

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
November 7, 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, Harlee, Turner, McCoy, Johnson, Freel, Adams and Dixon and Guy, and Council President Shabazz. Total, eleven. Absent with leave, Council Members Oliver and Walsh. Total, two.

### **MINUTES**

After reading a portion of the minutes, of October 17, 2019, upon a motion of Council Member Congo, seconded by Council Member Freel, it was moved they be accepted as written. Motion prevailed.

### **TREASURER'S REPORT**

The following Treasurer's Report as of November 7, 2019, was read into the record by City Clerk and upon a motion of Council Member Congo, seconded by Council Members Freel and Dixon, 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.*

*[the remainder of this page intentionally left blank]*

**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 Delaware



## City of Wilmington Treasurer's Report as of November 7, 2019

### Cash on Hand:

General Account	M & T Bank	\$8,019,498.87
Central Deposit	M & T Bank	\$233,245.59
Payroll	M & T Bank	\$4,324,757.55
Total Petty Cash Accounts	M & T Bank	\$10,967.16
Grant-In-Aid	M & T Bank	\$152,196.30
Evidence/Found Currency Account	M & T Bank	\$993,192.36
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,647.45
Police Department Discretionary	M & T Bank	\$33,214.80
Pension Payroll Account	M & T Bank	\$338,029.48
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	\$21,307.97
Police Pension Account	M & T Bank	\$46,516.99
Fire Pension Account	M & T Bank	\$5,452.69
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$359,718.90
<b>SubTotal</b>		<b>\$14,604,381.68</b>
<b>Total Cash on Hand</b>		<b>\$14,604,381.68</b>

**INVESTMENTS November 7, 2019:**

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>GENERAL FUND:</b>						
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	11/26/2019	1.83%	\$17,029.17	\$5,000,000.00
General	TD	CD	11/27/2019	1.81%	\$15,284.44	\$4,000,000.00
General	TD	CD	11/27/2019	1.88%	\$5,744.44	\$2,000,000.00
General	TD	CD	12/5/2019	1.64%	\$5,876.67	\$3,000,000.00
General	TD	CD	12/19/2019	1.80%	\$14,700.00	\$3,000,000.00
General	TD	CD	12/30/2019	1.67%	\$10,298.33	\$3,000,000.00
General	TD	CD	1/3/2020	1.59%	\$9,120.42	\$3,500,000.00
General <sup>1</sup>	WSFS	CD	11/13/2019	2.45%	\$221,372.60	\$17,000,000.00
<b>SUB-TOTAL:</b>						<b>\$51,500,000.00</b>
<b>CAPITAL FUND:</b>						
Capital ≤ 2015	TD	CD	11/14/2019	1.90%	\$42,264.77	\$14,300,110.66
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
<b>SUB-TOTAL:</b>						<b>\$30,931,034.66</b>
<b>RISK MGMT:</b>						
Risk Management	TD	CD	1/9/2020	1.79%	\$42,634.17	\$8,244,682.94
Worker's Comp	TD	CD	1/9/2020	1.79%	\$42,634.17	\$8,244,682.94
Retiree Medical Escrow	Vanguard-OPEB					\$23,957,953.00
<b>SUB-TOTAL:</b>						<b>\$40,447,318.88</b>
<b>PENSION FUND:</b>						
Non-Uniform 1990	TD	CD	11/26/2019	1.61%	\$5,302.27	\$4,560,000.00
Escrow Pension	Edgar Lomax					\$23,806,577.00
Escrow Pension	Vanguard Fixed					\$39,849,342.00
Escrow Pension	Barnest Partners					\$24,135,490.00
Escrow Pension	Wilmington Trust					\$36,595,949.00
Escrow Pension	Vanguard Stock Index					\$39,570,958.00
Escrow Pension	Artisan Global					\$7,740,845.00
Escrow Pension	Dodge & Cox					\$11,007,668.00
Escrow Pension	Fidelity					\$18,895,879.00
Escrow Pension	Harding Loevner					\$8,598,438.00
Escrow Pension	MFS Management					\$22,196,912.00
Escrow Pension	Clarion Lyon					\$6,295,527.00
Escrow Pension	Morgan Stanley					\$5,980,512.00
<b>SUB-TOTAL:</b>						<b>\$249,234,097.00</b>
<b>OTHER:</b>						
Deferred Comp.	MassMutual					\$48,760,326.77
Contractual Requirements	WSFS	CD	1/15/2020	1.66%	\$12,605.03	\$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>\$422,897,988.31</b>
<b>Total Cash on Hand</b>						<b>\$14,604,381.68</b>
<b>Grand Total</b>						<b>\$437,502,369.99</b>

<sup>1</sup> Budget Reserve

*Velda Jones-Potter*  
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 Sonia Schorr Sloan
All Council	Sympathy U.S. Representative Elijah Cummings
All Council	Sympathy U.S. Representative John Conyers
Harlee	Recognize Cavanaugh's Restaurant
McCoy	Recognize Rainbow of Grace Community Service
Oliver	Sympathy Jordan Righter
Oliver	Sympathy Ben F. Martin, Sr.
Oliver	Sympathy John M. Kwiatkowski
Oliver	Sympathy Edith V. Williams
Oliver	Sympathy Agnes Sampson
Oliver	Sympathy Gwendolyn Jeffers
Oliver	Sympathy Charles A. Scully
Shabazz	Recognize Barbara Cooper
Shabazz	Sympathy Herbert James Porter, Sr.
Shabazz	Sympathy Helen C. Street
Turner	Sympathy Emma L. Hussey Grady

## **LEGISLATIVE BUSINESS**

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

Council Member Gray: No Madam President.

