

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
January 9, 2020*

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, Dixon Guy and Walsh, and Council President Shabazz. Total, thirteen.

### **MINUTES**

After reading a portion of the minutes of December 12, 2019, a question was raised.

Council Member Gray: Yes, um, I have a question, during our last meeting we adopted a Resolution with only six members of Council supporting the Resolution. I was told a law that only a majority of Councilmembers present is needed to pass a resolution during the legislative session of Council. My question is, I understand this could be the rule in a committee meeting but is that the rule for the majority of Councilmembers present, adopt a resolution for a thirteen-member Council body?

President Shabazz: This says the – the majority of members present. There wasn't thirteen present – the amount - six was the majority of members present at the meeting.

Council Member Gray: Correct but my question is, is this rule for um, adopting a resolution for a thirteen-member body?

President Shabazz: Yes.

Council Member Gray: Thank you.

Upon a motion of Council Member Congo, seconded by Council Member Freel, it was moved the December 12, 2019 minutes be accepted as written. Motion prevailed.

## REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Education, Youth &amp; Families Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Michelle Harlee, Chair	X		
Linda M. Gray, Vice Chair		X	
Ernest "Trippi" Congo, II		X	
Charles M. "Bud" Freel		X	
Yolanda McCoy	X		
Va'Shun "Vash" Turner	X		
Dr. Hanifa Shabazz, Ex-Officio		X	

President and Members of Council of  
The City of Wilmington

December 11, 2019

Ladies and Gentlemen:

We, your Education, Youth & Families Committee, to who was referred  
**Ordinance No. 19-053** entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE THE ONE  
YEAR EXTENSION OPTION OF THE CONTRACT BETWEEN  
THE CITY OF WILMINGTON AND REVOLUTION FOODS, INC.  
FOR THE CACFP AT RISK CHILD AND ADULT CARE FOOD  
PROGRAM

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

Respectfully submitted, Members of  
Education, Youth & Families Committee  
/s/Michelle Harlee, Chair  
/s/Yolanda McCoy  
/s/Va'Shun "Vash" Turner

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

## TREASURER'S REPORT

The following Treasurer's Report as of January 9, 2020, was read into the  
record by City Clerk and upon a motion of Council Member Congo, seconded by Council  
Members Dixon and Freel, the Report was received, recorded and filed. Motion  
prevailed.

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

# City of Wilmington Delaware

**Velda Jones-Potter**  
City Treasurer

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



## City of Wilmington Treasurer's Report as of January 9, 2020

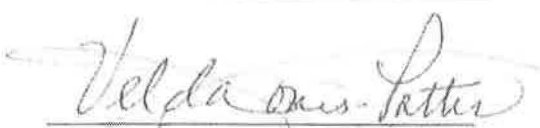
### Cash on Hand:

General Account	M & T Bank	\$8,881,220.06
Central Deposit	M & T Bank	\$152,737.90
Payroll	M & T Bank	\$1,752,568.88
Total Petty Cash Accounts	M & T Bank	\$11,798.08
Grant-In-Aid	M & T Bank	\$152,196.30
Evidence/Found Currency Account	M & T Bank	\$986,140.70
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,655.33
Police Department Discretionary	M & T Bank	\$29,683.89
Pension Payroll Account	M & T Bank	\$146,933.09
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	\$196,928.50
Police Pension Account	M & T Bank	\$389,633.76
Fire Pension Account	M & T Bank	\$12,201.56
Worker's Comp 3rd Party Account	M & T Bank	\$27,186.00
Retiree Healthcare Account	M & T Bank	\$262,858.87
<b>SubTotal</b>		<b>\$13,043,378.49</b>
<b>Total Cash on Hand</b>		<b>\$13,043,378.49</b>

**INVESTMENTS January 9, 2020:**

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>GENERAL FUND:</b>						
General	TD	CD	1/9/2020	1.58%	\$7,373.33	\$3,000,000.00
General	TD	CD	1/16/2020	1.54%	\$10,519.33	\$3,512,950.00
General	TD	CD	1/16/2020	1.51%	\$8,404.47	\$3,515,288.19
General	TD	CD	1/23/2020	1.59%	\$9,275.00	\$3,000,000.00
General	WSFS	CD	1/30/2019	1.50%	\$8,630.14	\$3,000,000.00
General	WSFS	CD	2/6/2020	1.52%	\$4,161.64	\$2,000,000.00
General	TD	CD	2/13/2019	1.51%	\$13,086.67	\$4,000,000.00
General	TD	CD	2/20/2020	1.54%	\$8,026.03	\$3,000,000.00
General	TD	CD	2.27/20	1.54%	\$8,256.18	\$3,509,120.42
General <sup>1</sup>	WSFS	CD	2/11/2020	1.55%	\$64,972.60	\$17,000,000.00
<b>SUB-TOTAL:</b>						<b>\$45,537,358.61</b>
<b>CAPITAL FUND:</b>						
Capital ≤ 2015	TD	CD	2/13/2020	1.83%	\$43,350.50	\$10,651,955.58
Capital ≥ 2018	TD	CD	2/6/2019	1.49%	\$3,795.43	\$1,455,581.60
Capital ≥ 2018	TD	CD	2/6/2020	1.53%	\$38,343.59	\$14,320,667.00
<b>SUB-TOTAL:</b>						<b>\$26,428,204.18</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					\$24,833,060.00
<b>SUB-TOTAL:</b>						<b>\$41,322,425.88</b>
<b>PENSION FUND:</b>						
Non-Uniform 1990	WSFS	CD	1/29/2020	1.45%	\$6,482.09	\$4,410,000.00
Escrow Pension	Edgar Lomax					\$24,867,373.00
Escrow Pension	Vanguard Fixed					\$37,417,205.00
Escrow Pension	Earnest Partners					\$25,723,907.00
Escrow Pension	Wilmington Trust					\$36,653,551.00
Escrow Pension	Vanguard Stock Index					\$43,224,420.00
Escrow Pension	Artisan Global					\$8,158,912.00
Escrow Pension	Dodge & Cox					\$11,686,161.00
Escrow Pension	Fidelity					\$10,646,950.00
Escrow Pension	Harding Loevner					\$9,180,663.00
Escrow Pension	MFS Management					\$23,496,055.00
Escrow Pension	Clarion Lyon					\$6,385,038.00
Escrow Pension	Money Market					\$323,988.00
Escrow Pension	Morgan Stanley					\$6,064,955.00
<b>SUB-TOTAL:</b>						<b>\$248,239,178.00</b>
<b>OTHER:</b>						
Deferred Comp.	MassMutual					\$50,468,218.05
Contractual Requirements	WSFS	CD	1/15/2020	1.66%	\$12,605.03	\$3,037,356.74
Port Debt	WSFS	CD	2/12/2020	1.40%	\$4,705.96	\$1,978,890.00
<b>Total Investments</b>						<b>\$413,974,274.72</b>
<b>Total Cash on Hand</b>						<b>\$13,043,378.49</b>
<b>Grand Total</b>						<b>\$427,017,653.21</b>

<sup>1</sup> Budget Reserve

  
**Velda Jones-Potter, City Treasurer**

## **NON-LEGISLATIVE BUSINESS**

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

Harlee	Sympathy Jaron R. Smullen
Harlee	Sympathy Joan A. Lee
Harlee	Sympathy Kimberly F. Lewis
Harlee	Sympathy Deacon Sylvester Finney
Harlee	Sympathy Evangelist Gail P. Hooks
Oliver	Sympathy Audrey L. Hoopes
Oliver	Sympathy Tressa M. Capano
Oliver	Sympathy Theodore Robert Johnson
Oliver	Sympathy Thomas Cooper
Oliver	Sympathy Robin Lynn McNeill
Shabazz	Sympathy Robert L. Watson, Sr.
Shabazz	Sympathy Darrell V. Boyd, Sr.

*Note: It was duly noted that there were no presentations this evening.*

## **LEGISLATIVE BUSINESS**

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

Council Member Gray: None this evening Madam President.

President Shabazz: Council Member Congo, legislation this evening?

Council Member Congo: Nothing tonight Madam President. Thank you.

President Shabazz: Council Member Harlee, legislation?

Council Member Oliver: Ah yes Council President, I have three Ordinances to present tonight. I have Ordinance #4745 to present and call for the third and final reading.

Council Member Harlee presented and called for the third and final reading Ordinance No. 19-053 (Agenda #4745) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE THE ONE-YEAR EXTENSION OPTION OF THE CONTRACT BETWEEN THE CITY OF WILMINGTON AND REVOLUTION FOODS, INC. FOR THE CACFP AT RISK CHILD AND ADULT CARE FOOD PROGRAM

**FISCAL IMPACT STATEMENT:** There is no negative fiscal impact on the City as the program uses only Federal funds, which have been previously budgeted.

Upon a motion of Council Member Harlee, seconded by Council Members McCoy and Freel, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Ordinance. Council Member Walsh raised a question and President Shabazz responded.

President Shabazz: Clerk will call the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Congo, Oliver\*, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

*\*Note: During the vote, however, prior to the tally of the vote, Council Member Oliver was recognized and reflected in the minutes herein (Roll Call and vote of Ord. 19-053).*

President Shabazz: Declare it adopted.

Council Member Harlee: I have Ordinance #4756 to present and call for the first and second reading.

Council Member Harlee presented and called for the first and second reading Ordinance No. 20-001 (Agenda #4756) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN  
EXTENSION OF CONTRACT 20011PW BETWEEN THE CITY  
OF WILMINGTON AND BRANDYWINE CONSTRUCTION  
COMPANY, INC. FOR SEWER MAINTENANCE

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is two (2) one-year contract extensions for the periods of July 1, 2020 to June 30, 2021 and July 1, 2021 to June 30, 2022, at an estimated price of One Million, Two Hundred Eighty-Five Thousand, Eight Hundred Eighty Dollars (\$1,285,880.00) plus a two percent (2%) increase for each extension period.

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

Council Member Harlee: I have – my last, um, piece of legislation is item #4757 to present and call for the first and second reading.

Council Member Harlee presented and called for the first and second reading Ordinance No. 20-002 (Agenda #4757) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN  
EXTENSION OF CONTRACT 20012WD BETWEEN THE  
CITY OF WILMINGTON AND BRANDYWINE  
CONSTRUCTION COMPANY, INC. FOR WATER  
DISTRIBUTION SYSTEM MAINTENANCE

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is four (4) one-year extension options, at an estimated price of Two Thousand, Nine Hundred Seventy-Seven Dollars (\$2,977.00) per day not to exceed Three Million Dollars (\$3,000,000.00), plus an increase of up to two percent (2%) for each extension period.

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

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

President Shabazz: Thank you. Council Member Turner, any legislation this evening?

Council Member Turner: No legislation tonight Madam President.

President Shabazz: Council Member McCoy, legislation?

Council Member McCoy: Nothing tonight Madam President.

President Shabazz: Council Member Johnson.

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

On behalf of Council Member Walsh, Council Member Johnson presented Resolution 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 Members Freel and Walsh, 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 Turner made comments. Council Member Congo made comments. Council Member Walsh made comments. Council Member Oliver made comments. Council Member Gray made comments. Council Member Guy made comments. Council Member Oliver made additional comments. Council Member Johnson made additional comments.

President Shabazz: Are there any comments from the public?

Council Member Guy: She has her hand up and I do too.

President Shabazz: He's the presenter ...

Council Member Turner: Point, point of clarity. Point of clarity.

Council Member Guy: We each get to speak twice.

President Shabazz: I said before ...

Council Member Turner: Point of clarity.

President Shabazz: ... excuse me. Public comment.

Council Member Turner: Point of clarity.

Council Member Guy: Point of order. I call for a vote to override that because it said – will you please read the rule? We each get to speak twice. She had her hand up the whole time he ...



Council Member Turner: Point of clarity.

President Shabazz: And I scanned the floor and there was no one's hands up but Mr. Johnson's so...

Council Member Guy: Her hand was up and mine went up.

President Shabazz: ...well, after ...

Council Member Turner: Point, point of clarity.

President Shabazz: ... I'm speaking please sir. I'm trying to get point – clarity.

Council Member Guy: You're supposed to check. Has everybody once spoken twice (inaudible) ....

President Shabazz: I scanned the floor, I hesitated, no one's hand was up and...

Council Member Guy: I already told you I wanted to speak a second time.

President Shabazz: Then you should have been paying attention to say that you wanted to speak.

Council Member Guy: You just trying to change ...

President Shabazz: As I said public comment please.

Council Member Turner: Point, point of clarity.

Council Member Guy: Call for a roll call vote to override that. That's not...

President Shabazz: Public comment.

Council Member Guy: Call for a roll call vote on, on the point of order. Call for a roll call vote on the point of order.

Council Member Gray: I already seconded it.

Council Member Guy: You seconded it?

Council Member Gray: It's up to her.

Council Member Guy: Yup, seconded. So, take the vote whether we each get our second turn. On the last legislation ...

President Shabazz: So, what am I, so ...

Council Member Turner: That's why I'm asking for a point of clarity.

President Shabazz: I know – I know what it says ...

Council Member Turner: The legislation states –

President Shabazz: ...the legislation, I know what it says. It states also that everyone has an opportunity to speak twice. I scanned the floor, no one's hand is up. So, so, I called for – I hesitated, and I called for the sponsor ...

Council Member Oliver: Why are we still talking? You already ...

President Shabazz: ... to (inaudible) forward ...

Council Member Turner: Parliamentary ...

President Shabazz: ...then I called for the public comment and there's another set of two after that. So, let me finish what I'm doing as President. Public comment and then we come back, to, um, um the Councilmembers can have their next round of debate.

Council Member Guy: Point of order.

Council Member Gray: Thank you.

Council Member Guy: She seconded the motion.

President Shabazz: I didn't hear a motion. I say it's a point of order.

Council Member Guy: I made a motion.

President Shabazz: Public comment.

Council Member Guy: You're just doing, you're just being illegal because you think you can.

President Shabazz: I am doing because I'm the presiding officer. You're just, you're just out of order.

Council Member Guy: No, that's not what the presiding officer is supposed to do. The presiding officer is supposed to be fair ...

President Shabazz: Oh jezz, I don't know why ...

Council Member Guy: ...we're supposed to each get a second chance on the first round. That's later.

Public Comment Speaker:

- o D. Marque Hall

Council Member Harlee made comments.

Council Member Gray: Yes, I'd like to make a friendly amendment to this Resolution that we get quarterly reports from the Police Department on their progress and acquired diverse candidates for the class. It's a motion.

President Shabazz: Where?

Council Member Gray: Pardon me?

President Shabazz: Where in the legislation do you – are you saying to add this?

Council Member Gray: Oh, I didn't think of that so. Maybe at the end of ah, 95% of the number of police officers set forth in the position allocation list attached to Budget Ordinance by the end of 2019; and, um and give quarterly reports to Council on progress of diversity candidates. Is that ...

Council Member Oliver: What page?

Council Member Gray: Someone has to second it.

Council Member Turner/Council Member Johnson: Second.

Council Member Oliver: (inaudible) what page.

Council Member Turner: It's only one page.

Council Member Gray: Right.

President Shabazz: It's been moved and seconded that the - - Council Member Gray, can you make clear exactly where you want to insert and what exactly what you want inserted.

Council Member Gray: Ok, I was going to put it – does it make a difference? I was going to...

