

**REGULAR MEETING OF WILMINGTON CITY COUNCIL
JANUARY 19, 2023 @ 6:30 P.M. – AGENDA RESULTS – REVISED***

Virtual Meeting with Anchor Location In-Person and Remote Participation

Council Chambers

**Louis L. Redding City/County Building
800 N. French Street - Wilmington, DE 19801
www.wilmingtoncitycouncil.com or www.WITN22.org**

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

a. Recognition Resolutions

Darby	Recognize Theresa Webster (100 th Birthday)
McCoy	Recognize the Opening of the MSK Community Center
Oliver	Recognize Wilmington United Lions Club
Oliver	Recognize Howard High School 1973 Championship Basketball Team (50 th Anniversary)

b. Sympathy Resolutions

Johnson	Sympathy Alice M. Donnelly Soja
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VI. Public Comment

VII. Legislative Business

OLIVER

#0268

An Ordinance to Authorize and Approve the First Amendment to Contract 23008WDPS (Water Division Building/Raceway and Facilities Management and Maintenance Services) between the City of Wilmington and Merit Construction Engineers, Inc. **(1st & 2nd Reading)**

ORD. 23-006
*Public Works &
Transportation**

Synopsis:

This Ordinance is being presented by the Administration for Council’s review and approval. This Ordinance authorizes the City to enter into the First Amendment to Contract 23008WDPS (Water Division Building/Raceway and Facilities Management and Maintenance Services) between the City of Wilmington and

Merit Construction Engineers, Inc. The amendment contains four (4) one-year extension options for the periods from July 1, 2023 through June 30, 2024 (“Fiscal Year 2024”), July 1, 2024 through June 30, 2025 (“Fiscal Year 2025”), July 1, 2025 through June 30, 2026 (“Fiscal Year 2026”), and July 1, 2026 through June 30, 2027 (“Fiscal Year 2027”).

- #0269 A Resolution Approving the Department of Public Works’ 2022 Project Planning Advances for Wastewater, Surface Water, and Drinking Water Projects Application to DNREC to Assist the City in Applying to the Clean Water State Revolving Fund for Green Infrastructure Improvements in the Adams Street Area

RES. 23-005
Adopted

Synopsis: *This Resolution is being presented by the Administration for Council’s review and approval. This Resolution authorizes the Department of Public Works’ grant application to the State of Delaware Department of Natural Resources and Environmental Control for funds allocated pursuant to the 2022 Project Planning Advances for Wastewater, Surface Water, and Drinking Water Projects Grant Program in the amount of \$100,000.00. The Department intends to use the funds to have a Preliminary Engineering Report and Environmental Information Document completed in preparation of the Department’s application to the Clean Water State Revolving Fund for green infrastructure improvements to the Adams Street Area to reduce water pollution in the area. No local matching funds are required.*

CONGO (Bracy presented on behalf of Congo)

- #0270 A Resolution Amending Resolution No. 22-078 to Add Two Appointments to the Reparations Taskforce

RES. 23-006
Adopted

Synopsis: *This Resolution is being presented by City Council for Council’s review and approval. This Resolution amends Resolution 22-078 to appoint two additional members to the City Council Reparations Taskforce to study and develop reparation proposals for African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States in accordance with Resolution No. 20-080 and Resolution No. 22-007.*

HARLEE (McCoy presented on behalf of Harlee)

- #0257 Ord. 22-050 Rezone Fourteen Parcels of Land Within the Area Generally Bounded by Maryland Avenue, the Amtrak Railroad Corridor, I-95, and Lower Elm Street from a Zoning Classification of M-1 (Light Manufacturing) to a Zoning Classification of C-2 (Secondary Business Centers) **(Public Hearing - 3rd & Final Reading)**

PASSED

Synopsis: *This Ordinance is being presented by the Administration for City Council’s review and approval. This Ordinance rezones fourteen parcels of land located within the area generally bounded by Maryland Avenue, the Amtrak Railroad Corridor, I-95, and Lower Elm Street (being Tax Parcel Nos. 26-042.20-015, 26-042.20-016, 26-042.20-017, 26-042.20-018, 26-042.20-019, 26-042.20-020, 26-042.20-021, 26-042.20-023, 26-042.20-024, 26-042.20-025, 26-042.20-026, 26-042.20-027, 26-042.20-095, and 26-042.20-096) from a zoning classification of M-1 (Light Manufacturing) to a zoning classification of C-2 (Secondary Business Centers).*

JOHNSON

#0262 Ord. 23-001 Authorizing the Issuance of the City’s General Obligation Bond (Price’s Run Interceptor Rehabilitation Project), Series of 2023-WPCRF, in Order to Provide the Funds Necessary for the City of Wilmington’s Price’s Run Interceptor Rehabilitation Project; Providing for the Sale of the 2023 Bond to the Delaware Water Pollution Control Revolving Fund; and Authorizing Other Necessary Action **(3rd & Final Reading)**

PASSED

Synopsis: *This Ordinance is being presented by the Administration for Council’s review and approval. This Ordinance authorizes the issuance of a General Obligation Bond, Series of 2023-WPCRF, in an amount not to exceed \$12,000,000 (the “2023 Bond”), which will be sold to the Delaware Water Pollution Control Revolving Fund in order to (i) finance the rehabilitation of 9,000 linear feet of the Price’s Run Interceptor sanitary sewer line and the rehabilitation and upgrading of Combined Sewer Overflow No. 4A, as set forth in the City’s capital budgets for its Fiscal Years ending June 30, 2018, June 30, 2020, and June 30, 2022, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2023 Bond.*

#0263 Ord. 23-002 Authorizing the Issuance of the City’s General Obligation Bond (11th Street Pump Station Phase 2 Project), Series of 2023-WPCRF, in Order to Provide the Funds Necessary for the Replacement of and Certain Upgrades to the 11th Street Pump Station; Providing for the Sale of the 2023 Bond to the Delaware Water Pollution Control Revolving Fund; and Authorizing Other Necessary Action **(3rd & Final Reading)**

PASSED

Synopsis: *This Ordinance is being presented by the Administration for Council’s review and approval. This Ordinance authorizes the issuance of a General Obligation Bond (11th Street Pump Station Phase 2 Project), Series of 2023-WPCRF, in an amount not to exceed \$14,500,000 (the “2023 Bond”), which will be sold to the Delaware Water Pollution Control Revolving Fund in order to (i) finance (a) the installation at the City’s 11th Street Pump Station (the “Pump Station”) of a Dry Weather*

Pump Station, which primarily includes, among other things, a wet well, four 15 MGD submersible VFD driven pumps, 72-inch force main, piping and valving, 2,000 kVA transformers, medium and low voltage switchgear, electrical wiring, instrumentation, and controls, and (b) the demolition of the existing building and site civil upgrades within the existing site at the Pump Station, all as set forth in the City's capital budgets for its Fiscal Years ending June 30, 2016, June 30, 2020, and June 30, 2022, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2023 Bond.

- #0264 Ord. 23-003 Authorizing the Issuance of the City's General Obligation Bond (Digester Rehabilitation Phase 2 Project), Series of 2023-WPCRF, in Order to Provide the Funds Necessary for the City of Wilmington's Rehabilitation of Digester #5 at the Wilmington Wastewater Treatment Plant; Providing for the Sale of the 2023 Bond to the Delaware Water Pollution Control Revolving Fund; and Authorizing Other Necessary Action (**3rd & Final Reading**)

PASSED

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the issuance of a General Obligation Bond (Digester Rehabilitation Phase 2 Project), Series of 2023-WPCRF, in an amount not to exceed \$5,406,000 (the "2023 Bond"), which will be sold to the Delaware Water Pollution Control Revolving Fund in order to (i) finance the rehabilitation of Digester #5 at the Wilmington Wastewater Treatment Plant, specifically, (a) the replacement of the defective tilting steel cover with a membrane cover, (b) the installation of a foam suppression system, (c) electrical, mechanical, piping and instrumentation upgrades, and (d) concrete and steel structure repairs, as set forth in the City's capital budgets for its Fiscal Years ending June 30, 2020 and June 30, 2022, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2023 Bond.*

- #0265 Ord. 23-004 Authorizing the Issuance of the City's General Obligation Bond (Aeration Process Phases 1 & 2 Project), Series of 2023-WPCRF, in Order to Provide the Funds Necessary for the City of Wilmington's Aeration Process Upgrades (Phases 1 & 2) at the Wilmington Wastewater Treatment Plant; Providing for the Sale of the 2023 Bond to the Delaware Water Pollution Control Revolving Fund; and Authorizing Other Necessary Action (**3rd & Final Reading**)

PASSED

Synopsis: *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the issuance of a General Obligation Bond (Aeration Process Phases 1 & 2 Project), Series of 2023-WPCRF, in an amount not to exceed \$16,590,000 (the "2023 Bond"), which will be sold to the Delaware*

Water Pollution Control Revolving Fund in order to (i) finance the replacement of aeration equipment, valving, instrumentation and controls, and the rehabilitation and structural repairs of the tanks and walkways in the secondary treatment process at the Wilmington Wastewater Treatment Plant, as set forth in the City’s capital budgets for its Fiscal Years ending June 30, 2020 and June 30, 2022, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2023 Bond.

- #0266 Ord. 23-005 Authorizing the Issuance of the City’s General Obligation Bond (Dewatering Process Rehabilitation Project), Series of 2023-WPCRF, in Order to Provide the Funds Necessary for the City of Wilmington’s Dewatering Process Rehabilitation Project at the Wilmington Wastewater Treatment Plant; Providing for the Sale of the 2023 Bond to the Delaware Water Pollution Control Revolving Fund; and Authorizing Other Necessary Action **(3rd & Final Reading)** **PASSED**

Synopsis: *This Ordinance is being presented by the Administration for Council’s review and approval. This Ordinance authorizes the issuance of a General Obligation Bond (Dewatering Process Rehabilitation Project), Series of 2023-WPCRF, in an amount not to exceed \$3,388,000 (the “2023 Bond”), which will be sold to the Delaware Water Pollution Control Revolving Fund in order to (i) finance the replacement of two existing high maintenance prone centrifuges and the upgrading of the associated electrical and control equipment in the dewatering process system of the Wilmington Wastewater Treatment Plant, as set forth in the City’s capital budgets for its Fiscal Years ending June 30, 2020 and June 30, 2022, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2023 Bond.*

CABRERA

- #0271 A Resolution Authorizing the Mayor to File a Substantial Amendment to the Federal Fiscal Year 2021/City Fiscal Year 2022 Annual Action Plan to Outline the Proposed Use of Supplemental HOME-ARP Funds **RES. 23-007**
Adopted

Synopsis: *This Resolution is being presented by the Administration for Council’s review and approval. This Resolution (i) approves a substantial amendment to the City’s federal fiscal year 2021/City fiscal year 2022 annual action plan that outlines the proposed use of additional HOME Investment Partnerships Program funding, available pursuant to the American Rescue Plan Act, to benefit qualifying individuals and families who are homeless, at risk of homelessness, or are in other vulnerable populations and (ii) authorizes the Mayor, or his designee, to file the substantial amendment with the U.S. Department of Housing and Urban Development.*

MILLS

#0272

A Resolution Requesting that Geographic Considerations Be Used as a Factor in the School Choice Lottery Process for Wilmington Students

RES. 23-008*Adopted***Synopsis:**

This Resolution is being presented by City Council for Council's review and approval. This Resolution urges the Brandywine, Christina, and Red Clay Consolidated School Districts to give their fullest consideration to including geographical characteristics into educational lottery formulas for high-demand schools, particularly with regards to school-aged youth in the City's underserved zip codes: 19801, 19802, and 19805. This Resolution is in alignment with the 2022-2025 Strategic Plan goal of "Wilmington for All Ages" and the sub priority of facilitating "Advocacy and Support for Wilmington's Youth in the Educational Process."

SPADOLA

#0273

An Ordinance to Amend Chapter 2 of the City Code to Prohibit City Council from Hiring Close Relatives of Currently Sitting City Council Members **(1st & 2nd Reading)**

ORD. 23-007*Finance & Economic
Development***Synopsis:**

This Ordinance is being presented by City Council for Council's review and approval. This Ordinance seeks to improve government transparency by amending Chapter 2 of the City Code to prohibit City Council from hiring close relatives of currently sitting City Council members. This Ordinance does not include a close relative City Council staffer who was hired prior to and continuously employed by City Council since September 1st one year before the election in which the close relative's related City Council member was elected. For example, a City Council staffer who is a close relative to a City Council member elected in 2024 may be hired again if the staffer was hired by September 1, 2023 and remained employed by City Council since September 1, 2023.

#0274

An Ordinance to Amend Chapter 2 of the City Code to Prohibit Close Relatives of Elected Officials and Department Heads and Private Enterprises in Which the Close Relative Owns a Five Percent Legal or Equitable Ownership Interest in from Contracting with the City **(1st & 2nd Reading)**

ORD. 23-008*Finance & Economic
Development***Synopsis:**

This Ordinance is being presented by City Council for Council's review and approval. This Ordinance seeks to improve government transparency by amending Chapter 2 of the City Code to prohibit close relatives of elected officials or department heads from benefitting from, being interested in, bidding for, soliciting, or entering into any City contracts, including grant agreements and contracts that are competitively bid. This legislation also amends Chapter 2 so that close relatives of elected officials or department heads who possess a 5 percent (more than one percent in the case of a corporation whose stock is regularly traded on an established securities market) legal or equitable

ownership in a private enterprise, including non-profit organizations, cannot solicit, bid, or enter into a contract with the City. The individual or private enterprise intent on contracting with the City will be required to advise the City in writing that this section does not apply to them, and they are able to bid, solicit, contract, etc. with the City. This legislation will not prevent a close relative from being hired by the City and working as a City employee.

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/wccpubliccomment011923> to fill out the information requested. Public Comment will take place after non-legislative business. The President of City Council will recognize speakers in the order listed on the website.

Note: In accordance with the enactment of Delaware General Assembly Senate Bill 94, members of the public are invited to participate in the meeting either in person in the Council Chambers or virtually by accessing the meeting as follows:

<https://us06web.zoom.us/j/82661647978> 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 **826 6164 7978** and then #. International numbers available: <https://us06web.zoom.us/j/82661647978>.

(Revised 1/23/23)