

*Wilmington City Council
Wilmington, Delaware
October 5, 2023*

City Council met in regular session with remote participation on the above date at 6:31 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* (virtual), Darby, Oliver, B. Fields, McCoy, N. Field, Cabrera, Mills, Spadola and Bracy, and Council President Congo. Total, eleven. Absent with leave, Council Members Harlee and Johnson.

MINUTES

After reading a portion of the minutes of September 21, 2023, upon a motion of Council Member Cabrera, seconded by Council Member McCoy, it was moved they be accepted as written. Motion prevailed.

COMMITTEE REPORTS

The City Clerk read the following committee report:

Public Works & Transportation Committee Member	Present	Absent w/ Leave	Absent w/out Leave
Zanthia Oliver, Chair	X		
Vincent M. White, Vice Chair	X		
Latisha Bracy	X		
Nathan Field	X		
Bregetta A. Fields	X		
James Spadola	X		
Ernest "Trippi" Congo II, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

September 18, 2023

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-029** entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE
TO CREATE A PROCEDURE WHEREBY RESIDENTS MAY
PETITION THE DEPARTMENT OF PUBLIC WORKS TO CONDUCT
TRAFFIC STUDIES AND INSTALL TRAFFIC CALMING DEVICES

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

Respectfully submitted, Members of
Public Works & Transportation Committee

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

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

TREASURER'S REPORT

The following Treasurer's Report for October 5, 2023 was read into the record by City Clerk and upon a motion of Council Member Cabrera, seconded by Council Member Oliver, the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 3 to Page 5.

[the remainder of this page intentionally left blank]

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report

October 05, 2023

Cash - Ledger Balance (as of 10/04/2023):

General	M & T Bank	\$	8,119,587.00
Payroll	M & T Bank	\$	2,216,424.28
Law Department Court Costs	M & T Bank	\$	4,637.07
Total Petty Cash	M & T Bank	\$	6,122.89
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	\$	17,813.06
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
Total Cash on Hand		\$	11,694,214.91

Cash Equivalents & Investments (as of 10/04/2023):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.99%	\$ 1,236.33	\$ 18,998,211.45
General	TD	High Yield Checking	4	4.59%	\$ 1,503.90	\$ 2,948,831.19
General	TD	High Yield Checking	4	4.59%	\$ 2,217.80	\$ 4,348,626.95
General	TD	High Yield Checking	4	4.59%	\$ 11,282.20	\$ 22,121,959.00
SUB-TOTAL:						\$ 48,417,628.59
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	10/20/2023	5.70%	\$ 222,819.01	\$ 46,909,264.42
General	TD	CD*	10/16/2023	5.70%	\$ 253,446.72	\$ 26,678,602.28
General	TD	CD**	9/29/2023	5.51%	\$ 69,768.19	\$ 4,849,316.50
General	TD	CD	10/16/2023	5.73%	\$ 148,025.00	\$ 30,000,000.00
SUB-TOTAL:						\$ 108,463,054.66
RESERVE:						
General ¹	TD	CD	10/23/2023	5.70%	\$ 198,670.61	\$ 17,925,168.18
SUB-TOTAL:						\$ 17,925,168.18
RESTRICTED:						
Capital Project	TD	CD	10/16/2013	5.70%	\$ 9,400.17	\$ 1,915,145.91
Capital Project	TD	CD	10/16/2023	5.70%	\$ 7,857.78	\$ 1,600,906.48
Capital Project	TD	CD	10/16/2023	5.70%	\$ 85,009.09	\$ 17,319,339.95
Water/Sewer	TD	CD	10/23/2023	5.70%	\$ 38,192.42	\$ 3,445,932.68
State Bonds Proceeds	TD	CD	10/16/2023	5.70%	\$ 45,811.18	\$ 9,333,346.54
SUB-TOTAL						\$ 33,614,671.56
Total Investments						\$ 208,420,522.99
Total Cash on Hand						\$ 11,694,214.91
Grand Total						\$ 220,114,737.90

¹ Budget Reserve

*Restricted use. Per ARPA US Treasury Guidelines

**Currently undergoing renewal

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

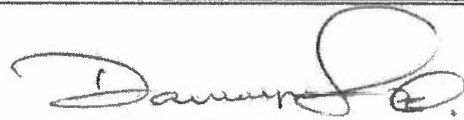
Treasurer's Report - Pensions I October 5, 2023

Cash - Ledger Balance (as of 10/04/2023):

Pension Payroll	M & T Bank	\$	150,796.68
Retiree Healthcare	M & T Bank	\$	2,885,715.85
Police Pension	M & T Bank	\$	1,000.00
Fire Pension	M & T Bank	\$	1,001,861.29
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	30,785.60
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		\$	4,072,752.23

Cash Equivalents (as of 10/04/2023) & Investments (Market Value as of September 29, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension II	TD	CD	10/30/2023	5.54%	\$ 18,891.77	\$ 4,092,080.89
SUB-TOTAL:						\$ 4,092,080.89
RESERVE:						
Pension Trust	Rhumblin (S&P 500)					\$ 86,755,396.00
Pension Trust	Earnest Partners					\$ 15,561,981.00
Pension Trust	Dodge & Cox					\$ 12,844,704.00
Pension Trust	Artisan Global					\$ 12,028,300.00
Pension Trust	MFS Low Global					\$ 13,493,653.00
Pension Trust	Hartford Schroder					\$ 4,236,277.00
Pension Trust	Fidelity Total Intl. Index					\$ 12,325,270.00
Pension Trust	Harding Loevner					\$ 1,245,787.00


DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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 II October 5, 2023

Investments (Market Value as of September 29, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Fidelity Emerging					\$ 2,581,555.00
Pension Trust	Clarion Lion					\$ 12,291,937.00
Pension Trust	Morgan Stanley					\$ 9,191,282.00
Pension Trust	JP Morgan					\$ 14,359,326.00
Pension Trust	LM Capital Core					\$ 30,854,273.00
Pension Trust	Rhumblin Core					\$ 26,898,484.00
Pension Trust	Fidelity Bond Index					\$ 8,787,466.00
Pension Trust	Money Market					\$ 816,386.00
Pension Trust	Vanguard-OPEB					\$ 29,275,169.00
SUB-TOTAL						\$ 293,547,246.00
Total Investments						\$ 297,639,326.89
Total Cash on Hand						\$ 4,072,752.23
Grand Total						\$ 301,712,079.12

Total Funds under Treasury Management:

Total Investments						\$ 506,059,849.88
Total Cash on Hand						\$ 15,766,967.14
Grand Total¹						\$ 521,826,817.02

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

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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

WWW.WILMINGTONDE.GOV • PHONE: (302) 576-2480 • FAX: (302) 573-5568

NON-LEGISLATIVE BUSINESS

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

a. Recognition Resolutions

Congo	Recognize ABC Spirit of the Heart Community Leader's Brunch Forum
Cabrera	Recognize Hispanic Heritage Month
Cabrera	Recognize Salute to Legendary Riverside Mothers
Cabrera	Recognize Peace Week 2023
Darby	Recognize Hanover Church Food Pantry
Harlee	Recognize Buccini/Pollin Group
Harlee	Recognize Paint the Riverfront Pink Week
McCoy	Recognize Victoria Twardowski (100 th Birthday)

b. Sympathy Resolutions

Congo	Sympathy Elizabeth Ann Burton
-------	-------------------------------

PUBLIC COMMENTS

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

- DeSheryl Broadwater
- Tony Dunn
- Michael Melloy (virtual)
- Maggie Mesinger (virtual)

LEGISLATIVE BUSINESS

Upon a motion of Council Member Darby, seconded by Council Member Oliver, 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 Charges to Their Work Schedules; Right to Rest Between Work Shifts; and First-Right of Refusal for Additional Work Shifts, was referred to the Public Works & Transportation Committee. Motion prevailed.

Note: The above-referenced Ordinance was introduced on Sept. 7, 2023 and initially referred to the Community Development and Urban Planning Committee.

Council Member Darby presented Resolution No. 23-060 (Agenda #0352) as follows:

WHEREAS, Section 2-369 of the City Code requires grants awarded by the Mayor, City Council or the City Treasurer in the amount of \$5,000 or more to be approved by resolution of City Council; and

WHEREAS, City Council wishes to award a grant to the Wilmington Senior Center in the amount of \$10,000; and

WHEREAS, Councilwoman Shane Darby authorized \$10,000 in grant funds from the Community Support/ Discretionary Funds for the 2nd District; and

WHEREAS, these funds will be used to provide assistance for community programming at the Wilmington Senior Center such as but not limited to the following: Information and assistance, Health, fitness, and wellness programs, Exercise and fitness room, Technology center, Transportation services, Public benefits counseling, Volunteer and civic engagement opportunities, Social and recreational activities, Educational and arts programs, Intergenerational programs, and Caregiver and grandparent resource center.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council hereby approves the issuance of a grant to the Wilmington Senior Center in the amount of \$10,000.

Upon a motion of Council Member Darby, seconded by Council Member McCoy, 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 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, B. Fields, McCoy, N. Field, Cabrera, Mills, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Harlee and Johnson. Total, two.

President Congo declared the Resolution **adopted**.

Council Member Darby presented Resolution No. 23-061 (Agenda #0353) as follows:

WHEREAS, as legislative representatives elected by the citizens of Wilmington, members of City Council have a duty to ensure constituents and colleagues are kept up to date on all City Council business; and

WHEREAS, Delaware's Freedom of Information Act (29 Del. C. §§ 10001, *et seq.*) requires agendas for public meetings to be posted at least seven days prior to the meeting; and

WHEREAS, the agenda requires a synopsis of pending public meeting business; and

WHEREAS, to keep the public and colleagues as informed as possible, legislation should be ready for introduction prior to being placed on the agenda; and

WHEREAS, two ways to have legislation ready for introduction are: (1) in draft form, whereby the public will have an idea of the proposed legislation; and (2) approved as to form by the Law Department, meaning the Law Department has reviewed the legislation and agrees that it is ready for introduction.

WHEREAS, this Council has determined that it is in the best interest of this legislative body, as the legislative representative of the City of Wilmington, to have draft legislation ready prior to the agenda's posting.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 2 of the City Council Rules is hereby amended by adding the underlined language and deleting the stricken language to read as follows.

RULE 2 - ORDER OF BUSINESS

M) Adjournment.

The above order of business may be changed at any time by the Council President, or on motion duly seconded and passed by a majority of Council.

Pursuant to FOIA, an agenda as determined by the Chief of Staff of City Council shall be prepared for each meeting in a sufficient number of copies for distribution to members of the public. The Chief of Staff shall include on the agenda every piece of legislation requested by the legislation's sponsor that is in draft form or approved as to form by the Law Department. provided The sponsor shall give at least fourteen (14) business day' notice prior to the Council meeting. is given by the sponsor The agenda and may include emergency and other legislation upon less notice. Exceptions shall be made for emergencies, including: budget, pressing financial concerns, and public emergencies affecting life, health, property, or the public peace. The legislation's sponsor must state why an emergency exists.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 11 of the City Council Rules is hereby amended by adding the underlined language and deleting the stricken language to read as follows:

RULE 11 – COMMITTEE RULES AND POWERS

Each committee shall make public announcement of the date, place, and subject matter of any meeting to be conducted by the committee on any measure or matter at least seven days before the commencement of that meeting. Further, draft legislation, presentations, reports, and updates to be considered at each Committee meeting shall be in draft form or approved as to form by the Law Department at the time of the agenda's posting. Exceptions shall be made for emergencies, including: budget, pressing financial concerns, and public emergencies affecting life, health, property, or the public peace. If such an emergency exists, each Committee chair must state so on the record.

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

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, defeated as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Darby, McCoy, N. Field and Spadola, and Council President Congo. Total, five. Nays, Council Members White, Oliver, B. Fields, Cabrera, Mills and Bracy. Total, six. Absent, Council Members Harlee and Johnson. Total, two.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution No. 23-062 (Agenda #0354) as follows:

WHEREAS, the 108th Session of the Wilmington City Council believes openness, transparency, and accountability are paramount; and

WHEREAS, as legislative representatives elected by the citizens of Wilmington, members of City Council have a duty to ensure constituents exercise their First Amendment rights as liberally; and

WHEREAS, limiting public comment to one round prior to Council's debating on legislative matters acts as a First Amendment deterrent; and

WHEREAS, it would benefit Council, and the community at large, to allow public comment to occur in real-time after debate occurs on legislative items.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 2 of the City Council Rules is hereby

amended by adding the underlined language and deleting the stricken language to read as follows.

RULE 2 - ORDER OF BUSINESS

I) Public Comment: Public comment shall be available only to City of Wilmington residents or taxpayers. The President may place additional reasonable limitations on public comment to permit Council to conduct its meetings and to maintain order, including limiting repetitious comments. Each member of the public is limited to a total of three (3) minutes of public comment per meeting during this portion of a Council meeting.

J) Legislative Business: This portion of the meeting shall begin no later than 7:30 p.m., unless leave is granted by a two-thirds vote of the members present to grant additional time for public comment. The Legislative Business portion of the meeting shall be for the consideration of resolutions with legislative effect and ordinances only. Each member, prior to the legislative business public comment period, is entitled to speak twice to any matter subject to debate for periods not to exceed ten (10) minutes total, including any time yielded to other members. No member shall exceed these limits except by leave granted by a two-thirds vote of the members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor, and also to close the debate, but not until every other member has had an opportunity to speak for a second time.

After the close of the initial round of debate on each item of legislative business, but before a vote is started, there shall be an opportunity for public comment in increments of three (3) minutes solely pertaining to that item of legislative business. Each member of the public is limited to three (3) minutes of public comment during this portion of a Council meeting.

After the close of each public comment period on items of legislative business, each Council member is entitled to speak twice to any matter subject to debate for period not to exceed five (5) minutes each time, including any time yielded to other members. No member shall exceed these limits except by leave granted by a two-thirds vote of the members present, without debate. No member shall speak twice to a matter until every other member choosing to speak has been recognized. The member on whose motion the matter was brought before Council is first entitled to the floor, and also to close the debate, but not until every other member has had an opportunity to speak for a second time.

Upon a motion of Council Member Darby, seconded by Council Member McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby made comments and spoke on the purpose of the Resolution. Council Members Oliver, Cabrera and Spadola made comments. Council Member Mills

raised a question and Council Member Darby responded. Council Member Cabrera made additional comments. Council Member N. Field made comments. President Congo made comments. Council Member Darby made closing comments.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, defeated as read and directed to be recorded and filed by the following Yea and Nay Roll Vote: Yeas, Council Member Darby and Council President Congo. Total, two. Nays, Council Members White, Oliver, B. Fields, McCoy, N. Field, Cabrera, Mills, Spadola and Bracy. Total, nine. Absent, Council Members Harlee and Johnson. Total, two.

President Congo declared the Resolution **defeated**.

Council Member Oliver **held** Ordinance No. 23-029 (Rev. 1, Agenda #0248)

Council Member Oliver presented and called for the first and second reading Ordinance No. 23-035 (Agenda #0355) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE TWO
ONE-YEAR EXTENSIONS OF CONTRACT 23025PW
(CONCRETE IMPROVEMENTS) BETWEEN THE CITY
OF WILMINGTON AND DIAMOND MATERIALS, LLC

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is two (2) one-year contract extensions at an estimated price of Three Million Seventy-Seven Thousand Nine Hundred Fifty Dollars (\$3,077,950.00) per extension.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Oliver, seconded by Council Member McCoy, the Ordinance was referred to the Public Works & Transportation Committee. Motion prevailed.

On behalf of Council Member Johnson, Council Member Cabrera presented and called for the first and second reading Ordinance No. 23-036 (Agenda #0356) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE AN
AMENDMENT TO THE MASTER SERVICES AGREEMENT
BETWEEN THE CITY OF WILMINGTON AND PAYMENTUS
CORPORATION

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is an amendment that extends the Master Services Agreement for three (3) years with the possibility of two (2) extensions of one (1) year thereafter, at an estimated price of Three Hundred Thousand Dollars (\$300,000.00) per year.

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

On behalf of Council Member Johnson, Council Member Cabrera presented and called for the first and second reading Ordinance No. 23-037 (Agenda #0357) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A
SOFTWARE LICENSE AGREEMENT SOFTWARE
IMPLEMENTATION SERVICES AGREEMENT, SUPPORT
AND MAINTENANCE AGREEMENT, AND HOSTING
SERVICE AGREEMENT BETWEEN THE CITY OF
WILMINGTON AND SYSTEMS & SOFTWARE, INC.

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is four (4) three-year agreements with the possibility of three (3) additional extensions of one (1) year thereafter, at an estimated price of Four Million Dollars (\$4,000,000.00) if all of the extensions are exercised.

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

Note: At this time, Council Member Oliver requested to be excused from the remainder of the meeting.

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: announcements of community events throughout the city; Happy Fall/Leaf Collection; postponement of 5k Run for the late former Council Member Rysheema Dixon; and including but not limited to, everyone was thanked for attending tonight's meeting whether in-person or virtually.

ADJOURNMENT

Upon a motion of Council Members Cabrera and B. Fields, seconded by Council Member McCoy, Council adjourned at 8:01 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the October 5, 2023 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/273361>

Attest: 
Maribel Seijo, City Clerk