

“VIRTUAL” REGULAR MEETING OF WILMINGTON CITY COUNCIL

APRIL 16, 2020 @ 6:30 P.M. – REVISED*

www.WilmingtonDe.gov or www.WITN22.org

AGENDA

I. Call to Order
Prayer
Pledge of Allegiance
Roll Call

II. Approval of Minutes

III. Acceptance of Treasurer’s Report

IV. Non-Legislative Business

All Council Sympathy Bishop Emma Creamer*
Harlee Sympathy Thomas Henry Harris, III

V. Legislative Business

OLIVER

#4794 An Ordinance to Amend Chapter 5 of the Wilmington City Code to Change the Permissible Hours of Operations for Certain Retailers **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by City Council for Council’s review and approval. This Ordinance amends Chapter 5 (Businesses) of the Wilmington City Code to require certain retailers to close at 10:00 p.m. instead of 12:00 a.m.*

FREEL

#4795 An Ordinance Establishing Salaries of City Council Members for the 108th Council Session to be Effective as of January 5, 2021 **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by City Council for Council’s review and approval. Pursuant to City Charter Section 2-100 and City Council Rule 26, this Ordinance establishes increased salaries for Council Members for the 108th Council Session who will take office on January 5, 2021.*

GUY

#4797 An Ordinance to Amend Chapter 2 of the City Code in Order to Authorize the City Treasurer to Access the Budget Reserve Account Funds for Fiscal Year 2020 and Require Replenishment of the Budget Reserve Account Funds in the Ensuing Fiscal Year **(1st & 2nd Reading)**

Synopsis: *This Ordinance is being presented by the City Treasurer's for Council's review and approval. This Ordinance amends § 2-376.3(c) by extending from July 1, 2019 to June 30, 2020, the authorization for the City Treasurer to access budget reserve account funds and the requirement to replenish those funds no later than October 1, 2020.*

WALSH

#4798

A Resolution Authorizing a Grant Application by the Wilmington Police Department to Offset Costs Being Incurred as a Result of the COVID-19 Pandemic

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 United States Department of Justice, Bureau of Justice Assistance, Coronavirus Emergency Supplemental Funding Program, for \$694,400 in funding to help defray the costs incurred in connection with the COVID-19 global health pandemic. No local matching funds are required.*

VI. Petitions and Communications**VII. Adjournment**

NOTE: In following Governor Carney's Proclamation #17-3292, due to the recent 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/413425944> or log on to WITN22 website www.witn22.org or YouTube link <https://www.youtube.com/user/WITNWilmington/> 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 **413 425 944** and then #.

***Note Revision:** The agenda has been revised to removed agenda #4796. Also, an additional item was added to non-legislative business.

AN ORDINANCE TO AMEND CHAPTER 5 OF THE WILMINGTON CITY CODE TO CHANGE THE PERMISSIBLE HOURS OF OPERATIONS FOR CERTAIN RETAILERS

#4794

Sponsor:

**Council
Member
Oliver**

WHEREAS, the City of Wilmington (“City”) is a home rule municipality created pursuant to 22 Del. C.ch. 8, and as such, it has all express and implied powers and authority of local self-government and home rule, including the authority to regulate businesses operating within its boundaries; and

WHEREAS, ordinances related to the regulation of business hours are intended to protect the health, safety and welfare of the general public; and

WHEREAS, City Council finds it appropriate to regulate the operating hours of certain retailers.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 5 of the City Code is hereby amended to change the permissible hours of operation by deleting the stricken language and adding the underlined language to read as follows:

Sec. 5-78. - Retailers generally.

(f)No holder of a license for a convenience store or fast food establishment geographically located within the boundaries designated by any active urban renewal plans, the strategically targeted area redevelopment ("STAR"), or the residential improvement and stabilization effort ("RISE") or the market value analysis area (collectively "the target area"), that constitutes the business of retailer-edible or retailer-non-edible commodities, or both, and any holder of a license for a gas station/auto repair facility in the target area, whether operated in connection

with retailing of edible or non-edible commodities, or both, shall sell or deliver any goods, wares, merchandise and personal property of any kind and nature to the ultimate consumer or take an order therein for delivery therein of any goods, wares, merchandise and personal property of every kind and nature including any edible or non-edible commodities, including any sale or delivery for off-premises consumption, between the hours of 10:00 p.m. of any day of the week and 4:00 a.m. of the following day. ~~12:01 a.m. of any day of the week and 4:00 a.m. of that same day.~~ If any provision of the zoning code is more stringent as to hours of operation of businesses that are subject to this section, then the zoning code provision shall be given effect. The maps defining the target area shall be made a part of the zoning code and shall be on file with the clerk of city council and the planning department.

SECTION 2. This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First ReadingApril 16, 2020
Second ReadingApril 16, 2020
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2020

Mayor

SYNOPSIS: This Ordinance amends Chapter 5 (Businesses) of the Wilmington City Code to require certain retailers to close at 10:00 p.m. instead of 12:00 a.m.

FISCAL IMPACT STATEMENT: There is no expected fiscal impact as a result of this legislation.

W0110212

AN ORDINANCE ESTABLISHING SALARIES OF CITY COUNCIL MEMBERS FOR THE 108TH COUNCIL SESSION TO BE EFFECTIVE AS OF JANUARY 5, 2021

#4795

Sponsors:

**Council
President
Shabazz**

**Council
Member
Freel**

WHEREAS, City Charter Section 2-100 provides, in relevant part, that the terms of City Council Members shall be for four (4) years commencing on the first Tuesday of the month of January following the year in which they were elected; that each Council Member shall receive a salary at the rate of eight thousand dollars (\$8,000.00) per annum, or such other sum as the Council may from time-to-time ordain; that the annual salary shall not be increased during the current term of Council Members enacting such ordinance; that no change shall be made in the compensation of Council Members during the final six months of the terms of the Council Members; and that the Council President shall receive, in addition to the sum paid the Council Members, the sum of one thousand dollars (\$1,000.00) per annum; and

WHEREAS, pursuant to City Charter Section 2-100, the current salaries of City Council Members were established by Ordinance No. 16-022, which became effective as of the first Tuesday in January 2017; and

WHEREAS, Ordinance No. 87-052 enacted the principal recommendations contained in the May 1987 Report (the “Report”) of the Council Compensation Commission (the “Commission”), including the recommendation that Council review its salary structure at least every four (4) years, using the methodology set forth in the Report, to avoid the need for large catch-up increases in salaries of Council Members, and the Council since then has adopted periodic findings of increases in compensation of non-union City employees and applied proportional increases to the compensation of City Council Members, as recommended by the Commission; and

WHEREAS, Council’s most recent findings, done pursuant to Council Rule 26, reflect the cumulative compound increase in pay for non-union City employees and propose

proportional, increased salaries for the 108th Council Session Council Members, which would be effective as of January 5, 2021; and

WHEREAS, in January 2021, the Council President and any Council Member may elect in writing to decline the salary increase otherwise authorized by Section 1 of this Ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. The salaries of the Council President, the Chair of the Finance Committee, the President Pro Tempore, and the other Council Members for the 108th Council Session shall be as follows:

President of Council	\$36,727.00 per annum
Finance Committee Chair	\$34,151.00 per annum
President Pro Tempore	\$32,997.00 per annum
Council Members	\$29,057.00 per annum

SECTION 2. The City Council Members who will take office on January 5, 2021, and the future Council Members thereafter, shall review the Council's salary structure every four (4) years, using the methodology set forth in the Report, in order to avoid overly long periods between adjustments or a need for large catch-up increases in salaries. The Council Members shall avoid the use of any formula or other mechanism that would relieve any of them from their responsibility for dealing with the issue of the compensation to be paid Members of City Council.

SECTION 3. The effective date of the salaries of the Council President, the Finance Committee Chair, the President Pro Tempore, and the Council Members set forth in Section 1 of this Ordinance shall be January 5, 2021. Within five (5) business days following January 5, 2021, the Council President and any Council Member may elect in writing, signed and filed with the City Treasurer, to decline the salary increase authorized by the provisions

of Section 1 of this Ordinance, said amount to be pro-rated in each pay period for the term of said President or said Council Member. In the event of a vacancy occurring during the term of the office of the Council President or of any Council Member, the duly appointed successor-President or successor-Member shall receive the full salary authorized for the position, unless within five (5) business days of taking such office, said successor elects in writing to decline the full salary by declining the salary increase in the aforementioned manner. The balance of the provisions of this Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... April 16, 2020
Second Reading..... April 16, 2020
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2020.

Mayor

SYNOPSIS: Pursuant to City Charter Section 2-100 and City Council Rule 26, this Ordinance establishes increased salaries for Council Members for the 108th Council Session who will take office on January 5, 2021.

FISCAL IMPACT STATEMENT: See attached.

W0109157

Per Council Rule# 26

Ord# 16-022			Scenario#1			
President Salary		\$35,650				
President Pro Tempore		\$32,030				
Finance Committee Chair		\$33,150				
Council Members		\$28,205				
Non Union	COLA	Cum %	Council Member	President	Finance	Pro Tem
FY17	0.00%	0.00%	\$28,205.00	\$35,650.00	\$33,150.00	\$32,030.00
FY18	1.00%	1.00%	\$28,487.05	\$36,006.50	\$33,481.50	\$32,350.30
FY19	0.00%	1.00%	\$28,487.05	\$36,006.50	\$33,481.50	\$32,350.30
FY20	2.00%	3.02%	\$29,056.79	\$36,726.63	\$34,151.13	\$32,997.31
		3.02%	\$29,056.79	\$36,726.63	\$34,151.13	\$32,997.31

**Per Council Rule#26
Proposed Council Salary for 108th Session of City Council**

City Council Fiscal Impact	107th Current	Proposed 108th Session	Difference	Fica	Med Tax	Pension	Total
President Salary	\$35,650	\$36,726.63	\$1,076.63	\$66.75	\$15.61	\$83.44	\$1,242.43
President Pro Tempore	\$32,030	\$32,997.31	\$967.31	\$59.97	\$14.03	\$74.97	\$1,116.27
Finance Committee Chair	\$33,150	\$34,151.13	\$1,001.13	\$62.07	\$14.52	\$77.59	\$1,155.30
Council Members (10)	\$28,205	\$29,056.79	\$851.79	\$52.81	\$12.35	\$66.01	\$9,829.67
Total Annual Additional Cost:							\$13,343.67
Total FY2021 Fiscal Impact effective 1/5/2021:							\$6,671.84

**Proposed Recommendation per Council Rule# 26
108th Session Salary**

President Salary	\$36,727
President Pro Tempore	\$32,997
Finance Committee Chair	\$34,151
Council Members	\$29,057

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE IN ORDER TO AUTHORIZE THE CITY TREASURER TO ACCESS THE BUDGET RESERVE ACCOUNT FUNDS FOR FISCAL YEAR 2020 AND REQUIRE REPLENISHMENT OF THE BUDGET RESERVE ACCOUNT FUNDS IN THE ENSUING FISCAL YEAR.

#4797

Sponsor:

Council
Member
Guy

WHEREAS, the Administration and the City Council concur that the provisions of § 2-376.3(c), as amended by Ordinance No. 19-004, should be amended so as to extend from July 1, 2019 to June 30, 2020 the period of time during which the City Treasurer shall be authorized to access budget reserve funds and also be required to replenish the Budget Reserve Account thereafter.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 2 of the City Code is hereby amended by amending § 2-376.3(c), as amended by Ordinance No. 19-004, by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 2-376.3. Authorization to access budget reserve account funds and to require their replenishment.

••••

(c) The aforesaid authority of the city treasurer to access budget reserve account funds and the requirements to replenish the budget reserve account funds shall pertain to fiscal year [2019] 2020 only and the provisions of subsections (a) and (b) as such subsections relate to fiscal year [2019] 2020 only shall be of no further force and effect as of July 1, [2019] 2020, except only as to administrative matters to be completed on or before October 1, [2019] 2020.

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading April 16, 2020
Second Reading April 16, 2020
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this _____ day of _____,

Mayor

SYNOPSIS: This Ordinance amends § 2-376.3(c), as amended by Ordinance No. 19-004, by extending from July 1, 2019 to June 30, 2020, the authorization for the City Treasurer to access budget reserve account funds and the requirement to replenish those funds no later than October 1, 2020.

W0110210

Wilmington, Delaware
April 16, 2020

#4798

Sponsors:

**Council
Members
Walsh
Johnson**

WHEREAS, pursuant to Section 2-363 of the City Code, the 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 City, through the Wilmington Police Department (“WPD”), has submitted a grant application to the United States Department of Justice, Bureau of Justice Assistance (BJA), Coronavirus Emergency Supplemental Funding Program, to help defray the costs incurred in connection with the Covid-19 global health pandemic; and

WHEREAS, the WPD has applied for a total of \$694,400 in funding, which would be used to cover the cost of personal protective equipment and supplies (including masks, glove and hand sanitizer) and overtime incurred in connection with Covid-19; and

WHEREAS, no local matching funds are required; and

WHEREAS, in applying for this grant, the Wilmington Police Department seeks to secure outside funding to help defray the significant costs that are being incurred as a result of the Covid-19 global health pandemic, which is causing significant financial hardship for law enforcement agencies and governments throughout the region and across the country; and

WHEREAS, the 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, Bureau of Justice Assistance, Coronavirus Emergency Supplemental Funding Program, for funding to help defray the costs incurred in connection with the Covid-19 global health pandemic is hereby authorized.

BE IT FURTHER RESOLVED that the Chief of Police, or his 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.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution authorizes the Wilmington Police Department's grant application to the United States Department of Justice, Bureau of Justice Assistance, Coronavirus Emergency Supplemental Funding Program, for \$694,400 in funding to help defray the costs incurred in connection with the Covid-19 global health pandemic. No local matching funds are required.

FISCAL IMPACT STATEMENT: No matching funds are required.