



**City of Wilmington**  
Wilmington City Council

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**Education, Youth and Families Committee**

Nnamdi O. Chukwuocha, Chair  
Ernest "Trippi" Congo, II  
Va'Shaun "Vash" Turner  
Charles M. "Bud" Freel  
Michelle Harlee, Vice Chair  
Hanifa Shabazz, Ex-Officio Member

**Community Development & Urban Planning Committee**

Rysheema J. Dixon, Chair  
Nnamdi O. Chukwuocha  
Yolanda McCoy, Vice-Chair  
Ernest "Trippi" Congo, II  
Va'Shun "Vash" Turner  
Hanifa Shabazz, Ex-Officio Member

➤ **REVISED NOTICE**  
**JOINT MEETING**

**Education, Youth and Families Committee**

➤ **Community Development and Urban Planning Committee**

**January 10, 2018**

**5:00 p.m.**

➤ **1<sup>st</sup> Floor Committee Room**

**Agenda**

- A Resolution Supporting the Delaware Department of Education's Proposed Regulations and Efforts Designed to Facilitate Inclusion and Prevent Discrimination
- A Resolution Calling Upon Congress, the President, the United Nations and International Leaders to Condemn the Libyan Slave Trade and Take Actions to End this Grave Injustice
- Discuss a Resolution Supporting Old Brandywine Village's Application for Commercial District Affiliate Program Participation at the State Level
- Sub. 1 to Ord. 17-026 Amend Chapter 3 of the City Code Regarding Support Animals

Wilmington, Delaware  
January 18, 2018

#XXXX

Sponsor:

Council  
President  
Shabazz

**WHEREAS**, City Council supports efforts to create an educational environment in which all students can learn, grow and thrive without experiencing unlawful discrimination based on their gender, race and/or ethnicity, gender identity, appearance or expression, sexual orientation, or any other protected characteristic; and

**WHEREAS**, on July 17, 2017, Governor John Carney issued a memorandum asking the Delaware Department of Education (DDOE) to develop a regulation prohibiting discrimination in Delaware's public-school districts and charter schools and to provide a model anti-discrimination policy these schools could use to address potential discrimination against students; and

**WHEREAS**, on September 20, 2017, DDOE released a draft of Regulation 225, which provides guidelines to help public school districts and charter schools create consistent policies statewide that prohibit discrimination based on gender, race and/or ethnicity, gender identity or expression, sexual orientation, or any other protected characteristic; and

**WHEREAS**, Regulation 225 includes language specifically prohibiting discrimination based on gender identity and expression, language which was not previously included in Title 14 of the Delaware Code, but is consistent with Delaware's Gender Identity Nondiscrimination Act of 2013; and

**WHEREAS**, research has shown that 41 percent of transgender individuals have reported attempting suicide, compared to 4.6 percent of the general population; and

**WHEREAS**, further research has shown that reports of attempted suicide among transgender individuals are higher in certain circumstances, including among those who have been rejected by family members (57 percent), those who have experienced harassment or bullying in school (50 to 54 percent), and those who have experienced physical or sexual violence at school (63 to 78 percent); and

**WHEREAS**, guaranteeing the equal rights of transgender students within Delaware public school districts and charter schools is vital to ensuring the security and well-being of this vulnerable population.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that the Council strongly supports the Delaware Department of Education's proposed Regulation 225 and all related efforts to foster an educational environment in which all students can learn, grow and thrive without experiencing unlawful discrimination based on appearance, gender, race and/or ethnicity, gender identity or expression, sexual orientation, or any other protected characteristic.

Passed by City Council,

Attest: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of December, 2017.

\_\_\_\_\_  
Senior Assistant City Solicitor

**SYNOPSIS:** This Resolution supports the Delaware Department of Education’s proposed Regulation 225 and all related efforts to foster an educational environment in which all students can learn, grow and thrive without experiencing unlawful discrimination based on their appearance, gender, race and/or ethnicity, gender identity or expression, sexual orientation, or any other protected characteristic.

DRAFT

Wilmington, Delaware  
January 18, 2018

#XXXX

Sponsor:

Council  
President  
Shabazz

**WHEREAS**, a recent video of men being sold at a slave auction in Libya has sparked international outrage and has put a spotlight on the exploitation of migrant populations not only in Libya but all over the world. The undercover video, filmed by CNN reporters, showed smugglers selling off a dozen men for \$400 each; and

**WHEREAS**, since the ousting of Libya's longtime leader, Muammar Gaddafi, in 2011, Libya has been in a state of unrest. The transitional government was unsuccessful in taking control of the country, which led to the division of the population into several factions of militias, and civil war; and

**WHEREAS**, tackling the Libyan slave trade will require international assistance. Libya is an especially opportune place for slave traders as many migrants and refugees pass through Libya with hopes of crossing over to Europe from Africa; and

**WHEREAS**, the International Organization for Migration, the United Nation's (U.N.) migration agency, said that they had reports of "slave markets" along the migrant routes in North Africa; and

**WHEREAS**, hundreds of thousands of migrants have crossed the Mediterranean at significant risk to themselves and their families. Thousands have died while attempting the journey. Recently, the European Union has cracked down on boats smuggling refugees from Africa, resulting in at least 400,000 migrants being bottled up in Libyan detention camps, creating an environment ripe for extortion; and

**WHEREAS**, the leaders of Libya, France, Germany, Chad, Niger and other countries agreed on a plan to evacuate thousands of migrants in Libyan detention camps; and

**WHEREAS**, the U.N. Security Council held an emergency meeting and said it would be “stepping up its work” to address this issue. However, the U.N. refugee agency is underfunded, and additional funds are especially needed for its operations in sub-Saharan Africa; and

**WHEREAS**, the U.S. Ambassador to the U.N. expressed “To see the pictures of these men being treated like cattle, and to hear the auctioneer describe them as, quote, ‘big strong boys for farm work,’ should shock the conscience of us all. There are few greater violations of human rights and human dignity than this.”; and

**WHEREAS**, in a statement, the U.N. has called for “urgent actions to end Libya’s trade in enslaved people.” They further stated that, “It is now clear that slavery is an outrageous reality in Libya. The auctions are reminiscent of one of the darkest chapters in human history, when millions of Africans were uprooted, enslaved, trafficked and auctioned to the highest bidder.”; and

**WHEREAS**, City Council endorses the content of this statement and is anxious to see further action be taken by Global leaders.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Council calls upon the United States Congress, the President of the United States, the United Nations and other international leaders to strongly condemn the Libyan slave trade and promptly take the actions necessary to end this grave injustice to human dignity.

Passed by City Council,

Attest: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of December, 2017.

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Senior Assistant City Solicitor

**SYNOPSIS:** This Resolution calls upon the United States Congress, the President of the United States, the United Nations and other international leaders to strongly condemn the Libyan slave trade and promptly take the actions necessary to end this grave injustice to human dignity.

DRAFT

Wilmington, Delaware  
January 18, 2018

#XXXX

Sponsor:

Council  
Member  
Oliver

**WHEREAS**, the Main Street model is considered one of the many economic and community development tools used by a locality, and that successful revitalization requires an on-going commitment, continuous attention and full public-private partnership; and

**WHEREAS**, the Delaware Economic Development Office has established the Downtown Delaware Commercial District Affiliate status to assist localities in developing public/private efforts to revitalize their downtown commercial areas; and

**WHEREAS**, interested Delaware cities, towns and communities that are exploring downtown revitalization, including those that may not be eligible or do not desire to meet the "Accredited Main Street USDA requirements" may participate as an Affiliate; and

**WHEREAS**, Affiliate communities have access to Delaware Downtown training opportunities and limited on-site assistance, as resources permit; and

**WHEREAS**, in an effort to continue developing the Brandywine Village area and to further economically revitalize the community within the context of the Main Street approach, the City of Wilmington supports the application of the Old Brandywine Village, Inc. in their pursuit to participate in the Delaware Economic Development Office's Delaware Commercial District Affiliate Program, and has completed the necessary application.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that the City Council supports the joint application of the City of Wilmington and the Old Brandywine Village, Inc. to participate in the Delaware Economic Development Office's Delaware Commercial District Affiliate Program.



**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that resources permitting, the City of Wilmington fully intends to actively support and implement the initiatives developed as a result of Commercial District Affiliate status.

Passed by City Council,

Attest: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of December, 2017.

\_\_\_\_\_  
Senior Assistant City Solicitor

**SYNOPSIS:** This Resolution demonstrates City Council's support for the joint application of the City of Wilmington and the Old Brandywine village, Inc. to participate in the Delaware Economic Development Office's Delaware Commercial District Affiliate Program.

SUBSTITUTE NO. 1 TO ORD. 17-026

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CITY CODE REGARDING  
SUPPORT ANIMALS.

Rev. 1  
#4389

WHEREAS, the City of Wilmington has codified regulations pertaining to the keeping of domestic and wild animals within the City; and

Sponsor:

WHEREAS, it is the responsibility of the City to ensure that the residents and visitors of Wilmington have access to the supports and resources they need; and

Council  
Member  
Chukwuocha

WHEREAS, the City recognizes and supports the needs of individuals with mental or emotional disabilities, as well as the range of resources that can assist such individuals – including animals that provide emotional support and comfort; and

WHEREAS, the City intends to mirror the protections afforded to individuals with disabilities and prohibit discrimination in housing, as outlined in the Fair Housing Act and Section 504 of the Rehabilitation Act, by providing reasonable accommodations for assistance animals, which include emotional support animals that serve as a resource for those with disabilities to help cope with and alleviate their symptoms.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Chapter 3 of the City Code is hereby amended by amending Section 3-1 by adding the underlined language as follows:

**Section 3-1. Definitions.**

Support animal means an animal tasked with the role of providing companionship and support to an individual with an emotional or mental disability. While not a traditional pet in every instance, a support animal shall, for the purposes of this Section, be domesticated, and prescribed or recommended by a licensed physician or psychologist in relation to the treatment of a disability.

**SECTION 2.** Chapter 3 of the City Code is hereby amended by amending Section 3-14 by deleting the stricken language and by adding the underlined language as follows:

**Section 3-14. Keeping of wild animals, farm animals; exceptions; penalty.**

(a) No wild animal and no wild fowl may be kept within the city limits, except under such conditions as shall be fixed by the appropriate state agency; provided, however, that wild animals and wild fowl may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the city or the appropriate state agency. Anyone keeping a wild animal pursuant to this section must do so in accordance with all applicable state laws.

(b) It shall be unlawful for any person to keep, harbor or house, whether as a pet, or for eventual sale or consumption, or for any other purpose, any domestic animals or domestic fowl other than dogs or cats, commonly known as farm animals or fowl, including, but not limited to, chickens, chanticleers, roosters, ducks, geese, pigs, hogs, donkeys, mules, horses, cattle, goats, sheep, oxen, or any other animal or fowl suitable for slaughter or for the production of milk, eggs or fiber within the boundaries of the city, except:

- (1) Any such animals or fowl kept for exhibition purposes by circuses, zoos and educational institutions in accordance with regulations established by the appropriate state agency;
- (2) Horses of the police department;
- (3) Fish or crustaceans, or both being raised or produced in tanks inside of buildings that are located in nonresidential zoning districts only and that are otherwise in compliance with applicable provisions of this Code;
- (4) Livestock held or kept on a temporary basis for a period not to exceed 96 hours at an indoor inspection or resting facility that is related to the export of such livestock from the Port of Wilmington and that is located in a manufacturing zoning district and is otherwise in compliance with applicable provisions of this Code; and
- (5) As otherwise provided in this chapter, chapter 42, article X (farmers' market).

(6) A support animal, as defined in this Section, shall be permitted in housing by an individual residing in or spending time within the City limits, as outlined in the Fair Housing Act and Section 504 of the Rehabilitation Act, provided that:

- i. The need for such an animal is affirmed by a physician or psychologist licensed in the State of Delaware, and that a signed letter from such licensed professional is provided to the Commissioner of Licenses and Inspections no less frequently than once per year. In the case of an individual visiting the City, such letter, which could be signed by a licensed professional in the individual's home state, shall be produced upon request by the Commissioner of Licenses and Inspections or his or her designee, or an official with any other enforcement entity operating within the City.
- ii. Such animal receives proper care and treatment, pursuant to regulations set forth in this Code and/or as determined by the

State Office of Animal Welfare, the Delaware Department of Agriculture, or any other applicable State agency or humane law enforcement agency.

iii. Such animal is properly restrained, and that the animal does not constitute a public nuisance as determined by the Commissioner of Licenses and Inspections.

(c) A conviction of violation of the provisions of this section shall be punishable by a fine of not less than \$250.00 and not more than \$1,000.00 for the first offense, a fine of not less than \$500.00 and not more than \$2,500.00 for the second offense, and a fine of not less than \$1,000.00 which shall not be suspended and not more than \$5,000.00 for the third and subsequent offenses. A corporation may be fined by the court in an amount not exceeding \$5,000.00.

**SECTION 3.** This Substitute Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... August 24, 2017  
Second Reading... August 24, 2017  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of January, 2018.

\_\_\_\_\_  
Assistant City Solicitor

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018

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Mayor

**SYNOPSIS:** This Substitute Ordinance amends Chapter 3 of the City Code to add a definition of support animal. This Substitute Ordinance further amends Section 3-14 to allow residents and visitors of Wilmington to utilize otherwise prohibited animals as a support animal if necessary, so long as such animals are domesticated and properly restrained as not to constitute a public nuisance. In addition to ensuring that the City is in full compliance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the intent of this Substitute Ordinance is to ensure that Wilmington residents and visitors have access to the resources they need to cope with an emotional or mental disability.

**POLICY STATEMENT:** This Substitute Ordinance is designed to provide residents and visitors of the City of Wilmington with access to the resources needed to help alleviate and cope with emotional or mental disabilities through support animals. Research indicates that support animals are effective at reducing emotional and mental health issues, and are becoming a more commonly utilized resource for individuals with various disabilities and conditions. This legislation codifies a definition of support animals and extends a reasonable accommodation for such animals, and mirrors the provisions set forth in the Fair Housing Act and Section 504 of the Rehabilitation Act, which contain accommodations that protect renters and buyers from discrimination. This Substitute Ordinance is grounded in thoroughly conducted research on the topic, and is intended to enhance the quality of life for residents and visitors of the City of Wilmington.