

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
September 5, 2019*

City Council met in regular session on the above date at 6:30 p.m., President Hanifa Shabazz presiding.

The opening prayer was done by Akira Grenardo, Administrative Assistant.

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, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Absent with leave, Council Member Walsh. Total, one.

### **MINUTES**

After reading a portion of the minutes, of August 29, 2019, upon a motion of Council Member Congo, seconded by Council Member Freel, it was moved they be accepted as written. Motion prevailed.

### **REPORT OF COMMITTEES**

The Deputy Clerk read the following committee report:

<b><u>Finance &amp; Economic Development Committee Member</u></b>	<b><u>Present</u></b>	<b><u>Absent with Leave</u></b>	<b><u>Absent w/out Leave</u></b>
Charles M. "Bud" Freel, Chair	X		
Ciro Adams	X		
Linda M. Gray	X		
Zanthia Oliver	X		
Loretta Walsh		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of  
The City of Wilmington

September 3, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 19-039** entitled:

AN ORDINANCE TO AMEND CHAPTERS 3 AND 13 OF THE WILMINGTON CITY CODE TO PROVIDE FOR A REFUND OF ADMINISTRATIVE FEES INSTANCES OF SUCCESSFUL APPEALS OF ALLEGED VIOLATIONS INCURRED THEREUNDER

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

Respectfully submitted, Members of  
Finance & Economic Development Committee  
/s/Charles "M. Freel, Chair  
/s/Ciro Adams  
/s/Linda M. Gray  
/s/Zanthia Oliver  
/s/Hanifa Shabazz, Ex-Officio Member

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

The Deputy Clerk read the following committee report:

<u>Finance &amp; Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Ciro Adams	X		
Linda M. Gray	X		
Zanthia Oliver	X		
Loretta Walsh		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of  
The City of Wilmington

September 3, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 19-041** entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN EXTENSION OF CONTRACT 20003LI BETWEEN THE CITY OF WILMINGTON AND R & A CONTRACTORS, LLC FOR VACANT PROPERTY SERVICES

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

Respectfully submitted, Members of  
Finance & Economic Development Committee  
/s/Charles M. Freel, Chair  
/s/Ciro Adams  
/s/Linda M. Gray  
/s/Zanthia Oliver  
/s/Hanifa Shabazz, Ex-Officio Member

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

The Deputy Clerk read the following committee report:

<u>Finance &amp; Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Ciro Adams	X		
Linda M. Gray	X		
Zanthia Oliver	X		
Loretta Walsh		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of  
The City of Wilmington

September 3, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 19-042** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2019D-SRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON RELATING TO PHASE III OF THE CITY'S TRANSMISSION AND DISTRIBUTION WATER MAIN IMPROVEMENTS; PROVIDING FOR THE SALE OF THE BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Respectfully submitted, Members of  
Finance & Economic Development Committee  
/s/Charles M. Freel, Chair  
/s/Ciro Adams  
/s/Linda M. Gray  
/s/Zanthia Oliver  
/s/Hanifa Shabazz, Ex-Officio Member

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

The Deputy Clerk read the following committee report:

<u>Finance &amp; Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Ciro Adams	X		
Linda M. Gray	X		
Zanthia Oliver	X		
Loretta Walsh		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of  
The City of Wilmington

September 3, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 19-043** entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CITY CODE  
REGARDING THE INSPECTION OF STATE OF DELAWARE  
TAX RETURNS BY THE CITY OF WILMINGTON

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

Respectfully submitted, Members of  
Finance & Economic Development Committee  
/s/Charles M. Freel, Chair  
/s/Ciro Adams  
/s/Linda M. Gray  
/s/Zanthia Oliver  
/s/Hanifa Shabazz, Ex-Officio Member

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

### **TREASURER'S REPORT**

The following Treasurer's Report as of September 5, 2019, was read into the record by Deputy Clerk and upon a motion of Council Member Congo, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

Council Member Turner requested the total amount for the Capital Fund be read. In addition, he mentioned that copies were provided of prior Treasurer's Reports dating back to July 1 of the same number being in the capital budget subtitle (\$33,754,891.37) and how the Administration has the money to pave the streets in the City. Also, Council Member Turner asked staff to call the Administration in for this month's Public Works & Transportation Committee meeting and explained why the monies hasn't been spent in three (3) months.

Council Member Guy also made comments as it relates to the Capital Fund amount.

Council Member Freel made comments in response to the comments made as it relates to the Capital Fund.

Council Member Turner made additional comments regarding Treasurer's Reports dating back to June 2019.

*Note: The Treasurer's Report is included herein as an insert from Page 6 to Page 7.*

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# City of Wilmington Delaware

**Velda Jones-Potter**  
City Treasurer

Louis L. Redding City/County Building  
800 French Street  
Wilmington, Delaware 19801-3537  
(302) 576-2480  
treasurer@wilmingtonde.gov



## City of Wilmington Treasurer's Report as of September 5, 2019

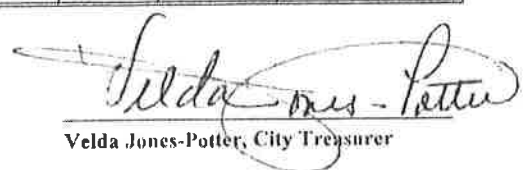
### Cash on Hand:

General Account	M & T Bank	\$8,198,269.87
Central Deposit	M & T Bank	\$138,831.69
Payroll	M & T Bank	\$1,676,893.36
Total Petty Cash Accounts	M & T Bank	\$11,492.61
Grant-In-Aid	M & T Bank	\$153,396.30
Evidence/Found Currency Account	M & T Bank	\$994,410.36
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,635.58
Police Department Discretionary	M & T Bank	\$21,192.38
Pension Payroll Account	M & T Bank	\$4,135,056.53
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	\$176,307.28
Police Pension Account	M & T Bank	\$207,329.39
Fire Pension Account	M & T Bank	\$13,403.41
Worker's Comp 3rd Party Account	M & T Bank	\$6,127.62
Retiree Healthcare Account	M & T Bank	\$484,324.26
<b>SubTotal</b>		<b>\$16,258,306.21</b>
<b>Total Cash on Hand</b>		<b>\$16,258,306.21</b>

**INVESTMENTS September 5, 2019:**

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>GENERAL FUND:</b>						
General	TD	CD	9/5/2019	2.02%	\$3,927.78	\$2,000,000.00
General	TD	CD	9/12/2019	2.18%	\$8,901.67	\$3,000,000.00
General	TD	CD	9/19/2019	2.09%	\$6,502.22	\$2,000,000.00
General	TD	CD	9/26/2019	2.31%	\$41,997.08	\$5,500,000.00
General	WSFS	CD	9/26/2019	2.00%	\$8,103.82	\$3,521,301.49
General	TD	CD	10/3/2019	1.95%	\$6,987.50	\$3,000,000.00
General	TD	CD	10/10/2019	1.92%	\$10,453.33	\$3,500,000.00
General	TD	CD	10/17/2019	1.95%	\$9,262.50	\$3,000,000.00
General	TD	CD	10/24/2019	1.95%	\$12,133.33	\$3,500,000.00
General	TD	CD	10/30/2019	1.96%	\$19,055.56	\$5,000,000.00
General	TD	CD	10/30/2019	1.90%	\$10,925.00	\$3,000,000.00
General	TD	CD	11/7/2019	1.85%	\$12,950.00	\$3,500,000.00
General	TD	CD	11/14/2019	1.84%	\$8,075.56	\$2,000,000.00
General <sup>1</sup>	WSFS	CD	11/13/2019	2.45%	\$221,372.60	\$17,000,000.00
<b>SUB-TOTAL:</b>						<b>\$59,521,301.49</b>
<b>CAPITAL FUND:</b>						
Capital ≤ 2015	TD	CD	9/19/2019	2.12%	\$61,624.46	\$16,610,367.37
Capital ≥ 2018	WSFS	CD	9/5/2019	2.16%	\$73,035.67	\$17,144,524.00
<b>SUB-TOTAL:</b>						<b>\$33,754,891.37</b>
<b>RISK MGMT:</b>						
Risk Management	TD	CD	9/29/2019	2.04%	\$41,832.17	\$8,202,385.97
Worker's Comp	TD	CD	9/29/2019	2.04%	\$41,832.17	\$8,202,385.97
Retiree Medical Escrow	Vanguard-OPEB					\$23,798,123.00
<b>SUB-TOTAL:</b>						<b>\$40,202,894.94</b>
<b>PENSION FUND:</b>						
Non-Uniform 1990	WSFS	CD	9/27/2019	1.90%	\$7,050.66	\$4,535,000.00
Escrow Pension	Edgar Lomax					\$23,214,670.00
Escrow Pension	Vanguard Fixed					\$39,291,355.00
Escrow Pension	Earnest Partners					\$24,433,163.00
Escrow Pension	Wilmington Trust					\$36,094,069.00
Escrow Pension	Vanguard Stock Index					\$39,261,505.00
Escrow Pension	Artisan Global					\$7,862,016.00
Escrow Pension	Dodge & Cox					\$11,025,523.00
Escrow Pension	Fidelity					\$18,851,173.00
Escrow Pension	Harding Loevner					\$8,650,913.00
Escrow Pension	MFS Management					\$22,355,538.00
Escrow Pension	Clarion Lyon					\$6,295,527.00
Escrow Pension	Morgan Stanley					\$5,980,512.00
<b>SUB-TOTAL:</b>						<b>\$247,850,964.00</b>
<b>OTHER:</b>						
Deferred Comp.	MassMutual					\$48,513,235.05
Contractual Requirements	WSFS	CD	10/17/2019	1.92%	15,875.25	\$3,037,356.74
Port Debt	WSFS	CD	12/12/2019	2.30%	\$24,119.43	\$2,025,211.00
<b>Total Investments</b>						<b>\$431,868,497.85</b>
<b>Total Cash on Hand</b>						<b>\$16,258,306.21</b>
<b>Grand Total</b>						<b>\$448,126,804.06</b>

<sup>1</sup> Budget Reserve

  
Velda Jones-Potter, City Treasurer

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

### **NON-LEGISLATIVE BUSINESS**

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

Harlee	Recognize National Healing Day
Oliver	Sympathy Gail A. Purnell
Shabazz	Sympathy Charles Brown (Monday Club)

Council Member Congo: Madam President, just a point of order please.

President Shabazz: Mr. Congo.

Council Member Congo: Are we acting on #4704 appointing the member for the Seventh Councilman District tonight?

President Shabazz: Yes sir.

Council Member Congo: How come we're doing that at the end of the meeting when we normally do that in the beginning?

President Shabazz: I was just about to ask...

Council Member Congo: Ok.

President Shabazz: ...yes sir, when we move into legislative business, I was going to make amendment to the agenda for #4704 now instead of later on the agenda.

Council Member Congo: All right, thank you.

President Shabazz: Thank you sir.

### **LEGISLATIVE BUSINESS**

President Shabazz: So, I, accept a motion to approve the moving of agenda #4704 to the beginning of the agenda.

Council Member Gray: Second.

President Shabazz: All those in favor in signify by saying "Aye", any Oppose, amendment approved. A motion has been made to suspend the rules – I accept a



motion to suspend the rules for the purpose of swearing in the appointment of the Seventh Councilmanic District, Mr. Christofer C. Johnson.

Council Member Freel: Madam, I have a Resolution to present.

President Shabazz: Ok, sorry. I present the Resolution, Mr. Freel, thank you. Resolution 4704.

Council Member Freel presented Resolution No. 19-043 (Agenda #4704) as follows:

**WHEREAS**, on July 11, 2019, the City Council, as required by Section 2-101 of the City Charter, formally declared that the Seventh Councilmanic District position was vacant as of July 1, 2019 due to former Council Member Robert A. Williams' resignation; and

**WHEREAS**, pursuant to City Charter Section 2-101, when such a vacancy occurs between general elections, it is the duty of City Council to fill said vacancy with a member of the same political party residing in the same Councilmanic District in which such vacancy occurs; and

**WHEREAS**, pursuant to City Code Section 2-34, the Committee of the Whole of City Council has recommended Christofer C. Johnson to fill the vacancy in the Seventh Councilmanic District.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Council appoints Christofer C. Johnson, a duly registered member of the Democratic Party residing in the Seventh Councilmanic District of the City of Wilmington, to fill the vacancy created by former Council Member Robert A. Williams.

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

Andrea Queen (Deputy Clerk): Madam President, for the record, I want to state the Resolution number. The Resolution number will be 19-043.

President Shabazz: Thank you. The Clerk call the roll.

The above-referenced 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, Congo, Oliver, Harlee, Turner, McCoy, Freel, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Present, Council Member Adams. Total, one. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted.

## **SUSPENSION OF THE RULES**

Upon a motion of Council Member Freel, seconded by Council Member McCoy, Council Suspended the Rules for the purpose of swearing in Mr. Christofer C. Johnson. Motion prevailed.

President Shabazz: The Clerk, please add Councilman Johnson to the roll. Councilman Johnson please take your seat.

## **RETURN TO REGULAR ORDER OF BUSINESS**

Upon a motion of Council Member Turner, seconded by Council Member Dixon, Council Returned to Regular Order of Business. Motion prevailed.

President Shabazz: We now continue with the agenda. Council Member Gray.

Council Member Gray: Yes, Madam President.

President Shabazz: Can you speak into your microphone ma'am, thank you.

Council Member Gray: Yes, Madam President, I have a Resolution to present.

Council Member Gray presented Resolution No. 19-044 (Agenda #4701) as follows:

**WHEREAS**, the members of Council have long provided support to various causes and events that offer benefit, and are of importance, to the City; and

**WHEREAS**, this support has been effectuated in part through the distribution of funds budgeted for Council; and

**WHEREAS**, Council believes the expenditure of these funds will attain a greater impact in their districts/communities if equally distributed as Community Service Funds to the individual members of Council; and

**WHEREAS**, City Council deems it necessary to enact a resolution to provide for the equal distribution of these Council Community Service Funds so that individual Council members can allocate such funds in accordance with the wishes and desires of their districts/communities; and

**WHEREAS**, Council desires to distribute the funds designated under Fund 101, Division 120, Accounts 54605, 54608, 54609, 54621, and 54622 as well as the funds designated under Fund 101, Division 127, Accounts 54608, 54621 and 54622 in the Annual City of Wilmington Operating Budget equally between the members of City Council, to be used as Community Service Funds by such members, subject to the procedures of awarding grants of \$5,000 or more as set forth in the Wilmington City Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the funds designated under Fund 101, Division 120, Accounts 54605, 54608, 54609, 54621 and 54622 as well as the funds designated under Fund 101, Division 127, Accounts 54608, 54621 and 54622 in the Annual City of Wilmington Operating Budget shall be equally divided between the members of City Council, to be used as Community Service Funds by such members, subject to the procedures of awarding grants of \$5,000 or more as set forth in the Wilmington City Code.

**BE IT FURTHER RESOLVED** that upon adoption by City Council this resolution shall be implemented immediately and administered annually.

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

President Shabazz: Clerk will call the roll.

The above-referenced 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, Congo, Harlee, Turner, McCoy, Dixon and Guy. Total, seven. Nays, Council Members Oliver, Johnson, Freel and Adams, and Council President Shabazz. Total, five. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted. Council Member Congo.

Council Member Congo: Yes, Madam President, I have an Ordinance to present for – to present and call for the third and final reading.

Council Member Congo presented and called for the third and final reading Ordinance No. 19-039 (Agenda#4695) entitled:

AN ORDINANCE TO AMEND CHAPTERS 3 AND 13 OF  
THE WILMINGTON CITY CODE TO PROVIDE FOR A  
REFUND OF ADMINISTRATIVE FEES IN INSTANCES  
OF SUCCESSFUL APPEALS OF ALLEGED VIOLATIONS  
INCURRED THEREUNDER

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance will be negligible as the decrease in revenue to the City as a result thereof is estimated at less than \$400 annually.

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

President Shabazz: Clerk will call the roll.

The above-referenced 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, Congo, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

*Note: Council Member Oliver requested to be added as a co-sponsor during roll call.*

President Shabazz: Declare it adopted. Council Member Oliver, any legislation?

Council Member Oliver: No legislation Madam President.

President Shabazz: Council Member Harlee.

Council Member Harlee: Yes, Council President, I have an Ordinance to present on your behalf.

On behalf of President Shabazz, Council Member Harlee presented and called for the third and final reading Ordinance No. 19-042 (Agenda #4698) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2019D-SRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON RELATING TO PHASE III OF THE CITY'S TRANSMISSION AND DISTRIBUTION WATER MAIN IMPROVEMENTS; PROVIDING FOR THE SALE OF THE BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

President Shabazz: Clerk will call the roll.

The above-referenced 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, Congo, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted.

Council Member Harlee: Council President, I have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Harlee presented Resolution No. 19-045 (Agenda #4702) as follows:

**WHEREAS**, the Delaware Department of Natural Resources and Environmental Control and the Delaware Department of Health and Social Services manage financial assistance programs for municipalities to aid low-income residents within new wastewater and drinking water project areas; and

**WHEREAS**, examples of such programs are the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Additional Subsidization Assistance Program for Low-Income Subgroups (062816); and

**WHEREAS**, these programs provide selected municipalities with the funding to provide financial assistance to residents eligible for assistance based on the Federal Department of Housing and Urban Development's Community Development Block Grant State Low-Income levels and are unable to pay their water and/or sewer bills; and

**WHEREAS**, the City of Wilmington is home to many economically diverse communities, many of which would benefit from having assistance in paying their water and/or sewer bills; and

**WHEREAS**, the Council desires that the City of Wilmington becomes eligible to apply for funding from the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Additional Subsidization Assistance Program for Low-Income Subgroups (062816); and

**WHEREAS**, all residents and visitors of the City of Wilmington should have access to safe drinking water and wastewater services. The Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Additional Subsidization Assistance Program for Low-Income Subgroups (062816) will ensure that the most economically disadvantaged households in the City have access to these basic human needs.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that City Council strongly encourages the Delaware Department of Natural Resources and Environmental Control and the Delaware Department of Health and Social Services to have revisions finalized before the end of this calendar year in order to move forward with the grant application process for the Additional Subsidization Assistance Program for Low-Income Subgroups (062816) within the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.

Upon a motion of Council Member Harlee, seconded by Council Member Freel, the Resolution was before the Council for its consideration. Motion prevailed.

Council Member Harlee spoke on the purpose of the Resolution and made comments. Council Member Guy made comments. President Shabazz made comments.

Council Member Harlee: That's all I have for tonight.

President Shabazz: Thank you. Clerk will call the roll.

The above-referenced 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, Congo, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted. Council Member Turner.

Council Member Turner: Nothing tonight Madam President.

President Shabazz: Council Member McCoy.

Council Member McCoy: Nothing tonight Madam President.

President Shabazz: Council Member Johnson.

Council Member Johnson: I have nothing tonight President.

President Shabazz: Council Member Freel.

Council Member Freel: Yes, I have two Ordinances for third and final.

Council Member Freel presented and called for the third and final reading of Ordinance No. 19-041 (Agenda #4697) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN  
EXTENSION OF CONTRACT 20003LI BETWEEN THE  
CITY OF WILMINGTON AND R & A CONTRACTORS,  
LLC FOR VACANT PROPERTY SERVICES

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is a contract extension for the period of one (1) year from July 1, 2020 to June 30, 2021, at an estimated price of Seventy-Six Thousand, Four Hundred Dollars (\$76,400.00).

Upon a motion of Council Member Freel, seconded by Council Member Dixon, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Ordinance. Council Member Turner raised a question and Council Member Freel responded. Council Member Guy also raised a question and Council Member Freel responded. Council Member Guy made

comments. Council Member Freel made comments. President Shabazz made a comment. Council Member Gray raised a question and Council Member Freel responded. Council Members Gray and Freel made additional comments.

President Shabazz: Clerk will call the roll.

The above-referenced 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, Congo, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 19-043 (Agenda #4699) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE  
CITY CODE REGARDING THE INSPECTION OF  
STATE OF DELAWARE TAX RETURNS BY THE  
CITY OF WILMINGTON

Upon a motion of Council Member Freel, seconded by Council Member Dixon, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Ordinance. Council Member Adams made comments. Council Member Oliver made comments.

President Shabazz: Clerk will call the roll.

The above-referenced 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, Congo, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, Council Member Oliver. Total, one. Absent, Council Member Walsh. Total, one.

Council Member Freel: Thank you, that's all I have.

President Shabazz: Declare it adopted. Council Member Adams, any legislation?

Council Member Adams: No legislation this evening ma'am, thank you.

President Shabazz: Council Member Dixon.

Council Member Dixon: Yes, Madam President, I have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Dixon presented Resolution No. 19-046 (Agenda #4703) as follows:

**WHEREAS**, businesses need an appropriate level of staffing to provide services and sell goods; however, the appropriate level of staffing cannot always be precisely estimated or can change due to numerous factors; and

**WHEREAS**, when an employer pays per hour, its labor costs are determined by the number of hours an employee works, as compared to the fixed cost of a salaried employee, and it has an economic incentive to be able to respond to changing business needs by reducing and adding employee hours; and

**WHEREAS**, when an employee's hours are reduced, it changes the amount of income an employee will earn that pay period; and

**WHEREAS**, when an employee is required to remain available to come in to work if needed, but is not compensated if not needed, the employee is therefore not compensated for foregoing the opportunity to tend to other responsibilities or pursue other interests; and

**WHEREAS**, if employers maintain a large pool of part-time employees to draw on when extra staff are needed, employees in that pool might work fewer and more variable hours than employees who are not part time; and

**WHEREAS**, research conducted by Professor Lonnie Golden of Penn State University found that, by income level, nationally the lowest income workers face the most irregular schedules and that 43 percent of part-time workers were working fewer hours per week than they preferred; and

**WHEREAS**, in schedule unpredictability among early career workers in the U.S. Professor Susan Lambert of the University of Chicago found that 40 percent of workers knew their schedules less than one week in advance, and 74 percent had fluctuating hours during a single month, with 50 percent having fluctuations of more than eight hours or one day's pay; and

**WHEREAS**, increased wages will not help decrease the income inequality gap if employees cannot work sufficient hours to support themselves and their dependents or know what hours and therefore what income they can count on that week; and

**WHEREAS**, several jurisdictions across the country, including Oregon, California, New York, and Philadelphia have enacted scheduling legislation to address the issues faced by employees with unpredictable work schedules and consequently unpredictable income.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that City Council and its constituent associations urge the Delaware General Assembly to require employers with more than 150 employees and over 30 locations worldwide to provide advance written notice of work schedules, predictability pay to their service workers and additional compensation for any last-minute schedule changes.



Upon a motion of Council Member Dixon, seconded by Council Members Freel/McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Dixon spoke on the purpose of the Resolution and made comments. Council Member Harlee requested to be added as a co-sponsor. Council Member Johnson requested to be added as a co-sponsor and made comments. Council Member Adams made comments. Council Member Oliver requested to be added as a co-sponsor. Council Member Guy made comments. Council Member Dixon made additional comments. Council Member Turner made comments. President Shabazz made comments.

President Shabazz: Please call the roll.

The above-referenced 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, Congo, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, Council Member Adams. Total, one. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted. Councilman Guy, any legislation tonight sir?

Council Member Guy: Um, last meeting, they were supposed to put the Resolution on for Council to vote for the Treasurer to have representation and the hearing is Monday, so, I don't know if that can be done by motion but the Law Department is helping the Mayor and they didn't get the thing drafted and it wasn't put on this agenda. So, I make a motion that we suspend the rules and make motion, at least vote on a motion, that can be followed up by a letter that City Council supports the Treasurer having representation.

Council Member Gray: I second that.

President Shabazz: I believe the Law Department did send us a letter indicating that the City was providing, um, finances for representation for Treasurer Potter.

Council Member Guy: Are you on the question? Is that where we are, on the question?

Council Member Gray: I second it.

President Shabazz: No.

Council Member Guy: Cause she second it.

Council Member Gray: I second it.

Council Member Guy: So, once she seconds it, I get to speak first.

President Shabazz: Except adding something to the agenda, for point of order, is a violation of FOIA.

Council Member Guy: I'm making a floor motion that we take a vote to send a letter that we support the Treasurer having representation. The Law Department sabotaged this and they're helping the other side, so, in the Code, there is a provision for us to authorize. What the Law Department did, they put all these conditions and stipulations on their letter.

President Shabazz: But your motion was to...

Council Member Guy: Suspend the Rules, just take up a motion.

President Shabazz: ...to add to the agenda, which is a violation of FOIA.

Council Member Guy: Well, mine is just a motion that we write a letter that we – to the Law Department or to the City of Wilmington in general, that we support her having an attorney. You were supposed to put on the agenda too. You were here last week. So, we got the President, the staff and the Law Department – none of them put it on the agenda and they didn't draft it and the hearing is on Monday. So, we can have motions to write letters. We just had – I was here twenty some years ago...

President Shabazz: Point of order...

Council Member Guy: ...and we did those kinds of...

President Shabazz: ...point of order...

Council Member Guy: ...motions to send a letter...

President Shabazz: ...point of order. Point of order Mr. Guy.

Council Member Guy: Right.

President Shabazz: I understand your point of wanting to a letter but the motion and that was seconded to add to something to the agenda is a violation of FOIA. If you want to have a letter done, that could not be done during this process cause right now we're in the legislative agenda of the legislative portion of the agenda. You have no legislation on the agenda. So, that's also out of order.

Council Member Guy: Ok, there's no legislative, um, items left. There's none left.

President Shabazz: Understood but you're trying to make a motion at this point of the agenda to add something to the agenda, which is a violation of FOIA. If what you want to have done, we can do it but it's not at this time on the agenda.

Council Member Guy: It's funny that we're paying Jim Baker to be here, and I was on Council...

President Shabazz: That is out of (inaudible)...

Council Member Guy: ...we make motions to write letters to people, we made motions for staff to write letters to people, so, if you want me to wait till just before petitions and communications, I will make the motion at that time since you're saying that we're on the agenda, but we've finished the agenda. So, I'll, I'll wait til you finish the agenda. No legislation tonight at this time.

President Shabazz: Thank you Mr. Guy.

### PETITIONS AND COMMUNICATIONS

Council President and Council Members spoke on the following: condolences were expressed to the families who lost love ones through gun violence and police situations; the grant application submitted by the Wilmington Police Department (WPD) that was denied for body worn cameras and the probability of amending the budget to implement body worn cameras; a request to Chief of Police was made to provide at Monday's Public Safety Committee meeting a history of how many times grants have been denied; the community was thanked for coming out and doing public comments; suggestion of either the \$33M from Capital Fund or surplus to be used for body worn cameras; suggestions of other things that could deter crime; the recent significant violence in the past few weeks in the City and the need to look at funding and working with the WPD in looking at changing tactics and/or a new approach to curve the violence; funds being divided among members of Council for Community Services; Cindy Foundation; street paving; Council Member Dixon requested the WPD directly send an email to Council anytime there's a shooting or things happening in the City of Wilmington; representation for the City Treasurer; underlying issues and the need to protect all citizens regardless of where they in the City of Wilmington; a motion made by Council Member Guy, seconded by Council Member Gray requesting a letter be sent to the Treasurer by Council in support of the Treasurer having representation paid for by the City (opposed by Council Member Adams); the use of petitions and communications to attack people personally and the need for those people to have a chance to respond to those attacks; Council Member Johnson was welcomed to City Council for his first meeting; Council was informed of meetings being scheduled to review the Strategic Plan and see what needs to be changed and updated; Council to get with staff on updates of legislation in the pipeline and initiatives that have been accomplished in the last year; Year at Wilmington (internship program for college students); and including, but not limited to, announcement of community events.

**ADJOURNMENT**

Upon a motion of Council Member Freel, seconded by Council Member McCoy, Council adjourned at 7:51 p.m. Motion prevailed.

Attest: Maribel Seijo  
Maribel Seijo, City Clerk