

*Wilmington, Delaware
Louis L. Redding
City/County Building
December 6, 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 Congo, Oliver, Harlee, Turner, McCoy, Williams, Freeland, Adams, Dixon*, Guy** and Walsh, and Council President Shabazz. Total, twelve.

MINUTES

After reading a portion of the minutes of November 15, 2018, upon a motion of Council Member Freeland, 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>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Va'Shun "Vash" Turner, Chair	X		
Ciro Adams, Vice-Chair	X		
Ernest "Trippi" Congo, II	X		
Michelle Harlee	X		
Zanthia Oliver		X	
Loretta Walsh		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

November 19, 2018

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 18-050 entitled:

AN ORDINANCE TO (I) APPROVE THE REMOVAL OF A PORTION OF GARASCHE LANE FROM THE OFFICIAL CITY MAP AND (II) ACCEPT THE DEDICATION OF AN UNNAMED CITY STREET BETWEEN SOUTH WALNUT STREET AND GARASCHE LANE AND ADD IT TO THE OFFICIAL CITY MAP

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Va'Shun "Vash" Turner, Chair
/s/Ciro E. Adams, Vice-Chair
/s/Ernest "Trippi", Congo, II
/s/Michelle Harlee
/s/Hanifa Shabazz, Ex-Officio Member

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

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Va'Shun "Vash" Turner, Chair	X		
Ciro Adams, Vice-Chair	X		
Ernest "Trippi" Congo, II	X		
Michelle Harlee		X	
Zanthia Oliver		X	
Loretta Walsh		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

December 4, 2018

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Substitute No. 1 to Ordinance No. 18-039 entitled:

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CITY
CODE RELATING TO THE INSTALLATION OF WIRELESS
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC
RIGHTS OF WAY

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Va'Shun "Vash" Turner, Chair
/s/Ernest "Trippi" Congo, II
/s/Hanifa Shabazz, Ex-Officio Member

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

Note: Although, Council Member Adams was at the meeting and reflected herein on the Report, his signature was inadvertently missed.

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

TREASURER'S REPORT

The following Treasurer's Report as of December 6, 2018, was read into the record by City Clerk and upon a motion of Council Member Freel, seconded by Council Member Walsh, the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 4 to Page 5.

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 Delaware



City of Wilmington Treasurer's Report as of December 6, 2018


Cash on Hand:

General Account	M & T Bank	\$8,480,872.73
Central Deposit	M & T Bank	\$120,729.26
Payroll	M & T Bank	\$608,658.92
Total Petty Cash Accounts	M & T Bank	\$12,010.33
Grant-In-Aid	M & T Bank	\$221,993.87
Evidence/Found Currency Account	M & T Bank	\$808,521.77
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,600.38
Police Department Discretionary	M & T Bank	\$32,140.19
Pension Payroll Account	M & T Bank	\$146,179.45
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$1,592.81
Non-Uniform Pension-Plan 2	M & T Bank	\$1,023.79
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$21,286.31
Police Pension Account	M & T Bank	\$2,815.13
Fire Pension Account	M & T Bank	\$3,569.84
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$540,590.61
SubTotal		\$11,064,724.36
Total Cash on Hand		\$11,064,724.36

INVESTMENTS DECEMBER 6, 2018:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
General	WSFS	CD	12/6/2018	2.20%	\$11,572.60	\$3,000,000.00
General	WSFS	CD	12/13/2018	2.20%	\$13,290.41	\$3,500,000.00
General	WSFS	CD	12/20/2018	2.15%	\$11,581.90	\$3,511,123.29
General	WSFS	CD	12/28/2018	2.15%	\$11,486.30	\$3,000,000.00
General	WSFS	CD	1/3/2019	2.15%	\$12,477.53	\$2,983,489.53
General	WSFS	CD	1/10/2019	2.20%	\$12,476.71	\$3,000,000.00
General	TD	CD	1/17/2019	2.16%	\$14,220.00	\$3,000,000.00
General	WSFS	CD	1/24/2019	2.20%	\$15,008.22	\$3,000,000.00
General	TD	CD	1/31/2019	2.16%	\$16,740.00	\$3,000,000.00
General	WSFS	CD	2/7/2019	2.21%	\$15,470.00	\$3,000,000.00
General ¹	TD	CD	1/3/2019	2.17%	\$92,678.58	\$15,689,029.00
SUB-TOTAL:						\$46,683,641.82
CAPITAL FUND:						
Capital	WSFS	CD	12/13/2018	2.15%	\$3,023.88	\$1,711,189.82
Capital	TD	CD	1/3/2019	2.21%	\$97,429.38	\$22,353,309.84
Capital	TD	CD	1/30/2019	2.21%	\$96,985.30	\$25,077,000.00
SUB-TOTAL:						\$49,141,499.66
RISK MGMT:						
Risk Management	TD	CD	7/1/2019	2.41%	\$142,446.01	\$8,059,939.96
Worker's Comp	TD	CD	7/1/2019	2.41%	\$142,446.01	\$8,059,939.96
Retiree Medical Escrow	Vanguard-OPEB					\$20,481,643.62
SUB-TOTAL:						\$36,601,523.54
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	12/28/2018	2.15%	\$9,021.16	\$5,105,000.00
Fire Pension	WSFS	CD	12/28/2018	2.15%	\$1,546.23	\$875,000.00
Escrow Pension	Edgar Lomax					\$21,806,436.00
Escrow Pension	Vanguard Fixed					\$38,790,636.00
Escrow Pension	Earnest Partners					\$21,838,429.00
Escrow Pension	Wilmington Trust					\$37,248,746.00
Escrow Pension	Vanguard Stock Index					\$39,368,018.00
Escrow Pension	Artisan Global					\$7,703,616.00
Escrow Pension	Dodge & Cox					\$10,614,023.00
Escrow Pension	Fidelity					\$17,522,406.00
Escrow Pension	Harding Loevner					\$7,903,618.00
Escrow Pension	MFS Management					\$21,353,593.00
Escrow Pension	Clarion Lyon					\$6,006,575.00
SUB-TOTAL:						\$236,136,096.00
OTHER:						
Deferred Comp.	MassMutual					\$46,309,955.38
Port Debt	WSFS	CD	1/24/2019	2.10%	\$9,746.45	\$2,606,194.00
Total Investments						\$417,478,910.40
Total Cash on Hand						\$11,064,724.36
Grand Total						\$428,543,634.76

