

*Wilmington City Council
Wilmington, Delaware
April 1, 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 Members 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 March 18, 2021, upon a motion of Council Member Cabrera, seconded by Council Member McCoy, it was moved they be accepted as written. Motion prevailed.

COMMITTEE REPORTS

The City Clerk read the following committee report:

Public Safety Committee Member	Present	Absent with Leave	Absent w/out Leave
Loretta Walsh, Chair		√	
Rysheema J. Dixon, Vice Chair	√		
Linda M. Gray	√		
Chris Johnson	√		
James Spadola	√		
Ernest “Trippi” Congo II, Ex-Officio	√		

President and Members of Council of
The City of Wilmington

March 8, 2021

Ladies and Gentlemen:

We, your Public Safety Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-014** 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

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

Respectfully submitted, Members of Public Safety Committee

Upon a motion of Council Member Dixon, seconded by Council Member McCoy, the above-referenced 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		

President and Members of Council of The City of Wilmington

March 11, 2020

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-015** entitled:

APPROVE THE RIVERSIDE PHASE 2 MAJOR SUBDIVISION PLAN OF THE WILMINGTON HOUSING AUTHORITY AND PENNROSE, LLC, AND TO AUTHORIZE THE CITY OF WILMINGTON TO ACCEPT AS A PUBLIC RIGHT OF WAY THE DEDICATION OF A NEW SECTION OF EAST 28TH STREET

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 McCoy, the above-referenced Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Zanthia Oliver, Chair	YES		
Loretta Walsh, Vice Chair	YES		
Linda M. Gray	YES		
Nathan Field	YES		
Bregetta A. Fields		YES	
James Spadola	YES		
Ernest "Trippi" Congo II, Ex-Officio	YES		

President and Members of Council of
The City of Wilmington

March 15, 2021

Ladies and Gentlemen:

We, your Public Works & Transportation Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-009** 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

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

Respectfully submitted, Members of
Public Works & Transportation Committee

Upon a motion of Council Member Oliver, seconded by Council Member McCoy, the above-referenced Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Zanthia Oliver, Chair	YES		
Loretta Walsh, Vice Chair	YES		
Linda M. Gray	YES		
Nathan Field	YES		
Bregetta A. Fields		YES	
James Spadola	YES		
Ernest "Trippi" Congo II, Ex-Officio	YES		

President and Members of Council of
The City of Wilmington

March 15, 2021

Ladies and Gentlemen:

We, your Public Works & Transportation Committee by **Virtual Meeting**,
to who was referred **Ordinance No. 21-010** 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

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

Respectfully submitted, Members of
Public Works & Transportation Committee

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

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Zanthia Oliver, Chair	YES		
Loretta Walsh, Vice Chair	YES		
Linda M. Gray	YES		
Nathan Field	YES		
Bregetta A. Fields		YES	
James Spadola	YES		
Ernest "Trippi" Congo II, Ex-Officio	YES		

President and Members of Council of
The City of Wilmington

March 15, 2021

Ladies and Gentlemen:

We, your Public Works & Transportation Committee by **Virtual Meeting**,
to who was referred **Ordinance No. 21-011** 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

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

Respectfully submitted, Members of
Public Works & Transportation Committee

Upon a motion of Council Member Walsh, seconded by Council Member
B. Fields, the above-referenced Report was received, recorded and filed. Motion
prevailed.

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Zanthia Oliver, Chair	YES		
Loretta Walsh, Vice Chair	YES		
Linda M. Gray	YES		
Nathan Field	YES		
Bregetta A. Fields		YES	
James Spadola	YES		
Ernest "Trippi" Congo II, Ex-Officio	YES		

President and Members of Council of
The City of Wilmington

March 15, 2021

Ladies and Gentlemen:

We, your Public Works & Transportation Committee by **Virtual Meeting**,
to who was referred **Substitute 1 to Ordinance No. 21-012** entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

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

Respectfully submitted, Members of
Public Works & Transportation Committee

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

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Zanthia Oliver, Chair	YES		
Loretta Walsh, Vice Chair	YES		
Linda M. Gray	YES		
Nathan Field	YES		
Bregetta A. Fields		YES	
James Spadola	YES		
Ernest "Trippi" Congo II, Ex-Officio	YES		

President and Members of Council of
The City of Wilmington

March 15, 2021

Ladies and Gentlemen:

We, your Public Works & Transportation Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-013** entitled:

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

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

Respectfully submitted, Members of
Public Works & Transportation Committee

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

TREASURER'S REPORT

The following Treasurer's Report for April 1, 2021 was read into the record by City Clerk and upon a motion of Council Member Cabrera, 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 8 to Page 9.

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report April 01, 2021

Cash - Ledger Balance (as of 03/31/2021):

General	M & T Bank	\$ 8,270,832.00
Payroll	M & T Bank	\$ 1,393,602.42
Law Department Court Costs	M & T Bank	\$ 3,741.07
Total Petty Cash	M & T Bank	\$ 6,267.68
Police - Evidence Found (Currency)	M & T Bank	\$ 1,151,792.46
Police & Fire Rememberance	M & T Bank	\$ 8,444.49
Police Department Discretionary	M & T Bank	\$ 28,388.12
Rent Withholding Escrow	M & T Bank	\$ 4,137.97
Grant-in-Aid	M & T Bank	\$ 140,137.65
Community Development Block Grant	M & T Bank	\$ 1.00
Capital Projects	M & T Bank	\$ 1.00
Total Cash on Hand		\$ 11,007,345.86

Cash Equivalents & Investments (as of 03/31/2021):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	4/1/2021	0.01%	\$ 7.33	\$ 27,180,632.29
General	TD	High Yield Checking*	14	0.15%	\$ 408.47	\$ 7,002,286.86
General	TD	High Yield Checking*	14	0.15%	\$ 1,108.66	\$ 19,005,542.14
General	TD	High Yield Checking*	14	0.15%	\$ 291.75	\$ 5,001,477.89
SUB-TOTAL:						\$ 58,189,939.18
RESERVE:						
General ¹	TD	High Yield Checking*	14	0.15%	\$ 976.71	\$ 16,743,656.56
SUB-TOTAL						\$ 16,743,656.56
RESTRICTED:						
Capital Project	TD	High Yield Checking*	14	0.15%	\$ 267.88	\$ 4,592,302.67
Capital Project	TD	High Yield Checking*	14	0.15%	\$ 555.44	\$ 9,521,814.00
Capital Project	TD	High Yield Checking*	14	0.15%	\$ 3,101.43	\$ 53,167,429.61
Water/Sewer	TD	High Yield Checking*	14	0.15%	\$ 177.96	\$ 3,050,817.34
SUB-TOTAL						\$ 70,332,363.62
Total Investments						\$ 145,265,959.36
Total Cash on Hand						\$ 11,007,345.86
Grand Total						\$ 156,273,305.22

¹ Budget Reserve

*High Yield Checking DDA. Effective 02/18/2021

DocuSigned by:

DaWayne Sims

DaWayne Sims, City Treasurer

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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

City of Wilmington



Treasurer's Report (Pensions)

April 1, 2021

DaWayne Sims
City Treasurer

Cash - Ledger Balance (as of 03/31/2021):

Pension Payroll	M & T Bank	\$	18,246.95
Retiree Healthcare	M & T Bank	\$	110,980.36
Police Pension	M & T Bank	\$	457,511.00
Fire Pension	M & T Bank	\$	555,387.79
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	497,604.73
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		\$	1,642,823.64

Cash Equivalents (as of 03/31/2021) & Investments (Market Value as of March 26, 2021)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Pension Plan III	WSFS	CD	4/13/2021	0.05%	\$ 21.98	\$ 527,590.46
Fire Pension	WSFS	CD	4/29/2021	0.01%	\$ 21.92	\$ 2,083,944.13
SUB-TOTAL:						\$ 2,611,534.59
RESERVE:						
Pension Trust	Edgar Lomax					\$ 26,628,638.00
Pension Trust	Vanguard Fixed					\$ 39,177,127.00
Pension Trust	Earnest Partners					\$ 36,196,780.00
Pension Trust	Wilmington Trust					\$ 40,583,215.00
Pension Trust	Vanguard Stock Index					\$ 25,108,340.00
Pension Trust	Artisan Global					\$ 11,696,390.00
Pension Trust	Dodge & Cox					\$ 14,601,359.00
Pension Trust	Fidelity					\$ 16,578,020.00
Pension Trust	Harding Loevner					\$ 12,673,000.00
Pension Trust	Vanguard Global					\$ 13,958,020.00
Pension Trust	MFS Management					\$ 27,575,944.00
Pension Trust	Clarion Lyon					\$ 9,872,579.00
Pension Trust	Money Market					\$ 705,132.00
Pension Trust	Morgan Stanley					\$ 9,510,468.00
Pension Trust	Vanguard-OPEB					\$ 30,053,428.00
SUB-TOTAL						\$ 314,918,440.00
Total Investments						\$ 317,529,974.59
Total Cash on Hand						\$ 1,642,823.64
Grand Total						\$ 319,172,798.23

Total Funds under Treasury Management:

Total Investments						\$ 462,795,933.95
Total Cash on Hand						\$ 12,650,169.50
Grand Total¹						\$ 475,446,103.45

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

DocuSigned by:

DaWayne Sims

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Emma Denise Davis
Cabrera	Sympathy Carol Ann Nordheimer
Congo	Sympathy Beatres R. Dunn
Harlee	Sympathy Barry Golding
B. Fields	Recognize Earl and Aaron Cooper, Earl Cooper Golf and CarPlug Factory LLC
Johnson	Recognize U.S. President Joseph Biden and Administration on action taken on American Rescue Plan Act
McCoy	Congratulate St. Elizabeth Vikings Girls Basketball Team
McCoy	Recognize Ubaldo Carlos Valles (Bloomsberry Florist)
Oliver	Sympathy Louise D. Smith
Oliver	Sympathy Karen Reason
Oliver	Sympathy James Robertson, Sr.
Oliver	Sympathy Carolyn Wing
Walsh	Sympathy Hughes Horning
Walsh	Sympathy Frederick Charles Tate

President Congo did a moment of silence for former Governor Dale Wolf.

PUBLIC COMMENTS

At this time, President Congo opened up the floor for public comments.

Speaker:

- Tykiem Booker

LEGISLATIVE BUSINESS

Council Member Gray presented Resolution No. 21-019 (Agenda #0043) as follows:

WHEREAS, President Joseph R. Biden, Jr. proposed passage of the American Rescue Plan Act of 2021 to provide help to the many Americans who are suffering due to COVID-19; and

WHEREAS, on March 11, 2021, the President signed the American Rescue Plan Act of 2021, as amended, into law (the “Reconciliation Act”); and

WHEREAS, the Reconciliation Act includes the Coronavirus State and Local Fiscal Recovery Funds, which will provide \$350 billion in critical aid to state, local and territorial governments; and

WHEREAS, as cities continue to respond to the pandemic, we focus on effective governance - public health and economic recovery - over divisive politics. We are committed to working in a fashion to secure direct flexible funding for vulnerable

populations realizing they were the most impacted and to share the goal of keeping our residents healthy and our communities safe and vibrant; and

WHEREAS, the Reconciliation Act is estimated to provide approximately \$55 million to the City of Wilmington, based on the formula for allocation recently calculated by policy staff of National League of Cities; and

WHEREAS, the Reconciliation Act allows for funds to be used:

1. To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
2. For premium pay to eligible workers performing essential work (as determined by each recipient government) during the pandemic, providing up to \$13 per hour above regular wages;
3. For the provision of government services to the extent of the reduction in revenue due to the pandemic (relative to revenues collected in the most recent full fiscal year prior to the emergency); and
4. To make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, Wilmington will be eligible to receive these funds upon providing the U.S. Treasury with a certification on the use and need of the funds; and

WHEREAS, the social and economic impacts of COVID-19 have disproportionately impacted communities on the lower end of our economic scale, and despite good faith efforts, the delivery of funds under the CARES Act have demonstrated the challenge of having these resources reach many of our most impacted communities, leading to concerns about who has been left out; and

WHEREAS, the current deadline to expend the Coronavirus State and Local Fiscal Recovery Funds is December 31, 2024, thus allowing adequate time to thoughtfully develop a strategy to deliver these funds to communities most in need; and

WHEREAS, a thoughtful strategy will ensure that Wilmington has adequate funds to provide continued testing, vaccination, and other health-related programs needed to fight the ongoing pandemic, to restore costs incurred due to COVID-19, and to replace loss revenue resulting from City efforts and programs to provide needed tax relief to burdened citizens and loss of hotel tax revenue and other lost revenue streams; and

WHEREAS, a thoughtful strategy to allocate funds to communities most impacted could provide funds to significantly expand youth employment programs, housing programs, small business support, improvements in social service programs, increased broadband access, and many other needed actions that would mitigate against the current impacts of COVID-19 and build resiliency to strengthen the communities against future crises that disproportionately affect low-income communities; and

WHEREAS, Council Members are deeply involved in their communities and provide a strong voice to identify the specific needs of low-income communities, and should be a strong voice in the development of programs to strengthen these communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby intends to be an active participant in developing the City's strategy for the expenditure of any Coronavirus State and Local Fiscal Recovery Funds distributed to the City of Wilmington.

BE IT FURTHER RESOLVED that the Council will work with the Administration on the development and implementation of a comprehensive strategy for the most effective use of these funds and will carefully consider the needs of underserved communities that may be given significant relief through a bold strategy associated with this unique funding opportunity.

BE IT FURTHER RESOLVED that the Council also expressly intends that discretionary decision-making of funding allocations from the Coronavirus State and Local Fiscal Recovery Funds, beyond reimbursement of lost City revenue and direct costs of the fight against COVID-19, be considered through a lens of advancing equity and social justice throughout Wilmington.

BE IT FURTHER RESOLVED that the Council shall also require that the allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds shall be pursuant to legislative action by Council, a co-equal branch of City Government with the Administration, before any expenditure and that each legislative appropriation include a clear description of how the funds will be expended.

Upon a motion of Council Member Gray, seconded by Council Member Walsh, the Resolution was before the Council for its consideration. Council Member Gray spoke on the purpose of the Resolution and made comments. President Congo requested to be added as a co-sponsor. Council Member Johnson made comments and raised a question, and Council Member Gray responded. Council Member Gray raised a question and Council Member Johnson responded. Council Member Gray made additional comments. Council Member Harlee made comments and requested to be added as a co-sponsor. Council Member Darby requested to be added as co-sponsor and raised a question. Council Member Oliver made comments. Council Member Cabrera made comments. Council Member Johnson made additional comments. Council Member Walsh made comments. Council Member Dixon requested to be added as a co-sponsor and made comments. Council Member Harlee made additional comments. President Congo made comments. Council Member Darby made additional comments. Council Member Gray made final comments.

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 and Spadola, and Council President Congo. Total, twelve. Nays, Council Member Walsh. Total, one.

President Congo declared the Resolution adopted.

Council Member Darby presented and called for the first and second reading Ordinance No. 21-021 (Agenda #0034) entitled:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY
CODE TO PROVIDE FOR CIVIL FINES FOR OWNERS
OF VACANT PROPERTIES WHO FAIL TO REGISTER
THEM

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

Council Member Darby presented Resolution No. 21-020 (Agenda #0044) as follows:

WHEREAS, 30 Del. Code §2101 provides that no person shall engage in or carry on any trade or business for which a license is required without first having obtained a license from the Department of Finance; and

WHEREAS, Black's Law Dictionary defines "business" as, "A commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain; and

WHEREAS, Part III of Title 30 of the Delaware Code ("Part III") goes on to include licensing requirements for contractors, manufacturers, retail and wholesale merchants, and persons engaged in specific occupations including, among many, commercial lessors and tourist home operators; and

WHEREAS, neither Part III nor any other provision of the Delaware Code require lessors of residential properties to obtain a business license; and

WHEREAS, therefore, Delaware residential landlords receive the full benefits of operating as a business without adhering to the standards and authority of applicable Delaware law; and

WHEREAS, currently the City of Wilmington requires all landlords to obtain and maintain a Residential Property Rental License annually and also requires all rental properties to be registered and receive interior and exterior inspections; and

WHEREAS, the Wilmington City Council believes it is necessary and proper to require Delaware landlords of residential property to obtain and maintain a valid business license; and

WHEREAS, currently under Delaware state law, failure of anyone to carry on without a license, any occupation or business for which a license is required, makes them liable for the payment of license fees and a fine of up to \$3,000, or imprisonment not more than two years, or both; and

WHEREAS, landlords in Delaware are not currently subjected to such requirements or enforcement; and

WHEREAS, a landlord's noncompliance with state law can potentially harm the physical, mental and emotional well-being of Delaware renters and the State's interest in decreasing homelessness; and

WHEREAS, the Wilmington City Council believes that landlords should be held to the same standards as all Delaware business owners, and landlords who seek remedy under the law should first be required to show that they have been compliant with the law; and

WHEREAS, Delaware legal aid organizations, researchers and housing advocates have argued, and the Wilmington City Council agrees, that the ease with which Delaware landlords can evict tenants contributes to Delaware's high eviction rates and homelessness statewide; and

WHEREAS, the Princeton Eviction Lab—responsible for the first ever nationwide eviction data sets on evictions for the years 2000 to 2016—found Delaware's 2016 eviction rate was 5.1%, averaging approximately 14 evictions per day, while the 2016 national average was approximately 3%; and

WHEREAS, the Biden School of Public Policy & Administration Center for Community Research & Service examined a sample of 300 eviction cases from Delaware's Justice of the Peace Court #13, Delaware's busiest eviction court, and found that 82% of the eviction hearings held resulted in landlords receiving a possession judgment to evict, 72% of which were by default; and

WHEREAS, nearby jurisdictions including Philadelphia, PA, Washington D.C., Baltimore County, Maryland, Anne Arundel County, Maryland, and Ocean City, Maryland have recognized the complexity of the residential rental business in that it is not merely a source of income for investor-owners but also a source of habitable, stable housing for their residents; and

WHEREAS, the aforementioned jurisdictions have enacted laws which prevent a landlord from filing an eviction action or having an eviction or other default or consent judgment entered against a tenant if the landlord did not have a valid business license during the entire relevant period or does not possess a valid business license at the time of filing a complaint; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council urges the Delaware General Assembly to enact legislation mandating that all Delaware landlords maintain a valid business license and prohibiting landlords operating in Delaware without a valid business license from filing an eviction action or having a judgment entered against a tenant.

Upon a motion of Council Member Darby, seconded by Council Member Walsh, the Resolution was before Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution. Council Members Johnson, Cabrera, Harlee, B. Fields and Gray made comments and requested to be added as a co-sponsor. Council Member Oliver requested to be added as a co-sponsor. Council Members Dixon and Walsh made comments and requested to be added as a co-sponsor. President Congo requested to be added as a co-sponsor. Council Member Darby made additional comments.

President Congo requested the Clerk 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 Oliver presented Resolution No. 21-021 (Agenda #0045) as follows:

WHEREAS, the purpose of the Victims' Compensation Assistance Program (VCAP) is to alleviate some of the financial burden faced by victims, those that are directly related to the specific offense, by providing compensation for certain losses; and

WHEREAS, the Victims' Compensation Assistance Program was started in 1988 to help meet additional need incurred by victims of crime; and

WHEREAS, the Victims' Compensation Assistance Program provides compensation for funeral and burial cost to loss of support for victims of violence, and temporary housing to personal safety property; and

WHEREAS, Chapter 90, Title 11 of Delaware Code has not been updated to reflect the increased costs of funeral and burial, since its inception; and

WHEREAS, Wilmington residents who are secondary victims of crime as defined by Chapter 90, Title 11 of Delaware Code have experienced additional burden in recent years; and

WHEREAS, current rules restrict access to VCAP funds for the commission of a crime, that is often unrelated to the victim's reasons for applying for VCAP funds and contributes to the financial burden of the victim; and

WHEREAS, the current amount of funeral and burial assistance is no more than \$5,000 total; and

WHEREAS, the average cost of funeral and burial are levied between \$7,000 and \$12,000 which is difficult for many low-income families to afford.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Delaware General Assembly is urged to

increase amount of Victims' Compensation Assistance Programs funeral allotment to \$5,000 and burial allotment to \$2,500 for a total of \$7,500.

Upon a motion of Council Member Oliver, seconded by Council Member Dixon, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver made comments. Council Member Johnson requested to be added as a co-sponsor and made comments. Council Member Spadola requested to be added as a co-sponsor and made comments. Council Member Gray raised a question and Council Member Oliver responded. Council Member Gray made comments. Council Members B. Fields and Harlee requested to be added as a co-sponsor and made comments. Council Member Walsh requested to be added as a co-sponsor. Council Member Darby and Cabrera requested to be added as a co-sponsor and made comments. Council Member McCoy made comments and raised a question, and Council Member Oliver responded. Council Member Dixon requested to be added as a co-sponsor. President Congo made comments. Council Member Oliver made additional comments.

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. Total, twelve. Nays, none. Present, Council President Congo. Total, one.

President Congo declared the Resolution adopted.

Council Member Oliver presented Resolution No. 21-022 (Agenda #0046) as follows:

WHEREAS, the Council of the City of Wilmington wishes to promote sustainable home ownership throughout the City; and

WHEREAS, the City of Wilmington Department of Real Estate and Housing and the Wilmington Neighborhood Conservancy Land Bank own dozens of vacant lots throughout the City; and

WHEREAS, vacant lots hamper the development of a sense of community; and

WHEREAS, the Council believes there is demand for these vacant properties by home builders who wish to acquire vacant property for the purpose of building affordable homes; and

WHEREAS, the Council believes vacant lots owned by Wilmington Department of Real Estate and Housing and the Wilmington Neighborhood Conservancy Land Bank and available for sale should be marketed with a prominent "For Sale" sign.

NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL that Council strongly encourages the Wilmington Neighborhood Conservancy Land Bank and the City of Wilmington Department of Real Estate and Housing to make every effort to aggressively market and sell these properties to home builders for the purpose of building affordable homes.

Upon a motion of Council Member Oliver, seconded Council Member Walsh, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Resolution. Council Member Gray requested to be added as a co-sponsor and made comments. Council Member Darby requested to be added as a co-sponsor and made comments. Council Member Cabrera made comments. Council Member Darby made additional comments. President Congo made comments. Council Member McCoy made comments and requested to be added as a co-sponsor. President Congo made additional comments. Council Members Dixon and Walsh made comments. Council Member Cabrera requested to be added as a co-sponsor and made comments. President Congo requested to be added as a co-sponsor. Council Member Oliver made final comments.

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 Oliver presented Resolution No. 21-023 (Agenda #0047) as follows:

WHEREAS, community gardens are promoted as collaborative projects on shared open spaces where participants share in the maintenance and products of the garden, including healthful and affordable fresh fruits and vegetables; and

WHEREAS, community gardens require a significant investment of time and resources to ensure their long-term sustainability; and

WHEREAS, untended gardens can attract unwanted and potentially dangerous wildlife including rats, racoons, foxes, opossums, and other scavengers; and

WHEREAS, unless properly maintained at the end of the growing season, community gardens can fall into disrepair during the winter leaving the area littered with equipment causing a general eyesore; and

WHEREAS, more than one-thousand residents have signed a petition asking Council to prohibit the construction of any new community gardens until their concerns can be addressed.

NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL that Council encourages individuals and organizations who wish to establish new community gardens to actively engage with the community where the garden is to be located. Engaging with the community before starting a new garden will improve the likelihood of long-term sustainability for new gardens by addressing common worries including year-round maintenance, and pest control.

BE IT FURTHER RESOLVED that Council urges persons who wish to establish new community gardens within the City to prepare a report for the Civic

Association detailing their plan for new gardens including sustainability objectives, pest control methods, and year-round maintenance schedule.

Upon a motion of Council Member Oliver, seconded by Council Member Walsh, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver made comments. Council Member Gray made comments and raised a question, and Council Member Oliver responded. Council Members Jonson and Darby made comments. Council Member Harlee made comments and requested to be added as a co-sponsor. President Congo made comments. Council Member Cabrera requested to be added as a co-sponsor and made comments. Council Member Darby made additional comments. Council Member McCoy made comments. President Congo made additional comments. Council Member Oliver made final comments.

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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, Council Member Darby. Total, one.

President Congo declared the Resolution adopted.

Council Member Oliver presented and called for the third and final 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.

Upon a motion of Council Member Oliver, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on 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: Yeas, Council Members Gray, Darby, Oliver,

Harlee, B. Fields, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member McCoy. Total, one.

President Congo declared the Ordinance adopted.

Council Member Oliver presented and called for the third and final 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.

Upon a motion of Council Member Oliver, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on 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: 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 Oliver presented and called for third and final 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).

Upon a motion of Council Member Oliver, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance. Council Member Walsh requested to be added as a co-sponsor.

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 Oliver presented and called for the third and final reading Ordinance No. 21-012 (Agenda #0026) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

Council Member Oliver presented a **Substitute** in lieu of that Ordinance:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

Upon a motion of Council Member Oliver, seconded by Council Member B. Fields, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance. Council Member Gray raised a question and Council Member Oliver responded. Council Member Johnson 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, 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 Substitute Ordinance adopted.

Council Member Oliver presented and called for the third and final reading Ordinance No. 21-015 (Agenda #0035) entitled:

AN ORDINANCE TO APPROVE THE RIVERSIDE PHASE
2 MAJOR SUBDIVISION PLAN OF THE WILMINGTON
HOUSING AUTHORITY AND PENNROSE, LLC, AND
TO AUTHORIZE THE CITY OF WILMINGTON TO ACCEPT
AS A PUBLIC RIGHT OF WAY THE DEDICATION OF A
NEW SECTION OF EAST 28TH STREET

FISCAL IMPACT STATEMENT: This Ordinance has no significant anticipated fiscal impact.

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

President Congo 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, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon and Walsh, and Council President Congo. Total, twelve. Nays, none. Present, Council Member Spadola. Total, one.

President Congo declared the Ordinance adopted.

Council Member Harlee presented and called for third and final 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.

Upon a motion of Council Member Harlee, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Ordinance and made comments. Council Members Oliver, Dixon, Darby, Gray, Cabrera, McCoy and B. Fields made comments and requested to be added as a co-sponsor. President Congo requested to be

added as a co-sponsor and made comments. Council Member Harlee made additional comments.

President Congo requested the Clerk 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Ordinance adopted.

Council Member Harlee requested to be excused.

Council Members B. Fields, McCoy, Johnson, N. Field and Cabrera did not have any legislation to present this evening.

Council Member Dixon presented Resolution No. 21-024 (Agenda #0048) as follows:

WHEREAS, tobacco use remains the nation's and Delaware's leading cause of preventable death and disease; and

WHEREAS, 13.6% of Delaware high school students actively use e-cigarettes, and 80 percent of young people who have ever used tobacco, started with a flavored or menthol products; and

WHEREAS, 1,800 Delaware students initiate tobacco use each year, with 72.6% of middle- and high-school students reporting they initiated e-cigarettes within social groups; and

WHEREAS, 83% of youth e-cigarette smokers use flavored products, with 70% reporting they use e-cigarettes specifically because of the flavor; and

WHEREAS, the U.S. Food and Drug Administration has concluded that e-cigarettes lead to increased smoking initiation among young adults and decreased success in quitting smoking, and

WHEREAS, conclusive evidence demonstrates that the use of tobacco products increases the risk for respiratory infections, weakens the immune system, and is a major cause of a number of chronic health conditions, including multiple lung diseases, heart disease, and cancer, and

WHEREAS, it is documented that people who utilize tobacco products are at greater risk for becoming addicted and suffer chronic lung disease that can compromise the ability to fulfill daily functions and lead to terminal illness, and

WHEREAS, the tobacco industry initially and inaccurately marketed e-cigarettes as safer and healthier cigarettes which led to increased initiation; and

WHEREAS, the COVID-19 pandemic has placed increased attention on lung health; and

WHEREAS, smoking increases the risk of the most severe impacts of COVID-19, preventing and reducing tobacco use is critical; and

WHEREAS, parents, schools, students and public health organizations, including the Centers for Disease Control, American Cancer Society Cancer Action Network, American Lung Association, American Heart Association, the Campaign for Tobacco-Free Kids, Delaware State Conference of the NAACP, and Metropolitan Wilmington Urban League support prohibiting the sale of all flavored tobacco products.

BE IT THEREFORE RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this legislative body implores the State of Delaware to support Representative Melissa Minor-Brown in her efforts to end the sale of flavored tobacco products in the State of Delaware. This would protect Delaware communities and specifically communities of color from the harms of flavored tobacco and reduce the ever increasing tobacco experimentation by youth that perpetuates the cycle of addiction in impoverished communities of color.

Upon a motion of Council Member Dixon, seconded by Council Member McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Dixon spoke on the purpose of the Resolution and made comments. Council Member Gray made comments and raised a question, and Council Member Dixon responded. Council Member Walsh made comments. Council Member Johnson requested to be added as a co-sponsor and made comments. Council Member McCoy made comments. Council Member B. Fields made comments and requested to be added as a co-sponsor. Council Members Oliver, Darby and Cabrera requested to be added as a co-sponsor. President Congo requested to be added as a co-sponsor.

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, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Harlee. Total, one.

President Congo declared the Resolution adopted.

On behalf of Council Member Walsh, Council Member Dixon presented and called for the third and final 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.

Upon a motion of Council Member Dixon, seconded by Council Member Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Dixon spoke on 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: Yeas, Council Members Gray, Darby, Oliver, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Harlee. Total, one.

President Congo declared the Ordinance adopted.

Council Member Spadola presented and called for the first and second reading Ordinance No. 21-022 (Agenda #0049) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE
CITY CODE TO PROHIBIT THE ESTABLISHMENT
OF POLICE TICKET AND ARREST QUOTAS

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

PETITIONS AND COMMUNICATIONS

The City Clerk read the following communication:

March 25, 2021

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 Eastside Community Learning Center Foundation, represented by its CEO, Charles S. McDowell, applied for the rezoning of 3001 Bowers Street, a copy of the application is enclosed herein. As you may be aware, the application is submitted to the City Clerk, which in turn refers it to the

Councilmember representing the affecting district, for submission to City Council for action.

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 Ernest “Trippi” Congo, Council President (via email)
Daniel T. Walker, Council’s Chief of Staff (via email)
Tanya Washington, Mayor’s Chief of Staff
Raina H. Allen, Legislative & Community Director (via email)
Akira R. Grenardo, Legislative Admin. Asst/Deputy City Clerk (via email)

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

Council Members and Council President spoke on the following: the availability of COVID-19 vaccinations; announcement of community events throughout the city; announcement of budget hearings; all those who volunteered, partnered and assisted with Council’s Food Giveaway (One Council) event were thanked; and including but not limited to, everyone was reminded that we are still in a pandemic and were encouraged to continue to wear mask, social distance and be safe.

ADJOURNMENT

Upon a motion of Council Member Gray, seconded by Council Member Dixon, Council adjourned at 9:44 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk