

*Wilmington City Council
Wilmington, Delaware
November 4, 2021*

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

A moment a silence was done for former Delaware Governor Ruth Ann Minner who passed away earlier today.

The opening prayer was done by Akira Grenardo, Deputy City 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, B. Fields, McCoy, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, eleven. Absent with leave, Council Members Harlee and Johnson. Total, two.

MINUTES

After reading a portion of the minutes of October 21 2021, upon a motion of Council Member Cabrera, 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 w Leave	Absent w/out Leave
Chris Johnson, Chair	y		
Michelle Harlee, Vice Chair	y		
Nathan Field	y		
Zanthia Oliver	y		
Loretta Walsh	y		
James Spadola	y		
Ernest "Trippi" Congo, Ex-Officio	y		

President and Members of Council of
The City of Wilmington

September 7, 2021

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by **Virtual Meeting with anchor location**, to who was referred **Ordinance No. 21-046** entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE
TO ELIMINATE BUMPING RIGHTS FOR NON-UNION
EMPLOYEES IN THE CLASSIFIED SERVICE

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

TREASURER'S REPORT

The following Treasurer's Report for November 4, 2021 was read into the record by City Clerk and upon a motion of Council Member Cabrera, seconded by Council Members Dixon, 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 3 to Page 4.

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report November 04, 2021

Cash - Ledger Balance (as of 11/03/2021):

General	M & T Bank	\$ 8,750,164.00
Payroll	M & T Bank	\$ 1,302,258.43
Law Department Court Costs	M & T Bank	\$ 4,607.07
Total Petty Cash	M & T Bank	\$ 6,329.89
Police - Evidence Found (Currency)	M & T Bank	\$ 1,161,487.22
Police & Fire Remembrance	M & T Bank	\$ 8,444.49
Police Department Discretionary	M & T Bank	\$ 17,766.50
Rent Withholding Escrow	M & T Bank	\$ 4,137.97
Grant-in-Aid	M & T Bank	\$ 112,760.87
Community Development Block Grant	M & T Bank	\$ 1.00
Capital Projects	M & T Bank	\$ 1.00
Total Cash on Hand		\$ 11,367,958.44

Cash Equivalents & Investments (as of 11/03/2021):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	0.01%	\$ 5.96	\$ 22,056,116.37
General	TD	ARPA funds*	6	0.08%	\$ 368.99	\$ 27,674,452.18
General	TD	High Yield Checking	6	0.08%	\$ 253.54	\$ 19,013,277.03
General	TD	High Yield Checking	6	0.08%	\$ 66.72	\$ 5,004,094.56
General	TD	High Yield Checking	6	0.10%	\$ 519.67	\$ 31,180,262.45
SUB-TOTAL:						\$ 104,930,202.59
RESERVE:						
General ¹	TD	High Yield Checking	6	0.08%	\$ 218.10	\$ 16,357,779.74
SUB-TOTAL						\$ 16,357,779.74
RESTRICTED:						
Capital Project	TD	High Yield Checking	6	0.08%	\$ 41.35	\$ 3,101,214.92
Capital Project	TD	High Yield Checking	6	0.08%	\$ 74.72	\$ 5,604,221.54
Capital Project	TD	High Yield Checking	6	0.08%	\$ 477.06	\$ 35,779,863.54
Water/Sewer	TD	High Yield Checking	6	0.08%	\$ 43.69	\$ 3,276,586.98
SUB-TOTAL						\$ 47,761,886.98
Total Investments						\$ 169,049,869.31
Total Cash on Hand						\$ 11,367,958.44
Grand Total						\$ 180,417,827.75

¹ Budget Reserve

*Restricted use per ARPA US Treasury Guidelines

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

LOUIS L. REDDING CITY/COUNTY BUILDING • 800 FRENCH STREET • WILMINGTON, DELAWARE • 19801-3537

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City of Wilmington



**Treasurer's Report - Pensions
November 4, 2021**

DaWayne Sims
City Treasurer

Cash - Ledger Balance (as of 11/03/2021):

Pension Payroll	M & T Bank	\$	397,744.20
Retiree Healthcare	M & T Bank	\$	132,559.94
Police Pension	M & T Bank	\$	1,000.00
Fire Pension	M & T Bank	\$	912,890.79
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	200,778.32
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		\$	1,648,066.06


Cash Equivalents (as of 11/03/2021) & Investments (Market Value as of November 1st, 2021)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Pension Plan III	WSFS	CD	11/24/2021	0.01%	\$ 7.26	\$ 883,887.48
Fire Pension	WSFS	CD	11/24/2021	0.01%	\$ 68.76	\$ 825,164.32
SUB-TOTAL:						\$ 1,709,051.80
RESERVE:						
Pension Trust	Edgar Lomax					\$ 18,694,200.00
Pension Trust	MFS Low Global					\$ 14,589,645.00
Pension Trust	Earnest Partners					\$ 18,164,201.00
Pension Trust	Rhumblin 1000					\$ 18,497,291.00
Pension Trust	Artisan Global					\$ 16,107,042.00
Pension Trust	Dodge & Cox					\$ 15,806,797.00
Pension Trust	Fidelity Market Index					\$ 10,971,993.00
Pension Trust	Fidelity Total Intl. Index					\$ 5,121,024.00
Pension Trust	Fidelity Emerging Market					\$ 4,543,165.00
Pension Trust	Fidelity Bond Index					\$ 7,622,598.00
Pension Trust	AB Global Core					\$ 15,684,575.00
Pension Trust	Hartford Schroder					\$ 6,118,812.00
Pension Trust	Rhumblin Core					\$ 38,188,570.00
Pension Trust	Rhumblin 3000					\$ 54,571,239.00
Pension Trust	LM Capital					\$ 39,669,364.00
Pension Trust	Clarion Lyon					\$ 11,071,632.00
Pension Trust	Money Market					\$ 3,902,339.00
Pension Trust	Morgan Stanley					\$ 10,243,192.00
Pension Trust	Vanguard-OPEB					\$ 32,658,809.00
SUB-TOTAL						\$ 342,226,488.00
Total Investments						\$ 343,935,539.80
Total Cash on Hand						\$ 1,648,066.06
Grand Total						\$ 345,583,605.86

Total Funds under Treasury Management:

Total Investments						\$ 512,985,409.11
Total Cash on Hand						\$ 13,016,024.50
Grand Total¹						\$ 526,001,433.61

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


 DaWayne Sims, City Treasurer

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NON-LEGISLATIVE BUSINESS

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

All Council	Recognize Opal Lee
All Council	Sympathy Alfonso L. Nixon, Sr.
All Council	Recognize Wilmington Fire Department's 100 th Anniversary
B. Fields	Recognize Percy Ricks
Oliver	Sympathy Margaret "Marcella" Lindsay
Oliver	Sympathy Cynthia Winward
Oliver	Sympathy Charles Miller
Oliver	Sympathy Carla Aikens
Oliver	Sympathy Patricia Louise Evans

PUBLIC COMMENTS

At this time, President Congo opened up the floor for public comments and the following individuals spoke:

- Haneef Salaam
- Kendra McDole
- Kristina Kelly
- Shyanne Miller
- Deacon Earl Tate
- Jeff Workman
- Branden Fletcher
- Michaelina DeJesus
- D. Marque Hall
- Tashika (Shekia) Blake
- Jason Knight
- Jennifer Sirois

LEGISLATIVE BUSINESS

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

Council Member Oliver presented and called for the first and second reading Ordinance No. 21-052 (Agenda #0106) entitled:

AN ORDINANCE TO AMEND CHAPTER 42 OF THE
CITY CODE TO ADOPT A NEW UNDERGROUND
FACILITIES COORDINATION MANUAL

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact because the increased permit fees are revenue-neutral.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Oliver, seconded by Council Members Dixon and 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. 21-053 (Agenda #0107) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC
AND 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 Dixon and McCoy, the Ordinance was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

Council Member Oliver presented Resolution No. 21-048 (Agenda #0108) as follows:

WHEREAS, on June 3, 2021, Ordinance No. 21-031 was introduced before Wilmington City Council proposing an amendment to the “Building Zone Map of Wilmington, Delaware” to change the zoning classification of 3001 Bowers Street, Wilmington, Delaware (being Tax Parcel No. 26-030.00-030) from a zoning classification of M-1 (Light Manufacturing) to a zoning classification of R-3 (One-Family Row Houses) (the “Ordinance”); and

WHEREAS, at its May 18, 2021 regular meeting, the City Planning Commission, by its Resolution 3-21, recommended the approval of the rezoning proposed in the Ordinance after holding a duly advertised public hearing; and

WHEREAS, City Code Section 48-51 requires that a duly advertised public hearing be held by City Council prior to the adoption of the proposed Ordinance; and

WHEREAS, City Council proposes to schedule a public hearing for review of the proposed rezoning Ordinance, or a substitute thereto, to be duly advertised in conformity with City Code Section 48-51 by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby schedules a public hearing on said proposed Ordinance, or a substitute thereto, to be held on December 9, 2021 at 6:30 p.m. in the City Council Chambers (with the option to participate virtually) to consider the proposal to rezone the land described in the proposed Ordinance, 3001 Bowers Street, Wilmington, Delaware (being Tax Parcel No. 26-030.00-030), from a zoning

classification of M-1 (Light Manufacturing) to a zoning classification of R-3 (One-Family Row Houses).

BE IT FURTHER RESOLVED that in accordance with the enactment of Delaware General Assembly Senate Bill 94, members of the public will be allowed to participate in the public hearing either in person in the Council Chambers or virtually. The instructions to access the public hearing virtually will be included on the agenda for the December 9, 2021 Council meeting.

BE IT FURTHER RESOLVED that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

Upon a motion of Council Member Oliver, seconded by Council Members Dixon and McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver 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, B. Fields, McCoy, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Harlee and Johnson. Total, two.

President Congo declared the Resolution **adopted**.

Council Member Oliver presented Resolution No. 21-049 (Agenda #0109) as follows:

WHEREAS, the City's comprehensive development plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities" (the "Comprehensive Plan") was adopted by City Council on December 12, 2019; and

WHEREAS, at its meeting on May 18, 2021, the City Planning Commission, by its Resolution 2-21, recommended an amendment to the Comprehensive Plan related to the proposed change to the zoning classification of 3001 Bowers Street, Wilmington, Delaware (being Tax Parcel No. 26-030.00-030) from a zoning classification of M-1 (Light Manufacturing) to a zoning classification of R-3 (One-Family Row Houses); and

WHEREAS, the provisions of City Charter Section 5-600(a) require that a duly advertised public hearing be held by City Council prior to the adoption of modifications to the Comprehensive Plan; and

WHEREAS, City Council proposes to schedule a public hearing for review of the proposed amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby schedules a public hearing to be held on December 9, 2021 at 6:30 p.m. in the City Council Chambers (with the option to participate virtually) to consider the proposed amendment to the Comprehensive Plan.

BE IT FURTHER RESOLVED that in accordance with the enactment of Delaware General Assembly Senate Bill 94, members of the public will be allowed to participate in the public hearing either in person in the Council Chambers or virtually. The instructions to access the public hearing virtually will be included on the agenda for the December 9, 2021 Council meeting.

BE IT FURTHER RESOLVED that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

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

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, B. Fields, McCoy, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Harlee and Johnson. Total, two.

President Congo declared the Resolution **adopted**.

Council Members B. Fields did not have any legislation to present this evening.

On behalf of Council Member Johnson, Council Member Oliver presented and called for the first and second reading Ordinance No. 21-054 (Agenda #0110) entitled:

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III, DIVISION 18 (“THE CITIZEN COMPLAINT REVIEW BOARD”) OF THE CITY CODE TO INCREASE THE NUMBER OF BOARD MEMBERS FROM NINE (9) TO ELEVEN (11) BY ADDING TWO (2) MEMBERS WHO MUST BE RETIRED OR FORMER POLICE OFFICERS

SYNOPSIS AND FISCAL IMPACT: This Ordinance amends the Code provisions establishing the Citizen Complaint Review Board by increasing the number of Board Members from nine (9) to eleven (11), both of whom shall be former or retired police officers, and its passage is expected to have no fiscal impact additional to the Establishment of the Board.

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

Walsh, the Ordinance was received, recorded and referred to the Public Safety Committee. Motion prevailed.

Council Members McCoy, N. Field, Cabrera, Dixon and Spadola did not have any legislation to present this evening.

Council Member Walsh **held** Agenda Nos. 0103 (Res. 21-046), 0104 (Res. 21-047) and 0105.

Upon a motion of Council Member Walsh, seconded by Council Members Oliver and Dixon, Agenda Nos. 0103 (Res. 21-046), 0104 (Res. 21-047) and 0105 are to be placed on the November 18, 2021 Council meeting agenda. Motion prevailed.

Council Member Walsh presented and called for the third and final reading Ordinance No. 21-046 (Agenda #0092) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE
CITY CODE TO ELIMINATE BUMPING RIGHTS
FOR NON-UNION EMPLOYEES IN THE CLASSIFIED
SERVICE

FISCAL IMPACT STATEMENT: This Ordinance has not anticipated fiscal impact.

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

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, Darby, Oliver, B. Fields, McCoy, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Harlee and Johnson. Total, two.

President Congo declared the Ordinance **adopted**.

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: being back in Council Chambers; Senior Ball; announcements of community events throughout the city; Stormin's Annual Turkey Drive Giveaway; announcement of additional Public Safety Committee meeting (Nov. 30th); the public was thanked for joining tonight's meeting and were encouraged to continue to join in either in-person or virtually; and including but not limited to, Happy Veteran's Day.

Note: During this time, Council Member Cabrera requested to be excused.

ADJOURNMENT

Upon a motion of Council Members Gray, Dixon and Oliver, seconded by Council Members McCoy and Walsh, Council adjourned at 7:47 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk