

*Louis L. Redding
City/County Building
July 11, 2013*

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

Invocation was given by Traci Owens.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

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

MINUTES

After reading a portion of the minutes of July 3, 2013, upon a motion of Ms. Walsh, seconded by Mr. D. Brown, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

Ms. Walsh presented 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>
Hanifa G.N. Shabazz, Chair		X	
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado	X		
Robert A. Williams	X		

Date: 7/8/13

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred **Ordinance No. 13-020** entitled:

AN ORDINANCE TO AUTHORIZE CONTRACT 14007PW -
HVAC PREVENTATIVE MAINTENANCE, GENERAL AND
EMERGENCY SERVICE – WITH BRADLEY-SCIOCHETTI, INC.

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Nnamdi O. Chukwuocha
/s/Samuel Prado
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

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

Mr. Freel presented the following two-committee reports:

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

Date: 7/10/13

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 13-023** entitled:

AN ORDINANCE TO AUTHORIZE CITY CONTRACT 14008PD –
POLICE UNIFORM CLEANING – WITH BLUE SWAN, INC.

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

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

Mr. Freel: Mr. President, can I be marked present first?

President Gregory: Please mark Mr. Freel and Mr. Wright present.

Mrs. Seijo: So noted.

***Note: At this time Mr. Freel and Mr. Wright were marked present.**

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

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

DATE: July 10, 2013

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Finance Committee, to who was referred **Ordinance No. 13-024**
entitled:

AN ORDINANCE TO IMPLEMENT THE WILMINGTON PENSION
COMMISSION'S RECOMMENDATIONS PURSUANT TO CHAPTER 39
SECTION 6 OF THE WILMINGTON CITY CODE

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

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

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

Ms. Shabazz: Yes Mr. President, I did have, I was not without leave - Councilwoman Shabazz.

President Gregory: Can you change that please?

Mrs. Seijo: I'll make that notation, thank you.

Ms. Shabazz: Thank you.

****Note: Correction is reflected on the above aforementioned committee reports for Ordinance Nos. 13-023 and 13-024.**

TREASURER'S REPORT

The following Treasurer's Report dated July 11, 2013 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Williams/ Mr. Freel, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON July 11, 2013

[This space intentionally left blank]

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,527.81
105	Police Pension Account	M & T Bank	\$ 1,786.90
106	Fire Pension Account	M & T Bank	\$ 3,571.91
107	Evidence/Found Currency Account	M & T Bank	\$ 209,780.56
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 188,321.36
113	Non-Uniform Pension	M & T Bank	\$ 1,291.70
114	Central Deposit	M & T Bank	\$ 29,964.76
117	Cement Workers	Wilmington Savings Fund	\$ 33,351.27
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.21
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 2,247.66
130	Payroll	M & T Bank	\$ 178,056.31
131	Pension Payroll Account	M & T Bank	\$ 22,285.46
139	Pension Healthcare Account	M & T Bank	\$ <u>52,357.32</u>
	Total Cash on Hand		\$ 741,685.20

[This space intentionally left blank]

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	07/11/13	0.25%	\$ 40.88	\$ 5,967,817.00
514	Risk Management	WSFS	CD	07/11/13	0.50%	\$ 7,564.25	\$ 1,512,851.52
514	Risk Management	WSFS	CD	07/11/13	0.30%	\$ 350.34	\$ 1,375,000.00
515	Worker's Comp.	WSFS	CD	07/11/13	0.50%	\$ 7,564.25	\$ 1,512,851.52
515	Worker's Comp.	WSFS	CD	07/11/13	0.30%	\$ 350.34	\$ 1,375,000.00
116	General	WSFS	CD	07/12/13	0.30%	\$ 920.54	\$ 2,000,000.00
110	Capital	WSFS	CD	07/12/13	0.30%	\$ 1,124.38	\$ 1,900,000.00
110	Capital ³	TD	CD	07/15/13	0.25%	\$ 738.45	\$ 1,540,195.00
116	General	WSFS	CD	07/26/13	0.30%	\$ 279.45	\$ 2,000,000.00
110	Capital	WSFS	CD	07/30/13	0.30%	\$ 18,105.53	\$ 24,476,000.00
105	Police Pension	WSFS	CD	07/30/13	0.30%	\$ 312.99	\$ 1,190,000.00
124	Non-Uniform 1990	WSFS	CD	07/30/13	0.30%	\$ 1,237.48	\$ 4,705,000.00
106	Fire Pension	WSFS	CD	07/30/13	0.30%	\$ 795.62	\$ 3,025,000.00
110	Capital ²	TD	CD	08/02/13	0.25%	\$ 57.67	\$ 240,528.79
116	General ¹	TD	CD	08/08/13	0.25%	\$ 5,384.28	\$ 14,292,802.00
116	General	WSFS	CD	08/09/13	0.30%	\$ 560.54	\$ 2,200,000.00
116	General	WSFS	CD	08/23/13	0.30%	\$ 813.69	\$ 2,200,000.00
110	Capital	WSFS	CD	08/28/13	0.30%	\$ 1,397.26	\$ 3,400,000.00
116	General	WSFS	CD	09/05/13	0.30%	\$ 1,048.76	\$ 2,200,000.00
104	Escrow Pension	Affinity Wealth					\$ 1,499,457.00
104	Escrow Pension	Vanguard					\$ 18,718,633.00
104	Escrow Pension	Black Rock					\$ 52,214,004.00
104	Escrow Pension	Edgar Lomax					\$ 27,877,055.00
104	Escrow Pension	Wilmington Trust					\$ 30,469,671.00
104	Escrow Pension	Manning & Napier					\$ 23,765,104.00
104	Escrow Pension	Earnest Partners					\$ 12,025,730.00
104	Escrow Pension	GMO					\$ 10,677,792.00
139	Medical Escrow	Black Rock-OPEB					\$ 10,938,333.00
116	The Hartford	Deferred Comp.					\$ 34,002,948.00
	Total Investments						\$ 299,301,772.83
	Total Cash on Hand						\$ <u>741,685.20</u>
	Grand Total						\$ 300,043,458.03

¹ Budget Reserve

² Lincoln Towers BAN

³ SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Bishop Thomas John Weeks
D. Brown	Recognize Learning Neighborhoods Scholarship Recipients
D. Brown	Congratulate Coleman Bye, III of Mercantile Press
Chukwuocha	Elder Robert Goodman 11 th Pastoral Anniversary
Dorsey Walker	Sympathy Kim Vanessa Armstead

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: None tonight Mr. President, thank you sir.

President Gregory: Mr. Congo.

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

President Gregory: Mr. Darius Brown.

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

Mr. D. Brown presented Resolution No. 13-045 as follows:

WHEREAS, the United States Customs and Immigration Service (USCIS) administers the Immigrant Investor Program, also known as the EB-5 Visa process, as codified under United States Code Section 1153(b)(5), which is a program of the USCIS; and

WHEREAS, the United States Congress implemented the Immigrant Investor Program under the belief that this program would generate investments, jobs and economic revitalization in American communities through foreign investment; and

WHEREAS, to obtain a Visa under the Immigrant Investor Program, individuals must invest in a "Targeted Employment Area," which is a geographic area or political subdivision within a metropolitan area or city with a population of more than 20,000 residents and with an unemployment rate greater than one hundred and fifty percent (150%) of the national unemployment rate; and

WHEREAS, under the Immigrant Investor Program certain Visas are also set aside for investors in certain Regional Centers designated by USCIS based on proposals for promoting economic growth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council urges the Governor of the State of Delaware to designate Wilmington, Delaware and other areas which qualify as a "Targeted Employment Area" as areas subject to the Immigrant Investor Program.

Mr. D. Brown: Yes Mr. President. This Resolution is being presented tonight for Council's review and approval. With approval, Council will be asking the governor of the state of Delaware to designate Wilmington or appropriate sections of Wilmington as a Targeted Employment Area enabling the City of Wilmington to participate in the Immigrant Investor Program known as EB5.

President Gregory: I want to thank you, Mr. Brown, for permitting this Resolution that need not be voted out of committee to be vetted in committee before bringing it to the floor by your City Council. It was a very intense and informative meeting. Thank you very much and thank you for bringing this novel concept that's been around for a while but now with this committee to our attention. The Clerk will call the roll.

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

President Gregory: Declare it adopted. Ms. Shabazz.

Ms. Shabazz: Yes Mr. President. I have an Ordinance to present and call for the third and final reading.

Ms. Shabazz presented and called for third and final reading Ordinance No. 13-020 entitled:

AN ORDINANCE TO AUTHORIZE CONTRACT 14007PW –
HVAC PREVENTATIVE MAINTENANCE, GENERAL AND
EMERGENCY SERVICE WITH BRADLEY-SCIOCCHETTI, INC.

Ms. Shabazz: Mr. President, this Ordinance authorizes us to enter into a contract for HVAC preventive maintenance general emergency service at the Municipal Complex is with this vendor for a period of two years at an annual cost of \$30,260, - - \$30,266 with a possible one-year extension. This was vetted in Public Works Committee.

President Gregory: Councilman Brown.

Mr. M. Brown: Thank you Mr. President. I can only ask you, I know I don't go across the room and ask but, do you, do you know, Mr. President, or anyone knows, is this the, does this company service all of or just the facility that's mentioned here? The reason why I ask that is because the HVAC, I was over at Hicks Anderson the other day and it was out and they were waiting for the last three days to get somebody to come work on, part of the building was 110 degrees. So I was wondering, you know, if we're doing this for this, are we, at which I agree to this, don't get me wrong, how many

companies are we having to do all this for different parts of the city for different buildings? I would think that you might want to agree to this contract and I'm going to vote for it maybe if we, they had to call some emergency service at which would've been \$500 just for them to come in on Saturday they told me, and then, since they didn't, they said did not call, let them come in on Saturday, they had to wait to Tuesday, and then they didn't come Tuesday like they were supposed to, which would've been \$250 for the first hour, so, so I was wondering if we, I'm going to vote for this that we get them, can we just get . . .

President Gregory: Let me answer your questions this way, if I may, for a well put commenting question, could we get Councilwoman Shabazz under her committee of Public Works to vet the concept that you just made; that is, how're these contracts put out and how many more of the contracts do we have, and are we getting the biggest bang for our buck. Could we do . . .

Mr. M. Brown: (inaudible) the same thing.

President Gregory: Could we do that in the Public Works Committee?

Mr. M. Brown: Yeah, yeah, yes sir. I, I appreciate it. That's why I was talking to you, sir, because I know you don't like to go across the room, so, I appreciate, I will talk to her about that offline, but I'm going to vote for this.

President Gregory: You have a comment?

Ms. Shabazz: Yes, Mr. President. I just want to let my colleague know, as well as you, that is the intention of myself as Chair but because of the changing of the leadership in their department it has been delayed.

President Gregory: Clerk will call the roll.

Upon a motion of Ms. Shabazz; seconded by Ms. Walsh, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, M. Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, thirteen. Nays, none.

President Gregory: Declare it adopted.

Ms. Shabazz: Mr. President, I have an Ordinance to present and call for the first and second reading.

Ms. Shabazz presented and called for the first and second reading Ordinance No. 13-025 entitled:

AN ORDINANCE TO APPROVE THAT CERTAIN
AGREEMENT OF SALE AND CERTAIN
CONTRIBUTION AGREEMENT WHEREBY THE
CITY OF WILMINGTON AGREES TO PURCHASE
THE FINGER-GORDON PROPERTY TO CREATE
THE SOUTH WILMINGTON WETLANDS

This Ordinance was given two separate readings by title only and upon a motion of Ms. Shabazz, seconded by Ms. Walsh, was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

President Gregory: You have anything else Ms. Shabazz?

Ms. Shabazz: That's all for tonight, thank you sir.

President Gregory: Mr. Prado

Mr. Prado: I have nothing tonight Mr. President, thank you.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Nothing tonight, thank you Mr. President.

President Gregory: Mr. Williams.

Mr. Williams: Nothing this evening sir.

President Gregory: Mr. Freel.

Mr. Freel: Yes Mr. President. I have one for third and final and one, two...two I believe for first and second.

Mr. Freel presented and called for the third and final reading Ordinance No. 13-024 entitled:

AN ORDINANCE TO IMPLEMENT THE WILMINGTON
PENSION COMMISSION'S RECOMMENDATIONS
PURSUANT TO CHAPTER 39 SECTION 6 OF THE
WILMINGTON CITY CODE

Mr. Freel: Mr. President I move that be known as the Enacting Clause of the Ordinance and call for a Yea and Nay vote.

Ms. Walsh: Second.

President Gregory: It's been properly moved and seconded that be known as the Enacting Clause of the Ordinance and called for the Yea and Nay vote. On the question.

Mr. Freel: Yeah, I do want to make some comments. First of all, I want to apologize to folks for being a little late this evening. It was something I couldn't avoid and I know there were some public comments that were made during this session that I missed, but I understand what, what they have asked. I just want to point out to folks that, you know, this, this isn't a vote whether you're for or against pension increases, whether you're for them for people been gone for thirty years or people gone for two years. It's really looking at the overall health of these pension funds and we had a good committee meeting yesterday, it was a lot of good discussion, but when you have some pension funds that are underfunded at 48 percent, it's a scary situation and you know, we've done a few increases in the past, which has added to that, and of course, we went through a bad time in the late 2000s where we really took a, took a hit on our earnings.

So, you know, as Chair of Finance Committee, I would love to vote yes for all these things but it's just not always possible. You know, when we did the bonuses at the end of last year, I had to vote no against that and I was prepared to vote no against this Ordinance tonight, not because, once again, I want to hurt anybody or maybe not because in this letter I received tonight and it says that there are some who do not have much compassion for the issue, and that's farthest from the truth, I would love to be able to give everybody a pension increase, same time I would love to be able to give every City employee a raise and we haven't been able to do that for a number of years. So, it concerns me that we boil this down to, to an issue where it's only \$200,000 and the City's got money and, and we can do this because it's much bigger than that. As we know, you know, our assets are underfunded by almost \$170 million for these funds. You know, we could find ourselves, you know, maybe not myself, but future Councils in ten or fifteen years could find themselves in a position where they're going to have to start cutting the pension funds by fifty percent. Other cities and government entities have had to do that. We've been fortunate we have not, but we haven't been able to do the increases either. So, what I'd like to do at this time is just, open it up for just some, cause I did not, obviously the Council members did not make comments during the public period. So, I would like to hear some comments from some other Council members at this time. Thank you.

President Gregory: Councilman Brown, Michael Brown.

Mr. M. Brown: Thank, thank you Mr. President, and Mr. Chairman, Mr. Freel, and to all, to all my Council members here. While, while we heard, certainly heard a number of retirees who came up to extend their voices to, in support of this bill, of this Ordinance, we, and we got a lot of phone calls, we got some emails but what, what strikes me is what I been telling them before, I said, well, you know, what, you got to look at we're, we, as a Council, right now, even though we say we would, we will go back and start it from July 1, we're in violation. This should've been done by June 30th,

by June 30th, and so having, knowing that we know we're in violation, even if you try to fix it, even if you try to fix it and say well, we'll vote on it tonight, whether it passes or not, if it passes we're going to do retro. Well, we still in violation, my colleagues. So, at, I would pose right not and get, and ask for a, a show of hands of support that we ask the Chairman and the sponsor of this bill, so we, know, look like we really know what we doing and in fairness we table this. We in violation, the recommendation came, the Administration messed up by holding it so long, and then we gone mess it up by eleven days later, twelve days later, vote upon it. I think it gives both sides now, if we were to table it, or hold it, it gives both sides an opportunity to go back and flush out some of the, some of the rough spots.

Some of those who have been on count, on, into this pension for only three years, well maybe, maybe we'll look at them and look at them in a different way, maybe they don't do this right now for them. Maybe it gives us both time, Council represented, Council from Council, Administration, the Treasurer's Office and all those other Union leaders to come to the table with a plan, and even if we don't come back to next year, we'll still be in violation but we'll be able to do it again and come out of a wreck, go back and get another recommendation for what we'll be working on and so that's what I'm asking for Mr. Freel, my friend, the Chairman of Finance Committee and my colleagues, that we table this tonight. It's not going to hurt us to table it tonight, to hold it, it's not going to hurt us because we're already in violation, and I don't want to be in violation of nothing if I can help it. So, I ask that question and I ask for your support, and I, if Mr. Freel would do so, if he wants to see how the rest of Council members feel about it by a show of hands . . .

President Gregory: No.

Mr. M. Brown: . . . I would ask for that.

President Gregory: No, we're not going to do a show of hands.

Mr. M. Brown: Oh, okay. Okay, okay, well, however, however you want to handle it. However you want to handle it.

President Gregory: That's not appropriate.

Mr. M. Brown: Okay but I, and I'll get five more minutes at, if you go around, please.

Ms. Walsh: Is, is that a motion, a point of order?

President Gregory: Mr. Prado.

Mr. M. Brown: It's not a motion yet...I want to hear...

Mr. Prado: Yeah, you know I struggled with this, but I have to agree with Mr. Freel, I think that right now we're, we're just not in a situation to do this. No one's gotten raises, I mean, even this Council, we're still working on the same salary as eight years ago, I think even longer, so we practicing what we preach, you know, we're not getting raises, City employees haven't gotten raises and it's a tough time for people, but we also have to look at the you know, the future and viability of this City and, you know, if we don't do things, if we don't make the right financial decisions then we become a failed city like Camden or Chester, and so we need to be careful with what we have and, as hard as that is, I, I just think that we need to, you know, to keep things tight and I don't think that voting to increase is the right thing.

President Gregory: Just so you know the rules, there's nothing in the rules that permit a show of hand as a prelude to a suggested motion to table. Mr. Williams.

Mr. M. Brown: Mr. President . . .

President Gregory: I'll be right, I'll be . . .

Mr. M. Brown: Okay.

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President. First, I have to go on record to say that I am a current pensioner from the City of Wilmington. So, I really can't speak my thoughts about this Ordinance, because I'm precluded from doing that by virtue of the Law Department, but I do recall that we had a recommendation that came from the Pension Commission, and then we sent it back, and now another recommendation has come from the Pension Commission. So, you know, things are in the work that, that we've asked them to do their diligence, they've done it and it's time for us to do ours.

President Gregory: I, I'm going to help you out Mr. Williams. You can speak to it because I'm asking you in my official, with respect to, in my capacity, whose first responsibility to give me your thoughts on the matter. That seems to be what the rule says.

Mr. Williams: Thank you.

President Gregory: Okay? So, you can speak to it; in, in more depth than you just did, if you choose to.

Mr. Williams: Well, I, absolutely I'd love to. I sat on the Pension Commission - - I sat on that Board for a period of ten years as a police officer. So, I understand the, the ramifications of having this the fiscal impact and I understand that there would be an impact, but we're talking of such a minor impact at this point. A hundred thousand dollars is a very minor impact to that pension plan. Thank you.

President Gregory: Thank you. Mr. Brown, Michael.

Mr. M. Brown: Only, please don't use this as my second round, once everybody's speaking, I request another five minutes, Mr. President. I just want to correct something, if I didn't correct it, when I come back with my second round of five minutes that is when I will probably prefer to make a friendly amendment. So, I'm just having a conversation right now about, to my colleagues and to all of you, about this Ordinance.

President Gregory: Councilwoman Walsh, then I'll come back . . .

Ms. Walsh: Mr. President I want to clear up one thing that Mr. Williams said. We did not send that back to the Pension Commission. I believe the City Solicitor decided that the Pension Commission had not legally met. So, it was not our decision to send that back to the Pension Commission.

Mr. M. Brown: That's right.

President Gregory: That's correct. Ms. Walsh, I mean, Ms. Shabazz, I'm sorry.

Ms. Shabazz: Thank you Mr. President. I concur with several things that our Finance Chair said regarding this and my understanding also is, I don't, it was not budgeted, which mean we had to do a budget amendment to do this and, there is the whole rest of the entire City of Wilmington staff that also have, are in that same predicament. I would prefer that we got a chance to do really comprehensive look of how we could not only give these pensioners, you know, an increase but also how we could possibly work into the budget to give the entire staff of the City of Wilmington a increase as well, so.

President Gregory: It's my understanding in coming out of the committee meeting before these things are voted on in the Pension Commission meeting there has been dialog over about a six- to nine-month period leading up to that so folk would have a lot of information to digest and a recommendation coming from the Administration, you got an idea from Council where we would be that did not happen this time, they went in and, and they voted on it, but again, I have a conflict, I receive a pension from the City having served on City Council 24 years, and when I was no longer here I had no plans on coming back so I took my pension. So, the opinion that referred, that Bob Williams, that applies to Bob Williams that he cannot vote also applies to me, but, it permits me to comment. So, I'll offer my comments at the appropriate time. Anyone else? Maria Cabrera, Councilwoman Cabrera.

Ms. Cabrera: Thank you. Thank you, Mr. President. Well, one of the things I would like is a little more time to explore all our options. After brief discussions with Union members, pensioners, leaders, and even with our colleagues, there were some options that came up that perhaps we need to explore and be further educated on and

make sure that we've done our due diligence. I understand after the meeting yesterday, which was very educational and we had excellent dialog that we need to be fiscally responsible. So, that is our responsibility, as Council, to make sure that we do the right things for the overall health of our budget and our city and for the people that we serve but I also understand the points that were made by the representatives of the Unions that spoke yesterday. They, I would say that two things were done yesterday: they were over- and understated. You know we hear about the people that are living in poverty levels so it was stated that there really are not that many and if it's a, a poverty-level issue, it's because it's people who paid into the fund for only five years at minimal amount. Yet, with some of these plans – because it seems that we have three of them – some folks had to work twenty-plus years to qualify.

So, that may not necessarily be true, and all of that, I don't think, was clear to, to everyone, at least it wasn't for me until further discussion and investigations. The other thing is that, yes, there are a lot of people that are in that poverty level and many of them are widowers. So, we can't underscore that as well. Here, tonight, some folks have spoken and others have said, you know, we would be willing to, to not vote on this tonight, let's table this so that we can further discuss it and look at some options and look at some solutions. The other thing is that the third plan, the one that pays into the municipality through the State that is funded; you know an option is why doesn't the City just turn over its pension plan completely to that particular fund, which is funded, that way everyone gets their pension increases. Now, my understanding was that we, as a City, do not want to let go of that money that we have in that pension fund so we, that's not an option. Now whether that is true or not that's something that I would have to investigate further, but that was something that - that was brought to the table, that we do have some options here so that folks can get these pension increases. So, I, for one, am going to support it if we go forward with a vote, and I also will support tabling it, but I will support the people who have worked and continue to work in public safety and yes, we do have to do our job in due diligence to be fiscally responsible, but, sometimes I see our fiscal responsibility on the backs of the people who need us the most and that maybe we need to look at other ways to put money into our budget or to cut costs so that we can do the right thing. Thanks.

President Gregory: Anyone else?

Mr. M. Brown: I get my second five?

President Gregory: Mr. Brown.

Mr. M. Brown: Thank, thank you, thank you Mr. President and to my colleagues and it was, you, you done an excellent job in wordings Councilwoman Cabrera. But what I want to say to - - anything wrong, Mr. Wright? You, you want to go before me?

Mr. Wright: Excuse me?

Mr. M. Brown: That's alright. Ms., Councilwoman Shabazz, when she spoke about and others about the raises and lack of people getting raises and, and the \$100,000 having to be called in for them to go back and do an amendment and the - those things were forthcoming, whether we look at it or not, that, the, that at some point we're going to do an amendment, maybe. The odds are we'll probably do an amendment before next year, before this physical year is ended. Maybe. That's one. Two, as I spoke to somebody about this today, I had a conversation with them, I said, you know, we talk about the, begin physical responsible and, and that's good, but we can't frighten people. This economy is turning around and it may not be turning around to the fast, to the pace where we all want it to be but it's turning around and I am one that support the employees here very hard, and I agree that they need to get what is their due, and that is raises. But, but I also agree with those who have spent twenty, thirty, thirty-five years serving us in this city, and, as, and those who are no long - - that their spouses are now holding on to the threads of almost having nothing, every little bit helps, and my philosophy is a half a loaf is better than no loaf. A half a loaf is better than no loaf.

So, now I come to you Mr. President and my colleagues here on, on Council, and to Mr. Freel, Councilman Freel, the Chairman of Finance, and I offer a friendly amendment that we hold this piece, that would give the Unions and everybody the opportunity to get to the table and make a plan. Councilwoman Walsh or somebody mentioned about how we got here, and I agree with her, and you're right, it wasn't us, but the bottom line is we're past due June 30th and it should've been done June 30th, and even though we going to try to if, we're to pass this we going to rectify it by going back to June, July 1, but it doesn't make it right that we didn't do it when it was supposed to be done, and now that that has happened, my friendly amendment is that we hold it, sir.

Mr. Freel: Is there any other comments? I did want to clear up one thing if I may?

Mr. M. Brown: I make a motion to do that, sir, as a friendly amendment to hold . . .

Mr. Freel: I didn't hear him say it, he was making a motion.

Ms. Shabazz: Right, you didn't say that.

President Gregory: No, he, he's making a motion . . .

Mr. M. Brown: I'm making a motion . . .

Mr. Freel: But I had started speaking, sir.

Mr. M. Brown: I apologize, I wasn't . . .

President Gregory: Hold up a minute . . .

Mr. Wright: Point of order.

Mr. Freel: You had two rounds....

(OVERLAPPING DIALOGUE)

President Gregory: Just a minute, just a minute, we're going to - - we're going to get it right, just a minute, okay? Go ahead Mr. Freel.

Mr. Freel: I did want to clear one thing up, if I understood Ms. Cabrera correctly. First of all, we did pass an Ordinance a couple years ago where new employees would go into the State system. But to think that the State would accept past employees or present employees into their system, which means we would have to shift over the funds that we have in ours, in ours to them, and they would accept that, when we're 48 percent underfunded, is just not realistic. So, I'm not sure that's what she was saying but I just want to make sure that's clear to everybody. I'm going to go ahead knowing how I feel about this and how I feel about the whole health of the pension funds and, you know, the stability of the city financial situation as it now, as it was stated I think by you, Mr. President, always in the past there was a plan before it even came to Council. It was not done this time; this was kind of by the seat-of-the-pants, I'm not even sure there was any thought put in it when they threw the \$200,000 out there, to be honest with you. Even if some point there's a plan that gets formulated, I do not think it should be passed by this Council until it goes through the next budget process and becomes a part of our overall budget, because at that time, if we want to do increases for pensioners and employees, we may have to raise taxes, and I think Council members have to be willing to do that if, if this is the kind of things they want to do. Having said that, I will go ahead and hold this tonight and I'm not sure how we're going to move forward with it, but obviously there'll be some more discussions. Thank you, sir.

President Gregory: Mr. Freel, would it be your intention to bring this up in the next several months, to let it run into the next time that the Commission is to meet would be problematic.

Mr. Freel: And I know that.

President Gregory: You want to give deference to those who are saying hold it and I'm not arguing against holding it . . .

Mr. Freel: Yeah, I know that. I mean, the situation's a mess to be honest with you. First of all, because of the way it was, the way it was passed without any thought to it, the fact that the legislation didn't show up until the first of July or whenever it was, this was not a good situation. So, I'm not sure legally, you know, I mean Mr. Brown's made a big deal about it's already late, I'm not sure I'm doing the right thing by holding it.

President Gregory: What, what are the consequences, because it's late, at this point in time? There, there are no consequences.

Mr. Freel: There are no consequences, but I don't know that you know, I don't know whether now we're under some sort of schedule, we got to pass something. I, I don't know, I mean, I know the Unions were asking the Administration to get this done, you know, they were looking for the legislation, here it is, now they want it held, this is new ground for me, to be honest with you.

President Gregory: I, I need just to get on the record some understanding, the representative from the, what is it, the Fire unit or the Police unit, asks that we hold it.

Mr. Freel: Mhm.

President Gregory: From both Unions?

Mr. Freel: Mhm.

President Gregory: So, I'm going to assume that they had the authority by some resolution or some vote of the Union to ask that we hold it at this time, not putting our obligations in jeopardy in any way whatsoever.

Mr. Freel: I doubt the, I doubt, seriously doubt they do. I had gotten a call from a Union representative earlier in the week, and I specifically asked him to come to the committee meeting ready to make a statement at the committee meeting to hold it, and as you know, that did not happen last night. He waited 'til tonight to do it. So, I doubt that they have met and took a formal vote of their leadership.

President Gregory: But we have to assume then that the president, unless they tell me otherwise, have the authority through some inherent authority, applied authority, apparent authority, from their Union that they could come in and ask for this to be held up for their benefit tonight. That's the record, at this point in time.

Mr. Freel: Okay.

President Gregory: Unless they tell me otherwise.

Mr. Freel: Okay.

(INAUDIBLE CONVERSATIONS WITH FIRE AND POLICE
UNION LEADERS)

President Gregory: From there, I want to know, I want to hear from you, you have the authority to do that.

Speaker: Yes I do.

President Gregory: You are?

Mr. Lawson: Mike Lawson...(inaudible), President Lodge #1...(inaudible)

President Gregory: No, no, no. Thank you. I just wanted that on the record and who's from Police.

Mr. Freel: He's police.

President Gregory: Who's from fire? You're the authority to do that?

Speaker: Mr. President, I'm the President of the Retired Firefighter Association...(inaudible).

President Gregory: Ok, thank you. So you're holding it Mr. Freel? Yeah.

Speaker: Mr. President, I'm the President of the Retired Police Association, not from the (inaudible).

President Gregory: Ok, thank you. So, you're holding it Mr. Freel?

Mr. Freel: It's a mess, yeah, just hold it.

After extensive discussion Mr. Freel held Ordinance No. 13-024.

Mrs. Seijo: Councilman Freel, you ready to move forward?

President Gregory: Mr. Freel.

Mr. Freel: I have two more Ordinances.

Mr. Freel presented and called for the first and second reading Ordinance No. 13-026 entitled:

AN ORDINANCE TO AUTHORIZE AN ELECTRICITY
PROCUREMENT CONTRACT STARTING IN FY 2015

This Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Ms. Walsh/Ms. Shabazz, was received, recorded and referred to the Finance Committee. Motion prevailed.

Mr. Freel presented and called for the first and second reading Ordinance No. 13-027 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS (SOUTH WILMINGTON WETLANDS PROJECT), SERIES 2013-SRF LAND CONSERVATION LOAN PROGRAM, IN ORDER TO PROVIDE THE FUNDS NECESSARY TO FINANCE THE CITY'S ACQUISITION OF LAND FOR THE SOUTH WILMINGTON WETLANDS PROJECT; PROVIDING FOR THE SALE OF THE BONDS; AND AUTHORIZING OTHER NECESSARY ACTION

This Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Ms. Walsh/Ms. Shabazz, was received, recorded and referred to the Finance Committee. Motion prevailed.

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

President Gregory: Mr. Michael Brown.

Mr. M. Brown: Yes Mr. President. I have an Ordinance for third and final.

Mr. M Brown presented and called for the third and final reading Ordinance No. 13-023 entitled:

AN ORDINANCE TO AUTHORIZE CITY CONTRACT 14008PD – POLICE UNIFORM CLEANING WITH BLUE SWAN, INC.

Mr. M. Brown: Yes, Mr. President, as we discussed yesterday in the joint Finance and Youth and Family meeting, this is a contract for cleaning uniforms by, for the, by the Blue Swan, Inc., who is the contractor and it's \$32,640 for the first year, with an option for the second year, and they, with the second year it's, the price stays the same and they were the lowest bidder.

President Gregory: Anyone else? Clerk, call the roll.

Upon a motion of Mr. M. Brown, seconded by Mr. Williams, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, M. Brown, Cabrera, Walsh, Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Congo. Total, one.

President Gregory: Declare it adopted. Ms. Cabrera.

Ms. Cabrera: Nothing tonight sir.

President Gregory: Ms. Walsh.

Ms. Walsh: Nothing this evening, thank you.

President Gregory: Mr. Wright.

Mr. Wright: Yes Mr. President. I have a Resolution to present.

Mr. Wright presented Resolution No. 13-046 as follows:

WHEREAS, in one of the most devastating decisions in recent history, the U.S. Supreme Court on June 25, 2013 handed down a ruling gutting the 1965 Voting Rights Act; and

WHEREAS, in a 5 to 4 opinion, written by Chief Justice John Roberts, the Court ruled that Section 4, which established the formula that determined which jurisdictions were subject to federal “preclearance” of changes in election laws, was unconstitutional. Congress will now decide which areas of the country still warrant added federal scrutiny; and

WHEREAS, the Court Majority stated in effect, “We are not striking down the requirement that some states and cities must get pre-clearance from the Justice Department before making changes in election procedures. We are only saying that the list of covered jurisdictions is outdated. So Congress must redraw the map and document where discriminatory abuses can be demonstrated. Until it does, we are rendering the pre-clearance requirement inoperative for all jurisdictions”; and

WHEREAS, civil rights icon U.S. Representative John Lewis, a freedom rider who was beaten within an inch of his life as he marched in Selma, Ala., in support of voting rights for all Americans, stated “I truly believe that what the Supreme Court did was to stab, to put that dagger deep in the heart of the Voting Rights Act of 1965.” “We’re coming together – both Democrats and Republicans – on the House side, and they will do the same thing on the Senate side, to pass another Voting Rights Act.”;

WHEREAS, the Voting Rights Act of 1965, which will likely be renamed the John Lewis Voting Rights Act, now rests in the hands of Congress to restore the provisions destroyed by the Supreme Court ruling.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council urges the Congressional delegation from Delaware to restore the provisions of the Voting Rights Act to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution of the United States of America.

Mr. Wright: Yes Mr. President, this Resolution here just is urging our Congressional delegation to actually support the efforts of the Voting Rights Act that Congress is looking to bring for a Senate hearing on July the 17th. Again, this is another effort to support the rights of, of voters, and I have done on a number of occasions, championing the causes just as in my first term I had stated with the State Hazel, State Rep. Hazel Plant bill to ensure that former felons who have served their time and paid restitution have the right to vote. This is no different in regards to ensuring that we do give everyone an opportunity to vote and exercise their right. The Supreme Court decision undermined the sacrifice of many individuals, including Congressman John Lewis, who this is going to kind of be named after as Congress move forward with this. He also fought in the initial signage of the Voting Rights Act in 1965 by President Johnson. So, thank you.

President Gregory: Anyone else?

Ms. Walsh: Mr. President.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Thank you Mr. President, to the, to the sponsor, does this bill have a number or sponsor in Congress?

Mr. Wright: At this moment it's being moved forward into a committee and as you know the process, it will come to that point, sir.

President Gregory: Mr. Darius Brown.

Mr. D. Brown: Normally the bill has a, at least a sponsor before it . . .

Mr. Wright: Right. That's correct. Can I just . . .

President Gregory: Can you clarify...I mean what, who does the question go to?

Mr. D. Brown: I was just asking first....

Mr. Wright: Where you leading? Oh, I'm sorry Mr. President.

President Gregory: I asked a question.

Mr. Wright: Yes, you're correct.

Mr. D. Brown: Is there a sponsor, is there a number? I know there's lots of conversation around it, but if we're asking our delegation to do this, is there a number? Is there a sponsor?

President Gregory: You can go ahead Mr. Wright.

Mr. Wright: Mr. Brown, as you're intelligent enough to understand, as the efforts are moving forward, we're asking them to support the effort, to champion the effort. That's what we're doing at this point, sir, to answer your question, if that's okay with you.

Mr. D. Brown: I'm assuming that means no, but, okay.

President Gregory: Well the - the, the Resolution sufficiently describes the issue that Mr. Wright is speaking to, if we want to get the name of the sponsor and the actual number to the bill we can get that, we'll get that for you.

Mr. D. Brown: Thank you.

President Gregory: Ms. Walsh.

Ms. Walsh: I was actually going to ask if I could be added to it.

Mr. Wright: Not a problem.

President Gregory: Yes.

Ms. Walsh: Thank you.

Mrs. Seijo: So noted.

President Gregory: Mr. Michael Brown.

Mr. M. Brown: Never mind.

President Gregory: No? Ms. Shabazz.

Ms. Shabazz: I, too, would like to be added as a co-sponsor.

Mrs. Seijo: So noted.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: I just would like to commend my colleague on Council, Councilman Wright, for bringing this forth, and I shall definitely support this effort on this evening.

President Gregory: Thank you. Ms. Cabrera.

Ms. Cabrera: I would like to be added as well, and commend my colleague.

Mrs. Seijo: So noted.

President Gregory: Anyone else? Clerk, call the roll.

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

President Gregory: Declare it adopted. Councilwoman Walsh asked to be excused before petitions and communications. So, she's excused.

PETITIONS AND COMMUNICATIONS

Council Members announced committee and civic meetings, community events and community projects in their districts as well as expressed sympathies for various individuals. Council Members expressed their thanks to different departments, employees, citizens, the Mayor and Council President for attending and participating at various events throughout the city and as well as for assisting with issues in their districts. A breakdown of rental vs. homeownership for the City of Wilmington was requested for the next Housing, Licenses & Inspections Committee meeting. Council Members made comments regarding the following matters: clean-up from the storm, crime, pension ordinance, raises, termination of a city employee, including but not limited to the need for the Mayor to address many concerns.

ADJOURNMENT

Upon a motion of Mr. Freel, seconded by Mr. Williams, Council adjourned at 8:08 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk