

**REGULAR MEETING OF WILMINGTON CITY COUNCIL
FEBRUARY 7, 2019 @ 6:30 P.M. – REVISED***

**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**

Harlee	Sympathy Charalane “Laney” Hoxter
Harlee	Sympathy Paul D. Purnell, Jr.
Oliver	Recognize Duffy’s Hope
Oliver	Sympathy Olive Anita Stewart Mayfield
Oliver	Sympathy Bishop Joseph Brown, Jr.

VI. Legislative Business

TURNER

#4616 An Ordinance to Enact Certain Parking Regulations **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by the Administration for Council’s review and approval. This Ordinance approves various parking regulations in the City.*

ADAMS

#4617 An Ordinance to Amend Chapter 2 of the City Code to Repeal Section 2-358 Thereof Regarding the Annual Reconciliation of Operating Budget Accounts **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by the Administration for Council’s review and approval. This Ordinance amends Chapter 2 of the City Code by repealing Section 2-358 thereof.*

GUY

#4618 An Ordinance to Amend Chapter 2 of the City Code in Order to Authorize the City Treasurer Access to the Budget Reserve Account Funds at the End of a Fiscal Year and Replenishment of the Budget Reserve Account Funds in the Ensuing Year for Fiscal Year 2019 **(1st & 2nd Reading)**

***Synopsis:** *This Ordinance is being presented by the City Treasurer for Council's review and approval. This Ordinance amends Chapter 2 §2-376.3(c)*, by extending from July 1, 2018 to June 30, 2019, the authorization of the City Treasurer to access budget reserve account funds and the requirement to replenish those funds no later than October 1, 2019.*

*#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**

*Note: This Agenda is being amended to add item #4611 (Ord. 18-057) to meet an obligation. Also, a correction was made to the synopsis to agenda item #4618.

#4616

Sponsors:

Council
Members
Turner
Harlee
Williams

AN ORDINANCE TO ENACT CERTAIN PARKING REGULATIONS

WHEREAS, pursuant to the City Charter and Chapter 37 of the City Code, the Department of Public Works has proposed and the City Council deems it necessary and proper to enact the parking regulations set forth herein.

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

SECTION 1. That “**NO PARKING BETWEEN SIGNS**” signs be installed at the following locations:

- a. On the eastside of North Cleveland Avenue beginning 44 feet north of the northerly building line of Conrad Street and extending north 20 feet.
- b. On the southside of West 6th Street beginning at the westerly building line of North Van Buren Street and extending west 49 feet.

SECTION 2. That “**NO PARKING CHILD DROP OFF/PICK UP 7:00 AM to 9:00 AM, EXCEPT SATURDAYS AND SUNDAYS**” signs be installed on the southside of West 6th Street beginning 54 feet from the easterly building line of North Van Buren Street and extending east 20 feet.

SECTION 3. That “**NO PARKING CHILD DROP OFF/PICK UP 3:00 PM to 5:30 PM, EXCEPT SATURDAYS AND SUNDAYS**” signs be installed on the southside of West 6th Street beginning 54 feet from the easterly building line of North Van Buren Street and extending east 20 feet.

SECTION 4. That “**NO PARKING LOADING ZONE 8:00 AM TO 6:00 PM, EXCEPT SATURDAYS AND SUNDAYS**” signs be installed on the eastside of North

Market Street beginning 20 feet from the northerly building line of East 5th Street and extending north 60 feet.

SECTION 5. That the portions of legislation that designate the following be hereby **RESCINDED** to allow for the **REMOVAL** of signs as stated herein:

a. **“NO PARKING BUS STOP BETWEEN SIGNS”** signs be removed on the northside of West 4th Street beginning at the westerly building line of North Jefferson Street and extending west 60 feet.

b. **“NO PARKING LOADING ZONE 8:00 AM TO 6:00 PM, EXCEPT SATURDAYS AND SUNDAYS”** signs be removed from the following locations:

1. On the southside of West 10th Street beginning 110 feet from the westerly building line of North Washington Street and extending 65 feet west.

2. On the northside of Lancaster Avenue beginning 20 feet from the westerly building line of North Clayton Street and extending 30 feet west.

c. **“15 MINUTE PARKING 8:00 AM TO 6:00 PM, EXCEPT SUNDAYS”** signs be removed on the westside of North Union Street beginning 50 feet from the southerly building line of West 8th Street and extending south 20 feet.

SECTION 6. This Ordinance shall become effective immediately upon its passage by City Council and approval by the Mayor.

First Reading..... February 7, 2019
Second Reading..... February 7, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: This Ordinance approves various parking regulations in the City.

W0103912

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE BY
REPEALING SECTION 2-358 THEREOF REGARDING THE ANNUAL
RECONCILIATION OF OPERATING BUDGET ACCOUNTS**

#4617

Sponsor:

Council
Member
Adams

Co-Sponsor:

Council
Member
Freel

WHEREAS, the budget reconciliation process set forth in Section 2-358 of the City Code is scheduled to occur after the close of the prior fiscal year's Comprehensive Annual Financial Report; and

WHEREAS, once a prior fiscal year is audited by an outside auditor and published as a Comprehensive Annual Financial Report, transactions are generally considered closed and not available for adjustments for post-audit transactions; and

WHEREAS, while the City's budget reconciliation process requires certain transactions in the accounting system, it does not require adjustments to the prior year's Comprehensive Annual Financial Report; and

WHEREAS, in light of the foregoing, Section 2-358 of the City Code should be repealed.

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

SECTION 1. Chapter 2 of the City Code is hereby amended by repealing Section 2-358 thereof by deleting the stricken language as follows:

~~Sec. 2-358. -- Annual reconciliation of operating budget accounts.~~

~~Pursuant to the requirements of the City Charter, the city council shall enact an annual reconciliation of accounts ordinance (the "ordinance"). The ordinance shall provide for the transfers of funds between or among the accounts in the annual operating budget so that the accounts for the fiscal year that has ended may be reconciled. The purpose of the annual reconciliation of accounts ordinance is to approve transfers of funds that were necessitated during the course of the fiscal year that has ended but which were not separately approved by amendments to the annual operating budget ordinance for that fiscal year. To that end, the annual reconciliation of accounts ordinance shall incorporate the recommendations of the mayor through the office of the director of finance and shall be enacted by the~~

~~council prior to March 1, of the year following the ending of the fiscal year on the prior June 30.~~

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

First Reading.....February 7, 2019
Second Reading.....February 7, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST:_____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code by repealing Section 2-358 thereof.

W0103960

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE IN ORDER TO AUTHORIZE THE CITY TREASURER TO ACCESS THE BUDGET RESERVE ACCOUNT FUNDS FOR FISCAL YEAR 2019 AND REQUIRE REPLENISHMENT OF THE BUDGET RESERVE ACCOUNT FUNDS IN THE ENSUING FISCAL YEAR.

#4618

Sponsor:

**Council
Member
Guy**

WHEREAS, the Administration and the City Council concur that the provisions of § 2-376.3(c), as amended by Ordinance No. 18-004, should be amended so as to extend from July 1, 2018 to June 30, 2019 the period of time during which the City Treasurer shall be authorized to access budget reserve funds and also be required to replenish the Budget Reserve Account thereafter.

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

SECTION 1. Chapter 2 of the City Code is hereby amended by amending § 2-376.3(c), as amended by Ordinance No. 18-004, by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 2-376.3(c). Authorization to access budget reserve account funds and to require their replenishment.

(a) The aforesaid authority of the city treasurer to access budget reserve account funds and the requirements to replenish the budget reserve account funds shall pertain to fiscal year [2018] 2019 only and the provisions of subsections (a) and (b) of this section as such subsections relate to fiscal year [2018] 2019 only shall be of no further force and effect as of July 1, [2018] 2019, except only as to administrative matters to be completed on or before October 1, [2018] 2019.

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

First Reading.....February 7, 2019
Second Reading.....February 7, 2019
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019

Mayor

SYNOPSIS: This Ordinance amends § 2-376.3(c), as amended by Ordinance No. 18-004, by extending from July 1, 2018 to June 30, 2019, the authorization for the City Treasurer to access budget reserve account funds and the requirement to replenish those funds no later than October 1, 2019.

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.