

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
September 3, 2020*

City Council met in “**virtual**” regular session on the above date at 6:30 p.m., President Hanifa Shabazz presiding.

The opening prayer was done by Andrea Queen, Deputy Clerk.

The Pledge of Allegiance was recited by City Council.

### **ROLL CALL**

The following members responded to the Call of the Roll: Council Members Gray, Oliver, Harlee, Turner, McCoy, Johnson, Freel, Adams, Dixon, Guy and Walsh, and Council President Shabazz. Total, twelve.

### **MINUTES**

After reading a portion of the minutes of August 27, 2020, upon a motion of Council Member Freel, seconded by Council Member McCoy, it was moved they be accepted as written. Motion prevailed.

### **TREASURER’S REPORT**

The following Treasurer’s Report as of September 3, 2020, was read into the record by City Clerk and upon a motion of Council Member Freel, seconded by Council Members Walsh and McCoy, the Report was received, recorded and filed. Motion prevailed.

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

# City of Wilmington Delaware

**Velda Jones-Potter**  
City Treasurer

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



## Treasurer's Report September 03, 2020

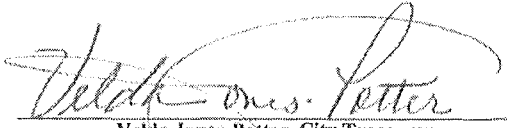
**Cash - Ledger Balance (as of 09/03/2020):**

|                                    |            |                         |
|------------------------------------|------------|-------------------------|
| General                            | M & T Bank | \$ 9,248,166.00         |
| Payroll                            | M & T Bank | \$ 1,525,152.65         |
| Law Department Court Costs         | M & T Bank | \$ 4,832.07             |
| Total Petty Cash                   | M & T Bank | \$ 5,853.16             |
| Police - Evidence Found (Currency) | M & T Bank | \$ 1,039,707.32         |
| Police & Fire Remembrance          | M & T Bank | \$ 7,469.49             |
| Police Department Discretionary    | M & T Bank | \$ 20,959.82            |
| Rent Withholding Escrow            | M & T Bank | \$ 4,137.97             |
| Grant-in-Aid                       | M & T Bank | \$ 152,196.30           |
| Community Development Block Grant  | M & T Bank | \$ 1.00                 |
| Capital Projects                   | M & T Bank | \$ 3,000,000.00         |
| <b>Total Cash on Hand</b>          |            | <b>\$ 15,008,475.78</b> |

**Cash Equivalents & Investments (as of 09/03/2020):**

| Account Type & Fund       | Institution | Invest. Type   | Maturity Date | Interest Rate | Interest Receivable | Investment Amount        |
|---------------------------|-------------|----------------|---------------|---------------|---------------------|--------------------------|
| <b>LIQUIDITY:</b>         |             |                |               |               |                     |                          |
| General                   | M&T         | Overnight Repo | 9/3/2020      | 0.01%         | \$ 10.20            | \$ 16,002,091.54         |
| General                   | TD          | CD             | 10/30/2020    | 0.16%         | \$ 5,111.11         | \$ 23,000,000.00         |
| General                   | TD          | CD             | 10/30/2020    | 0.16%         | \$ 2,773.33         | \$ 12,000,000.00         |
| <b>SUB-TOTAL:</b>         |             |                |               |               |                     | <b>\$ 51,002,091.54</b>  |
| <b>RESERVE:</b>           |             |                |               |               |                     |                          |
| General <sup>1</sup>      | TD          | CD             | 10/30/2020    | 0.15%         | \$ 4,951.89         | \$ 16,738,774.00         |
| <b>SUB-TOTAL</b>          |             |                |               |               |                     | <b>\$ 16,738,774.00</b>  |
| <b>RESTRICTED:</b>        |             |                |               |               |                     |                          |
| Capital Project           | TD          | CD             | 10/2/2020     | 0.16%         | \$ 874.08           | \$ 6,145,866.24          |
| Capital Project           | TD          | CD             | 10/2/2020     | 0.16%         | \$ 1,726.10         | \$ 12,136,643.70         |
| Water/Sewer               | TD          | CD             | 10/30/2020    | 0.15%         | \$ 902.27           | \$ 3,049,927.70          |
| <b>SUB-TOTAL</b>          |             |                |               |               |                     | <b>\$ 21,332,437.64</b>  |
| <b>Total Investments</b>  |             |                |               |               |                     | <b>\$ 89,073,303.18</b>  |
| <b>Total Cash on Hand</b> |             |                |               |               |                     | <b>\$ 15,008,475.78</b>  |
| <b>Grand Total</b>        |             |                |               |               |                     | <b>\$ 104,081,778.96</b> |

<sup>1</sup> Budget Reserve

  
 Velda Jones-Potter, City Treasurer

**Treasurer's Report (Pensions)**  
**September 3, 2020**

**Cash - Ledger Balance (as of 9/02/2020):**

|  |            |    |                   |
|--|------------|----|-------------------|
| Pension Payroll                        | M & T Bank | \$ | 233,248.22        |
| Retiree Healthcare                     | M & T Bank | \$ | 309,428.79        |
| Police Pension                         | M & T Bank | \$ | 232,906.23        |
| Fire Pension                           | M & T Bank | \$ | 37,311.41         |
| Non-Uniform Pension Act of 1990-Plan 3 | M & T Bank | \$ | 169,326.50        |
| Non-Uniform Pension Plan 2             | M & T Bank | \$ | 1,500.00          |
| Old Non-Uniform Pension - Plan 1       | M & T Bank | \$ | 1,592.81          |
| <b>Total Cash on Hand</b>              |            | \$ | <b>985,313.96</b> |

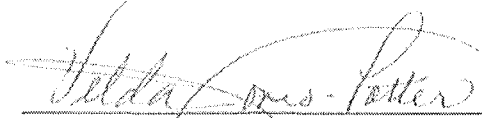
**Cash Equivalents (as of 9/02/2020) & Investments (Market Value as of 7/30/2020)**

| Account Type & Fund       | Institution          | Invest. Type | Maturity Date | Interest Rate | Interest Receivable | Investment Amount        |
|---------------------------|----------------------|--------------|---------------|---------------|---------------------|--------------------------|
| <b>LIQUIDITY:</b>         |                      |              |               |               |                     |                          |
| Pension Plan III          | WSFS                 | CD           | 9/28/2020     | 0.05%         | \$ 165.62           | \$ 3,900,000.00          |
| Fire Pension              | WSFS                 | CD           | 9/28/2020     | 0.05%         | \$ 17.84            | \$ 420,000.00            |
| <b>SUB-TOTAL:</b>         |                      |              |               |               |                     | <b>\$ 4,320,000.00</b>   |
| <b>RESERVE:</b>           |                      |              |               |               |                     |                          |
| Pension Trust             | Edgar Lomax          |              |               |               |                     | \$ 20,695,753.64         |
| Pension Trust             | Vanguard Fixed       |              |               |               |                     | \$ 32,663,524.60         |
| Pension Trust             | Earnest Partners     |              |               |               |                     | \$ 25,024,494.95         |
| Pension Trust             | Wilmington Trust     |              |               |               |                     | \$ 41,903,313.17         |
| Pension Trust             | Vanguard Stock Index |              |               |               |                     | \$ 26,301,389.76         |
| Pension Trust             | Artisan Global       |              |               |               |                     | \$ 10,207,718.50         |
| Pension Trust             | Dodge & Cox          |              |               |               |                     | \$ 10,381,778.40         |
| Pension Trust             | Fidelity             |              |               |               |                     | \$ 13,021,791.98         |
| Pension Trust             | Harding Loevner      |              |               |               |                     | \$ 10,676,275.35         |
| Pension Trust             | Vanguard Global      |              |               |               |                     | \$ 15,878,518.75         |
| Pension Trust             | MFS Management       |              |               |               |                     | \$ 28,502,482.22         |
| Pension Trust             | Clarion Lyon         |              |               |               |                     | \$ 9,583,752.36          |
| Pension Trust             | Money Market         |              |               |               |                     | \$ 503,607.54            |
| Pension Trust             | Morgan Stanley       |              |               |               |                     | \$ 6,820,483.92          |
| Pension Trust             | Vanguard-OPEB        |              |               |               |                     | \$ 26,152,882.66         |
| <b>SUB-TOTAL</b>          |                      |              |               |               |                     | <b>\$ 278,317,767.80</b> |
| <b>Total Investments</b>  |                      |              |               |               |                     | <b>\$ 282,637,767.80</b> |
| <b>Total Cash on Hand</b> |                      |              |               |               |                     | <b>\$ 985,313.96</b>     |
| <b>Grand Total</b>        |                      |              |               |               |                     | <b>\$ 283,623,081.76</b> |

**Total Funds under Treasury Management:**

|                                |  |  |  |  |  |                          |
|--------------------------------|--|--|--|--|--|--------------------------|
| <b>Total Investments</b>       |  |  |  |  |  | <b>\$ 371,711,070.98</b> |
| <b>Total Cash on Hand</b>      |  |  |  |  |  | <b>\$ 15,993,789.74</b>  |
| <b>Grand Total<sup>1</sup></b> |  |  |  |  |  | <b>\$ 387,704,860.72</b> |

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

  
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**Velda Jones-Potter, City Treasurer**

**NON-LEGISLATIVE BUSINESS**

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

|         |   |
|---------|---|
| Oliver  | Sympathy Clarence “Lucky” Perry, Jr.  |
| Shabazz | Recognize 100 <sup>th</sup> Year Celebration of the Negro Baseball League (Judy Johnson Foundation) |
| Shabazz | Sympathy John Monk  |
| Shabazz | Sympathy LaMonte Booker   |

**LEGISLATIVE BUSINESS**

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

Council Member Freel presented Resolution No. 20-053 (Agenda #4856) as follows:

**WHEREAS**, on July 23, 2020, Council Member Ernest “Trippi” Congo II publicly stated that he was no longer a resident of the Second Councilmanic District because he had moved from such District approximately two weeks earlier; and

**WHEREAS**, City Charter Section 2-103 requires a Council Member to “remain a resident of the councilmanic district from which he was elected during his term of office”; and

**WHEREAS**, City Charter Section 2-103 provides that if a Council Member ceases to be a resident of the District from which he was elected, “his office shall immediately be forfeited and become vacant”; and

**WHEREAS**, City Charter Section 2-103 provides that a Council Member “charges with conduct constituting grounds for forfeiture of his office shall be entitled to a public on demand”; and

**WHEREAS**, on August 24, 2020, Ernest “Trippi” Congo II demanded a public hearing; and

**WHEREAS**, pursuant to City Charter Section 2-400, Council has the “power by resolution to authorize inquiries and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers and functions”; and

**WHEREAS**, pursuant to City Charter Section 2-403, “[f]or the purpose of conducting inquiries and investigations, the council by resolution may employ . . . and fix the compensation of counsel, experts and employees and authorize such other expenditures as it deems necessary; but a limit of the total cost shall be stated which shall not be exceeded except by vote of the council authorizing additional amounts . . .”; and

**WHEREAS**, in order to provide for a fair and impartial public hearing regarding Ernest “Trippi” Congo II’s qualifications to serve as the Council Member for the Second Councilmanic District, Council deems it necessary and appropriate to

authorize (i) an independent investigation in preparation for the public hearing; (ii) the employment of Morris James LLP to conduct the investigation; and (iii) the funding of the investigation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that City Council hereby authorizes an independent investigation to be performed regarding Ernest “Trippi” Congo II’s qualifications to serve as the Council Member for the Second Councilmanic District prior to the public hearing on that matter.

**BE IT FURTHER RESOLVED** that City Council hereby authorizes the employment of the law firm of Morris James LLP to perform the investigation.

**BE IT FURTHER RESOLVED** that City Council hereby sets a limit of ten thousand dollars (\$10,000.00) for the total cost of the investigation.

Upon a motion of Council Member Freel, seconded by Council Member Walsh, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Resolution and made comments. Council Member Gray made comments and raised a question and Council Member Freel responded. Council Member Gray made additional comments and President Shabazz responded. Council Members Gray, Freel and Guy made comments. President Shabazz stated that comments should be to the current Resolution at hand. Council Member Guy made a motion to have President Shabazz removed from presiding over the meeting. President Shabazz noted Council Member Guy was out of order. The motion was not seconded and did not carried. Back and forth discussion between President Shabazz and Council Member Guy, and also among other members of Council took place. Council Member Freel responded to Council Member Guy’s comments and he spoke on the public hearing and the need of process. Council Member Gray raised a question and Council Member Freel responded. Council Member Oliver made comments. Council Member Guy made additional comments and made motion again to have President Shabazz removed from presiding over the meeting. President Shabazz responded. Council Member Freel made comments. Council Member Guy made additional comments. Council Member Turner seconded motion and made a point of order. Council Member Walsh addressed President Shabazz on point of order. There was back and forth among members of Council. President Shabazz made comments and called for the roll. For clarity, the Clerk asked the President if she was calling for the roll.

President Shabazz requested the Clerk to call the roll.

The above-referenced Resolution was received, recorded and **DEFEATED** as read by the following Yea and Nay Roll Call Vote: Yeas, Council Members Oliver, Johnson, Freel, Adams, Walsh and Council President Shabazz. Total, six. Nays, Council Members Gray, Harlee, Turner, McCoy, Dixon, and Guy. Total, six.

President Shabazz declared the Resolution **DEFEATED**.

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

**PETITIONS AND COMMUNICATIONS**

There were no petitions and communication this evening.

**ADJOURNMENT**

Upon a motion of Council Member Freel, seconded by Council Members Walsh and Adams, Council adjourned at 7:00 p.m. Motion prevailed.

Attest: Maribel Seijo  
Maribel Seijo, City Clerk