

***Wilmington City Council
Wilmington, Delaware
November 16, 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 (virtual), B. Fields (virtual), McCoy, Johnson (virtual), N. Field (virtual), Mills* (virtual), Spadola (virtual) and Bracy (virtual), and Council President Congo. Total, twelve. Absent with leave, Council Member Cabrera. Total, one.

President Congo announced that Sub. 1 to Ord. 23-022 (#0301, Rev. 1), which amends Chapter 37 of the City Code to reduce civil penalties for certain parking violations to eliminate the discount for early payment of certain penalties will be held this evening.

MINUTES

After reading a portion of the minutes of November 2, 2023, upon a motion of Council Member McCoy, 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:

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

October 16, 2023

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-035** 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

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

The City Clerk read the following committee report:

Intergovernmental Committee	Present	Absent w/Leave	Absent w/out Leave
Michelle Harlee, Chair			
Latisha Bracy			
Yolanda M. McCoy			
Zanthia Oliver			
Ernest "Trippi" Congo II, Ex-Officio			

President and Members of Council of
The City of Wilmington

November 6, 2023

Ladies and Gentlemen:

We, your Intergovernmental Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-040** entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE TO ESTABLISH 22 DEL. C. §841'S FIVE-YEAR MAXIMUM RESIDENCY REQUIREMENT, TO ESTABLISH THE RELATED GEOGRAPHICAL BOUNDARIES AT CITY OF WILMINGTON LIMITS, AND TO ESTABLISH A RESIDENCY WORKING GROUP

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

Respectfully submitted, Members of
Intergovernmental Committee

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

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

TREASURER'S REPORT

The following Treasurer's Report for November 16, 2023 was read into the record by City Clerk and upon a motion of Council Member Johnson, seconded by Council Members Harlee and 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
November 16, 2023

Cash - Ledger Balance (as of 11/15/2023):

General	M & T Bank	\$ 8,471,801.00
Payroll	M & T Bank	\$ 2,617,801.76
Law Department Court Costs	M & T Bank	\$ 4,592.07
Total Petty Cash	M & T Bank	\$ 6,047.89
Police - Evidence Found (Currency)	M & T Bank	\$ 1,123,840.28
Police & Fire Remembrance	M & T Bank	\$ 10,644.49
Police Department Discretionary	M & T Bank	\$ 17,133.06
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		\$ 12,368,761.39

Cash Equivalents & Investments (as of 11/15/2023):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.99%	\$ 2,665.62	\$ 22,638,096.12
General	TD	High Yield Checking	13	4.59%	\$ 4,961.91	\$ 2,993,609.14
General	TD	High Yield Checking	13	4.59%	\$ 7,236.32	\$ 4,365,803.61
General	TD	High Yield Checking	13	4.59%	\$ 11,888.84	\$ 7,172,753.71
SUB-TOTAL:						\$ 37,170,262.58
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	11/22/2023	5.45%	\$ 214,058.21	\$ 47,132,083.43
General	TD	CD**	11/15/2023	5.49%	\$ 122,653.55	\$ 26,809,518.69
General	TD	CD	11/22/2023	5.45%	\$ 136,922.28	\$ 30,148,025.00
SUB-TOTAL:						\$ 104,115,498.58
RESERVE:						
General ¹	TD	CD	11/22/2023	5.45%	\$ 82,312.43	\$ 18,123,838.79
SUB-TOTAL:						\$ 18,123,838.79
RESTRICTED:						
Capital Project	TD	CD**	11/15/2023	5.49%	\$ 8,804.79	\$ 1,924,543.81
Capital Project	TD	CD**	11/15/2023	5.49%	\$ 7,360.09	\$ 1,608,762.36
Capital Project	TD	CD**	11/15/2023	5.49%	\$ 79,624.80	\$ 17,404,328.44
Water/Sewer	TD	CD	11/22/2023	5.45%	\$ 15,823.73	\$ 3,484,125.10
State Bonds Proceeds	TD	CD**	11/15/2023	5.49%	\$ 42,909.60	\$ 9,379,146.61
SUB-TOTAL						\$ 33,800,906.32
Total Investments						\$ 193,210,506.27
Total Cash on Hand						\$ 12,368,761.39
Grand Total						\$ 205,579,267.66

¹ Budget Reserve

*Restricted use. Per ARPA US Treasury Guidelines

** Currently undergoing renewals

DocuSigned by:

DaWayne Sims

DaWayne Sims, City Treasurer

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions I November 16, 2023

Cash - Ledger Balance (as of 11/15/2023):

Pension Payroll	M & T Bank	\$	72,912.64
Retiree Healthcare	M & T Bank	\$	2,529,304.45
Police Pension	M & T Bank	\$	157,298.04
Fire Pension	M & T Bank	\$	974,530.31
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	176,595.05
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		\$	3,913,233.30

Cash Equivalents (as of 11/15/2023) & Investments (Market Value as of November 10, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension II	TD	CD	12/29/2023	5.49%	\$ 37,621.16	\$ 4,111,602.39
SUB-TOTAL:						\$ 4,111,602.39
RESERVE:						
Pension Trust	Rhumblin (S&P 500)					\$ 89,422,330.00
Pension Trust	Earnest Partners					\$ 15,540,170.00
Pension Trust	Dodge & Cox					\$ 12,598,217.00
Pension Trust	Artisan Global					\$ 12,078,453.00
Pension Trust	MFS Low Global					\$ 13,791,971.00
Pension Trust	Hartford Schroder					\$ 4,180,229.00
Pension Trust	Fidelity Total Intl. Index					\$ 12,325,270.00
Pension Trust	Harding Loevner					\$ 1,238,955.00

DocuSigned by:

DaWayne Sims
DaWayne Sims, City Treasurer
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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 November 16, 2023

Investments (Market Value as of November 10, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Fidelity Emerging					\$ 2,597,707.00
Pension Trust	Clarion Lion					\$ 11,560,970.00
Pension Trust	Morgan Stanley					\$ 9,170,647.00
Pension Trust	JP Morgan					\$ 14,730,044.00
Pension Trust	LM Capital Core					\$ 30,931,865.00
Pension Trust	Rhumblin Core					\$ 26,955,599.00
Pension Trust	Fidelity Bond Index					\$ 8,834,669.00
Pension Trust	Money Market					\$ 1,393,907.00
Pension Trust	Vanguard-OPEB					\$ 29,647,242.00
SUB-TOTAL						\$ 296,998,245.00
Total Investments						\$ 301,109,847.39
Total Cash on Hand						\$ 3,913,233.30
Grand Total						\$ 305,023,080.69
Total Funds under Treasury Management:						
Total Investments						\$ 494,320,353.66
Total Cash on Hand						\$ 16,281,994.69
Grand Total¹						\$ 510,602,348.35

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

DocuSigned by:
DaWayne Sims
DaWayne Sims, City Treasurer
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NON-LEGISLATIVE BUSINESS

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

a. Recognition Resolutions

Cabrera	Recognize Del Hispano Magazine
Cabrera	Recognize Ritmos Unidos 20-Year Reunion
Darby	Recognize Delawarean for Palestinians Human Rights
Harlee	Recognize National Coalition of 100 Black Women Inc., Delaware Chapter

b. Sympathy Resolutions

Cabrera	Sympathy Gudelia “Delia” Rivera
Oliver	Sympathy Ronald Broomer

PUBLIC COMMENTS

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

- Frances Thomas
- Deacon Earl E. Tate, II
- Dounya Ramadan (virtual)
- Yara Awad (virtual)
- Alan Lawrence
- Tony Dunn
- Ellie (virtual)
- Ayesha Nasir (virtual)
- Susan Regis Collins
- Timeless Thomas Daron Swann
- Kristina Kelly (virtual)
- Ms. Z (virtual)
- Dwight L. Davis
- Holland Raulston, Jr.

Upon a motion of Council Member Oliver, seconded by Council Member Darby, Council moved to extend the public comment segment. Motion prevailed.

- Rochel Flikshtein (virtual)
- Mason Anderson (virtual)
- Rachel Wilson
- Dion Wilson

- Rebecca Brown (virtual)
- Isaiah Gonzalez (virtual)
- Jakim Mohammed
- Scott Spencer
- Motti Flikshtein (virtual)
- Shreeya Parekh (virtual)
- Josh Schoenberg
- Karen Igou
- Jamila Davey (virtual)
- Lisa Emerson (virtual)
- Carol Moore
- Amna Rose Abdelrahman
- Tamim Hossain (virtual)
- Salma (virtual)
- Mark Peva
- Samia Manicondia
- Dawn Moore (virtual)
- Rachel Sugarman (virtual)
- Rochel Flikshtein (virtual)
- Rob Abel
- Shyanne Miller
- Sarah Green
- Yvonne Brown
- Lovely Lacey
- Velda Jones-Potter
- Coby Owens
- Talia Goren (virtual)
- Bill Nace
- James Taylor
- Larry Mathis
- Inoh

LEGISLATIVE BUSINESS

President Congo announced once again that Sub. 1 to Ord. 23-022 is being held this evening.

Council Member Darby presented and called for the third and final reading Ordinance No. 23-040 (Agenda #0362) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY
CODE TO ESTABLISH 22 DEL. C. § 841'S FIVE-YEAR
MAXIMUM RESIDENCY REQUIREMENT, TO ESTABLISH
THE RELATED GEOGRAPHICAL BOUNDARIES AT CITY
OF WILMINGTON LIMITS, AND TO ESTABLISH A
RESIDENCY WORKING GROUP

FISCAL IMPACT: This Ordinance has no anticipated fiscal impact.

Council Member Darby presented **Substitute No. 2** (Rev. 2) in lieu of that Ordinance:

AN ORDINANCE TO AMEND CHAPTER 40 OF THE CITY CODE TO ESTABLISH 22 DEL. C. §841'S FIVE-YEAR MAXIMUM RESIDENCY REQUIREMENT, TO ESTABLISH THE RELATED GEOGRAPHICAL BOUNDARIES AT CITY OF WILMINGTON LIMITS, TO ESTABLISH A RESIDENCY ASSISTANCE FUND, AND TO ESTABLISH A RESIDENCY WORKING GROUP

FISCAL IMPACT: This Substitute Ordinance will cost approximately \$50,000.00 per year.

Upon a motion of Council Member Darby, seconded by Council Members Oliver and White, the Substitute Ordinance was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Substitute Ordinance and made comments. Council Member McCoy made comments. Council Member White noted that his name was missing as being added a co-sponsor. Council Members Oliver, Harlee and Johnson made comments. Council Member B. Fields made comments and raised a question. Council Member Darby responded. Council Member B. Fields made additional comments. Council Member Darby made additional comments. Council Member Oliver made additional comments. President Congo made comments. Council Members McCoy and Johnson made additional comments. Council Member White made comments. Council Member Oliver made additional comments. President Congo made additional comments. Council Members Harlee and B. Fields made additional comments. Council Member Oliver made additional comments. President Congo made additional comments. Council Member Darby made comments.

Upon a motion of Council Member Darby, seconded by Council Members Oliver and White, the following floor amendment was made:

1) Amend the Ordinance title to "An Ordinance to Amend Chapter 40 of the City Code to Establish 22 Del. C. §841's Five-Year Maximum Residency Period Requirement, to Establish the Related Geographical Boundaries at City of Wilmington Limits, to Establish a Residency Assistance Fund, and to Establish a Residency Taskforce".

2) On Page 1 of Rev. 2 to Sub. 2 to Ordinance No. 23-040, insert the following **WHEREAS** clause in between the sixth and seventh **WHEREAS** clauses:

WHEREAS, City Council further encourages the Administration to contract with local companies to fill vacant positions and send vacancy reports to neighborhood groups, churches, shelters, and/or non-profits within the City; and

3) On Page 2 of Rev. 2 to Sub. 2 to Ordinance No. 23-040, amend the final **WHEREAS** clause by deleting the words “Working Group” and inserting the word “Taskforce.”

4) On Pages 3 and 4 of Rev. 2 to Sub. 2 to Ordinance No. 23-040, amend Section 3 by deleting the words “Working Group” and “Group”, wherever mentioned, and inserting the word “Taskforce”. Section 3 in its entirety and delete the fourth **WHEREAS** clause in its entirety and replace it with the following **WHEREAS** clause:

WHEREAS, City Council deems it necessary and appropriate to amend Chapter 40 of the City Code to (i) establish 22 Del. C. §841’s five-year maximum residency period requirement; and (ii) expand the boundaries which constitute “residency” to increase the talent pool.

5) On Page 4 of Rev. 2 to Sub. 2 to Ordinance No. 23-040, amend the Synopsis by deleting the phrase “Working Group” and inserting the word “Taskforce” in its place.

President Congo made comments and raised a question, and Council Member Darby responded.

President Congo requested the Clerk call for roll on the floor amendment.

The following is the Roll Call Vote was the floor amendment: Yeas, Council Members White, Darby, Oliver, Harlee, Johnson, N. Field and Bracy, and Council President Congo. Total, eight. Nays, Council Members Mills and Spadola. Total, two. Present, Council Members B. Fields and McCoy. Total, two. Absent, Council Member Cabrera. Total, one.

President Congo declared the **floor amendment adopted**.

President Congo requested the Clerk to call for roll on the Substitute Ordinance, As Amended.

The above-referenced Substitute Ordinance, As Amended, 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, Oliver, Harlee, McCoy, Johnson and Bracy, and Council President Congo. Total, eight. Nays, Council Member Mills. Total, one. Present, Council Members B. Fields, N. Fields and Spadola. Total, three. Absent, Council Member Cabrera. Total, one.

President Congo declared the **Substitute Ordinance, As Amended, adopted**.

Council Member Darby presented Resolution No. 23-065 (Agenda #0366) as follows:

WHEREAS, H. Res (House Resolution) 786- Calling for an immediate deescalation and cease-fire in Israel and occupied Palestine was introduced in the United States House of Representatives on October 25, 2023, by House Representative Cori Bush of Missouri on behalf of herself and 12 cosponsors. H. Res. 786 reaffirms that “all human life is precious” and expresses concern for the thousands of people whose health and safety are at risk unless a ceasefire is reached and humanitarian assistance is made available in Gaza; and

WHEREAS, the Wilmington City Council expresses support for H. Res. 786, which urges the Biden administration to use its diplomatic power to advocate for and facilitate deescalation and a ceasefire in Israel and occupied Palestine. H. Res. 786 further calls on the Biden administration to furnish humanitarian assistance to civilians in Gaza. This Council also voices concern for the provision of funding or other resources that will prolong this devastating conflict or contribute to further loss of lives; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Legislative body respectfully requests that Delaware’s federal delegation support H. Res. 786- Calling for an immediate deescalation and cease-fire in Israel and occupied Palestine, as well as other legislative actions that advance the goal of ending violence in the region and providing humanitarian assistance to civilians in Gaza.

BE IT FURTHER RESOLVED that this Legislative body echoes the concerns of the United States House of Representatives for the safety and well-being of those impacted by the current conflict and the emerging humanitarian crisis.

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 Members White, Harlee, Oliver, Johnson, Spadola and N. Field made comments. Council Member Darby made closing 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, Harlee and Johnson, and Council President Congo. Total, six. Nays, Council Members N. Field and Spadola. Total, two. Present, Council Member McCoy. Total, one. Absent, Council Members B. Fields, Cabrera, Mills and Bracy. Total, four.

President Congo declared the Resolution **adopted**.

Note: At this time, Council Members Oliver and Harlee were excused from the remainder of the meeting.

On behalf of Council Member Oliver, Council Member White presented and called for the third and final 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.

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

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, McCoy, Johnson, N. Field, Spadola and Bracy, and Council President. Total, eight. Nays, none. Absent, Council Members Oliver, Harlee, B. Fields, Cabrera and Mills. Total, five.

President Congo declared the Ordinance **adopted**.

Council Member McCoy presented and called for the first and second reading Ordinance No. 23-044 (Agenda #0367) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE
THREE ONE-YEAR EXTENSIONS OF CONTRACT
24001EMPS (BUILDING MANAGEMENT SERVICES
AT THE EMERGENCY OPERATIONS CENTER)
BETWEEN THE CITY OF WILMINGTON AND
ASSET MANAGEMENT ALLIANCE

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is three (3) one-year contract extensions at an estimated price of One Hundred Fourteen Thousand Eight Hundred Fifty-Six Dollars and Eighty Cents (\$14,856.80) per extension.

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

Council Member Johnson presented and called for the first and second reading Ordinance No. 23-045 (Agenda #0368) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (WWTP DIGESTER GAS FLARE REPLACEMENT PROJECT), SERIES E OF 2023-WPCRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CITY'S RELOCATION AND REPLACEMENT OF THE EXISTING DIGESTER WASTE GAS FLARES AT ITS WASTEWATER TREATMENT PLANT; PROVIDING FOR THE SALE OF THE 2023E BOND TO THE DELAWARE WATER POLLUTION CONTROL 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 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: Home Repair Program; National League of Cities; best wishes expressed to everyone for a Happy Thanksgiving; and including but not limited to, everyone was thanked for attending and engaging in tonight's meeting whether in-person or virtually and was encouraged to continue to do so.

ADJOURNMENT

Upon a motion of Council Members White and Johnson, seconded by Council Member McCoy, Council adjourned at 10:51 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the November 16, 2023 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/281345>

Attest: Maribel Seijo
Maribel Seijo, City Clerk