

**REGULAR MEETING OF WILMINGTON CITY COUNCIL
JANUARY 10, 2019 @ 6:30 P.M.**

**Council Chambers
Louis L. Redding City/County Building
800 N. French Street - Wilmington, DE 19801
www.WilmingtonDe.gov or www.WITN22.org**

AGENDA

**I. Call to Order
Prayer
Pledge of Allegiance
Roll Call**

II. Approval of Minutes

III. Committee Reports

IV. Acceptance of Treasurer's Report

V. Non-Legislative Business

All Council	Sympathy Patrick T. Carter
Oliver	Sympathy William "Bill" David Smith
Oliver	Sympathy Flora Pearl Bumbrey
Oliver	Sympathy Jerry Mitchell Adams
Oliver	Sympathy Dennis Wright Hardie
Oliver	Sympathy Christine H. Tyler
Oliver	Sympathy James D. Petruccelli, Sr.
Oliver	Sympathy Bill Winchester
Shabazz	Sympathy Earline D. Lemon
Turner	Sympathy Kywannia Lynn Lopez
Turner	Sympathy Josephine Moore Roy

VI. Legislative Business

SHABAZZ (*Harlee presenting on behalf of Shabazz*)

**#4605 Ord. 18-054 Amend Chapter 2 of the City Code Regarding the Census 2020
Complete Count Committee (**3rd & Final Reading**)**

Synopsis: *This Ordinance is being presented by City Council for Council's review and approval. This Ordinance establishes a Census 2020 Complete Count Committee for the purpose of mobilizing and leveraging personnel and resources both internal and external to City government, in order to provide assistance to the*

representatives of the United States Census Bureau in the conduct of the decennial census. The intent of establishing this committee is to assure an accurate census count – and consequentially, an equitable share of financial assistance and federal and state representation for Wilmingtonians.

HARLEE

#4614 An Ordinance to Amend Chapter 2 of the City Code Regarding Procedures to Fill City Council Vacancies **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by City Council for Council's review and approval. This Ordinance amends Section 2-34 of the City Code, which set forth procedures to fill City Council vacancy, by allowing all members of Council to be part of the committee that recommends to Council an individual to fill a Council vacancy and by making the selection process more transparent to members of the public.*

GUY

#4611 Ord. 18-057 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 **(3rd & Final Reading)**

Synopsis: *This Ordinance is being presented by the City Treasurer's Office for Council's review and approval to authorize the issuance of a General Obligation Bond, Series of 2019-SRF, in an amount not to exceed \$5,000,000, which will be sold to the Delaware Drinking Water State Revolving Fund in order to (i) finance capital projects of the City, specifically, certain improvements and upgrades to the City's water main distribution infrastructure as set forth in the City's capital budget for its Fiscal Year ending June 30, 2018, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the Bond.*

VII. Petitions and Communications**VIII. Adjournment**

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

#4605

Sponsors:

Council
President
Shabazz

Council
Members
Dixon
Freel
Harlee
Oliver
Walsh

WHEREAS, the United States Census Bureau is responsible for collecting and managing data related to the American population; and

WHEREAS, these responsibilities include fulfilling a Constitutional obligation every ten years to conduct a count, or Census, of all those living in the United States; and

WHEREAS, with the 2020 Census rapidly approaching, and with preparations being made at the national level and in communities across the country, the City of Wilmington wishes to follow the recommendations of the Census Bureau in establishing a Complete Count Committee; and

WHEREAS, this Committee would be charged with collecting efforts and mobilizing resources throughout Wilmington – both internal and external to City government – to ensure a comprehensive plan is developed and that the City does its part to ensure an accurate count of its residents in the 2020 Census; and

WHEREAS, an accurate count in the 2020 Census will help ensure that Wilmingtonians receive an equitable share of federal funding, as well as federal and state representation, and is critical to the City’s efforts to continue to move Wilmington forward.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 2 of the City Code is hereby amended by creating a new Section 2-32.2 and adding the underlined language as follows:

Section 2-32.2. Census 2020 Complete Count Committee

Establishment There is hereby established a Census 2020 Complete Count Committee (“Committee”) for the purpose of mobilizing and leveraging personnel and

resources both internal and external to City government, in order to provide assistance to the representatives of the United States Census Bureau in the conduct of the decennial census, in order to assure an accurate census count – and consequentially, an equitable share of financial assistance and federal representation for Wilmingtonians.

Members The Committee shall be led by two co-chairs: the Mayor (or his or her designee) and the President of City Council (or his or her designee). Recognizing the benefit of inclusion of a range of stakeholders, the Committee shall also be composed, generally, of the following members:

1. Department representatives from relevant City departments
2. Elected officials
3. Representatives of faith-based organizations
4. Representatives from local institutions of higher education
5. Representatives from area school districts
6. Representatives from the nonprofit and community service sector
7. Representatives from City-based business enterprises
8. State Complete Count Committee representative

It shall be the prerogative of the Committee's chairs to add additional members at any time should, through their determination, such additions be of benefit to the mission of the Committee. For the purposes of this Section, a quorum shall consist of at least two thirds of the members of the Committee.

Responsibilities The Committee shall be responsible for the following activities between the date of establishment and the conclusion of the 2020 Census process when declared by Census officials:

1. To establish and maintain an ongoing connection with local representatives and officials with the United States Census Bureau, for the purpose of being updated about developments at the federal level and to be kept apprised of needs with which the Committee could assist
2. To devise a plan for the City of Wilmington – both as a municipal government and as a community – to prepare for the 2020 Census and to assist representatives of the United States Census Bureau with the conduct of this decennial Census
3. To devise a plan for an educational campaign to help inform residents of Wilmington about the importance of this process, leveraging such tools as the City's existing communications channels, including WITN Channel 22 and the City's website
4. To take appropriate measures to ensure that the elements of the plan created by this Committee are carried out

Reports to City Council and the Public The Committee shall also be responsible for making quarterly reports to City Council by appearing at a Committee of the Whole

meeting scheduled by the President of City Council on a quarterly basis commencing on July 1, 2019 and continuing through the close of the Census process.

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... December 6, 2018
Second Reading.... December 6, 2018
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2018

Mayor

SYNOPSIS: This Ordinance establishes a Census 2020 Complete Count Committee for the purpose of mobilizing and leveraging personnel and resources both internal and external to City government, in order to provide assistance to the representatives of the United States Census Bureau in the conduct of the decennial census. The intent of establishing this committee is to assure an accurate census count – and consequentially, an equitable share of financial assistance and federal and state representation for Wilmingtonians

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

POLICY STATEMENT: This Ordinance is intended to follow best practices recommendations from the United States Census Bureau through the establishment of a Complete Count Committee. This approach is similar to what was codified by the City in connection with the 2000 Census as well. This Ordinance mirrors suggested language from the United States Census Bureau, and is similar to measures taken in cities, towns and communities across the country.

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING
PROCEDURES TO FILL CITY COUNCIL VACANCIES**

#4614

Sponsor:

**Council
Member
Harlee**

WHEREAS, the City Council deems it necessary and proper to amend the provisions of Section 2-34 of the City Code regarding the procedures to fill City Council vacancies; and

WHEREAS, Section 2-101 of the City Charter states that if a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy, the City Council, by a majority vote of all its remaining members, shall appoint a person to fill the vacancy until a person is elected by the voters for the unexpired term; and

WHEREAS, the City Charter does not clearly provide procedures for how Council appoints a person to fill the vacancy, and Section 2-34 of the City Code provides for such procedures; and

WHEREAS, City Council wishes to change the procedures by which Council appoints a person to fill the vacancy by increasing the ability for all members of Council to be involved in recommending an individual to Council to fill the vacancy.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 2 of the City Code is hereby amended by amending Section 2-34 thereof by deleting the stricken language and adding the underlined language to read as follows:

§ 2-34. - Procedures to fill city council vacancies.

The city council hereby establishes the following procedures by which a person is appointed by resolution to fill a city council vacancy:

~~The president of city council shall appoint members of a special committee consisting of five members of city council; one member shall be the president who shall serve as its chair. The special committee~~ The committee of the whole of city council, chaired by the president of city council, shall be charged with selecting a candidate to fill the vacancy in accordance with the requirements outlined in the City Charter section 2-101.

(1) ~~The special committee~~ of the whole shall:

- a. Accept recommendations from members of council in accordance with the requirements of subsection (1)b of this section;
- b. Accept resumes and letters of intent, during a specified time period, from persons who are qualified pursuant to the City Charter;
- c. Interview each qualified person in executive session;
 - i. Each member of the committee of the whole shall identify the top three candidates to fill the vacancy. The candidates shall be identified using an identifier, other than the candidate's name, which will be assigned to each candidate during executive session.
- d. ~~b.~~ Recommend a person by majority vote of the members of the special committee of the whole; and
- e. ~~e.~~ Follow the requirements for appointment of a person to fill a council vacancy, pursuant to the City Charter.

(2) The vacancy shall be certified by resolution.

(3) ~~The special committee~~ of the whole shall propose by resolution its recommendation of a person to fill the vacancy for vote by the full of city council. The resolution must be approved by a majority vote of all the members of city council.

(4) If the resolution fails to be approved, the committee of the whole shall reconvene and propose by resolution another recommendation of a person who it previously interviewed to fill the vacancy for a vote by the full of city council. The resolution must be approved by a majority vote of all members of city council. The committee of the whole shall repeat this procedure until the vacancy is filled.

(5) While the procedures set forth in this section are taking place, if the city council vacancy is for a councilmanic district, the at-large council member

living in or closest to the district in which there is a vacancy will respond to and assist residents in that district until the vacancy is filled.

SECTION 2. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading.....January 10, 2019
Second Reading.....January 10, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____ 2019.

Mayor

SYNOPSIS: This Ordinance amends Section 2-34 of the City Code, which sets forth procedures to fill City Council vacancy, by allowing all members of Council to be part of the committee that recommends to Council an individual to fill a Council vacancy.

POLICY STATEMENT: This Ordinance is intended to change the procedures by which Council appoints a person to fill a vacancy on the legislative body, in an effort to clarify procedures and make the process more inclusive of all members of City Council. This Ordinance also lays out the various stages of the process for filling a Council vacancy with the intent of clarifying this process, as well as ensuring it flows smoothly and each candidate receives equal treatment and consideration – with steps taken to ensure confidentiality, the same questions being asked of each candidate, and a clear, codified process for expressing interest and being considered to fill a vacancy on City Council.

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.

#4611

Sponsor:

Council
Member
Guy

WHEREAS, the City of Wilmington (the "City") has determined to undertake certain improvements and upgrades to the City's water main distribution infrastructure that are associated with (i) undersized mains, (ii) severe congestion within the pipes, leaded joints and services lines, and (iii) weakened pipelines due to age, all as specified in the City's capital budget for its Fiscal Year ending June 30, 2018 (collectively, the "Project"); and

WHEREAS, in order to finance the Project and pay certain administrative costs relating to the Project and the costs of issuing the Bond, the City has determined to issue its General Obligation Bond, Series of 2019-SRF (the "Bond"), in a principal amount not to exceed \$5,000,000; and

WHEREAS, the City has heretofore adopted the General Obligation Bond Ordinance, 83-019, Division 4 of Article VI of Chapter 2 of the Wilmington City Code (the "General Ordinance"), authorizing the City to issue general obligation bonds secured by a pledge of the City's full faith, credit and taxing power, for the purpose of, among other things, paying the costs of capital projects; and

WHEREAS, this Ordinance is a Supplemental Ordinance adopted pursuant to the General Ordinance and provides for the issuance and sale of the Bond.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Defined Terms. Terms used in this Ordinance and not otherwise defined shall have the meaning specified in the General Ordinance.

SECTION 2. Authorization of General Obligation Bond, Series of 2019-SRF.

The City hereby authorizes the issuance of its General Obligation Bond, Series of 2019-SRF, in a principal amount not to exceed \$5,000,000 (the "Bond") pursuant to and in accordance with the General Ordinance, as supplemented by this Ordinance and the Bond Committee Resolution (as defined herein) for the purpose of financing the Project. The Bond shall be sold to the Delaware Drinking Water State Revolving Fund.

The Bond shall be in such principal amount (not exceeding \$5,000,000), shall bear such rate or rates of interest, shall mature in such principal amounts and on such dates, shall be subject to redemption, shall be sold at such price and in such manner, and shall be in such form and contain or be subject to such other terms and conditions, as shall be determined in the Resolution adopted by the City of Wilmington Bond Committee (the "Bond Committee Resolution").

SECTION 3. Execution of Bond. The Bond shall be executed by the manual or facsimile signatures of the Mayor, the City Treasurer and the City Auditor, and by the manual or facsimile impression of the City seal, both attested by the manual or facsimile signature of the City Clerk or Deputy City Clerk.

SECTION 4. Security for the Bond. The full faith, credit and taxing power of the City is hereby pledged to the prompt payment of the principal of, premium, if any, and the interest on the Bond. The Bond shall be the direct and unlimited obligation of the City, and unless paid from other sources, the City shall levy *ad valorem* taxes upon all taxable property in the City for the payment of the Bond subject to the limitation contained in applicable law.

SECTION 5. Further Action. The appropriate officers of the City are hereby authorized and directed to take all such action, execute, deliver, file and record all such documents, publish all notices and otherwise carry out the intent of the General Ordinance and this Ordinance in the name of and on behalf of the City.

SECTION 6. Inconsistent Provisions. In the event that any provision of the Bond, or any term or condition contained in any agreement relating to the Bond, shall be

inconsistent with any of the provisions of the General Ordinance, the provision of the Bond, this Ordinance and such agreement shall be controlling with respect to the Bond and such agreement.

SECTION 7. Relation to General Ordinance. This Ordinance is supplemental to the General Ordinance and all sections of the General Ordinance, except as modified herein in accordance therewith, are applicable to the Bond authorized hereunder.

SECTION 8. Effective Date. This Ordinance shall become effective upon its passage by Council and approval by the Mayor.

First Reading.....December 13, 2018
Second Reading.....December 13, 2018
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: This Ordinance authorizes the issuance of a General Obligation Bond, Series of 2019-SRF, in an amount not to exceed \$5,000,000, which will be sold to the Delaware Drinking Water State Revolving Fund in order to (i) finance capital projects of the City, specifically, certain improvements and upgrades to the City's water main distribution infrastructure as set forth in the City's capital budget for its Fiscal Year ending June 30, 2018, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the Bond.