

*Wilmington, Delaware
Louis L. Redding
City/County Building
September 19, 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 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, Johnson, Freel, Adams and Dixon and Council President Shabazz. Total, eleven. Absent with leave, Council Member Walsh. Total, one. Absent without leave, Council Member Guy. Total, one.

MINUTES

After reading a portion of the minutes, of September 5, 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

No committee reports this evening.

TREASURER'S REPORT

The following Treasurer's Report as of September 19, 2019, was read into the record by City Clerk and upon a motion of Council Member Congo, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 2 to Page 3.

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@wilmingtondc.gov



City of Wilmington Treasurer's Report
as of September 19, 2019

Cash on Hand:

General Account	M & T Bank	\$10,569,891.79
Central Deposit	M & T Bank	\$70,497.68
Payroll	M & T Bank	\$1,066,399.73
Total Petty Cash Accounts	M & T Bank	\$11,359.88
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	\$33,639.58
Police Department Discretionary	M & T Bank	\$19,565.38
Pension Payroll Account	M & T Bank	\$3,330,254.05
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	\$371,325.69
Police Pension Account	M & T Bank	\$407,507.38
Fire Pension Account	M & T Bank	\$24,248.01
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$398,434.01
SubTotal		\$17,483,565.41
Total Cash on Hand		\$17,483,565.41

INVESTMENTS September 19, 2019:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
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	TD	CD	11/20/2019	1.85%	\$15,288.19	\$3,500,000.00
General	TD	CD	11/26/2019	1.81%	\$8,245.56	\$2,000,000.00
General	TD	CD	11/27/2019	1.81%	\$15,284.44	\$4,000,000.00
General	TD	CD	12/19/2019	1.80%	\$14,700.00	\$3,000,000.00
General ¹	WSFS	CD	11/13/2019	2.45%	\$221,372.60	\$17,000,000.00
SUB-TOTAL:						\$67,021,301.49
CAPITAL FUND:						
Capital ≤ 2015	TD	CD	9/19/2019	2.12%	\$61,624.46	\$16,610,367.37
Capital ≥ 2018	TD	CD	12/5/2019	1.83%	\$10,569.43	\$2,310,257.00
Capital ≥ 2018	TD	CD	12/5/2019	1.83%	\$66,245.02	\$14,320,667.00
SUB-TOTAL:						\$33,241,291.37
RISK MGMT:						
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					\$23,707,398.00
SUB-TOTAL:						\$40,112,169.94
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	9/27/2019	1.90%	\$7,050.66	\$4,535,000.00
Escrow Pension	Edgar Lomax					\$22,971,962.00
Escrow Pension	Vanguard Fixed					\$39,981,978.00
Escrow Pension	Earnest Partners					\$23,600,878.00
Escrow Pension	Wilmington Trust					\$36,732,482.00
Escrow Pension	Vanguard Stock Index					\$38,947,675.00
Escrow Pension	Artisan Global					\$7,740,845.00
Escrow Pension	Dodge & Cox					\$10,623,783.00
Escrow Pension	Fidelity					\$18,389,208.00
Escrow Pension	Harding Loevner					\$8,485,991.00
Escrow Pension	MFS Management					\$22,441,237.00
Escrow Pension	Clarion Lyon					\$6,295,527.00
Escrow Pension	Morgan Stanley					\$5,980,512.00
SUB-TOTAL:						\$246,727,078.00
OTHER:						
Deferred Comp	MassMutual					\$49,068,020.88
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
Total Investments						\$438,195,072.68
Total Cash on Hand						\$17,483,565.41
Grand Total						\$455,678,638.09

¹ Budget Reserve

Velda Jones-Potter
 Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

- | | |
|-------------|--|
| All Council | Recognize The Village of St. John (Ministry of Caring) |
| All Council | Recognize Osogbo, Nigeria Delegation (Sister Cities of Wilmington) |
| Harlee | Sympathy Hassie M. Queen |
| Shabazz | Recognize September 2019 as National Recovery Month |
| Shabazz | Sympathy Rohan Martin White |
| Shabazz | Recognize William Montgomery |
| Walsh | Sympathy Ann M. Paoli |
| Walsh | Sympathy Anna Grandell Rispoli |
| Walsh | Sympathy Lawrence Sullivan, Sr. |
| Walsh | Sympathy Clifford Hearn |

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

LEGISLATIVE BUSINESS

President Shabazz: Council Member Gray, any legislation this evening?

Council Member Gray: None this evening Madam President.

President Shabazz: Council Member Congo, legislation sir?

Council Member Congo: Nothing tonight Madam President, thank you.

President Shabazz: Council Member Oliver.

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

Council Member Oliver presented Resolution No. 19-047 (Agenda #4705) as follows:

WHEREAS, pursuant to 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 authorization for expedited grant applications when necessary prior to Council’s approval by resolution; and

WHEREAS, the City, through the Department of Planning and Development has sought to obtain grant funding from the U.S. Environmental Protection Agency (“EPA”) in the amount of \$300,000 to conduct a Community-wide Assessment

of the brownfields along the Northeast Brandywine Creek within the neighborhood known as Price's Run; and

WHEREAS, the Grant Funds will be used to support the City's ongoing Riverfront Revitalization Plan aimed at transforming the Northeast Brandywine Riverfront into a vibrant urban waterfront with new businesses, residential, greenspaces, and a "living shoreline;" and

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Department of Planning and Development, to submit the aforesaid application for funding for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Planning and Development, is hereby authorized to apply for grant funding from EPA in the amount of \$300,000 to conduct a Community-wide Assessment of the brownfields along the Northeast Brandywine Creek within the neighborhood known as Price's Run.

BE IT FURTHER RESOLVED that the Director of the Department of Planning and Development, or their designee, shall be authorized to take all necessary actions to complete the filing of the grant application, including all undertakings and assurances taken heretofore, to accept any and all funds associated with the grant application and, if and when the grant is forthcoming, to execute the grant program for the City of Wilmington.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact on the City. The grant monies to be awarded will be used in conjunction with already budgeted funds as part of the City's Riverfront Revitalization Plan for the area.

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

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, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams and Dixon, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Guy and Walsh. Total, two.

President Shabazz: Declare it adopted. Council Member Harlee.

Council Member Harlee: Yes, Council President, I do have two Resolutions to present. My first Resolution is 4706.

Council Member Harlee presented Resolution No. 19-048 (Agenda #4706) as follows:

WHEREAS, pursuant to Wilmington Charter Section 8-205, the City may sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way, or other interest over or in such real estate with authority by general ordinance and later resolution from Council to do so; and

WHEREAS, City Code Section 2-626 provides that the Department of Public Works shall have the authority to grant licenses, easements, and/or rights-of way as shall be necessary for the construction, installation, maintenance, repair, operation, and inspection of utilities, subject to the approval of City Council by resolution; and

WHEREAS, the City desires to provide Delmarva Power & Light Company (“Delmarva”) with a certain utility easement over and across that certain portion of City-owned land known as Rodney Square, having an address of 1000 North Market Street, Wilmington, DE 19801 (being Tax Parcel No. 26-035.20-098), in connection with Delmarva’s installation and maintenance of a new electric line across said land.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby authorizes and approves the granting of a certain utility easement over and across that certain portion of land known as Rodney Square, having an address of 1000 North Market Street, Wilmington, DE 19801 (being Tax Parcel No. 26-035.20-098), in accordance with the “Utility Easement Agreement” between the City of Wilmington and Delmarva Power & Light Company, a copy of which, in substantial form, is attached hereto as Exhibit “A” and incorporated herein.

BE IT FURTHER RESOLVED that the Council authorizes the Department of Public Works to execute any and all documents necessary to effectuate the granting of such utility easement in connection with Delmarva Power & Light Company’s installation and maintenance of a new electric line over and across Rodney Square.

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

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, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams and Dixon, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Guy and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Harlee: The next Resolution is #4707. I’m presenting it on your behalf.

On behalf of President Shabazz, Council Member Harlee presented Resolution No. 19-049 (Agenda #4707) as follows:

WHEREAS, Wilmington City Charter Section 8-204 provides that conditional gifts of money or personal property to the City are subject to Council approval; and

WHEREAS, the joint partnership between non-profits FitLot Inc. and AARP is proposing to perform playground upgrades and donate outdoor exercise equipment to the City of Wilmington Department of Parks and Recreation conditioned on its use at Holloway/Compton Park and that the equipment be kept in good repair; and

WHEREAS, an outdoor FitLot fitness park makes the benefits of indoor exercise training free and accessible to the public; and

WHEREAS, members of the community will enjoy the health benefits of a more active lifestyle at no cost to the City; and

WHEREAS, no matching funds are required.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council, acting pursuant to 1 Wilm. C. (Charter) §8-204, hereby approves acceptance of the gift of the playground upgrade services and outdoor exercise equipment to the City of Wilmington Department of Parks and Recreation by and from the joint partnership between FitLot, Inc. and AARP.

BE IT FURTHER RESOLVED that the Mayor or his designee and the Department of Parks and Recreation are authorized take all actions necessary to finalize the donation of the playground improvement services and outdoor exercise equipment to the City of Wilmington and the installation of such equipment within Holloway/Compton Park.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact on the City as no local matching funds are required by the donation.

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

President Shabazz: 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, Johnson, Freel, Adams and Dixon, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Guy and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Harlee: Council President, per my request, may I be excused?

President Shabazz: Ah, yes. You cannot finish the last two pieces of legislation?

Council Member Harlee: No, I can't.

President Shabazz: Ok, you're excused.

Council Member Harlee: Thank you.

President Shabazz: Council Member Turner.

Council Member Turner: Nothing tonight Madam President.

President Shabazz: Council Member McCoy.

Council Member McCoy: Ah, yes Madam President, I have a Resolution to present.

Council Member McCoy presented Resolution No. 19-050 (Agenda #4708) as follows:

WHEREAS, the City of Wilmington is, and has been home to thousands of individuals of different nationalities, ethnicities, religions and sexual orientations, who have developed the economic, cultural, civic and physical environment of this vibrant and largest City in the Diamond state of Delaware; and

WHEREAS, Wilmington has a rich legacy of honoring and celebrating the many different groups of people who represent our City, with longstanding festivals such as St. Anthony's Italian Festival, the People's Festival 4Peace Tribute to Bob Marley, the Indo-American India Fest, the August Quarterly Religious Festival, the St. Hedwig Polish Festival, the Wilmington Hispanic Festival and the Wilmington Greek Festival; and

WHEREAS, a Safe Community is defined as a community that limits its cooperation with federal immigration enforcement agents in order to protect immigrants from deportation and ensuring that all residents receive City services regardless of immigration status; and

WHEREAS, the cooperation of all individuals, both those here legally and those without documentation, is essential to achieving the City's goals of protecting and enhancing the quality of life of residents and visitors; and

WHEREAS, it is fundamental to the values of our City that all people have equal access to City services, regardless of their citizenship or immigration status; and

WHEREAS, in order to maintain trust between the City and all its residents, Wilmington seeks to protect the safety, civil, and human rights of all residents, regardless of race, sexual orientation, religion, ethnicity and immigration status; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Administration is hereby encouraged to

consider, where necessary, the following revisions in current policy in order to ensure equitable treatment among all City residents:

Section 1: Protection of Residents' Personal Information. It shall be the policy of all City of Wilmington departments, agencies and commissions not to provide non-publicly available information about an individual to any entity or official, including, but not limited to, any state or federal government agency or official, unless necessary to perform department, agency or commission duties or such actions required by law.

Section 2: Restriction on Use of City Resources. It shall be the policy of all City of Wilmington departments, agencies and commissions not to identify, investigate or detain any person solely on the basis of a suspected violation of immigration law.

Section 3: Implementation and Training of Law Enforcement. The Wilmington Police Department is encouraged to review and where necessary revise their policies regarding immigrants to reflect the values of the City of Wilmington to be welcoming of all persons, regardless of immigrant status. Other City of Wilmington departments are also encouraged to review their policies to ensure compliance to these values.

BE IT FURTHER RESOLVED that Wilmington City Council values all of the principles of our Democracy and this country's heritage of being a nation of immigrants. Therefore, the purpose of this Resolution is to strongly encourage the Administration to consider making the above policy and operational changes so that all residents, regardless of immigration status, national and ethnic origins, race, religion or sexual orientation have equal access to City services, feel welcome, protected and valued in our great City of Wilmington.

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

President Shabazz: Declare it adopted. Council Member Johnson, any legislation tonight sir?

Council Member Johnson: I have nothing tonight Council President.

President Shabazz: Council Member Freel.

Council Member Freel: I have nothing, thank you.

President Shabazz: Council Member Adams.

Council Member Adams: No ma'am not this evening, thank you.

President Shabazz: Council Member Dixon.

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

Council Member Dixon presented Resolution No. 19-051 (Agenda #4709) as follows:

WHEREAS, pursuant to 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 authorization for expedited grant applications when necessary, prior to Council's approval by resolution; and

WHEREAS, the Department of Planning and Development submitted a grant application to the Delaware Department of State, Division of Historical and Cultural Affairs in the amount of \$12,650 to continue the City's Historic Preservation Planning Program, which has been in existence for over 30 years; and

WHEREAS, the U.S. Department of the Interior provides funding to the Delaware Division of Historical and Cultural Affairs to act as a pass through for this grant; and

WHEREAS, the Department of Planning and Development intends to use the grant, as it has in past years, to partially fund the position of Historic Preservation Planner; and

WHEREAS, the grant requires matching funds that equal or exceed 40% of the total project costs, which amounts to \$8,434; and

WHEREAS, the Council deems it necessary and proper 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 Planning and Development's grant application to the Delaware Department of State, Division of Historical and Cultural Affairs in the amount of \$12,650 to support the City's Historic Preservation Planning Program is hereby authorized.

BE IT FURTHER RESOLVED that the Director of the Department of Planning and Development or his designee is hereby authorized to take all necessary actions to apply for and accept any all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City by accepting this grant. The grant requires matching funds of a minimum of 40% of the total project costs and the City has included more than the minimum \$8,434 matching funds in the proposed FY2020 operating budget, which meets the match requirement and completes funding for the full position. The grant will defray some of the fiscal impact of the position of Historic Preservation Planner.

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

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, Oliver, Turner, McCoy, Johnson, Freel, Adams and Dixon, and Council President Shabazz. Total, ten. Nays, none. Absent, Council Members Harlee, Guy and Walsh. Total, three.

President Shabazz: Declare it adopted. Councilman Freel you can be excused.

PETITIONS AND COMMUNICATIONS

Council President and Council Members spoke on the following: the gun violence that's been occurring in the last few weeks and the need to come together collectively and address the root cause; condolences expressed to those families who lost a love one, including Council Member Turner's family; announcement of various community events throughout the districts; and including, but not limited to, the Wilmington Blue Rocks was congratulated on their first Mills Cups Championship in two decades.

ADJOURNMENT

Upon a motion of Council Member Dixon, seconded by Council Member McCoy, Council adjourned at 7:09 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk