

*Wilmington City Council  
Wilmington, Delaware  
February 1, 2024*

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, Oliver (virtual), Harlee (virtual), B. Fields (virtual), Johnson, N. Field (virtual), Mills and Bracy (virtual), and Council President Congo. Total, nine. Absent with leave, Council Members Darby, McCoy, Cabrera, and Spadola. Total, four.

**MINUTES**

After reading a portion of the minutes of January 18, 2024, upon a motion of Council Member Johnson, seconded by Council Member Mills, it was moved they be accepted as written. Motion prevailed.

**COMMITTEE REPORTS**

The City Clerk read the following committee report:

<b>Public Works &amp; Transportation Committee Member</b>	<b>Present</b>	<b>Absent w/ Leave</b>	<b>Absent w/out Leave</b>
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

January 17, 2024

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 23-039** entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE  
TO INCREASE THE FINE FOR RESISTING, INTERFERING,  
AND/OR HINDERING PARKING REGULATION ENFORCEMENT  
OFFICERS IN DISCHARGING THEIR DUTIES

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

**TREASURER'S REPORT**

The following Treasurer's Report for February 1, 2024 was read into the record by the City Clerk and upon a motion of Council Member Johnson, seconded by Council Members Mills and Harlee, 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.*

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# City of Wilmington



DaWayne Sims  
City Treasurer

## Treasurer's Report

February 01, 2024

Cash - Ledger Balance (as of 01/31/2024):

General	M & T Bank	\$	8,166,075.00
Payroll	M & T Bank	\$	2,732,251.45
Law Department Court Costs	M & T Bank	\$	3,751.07
Total Petty Cash	M & T Bank	\$	5,948.19
Police - Evidence Found (Currency)	M & T Bank	\$	1,191,780.55
Police & Fire Remembrance	M & T Bank	\$	11,744.49
Police Department Discretionary	M & T Bank	\$	16,556.07
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>\$</b>	<b>12,245,007.66</b>

Cash Equivalents & Investments (as of 02/01/2024):

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%	\$ 2,330.12	\$ 27,712,530.89
General	TD	High Yield Checking	1	4.58%	\$ 385.14	\$ 3,027,275.09
General	TD	High Yield Checking	1	4.58%	\$ 561.67	\$ 4,414,901.18
General	TD	High Yield Checking	1	4.58%	\$ 929.39	\$ 7,305,221.27
<b>SUB-TOTAL:</b>						<b>\$ 42,459,928.43</b>
Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Int. Receiv.	Investment Amount
Police & Fire Remem.	WSFS	CD	1/23/2025	4.88%	\$ 1,168.38	\$ 26,124.17
General	TD	CD	2/19/2024	5.34%	\$ 183,933.33	\$ 40,000,000.00
General	TD	CD*	3/14/2024	5.37%	\$ 274,235.32	\$ 20,427,212.21
General	TD	CD	2/19/2024	5.34%	\$ 140,562.60	\$ 30,568,162.01
<b>SUB-TOTAL:</b>						<b>\$ 91,021,498.39</b>
<b>RESERVE:</b>						
General <sup>1</sup>	TD	CD	5/20/2024	5.45%	\$ 496,117.62	\$ 18,206,151.22
<b>SUB-TOTAL:</b>						<b>\$ 18,206,151.22</b>
<b>RESTRICTED:</b>						
Capital Project	TD	CD	2/19/2024	5.34%	\$ 8,976.99	\$ 1,952,225.85
Capital Project	TD	CD	2/19/2024	5.34%	\$ 7,503.98	\$ 1,631,892.12
Capital Project	TD	CD	2/19/2024	5.34%	\$ 81,182.04	\$ 17,654,666.83
Water/Sewer	TD	CD	5/20/2024	5.45%	\$ 95,373.61	\$ 3,499,948.83
State Bonds Proceeds	TD	CD	3/14/2024	5.37%	\$ 91,039.22	\$ 6,781,319.82
<b>SUB-TOTAL</b>						<b>\$ 31,520,053.45</b>
<b>Total Investments</b>						<b>\$ 183,207,631.49</b>
<b>Total Cash on Hand</b>						<b>\$ 12,245,007.66</b>
<b>Grand Total</b>						<b>\$ 195,452,639.15</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

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

# City of Wilmington



**DaWayne Sims**  
City Treasurer

## Treasurer's Report - Pensions I February 1, 2024

### Cash - Ledger Balance (as of 01/31/2024):

Pension Payroll	M & T Bank	\$	70,950.14
Retiree Healthcare	M & T Bank	\$	1,715,378.73
Police Pension	M & T Bank	\$	667,726.49
Fire Pension	M & T Bank	\$	1,394.00
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	485,034.80
Non-Uniform Pension Plan 2	M & T Bank	\$	12,880.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
<b>Total Cash on Hand</b>		<b>\$</b>	<b>2,954,956.97</b>

### Cash Equivalents (as of 01/31/2024) & Investments (Market Value as of January 26, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
Fire Pension II	TD	CD*	2/28/2024	5.34%	\$ 13,964.56	\$ 3,138,102.59
<b>SUB-TOTAL:</b>						<b>\$ 3,138,102.59</b>
<b>RESERVE:</b>						
Pension Trust	Rhumblin (S&P 500)					\$ 99,371,489.00
Pension Trust	Earnest Partners					\$ 17,052,252.00
Pension Trust	Dodge & Cox					\$ 13,769,605.00
Pension Trust	Artisan Global					\$ 14,048,883.00
Pension Trust	MFS Low Global					\$ 14,908,926.00
Pension Trust	Hartford Schroder					\$ 4,477,723.00
Pension Trust	Fidelity Total Intl. Index					\$ 13,357,672.00
Pension Trust	Harding Loevner					\$ 1,342,697.00

*DaWayne Sims*  
DaWayne Sims, City Treasurer

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# City of Wilmington



DaWayne Sims  
City Treasurer

## Treasurer's Report - Pensions II February 1, 2024

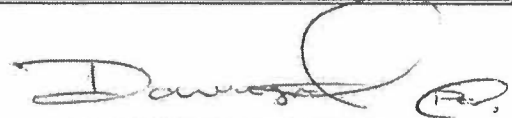
Investments (Market Value as of January 26, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>RESERVE:</b>						
Pension Trust	Fidelity Emerging					\$ 2,682,840.00
Pension Trust	Clarion Lion					\$ 10,734,396.00
Pension Trust	Morgan Stanley					\$ 8,750,418.00
Pension Trust	JP Morgan					\$ 15,201,405.00
Pension Trust	LM Capital Core					\$ 32,539,879.00
Pension Trust	Rhumblin Core					\$ 28,492,121.00
Pension Trust	Fidelity Bond Index					\$ 9,259,670.00
Pension Trust	Money Market					\$ 1,911,381.00
Pension Trust	Vanguard-OPEB					\$ 32,249,954.00
<b>SUB-TOTAL</b>						<b>\$ 320,151,311.00</b>
<b>Total Investments</b>						<b>\$ 323,289,413.59</b>
<b>Total Cash on Hand</b>						<b>\$ 2,954,956.97</b>
<b>Grand Total</b>						<b>\$ 326,244,370.56</b>

### Total Funds under Treasury Management:

<b>Total Investments</b>						<b>\$ 506,497,043.08</b>
<b>Total Cash on Hand</b>						<b>\$ 15,199,964.63</b>
<b>Grand Total<sup>1</sup></b>						<b>\$ 521,697,007.71</b>

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

  
DaWayne Sims, City Treasurer

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## **NON-LEGISLATIVE BUSINESS**

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

a. Recognition Resolutions

All Council	Recognize Captain Faheem Akil (40 Years of Service)
All Council	Recognize Black History Month
B. Fields	Recognize Genever "Jean" Lewis (90 <sup>th</sup> Birthday)

b. Sympathy Resolutions

All Council	Sympathy Theodore Blunt
All Council	Sympathy Benjamin "Twin B" Brown
Bracy	Sympathy Rosa Lee Crawford Guy
B. Fields	Sympathy Mary Tiffany Rozier-Caine
Harlee	Sympathy Aurelius Palmer
White	Sympathy Faye Taylor

## **PUBLIC COMMENTS**

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

- Dwight L. Davis
- Frank Hanson
- Benito Blake
- Jim Carrington
- Malik Harris
- Mary Jeannette

Upon a motion of Council Member Johnson, seconded by Council Members Harlee and Mills, Council moved to extend the public comment segment. Motion prevailed.

- John McMinn
- Brian Winslow
- Jim Shanahan
- Vere Archibald
- James Bretzger
- Tamika Brooks-Collick
- Karen Igou
- Gerald Joseph McAdams Kauffman, Jr.
- Jen Adkins

- Dionne Xavier (virtual)
- Collin O'Mara (virtual)
- Jim Black
- Gary Linarducci (virtual)
- Rhonda Raines (virtual)
- Christopher Bruce
- Susan Kelliher (virtual)
- Marian Young
- Randal Tarly (virtual)
- Bill Farber (virtual)
- Eva Lane (virtual)

Upon a motion of Council Member White, seconded by Council Members Oliver and Johnson, to table public comments at this time.

### **LEGISLATIVE BUSINESS**

Council Member Oliver presented Resolution No. 24-011 (Agenda #0374) as follows:

**WHEREAS**, pursuant to City Charter Section 1-101, the City may acquire, hold, manage, and dispose of property on such terms as it deems proper for any municipal purpose; and

**WHEREAS**, City Code Section 2-621(a) generally authorizes the Department of Real Estate and Housing to conduct disposition proceedings of real property owned by the City; and

**WHEREAS**, City Code Section 2-628(a) authorizes the Department of Real Estate and Housing, subject to the approval of Council by resolution, to grant such easements as shall be deemed necessary and appropriate; and

**WHEREAS**, the City currently owns Tax Parcel Number 26-005.40-002 located adjacent to the Brandywine River (the "Property"); and

**WHEREAS**, Brandywine Shad 2020, Inc. has requested a temporary construction easement across the Property for it, its agents and contractors, the State of Delaware, and the United States Army Corps of Engineers to have access to the Brandywine River to deconstruct a dam known as "Dam 6" located on the Brandywine River for the purpose of aiding the reproduction of a certain species of fish as set forth in a proposed agreement between the City and Brandywine Shad 2020, Inc. (the "Temporary Construction Easement Agreement"), a copy of which, in substantial form, is attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, City Council deems it necessary and appropriate to approve the grant of the temporary construction easement to Brandywine Shad 2020, Inc. as set forth in the Temporary Construction Easement Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that Council hereby approves the City's grant of a temporary construction easement to Brandywine Shad 2020, Inc. in the Property (being Tax Parcel Number 26-005.40-002) pursuant to the terms of the Temporary Construction

Easement Agreement, a copy of which, in substantial form, is attached hereto and incorporated herein as Exhibit A.

**BE IT FURTHER RESOLVED** that the Mayor, or his designee, is hereby authorized to execute any and all documents necessary to effectuate the grant of the easement, and the appropriate officers of the City are hereby authorized to take any and all further undertakings and assurances that may be appropriate.

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

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members White, Oliver, Harlee, B. Fields, Johnson, N. Field, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Darby, McCoy, Cabrera, and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

Council Member Oliver presented and called for the first and second reading Ordinance No. 24-004 (Agenda #0389) entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO REVISE THE HEIGHT, FLOOR AREA RATIO, AND BUILDING CONVERAGE RATIO RESTRICTIONS FOR THE W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICT

**FISCAL IMPACT STATEMENT:** There is no anticipated negative fiscal impact associated with this Ordinance.

Council Member White requested to be added as a sponsor.

President Congo mentioned there is no debate at this time as the Ordinance is just being introduced for first and second reading.

City Clerk Seijo mentioned it can be done at committee.

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



Council Member Oliver presented and called for the first and second reading Ordinance No. 24-005 (Agenda #0390) entitled:

AN ORDINANCE TO REZONE THE PARCEL OF LAND LOCATED AT 1195 EAST SEVENTH STREET FROM A ZONING CLASSIFICATION OF W-4 (WATERFRONT RESIDENTIAL/COMMERCIAL) TO A ZONING CLASSIFICATION OF W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION)

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

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

Upon a motion of Council Member Oliver, seconded by Council Member Johnson, Ordinance No. 23-029 (Rev. 1, Agenda #0248), which is 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, was referred back to the Public Works & Transportation Committee, which is scheduled to meeting on February 21<sup>st</sup>. Motion prevailed.

Council Member Oliver presented and called for third and final reading Ordinance No. 23-039 (Agenda #0359) entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE TO INCREASE THE FINE FOR RESISTING, INTERFERING, AND/OR HINDERING PARKING REGULATION ENFORCEMENT OFFICERS IN DISCHARGING THEIR DUTIES

**FISCAL IMPACT:** There is no anticipated fiscal impact.

Upon a motion of Council Member Oliver, seconded by Council Members Johnson and B. Fields, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance and made comments. Council Member Johnson made comments and 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 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, Mills and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Darby, McCoy, Cabrera, and Spadola. Total, four.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the first and second reading Ordinance No. 24-006 (Agenda #0391) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE  
CITY CODE TO EXTEND THE TERM OF THE CITY'S  
ACTIVE DEPOSITORY

**FISCAL IMPACT STATEMENT:** There is no anticipated fiscal impact associated with this Ordinance.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Johnson, seconded by Council Member Mills, 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: reduction of crime; assistance with utility services; Cold Case Unit; announcements of community meetings and events throughout the city; Black History Month; free validated parking being offered for those patronizing downtown Restaurants; and including but not limited to, everyone was thanked for joining tonight's meeting whether in-person or virtually and encouraged to call Council Office with any questions and/or concerns.

**ADJOURNMENT**

Upon a motion of Council Member Johnson, seconded by Council Member Mills, Council adjourned at 8:55 p.m. Motion prevailed.

*Note: More detailed information is reflected in the videotape of the February 1, 2024 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/296286>.*

Attest:   
Maribel Seijo, City Clerk