President Shabazz: It does because you amended a legislative piece of document and so we need to know exactly what the wording and where you want it to go in so we can approve it.

Council Member Gray: I guess after the one, two, three, fourth paragraph, which it says, um, Department has drafted a resolution calling for the commencement of an academy class for the Police Department once manpower falls below the ...

President Shabazz: Can you speak into the microphone please?

Council Member Gray: ... I'm sorry.

President Shabazz: And can you say it exactly? You said you guess. Can you give me exactly the wording?

Council Member Gray: Ok, one, two, three, fourth paragraph, at the end of the fourth paragraph – the last of the paragraph is, Police Department once manpower falls below the requisite threshold and presented it to Council for its review. So, there after that review, it should say, um, "Chief of Police should give Council, City Council Members a quarterly overview of the efforts of acquiring diverse candidates".

President Shabazz: So, can you repeat your, can you repeat your request?

Council Member Gray: That was the end of it. Repeat it you're saying? That Police Chief Tracy provide City Council Members with a quarterly report on the results of efforts to acquire diverse police cadets. I don't have it written down, so you have to read it back to see.

President Shabazz: So, an amendment was made as so noted to the Resolution.

Council Member Gray: Yes.

President Shabazz: Not hearing a second.

Council Member Gray: No, it was seconded.

Council Member Dixon/Council Member Johnson: Second.

President Shabazz: It was seconded?

Council Member Gray: Uh, hmm.

President Shabazz: Well, I didn't hear a second after you said exactly what you wanted that's what I'm saying. That's why I'm asking. I'm trying to do it

proper that you ask for an amendment and you said exactly where you want the amendment and what the amendment is so it's clear.

Council Member Gray: Ok, thank you Madam President.

President Shabazz: Did you get a second?

Council Member Dixon: Yeah, we seconded it.

President Shabazz: You got a second?

Mrs. Seijo (City Clerk): Yes, Johnson.

President Shabazz: It's been moved and seconded that the Resolution be amended as stated. All those in favor signify by saying "Aye". Any opposed? Amendment carried. We now talk – discussing the amended Resolution.

Council Member Guy made comments. President Shabazz responded to Council Member Guy's comments. Council Member Guy continued with his comments. Council Member McCoy made comments. Council Member Walsh made comments. Council Member Turner made comments and raised questions and President Shabazz responded. Council Member Turner raised additional questions and President Shabazz responded. Council Member Turner continued with his comments and Council Member Johnson responded to Council Member Turner. President Shabazz made comments. Council Member Walsh made additional comments. Council Member Guy made additional comments. Council Member Gray made comments. Council Member Freel made comments. Council Member Johnson made comments.

President Shabazz: Call for the vote please.

The above-referenced Resolution, As Amended, 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 Walsh, and Council President Shabazz. Total, twelve. Nays, none. Present, Council Member Guy. Total, one.

President Shabazz: Declare it adopted.

### **PETITIONS AND COMMUNICATIONS**

Council President and Council Members spoke on the following: announcement of community events throughout the City; Council Member Congo requested to be placed on the next Public Safety Committee agenda the topic of body cameras as that matter still needs to be address; gun violence and Community Conversations (upcoming gun violence initiative); change of trash schedule; the length of time on debate on whether or not the right wording was placed in a Resolution;

announcement of committee meeting; announcement of the first African American on the Delaware Supreme Court; the need to address the Public Safety Chair directly regarding items being added to the agenda and not Council staff; Teen Hall meeting tonight and how the youth look to the adults for solutions; and, including, but not limited to, being the legislative branch and the need to come together as a body and get things done in the last year of the 107<sup>th</sup> Session of Council to create legislation and policies to help the residence have a good quality of life.

### **ADJOURNMENT**

Upon a motion of Council Member Freel, seconded by Council Members McCoy and Johnson, Council adjourned at 8:04 p.m. Motion prevailed.

Attest:   
Maribel Seijo, City Clerk