President Shabazz: Council Member Congo.

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

President Shabazz: Council Member Harlee, you're going to present on behalf of Council Member Oliver as well?

Council Member Harlee: Yes, I have a Resolution to present on her behalf.

On behalf of Council Member Oliver, Council Member Harlee presented Resolution No. 19-070 (Agenda #4731) 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 Delaware Water Infrastructure Advisory Council (WIAC) offers funding in the form of a Project Planning Advance to assist municipalities in preparing Preliminary Engineering Reports and Environmental Information Documents; and

**WHEREAS**, the City has previously submitted a Notice of Intent to apply for SRF Funding for this Project; and

**WHEREAS**, the Department of Public Works is seeking a grant in the amount of \$50,000 from the WIAC to prepare the necessary reports and documents associated with the design of green stormwater improvements to address stormwater needs as part of a park improvement project at 15<sup>th</sup> and Walnut Street; and

**WHEREAS**, those planned improvements will complement the City's Enhanced Long Term Control Plan (ELTCP) aimed at reducing the number of combined sewer overflows (CSOs) within the City; and

**WHEREAS**, the WIAC has approved the planning project contingent upon City Council to approval of the project advance.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department of Public Works, is hereby authorized to apply for grant funding from WIAC in the amount of \$50,000 to assist in preparing Preliminary Engineering Reports and Environmental Information Documents related to the design of green stormwater improvements to address stormwater needs as part of a park improvement project at 15<sup>th</sup> and Walnut Street.

**BE IT FURTHER RESOLVED** that the Director of the Department of Public Works, 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 impact from this grant. In the event that the project does not move forward, the City would be required to repay the advance funds, which will come from already budgeted funds.

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

President Shabazz: No comments from members of Council. Are there any comments from the public regarding this legislation? Seeing none, Clerk will call the roll.

The-above 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, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Oliver and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Harlee: Council President, I have an Ordinance to present on your behalf and call for the first and second reading.

On behalf of President Shabazz, Council Member Harlee presented and called for the first and second reading Ordinance No. 19-046 (Agenda #4732) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CITY  
CODE REGARDING THE DURATION OF THE RIVERFRONT  
WILMINGTON BUSINESS IMPROVEMENT DISTRICT

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

Council Member Harlee: Thank you.

President Shabazz: Council Member Turner.

Council Member Turner: Thank you Madam President. Madam President, I have an Ordinance to present and call for the first and second reading.

Council Member Turner presented and called for the first and second reading Ordinance No. 19-047 (Agenda #4733) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/  
PARKING REGULATIONS

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Turner, seconded by Council Members McCoy and Dixon, the Ordinance was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

Council Member Turner: Thank you Madam President. Madam President, I have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Turner presented Resolution No. 19-071 (Agenda #4734) 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 Public Works submitted a grant application to the Federal Emergency Management Agency (FEMA) in the amount of \$95,229.20 for advance assistance in the development of cost-effective and impactful

hazard mitigation strategies for the vulnerable neighborhood of South Wilmington, including Southbridge; and

**WHEREAS**, the department of public works will be contributing 25% (\$31,743.07) of the **total** funding (\$126,972.27) to accomplish the same from previously budgeted funds; and

**WHEREAS**, the hazard mitigation activities supported by this grant will benefit critical infrastructure including the City's Office of Emergency Management, and the Port of Wilmington; and

**WHEREAS**, the Southbridge neighborhood will be directly benefited by cost-effective and impactful mitigation of detrimental environmental activities and events, including flooding hazards.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department of Public Works, is hereby authorized to apply for grant funding from FEMA in the amount of \$95,229.20 in advance assistance related to the development of cost-effective and impactful hazard mitigation strategies for the vulnerable neighborhood of South Wilmington.

**BE IT FURTHER RESOLVED** that the Director of the Department of Public Works, 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 as the funding to be provided by the Department of Public Works is already budgeted.

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

President Shabazz: Are there any comments from the public regarding this Resolution? Seeing none, Clerk will call the roll.

The-above 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, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Oliver and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Turner: That's all I have Madam President.

President Shabazz: Thank you sir. Council Member McCoy.

Council Member McCoy: Nothing tonight Madam President.

President Shabazz: Council Member Johnson.

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

Upon a motion of Council Member Johnson, seconded by Council Member Freel, Council dissolved into the Committee of the Whole for the purpose of having a public hearing. Motion prevailed.

**PUBLIC HEARING**  
**ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN ENTITLED**  
**“WILMINGTON 2028: A COMPREHENSIVE PLAN FOR OUR CITY AND**  
**COMMUNITIES”**

---

President Shabazz: Clerk, please read the Affidavit of Publication.

The City Clerk read the Affidavit of Publication. Upon a motion of Council Member Johnson, seconded by Council Member Freel, the Affidavit of Publication was made a part of the record. Motion prevailed.

*Note: The Affidavit of Publication was added into the record and is attached herein as an insert from Page 9 through Page 10.*

*[the remainder of this page intentionally left blank]*





**The News Journal**  
**Media Group**

A GANNETT COMPANY

Street Address:  
950 West Basin Road  
New Castle, DE 19720

(302) 324-2500  
(800) 235-9100

Mailing Address:  
P.O. Box 15505  
Wilmington, DE 19850

Legal Desk:  
(302) 324-2676  
Legal Fax:  
302 324-2249

SD CITY OF WILMINGTON  
800 N FRENCH ST

WILMINGTON, DE 19801

DE,

## AFFIDAVIT OF PUBLICATION

**State of Delaware**  
**New Castle County**

Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

10/22/19 . A.D 2019

Ad Number: 0003854035

Sworn and subscribed before me, this 22 day of October,  
2019

Legal notification printed at larger size for affidavit.



**NOTICE IS HEREBY GIVEN** that a public hearing to consider proposed Comprehensive Development Plan Entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities" will be held by the Wilmington City Council in the Council Chambers on November 7, 2019 at 6:30 p.m. pursuant to Resolution No. 19-061.

Maribel Seijo  
City Clerk

10/22-NJ

---

0003854035-01

President Shabazz: Clerk, can you please read the Planning Commission Report?

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Johnson, seconded by Council Member Freel, the Planning Commission Report was made a part of the record. Motion prevailed. The Planning Commission's Report constituting the recommendations to City Council are further reflected in the videotape of the November 7, 2019 City Council meeting and public hearing, which is incorporated herein by reference.

Mr. Herbert Inden (Director of the Department of Planning and Development) did a presentation, which is reflected in the videotape of the November 7, 2019 City Council meeting and public hearing, which is incorporated herein by reference. Several members of Council made comments and raised questions, and Mr. Inden responded.

The floor was opened for anyone from the public to speak "for" or "against" the proposed Comprehensive Plan, which is reflected in the videotape of the November 7, 2019 City Council meeting and public hearing, which is incorporated herein by reference.

**FOR**

- Charlie Laymirth (last name?).

**AGAINST**

- D. Marque Hall
- Nadine Frost
- Don Farrell
- Dale Thomas

Upon a motion of Council Member Johnson, seconded by Council Member Freel, Council returned to Regular Order of Business. Motion prevailed.

**REGULAR ORDER OF BUSINESS**

Council Member Johnson: I this time, I move for the Findings to be a part of the record.

Mrs. Seijo (City Clerk): There were no findings at this time. Thank you.

Council Member Johnson: At this time, I would like to present a Resolution.

President Shabazz: Well, I, I'd like to say as the sponsor of this Resolution, I would like to "hold" the Resolution.

Council Member Johnson: Noted.

Mrs. Seijo (City Clerk): Noted.

**After extensive discussion, Agenda #4735 was held.**

President Shabazz: Ok. Council Member Freel.

Council Member Freel: Ah, thank you. Um, I believe I have two Ordinances. One for first and second and one for third and final.

Council Member Freel presented and called for the first and second reading Ordinance No. 19-048 (Agenda #4736) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A  
CONTRACT BETWEEN THE CITY OF WILMINGTON  
AND REHRIG FINANCIAL SERVICES FOR THE  
LEASE OF, AND OPTION TO PURCHASE, MUNICIPAL  
SOLID WASTE CONTAINERS

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is a contract for the period of five (5) years commencing on the date of its execution at an estimated annual price of Three Hundred Thirty Thousand, Eight Hundred Thirty-Nine Dollars and Seventy-Six Cents (\$330,839.76) and an estimated total price of One Million, Six Hundred Fifty-Four Thousand, One Hundred Ninety-Eight Dollars and Eighty Cents (\$1,654,198.80).

The above-reference 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 Public Works & Transportation Committee. Motion prevailed.

Council Member Freel: Well, I'm a little nervous about making this next motion.

President Shabazz: Well, I was going to ask Mr. Freel, before we move into the next public hearing, dissolve into the Whole for a public hearing, I would like to take a five-minute recess.

*Note: At this time, Council moved to recess.*

President Shabazz: I'd like to return back to regular order of business of City Council, and Councilman Freel.

Upon a motion of Council Member Freel, seconded by Council Members Johnson and McCoy, Council dissolved into the Committee of the Whole for the purpose of holding a public hearing. Motion prevailed.

**PUBLIC HEARING**  
**AMEND ARTICLE IX, DIVISION 2, SUBDIVISION III OF CHAPTER 48 OF**  
**THE CITY CODE TO PROVIDE PENALTY AND ENFORCEMENT**  
**PROVISIONS RELATING TO NEIGHBORHOOD CONSERVATION**  
**DISTRICTS (ORDINANCE NO. 19-040)**

---

President Shabazz: Clerk, please read the Affidavit of Publication.

The City Clerk read the Affidavit of Publication. Upon a motion of Council Member Freel, seconded by Council Members Johnson and Dixon, the Affidavit of Publication was made a part of the record. Motion prevailed.

*Note: The Affidavit of Publication was added into the record and is attached herein as an insert from Page 14 through Page 15.*

*[the remainder of this page intentionally left blank]*



**The News Journal**  
**Media Group**  
A GANNETT COMPANY

Street Address:  
950 West Basin Road  
New Castle, DE 19720

(302) 324-2500  
(800) 235-9100

Mailing Address:  
P.O. Box 15505  
Wilmington, DE 19850

Legal Desk:  
(302) 324-2676  
Legal Fax:  
302 324-2249

SD CITY OF WILMINGTON  
800 N FRENCH ST

WILMINGTON, DE 19801

DE,

## AFFIDAVIT OF PUBLICATION

**State of Delaware**  
**New Castle County**

Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

10/22/19 **A.D 2019**

Ad Number: 0003854140

Sworn and subscribed before me, this 22 day of October,  
2019

Legal notification printed at larger size for affidavit.



Notice of time and place of a public hearing before City Council of the City of Wilmington on Ordinance No. **19-040**, which proposes to amend Chapter 48 of the Wilmington City Code of the City of Wilmington.

Please take notice that a public hearing will be held in the Council Chambers, 1st floor, City/County Building, 800 French Street, Wilmington, Delaware on **November 7, 2019 at 6:30 p.m.** before City Council of the City of Wilmington, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. **19-040** entitled:

AN ORDINANCE TO AMEND ARTICLE IX, DIVISION 2, SUBDIVISION III OF CHAPTER 48 TO PROVIDE PENALTY AND ENFORCEMENT PROVISIONS RELATING TO NEIGHBORHOOD CONSERVATION DISTRICTS

Ordinance No. **19-040** was introduced in City Council at a regular meeting held on August 22, 2019 and received 1st & 2nd readings at that time. Resolution No. 19-062 was adopted by City Council at the meeting of City Council held on October 17, 2019 directing that a public hearing on Ordinance No. **19-040** be held by City Council on **November 7, 2019 at 6:30 p.m.** in the Council Chambers and directing that the President of City Council and the City Clerk of the City of Wilmington give public notice of said hearing in the manner and form required by the Zoning Enabling Act (22 Del. C. § 304) and the Wilmington City Code.

Ordinance No. **19-040** proposes to amend the existing Wilmington Zoning Code (Chapter 48).

This notice is given pursuant to the provisions of Sec. 48-51 of the Wilmington City Code providing that the Zoning Code may be amended after a public hearing is held, at which time interested property owners and citizens may have an opportunity to be heard in favor of or in opposition to the proposed amendment.

The text, map and report of the City Planning Commission related to this proposed amendment may be examined in the City Clerk's Office, 9th floor, City/County Building from 9:00 a.m. to 5:00 p.m., except on Saturdays, Sundays, and holidays.

By direction of City Council  
Hanifa Shabazz, President  
10/22-NJ

City Clerk  
MARIBEL SEJO

President Shabazz: Clerk, can you please read the Planning Commission Report.

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Freel, seconded by Council Members Johnson, McCoy and Dixon, the Planning Commission Report was made a part of the record. Motion prevailed. The Planning Commission's Report constituting the recommendations to City Council are further reflected in the videotape of the November 7, 2019 City Council meeting and public hearing, which is incorporated herein by reference.

Ms. Patricia Maley (Senior Planner/Design Review and Preservation Commission Coordinator with the Department of Planning) did a presentation, which is reflected in the videotape of the November 7, 2019 City Council meeting and public hearing, which is incorporated herein by reference. Several members of Council made comments and raised questions and Ms. Maley responded.

The floor was opened for anyone from the public to speak for or against the proposed amendments detailed in Ordinance No. 19-040 and nobody desired the privilege of the floor.

Upon a motion of Council Member Freel, seconded by Council Members Turner and Dixon, Council returned to Regular Order of Business. Motion prevailed.

### **REGULAR ORDER OF BUSINESS**

President Shabazz: Clerk, will you please read the committee report.

The City Clerk read the following committee report:

<b><u>Community Development &amp; Urban Planning Committee Members</u></b>	<b><u>Present</u></b>	<b><u>Absent with Leave</u></b>	<b><u>Absent w/out Leave</u></b>
Rysheema Dixon, Chair	x		
Yolanda McCoy, Vice-Chair	x		
Ernest "Trippi" Congo, II		x	
Linda M. Gray	x		
Zanthia Oliver		x	
Va'Shun "Vash" Turner	x		
Dr. Hanifa Shabazz, Ex-Officio	x		

President and Members of Council of  
The City of Wilmington

October 10, 2019

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee, to who was referred **Ordinance No. 19-040** entitled:



AN ORDINANCE TO AMEND ARTICLE IX, DIVISION 2,  
SUBDIVISION III OF CHAPTER 48 TO PROVIDE PENALTY  
AND ENFORCEMENT PROVISIONS RELATING TO  
NEIGHBORHOOD CONSERVATION DISTRICTS

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

Respectfully submitted, Members of  
Community Development & Urban Planning Committee  
/s/Rysheema Dixon, Chair  
/s/Yolanda McCoy, Vice Chair  
/s/Linda M. Gray  
/s/Hanifa Shabazz, Ex-Officio Member

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

President Shabazz: Clerk, I ask if there are any findings?

Mrs. Seijo (City Clerk): Yes, Madam President.

The City Clerk read the Factual Findings and upon a motion of Council Member Freel, seconded by Council Member Dixon, the below Factual Findings supporting City Council's decision to pass Ordinance No. 19-040 to Amend Article IX, Division 2, Subdivision III of Chapter 48 to Provide Penalty and Enforcement Provisions Related to Neighborhood Conservation Districts were made a part of the record (one opposition to the Findings by Councilman Adams). Motion prevailed.

Council Member Guy raised questions and City Clerk Seijo responded.

City Council's Factual Findings supporting its decision to pass Ordinance No. 19-040 are further reflected in the videotape of the November 7, 2019 City Council meeting and public hearing, which is incorporate herein by reference.

Council Member Freel: Madam President, at this time I have an Ordinance to present and call for third and final reading.

Council Member Freel presented and called for the third and final reading Ordinance No. 19-040 (Agenda #4696) entitled:

AN ORDINANCE TO AMEND ARTICLE IX, DIVISION 2,  
SUBDIVISION III OF CHAPTER 48 TO PROVIDE PENALTY  
AND ENFORCEMENT PROVISIONS RELATING TO  
NEIGHBORHOOD CONSERVATION DISTRICTS

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 made comments. Council Member Guy made comments.

The floor was opened for anyone from the public to speak for or against the proposed amendments detailed in Ordinance No. 19-040 and nobody desired the privilege of the floor.

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 Member Gray – yes, based on the findings; Council Member Congo – yes, based on the findings; Council Member Harlee – yes, based on the findings; Council Member Turner – yes, based on the findings; Council Member McCoy – yes, based on the findings; Council Member Freel – yes, based on the findings and the community support; Council Member Dixon – yes, based on the findings; Council Member Guy – yes, based on the findings; and Council President Shabazz – yes, based on the findings. Total, nine. Nays, Council Member Johnson – no, based on the findings; and Council Member Adams – no, based on the findings that are scary. Total, two. Absent, Council Members Oliver and Walsh. Total, two.

President Shabazz: Declare it adopted.

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

President Shabazz: Thank you. Council Member Adams.

Council Member Adams: Yes, Madam President, thank you. Madam President, I have an Ordinance to present and call for the first and second reading.

Council Member Adams presented and called for the first and second reading Ordinance No. 19-049 (Agenda #4737) entitled:

AN ORDINANCE INDUCING THE ORDERLY  
WIND-DOWN OF THE WILMINGTON  
PARKING AUTHORITY

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance will be positive as this Ordinance is expected to bring over \$30M into the City via the sale of the WPA Garage Properties. Furthermore, this Ordinance will increase the tax revenues of the City by subjecting the WPA Garage Properties to City taxes.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Adams, seconded by Council Members Freel

and McCoy, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

Council Member Adams: Thank you Madam President.

President Shabazz: Yes, sir. Council Member Dixon.

Council Member Dixon: Um, yes Madam President, I have an Ordinance to present and call for the first and second reading.

Council Member Dixon presented and called for the first and second reading Ordinance No. 19-050 (Agenda #4738) entitled:

AN ORDINANCE TO AMEND CHAPTER 13,  
ARTICLE II OF THE CITY CODE REGARDING  
NUISANCES CAUSED BY VACANT PROPERTIES

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Dixon, seconded by Council Members McCoy and Freel, the Ordinance was received, recorded and referred to the Community Development & Urban Planning Committee. Motion prevailed.

President Shabazz: Legislation um, presented by Council Member Walsh will be presented by Councilman Johnson.

Council Member Johnson: Good evening, I have item #4739.

On behalf of Council Member Walsh, Council Member Johnson presented Resolution No. 19-072 (Agenda #4739) 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 Wilmington Police Department ("WPD"), applied for the United States Department of Justice's ("DOJ") Justice Assistance Grant ("JAG") in the amount of \$215,521; and

**WHEREAS**, the JAG program provides states and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, crime prevention, and related law enforcement and corrections programs; and

**WHEREAS**, the Wilmington Police Department proposes to utilize the JAG grant funding to subsidize two separate projects, each of which will help address violent crime trends the City is experiencing as well as cold case investigations; and

**WHEREAS**, the first program WPD seeks to fund is for an overtime Anti-Violence Initiative. This Anti-Violence Initiative would address current crime

trends against persons and property within the City of Wilmington including, but not limited to, homicide, rape, robbery, burglary, and theft-related crimes. In addition, the Anti-Violence Initiative would help identify dangerous criminals and disrupt criminal enterprises, operations, and activities. This initiative would be implemented in a plain-clothes and uniformed fashion; and

**WHEREAS**, the second program identified by WPD as a priority is a civilian Cold Case Investigator for the Criminal Investigations Division. WPD proposes to maintain a civilian position within the department that would review the evidence of thousands of crime incidents investigated within the City of Wilmington. Evidence of crimes such as homicide, sexual assault, robbery, kidnapping, and other violent crimes would be researched for any available DNA evidence. This request is a continuation of a program which began with a FY09 Edward Byrne Memorial Justice Assistance Grant. The position has been effective and is an asset to the WPD Criminal Investigations Division; and

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

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the WPD's grant application to the DOJ in the amount of \$215,521 is hereby authorized.

**BE IT FURTHER RESOLVED** that the Chief of the Wilmington Police Department, 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:** There is no negative fiscal impact on the City as no local matching funds are required.

Upon a motion of Council Member Johnson, seconded by Council Members Dixon and Turner, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Resolution. Council Member Congo raised questions and Council Member Johnson responded.

President Shabazz: Seeing no more comments from members of Council, are there any comments from the public? Seeing none, 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, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Absent, Council Members Oliver and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Johnson: Madam President, I have another Resolution to present.

On behalf of Council Member Walsh, Council Member Johnson presented Resolution No. 19-073 (Agenda #4740) 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 Wilmington Police Department ("WPD"), applied for a grant from the Fund to Combat Violent Crimes ("FCVC"), administered by the Delaware Department of Safety and Homeland Security ("DSHS"), in the amount of \$403,608.20; and

**WHEREAS**, although the corporate limits of the City of Wilmington are only 12 square miles in size, the Wilmington Police Department is tasked with combating an active crime rate in this compact area; and

**WHEREAS**, like many jurisdictions, the Wilmington Police Department has experienced a decrease in authorized strength; and

**WHEREAS**, the Wilmington Police Department current authorized strength is 315 positions, dropping from a high of 342; and

**WHEREAS**, only 281 of the 315 authorized Wilmington Police Department positions are currently staffed; and

**WHEREAS**, the Wilmington Police Department proposes to use funds received from the Fund to Combat Violent Crime for an overtime program; and

**WHEREAS**, the overtime program will focus on intelligence-driven data of violent crimes generated from a weekly CompStat meeting; and

**WHEREAS**, a properly-funded overtime program will ensure that overtime assignments will target areas that are actively experiencing violent crime trends; and

**WHEREAS**, the overtime program will consist of directed patrols, walking assignments, tactical response initiatives, and plain clothes operations in the identified areas.

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

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the WPD's grant application to the DSHS in the amount of \$403,608.20 is hereby authorized.

**BE IT FURTHER RESOLVED** that the Chief of the Wilmington Police Department, 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:** There is no negative fiscal impact on the City as no local matching funds are required.

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

Resolution. Council Member Turner raised a question and Council Member Johnson responded. Council Member Turner made comments. Council Member Congo made comments. Council Member Guy raised a question and Council Member Johnson responded. Council Member Guy made comments.

President Shabazz: Seeing no more comments from members of Council, are there any comments from the public? Will you please come forward?

Public Comment Speaker:

- o D. Marque Hall

*Note: Nobody else from the public desired the privilege of the floor.*

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

President Shabazz: Declare it adopted.

Council Member Johnson: Madam President, I have another Resolution to present.

On behalf of Council Member Walsh, Council Member Johnson presented Resolution No. 19-074 (Agenda #4741) 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 Wilmington Police Department, applied for a grant in the amount of \$30,000 from Delaware Department of Justice for funding from the Special Law Enforcement Assistance Fund; and

**WHEREAS**, the Wilmington Police Department Crisis Management Hostage Negotiation Team utilizes a Mobile Command Center; and

**WHEREAS**, the Mobile Command Center houses equipment designed to establish communications with subjects in crisis; and

**WHEREAS**, the current 'throw-phone' command console, equipment which provides a link between the Negotiation Team and the subject in crisis, has degraded functionality and recently experienced a catastrophic failure; and

**WHEREAS**, the Wilmington Police Department seeks to upgrade to a wireless version of the command console which would eliminate issues associated with corded connections; and

**WHEREAS**, no matching funds are required; 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 Wilmington Police Department's grant application to the Delaware Department of Justice in the amount of \$30,000 is hereby authorized.

**BE IT FURTHER RESOLVED** that the Chief of Police, 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:** There is no negative fiscal impact on the City, because no local matching funds are required by the grant.

Upon a motion of Council Member Johnson, seconded by Council Members McCoy, Dixon and Turner, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Resolution and made comments. Council Member Gray raised questions and Council Member Johnson responded. President Shabazz made a statement regarding the questions. Council Member Guy made comments.

President Shabazz: Seeing no more questions from members from Council, are there any comments from the public?

Public Comment Speaker:

- D. Marque Hall

*Note: Nobody else from the public desired the privilege of the floor.*

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

President Shabazz: Declare it adopted.

Council Member Johnson: Good evening and Madam President, I have another Resolution to present.

On behalf of Council Member Walsh, Council Member Johnson presented Resolution No. 19-075 (Agenda #4742) as follows:

**WHEREAS**, City Council enacted City Code Section 2-232 establishing procedures for the Chief of the Wilmington Police Department to call for the commencement of an academy class if the manpower of the Police Department falls below ninety-five (95) percent of the number of police officers set forth in the position allocation list attached to the annual operating budget ordinance for the applicable fiscal year; and

**WHEREAS**, on May 21, 2019, the Council approved the annual operating budget ordinance for fiscal year 2020 (the "Budget Ordinance"); and

**WHEREAS**, the Chief of the Police Department has represented that it is anticipated, based upon normal attrition, that the manpower of the Police Department will fall below ninety-five percent of the number of police officers set forth in the position allocation list attached to Budget Ordinance by the end of 2019; and

**WHEREAS**, pursuant to City Code Section 2-232(b), the Chief of the Police Department has drafted a resolution calling for the commencement of an academy class for the Police Department once manpower falls below the requisite threshold, and presented it to Council for its review.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Council hereby recognizes that the Chief of the Police Department has represented that it is anticipated that the manpower of the Police Department will fall below ninety-five percent of the number of police officers set forth in the position allocation list attached to the Budget Ordinance by the end of 2019 and has drafted a resolution calling for the commencement of academy class for the Police Department once manpower falls below the requisite threshold.

Upon a motion of Council Member Johnson, seconded by Council Member Freil, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Resolution. Council Member Congo made comments. Council Member Guy made comments and raised a question and Council Member Johnson responded and made comments. Council Member Guy made additional comments.

Council Member Guy: I make a motion that we hold until they get with us with a commitment and a plan of what they're going to try to do to bring about a diversity force. That's my motion.

Council Member Congo: I second.

Council Member Guy: To table this till next ...

Council Member Gray: I second it.

Council Member Guy: ...table this to the next committee meeting of Public Safety.

Council Member Johnson: Ah, Councilman Guy, I'd bring it to the parliamentarian. I believe that's improper procedurally, um.



President Shabazz: Mr. Parliamentarian, can you clarify the proper procedure?

Mr. Ed Kosmowski: Yeah, a motion to table is just a motion to delay it for an urgent matter that has to be heard and then you would be continue at the end of the meeting. The proper motion is a motion to postpone either indefinitely or to certain amount of time. So, the motion I think here attempting to assert, is a motion to postpone.

Council Member Guy: Actually, I referred to the Public Safety Committee. That was part of what I said.

Mr. Kosmowski: I didn't hear that.

Council Member Guy: That was at the tail end. So, motion to refer it to Public Safety to address these issues.

Council Member Johnson: But then again Councilman Guy ...

Council Member Guy: You don't have the floor. He was supposed answer me whether I can make a motion to refer it to the (inaudible) ...

Mr. Kosmowski: That wasn't the question I was asked, but ...

Council Member Guy: We've done it before.

President Shabazz: But your language – you said table. You didn't say refer. You said to table.

Council Member Guy: At the end of it, I said to send it to Public Safety. I even pointed. So, the new language is, refer it to Public Safety Committee to address the various issues that have come up. We've referred ...

Council Member Congo: Second.

Council Member Guy: ...we've referred stuff to committee before.

Council Member Johnson: But it, but it - as the sponsor, it, it's ...

Council Member Turner: Point of order.

President Shabazz: Johnson, hold on Mr. Johnson.

Council Member Guy: Can I get a second?

Council Member Turner: You got one.

Council Member Gray: You got a second.

President Shabazz: Order on the floor please. Mr. Guy your motion that has been presented and second to refer the Resolution back to the Public Safety Committee can be done with the majority vote of members present. I have to handle the motion before I can come back to you Councilwoman. So, the motion was made to refer it back to committee, it's been seconded, all those in favor signify by saying "Aye". Any opposed (Freel, Johnson and Adams). Can I see a hand vote please? All those in favor signify by saying "Aye", I mean raise your hand please. The motion has been approved by majority vote. The Resolution will be referred back to the Public ...

Council Member Johnson: And ah, the question for the parliamentarian, I believe under Rule 17, it has ...

Council Member Turner: Point of order. Was he called on?

Council Member Johnson: ...it has to be ...

President Shabazz: I gave him – yes, I pointed to him ...

Council Member Johnson: ...it has to be to a definite time. Um, so, it, it still has to go back on, on the agenda. Um, so, I think it – yes, the definite time would be two Council meetings – or one Council meeting after the Public Safety Committee meeting.

President Shabazz: You mean, he has to refer it – refer it back and for it to come within a certain period of time?

Council Member Johnson: Correct.

Council Member Guy: Point of order.

President Shabazz: But it, per the parliamentarian when it be a motion just to refer it doesn't need a time. If it was a table that would require it. It would require a time, um, for it to bring it back up.

Council Member Johnson: Okay.

President Shabazz: Was that your understanding of – was that your question of Rule 17?

Council Member Johnson: Yes. My, my understanding just, it has to be to, to a postponed to a definite time.

Mr. Kosmowski: My, my understanding ...

President Shabazz: Parliamentarian.

Mr. Kosmowski: ...I'm sorry, he raised the motion to postpone. He changed it to a motion to refer. If I'm – if I was understanding correctly.

Council Member Guy: (inaudible) 18 ...

Mr. Kosmowski: No, I understand that but you're, it's a motion to refer.

President Shabazz: I didn't give you permission to speak Mr. Guy. If you would please wait and let him finish.

Council Member Guy: He asked me a question.

President Shabazz: He doesn't ask you a question.

Council Member Guy: But he did.

President Shabazz: But he doesn't. And you know he doesn't, and I didn't give you permission to speak Mr. Guy. And, I'm still not giving you permission to speak Mr. Guy.

Council Member Guy: We've already ....

President Shabazz: Let the parliamentarian ...

Council Member Guy: ...to refer it ...

President Shabazz: You are so – all the time, all the time.

Council Member Guy: If you start being (inaudible) ...

President Shabazz: ...if you stop talking over me, I'm the Chair and whether you respect me or not Mr. Guy, you are out of order. So, please ...

Council Member Guy: No, I respect the Chair.

President Shabazz: Mr. Guy, you're out of order.

Council Member Guy: Yes, and you're out of order.

President Shabazz: Out of order Mr. Guy. Would you please be quiet? I did not give you permission to speak.

Council Member Guy: Right. He spoke to me for you.

President Shabazz: Officer, will you remove him from the floor for me.

Council Member Guy: Yup. I don't need the officer to bother me. I'd leave on my own.

President Shabazz: Well then, please leave the floor. If you continue to disrespect and the order and decorum of this Council.

Council Member Guy: That's right. That's why ...

Council Member Gray: Madam President.

President Shabazz: I didn't give you permission to speak yet either Councilwoman Guy, Gray. For clarity for members of Council, per parliamentarian, he made a motion to refer back to the committee. And, to your point Mr. Johnson, that because it was just to refer this back to the committee, once it's heard in committee, it comes back on the floor. We don't necessarily need a date. Okay?

Council Member Johnson: Thank you.

President Shabazz: So, the motion is made – ok, so Council Member Harlee.

Council Member Harlee made comments. Council Member Gray made comments.

President Shabazz: I just want to make clarity, this Resolution that's been presented now has been referred back to committee. So, there's no more debate on this subject. We need to move on to the next item on the agenda.

Council Member Johnson: Madam President, I have an Ordinance to present and call for a first and second reading.

On behalf of Council Member Walsh, Council Member Jonson presented and called for the first and second reading Ordinance No. 19-051 (Agenda #4743) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A  
CONTRACT BETWEEN THE CITY OF WILMINGTON  
AND SAINT FRANCIS HOSPITAL, INC. FOR  
EMERGENCY AMBULANCE SERVICE

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Johnson, seconded by Council Member Freel the Ordinance was received, recorded and referred to the Public Safety Committee. Motion prevailed.

President Shabazz: We now go into petitions and communication, Councilwoman Gray.

Council Member Adams: Can we have a motion to adjourn?

Council Member Freel: Second.

Council Member Gray: No. I want petitions and communications. Okay, I

...

President Shabazz: It's been moved and second, motion is on the floor to adjourn. It's moved and second, all those in favor signify by saying "Aye". Any opposed?

Council Member Turner: No.

Council Member Congo: No.

President Shabazz: I take a hand vote. I think the "Aye" have it. Aye's have it. Meeting adjourned.

### **PETITIONS AND COMMUNICATIONS**

There was no petitions and communications this evening.

### **ADJOURNMENT**

Upon a motion of Council Member Adams, seconded by Council Member Freel, Council adjourned at 10:30 p.m. Motion prevailed.

Attest:   
Maribel Seijo, City Clerk