

*Wilmington, Delaware
Louis L. Redding
City/County Building
October 17, 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 Guy, and Council President Shabazz. Total, twelve. Absent with leave, Council Member Walsh. Total, one.

MINUTES

After reading a portion of the minutes, of October 3, 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 October 17, 2019, was read into the record by City Clerk and upon a motion of Council Member Congo, seconded by Council Members Freel and McCoy, the Report was received, recorded and filed. Motion prevailed.

Council Member Guy: Yes, we um, recently paid off the \$3.4 million debt that we owed a bank, is that reflected that we made that expenditure to pay-off a bond series in that report? Is there any number that's gone by \$3.4 million dollars?

Mrs. Seijo (City Clerk: I'm not sure.

Council Member Guy: Ok, and also, the Wilmington Housing Partnership was supposed to pay us \$3.4 million or \$3.5 million dollars as of the end of last month. So, does the Report that you're looking at show anywhere where we've received \$3

million in additional cash as a payment? Is there any number that went up by \$3.4 million dollars?

Mrs. Seijo (City Clerk): I'm not sure. I'm just reading the total cash on hand and the grand total as noted as of today by line, by what's referenced on here.

Council Member Guy: Ok. Well, we need to, in connection with receiving a report like that, when two significant transactions happen like that, we probably need to discuss it at a Finance Committee meeting or some kind of meeting to verify, which I verify, that we paid off the debt to the bank and occurring to what I've checked into the Wilmington Housing Partnership didn't pay-off the \$3.4 million dollars they borrowed from us and there's been no accountability. So, the Treasurer's Report, as best as I can tell, is accurate but what's not appropriate is for our money to be missing and it's as if nobody cares. That's all I have Madam President.

Note: The Treasurer's Report is included herein as an insert from Page 3 to Page 4.

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 October 17, 2019

Cash on Hand:

General Account	M & T Bank	\$10,944,069.83
Central Deposit	M & T Bank	\$191,320.46
Payroll	M & T Bank	\$983,954.16
Total Petty Cash Accounts	M & T Bank	\$10,665.79
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	\$34,132.71
Pension Payroll Account	M & T Bank	\$380,904.65
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	\$373,228.95
Police Pension Account	M & T Bank	\$403,288.03
Fire Pension Account	M & T Bank	\$25,823.26
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$462,038.18
SubTotal		\$15,023,507.83
Total Cash on Hand		\$15,023,507.83

INVESTMENTS October 17, 2019:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
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	11/26/2019	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	12/19/2019	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:						\$56,500,000.00
CAPITAL FUND:						
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
SUB-TOTAL:						\$30,931,034.66
RISK MGMT:						
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
SUB-TOTAL:						\$40,447,318.88
PENSION FUND:						
Non-Uniform 1990	TD	CD	10/30/2019	1.83%	\$7,481.65	\$4,460,000.00
Escrow Pension	Edgar Lomax					\$23,806,577.00
Escrow Pension	Vanguard Fixed					\$39,849,342.00
Escrow Pension	Earnest 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
SUB-TOTAL:						\$249,134,097.00
OTHER:						
Deferred Comp.	MassMutual					\$48,897,164.48
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						\$427,934,826.02
Total Cash on Hand						\$15,023,507.83
Grand Total						\$442,958,333.85

¹ Budget Reserve


Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Willis Jr., Kyree and Ethan Lindsey
All Council	Sympathy Eric M. Lindsey, Jr.
Congo	Posthumous Ceremony for the late Private Samuel Lawrence Crawford (Korea-MIA)
McCoy	Recognize October as Breast Cancer Awareness Month
Oliver	Recognize Kappa Alpha Psi Fraternity
Oliver	Sympathy Evelyn Gholdson
Oliver	Sympathy Ogden J. Blake
Oliver	Sympathy Alice M. Goldsborough
Shabazz	Recognize Diner En Blanc
Shabazz	Sympathy Stephen L. Martelli
Shabazz	Recognize Mr. Flagg - Babe's Beauty Salon 10 th Anniversary
Shabazz	Sympathy Guy Molock

LEGISLATIVE BUSINESS

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

Council Member Gray: None this evening.

President Shabazz: Council Member Congo.

Council Member Congo: Yes, Madam President, I have a few Ordinances.

Council Member Congo presented and called for the first and second reading Ordinance No. 19-044 (Agenda #4710) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 1
TO THE FISCAL YEAR 2020 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE
NO. 1 TO ORDINANCE NO. 19-013)

FISCAL IMPACT: The total fiscal impact and budget appropriate increase to the FY 2020 General Fund Budget for the Police Department body camera program is \$739,483 and will be funded by utilizing the Tax Stabilization Reserve.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Congo, seconded by Council Member Freel, the Ordinance was received, recorded and referred to Joint Finance & Economic Development and Public Safety Committees. Motion prevailed.

Council Member Congo: Yes, Madam President, I have an Ordinance to present.

Council Member Congo presented and called for the first and second reading Ordinance No. 19-045 (Agenda #4711) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE
A CONTRACT BETWEEN THE CITY OF WILMINGTON
AND AXON ENTERPRISE, INC. FOR BODY CAMERAS
AND RELATED SERVICES

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 a total estimated price of One Million, Nine Hundred Fifty-Four Thousand, Eight Hundred Thirty-Six Dollars (\$1,954,836.00).

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Congo, seconded by Council Member Freel, the Ordinance was received, recorded and referred to Joint Finance & Economic Development and Public Safety Committees. Motion prevailed.

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

Council Member Congo presented Resolution No. 19-053 (Agenda #4714) as follows:

WHEREAS, on September 29, 2016, the City of Wilmington (the "City") and Wilmington Housing Partnership Corporation, a Delaware non-profit corporation (the "Corporation"), entered into a Loan Agreement, attached hereto as Exhibit "A" (the "Loan Agreement") wherein the Corporation covenanted to pay to the City principal of, and interest on, a certain promissory note issued under the Loan Agreement (the "Note") to secure proceeds from the City in an amount of \$3,378,371.67 (the "Loan Proceeds"); and

WHEREAS, the City recognizes the failure of the Corporation to pay, on or before their due dates, certain interest installments on, and principal balance of, the Note as an event of default; and

WHEREAS, the Chief of Staff of the Office of the Mayor submitted a report to City Council wherein she underscored the fact that the Corporation "is insolvent" (the "Valuation"); and

WHEREAS, according to the Valuation, the status and reported market value of the properties purportedly acquired with the Loan Proceeds (the "Acquired Properties") suggest i) the Corporation has withheld approximately \$350,000 in property sales proceeds from the City; ii) there is more than \$1.9 Million in lost value associated with the Acquired Properties; and iii) property valued at approximately \$1.2 Million as of the date of the Loan Agreement cannot be valued at this time; and

WHEREAS, the Mayor has effectively assumed management of the Corporation and has, according to the City Auditor in correspondence attached hereto as Exhibit "B", named the City's Real Estate and Housing Director, Bob Weir, Executive Director of the Corporation and has stated that the Corporation's debt to the City is uncollectible; and

WHEREAS, if the Mayor's increased control over the Corporation causes the Corporation to be deemed a component unit of the City, the City will become financially accountable for the liabilities of the Corporation; and

WHEREAS, there has been no clear accounting as to the use and status of the Loan Proceeds or the Corporation's ability to repay the City; and

WHEREAS, City Council deems it necessary and appropriate to fully understand the financial position of the Corporation and the disposition of the Loan Proceeds in order for City government to make prudent business decisions with regard to the City's control over and/or partnership with the Corporation; and

WHEREAS, pursuant to Section 2.5(a) of the Loan Agreement, the Corporation agreed to furnish and make open to inspection by the City, and its accountants or other agents, all pertinent financial books, documents and vouchers relating to its business, affairs and properties; and

WHEREAS, the City Treasurer, has attempted repeatedly to avoid unnecessary loss to the City associated with the Note including attempts to recover monies owed, as evidenced in the Default Notice attached hereto as Exhibit "C", in addition to expressing a need for an independent and forensic audit of the Corporation; and

WHEREAS, this Council deems it necessary and appropriate to direct the Auditing Department to exercise Section 2.5(a) of the Loan Agreement so as to, at minimum, discern, with reasonable assurance, the disposition of the Loan Proceeds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council directs the Auditing Department, in cooperation with a firm of certified public accountants, to exercise the City's rights under Section 2.5(a) of the Loan Agreement and to cause to be conducted a forensic audit of the Corporation, specifically regarding the disposition of the \$3,378,371.67 in Loan Proceeds.

BE IT FURTHER RESOLVED that the Auditing Department is directed to engage a firm of certified public accountants and to provide City Council with an executed engagement letter no later than thirty (30) days following the passing of this Resolution and to cause the engagement to complete no later than ninety (90) days following commencement of the audit engagement.

Upon a motion of Council Member Congo, seconded by Council Member Freel, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Congo spoke on the purpose of the Resolution. Council Member Adams made comments. Council Member Johnson made comments. Council Member Gray made comments. Council Member Guy made comments. Council Member Oliver made comments. Council Member Harlee made comments. Council Member Gray made additional comments. Council Member Adams made additional comments. Council Member Freel made comments. Council Member Johnson made additional comments. Council Member Turner made comments. Council Member Harlee made additional

comments. Council Member Guy made additional comments. Council Member Congo 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, Turner, McCoy, Freel, Dixon and Guy. Total, seven. Nays, Council Members Johnson and Adams. Total, two. Present, Council Members Oliver and Harlee, and Council President Shabazz. Total, three. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted. Councilman Congo, you have a Resolution.

Council Member Congo: Yes, Madam President, I have another Resolution.

Council Member Congo presented Resolution No. 19-054 (Agenda #4715) 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 City, through the Department of Parks and Recreation has sought to obtain grant funding from the Division of Parks and Recreation, Delaware Department of Natural Resources and Environmental Control in the amount of \$100,000 for improvements to the Eastlake Park Playground; and

WHEREAS, the Outdoor Recreation, Parks and Trails (ORPT) Program offers matching funds for the purpose of for the development of playgrounds, ballfields, trails, picnic pavilions, and other active outdoor recreation facilities, and

WHEREAS, the Department of Parks and Recreation intends to use the grant money for the replace outdated playground equipment, accessible play features, a new basketball court and picnic tables in Eastlake Park, and

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

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Department of Parks and Recreation, 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 Parks and Recreation, is hereby authorized to apply for grant funding from the Division of Parks and Recreation, Delaware Department of Natural Resources and Environmental Control in the amount of \$100,000 for improvements to the Eastlake Park Playground.

BE IT FURTHER RESOLVED that the Director Department of Parks and Recreation, 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 to the City by accepting this grant. The Resolution approves a grant application to and the acceptance of grant funds from DNREC for \$100,000.00. The matching funds required by the grant will be sourced from previously budgeted funds.

Upon a motion of Council Member Congo, seconded by Council Member Dixon, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Congo 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 Congo: Nothing else Madam President, thank you.

President Shabazz: Thank you. Councilwoman Oliver.

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

Council Member Oliver presented Resolution No. 19-055 (Agenda #4716) 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 City, through the Department of Parks and Recreation has sought to obtain grant funding from the Division of Parks and Recreation, Delaware Department of Natural Resources and Environmental Control in the amount of \$100,000 for improvements to Kirkwood Park; and

WHEREAS, the Outdoor Recreation, Parks and Trails (ORPT) Program offers matching funds for the purpose of for the development of playgrounds, ballfields, trails, picnic pavilions, and other active outdoor recreation facilities, and

WHEREAS, the Department of Parks and Recreation intends to use the grant money for the construction of a new playground, to be used by children attending

Stubbs Early Education Center as well as children throughout the surrounding neighborhood, and

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

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Department of Parks and Recreation, 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 Parks and Recreation, is hereby authorized to apply for grant funding from the Division of Parks and Recreation, Delaware Department of Natural Resources and Environmental Control in the amount of \$100,000 for a new playground to be built in Kirkwood Park.

BE IT FURTHER RESOLVED that the Director Department of Parks and Recreation, 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 to the City by accepting this grant. The Resolution approves a grant application to and the acceptance of grant funds from DNREC for \$100,000.00. The matching funds required by the grant will be sourced from previously budgeted funds.

Upon a motion of Council Member Oliver, seconded by Council Member Freel, 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, Dixon and Guy, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted.

Council Member Oliver: Madam President, I have to say this, I move a motion that the staff send a Resolution to Baltimore for Elijah Cummings...

Council Member Turner: Point, point of order.

Council Member Guy: Second.

Council Member Oliver: ...from all the City Councilmembers. I think he deserves that.

President Shabazz: It's already been requested.

Council Member Oliver: Thank you.

President Shabazz: Council Member Harlee.

Council Member Harlee: Ah yes, Council President, I have two items tonight. Um, item – Agenda #4718 - I'm going to hold, and I will be presenting item #4717.

Council Member Harlee presented Resolution No. 19-056 (Agenda #4717) 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 City, through the Department of Parks and Recreation has sought to obtain grant funding from the American Lung Association in Delaware, through a contract with the Delaware Division of Public Health in the amount of \$15,000 to conduct tobacco prevention programs, physical activity, nutrition promotion and obesity prevention (PANO) programs, and/or implement policy, systems, or environmental (PSE) changes related to tobacco and PANO; and

WHEREAS, Grants are awarded to communities that exhibit a strong commitment to tobacco prevention and control programs in Delaware and enhancing or expanding access to physical activity and healthy eating opportunities for children, families and communities, and

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

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Department of Parks and Recreation, 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 Parks and Recreation, is hereby authorized to apply for grant funding from the American Lung Association in Delaware, through a contract with the Delaware Division of Public Health in the amount of \$15,000 to conduct tobacco prevention programs, physical activity, nutrition promotion and obesity prevention (PANO) programs, and/or implement policy, systems, or environmental (PSE) changes related to tobacco and PANO.

BE IT FURTHER RESOLVED that the Director Department of Parks and Recreation, 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 to the City by accepting this grant. The Resolution approves a grant application to and the acceptance of grant funds from the American Lung Association. There is no matching funds requirement for the grant.

Upon a motion of Council Member Harlee, seconded by Council Member Dixon, 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 Oliver raised a question on the figure amount of the grant as the amounts are listed differently on the agenda and the actual Resolution.

It was duly noted that the amount stated on the legislation is correct and duly noted to make correction to the amount listed on the agenda.

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, Freil, 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: Thank you Madam President. Madam President, I have a Resolution to present.

Council Member Turner presented Resolution No. 19-057 (Agenda #4719) 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 City, through the Department of Parks and Recreation has sought to obtain grant funding from the Division of Parks and Recreation, Delaware Department of Natural Resources and Environmental Control in the amount of \$100,000 for improvements to Helen Chambers Park; and

WHEREAS, the Outdoor Recreation, Parks and Trails (ORPT) Program offers matching funds for the purpose of for the development of playgrounds, ballfields, trails, picnic pavilions, and other active outdoor recreation facilities, and

WHEREAS, the Department of Parks and Recreation intends to use the grant money for the replace outdated playground equipment, accessible play features, a new basketball court and picnic tables in Helen Chambers Park, and

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

WHEREAS, the Council deems it necessary and proper to authorize the Wilmington Department of Parks and Recreation, 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 Parks and Recreation, is hereby authorized to apply for grant funding from the Division of Parks and Recreation, Delaware Department of Natural Resources and Environmental Control in the amount of \$100,000 for improvements to the Helen Chambers Park.

BE IT FURTHER RESOLVED that the Director Department of Parks and Recreation, 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 to the City by accepting this grant. The Resolution approves a grant application to and the acceptance of grant funds from DNREC for \$100,000.00. The matching funds required by the grant will be sourced from previously budgeted funds.

Upon a motion of Council Member Turner, seconded by Council Members Freel and Dixon, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Turner 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, Dixon and Guy, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Walsh. Total, one.

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

Council Member McCoy: Nothing tonight Madam President.

President Shabazz: Council Member Johnson.

Council Member Johnson: Ah, Madam President, I have a Resolution to present and I have a few other items. First, first is item #4720.

Council Member Johnson presented Resolution No. 19-058 (Agenda #4720) as follows:

WHEREAS, according to the Bureau of Labor Statistics, waiters and waitresses, who constitute many of those workers who receive tips or gratuities, account for 2,584,220 members of the workforce, with the State of Delaware employing, on average, over 8,000 people annually in this occupation; and

WHEREAS, Section 1. Chapter 9, Title 19 of the Delaware Code currently defines workers affected by this policy as an employee engaged in an occupation in which tips or gratuities customarily constitute part of the 10 remuneration shall be any worker engaged in an occupation in which workers customarily and regularly receive more than \$30 per month in tips or gratuities; and

WHEREAS, the minimum wage for employees who receive tips or gratuities (heretofore referred to as a tipped wage) in the state of Delaware has not changed since 1983; and

WHEREAS, in 1989, the General Assembly revised the tipped wage calculated by a percentage of the minimum wage to a flat tipped wage of \$2.23 per hour; and

WHEREAS, the current minimum wage in the state of Delaware is \$8.75 an hour; and

WHEREAS, the minimum wage in the state of Delaware in 1983 was \$3.35 an hour; and

WHEREAS, the living wage in the state of Delaware is \$12.68 an hour for 1 adult, \$26.04 an hour for 1 adult and 1 child, and

WHEREAS, according to the Massachusetts Institute of Technology, the required annual "living wage" income in Delaware before taxes is \$26,382 for one adult, and \$54,155 for one adult with one child, while the annual median salary for serving-related occupations in Delaware is \$23,690; and

WHEREAS, it is not currently required by Delaware law that tips automatically added to credit card charges are treated like tips or gratuity, and are therefore not paid by the employer directly to the employee at the next pay period and are instead able to be held by the employer waiting to receive payment from the credit card company; and

WHEREAS, research has shown that more consumers are using credit cards as opposed to cash as a payment option for both billing and tips/gratuities; and

WHEREAS, tips or gratuities are meant to be transferred directly from the consumer to the employees, as employees with such wages rely on tips within their typical pay cycle and should expect to receive them in a timely manner; and

WHEREAS, research by the American Journal of Epidemiology evidences that a higher prevalence of mental health problems may be linked to service work, due to low and unpredictable wages; and

WHEREAS, women represent more than two-thirds of tipped workers nationwide, and in Delaware women represent 71 percent of tipped workers with a poverty rate at 15.6 percent, "they and the families that depend on them, pay the price when the tipped minimum wage falls short," according to the National Women's Law Center study released in May 2019; and

WHEREAS, restructuring the manner in which tipped employees are paid, by providing both higher wages and mandating the timely payment of gratuities, is a significant anti-poverty measure that will contribute to the prosperity of the City of Wilmington, the State of Delaware, and its citizenry; and

WHEREAS, Representative Kimberly Williams has introduced House Bill 251 and House Bill 252 to the Delaware General Assembly relating to advance deposit wagering and the Delaware minimum wage for employees receiving tips or gratuities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Wilmington City Council declares its' strong encouragement and support of legislation in the Delaware General Assembly to pay tips and gratuities directly and to increase proportionally the minimum wage of workers who receive tips or gratuities. Furthermore, Wilmington City Council supports amendments to the Delaware code that will incorporate these changes.

Upon a motion of Council Member Johnson, seconded by Council Member Freel, 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 McCoy requested to be added as a co-sponsor. Council Member Adams made comments. Council Member Harlee requested to be added as a co-sponsor and made comments. Council Member Guy made comments. Council Member Dixon requested to be added as a co-sponsor. Council Member Oliver requested to be added as a co-sponsor and made comments. Council Member Turner made comments and requested to be added as a co-sponsor as well. Council Member Congo requested to be added as a co-sponsor. Council Member Adams made additional comments. President Shabazz made comments. Council Member Johnson 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, 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.

Council Member Johnson: Madam President, I have another um, item, an item to present tonight (#4721).

Council Member Johnson presented Resolution No. 19-059 (Agenda #4721) as follows:

WHEREAS, the City of Wilmington is home to a diverse population of individuals representing different ages, abilities, nationalities, races, ethnicities, religions,

gender identities, and sexual identities who all deserve accurate, considerate, and appropriate representation at the highest legal level; and

WHEREAS, the American Bar Association has confirmed that, “racial and ethnic diversity in the legal profession is necessary to demonstrate that our laws are being made and administered for the benefit of all persons. Because the public’s perception of the legal profession often informs impressions of the legal system, a diverse bar and bench create greater trust in the rule of law,” and has thus identified enhancing diversity and inclusion as one of its primary goals; and

WHEREAS, the Brennan Center for Justice at NYU Law reports that State Supreme Courts don’t have gender parity or reflect the racial or ethnic composition of the communities they serve, becoming, over the past twenty years, even less reflective of the nation’s increasingly diverse population; and

WHEREAS, a diverse court strengthens the rule of law by bringing essential knowledge and perspectives to the bench that better represent and reflect the true diversity of Cities such as Wilmington and states such as Delaware, thereby enhancing the Court’s legitimacy, and further upholding our nation’s values of equity and equality of opportunity; and

WHEREAS, the minority population of Delaware is approximately 38 percent, and the minority population of the City of Wilmington is 67 percent and is becoming increasingly more diverse; and

WHEREAS, 24 states, including Delaware, currently lack a Justice of Color on their State Supreme Court bench, and the Delaware Supreme Court has never included a person of color as an Associate Justice, or a person of color or woman as the Chief Justice; and

WHEREAS, the State of Delaware, having never appointed a Chief Justice of color, or a female Chief Justice, though 2 women have been appointed as Associate Justices since 1994, which thereby maintains an unrepresentative 80 percent majority of White men on the Delaware State Supreme Court bench, despite White men now comprising less than a third of the U.S. population, as well as less than half of the Wilmington population; and

WHEREAS, people of color make up nearly 40 percent of the U.S. population but hold only 15 percent of State Supreme Court seats and women make up roughly half the U.S. population but hold only 36 percent of State Supreme Court seats, and

WHEREAS, the Multicultural Judges & Lawyers Section of the Delaware State Bar Association, the South Asian Bar Association of Delaware, the Delaware Hispanic Bar Association, and the Delaware Barristers Association have encouraged the appointment of a person of color to the Delaware Supreme Court; and

WHEREAS, a transparent, safe, and secure Wilmington remains a priority of the Wilmington City Council, as well as a commitment of ensuring that all the people of Wilmington and Delaware are well-represented.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Honorable John Carney, Governor of the State of Delaware, is hereby strongly encouraged to consider the appointment of a person of color to the Delaware Supreme Court demonstrating equity, inclusion and recognition of

the diversity of Delaware's overall population and that of the legal profession in the State.

Upon a motion of Council Member Johnson, seconded by Council Member Freel, 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 Guy made comments. Council Member Oliver made comments. Council Member Harlee requested to be added as a sponsor and made comments. Council Member Turner made comments, requested staff to draft a Resolution to consider having a Personnel Committee and requested to be added as a co-sponsor. Council Member Dixon requested to be added as a co-sponsor. Council Member Oliver requested to be added as a co-sponsor. Council Member Congo requested to be added as a co-sponsor and raised a question and Council Member Johnson responded. Council Member Guy made additional comments. President Shabazz made a point of clarity. Council Member Harlee made additional comments and raise a question and Council Member Johnson responded and made additional 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, Dixon and Guy, and Council President Shabazz. Total, eleven. Nays, none. Present, Council Member Adams. Total, one. Absent, Council Member Walsh. Total, one.

President Shabazz: Declare it adopted.

Council Member Oliver: Madam President, may I be excused please? I have an emergency.

Council Member Johnson: Now, I would like to address item #4722.

Council Member Johnson presented Resolution No. 19-060 (Agenda #4722) as follows:

WHEREAS, the Commissioner of the Department of Licenses and Inspections has declared the property located at 505 North Broom Street, parcel #2602730277 (the "Property") to be in such condition as to constitute a public nuisance building as set forth in Wilmington City Code Section 4-27, subsections 116.1.4(a) and 116.1.5; and

WHEREAS, on or about July 19, 2019 and October 7, 2019, timely notice of the condition of the Property were provided to the owners of record, Miroslaw Kostyshyn, John J. Kostyshyn, Peter T. Kostyshyn and Patricia R. Kostyshyn (the "Owners") in the form of written demolition orders (the "Orders") (attached as Exhibits "A" and "B", respectively) which included copies of the Site Visit Reports dated June 21,

2019 and September 25, 2019 from Larsen & Landis, Structural Engineers (the "Engineer's Reports"); and

WHEREAS, the Orders and Engineer's Reports were sent to the Owners via regular mail and certified mail; and

WHEREAS, the Order dated July 19, 2019 required the Owners to correct the violations and/or demolish the structure as required by Wilmington City Code Section 4-27, subsections 116.1.1 and 116.1.5; and

WHEREAS, the Owners failed to comply with the July 19, 2019 Order (see photographs attached as Exhibit "C"); and

WHEREAS, the September 25, 2019 Engineer's Report notes that ongoing deterioration of the partially collapsed rear block poses a possible hazard to a neighboring property and recommends immediate demolition; and

WHEREAS, a second Order dated October 7, 2019 was issued requiring the Owners to correct the violations cited in the prior Order or to demolish the structure, and further advising the Owners that due to the dangerous condition posed by the collapsed rear portion of the structure, the Department of Licenses and Inspections would be undertaking a partial demolition of said portion in an effort to abate the dangerous condition; and

WHEREAS, the dangerous conditions persist; the Owners have failed to take the necessary steps to rehabilitate or demolish the Property; and the Commissioner of Licenses and Inspections recommends that the Property be demolished, in whole or in part, as needed to abate said dangerous conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Commissioner of Licenses and Inspections be, and hereby is, authorized to secure demolition of the Property on a date selected by him, subject to the resolution of any appeal of the Commissioner's October 7, 2019 Order by the Owners.

BE IT FURTHER RESOLVED that all expenses of such demolition be paid by the City Treasurer from monies from the City Treasury, with said Owners being liable to the City of Wilmington for the full amount so expended pursuant to 25 *Del. C.* §§ 2901, 4601 and 4602.

FURTHER RESOLVED that liens may be placed upon the Property pursuant to 25 *Del. C.* §§ 2901, 4601 and 4602.

FURTHER RESOLVED that the City Clerk shall forward copies of this Resolution to the Commissioner of Licenses and Inspections and the City Treasurer as their respective authority to act in this matter.

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. President Shabazz made a comment.

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 would like to move to the final item that I have. It's agenda item 4723.

On behalf of President Shabazz, Council Member Johnson presented Resolution No. 19-061 (Agenda #4723) as follows:

WHEREAS, on September 17, 2019, after holding a duly advertised public meeting, the City Planning Commission, by its Resolution 12-19, recommended that City Council adopt the proposed comprehensive development plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities", as amended by the City Planning Commission (the "Comprehensive Plan"); and

WHEREAS, the City Council proposes to schedule a public hearing on November 7, 2019 for review of the Comprehensive Plan to be duly advertised in conformity with Wilmington City Code Section 48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby schedules a public hearing to be held on November 7, 2019 at 6:30 p.m. in the City Council Chambers to consider the proposal to adopt the Comprehensive Plan.

BE IT FURTHER RESOLVED that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

Upon a motion of Council Member Johnson, seconded by Council Member Freel, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson 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, 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: Thank you Madam President. That concludes the items that I have.

President Shabazz: Very good. Council Member Freel.

Council Member Freel: Yes, I have one Resolution.

Council Member Freel presented Resolution No. 19-062 (Agenda #4724) as follows:

WHEREAS, on August 22, 2019, Ordinance No. 19-040 was introduced to the Wilmington City Council (the “Ordinance”); and

WHEREAS, the Ordinance proposes amendments to Chapter 48 of the City Code to provide penalty and enforcement provisions relating to Neighborhood Conservation Districts; and

WHEREAS, on October 8, 2019, the City Planning Commission, by its Resolution 14-19, recommended the approval of the amendments in the Ordinance after holding a duly advertised public meeting; and

WHEREAS, the City Council proposes to schedule a public hearing on November 7, 2019 for review of the Ordinance, or a Substitute thereto, to be duly advertised in conformity with Wilmington City Code Section 48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby schedules a public hearing on said Ordinance, or a Substitute thereto, to be held on November 7, 2019 at 6:30 p.m. in the City Council Chambers to consider the proposal to amend Chapter 48 of the City Code to provide penalty and enforcement provisions relating to Neighborhood Conservation Districts.

BE IT FURTHER RESOLVED that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

Upon a motion of Council Member Freel, seconded by Council Members McCoy and Dixon, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Resolution. Council Member Guy made comments. Council Member Gray raised a question and Council Member Freel responded. Council Member Harlee raised a question and Council Member Freel responded. Council Member Harlee raised an additional question and Council Member Freel responded. Council Member Adams raised questions and Council Member Freel responded. Council Member Adams raised an additional question and Council Member Freel responded. Council Member Guy made additional comments. President Shabazz reminded Council this Resolution is just scheduling the public hearing and made comments.

President Shabazz: I will ask for roll call please.

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, Dixon and Guy,

and Council President Shabazz. Total, ten. Nays, Council Member Adams. Total, one. Absent, Council Members Oliver and Walsh. Total, two.

President Shabazz: Declare it adopted.

Council Member Turner: Point of order Madam President. I don't think you gave um...

President Shabazz: I did.

Council Member Turner: ...you said it, out loud on the record?

President Shabazz: I did, I said yes, and I made note to the Clerk.

Mrs. Seijo (City Clerk): Yes.

President Shabazz: She asked in advance. Council Member Adams.

Council Member Adams: Ah, yes ma'am, ah, I have a Resolution to present on your behalf. Go ahead ma'am, I was just going to say the number.

Mrs. Seijo (City Clerk): Go ahead.

Council Member Adams: Number 4725.

Mrs. Seijo (City Clerk): Thank you.

Council Member Adams presented Resolution No. 19-063 (Agenda #4725) 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 of Wilmington has requested grant funds from other governmental entities in Delaware to help support efforts to implement recommendations of the U.S. Centers for Disease Control and Prevention, as well as the work of the Wilmington Community Advisory Council to help address youth firearm violence in Wilmington through a holistic, public-health lens; and

WHEREAS, the City has requested \$40,000 from the State of Delaware and \$40,000 from New Castle County; and

WHEREAS, the Council deems it necessary and appropriate to authorize the City to accept the funds, if awarded, and to facilitate the implementation of the recommendations of the CDC in furtherance of the City's objectives to enhance public safety and the quality of life in Wilmington.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City's request for grant funds from the State of Delaware and New Castle County is hereby authorized.

BE IT FURTHER RESOLVED that the City shall be authorized to take all necessary actions to accept the grant funds and move forward with supporting the efforts of the Wilmington Community Advisory Council to implement the recommendations issued by the Centers for Disease Control and Prevention related to curbing youth firearm violence in Wilmington.

Upon a motion of Council Member Adams, seconded by Council Member Freel, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Adams spoke on the purpose of the Resolution and made comments. Council Member Guy raised questions for clarity and Council Member Adams responded. Council Member Gray made a statement as well as raised questions and Council Member Adams responded; and President Shabazz also responded. Council Member Gray made comments. Council Member Adams made an additional comment. President Shabazz also made additional comments. Council Member Harlee made comments and raised a question and President Shabazz responded. Council Member Gray made additional comments. Council Member McCoy made comments and raised questions and President Shabazz responded and made comments. Council Member Harlee raised another question and President Shabazz responded. Council Member Dixon made a point of clarity and raised questions, and President Shabazz responded. Council Member Guy made additional comments. President Shabazz made a final statement.

President Shabazz: Call for 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 Congo, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, Council Member Gray. Total, one. Absent, Council Members Oliver and Walsh. Total, two.

President Shabazz: Declare it adopted. I'd like to make a motion for a 5-minute recess.

Council Member Guy: Second.

Council Member Turner: May I be excused?

President Shabazz: Let's – I got make sure – all those in favor signify by saying "Aye". All those opposed. We will take a five-minute recess.

Council Member Turner: May I be excused?

President Shabazz: Yes.

Note: At this time, Council recessed.

President Shabazz: I'd like to bring the meeting back to order and City Clerk will you please note that Councilman Turner was excused.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: Council Member Dixon, you have legislation this evening?

Council Member Dixon: Yes, Madam President, two Resolution to present.

Council Member Dixon presented Resolution No. 19-064 (Agenda #4726) as follows:

WHEREAS, the Wilmington UDAG Corporation ("UDAG") is the owner of the following real properties located in Wilmington, Delaware: (i) 400 East Fourth Street, being Tax Parcel No. 26-043.20-124; (ii) 402 East Fourth Street, being Tax Parcel No. 26-043.20-123; (iii) 404 East Fourth Street, being Tax Parcel No. 26-043.20-122; (iv) 406 East Fourth Street, being Tax Parcel No. 26-043.20-121; (v) 408 East Fourth Street, being Tax Parcel No. 26-043.20-120; (vi) 410 East Fourth Street, being Tax Parcel No. 26-043.20-119 (collectively, the "Fourth Street Properties"); and (vii) 900 North Park Drive and 0 Glen Avenue, being Tax Parcel No. 26-028.20-224 (the "North Park Drive Property", together with the Fourth Street Properties, the "Properties"); and

WHEREAS, the Fourth Street Properties are currently used by the City of Wilmington ("City") Police Department for parking; and

WHEREAS, the North Park Drive Property comprises part of Brandywine Park; and

WHEREAS, UDAG has expressed an interest in donating the Properties to the City in order for the City: (i) to continue to use the Fourth Street Properties for parking and (ii) to continue to use the North Park Drive Property as part of Brandywine Park; and

WHEREAS, the City is willing to accept a donation of the Properties from UDAG.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council, acting pursuant to City Charter Section 8-204, hereby approves the acceptance by the City of the Properties from UDAG, and authorizes the Department of Real Estate and Housing to take all actions necessary, including the payment of any recording fees, to finalize the transfer of the Properties to the City.

FISCAL IMPACT STATEMENT: The fiscal impact of the City accepting a donation of the aforementioned properties from the Wilmington UDAG Corporation is approximately \$2,800 in stormwater fees per year.

Upon a motion of Council Member Dixon, seconded by Council Members Freel and Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Dixon 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, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Total, one. Absent, Council Members Oliver, Turner and Walsh. Total, three.

President Shabazz: Declare it adopted.

On behalf of President Shabazz, Council Member Dixon presented Resolution No. 19-065 (Agenda #4713) as follows:

WHEREAS, the City of Wilmington is home to over one-thousand individuals who live in the neighborhood known as Southbridge, in South Wilmington, where 65 percent of residents are African American and have been historically and unduly exposed to the effects and impacts of industrial manufacturing; and

WHEREAS, Southbridge has the highest proportion of contaminated property in the state, with 76 percent of the land identified as contaminated; and

WHEREAS, according to the 2017 report '*Environmental Justice for Delaware: Mitigating Toxic Pollution in New Castle County Communities*,' produced by a partnership between UCS, the Environmental Justice Health Alliance, Delaware Concerned Residents for Environmental Justice, Community Housing and Empowerment Connections Inc., and Coming Clean, Inc., Southbridge has been designated among seven communities in New Castle County, Delaware, as a community where residents face a substantial cumulative health risk from toxic air pollution due to their proximity to polluting industrial facilities, hazardous chemical facilities, and contaminated waste sites; risks which are further amplified by other negative socioeconomic and health factors related to lack of access to healthy foods, poor housing conditions, and stressors related to poverty including, but not limited to, unemployment and crime; and

WHEREAS, Environmental Justice, as defined by the U.S. Environmental Protection Agency, is "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, and Environmental Justice Areas face substantial cumulative health risks from exposure to toxic air and other forms of pollution;" and

WHEREAS, cumulative impacts are considered by the National Environmental Justice Advisory Council to be risks and impacts caused by multiple pollutants, usually emitted by multiple sources, exacerbated by their interaction with each other and with any social vulnerabilities that exist in a community; and

WHEREAS, these and other potential unplanned toxic emissions directly affect the health of residents of the surrounding residential neighborhood where such emissions have been shown to damage lungs, cause and/or exacerbate respiratory illnesses, and in some cases contain small amounts of materials that are considered carcinogens, thereby increasing the risk of certain cancers; and

WHEREAS, the Delaware Department of Natural Resources and Environmental Control Secretary granted an air quality construction permit to Walan Specialty Construction Products, LLC's slag- grinding, drying, and processing application facility in Southbridge, on Christiana Road; and

WHEREAS, according to industry experts and scientists, the cumulative effect of prolonged exposure to these toxic hazards, merely by virtue of proximity to industrial pollutants, causes higher risks of cancer and greater potential for respiratory illnesses, resulting in a cancer risks in Southbridge which is 19 to 23 percent higher than residents in more affluent communities across New Castle County, and 14 to 18 percent higher in that neighborhood than for Delaware overall; and

WHEREAS, in addition to the local ramifications on air quality by Walan Specialty Construction Products, LLC to the residents of Southbridge, the existence of this slag-grinding facility in South Wilmington will bring New Castle County even closer to failing its current non-attainment of the 2018 8-Hour Ozone Standard and will bring the County closer to failing federal standards for PM2.5 or fine particulate matter; and

WHEREAS, each of these concerns is directly applicable to remediations and requirements related to the proposed Environmental Justice Act of 2019 – S. 2236 of the 116th Congress, sponsored by Senator Cory Booker (D-NJ), which is currently in the Senate Environment and Public Works Committee. The Environmental Justice Act of 2019 strengthens 2 previous federal Acts 1) the National Environmental Policy Act of 1970 42 U.S. C. 4321-4347 and 2) the Presidential Executive Order 12898 in 1994 that created the Interagency Working Group on Environmental Justice; and additionally requires the inclusion of cumulative impacts and persistent violations in federal-or state-permitting decision-making under the Clean Water Act and the Clean Air Act; and

WHEREAS, the Booker Environmental Justice Act of 2019 strengthens protections for communities vulnerable to environmental injustices, such as the historic and still-ongoing abuse being sustained by residents in Southbridge, Wilmington, and provides communities such as Southbridge the ability to hold corporations and government accountable.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Delaware Department of Natural Resources and Environmental Control should incorporate into its air quality construction permitting process Cumulative Impact risks and impact when determining whether a permit should be granted to a corporation/business that will add toxins in the air and/or other forms of pollution into a neighborhood, and that lacks a widely used operational Dust Control Plan as a component in the corporation/business application, particularly when the location cited for the placement is located within a known Environmental Justice neighborhood or community; and

BE IT FURTHER RESOLVED that this legislative body strongly disagrees with the lack of weight that was given to the concerns of Southbridge's citizens and community groups, given Southbridge's history and current status as an

Environmental Justice Area, due to ongoing conditions of contamination to its environment, especially considering that individuals, resident groups, and elected officials representing Southbridge have also soundly opposed this project. Wilmington City Council values all principles of our Democracy and acknowledges the resounding and collective voice of the 1,200 residents of Southbridge who are not satisfied with the responses by Walan Specialty Construction Products, LLC or DNREC to their concerns regarding the slag- grinding, drying, and processing facility that is to be located in the Southbridge neighborhood.

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 made comments and spoke on the purpose of the Resolution. Council Member Johnson made comments and requested to be added as a co-sponsor. Council Member Harlee made comments. Council Member Gray made comments. Council Member Guy 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, Harlee, McCoy, Johnson, Freel, Adams, Dixon and Guy, and Council President Shabazz. Total, ten. Nays, none. Total, one. Absent, Council Members Oliver, Turner and Walsh. Total, three.

President Shabazz: Declare it adopted. Council Member Guy, legislation sir.

Council Member Guy: Nothing tonight Madam President.

President Shabazz: Thank you. We now go into petitions and communications.

PETITIONS AND COMMUNICATIONS

Council President and Council Members spoke on the following: Council was complimented on tonight's meeting that went well; sympathies expressed to the family of U.S. Representative Elijah Cummings; charges against a public comment speaker; announcement of Nov. 1st Special meeting of Council at 4:00p.m.; a request was made for clarity on the difference between a Committee of the Whole meeting and a Special Meeting; announcement of Personnel Committee meeting on Oct. 24 at 4:00pm; the start of a new police academy and the need for diversity on the police department; HBCU week being promoted and the need to also promote recruiting minorities with the fire and police departments; lighting of the bridge down at the Riverfront all the way over to Market Street; the new Homewood Suites on the Riverfront; support of having a Personnel Committee; sympathy Resolution for the Lindsey Family; announcements of community events in the various districts; clarity on the First Amendment Rights and

there being constitutional limits; new practice field at Howard High School; announcement of the Wetland Park groundbreaking; the need to have a judiciary committee come to effect at some point; individuals being released from prison that don't have any place to go or any means; Sunday Breakfast Mission only at 50% occupied due to bed bug issues; equal distribution of Council funds and the need to know the balance accordingly; public comment; Councilmembers being able to speak five-minutes twice; correction statement of the Resolution authorizing the demolition did go before a committee for discussion; documentary of Black History 365; announcement of community town hall meeting; the request of a special meeting on October 15; and including, but not limited to, the legacy of Council.

ADJOURNMENT

Upon a motion of Council Member Freel, seconded by Council Members Dixon and McCoy, Council adjourned at 9:52 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk