

*Wilmington City Council
Wilmington, Delaware
December 5, 2024*

City Council met in regular session with remote participation on the above date at 6:33 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, Johnson, N. Field, Cabrera**, Spadola and Bracy, and Council President Congo. Total, twelve. Absent with leave, Council Member Mills. Total, one.

MINUTES

After reading a portion of the minutes of November 21, 2024, upon a motion of Council Member Johnson, seconded by Council Member McCoy, it was moved they be accepted as written. Motion prevailed.

COMMITTEE REPORTS

The Deputy 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

November 18, 2024

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-058** entitled:

AUTHORIZE AND APPROVE FOUR ONE-YEAR EXTENSIONS OF CONTRACT 24028WD (WATER DISTRIBUTION SYSTEM MAINTENANCE) BETWEEN THE CITY OF WILMINGTON AND BRANDYWINE CONSTRUCTION CO., INC.

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 B. Fields, Johnson and McCoy, the Report was received, recorded and filed. Motion prevailed.

The Deputy 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

November 18, 2024

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-059** entitled:

AUTHORIZE AND APPROVE FOUR ONE-YEAR EXTENSIONS OF CONTRACT 24029PW (SEWER CONSTRUCTION) BETWEEN THE CITY OF WILMINGTON AND BRANDYWINE CONSTRUCTION CO., INC.

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 B. Fields and McCoy, the Report was received, recorded and filed. Motion prevailed.

The Deputy 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

November 18, 2024

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-060** entitled:

AUTHORIZE AND APPROVE TWO ONE-YEAR EXTENSIONS OF CONTRACT 24031PW (STREET PAVING – PHASE XI) BETWEEN THE CITY OF WILMINGTON AND ALLAN MYERS, L.P.

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 B. Fields and McCoy, the Report was received, recorded and filed. Motion prevailed.

The Deputy 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

November 18, 2024

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-061** entitled:

AUTHORIZE AND APPROVE TWO ONE-YEAR EXTENSIONS OF CONTRACT 25001PW (GASOLINE, HEATING OIL & DIESEL FUEL) BETWEEN THE CITY OF WILMINGTON AND JAMES RIVER SOLUTIONS, 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 Oliver, seconded by Council Members B. Fields and McCoy, the Report was received, recorded and filed. Motion prevailed.

The Deputy 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

November 18, 2024

Ladies and Gentlemen:

We, your Public Works & Transportation Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-062** entitled:

AUTHORIZE AND APPROVE THE FIRST AMENDMENT TO THE FLEET MANAGEMENT AND MAINTENANCE CONTRACT (CONTRACT 18001PWPS) BETWEEN THE CITY OF WILMINGTON AND TRANSDEV FLEET SERVICES, INC.

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 B. Fields and McCoy, the Report was received, recorded and filed. Motion prevailed.

The Deputy City Clerk read the following committee report:

Community Development & Urban Planning Committee Members	Present	Absent w/Leave	Absent w/out Leave
Maria D. Cabrera, Chair			
Nathan Field, Vice Chair			
Shané N. Darby			
Bregetta A. Fields			
Yolanda M. McCoy			
James Spadola			
Vincent M. White			
Ernest "Trippi" Congo II, Ex-Officio			

President and Members of Council of
The City of Wilmington

November 14, 2024

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-066** entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE REGARDING BUSINESS LICENSE FEES PAYABLE WITH RESPECT TO MULTI-UNIT RENTAL DWELLING UNITS

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

Respectfully submitted, Members of
Community Development & Urban Planning Committee

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

The Deputy City Clerk read the following committee report:

Public Safety Committee Member	Present	Absent w/Leave	Absent w/out Leave
Yolanda M. McCoy, Chair	x		
Zanthia Oliver, Vice Chair	x		
Shané N. Darby	x		
Chris Johnson	x		
James Spadola	x		
Albert Mills	x		
Ernest "Trippi" Congo II, Ex-Officio	x		

President and Members of Council of
The City of Wilmington

November 25, 2024

Ladies and Gentlemen:

We, your Public Safety Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-063** entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY
CODE TO CONVERT THE CITIZENS COMPLAINT REVIEW
BOARD INTO THE WILMINGTON COMMUNITY POLICE
ACCOUNTABILITY BOARD

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

Respectfully submitted, Members of
Public Safety Committee

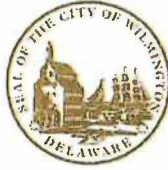
Upon a motion of Council Member McCoy, seconded by Council Member Oliver and Johnson, the Report was received, recorded and filed. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report for December 5, 2024 was read into the record by Deputy City Clerk and upon a motion of Council Member Johnson, seconded by Council Members McCoy and Harlee, the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 7 to Page 9.

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report December 05, 2024

Cash - Ledger Balance (as of 12/04/2024):

General	M & T Bank	\$	8,116,796.00
Payroll	M & T Bank	\$	2,173,134.51
Law Department Court Costs	M & T Bank	\$	4,652.07
Total Petty Cash	M & T Bank	\$	5,913.65
Police - Evidence Found (Currency)	M & T Bank	\$	1,236,077.95
Police & Fire Remembrance	M & T Bank	\$	11,744.49
Police Department Discretionary	M & T Bank	\$	18,020.81
Rent Withholding Escrow	M & T Bank	\$	17,337.97
Grant-in-Aid	M & T Bank	\$	112,760.87
Community Development Block Grant	M & T Bank	\$	1.00
Capital Projects	M & T Bank	\$	1.00
Total Cash on Hand		\$	11,696,440.32

Cash Equivalents & Investments (as of 12/04/2024):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.99%	\$ 3,094.42	\$ 30,365,095.07
General	TD	High Yield Checking	4	3.94%	\$ 5,769.74	\$ 13,179,606.02
General	TD	High Yield Checking	4	3.86%	\$ 10,121.55	\$ 23,599,457.73
General	TD	High Yield Checking	4	3.94%	\$ 2,236.01	\$ 5,107,630.01
SUB-TOTAL:						\$ 72,251,788.83
Account Type & Fund						
Police & Fire Remem.	WSFS	CD	1/23/2025	4.88%	\$ 1,168.38	\$ 26,124.17
General	TD	CD	12/18/2024	4.77%	\$ 123,303.88	\$ 31,019,844.60
General	TD	CD*	12/16/2024	4.77%	\$ 74,551.70	\$ 17,582,947.52
General	TD	CD	12/16/2024	4.77%	\$ 4,111.11	\$ 969,602.21
SUB-TOTAL:						\$ 49,598,518.50
RESERVE:						
General	PNC	T-Bills	12/19/2024	4.52%	\$ 56,200.00	\$ 19,719,000.00
SUB-TOTAL:						\$ 19,719,000.00
RESTRICTED:						
Capital Project	TD	CD	12/16/2024	4.77%	\$ 6,139.75	\$ 1,448,053.16
Capital Project	TD	CD	12/16/2024	4.77%	\$ 357.68	\$ 84,358.54
Capital Project	TD	CD	12/16/2024	4.77%	\$ 39,357.51	\$ 9,282,432.07
Water/Sewer	PNC	T-Bills	12/19/2024	4.52%	\$ 44,500.00	\$ 15,590,000.00
State Bonds Proceeds	TD	CD	12/16/2024	4.77%	\$ 9,460.39	\$ 2,231,224.42
SUB-TOTAL						\$ 28,636,068.19
Total Investments						\$ 170,205,375.52
Total Cash on Hand						\$ 11,696,440.32
Grand Total						\$ 181,901,815.84

¹ Budget Reserve

*Restricted use. Per ARPA US Treasury Guidelines

Digitally signed by:

DaWayne Sims 12/5/2024

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 I December 05, 2024

Cash - Ledger Balance (as of 12/04/2024):

Pension Payroll	M & T Bank	\$	88,862.02
Retiree Healthcare	M & T Bank	\$	658,080.44
Police Pension	M & T Bank	\$	116,441.55
Fire Pension	M & T Bank	\$	404,398.75
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	162,396.67
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		\$	1,432,772.24

Cash Equivalents (as of 12/04/2024) & Investments (Market Value as of Nov 29, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension III	TD	CD	1/21/2025	4.78%	\$ 16,465.25	\$ 2,000,098.26
SUB-TOTAL:						\$ 2,000,098.26
RESERVE:						
Pension Trust	Rhumblin (S&P 500)					\$ 114,648,349.00
Pension Trust	Earnest Partners					\$ 19,439,209.00
Pension Trust	Dodge & Cox					\$ 14,256,397.00
Pension Trust	Artisan Global					\$ 14,865,865.00
Pension Trust	MFS Low Global					\$ 15,895,020.00
Pension Trust	Fidelity Total Intl. Index					\$ 17,911,624.00
Pension Trust	Harding Loevner					\$ 2,430,563.00
Pension Trust	Fidelity Emerging					\$ 2,995,377.00

Fire pension CD currently undergoing renewal

DocuSigned by:
DaWayne Sims 12/5/2024
7768CA8083E8468...
DaWayne Sims, City Treasurer

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions II December 05, 2024

Investments (Market Value Nov 29, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Clarion Lion					\$ 9,521,609.00
Pension Trust	Morgan Stanley					\$ 7,914,405.00
Pension Trust	JP Morgan					\$ 16,376,951.00
Pension Trust	LM Capital Core					\$ 34,031,032.00
Pension Trust	Rhumblin Core					\$ 29,696,334.00
Pension Trust	Fidelity Bond Index					\$ 9,650,763.00
Pension Trust	Money Market					\$ 2,309,353.00
Pension Trust	OPEB Trust Fund					\$ 37,088,264.00
SUB-TOTAL						\$ 349,031,115.00
Total Investments						\$ 351,031,213.26
Total Cash on Hand						\$ 1,432,772.24
Grand Total						\$ 352,463,985.50

Total Funds under Treasury Management:

Total Investments						\$ 521,236,588.78
Total Cash on Hand						\$ 13,129,212.56
Grand Total¹						\$ 534,365,801.34

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

DocuSigned by:

DaWayne Sims 12/5/2024

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

NON-LEGISLATIVE BUSINESS

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

a. Recognition Resolutions

All Council	Recognize Maria Perez (Retirement)
Harlee	Recognize Brandon Gray (Kuumba Academy's 2024 Educator Support Professional of the Year)

b. Sympathy Resolutions

All Council	Sympathy Karen Turner
McCoy	Sympathy Henry Wilson Murphy
Oliver	Sympathy Kenneth E. Patton
Oliver	Sympathy James A. Hawkins
Oliver	Sympathy Barbara Lee Carter
Oliver	Sympathy Marvin R. Swanson, Jr.
Oliver	Sympathy Clarence E. Thomas
Spadola	Sympathy Andrea Marie Laws

PUBLIC COMMENTS

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

- David Storm (virtual)
- Deacon Earl E. Tate, II
- Lugenia Anthony
- Tony Dunn

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

- Hope Alfreda Brunson
- Dora Williams

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

- Christian Willauer
- James Taylor
- Dawn Butler
- Shyanne Miller
- Michelle Roberts

LEGISLATIVE BUSINESS

President Congo mentioned that the agenda would be a little out of order.

Council Member Johnson presented and called for the third and final reading Ordinance No. 24-063 (Agenda #0502) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE
CITY CODE TO CONVERT THE CITIZENS COMPLAINT
REVIEW BOARD INTO THE CITY OF WILMINGTON
COMMUNITY POLICE ACCOUNTABILITY BOARD

FISCAL IMPACT: This Ordinance will require a budget amendment to pay for a new liaison position, as well as funding for board member meeting attendance.

Upon a motion of Council Member Johnson, seconded by Council Members B. Fields and McCoy, the Ordinance was before the Council for its consideration. Motion prevailed.

Council Member Johnson presented the following floor amendment:

- 1) On Page 2 of Ord. 24-063, delete the following language and add in the underlined language to proposed Section 2-150.80(b) as follows:
 - (b) ~~Executive Assistant; Law Department. There shall be a full time position supporting the Board, who shall provide clerical, technical, and other services required by the Board in the performance of its official duties.~~ Legal services shall be furnished by the law department to ensure independent counsel.

- 2) On Page 4 of Ord. 24-063, delete the following stricken language to proposed Section 2-150.80(i) as follows:
 - (i) ~~Budget. Each year, the board shall be allocated an operating budget which shall be proposed by the mayor in the city's annual budget and adopted by city council. During the first quarter of the year, the board shall submit a proposed annual operating budget to the mayor and annual financial statements for consideration for the next fiscal year. The Board's appropriations shall be a line item in the office of the mayor's operating budget. Additionally, the budget shall include a salaried, full time Executive Assistant, who shall provide clerical, technical, and other services required by the Board in the performance of its official duties.~~

- 3) On page 6 of Ord. 24-063, delete the Fiscal Impact statement in its entirety and replace it with the following language:

This Ordinance's fiscal impact is *de minimis*.

Upon a motion of Council Member Johnson, seconded by Council Member Oliver, the floor amendment was before the Council for its consideration. Motion prevailed. Council Member McCoy raised a question and Council Member Johnson responded. Council Member Oliver made comments. Council Member Harlee raised a question and Council Member Johnson responded.

President Congo called a voice-vote for the floor amendment and the motion to amend the Ordinance prevailed. The Ordinance, As Amended, was before the Council for its consideration. Council Member Johnson spoke on the Ordinance, As Amended. Council Member Darby made comments. Council Member Harlee made comments and requested to be added as a co-sponsor. Council Member Cabrera requested to be added as a co-sponsor.

President Congo requested the Clerk call the roll.

The above-referenced 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, B. Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Mills. Total, one.

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

Council Member Cabrera presented and called for the third and final reading Ordinance No. 24-066 (Agenda #0505) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE
CITY CODE REGARDING BUSINESS LICENSE
FEES PAYABLE WITH RESPECT TO RENTAL
DWELLING UNITS

FISCAL IMPACT STATEMENT: This Ordinance is anticipated to reduce City revenues from business license fees related to rental dwelling units by \$85,000.

Upon a motion of Council Member Cabrera, seconded by Council Member B. Fields, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Cabrera spoke on the purpose of the Ordinance and made comments. Council Member Johnson made comments. Council Member B. Fields made comments and requested to be added as a co-sponsor. Council Members N. Field, Bracy, Spadola, McCoy and Harlee made comments. Council Member Johnson made additional comments. Council Member Spadola made additional comments. President Congo made comments. Council Member Cabrera made closing 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 Oliver, Harlee, Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy. Total, nine. Nays, Council Member Darby and President Congo. Total, two. Present, Council Member White. Total, one. Absent, Council Member Mills. Total, one.

President Congo declared the Ordinance **adopted**.

Note: At this time, Council Member B. Fields requested to be excused from the meeting.

Council Member Oliver presented Resolution No. 24-064 (Agenda #0512) 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 2-627 authorizes the Department of Public Works, subject to the approval of Council by resolution, to grant such easements as shall be necessary to facilitate the construction, maintenance, operation, and/or repair of streets, roads, sidewalks, and/or other public rights-of-way; and

WHEREAS, the City currently owns the right-of-way at the 1000 block of North Orange Street (the "Right-of-Way"); and

WHEREAS, BPG Office Partners VIII LLC ("BPG"), the owner of the property adjacent to the Right-of-Way (namely 1007 North Orange Street, Wilmington, Delaware 19801, being Tax Parcel No. 26-028.40-096), would like to make certain improvements to a portion of the Right-of-Way including, but not limited to, the installation of a residential drop off lane, pavers, and curb cuts (collectively, the "Improvements"); and

WHEREAS, BPG has requested for the City to grant it an easement to accommodate the Improvements, as set forth in a proposed agreement between the City and BPG (the "Right-of-Way 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 an easement to BPG as set forth in the Right-of-Way Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City's grant of an easement to BPG in the Right-of-Way for BPG to make the Improvements pursuant to the terms of the Right-of-Way Easement Agreement, a copy of which, in substantial form, is attached hereto and incorporated herein as Exhibit A, is hereby approved.

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 McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Resolution.

President Congo requested the Clerk to call 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, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, ten. Nays, none. Present, Council Member Darby. Total, one. Absent, Council Members B. Fields and Mills. Total, two.

President Congo declared the Resolution **adopted**.

Council Member Oliver presented Resolution No. 24-065 (Agenda #0513) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, City Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the Department of Public Works submitted a grant application to the State of Delaware Department of Natural Resources and Environmental Control ("DNREC") for a grant from the Tree for Every Delawarean Initiative in the amount of \$90,965.00; and

WHEREAS, the Department of Public Works intends to use the grant funds to plant trees at the park located on the site of the former Rodney Street Reservoir; and

WHEREAS, no local matching funds are required by this grant; and

WHEREAS, City Council deems it necessary and appropriate to authorize the grant application for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Department of Public Works' grant application to DNREC for a grant from the Tree for Every Delawarean Initiative in the amount of \$90,965.00, or such other amount that DNREC awards, is hereby authorized.

BE IT FURTHER RESOLVED that the Commissioner of Public Works, or her designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City because no local matching funds are required by this grant.

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

President Congo requested the Clerk to call 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, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members B. Fields and Mills. Total, two.

President Congo declared the Resolution **adopted**.

Note: At this time, Council Member B. Fields was recognized as being present virtually.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-058 (Agenda #0497) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE FOUR ONE-YEAR EXTENSIONS OF CONTRACT 24028WD (WATER DISTRIBUTION SYSTEM MAINTENANCE) BETWEEN THE CITY OF WILMINGTON AND BRANDYWINE CONSTRUCTION CO., INC.

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is four (4) one-year contract extensions at an estimated price not to exceed Three Million Dollars (\$3,000,000.00) plus up to a two percent (2%) price increase for each extension.

Upon a motion of Council Member Oliver, seconded by Council Member McCoy, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance. Council Member McCoy raised a question and Council Member Oliver responded.

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 White, Darby, Oliver, Harlee, B. Fields, McCoy, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Johnson and Mills. Total, two.

President Congo declared the Ordinance **adopted**.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-059 (Agenda #0498) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE FOUR ONE-YEAR EXTENSIONS OF CONTRACT 24029PW (SEWER CONSTRUCTION) BETWEEN THE CITY OF WILMINGTON AND BRANDYWINE CONSTRUCTION CO., INC.

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is four (4) one-year contract extensions at an estimated price of One Million Eight Hundred Ninety-Nine Thousand Eight Hundred Forty Dollars (\$1,899,840.00) plus up to a two percent (2%) price increase for each extension.

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

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 White, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Mills. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-060 (Agenda #0499) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE TWO ONE-YEAR EXTENSIONS OF CONTRACT 24031PW (STREET PAVING PHASE XI) BETWEEN THE CITY OF WILMINGTON AND ALLAN MYERS, L.P.

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is two (2) one-year contract extensions at an estimated price of Three Million Three Hundred Forty-Two Thousand Two Hundred Twenty-Two Dollars (\$3,342, 222.00) per extension.

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

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 White, Darby, Oliver,

Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Mills. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-061 (Agenda #0500) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE TWO ONE-YEAR EXTENSIONS OF CONTRACT 25001PW (GASOLINE HEATING OIL & DIESEL FUEL) BETWEEN THE CITY OF WILMINGTON AND JAMES RIVER SOLUTIONS, LLC

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is two (2) one-year contract extensions at an estimated price of One Million Two Hundred Fifty-Five Thousand Three Hundred Twenty-Seven Dollars and Fifty Cents (\$1,255,327.50) per extension.

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

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 White, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Mills. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-062 (Agenda #0501) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE THE FIRST AMENDMENT TO THE FLEET MANAGEMENT AND MAINTENANCE CONTRACT (CONTRACT 18001PWPS) BETWEEN THE CITY OF WILMINGTON AND TRANSDEV FLEET SERVICES, INC.

FISCAL IMPACT STATEMENT: The fiscal impact of this Ordinance is a five-year contract extension with the option of three (3) one-year extensions thereafter at an estimated price for the first year of Two Million Three Hundred Twenty-Nine Thousand Three Hundred Eighty Seven Dollars and Seventy-Seven Cents (\$2,329,387.77) (the

“Year One Cost”), with the possibility of a price adjustment to the Year One Cost for each subsequent year not to exceed the Bureau of Labor Statistics Consumer Price Index – Philadelphia-Wilmington-Atlantic City for the previous 12-month period ending in April.

Upon a motion of Council Member Oliver, seconded by Council Members White and McCoy, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance.

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 White, Darby, Oliver, Harlee, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members B. Field and Mills. Total, two.

President Congo declared the Ordinance **adopted**.

Council Member Harlee presented Resolution No. 24-066 (Agenda #0514) 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 2-627 authorizes the Department of Public Works, subject to the approval of Council by resolution, to grant such easements as shall be necessary to facilitate the construction, maintenance, operation, and/or repair of streets, roads, sidewalks, and/or other public rights-of-way; and

WHEREAS, the City currently owns certain properties on the City’s downtown riverfront adjacent to the Christina River, being Tax Parcel Nos. 26-042.00-033 and 26-043.00-R/W (collectively, the “Riverfront Property”); and

WHEREAS, the Riverfront Development Corporation of Delaware (the “RDC”) has caused a riverwalk to be constructed and maintained on the Riverfront Property (the “Riverwalk”); and

WHEREAS, the RDC needs certain shared easements on the Riverfront Property in order to maintain the Riverwalk as set forth in a proposed agreements between the City and RDC (the “Easement and Maintenance Agreements”), copies of which, in substantial form, are attached hereto and incorporated herein as Exhibit A; and

WHEREAS, City Council deems it necessary and appropriate to approve the grant of the shared easements to RDC as set forth in the Easement and Maintenance Agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City’s grant of certain shared easements to the RDC in the Riverfront Property for the RDC to maintain the Riverwalk pursuant to the

terms of the Easement and Maintenance Agreements, copies of which, in substantial form, are attached hereto and incorporated herein as Exhibit A, is hereby approved.

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 easements, 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 Harlee, seconded by Council Member McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Resolution 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 White, Darby, Oliver, Harlee, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members B. Field and Mills. Total, two.

President Congo declared the Resolution **adopted**.

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

Council Member McCoy presented Resolution No. 24-067 (Agenda #0515) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, City Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the Wilmington Police Department has submitted a grant application to the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program; and

WHEREAS, the Police Department is eligible for \$194,348.00 in grant funding, which would be used to cover the salary for a civilian cold case investigator and overtime costs as part of overall violent crime reduction efforts; and

WHEREAS, no local matching funds are required; and

WHEREAS, in applying for this funding, the Police Department seeks to continue its efforts to secure funding from other entities to help offset the fiscal impact of crime prevention activities on the City's annual operating budget; and

WHEREAS, City Council deems it necessary and proper to authorize the grant application for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department's grant

application to the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$194,348.00 is hereby authorized.

BE IT FURTHER RESOLVED that the Chief of Police, or designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City because no local matching funds are required by this grant.

Upon a motion of Council Member McCoy, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member McCoy spoke on the purpose of the Resolution. Council Member Oliver requested to be added as a co-sponsor.

President Congo requested the Clerk to call 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, McCoy, Johnson, N. Field, Spadola and Bracy, and Council President Congo. Total, ten. Nays, none. Absent, Council Members B. Fields, Cabrera and Mills. Total, three.

President Congo declared the Resolution **adopted**.

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

Council Member McCoy presented Resolution No. 24-068 (Agenda #0516) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, City Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the Wilmington Police Department has submitted a grant application as part of the FY2025 Congressionally Directed Spending program, with the support and endorsement of the office of Senator Christopher Coons; and

WHEREAS, the Police Department has applied for \$400,000 in funding, which would be used to replace the Department's Emergency Response and Rescue Vehicle, which is (i) used during responses to highly dangerous incidents like those involving armed subjects, barricade situations, and active shooters and (ii) facilitates the safe rescue of members of the public and first responders from life-threatening situations; and

WHEREAS, the current vehicle used by the Department is approximately twenty (20) years old and is regularly in need of repairs; and

WHEREAS, no local matching funds are required; and

WHEREAS, in applying for this funding, the Police Department seeks to continue its efforts to secure funding from other entities to help offset the fiscal impact of crime prevention activities on the City's annual operating budget; and

WHEREAS, City Council deems it necessary and proper to authorize the grant application for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Police Department's grant application to the FY2025 Congressionally Directed Spending program in the amount of \$400,000 is hereby authorized.

BE IT FURTHER RESOLVED that the Chief of Police, or designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City because no local matching funds are required by this grant.

Upon a motion of Council Member McCoy, seconded by Council Member Oliver, the Resolution was before the Council for its consideration. Motion prevailed. Council Member McCoy spoke on the purpose of the Resolution. Council Member Oliver requested to be added as a co-sponsor.

President Congo requested the Clerk to call 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 Vote: Yeas, Council Members White, Darby, Oliver, McCoy, Johnson, N. Field, Spadola and Bracy, and Council President Congo. Total, nine. Nays, none. Absent, Council Members Harlee, B. Fields, Cabrera and Mills. Total, four.

President Congo declared the Resolution adopted.

Note: Exhibits to legislation can be searched online at the following link:
<https://www.wilmingtoncitycouncil.com/legislation/>

PETITIONS AND COMMUNICATIONS

Council Member Oliver requested to be excused.

Council Members and Council President spoke on the following: Bishop Doris Redding (Clean Jobs Team) and Captain Rosario were thanked for handling the clean-up of the pedestrian walkway over Union Street; 160th Celebration of Kelly's Logan House in Trolley Square; Howard Powell Studio on Franklin Street Annual Open House; and including but not limited to, everyone was thanked for joining tonight's meeting and reminded of next week's Council meeting.

ADJOURNMENT

Upon a motion of Council Member Bracy, seconded by Council Member McCoy, Council adjourned at 8:27 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the December 5, 2024 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/322731>.

Attest: 
Maribel Seijo, City Clerk