

*Wilmington City Council  
Wilmington, Delaware  
September 7, 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 (virtual), B. Fields (virtual), McCoy, Johnson, N. Field, Cabrera, Mills, Spadola\*\* (virtual) and Bracy, and Council President Congo. Total, twelve. Absent with leave Council Member Harlee.

**MINUTES**

After reading a portion of the minutes of August 31, 2023, upon a motion of Council Member Cabrera, seconded by Council Member White, it was moved they be accepted as written. Motion prevailed.

**COMMITTEE REPORTS**

The City Clerk read the following committee report:

<b>Finance &amp; Economic Development Committee Member</b>	<b>Present</b>	<b>Absent w Leave</b>	<b>Absent w/out Leave</b>
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair		YES	
Latisha Bracy	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of  
The City of Wilmington

September 5, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-030** entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 1 TO THE FISCAL YEAR 2024 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-012)

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 McCoy, 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	YES		
Michelle Harlee, Vice Chair		YES	
Latisha Bracy	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of The City of Wilmington

September 5, 2023

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-031** entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE REGARDING BEREAVEMENT LEAVE

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

## TREASURER'S REPORT

The following Treasurer's Report for September 7, 2023 was read into the record by City Clerk and upon a motion of Council Member Cabrera, 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 4 to Page 6.*

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# City of Wilmington



DaWayne Sims  
City Treasurer

## Treasurer's Report September 07, 2023

**Cash - Ledger Balance (as of 09/06/2023):**

General	M & T Bank	\$ 8,124,538.00
Payroll	M & T Bank	\$ 1,559,190.32
Law Department Court Costs	M & T Bank	\$ 4,508.07
Total Petty Cash	M & T Bank	\$ 6,108.90
Police - Evidence Found (Currency)	M & T Bank	\$ 1,202,085.28
Police & Fire Remembrance	M & T Bank	\$ 10,644.49
Police Department Discretionary	M & T Bank	\$ 20,363.06
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
<b>Total Cash on Hand</b>		<b>\$ 11,044,338.96</b>

**Cash Equivalents & Investments (as of 09/06/2023):**

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
General	M&T	Overnight Repo	Daily	3.99%	\$ 3,439.70	\$ 29,628,059.21
General	TD	High Yield Checking	6	4.56%	\$ 17,431.70	\$ 22,936,449.80
General	TD	High Yield Checking	6	4.55%	\$ 3,278.12	\$ 4,322,790.58
General	TD	High Yield Checking	6	4.55%	\$ 16,714.00	\$ 22,040,439.57
<b>SUB-TOTAL:</b>						<b>\$ 78,927,739.16</b>
<b>RESERVE:</b>						
Police & Fire Remem.	WSFS	CD	1/23/2024	0.15%	\$ 59.18	\$ 25,871.46
General	TD	CD	9/20/2023	5.57%	\$ 658,355.99	\$ 46,250,908.43
General	TD	CD*	9/15/2023	5.70%	\$ 251,062.06	\$ 26,427,584.84
General	TD	CD	9/29/2023	5.51%	\$ 69,768.19	\$ 4,849,316.50
<b>SUB-TOTAL:</b>						<b>\$ 77,553,681.23</b>
<b>RESTRICTED:</b>						
General <sup>1</sup>	TD	CD	10/23/2023	5.70%	\$ 198,670.61	\$ 17,925,168.18
<b>SUB-TOTAL:</b>						<b>\$ 17,925,168.18</b>
<b>RESTRICTED:</b>						
Capital Project	TD	CD	9/15/2023	5.70%	\$ 18,022.67	\$ 1,897,123.24
Capital Project	TD	CD	9/15/2023	5.70%	\$ 15,065.54	\$ 1,585,846.23
Capital Project	TD	CD	9/15/2023	5.70%	\$ 162,985.75	\$ 17,156,394.84
Water/Sewer	TD	CD	10/23/2023	5.70%	\$ 38,192.42	\$ 3,445,932.68
State Bonds Proceeds	TD	CD	9/15/2023	5.70%	\$ 87,832.56	\$ 9,245,533.04
<b>SUB-TOTAL</b>						<b>\$ 33,330,830.03</b>
<b>Total Investments</b>						<b>\$ 207,737,418.60</b>
<b>Total Cash on Hand</b>						<b>\$ 11,044,338.96</b>
<b>Grand Total</b>						<b>\$ 218,781,757.56</b>

<sup>1</sup> 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

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# City of Wilmington



DaWayne Sims  
City Treasurer

## Treasurer's Report - Pensions I September 7, 2023

Cash - Ledger Balance (as of 09/06/2023):

Pension Payroll	M & T Bank	\$	133,062.32
Retiree Healthcare	M & T Bank	\$	2,929,505.50
Police Pension	M & T Bank	\$	1,000.00
Fire Pension	M & T Bank	\$	1,467.29
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	14,296.55
Non-Uniform Pension Plan 2	M & T Bank	\$	1,000.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
<b>Total Cash on Hand</b>		<b>\$</b>	<b>3,081,924.47</b>

Cash Equivalents (as of 09/06/2023) & Investments (Market Value as of September 01, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
Fire Pension	TD	CD	9/29/2023	5.65%	\$ 47,503.11	\$ 5,044,577.78
<b>SUB-TOTAL:</b>						<b>\$ 5,044,577.78</b>
<b>RESERVE:</b>						
Pension Trust	Rhumblin (S&P 500)					\$ 91,186,381.00
Pension Trust	Earnest Partners					\$ 16,509,614.00
Pension Trust	Dodge & Cox					\$ 13,237,257.00
Pension Trust	Artisan Global					\$ 12,809,847.00
Pension Trust	MFS Low Global					\$ 13,882,160.00
Pension Trust	Hartford Schroder					\$ 4,329,097.00
Pension Trust	Fidelity Total Intl. Index					\$ 12,776,194.00
Pension Trust	Harding Loevner					\$ 1,330,813.00

  
DaWayne Sims, City Treasurer

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# City of Wilmington



**DaWayne Sims**  
City Treasurer

## Treasurer's Report - Pensions II September 7, 2023

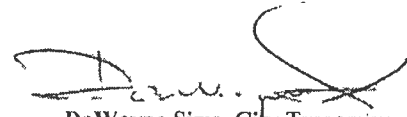
Investments (Market Value as of September 01, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>RESERVE:</b>						
Pension Trust	Fidelity Emerging					\$ 2,678,465.00
Pension Trust	Clarion Lion					\$ 12,291,937.00
Pension Trust	Morgan Stanley					\$ 9,449,493.00
Pension Trust	JP Morgan					\$ 14,359,326.00
Pension Trust	LM Capital Core					\$ 31,527,236.00
Pension Trust	Rhumblin Core					\$ 27,527,204.00
Pension Trust	Fidelity Bond Index					\$ 8,992,447.00
Pension Trust	Money Market					\$ 558,176.00
Pension Trust	Vanguard-OPEB					\$ 30,439,920.00
<b>SUB-TOTAL</b>						<b>\$ 303,885,567.00</b>
<b>Total Investments</b>						<b>\$ 308,930,144.78</b>
<b>Total Cash on Hand</b>						<b>\$ 3,081,924.47</b>
<b>Grand Total</b>						<b>\$ 312,012,069.25</b>

**Total Funds under Treasury Management:**

<b>Total Investments</b>						<b>\$ 516,667,563.38</b>
<b>Total Cash on Hand</b>						<b>\$ 14,126,263.43</b>
<b>Grand Total<sup>1</sup></b>						<b>\$ 530,793,826.81</b>

<sup>1</sup> 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 Members Cabrera and Johnson, seconded by Council Member McCoy, the following non-legislative resolutions were accepted into the record and motion prevailed:

a. Recognition Resolutions

- |        |   |
|--------|---|
| Darby  | Recognize Project Innocence   |
| Darby  | Recognize Jessie Thomas (90 <sup>th</sup> Birthday)                   |
| Mills  | Recognize Wilmington Police Department Cold Case Unit                 |
| Oliver | Recognize 75th Anniversary of the Desegregation of the Military       |
| Oliver | Recognize 60th Anniversary of the August 28, 1963 March on Washington |

b. Sympathy Resolutions

- |         |                             |
|---------|-----------------------------|
| Cabrera | Sympathy Susan Brown        |
| Oliver  | Sympathy Helen V. Williams  |
| Spadola | Sympathy Steven R. Silicato |

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

**PUBLIC COMMENTS**

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

- Susana Casato
- Eve Davis
- Deacon Earl E. Tate, II
- Yvonne Brown
- Marie T. Boisrond
- Alison Quimby (virtual)
- Preston Foster (virtual)
- Joanne L. (virtual)
- D. Marque Hall (virtual)

**LEGISLATIVE BUSINESS**

President Congo mentioned that the agenda was being done out of order.

