

*Wilmington, Delaware
Louis L. Redding
City/County Building
August 20, 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, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, twelve.

MINUTES

After reading a portion of the minutes of July 9, 2020, upon a motion of Council Member Freel, seconded by Council Member Walsh, it was moved they be accepted as written. Motion prevailed.

TREASURER’S REPORT

The following Treasurer’s Report as of August 20, 2020, was read into the record by City Clerk and upon a motion of Council Member Freel, seconded by Council Member Walsh, the Report was received, recorded and filed. Motion prevailed.

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

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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



Treasurer's Report August 20, 2020

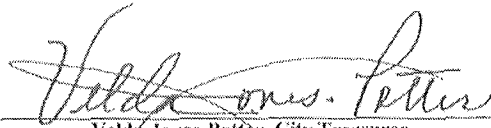
Cash - Ledger Balance (as of 8/18/2020):

General	M & T Bank	\$ 9,536,341.00
Clearing Account	TD Bank	\$ 15,052,365.64
Payroll	M & T Bank	\$ 1,067,409.48
Law Department Court Costs	M & T Bank	\$ 4,832.07
Total Petty Cash	M & T Bank	\$ 5,853.16
Police - Evidence Found (Currency)	M & T Bank	\$ 1,046,307.32
Police & Fire Rememberance	M & T Bank	\$ 7,469.49
Police Department Discretionary	M & T Bank	\$ 21,056.89
Rent Withholding Escrow	M & T Bank	\$ 4,137.97
Grant-in-Aid	M & T Bank	\$ 152,196.30
Community Development Block Grant	M & T Bank	\$ 1.00
Capital Projects	M & T Bank	\$ 3,000,000.00
Total Cash on Hand		\$ 29,897,970.32

Cash Equivalents & Investments (as of 8/18/2020):

Account Type & Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	8/19/2020	0.01%	\$ 3.73	\$ 13,417,553.11
SUB-TOTAL:						\$ 13,417,553.11
RESERVE:						
General ¹	TD	CD	8/21/2020	0.17%	\$ 2,568.98	\$ 17,002,572.50
SUB-TOTAL:						\$ 17,002,572.50
RESTRICTED:						
Capital Project	TD	CD	9/1/2020	0.09%	\$ 829.58	\$ 6,145,036.66
Capital Project	TD	CD	9/1/2020	0.09%	\$ 1,638.23	\$ 12,135,005.47
SUB-TOTAL:						\$ 18,280,042.13
Total Investments						\$ 48,700,167.74
Total Cash on Hand						\$ 29,897,970.32
Grand Total						\$ 78,598,138.06

¹ Budget Reserve


 Velda Jones-Potter, City Treasurer

**Treasurer's Report (Pensions)
August 20, 2020**

Cash - Ledger Balance (as of 8/18/2020):

Pension Payroll	M & T Bank	\$	144,657.52
Retiree Healthcare	M & T Bank	\$	79,104.38
Police Pension	M & T Bank	\$	474,783.55
Fire Pension	M & T Bank	\$	71,316.66
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	360,760.68
Non-Uniform Pension Plan 2	M & T Bank	\$	1,500.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
Total Cash on Hand		\$	1,133,715.60


Cash Equivalents (as of 8/18/2020) & Investments (Market Value as of 7/30/2020)

Account Type & Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Pension Plan III	WSFS	CD	8/29/2020	0.10%	\$ 340.57	\$ 4,010,000.00
Fire Pension	WSFS	CD	8/29/2020	0.10%	\$ 84.93	\$ 1,000,000.00
SUB-TOTAL:						\$ 5,010,000.00
RESERVE:						
Pension Trust	Edgar Lomax					\$ 20,695,753.64
Pension Trust	Vanguard Fixed					\$ 32,663,524.60
Pension Trust	Earnest Partners					\$ 25,024,494.95
Pension Trust	Wilmington Trust					\$ 41,903,313.17
Pension Trust	Vanguard Stock Index					\$ 26,301,389.76
Pension Trust	Artisan Global					\$ 10,207,718.50
Pension Trust	Dodge & Cox					\$ 10,381,778.40
Pension Trust	Fidelity					\$ 13,021,791.98
Pension Trust	Harding Loevner					\$ 10,676,275.35
Pension Trust	Vanguard Global					\$ 15,878,518.75
Pension Trust	MFS Management					\$ 28,502,482.22
Pension Trust	Clarion Lyon					\$ 9,583,752.36
Pension Trust	Money Market					\$ 503,607.54
Pension Trust	Morgan Stanley					\$ 6,820,483.92
Pension Trust	Vanguard-OPEB					\$ 26,152,882.66
SUB-TOTAL						\$ 278,317,767.80
Total Investments						\$ 283,327,767.80
Total Cash on Hand						\$ 1,133,715.60
Grand Total						\$ 284,461,483.40

Total Funds under Treasury Management:

Total Investments						\$ 332,027,935.54
Total Cash on Hand						\$ 31,031,685.92
Grand Total						\$ 363,059,621.46

¹ Excludes non-City funds held in trust on behalf of City employees (Mass Mutual)



 Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

Harlee	Sympathy Hortense Priest
Harlee	Sympathy Estella Moffett White
Harlee	Sympathy Mary Ann Jones-Demby
Harlee	Sympathy Julia Ray Farrell
Oliver	Sympathy Yvette L. Jones
Oliver	Sympathy Darryl Wheeler
Oliver	Sympathy Randy Ray Hall
Oliver	Sympathy Brenda Lynn Boardley
Oliver	Sympathy Daniel Powell
Oliver	Sympathy Gloria Lane
Oliver	Sympathy Mae Osburn
Shabazz	Sympathy Allan Loudell
Shabazz	Sympathy Lamonte Fritzgerald Matthews
Shabazz	Sympathy U.S. Representative John Robert Lewis
Shabazz	Sympathy Henry L. Sharp
Shabazz	Sympathy Ruperta Morales Reyes Sanchez
Shabazz	Sympathy Tyler "T.Y." Brooks
Shabazz	Sympathy Reverend Carol Smith
Shabazz	Sympathy David "Dawud" Pennewell
Shabazz	Retirement Darlene Johnson
Turner	Sympathy Robert Antoine Charles
Walsh	Sympathy Eleanor Bernhardt Matas

LEGISLATIVE BUSINESS

President Shabazz announced Agenda #4851 is being **held**.

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 20-036 (Agenda #4844) entitled:

AN ORDINANCE TO REZONE THE PARCELS OF LAND
LOCATED AT (I) 1914, 1920, 2004, AND 2006 NORTH
MARKET STREET; (II) 50 RACE STREET; AND (III) 1901,
1903, 1905, 1907, 1915, 1925, 1927, AND 1929 HUTTON
STREET FROM C-1 (NEIGHBORHOOD SHOPPING)
ZONING CLASSIFICATION TO C-2 (SECONDARY
BUSINESS CENTERS) ZONING CLASSIFICATION

Note: Due to Council Member Oliver experiencing technical difficulties, Council Member Freel moved the Ordinance on her behalf.

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 Community Development & Urban Planning Committee. Motion prevailed.

Council Member Oliver presented Resolution No. 20-050 (Agenda #4845) as follows:

WHEREAS, contemporaneous with this Resolution, an Ordinance will be introduced to the Wilmington City Council that will propose amendments to the City's Official Building Zone Map relating to changing the zoning classification of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26.029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26.029-10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029-10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, 26-029.10-038, respectively) (collectively, the "Parcels") from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers); and

WHEREAS, the City Planning Commission, by its Resolution 15-20, recommended the approval of the proposed rezoning at its July 21, 2020 regular meeting after holding a duly advertised public hearing; and

WHEREAS, the City Council proposes to schedule a public hearing for review of the proposed rezoning 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 City Council hereby schedules a public hearing on said proposed rezoning Ordinance, or a Substitute thereto, to be held on September 17, 2020 at 6:30 p.m., to consider the proposal to rezone the land described in the proposed Ordinance, being the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26.029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26.029-10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029-10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers).

BE IT FURTHER RESOLVED that due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and

to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.

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 Oliver, seconded by Council Member Freel, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on purpose of the Resolution and 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, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon, Guy, and Walsh, and Council President Shabazz. Total, twelve.

President Shabazz declared the Resolution adopted.

Council Member Harlee presented Resolution No. 20-051 (Agenda #4846) as follows:

WHEREAS, Section 8-204 of the Wilmington City Charter provides that the Department of Public Works of the City of Wilmington (the "Department") may with the specific authority of Council by resolution accept on behalf of the City of Wilmington (the "City") the gift of real estate, which in this case is the assignment of a sanitary sewer right-of-way located in the Riverfront; and

WHEREAS, the Riverfront Development Corporation ("RDC") pursuant to a Sanitary Sewer Right-of-Way Agreement dated May 23, 2012 (the "Agreement") previously accepted from the Red Brick Building LLC the responsibility for the installation, maintenance and repair of certain sewer lines and related equipment including located on Tax Parcel No. 26-049.00-022; and

WHEREAS, RDC now intends to convey, and the Department intends to accept on behalf of the City, the assignment of many of those rights and responsibilities outlined in the Agreement pertaining to this right-of-way, including the responsibility for the maintenance, improvement and repair of certain sewer lines, related equipment and a pumping station, as they are more particularly described in a document and its exhibits styled "Assignment of Sanitary Sewer Right-of-Way Agreement" (the "Assignment") attached and incorporated here as Exhibit "A";

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that pursuant to Section 8-204 of the City Charter that the attached Assignment is approved, thereby authorizing the Department to accept on behalf of the City the rights and responsibilities described therein.

Upon a motion of Council Member Harlee, seconded by Council Members Freel and Walsh, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Harlee 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, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon, Guy, and Walsh, and Council President Shabazz. Total, twelve.

President Shabazz declared the Resolution adopted.

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

Council Member McCoy presented and called for the first and second reading Ordinance No. 20-037 (Agenda #4847) entitled:

AN ORDINANCE TO REZONE THE PARCELS OF LAND LOCATED AT 700 MARYLAND AVENUE, 101 LOWER OAK STREET, AND 120 LOWER BEECH STREET FROM M-2 (GENERAL INDUSTRIAL) ZONING CLASSIFICATION TO C-2 (SECONDARY BUSINESS CENTERS) ZONING CLASSIFICATION

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

Council Member McCoy presented Resolution No. 20-052 (Agenda #4848) as follows:

WHEREAS, contemporaneous with this Resolution, an Ordinance will be introduced to the Wilmington City Council that will propose amendments to the City's Official Building Zone Map relating to changing the zoning classification of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware, (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers); and

WHEREAS, the City Planning Commission, by its Resolution 9-20, recommended the approval of the proposed rezoning at its April 21, 2020 regular meeting after holding a duly advertised public hearing; and

WHEREAS, City Council proposes to schedule a public hearing for review of the proposed rezoning 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 City Council hereby schedules a public hearing on said proposed rezoning Ordinance, or a Substitute thereto, to be held on September 17, 2020 at 6:30 p.m., to consider the proposal to rezone the land described in the proposed Ordinance, being the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively), from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers).

BE IT FURTHER RESOLVED that due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.

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.

Note: Due to Council Member McCoy experiencing technical difficulties, Council Member Freel moved the Resolution on her behalf.

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 McCoy spoke on the purpose of the Resolution. Council Member Turner raised questions and President Shabazz responded.

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

Council Member McCoy mentioned again the purpose of the Resolution.

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, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon, Guy, and Walsh, and Council President Shabazz. Total, twelve.

President Shabazz declared the Resolution adopted.

Council Member McCoy presented and called for first and second reading Ordinance No. 20-038* (Agenda #4849) entitled:

AN ORDINANCE TO APPROVE THE REMOVAL OF A
PORTION OF ANCHORAGE STREET, LOCATED
BETWEEN LOWER OAK AND LOWER BEECH STREETS,
FROM THE OFFICIAL CITY MAP

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

**Note: The wrong Ordinance number was inadvertently assigned to agenda #4849. The Ordinance was corrected and is correctly stated in the minutes herein, in the distribution of Agenda Results and legislation (minutes to be amended approved at the Aug. 27, 2020 Virtual Council meeting).*

Council Members Johnson, Freel, Adams, and Dixon did not have any legislation to present this evening.

Council Member Guy presented and called for the first and second reading Ordinance No. 20-039* (Agenda #4850) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY
CODE REGARDING THE TERM OF THE CITY'S ACTIVE
DEPOSITORY, M&T BANK

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

**Note: The wrong Ordinance number was inadvertently assigned to agenda #4850. The Ordinance was corrected and is correctly stated in the minutes herein, in the distribution of Agenda Results and legislation (minutes to be amended approved at the Aug. 27, 2020 Virtual Council meeting).*

Council Member Guy made a *point of order* as it relates to Agenda #4851, Certifying a Vacancy in the Second Councilmanic District. He stated that Council Member Congo had been prohibited from being part of this meeting and that the President could not just hold the Resolution and not address the issue to keep him from being exonerated. President Shabazz responded that the Resolution is to certify the seat to be vacant and it does not have anything to do with the action of the Councilmember causing the seat to be forfeited and that the Resolution is being held.

Council Member Walsh presented and called for the first and second reading Ordinance No. 20-040* (Agenda #4852) entitled:

AN ORDINANCE TO AMEND CHAPTER 48 TO REQUIRE APPLICANTS TO OBTAIN A CERTIFICATE OF APPEARANCE FROM CIVIC ASSOCIATIONS AND NEIGHBORHOOD PLANNING COUNCILS PRIOR TO SUBMITTING AN APPLICATION TO THE ZONING BOARD OF ADJUSTMENT DESIGN REVIEW COMMITTEE, OR PRESERVATION COMMISSION

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

**Note: The wrong Ordinance number was inadvertently assigned to agenda #4852. The Ordinance was corrected and is correctly stated in the minutes herein, in the distribution of Agenda Results and legislation (minutes to be amended approved at the Aug. 27, 2020 Virtual Council meeting).*

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Council Member Oliver, seconded by Council Members Adams and Freel, Council adjourned at 7:04 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk