

*Wilmington City Council
Wilmington, Delaware
May 18, 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 (virtual)*, Oliver, Harlee, B. Fields, McCoy*, Johnson, N. Field, Cabrera, Mills, Spadola and Bracy, and Council President Congo. Total, thirteen.

MINUTES

After reading a portion of the minutes of May 4, 2023, upon a motion of Council Member Cabrera, seconded by Council Member B. Fields, 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		
Latisha Bracy	y		
Nathan Field	y		
Zanthia Oliver	y		
James Spadola	y		
Ernest "Trippi" Congo, Ex-Officio	y		

President and Members of Council of
The City of Wilmington

May 8, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Substitute No. 1 to Ordinance No. 23-014** entitled:

AN ORDINANCE TO AMEND CHAPTERS 4, 5 AND 12 OF THE
WILMINGTON CITY CODE TO INCREASE CERTAIN FEES

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

Respectfully submitted, Members of
Finance & Economic Development Committee

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

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		
Latisha Bracy	y		
Nathan Field	y		
Zanthia Oliver	y		
James Spadola	y		
Ernest "Trippi" Congo, Ex-Officio	y		

President and Members of Council of
The City of Wilmington

May 8, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor
location and remote participation**, to who was referred **Ordinance No. 23-019** entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE
TO ESTABLISH A PERMANENT WATER UTILITY ASSISTANCE
PROGRAM

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 Cabrera, seconded by Council
Member B. Fields, the Report was received, recorded and filed. Motion prevailed.

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		
Latisha Bracy	y		
Nathan Field	y		
Zanthia Oliver	y		
James Spadola	y		
Ernest "Trippi" Congo, Ex-Officio	y		

President and Members of Council of
The City of Wilmington

May 8, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-020** entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE
TO REQUIRE THE ESTABLISHMENT OF WATER, SEWER, AND
STORMWATER RATES AND CHARGES FOR CONSECUTIVE
THREE-YEAR PERIODS

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 Johnson, seconded by Council
Member B. Fields, the Report was received, recorded and filed. Motion prevailed.

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		
Latisha Bracy	Y		
Nathan Field	Y		
Zanthia Oliver		Y	
James Spadola	Y		
Ernest "Trippi" Congo, Ex-Officio	Y		

President and Members of Council of
The City of Wilmington

May 15, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-009** entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION ON
REAL PROPERTY AND THE TAXABLE PROPERTY OF PUBLIC
UTILITIES FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2023
AND ENDING ON JUNE30 2024

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 Johnson, seconded by Council
Member B. Fields, the Report was received, recorded and filed. Motion prevailed.

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		
Latisha Bracy	Y		
Nathan Field	Y		
Zanthia Oliver		Y	
James Spadola	Y		
Ernest "Trippi" Congo, Ex-Officio	Y		

President and Members of Council of
The City of Wilmington

May 15, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-010** entitled:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM FOR THE
SIX FISCAL YEARS 2024- 2029 INCLUSIVE

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 Johnson, seconded by Council Member B. Fields, the Report was received, recorded and filed. Motion prevailed.

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		
Latisha Bracy	Y		
Nathan Field	Y		
Zanthia Oliver		Y	
James Spadola	Y		
Ernest "Trippi" Congo, Ex-Officio	Y		

President and Members of Council of
The City of Wilmington

May 15, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-011** entitled:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET FOR
FISCAL YEAR 2024

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 Johnson, seconded by Council Members B. Fields and Oliver, the Report was received, recorded and filed. Motion prevailed.

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		
Latisha Bracy	Y		
Nathan Field	Y		
Zanthia Oliver		Y	
James Spadola	Y		
Ernest "Trippi" Congo, Ex-Officio	Y		

President and Members of Council of
The City of Wilmington

May 15, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Substitute No. 1 to Ordinance No. 23-012** entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET
FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2023 AND ENDING
ON JUNE 30, 2024

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

Respectfully submitted, Members of
Finance & Economic Development Committee

Upon a motion of Council Member Johnson, seconded by Council Members Harlee and B. Fields, the Report was received, recorded and filed. Motion prevailed.

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		
Latisha Bracy	Y		
Nathan Field	Y		
Zanthia Oliver		Y	
James Spadola	Y		
Ernest "Trippi" Congo, Ex-Officio	Y		

President and Members of Council of
The City of Wilmington

May 15, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Substitute No. 1 to Ordinance No. 23-013** entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE REGARDING SEWER SYSTEM RATES AND CHARGES, WATER RATES AND CHARGES, AND STORMWATER RATES AND CHARGES FOR FISCAL YEARS 2024, 2025, AND 2026

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

Respectfully submitted, Members of
Finance & Economic Development Committee

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

**Note: During this time, Council Member McCoy was recognized as being present and reflected in the minutes herein (Roll Call). In addition, Council Member Darby initially attended the meeting virtually but then was in-person for the remainder of the meeting.*

TREASURER'S REPORT

The following Treasurer's Report for May 18, 2023 was read into the record by City Clerk and upon a motion of Council Member Johnson, seconded by Council Member McCoy, 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 10.

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report May 18, 2023

Cash - Ledger Balance (as of 05/17/2023):

General	M & T Bank	\$	8,761,836.00
Payroll	M & T Bank	\$	905,639.00
Law Department Court Costs	M & T Bank	\$	4,592.07
Total Petty Cash	M & T Bank	\$	6,005.73
Police - Evidence Found (Currency)	M & T Bank	\$	1,218,451.47
Police & Fire Remembrance	M & T Bank	\$	10,644.49
Police Department Discretionary	M & T Bank	\$	22,411.44
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		\$	11,046,481.04

Cash Equivalents & Investments (as of 05/17/2023):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	0.04%	\$ 3,084.93	\$ 27,913,617.42
General	TD	High Yield Checking	13	4.25%	\$ 14,155.48	\$ 9,223,478.06
General	TD	High Yield Checking	13	4.25%	\$ 4,444.15	\$ 2,895,735.52
General	TD	High Yield Checking	13	4.25%	\$ 33,384.81	\$ 21,753,000.81
SUB-TOTAL:						\$ 61,785,831.80
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						\$ 188,863,761.37
Total Cash on Hand						\$ 11,046,481.04
Grand Total						\$ 199,910,242.41

¹ Budget Reserve

*Restricted use. Per ARPA US Treasury Guidelines

CITY TREASURER'S OFFICE DaWayne Sims, City Treasurer

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



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions I May 18, 2023

Cash - Ledger Balance (as of 05/17/2023):

Pension Payroll	M & T Bank	\$	46,085.99
Retiree Healthcare	M & T Bank	\$	890,996.26
Police Pension	M & T Bank	\$	184,339.97
Fire Pension	M & T Bank	\$	2,584.77
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	201,043.92
Non-Uniform Pension Plan 2	M & T Bank	\$	1,000.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	15,226.95
Total Cash on Hand		\$	1,341,277.86

Cash Equivalents (as of 05/17/2023) & Investments (Market Value as of May 12, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension	TD	CD	6/9/2023	5.33%	\$ 5,636.77	\$ 1,269,066.05
SUB-TOTAL;						\$ 1,269,066.05
RESERVE:						
Pension Trust	Rhumblin 3000					\$ 54,235,395.00
Pension Trust	Fidelity Market Index					\$ 3,740,560.00
Pension Trust	Edgar Lomax					\$ 14,755,698.00
Pension Trust	Rhumblin 1000					\$ 15,657,354.00
Pension Trust	Earnest Partners					\$ 15,293,331.00
Pension Trust	Dodge & Cox					\$ 15,349,216.00
Pension Trust	Artisan Global					\$ 11,978,147.00
Pension Trust	MFS Low Global					\$ 13,819,721.00
Pension Trust	Hartford Schroder					\$ 4,210,789.00
Pension Trust	Fidelity Total Intl. Index					\$ 12,655,948.00
Pension Trust	Harding Loevner					\$ 1,314,113.00

DaWayne Sims, City Treasurer

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions II May 18, 2023

Investments (Market Value as of May 12, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Wellington Emerging					\$ 2,689,127.00
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					\$ 32,144,442.00
Pension Trust	Rhumblin Core					\$ 28,338,804.00
Pension Trust	Fidelity Bond Index					\$ 2,664,132.00
Pension Trust	Money Market					\$ 2,478,832.00
Pension Trust	Vanguard-OPEB					\$ 29,163,080.00
SUB-TOTAL						\$ 298,203,818.00
Total Investments						\$ 299,472,884.05
Total Cash on Hand						\$ 1,341,277.86
Grand Total						\$ 300,814,161.91

Total Funds under Treasury Management:

Total Investments						\$ 488,336,645.42
Total Cash on Hand						\$ 12,387,758.90
Grand Total¹						\$ 500,724,404.32

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

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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NON-LEGISLATIVE BUSINESS

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

a. Recognition Resolutions

Cabrera	Recognize Tyler Severance (World Yo-Yo Champion)
N. Field	Posthumous Recognition Thomas Garrett
Oliver	Recognize Adah Chapter #1, Order of the Eastern Star
Oliver	Recognize Suakim Court #54
Oliver	Recognize Barbara S. Pinkett Hicks (90 th Birthday)
McCoy	Recognize Donald J. Thompson, III
Mills	Recognize Tennis in the Streets

b. Sympathy Resolutions

Oliver	Sympathy Judith Farnan
Oliver	Sympathy Judy Jester
Oliver	Sympathy Frances Elizabeth Crenshaw
Oliver	Sympathy Emma A. Smith
Spadola	Sympathy W. Bruce Larson

PUBLIC COMMENTS

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

- Dwight L. Davis
- Abdullah Bey
- Herman Holloway, Jr.
- Iyanna Khan
- Rosalind Sheppard
- Earl E. Tate
- Christian Willauer

Upon a motion of Council Member Johnson, seconded by Council Member Oliver, the public comment segment was extended. Motion prevailed. The following individuals spoke:

- Jamila Davey (virtual)
- Meryem Dede (virtual)
- Danielle Covington

LEGISLATIVE BUSINESS

Council Member Johnson stated that this evening he would be starting with Agenda #0288, Substitute No. 1 to Ord. 23-014.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-014 (Agenda #0288) entitled:

AN ORDINANCE TO AMEND CHAPTERS 4, 5 AND 12
OF THE WILMINGTON CITY CODE TO INCREASE
CERTAIN FEES

Council Member Johnson presented **Substitute No. 1 (Rev. 1)** in lieu of that Ordinance entitled:

AN ORDINANCE TO AMEND CHAPTERS 4, 5 AND 12
OF THE WILMINGTON CITY CODE TO INCREASE
CERTAIN FEES

FISCAL IMPACT STATEMENT: Considering the potential administrative costs associated with determining the eligibility for reduced business license fees, the fiscal impact of the City increasing the fees provided for in this Substitute 1 to Ordinance No. 23-014 is estimated to be a gain of approximately \$2.0 million.

Upon a motion a motion of Council Member Johnson, seconded by Council Member B. Fields, the Substitute Ordinance was before the Council for its consideration. Motion prevailed.

Council Member Johnson made comments and proposed the following floor amendment:

- **On page 3, for the license “Rental dwelling units” found under the classification “Financial/real estate service”:**
- The first sentence currently reads: “100 per unit, unless the rental dwelling units are used for low-income housing or senior citizen housing, in which case the fee shall be 100 per unit, not to exceed a fee of 5,000.00.”
 - At the beginning of the sentence **STRIKE** “100” and **ADD** “75”
 - Between the words “unless” and “the” **ADD** the word “all
 - Between the words “units” and “are” **ADD** the words “owned by the licensee”

- Between the words “be” and “per” **STRIKE** the number “100” and **ADD** the number “75”
- Between the words “a” and “fee” **ADD** the word “total”
- **SO THAT** the first sentence now reads: “75 per unit, unless all the rental dwelling units owned by the licensee are used for low-income housing or senior citizen housing, in which case the fee shall be 75 per unit, not to exceed a total fee of 5,000.00.”
- **On page 3, for the license “Rental dwelling units” found under the classification “Financial/real estate service”:**
 - The second sentence currently reads: “The Departments of Land Use and Planning, Licenses and Inspections and/or Finance shall promulgate regulations establishing the procedures and standards for eligibility for the capped fee.”
 - At the end of the sentence, after the word “fee” **ADD** a comma and the words “including the definitions of “low income” and “senior citizen”
 - **SO THAT** the second sentence now reads: “The Department of Land Use and Planning, Licenses and Inspections and/or Finance shall promulgate regulations establishing the procedures and standards for eligibility for the capped fee, including the definitions of “low income” and “senior citizen”.”
- On page 11:
 - Section 4 currently reads: “This Substitute 1 to Ordinance No. 23-014 shall become effective as of July 1, 2023.”
 - **STRIKE** the date “July 1, 2023” and **ADD** “January 1, 2024
 - **SO THAT** Section 4 now reads: This Substitute 1 to Ordinance No. 23-014 shall become effective as of **January 1, 2024.**

- **SO THAT** the second sentence now reads: “The Departments of Land Use and Planning, Licenses and Inspections and/or Finance shall promulgate regulations establishing the procedures and standards for eligibility for the capped fee, **including the definitions of “low income” and “senior citizen”.**”
- On page 11:
 - Section 4 currently reads: “This Substitute 1 to Ordinance No. 23-014 shall become effective as of July 1, 2023.”
 - **STRIKE** the date “July 1, 2023” and **ADD** “January 1, 2024”
 - **SO THAT** Section 4 now reads: This Substitute 1 to Ordinance No. 23-014 shall become effective as of **January 1, 2024.**

Note: During this time, the City Clerk provided clarity on voting on the amendment.

Upon a motion of Council Member Johnson, seconded by Council Member McCoy, the above-referenced floor amendment was received, recorded and adopted by a majority voice vote. Motion prevailed. The Substitute Ordinance, As Amended, is now before the Council for its consideration.

Council Members Spadola, Cabrera, Bracy, Darby, and Harlee made comments. Council Member Spadola made additional comments. Council Member Harlee made additional comments. President Congo made comments. Council Member Johnson made closing comments.

President Congo requested the Clerk to call for the roll.

The above-referenced **Substitute Ordinance, As Amended**, was read for the third and final reading 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 White, Oliver, Harlee, B. Fields, McCoy, Johnson, Cabrera and Mills. Total, eight. Nays, Council Members Darby, N. Field, Spadola and Bracy, and Council President Congo. Total, five.

President Congo declared the Substitute Ordinance **adopted**.

Council Member Johnson presented Resolution No. 23-021 (Agenda #0302) as follows:

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

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

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

WHEREAS, Theophilus R. Nix, Jr. was appointed to the Commission to serve a four-year term beginning on February 18, 2021; and

WHEREAS, due to time constraints resulting from his expanding business, Theophilus R. Nix, Jr. has submitted his resignation from the Commission effective upon the appointment of his successor; and

WHEREAS, the Mayor has appointed Blair Clark Dickerson to serve a four-year term on the Commission to fill the vacancy left by the resignation of Theophilus R. Nix, Jr.; and

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

WHEREAS, City Council deems it necessary and appropriate to express its concurrence in the appointment of Blair Clark Dickerson to the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby expresses its concurrence with the appointment by Mayor Michael S. Purzycki of Blair Clark Dickerson to the Commission to serve a four-year term beginning on the date of passage of this Resolution.

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

President Congo declared the Resolution **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-009 (Agenda #0283) entitled:

AN ORDINANCE ESTABLISHING A RATE OF TAXATION
ON REAL PROPERTY AND THE TAXABLE PROPERTY
OF PUBLIC UTILITIES FOR THE FISCAL YEAR BEGINNING
ON JULY 1, 2023 AND ENDING ON JUNE 30, 2024

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Mills, Spadola and Bracy, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Cabrera. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-010 (Agenda #0284) entitled:

AN ORDINANCE TO ADOPT A CAPITAL PROGRAM
FOR THE SIX FISCAL YEARS 2024 - 2029 INCLUSIVE

IMPACT STATEMENT: The six-year Capital Program for Fiscal Years 2024 – 2029 is in the amount of \$365,553,189. This is an estimate of funds necessary to meet the future capital needs of the City. The breakdown is as follows: \$107,684,439, General Fund; \$232,368,750, Water/Sewer Fund; and \$25,500,000, Other Funds.

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field,

Cabrera, Mills, Spadola and Bracy, and Council President Congo. Total, thirteen. Nays, none.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-011 (Agenda #0285) entitled:

AN ORDINANCE TO ADOPT A CAPITAL BUDGET FOR
FISCAL YEAR 2024

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance 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, N. Field, Cabrera, Mills, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Present, Council Member Oliver. Total, one. Absent, Council Member McCoy. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-012 (Agenda #0286) entitled:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2023 AND ENDING ON JUNE 30, 2024

Council Member Johnson presented **Substitute No. 1 (Rev. 1)** in lieu of that Ordinance:

AN ORDINANCE ADOPTING THE ANNUAL OPERATING
BUDGET FOR THE FISCAL YEAR BEGINNING ON
JULY 1, 2023 AND ENDING ON JUNE 30, 2024

Upon a motion of Council Member Johnson, seconded by Council Member Harlee, the Substitute Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance and made comments. Council Members Cabrera and Harlee made comments. Council Member Cabrera made additional comments. Council Members Spadola, Darby and B. Fields made comments. President Congo reminded Councilmembers of the time limit.

Council Members Oliver, Bracy and White made comments. Council Member Spadola made additional comments. Council Member White made additional comments. President Congo made comments. Council Member Johnson made closing comments.

President Congo requested the Clerk 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 White, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Mills and Bracy. Total, nine. Nays, Council Members Darby and Spadola, and Council President Congo. Total, three. Present, Council Member Oliver. Total, one.

President Congo declared the Substitute Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-020 (Agenda #0298) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE
CITY CODE TO REQUIRE THE ESTABLISHMENT OF
WATER, SEWER, AND STORMWATER RATES AND
CHARGES FOR CONSECUTIVE THREE-YEAR PERIODS

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

Upon a motion of Council Member Johnson, seconded by Council Members Harlee and Oliver, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance and made comments. Council Members Darby, McCoy, Cabrera and Harlee made comments. Council Member N. Field made comments and raised a question.

Upon a motion of Council Member N. Field, seconded by Council Members White and Darby, moved to postpone the legislation; however, Council Member Johnson made comments and then **held** the legislation.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-013 (Agenda #0287) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE
CITY CODE REGARDING SEWER SYSTEM RATES
AND CHARGES, WATER RATES AND CHARGES,
AND STORMWATER RATES AND CHARGES FOR
FISCAL YEAR 2024

FISCAL IMPACT: The projected fiscal impact of this Ordinance is an annual increase of \$3.6 million in revenue (net of bad debt) to the Water/Sewer Fund. Below is a table showing the fiscal impact on a typical residential customer living in the City.

FY 2024 Rate Increase Impact on Typical Residential Customer				
Water, Sewer & Stormwater Typical Monthly Bill Impact (Inside City Residential 5/8 inch meter @ 4,000 gallons monthly consumption)				
Services	Monthly Charge FY 2023	Monthly Charge FY 2024	Monthly Increase	Monthly % Increase
Water	\$34.37	\$36.33	\$1.96	5.70%
Sewer	25.14	26.58	1.44	5.73%
Stormwater	5.05	5.35	0.30	5.94%
Total Bill	\$64.56	\$68.26	\$3.70	5.73%

Council Member Johnson noted that since Ord. 23-020 (prior ordinance presented) was being held and it was a companion piece to Substitute No. 1 to Ord. 23-013 (Rev. 1, Agenda #0287), that the Ordinance would need to revert back to its original form (Agenda #0287, Ord. 23-013) and therefore, the original Ordinance was before the Council for its consideration and not the substitute. Council Member Darby raised a question and Council Member Johnson responded. Council Member White raised a question and Council Member Johnson responded. Council Member Darby made comments. Council Member Johnson made comments to clarify the ordinance before Council for its consideration.

President Congo requested the Clerk call for the roll.

The above-referenced Ordinance was read for third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members White, Oliver, Harlee, B. Fields, Johnson, N. Field, Cabrera, Mills, Spadola and Bracy. Total, ten. Nays, Council Member Darby and Council President Congo. Total, two. Present, Council Member McCoy. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-019 (Agenda #0297) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE
CITY CODE TO ESTABLISH A PERMANENT WATER
UTILITY ASSISTANCE PROGRAM

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance cannot be precisely quantified because it will change depending upon the given fiscal year. As a

point of reference, the City will spend approximately Two Hundred Fifty Thousand (\$250,000) in Fiscal Year 2024 on the predecessor program to the permanent water utility assistance program.

Upon a motion of Council Member Johnson, seconded by Council Members McCoy and B. Fields, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance. Council Members Darby, Spadola, Oliver, McCoy, Harlee and Bracy made comments. Council Member Darby made additional comments. President Congo raised a question and Council Member Darby responded. Council Member Oliver made additional comments. Council Member Johnson made closing comments.

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members White, Oliver, Harlee, B. Fields, McCoy, Johnson, Cabrera, Mills and Bracy, and Council President Congo. Total, ten. Nays, Council Members N. Field and Spadola. Total, two. Present, Council Member Darby. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Johnson requested to be excused from the remainder of the meeting.

Council Member Cabrera presented Resolution No. 23-022 (Agenda #0303) as follows:

WHEREAS, the City of Wilmington (the “City”) is an “Entitlement Community” for purposes of the Community Development Block Grant Program (the “CDBG Program”), the HOME Investment Partnerships Program (the “HOME Program”), the Emergency Solutions Grant Program (the “ESG Program”), and the Housing Opportunities for Persons With AIDS Program (the “HOPWA Program”); and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) regulations require a consolidated application process for funds for the CDBG Program, the HOME Program, the ESG Program, and HOPWA Program (the “Consolidated Plan”); and

WHEREAS, City Council desires for the City to participate in the Consolidated Plan; and

WHEREAS, the City fiscal year 2024 corresponds with the federal fiscal year 2023; and

WHEREAS, City Council’s Community Development and Urban Planning Committee has completed its review of the proposed City fiscal year 2024/federal fiscal year 2023 annual action plan budget (the “City Fiscal Year 2024 Annual Action Plan Budget”), pursuant to a determination that such review should be

completed prior to, and, in effect, be separate from the enactment of the City fiscal year 2024 annual operating budget; and

WHEREAS, the Community Development and Urban Planning Committee and the Mayor's Office have reached a consensus with respect to specific categories of spending and the amount of funds to be allocated to each such category, as set forth in the City Fiscal Year 2024 Annual Action Plan Budget, a copy of which is attached hereto as Attachment "A"; and

WHEREAS, the Community Development and Urban Planning Committee and the Mayor's Office have agreed further that any substantial changes as defined in the Consolidated Plan regulations in the aforesaid categories and funding amounts will be reviewed in full by the Mayor's Office with the Community Development and Urban Planning Committee before implementation; and

WHEREAS, the referenced HUD regulations require that funding applications for the above-referenced funding sources must meet the public participation requirements of the Consolidated Plan, and the City's application has met such requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Mayor Michael S. Purzycki, or his designee, is hereby authorized to submit the City Fiscal Year 2024 Annual Action Plan Budget to HUD, which Plan allocates \$2,199,153 for the CDBG Program, \$718,521 for the HOME Program, \$951,239 for the HOPWA Program, and \$197,266 for the ESG Program, which together will comprise a total City Fiscal Year 2024 Annual Action Plan Budget of \$4,066,179.

BE IT FURTHER RESOLVED that City Council hereby endorses the specific enumeration of categories and amounts set forth in the City Fiscal Year 2024 Annual Action Plan Budget, a copy of which is attached hereto as Attachment "A" and made a part hereof, and so endorses said enumeration, with the understanding that the Mayor's Office will expend funds and administer the funding program in a manner consistent with said enumeration and will review substantial changes, as defined by the Consolidated Plan regulations, in the enumeration of categories and amounts with the Community Development and Urban Planning Committee of City Council prior to the implementation of any such changes.

BE IT FURTHER RESOLVED that Mayor Michael S. Purzycki, or his designee, is hereby authorized to execute and submit the City Fiscal Year 2024 Annual Action Plan Budget to HUD and he, or his designee, is hereby further authorized to certify to such matters as the Secretary of HUD may require with the application, to provide additional information as may be required, and to administer and expend such funds as are received or become available in accordance with the Consolidated Plan regulations and the regulations governing the CDBG Program, the HOME Program, the ESG Program, and the HOPWA Program.

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

President Congo declared the Resolution **adopted**.

Council Member Cabrera presented Resolution No. 23-023** (Agenda #0304) as follows:

WHEREAS, the City of Wilmington (the “City”) is an “Entitlement Community” for purposes of the Community Development Block Grant Program (the “CDBG Program”), the HOME Investment Partnerships Program (the “HOME Program”), the Emergency Solutions Grant Program (the “ESG Program”), and the Housing Opportunities for Persons With AIDS Program (the “HOPWA Program”); and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) regulations require a consolidated application process for funds for the CDBG Program, the HOME Program, the ESG Program, and the HOPWA Program; and

WHEREAS, on May 16, 2019, City Council adopted Resolution 19-018, which approved the City’s annual action plan budget for City fiscal year 2020 (the “City Fiscal Year 2020 Plan Budget”) and authorized the Mayor to submit it to HUD; and

WHEREAS, the City fiscal year 2020 corresponds with the federal fiscal year 2019; and

WHEREAS, the Coronavirus Aid, Relief and Economic Security Act of 2020 (the “CARES Act”) made available supplemental CDBG Program, ESG Program, and HOPWA Program (“CDBG-CV Program”, “ESG-CV Program”, and “HOPWA-CV Program”, respectively) funding for grants to prevent, prepare for, and respond to the COVID-19 pandemic (“CDBG-CV Grants”, “ESG-CV Grants”, and “HOPWA-CV Grants”, respectively); and

WHEREAS, on May 28, 2020, City Council adopted Resolution 20-024, which approved the first substantial amendment to the City Fiscal Year 2020 Plan Budget outlining the proposed use of the first tranche of funds received by the City pursuant to the CARES Act for CDBG-CV Grants, ESG-CV Grants, and HOPWA-CV Grants; and **WHEREAS**, on June 18, 2020, City Council adopted Resolution 20-045, which approved the second substantial amendment to the City Fiscal Year 2020 Plan Budget correcting a typographical error in the City Fiscal Year 2020 Plan Budget and providing for the use of previously unexpended HOME Program funds for the construction of a seventy-four-unit, low-income housing tax credit project at 1400 Todd Lane, to be known as Phase I of the Reach Riverside Redevelopment Project; and

WHEREAS, on October 15, 2020, City Council adopted Resolution 20-062, which approved the third substantial amendment to the City Fiscal Year 2020 Plan Budget outlining the proposed use of the second tranche of funds received by the City pursuant to the CARES Act for ESG-CV Grants; and

WHEREAS, on November 19, 2020, City Council adopted Resolution 20-076, which approved the fourth substantial amendment to the City Fiscal Year 2020 Plan Budget outlining the proposed use of the second tranche of funds received by the City pursuant to the CARES Act for CDBG-CV Grants; and

WHEREAS, the City has \$342,134 in unexpended funding from the CARES Act that it would like to allocate for certain CDBG-CV Grants, ESG-CV Grants, and HOPWA-CV Grants prior to the upcoming deadlines to expend such funds (collectively, the “Unexpended CV Funds”); and

WHEREAS, the City has prepared a fifth substantial amendment to the City Fiscal Year 2020 Plan Budget (the “Substantial Amendment”) outlining the proposed use of the Unexpended CV Funds, a copy of which is attached hereto as Attachment “A”; and

WHEREAS, City Council’s Community Development and Urban Planning Committee and the Mayor’s Office have reached a consensus with respect to specific categories of spending and the amount of funds to be allocated to each such category in the Substantial Amendment; and

WHEREAS, the referenced HUD regulations require that certain public participation requirements must be satisfied regarding proposed substantial amendments to Consolidated Plans, and the City has met such requirements with respect to the Substantial Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Mayor Michael S. Purzycki, or his designee, is hereby authorized to submit the Substantial Amendment to HUD, which allocates \$140,902.60 for CDBG-CV Grants, \$135,000.00 for ESG-CV Grants, and \$66,232.29 for HOPWA-CV Grants, which together comprise a total Substantial Amendment of \$342,134.89.

BE IT FURTHER RESOLVED that City Council hereby endorses the specific enumeration of categories and amounts set forth in the Substantial Amendment, a copy of which is attached hereto as Attachment “A” and made a part hereof, and so endorses said enumeration, with the understanding that the Mayor’s Office will expend funds and administer the funding program in a manner consistent with said enumeration and will review substantial changes, as defined by the Consolidated Plan regulations, in the enumeration of categories and amounts with the Community Development and Urban Planning Committee of City Council prior to the implementation of any such changes.

BE IT FURTHER RESOLVED that Mayor Michael S. Purzycki, or his designee, is hereby authorized to execute and submit the Substantial Amendment to HUD and he, or his designee, is hereby further authorized to certify to such matters as the Secretary of HUD may require with the application, to provide additional information as may be required, and to administer and expend such funds as are received or become available in accordance with the Consolidated Plan regulations and the regulations governing the CARES ACT and the CDBG-CV Program, the ESG-CV Program, and the HOPWA-CV Program.

Upon a motion of Council Member Cabrera, seconded by Council Member McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Cabrera spoke on the purpose of the Resolution and made comments. Council Member Harlee made comments regarding being on one of the boards. President Congo responded. Council Member Cabrera also made comments regarding being on the board. Parliamentarian John Stant responded. Council Member Cabrera made additional comments and Parliamentarian Stant responded.

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

***Note: The tallied vote on Res. 23-023 was inadvertently misstated and noted at the June 1, 2023 Council meeting to be corrected and it is reflected correctly in the minutes herein.*

President Congo declared the Resolution **adopted**.

Council Member Spadola presented Resolution No. 23-024 (Agenda #0305) as follows:

WHEREAS, Senate Bill No. 67 (SB No. 67), An Act to Amend Title 11 of the Delaware Code Relating to Misconduct by Public Officials, also known as the “Abuse of Power Prevention Act,” strengthens the mechanisms of accountability for public servants who abuse their positions of power and public trust; and

WHEREAS, SB No. 67 expands on the current language of Title 11 of the Delaware Code to include breaches of duty in the previously enumerated offenses of knowingly exercising official functions without authorization, refraining from performing one’s duties as required by law, and performing official function in an extraordinary manner intended to meet one’s property or financial interests; and

WHEREAS, the updated regulations on official misconduct intended to practice discrimination would better encompass the protected classes recognized in most current federal, state, and local statutes regarding discriminatory behavior; and

WHEREAS, SB No. 67 also introduces clear guidance for determining the criminal classification and appropriate punishment for official misconduct, ranging from Class A misdemeanor to Class A felony; and

WHEREAS, Gallup reports that public trust in all levels of government is at record lows. While some factors influencing public dissatisfaction are beyond the purview of elected officials, the way abuses of power are addressed when they occur is a factor at our disposal for rebuilding citizens’ confidence. SB No. 67 represents an

important tool that is at our disposal to reinforce the core values of our State, including fairness and impartiality.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council is in favor of Senate Bill No. 67 (SB No. 67), An Act to Amend Title 11 of the Delaware Code Relating to Misconduct by Public Officials, also known as the “Abuse of Power Prevention Act,” and the protections against official misconduct it would provide for all Delawareans.

BE IT FURTHER RESOLVED that the Wilmington City Council encourages the members of the Delaware General Assembly to support SB No. 67 to strengthen existing laws regarding acts of misconduct perpetrated by public servants.

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

President Congo declared the Resolution **adopted**.

Council Member Spadola requested to be excused from the remainder of the meeting.

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: community meetings and community events; various individuals were thanked for attending and assisting with various events throughout the city; safe and affordable housing; announcement of labor town hall meetings; shootings; homelessness; congratulations expressed to all the high school/college graduates; safe surrender; journaling; the city’s water assistance program; Council’s health challenge; and including but not limited to, everyone was encouraged to attend Council and Committee meetings.

During this time, Council Members N. Field, Darby, Oliver and McCoy were excused from the remainder of the meeting.

Note: More detailed information is reflected in the videotape of the May 18, 2023 City Council meeting at the following link: <https://wilmingtonde.swagit.com/play/05192023-553>.

ADJOURNMENT

Upon a motion of Council Member Cabrera, seconded by Council Member B. Fields, Council adjourned at 10:10 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk