

*Wilmington City Council
Wilmington, Delaware
April 17, 2025*

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 Mariaelena Rivera, 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 Owens, Darby, Oliver, Harlee, Willauer, McCoy, Johnson, Field, Bracy, Cabrera, Hackett, Spadola, and Council President Congo. Total, thirteen.

MINUTES

After reading a portion of the minutes of the April 3, 2025 City Council Meeting, upon a motion of Council Member McCoy, seconded by Council Member Owens, it was moved they be accepted as written. Motion prevailed.

COMMITTEE REPORT

Finance & Economic Development Committee Member	Present	Absent w Leave	Absent w/out Leave
Michelle Harlee, Chair	x		
Latisha Bracy, Vice Chair	x		
Shané N. Darby		x	
Alexander D. Hackett	x		
Zanthia Oliver	x		
James Spadola	x		
Ernest "Trippi" Congo, Ex-Officio		x	

President and Members of Council of

April 16, 2025

The City of Wilmington
Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 25-011** entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 3 TO THE FISCAL YEAR 2025 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-016)

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 Harlee, seconded by Council Members McCoy and Owens, the Report was received, recorded and filed. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report for April 17, 2025 was read into the record by City Clerk and upon a motion of Council Member McCoy, seconded by Council Members Owens and 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.

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report April 17, 2025

Cash - Ledger Balance (as of 04/16/2025):

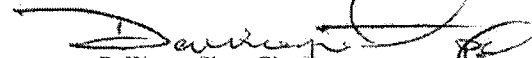
General	M & T Bank	\$ 9,375,777.00
Payroll	M & T Bank	\$ 1,515,930.47
Law Department Court Costs	M & T Bank	\$ 4,432.07
Total Petty Cash	M & T Bank	\$ 5,871.68
Police - Evidence Found (Currency)	M & T Bank	\$ 1,199,309.95
Police & Fire Remembrance	M & T Bank	\$ 12,844.49
Police Department Discretionary	M & T Bank	\$ 36,476.46
Rent Withholding Escrow	M & T Bank	\$ 23,937.97
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		\$ 12,287,342.96

Cash Equivalents & Investments (as of 04/16/2025):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.25%	\$ 2,900.98	\$ 33,361,187.28
General	TD	High Yield Checking	17	3.56%	\$ 22,421.56	\$ 13,337,345.70
General	TD	High Yield Checking	17	3.56%	\$ 13,159.81	\$ 7,828,042.03
General	TD	High Yield Checking	17	3.56%	\$ 4,609.77	\$ 2,742,099.91
SUB-TOTAL:						\$ 57,268,674.91
RESTRICTED:						
Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Int. Receiv.	Investment Amount
Police & Fire Remem.	WSFS	CD	6/23/2025	3.92%	\$ 449.21	\$ 27,320.51
General	TD	CD	4/21//2025	4.28%	\$ 114,325.40	\$ 31,019,854.60
General	TD	CD*	4/18/2025	4.28%	\$ 33,694.08	\$ 9,446,937.69
SUB-TOTAL:						\$ 40,494,112.80
RESERVE:						
General ¹	PNC	T-Bills ¹	6/3/2025	4.24%	\$ 126,000.00	\$ 20,037,000.00
SUB-TOTAL:						\$ 20,037,000.00
RESTRICTED:						
Capital Project	TD	CD	4/18/2025	4.28%	\$ 2,898.30	\$ 812,607.28
Capital Project	TD	CD	4/18/2025	4.28%	\$ 80.21	\$ 22,488.00
Capital Project	TD	CD	4/18/2025	4.28%	\$ 21,544.58	\$ 6,040,537.41
Water/Sewer	PNC	T-Bills	6/3/2025	4.24%	\$ 99,600.00	\$ 15,841,500.00
State Bonds Proceeds-FY23	TD	CD	4/18/2025	4.28%	\$ 5,997.01	\$ 1,681,403.92
People's Settlement	TD	High Yield Checking	17	4.01%	\$ 22,804.58	\$ 12,042,904.59
State Bonds Bill FY24	TD	High Yield Checking	17	4.01%	\$ 6,301.73	\$ 3,327,890.07
State Bonds Bill FY25	TD	High Yield Checking	17	4.01%	\$ 3,342.49	\$ 1,765,142.34
SUB-TOTAL						\$ 41,534,473.62
Total Investments						\$ 159,334,261.33
Total Cash on Hand						\$ 12,287,342.96
Grand Total						\$ 171,621,604.29

¹ Budget Reserve

*Restricted use, Per ARPA US Treasury Guidelines


DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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



DaWayne Sims
City Treasurer

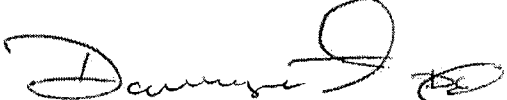
Treasurer's Report - Pensions I April 17, 2025

Cash - Ledger Balance (as of 04/16/2025):

Pension Payroll	M & T Bank	\$	54,732.24
Retiree Healthcare	M & T Bank	\$	5,078,333.13
Police Pension	M & T Bank	\$	116,441.55
Fire Pension	M & T Bank	\$	1,000.00
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	187,433.67
Non-Uniform Pension Plan 2	M & T Bank	\$	12,880.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
Total Cash on Hand		\$	5,452,413.40

Cash Equivalents (as of 04/16/2025) & Investments (Market Value as of April 11, 2025)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension III	TD	CD	5/23/2025	4.28%	\$ 7,302.69	\$ 1,023,741.77
SUB-TOTAL:						\$ 1,023,741.77
RESERVE:						
Pension Trust	Rhumblin (S&P 500)					\$ 104,338,275.00
Pension Trust	Earnest Partners					\$ 16,126,670.00
Pension Trust	Dodge & Cox					\$ 8,221,122.00
Pension Trust	WCM Global Fund					\$ 8,513,146.00
Pension Trust	MFS Low Global					\$ 8,872,164.00
Pension Trust	Fidelity Total Intl. Index					\$ 25,049,603.00
Pension Trust	GQG Emerging					\$ 4,351,194.00


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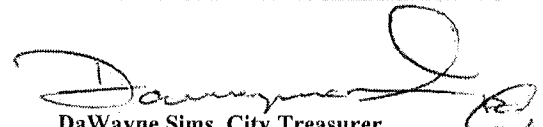
DaWayne Sims
City Treasurer

Treasurer's Report - Pensions II April 17, 2025

Investments (Market Value April 11, 2025)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Clarion Lion					\$ 9,468,688.00
Pension Trust	Morgan Stanley					\$ 7,769,730.00
Pension Trust	JP Morgan					\$ 16,843,127.00
Pension Trust	LM Capital Core					\$ 33,816,110.00
Pension Trust	Rhumblin Core					\$ 29,461,668.00
Pension Trust	Fidelity Bond Index					\$ 9,604,358.00
Pension Trust	Money Market					\$ 879,059.00
Pension Trust	OPEB Trust Fund					\$ 34,736,658.00
SUB-TOTAL						\$ 318,051,572.00
Total Investments						\$ 319,075,313.77
Total Cash on Hand						\$ 5,452,413.40
Grand Total						\$ 324,527,727.17
Total Funds under Treasury Management:						
Total Investments						\$ 478,409,575.10
Total Cash on Hand						\$ 17,739,756.36
Grand Total¹						\$ 496,149,331.46

¹ 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 Member Oliver, seconded by Council Member McCoy, the following non-legislative resolutions were accepted into the record and motion prevailed:

a. Recognition Resolutions

Oliver	Recognize Lincoln Club
Oliver	Recognize Wilmington Fire Department
Spadola	Recognize Darcy Brasure (Retirement)

b. Sympathy Resolutions

All Council	Sympathy Marion G. Brister
Cabrera	Sympathy Jane (Plaisted) Bernard Hanson
McCoy	Sympathy Deborah Lynn Jackson
Oliver	Sympathy Valerie McKnight

** During this time Council Members Cabrera and Johnson were recognized as present in Council Chambers which is reflected in the Roll Call.*

PUBLIC COMMENTS

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

- Deacon Earl Tate
- Deidre' Shepard
- Julia Robinson
- Sheena Porter
- Kristina Kelly
- Dora Williams
- Justin Adekawbi-Coge
- Cecilia Hobbs
- Brandon Fletcher
- Ann Aviles

President Congo accepted a motion to extend Public Comment past 7:30 pm. Motion was seconded and passed unanimously.

- Shyanne Miller
- Megan Wilson

- Samiyah Sherman
- Cheyenne McGowan
- Lanita Brooks (virtual)
- Zita Ora
- Michealena DeJesus
- Kyrie Dickson
- Rob Bullock
-

LEGISLATIVE BUSINESS

Council Member Harlee presented Ordinance No. 25-011 (Agenda #00308) and called for the third and final reading as follows:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 3 TO THE FISCAL YEAR 2025 OPERATING BUDGET (BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-016) (EMS/AMBULANCE SERVICES)

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

Council Member Harlee spoke to the Ordinance and made comments. Council Members Johnson, Owens, Darby, Oliver, McCoy, and Bracy raised questions and made comments.

President Congo requested the Clerk to call 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 Owens, Darby, Oliver, Harlee, Willauer, McCoy, Johnson, Field, Bracy, Cabrera, Hackett, Spadola and President Congo. Total, thirteen.

President Congo declared the Ordinance **adopted**.

Council Member Harlee was excused at this time.

Council Member Bracy presented on behalf of President Congo and called for the first and second reading of Ordinance No. 25-014 (Agenda #0036) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO ESTABLISH AN OFFICE OF EDUCATIONAL ADVOCACY AS A

DIVISION IN CITY COUNCIL

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Bracy, seconded by Council Member McCoy, the Ordinance was received, recorded and referred to the Education, Youth & Family Services Committee. Motion prevailed.

Council Member Bracy was excused at this time.

Council Member Darby presented and called for the first and second reading of Ordinance No. 25-015 (Agenda #0026) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE TO RETAIN A THIRD-PARTY VENDOR TO CONDUCT A FULL OPERATIONAL AND FINANCIAL ASSESSMENT OF THE WATER/SEWER FUND AND PERFORM A FEASIBILITY STUDY TO ESTABLISH AN AFFORDABLE WATER PROGRAM

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.

Council Member Darby presented and called for the first and second reading of Ordinance No. 25-016 (Agenda #0029) entitled:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE TO PROVIDE FOR RESIDENTIAL RENT STABILIZATION

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

Council Member Darby presented and called for the first and second reading of Ordinance No. 25-017 (Agenda #0037) 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

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

Council Member Darby presented Resolution 25-021 (Agenda #0038 Rev. 1) as follows:

WHEREAS, the 109th Session of Wilmington City Council believes openness, transparency, and accountability are fundamental in carrying out its duty to the citizens of Wilmington; and

WHEREAS, Council believes the public should be afforded every opportunity to give public comment regardless of whether they attend in person; and

WHEREAS, to be informed, the public should be aware of the matters to be discussed in Committee meetings; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rule 11 to ensure the public has access to draft legislation, reports, updates, and presentations for Committee Meetings.

NOW, THEREFORE, BE IT 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 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 to comply with FOIA. 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. Please note that drafted agendas, links, presentations, and scheduled proceedings may be suspended or adjusted without prior notice in the event of an emergency, including, but not limited to, public safety threats, severe weather, infrastructure or technical failures, public health concerns, civil unrest, or urgent citywide crises. City Council reserves the right to reschedule or modify meeting formats as needed to ensure safety and responsiveness. A link to draft legislation, presentations, reports, and updates, shall be included in Committee agendas.

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 to the purpose of the resolution and made comments.

Council Members Willauer and Johnson also made comments and requested to be added as co-sponsors on the resolution.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read and recorded to be filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Owens, Darby, Oliver, Willauer, McCoy, Johnson, Field, Cabrera, Hackett, Spadola, and President Congo. Total, eleven. Absent, Council Members Harlee and Bracy. Total two.

President Congo declared the Resolution **adopted**.

Council Member Darby presented Resolution 25-022 (Agenda #0039 Rev. 1) as follows:

WHEREAS, the 109th Session of Wilmington City Council believes openness, transparency, and accountability are fundamental in carrying out its duty to the citizens of Wilmington; and

WHEREAS, Council believes the public should be afforded every opportunity to comment on legislation (ordinance or resolution) when it is being considered; and

WHEREAS, in prior sessions, the President of City Council sometimes called for votes prior to members of City Council having an opportunity to debate in accordance with the Council Rules, so Council amended the Rules to provide for an extra round of debate for Council members after a public comment period; and

WHEREAS, the 109th Session of Wilmington City Council deems it necessary to take similar action to ensure that all Council members are consistently and completely afforded the time allotted by the Council Rules to participate in meaningful debate; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rule 2 to provide for a public comment period after members of City Council conclude their initial round of debate regarding legislation with legislative effect during which the public will be allowed to comment in increments of three (3) minutes followed by a second round of debate by members of City Council during which each Council member will be entitled to speak twice on the matter subject to debate for a period of three (3) minutes.

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 deleting the stricken language and adding the underlined language to read as follows:

RULE 2 - ORDER OF BUSINESS

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 is entitled to speak twice prior to the legislative public comment period 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 debate on an item of legislative business, but before the President calls for a vote, each member of the public shall have the opportunity to give public comment, limited to three (3) minutes, regarding that item of legislative business.

After the close of public comment, each Council member is entitled to speak once to any matter subject to debate for periods not to exceed three (3) 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. 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.

K) Presentation of Petitions and Communications: Any petition or communication, written or oral, from Council Members, the Mayor, city departments, or from the public, or any communication or comment relating to city business, other than a matter on the agenda for action, is presented at this time. Each member shall be limited to five minutes for presentation of petitions and communications, to include any time yielded to other members. Any debatable motion made shall not be subject to this limit, but instead to the debate limits in Paragraph I→J}, Legislative Business.

Upon a motion of Council Member Darby, seconded by Council Member Owens, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke to the purpose of the resolution and made comments. Council Members Willauer, Johnson, Owens, Field, Hackett, Spadola, McCoy and

President Congo made comments. Council Member Owens made a motion for a Floor Amendment to remove the 1st round of 5 minute debate and to have two (2) two minute speaking rounds for Council Members before and after public Comment. Motion was seconded and approved unanimously.

President Congo held a Voice Vote on the amendment, and it was passed.

President Congo asked Council Member Darby if she had any additional comments as the sponsor. Council Member Darby did not have any additional comments.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read, recorded and amended to be filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Owens, Darby, Willauer, Johnson, Hackett, Spadola and President Congo. Total, seven. Nays, Council Members Oliver, McCoy, Field, and Cabrera. Total, four. Absent, Council Members Harlee and Bracy. Total, two.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution 25-023 (Agenda #0040) as follows:

WHEREAS, the 109th Session of Wilmington City Council believes openness, transparency, and accountability are fundamental in carrying out its duty to the citizens of Wilmington; and

WHEREAS, Council believes the public should be afforded every opportunity to give public comment regardless of whether they attend in person; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend City Council Rules 2 and 11 to ensure those unable to attend in person have ample notice to sign up to give public comment virtually.

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 deleting the stricken language and adding the underlined language to read as follows:

RULE 2 - ORDER OF BUSINESS

D) Public Comment: ~~Public comment shall be available only to City of Wilmington residents or taxpayers.~~ Any person desiring to exercise this privilege give public comment shall register to speak by 6:45 p.m. The Meeting Agenda shall contain a sign-up link for those who wish to give public comment virtually. 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.

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 deleting the stricken language and adding the underlined 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 to comply with FOIA. The public announcement shall include a sign-up link for those wishing to give public comment virtually. 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.

Upon a motion of Council Member Darby, seconded by Council Members Owens and Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke to the purpose of the resolution and made comments. Council Members Oliver and Willauer made comments on the resolution.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read, recorded and amended to be filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Owens, Darby, Oliver, Willauer, McCoy, Johnson, Cabrera, Hackett, Spadola and President Congo. Total, eleven. Absent, Council Members Harlee and Bracy. Total, two.

President Congo declared the Resolution **adopted**.

Council Member Darby presented Resolution 25-024 (Agenda #0041) as follows:

WHEREAS, the Wilmington City Council 2022-2025 Strategic Plan seeks to foster a "Stabilized Wilmington," as well as a "Transparent and Well-

Representend Wilmington.” There have been numerous attempts to preserve and maintain the Gibraltar Mansion, the accompanying land, and accessory structures; and

WHEREAS, the Gibraltar property, which is located at 2505 Pennsylvania Avenue, was built in the 1840s by John Rodney Brinckleon. On January 25, 2023, the property was purchased by the City of Wilmington for \$900,000, with the intent to preserve and restore this well-known landmark; and

WHEREAS, subsequently, the City transferred ownership of the Gibraltar property to the Wilmington Neighborhood Conservancy Land Bank (WNCLB) to facilitate development and improvements; and

WHEREAS, the mission of the WNCLB is to return vacant, dilapidated, abandoned, and delinquent properties to productive use, while strengthening and revitalizing neighborhoods and inspiring economic development; and

WHEREAS, the community and stakeholders have a vested interest in understanding how the acquisition and planned development of the Gibraltar property align with the WNCLB’s mission and the broader goals of the City; and

WHEREAS, transparency and public engagement are essential components of responsible governance and foster trust between public entities and the communities they serve; and

WHEREAS, this Council supports and encourages collaborative efforts between the WNCLB, community stakeholders, and the public to ensure the successful preservation and revitalization of the Gibraltar property in a manner that honors its historical significance and benefits the community at large. Public dialogue, in the form of a hearing, is an effective tool for informing members of the community about significant public matters, soliciting feedback, and providing a forum to consider the perspectives of members of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council requests that the Wilmington Neighborhood Conservancy Land Bank (WNCLB) hold a public hearing within sixty (60) days of the adoption of this Resolution.

BE IT FURTHER RESOLVED that this Council encourages the WNCLB to address matters including, but not limited to, how the Gibraltar property was acquired and the process involved in its transfer to the WNCLB; the alignment of the acquisition with the WNCLB’s mission statement and strategic objectives; the details of the Memorandum of Understanding (MOU) or any agreements pertaining to the transfer and management of the Gibraltar property; and current and future plans for the development, restoration, and utilization of the Gibraltar property.

BE IT FURTHER RESOLVED that this Council encourages the WNCLB to provide public notice of the hearing at least thirty (30) days in advance through: publication in local newspapers and digital media platforms, on the official websites of both the City of Wilmington and the WNCLB, and direct communication with neighborhood associations, historical societies, and other relevant community organizations.

BE IT FURTHER RESOLVED that, in the interests of transparency, all documents related to the acquisition, including the MOU and any other pertinent agreements, should be made available to the public at least fourteen (14) days prior to the hearing and made accessible both online on the WNCLB and City websites and in print at designated public offices.

BE IT FURTHER RESOLVED that this Council encourages the WNCLB to solicit feedback from the public during the hearing and consider community input in the planning and development process of the Gibraltar property. The Council further recommends that a summary of the public hearing, including questions raised and responses provided, should be published within thirty (30) days following the hearing, along with quarterly updates to the City Council on the status of the Gibraltar property, including development plans, project timelines, and any changes to the proposed use of the property.

Upon a motion of Council Member Darby, seconded by Council Members Owens and Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke to the purpose of the resolution and made comments. Council Members Cabrera, Field, Hackett, Johnson, Owens, and Willauer made comments on the resolution.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read, recorded and amended to be filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Owens, Darby, Oliver, Willauer, McCoy and President Congo. Total, six. Nays, Council Members Johnson, Field, Cabrera, Hackett, Spadola. Total, five. Absent, Council Members Harlee and Bracy. Total, two.

President Congo declared the Resolution **adopted**.

Council Member Darby presented Resolution 25-025 (Agenda #0042 Rev. 2) as follows:

WHEREAS, the Wilmington City Council 2022-2025 Strategic Plan prioritizes a “Health Wilmington” and “Stabilized Wilmington,” where residents have access to access to electricity, heating, and water, which are essential for public health, safety, and well-being; and

WHEREAS, Delmarva Power provides critical utility services to thousands of Delaware residents, including vulnerable populations such as seniors, low-income families, and individuals with medical conditions. Economic hardships, rising energy costs, and other financial challenges have left many residents struggling to pay their utility bills, increasing the risk of disconnections and financial penalties; and

WHEREAS, economic hardships, rising energy costs, and other financial challenges have left many residents struggling to pay their utility bills, increasing the risk of disconnections, and financial penalties. The discontinuation of utility services negatively impacts public health, safety, and overall quality of life, particularly for households with children, individuals with disabilities, and medically vulnerable residents. Utility shutoffs also further jeopardize the stability of Wilmington’s neighborhoods by triggering condemnation actions that can result in property abandonment and vacancies; and

WHEREAS, the Wilmington City Council affirms the sentiments of the letter sent by members of the Delaware General Assembly to Acting Public Advocate Ruth Ann Price on January 30, 2025, requesting an investigation of inordinately expensive electric bills. This Council also asks for further action to provide short-term and long-term relief to Delmarva Power customers facing unaffordable debts; and

WHEREAS, previous moratoriums on shut-offs and late fees during the COVID-19 pandemic demonstrated the effectiveness of such policies in stabilizing communities and preventing unnecessary hardships. The honorable Governor, honorable members of the Delaware General Assembly, and the Delaware Public Service Commission have regulatory authority over utility providers operating within the state and can implement consumer protections during economic and public health crises; and

WHEREAS, Delmarva Power has cited “factors like extreme cold, increased usage, and cost of energy” as contributing to higher energy costs. The company has responded to concerns by expanding customer service to offer payment arrangements, due date extensions, budget billing, energy assistance resources for eligible customers, waivers of late payment fees for January and February, suspensions of disconnections for nonpayment in February, and waivers of deposits for disconnected customers who are seeking to restore service. These actions are insufficient to protect vulnerable customers from financial hardship resulting from their bills; and

WHEREAS, four bills addressing the impacts of electricity costs on consumers have been introduced in the Delaware General Assembly. Senate Bill 59 (SB 59), An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Utility Rates; Senate Bill 60 with Senate Amendment 2 (SB 60 w/ SA 2), An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Utility Rates; Senate Bill 61 with Senate Amendment 1 (SB 61 w/ SA 1), An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Voting by Members of the PJM Interconnection Regional Transmission Organization; and House Substitute 1 for House Bill 50 (HS 1 for HB 50), An Act to Amend Titles 7 and 29 of the Delaware Code Relating to Energy Assistance, address aspects of the electricity purchasing process that can result in variations in the price residential customers ultimately pay; and

WHEREAS, a utility’s rate base has significant implications for the price consumers pay for their usage. Under the current standards, the Delaware Public Service Commission is required to apply the “business judgment rule” standard, whereby there is limited discretion to evaluate the costs included in a rate increase justification. SB 59

would authorize the Delaware Public Service Commission to apply the “prudence” standard, which would allow the Commission to use its expertise to refuse, “in whole or in part,” certain expenses and costs included in a utility’s rate base that do not meet an objective standard of “just and reasonable and prudent” costs. The “prudence” standard is applied in 48 states; and

WHEREAS, extraneous expenses also influence base rate costs charged by utility companies, particularly those that are investor-owned. SB 60 w/ SA 2 would place parameters on the expenses incurred by public utility companies that can be recovered from customers. Restricted expenses would include expenses generated through lobbying or other activities intended to influence the legislative process, such as membership in organizations and other entities that engage in activities intended to exercise political influence, contributions to political candidates and issue committees, charitable giving expenses, and advertising intended to attract new customers; and

WHEREAS, the activities of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Regional Transmission Organization significantly affect the price and reliability of energy generated and transmitted through the regional electric transmission system. The votes cast by the PJM Interconnection Regional Transmission Organization’s stakeholder groups determine energy market rules and policies, guide long-term supply and demand planning, and set the agenda for grid improvements for years to come. SB 61 w/ SA 1 would bring greater transparency to these deliberations by requiring the disclosure of votes cast regarding matters considered by the PJM Interconnection Regional Transmission Organization; and

WHEREAS, HS 1 for HB 50 would provide immediate relief to numerous customers struggling to pay their current bills by supplementing funds available through Low Income Home Energy Assistance Program (LIHEAP) and establishing the Delaware Energy Fund to give access to financial assistance for energy costs to Delawareans with household incomes below 350% of the federal poverty level.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Council expresses strong favor for Senate Bill 59 (SB 59), An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Utility Rates; Senate Bill 60 with Senate Amendment 2 (SB 60 w/ SA 2), An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Utility Rates; Senate Bill 61 with Senate Amendment 1 (SB 61 w/ SA 1), An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities and Voting by Members of the PJM Interconnection Regional Transmission Organization; and House Substitute 1 for House Bill 50 (HS 1 for HB 50), An Act to Amend Titles 7 and 29 of the Delaware Code Relating to Energy Assistance to address structural factors that influence the long-term affordability of regulated public utilities and provide relief for residents facing costly electric utility debt.

BE IT FURTHER RESOLVED that this Council urges the honorable members of the Delaware General Assembly to support SB 59, SB 60 w/ SA 2, SB 61 w/

SA 1, and HS 1 for HB 50 to bolster our State's capacity to ensure that Delawareans are less susceptible to unreasonable rate increases.

BE IT FURTHER RESOLVED that this Council urges honorable Governor Matt Meyer, the honorable members of the Delaware General Assembly, and the Delaware Public Service Commission to immediately institute a moratorium on electric utility shut-offs and late fees for residential customers for a period of 6 to 12 months, or until a comprehensive review of affordability measures is completed.

BE IT FURTHER RESOLVED that this Council recommends that the moratorium apply to all residential customers experiencing financial hardship, with a streamlined process for customers to self-certify their need without burdensome documentation requirements. No late fees, penalties, or interest charges should accrue on overdue balances during the moratorium period. Delmarva Power should also conduct public awareness campaigns to ensure affected residents are aware of the moratorium, assistance programs, and their rights under this resolution.

BE IT FURTHER RESOLVED that this Council calls on Delmarva Power to work with the Delaware Public Service Commission, state legislators and agencies, and nonprofit organizations to expand financial assistance programs, including flexible repayment plans and bill forgiveness options for low-income households.

BE IT FURTHER RESOLVED that this Council expresses support for the production of a quarterly report by the Delaware Public Service Commission to the Delaware General Assembly detailing the number of customers impacted, financial implications, and recommendations for long-term affordability solutions.

BE IT FURTHER RESOLVED that for the long-term well-being of utilities customers, this Council encourages the General Assembly to establish a task force to explore long-term protections, including energy affordability reforms, income-based billing models, and expanded funding for low-income energy assistance programs.

Upon a motion of Council Member Darby, seconded by Council Member Owens, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke to the purpose of the resolution and made comments. Council Member McCoy made comments on the resolution.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read, recorded and amended to be filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Owens, Darby, Oliver, Willauer, McCoy, Field, Cabrera, Hackett and President Congo. Total, nine. Absent, Council Members Harlee, Johnson, Bracy and Spadola. Total, four.

President Congo declared the Resolution **adopted**.

Council Member Darby presented Resolution 25-026 (Agenda #0043) as follows:

WHEREAS, the Wilmington City Council's 2022-2025 Strategic Plan prioritizes a "Connected, Informed and Engaged Wilmington," which includes facilitating engagement on matters involving constituent, civic, and community concerns; and

WHEREAS, constituents have organized petitions seeking clarity on costly electricity bills. The Delaware Public Service Commission and the Office of the Public Advocate have received "dozens of high bill complaints from Delmarva Power customers in January." As constituents explore alternatives to lower electric utility costs, they bear the risk of becoming more susceptible to exploitative companies; and

WHEREAS, supply charges make up approximately 65% of the total electric bill for Delmarva Power customers. Since 1999, when electric supply services were deregulated, third-party electricity suppliers have been permitted to initiate agreements with Delmarva Power and Delmarva Electric Cooperative consumers to source electricity for their homes. Third-party suppliers purchase energy at wholesale prices and set their rates and operational policies independently of Delmarva Power or the Delmarva Electric Cooperative; and

WHEREAS, as of April 2024, about 27,000 Delaware residential customers had their electricity supplied by a competitive, or "third party," supplier. The Delaware Public Service Commission lists 180 companies as "certified electric suppliers," with the caveat that all certified companies may not be currently offering services; and

WHEREAS, third-party suppliers must obtain an Electric Transmission Supplier Certificate from the Delaware Public Service Commission but there is no requirement for third-party suppliers to submit to recertification evaluations periodically. Third-party suppliers are not subject to routine regulatory processes, such as rate increase request reviews; and

WHEREAS, the terms of third-party supply agreements are not always transparent to customers. Some suppliers offer attractive introductory rates that eventually expire, or use variable rate plans that result in fluctuating costs that may eventually create financial hardships for customers; and

WHEREAS, third-party electricity suppliers have also been cited for using misleading practices to recruit new customers and employing opaque policies for processing contract cancellations. The Delaware Public Service Commission and the Division of the Public Advocate have received numerous complaints about Third Party Electricity Companies using "spoofed" phone numbers from Delmarva Power or falsified credentials to give potential customers the impression that they represent Delmarva Power or an affiliate; and

WHEREAS, according to complaints published by the Better Business Bureau, individuals have reported the persistence of sales agents through visits to their

homes, mailers, and even calls, despite their registration on the national “Do Not Call” list or direct requests to representatives to remove their phone numbers from contact lists. Complaints have also detailed solicitations that resulted in some of these individuals being unaware that they or a family member had agreed to contract with the third-party supplier and/or being billed for additional months following cancellation requests; and

WHEREAS, third-party suppliers have raised concerns nationwide for questionable business and recruiting practices. In 2017, the Delaware Public Service Commission introduced new rules governing electric suppliers, however, enforcement of the regulations is predominantly driven by customer complaints rather than proactive investigations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this Legislative body encourages the Delaware General Assembly to develop a plan to review the transparency, certification process, and practices of third-party electric supplier certified by the Delaware Public Service Commission to operate in this State.

BE IT FURTHER RESOLVED that the Council of the City of Wilmington urges the Delaware General Assembly to issue a report, including findings and recommended actions, regarding certified third-party electric suppliers to improve consumer protections and regulation enforcement.

Upon a motion of Council Member Darby, seconded by Council Member Owens, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke to the purpose of the resolution and made comments. Council Member Oliver made comments on the resolution.

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read, recorded and amended to be filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Owens, Darby, Oliver, Willauer, McCoy, Johnson, Field, Cabrera, Hackett and President Congo. Total, ten. Absent, Council Members Harlee, Bracy and Spadola. Total, three.

President Congo declared the Resolution **adopted**.

Council Member McCoy presented and called for the first and second reading of Ordinance No. 25-018 (Agenda #0044) entitled:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE REGARDING ESCROW

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

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following items including but not limited to: Community Clean Up Day, Community events, Free haircuts, and Free Tech Conference, Community meetings and Easter events, everyone was thanked for joining tonight's meeting and was encouraged to contact Council Office with any questions and/or concerns.

ADJOURNMENT

Upon a motion of Council Member Willauer seconded by Council Member Cabrera and Owens, Council adjourned at 9:30 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the April 17, 2025 City Council meeting at the following link:

<https://www.witn22.org/programs/#/?video=4318>

Attest: 
Akira Grenardo, City Clerk