Wilmington City Council Wilmington, Delaware February 18, 2021

City Council met in "virtual" regular session on the above date at 6:30 p.m., President Ernest M. Congo, II presiding.

The opening prayer was done by Akira Grenardo, Deputy Clerk.

The Pledge of Allegiance was recited by City Council.

## **ROLL CALL**

The following members responded to the Call of the Roll: Council Member Gray, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, thirteen.

## **MINUTES**

After reading a portion of the minutes of February 4, 2021 upon a motion of Council Member McCoy, seconded by Council Member Walsh, it was moved they be accepted as written. Motion prevailed.

## **COMMITTEE REPORTS**

The City Clerk read the following committee report:

Finance & Economic Development Committee Member	Present	Absent with Leave	Absent w/out Leave
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
Loretta Walsh	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of The City of Wilmington

February 8, 2021

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual Meeting, to who was referred Ordinance No. 21-003 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2021-SRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON, RELATING TO THE CITY'S 15<sup>TH</sup> AND WALNUT STREET COMBINED SEWER OVERFLOW SEPARATION PROJECT; PROVIDING FOR THE SALE OF THE 2021 BOND TO THE DELAWARE WATER POLLUTION CONTROL REVOLVING 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 McCoy, 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
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
Loretta Walsh	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of The City of Wilmington

February 8, 2021

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by Virtual Meeting, to who was referred Ordinance No. 21-004 entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN AGREEMENT BETWEEN THE CITY OF WILMINGTON AND THE LERRO CORPORATION FOR ON-SITE ENGINEERING SERVICES FOR THE WITN TV STATION

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 Mccoy, seconded by Council Members Dixon and 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
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
Loretta Walsh	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of The City of Wilmington

February 8, 2021

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-005** entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2 TO THE FISCAL YEAR 2021 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 20-016)

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 McCoy, seconded by Council Members Dixon and Walsh, the Report was received, recorded, and filed. Motion prevailed.

The City Clerk read the following committee report:

Education, Youth & Families Committee Member	Present	Absent with Leave	Absent w/out Leave
Yolanda M, Chair	х		
Linda M. Gray, Vice Chair	X		
Shané N. Darby	X		
Bregetta A. Fields	x		
Ernest "Trippi" Congo II, Ex-Officio	x		

President and Members of Council of The City of Wilmington

February 10, 2021

Ladies and Gentlemen:

We, your Education, Youth & Families Committee by Virtual Meeting, to who was referred Ordinance No. 21-002 entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE CONTRACT 21023PR BETWEEN THE CITY OF WILMINGTON AND FOOD MANAGEMENT SERVICES, INC. T/A LINTONS FOOD SERVICE MANAGEMENT FOR THE 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

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

The City Clerk read the following committee report:

Community Development & Urban Planning Committee Members	Present	Absent with Leave	Absent w/out Leave
Maria D. Cabrera, Chair	YES		
Nathan Field, Vice Chair	YES		
Yolanda M. McCoy	YES		
Bregetta A. Fields	YES		
James Spadola	YES		
Shané N. Darby	YES		
Ernest "Trippi" Congo II, Ex-Officio	YES		

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-006** entitled:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO REVISE CERTAIN ENFORCEMENT PROVISIONS AND PROVIDE CIVIL FINES FOR OWNERS OF RENTAL PROPERTIES

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

Respectfully submitted, Members of Community Development & Urban Planning Committee

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

## TREASURER'S REPORT

The following Treasurer's Report for February 18, 2021 was read into the record by City Clerk and upon a motion of Council Member McCoy, seconded by Council Members Walsh and Dixon, 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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# City of Wilmington



# DaWayne Sims City Treasurer

## Treasurer's Report February 18, 2021

Cash - Ledger Balance (as of 02/17/2021):

Total Cash on Hand		s	14,648,348.32
Capital Projects	M & T Bank	\$	1.00
Community Development Block Grant	M & T Bank	\$	1.00
Grant-in-Aid	M & T Bank	\$	140,137.65
Rent Withholding Escrow	M & T Bank	\$	4,137.97
Police Department Discretionary	M & T Bank	\$	33,278.54
Police & Fire Rememberance	M & T Bank	\$	7,469.49
Police - Evidence Found (Currency)	M & T Bank	\$	1,124,771.16
Total Petty Cash	M & T Bank	\$	6,258.92
Law Department Court Costs	M & T Bank	\$	4,051.07
Payroll	M & T Bank	\$	1,148,156.52
General	M & T Bank	\$	12,180,085.00

Account Type & Fund	Instituion	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	2/18/2021	0.01%	\$ 6.96	\$ 24,786,185.26
General	TD	CD	1/25/2020*	0.15%	\$ 1,575.00	\$ 7,000,000.00
General	TD	CD	1/25/2020*	0.15%	\$ 3,325.00	\$ 19,000,000.00
General	TD	CD	1/25/2020*	0.14%	\$ 894.44	\$ 5,000,000.00
SUB-TOTAL:						\$ 55,786,185.26
RESERVE:	l	<u> </u>	<u> </u>		1	
General <sup>1</sup>	TD	CD	1/25/2020*	0.15%	\$ 2,929.29	\$ 16,738,774,00
SUB-TOTAL						\$ 16,738,774.00
RESTRICTED:			·	·	T	
Capital Project	TD	CD	1/25/2020*	0.15%	\$ 803,42	\$ 4,590,963.53
Capital Project	TD	CD	1/25/2020*	0.15%	\$ 1,665,83	\$ 9,519,037.38
Capital Project	TD	CD	1/25/2021*	0.15%	\$ 13,951.16	\$ 53,147,276.13
Water/Sewer	TD	CD	1/25/2020*	0.15%	\$ 533.74	\$ 3,049,927.70
SUB-TOTAL	ala Sira ya ka					\$ 70,307,204.74
Total Investments		,	····		<del></del>	140,000,164,00
Total Cash on Hand		11.0	·		<b>-</b>	\$ 142,832,164.00
				<del></del>	<u> </u>	\$ 14,648,348.32
Grand Total	4				1	\$ 157,480,512.32

DaWayne Sims, City Treasurer

## CITY TREASURER'S OFFICE

LOUIS L. REDDING CITY/COUNTY BUILDING • 800 FRENCH STREET • WILMINGTON, DELAWARE • 19801-3537 WWW.WILMINGTONDE.GOV • PHONE: (302) 576-2480 • FAX: (302) 573-5568

Funds being moved to a High Yield Checking (DDA) within TD. Rate 0.15%. Effective 02/19/2021

# City of Wilmington



## Treasurer's Report (Pensions) February 18, 2021

## DaWayne Sims

Cash - Ledger Balance (as of 02/17/2021):	City Treasurer	
Pension Payroll	M & T Bank	\$ 15,828.56
Retiree Healthcare	M & T Bank	\$ 221,760.40
Police Pension	M & T Bank	\$ 245,883.00
Fire Pension	M & T Bank	\$ 127,789.25
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$ 421,277.42
Non-Uniform Pension Plan 2	M & T Bank	\$ 13,380.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$ 1,592.81
Total Cash on Hand		\$ 1,047,511.44

Cash Equivalents (as of 02/17/2021) & Investments (Market Value as of February 12, 2021)

Account Type & Fund	Instituion	Invest. Type	Maturity Date	Interest Rate	Interest Receivable		Inv	Investment Amount	
LIQUIDITY:									
Pension Plan III	WSFS	CD	2/12/2021*	0.01%	\$	4.10	\$	527,564.73	
Fire Pension	WSFS	CD	2/26/2021	0.01%	\$	24.30	\$	2,957,351.40	
SUB-TOTAL:							\$	3,484,916.13	
RESERVE:			<u> </u>		T	······································			
Pension Trust	Edgar Lomax						\$	24,885,555.00	
Pension Trust	Vanguard Fixed						\$	41,562,433.00	
Pension Trust	Earnest Partners						\$	35,349,295.00	
Pension Trust	Wilmington Trust				1		\$	41,562,433.00	
Pension Trust	Vanguard Stock Index				1		\$	25,142,061.00	
Pension Trust	Artisan Global						\$	12,547,095.00	
Pension Trust	Dodge & Cox						\$	13,920,869.00	
Pension Trust	Fidelity						\$	16,971,729.00	
Pension Trust	Harding Loevner		·				\$	13,456,343.00	
Pension Trust	Vanguard Global						\$	13,884,273.00	
Pension Trust	MFS Management						\$	28,649,781.00	
Pension Trust	Clarion Lyon						\$	9,942,492.00	
Pension Trust	Money Market						\$	705,127.00	
Pension Trust	Morgan Stanley						\$	9,510,468.00	
Pension Trust	Vanguard-OPEB	<del></del>					\$	40,063,216.00	
SUB-TOTAL							\$	328,153,170.00	
Total Investments			1		1		\$	331,638,086.13	
Total Cash on Hand					1		s	1,047,511.44	
Grand Total			<u> </u>		1		s	332,685,597.57	

Total Funds under Treasury Management:

Total Investments			S	474,470,250.13
Total Cash on Hand			\$	15,695,859.76
Grand Total			\$	490,166,109.89

<sup>&</sup>lt;sup>1</sup> Exlcudes non-City funds held in trust on behalf of City employees (Mass Mutual)

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

LOUIS L. REDDING CITY/COUNTY BUILDING • 800 FRENCH STREET • WILMINGTON, DELAWARE • 19801-3537 WWW.WILMINGTONDE.GOV • PHONE: (302) 576-2480 • FAX: (302) 573-5568

<sup>\*</sup>Matured funds pending pension payouts

## **NON-LEGISLATIVE BUSINESS**

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

All Council Recognize Black History Month

Harlee Recognize First Black American Females Elected in Delaware Government

Johnson Recognize Do More 24 Delaware

Oliver Recognize Delta Sigma Theta Sorority, Inc.

Oliver Recognize National Coalition of 100 Black Women

Oliver Sympathy Walter F. Miller

Oliver Sympathy Tanasia Rollins-Townsend
Oliver Sympathy Benjamin V. Bartley
Oliver Sympathy Vera Collins Murray

Walsh Sympathy Joan Hare

## **PUBLIC COMMENTS**

At this time President Congo opened up the floor for public comments and reminded individuals of the google link in the chat to sign-up to speak and of the three (3) minute time limit. The following individuals spoke:

- o Kevin Beaugez
- o Lawrence Smith
- o Richard Gessner
- o Sarah Rhine
- Kathleen Patterson
- o Tony Sierzega
- o Alvin Hughes
- o Wesley Smith Jr.
- o Dr. Tracy McNair
- o Nate Durant
- Tiffany Taylor

Upon a motion of Council Member McCoy, seconded by Council Member Cabrera, Council moved to legislative business. Motion prevailed.

### **LEGISLATIVE BUSINESS**

Council Member Gray presented <u>Resolution No. 21-012</u> (Agenda #0019) as follows:

**WHEREAS**, the 108th Session of Wilmington City Council believes openness, transparency, and accountability are important policies; and

WHEREAS, City Council believes the public should have the opportunity to comment on all legislation with legislative effect during the legislative business portion of City Council meetings; and

WHEREAS, during the 107th Session of Wilmington City Council, the President of City Council sometimes called for votes prior to members of City Council having an opportunity to debate in accordance with the Council Rules, so Council amended the Rules to provide for an extra round of debate for Council members after a public comment period; and

WHEREAS, the 108th Session of Wilmington City Council deems it necessary to take similar action to ensure that all Council members are consistently and completely afforded the time allotted by the Council Rules to participate in meaningful debate; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rule 2 to provide public comment periods during which members of the public will have an opportunity to address each legislative item on the agenda that has a legislative affect. These additional periods of public comment shall take place after members of City Council conclude their initial round of debate regarding legislation with legislative effect, during which the public will be allowed to comment in increments of five (5) minutes. Each public comment period occurring during the Legislative Business portion of the agenda shall be followed by a second round of debate by members of City Council during which each Council member will be entitled to speak twice on the matter subject to debate for a period of three (3) minutes prior to voting on the legislative item; and

WHEREAS, in addition, Council deems it necessary and appropriate to amend City Council Rule 2 to eliminate the current restriction on public comment that allows only City of Wilmington residents or taxpayers to provide public comment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 2 of the City Council Rules is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

### RULE 2 - ORDER OF BUSINESS

The order of business at official meetings of the City Council shall be as follows:

- A) Convening of the City Council.
- B) Prayer.
- C) Pledge of Allegiance to the Flag.
- D) Roll Call: At the scheduled time for the meeting and before the Council proceeds to the consideration of any business, the Clerk shall call the name of each Council Member in the order of the district each

represents beginning with the First Council District and ending with the at-large Councilmembers in alphabetical order.

- E) Reading of the Minutes of the Previous Meeting: The minutes of the previous meeting shall be read and include a statement as to members that were present, absent with leave and absent without leave by the Clerk and adopted and approved or corrected on motion by the President Pro Tempore or in the President Pro Tempore's absence, the Chairman of the Finance Committee. In the absence of such motion, the minutes shall be deemed approved.
- F) Committee Reports: Reports from standing committees shall be signed by a majority of committee members, read by the Clerk, and filed, on motion and voice vote. The reading of the minutes shall include a statement as to committee members that were present, absent with leave and absent without leave. Non committee members present need not be mentioned.

## G)City's Treasurer's Report.

- H)Non-legislative business: Unless a separate vote is requested by the sponsor of any resolution, all items of non-legislative effect shall be adopted by a single motion to receive and adopt by voice vote the agenda measures listed under Non-Legislative Business. While the motion is pending, a Council Member may speak to any measure under the agenda heading "Non-Legislative Business" for which separate consideration has not been requested by the sponsor. Unless otherwise authorized by the President, there shall be a limit of five (5) non-legislative resolutions that may be presented at each Council Meeting, which shall be done on a first come, first served basis by request to the Clerk of Council.
- I) Public Comment: Public comment shall be available only to City of Wilmington residents or taxpayers. The President may place additional reasonable limitations on public comment to permit Council to conduct its meetings and to maintain order, including limiting repetitious comments. Each member of the public is limited to a total of three (3) minutes of public comment during this portion of a Council per meeting.
- J) Legislative Business: This portion of the meeting shall begin no later than 7:30 p.m., unless leave is granted by a two-thirds vote of the members present to grant additional time for public comment. The Legislative Business portion of the meeting shall be for the consideration of resolutions with legislative effect and ordinances only. Each Council member is entitled to speak twice prior to the public comment period to any matter subject to debate for periods not to exceed ten (10) minutes total, including any time yielded to other members. No member shall

exceed these limits except by leave granted by a two-thirds vote of the members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor, and also to close the debate, but not until every other member has had an opportunity to speak for a second time.

After the close of the initial round of debate on each item of legislative business, but before a vote is started, there shall be an opportunity for public comment in increments of five (5) minutes. Each member of the public is limited to (5) minutes of public comment during this portion of a Council meeting.

After the close of each public comment public comment period on items of legislative business, each Council member is entitled to speak twice to any matter subject to debate for periods not to exceed three (3) minutes each time, including any time yielded to other members. No member shall exceed these limits except by leave granted by a two-thirds vote of members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor and also to close the debate, but not until every other member has had an opportunity to speak for a second time.

K) Presentation of Petitions and Communications: Any petition or communication, written or oral, from Council Members, the Mayor, city departments, or from the public, or any communication or comment relating to city business, other than a matter on the agenda for action, is presented at this time. Each member shall be limited to five (5) minutes for presentation of petitions and communications, to include any time yielded to other members. Any debatable motion made shall not be subject to this limit, but instead to the debate limits in Paragraph J), Legislative Business.

- L) Public Hearings (if needed).
- M) Adjournment.

The above order of business may be changed at any time by the Council President, or on motion duly seconded and passed by a majority of City Council.

Pursuant to FOIA, an agenda as determined by the Clerk of Council shall be prepared for each meeting in a sufficient number of copies for distribution to members of the public. The Clerk of Council shall include on the agenda every piece of legislation requested by the legislation's

sponsor provided at least fourteen (14) days' notice is given by the sponsor and may include emergency and other legislation upon less notice. Once an ordinance is voted out of Committee, it must be placed on the next Council agenda as permitted by FOIA unless the sponsor requests it to be held to a later meeting in which case the sponsor must provide fourteen (14) days' notice for it to be added to a subsequent agenda. Council Members and the administration shall be provided an agenda in electronic format. The agenda shall list all legislative and non-legislative matters proposed by their sponsors for consideration at the meeting, and once copies of the agenda have been reproduced, a sponsoring member of Council may not remove a matter from the agenda, although the sponsor may hold it for consideration at a subsequent meeting, subject to the provisions of Rules 8 and 9.

Upon a motion of Council Member Gray, seconded by Council Member Dixon, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Gray made comments. Council Members Johnson, Oliver, Harlee and Darby made comments. Council Member Harlee made additional comments. President Congo made comments. Council Member McCoy made comments. Council Member Gray made comments.

President Congo requested the Clerk to call the roll.

The above-referenced Resolution was received, **defeated** as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Darby, Harlee, McCoy and Dixon, and Council President Congo. Total, six. Nays, Council Members Oliver, B. Fields, Johnson, N. Field, Cabrera, Spadola and Walsh. Total, seven.

President Congo declared the Resolution defeated.

Council Member Darby held Agenda #0020.

Council Member Darby presented and called for the first and second reading <u>Ordinance No. 21-007</u> (Agenda #0021) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE TO PROVIDE FOR CIVIL FINES FOR OWNERS OF RENTAL PROPERTIES WHO FAIL TO SECURE A BUSINESS LICENSE TO OPERATE A RESIDENTIAL RENTAL PROPERTY

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

Council Member Darby presented and called for the first and second reading <u>Ordinance No. 21-008</u> (Agenda #0022) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE TO REQUIRE DETAILED OWNER INFORMATION ON APPLICATIONS FOR A BUSINESS LICENSE TO OPERATE A RESIDENTIAL RENTAL PROPERTY

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 21-009 (Agenda #0023) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE TWO ONE-YEAR EXTENSIONS OF CONTRACT 21004WD BETWEEN THE CITY OF WILMINGTON AND DIAMOND MECHANICAL, INC. FOR HVAC AND RELATED SYSTEMS INSPECTION AND MAINTENANCE

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is two (2) one-year contract extensions at an estimated price of One Hundred Two Thousand, Two Hundred Forty-Eight Dollars (\$102,248.00) per extension.

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 21-010 (Agenda #0024) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE TWO ONE-YEAR EXTENSIONS OF CONTRACT 21005WD BETWEEN THE CITY OF WILMINGTON AND I.D. GRIFFITH, INC. FOR BOILER INSPECTION AND MAINTENANCE SERVICES

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is two (2) one-year contract extensions at an estimated price of Three Hundred Twenty-Four Thousand, Four Hundred Sixty-Five Dollars (\$324,465.00) per extension.

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 21-011 (Agenda #0025) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 21007WDPS BETWEEN THE CITY OF WILMINGTON AND MERIT CONSTRUCTION ENGINEERS, INC. FOR BUILDING, RACEWAY AND FACILITIES MANAGEMENT

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is a one-year contract extension at an estimated price of One Million, Eight-Five Thousand Dollars (\$1,085,000.00).

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 21-012 (Agenda #0026) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/ PARKING REGULATIONS

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

Council Member Harlee presented and called for the first and second reading Ordinance No. 21-013 (Agenda #0027) entitled:

AN ORDINANCE TO NAME THE SOUTH WILMINGTON WETLANDS PARK PROJECT THE "SOUTHBRIDGE WILMINGTON WETLANDS PARK"

**FISCAL IMPACT STATEMENT:** There is no fiscal impact on the City as a result of this Ordinance.

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

On behalf of President Congo, Council Member B. Fields presented Resolution No. 21-013 (Agenda #0028) as follows:

WHEREAS, the 108th Session of Wilmington City Council has taken action, through the adoption of City Council Rule 2, to ensure that every legislative item requested by the legislation's sponsor in accordance with the notice requirement contained in Rule 2 is included on Council meeting agendas; and

WHEREAS, City Council Rule 2 currently provides, in relevant part, that: (1) Council meeting agendas shall be determined by the Clerk of Council and (2) the Clerk of Council shall include on the agendas every piece of legislation requested by the legislation's sponsor provided at least fourteen (14) days' notice was given by the sponsor; and

WHEREAS, while Council maintains the belief that a person other than the Council President should have the responsibility of determining Council meeting agendas in order to ensure that all legislation requested to be placed on Council agendas in accordance with the notice requirements set forth in Rule 2 is placed on such agendas, Council deems it appropriate to assign this duty to the Chief of Staff of City Council, rather than the Clerk of Council; and

WHEREAS, City Council would like to clarify the calculation of the fourteen (14) days' notice requirement; and

WHEREAS, City Council deems it necessary and appropriate to amend City Council Rule 2 to provide that: (1) Council meeting agendas shall be determined by the Chief of Staff of City Council and (2) sponsors of legislation must provide at least fourteen (14) business days' notice prior to a Council meeting in order for a legislative item to be placed on the Council meeting agenda.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 2 of the City Council Rules is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

## RULE 2 - ORDER OF BUSINESS

The order of business at official meetings of the City Council shall be as follows:

- A) Convening of the City Council.
- B) Prayer.
- C) Pledge of Allegiance to the Flag.

- D) Roll Call: At the scheduled time for the meeting and before the Council proceeds to the consideration of any business, the Clerk shall call the name of each Council Member in the order of the district each represents beginning with the First Council District and ending with the at-large Councilmembers in alphabetical order.
- E) Reading of the Minutes of the Previous Meeting: The minutes of the previous meeting shall be read and include a statement as to members that were present, absent with leave and absent without leave by the Clerk and adopted and approved or corrected on motion by the President Pro Tempore or in the President Pro Tempore's absence, the Chairman of the Finance Committee. In the absence of such motion, the minutes shall be deemed approved.
- F) Committee Reports: Reports from standing committees shall be signed by a majority of committee members, read by the Clerk, and filed, on motion and voice vote. The reading of the minutes shall include a statement as to committee members that were present, absent with leave and absent without leave. Non committee members present need not be mentioned.

## G) City's Treasurer's Report.

- H) Non-legislative business: Unless a separate vote is requested by the sponsor of any resolution, all items of non-legislative effect shall be adopted by a single motion to receive and adopt by voice vote the agenda measures listed under Non-Legislative Business. While the motion is pending, a Council Member may speak to any measure under the agenda heading "Non-Legislative Business" for which separate consideration has not been requested by the sponsor. Unless otherwise authorized by the President, there shall be a limit of five (5) non-legislative resolutions that may be presented at each Council Meeting, which shall be done on a first come, first served basis by request to the Clerk of Council.
- I) Public Comment: Public comment shall be available only to City of Wilmington residents or taxpayers. The President may place additional reasonable limitations on public comment to permit Council to conduct its meetings and to maintain order, including limiting repetitious comments. Each member of the public is limited to a total of three (3) minutes of public comment per meeting.
- J) Legislative Business: This portion of the meeting shall begin no later than 7:30 p.m., unless leave is granted by a two-thirds vote of the members present to grant additional time for public comment. The Legislative Business portion of the meeting shall be for the consideration of resolutions with legislative effect and ordinances only. Each member is entitled to speak twice to any matter subject to debate for periods not to

exceed ten (10) minutes total, including any time yielded to other members. No member shall exceed these limits except by leave granted by a two-thirds vote of the members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor, and also to close the debate, but not until every other member has had an opportunity to speak for a second time.

K) Presentation of Petitions and Communications: Any petition or communication, written or oral, from Council Members, the Mayor, city departments, or from the public, or any communication or comment relating to city business, other than a matter on the agenda for action, is presented at this time. Each member shall be limited to five (5) minutes for presentation of petitions and communications, to include any time yielded to other members. Any debatable motion made shall not be subject to this limit, but instead to the debate limits in Paragraph J), Legislative Business.

- L) Public Hearings (if needed).
- M) Adjournment.

The above order of business may be changed at any time by the Council President, or on motion duly seconded and passed by a majority of City Council.

Pursuant to FOIA, an agenda as determined by the Clerk of Council Chief of Staff of City Council shall be prepared for each meeting in a sufficient number of copies for distribution to members of the public. The Clerk of Council Chief of Staff shall include on the agenda every piece of legislation requested by the legislation's sponsor provided at least fourteen (14) business days' notice prior to the Council meeting is given by the sponsor and may include emergency and other legislation upon less notice. Once an ordinance is voted out of Committee, it must be placed on the next Council agenda as permitted by FOIA unless the sponsor requests it to be held to a later meeting in which case the sponsor must provide fourteen (14) business days' notice prior to the Council meeting for it to be added to a subsequent agenda. Council Members and the administration shall be provided an agenda in electronic format. The agenda shall list all legislative and non-legislative matters proposed by their sponsors for consideration at the meeting, and once copies of the agenda have been reproduced, a sponsoring member of Council may not remove a matter from the agenda, although the sponsor may hold it for consideration at a subsequent meeting, subject to the provisions of Rules 8 and 9.

Upon a motion of Council Member B. Fields, seconded by Council Member McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Members Oliver and Gray made comments. President Congo made comments. Council Member B. Fields spoke on the purpose of the Resolution.

President Congo requested the Clerk to call the roll.

The above-referenced Resolution was received, **adopted** as rea and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, Council Member Gray. Total, one.

President Congo declared the Resolution adopted.

On behalf of President Congo, Council Member B. Fields presented Resolution No. 21-014 (Agenda #0029) as follows:

**WHEREAS**, in accordance with Section 2-104 of the City Charter, City Council shall provide for such committees as it deems necessary; and

WHEREAS, on January 5, 2021, City Council adopted Resolution No. 21-006 establishing the standing committees of Council for the 108th Council Session and making the personnel assignments for such standing committees; and

WHEREAS, City Council deems it desirable to revise the aforementioned personnel assignments to add one Council Member to the Education, Youth & Family Services Committee and one Council Member to the Health, Aging & Disabilities Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council Member Oliver is hereby added to both the Education, Youth & Family Services Committee and the Health, Aging & Disabilities Committee for the 108th Council Session.

Upon a motion of Council Member B. Fields, seconded by Council Members McCoy and Walsh, the Resolution was before the Council for its consideration. Motion prevailed. President Congo made comments. Council Member McCoy made comments.

President Congo requested the Clerk to call the roll.

The above-referenced Resolution was received, **adopted** as rea and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, thirteen. Nays, none.

President Congo declared the Resolution adopted.

Council Member McCoy presented and called for the third and final reading Ordinance No. 21-002 (Agenda #0012) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE CONTRACT 21023PR BETWEEN THE CITY OF WILMINGTON AND FOOD MANAGEMENT SERVICES, INC. T/A LINTONS FOOD SERVICE MANAGEMENT FOR THE CHILD AND ADULT CARE FOOD PROGRAM

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is a contract for the period of March 1, 2021 through December 31, 2021, at an estimated price of Seven Hundred Fifty-Six Thousand, three Hundred Sixty Dollars (\$756,360.00), with the possibility of two (2) additional extensions of one (1) year thereafter with a potential two percent (2%) price increase with each extension, at the option of the City.

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

President Congo requested the Clerk to call for 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, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, thirteen. Nays, none.

President Congo declared the Ordinance adopted.

Council Member Johnson presented <u>Resolution No. 21-015</u> (Agenda #0030) as follows:

WHEREAS, City Council has enacted provisions set forth in Chapter 2 of the City Code constituting the City's Code of Conduct, with the provisions thereof paralleling the provisions of the State Code of Conduct that are set forth in 29 Del. C. Ch. 58; and

WHEREAS, Section 2-343(a) of the City's Code of Conduct sets forth provisions regarding the establishment of the Wilmington Ethics Commission (the "Commission"), to "consist of seven (7) members appointed by the Mayor with the concurrence by resolution of a majority of all members of council"; and

**WHEREAS**, Section 2-343(b) of the City's Code of Conduct provides that each member of the Commission is appointed for a term of four years and no member may serve for more than two full four-year terms; and

**WHEREAS**, two members of the Commission, Frank Hawkins and Denison Hatch, have each served two full four-year terms; and

**WHEREAS**, the Mayor has appointed two new members to the Commission, Theophilus R. Nix, Jr. and William S. Montgomery, to fill the vacancies left by the expiration of the terms of Frank Hawkins and Denison Hatch; and

WHEREAS, City Council deems it necessary and appropriate to express its concurrence with the aforementioned appointment of two new members of the Commission to fill vacancies caused by term expirations; and

WHEREAS, the requirements that not more than four members of the Commission be registered with the same political party and that no member hold any elected, appointed, or political party or campaign office are satisfied with the proposed appointments.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby expresses its concurrence with the appointment by Mayor Michael S. Purzycki of Theophilus R. Nix, Jr. and William S. Montgomery to the Commission to each serve a four-year term beginning on the date of passage of this Resolution.

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

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, **adopted** as rea and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Present, Council Member Darby. Total, one. Nays, none.

President Congo declared the Resolution adopted.

Council Member Johnson presented and called for the third and final reading Ordinance No. 21-003 (Agenda #0013) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND, SERIES OF 2021-SRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON, RELATING TO THE CITY'S 15<sup>TH</sup> AND WALNUT STREET COMBINED SEWER OVERFLOW SEPARATION PROJECT; PROVIDING FOR THE SALE OF THE 2021 BOND TO THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

President Congo requested the Clerk to call for 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: Yes, Council Members Gray, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh and Council President Congo. Total, thirteen. Nays, none.

Council Member Johnson presented and called for the third and final reading Ordinance No. 21-004 (Agenda #0014) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN AGREEMENT BETWEEN THE CITY OF WILMINGTON AND THE LERRO CORPORATION FOR ON-SITE ENGINEERING SERVICES FOR THE WITN TV STATION

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is a contract for the period from March 1, 2021 through December 31, 2024, at an estimated price of One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month and a total estimated price of Fifty-Seven Thousand Five Hundred Dollars (\$57,500.00).

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for 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, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, thirteen. Nays, none.

President Congo declared the Ordinance adopted.

Council Member Johnson presented and called for the third and final reading Ordinance No. 21-005 (Agenda #0015) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 2 TO THE FISCAL YEAR 2021 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 20-016)

**SYNOPSIS & FISCAL IMPACT:** This Ordinance is the second amendment to the Fiscal Year 2021 Operating Budget Ordinance. It increases the Public Works Department Water/Sewer Fund Materials, Supplies, and Equipment Fiscal Year 2021 account group budget appropriation by \$2,500,000 to pay for increased Class B biosolids disposal costs resulting from damage to the sludge dryer at the City's Renewable Energy Biosolids Facility. The fiscal impact to the Water/Sewer Fund is an increase of \$2,500,000 in expenditures, which will be funded by utilizing the Water/Sewer Fund Rate Stabilization Reserve.

Upon a motion of Council Member Johnson, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance and made comments. Council Member Gray made comments and raised questions, and Council Member Johnson responded. Council Member Oliver made comments. Council Member Gray made additional questions and Council Member Oliver responded. Council Member Walsh made comments. Council Member Gray made additional comments. Council Member Johnson made comments.

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for 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, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, thirteen. Nays, none.

President Congo declared the Ordinance adopted.

Council Member N. Field held Agenda #0031.

Council Member N. Field presented <u>Resolution No. 21-016</u> (Agenda #0032) as follows:

WHEREAS, pursuant to City Charter Section 8-204, every department, board and commission may accept on behalf of the City conditional gifts of personal property and money which shall be useful in connection with the work of such department, board or commission with authority from Council so to do; and

WHEREAS, Cornerstone West CDC would like to give the City \$130,299.85 of new playground equipment and up to \$150,000.00 in funding to assist the Department of Parks and Recreation's efforts to improve Cool Spring Park; and

WHEREAS, the Red Clay Consolidated School District would like to give the City \$50,000.00 of new playground equipment to assist the Department of Parks and Recreation's efforts to improve Cool Spring Park; and

WHEREAS, the Council, upon the recommendation of the Department of Parks and Recreation, wishes to authorize the City to accept the following gifts: (1) the playground equipment from Cornerstone West CDC and the Red Clay Consolidated School District and (2) the funding from Cornerstone West CDC.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITYOF WILMINGTON that Council hereby authorizes the City to accept the following gifts to assist the Department of Parks and Recreation's efforts to improve Cool Spring Park: (1) \$130,299.85 of new playground equipment from Cornerstone West CDC; (2) \$50,000.00 of new playground equipment from the Red Clay Consolidated School District; and (3) up to \$150,000.00 in funding from Cornerstone West CDC.

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

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, **adopted** as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, thirteen. Nays, none.

President Congo declared the Resolution adopted.

Council Member Cabrera presented and called for the third and final reading Ordinance No. 21-006 (Agenda #0016) entitled:

AN ORDINANCE TO AMEND CHPATER 34 OF THE CITY CODE TO REVISE CERTAIN ENFORCEMENT PROVISIONS AND PROVIDE CIVIL FINES FOR OWNERS OF RENTAL PROPERTIES

Council Member Cabrera presented a Substitute (Rev. 1, Agenda #0016) in lieu of that Ordinance:

AN ORDINANCE TO AMEND CHPATER 34 OF THE CITY CODE TO REVISE CERTAIN ENFORCEMENT PROVISIONS AND PROVIDE CIVIL FINES FOR OWNERS OF RENTAL PROPERTIES

**FISCAL IMPACT STATEMETN:** The fiscal impact as a result of the changes implemented by Substitute No. 1 to Ordinance No. 21-006 is unknown.

Upon a motion of Council Member Cabrera, seconded by Council Member McCoy, the Substitute Ordinance was the Council for its consideration. Motion prevailed. Council Member Cabrera spoke on the purpose of the Substitute Ordinance and made comments. Council Members Johnson, Oliver, Walsh, Gray, N. Field, Darby, Harlee and B. Fields made comments. Council Member Dixon made comments and raised questions. Council Members McCoy and Spadola made comments. Council Members Harlee and Gray made additional comments. President Congo made comments.

President Congo requested the Clerk to call for 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 Gray, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Walsh. Total, ten. Nays, Council Members Darby and Dixon, and Council President Congo. Total, three.

President Congo declared the Substitute Ordinance adopted.

Council Members Dixon and Spadola did not have any legislation to present this evening.

Council Member Walsh presented and called for the first and second reading Ordinance No. 21-014 (Agenda #0033) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE THREE ONE-YEAR EXTENSIONS OF CONTRACT 21001PDPS BETWEEN THE CITY OF WILMINGTON AND ASSET MANAGEMENT ALLIANCE FOR PROFESSIONAL SERVICE BUILDING MANAGEMENT AT THE PUBLIC SAFETY BUILDING

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is three (3) one-year contract extensions at an estimated price of Three Hundred Three Thousand, Three Hundred Thirty-Nine Dollars and Sixty-Five Cents (\$303,339.65) per extension.

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

### PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: sympathies expressed to the family of Joan Hare; announcement of community events and community meetings; announcement of committee meeting; announcement of COVID-19 testing sites, the importance of being tested as well as contact information for state of Delaware and New Castle County regarding COVID vaccine; new homes at Walt's Way and new homeowners were congratulated; mobile clothing van; youth employment; learning pods; Council meeting being a good meeting and members were thanked for their hard work and to continue to work together during the 108<sup>th</sup> Session; 4<sup>th</sup> Street Corridor Project; Roberto Clemente Baseball League registration; Brown Mansion; Girls Academy raising funds to renovate gym; DoMore24 Delaware; Westside Grows and Legacy of Black Wallstreet; August Quarterly; the need to support local businesses; individuals were thanked for the various community events; I-95 project; Haynes Park renovations; and including but not limited to, announcement of an upcoming food giveaway being organized by City Council.

## **ADJOURNMENT**

Upon a motion of Council Member B. Fields, seconded by Council Members McCoy and Cabrera, Council adjourned at 9:47 p.m. Motion prevailed.

Attest: Workel Sligo
Maribel Seifo, City Clerk