

**VIRTUAL REGULAR MEETING OF WILMINGTON CITY COUNCIL
JUNE 3, 2021 @ 6:30 P.M.**

AGENDA

I. Call to Order

**Prayer
Pledge of Allegiance
Roll Call**

II. Approval of Minutes

III. Committee Reports

IV. Acceptance of Treasurer's Report

V. Non-Legislative Business

Cabrera	Recognize Caribbean Heritage Month
Dixon	Recognize National Gun Violence Awareness Day
Dixon	Recognize ReManned Project Day
Oliver	Sympathy Dawayne Smith
Oliver	Sympathy Sheila Hale
Oliver	Sympathy Elsie Lavonne Steward

VI. Public Comment

VII. Legislative Business

DARBY

#0064 An Ordinance to Amend Chapter 40 of the City Code Regarding the Elimination of Pre-Employment Drug Screening for Non-Safety Sensitive Positions **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by City Council for Council's review and approval. This Ordinance amends Chapter 40 of the City Code by adding Section 40-63 which codifies the revised Pre-Employment Drug Testing policy. This Ordinance eliminates pre-employment drug screening for candidates for employment with the City in non-safety sensitive positions.*

#0065 An Ordinance to Amend Chapter 41 of the City Code to Prohibit the Outdoor Advertising of Alcohol and Tobacco Products **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by City Council for Council's review and approval. This Ordinance prohibits the outdoor advertising of alcohol and tobacco products.*

#0066 A Resolution Encouraging the Delaware General Assembly to Support SB 149 and Amend the Delaware Code Relating to the Law Enforcement Officers' Bill of Rights

Synopsis: *This Resolution is being presented by City Council for Council's review and approval. The Wilmington City Council strongly encourages the Delaware General Assembly to support Senate Bill 149, taking the necessary steps towards increasing transparency, accountability and trust, and allow public access to police officer records which are in line with other professional fields.*

OLIVER

#0062 Ord. 21-028 Authorize and Approve Contract 22011PW Between the City of Wilmington and James River Solutions for Gasoline, Heating Oil, and Diesel Fuel (**3rd & Final Reading**)

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the execution of Contract 22011PW "Gasoline/Heating Oil/Diesel Fuel" between the City of Wilmington and James River Solutions for the period of July 1, 2021 through June 30, 2022, at an estimated price of Nine Hundred Ninety-Eight Thousand, Five Hundred Fifty-Eight Dollars and Fifty Cents (\$998,558.50), with the possibility of two (2) extensions of one (1) year thereafter with the same terms and conditions, at the option of the City.*

#0067 An Ordinance to Rezone the Parcel of Land Located at 3001 Bowers Street from a Zoning Classification of M-1 (Light Manufacturing) to a Zoning Classification of R-3 (One-Family Row Houses) (**1st & 2nd Reading**)

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance rezones the parcel of land located at 3001 Bowers Street within the block generally bounded by Todd's Lane, Bowers and Claymont Streets, and the City's northern boundary (being Tax Parcel No. 26-030.00-030) from a zoning classification of M-1 (Light Manufacturing) to a zoning classification of R-3 (One-Family Row Houses).*

#0068 An Ordinance to Approve the Removal of Mendenhall Court from the Official City Map (**1st & 2nd Reading**)

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the removal of Mendenhall Court from the Official City Map.*

#0069 A Resolution Scheduling a Public Hearing on July 1, 2021 on the Proposed Amendments to the City's Comprehensive Development Plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities"

Synopsis: *This Resolution is being presented by the Administration for Council's review and approval. This Resolution schedules a public hearing on July 1, 2021 at 6:30 p.m. regarding the proposed amendments to the City's comprehensive development plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities". Due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the July 1, 2021 Council meeting.*

#0070 A Resolution Scheduling a Public Hearing on July 1, 2021 on the Ordinance to Rezone the Parcel of Land Located at 3001 Bowers Street from a Zoning Classification of M-1 (Light Manufacturing) to a Zoning Classification of R-3 (One-Family Row Houses)

Synopsis: *This Resolution is being presented by the Administration for Council's review and approval. This Resolution schedules a public hearing on July 1, 2021 at 6:30 p.m. regarding the proposed rezoning of 3001 Bowers Street, Wilmington, Delaware (being Tax Parcel No. 26-030.00-030) from a zoning classification of M-1 (Light Manufacturing) to a zoning classification of R-3 (One-Family Row Houses). Due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the July 1, 2021 Council meeting.*

#0071 A Resolution to Authorize and Approve the Third Amendment to a License Agreement Between the City of Wilmington and New Cingular Wireless PCS, LLC Regarding a Water Tower at or near New Castle Avenue (Route 9)

Synopsis: *This Resolution is being presented by the Administration for Council's review and approval. This Resolution approves the Third Amendment to a License Agreement between the City and New Cingular Wireless PCS, LLC ("New Cingular"), to permit New Cingular to continue to operate and maintain communications antennas and related equipment on and about the City's water tower located at or near New Castle Avenue, Route 9, Wilmington, Delaware 19720, sometimes referred to as Paper Place. The Third Amendment will: (1) extend the term of the License Agreement for three (3) additional terms of five (5) years each commencing on December 9, 2021 at the option of New Cingular; and (2) increase the license fee payable by New Cingular to the City under the License Agreement to \$48,380.88 annually for the year commencing on December 9, 2021, with an increase of three percent (3%) annually for each year thereafter.*

#0072 A Resolution to Authorize the Department of Public Works to Grant Delmarva Power & Light a Utility Easement for the Installation and Maintenance of a New Electric Line Across 1001 N. Park Drive, Known as the Brandywine Zoo

Synopsis: *This Resolution is being presented by the Administration for Council's review and approval. This Resolution authorizes the Department of Public Works to grant Delmarva Power & Light Company a certain utility easement in connection with Delmarva's installation, operation, maintenance, and/or removal of a pad-mounted transformer to serve the Brandywine Zoo's future quarantine facility.*

JOHNSON

#0055 Ord. 21-023 Authorize and Approve a Contract Between the City of Wilmington and PMA Management Corp. for Third Party Claim Administrative Services **(3rd & Final Reading)**

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the execution of an Agreement between the City of Wilmington and PMA Management Corporation ("PMA"). PMA will provide third party claim administrative services to the City for a period of one (1) year, with three available extensions of one year each by mutual consent of the parties. The City will pay PMA a fee of \$206,250, allocated and billed separately as \$90,750 for workers compensation, and \$115,500 for claims other than workers compensation, for the first year of this Agreement. For the second through fourth years, if extensions occur, the City will pay PMA a fee of \$212,035, allocated and billed separately as \$93,475 for workers compensation claims, and \$118,560 for claims other than workers compensation.*

#0073 An Ordinance to Amend Chapters 2, 39, and 40 of the City Code to Change the Position of City Physician to City Medical Provider **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance amends Chapters 2, 39, and 40 of the City Code to change the position of City physician to City medical provider to allow the City flexibility in hiring appropriate medical professionals to provide medical services for City employee cases in light of the changing medical profession. The position of City medical provider shall be filled a duly licensed medical doctor or a medical provider who is certified by the State of Delaware to conduct a medical practice independent of a medical doctor. Finally, as a housekeeping matter, this Ordinance deletes unutilized provisions in Sections 40-137 and 40-298 of the City Code.*

#0074 An Ordinance to Authorize and Approve an Agreement Between the City of Wilmington and Jackie Joe Lindo, DPN, APRN, FNP-C for Medical Provider Services **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the execution of an agreement between the City of Wilmington and Jackie Joe Lindo, DPN, APRN, FNP-C for medical provider services.*

#0075 A Resolution Authorizing the City’s Receipt of Fiscal Recovery Funds from the Coronavirus Local Fiscal Recovery Fund Pursuant to the American Rescue Plan Act

Synopsis: *This Resolution is being presented by the Administration for Council’s review and approval. This Resolution approves the City’s receipt of \$55,345,780.00 in Fiscal Recovery Funds from the Coronavirus Local Fiscal Recovery Fund created by the United States government through the American Rescue Plan Act, authorizes the City to use the funds in accordance with Section 603(c)(1) of the amended Title VI of the Social Security Act, and establishes certain notice and reporting requirements regarding the use of the funds.*

CABRERA

#0076 An Ordinance to Amend Chapter 34 of the City Code to Revise the Timing of Appeals Related to Rental Dwellings **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by City Council for Council’s review and approval. This Ordinance amends Chapter 34 of the City Code to change the time to appeal violations related to rental dwelling units from 20 calendar days from the date of the violation notice to 20 calendar days from the date the civil fine is assessed. This Ordinance expressly permits the appellant to raise arguments on appeal related to 1) the violation notice; 2) the adequacy of any repairs undertaken in response to the notice; and 3) the assessment of the civil fine. This Ordinance also provides that civil fines will be due 30 days from the date of assessment in order to provide a person sufficient time to file his or her appeal. Lastly, this Ordinance makes clear that while an appeal is pending, further enforcement action, payment of the civil fine and the assessment of any additional civil fines related to the notice under appeal are stayed.*

DIXON

#0077 A Resolution Establishing a Healthy Aging Subcommittee

Synopsis: *This Resolution is being presented by City Council for Council’s review and approval. This Resolution establishes a Healthy Aging Subcommittee and serves as a subcommittee to the Health, Aging & Disabilities Committee.*

SPADOLA

#0049 Ord. 21-022 Amend Chapter 2 of the City Code to Prohibit the Establishment of Police Ticket and Arrest Quotas **(3rd & Final Reading)**

Synopsis: *This Ordinance being presented by City Council for Council’s review and approval. This Ordinance amends the City Code to prohibit the City Police Department from establishing ticket and arrest quotas.*

WALSH

#0078

A Resolution Approving the Police Department's Grant Application to the State of Delaware Special Law Enforcement Assistance Fund to Upgrade and Replace Existing Equipment

Synopsis:

This Resolution is being presented by the Administration for Council's review and approval. This Resolution authorizes the Wilmington Police Department's grant application to the State of Delaware Special Law Enforcement Assistance Program in the total amount of \$123,000. The proposed grant funds would be used to: (1) replace two (2) Unmanned Aerial Vehicles; (2) upgrade a vehicle in the Police Department's fleet capable of transporting Unmanned Aerial Vehicles; (3) upgrade X-Ray equipment used by the Police Department's Explosive Ordnance Disposal team; and (4) replace existing radar units used in connection with traffic and speed enforcement. No local matching funds are required.

#0060

Ord. 21-026 Authorize and Approve Contract 22009PD Between the City of Wilmington and Graves Uniforms, LLC for Police Clothing **(3rd & Final Reading)**

Synopsis:

This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the execution of Contract 22009PD "Police Clothing" between the City of Wilmington and Graves Uniforms, LLC for the period from July 1, 2021 through June 30, 2022, at an estimated price of Ninety-Nine Thousand, Thirty-Eight Dollars and Fifty Cents (\$99,038.50), with the possibility of two (2) extensions of one (1) year thereafter with the same terms and conditions, at the option of the City.

#0061

Ord. 21-027 Authorize and Approve an Agreement Between the City of Wilmington and Axon Enterprise, Inc. for Tasers and Related Services **(3rd & Final Reading)**

Synopsis:

This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the execution of an agreement between the City of Wilmington and Axon Enterprise, Inc. to purchase tasers and related services for the Wilmington Police Department (the "Agreement"). The Agreement is for a period of five (5) years commencing in conjunction with the shipment of the tasers from Axon to the City, at a total estimated price of One Million, Forty-Three Thousand, Four Hundred Sixty-Five Dollars and Twelve Cents (\$1,043,465.12), payment of which will be divided over the term of the Agreement.

VIII. Petitions and Communications**IX. Adjournment**

PUBLIC COMMENT

The Meeting will be open to the public starting at 6pm, so members of the public can sign up to speak. To sign up for Public Comment, members of the public must go to the following website <https://tinyurl.com/wccpubliccomment060321> fill out the information requested. Public Comment will take place after non-legislative business. The President will recognize speakers in the order listed on the website. When a member of the public is called on, their mic will be unmuted for comment. Please keep comments to 3 minutes.

Note: In following Governor Carney's Proclamation #17-3292, due to the outbreak of the COVID-19, public meetings are currently being conducted virtually to maintain social distancing and to keep all constituents safe. Members of the public are invited to join the City Council meeting by accessing the meeting as follows:

<https://zoom.us/j/97462887788> or visit the WITN22 website www.witn22.org or WITN YouTube channel at <https://www.youtube.com/user/WITN22Wilmington/> or listen in only by calling one of the following phone numbers (929) 205-6099 or (301) 715-8592. You will be asked for the **Webinar ID**. Please enter **974 6288 7788** and then #.