¹ Budget Reserve


Velda Jones-Potter, City Treasurer

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

NON-LEGISLATIVE BUSINESS

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

McCoy	Recognize Rob Moore
Oliver	Recognize Alexis Nichols – Lifetime Achievement Award Recipient
Oliver	Sympathy Bertha Faulkner
Oliver	Recognize Tiana Sirmans
Shabazz	Recognize Alice V. Garner (90 th Birthday)
Shabazz	Sympathy Francine Carter

LEGISLATIVE BUSINESS

President Shabazz: Council Member Congo.

Council Member Congo: Yes, Madam President, it's too bad we can't end the meeting on the note. Little lady is doing some great things. But, um, Madam President, I do have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Congo presented Resolution No. 18-085 (Agenda #4604) as follows:

WHEREAS, on November 15, 2018, the City Council, as required by Section 2-101 of the City Charter, formally declared that: the First Councilmanic District position is vacant as of November 6, 2018 at 8:00 p.m. due to former Council Member Nnamdi O. Chukwuocha's resignation; and

WHEREAS, pursuant to the Wilmington City Charter, Chapter 2, Wilm. C. (Charter) § 2-101, when such vacancy occurs between General Elections, it is the duty of City Council to fill said vacancy with a member of the same political party residing in the same council district in which such vacancy occurs for the un-expired term of the of the resigning Council Member; and

WHEREAS, pursuant to Wilm. C. (Charter) § 2-103, the City Council is empowered to be the "sole judge of the qualifications . . . of its members" and pursuant to Wilm. C. (Code) § 2-34, a special committee has recommended Albert Mills to fill the vacancy in the 1st Council District seat.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council appoints Albert Mills, a duly registered member of the Democratic Party residing in the First Councilmanic District of the City of Wilmington, to fill the vacancy created by former Council Member Nnamdi O. Chukwuocha, for the remainder of former Council Member Chukwuocha's term.

Upon a motion of Council Member Congo, seconded by Council Members Williams and Freel, the Resolution was before the Council for its consideration.

Council Member Congo: Ah yes, Madam President this is being presented again on your behalf for City Council's review and approval where we have to – where we will need to support Albert Mills to replace former Councilman Chukwuocha in the 1st District seat. I know this is a pretty hot topic that's why there's so many people here this evening and I know Councilman – Councilman Turner he requested it earlier that everyone be allowed to speak and I'm sure those are your intentions but I just hope that we all have a chance to speak and that um, everyone is just mindful to be respectful of one another.

President Shabazz: Councilman Turner.

Council Member Turner: Thank you Madam President. Uh, uh, this definitely had a lot of focus on this uh, during the week, I sure wish people wouldn't push certain things to kind of split our community up because our community has been definitely coming together. Um, but this is – this is something that, that – I just wish, I just wish that the community wouldn't have put us in this situation. I'm, to, to, you know, I strongly believe you definitely wanted the best people to be involved but just the look of this, um, it just – it just doesn't sit well. So, I'ma make a motion to amend this legislation.

Council Member Congo: Second.

Council Member Adams: What's the amendment?

Council Member Freel: Madam President.

Council Member Turner: It's been moved and seconded.

President Shabazz: Councilman...

Council Member Turner: It's been seconded.

President Shabazz: Councilman Freel.

Council Member Freel: I want to make a point of order. Um, I'm not sure exactly what the amendment is but it would be improper to offer any amendment because the selection process laid out in the City Code in Section 2-34....

Council Member Turner: Point of order. There's a motion on the floor.

President Shabazz: There was a - - there was a point of order to your motion and I, and I, um, and I'm addressing it. Continue Councilman Freel.

Council Member Freel: I'm just - - complete that the process was laid out in Wilmington City Code Section 2-34 at the special committee meeting to make a recommendation – they needed to make a specific name and that's what – that was done.

President Shabazz: The point – on your point of order is well taken and the motion of out of order.

Council Member Guy: Uh, Madam President, my hand is up.

President Shabazz: And I'm talking, and you have not been recognized so wait to – I recognize you sir. Thank you. As I said, the point of order is well taken and the motion of out of order.

Council Member Turner: How is the motion out of order? It was first and seconded. You called on me.

President Shabazz: Please wait to be recognize – to be – for you to speak. As was said, your proposed uh amendment - - your motion didn't say, didn't give a proper amendment. You just said you wanted it to be amendment but amended to what?

Council Member Turner: I make a motion to amend the – the, Resolution 4604...

President Shabazz: But what, what was the amendment?

Council Member Turner: First, first you get the first and second – first and then when you....

Council Member Oliver: Point of order.

Council Member Turner: When proposing a change to pending legislation that is being debated, a movant moves to amend the pending legislation. Debate is limited only to the amendment and not to the underlying legislation.

President Shabazz: The amendment isn't proper because it violates the section selection process laid out in Wilmington Code Section 2-34...

Council Member Turner: I'm gonna – my amendment will read that - - my amendment will...

President Shabazz: ...but you didn't make the whole amendment and so, a point of order was called – and the point of order is well taken but the motion is out of order.

Council Member Oliver: Madam President.

Council Member Guy: Madam President, my hand's been up. You let Councilman Freel speak, I'm speaking (inaudible).

President Shabazz: And I gave him permission to speak and I haven't granted you permission yet to speak yet Councilman Guy. So, if you respect the Chair and respect the Chair and wait 'till I recognize you, then I will give you permission to speak.

Council Member Guy: My hand's been up.

President Shabazz: I see your hand. But, you're not to speak until you're recognize. Councilwoman Oliver.

Council Member Guy: Well you (inaudible)...

Council Member Oliver: Thank you Madam President.

Council Member Guy: (Inaudible)...

Council Member Oliver: Thank you Madam President.

President Shabazz: It's disrespect.

Council Member Oliver: Thank you Madam President. First, I'd like to acknowledge that I was on the Selection Committee. I followed the rules and the process that was given to me. I thought most of the candidates did pretty well, but Mr. Mills was the top choice for me. Just for note, this process has been in place for over forty years, now for some reason, this new Council wishes to change it and that's ok but let's obey the process and the rules that's currently in place. Even ah, even, even though we took an oath to not take things personal, but it seems that this Council really takes a lot personal. It takes a lot of things personal. Turning down a minority to get a job, wow! And, it's mostly majority on this Council. Turning down a black male on top of that, I work with getting individuals jobs all day long and the hardest ones to find jobs for are black males. Most of them are incarcerated or most of them are on the unemployment line and to sit up here and denied this man who is overly qualified, put his resume up to most of the ones who are City Council and they would not get a job before him. I am appalled and disappointed. I think it's disrespectful, I think it's childish and this is hate crime. This is a hate, jealous, personal thing in my opinion. I would hope that most of the City - - and then you look, and its black males denying a black male a job. Are you kidding me? And, that's all I have to say.

President Shabazz: Councilman Guy on the motion.

Council Member Guy: I'm on the point of order. The code section that Councilman Freel referred to - - we're playing games. The only thing the Committee has a right to do is to submit a Resolution telling Council who they recommend. After that, it's a Resolution like any other resolution in our Code and it is subject to be amended. So now, the Councilman made a motion for an amendment and he just need to say what the amendment is so that we can then discuss the amendment. So, if a point of order, and this is what's going on with this black man talk we just heard, I'ma tell you as a black man, there's no more racist set of experiences that I've had then through the hands of some of the black people on this City Council standing up on behalf of people who been oppressing black people for years and continue to do it today. So, I don't want to hear no black man stuff unless you want to talk to one about it for real (inaudible)...

President Shabazz: Can you keep your point, to the, to the legislation at hand.

Council Member Guy: ...the point is, he made a - he made a motion to amend - it's nothing but a Resolution. So, he has a right to put in a motion to amend and all he needs to do is tell us what the amendment - the details of what the amendment is. But, Councilman Freel is not accurate when he's trying to block him from amending or trying to amend a basic resolution. But it's a nice try. I've read all of these procedures. I've been involved - most of those things that happened during my lifetime, ok, and it's a power move. I want - what we got going on tonight is about whether people in Wilmington are going to be free or subject to the people who is trying to buy the City. That's what this - this is seat is about.

President Shabazz: Council Member Walsh.

Council Member Walsh: Uh, Council Member, President, actually I agree with Council Member's Guy last sentence but in reversed, that I believe this is a power move but that's my editorial comment. Um, you just can't insert a name. This is a process that has to be followed. So, you can't just amend a name to change the intent of this Resolution.

Council Member Turner: You don't know what I was amending.

Council Member Walsh: And, that's all I'm going to say right now, thank you Council President.

President Shabazz: Councilman Congo.

Council Member Congo: Yes, thank you Madam President. I believe that when the um, when the um, the notice first went out about trying to replace Councilman Chukwuocha that it was stated that Council people could nominate people. Um, so I believe that Councilman Turner is correct in being able to nominate someone to be in that seat because it said it in black and white that we can nominate people. Thank you.

Council Member Walsh: Can I do a point of order up to that one Council President – because?

President Shabazz: Council Member Walsh, please wait to be recognized.

Council Member Walsh: Oh, I'm sorry, yes. You're right, I'm sorry.

President Shabazz: Proceed.

Council Member Walsh: Yes, that's what it did say but the date for that to be done has passed. There's a specific date on there, of when your interest in the seat had to be received by the City Council Office and it's on the same notice that would also include recommendation by Council.

President Shabazz: Council Member Harlee.

Council Member Harlee: Yes, Council President, for the record, I, I would like to say a few things regarding the Resolution for Mr. Albert Mills and I'm very aware of um, the, the concerns of the different community members, which I fully understand that because I know if this happened in my district, I would want a voice as well, however, I want to say that when I first learned about the process to fill this seat, I, I was very disappointed that the process didn't include the City Council members participating in the interviews or not allowing the citizens from the 1st District be heard. I was disappointed and then – and then I later learned how it was basically the way the Charter was written. Um, respect to the process, when it was announced who the individual was that was nominated, I did a little research and I found out that anyone that qualifies can submit their application to be considered for the seat including any family members. What I've read did not disqualify any family member, so I proceeded because I believe that facts are important, content is important in terms of how we draw conclusions and most of all, how we make our decisions. So, I will proceed. Since I wasn't on the Selection Committee, I reached out. I didn't feel as though that I had no other options when I realized that with the process being the way that it was written, as the President, you had the autonomy to select members, I wanted to know how could my voice be heard; how can I seat on this floor tonight and make an intelligent, accurate as best as possible decision without doing some research and homework.

So, I called all those that were on the Committee to find out, what was your topic? What made you pick the person that you did? And, I, I spoke with you, I spoke with Councilwoman Oliver and Walsh, Adams and Freel. I called each one of you because if people watch and come to the City Council, I don't follow anyone – I do my homework, I do my research and I believe the facts are important as I said to draw conclusions and come to decisions. If we don't go by facts, if we don't go by the process, how can we ever be organized? So, I proceeded to find out, why? I called individuals that I know that live in the 1st District that I feel as though would be honest because this is about being honest, this is about us um, respecting the process. So, I just wanted to say that there were many comments that I had heard from different individuals

about Mr. Mills and some of those comments, just a few, was that with his background Mr. Mills would be able to support the entire demographics of the 1st District given the fact that that's a district that has five different civic areas and pretty diverse that he could definitely support all of his neighborhoods; that he lived in the district for over twenty years and is knowledgeable about the communities; that he has a very good understanding about the job role and time commitment because that is important that uh, the person filling that seat understands the job role and the time commitment. That, Mr. Millis, he's passionate about his work and I also heard one of his colleagues tonight get up during the public session and she mentioned that he was passionate about his work as well and especially with young people in the community; and that Mr. Mills would work with all the City Council and would be good fit; he knows what he's getting into; he's thoughtful; he's analytical; he's dedicated; he's loyal and that's he's not trying to grandstand and he comes across easy to work with, warm and very direct and open. These are the comments that I received from those that were on the Committee; these were the comments that I received from those – those that I spoke with that live in the 1st District. So, I just wanted to be on record as a Councilmember that was not on the selection process committee that, that was my due diligence to come to the conclusion that I came to on tonight because again, it's process, it's the Charter and we have to have some guidelines. Yes, I believe it's broken. I do not like this process, I do believe that the 1st District residents and citizens should have been able to weight in; should have been able to select who they wanted to represent them in the 1st District but today, that's not the process. And, my prayer is that the 1st District would use this opportunity to support, galvanize, do whatever is needed to get who they would like in that seat ready for 2020. Thank you.

President Shabazz: Council Member Turner.

Council Member Turner: Thank you Madam President. First, is this – is this my first five minutes before I was interrupted with the point...

President Shabazz: No. It's, it's your second.

Council Member Turner: ...but I was interrupted with the point of order.

President Shabazz: It's your second.

Council Member Turner: Okay.

Council Member Congo: Council – let me go first.

Council Member Turner: Hmm.

Council Member Congo: Let me go first.

President Shabazz: Councilman Turner.

Council Member Turner: Can I, can I...

President Shabazz: Councilman Turner.

Council Member Turner: Alright, I make a motion – make a motion to amend uh, agenda item 4604 Resolution, uh, my, my amendment is the third whereas clause, uh, where it says recommended Albert Millis, we put in there, “*latest recommendation*”, Special Committee has made its recommendation – skip to the next, next sentence to fill a vacancy in the 1st Council District seat, add “*and*”; “*Whereas, the views of the citizens of the 1st Councilmanic District should be given personal consideration in the appointment of government representation of the same in preponderance of citizens and civic leaders of the 1st Councilmanic District, support the appointment of Subira Ibrahim to fill the vacancy of the – in the 1st Council District seat*”. The next sentence where it says, Now, There Be Resolve By the Council of the City of Wilmington, replace Albert Millis with “Subira Ibrahim”. Where it says, that the City Council appoints *Subira Ibrahim* add it and strike Albert Mills, a duly registered member of the Democratic Party. Also, in the synopsis, the Resolution appoints Subira Ibrahim, cross out Albert.

Council Member Congo: Second.

President Shabazz: Councilman.

Council Member Freel: My point of order still stands. You know, the, the, the City Code Section 2-34 says, you cannot you not – a special committee will make a recommendation to the full Council.

Council Member Turner: They did it.

President Shabazz: But you’re not the special – you’re not a member of the special committee.

Council Member Turner: Parliamentarian - - parliamentarian (inaudible)...

President Shabazz: Please do not talk over - - wait ‘till I recognize you. You just continue to speak out. I’m trying to keep order. Continue.

Council Member Turner: Can we get a parlaterment (?), parlaterment (?) can we get a parliamentarian opinion?

President Shabazz: Your point is well taken but your motion is out of order per Code, Wilmington Code Section 2-34 because the name was not recommended by the special committee.

Council Member Turner: Call for the roll call vote.

Council Member Guy: Second.

President Shabazz: You can't do that sir. You can't – the President calls for roll call. You cannot call for roll call.

Council Member Turner: If you go back into the history, you (inaudible)....

President Shabazz: Point of order. Point of order, point of order. So, your - the point of order, the um, the motion was out of order.

Council Member Turner: Can I continue my five minutes?

President Shabazz: You have two minutes Councilman.

Council Member Turner: I call for the roll call vote. I make a motion to call for the roll call for.

Council Member Oliver: Point of order.

Council Member Guy: Second.

President Shabazz: We have – a point of order?

Council Member Oliver: Yes, I thought we just said he could not put the name in. He's not on the Committee, so, what are we doing a roll call for?

Council Member Turner: We got to vote on the legislation anyway. Roll call vote.

Council Member Oliver: I'm asking a question. I'm just trying to see what's going on the floor, it doesn't make sense.

Council Member Turner: First and seconded.

Council Member Walsh: Madam President.

President Shabazz: Council Member Walsh.

Council Member Walsh: Up until now the impression I've been getting is that we're still on points of order...

President Shabazz: Right.

Council Member Walsh: ...that have been turned all around the room by everybody. That if there's not been a discussion on the bill, we're still on the points of order and I do not believe a roll call can be called over points of order. I thought we had to be on the question.

President Shabazz: But the point of order was presented, and I declared that the point of order was well taken but the motion is out of order.

Council Member Walsh: I understand that. But, we still haven't gone to, um, the discussion...

President Shabazz: On the point of order?

Council Member Walsh: No, no, no.

President Shabazz: Continue discussion on the (inaudible) as presented.

Council Member Walsh: I understand that would differ.

President Shabazz: Yes.

Council Member Walsh: Yeah, I understand that. We hadn't gone into the discussion of the Resolution.

President Shabazz: That's what I'm trying to get back to.

Council Member Walsh: Okay.

President Shabazz: I'm trying to get back to – continue discussion because we're on the question. Yes, I'm trying to get back to that.

Council Member Walsh: Okay.

President Shabazz: Council Member Turner. I mean Congo.

Council Member Congo: Yes, thank you Madam President. I mean there's no doubt in any minds in this room how good of a guy and how good of a person and the work that Al has done in this community. That can never be questioned. Um, I mean, (inaudible) none, he, he has given back and he's definitely a role model and somebody that I, that I, that I respect to the upmost. I wasn't officially on the Committee, but I was privy to be in the room because I was an alternate. And, being in the room and hearing every interview, his resume, as far as civic responsibilities, specifically, to the 1st District, they just don't add, they don't, they don't compare to Subira Ibrahim. Um, and that's just my opinion. I mean, she has been doing work specifically in that district with civic associations, on planning councils for over twenty years. I mean, almost to the

point, even to the point where there was a lady who came up during public speaking and said that she knows of three people who are active and, she knew of three applicants who were active in her district, in her district, none of our districts except for Sam Guy, Councilman Guy. She knew of three people. Two of those people are on records saying that they would support Subira. And, this isn't a knock against Al, he's a good dude but how do we, how do we go against all the work that she has done and all, all the efforts that she has put into, to bringing her district to where it is now. I think that is wrong for us to look past that. Look past her work history. Ah, again, he's a great dude, it's not against him but his resume specifically for that district just doesn't compare. Um, and there are people saying that we have to – that Council has to vote with the Committee, that's not true because two sessions ago when Darius was before us, we didn't vote Darius in, so, I, I don't appreciate when people get up there and try to act like that – and try to influence us with our vote. Some of us can never be influenced and again, I'm just, I'm just so, I'm, I'm, I'm so glad that I was able to be in the room because I probably would have supported Al too because he's a good dude but just knowing what Ms. Subira does and seeing it on a resume, which every Councilperson has access to, how can – how can you – how can you deny it? How can you deny what she has done? How can you deny her resume? We don't have to follow that Committee. And, and, last time, when – two sessions ago when we, when we voted Darius down, it was personal and now it's not personal on my – from where I see. I'm not speaking personally. I'm speaking because I know the facts. There are very few of us who know the facts. We, we did not support Darius based on something personal. It was based on something that was vindictive and petty and I don't think that – and we shouldn't – we shouldn't follow that same format. Thank you so much Madam President.

President Shabazz: Councilwoman Oliver.

Council Member Oliver: Thank you Madam President. I hear my colleague keeps talking about um, based on the resume, based on the resume, I worked over, ah, ah, West ah, on Westside ah – on Hilltop – with one of my other colleagues and I put in for a job – long story short, I didn't get the job, another young lady got it and if you wanted to base it on the resume, I should have got it. But, maybe, I just took it as if she did a better interview. I shook her hand, applaud her and we worked together after that for years on. And, one of the individuals, my colleagues, we're right here together and we worked on the project, so, just to keep saying somebody's resume – I have people that, um, on civic associations and come to meetings and they don't do nothing but talk and that doesn't mean anything because you go to a meeting. I mean, I have a lot of people who don't show up, I have people who – who used to do it for ten years and they just retired but that don't mean they weren't active in the community. So, to keep saying look at somebody's resume, um, I don't think that's fair. I think sometimes somebody just did a better interview and that's just the case.

President Shabazz: Councilwoman McCoy.

Council Member McCoy: Thank you Madam President. I just wanted to state, you know, for the record that I agree with um, with Councilman Congo that it is not personal at all. I just want to state that – the Charter, everyone talks about the process and the process is flawed and we still followed the process. But looking at the actual Charter, we see that there's some things that we could have done to give some more inclusion, a little more transparency, we did not have to be the deciding vote of – deciding vote for the executive committee but if we got a chance to see the list so we can actually make the ah, ah - it says, special committee shall accept recommendations from the members of your Council. That never happened because we didn't see a list. We didn't know about who was selected until the public knew. It went out – like, the press release went out and we received it at the same time. So, as a person – as a person who is part of the body of Council, is just taking hits for something that you have no decision or you have no control or all you can do is vote, and you keep taking – you know, and we are a whole body, where it's not just individual districts – Council as a body – and you just want to make certain that people have understanding of how things play out. If we were more so about inclusion rather than power, I think that we could have made certain that we have gotten – we would have gotten this done the right way the first time.

Council Member Oliver: Madam President.

President Shabazz: You've done two. Council Member Dixon.

Council Member Dixon: Um, thank you Madam President. Um, and, ah, kind of a follow-up to Council McCoy's sentiment, um, I also – being also not in the room and having, uh, acknowledged – because I think there is a difference between hearing someone speak out in person, um, to be able to hear the question that was asked rather than looking at a resume. It's hard to do that and make judgement, um, based off of that alone. Um, I, I will agree that it was until the second day of interviews that I was aware of who the twelve people were. Um, and then there was a press release that went from our office, prior to it actually notifying the other Councilmembers about who the selection was and also for what the actual, um, why that person was also recommended other than just saying briefly that it was just based on his knowledge, experience and background. Um, I got more information from the News Journal article that came out, ah, right after our press release was out then I got from my own Councilmembers. Um, and to me the, the process I recall and I understand that the Charter says – it's also a Charter that was put in 1968, which definitely needs to be changed and I appreciate the process that it's going to be changed for the future and for the next process moving forward but it is also hard to make decisions based on a flawed process and an old process of how things were done. Um, we are now in the 2018, things have changed over the course of that time since the Charter was in. Um, and I will say it's hard for me to make decisions on this floor with having limited information going into making a decision that I feel like we as Councilmembers have to make a stand as far as how we govern the City of Wilmington and not having enough information to be able to do that is hard to really make decisions like this. So, it's nothing against um, the candidate who was – to, for the Resolution for tonight, it is just, um, it is my objection to the process and the Charter and the Code. Thank you.

President Shabazz: Councilman Guy.

Council Member Guy: Yes, Madam Chair, the process matters but whoever is driving the process matters too. And so, you can have the same law and one person can implement it in a way designed to usurp the power and authority of others. And another person can respect everybody else's power and authority. So, before we get off track, the City Charter says that this body is the organization that determines who's going to fill the empty 1st District seat. So, let's start from the beginning and stop trying to go to the end and make a committee some powerful organization.

Council Member Turner: Right.

Council Member Guy: So now, once that's known, this is in front of us, and we can do anything we want to do with it. As Council people we have to accept and embrace our responsibilities and duties cause people are always trying to steal them from us for their personal reasons and the people who they're looking out for. So, the next point I want to make is in the – in the Code, which does not supersede the Charter, there's a process and that process is a process that lets the President pick four people and those five people meet and recommend somebody. I'm an old civil rights guy, I've been here when City Council only had two or three black people on it, okay, and I've been an attorney for the NAACP and there's no civil rights organizations operating in Wilmington when the President of Council can pick four people, and she picked three white people and one black person in a City of Wilmington but that's what she did and three of the people live in the 8th District I believe. Because everybody thinks that the 8th District and Buccini Pollin and the Mayor and ah, and the Council President...

Council Member Oliver: Point of order.

Council Member Guy: I'm - who got a point of order? Don't, don't, don't protect them people. You can't protect them. You just missed up saying that. Now, let me finish what I'm saying. Don't folks don't own Wilmington ...

President Shabazz: Point of order was called.

Council Member Guy: Go ahead.

Council Member Oliver: Let's sticking to the subject.

Council Member Walsh: Personal attack.

Council Member Guy: This is the subject.

President Shabazz: It's personal attacks and we need to just – stay focus on the topic.

Council Member Guy: No, those people are personally attacking the citizen of Wilmington. Now, what I'm saying is that's racism just when the committee was selected. I'm calling it what it was but let's go ahead and move forward from there because the Committee made a recommendation. Just because the selection was anti-African American, the Committee still did their job and they've recommended somebody. It is nothing if you read the Code, the process used, not the Code, our rules, our rules basically say Councilmembers not assigned to a particular committee may attend and participate in any such committee meeting but may not vote or otherwise take action on items before such committee. I went to the meeting, you ordered me to leave – you personally President, ordered me to leave the room in violation of the City Council Rules. I'm a member of City Council and went there knowing you would do it because what matters here in Wilmington now is that a certain group of people deliver certain things to certain people not the care and concern about the people of Wilmington. If you look through our voting history, you'll see that significant number of the people who are on the committee were the same people who wanted to take half of us off of City Council.

President Shabazz: You have thirty seconds.

Council Member Guy: Go back and look at the roll call vote. Okay. This is a power move for the Wilmington residents to be enslaved and we were locked out of the process. All of us Councilmembers ...

President Shabazz: Ten seconds.

Council Member Guy: ...black and white was locked out of participating. So, what you all did is totally improper and I'ma write a letter to the U.S. Attorney because there's some – something extra going on here.

President Shabazz: Time Mr. Guy. Council Member Walsh.

Council Member Walsh: Yes, Madam President. I just want to touch a little bit on the personal attacks here.

President Shabazz: Right.

Council Member Walsh: Number one, I would love for him to write a letter to the U.S. Attorney's Office. Bring it on. Number two, the 8th Councilmanic District and the people that were choosing for this committee, two were at-large and the other one at served in an at-large position, I believe, for twelve years if I'm not mistaken, which also then does not open the door to controversy because it doesn't let district members trade off with each other about who they may or may not have choosing for a particular seat. And on this – all you have to do is say the 8th District and then bring Buccini Pollin and everybody else into it, well, and Sam's says to check our records, well, check my record. Check my finance records and check my voting records on this

Council. Buccini Pollin never come to me with a project because I've voted against them every single one of them. So, please, stop listening – I feel like I'm watching Fox News when I'm sitting on this floor sometimes. Or at least a variation of Donald Trump. So, that's as far as my uh, defense impersonal attacks on this floor – it shouldn't be allowed period. You want to say something, come over my house, call me on the floor or stop me on the streets and speak to me.

President Shabazz: Councilman Freel.

Council Member Freel: Yes, thank you. Um, I hope we do follow-up and look at, at the changing the City Charter as far as how we do this process. I don't disagree that it's antiquated and should be changed but I would like to do is come back to the business at hand, um, I was a member of the committee, it's been pointed out, uh, and I would just like to make some brief remarks why I recommended Mr. Mills for this position. In the discussion and listening to him and speak, it was clear to me that he had a very good understanding of the – of the position of the City Councilman; what work was involved, the time commitment, I really felt that coming in half-way through the rest of our term that he could really hit the ground running and, and, and to a good job. To me he displayed a, a, a strong passion to work with people. He's shown by experienced that he enjoys helping, mentoring, assisting people, especially, the young citizens, not just Wilmington but the broader community. We did talk a little bit about the fact that he is not as involved in the community associations but that does not mean that he's not contributing to that community only on a daily basis and, and I think that worked needs to be recognized. I really thought that he could represent the entire district from, from the west end to all the way to east end. Um, and finally, I just got a sense from him that he was committed to work with all members of Council and as you can see our views and ideologies span the whole spectrum. Ah, but I thought that he would work with all of us. I thought he would be a listener, um, he would discuss the issues and, and make decisions based on his beliefs. So, 1) I think he understood the position; 2), he would represent the entire district; 3), I felt that he would work with all his fellow Councilmembers. In listening to all the discussion over the last several days and reading the numerous emails, I have not seen a legitimate reason not to support this individual for the position and I just view strongly that he'll work hard to make this a better City and to move this City forward, thank you. That was my reasoning, thank you.

President Shabazz: Clerk will call the roll.

The Resolution was received and **defeated** by the following Yea and Nay Roll Call Vote: Yeas, Council Members Oliver, Harlee and Freel. Total, three. Nays, Council Members Congo, Turner, McCoy, Williams, Dixon, Guy and Walsh, and Council President Shabazz. Total, eight. Present, Council Member Adams. Total, one.

President Shabazz. Declare it defeated. Council Member Oliver, any legislation tonight?

Council Member Oliver: No.

President Shabazz: Council Member Williams you're presenting on behalf – my behalf.

Council Member Williams: Madam President, I have an Ordinance to present on your behalf and call for the third and final reading.

On behalf of President Shabazz, Council Member Williams presented and called for the third and final reading Ordinance No. 18-039 (Agenda #4547) entitled:

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CITY
CODE RELATING TO THE INSTALLATION OF WIRELESS
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC
RIGHTS OF WAY

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

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CITY
CODE RELATING TO THE INSTALLATION OF WIRELESS
TELECOMMUNICATIONS FACILITIES IN THE PUBLIC
RIGHTS OF WAY

FISCAL IMPACT STATEMENT: It is estimated that the cost associated with implementing a review and permit process for the installation of wireless telecommunications facilities in the public rights of way will be approximately \$450,000.00. It is further estimated that the city may recover approximately \$350,000.00 of its costs through the application process. However, the costs and the amount of fees collected through the application process is dependent on the number of applications received.

Upon a motion of Council Member William, seconded by Council Member Walsh, the Substitute Ordinance was before the Council for its consideration. Council Member Williams made some comments. Council Members Adams, Turner and Congo made some comments. President Shabazz made some comments. Council Members Harlee, Oliver and Guy made some comments. Council Member Adams made additional comments. President Shabazz made additional comments. Council Member Williams made additional comments.

President Shabazz: Clerk will call the roll.

The Substitute Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Oliver, Harlee, Turner,

McCoy, Williams, Freel, Dixon, Guy and Walsh, and Council President Shabazz. Total, ten. Nay, Council Members Congo and Adams. Total, two.

President Shabazz: Declare it adopted.

Council Member Williams: Nothing further Madam President.

President Shabazz: Thank you. Council Member Harlee.

Council Member Harlee: Yes, Council President, I have two Ordinances and a Resolution to present tonight.

Council Member Harlee presented and called for the first and second reading Ordinance No. 18-054 (Agenda #4605) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY
CODE REGARDING THE CENSUS 2020 COMPLETE
COUNT COMMITTEE

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

Council Member Harlee presented and called for the third and final reading Ordinance No. 18-050 (Agenda #4596) entitled:

AN ORDINANCE TO (I) APPROVE THE REMOVAL OF
A PORTION OF GARASCHESS LANE FROM THE OFFICIAL
CITY MAP AND (II) ACCEPT THE DEDICATION OF AN
UNNAMED CITY STREET BETWEEN SOUTH WALNUT
STREET AND GARASCHESS LANE AND ADD IT TO THE
OFFICIAL CITY MAP

Upon a motion of Council Member Harlee, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Council Member Harlee spoke on the purpose of the Ordinance. Council Member Williams made some comments.

President Shabazz: 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 Yeas and Nay Roll Call Vote: Yeas, Council Members Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Walsh, and Council President Shabazz. Total, eleven. Nays, Council Member Guy. Total, one.

President Shabazz: Declare it adopted.

Council Member Harlee presented Resolution No. 18-086 (Agenda #4606) as follows:

WHEREAS, pursuant to 1 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, Wilm. C. § 2-621(a) authorizes the Department of Real Estate and Housing to conduct disposition proceedings of real property owned by the City; and

WHEREAS, Wilm. C. § 2-621(c) provides that governmental agencies, governmental authorities organized pursuant to Title 22 of the Delaware Code, and non-profit organizations are exempt from the City's bid procedures and that upon the declaration of a property as approved for disposition by resolution of City Council, the Department of Real Estate and Housing may negotiate an agreement of sale, lease, exchange, or other transfer of such property owned by the City to any such governmental agency, governmental authority, or non-profit organization; and

WHEREAS, the City currently owns portions of Garasches Lane to be disposed (the "Property"), the property includes approximately 0.2856 acres made up of the property described in Deeds 0-116-55 and 0-116-59 and being part the beige color coded section on Exhibit "A" attached hereto; and

WHEREAS, the Property is a portion of a street being vacated as part of a roadway connection to be constructed by DELDOT as part of the Christina River Bridge and Garasches Lane road development project (CRB protect T200512103); and

WHEREAS, the Riverfront Development Corporation is the owner of the property adjacent to the Property and has requested that the City transfer the Property to it;

WHEREAS, the Council, upon the recommendation of the Department of Real Estate and Housing, wishes to declare the Property surplus; and

WHEREAS, the Council further wishes to approve the disposition of the Property to the Riverfront Development Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby declares the Property to be surplus and approves the Property for disposition to the Riverfront Development Corporation.

BE IT FURTHER RESOLVED that Council hereby authorizes the Mayor or his designee to execute any and all documents necessary to effectuate disposition proceedings for the Property, including any and all further undertakings and assurances that may be appropriate.

Upon a motion of Council Member Harlee, seconded by Council Members Freel and Dixon, the Resolution was before the Council for its consideration. Council Member Harlee 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 Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Walsh, and Council President Shabazz. Total, eleven. Nays, Council Member Guy. Total, one.

Council Member Harlee: That's all I have for this evening.

President Shabazz: Declare it adopted. Council Member Turner.

Council Member Turner: Nothing tonight Madam President.

President Shabazz: Council Member McCoy.

Council Member McCoy: Nothing tonight Madam President.

President Shabazz: Council Member Williams.

Council Member Williams: Nothing this evening, thank you.

President Shabazz: Council Member Freel.

Council Member Freel: Ah, yes, I have one Ordinance for first and second reading.

Council Member Freel presented and called for the first and second reading Ordinance No. 18-055 (Agenda #4607) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 1
TO THE FISCAL YEAR 2019 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE
NO. 1 TO ORDINANCE NO. 18-011)

Upon a motion of Council Member Freel, seconded by Council Member Dixon, 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: Council Member Adams.

Council Member Adams: Ah, nothing this evening ma'am, thank you.

President Shabazz: Council Member Dixon.

Council Member Dixon: Nothing tonight Madam President. Permission to be excused.

President Shabazz: Yes, permission granted. Council Member Guy.

Council Member Guy: Madam President, I have a Resolution to present.

Council Member Guy presented Resolution No. 18-087 (Agenda #4608) as follows:

WHEREAS, pursuant to 1 Wilm. C. (Charter) §8-205, a department head, board or commission of the City shall not sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way or other interest over or in such real estate without advertised public notice appearing in at least one daily newspaper of City-wide distribution and “authority by general ordinance and later resolution from Council so to do”; and

WHEREAS, the provisions of 1 Wilm. C. §2-621(a) provide that the Council shall by resolution declare a property approved for disposition and authorize the conduct of disposition proceedings by the Real Estate and Housing Department; and

WHEREAS, the provisions of 1 Wilm. C. §2-621(c) provide that governmental agencies, governmental authorities organized pursuant to Title 22 of the Delaware Code and non-profit organizations are exempt from the City’s bid procedures and that upon the declaration of a property as surplus, by resolution of City Council, the City may negotiate an agreement of sale, lease, exchange or other transfer of such property owned by the City to any such governmental agency, governmental authority or non-profit organizations; and

WHEREAS, the City owns the properties known as 1814 Gilpin Avenue, Wilmington Delaware; and

WHEREAS, in accordance with the recommendation of the Department of Real Estate and Housing, the City desires that the Properties be declared approved for disposition and transferred to the Wilmington Firefighter’s Association, Local 1590.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council authorizes the disposition of the Properties known as 1814 Gilpin Avenue, Wilmington, Delaware, and approves the transfers of the Property to the Wilmington Firefighter’s Association, Local 1590.

BE IT FURTHER RESOLVED that Council authorizes the Mayor or his designee to execute any and all documents necessary to effectuate the transfer of this Property, including any and all undertakings and assurances heretofore.

Upon a motion of Council Member Guy, seconded by Council Members Turner and Williams, the Resolution was before the Council for its consideration. Council Members Guy and Williams made some comments. Council Member Harlee raised a question. President Shabazz responded. Council Members Adams, Freel and Turner made some comments. Council Member Congo raised a question. President Shabazz responded. Council Member Freel clarified the response. Council Member

Congo thanked Councilman Freel for clarity. Council Member Adams made additional comments. Council Member Harlee made additional comments. Council Member Walsh made some comments. Council Member Freel made additional comments. Council Member Guy made some additional comments.

087. After extensive discussion, Council Member Guy held Resolution No. 18-

President Shabazz: So, it's been held.

Council Member Guy: Yup.

Maribel Seijo (City Clerk): Ok.

President Shabazz: Council Member Walsh.

Council Member Walsh: No legislation, thank you.

President Shabazz: We now move to petitions and communications.

PETITIONS AND COMMUNICATIONS

Council Members spoke on the following: holiday party; neighborhood planning council; reminder of committee meeting; the Wilmington Police Department were congratulated on receiving a National Award in reducing crime; a moment of silence was done for former U.S. President George H. W. Bush; partnership with United Way for Reading and Literacy Program; moving the needle; information on submission of proposal for leased access and including but not limited to community events were announced.

ADJOURNMENT

Upon a motion of Council Member Freel, seconded by Council Member McCoy, Council adjourned at 8:27 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk