

*Wilmington City Council
Wilmington, Delaware
August 22, 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, Darby**, Oliver**, Harlee, B. Fields, McCoy, N. Field, Cabrera* (virtual), Spadola and Bracy (virtual), and Council President Congo. Total, eleven. Absent with leave, Council Members Johnson and Mills. Total, two.

MINUTES

After reading a portion of the minutes of July 11, 2024, upon a motion of Council Member McCoy, seconded by Council Member Harlee, it was moved they be accepted as written. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report for August 22, 2024 was read into the record by City Clerk and upon a motion of Council Member Harlee, seconded by Council Member McCoy, the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 2 to Page 4.

[the remainder of this page intentionally left blank]

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report August 22, 2024

Cash - Ledger Balance (as of 08/21/2024):

General	M & T Bank	\$ 11,307,807.00
Payroll	M & T Bank	\$ 1,434,824.21
Law Department Court Costs	M & T Bank	\$ 4,172.07
Total Petty Cash	M & T Bank	\$ 5,913.22
Police - Evidence Found (Currency)	M & T Bank	\$ 1,233,283.99
Police & Fire Remembrance	M & T Bank	\$ 11,744.49
Police Department Discretionary	M & T Bank	\$ 26,546.73
Rent Withholding Escrow	M & T Bank	\$ 10,737.97
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		\$ 14,147,792.55

Cash Equivalents & Investments (as of 08/21/2024):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.99%	\$ 3,883.58	\$ 36,574,256.27
General	TD	High Yield Checking	21	4.58%	\$ 8,270.55	\$ 3,095,651.25
General	TD	High Yield Checking	21	4.58%	\$ 12,061.56	\$ 4,514,619.24
General	TD	High Yield Checking	21	4.58%	\$ 180.24	\$ 67,462.61
SUB-TOTAL:						\$ 44,251,989.37
RESTRICTED:						
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	10/18/2024	5.18%	\$ 362,810.33	\$ 40,668,737.83
General	TD	CD*	10/15/2024	5.18%	\$ 155,472.44	\$ 17,427,475.08
General	TD	CD	10/15/2024	5.18%	\$ 170,928.55	\$ 19,798,673.66
SUB-TOTAL:						\$ 77,921,010.74
RESERVE:						
General ¹	PNC	T-Bills	10/24/2024	5.27%	\$ 243,627.00	\$ 19,391,873.00
SUB-TOTAL:						\$ 19,391,873.00
RESTRICTED:						
Capital Project	TD	CD	10/15/2024	5.18%	\$ 13,060.53	\$ 1,464,002.82
Capital Project	TD	CD	10/15/2024	5.18%	\$ 1,139.64	\$ 127,746.63
Capital Project	TD	CD	10/15/2024	5.18%	\$ 104,231.22	\$ 11,683,659.35
Water/Sewer	PNC	T-Bills	10/24/2024	5.27%	\$ 192,608.00	\$ 15,331,392.00
State Bonds Proceeds	TD	CD	10/15/2024	5.18%	\$ 31,309.95	\$ 3,509,647.30
SUB-TOTAL						\$ 32,116,448.10
Total Investments						\$ 173,681,321.22
Total Cash on Hand						\$ 14,147,792.55
Grand Total						\$ 187,829,113.77

¹ Budget Reserve

*Restricted use. Per ARPA US Treasury Guidelines

DocuSigned by:

DaWayne Sims

8/22/2024

7768CA8083E8468...
DaWayne Sims, City Treasurer

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions I August 22, 2024

Cash - Ledger Balance (as of 08/21/2024):

Pension Payroll	M & T Bank	\$	76,656.91
Retiree Healthcare	M & T Bank	\$	1,361,477.75
Police Pension	M & T Bank	\$	126,253.92
Fire Pension	M & T Bank	\$	584,507.61
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	206,068.06
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		\$	2,357,557.06

Cash Equivalents (as of 08/21/2024) & Investments (Market Value as of Aug 16, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension III	TD	CD	9/6/2024	5.25%	\$ 34,424.73	\$ 3,934,255.00
SUB-TOTAL:						\$ 3,934,255.00
RESERVE:						
Pension Trust	Rhumblin (S&P 500)					\$ 105,229,609.00
Pension Trust	Earnest Partners					\$ 18,257,687.00
Pension Trust	Dodge & Cox					\$ 14,006,133.00
Pension Trust	Artisan Global					\$ 14,022,996.00
Pension Trust	MFS Low Global					\$ 15,204,483.00
Pension Trust	Fidelity Total Intl. Index					\$ 18,038,118.00
Pension Trust	Harding Loevner					\$ 2,484,791.00
Pension Trust	Fidelity Emerging					\$ 3,028,567.00

DocuSigned by:

DaWayne Sims 8/22/2024

7768CA8083E8468...

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
August 22, 2024

Investments (Market Value Aug 16, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Clarion Lion					\$ 9,728,945.00
Pension Trust	Morgan Stanley					\$ 8,130,908.00
Pension Trust	JP Morgan					\$ 15,993,290.00
Pension Trust	LM Capital Core					\$ 33,990,795.00
Pension Trust	Rhumblin Core					\$ 29,661,130.00
Pension Trust	Fidelity Bond Index					\$ 9,661,594.00
Pension Trust	Money Market					\$ 1,849,585.00
Pension Trust	OPEB Trust Fund					\$ 35,428,076.00
SUB-TOTAL						\$ 334,716,707.00
Total Investments						\$ 338,650,962.00
Total Cash on Hand						\$ 2,357,557.06
Grand Total						\$ 341,008,519.06
Total Funds under Treasury Management:						
Total Investments						\$ 512,332,283.22
Total Cash on Hand						\$ 16,505,349.61
Grand Total¹						\$ 528,837,632.83

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

DocuSigned by:

DaWayne Sims 8/22/2024

7768CA8083E8468...
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

**Note: At this time, Council Member Cabrera was recognized as being present virtually.*

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

All Council	Recognize Wilmington Fire Department Deputy Chief Gabriel Pabon
Harlee	Recognize Desiree Harris (2024 Valedictorian of The Bancroft Middle School)
Oliver	Recognize Deneen McManus

b. Sympathy Resolutions

Congo	Sympathy Adalyn Jennive Pretlow
Johnson	Sympathy Frank Lee Robinson
Johnson	Sympathy Robert J. Moser
Johnson	Sympathy Franklin S. Moon
Oliver	Sympathy Artrielle C. Tann
Oliver	Sympathy Ava Maxine Jackson
Oliver	Sympathy Mozella Lucas White
Oliver	Sympathy Kevin D. Harris, Jr.
Oliver	Sympathy Carl Lolley, Sr.
Oliver	Sympathy Wendall Washington Dale
Oliver	Sympathy King Solomon Beavers, Sr.
Oliver	Sympathy Hunter M. Williams
Oliver	Sympathy Tracey C. Noel
Spadola	Sympathy Rebecca Thompson Cohen

***Note: During this time, Council Members Oliver and Darby were recognized as being present. In addition, Council Member Bracy who was initially virtual, is now present in Council Chambers.*

PUBLIC COMMENTS

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

- Donald Farrell
- Deacon Earl E. Tate, II
- Carmina Taylor
- Keandra McDole (virtual)
- Kristina Kelly (virtual)

LEGISLATIVE BUSINESS

Council Member Darby presented Resolution No. 24-049 (Agenda #0463) as follows:

WHEREAS, as legislative representatives elected by the citizens of Wilmington, members of City Council must be held to the highest standard in the way they conduct themselves in the public light, as well as the manner in which they conduct public business; and

WHEREAS, elected officials shall represent their constituents rather than their own interests; and

WHEREAS, in July 2022, Councilwoman Zanthia Oliver, 3rd District (“Councilwoman Oliver”), sponsored an event called “Love Is in the Air,” at Brown/Burton/Winchester Park. The usage fee was \$610.00. Councilwoman Oliver agreed to pay the usage fee out of her City Council discretionary funds. At her request, the City issued a \$610.00 check made out to the City of Wilmington. On August 1, 2022, Councilwoman Oliver endorsed the check and deposited it into her personal checking account; and

WHEREAS, on August 29, 2022, Councilwoman Oliver was notified of the improper endorsement. She promptly repaid the City; and

WHEREAS, in August 2022, Councilwoman Oliver, in partnership with the Eastside Community Association (“ESCA”), began coordinating an event called “A Salute to Women Veterans” to be held at the Chase Center on the Riverfront in September 2022; and

WHEREAS, on or about August 22, 2022, Councilwoman Oliver requested from the City a \$4,900.00 check, payable to ESCA, to pay the Chase Center’s required deposit; and

WHEREAS, Councilwoman Oliver endorsed the check and deposited into ESCA’s bank account. Councilwoman Oliver was able to do this because she had been “on and off [ESCA’s] Board for years.” Councilwoman Oliver’s required financial disclosures in 2021 and 2022 did not mention service on *any* corporate or non-profit boards; and

WHEREAS, the City of Wilmington Ethics Commission (“Ethics Commission”) received a complaint regarding these purported ethical violations; and

WHEREAS, on September 10, 2022, the Ethics Commission voted to refer the matter for investigation; and

WHEREAS, on September 13, 2023, after an investigation, the Ethics Commission received a Statement of Alleged Violation that Councilwoman Oliver’s abovementioned conduct violated Wilmington City Code Sections 2-341(a) and 2-345.1(c)(1)(a)(8); and

WHEREAS, on November 13, 2023, Councilwoman Oliver agreed to an “Agreed Disposition” of a public reprimand for violating the aforementioned City Code Sections; and

WHEREAS, the Commission approved the Agreed Disposition on November 14, 2023.

WHEREAS, this was the second public reprimand Councilwoman Oliver received in 2023; and

WHEREAS, in response to this Ethics Commission investigation, City Council requested the City Auditor to accelerate its scheduled audit of all Council grant funds; and

WHEREAS, on March 31, 2024, the City Auditor released “Audit 24-02: Performance Audit of City Council Grants.” It found that Councilwoman Oliver personally endorsed several checks meant for ESCA. The Report concluded that:

Discrepancies were noted during a review of cancelled checks from the Eastside Civic Association (ESCA) consistent with what prompted an ethics complaint being filed with the Wilmington Ethics Commission.

A total of 50 transactions for the 3rd district council person were tested. This represents 100% of the 3rd district council person’s disbursements during the [108th Session of Council]. There were eight checks disbursed to ESCA. Four out of the eight checks reviewed were endorsed by the 3rd District Councilperson; and

WHEREAS, the Report further observed that “council members should be reminded of the importance of thoroughly completing financial disclosures”; and

WHEREAS, it is in this spirit that the City Council feels compelled to recognize improper behavior manifest in the actions of one of its members, and censure that behavior to set the tone that appearances of impropriety shall not be tolerated; and

WHEREAS, it is in this spirit that the City Council wishes to inform the public that it takes these violations seriously, must hold each other accountable, and must continue to work to maintain public trust and rebuild it when it is lost.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council seeks to formally censure Councilwoman Zanthia Oliver for repeated “conflict of interests” that go beyond the Ethics Commission’s findings.

BE IT FURTHER RESOLVED that Council renews its resolve to the principles outlined in the City Code upheld by its members, and the Oath of Office taken by its members. This Council stands at the ready to move forward, and to collaborate around matters of community importance to our City.

Upon a motion of Council Member Darby, seconded by Council Member Spadola, 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 Spadola, B. Fields, Oliver Bracy, Harlee, and Cabrera made comments. President Congo made comments. Council Member B. Fields made additional comments. President Congo made additional comments. Council Member Harlee made additional comments. Council Member Darby made closing comments.

President Congo requested the Clerk to call the roll.

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

President Congo declared the Resolution **defeated**.

Council Member Darby presented and called for the first and second reading Ordinance No. 24-040 (Agenda #0464) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF
THE CITY CODE TO AUTHORIZE A WATER
AFFORDABILITY PROGRAM

FISCAL IMPACT STATEMENT: The fiscal impact is unknown at this time but should be *de minimis* because the Charter requires the City's utilities to remain revenue neutral.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Darby, seconded by President Congo, 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 Ordinance No. 24-041 (Agenda #0465) entitled:

AN ORDINANCE TO AMEND CHAPTER 4 OF
THE CITY CODE IMPLEMENTING STRICTER
SECURITY AND SAFETY STANDARDS FOR
FIREARMS RETAIL STORES

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

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

Council Member Darby presented and called for the first and second reading Ordinance No. 24-042 (Agenda #0466) entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF
THE CITY CODE TO PROHIBIT FIREARMS,
COMPONENTS OF FIREARMS, AMMUNITION,
OR EXPLOSIVES FROM CITY BUILDINGS
AND POLICE STATIONS

FISCAL IMPACT STATEMENT: There should be no fiscal impact.

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 Public Safety Committee. Motion prevailed.

Council Member Oliver presented and called for the first and second reading Ordinance No. 24-043 (Agenda #0467) entitled:

AN ORDINANCE TO AMEND CHAPTER 40 OF
THE CITY CODE REGARDING THE ANNUAL
SHOE ALLOWANCE FOR SAFETY SHOES

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is de minimus.

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 Finance & Economic Development Committee. Motion prevailed.

On behalf of Council Member Johnson, Council Member Harlee presented and called for the first and second reading Ordinance No. 24-044 (Agenda #0468) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE
CITY CODE TO RESTRICT ELECTED OFFICIALS'
GRANT FUND USAGE IF WILMINGTON ETHICS
COMMISSION SUBSTANTIATES ALLEGATIONS
OF FINANCIAL ETHICS VIOLATIONS AGAINST THEM

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance will be *de minimis*.

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

On behalf of Council Member Johnson, Council Member Harlee presented and called for the first and second reading Ordinance No. 24-045 (Agenda #0469) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (WATER DISTRIBUTION & TRANSMISSION IMPROVEMENTS – LEAD REMOVAL PHASE II PROJECT), SERIES C OF 2024-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CONTINUING REPLACEMENT OF WATERMAINS IN CITY'S DISTRIBUTION SYSTEM; PROVIDING FOR THE SALE OF THE 2024C BOND TO THE DELAWARE DRINKING WATER STATE 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 Harlee, seconded by Council Member B. Fields, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

On behalf of Council Member Johnson, Council Member Harlee presented and called for the first and second reading Ordinance No. 24-046 (Agenda #0470) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (11TH STREET SEWAGE PUMP STATION REPLACEMENT/ UPGRADES – SCREENING PROJECT), SERIES B OF 2024-WPCRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE REPLACEMENT OF A SCREEN AT THE CITY'S 11TH STREET SEWAGE PUMP STATION; PROVIDING FOR THE SALE OF THE 2024B 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 Harlee, seconded by Council Members Oliver and B. Fields, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

Council Member Cabrera **held** Agenda #0471.

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: announcements of community events throughout the city; individuals were thanked for participating at various events; students going back to school; everyone was thanked for attending tonight’s meeting whether in-person or virtually, and including but not limited to, everyone was reminded that Council is back in session with back to back meetings and were encouraged to contact the Council Office with any questions and/or concerns.

Note: During this time, Council Member Darby requested to be excused and Council Member Spadola was virtual.

ADJOURNMENT

Upon a motion of Council Members B. Fields and Bracy, seconded by Council Members Oliver, McCoy and Cabrera, Council adjourned at 7:58 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the August 22, 2024 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/313460>.

Attest: Maribel Seijo
Maribel Seijo, City Clerk