Wilmington, Delaware Louis L. Redding City/County Building May 28, 2020

City Council met in "virtual" 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 May 7, 2020, upon a motion of Council Member Congo, seconded by Council Member Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

Finance & Economic Development Committee Member	Present	Absent with Leave	Absent w/out Leave
Charles M. "Bud" Freel, Chair	X		
Ciro Adams	X		
Linda M. Gray	X		
Christofer C. Johnson	X		
Zanthia Oliver	X		
Loretta Walsh	0	Х	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of The City of Wilmington

May 18, 2020

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual meeting, to who was referred Ordinance No. 20-012 entitled:

ESTABLISH A RATE OF TAXATION ON REAL PROPERTY AND THE TAXABLE PROPERTY OF PUBLIC UTILITY FOR FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021

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

Respectfully submitted, Members of Finance & Economic Development Committee

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

The City Clerk read the following committee report:

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

President and Members of Council of The City of Wilmington May 18, 2020

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual meeting, to who was referred Ordinance No. 20-013 entitled:

ADOPT A CAPITAL PROGRAM FOR THE SIX FISCAL YEARS 2021 - 2026 INCLUSIVE

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

Respectfully submitted, Members of Finance & Economic Development Committee

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

The City Clerk read the following committee report:

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

President and Members of Council of The City of Wilmington

May 18, 2020

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual meeting, to who was referred Ordinance No. 20-014 entitled:

ADOPT A CAPITAL BUDGET FOR FISCAL YEAR 2021

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

Respectfully submitted, Members of Finance & Economic Development Committee

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

The City Clerk read the following committee report:

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

President and Members of Council of The City of Wilmington

May 18, 2020

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual meeting, to who was referred Substitute No. 1 to Ordinance No. 20-016 entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2020 AND ENDING ON JUNE 30, 2021

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

Respectfully submitted, Members of Finance & Economic Development Committee

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

The City Clerk read the following committee report:

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

President and Members of Council of The City of Wilmington

May 18, 2020

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual meeting, to who was referred Ordinance No. 20-020 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (LED STREET LIGHTING PROJECT), SERIES OF 2020B-SEPRLF IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON RELATING TO THE LED STREET LIGHTING PROJECT; PROVIDING FOR THE SALE OF THE BOND TO THE DELAWARE STATE ENERGY PROGRAM REVOLVING LOAN FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Respectfully submitted, Members of Finance & Economic Development Committee

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

TREASURER'S REPORT

The following Treasurer's Report as of May 27, 2020, was read into the record by City Clerk and upon a motion of Council Member Congo, seconded by Council Members Freel and Walsh, the Report was received, recorded and filed. Motion prevailed.

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

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Velda Jones-Potter City Treasurer

Louis I., 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 May 27, 2020

Cash on Hand:

Cash on Hand:	yr	
General Account	M & T Bank	\$20,618,913.75
Central Deposit	M & T Bank	\$177,111.40
Payroll	M & T Bank	\$1,532,582.54
Total Petty Cash Accounts	M & T Bank	11,024.93
Grant-In-Aid	M & T Bank	\$152,196.30
Evidence/Found Currency Account	M & T Bank	\$1,046,570.32
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,675.31
Police Department Discretionary	M & T Bank	\$22,177.68
Pension Payroll Account	M & T Bank	\$141,158.33
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$1,592.81
Non-Uniform Pension-Plan 2	M & T Bank	\$1,500.00
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$391,796.03
Police Pension Account	M & T Bank	\$363,236.13
Fire Pension Account	M & T Bank	\$25,681.99
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$231,347.48
SubTotal		\$24,779,703.97
	Alexander and the second	

INVESTMENTS MAY 21, 2020:

Fund	Institution	I. I	Maturity	Interest	Interest	Investment Amount
		Туре	Date	Rate	Receivable	
GENERAL FUND:						
General	TD	CD	5/28/2020	1.50%	\$31,250.00	\$6,000,000.0
General ¹	WSFS	CD	6/18/2020	1.62%	\$95,625.00	\$17,000,000.0
SUB-TOTAL:					r	\$23,000,000.0
CAPITAL FUND:						
Capital ≤ 2015	TD	CD	7/9/2020	0.08%	\$849.45	\$7,645,036.6
Capital ≥ 2018	TD	CD	7/9/2020	0.08%	\$1,515.00	\$13,635,005.4
SUB-TOTAL:						\$21,280,042.1
RISK MGMT:						
Risk Management	TD	CD	6/30/2020	1,63%	\$64,915.02	\$8,287,317.1
Worker's Comp	TD	CD	6/30/2020	1.63%	\$64,915.02	
		CD	0/30/2020	1,0570	φυ4,913.02	\$8,287,317.1
Retiree Medical Escrow	Vanguard-OPEB					\$23,809,663.0
SUB-TOTAL:	1					\$40,384,297,2
PENSION FUND:						
Non-Uniform 1990	TD	CD	5/28/2020	0.25%	\$889.58	\$4,270,000.00
Fire Pension	TD	CD	5/28/2020	0.25%	\$578.13	\$2,775,000.00
Escrow Pension	Edgar Lomax					\$20,318,460.00
Escrow Pension	Vanguard Fixed					\$34,080,109.00
Escrow Pension	Earnest Partners					\$22,538,328.0
Escrow Pension	Wilmington Trust					\$40,821,914.00
Escrow Pension	Vanguard Stock Index					\$38,867,281.00
Escrow Pension	Artisan Global					\$8,183,122.00
Escrow Pension	Dodge & Cox					\$9,403,089.00
Escrow Pension	Fidelity					\$10,638,792.00
Escrow Pension	Harding Loevner					\$8,871,120.00
Escrow Pension	MFS Management					\$24,085,868.00
Escrow Pension	Clarion Lyon					\$9,851,965.00
Escrow Pension	Money Market					\$501,343.00
Escrow Pension	Morgan Stanley					\$7,019,889.00
SUB-TOTAL:						\$242,226,280.00
OTHER:						
Deferred Comp.	MassMutual					\$48,500,405.56
Contractual Requirements	WSFS	CD	7/1/2020	1.45%	\$20,638.07	\$3,049,961.78
Port Debt	WSFS	CD	7/15/2020	1.40%	\$11,537.20	\$1,978,890.00
Total Investments						\$380,419,876.71
Total Cash on Hand						\$24,779,703.91
Grand Total						\$405,199,580.68

¹ Budget Reserve

Velda Jones-Rotter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

Gray Sympathy Stephen Williams
Harlee Sympathy Lynette Shorts Kornegay

Oliver Recognize Michele Fidance – Multiplying Good Foundation

Oliver Sympathy Sue Cunningham
Oliver Sympathy Michael Walker
Shabazz Sympathy Kirk Douglas Bolden

Shabazz Sympathy Charles Douglas McArthur Bolden

Shabazz Sympathy Jeremiah Redding

Shabazz Sympathy Valerie Sherwin Waters

Shabazz Sympathy Thelma Brown

Shabazz Recognize Kristin Barnekov-Short

Shabazz Sympathy Felicia Callahan

Shabazz Recognize LaDaye Johnson – Jefferson Award (Multiplying Good

Foundation)

LEGISLATIVE BUSINESS

Council Members Gray and Congo did not have any legislation to present this evening.

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-022 (Agenda #4802) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20015WD BETWEEN THE CITY OF WILMINGTON AND GREER LIME COMPANY FOR THE PROVISION OF HYDRATED LIME

FISCAL IMPACT: The cost to the City of the Amendment in Fiscal Year 2021 would nr ninety-seven thousand seven hundred fifty dollars (\$97,750.00)

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-023 (Agenda #4803) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20014PW BETWEEN THE CITY OF WILMINGTON AND KEMIRA WATER SOLUTIONS, INC. FOR THE PROVISION OF FERRIC CHLORIDE

FISCAL IMPACT: The cost to the City of the Amendment in Fiscal Year 2021 will be four hundred thirty-two thousand six hundred dollars (\$432,600.00).

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Oliver, seconded by Council Members Freel and Walsh, the Ordinance was received, recorded and filed. Motion prevailed.

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-024 (Agenda #4804) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20024PW BETWEEN THE CITY OF WLMINGTON AND DIAMOND MATERIALS LLC FOR THE PROVISION OF BITUMINOUS CONCRETE

FISCAL IMPACT: The cost to the City of the Amendment in Fiscal Year 2021 will be ninety-two thousand three hundred seventy-five dollars (\$92,375.00).

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-025 (Agenda #4805) entitled:

AN ORDINANCE TO AUTOHRIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20013WD BETWEEN THE CITY OF WILMINGTON AND BUCKMAN'S INC. FOR THE PROVISION OF SODIUM HYPOCHLORITE

FISCAL IMPACT: The cost to the City of the Amendment in Fiscal Year 2021 will be one hundred ninety-nine thousand one hundred eighty-five dollars (\$199,185.00).

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

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-026 (Agenda #4806) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20017PW BETWEEN THE CITY OF WILMINGTON AND JUDGE MOBILE WASH FOR THE PROVISION OF MOBILE TRUCK WASHING SERVICES

FISCAL IMPACT: The cost to the City of the Amendment in Fiscal Year 2021 will be sixty-four thousand three hundred ninety dollars (\$64,390.00).

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-027 (Agenda #4807) entitled:

AN ORDINANCD TO AUTHORIZE AND APPROVE A MULTI-YEAR EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF WILMINGTON AND ITRON FOR THE PROVISION OF OPERATION AND MAINTENANCE SERVICES FOR MOBILE AUTOMATED METER READING

FISCAL IMPACT: The cost to the City of the Amendment will be three hundred twenty-for thousand dollars (\$324,000.00) annually for Fiscal Years 2021, 2022, 2023, 2024 and 2025.

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

Council Members Harlee, Turner, McCoy and Johnson did not have any legislation to present this evening.

On behalf of President Shabazz, Council Member Freel presented and called for the first and second reading <u>Ordinance No. 20-028</u> (Agenda #4785, Rev. 1) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CITY CODE TO PROVIDE A PROPERTY TAX ABATEMENT FOR LOW-TO-MODERATE INCOME, LONG-TERM HOMEOWNERS FOLLOWING A 50 PERCENT OR MORE PROPERTY TAX INCREASE ON THEIR PRIMARY RESIDENCE

FISCAL IMPACT STATEMENT: Revenue Changes would only take place based on the results of the next Property Assessment conducted on the housing stock in the City of Wilmington that might cause an increase in property values in neighborhoods or areas throughout the City where new development has or will take place prior to the next Property Assessment. Any potential revenue changes would then be calculated by the Department of Finance to determine any substantial changes to expect from Property Tax Revenues relevant to increases in Property Values of the City's Housing Stock and the impact of the Property Tax Abatement for Low-to-Moderate Income, Long-Term Homeowners in the City of Wilmington on such revenue when there is an increase of 50 percent or more Property Tax increase on their Primary Residence. Long-Term, Low-to-Moderate Income City Eligible Homeowners who apply would be approved for a Partial Abatement of their Tax Obligation that would "freeze" their Tax Obligation at the Pre-Assessment amount as long as the Property Homeowners meet their eligibility requirements.

POLICY STATEMENT: This proposed Ordinance would amend Chapter 44 of the City Code to provide a Property Tax Abatement for Low-to-Moderate Income, Long-Term Homeowners in the City of Wilmington following a 50 percent or more property tax increase on their primary residence in areas throughout the City where new developers is scheduled or has occurred that would possibly increase the value of property(s) in that area or neighborhood that could cause a 50 percent or more property tax increase on their primary residence, low-to-moderate income, long-term city homeowners would be eligible for a partial property tax abatement following such an increase in their tax obligation on their primary residence. The City of Wilmington seeks to assist and protect low-to-moderate income, long-term homeowners in tis City is not be at risk of having to leave their homes due to rising property taxes resulting from increased development.

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

Council Member Freel presented <u>Resolution No. 20-023</u> (Agenda #4808) as follows:

WHEREAS, pursuant to Section 8-208 of the City Charter, the Department of Public Works shall itself, or by contract, be responsible for the

maintenance and repair of all city buildings and grounds unless any department, board or commission has been approved to perform such services itself; and

WHEREAS, GFM Enterprises, L.L.C. ("GFM") is the owner of 1925 Lovering Avenue, Wilmington, Delaware, 19806, Tax Parcel No. 26-013.20-146; and

WHEREAS, while the City of Wilmington is the owner of certain parkland bounded by Lovering Avenue, N. Union Street, Kentmere Parkway, Academy Place and the GFM Parcel (the "Park"); the State of Delaware, Department of Natural Resources and Environmental Control, Division of Parks and Recreation ("State") operates and maintains the Park pursuant to a longstanding agreement and practice with the City; and

WHEREAS, the City and the State previously approved the installation by GFM of a walkway (the "Walkway") over and across the Park between Kentmere Parkway and the northeast side of the GFM Parcel; and

WHEREAS, in consideration for the permission granted by the City and State to construct the Walkway, GFM desires to execute a declaration ("Declaration" or "Walkway Maintenance Declaration"), a copy of which is attached hereto as Exhibit "A", for the benefit of the City and the State, to be responsible for the ongoing maintenance and repair of the Walkway at GFM's sole cost and expense.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby authorizes the Department of Public Works to accept the Walkway Maintenance Declaration made by GFM Enterprises L.L.C. to provide ongoing maintenance and repair of the Walkway located over and across the City's parkland between Kentmere Parkway and the northeast side of the GFM Parcel.

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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 Walsh, and Council President Shabazz. Total, twelve. Nays, none. Absent, Council Member Guy. Total, one.

President Shabazz declared the Resolution adopted.

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

Council Member Freel presented and called for the third and final reading Ordinance No. 20-012 (Agenda #4787) entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION ON REAL PROPERTY AND THE TAXABLE PROPERTY OF PUBLIC UTILITIES FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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.

President Shabazz declared the Ordinance adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 20-013 (Agenda #4788) entitled:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM FOR THE SIX FISCAL YEARS 2021-2026 INCLUSIVE

IMPACT STATEMENT: The six-year Capital Program for Fiscal Years 2021-2026 is \$274,356,865. This is an estimate of funds necessary to meet the future capital needs of the City. The breakdown is as follows: \$98,405,615, General Fund; \$149,951,250, Water/Sewer Fund; and \$26,000,000, Other Funds.

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to call the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Congo, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon and Walsh, and Council President Shabazz. Total, twelve. Nays, Council Member Guy. Total, one

President Shabazz declared the Ordinance adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 20-014 (Agenda #4789) entitled:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET FOR FISCAL YEAR 2021

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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.

President Shabazz declared the Ordinance adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 20-016 (Agenda #4790) entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2020 AND ENDING ON JUNE 30, 2021

Council Member Freel presented a **Substitute** in lieu of the above-referenced Ordinance:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2020 AND ENDING ON JUNE 30, 2021

Upon a motion of Council Member Freel, seconded by Council Member Walsh, the **Substitute** Ordinance was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Substitute Ordinance and made comments. Members of Council made comments and several expressed concerns. During comments, point of orders were made by Council Members Oliver and Gray regarding staying on the topic at hand.

At this time, President Shabazz opened up the floor for public comment.

Public Comment Speakers:

- o Dro Lewis
- o Micah Green
- o Steven Colon

Additional comments were made by Council Members. President Shabazz made a point of order regarding staying on the topic at hand. Council Member Freel made closing remarks.

President Shabazz requested the Clerk to call the roll.

The above-referenced **Substitute** 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 Oliver, Harlee, Johnson, Freel, Adams and Walsh, and Council President Shabazz. Total, seven. Nays, Council Members Gray, Congo, Turner, McCoy, Dixon and Guy. Total, six.

President Shabazz declared the Substitute Ordinance adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 20-020 (Agenda #4800) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (LED STREET LIGHTING PROJECT), SERIES OF 2020B- SEPRLF IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECT OF THE CITY OF WILMINGTON RELATING TO THE LED STREET LIGHTING PROJECT; PROVIDING FOR THE SALE OF THE BOND TO THE DELAWARE STATE ENERGY PROGRAM REVOLVING LOAN FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

At this time, President Shabazz opened up the floor for public comment.

Public Comment Speaker:

o Dro Lewis

As Mr. Lewis was speaking regarding body cameras, President Shabazz asked Mr. Lewis to speak to the topic at hand. For clarity, Council Member Guy asked that Mr. Lewis be informed whether there was legislation listed on the agenda where he can then speak to as it relates to body cameras. In addition, Council Member Guy made a point of order and President Shabazz responded. Council Members Turner and Harlee made comments.

President Shabazz requested the Clerk to 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.

President Shabazz declared the Ordinance adopted.

Council Member Adams presented and called for the first and second reading Ordinance No. 20-029 (Agenda #4809) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A MULTI-YEAR CONTRACT RETAINING BELFINT, LYONS, & SHUMAN, P.A. AS THE EXTERNAL AUDITOR FOR THE CITY OF WLMINGTON

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact because the monies will be derived from already-budgeted funds.

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

Council Member Dixon presented <u>Resolution No. 20-024</u> (Agenda #4810) as follows:

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low-and moderate-income persons or other urgent community development needs; and

WHEREAS, The Coronavirus Aid, Relief and Economic Security Act (hereinafter "the CARES Act") of 2020 makes available supplemental Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Housing for Persons with AIDS (HOPWA) funding for grants to prevent, prepare for, and respond to coronavirus (hereinafter "CDBG-CV, ESG-CV and HOWPA-CV grants, respectively"); and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the City of Wilmington (hereinafter "the City") that it is eligible to receive \$1,304,175 in CDBG, \$647,693 in ESG funding and \$116,777 in HOPWA; and

WHEREAS, Resolution 19-018 was adopted by City Council on May 16, 2019 authorizing the Mayor to submit the Annual Action Plan for Fiscal Year 2020; and

WHEREAS, the city has prepared a substantial amendment to its Fiscal Year 2020 Annual Action Plan to outline the proposed use of the CDBG-CV grants, ESG-CV and HOPWA-CV funds to prevent, prepare for, and respond to the ongoing COVID 19 crisis; and

WHEREAS, a draft of the substantial amendment was on display from May 7 through May 12, 2020, the city has held a public hearing on said substantial amendment and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON:

- 1. That the Substantial Amendment to the Fiscal Year 2020 Annual Action Plan for the CDBG-CV, ESG-CV, and HOPWA-CV Program is hereby in all respects approved and the Secretary is hereby directed to file a copy of said Substantial Amendment with minutes of this meeting.
- 2. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with federal financial assistance, including those relating to (a) the relocation of site occupants and, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin, and other assurances as set forth under the certifications.
- 3. That the Mayor of the City of Wilmington, on behalf of the City Council, is authorized to file an application for financial assistance with the U.S. Department of Housing and Urban Development for the CARES Act Funds.
- 4. That the Mayor, on behalf of the City Council, is hereby authorized to

provide such assurances and/or certifications as required by the Housing and Community Development Act of 1974, as Amended, the National Affordable Housing Act of 1990, and the Stewart B. McKinney Homeless Assistance Act of 1988, the as amended, the CARES Act of 2020, and also any supplemental or revised data which HUD may request in connection with the review of this Application.

5. That the Mayor is authorized to execute on behalf of the City the formal grant contracts, amendments, and other documents relating to the Substantial Amendment to the City's FY 2019 Annual Action Plan.

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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, McCoy, Johnson, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, twelve. Present, Council Member Turner. Total, one. Nays, none.

President Shabazz declared the Resolution adopted.

Council Member Dixon presented <u>Resolution No. 20-025</u> (Agenda #4811) as follows:

WHEREAS, the City of Wilmington is an Entitlement Community for purposes of the Community Development Block Grant (CDBG), HOME Partnership Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA); and

WHEREAS, the United States Department of Housing and Urban Development ("HUD") regulations require a consolidated application process for funds for the Community Development Block Grant (CDBG), HOME Partnership Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA); and

WHEREAS, the Council desires that the City of Wilmington participate in HUD's Consolidated Plan process; and

WHEREAS, City Council's Community Development and Urban Planning Committee has completed its review of the proposed Fiscal Year 2021 Annual Action Plan, pursuant to a determination that such review should be completed prior to,

and, in effect, be separate from the enactment of the City's Fiscal Year 2021 Annual Operating Budget; and

WHEREAS, the Community Development and Urban Planning Committee and the Mayor's Office have reached a consensus with respect to specific categories of spending and the amount of funds to be allocated to each such category, as set forth in the Fiscal Year 2021 Annual Action Plan Budget, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Community Development and Urban Planning Committee and the Mayor's Office have agreed further that any substantial changes as defined in the Consolidated Plan regulations in the aforesaid categories and funding amounts will be reviewed in full by the Mayor's Office with the Community Development and Urban Planning Committee before implementation; and

WHEREAS, the referenced HUD regulations require that funding applications for the above-referenced funding sources must meet the public action requirements of the Consolidated Plan; and

WHEREAS, additionally, as a HUD entitlement community, the City is required to prepare a five-year consolidated plan in order to implement any federal programs that fund housing, community development and economic development within the community; and

WHEREAS, the City has prepared a Consolidated Strategy for Housing and Community Development Plan for Fiscal Years 2020-2024 identifying the goals and objectives for the use of federal funds for the next five year period, a copy of which is attached hereto as Exhibit "B."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Mayor Michael S. Purzycki, or his designee, is hereby authorized to submit the Annual Action Plan for Fiscal Year 2021 to the U.S. Department of Housing and Urban Development, which Plan allocates \$2,260,258 for the Community Development Block Grant (CDBG); \$187,831 for Emergency Solutions Grants (ESG); \$564,024 for HOME Investment Partnerships (HOME); and \$802,435 for Housing Opportunities for Persons With AIDS (HOPWA), which together will comprise a total Fiscal Year 2021 Annual Action Plan Budget of \$3,814,548.

BE IT FURTHER RESOLVED that the City Council hereby endorses the specific enumeration of categories and amounts set forth in the Fiscal Year 2021 Annual Action Plan Budget, a copy of which is attached hereto as Exhibit "A" and made a part hereof, and so endorses said enumeration, with the understanding that the Mayor's Office will expend funds and administer the funding program in a manner consistent with said enumeration and will review substantial changes, as defined by the Consolidated Plan regulations, in the enumeration of categories and amounts with the Community Development and Urban Planning Committee of City Council prior to the implementation of any such changes.

BE IT FURTHER RESOLVED, that the Consolidated Strategy for Housing and Community Development Plan for Fiscal Years 2020-2024, a copy of which is attached hereto as Exhibit "B", is hereby approved by the Council of the City of Wilmington.

BE IT FURTHER RESOLVED that Michael S. Purzycki, Mayor of the City of Wilmington, or his designee, is hereby authorized to execute and submit to the United States Department of Housing and Urban Development the Annual Action Plan for Federal Fiscal Year 2021 and the Consolidated Strategy for Housing and Community Development Plan for Fiscal Years 2020-2024, and he is hereby further authorized to certify to such matters as the U.S. Secretary of Housing and Urban Development may require with the application, to provide additional information as may be required, to execute all forms, certifications, subrecipient agreements and other documents relating to this funding, and to administer and expend such funds as are received or become available in accordance with the Consolidated Plan regulations and the regulations governing Community Development Block Grant (CDBG), HOME Partnership Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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, Johnson, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, eleven. Present, Council Members Turner and McCoy. Total, two. Nays, none.

President Shabazz declared the Resolution adopted.

Council Member Dixon presented <u>Resolution No. 20-026</u> (Agenda #4812) as follows:

WHEREAS, under 24 CFR Part 91 Sec 91.105, the U.S. Department of Housing and Urban Development (HUD) requires that each jurisdiction participating in the Community Planning and Development Programs adopt a Citizen Participation Plan that sets forth the jurisdiction's policies and procedures for citizen participation; and

WHEREAS, the Council of the City of Wilmington seeks to adopt a Citizen Participation Plan which outlines the City's responsibilities for engaging the public during preparation of the Consolidated Plan, Annual Action Plans, and the Comprehensive Annual Performance and Evaluation Report (CAPER) and any future HUD applications. The new plan also outlines changes that will be in effect for

shortened display and virtual meetings in time of emergency per guidance from HUD; and

WHEREAS, the Citizen Participation Plan was placed on display from May 7 to May 12, 2020 and advertised in the newspaper and on the City's website, the City held a public hearing on said Citizen Participation Plan and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON:

1. That the Citizen Participation Plan is hereby in all respects approved and the Secretary is hereby directed to file a copy of said Citizen Participation Plan with minutes of this meeting.

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

**Note: During the vote, Council Member Oliver requested to be added as a co-sponsor.

President Shabazz declared the Resolution adopted.

Council Member Guy did not have any legislation to present this evening.

Council Member Walsh presented <u>Resolution No. 20-027</u> (Agenda #4813) 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"), has submitted grant applications to the State of Delaware, Department of

Justice for funding from the Special Law Enforcement Assistance Fund ("SLEAF") in the amount of \$37,800; and

WHEREAS, the proposed grant funds would be used purchase MorpholDent fingerprint scanners, mobile devices that are used by patrol officers and various other WPD divisions and units to provide instant identity checks on arrestees who are unable to be identified; and

WHEREAS, the outdated devices that are currently being used by personnel are reaching the end of their life span, with some of the devices failing altogether and others experiencing battery or part failure – with limited options for repair due to the age of the devices; and

WHEREAS, the proposed grant funds would also be used to purchase a multi-purpose platform trailer to assist personnel in the course of training initiatives by allowing for the transportation of four motorcycles and the towing of a full-sized SUV; 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 applications to the State of Delaware, Department of Justice in the total amount of \$37,800.00 are 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 to the City as no local matching funds are required by the grants.

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

At this time, President Shabazz opened up the floor for public comment and nobody desired the privilege of the floor.

President Shabazz requested the Clerk to 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, Guy and Walsh, and Council President Shabazz. Total, twelve. Absent, Council Member Oliver. Total, one. Nays, none.

President Shabazz declared the Resolution adopted.

Council Member Walsh presented <u>Resolution No. 20-028</u> (Agenda #4814) 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"), is submitting a grant application to the United States Department of Justice, Bureau of Justice Assistance (BJA), for funding to support implementation of a bodyworn camera program; and

WHEREAS, the three-year grant requires a 50% local match, and personnel costs are not eligible for grant funding. The WPD intends to apply for funding to cover half of the cost of the body-worn camera program, excluding personnel costs – resulting in potential funding of up to \$2,000 per camera for a total of up to \$630,000; and

WHEREAS, the final amount of funding that could be provided through this grant, if the WPD is awarded funds, will be determined by the BJA and could be based upon the competitiveness of the grant application process and the availability of federal funding; and

WHEREAS, in applying for this grant, the Wilmington Police Department seeks to secure outside funding to help defray the significant costs of implementing a body-worn camera program, and to mitigate the impact on the City budget and the tax burden on residents of Wilmington; 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 United States Department of Justice, Bureau of Justice Assistance, for funding to support implementation of a body-worn camera program 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: Depending upon the availability of federal funds and the competitiveness of this application process, it is anticipated that the City would be required to fund at least half of the cost of implementing a body-worn camera program in the first three years of the program, the full cost in subsequent years, and personnel costs for a sergeant and three police officers to administer the program, which are not eligible for funding under this grant.

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

Council Member Walsh spoke on the purpose of the Resolution and made comments. Council Member Gray made comments and raised questions and Council Member Walsh responded. Council Member Guy made comments and made a request and Council Member Walsh responded. Council Members Congo and Johnson made comments.

At this time, President Shabazz opened up the floor for public comment.

Public Comment Speaker:

James Stiner

Council Members Harlee, Turner and Gray made comments.

President Shabazz requested the Clerk to 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, Guy and Walsh, and Council President Shabazz. Total, thirteen. Nays, none.

President Shabazz declared the Resolution adopted.

PETITIONS AND COMMUNICATIONS

The City Clerk read the following communication into the record:

May 8, 2020

The Honorable Zanthia Oliver Louis L. Redding City/County Building 800 N. French Street, 9th floor Wilmington, DE 19801

VIA EMAIL: zloliver@wilmingtonde.gov

Dear Councilwoman Oliver:

By way of this letter, you are hereby advised that Sacred Heart Housing, Inc. submitted an application to rezone 1914, 1920, 2004, and 2006 N. Market Street; 50 Race Street; and 1901, 1903, 1905, 1907, 1915, 1925, 1927 and 1929 Hutton Street, a copy of which is enclosed herein. As the rezoning application request is submitted to the City Clerk, please accept this as a formal notification as the Councilperson representing the affected district, for submission to City Council.

Should you have any questions, please feel free to contact me. Thank you for your time and attention to this matter.

Sincerely, /s/Maribel Seijo City Clerk

Enclosure

Cc: The Honorable Hanifa Shabazz, Council President (via email w/o encl.)

Marchelle Basnight, Council's Chief of Staff (via email w/o encl.)

Tonya R. Richardson, Legislation & Community Director (via email w/o encl.)

Andrea Queen, Legislative Admin. Asst./Deputy Clerk (via email w/o encl.)

Upon a motion of Council Member Oliver, seconded by Council Member Walsh, the communication was received, recorded and referred to the Planning Commission. Motion prevailed.

Council President and Council Members spoke on the following: landlords hiking up rent; COVID Committee; contact tracers for COVID; food drive; face mask donated by the City; the need for the Chair of Health, Aging & Disabilities Committee to part of the COVID Committee; individuals were thanked for meeting the needs during the COVID-19 pandemic; individuals/entities were thanked for providing face mask and volunteering for the face mask giveaways and COVID assessment sites; individuals/entities were thanked for their projects of enhancements of I-95 corridor; MLK closure; referendum for Christina School District; first responders and those unsung heroes were also thanked; graduates recognition; announcement of committee meetings; individuals were thanked for putting everything together for the budget hearings with special thanks expressed to Council's Chief of Staff Marchelle Basnight and WITN Team for the Zoom meetings; restrictions being lifted and the reopening of businesses and churches on Monday in an effort to start economy back up and everyone was reminded to be safe; with summer approaching, the need to find creative ways for kids to be safe; racial disparity; reminder to graduates to send information to WITN; prop used for political purposes; the need of Council to authorize any receipt of County funds through legislation; Multiplying Good Foundation award; noted that recommendations are welcomed on how to address kids in the summer; clarity provided on the 20,000 face mask donations and how it came about for the areas that were distributed; and including but not limited to, the need to check on the elderly and those most vulnerable individuals.

ADJOURNMENT

Upon a motion of Council Member Freel, seconded by Council Member Oliver, Council adjourned at 9:39 p.m. Motion prevailed.

Attest: Maribel Seijo, City Clerk