

***Wilmington City Council
Wilmington, Delaware
June 1, 2023***

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

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 White, Darby, Oliver, Harlee, B. Fields, Johnson, Cabrera*, Mills and Bracy, and Council President Congo. Total, ten. Absent with leave Council Members McCoy, N. Field and Spadola. Total, three.

MINUTES

Council Member Johnson made a correction to the minutes as follows:

- Let the record reflect the actual vote for Resolution No. 23-023 (Agenda #0304), which is the Resolution for FY 2020 Annual Action (Substantial Amendment), to be 7 Yeas, 4 Present and 2 Absent.

After reading a portion of the minutes of May 18, 2023, as corrected, upon a motion of Council Member Johnson, seconded by Council Member Harlee, it was moved they be accepted and corrected as written. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report for June 1, 2023 was read into the record by City Clerk and upon a motion of Council Member Johnson, seconded by Council Member Harlee, 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 4.

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report

June 15, 2023

Cash - Ledger Balance (as of 06/14/2023):

General	M & T Bank	\$ 8,091,600.00
Payroll	M & T Bank	\$ 1,239,622.60
Law Department Court Costs	M & T Bank	\$ 4,344.07
Total Petty Cash	M & T Bank	\$ 5,926.71
Police - Evidence Found (Currency)	M & T Bank	\$ 1,196,178.47
Police & Fire Remembrance	M & T Bank	\$ 10,644.49
Police Department Discretionary	M & T Bank	\$ 21,975.58
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		\$ 10,687,192.76

Cash Equivalents & Investments (as of 06/14/2023):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.99%	\$ 1,757.56	\$ 18,812,839.91
General	TD	High Yield Checking	13	4.36%	\$ 4,569.26	\$ 2,902,141.47
General	TD	High Yield Checking	13	4.36%	\$ 14,553.98	\$ 9,243,882.24
General	TD	High Yield Checking	13	4.36%	\$ 34,324.66	\$ 21,801,122.80
SUB-TOTAL:						\$ 52,759,986.42
Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Int. Receiv.	Investment Amount
Police & Fire Remem.	WSFS	CD	1/23/2024	0.15%	\$ 59.18	\$ 25,871.46
General	TD	CD	6/20/2023	5.28%	\$ 403,457.57	\$ 45,847,450.86
General	TD	CD*	7/17/2023	5.33%	\$ 351,276.42	\$ 26,072,513.23
General	TD	CD	6/27/2023	5.28%	\$ 42,301.73	\$ 4,807,014.77
SUB-TOTAL:						\$ 76,752,850.32
RESERVE:						
General ¹	TD	CD	8/14/2023	4.91%	\$ 431,846.93	\$ 17,493,321.25
SUB-TOTAL:						\$ 17,493,321.25
RESTRICTED:						
Capital Project	TD	CD	7/17/2023	5.33%	\$ 25,215.11	\$ 1,871,521.60
Capital Project	TD	CD	7/17/2023	5.33%	\$ 21,051.25	\$ 1,562,470.53
Capital Project	TD	CD	7/17/2023	5.33%	\$ 227,915.97	\$ 16,916,427.65
Water/Sewer	TD	CD	8/14/2023	4.91%	\$ 83,018.21	\$ 3,362,914.47
State Bonds Proceeds	TD	CD	7/17/2023	5.33%	\$ 122,853.03	\$ 9,118,423.75
SUB-TOTAL						\$ 32,831,758.00
Total Investments						\$ 179,837,915.99
Total Cash on Hand						\$ 10,687,192.76
Grand Total						\$ 190,525,108.75

¹ Budget Reserve

*Restricted use, Per ARPA US Treasury Guidelines

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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City of Wilmington



DaWayne Sims
City Treasurer


Treasurer's Report - Pensions I June 15, 2023

Cash - Ledger Balance (as of 06/14/2023):

Pension Payroll	M & T Bank	\$	49,080.71
Retiree Healthcare	M & T Bank	\$	530,890.99
Police Pension	M & T Bank	\$	181,977.30
Fire Pension	M & T Bank	\$	2,584.77
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	181,792.56
Non-Uniform Pension Plan 2	M & T Bank	\$	1,000.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
Total Cash on Hand		\$	948,919.14

Cash Equivalents (as of 06/14/2023) & Investments (Market Value as of June 9, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension	TD	CD	7/31/2023	5.44%	\$ 44,577.78	\$ 5,000,000.00
SUB-TOTAL:						\$ 5,000,000.00
RESERVE:						
Pension Trust	Rhumblin 3000					\$ 56,756,542.00
Pension Trust	Fidelity Market Index					\$ 3,918,996.00
Pension Trust	Edgar Lomax					\$ 15,046,687.00
Pension Trust	Rhumblin 1000					\$ 16,651,448.00
Pension Trust	Earnest Partners					\$ 16,158,988.00
Pension Trust	Dodge & Cox					\$ 15,862,412.00
Pension Trust	Artisan Global					\$ 12,500,572.00
Pension Trust	MFS Low Global					\$ 13,708,719.00
Pension Trust	Hartford Schroder					\$ 4,261,300.00
Pension Trust	Fidelity Total Intl. Index					\$ 12,746,133.00
Pension Trust	Harding Loevner					\$ 1,312,593.00


DaWayne Sims, City Treasurer

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City of Wilmington



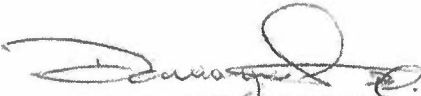
DaWayne Sims
City Treasurer

Treasurer's Report - Pensions II June 15, 2023

Investments (Market Value as of June 9, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Wellington Emerging					\$ 2,742,553.00
Pension Trust	Clarion Lion					\$ 13,677,582.00
Pension Trust	Morgan Stanley					\$ 9,961,381.00
Pension Trust	JP Morgan					\$ 14,076,166.00
Pension Trust	LM Capital Core					\$ 31,818,279.00
Pension Trust	Rhumblin Core					\$ 27,922,389.00
Pension Trust	Fidelity Bond Index					\$ 2,629,654.00
Pension Trust	Money Market					\$ 2,488,973.00
Pension Trust	Vanguard-OPEB					\$ 29,737,438.00
SUB-TOTAL						\$ 303,978,805.00
Total Investments						\$ 308,978,805.00
Total Cash on Hand						\$ 948,919.14
Grand Total						\$ 309,927,724.14
Total Funds under Treasury Management:						
Total Investments						\$ 488,816,720.99
Total Cash on Hand						\$ 11,636,111.90
Grand Total¹						\$ 500,452,832.89

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 Johnson, seconded by Council Member Harlee, the following non-legislative resolutions were accepted into the record and motion prevailed:

a. Recognition Resolutions

All Council	Recognize Gun Violence Awareness Week
Cabrera	Recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month
Oliver	Recognize Damian Vice (Police Officer K-9 Unit)

b. Sympathy Resolutions

Cabrera	Sympathy Felicita Perez Crespo Burgos
Oliver	Sympathy Vern Oates

PUBLIC COMMENTS

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

- Alfred Guaraldo
- Dwight L. Davis
- Abdullah Bey
- Kevin Melloy

Upon a motion of President Congo and Council Member Cabrera, seconded by Council Member B. Fields, the public to extend the public comment segment. Motion prevailed.

- Jermaine Miller
- Bernice Torres
- Elias Torres
- Sam Medley
- Charlie Weymouth
- Carl Williams
- Michael Melloy (virtual)
- Jerry Balmier (virtual)

**Note: During this time, Council Member Cabrera was recognized as being present and reflected in the minutes herein (Roll Call).*

LEGISLATIVE BUSINESS

President Congo stated as a friendly reminder to the Council Members that pursuant to Council Rules for legislative matters, the sponsor is entitled to speak first and last, and during debate, each Council Member may speak twice for up to five (5) minutes each time.

Council Member Darby presented Resolution No. 23-025 (Agenda #0306) as follows:

WHEREAS, Senate Substitute No. 1 for Senate Bill No. 1 (SS No. 1 for SB No. 1), An Act to Amend Title 25 of Delaware Code Relating to Residential Landlord-Tenant Code, establishes a right to representation during evictions and other landlord-tenant actions for low-income Delawareans. It also requires landlords to provide notice of such rights to tenants periodically; and

WHEREAS, nationally, landlords file about 3.6 million eviction cases in a typical year. About half of all eviction cases in Delaware are in New Castle County. The County's Justice of the Peace Court handles about 8,000 landlord-tenant cases in a typical year, with about 1,000 leading to evictions. The substantial eviction rates in New Castle County contribute to a consequential homeless population. The 2022 Housing All; and

WHEREAS, low-income renters are more disproportionately impacted by evictions and the consequences. Low-income renters have higher eviction rates because they often lack the financial capacity to challenge eviction notices and navigate court processes. Low-income renters with children have an eviction rate three times higher than other low-income earners; and

WHEREAS, SS No. 1 for SB No. 1 facilitates access to legal representation for individuals whose annual household income is less than 200% of the federal poverty guidelines. It also makes more information available to tenants on their rights by requiring landlords to provide disclosures approved by the Right to Representation Coordinator to explain what legal representation is available to them. SS No. 1 for SB No. 1 authorizes the Coordinator to distribute written information to landlords and tenants to ensure that all parties are informed of their rights; and

WHEREAS, evictions of individuals and families with limited financial means increase the risk of homelessness, unemployment, loss of personal property, poorer mental health, and relocation to substandard housing. An eviction action can also cause damage to creditworthiness, which further impedes a household's ability to secure permanent housing, and creates significant costs for state and local governments; and

WHEREAS, landlord-tenant actions, such as evictions, can worsen social inequities. Women face higher eviction rates than men. Eviction rates are significantly higher in neighborhoods with people of color. Black women face the highest eviction rates of any demographic group due to lower income and inadequate access to legal resources; and

WHEREAS, the impacts of the eviction process can have far-reaching effects. Pregnant women who experienced evictions reported significantly lower infant birth weights and infant prematurity rates compared to pregnant women who did not

experience evictions. Mothers who went through the eviction process also reported significantly higher levels of mental distress; and

WHEREAS, SS No. 1 for SB No. 1 establishes a residential eviction diversion program, modeled on the Superior Court's Residential Mortgage Foreclosure Mediation Program, to mediate post-filing eviction disputes and mitigate the disruptions of evictions on the lives of both landlords and tenants.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council supports Senate Substitute No. 1 for Senate Bill No. 1 (SS No. 1 for SB No. 1), An Act to Amend Title 25 of Delaware Code Relating to Residential Landlord-Tenant Code, which aims to establish a right to representation for evictions and other landlord-tenant actions for Delawareans with household incomes below 200% of the federal poverty guidelines.

BE IT FURTHER RESOLVED that the Wilmington City Council encourages members of the Delaware General Assembly to support SS No. 1 for SB No. 1, which requires landlords to provide notice of the right to legal representation to tenants periodically.

Upon a motion of Council Member Darby, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. Council Member Johnson requested to be added as a co-sponsor and made comments. President Congo requested to be added as a co-sponsor. Council Member White made a point of order on whether we still had a quorum and President Congo responded yes.

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 White, Darby, Harlee, B. Fields, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Oliver, McCoy, N. Field and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

President Congo announced that Council Member Oliver has been excused from the remainder of the meeting.

Council Member Darby presented Resolution No. 23-026 (Agenda #0307) as follows:

WHEREAS, House Substitute No. 1 for House Bill No. 55 (HS No. 1 for HB No. 55), An Act to Amend Title 6 and Title 31 of the Delaware Code Relating to Individuals Who Are Homeless, proposes the establishment of a process by which complaints of discriminatory treatment will be addressed and conciliation provided. This legislation would be instrumental in ensuring that all individuals are able to be treated with dignity and have equal access to public services, regardless of housing status; and

WHEREAS, the homelessness population in the State of Delaware has dramatically risen, following the onset of the COVID pandemic in 2020. According to the Point in Time Count conducted by the Delaware Continuum of Care, the homeless population in Delaware has nearly doubled since 2020, when there were roughly 1,165 homeless individuals throughout the State. The 2022 PIT Count found that the statewide homeless population was roughly 2,369 individuals. These numbers include people sleeping in emergency shelters, transitional housing, State and nonprofit-funded motels and hotels, as well as people who are unsheltered. These numbers are conservative estimates, there are likely to be even more unhoused individuals throughout the State than the PIT Count was able to identify; and

WHEREAS, HS No. 1 for HB No. 55 reaffirms the rights of homeless persons to use and move freely in public spaces including public transportation, public parks and public buildings without discrimination. This legislation also prohibits a person from experiencing discrimination while seeking housing due to the lack of a permanent address, as well as reiterating the right of persons experiencing homelessness to receive medical and dental care, free from discrimination. The complaint procedure and system of enforcement established by HS No. 1 for HB No. 55 reinforces that all Delawareans are valued members of this State, regardless of their housing status; and

WHEREAS, the shortage of rental housing and increasing lack of affordability places many more Delawareans at risk of becoming homeless. According to Housing Alliance Delaware's Annual Report, there are approximately 26,430 extremely low-income (ELI) households in Delaware, despite a shortage of approximately 18,148 affordable rental units statewide. This disparity between ELI households and affordable rental units is compounded by the tightening of the rental market due to the pandemic, resulting in fewer available units and an overall increase in the cost of rent; and

WHEREAS, according to data gathered by the Delaware Housing Authority in 2018, the housing wage in New Castle County to rent a two-bedroom apartment was \$23.29 per hour. While this wage has increased following the pandemic, if the current State minimum wage of \$11.75 per hour is considered, the average minimum wage earner would need to work approximately 80 hours per week or two full time jobs to afford a two-bedroom apartment of fair market rent in New Castle County. The New Castle County HOPE Center, the largest homeless shelter on the East Coast, houses approximately 400 people on any given day. Shelter demand is routinely greater than the beds available; and

WHEREAS, people experience the affects of homelessness for a variety of reasons including but not limited to, economic challenges, domestic violence, family issues, chronic health conditions, substance abuse, mental illness and a lack of affordable housing. One common element that unhoused individuals share is the challenges they face in preserving their sense of self, sense of community, and basic human dignity. HS No. 1 for HB No. 55 further strengthens the State of Delaware's policy to uphold the values of respect for all residents.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington City Council supports House Substitute No. 1 for House Bill No. 55 (HS No. 1 for HB No. 55), an Act to Amend Title 6 and Title 31 of the Delaware Code Relating to Individuals Who Are Homeless, which

reinforces the rights of individuals experiencing homelessness to live free from discriminatory behavior and benefit from unrestricted access to public services.

BE IT FURTHER RESOLVED this Council encourages the Delaware General Assembly to support this important provision, which furthers the goals of inclusiveness and respect for all Delawareans, regardless of their housing status.

Upon a motion of Council Member Darby, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. President Congo requested to be added as a co-sponsor. Council Member Johnson requested to be added as a co-sponsor and made comments. Council Member Bracy requested to be added as a co-sponsor. Council Member Cabrera requested to be added as a co-sponsor and made comments. Council Member Darby made closing 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 White, Darby, Harlee, B. Fields, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Oliver, McCoy, N. Field and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

On behalf of Council Member Oliver, Council Member Cabrera presented Resolution No. 23-027 (Agenda #0308) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, City Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications, when necessary, prior to Council's approval by resolution; and

WHEREAS, the Department of Public Works has submitted six Fiscal Year 2024 Congressionally Directed Spending Request Applications in the total amount of Ninety-Two Million Dollars (\$92,000,000.00) (collectively, the "Grant Applications"); and

WHEREAS, the City intends to use the proposed grant funding requested in the Grant Applications to: (i) construct an Eleventh Street sewage pump station replacement and upgrade that will provide significant operational benefits while also enabling future rehabilitation or replacement of the existing pump station; (ii) construct a pump station, relief sewers, and a stormwater attenuation tank in South Wilmington; (iii) add an additional 1MW biogas fueled combined heat and power engine to the City's Water Pollution Control Facility; (iv) replace small water mains throughout the City to eliminate any exposure that potable water may have with lead material in the distribution system and renew all services lines and fire hydrants; (v) upgrade the electrical reliability and energy reduction components for the City's water plants and work on reduction of

PFAS at such plants; and (vi) expand the South Wilmington sewer separation project to B and C Streets; and

WHEREAS, the Grant Applications contain no formal match requirement; and

WHEREAS, despite no formal match requirement, the City would pay for a portion of each of the proposed projects out of already budgeted capital funds; and

WHEREAS, City Council deems it necessary and proper to authorize the City's Grant Applications, for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Grant Applications in the total amount of Ninety-Two Million Dollars (\$92,000,000.00) are hereby authorized.

BE IT FURTHER RESOLVED that the Commissioner of Public Works, or her designee, shall be authorized to take all necessary actions to accept any and all funds associated with the Grant Applications and to fulfill the requirements of the grants.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City.

There is no formal match requirement, and although the City will pay for a portion of the proposed projects itself, such payments will be sourced from previously budgeted capital funds.

Upon a motion of Council Member Cabrera, seconded Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Cabrera 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 White, Darby, Harlee, B. Fields, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Oliver, McCoy, N. Field and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

On behalf of Council Member Oliver, Council Member Cabrera presented Resolution No. 23-028 (Agenda #0309) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, City Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications, when necessary, prior to Council's approval by resolution; and

WHEREAS, the Department of Public Works has submitted a grant application to the United States Office of State and Community Energy Programs for a grant from the Energy Efficiency and Conservation Block Grant Program; and

WHEREAS, the Office of State and Community Energy Programs has reviewed the City's grant application and has awarded the City a grant in the amount of \$135,280; and

WHEREAS, the proposed grant funding would be used to fund customized technical expertise to support the City's efforts to reduce municipal energy use and greenhouse gas emissions in line with state and federal goals; and

WHEREAS, no matching funds are required; and

WHEREAS, City Council deems it necessary and proper to authorize the grant application for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Public Works' grant application to the United States Office of State and Community Energy Programs for a grant from the Energy Efficiency and Conservation Block Grant Program in the total amount of \$135,280 is hereby authorized.

BE IT FURTHER RESOLVED that the Commissioner of Public Works, or her designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City because no local matching funds are required by this grant.

Upon a motion of Council Member Cabrera, seconded Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Cabrera 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 White, Darby, Harlee, B. Fields, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Oliver, McCoy, N. Field and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

Council Member B. Fields presented Resolution No. 23-029 (Agenda #0310) as follows:

WHEREAS, House Bill No. 114 (HB No. 114), An Act to Amend Titles 16 and 25 of the Delaware Code Relating to Recovery Housing, proposes the certification of recovery residences according to nationally recognized evidence-based standards. This voluntary certification process will support recovery residences in their efforts to uphold best practices that address the needs of individuals rehabilitating from substance abuse disorder by providing a safe and supportive community and living environment; and

WHEREAS, substance abuse disorders continue to plague Delawareans statewide. There is an urgent need for high-quality recovery residences to support

individuals suffering from substance use disorders to avoid relapse, criminal justice involvement, and overdose. Wilmington experienced an estimated 83.9 opioid overdose deaths per 100,000 in 2020. This number far exceeds the national average of 28.3 opioid overdose deaths per 100,000 in 2020 and 32.4 deaths per 100,000 in 2021; and

WHEREAS, in 2021, there were 515 overdose deaths in Delaware, an increase of 15% from 2020. In New Castle County, 334 lives were lost to overdoses in 2021. In May 2022, the Department of Health and Social Services (DHSS) announced that there were 42 overdose-related deaths in Delaware, which is a record high; 25 of those deaths occurred in New Castle County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Legislative body supports House Bill No. 114 (HB No. 114), An Act to Amend Titles 16 and 25 of the Delaware Code Relating to Recovery Housing, which proposes to enact the certification of recovery residences that align with nationally recognized evidence-based standards. These guidelines will protect both recovery house residents and communities from the harm caused by poorly managed or fraudulent recovery residences.

BE IT FURTHER RESOLVED the Council encourages the Delaware General Assembly to support HB No. 114. This important provision ensures that Delawareans suffering from substance use disorders have access to a healthy and supportive environment that is suited to address the needs of their recovery.

Upon a motion of Council Member B. Fields, seconded by Council Members White and Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member B. Fields spoke on the Resolution and made comments. President Congo requested to be added as a co-sponsor. Council Members Mills, Cabrera, Darby, Johnson and Bracy also 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 White, Darby, Harlee, B. Fields, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Oliver, McCoy, N. Field and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

Council Member B. Fields presented Resolution No. 23-030 (Agenda #0311) as follows:

WHEREAS, on November 20, 2020, in compliance with the Executive Order on Advancing American Kidney Health, the Centers for Medicare and Medicaid Services (CMS) issued a final rule to update the Conditions for Coverage (CfC) that Organ Procurement Organizations (OPOs) must meet to receive Medicare and Medicaid payment for a lifesaving organ transplant. OPOs mediate the organ donation and

transplantation process, there are currently 56 OPOs in the United States facilitating organ transplantation in their respective Donation Service Areas (DSA); and

WHEREAS, the National Academies of Science, Engineering and Medicine (NASEM), conducted a study funded by the United States Congress, which provided recommendations to improve equity, instill accountability and improve health outcomes in America's organ donation system. This study was conducted to evaluate the fairness, transparency and cost-effectiveness of legislation and policies guiding the organ procurement network, including the CMS final rule for coverage of organ transplantation. On August 1, 2022, new policies were enacted, prior to consideration of the outcomes of the NASEM report, which was published in the same year. The new policies effectively require OPOs to compete against one another to serve their Donation Service Areas (DSA). By increasing the financial incentive for the procurement of organs, vulnerable communities are less likely to receive lifesaving transplants; and

WHEREAS, racial inequalities and disparities in access to healthcare continue to impact communities across the United States, policymakers have made steps to eliminate them but there is still much work to be done. Higher performance measures adopted by the CMS, which threaten the certification and funding of OPOs, can cause disruptions in organ procurement that will reduce the number of and access to available organs for patients who depend on Medicare and Medicaid coverage to finance organ transplantation procedures. Racial and ethnic minorities, who already experience a lower transplantation rate and a greater need than white patients, would be disproportionately affected; and

WHEREAS, unless the 2020 final rule is reversed, barriers to life-saving organ transplants will be exacerbated, particularly for racial and ethnic minorities. It is imperative that new policies, informed by the 2022 NASEM report on equity and fairness in the transplantation network, are enacted to reduce further limitations on patients' participation in the organ donation and transplantation system in the United States; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council urges Delaware General Assembly and Federal Delegation to appeal to the U.S. Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services to revise CMS policies that create competitive bidding requirements for Organ Procurement Organizations (OPOs).

BE IT FURTHER RESOLVED that this Council encourages the Department of Health and Human Services and the Centers for Medicare and Medicaid Services to give full consideration to the guidance set forth by the 2022 National Academies of Science, Engineering and Medicine (NASEM) report that included evaluations and recommendations to prevent inequities and racial disparities in the procurement, donation, and transplantation of organs.

Upon a motion of Council Member B. Fields, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member B. Fields spoke on the Resolution and made comments. President Congo requested to be added as a co-sponsor. Council Member Johnson requested to be added as a co-sponsor and made comments. Council Members Harlee and Mills also 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 White, Darby, Harlee, B. Fields, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Oliver, McCoy, N. Field and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

At this time, Council Member B. Fields was excused from the remainder of the meeting.

Council Member Johnson presented and called for the first and second reading Ordinance No. 23-023 (Agenda #0312) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (CLEARWELL/ STORAGE IMPROVEMENTS DESIGN PHASE I PROJECT), SERIES OF 2023-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CITY OF WILMINGTON'S DESIGN AND CONSTRUCTION, IN PHASES, OF A NEW CLEARWELL; PROVIDING FOR THE SALE OF THE 2023 BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Council Member Johnson presented and called for the first and second reading Ordinance No. 23-024 (Agenda #0313) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (RELIABILITY IMPROVEMENTS PROJECT); SERIES OF 2023-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CITY OF WILMINGTON'S WATER PLANT ELECTRICAL IMPROVEMENTS; PROVIDING FOR THE SALE OF THE 2023 BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Council Member Johnson presented and called for the first and second reading Ordinance No. 23-025 (Agenda #0314) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (PFAS REMOVAL DESIGN PHASE I PROJECT), SERIES OF 2023-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CITY OF WILMINGTON'S REMOVAL OF PFAS FROM THE CITY'S DRINKING WATER AND ELEVATION OF THE LOG REMOVAL CAPABILITIES AT THE PORTER FILTER PLANT; PROVIDING FOR THE SALE OF THE 2023 BOND TO DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Council Member Johnson presented and called for the first and second reading Ordinance No. 23-026 (Agenda #0315) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (WATER DISTRIBUTION & TRANSMISSION IMPROVEMENTS – LEAD REMOVAL PROJECT), SERIES OF 2023-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CITY OF WILMINGTON'S COMPLETION OF BOTH LARGE AND SMALL DIAMETER TRANSMISSION AND DISTRIBUTION PROJECTS ACROSS MULTIPLE SERVICE ZONES; PROVIDING FOR THE SALE OF THE 2023 BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Council Member Mills presented Resolution No. 23-031 (Agenda #0316) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, City Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications, when necessary, prior to Council's approval by resolution; and

WHEREAS, the Department of Parks and Recreation has submitted (i) an Application for Federal Assistance in the amount of One Million Two Hundred Thousand Dollars (\$1,200,000.00) (the "First Grant Application") and (ii) three Fiscal Year 2024 Congressionally Directed Spending Request Applications in the total amount of Nine Million Seven Hundred Fifty Thousand Dollars (\$9,750,000.00) (collectively, the "FY 2024 Grant Applications" and, together with the First Grant Application, the "Grant Applications"); and

WHEREAS, the City intends to use the proposed grant funding requested in the First Grant Application to: (i) restore a 1928 brick comfort station in Tilton Park; (ii) restore an original park pavilion and install new park benches and decorative lighting in Kirkwood Park; (iii) reconstruct brick pathways, restore a decorative fountain, install new park benches and decorative lighting, and make playground improvements in Holloway Park; (iv) install new civilly engineered storm drainage solutions, renovate and add to an existing utility building to create a concessions stand, restrooms, and a covered picnic area for the baseball field in Woodlawn Park; and (v) restore a picnic pavilion and solve drainage issues in Kosciuszko Park; and

WHEREAS, the City intends to use the proposed grant funding requested in the FY 2024 Grant Applications to: (1) reestablish the connection to the Christina River, restore riverfront walkways, and restore an existing brick picnic pavilion in Christina Park; (2) restore public access to the Brandywine River shoreline, restore an historic picnic pavilion, install new decorative park lighting, and enhance shoreline amenities in Kirkwood Park; and (3) design and construct new athletic fields, playgrounds, and trails in Canby Park; and

WHEREAS, the Grant Applications contain no formal match requirement; and

WHEREAS, despite no formal match requirement, the City would pay for a portion of each of the proposed projects out of already budgeted capital funds; and

WHEREAS, City Council deems it necessary and proper to authorize the City's Grant Applications, for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Grant Applications in the total amount of Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) are hereby authorized. **BE IT FURTHER RESOLVED** that the Director of the Department of Parks and Recreation, or his designee, shall be authorized to take all necessary actions to accept any and all funds associated with the Grant Applications and to fulfill the requirements of the grants.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City. There is no formal match requirement, and although the City will pay for a portion of the

proposed improvements itself, such payments will be sourced from previously budgeted capital funds.

Upon a motion of Council Member Mills, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Mills 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 White, Darby, Harlee, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, eight. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, N. Field and Spadola. Total, five.

President Congo declared the Resolution **adopted**.

On behalf of President Congo, Council Member Mills presented Resolution No. 23-032 (Agenda #0317) as follows:

WHEREAS, public participation in the electoral process is a vital and guiding principle of democratic governance which City Council desires to promote; and

WHEREAS, City Charter Section 2-101 establishes the process for filling a vacant City Council position between general elections; and

WHEREAS, City Charter Section 2-101 states that if a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilmember to fill a vacancy, the City Council, by a majority vote of all its remaining members, shall appoint a person to fill the vacancy for the balance of the unexpired term; and

WHEREAS, Council has had an unprecedented three vacancies this Council session; and

WHEREAS, current laws require Council, not citizens, to appoint successors to vacant Councilmember seats; and

WHEREAS, conducting a special election to fill a Council vacancy promotes public participation in the electoral process as it empowers citizens, rather than City Council, to choose the candidate they deem best to represent their district or the city at-large; and

WHEREAS, pursuant to Title 22, Section 811 of the Delaware Code, a municipal corporation's home rule charter may be amended by an act of the Delaware General Assembly passed with the concurrence of two-thirds of all members elected to each House thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City Council urges the Delaware General Assembly to amend the City Charter to empower the citizens of Wilmington to fill vacant City Council seats through a special election.

BE IT FURTHER RESOLVED that this Council specifically requests the members of the Delaware General Assembly to amend Section 2-101 of the City Charter by adding the underlined language and deleting the stricken language as follows:

Sec. 2-101. – The election of ~~councilmen~~ councilmembers.; vacancies.

At the general election to be held on the Tuesday next after the first Monday in November, 1968, and on the same day in every fourth year thereafter on which general elections are held, one ~~councilman~~ councilmember shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large. Each elector shall have the right to vote for one district ~~councilman~~ councilmember, the president of the council, and (3) ~~councilmen~~ councilmembers-at-large. To this end not more than three (3) candidates for ~~councilmen~~ councilmember-at-large shall be nominated pursuant to law by any party of other political body. When a vacancy occurs in the office of councilman a councilmember, the city council shall certify that a vacancy exists. ~~A vacancy occurring more than thirty (30) days prior to the date of a primary election in which city officers are nominated shall be filled in the next succeeding general election held in the city. Councilmen elected in this manner to fill a vacancy shall take office on the first Tuesday following their election. If a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy as herein provided, the city council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until a person is elected by the voters for the unexpired term. Thereafter, the president of the council shall issue a writ of election to the State of Delaware Department of election to fill the vacancy for the remainder of the unexpired vacated Council seat term, which election shall be held of a date specified in the writ, but not less than thirty (30) days after its issuance. The president of council may fix as the date of the special election the date of the next primary or general election. If a vacancy arises less than 180 days from the date the term of said office naturally expires, then the seat shall remain vacant for the valance of the unexpired term and shall instead be filled through the next applicable general election cycle for a four-year term. If the vacancy occurs in the office of a district councilman, the new member shall come from the same councilmanic district; but if the vacancy occurs in the office of a councilman councilmember-at-large, the new member may come from any place in the city but shall be a member of the same political party as the councilmember who vacated office. Council in filling a vacancy must appoint a member of the same political party as that of the councilman whose office has become vacant. In the event of a vacancy in the office of president of council, the council shall appoint by majority vote from among its members a president of the council to fill the unexpired term. The council office of the councilman councilmember so appointed president of the council shall in turn become vacant and shall be filled by a special election as herein provider in this Charter. for council vacancies. In the case of a special election to fill an unexpired term, the person elected may qualify and assume office as soon as practicable after the canvass of the election.~~

All citizens qualified by the Constitution and the laws of the State of Delaware to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified to vote for the members of the city council, president of the council, the mayor, and other elected city officials. Except as otherwise provided by this Charter, the provisions of the election laws of the State of Delaware shall apply to elections held under this Charter. All elections provided for by this Charter shall be conducted the election laws of the State of Delaware. The nomination of persons to be candidates in the general election for mayor, city ~~councilmen~~ councilmembers, president of the council, and other elected city officials shall be governed by the election laws of the State of Delaware.

Upon a motion of Council Member Mills, seconded by Council Members Johnson and Harlee, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Mills spoke on the purpose of the Resolution. President Congo made comments. Council Members Darby, Harlee, Johnson, Cabrera and Mills requested to be added as a co-sponsor. Council Member Darby raised a question and President Congo responded. Council Member Bracy requested to be added as a co-sponsor. Council Member Johnson made comments. Council Member Mills made comments and raised a question and President Congo responded. Council Member Darby made additional comments. Council Member Mills raised an additional question and President Congo responded. Council Member Harlee raised a question and President Congo responded.

On behalf of President Congo, Council Member Mills **held** the above-referenced Resolution for action until June 15th Council meeting.

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: announcements of community events throughout the city; announcement of Finance & Economic Development Committee meeting (June 5th); the Administration was thanked as it relates to Haynes Park; congratulations were expressed to those students who are graduating; with the warm weather, everyone was encouraged to check up on seniors as well as those who made have health issues; tonight's public comments; and including but not limited to, scholarship availability.

ADJOURNMENT

Upon a motion of Council Member Cabrera, seconded by Council Member Harlee, Council adjourned at 8:32 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the June 1, 2023 City Council meeting at the following link: <https://wilmingtonde.swagit.com/play/06012023-551/2/>.

Attest: 
Maribel Seijo, City Clerk