Council Member Johnson presented and called for the third and final reading Ordinance No. 23-030 (Agenda #0340, Rev. 1) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 1  
TO THE FISCAL YEAR 2024 OPERATING BUDGET  
(BEING AN ORDINANCE TO AMEND SUBSTITUTE  
NO. 1 TO ORDINANCE NO. 23-012)

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance will be up to \$748,000 for Non-Union and Executive and Managerial employees, and includes related benefits costs (e.g. FICA, Medicare tax, pensions, etc.). Surplus funds already exist to implement the recommended changes.

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. Council Member McCoy requested to be added as a co-sponsor and made comments. Council Member Cabrera made comments.

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

President Congo requested to be added as a co-sponsor. Council Members Mills, Bracy, B. Fields and Darby requested to be added as a co-sponsor and made comments. Council Member Cabrera requested to be added as a co-sponsor.

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Member White, Darby, B. Fields, McCoy, Johnson, N. Field, Cabrera, Mills, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Oliver and Harlee. Total, two.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for third and final reading Ordinance No. 23-031 (Agenda #0341) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE  
CITY CODE REGARDING BEREAVEMENT LEAVE

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

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

President Congo declared the Ordinance **adopted**.

*Note: At this time, Council Members Johnson and Spadola requested to be excused from the remainder of the meeting.*

Council Member Darby presented and called for the first and second reading Ordinance No. 23-032 (Agenda #0342) entitled:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO MANDATE LEAD PAINT INSPECTIONS OF RESIDENTIAL DWELLINGS AND CHILDCARE FACILITIES

**FISCAL IMPACT STATEMENT:** This Ordinance's fiscal impact should be *de minimis*.

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

Council Member Darby presented and called for the first and second reading Ordinance No. 23-033 (Agenda #0343) entitled:

AN ORDINANCE TO AMEND CHAPTER 35 OF THE CITY CODE TO ENSURE EMPLOYEES IN RETAIL, HOSPITALITY, AND FOOD SERVICES ESTABLISHMENTS ARE PROVIDED ADVANCE NOTICE OF THEIR WORK SCHEDULES; COMPENSATION FOR LATE CHANGES TO THEIR WORK SCHEDULES; RIGHT TO REST BETWEEN WORK SHIFTS; AND FIRST-RIGHT OF REFUSAL FOR ADDITIONAL WORK SHIFTS

**FISCAL IMPACT STATEMENT:** Any anticipated fiscal impact is not quantifiable.

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

Council Member Darby presented and called for the first and second reading Ordinance No. 23-034 (Agenda #0344) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE TO EXEMPT ELDERLY AND DISABLED RESIDENTS AND RESIDENCES WITH CHILDREN UNDER THE AGE OF FIVE FROM WATER SERVICE DISCONNECTION FOR NONPAYMENT OF UTILITY CHARGES

**FISCAL IMPACT STATEMENT:** Although this legislation exempts eligible residents from water utility shutoffs for nonpayment, the effective deployment of LIHWAP funds should offset any negative fiscal impact to the City, therefore the legislation should be revenue neutral.

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

### **PETITIONS AND COMMUNICATIONS**

Council Members and Council President spoke on the following: announcements of civic associations meetings and community events throughout the city; speeding cars and school being back in, everyone was encouraged to take it easy and respect the stopped buses when kids are being picked up; as some Council Members are attending the meeting in-person and some virtually, Council Members were reminded to request to be excused to ensure Council still has a quorum and not in violation; and including but not limited to, everyone was thanked for joining today's meeting and was encouraged to continue to engaged with Council.

### **ADJOURNMENT**

Upon a motion of Council Member Cabrera, seconded by Council Member McCoy, Council adjourned at 7:57 p.m. Motion prevailed.

*Note: More detailed information is reflected in the videotape of the September 7, 2023 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/271009>.*

Attest:   
Maribel Seijo, City Clerk