

*Wilmington, Delaware
Louis L. Redding
City/County Building
December 13, 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, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, twelve.

MINUTES

After reading a portion of the minutes of December 6, 2018, upon a motion of Council Member Congo, seconded by Council Members Williams and Turner, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 10, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-051** entitled:

A PROJECT ORDINANCE APPROVING AND AUTHORIZING THE FINANCING OF A PROJECT FOR THE COMMUNITY EDUCATION BUILDING CORP.; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING THE ISSUANCE OF CITY OF WILMINGTON REVENUE BONDS IN AN AGGREGATE PRINICIPAL AMOUNT NO TO EXCEED \$35,000,000; AND AUTHORIZING OTHER NECESSARY ACTION

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Zanthia Oliver
/s/Robert A. Williams
/s/Hanifa Shabazz, Ex-Officio Member

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 10, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-053** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2018-SRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON RELATING TO PHASE II OF THE CITY'S TRANSMISSION AND DISTRIBUTION WATER MAIN IMPROVEMENTS; PROVIDING FOR THE SALE OF THE BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Zanthia Oliver
/s/Robert A. Williams
/s/Hanifa Shabazz, Ex-Officio Member

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 10, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-054** entitled:

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

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Zanthia Oliver
/s/Robert A. Williams
/s/Hanifa Shabazz, Ex-Officio Member

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

December 10, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-055** 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

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

Respectfully submitted, Members of
Finance & Economic Development Committee
/s/Charles M. Freel, Chair
/s/Zanthia Oliver
/s/Robert A. Williams
/s/Hanifa Shabazz, Ex-Officio Member

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

TREASURER'S REPORT

The following Treasurer's Report as of December 13, 2018, was read into
the record by City Clerk and upon a motion of Council Member Congo, seconded by
Council Members Williams and Freel, the Report was received, recorded and filed.
Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 5 to Page 6.

City of Wilmington Delaware

Velda Jones-Potter
City Treasurer

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



City of Wilmington Treasurer's Report as of December 13, 2018


Cash on Hand:

General Account	M & T Bank	\$8,600,023.52
Central Deposit	M & T Bank	\$38,604.51
Payroll	M & T Bank	\$627,687.31
Total Petty Cash Accounts	M & T Bank	\$11,951.33
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	\$33,604.25
Police Department Discretionary	M & T Bank	\$32,140.19
Pension Payroll Account	M & T Bank	\$114,059.80
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	\$192,507.03
Police Pension Account	M & T Bank	\$202,143.95
Fire Pension Account	M & T Bank	\$39,597.21
Worker's Comp 3rd Party Account	M & T Bank	\$26,871.00
Retiree Healthcare Account	M & T Bank	\$531,892.90
SubTotal		\$11,488,354.21
Total Cash on Hand		\$11,488,354.21

INVESTMENTS DECEMBER 13, 2018:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
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	TD	CD	2/14/2019	2.16%	\$12,600.00	\$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					\$22,351,582.00
Escrow Pension	Vanguard Fixed					\$38,947,976.00
Escrow Pension	Earnest Partners					\$22,715,241.00
Escrow Pension	Wilmington Trust					\$37,423,179.00
Escrow Pension	Vanguard Stock Index					\$37,887,243.00
Escrow Pension	Artisan Global					\$7,782,299.00
Escrow Pension	Dodge & Cux					\$10,784,823.00
Escrow Pension	Fidelity					\$17,732,233.00
Escrow Pension	Harding Loevner					\$8,043,171.00
Escrow Pension	MFS Management					\$21,643,097.00
Escrow Pension	Clarion Lyon					\$6,006,575.00
SUB-TOTAL:						\$237,297,419.00
OTHER:						
Deferred Comp.	MassMutual					\$45,741,255.73
Port Debt	WSFS	CD	1/24/2019	2.10%	\$9,746.45	\$2,606,194.00
Total Investments						\$418,071,533.75
Total Cash on Hand						\$11,488,354.21
Grand Total						\$429,559,887.96

¹ Budget Reserve


Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

Harlee	Sympathy Buddy Milburn
Oliver	Sympathy Robert Samuels
Oliver	Sympathy Constance V. McIntosh-Murray
Oliver	Sympathy Veola Robinson
Williams	Sympathy Stephen L. "Steve" Horgan

As there were no presentations this evening, President Shabazz moved into the legislative business of the agenda.

LEGISLATIVE BUSINESS

Council Member Guy: Madam Chair.

President Shabazz: Councilman Guy.

Council Member Guy: Yes, Madam Chair, I make a motion to add the attached document to agenda. Can you have a staff person come receive, so that the Councilmembers can see what it is?

President Shabazz: Your motion is not in order sir.

Council Member Guy: I just made a motion and I'm asking for a staff person to distribution the subject of the motion, so that when it's second, then we can discuss the motion. You don't even know what the motion is yet.

President Shabazz: But it's, it's - we're on non-legislative business. Your motion is out of order of the agenda.

Council Member Guy: No, I'm making a motion to amend the agenda for this item and people need to see it that's on the floor so that they can determine their position on the motion. So, there should be a staff person available because they're available normally to distribute what needs to be distribute.

President Shabazz: But your – but your – but your item is not listed on the agenda that has been published for the public.

Council Member Guy: And, I'm making a motion to amend the agenda and I'm distribute - I need to distribute what it is so that you can – so everybody can see what the motion...

President Shabazz: But the agenda has to be posted timely before the meeting and this – your motion is not timely.

Council Member Guy: You have no idea what it is because it hasn't been distributed. You're not even looking at it.

President Shabazz: Mr. Guy, you're – you're out of order.

Council Member Guy: No, I'm not out of order because I'm making a motion...

President Shabazz: Mr. Guy, you're out of order.

Council Member Guy: I'm making a motion to amend the agenda.

President Shabazz: Mr. Guy, you're out of order.

Council Member Guy: I make a motion to overrule the Chair. Anybody seconding that motion?

Council Member Congo: Second.

Council Member Guy: Call for a roll call vote.

President Shabazz: Point of order.

Council Member Walsh: Inaudible...we were in non-legislative business.

President Shabazz: We haven't – right.

Council Member Walsh: Inaudible.... but how can we handle it whatever you want to do...

President Shabazz: Out of order.

Council Member Walsh: ...when you're in the non-legislative business of government right now.

President Shabazz: That's, that's why I said his motion was out of order. It's been move – it's a motion and second that the - - my call of out of order is out of order. All those in favor signify by saying Aye (Aye). All those Opposed.

Council Member Walsh: Nay.

Council Member Freel: I want to make – I want to make sure I understand this.

Council Member Guy: We've already taken a vote your hon – we've already taken a vote. You're supposed to hit gavel, motion carries.

President Shabazz: So, the - - so it's, my, my vote of out of order has been overridden, so, proceed with your out of order motion.

Council Member Guy: You've been overruled. I gave the staff the document, she refuses to distribute them. Every other time in history of Council when they have something...

President Shabazz: What is your motion?

Council Member Guy: ...first they need to distribute so folks can see it. So, will your order the staff that – to distribute.

President Shabazz: This is such embarrassing. Staff will distribute his, his, his information.

Note: At this time, the document was distributed by staff.

President Shabazz: Still waiting for your motion.

Council Member Guy: Yes, the motion was to amend the agenda consistent with the City Council agenda, on the City Council agenda is an item designed to fill the vacancy on City Council, item 4604 sponsored by Madam President, and my motion is the public has been publicly notified that we are going to discuss filling that seat tonight, so there's no FOIA issue. Public notice has been posted. This is a motion to amend the agenda to include this motion that I'm – to include this item on the agenda and this is the text of the motion that I've given to everybody that I'd like to add to the agenda so that the City of Wilmington residents and City Council can participate in filling the seat. So, public notice is already been posted that was discussing that topic and this a motion to add this to the agenda and by the way, also, I think staff members, all were sent my email asking this to be put on the agenda and this was ready over a month ago. And, the City Council leadership has refused to put on any committee agenda, any Council agenda and if you look at the top, it's dated December 13. The Clerk's Office has already formatted this, the Law Department has already approved it as to form. There's no reason why this wasn't on last week's agenda or this week's agenda other than we as Council are – there's an effort to keep us from being able to discuss. So, I want this – this is the substance of a motion that's in writing that I'd like added to the agenda and I'm willing to wait until after the reconsideration motion. I'm not trying to inner jet it right at this moment, in all fairness but I'd like this to the agenda. That's my motion and I'd like a second if anybody...

Council Members Turner and Congo: Second.

Council Member Guy: And, I call for a roll call vote on that motion to amend the agenda.

President Shabazz: On the question. Mr. Freel.

Council Member Freel: Madam President, ah, every one of us took an oath of office about two years ago when we, ah, when we came on board – um, to basically uphold our Code. This is in violation of the City Code. I mean, we've been told that more than once. So, I, I just think this is out of order. It's not a proper -- you can, you can put it on the agenda but it's not a proper ah motion. It's in violation of City Code.

President Shabazz: We're still in the non-legislation portion of the agenda. Non-legislative portion of the agenda.

Council Member Freel: I thought we were on, on the question for this.

President Shabazz: I know but I'm just -- I'm just going to go back to -- his motion was made on the non-legislative portion of the agenda. The, the -- um, the legislation was not posted six hours before the meeting -- six hours before the meeting, which is why I called and said that, his, his amendment was out of order.

Council Member Guy: We have a first and second...

President Shabazz: Councilman -- Mr. Guy, please wait to be call upon please. Councilwoman Walsh.

Council Member Walsh: Thank you Madam President, um, I am very dismayed as to what is happening in our chambers. There's almost a, a cancer in this room all the time, not because I don't get my way on something, I've had many losses in my life over a variation of things including (inaudible) legislation but just a total act of -- acts of disrespect for the process and for our oath of office. We all took the same oath, yet not a whole lot of us seem to be following these days and when it comes to this even when one says, yeah but that's been around for sixty-eight years or whatever the quote was, it's still right until it's changed. It's still something we have to deal with and these rules until they are changed, are what exist to deal with. It's not, we get to make things up as we go along. We don't, there's a specific playbook out here that we have to follow. But now the playbook seems like, I'll intentionally do whatever I want to cause chaos on this Council and I think it's a very sad day and -- that's all I have to say right now, thank you.

President Shabazz: Well the --

Council Member Guy: There's a hand up.

President Shabazz: The motion was out of order. The - you cannot amend the agenda six hours before the meeting. We would be in violation of FOIA if we acted upon this legislative - this proposed amendment. With that I call that the motion is out of order.

Council Member Guy: We have a first and second, we're on the motion.

President Shabazz: You have not been called upon Mr. Guy to speak and please do not speak unless I recognize you.

Council Member Guy: Well, you got to recognize (inaudible)....

President Shabazz: You might not respect me but you're going to respect the Chair. So, with that, that ruling is out of order.

Council Member Guy: We have a second on the floor and my hand is up, so, you're going to have to call (inaudible)...

President Shabazz: I move on to legislative business.

Council Member Guy: I make a motion then we need to adjourn this whole meeting.

President Shabazz: I move on to...

Council Member Guy: I make a motion...

President Shabazz: Mr. Guy, you are out of order.

Council Member Guy: ...to adjourn the meeting.

President Shabazz: Mr. Guy, you are out of order. You are again out of order.

Council Member Guy: My hand is up.

President Shabazz: Your hand has nothing to do with it until I recognize you and I can see your hand is up and you're out of order and I'm not going to go - we're trying to handle the business of the City. We now move to legislative business.

Council Member Guy: You just recognize the white people that put their hands - why can't you recognize a black hand?

Council Member Freel: Uh, Jesus.

Council Member Walsh: Uh.

Council Member Guy: Why can't you? What's your problem? My hand is up.

President Shabazz: Mr. Congo, any legislation this evening?

Council Member Congo: Uh, no legislation. I do have...

Council Member Guy: Motion to adjourn proceeds all other motions.

President Shabazz: Council Member Oliver, any legislation this evening?

Council Member Oliver: No legislation, um, Madam President.

President Shabazz: Council Member Harlee.

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

On behalf of President Shabazz, Council Member Harlee presented and called for the third and final 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 before the Council for its consideration. Council Member Harlee spoke on the purpose of the Ordinance.

President Shabazz: Councilman Turner.

Council Member Turner: Thank you; thank you Madam President, um, when this was in committee at the Finance Committee, I asked about the details of the committee, ah, how many committee members would be on it? How many people, how many elected officials would be on it? None of that was identified as of – as of Monday at the Finance meeting, do you know if we, corrected that, have we identified how many committee members or specified how many of each category would be on the committee?

President Shabazz: Well I think we – we clarified to you or said to you Mr. Turner that the – once the three levels of government met and there was a collective of what we were going to do collaboratively, then those specific details would be finalized.

Council Member Turner: So, continue?

President Shabazz: Yes sir, continue.

Council Member Turner: So, so, we're saying that we're going to vote on something without knowing how large, how small it's going to be?

President Shabazz: Well we have to see what the need is. Once we do the analysis of what our needs is, how many areas are, are low, are low count and then once we determine our need - - we might not need a, a, a - then the number of, of, of members of the committee as well as what the county was going to do, what the states' going to do so there won't be duplication. This formation of the committee - of the, of the committee is what is suggested by the Census Bureau. So, they didn't give us specific in numbers of what of, of each category until we all got together and decided how what we was needed for our city, our county and our state. So, that's why it has the (inaudible) in it but the final details of that, we can make sure that we can bring that back to you.

Council Member Turner: Yeah, I mean would, I would like for us to, I mean, if we can, take the part out of this, this, this legislation and then come back when once we know, once we know what the committee is going to be. I mean right now, we don't know if it's going to be a ten-men - ten-person committee or if it's going to fifty-person committee.

President Shabazz: That's why I said until we see what our needs is, so, we have to get together and meet and then once we know what our needs is, then we will, per the suggestions of the U.S. Census on the form of such of a committee, then we will, we will make, make, make um, arrange um, identify the numbers of - needed. The, the legislation speaks of the category of individuals so - to ensure we have the diversity. As to how many of them is based on the need. Did I? You're ok?

Council Member Turner: Somewhat. I mean, every other - like we just had ad hoc committee with, with another situation. We specified how many people is on the committee. Four that you choose and then one - you being the other person. On this one, we don't know what the committee is at all. I know we might need to know later as, as we lead but right now we're voting on legislation to form a committee which out - without knowing - I mean we all talk about a process, right?

President Shabazz: But every process doesn't fit everything.

Council Member Turner: Can I, can I continue?

President Shabazz: I'm just sharing that part.

Council Member Turner: Can I...

President Shabazz: Go ahead.

Council Member Turner: ...so, what I'm saying is we talk about a process. So, here we have an opportunity to create the process and go through the process. You – we, we – you choose, had a committee that had specified five, now we have a committee, we have a legislation that doesn't specify how many are going to be on the committee. So, I just wanted to make that for the record.

President Shabazz: Councilman Guy.

Council Member Guy: Yes, in 1999 I put this in the Code with my colleagues for there to be a Census Complete Count Committee because its critical to our city. So, this is an amendment to something that exist and I don't particularly have any problem with the amend – amendment generally and over time circumstances change but the substance of what it's in it, does trans per – transfer the power and authority over this activity from City Council. This was a committee of City Council that then incorporated all of the stakeholders that are referenced in this amended version. In this amended version, the Mayor and the President of City Council are basically in charge of organizing the whole community. So, it's just a transfer of power and authority but the objective is all both consistent with the federal, um, leaders on this topic. That's all I have Madam Chair.

President Shabazz: Councilwoman Harlee.

Council Member Harlee: Yes, thank you Council President, um, to Councilman Turner's point, um, I'm asking the question to you, is it possible to determine the need first before we vote on the legislation?

President Shabazz: That's up to the Council.

Council Member Harlee: That makes sense to determine the need.

President Shabazz: Well, I think we just heard that there is a need...

Council Member Harlee: Ok.

President Shabazz: ...for the Committee. You mean the number of people in the Committee?

Council Member Harlee: Yes. Once you determine the need and then you determine how many people are needed then we can vote on the legislation, based on what you just said.

President Shabazz: That's, that's – I mean, that's – I am presenting what the recommendation of the U.S. Census, so, it's not my determination. I'm following the

instructions of the U.S. Census Bureau as to what other nations and municipalities across the country are doing. I'm just – we're just following suit. So - ...

Council Member Harlee: Follow, follow-up. And, I - ...

President Shabazz: So, are you're looking, are you asking question and you're making it – and what's your – I hear, I hear your question and I've answered your question.

Council Member Harlee: Ok, thank you. I would like to make an amendment to this that we come back to this after we determine the need and how many people that would possibly be needed to be on the Committee.

Council Member Congo: Second.

President Shabazz: It's been amendment - ...

Council Member Freel: She wants to hold it.

Council Member Harlee: I would like to make a motion to amend this legislation to um, to come back, to hold it – to hold it.

President Shabazz: But, and one point I'd like – point of reference I'd like to make, there never will be a set number of – it's just the work that needs to be done. So, there never will be set number of people based on, you know, the – again, based on the work that needs to be done.

Council Member Congo: I seconded the motion.

Council Member Harlee: I understand. I want to hold it.

Council Member Oliver: Come on y'all.

Council Member Harlee: I'm just saying I wanted to hold it.

President Shabazz: I got your motion and the motion has been seconded. All those in favor signify by saying Aye on the amendment. Are you – are you – she said to amend? You said to amend it.

Council Member Harlee: I want to hold it.

President Shabazz: Ok, to hold it. It's held.

Council Member Harlee: Ok, thank you.

*Note: After some discussion, Council Member Harlee **held** Ordinance No. 18-054.*

President Shabazz: Councilman Turner.

Council Member Turner: Thank you Madam President. I have one uh, piece of legislation. Madam President, I have a Resolution to present.

Council Member Turner presented Resolution No. 18-088 (Agenda #4609) as follows:

WHEREAS, Wilmington City Council has enacted Section 2-3 of the Wilmington City Code regarding the authorization and procedures for naming City streets, parks, playgrounds, plazas, buildings, facilities, statues, monuments, and other lands reserved for public use in order to commemorate a particular person and his/her special significance to the City; and

WHEREAS, Section 2-3 states that if it is proposed that a part of, or any facility within, a street or reserved land that is subject to this section be named or renamed in honor of or dedicated to any person, place or event that is different from the rest of it or that is different than that within which it is located, such naming or renaming may be done by resolution of City Council pursuant to subsection (d) of this section, while retaining the name of the rest of the street or park or other reserved land within which the park facility or object so dedicated is located; and

WHEREAS, the Matt Chittum Court, located in the William "Hicks" Anderson Community Center on the corner of 5th and Madison Streets in Wilmington, was last year named in honor of Mr. Chittum, a lifelong resident of West Center City and former basketball star; and

WHEREAS, since that renaming last year, a multitude of conversations have taken place on the topic of how to best honor those who carry special significance to the West Center City community; and

WHEREAS, those conversations have revealed the interest of the community in renaming the basketball court "West Center City Court," honoring significant West Center City residents as well as the history and culture of this vibrant Wilmington neighborhood. This proposed renaming has the blessing of Mr. Chittum and the Department of Parks and Recreation; and

WHEREAS, Wilmington City Council wishes to remember and honor all those who have utilized the basketball court over the years by renaming the basketball court the "West Center City Court" in honor of the former community center's name.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council hereby resolves to rename the indoor basketball court at the Williams "Hicks" Anderson Community Center the "West Center City Court."

Upon a motion of Council Member Turner, seconded by Council Member Freel, the Resolution was before the Council for its consideration. Council Member Turner 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, none. Absent, Council Member Guy. Total, one.

President Shabazz: Declare it adopted.

Council Member Turner: Madam President, I have Councilman Guy's Resolution, you want to wait until his turn?

President Shabazz: Correct. Council Member McCoy.

Council Member McCoy: Thank you Madam President, I do have an Ordinance to present and call for the first and second reading.

Council Member McCoy presented and called for the first and second reading Ordinance No. 18-056 (Agenda #4619) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY
CODE REGARDING BUSINESSES

The Ordinance was given two separate readings by title only and upon a motion of Council Member McCoy, seconded by Council Member Dixon, the Ordinance was received, recorded and referred to the Community Development & Urban Planning Committee. Motion prevailed.

President Shabazz: Council Member Williams.

Council Williams: Nothing this evening, thank you.

President Shabazz: Council Member Freel.

Council Member Freel: Yes, I have two Ordinances for third and final and one Resolution but I'm holding the Resolution.

Note: Council Member Freel held Agenda #4612 (Resolution).

Council Member Freel presented and called for third and final 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 Members Williams and Walsh, the Ordinance was before the Council for its consideration.

Council Member Freel: Yeah Madam President, I'd like to make a motion, ah, for a floor amendment at this time.

Council Member Williams: Second.

Council Member Freel: Um, on Page 2 of the Ordinance, I would like to *strike the third Whereas Clause in its entirety*. On Page 15 *strike Section 17 in its entirety; renumber the current Section 18 as 17*. On Page 16, in the Synopsis and Fiscal Impact, in the first paragraph, *strike the semicolon between "Department of Public Works" and the number 2 and insert the word "and"*. In the first paragraph, *strike the clause starting with the semicolon and the number 3 and insert a period*. On Page 17, in the Synopsis and Fiscal Impact, *strike the last paragraph that begins with "Finally" in its entirety*.

President Shabazz: All those in favor signify by saying – it's been moved and seconded - ...

Council Member Freel: On the question.

Council Member Williams: I seconded it.

President Shabazz: I thought he seconded it.

Council Member Williams: I did second it.

Council Member Freel: On the question.

Council Member Dixon: Oh he – it's on the question.

President Shabazz: On the question.

Council Member Freel: What that did brief, what that did, uh, really, was all it did was take the \$500,000 that was uh, in the amendment for the Housing Opportunity Fund from the Tax Stabilization Reserve and just took that out of the Ordinance completely.

Council Member Walsh: On the question.

President Shabazz: Clerk - it was on the question. No other question.

Council Member Walsh: (inaudible), so the \$500,000 out completely?

Council Member Freel: The \$500,000 is completely out of the Ordinance.

Council Member Walsh: Thank you Mr. Freel.

President Shabazz: Council – Councilwoman Harlee.

Council Member Harlee: Yes, thank you Council President. Um, as it relates to the Human Resources Department, I just wanted to mention - ...

Council Member Freel: Can we vote on the amendment?

President Shabazz: We're on the amendment.

Council Member Harlee: Ok.

President Shabazz: It was a question on the amendment.

Council Member Harlee: On the amendment.

President Shabazz: All those in favor signify by saying Aye (Ayes). Any opposed? Amendment carried. On the quest – he still have - - Mr. Freel you still have the floor.

Council Member Freel: Right, um, on this budget amendment, I'm just going to briefly go over some items without getting into a lot of details, we did vet this pretty well at the, um, at the Finance Committee on Monday. Uh, in the Mayor's Office there's two positions – one is upgrade, another is downgrade – the two vacant positions, um, there's no fiscal impact; Public Works – they upgrade a position that should have taken place on the 2019 budget and it didn't happen; um, Police – they're deleting one position and adding one position. They're creating a communication policy position civilian. They're also adding a school resource officer for Douglas School but that's a twelve-month contract and the \$91,500 is actually paid by the, by the school. Um, there are number of changes in Human Resource, they're doing a full reorganization – it's actually the first time since 1988. The end result is an addition of one position with an increase of \$51,000 to Internal Services; under the MSE line, um, the Law Department is adding \$145,000 to cover a City Council attorney; HR is adding \$50,000 to assist with external, uh, investigations; Public Works is adding \$200,000 in a consultant account to help with the 5G and small cell wireless infrastructure; the Wilmington Fire Department is adding \$125,000 to place physical – to install physical fitness equipment in all the stations and to replace what is obsolete equipment at this time. The end results is there's an increase of about \$520,000 to the General Fund; \$51,000 to the Internal Services Fund; and \$91,544 to Special Fund. That briefly covers the budget amendment.

President Shabazz: Councilwoman Harlee.

Council Member Harlee: Thank you Council President. I just wanted to mention that um, when I was looking at the details of some of the um, items on here as it relates to HR, they mentioned that there were twenty-four complaints and four investigations and I just wanted to mention that it looks like the cost for these personnel issues is being passed on to us as taxpayers and I really do think that um, where it applies and where is appropriate that we want – we may want to revisit some of the personnel policies to hopefully avoid some of these matriculating costs as it relates to personnel, as it relates to investigations and complaints. Thank you.

President Shabazz: Councilwoman Dixon.

Council Member Dixon: Um, thank you Madam President. Um, and I have to agree with, um, with Councilwoman Harlee, um, it kind of struck me as soon as I saw it that our fiscal year for '19 that we had four internal investigations totaling \$105,000 but they're only actually for \$50,000 to cover three or four investigations. So, I'm wondering if, if they're going wind up having to come back to us and ask us for money - more money if we haven't fixed those personnel issues, um, that could seem to be popping up. Um, and then also, the – it still gives me a little heartburn with the, uh, the small cell that the - \$200,000 as far as what has seemed to be not in the current budget at all, um, that we're covering. Um, it seems like we're robbing Peter – robbing Peter to pay Paul, um, in order for - taking from our, uh, fiscal future instead of actually being able to use what we currently have, which is only a surplus of \$28,000. Um, so, I'm just wondering how we're actually, um, managing to pay these things unless we're taking them from different departments and moving the money around. Um, so I just wanted to make that statement. Thank you.

President Shabazz: Councilman Adams.

Council Member Adams: Ah, yes thank you Madam President. Um, I want to (inaudible) what I say to this is again, the timing of the information when we get it and the amount of time we're giving to process this is ridiculous. This wouldn't happen in a regular business. I realize the lack of, ah, leadership and competency in the Finance Department, however, for us to do our job, we got to get this information much sooner. Now, um, with regards to two specific items, ah, hey, I'll mention the good first verses the bad one. Ah, realizing what, ah, ah, Council lady Harlee and Dixon just said, I know that the director of the Human Services is making a request to reorganize her department and ah, bringing forward – I don't think there's been a reorganization in this department about forty-years and ah, I certainly appreciate the fact that a director is taking leadership of her department and ah, trying to bring things forward and I'm sure that she will address ah, these, ah, ah, complaints in a very short order because her reorganization includes compliance officers and other people in order to address this. So, um, I would like to commend, ah, ah, Director Barnes, ah, I know she was also the SHRM HR Director of the year for the State of Delaware and so, ah, I think that is wonderful that we have a director taking charge of their department. Now, to the, um, bad thing in here, um, I'm actually ah, sort of dumbfounded on why some of the – my fellow colleagues are surprised that they're spending another \$200,000 on

telecommunications. Again, ah, you know, the score on this I think is zero for the school kids in City of Wilmington and \$450,000 for telecommunications, so, we just seem to be blowing right through this thing. Please understand that \$200,000 over six-months is about thirty-five grand a month to be spent on telecommunications and I realize that some of the information we got so late in the day, ok, (inaudible) last reported was that there was only one application to date with regards to this small cell stuff. So, ah, again, I can only say if you pass regulations, you stifle business and you're just going to spend an awful lot of money with this, and ah, I'd like to close with what I have to say by just simply saying, where's FIOS? Remember ah, twenty-years ago we past regulations and we don't have FIOS here in the City of Wilmington and so, I just want to profess again before we don't have 5G for the next twenty-years. I just want to say, where's FIOS and that would be my sort of chant for the next few meetings. Thank you.

President Shabazz: Councilman Freel.

Council Member Freel: Is there any other comments?

President Shabazz: I didn't see any. Oh, Council Member McCoy.

Council Member McCoy: Ah, thank you Madam Chair. Ah, my statement is fairly brief, you know, we did receive this information just recently and we are nearing um, the middle to the end of December and we will be getting a speech from the Mayor in three months talking about the budget and I'm just wondering why we cannot wait those three months. So, that's my only statement.

President Shabazz: Councilman Adams.

Council Member Adams: Yes, Madame President, I'm sorry I ah, I should have taken (inaudible) notes here, I want to say one more thing with this, um, the re-appropriation of fund balance in order to, ah, um, pay for these items, I, I really believe that when we pass that, ah ordinance a few months ago, ok, it wasn't an opportunity to spend more money, it was an opportunity to help smooth out tax rate increases going forward here that if they had \$2.9 million surplus, this money should be coming out of earnings this year and not re-appropriated the fund balance. So, I, I certainly hope that my colleagues here recognize the difference of that and ah, when they consider their vote. Thank you.

President Shabazz: No other comments, we go back to the sponsor Councilman Freel.

Council Member Freel: Yeah, I just, I'm going to make a couple quick comments to some of the things I heard. HR's \$50,000 um, that is just to get us through the rest of this fiscal year. We have about six-months left. My guess is we'll be looking at a new number in April when we have our budget hearings for Fiscal Year 2020. Um, the same with the Public Works really, the \$200,000 – I think it was discusses that when this ordinance was vetted at the Public Works Committee that there would be cost once

it's passed. Um, there have been some funds expended but that was pretty much for the consultants and to look at what other cities are doing – best practices. Um, of this \$200,000 now as we're going to get ready to start accepting applications and everything, will help us get through the rest of the fiscal year. Um, and, ah, we're probably looking at a larger amount now as we go on year after year. Um, I understand that the budget we passed and I forget the number, she gave the correct number, I think it was twenty-six, twenty-eight thousand dollars but working with WEFAC and our Expenditure Review Committee, we are doing, we are doing pretty well this and at this moment we're looking at this year of having, you know, an excess of a two million dollar surplus. So, we, we do feel we can cover, we can cover the, um, the cost of these items in this fiscal year.

Council Member Congo: Madam President.

Council Member Freel: Nothing else, go ahead and take a roll call.

President Shabazz: Ok, it's roll call. The sponsor has already spoken last, so, Clerk will call the roll.

The Ordinance, **As Amended**, was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Oliver, Harlee, Turner, Williams, Freel and Walsh, and Council President Shabazz. Total, seven. Nays, Council Members Congo, McCoy and Adams. Total, three. Present, Council Member Dixon. Total, one. Absent, Council Member Guy. Total, one.

President Shabazz: Declare it adopted.

Council Member Freel: I have another Ordinance for third and final.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-051 (Agenda #4597) entitled:

A PROJECT ORDINANCE APPROVING AND AUTHORIZING THE FINANCING OF A PROJECT FOR THE COMMUNITY EDUCATION BUILDING CORP.; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING THE ISSUANCE OF CITY OF WILMINGTON REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$35,000,000; AND AUTHORIZING OTHER NECESSARY ACTION

Upon a motion of Council Member Freel, seconded by Council Member Williams, the Ordinance was before the Council for its consideration. Council Member Freel spoke on the purpose of the Ordinance. Council Member Harlee made some comments and asked to be added as a co-sponsor. Council Member Adams made some comments. Council Member Dixon noted she works in the Community Education

Building and stated she would be voting present. Council Member Oliver made some comments and asked to be a co-sponsor. Council Member Congo 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 Yea and Nay Roll Call Vote: Yeas, Council Members Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams and Walsh, and Council President Shabazz. Total, ten. Nays, none. Present, Council Member Dixon. Total, one. Absent, Council Member Guy.

President Shabazz: Declare it adopted.

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

President Shabazz: Council Member Adams.

Council Member Adams: No legislation this evening ma'am. Thank you.

President Shabazz: Council Member Dixon.

Council Member Dixon: Nothing tonight Madam President.

President Shabazz: Council Member Guy.

Council Member Turner: I have two Ordinances.

President Shabazz: Council Member Guy didn't ask to be – is he not present? He left the floor? He didn't ask to be excused?

Council Member Walsh: Madam President, is Council Member Guy a wall?

President Shabazz: Yes.

Council Member Walsh: Oath of Office and all that stuff again.

President Shabazz: So, there are two pieces of legislation that was to be presented by Councilman Guy who has left the floor without permission and ask you, Councilman Turner to present his legislation?

Council Member Turner: Yes, Madam President, that's correct.

President Shabazz: Proceed.

Council Member Turner: Madam President, I have an Ordinance to present and call for the third and final reading for Councilman Guy.

On behalf of Council Member Guy, Council Member Turner presented and called for the third and final reading Ordinance No. 18-053 (Agenda #4599) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2018-SRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON RELATING TO PHASE II OF THE CITY'S TRANSMISSION AND DISTRIBUTION WATER MAIN IMPROVEMENTS; PROVIDING FOR THE SALE OF THE BOND TO THE DELWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

Upon a motion of Council Member Turner, seconded by Council Member Freel, the Ordinance was before the Council for its consideration. Council Member Turner spoke on the purpose of the Ordinance. Council Member Walsh made some comments. Council Member Freel 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 Yea and Nay Roll Call Vote: Yeas, Council Members Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams and Dixon, and Council President Shabazz. Total, ten. Nays, Council Member Walsh. Total, one. Absent, Council Member Guy.

President Shabazz: Declare it adopted.

Council Member Turner: Thank you. Madam President, I have an Ordinance to present and call for the first and second reading on behalf of Councilman Guy.

On behalf of Council Member Guy, Council Member Turner presented and called for the first and second reading Ordinance No. 18-057 (Agenda #4611) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2019-SRF IN ORDER TO PROVIDE FUNDS NECESSARY TO FINANCE CAPITAL PROJECTS OF THE CITY RELATING TO VARIOUS WATER MAIN DISTRIBUTION IMPROVEMENTS AND UPGRADES THROUGHOUT THE CITY; PROVIDING FOR

THE SALE OF THE BOND TO THE DELAWARE DRINKING
WATER STATE REVOLVING FUND; AND AUTHORIZING
OTHER NECESSARY ACTION

The Ordinance was given two separate readings by title only and upon a motion of Council Member Turner, seconded by Council Members Freel and Walsh, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

President Shabazz: Councilwoman Walsh.

Council Member Walsh: Ah, thank you Madam President, I have Agenda item 4604, which I am holding this evening. And, I would also now like to make a motion to adjourn.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Council Member Walsh, seconded by Council Members Freel and Williams, Council adjourned at 7:27 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk