

*Wilmington, Delaware
Louis L. Redding
City/County Building
April 4, 2019*

City Council met in regular session on the above date at 6:30 p.m., President Pro Tempore Ernest "Trippi" Congo, II 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 Gray, Congo, Oliver, Harlee, Turner, McCoy, Williams, Freel*, Adams, Dixon and Guy**. Total, eleven. Absent, President Shabazz and absent with leave, Council Member Walsh. Total, two.

MINUTES

After reading a portion of the minutes of March 28, 2019, upon a motion of Council Member Williams, seconded by Council Members Turner and Dixon, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

March 18, 2019

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 19-002 entitled:

TO ENACT CERTAIN PARKING REGULATIONS

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Va'Shun "Vash" Turner, Chair
/s/Ernest "Trippi" Congo, II
/s/Michelle Harlee

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

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

March 18, 2019

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 19-005 entitled:

AN ORDINANCE TO APPROVE THE REMOVAL OF A
PORTION OF BALL PLACE FROM THE OFFICIAL CITY MAP

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Va'Shun "Vash" Turner, Chair
/s/Ernest "Trippi" Congo, II
/s/Michelle Harlee

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

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

TREASURER'S REPORT

The following Treasurer's Report as of April 4, 2019, was read into the record by City Clerk and upon a motion of Council Member Freel, seconded by Council Members Williams and Dixon, the Report was received, recorded and filed. Motion prevailed.

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

City of Wilmington Delaware

Velda Jones-Potter
City Treasurer

Louis L. Redding City/County Building
800 French Street
Wilmington, Delaware 19801-3537
(302) 576-1480
treasurer@wilmingtonde.gov



City of Wilmington Treasurer's Report as of April 4, 2019


Cash on Hand:

General Account	M & T Bank	\$8,442,418.86
Central Deposit	M & T Bank	\$64,373.77
Payroll	M & T Bank	\$1,186,740.83
Total Petty Cash Accounts	M & T Bank	\$11,497.13
Grant-In-Aid	M & T Bank	\$157,881.55
Evidence/Found Currency Account	M & T Bank	\$1,031,157.02
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,619.84
Police Department Discretionary	M & T Bank	\$26,970.00
Pension Payroll Account	M & T Bank	\$65,213.26
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$1,592.81
Non-Uniform Pension-Plan 2	M & T Bank	\$1,903.79
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$173,466.34
Police Pension Account	M & T Bank	\$175,743.72
Fire Pension Account	M & T Bank	\$36,142.12
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$666,295.54
SubTotal		\$12,104,155.55
Total Cash on Hand		\$12,104,155.55

INVESTMENTS APRIL 4, 2019:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
General	WSFS	CD	4/11/2019	2.35%	\$7,146.58	\$3,000,000.00
General	WSFS	CD	4/17/2019	2.35%	\$5,536.99	\$2,000,000.00
General	WSFS	CD	4/25/2019	2.35%	\$17,664.64	\$3,015,008.21
General	WSFS	CD	4/29/2019	2.35%	\$15,513.74	\$4,015,967.13
General	WSFS	CD	4/29/2019	2.35%	\$8,530.82	\$2,500,000.00
General	WSFS	CD	5/9/2019	2.35%	\$12,168.49	\$3,000,000.00
General	WSFS	CD	5/16/2019	2.35%	\$9,684.77	\$3,027,804.63
General	TD	CD	5/16/2019	2.35%	\$8,458.05	\$3,013,260.00
General	TD	CD	5/30/2019	2.33%	\$22,343.75	\$5,500,000.00
General ¹	WSFS	CD	5/3/2019	2.40%	\$124,524.16	\$15,781,707.58
SUB-TOTAL:						\$44,853,747.55
CAPITAL FUND:						
Capital ≤ 2015	TD	CD	5/15/2019	2.45%	\$179,196.06	\$25,077,000.00
Capital ≥ 2018	WSFS	CD	4/17/2019	2.35%	\$149,675.31	\$22,353,309.84
SUB-TOTAL:						\$47,430,309.84
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					\$21,306,889.00
SUB-TOTAL:						\$37,426,768.92
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	4/29/2019	2.30%	\$9,830.14	\$4,875,000.00
Escrow Pension	Edgar Lomax					\$22,210,215.00
Escrow Pension	Vanguard Fixed					\$37,717,702.00
Escrow Pension	Earnest Partners					\$23,317,268.00
Escrow Pension	Wilmington Trust					\$38,239,527.00
Escrow Pension	Vanguard Stock Index					\$38,583,250.00
Escrow Pension	Artisan Global					\$7,058,907.00
Escrow Pension	Dodge & Cox					\$10,864,827.00
Escrow Pension	Fidelity					\$18,523,327.00
Escrow Pension	Harding Loevner					\$8,293,582.00
Escrow Pension	MFS Management					\$19,923,369.00
Escrow Pension	Clarion Lyon					\$6,113,512.00
Escrow Pension	Morgan Stanley					\$5,800,008.00
SUB-TOTAL:						\$241,520,494.00
OTHER:						
Deferred Comp.	MassMutual					\$48,124,285.33
Port Debt	WSFS	CD	6/6/2019	2.40%	\$22,284.93	\$2,548,246.00
Total Investments						\$421,903,851.64
Total Cash on Hand						\$12,104,155.55
Grand Total						\$434,008,007.19

¹ Budget Reserve


 Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Janiya Monae Henry
All Council	Sympathy Christian Coffield
Guy	Sympathy Marcus Arnold Carroll, Sr.
Harlee	Recognize Beverly Bell
Oliver	Sympathy George W. Poindexter
Oliver	Recognize Mindy Kim
Shabazz	Sympathy Avery Fitzgerald
Williams	Sympathy Jeffrey Sywy
Williams	Recognize the Department of Public Works Sanitation Employees

****Note:** At this time, Council Member Guy was recognized.

During this time, President Pro Temp Congo mentioned a correction to be made for the record by City Clerk Seijo in which she stated there are currently eleven members present with two members absent.

LEGISLATIVE BUSINESS

President Pro Temp Congo: Councilwoman, Councilwoman Gray.

Council Member Gray: Yes.

President Pro Temp Congo: Do you have any?

Council Member Gray: No, I do not.

President Pro Temp Congo: Ok, thank you. Councilwoman Oliver.

Council Member Oliver: Yes Mr. President, I have a Resolution I'm going to hold tonight – 4641, although it's listed under Councilman Freel, I was the lead sponsor, so I'm going to put that on hold tonight.

President Pro Temp Congo: Ok, thank you.

Council Member Oliver: Thank you.

President Pro Temp Congo: Councilwoman Oliver, do you have any other legislation?

Council Member Oliver: Yes, I have – I have one more.

President Pro Temp Congo: Ok.

Council Member Oliver presented and called for the first and second reading Ordinance No. 19-016 (Agenda #4633) entitled:

AN ORDINANCE TO AUTHORIZE THE CITY TO ENTER
INTO AN ASSIGNMENT AND ASSUMPTION OF A MULTI-
YEAR LEASE BETWEEN LEASED ACCESS PRESERVATION
ASSOCIATION INC. AND LANCASTER ASSOCIATES LLC

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

President Pro Temp Congo: Anything else?

Council Member Oliver: That will be all Mr. President.

President Pro Temp Congo: All right, thank you. Councilwoman Harlee.

Council Member Harlee: Yes Mr. President, I have agenda item 4634 to present on behalf of the President.

On behalf of President Shabazz, Council Member Harlee presented Resolution No. 19-004 (Agenda #4634) as follows:

WHEREAS, research indicates that one in five youth experience a mental health disorder, described as serious deviations from expected cognitive, social and emotional development; and

WHEREAS, the prevalence of certified mental health illness among children is a critical issue due to the effects on the child, their family and the community. Amply documented evidence confirms that early intervention and prevention can help to address a child's behavioral and mental needs before symptoms exacerbate into more detrimental social, emotional or academic behaviors or activities; and

WHEREAS, increasing the ratio of certified school counselors, school psychologists, school social workers and school nurses to students to minimally meet research-based best practices, would provide students more individual attention for academic or social guidance, early detection of learning problems and difficulties, and mental health service referrals and support; and

WHEREAS, without adequate resources to support our students, these challenges manifest as frequent and at times, severe disruptions in school that take impact learning and affect all our students; and

WHEREAS, studies have shown that when mental health prevention and intervention programs are coordinated with families and communities, they are likely to be more effective than stand-alone programs. A strong and trusting relationship among

providers, certified school-based mental health professionals, school administrators, educators and parents is essential to support positive student mental, behavioral, interpersonal and academic outcomes; and

WHEREAS, leading counseling and mental health organizations, including the American School Counselor Association, the National Association of School Psychologists, and the School Social Worker Association of America recommend that schools maintain all of the following:

- a) A maximum student to school counselor ratio of 250 to 1
- b) A maximum student to school social worker ratio of 250 to 1
- c) A student to school psychologist ratio of 500-700 to 1

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council and its constituent associations urge state and local policymakers and school districts to employ research-based best practice ratios of certified school counselors, school psychologists, school social workers, who are the most qualified professionals to provide school-based mental health services to students.

Upon a motion of Council Member Harlee, seconded by Council Members Freel and McCoy, the Resolution was before the Council for consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Resolution. Mr. Adams made some comments.

Council Member Harlee: Mr. President, I do want to mention that I want to make a friendly amendment to this Resolution to add, um, under the third Whereas, at "and a licensed". It reads: increasing the ratio of certified school counselors but I wanted to add certified "*and licensed*" school counselors. That's the first, um, correction, and then on the back under the Whereas under clause (b), where it reads: a maximum student to school social worker ratio of 250 to, I want to add "*I*", the one is missing; thank you Mr. President.

President Pro Temp Congo: First we need to...

Council Member Freel: Second. I'll second her amendment.

President Pro Temp Congo: First, we're going to vote on the amendment. All in favor say, "Aye". Any oppose? Amendment passes. It's been properly moved and seconded that this Resolution be received, recorded and filed and adopted by Yea and Nay Vote. Clerk please call for the roll.

The Resolution, **As Amended**, was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy,

and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Councilwoman Harlee any other?

Council Member Harlee: Yes. Yes, Mr. President, I have an Ordinance to present and call for the third and final reading agenda item #4621.

Council Member Harlee presented and called for the third and final reading Ordinance No. 19-005 (Agenda #4621) entitled:

AN ORDINANCE TO APPROVE THE REMOVAL OF A
PORTION OF BALL PLACE FROM THE OFFICIAL
CITY MAP

Upon a motion of Council Member Harlee, seconded by Council Members Freel and McCoy, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Ordinance.

President Pro Temp Congo: Thank you. Any Councilmembers have any comments? If none, Clerk please call for 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Councilwoman Harlee.

Council Member Harlee: Yes, Mr. President, I have Resolution #4635 to present.

Council Member Harlee presented Resolution No. 19-005 (Agenda #4635) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the City may apply for grant funds, subject to the approval of City Council; and

WHEREAS, the Department of Parks and Recreation submitted a grant application to the Laffey-McHugh Foundation in the amount of \$10,000.00 for the City's 2019 Summer Youth Career Development Program (the "Youth Program"); and

WHEREAS, the grant funds will be used to provide training and technical assistance for the Youth Program; and

WHEREAS, the Youth Program offers employment opportunities to the City's youth ages 14 to 20; and

WHEREAS, the City is not required to provide matching funds for receipt of these grant funds; and

WHEREAS, the Department of Parks and Recreation recommends that City Council approve the City's grant application; and

WHEREAS, City Council deems it necessary and appropriate to authorize the grant application, for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Parks and Recreation's grant application to the Laffey-McHugh Foundation in the amount of \$10,000.00 is hereby authorized.

BE IT FURTHER RESOLVED that the Director of Parks and Recreation, or his designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: This grant would not have a negative impact on the City because no local matching funds are required.

Upon a motion of Council Member Harlee, seconded by Council Member McCoy, the Resolution was before the Council for consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Resolution. Council Member Oliver requested to be added as a cosponsor.

President Pro Temp Congo: Any other Councilmembers? Clerk please call for 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freil, Adams, Dixon and Guy, and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Councilwoman Harlee.

Council Member Harlee: Yes, Mr. President, I have the last and final piece of legislation to present, a Resolution #4636.

Council Member Harlee presented Resolution No. 19-006 (Agenda #4636) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the City may apply for grant funds, subject to the approval of City Council; and

WHEREAS, the Department of Parks and Recreation has applied for a grant from the Delaware Department of Education in the amount of \$954,912.00 to support the City's 2019 Summer Food Service Program (the "Summer Food Program"); and

WHEREAS, the proposed grant funds will be used to provide meal service for the Summer Food Program; and

WHEREAS, the Summer Food Program offers breakfasts, lunches, and dinners during the months of June through August 2019 to children via local community centers, camps, and other organizations; and

WHEREAS, the City is not required to provide matching funds for receipt of these grant funds; and

WHEREAS, the Department of Parks and Recreation recommends that City Council approve the City's grant application; and

WHEREAS, the Council deems it necessary and appropriate to authorize the grant application, for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Parks and Recreation's grant application to the Delaware Department of Education in the amount of \$954,912.00 is hereby authorized.

BE IT FURTHER RESOLVED that the Director of Parks and Recreation, or his designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: This grant would not have a negative impact on the City because no local matching funds are required.

Upon a motion of Council Member Harlee, seconded by Council Member McCoy, the Resolution was before the Council for consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Resolution. Council Member Oliver requested to be added as cosponsor. Council Member Adams made some comments.

President Pro Temp Congo asked if anyone from Parks & Recreation was present to speak to the Resolution and seeing none, he asked the Clerk to call for 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Council Member Turner.

Council Member Turner: Thank you Madam, I mean Mr. President, I have two – two uh, pieces of legislation, one ordinance and one resolution. Mr. President, I have an Ordinance to present and call for the third and final reading.

Council Member Turner presented and called for the third and final reading Ordinance No. 19-002 (Agenda #4616) entitled:

AN ORDINANCE ENACTING CERTAIN PARKING
REGULATIONS

Council Member Turner: Mr. President, I have a **Substitute** to present in lieu of that ordinance:

AN ORDINANCE ENACTING CERTAIN PARKING
REGULATIONS

Upon a motion of Council Member Turner, seconded by Council Members McCoy and Williams, the **Substitute** Ordinance was before the Council for consideration. Motion prevailed. Council Member Turner spoke on the purpose of the Ordinance. Council Member Gray raised a question and Council Member Turner responded.

President Pro Temp Congo: Councilwoman McCoy.

Council Member McCoy: Thank you um, President Pro Temp. I just wanted to make a correction that it's actually, South Clayton & Maple Street. Thank you.

President Pro Temp Congo: Thank you. Any other comments from Councilmembers?

Council Member Turner: I'd like to make – make a motion to amend um, Section 6 (a) and make that “*South*” Clayton Street. Scratch out North and insert “*South*”.

Council Member Freel: Second.

President Pro Temp Congo: Clerk please call for the roll.

Mrs. Seijo (City Clerk): You have to move the motion.

President Pro Temp Congo: It's been properly moved and seconded that be known as the Substitute Ordinance and call for a Yea and Nay vote.

Mrs. Seijo (City Clerk): It's an amendment.

President Pro Temp Congo: It's for the amendment. All those in favor –

“Ayes”

President Pro Temp Congo: Any opposed? Amendment passes. Clerk please call for the roll.

The **Substitute 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Councilman Turner.

Council Member Turner: Thank you. Mr. President, I have a Resolution to present.

Council Member Turner presented Resolution No. 19-007 (Agenda #4637) as follows:

WHEREAS, § 3-802 of the Wilmington Home Rule Charter provides that the Wilmington Parking Authority shall continue to be governed by the provisions of Title 22, Delaware Code, Chapter 5, until otherwise changed by law; and

WHEREAS, 22 Del. C. § 507 (also appearing as § 2-202 of the Related Laws part of the Wilmington City Code) provides inter alia that the Mayor shall appoint, for staggered terms of five (5) years each, the five (5) members of the Wilmington Parking Authority, subject to confirmation by the City Council; and

WHEREAS, Mayor Michael S. Purzycki wishes to (i) reappoint Jereline H. Coleman (whose term expired June 30, 2018), (ii) appoint Buck Simperts (to complete Patrick Carter's term which is set to expire on June 30, 2021), and (iii) appoint Jeffrey Flynn (to complete Leonard Sophrin's term, which is set to expire on June 30, 2019, and to thereafter commence a new five-year term beginning on July 1, 2019) to the Board of Directors of the Wilmington Parking Authority to serve as members of the said Board for terms to expire on June 30, 2023, June 30, 2021, and June 30, 2024 respectively; and

WHEREAS, the Wilmington City Council approves of said appointments and wishes to confirm the same.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council hereby approves and confirms the reappointment of Jereline H. Coleman and the appointment of Buck Simperts and Jeffrey Flynn by Mayor Michael S. Purzycki to the Board of Directors of the Wilmington Parking Authority for terms ending June 30, 2023, June 30, 2021, and June 30, 2024, respectively.

Upon a motion of Council Member Turner, seconded by Council Members Williams and McCoy the Resolution was before the Council for its consideration. Motion prevailed. Council Member Turner spoke on the purpose of the Resolution. Council Member Guy raised a question and Council Member Turner responded.

Council Member Turner: I'm, I'm looking into the um, I'm looking to the Resolution and I think one of the things that we asked for was the um, they asked for the appointment of um Jeff Flynn to – to, to take Len Sophrin's position before June 30th and then extend it to – hold on – to extend it to a five-year term of July 1. So, we asked for a law opinion on that – I would like to – to get that address prior because if extend Jeff Flynn for the next month then he – he would be out of compliance for that five-year term of the extension. I think we that – we made that note. It looks like nothing was – nothing was changed in this Resolution.

President Pro Temp Congo: I have been told that it was changed from this year to 2024.

Council Member Turner: From this year to 2024?

President Pro Temp Congo: Yes.

Council Member Oliver: Here it is.

Council Member Turner: Yeah but that was still, that would still be – he's, he's, he's current – so, he's going to currently serve out this remaining term of a couple months and then pick up five-years in July. So that would give him five-years and two months in that role. So, our question was making sure that – that board would be in compliance to their – to their by-laws.

President Pro Temp Congo: Is there anyone here that can speak to that?

Council Member Oliver: There she is, right there.

Ms. Loren Holland (Assistant City Solicitor): I don't know if anyone (inaudible).

President Pro Temp Congo: Yes ma'am, you can speak to it.

Ms. Holland: It wasn't a specific question. It's fine, I changed it. Like there's no rule that they can't. All their terms all repeat. So, there's no rule saying that they can't have – like for the first one Coleman, her term went and then her next term started. So, it's just starting his term and then starting his next term. They just have to be staggered. They're all staggered.

Council Member Turner: Right. So, Coleman's – Coleman's expired in 2018.

Ms. Holland: Yes.

Council Member Turner: And we're, we're extending her term now to five-years.

Ms. Holland: Yes.

Council Member Turner: But – right but that was to - we voted, so we voted on the extension after, after the 2018. So, you're saying that we'll still be in compliance even though he's extending the five-years and two months or five-years and three months?

Ms. Holland: It just says they have to have five-year terms. So, the term ended and then you start another five-year term assuming you get reappointed. Does that make sense?

Council Member Turner: But they are - they're getting reappointed from this legislation.

Ms. Holland: Yeah. He's – he has a term...

Council Member Turner: Right.

Ms. Holland: ...taking over Lenny Sophrin's term that's two months and then he's starting another term that's five-years.

Council Member Turner: Now, if, if, if you say – it satisfies my question if it's coming from Law saying it's ok, then it satisfies my question.

Ms. Holland: It's fine.

President Pro Temp Congo: Thank you. Councilwoman Gray.

Council Member Gray: No, it was answered; thank you.

President Pro Temp Congo: Ok. Any other comments from any Councilmembers? Clerk call for 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freel, Adams, Dixon and Guy, and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Councilman Turner?

Council Member Turner: Yes, I'm sorry. I do have one more Resolution. Mr. President, I have a Resolution to present.

Council Member Turner presented Resolution No. 19-008 (Agenda #4638) as follows:

WHEREAS, affordable, high-quality, and reliable fresh water is critical to the everyday lives of Delawareans, the stability and competitiveness of the state's economy, and Delaware's future economic development; and

WHEREAS, our economy is driven by agriculture and natural resource utilization, both of which are dependent on Delaware's jurisdictional waters. Federal policy changes over the last decade have left these streams and wetlands vulnerable to degradation or destruction; and

WHEREAS, while nature provides water, it takes pipes, pumps, treatment plants, and people working every day to deliver clean, safe water to our homes and businesses, and then remove and treat wastewater so it can safely be returned to the environment; and

WHEREAS, the overwhelming weight of scientific evidence has confirmed that headwater streams and wetlands significantly affect the quantity and quality of water in larger bodies of water downstream and provide a wide variety of beneficial ecosystem services; and

WHEREAS, agriculture is Delaware's oldest, largest, and most valuable industry that relies on access to and the efficient use of water resources for the production of a diverse range of food and fiber for domestic and export markets; and

WHEREAS, municipalities depend on the Governor of Delaware and Delaware Department of Natural Resources and Environmental Control (DNREC) to adopt policies and regulations allocating a safe, sustainable supply of Delaware's water resources, establishing monitoring and accountability mechanisms and ensuring affordable services for everyone.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council and its constituent calls on the Delaware General Assembly to apply public trust principles in developing long-term natural resource stewardship and management to protect the paramount interests of the public over those private entities, and the protection of waterways for the benefit of current and future generations.

Upon a motion of Council Member Turner, seconded by Council Members Freel and Williams, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Turner spoke on the purpose of the Resolution. Council Member Adams made some comments. Council Member Guy made some comments. Council Member Gray requested to be added as a cosponsor and made a comment. Council Member Oliver made a comment and requested to be added as a cosponsor. Council Member Harlee inquired about a question that was previously raised in the committee meeting and Council Member Turner responded. Council Member McCoy raised a question for clarity and Council Member Turner responded.

President Pro Temp Congo: Any other Councilmembers have any comments? Clerk please call for 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freil, Dixon and Guy, and President Pro Temp Congo. Total, ten. Nays, Council Member Adams. Total, one. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Council Member McCoy.

Council Member McCoy: Thank you President Pro Temp. I have a Resolution to present on behalf of President Shabazz.

On behalf of President Shabazz, Council Member McCoy presented Resolution No. 19-009 (Agenda #4639) as follows:

WHEREAS, according to the United States Centers for Disease Control and Prevention, over 16 million Americans have a disease caused by smoking, such as cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis.; and

WHEREAS, over 480,000 American deaths are caused by smoking each year according to the United States Centers for Disease Control and Prevention; and

WHEREAS, 300 people below the age of 18 years old become daily cigarette smokers each day according to the United States Centers for Disease Control and Prevention; and

WHEREAS, at least 1,400 deaths in Delaware are caused by tobacco use each year; and

WHEREAS, products containing tobacco come in many forms such as cigarettes, cigars, dissolvables, hookah tobacco, nicotine gels, pipe tobacco, roll-your-own tobacco, smokeless tobacco products, which include- dip, snuff, snus, and chewing tobacco; vapes, e-cigarettes, hookah pens, and other electronic nicotine delivery systems (ENDS); and

WHEREAS, according to the United States Surgeon General, e-cigarettes are “devices that heat a liquid into an aerosol that the user inhales. The liquid usually has nicotine and flavoring in it, and other additives. The nicotine in e-cigarettes and regular cigarettes is addictive. E-cigarettes are considered tobacco products because most of them contain nicotine, which comes from tobacco.”; and

WHEREAS, the Delaware Code, in Title 11, Chapter 5, Subchapter 5, Section B. defines tobacco products as:

“any product that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff or smokeless tobacco and is intended for human consumption or use”; and

WHEREAS, the Delaware Code, in Title 11, Chapter 5, Subchapter 5, Section B. defines tobacco substitutes as:

“ any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation and that has not been approved by the United States Food and

Drug Administration for tobacco cessation or other medical purposes, or any noncombustible product containing nicotine intended for use in such a device that has not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes”; and

WHEREAS, in past years tobacco use by youth has decreased, but during the year of 2017- 2018, tobacco product use by high schoolers increased by 38% and increased by 29% among middle schoolers; and

WHEREAS, the United States Surgeon General has concluded that this increase in tobacco use by middle schoolers and high schoolers is most likely caused by the popularity of e-cigarettes; and

WHEREAS, the 2018 National Youth Tobacco Survey, administered by the United States Food and Drug Administration and the Centers for Disease Control and Prevention found that there are over 3.6 million kids- under 18 years old in the United States using e-cigarettes; and

WHEREAS, The Institute of Medicine has issued a report in March 2015 titled “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco” and determined that increasing the “Minimum Legal Age” for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults; and

WHEREAS, The Institute of Medicine report also concludes that raising the tobacco purchasing age to 21 “will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students”; and

WHEREAS, according to the Campaign for Tobacco-Free Kids, there are six states- California, New Jersey, Massachusetts, Oregon, Hawaii and Maine- and over 430 municipalities-including Washington, D.C.- in the United States, that have raised the tobacco purchasing age to 21 years old; and

WHEREAS, the City of Wilmington Delaware and other municipalities and counties in the State of Delaware are preempted from enacting legislation to change the tobacco purchasing age to 21 years old, by Delaware Code, Title 11, Chapter 5, subchapter V. Part B, § 1127 Preemption; and

WHEREAS, Title 11, Title 16, and Title 30 in the Delaware Code contain sections pertaining to tobacco purchasing age and tobacco use in the State of Delaware; and

WHEREAS, U.S. Senate Bill 2100 and U.S. House Bill 4273, both referred to as the Tobacco to 21 Act were introduced in the United States Senate and House in November 2017 and have been referred to subcommittees for review; and

WHEREAS, on January 17th, 2019 in his State-of the- State Address, Delaware Governor John Carney stated that he “intends to support... a proposal to raise the age for purchasing cigarettes from 18 to 21”; and

WHEREAS, Senator Brian Townsend has introduced Senate Bill 25 to the Delaware General Assembly to raise the tobacco purchasing age from 18 years old to 21 years old.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Wilmington City Council declares its’ encouragement and support of legislation in the Delaware General Assembly to raise the tobacco purchasing age from 18 years old to 21 years old. Furthermore, it supports amendments to the Delaware code that support this age change.

Upon a motion of Council Member McCoy, seconded by Council Member Dixon, the Resolution was before the Council for its consideration. Motion prevailed. Council Member McCoy made some comments and spoke on the purpose of the Resolution. Council Members Gray and Williams both made some comments.

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 Oliver, Harlee, Turner, McCoy, Freel, Adams, Dixon and Guy, and President Pro Temp Congo. Total, nine. Nays, Council Members Gray and Williams. Total, two. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Council Member Williams.

Council Member Williams: No legislation this evening; thank you sir.

President Pro Temp Congo: Council Member Freel.

Council Member Freel: Mr. President, I have one ordinance for first and second reading.

Council Member Freel presented and called for the first and second reading Ordinance No. 19-017 (Agenda #4640) entitled:

AN ORDINANCE TO AUTHORIZE A MULTI-YEAR
AMENDMENT TO CONTRACT 18022DFPS (PRINTING
AND MAILING SERVICES) BETWEEN THE CITY OF
WILMINGTON AND MAILROOM SYSTEMS, INC.

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

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

President Pro Temp Congo: Thank you. Council Member Adams.

Council Member Adams: Ah, no legislation this evening sir, thank you.

President Pro Temp Congo: Thank you. Council Member Dixon.

Council Member Dixon: Um, yes Mr. President, I have a Resolution to present.

Council Member Dixon presented Resolution No. 19-010 (Agenda #4642) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the City may apply for grant funds, subject to the approval of City Council; and

WHEREAS, the Department of Real Estate and Housing submitted a grant application to and was approved to receive grant funds from JPMorgan Chase Foundation in the amount of \$200,000.00 to support the West Center City Neighborhood Stabilization Plan (the "Program"); and

WHEREAS, the Department of Real Estate and Housing intends to use the grant money for the Program, which will support an equitable development initiative in the West Center City neighborhood aiming to improve housing values through resident engagement, strategic code enforcement, sheriff sale pricing, and market value analysis; and

WHEREAS, the Program will include: 1) an inventory of acquisition and disposition strategy expanding home ownership and responsible rental investment and 2) support for a Program manager to i) oversee a capital fundraising campaign for the Program, ii) target low-cost construction lines of credit, iii) target community development block grant dollars, and iv) apply for low income housing tax credits; and

WHEREAS, the City is not required to provide matching funds for receipt of these grant funds; and

WHEREAS, the Department of Real Estate and Housing recommends that City Council approve the City's use of the grant funds for the Program in accordance with the terms of the grant; and

WHEREAS, the City Council deems it necessary and appropriate to authorize the grant application and the acceptance of the grant funds, for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Real Estate and Housing's grant application to and acceptance of grant funds from JPMorgan Chase Foundation in the amount of \$200,000.00 to support the West Center City Neighborhood Stabilization Plan is hereby authorized, and the Director of the Department of Real Estate and Housing, or his designee, is hereby authorized to take all necessary actions associated with the grant application, the acceptance of the grant funds, and to fulfill the grant requirements.

Upon a motion of Council Member Dixon, seconded by Council Members Freel and McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Dixon spoke on the purpose of the Resolution.

President Pro Temp Congo: Thank you. Any comments from the Councilmembers? Council Member – Councilman Turner.

Council Member Turner made some comments.

President Pro Tempore Congo: Any other comments from any Councilmembers? Council Member Harlee.

Council Member Harlee requested to be added as a cosponsor on the legislation.

President Pro Tempore Congo: Any other comments from any Councilmembers? Councilwoman Oliver.

Council Member Oliver made a comment.

President Pro Tempore Congo: Councilman Turner.

Council Member Turner clarified a comment that Council Member Oliver stated.

President Pro Tempore Congo: Thank you. Any other comments from other Councilmembers? Clerk, please call for 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 Gray, Oliver, Harlee, Turner, McCoy, Williams, Freil, Adams, Dixon and Guy, and President Pro Temp Congo. Total, eleven. Nays, none. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted. Council Member Guy.

Council Member Guy: Yes, Mr. Chairman, I have a Resolution to present, agenda item 4643.

Council Member Guy presented Resolution No. 19-011 (Agenda #4643) as follows:

WHEREAS, pursuant to 1 Wilm. C. (Charter) § 1-101, the City may acquire, hold, manage, and dispose of property on such terms as it deems proper for any municipal purpose; and

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

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

WHEREAS, the City currently owns the properties known as 1814 Gilpin Avenue, Wilmington, Delaware (the "Property"); and

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

WHEREAS, the Council further wishes to approve the disposition of the Property to the Wilmington Firefighter's Association, Local 1590.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby declares the Property to be surplus and approves the Property for disposition to the Wilmington Firefighter's Association, Local 1590.

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

Upon a motion of Council Member Guy, seconded by Council Member Williams, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Guy spoke on the purpose of the Resolution.

President Pro Tempore Congo: Thank you. Councilman Turner.

Council Member Turner made a comment and requested to be added as a cosponsor.

President Pro Tempore Congo: Councilman Williams.

Council Member Williams also requested to be added as a cosponsor and made some comments.

President Pro Tempore Congo: Councilman Adams.

Council Member Adams made some comments.

President Pro Tempore Congo: Councilman Turner.

Council Member Turner made some comments.

President Pro Tempore Congo: Councilwoman McCoy.

Council Member McCoy made some comments.

President Pro Tempore Congo: Thank you; Councilman Freel.

Council Member Freel made some comments.

President Pro Tempore Congo: Thank you; Councilwoman Harlee.

Council Member Harlee made some comments and raised a question.

President Pro Tempore Congo: Anyone on Council want to - Councilman Guy.

Council Member Guy responded to Council Member Harlee's question as well as made some comments.

President Pro Tempore Congo: Thank you; Councilwoman Oliver.

Council Member Oliver raised a question to the parliamentary regarding a letter by the Administration.

Ms. Loren Holland responded that she has not seen the letter and is unable to respond to a letter she has not seen.

Council Member Oliver raised an additional question.

Ms. Loren Holland read City Code Section 2-621(a); and stated that the City Code says that Real Estate and Housing Department is the one who conducts the disposition and Council approves. The Real Estate and Housing Department through the Administration did not conduct the disposition.

Council Member Oliver: Thank you Mr. President, that's all.

President Pro Tempore Congo: Thank you; Councilwoman Harlee.

Council Member Harlee made some comments and raised an additional question.

President Pro Tempore Congo: Council Member Adams.

Council Member Adams made some comments.

President Pro Tempore Congo: Councilman Turner.

Council Member Turner made some comments.

President Pro Tempore Congo: Thank you; Councilman Freel.

Council Member Freel made some comments.

President Pro Tempore Congo: Councilwoman Harlee.

Council Member Harlee made some comments.

President Pro Tempore Congo: Thank you (inaudible) – Councilman Guy, I’m going to save you for last please since you’re the sponsor. Councilwoman Oliver.

Council Member Oliver made some comments.

President Pro Tempore Congo: I also would like to be added as a cosponsor. Councilman Guy.

Council Member Guy made some comments and requested that the parliamentarian read the third paragraph of the code section cited.

Ms. Loren Holland read from the City Code Section 2-621(c) titled Authority of Department (Governmental agencies, governmental authorities and nonprofit organizations).

Council Member Guy commented on why he asked the parliamentarian to read the code section pertaining to nonprofit.

President Pro Tempore Congo: Clerk call for 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 Oliver, Harlee, Turner, McCoy, Williams, Adams, Dixon and Guy, and President Pro Temp Congo. Total, nine. Present, Council Member Gray. Total, one. Nays, Council Member Freel. Total, one. Absent, Council President Shabazz and Council Member Walsh. Total, two.

President Pro Temp Congo: Declare it adopted.

PETITIONS AND COMMUNICATIONS

President Pro Tempore and Council Members spoke on the following matters: Mayor’s Press Release; Interfaith Housing’s settlement with the Department of Labor and transparency; Vaughn Correctional Facility; budget hearings’ schedule was announced; neighborhood clean up date was announced; two new businesses opening downtown; civic meeting announced; farewells and best wishes were expressed to Nicholas Brock; Kirkwood Park; the possibility of Joe Biden running for President; the missing of \$3.4 million dollars; legislation on committee and Council agenda; and including, but not limited to, President Pro Tempore was congratulated in doing a good job in presiding over the Council meeting.

ADJOURNMENT

Upon a motion of Council Member Harlee, seconded by Council Member McCoy, Council adjourned at 8:12 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk