increase last year dealing with some unnecessary positions that were created, an increase internal service charges, a refusal to pay the Water Fund – the monies owed by the General Fund but more importantly they have not taken any steps to separate out the Water/Sewer Fund to stand alone. The first step being the most important was to move the utility billing section out of Finance and into Public Works. Now, I’m starting to hear that they want to start making some changes that might take twelve (12) to eighteen (18) months, which I believe may be too long. And, that we need to bring in a third-party to help us. But, I can’t tell you, you know, for sure whether the increase this year should be zero (0), one (1), two (2) or three (3). I do know that decision should be based on sound financial planning and not political reasons, thank you sir.

President Gregory: Anybody else? Last year the Administration wanted eight (8) percent, we cut it to five (5) percent and there were those among us who wanted to go to four (4) percent. If we stayed with the plan we would have went eight (8) percent last year but for our own reasons, we did not stick with that plan. If it was that sound of plan and we needed to stay with it on a yearly basis we would have done that. The Administration did not make the argument that they proposed eight (8) percent last year. I made the argument internal and discussions and negotiations among us that that’s what they had proposed and reminded us that we had cut it to five (5) percent. The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh/Mr. Williams, the aforementioned Ordinance was read for the third and final time and was **DEFEATED** by the following Yea and Nay Roll Call Vote: Yeas, Council Members Darius Brown, Prado, Dorsey Walker, Williams and Wright, and Council President Gregory. Total, six. Nays, Council Members Chukwuocha, Congo, Shabazz, Freel, Michael Brown, Cabrera and Walsh. Total, seven.

President Gregory: Declare it adopted. Declare it **Defeated**.

Mrs. Seijo: **Defeated**.

Mr. Freel presented and called for the third and final reading Ordinance No. 15-011 (Agenda #4032) entitled:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM FOR
THE SIX FISCAL YEARS 2016 – 2021, INCLUSIVE

On the question:

Mr. Freel: Mr. President this is the Capital Program for the next six years. There are no changes.

President Gregory: The Clerk will call the roll.

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, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the third and final reading Ordinance No. 15-012 (Agenda #4033) entitled:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET FOR
FISCAL YEAR 2016

On the question:

Mr. Freel: Mr. President, this is the companion piece to the last piece. This is the Capital Budget for Fiscal Year 2016 and there are no changes.

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, Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the third and final reading Ordinance No. 15-013 (Agenda #4034) entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2015 AND ENDING ON JUNE 30, 2016

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

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2015 AND ENDING ON JUNE 30, 2016

On the question:

Mr. Freel: Mr. President, this is the General Operating Budget, basically the spending plan for Fiscal Year 2016. I guess I'll make my comments now and then let other Council Members speak. Though as we know there was no property tax increase this year and we still needed to take a close look at this Budget. For Fiscal Year 2014 we ended up with a five hundred thousand dollar deficit. On the revenue side we are predicting a three (3) percent growth in salaries and job creations but we did not factor in anything into the assumption for the DuPont move and we know even if Chumore comes to the City we'll see some sort of negative impact to our wage tax revenues. It might have been best just to leave that number flat as oppose to projecting an increase. The revenue projections did help us create a \$2.6 million surplus and you know, some may feel it may be overly optimistic. Council did proposed additions of six hundred thousand to the spending plan to address recommendations made by the Wilmington Public Safety Strategies Commission. I very much supported the additions as did the Administration. We also offered spending cuts to try to offset some of the additions. The cuts were rejected by the Administration without discussion. And, I just want to say, that the cuts that we proposed was about three tenths of one percent of the Budget.

I know early on the Mayor and the Chief of Staff requested a one (1) percent reduction but wasn't enough. We face numerous challenges in the years ahead - - increased healthcare costs and a possible Federal tax in Fiscal Year 2018, pension issues with the State, union contracts, no raises for seven (7) years, funding for a possible land bank to mention a few. Most cuts that were made in the Budget were made to the MS&E line, which is Materials, Supplies and Equipment, but as we know if a department over spends that line, it could easily reconciled at the end of the year and there's no effort to hold a director responsible. As example, in Fiscal Year 2014, the MS&E line was over budget by over \$2.2 million. So, any cuts they make now in that line can obviously be reconciled at the end of the year if it went over. I would hope the Budget Office would agree with me that the real reduction to the size of the Budget, we must look at personnel cost. Our personnel costs are two thirds of our \$150 million budget. We have over sixty (60) vacant positions. The Administration opposed only the deletion of two (2) but at the same time they granted and requested upgrades of almost twice that amount that were approved. Council requested two departmental studies for two of our larger departments. You may disagree with some of the recommendations that came out of the studies of Fire and Police Departments but having a third-party take a close look, I believe was helpful and insightful. And, even with all the discussions we had about the Berkshire Report, we saw during the budget hearing that the Fire Chief was implementing some of those recommendations. The Administration once again rejected the idea of any additional studies and discussions.

Though there are no tax increases for the General Fund Budget this year, I think it's just important that we look at it very carefully especially with spending plan and I believe next year we're going to have to get back to playing the role of looking at each individual position - vacant position and see what we - what we need and what we no longer need to make this operation run efficiently. That's all I have, thank you.

President Gregory: Mr. Wright.

Mr. Wright: Thank you Mr. President. Just on - - actually just to go on the record to say that you know, it's just been stated a number of times that this was Council's recommendation, I know all thirteen (13) of us make up the body, however, when the initial, if you want to say recommendations, negotiations or what have you, that was done prior to all thirteen (13) members knowledge. So, I don't want it to be said that Council made these recommendations or was aware of it. There was a small group - there was a meeting before the meeting, so I don't want to be included in that. Thank you.

President Gregory: Ms. Walsh.

Ms. Walsh: Thank you Mr. President. First, I'd like to start by saying I understand and appreciate your intentions with the Budget this evening. I know that you've tried to forge a compromise on this Budget and I know your intentions are very pure when it comes to this to get our City moving forward. But, unfortunately I cannot support a yes vote on this Budget this evening. We were presented with a budget that already Council was going to have to intervene because there were glaring emissions. No police class, no real addressing the problems with cameras but we certainly didn't leave out the pay adjustments when it came to certain personnel within our City most of whom are kind of the add nausea committee room people rather than the worker be people. Our City faces a whole a lot of challenges that you know, I don't have to lecture anybody on this floor because every single one of us knows what we're facing in future including a probably sizable drop in our City wage tax because of the lack of employment within our City and with everything that is also going on with DuPont and increasingly with some of our banks also.

This year we face one of the bloodiest years that our City has ever seen and we finally had the intervention, the Governor and the County Executive and our State Attorney who offered their hands and help to us. And, besides giving us some personnel, they also, the Governor, formed a Commission to come into this City to see what we can do differently. Our Mayor welcomed this Commission with open arms, the Commission did their work and did it very quickly we had City representation on that Commission including our own Police Chief. The Report, which was issued almost two (2) months ago, now has been cherry picked or rejected and yet on the other side of that, again, blame is being placed on the State for not providing us with proper funding. Well, when we're getting the attention of people like this and they come in with people with cold eyes looking at how our operations are going and make recommendations on not how we can only improve our services but also in the long run probably reduce our expenses too and then they slap that hand away but ask them for more money, they're not going to pour money in that toilet that's flushing very quickly. I don't see a light at the end of the road. I see the Administration doing exactly what they want without a whole lot of input from our citizens and I just can't be part of that. I just really and truly can't. So, for that reason, I'm voting "no" this evening.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Yes Mr. President, I too want to thank you for all the hard work yourself and the staff – I know that this is part of the most prime time of the year for us. I recall when I first was elected, I was told that most important singular job that we have as Council Members is passing a budget – a fiscally responsible budget. So, I do take that to heart as well as the other things that I enjoy doing as a Councilperson and serving my constituents. I also listen to my constituents and all of this City are my constituents. My concerns with this Budget I would mention and I wanted to mention this is when I first came on I thought that one of the things we needed to do was to start looking at our efficiency as a City; doing desk audits – going by departments – starting with the larger ones. Unbeknown to me this is something that has been pressed on by former Council Members before I was elected but I think it's the right thing to do – it's the fiscally responsible thing to do. You know, there's been a lot of changes in technology; there may be ways that we can be doing things; do we need as much manpower as we have and, and just really putting the best use of the people that we have on board and we need to downsize because we see some things that have taken precedence - - the loss of DuPont – we still don't know the impact, the full impact of that and you know, when we nickel and dime our residents with \$40 citations and \$50 instant tickets, we too as government need to be held accountable. So, I'm disappointed that that was something that was non-negotiable as far as the Administration. And, I know that we're trying in the spirit of not going back and forth at war with the Administration to pass a fiscally responsible budget, I too am concerned about the other issues that were mentioned by my colleagues. I am not going to support the Budget and I don't mind a battle. I'm always ready for battle. We may not, you know, the Mayor wants to veto our Budget, that's fine. Then let him veto our Budget but at least we know as that as Council we did our job to be fiscally responsible. Thank you.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. After looking at the Budget and really taking a minute to just (inaudible), the main thing for me is, I had constituents reach out to me and say, don't vote for the Budget but they were unaware of the fact that an additional \$600,000 was added strictly for public safety, which is the reason why they didn't want us voting for the Budget. So, if people need to make sure that we're mindful of the fact we'll have an academy class for fifteen recruits that we shall have additional cameras and have three different people monitoring those camera. So, we - - some of those recommendations that were made by the Governor's Commissioners are actually being implemented. So, for that reason I shall be voting for the Budget. Thank you Mr. President.

President Gregory: Mr. Williams: Thank you Mr. President, first of all I want to say, that this year experience with the Budget, I think was much smoother. I think there was some open and honest negotiations that took place. Some of the problems that we had we presented to the Administration, they were able to accept some of them. The fact that \$600,000 is being placed into the Budget to help with the crime

Commission Study, I just - - and I don't want to hold up a process based on a blank check on what they want to adopt and what they don't want to adopt. I think that we can make an amendment to this Budget down the road based on some of the recommendations. So, in good spirit, I'm want to support the Budget and we're just going to keep an eye on things and next year it's going to be big - much different ordeal. I'm much aware of what we're up against and facing. So, it's a free space one time.

President Gregory: Thank you. Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. I do (inaudible) on a lot of the things that some of my colleagues have said regarding the trials that we have gone through and in trying to get a clear understanding exactly what direction the Administration is going to go and this - the whole Budget that they presented is following of some of the fiscal patterns that we have laid forth in correcting some other issues in our water/sewer - - our Water/Sewer Fund and the - - definitely - the public safety initiative that we felt was very important that we put that money back in and address those issues and I too have received emails and comments from constituents and that was their major concern that we do address the issue of the public safety. So, I think Council did very good in its leadership and supported by its best of the Council in putting those things back into and addressing the issues that was in Public Safety Task Force. I have some concern regarding - - just - just some of the other programmatic things that they have presented. I know that we don't have line item veto authorities because if we did there are some things that I would definitely strike that I think we're funding that they haven't proven that they have the capacity to make those happen. I'm trying to faith in the Administration Mr. President - strongly trying to have faith that what they say they're going to do they're going to do because it doesn't fall back on our constituents. And, the City is moving in great direction. In spite of it all, we're trying to get there. We're just dealing with this public safety issues; we're trying to bring in companies to provide jobs and I believe holding things up right now will put an even more drag into the progress that we're trying to make with the City. I am praying upon this and even with all my concerns and agreements of my other colleagues' points I will make my decision at time roll call is called.

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Thank you Mr. President. Many of the comments have been shared - - this has been a better process. I think that some of the engagement throughout the year and I know last year and the year before we were saying that we were going to make this a year long process. I think too and a lot of credit to Council. We tried to address things early and bring things to the forefront and, as much as I think we did, I think a lot of our intents weren't just giving the respect that they deserve. I - - as - as much as I applaud Council for everything it tried (inaudible) from the very beginning I had an issue with, you know, and sister said we can't vote on single line item, I have a strong item issue that to me reflects how I see this - - this, this Administration just not holding itself accountable in a certain way and the issue I'm speaking of is the Cease Violence Project. From the very beginning that Project when it came before us, \$200,000

was going to be funded, we said and I remember speaking directly that that wasn't enough money to run that type of project. I mean, we tried to do those types of outreach efforts before under the Hope Commission and it proved to be nothing. I mean, we end up starting it for a while and then ending up having to come in and close it down. I see the same thing and I see the same again over again this year and not only are we saying where we're going to have \$200,000, now we're going to up to \$225,000. I have zero, zero confidence in the Administration and leadership of the Cease Violence Wilmington Project to accomplish their goals and their mission. I think that that Chicago model is universal. It's implemented in different countries/cities, all up and down our corridor but the way they are operating in those successful cities such as Philadelphia, Camden and Baltimore, it's not the way we're trying to implement here in Wilmington. It's, it's - - we're a disgrace. We're a disgrace to even label ourselves that we are - - link it with that project. That even from their standards - I spoke to people in Chicago they don't feel that we're implementing the project correctly.

I've seen it yesterday with my very own eyes and yesterday the shooting outside of the Hick's Center, I'm there - one of their workers is standing next to me like a regular spectator. There was no outreach, no engagement with the community. They're standing next to me chit chatting. I don't see and to think how it hit me as a taxpayer I'm paying this person to have this conversation with me. It was very odd and it was just very telling of I guess that the focus of that program the way it's - that Cease Violence when it first came, it was cure violence and they were contacted through Delaware through Christiana Hospital and most of the successful operations or implementers of this project, they had university partners, hospital partners and I think that that's key for us. Is that even our partnership with the hospitals isn't operating the way it's supposed to be. There are issues where even in the Task Force with (inaudible), they said that it shouldn't be based in Parks and Recreation. I mean, that was one of the glaring recommendations is that the project had some issues mainly that it should be with a health provider and not with Parks and Recreation. We're not (inaudible) the project correctly. We don't have the partnerships - - it's not meant to be successful. I think our outreach efforts are not working.

We've tried as a Council specifically through the Education, Youth & Families Committee since November to have them come in, to give us an update, give us some reports of what's going on to see how their measuring. We received stuff saying that they were going to use last summer as their benchmark. Well, if that's the case, then if you did that for your benchmark, that means, you have something to go off. We haven't received anything. We had to fight and for just to find out that they were in fact a 501(c)(3) and everything else. It really just makes a lot of - - brings up more questions. More questions than are being answered. I personally feel that there's no accountability to this organization from the Administration and as Council have tried to other - - if you look at us as a granting agency, a granting agency has some accountability. Other agencies come back, they give us a report, this is how the money was used - - there has been no accountability from Cease Violence Wilmington for the money that was disbursed already and for us to say that we're laying up to give them more money and we have no record of what was accomplished and no record of them saying that these were my outcomes. They said that we have workers and our workers are supposed to have these many clients. We have none of that. We don't what they've done but yet they're at

door not only asking for that same amount but to ask for more money. I think it's a – a just slap in the face to our communities when we think about in particular to me bringing this project through Parks and Recreation. We have own Hick's Anderson Community Center – if we have \$250,000 - - \$225,000 that Center could use some staff support; that Center could use some programmatic support; some administrative support; some building support but we're acting like that doesn't - - not this is for something else. This is a priority. It's not a priority when I've seen it in operation. When I've seen how it functions. It's an outright waste of money. I've said that during the budget time and I'll continue to say it again that to me I have outright zero confidence, zero confidence in this Project accomplishing its goals or objectives here in Wilmington. I think it's very poorly run – poorly operated and again it's being done with zero accountability and for that reason I will not be voting for this Budget because I will not in my clear conscience say I'm supporting this mismanagement.

President Gregory: Anyone else before I get - - Mr. Congo.

Mr. Congo: Yes, thank you Mr. President. I'm not going to support the Budget also. I'm just basing it on a few different reasons. I'll go over some of them. As we sat here through the budget hearings and we heard presentations from departments and to those of us who were part of that process, we heard some much nuisance from - - from, from some departments. And, for us to say that - - and for us to pass this Budget in my opinion is to say that that's ok. To say that some of those things that we heard that we actually chuckled about when we were being presented to, you know, by the different departments. Saying that – you know, giving this Budget the ok, is just saying that that's ok and I think it's a - - I think it's wrong. I think it's a slap in the face to the - - to our constituents who are paying for it. And as for public safety with that Report, there weren't too many things that haven't already been - - haven't already been brought to the table that came from out of that report. It has always fallen on deaf ears and it still is. I don't know if residents necessarily want more police. I think they want better police and that's not a shot against any – you know, any – the police officers. I just think – they just need a police department that's more accountable, that's more involved, that's more community oriented. And, I think that just throwing - - adding additional officers doesn't solve the problem.

We can have a thousand police officers inside a Public Safety building and not being engaged with our residents, it makes no sense. And, that Report just spelled out so much about public safety and about some of the officers that don't - - that never even touched the street and I think just a disgrace to have a sworn in officer and never touch the street. And, that's what the community wants. The community doesn't want more officer, they just want a better run police department. So, I think that supporting this Budget is just a slap in the face to the residents - - I haven't heard from one resident to say support the Budget. Everybody I've heard from say, do not support this Budget. And, a lot of it is around public safety because the Administration has just pretty much turned its back on that Report and they turned back on previous items that we have brought to them just as a Council.

We've been talking about these issues for the full two years we've been on Council and before that. But just specifically for this Administration, we've been talking about it and it's never been addressed and it won't be addressed until we take a stand. And, I think our residents want us to take a stand and if we have to go back and forth, that's what they want. They want us to stop going along just to get along. Go to war because it's not for us. It's for our residents. It's for the people who have confidence - - placed confidence in us to say ok, we're going - - we're going to trust that you're going to go there and not just - - and not just go along just to get along. So, I'm ready to sit down and try and work some things out but passing this Budget is doing the exact opposite. Thank you.

President Gregory: Anyone that has not spoken? Who wants to speak?
So, we go back to Ms. Cabrera.

Mr. Michael Brown: I haven't spoken.

President Gregory: Did you have your hand up?

Mr. Michael Brown: Yes, yes. I won't - I won't prolong this conversation because I just think that we just need to go ahead. I, I - I don't - - I said at the Finance meeting, all these things that are put before us, we have a responsibility. But we also have a responsibility to make sure that we at least attempt to get it right and this ain't right. We as a body have tried our best to reach out across the aisle to work with the Administration and its representatives. We as a body - - we hear our constituents just like I'm assuming - I'm hoping that - I think the Mayor hear those same constituents. And, right now we're not on the same page, particularly with that Report that came out. I've been getting as the Public Safety Chair, I've been getting bombarded with emails and phone calls and I've been answering them. I don't ignore them because that's my job. And, they're saying to me, Councilman, unless we find a way - - you guys find a way to work together and that Mayor, that Administration, with that Report, start working on that Report and showing some progress, what's the sense in getting - - I'm like Councilman Congo, I'm not one of these folks that's going to get along just to get along. I'm not going to do that and I see the big picture. I do. I really see the big picture.

We need to pass the Budget but this may not be a day that we do. We need to pass a Budget. And, we don't have - - we don't have to do it tonight. We can come back. There's no - there's no pie in the sky that's says it got to be done tonight. What we got to do is get it right. I came in here to be Mr. Smith goes to Washington and stand up and (inaudible) for the rest of the night but I know I can't do that. And, so - - I'm just going to - - you know, I had a conversation just before Council started with my spiritual friend in the hallway and they asked me to just take a deep breath. So, I'm going to behave myself but I'm going to behave myself but I'm just telling you, it's hard that - - that when we want to do what's right over here and we all got thirteen different personalities, thirteen different ways to do things, but we're not going in there trying to tell this Administration what to do. We want to be a part of working together to resolve what needs to be done. And, we're not even being invited to do that. We're not even being invited to do that.

Folks ask me all the time, why you and that Mayor butt heads all the time? Because he is so sincere about his and his true feelings about the City, well so am I. So am I. He's not a bad person. It's just that his ways and my ways and all other twelve ways are all over the place and until we come into - - leave our egos at the door and put trust among us as elected officials and come with a plan that's going to work - we don't even have a plan other than what the State is giving us. And, so I got to go by what the State is giving them and I like what the State has done in terms of its recommendations to us. But, nobody is listening. And, as long as they're not listening, we won't get nowhere with this. It doesn't say again, that we have to do this Budget tonight. It does not say that. And, as I said before, I'm willing to work with anybody. It's just as - - I respect the Administration and the Administration is going to - - I don't have but one more budget to do before I retire. Before I leave these great - - these great walls. But, I am walking and demanding the (inaudible) and that's not what I'm getting as a Public Safety Chair and as a City Councilperson. We should be included in conversations. We're not telling this Administration what to do and they still are not listening and not willing to listen. So, when all conversation is done, you'll hear my vote and you'll hear it loud. Thank you.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Thank you. I did want to add another thing. You know we own a community center - Williams "Hicks" Anderson, which honestly I feel we have no business owning. There have been shootings, homicides behind the center - - a young woman mother of two, lost her life there a few weeks ago and yesterday by the grace of God and only by the grace of God, that girl does not have a bullet in her head. It just grazed her head. How does that happen when we have a community center that we should be investing in - not just the people - not just the building but the people and we should have those kids inside that Center. That's a perfect reason. Where does the money go? This department comes before us year after year at the budget hearing and they're still no rhyme and no reason to anything that is being done over there. We are the City Council of the City of Wilmington and we need to hold this Administration accountable (inaudible) or high water and this is our opportunity to do that. Now, we take \$25,000 away, which is nothing really when you think about all the waste from the Summer Arts in the Park, where here's a program - our way of giving back to the community - the community that is suffering through crime, through car break-ins, through assaults, this is our way of saying, we're going to bring something positive to your neighborhood - everyone in the City of Wilmington attended, they've been out there, now we're going to cut the legs off a program that has an opportunity to not just walk but to run. That is the feel good - that is our contract that we should have with our residents to do those little things - it's the little things that matter to them and we're not doing that. So, no, I don't think anyone should vote for this Budget. If the Mayor wants to veto than we override the veto. We have the power to do that.

President Gregory: What I'm hearing is that between now and the time that we pass the Budget, if we don't pass it tonight, that what we're going to do is thirteen people, we're going to fix all the ills of this City and we're going to fix all the ills of this Administration. It seems to be that this - the conversation is a gross vote of no

confidence for the Administration while I (inaudible) in the City of Wilmington that we should move forward and I appreciate it. But, the thirteen of us over the next however many weeks, unless we pass a Budget tonight, we're going to get our heads together collectively, even put our white papers together as they say, we're come up with what we think should fix the Budget and we're going to all put it in a notebook and we're come up with a budget that's doable in the City of Wilmington with cuts. And, his Budget, one percent cut, we went up one point one percent or one point six million dollars on a one fifty-five – fifty-one million dollar budget. Of that we had uncontrollable costs, which was debt service, healthcare, pension and costs but still we ended up with surplus of two point one million. We have not had a surplus over two million dollars in the City of Wilmington since FY 2007. We've not had a surplus (inaudible) in million dollars since FY 2007 and with the add facts that we put in there's a surplus of two point one. We focused on what the Commission Report had to say. Absolutely, we focused on it as legislators and did what we could do within our authority and our prevue. We put money in – three hundred thousand for a recruit class anticipating there would be fifteen officers down; we put the Wilmington Initiative Fed Up back – one hundred thousand dollars; Downtown Visions – three monitors, one hundred fifty-one thousand dollars because folks were saying that the cameras were not being monitored; a camera assessment so as we move forward and grow our cameras it would be consistent and they would meet this technology of the day and technology of the future and we added a deleted PREO position back into the Budget. This was the second year they had cut a PREO position. So, that was a collective effort. Certainly, some things that folks wanted to focus on did not get back in but that would have caused a surplus to be reduced and you have to raise taxes.

So, I think that – I've been on Council for thirty-two and half years, I was very pleased with the focus of the Budget, not fluff, but public safety, public safety, public safety. But, I'm hopeful that the Budget will pass tonight and we can continue to work on this Administration to do the right thing and get better. However, if you don't want this Administration, it's call September 2016. It's not called in the contexts of the budget process absolutely. We have to stand within our authority and our prevue as we move forward. We can't fix the Administration in the contexts of this budget process. We cannot fix programs that this Administration should be running in a timely and professional manner in the contexts of this – this budget process. It just doesn't work that way but if the majority thinks we can do, then what we'll do after this vote, we'll work on it for the next several weeks, I'll be sitting at the table and I want everybody to tell me what they want so we can throw it in there and just see what we come up with when we come back. Because you're going to pass a budget eventually unless you want to be like the Feds and just keep kicking the can down the road with these – a continuing resolution and that animal doesn't exist here. So, I'm hopeful that we pass the Budget. The focus was public safety, public safety, public safety in the contexts of the Crime Commission Report. The most important issue in the City of Wilmington we addressed. The second issue addressed we control costs, spending – cut one percent. We controlled it - - we controlled it. So, we'll see what we come up with. Who has not spoken and who wants to speak? Mr. Wright.

Mr. Wright: I spoke but you had skipped me.

President Gregory: Go ahead. No, go ahead.

Mr. Wright: All right, thank you. This again some of things you said, some of things colleagues echoed on tonight, we can't control. We can't command the Chief of Fire or Police, we can't direct the department heads, but in our Budget discussions, I made a couple of statements. One was or questions if you will, what we'll accomplish by not passing the Budget tonight? My second question was, how will not passing the Budget benefit our residents? And then my last comment was, give me the plan and a good reason not to support the Budget and I'll go with it and give it a "no" vote. And, we didn't give any – there was no suggestions giving or any comments made at that point in the opposite so.

President Gregory: All the dislikes are not going to be fixed. It can't be fixed in a context because it's all operational. We're not going to go over and micromanage the programs in the City of Wilmington. It's call September 2016 folk. It's not call May 21, 2015. The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh, the aforementioned Ordinance, as **Substituted**, 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 Darius Brown, Shabazz, Prado, Dorsey Walker, Williams and Wright, and Council President Gregory. Total, seven. Nays, Council Members Chukwuocha, Congo, Freel, Michael Brown, Cabrera and Walsh. Total, six.

President Gregory: Declare it adopted. Mr. Freel.

Mr. Freel: Sir, that's all I have.

President Gregory: Mr. Brown.

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

Mr. Michael Brown presented Resolution No. 15-024 (Agenda #4052) 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 in any situation in which a City office or department is required to file an application or proposal for grant funds prior to the next regular meeting of Council, in which case the application may be submitted to Council for its approval and ratification subsequent to its submission to the issuing agency; and

WHEREAS, the City, through the Wilmington Police Department, has sought to obtain grant funding from the State of Delaware Criminal Justice Council (“C.J.C.”) through two grants totaling \$37,456.00; and

WHEREAS, the two said grants will provide funding in the amount \$15,000.00 for overtime to be dedicated to the enforcement of Protection From Abuse (PFA) orders and in the amount of \$22,456.00 for a Youth Victim Advocate, respectively; and

WHEREAS, the C.J.C. grants require only a time and effort match but no cash match; and

WHEREAS, in order to qualify for the grants and receive the funding, the applications for said grants had to be submitted in advance of City Council approval by resolution; and

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Police Department to accept the grants from the State of Delaware C.J.C. for \$37,456.00 for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department is hereby authorized to accept grant funding from the State of Delaware C.J.C. in the amount of thirty-seven thousand, four hundred and fifty-six dollars (\$37,456.00).

On the question:

Mr. Michael Brown: Yes Mr. President, I have in front of me a grant application for two grants – Wilmington Police Department. Both applications are being submitted to the State of Delaware Criminal Justice Council. And this, the first application is in the amount of twenty-two thousand four hundred fifty-six dollars for a Youth Victim Advocacy. This would be the continuation of a funded – of a fund non allocated grant position within the Department Victim Service Unit. And, the grant requires an in kind match time only. There is no cash requirement to satisfy. And, the second application is in the amount of fifteen thousand for overtime dedicated to the enforcement of Protection From Abuse – known as PFA orders. Again, there is an in kind match but no cash requirements. Both grants are structured as reimbursable.

President Gregory: The Clerk will call the roll.

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

President Gregory: Declare it adopted. Ms. Cabrera.

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

Ms. Cabrera presented Resolution No. 15-025 (Agenda #4053) as follows:

WHEREAS, it is the responsibility of public officials to advocate on the behalf of those they represent, and to take every measure possible to mitigate threats to their health and safety; and

WHEREAS, in recent months communities, advocacy groups, lawmakers and members of the public from the local to the national level have engaged in discussions related to regulatory oversight and the mitigation of public safety risks associated with the transportation of crude oil using rail cars; and

WHEREAS, the volume of crude oil carried by rail has increased exponentially in the past decade, while the carriage of especially volatile substances has raised concerns related to the capacity of many types of train cars to properly and safely carry such materials; and

WHEREAS, the Philadelphia region and the greater Delaware Valley is experiencing growth as a hub for fossil fuel transport and refining, increasing the volume of oil in the area, and thus, increasing the risk to the surrounding communities; and

WHEREAS, a series of devastating rail car accidents that have taken place over the past few years – including a near disaster resulting from a train derailment in Philadelphia in January 2014 – have resulted in the loss of life and property, and have heightened awareness of the emergency management implications of such transportation practices; and

WHEREAS, crude oil trains travel through, and around, the City of Wilmington on a daily basis, leaving City residents at risk; and

WHEREAS, the City Council supports the efforts of federal lawmakers and officials in reviewing safety requirements for trains carrying such volatile and flammable liquids in an effort to minimize the frequency of accidents and mitigate the risk posed by such incidents.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council respectfully urges Congress, the United States Department of Transportation and both City and State emergency management officials to continue in their efforts to assess and mitigate the risks posed by the rail transport of crude oil through the Delaware Valley, and to take into careful consideration the health and safety of residents of the City of Wilmington throughout the process.

On the question:

Ms. Cabrera: Mr. President, I did allow for it to be read in full because I do want in terms of public safety - - we speak of public safety, this is an issue that is taking precedent throughout the country. There have been some major, major disasters in our country when it comes to some of these explosions from this crude oil, which seems to be more volatile – I can't even say the word – and we've had seen that even with our first responders and firefighters, it's a different type of fire that we're fighting. Here in Wilmington we have to reverse – we have major arteries where these rails are coming through and even along our exit routes. So, one of things that we want to do is encourage that there be stronger regulations. Back in 2008, ninety-five hundred trains would come through the United States. Now we're up to half a million and these laws are over thirty-

eight years old. There really is no regulation of the trains other than by the Feds. So, we need to push for the Federal government to come up with stronger regulations. The only thing they're looking at right now is improving the tankers that carry the oil and even those are not up to the safety code and recommendations. Most recently, we saw an article in the paper where fuel Delaware there's going to be an increase of seventy percent of more crude oil coming through our county, through our City, through our State. So, even though we haven't had the catastrophe here, we need to be very proactive. So, I ask that Council support this.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President, I ask the sponsor and Councilperson if I can also join her on this Resolution because her and I have worked together in various other environmental advocacy issues and forums and a lot of those trains go directly through areas not only just my districts but also where I live. So, I (inaudible) to support this Resolution and thank her for bringing this to the forefront.

President Gregory: Mr. Brown.

Mr. Michael Brown: Yes Mr. President. I also ask the sponsor to please – we have discussed this in length at – over a couple of weeks, so I'd really like to be a co-sponsor on this.

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

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

President Gregory: Declare it adopted. Ms. Walsh.

Ms. Walsh: No legislation but I would like to be added to the last one please.

President Gregory: So noted. Mr. Wright.

Mr. Wright: No legislation tonight sir.

President Gregory: Thank you. This is how we're going to go forward, if everybody can give me the number what they want the water rates to be increase by, we'll take the average. Mine is zero. So, if everybody give me a number - - just give me the number and I'm going to – take and add them all up and divide them by thirteen. Can I get a motion to adjourn please?

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Mr. Michael Brown, seconded by Mr. Williams,
Council adjourned at 7:40 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk