City of Wilmington Louis L. Redding City/County Building November 21, 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 Joe Garcia.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

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

MINUTES

After reading a portion of the minutes of November 7, 2013, upon a motion of Ms. Walsh, seconded by Mr. Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

Ms. Walsh presented the following committee report:

Present	Absent with Leave	Absent w/out Leave
X		
Х		
X		
X		
X		
Х		
	X X X X	X X X X X X

November 11, 2013

President and Members of Council of The City of Wilmington

Ladies and Gentlemen:

We, your Community and Economic Development Committee, met on the above date at 4:30 p.m., Councilwoman Loretta Walsh presiding. The following item was discussed:

• A presentation on the proposed plans for Woodlawn's Wilmington FLATS redevelopment.

Respectfully submitted, Members of
Community and Economic Development Committee
/s/Loretta Walsh, Chair
/s/Darius J. Brown
/s/Maria D. Cabrera
/s/Ernest "Trippi" Congo, II
/s/Sherry Dorsey Walker
/s/Justen A. Wright

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

Note: The item referenced in the aforementioned committee report did not require to be voted out of committee.

Ms. Walsh presented the following committee report:

Public Safety Committee Member	Present	Absent with Leave	Absent w/out Leave
Michael A. Brown, Sr.	X		
Ernest "Trippi" Congo, II			X
Charles M. "Bud" Freel		X	
Loretta Walsh		X	
Robert A. Williams		X	

President and Members of Council of The City of Wilmington

November 14, 2013

Ladies and Gentlemen:

We, your Public Safety Committee, met on the above date at 4:30 p.m., Councilman Michael A. Brown, Sr. presiding. The following items were discussed:

Police:

- 1. Update on Bank of America Initiative
- 2. Discuss Latest Crime Stats

- 3. Discuss a Resolution approving the Wilmington Police Department's acceptance of a State of Delaware Criminal Justice Council grant
- 4. Discuss a Resolution approving an Agreement with the State of Delaware,
 Department of Transportation to provide additional police officers to patrol Rodney
 Square for approximately three months
- 5. Other

Fire:

- 1. Filled Vacancies Update
- 2. Department Update

Respectfully submitted, Members of Public Safety Committee /s/Michael A. Brown, Sr., Chair /s/Theopalis K. Gregory, Sr., Ex Officio

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

Note: The items referenced in the aforementioned committee report did not require to be voted out of committee.

Mr. Freel presented the following committee report:

Public Works & Transportation Committee Member	Present	Absent with Leave	Absent w/out Leave
Hanifa G.N. Shabazz, Chair	Х		
Michael A. Brown, Sr.		Х	
Nnamdi O. Chukwuocha	Х		
Samuel Prado		Х	
Robert A. Williams	Х		

President and Members of Council of The City of Wilmington

November 20, 2013

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, met on the above date at 4:30pm, Councilwoman Hanifa G.N. Shabazz presiding. The following items were discussed:

• Review a Resolution for the City of Wilmington to receive DNREC Grant for the Sugar Bowl Pavilion

• Review a Resolution to Approve a Second Amendment to a License Agreement with new Cingular Wireless PCS, LLC

Respectfully submitted, Members of Public Works & Transportation Committee /s/Hanifa G.N. Shabazz, Chair /s/Nnamdi O. Chukwuocha /s/Robert A. Williams /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.

Note: The items referenced in the aforementioned committee report did not require to be voted out of committee.

TREASURER'S REPORT

The following Treasurer's Report dated November 21, 2013 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON November 21, 2013

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	\$ 3,776.41
106	Fire Pension Account	M & T Bank	\$ 4,029.57
107	Evidence/Found Currency Account	M & T Bank	\$ 125,656.80
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 2,739.42
113	Non-Uniform Pension	M & T Bank	\$ 1,291.70
114	Central Deposit	M & T Bank	\$ 118,546.53
117	Cement Workers	Wilmington Savings Fund	\$ 33,366.89
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.24
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 38,716.46
130	Payroll	M & T Bank	\$ 65,677.87
131	Pension Payroll Account	M & T Bank	\$ 18,694.41
139	Pension Healthcare Account	M & T Bank	\$ 2,352.02
	Total Cash on Hand		\$ 433,518.10

FUND CODE	Fund	Institution	INVEST. TYPE	MATURITY DATE	INTEREST RATE	F	Interest Receivable	Investment Amount
116	General	M&T Bank	RP	11/21/13	0.01%	\$	1.52	\$ 5,516,064.00
105	Fire Pension	WSFS	CD	11/26/13	0.30%	\$	156.41	\$ 865,000.00
124	Non-Uniform 1990	WSFS	CD	11/26/13	0.30%	\$	1,233.53	\$ 5,360,000.00
106	Fire Pension	WSFS	CD	11/26/13	0.30%	\$	291.12	\$ 1,265,000.00
116	General	WSFS	CD	11/27/13	0.30%	\$	2,391.78	\$ 3,000,000.00
116	General	TD	CD	11/27/13	0.25%	\$	1,438.36	\$ 3,000,000.00
116	General	WSFS	CD	11/27/13	0.30%	\$	1,735.89	\$ 2,200,000.00
110	Capital ³	TD	CD	12/03/13	0.25%	\$	749.00	\$ 1,540,195.00
110	Capital ²	TD	CD	12/06/13	0.25%	\$	57.72	\$ 240,736.45
116	General	WSFS	CD	12/13/13	0.30%	\$	1,775.34	\$ 2,000,000.00
116	General	WSFS	CD	12/27/13	0.30%	\$	2,005.47	\$ 2,000,000.00
116	General ¹	TD	CD	01/06/14	0.25%	\$	9,061.12	\$ 14,537,615.00
116	General	WSFS	CD	01/10/14	0.30%	\$	2,219.17	\$ 2,000,000.00
116	General	WSFS	CD	01/24/14	0.30%	\$	2,449.31	\$ 2,000,000.00
110	Capital	WSFS	CD	02/05/14	0.30%	\$	18,105.54	\$ 24,476,000.00
116	General	TD	CD	02/07/14	0.25%	\$	2,205.48	\$ 2,000,000.00
110	Capital	WSFS	CD	02/19/14	0.30%	\$	2,515.07	\$ 3,400,000.00
116	General	TD	CD	02/21/14	0.25%	\$	2,397.26	\$ 2,000,000.00
116	General	TD	CD	03/07/14	0.25%	\$	2,520.55	\$ 2,000,000.00
116	General	TD	CD	03/21/14	0.25%	\$	2,424.66	\$ 2,000,000.00
116	General	WSFS	CD	04/01/14	0.30%	\$	2,576.71	\$ 1,900,000.00
116	General	TD	CD	04/04/14	0.25%	\$	2,232.88	\$ 2,000,000.00
116	General	WSFS	CD	04/17/14	0.30%	\$	2,745.20	\$ 2,000,000.00
116	General	TD	CD	04/25/14	0.25%	\$	1,816.44	\$ 1,700,000.00
514	Risk Management	WSFS	CD	07/11/14	0.30%	\$	8,687.31	\$ 2,895,775.55
515	Worker's Comp.	WSFS	CD	07/11/14	0.30%	\$	8,687.31	\$ 2,895,775.55
104	Escrow Pension	Affinity Wealth						\$ 1,525,971.00
104	Escrow Pension	Vanguard						\$ 21,026,580.00
104	Escrow Pension	Black Rock						\$ 54,551,296.00
104	Escrow Pension	Edgar Lomax						\$ 30,415,825.00
104	Escrow Pension	Wilmington Trust						\$ 35,085,552.00
104	Escrow Pension	Manning & Napier						\$ 22,569,521.00
104	Escrow Pension	Earnest Partners						\$ 13,699,328.00
104	Escrow Pension	GMO						\$ 11,477,987.00
139	Medical Escrow	Black Rock- OPEB						\$ 11,342,601.00
116	Deferred Comp.	MassMutual			<u> </u>			\$ 36,336,165.00
	Total Investments							\$ 332,822,987.55
100	Total Cash on Hand							\$ 433,518.10
	Grand Total							\$ 333,256,505.65

Budget Reserve Lincoln Towers BAN SEU

/s/Henry W. Supinski, City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council

Retirement Laura Papas

D. Brown

Welcome Donella Cuff Rodriguez and Hanna Rodriguez

Prado

Thank Mario & Dorothy Kauftheil

Wright/Shabazz Recognize Mt. Joy United Methodist Church 140th Anniversary

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President. Thank you sir.

President Gregory: Mr. Congo is absent. Mr. Darius Brown.

Mr. D. Brown: Nothing tonight Mr. President.

President Gregory: Thank you. Ms. Shabazz - #3879.

Mr. Freel: Mr. President, do you want me to do that Resolution?

President Gregory: Yes.

Mr. Freel: I have a Resolution to present on behalf of Council Member Hanifa Shabazz.

On behalf of Ms. Shabazz, Mr. Freel presented Resolution No. 13-069 as follows:

WHEREAS, by its Ordinance No. 97-051, amending Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including a requirement for Council approval by resolution, and including authorization for expedited grant applications, in which case the application shall be submitted to Council for its approval and ratification subsequent to its submission to the issuing agency; and

WHEREAS, the City has been approved by the State of Delaware Department of Natural Resources and Environmental Control, Division of Parks and Recreation to receive \$84,560 in grant funds for improvements at Brandywine Park to restore the Sugar Bowl Pavilion and such improvements are scheduled to run from September 12, 2013 through December 31, 2014; and

WHEREAS, the City is required to provide matching funds which will be provided by the Friends of Wilmington Parks, a 501(c)(3) non-profit, and other donors; and

WHEREAS, for timing purposes, the application for said grant had to be submitted in advance of City Council approval by resolution; and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City's use of the grant funds for the Sugar Bowl in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described \$84,560 in grant funds received from the State of Delaware for the restoration of the Sugar Bowl Pavilion in Brandywine Park be accepted and approved, and the Mayor or his designee, the Director of Parks and Recreation, and the City Clerk are hereby authorized to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

Mr. Freel: Yes Mr. President, this is a grant that's being requested by our Parks & Recreation Department for \$84,560 from the Department Natural Resource s and Environmental Control on a state level for the restoration of the Sugar Bowl Pavilion. There is some matching involved but that is being handled by The Friends of Wilmington Parks.

Ms. Walsh: Mr. President.

President Gregory: Ms. Walsh.

Ms. Walsh: I just want to make one comment on this. I think it should be recognized and we should mention David Hudson because if we didn't mention him tonight on this floor, I believe his ghost would come back and ruin all of our holidays but he was very instrumental in recognizing the Sugar Bowl and getting all of these motors moving and that's all I wanted.

President Gregory: Thank you for that remembrance. Clerk, call the roll.

Upon a motion of Mr. Freel, seconded by Ms. Walsh, the above 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, D. Brown, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright, and Council President Gregory. Total, ten. Nays, none. Absent, Council Members Congo, Shabazz, and M. Brown. Total, three.

President Gregory: Declare it adopted. Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Mr. President, I have an Ordinance to read behalf of Councilman Michael Brown in his absence.

President Gregory: We're going to do that when his turn comes. Mr. Williams.

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

Mr. Williams presented and called for the first and second reading Ordinance No. 13-040 entitled:

AN ORDINANCE TO APPROVE A LARGE-SCALE REDEVELOPMENT PROJECT KNOWN AS THE "WILMINGTON FLATS REDEVELOPMENT"

This Ordinance was given two separate readings by title only and upon a motion of Mr. Williams and duly seconded, was received, recorded, and referred to the Housing, Licenses & Inspections Committee. Motion prevailed.

Mr. Williams presented and called for the first and second reading Ordinance No. 13-041 entitled:

AN ORDINANCE TO APPROVE THE REMOVAL AND DISPOSITION OF SPRINGER STREET FROM THE OFFICIAL CITY MAP

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

Mr. Williams presented Resolution No. 13-070 as follows:

WHEREAS, Ordinance No. 13-040 which, pursuant to Section 48-476 of the Wilmington City Code (the "Code"), approves the application and site plan for a large-scale redevelopment project submitted by the Woodlawn Trustees, Inc. was introduced by Council of the City of Wilmington (the "Council") at its regular meeting of November 21, 2013; and

WHEREAS, the City Planning Commission ("CPC") has reviewed the Woodlawn Trustees, Inc. application and site plan at its November 19, 2013 regular meeting and recommends approval of the plan subject to the conditions found in City Planning Commission's Resolution 9-13; and

WHEREAS, the City Council proposes to schedule a public hearing for review of Ordinance No. 13-040, or a Substitute thereto, to be duly advertised in conformity with Wilm. C. §48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council hereby schedules a public hearing on Ordinance No. 13-040, or a Substitute thereto, to be held on December 12, 2013, at 6:30 p.m., in the City Council Chambers, to consider the proposed application and site plan for a large-scale redevelopment project submitted by the Woodlawn Trustees, Inc., named 'The Wilmington Flats,' being located generally upon the lands bounded by 4th, Ferris, 7th, Grant and Union Streets.

FURTHER RESOLVED, that the City Clerk is hereby directed to publish notice of the said public hearing in the manner and form required.

Mr. Williams: Mr. President, this allows us the opportunity to discuss this large-scale project that is being presented to the City by the Woodlawn Trustees and we have an open forum for discussion.

President Gregory: Okay. Clerk, call the roll.

Upon a motion of Mr. Williams, seconded by Ms Walsh, the above 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, D. Brown, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright, and Council President Gregory. Total, ten. Nays, none. Absent, Council Members Congo, Shabazz, and M. Brown. Total, three.

President Gregory: Declare it adopted. Mr. Freel.

Mr. Freel: I don't have anything sir. Thank you.

President Gregory: We're going to go to Mr. Brown and Ms. Walsh is going to do his first three and then you're going to come up - #3883.

On behalf of Mr. M. Brown, Ms. Walsh presented <u>Resolution No. 13-071</u> as follows:

WHEREAS, by its Ordinance No. 97-051, amending Section 2-363 of the Wilmington City Code, the Council of the City of Wilmington ("Council") deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including a requirement for Council approval by resolution, and including authorization for expedited grant applications in any situation in which a City office or department is required to file a grant application or proposal for funds prior to a regular meeting of Council, in which case the application

shall be submitted to Council for its approval and ratification subsequent to its submission to the issuing agency; and

WHEREAS, the City, through the Wilmington Police Department ("WPD"), has sought to obtain grant funding from the State of Delaware Criminal Justice Council in the amount of \$52,698.00; and

WHEREAS, the said grant will be applied toward salaries for overtime for an anti-violence initiative (\$16,840.00) and a youth victim advocate (\$35,858.00); and

WHEREAS, the portion of the said grant for the youth victim advocate requires a local match in the amount of \$7,172.00; and

WHEREAS, for timing purposes, the grant application had to be submitted prior to Council approval; and

WHEREAS, even though the application for said grant has been submitted, the WPD must still take the affirmative step of accepting the funding should it be a successful applicant; and

WHEREAS, Council deems it necessary and proper to authorize the Wilmington Police Department to accept the grant from the State of Delaware Criminal Justice Council in the amount of \$52,698.00, for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department is hereby authorized to accept grant funding from the State of Delaware Criminal Justice Council in the amount of fifty two thousand, six hundred and ninety-eight dollars (\$52,698.00).

Ms. Walsh: This is a grant - number one, I'm doing this on behalf of the Public Safety Chair, Mr. Brown this evening. This is an application for a grant and there is a minimal amount that we have to come up with for the grant itself and that's only \$7,100.

President Gregory: Clerk, call the roll please.

Upon a motion of Ms. Walsh, seconded by Mr. Freel, the above 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, D. Brown, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright, and Council President Gregory. Total, ten. Nays, none. Absent, Council Members Congo, Shabazz, and M. Brown. Total, three.

President Gregory: Declare it adopted. #3884.

On behalf of Mr. M. Brown, Ms. Walsh presented <u>Resolution No. 13-072</u> as follows:

WHEREAS, pursuant to Section 1-104 of the City Charter, the City of Wilmington may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof; and

WHEREAS, Section 2-363 of the City Code requires that all City-sponsored grant applications and proposals shall be approved or ratified by resolution of City Council; and

WHEREAS, the City and the State of Delaware, Department of Transportation ("DelDOT"), have substantially negotiated terms of an agreement under which DelDOT would provide funds to the City in the amount of Sixty Six Thousand Dollars (\$66,000.00) for a period of approximately three months to enable the City to provide additional police officers to patrol the City, primarily in the vicinity of Rodney Square ("the Agreement") which, among other things, is an important transportation hub for DART bus service; and

WHEREAS, the Agreement is in the nature of a grant for which no matching funds are required.

NOW, THEREFORE, the City hereby is authorized to enter into an Agreement with the State of Delaware, Department of Transportation, under which DelDOT would provide funds to the City in the amount of Sixty Six Thousand Dollars (\$66,000.00) for a period of approximately three months to enable the City to provide additional police officers to patrol the City, primarily in the vicinity of Rodney Square.

Ms. Walsh: Mr. President, this is the \$66,000 that DelDOT has given us for three months for the Rodney Square initiative that the Mayor has going on for public safety.

President Gregory: Thank you. Clerk, call the roll please.

Upon a motion of Ms. Walsh, seconded by Mr. Freel, the above 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, D. Brown, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright, and Council President Gregory. Total, ten. Nays, none. Absent, Council Members Congo, Shabazz, and M. Brown. Total, three.

President Gregory: Declare it adopted. #3885.

On behalf of Mr. M. Brown, Ms. Walsh presented and called for the first and second reading <u>Ordinance No. 13-042</u> entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE REGARDING TAKE HOME VEHICLES

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

Ms. Walsh: And probably Transportation too I would guess. We have a Transportation Committee?

President Gregory: Public Works & Transportation? Public Safety will do it so we don't combine it. #3886*, Ms. Dorsey Walker.

Ms Dorsey Walker: Mr. President, I have an Ordinance to present and call for the first and second reading on behalf of Councilman Michael A. Brown, Sr.

On behalf of Mr. M. Brown, Ms. Dorsey Walker presented and called for the first and second reading <u>Ordinance No. 13-043*</u> entitled:

AN ORDINANCE TO APPROVE AND AUTHORIZE THE THIRD PARTY OPERATOR AGREEMENT BETWEEN THE CITY OF WILMINGTON AND LEASED ACCESS PRESERVATION ASSOCIATION

This Ordinance was given two separate readings by title only and upon a motion of Ms. Dorsey Walker and duly seconded, was received, recorded, and referred to the Finance Committee. Motion prevailed.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Nothing this evening. Thank you.

President Gregory: Ms. Walsh.

Ms. Walsh: No, thank you.

President Gregory: Mr. Wright.

Mr. Wright: Nothing tonight Mr. President. Thank you so much sir.

President Gregory: And we'll go to petitions and communications.

PETITIONS AND COMMUNICATIONS

Council Members announced committee and civic meetings, community events and community projects in their districts. Council Members gave thanks to various departments and made comments on the following matters: shooting of the State Trooper and the need to work together with the Mayor, state and county to address crime as well as the need for individuals to get engaged and provide any information pertaining to the crime; greetings were expressed for the upcoming holidays and everyone was encouraged to shop at local businesses; construction on Union Street; and including but not limited to John F. Kennedy's 50th Anniversary.

*Note: At the request of the Clerk and upon a motion of Ms. Dorsey Walker, seconded by Ms. Walsh, an administrative correction was made to agenda #3886 and duly noted and reflected in the aforementioned minutes herein to be corrected as Ordinance No. 13-043 (Third Party Operator Agreement) as oppose to Ordinance No. 13-044. Motion prevailed.

President Gregory noted that Mr. Michael Brown remains in the hospital and asked that he be kept in our prayers. Also, Ms. Shabazz had a speech to give this evening. He added that we would pray for our city and pray for the Mayor and hope that we move forward and get some things done for the balance of this year and hopefully all of next year and moving forward.

ADJOURNMENT

Upon a motion of Ms. Walsh, seconded by Ms. Cabrera, Council adjourned at 7:46 p.m. Motion prevailed.