

*Wilmington, Delaware
Louis L. Redding
City/County Building
December 1, 2016*

Council met in regular session on the above date at 6:30 p.m., President Theopalis K. Gregory, Sr. presiding.

Invocation was given by Traci Owens.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

The following members responded to the Call of the Roll: Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright*, and Council President Gregory. Total, twelve. Absent with leave, Council Member Prado. Total, one.

At this time, there was a moment of silence Senior Firefighter Ardythe Hope and Lieutenant Jonathan Hall.

MINUTES

After reading a portion of the minutes of November 17, 2016, upon a motion of Ms. Walsh, seconded by Mr. Williams/Mr. Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair		X	
Michael A. Brown, Sr.	X		
Nnamdi O. Chukwuocha	X		
Samuel Prado	X		
Robert A. Williams	X		

President and Members of Council of
The City of Wilmington

November 16, 2016

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 16-058 entitled:

AN ORDINANCE TO AMEND CHAPTER 3 OF THE
WILMINGTON CITY CODE RELATING TO THE
TREATMENT, CARE, CONTROL AND LICENSING
OF ANIMALS

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Michael A. Brown, Sr.
/s/Nnamdi O. Chukwuocha
/s/Samuel Prado
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Ms. Walsh, seconded by Mr. Freel/Ms. Shabazz, the
Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Public Safety Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Michael A. Brown, Sr.	X		
Ernest "Trippi" Congo, II	X		
Charles M. "Bud" Freel		X	
Loretta Walsh		X	
Robert A. Williams	X		

President and Members of Council of
The City of Wilmington

November 28, 2016

Ladies and Gentlemen:

We, your Public Safety Committee, to who was referred **Ordinance No.
16-061** entitled:

AN ORDINANCE TO AUTHORIZE AN ETHERNET TRANSPORT
SERVICES AGREEMENT WITH COMCAST ENTERPRISE
SERVICES TO CONNECT ALL FIRE DEPARTMENTS

FACILITIES WITH THE CITY'S TELECOMMUNICATIONS NETWORK

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

Respectfully submitted, Members of
Public Safety Committee
/s/Michael A. Brown, Sr., Chair
/s/Ernest Congo, II
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Williams, seconded by Mr. Freel/Ms. Walsh, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Public Safety Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Michael A. Brown, Sr., Chair	X		
Ernest "Trippi" Congo, II	X		
Charles M. "Bud" Freel		X	
Loretta Walsh		X	
Robert A. Williams	X		

President and Members of Council of
The City of Wilmington

November 28, 2016

Ladies and Gentlemen:

We, your Public Safety Committee, met on the above date at 5:00 p.m., Councilman Michael A. Brown, Sr., presiding. The following items were discussed:

- Discuss a Resolution authorizing the filing of a grant by the Wilmington Police Department to the State of Delaware Criminal Justice Council for Crime Stoppers Awareness Initiative
- Discuss a Resolution to rename Brown Burton Winchester Memorial Park Pool to "United States Vice President Joseph R. Biden, Jr. Aquatic Center at Brown Burton Winchester Memorial Park"

- Discuss a Resolution encouraging the Delaware General Assembly to name the proposed bridge connecting Route I-495 and the Wilmington Riverfront to the “United States President Barack H. Obama Bridge”

Respectfully submitted, Members of
Public Safety Committee
/s/Michael A. Brown, Sr., Chair
/s/Ernest Congo, II
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Williams, seconded by Ms. Shabazz/Ms. Walsh, the Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Education, Youth & Families Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Nnamdi O. Chukwuocha	X		
Michael A. Brown Sr.	X		
Maria D. Cabrera		X	
Ernest “Trippi” Congo, II	X		
Hanifa Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of
The City of Wilmington

November 28, 2016

Ladies and Gentlemen:

We, your Education, Youth & Families Committee, met on the above date at 5:00 p.m., Councilman Nnamdi O. Chukwuocha presiding. The following item was discussed:

- Discuss the establishment of a Baynard Stadium Taskforce

Respectfully submitted, Members of
Education, Youth & Families Committee
/s/Nnamdi O. Chukwuocha, Chair
/s/Michael A. Brown, Sr.
/s/Ernest Congo, II
/s/Hanifa Shabazz
/s/Sherry Dorsey Walker
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, the Report was received, recorded and filed. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report dated December 1, 2016 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel and Ms. Shabazz, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON DECEMBER 1, 2016

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 715.81
105	Police Pension Account	M & T Bank	\$ 2,981.19
106	Fire Pension Account	M & T Bank	\$ 6,456.51
107	Evidence/Found Currency Account	M & T Bank	\$ 375,720.67
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 1.00
113	Non-Uniform Pension	M & T Bank	\$ 1,252.06
114	Central Deposit	M & T Bank	\$ 192,956.58
117	Cement Workers	Wilmington Savings Fund	\$ 33,506.43
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 6,726.07
120	Grant-In-Aid Account	M & T Bank	\$ 402,738.00
130	Payroll	M & T Bank	\$ 349,973.35
131	Pension Payroll Account	M & T Bank	\$ 139,726.90
139	Pension Healthcare Account	M & T Bank	\$ 58,434.37
	Total Cash on Hand		\$ 1,588,331.14

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	12/01/16	0.01%	\$ 1.92	\$ 6,997,355.00
116	General	WSFS	CD	12/09/16	0.45%	\$ 2,278.36	\$ 2,400,000.00
116	General	TD	CD	12/15/16	0.39%	\$ 379.17	\$ 2,500,000.00
116	General	WSFS	CD	12/21/16	0.45%	\$ 2,021.92	\$ 2,000,000.00
116	General	TD	CD	12/21/16	0.41%	\$ 747.12	\$ 1,600,000.00
124	Non-Uniform 1990	WSFS	CD	12/29/16	0.45%	\$ 1,152.12	\$ 3,115,000.00
106	Fire Pension	WSFS	CD	12/29/16	0.45%	\$ 393.90	\$ 1,065,000.00
105	Police Pension	WSFS	CD	12/29/16	0.45%	\$ 149.79	\$ 405,000.00
116	General	WSFS	CD	01/06/17	0.45%	\$ 1,294.52	\$ 2,100,000.00
110	Capital	WSFS	CD	01/20/17	0.45%	\$ 14,671.23	\$ 10,000,000.00
116	General	TD	CD	01/20/17	0.44%	\$ 1,540.00	\$ 2,100,000.00
116	General ¹	TD	CD	01/31/17	0.48%	\$ 24,646.19	\$ 15,403,864.00
110	Capital	WSFS	CD	02/02/17	0.45%	\$ 8,476.02	\$ 5,500,000.00
116	General	WSFS	CD	02/03/17	0.49%	\$ 2,094.24	\$ 2,400,000.00
110	Capital	TD	CD	02/16/17	0.49%	\$ 17,966.67	\$ 10,000,000.00
116	General	TD	CD	02/17/17	0.48%	\$ 2,633.34	\$ 2,500,000.00
110	Capital	WSFS	CD	05/05/17	0.55%	\$ 50,630.13	\$ 20,000,000.00
514	Risk Management	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
515	Worker's Comp	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
104	Escrow Pension	Vanguard					\$ 44,306,798.00
104	Escrow Pension	Black Rock					\$ 23,842,329.00
104	Escrow Pension	Edgar Lomax					\$ 23,340,230.00
104	Escrow Pension	Wilmington Trust					\$ 44,267,812.00
104	Escrow Pension	Manning & Napier					\$ 10,288,560.00
104	Escrow Pension	Earnest Partners					\$ 18,627,767.00
104	Escrow Pension	GMO					\$ 11,896,247.00
104	Escrow Pension	MFS Management					\$ 23,102,563.00
104	Escrow Pension	American Funds					\$ 10,298,223.00
139	Medical Escrow	Vanguard-OPEB					\$ 15,545,251.00
116	Deferred Comp.	MassMutual					\$ 41,210,066.00
	Total Investments						\$ 370,948,848.42
	Total Cash on Hand						\$ <u>1,588,331.14</u>
	Grand Total						\$ 372,537,179.56

¹ Budget Reserve

/s/Henry W. Supinski
City Treasurer

**Note: At this time, Mr. Wright was marked present and reflected in the minutes herein (Roll Call).*

NON-LEGISLATIVE BUSINESS

Upon a motion of Ms. Walsh, seconded by Ms. Shabazz/Mr. Williams, the following non-legislative resolutions were accepted into the record and motion prevailed:

All Council	Sympathy Lieutenant Jonathan Hall, Sr.
D. Brown	The Parker Family
M. Brown	Sympathy Cynthia D. Mason Thompson
M. Brown	Sympathy Shirley Marcella Green
Gregory	Sympathy William Sheridan, Sr.
Gregory	Sympathy Edward F. Maley

President Gregory: Are there any presentations? But we can take this time if you'd like to speak Lieutenant Jonathan Hall and/or Ardythe Hope if you would like to at this point time during this non-legislative business. Well, Jonathan was a fraternity brother of mine. I met him years after the University of Delaware, I went there before him. Always an embracing and engaging person even when, you know, you're doing battle with families. He was just always there very cordial person. So he will certainly be missed. And, with respect to Ms. Hope, I met her while serving on the PAL Board. Very conscientious, very much concerned about children and I learned that she had training as a nurse, a nurse but still for some period choose to be a firefighter. So again, a very warm person, very engaging person always laughing and I saw it so, for me personally she will be missed and think of for both the City of Wilmington has lost true public servants. Mr. Williams.

Mr. Williams: Thank you Mr. President. I just want to echo your sentiments. I had the opportunity to go through nursing school with Ardythe. I found her to be a very, very friendly and open person. Someone who's always willing to lend a hand, she was dedicated to her trade; she took her schooling very seriously and pursued it with everything she had and there was no doubt in mind that she fought like no fight that's she's ever been this last time up in Chester Krozer. Very sad to hear of her passing and just relieved to know that she's no longer in any pain.

President Gregory: Thank you.

Mr. Chukwuocha: Mr. President.

President Gregory: Yes, Mr. Chukwuocha.

Mr. Chukwuocha: Thank you Mr. President. I also just want to echo the sentiments that has been expressed. Ardythe almost in my age, her brother in my age grade, grew around the corner from me, I knew her my whole life and been a great friend to my families as I was to hers. She was a great – like a big sister to our whole community and for our age grade I thank her. I mean she used to come out to the P.S. track and work out and always kept that relationship, very steadfast duty to what she stood for, a great family woman and would truly be miss and I send my prayers to her family.

President Gregory: Thank you. Mr. Darius Brown.

Mr. Darius Brown: Thank you Mr. President. I just want to express my condolences to both families. To Ardythe and her family, I remember Ardythe when I was a high school student as an intern in the Fire Department. She was one of those people that was on light duty at the time that always was happy and jovial and she's go around within the Fire Department at that time with Chief Wilmore and Deputy Chief Armstead and then also too Jonathan Hall, our fraternity brother, and the last of him and as just a good, good – not just a good guy, a good man, a good father, a good family man, and missing him with this loss. It's great not just to a fraternity but also to WPD and everyone's lives in which he touched.

President Gregory: Ms. Cabrera.

Ms. Cabrera: I share the same sentiments when I met Ardythe and just a beautiful smile, very welcoming, always happy, great disposition, always made you feel welcomed and was very thorough in explaining things and it's a great loss – her children or daughters, her family, condolences go out to them. And, Lieutenant Hall, I remember the tours that we did when the children – Youth in Government, just he was very attentive and they always wanted to know so many details and he would be very receptive, very thorough, very, very professional. So, Wilmington is suffering a great loss today with these two public servants.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. I'd like to share my condolences to both families. When losing a family member it's hard all the way around and one who has their life on the line for others is even harder. So, I send my prayers and sympathy and strength to both families. What I know of Lieutenant Hall, he was one of those who didn't let certain cases lay dormant and there was one in particular that's personal to me that he was very, very interested in getting to the bottom of it and I want to thank him for his conscientious public service in trying to get that resolve to that situation. So, my prayers go out to both families.

President Gregory: Ms. Sherry Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. I think it's a – I'd like to take this opportunity to just acknowledge that Lieutenant Hall was in fact the son-in-law of our current Mayor, Mayor Dennis P. Williams and I'd like to extend my condolences to their family as well as to the family of Ardythe Hope who is the sister-in-law of our Chief of Police, Chief Cummings. May God bless their families.

President Gregory: Absolutely. Mr. Brown.

Mr. Michael Brown: Thank you for having knowing both Lieutenant Hall and Firefighter. I just wanted to extend my condolences to both families and to remind them that the bible says, "weeping may endure for a night but joy comes in the morning". And, I just pray that they will remember to hold onto God's promise that He never leave them or forsake them and my condolences are truly out with them. God bless them.

President Gregory: Okay, thank you all.

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President; thank you sir.

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Yes Mr. President, I have a Resolution to present.

Mr. Darius Brown presented Resolution No. 16-088 (Agenda #4297) as follows:

WHEREAS, Wilmington City Council has enacted Section 2-3 of the Wilmington City Code regarding the authorization and procedures for naming City streets, parks, playgrounds, plazas, buildings, facilities, statues, monuments, and other lands reserved for public use in order to commemorate a particular person and his/her social significance to the City; and

WHEREAS, Section 2-3 states that if it is proposed that a part of, or any facility within, a street or reserved land that is subject to this section be named or renamed in honor of or dedicated to any person, place or event that is different from the rest of it or that is different than that within which it is located, such naming or renaming may be done by resolution of City Council pursuant to subsection (d) of this section, while retaining the name of the rest of the street or park or other reserved land within which the park facility or object so dedicated is located; and

WHEREAS, Brown-Burton-Winchester Memorial Park, which generally extends from Vandever Avenue north to 30th Street, between Northeast Boulevard and Market Street, was named after Clifford Brown, Len Winchester and Robert Burton, all of whom were accomplished black musicians and Wilmington residents; and

WHEREAS, the City of Wilmington and the community of Price's Run want to commemorate Vice President Joe Biden's early connections to the park through the renaming of the Brown-Burton-Winchester Memorial Park Pool House to "United States Vice President Joseph R. Biden, Jr. Aquatic Center" at the Brown-Burton-Winchester Memorial Park as an honor to Delaware's own Joe Biden while retaining the historical significance of the original park name; and

WHEREAS, Vice-President Biden's stellar political career dates back to 1969 when he was first elected as a Council Member of the New Castle County government and went on to represent Delaware for 36 years in the U.S. Senate before becoming the 47th Vice President of the United States in 2008; and

WHEREAS, in the summer of 1962 during a period of racial dissent, and long before he began his career in public service, Joe Biden worked as the only white lifeguard at the Price's Run pool. He has related stories many times about how his lifeguard experience would help shape who he became as an adult by interacting with people of all backgrounds, learning to deal with differing views, being educated about race relations, and understanding more about how people learn or are taught to respect each other; and

WHEREAS, Joe Biden's career accomplishments with regard to improving race relations, sponsoring legislation to prevent violence against women and to reduce gun violence, and working at home or abroad as Chairman of the Senate Judiciary and Foreign Relations Committees to end conflicts among people, can all be traced back to his time as a lifeguard at Price's Run pool—a period during which a young man began to learn about people and about how to lead and serve.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council hereby approves the change to the current name of the Brown-Burton-Winchester Memorial Park Pool House, to "United States Vice President Joseph R. Biden, Jr. Aquatic Center."

On the question:

Mr. Darius Brown: Yes Mr. President, this Resolution is being presented to the Council body for review and approval to rename the pool at Brown-Burton-Winchester Park to honor Joseph R. Biden, Jr., the Vice President of the United States and former lifeguard at the facility.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Darius Brown, seconded by Mr. Freel, the aforementioned 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 Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Darius Brown: Yes Mr. President, I have a Resolution to present.

Mr. Darius Brown presented Resolution No. 16-089 (Agenda #4298) as follows:

WHEREAS, President Barack H. Obama is currently in the final months of serving two terms as the 44th President of the United States of America; and

WHEREAS, President Obama's tenure in the White House has brought improvements and enhancements to those throughout the nation – ranging from extending healthcare access to millions, to cutting the unemployment rate; and

WHEREAS, President Obama has also been a strong advocate for increasing investments in our nation's infrastructure, and in particular, the need to repair, replace and enhance highways, bridges and other critical elements of our transit systems; and

WHEREAS, the President paid a visit to Wilmington in 2014 to address the depleted Highway Trust Fund; and

WHEREAS, a proposed bridge project would erect a span that would connect Interstate 495 to the east of Wilmington, to the city's Riverfront neighborhood; and

WHEREAS, like many other public structures, it is fitting to consider using such elements of the built environment to pay homage to those who have made considerable contributions to our communities, and who have championed related causes; and

WHEREAS, the City Council wishes to encourage the Delaware General Assembly to consider naming the proposed span between I-495 and the Wilmington Riverfront in honor of President Obama as a testimony to his legacy as president, as well as his leadership in promoting critical infrastructure investments.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council respectfully encourages the Delaware General Assembly to consider naming the proposed bridge span connecting I-495 and the Wilmington Riverfront "United States President Barack H. Obama Bridge," in order to honor the legacy of the 44th President of the United States of America, as well as his commitment to shining a light on infrastructure needs across the country, including those in Wilmington and the surrounding region.

On the question:

Mr. Darius Brown: Yes Mr. President, one minor change in the Now, Therefore clause, that it would read proposed bridge span connecting "*Route 13*" and deletion of I-495.

President Gregory: It's a motion. Somebody want to second it?

Mr. Freel: Second.

President Gregory: It's been motion has been properly moved and seconded. On the question, all those in favor so note...Mr. ...this is on the motion not on the Resolution. The motion to amend it accordingly, all those in favor so note saying

Aye, Opposed, Abstentions, "Aye's" have it. Mr. Brown, on the Resolution.

Mr. Darius Brown: Yes Mr. President, this Resolution respectfully encourages the Delaware General Assembly to consider renaming the proposed bridge there and connecting Route 13 to the Wilmington Riverfront to the "United State President Barack H. Obama Bridge".

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President, in all due respect to the Councilmember that's proposing this, we just recently had three (3) firefighters pass away and I think that (inaudible) it's more appropriate to name it after some local heroes. I do understand his, his reasoning behind this; however, I think given the fact and in light of what we have recently experienced, I think it's more appropriate that we name this after the firefighters that have recently passed.

President Gregory: Just to make a distinction, the first one, we own that piece of real estate that's being named after Vice President Biden, which would take effect because we passed the Resolution. The next one is a recommendation to the State, so, we're expressing our strong sentiment and other folks will certainly express their sentiments as it relates to other folks. I wanted to make that distinction. Anyone else?

Mr. Williams: Understood.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh, the aforementioned Resolution, As Amended, was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Freel, Michael

Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, eleven. Nays, Council Member Williams. Total, one. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Mr. Congo.

Mr. Congo: Nothing tonight; thank you.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Yes Mr. President, I move that Council dissolve into the Committee of the Whole for the purpose of holding a public hearing.

Upon a motion of Ms. Shabazz, seconded by Mr. Williams/Ms. Walsh, Council dissolved into the Committee of the Whole for the purpose of holding two public hearings.

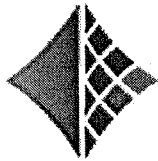
**PUBLIC HEARING
AMENDMENTS TO THE SOUTH WILMINGTON
NEIGHBORHOOD COMPREHENSIVE DEVELOPMENT PLAN
AND REZONING OF FIFTEEN PARCELS OF LAND IN
SOUTH WILIMNGTON LOCATED IN THE AREA GENERALLY
BOUNDED BY SOUTH WALNUT, CHURCH AND A STREETS AND
GARASCHES LANE (ORDINANCE NO. 16-057)**

President Gregory: Affidavits.

The City Clerk read both Affidavits of Publications into one. Upon a motion of Ms. Shabazz, seconded by Mr. Freel/Ms. Walsh, the Affidavits of Publications was made a part of the record. Motion prevailed.

Note: The Affidavits of Publications was added into the record and is attached herein as an insert from Page 14 through Page 17.

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The News Journal
Media Group

A GANNETT COMPANY

Street Address:
950 West Basin Road
New Castle, DE 19720

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(800) 235-9100

Mailing Address:
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Wilmington, DE 19850

Legal Desk:
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Legal Fax:
302 324-2249

SD CITY OF WILMINGTON
800 N FRENCH ST

WILMINGTON, DE 19801

AFFIDAVIT OF PUBLICATION

State of Delaware

New Castle County

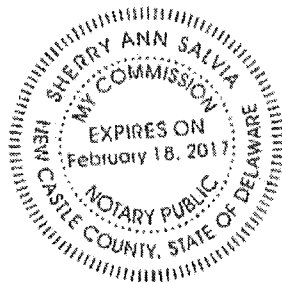
Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

11/10/16 A.D 2016

Linda Barber

Ad Number: 0001713666



Sherry Ann Salvia
Sworn and subscribed before me, this 10 day of
November, 2016

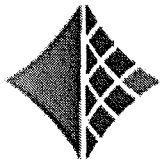
Legal notification printed at larger size for affidavit.

NOTICE IS HEREBY GIVEN that a public hearing to consider amendments to the South Wilmington Neighborhood Comprehensive Development Plan to be held by the Wilmington City Council in the Council Chambers 1st floor, Louis L. Redding City/County Building, 800 French Street, Wilmington, Delaware on December 1, 2016 at 6:30 p.m. pursuant to Resolution No. 16-081.

Maribel Seijo
City Clerk

11/10-NJ

0001713666-01



The News Journal
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800 N FRENCH ST

WILMINGTON, DE 19801

AFFIDAVIT OF PUBLICATION

State of Delaware

New Castle County

Personally appeared **The News Journal**

Of the **The News Journal Media Group**, a newspaper printed, published and circulated in the State of Delaware, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

11/10/16 A.D 2016

Linda Barber

Ad Number: 0001713657



Sherry Ann Salvia
Sworn and subscribed before me, this 10 day of
November, 2016

Legal notification printed at larger size for affidavit.

Notice of time and place of a public hearing before City Council of the City of Wilmington on Ordinance No. 16-057, or a Substitute thereto, which proposes to amend Chapter 48 of the Wilmington City Code of the City of Wilmington.

Please take notice that a public hearing will be held in the Council Chambers, 1st floor, City/County Building, 800 French Street, Wilmington, Delaware on December 1, 2016 at 6:30 p.m. before City Council of the City of Wilmington, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. 16-057, or a Substitute thereto, entitled:

AN ORDINANCE TO REZONE FIFTEEN PARCELS OF LAND IN SOUTH WILMINGTON LOCATED IN THE AREA GENERALLY BOUNDED BY SOUTH WALNUT, CHURCH, AND A STREETS AND GARASCHE LANE FROM M-1 (LIGHT MANUFACTURING) TO W-4 (WATERFRONT RESIDENTIAL/COMMERCIAL AND O (OPEN SPACE) ZONING CLASSIFICATION

Ordinance No. 16-057 was introduced in City Council at a regular meeting held on November 3, 2016 and received 1st & 2nd readings at that time. Resolution No. 16-082 was adopted by City Council at the meeting of City Council held on November 3, 2016 directing that a public hearing on same be held by City Council on December 1, 2016 at 6:30 p.m. in the Council Chambers and directed that the President of City Council and the City Clerk of the City of Wilmington give public notice of the said hearing in the manner and form required by the Zoning Enabling Act and that ordinance.

Ordinance No. 16-057 proposed to amend the existing zoning code of the City

This notice is given pursuant to the provisions of Sec. 48-51 of the Wilmington City Code providing that the zoning ordinance may be amended after a public hearing is held, at which time interested property owners and citizens may have an opportunity to be heard in favor of or in opposition to the proposed amendment.

The text and report of the City Planning Commission related to this proposed amendment may be examined in the Department of Planning, 7th floor, or City Clerk's Office, 9th floor, City/County Building from 9:00 a.m. to 5:00 p.m. Except Saturday, Sunday, and Holidays.

By direction of City Council
THEOPALIS K. GREGORY, SR., President
11/10-NJ

City Clerk
MARIBEL SEIJO

0001713657-01

President Gregory: Planning Commission Report please.

The City Clerk read the Planning Commission Report. Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the Planning Commission Report was made a part of the record. Motion prevailed.

Note: The Planning Commission Report was added into the record and is attached herein as an insert from Page 19 through Page 67.

[the remainder of this page was intentionally left blank]

DENNIS P. WILLIAMS
MAYOR

City of Wilmington
Delaware

LOUIS L. REDDING - CITY/COUNTY BUILDING
800 FRENCH STREET
WILMINGTON, DELAWARE
19801-3537
WWW.WILMINGTONDE.GOV



November 17, 2016

The Honorable Maribel Seijo, City Clerk
Louis L. Redding City/County Building
800 N. French Street
Wilmington, DE 19801

Dear Ms. Seijo:

Attached for City Council's consideration are Planning Commission Resolutions 14-16 and 15-16, along with the related Department of Planning analysis. At their November 15, 2016 meeting, the Planning Commission voted to recommend the following measures to City Council:

1. **Resolution 14-16:** Proposed amendments to the South Wilmington Neighborhood Comprehensive Development Plan to amend Map D-1 (Proposed Land Use) and Map E-1 (Proposed Zoning) to change the land use and zoning recommendations for certain properties located within the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane.
2. **Resolution 15-16:** A proposal to rezone fifteen parcels of land located in South Wilmington within the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space). Zoning Referral 545-16.

This constitutes the report and recommendations of the Mayor's Office on the above referrals.

Sincerely,

A handwritten signature in cursive script, reading "Gwinneth Kaminsky".

Gwinneth Kaminsky, Planning Manager
Department of Planning and Development

Attachments

cc: Honorable Members of City Council
Romain Alexander
Tanya Washington
Leonard Sophrin
Michael P. Migliore
Anthony J. Hill
Kalila Hines

**PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING
CITY OF WILMINGTON
RESOLUTION 14-16**

WHEREAS, Section 506(a) of the City Charter provides that modifications to the Comprehensive Development Plan may be made by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution; and

WHEREAS, the current South Wilmington Neighborhood Comprehensive Development Plan ("Plan") was updated and adopted by City Council on May 17, 1990, but has been amended through the years to facilitate the implementation of a variety of zoning recommendations; and

WHEREAS, in 2008 the South Wilmington Comprehensive Development Plan was revised to reference the 2007 South Walnut Street Urban Renewal Plan ("SWURP") which recommended the location of an open space/wetlands park within the large central area south of A Street between South Walnut and Church Streets, to provide permanent open space for passive recreation, as well as wetlands retention areas and stormwater management features to address flooding and drainage issues prevalent in the Southbridge neighborhood; and

WHEREAS, the SWURP also called for the rezoning of the area south of A Street, between South Walnut and Church Streets, to accommodate the open space/wetlands park, although given the conceptual nature of the proposal and the lack of the specific boundaries for the park, the Comprehensive Plan was never amended to include these recommendations in its Proposed Land Use Map D-1 and Proposed Zoning Map E-1, which still reflect light manufacturing land use and M-1 zoning; and

WHEREAS, plans for the park have since been refined and six parcels of land were acquired by the City of Wilmington to facilitate its development, and Maps D-1 and E-1 are now proposed to be amended to reflect open space land use and O Open Space zoning, which support the central open space/wetlands park; and

WHEREAS, Ordinance 16-057 was introduced at the November 3, 2016 meeting of City Council for the purpose of rezoning fifteen parcels of land located in South Wilmington, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) along the A Street corridor (nine parcels); and from M-1 to O (Open Space) within the central area south of A Street between South Walnut and Church Streets (six parcels); and

WHEREAS, with respect to the A Street rezoning, the Plan currently includes recommendations to expand the waterfront residential/commercial mixed land uses and the corresponding W-4 zoning along the south sides of the properties along the A Street corridor, which are currently reflected in the Plan's Proposed Land Use Map D-1 and Proposed Land Use Map E-1, and no further changes to the Plan are necessary to support this rezoning action; and

WHEREAS, with respect to the central area, amendments are required to the Proposed Land Use Map D-1 and Proposed Zoning Map E-1, for the purpose of changing the land use and zoning designation for this area from light manufacturing land use and M-1 zoning to open space/parkland land use and O zoning, which is consistent with Plan objectives for creating a wetlands park; and

City Planning Commission
Resolution 14-16
Page Two

WHEREAS, the Commission has considered the analysis prepared by the Planning Department along with other evidence presented at the November 15, 2016 Planning Commission meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Commission recommends that the proposed amendment to the South Wilmington Neighborhood Comprehensive Development Plan, Map D-1 (Proposed Land Use), which changes the proposed land use designation of six City-owned parcels located south of A Street, between South Walnut and Church Streets, from "light manufacturing" to "open space/parkland" be approved.


FURTHER RESOLVED, the Commission recommends that the proposed amendment to Map E-1 (Proposed Zoning), which changes the current M-1 (Light Manufacturing) zoning to O (Open Space), be approved.

FURTHER RESOLVED, that the land use and zoning recommendations currently reflected on Map D-1 and Map E-1 support the implementation of the proposed rezoning of nine parcels along the A Street corridor from M-1 to W-4, and no further revisions to these maps is necessary in order to implement these changes as proposed by Ordinance 16-057.

FURTHER RESOLVED, that the proposed land use and zoning changes were presented in the Planning Department analysis dated November 11, 2016 and are shown on Maps D-1 and E-1, attached to this resolution and hereby made a part of the record.



Polly Weir, Chairperson
City Planning Commission


Leonard Sophrin, Director
Department of Planning and Development

Date: November 15, 2016

attachments

**CITY PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING
CITY OF WILMINGTON
RESOLUTION 15-16**

WHEREAS, Article II, Section 48-51 of the Wilmington City Code provides for amendments by City Council to Chapter 48 of said Code, including amendments to the Official Building Zone Map; and

WHEREAS, the City Planning Commission is authorized to review proposed zoning amendments and make recommendations to City Council; and

WHEREAS, Ordinance 16-057 was introduced at the November 3, 2016 meeting of City Council for the purpose of rezoning fifteen parcels of land located in South Wilmington, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) along the A Street corridor (nine parcels); and from M-1 to O (Open Space) within the central area south of A Street between South Walnut and Church Streets (six parcels), as presented in Zoning Referral 545-16; and

WHEREAS, the nine parcels located along the A Street corridor being rezoned from M-1 to W-4 are more specifically identified as Tax Parcels 26-050.00-041; 26-050.00-042; 26-050.00-043; 26-050.00-044; 26-050.00-045; 26-050.00-046; 26-050.00-048; 26-050.00-050; and 26-050.00-079; and

WHEREAS, the purpose of the proposed W-4 (Waterfront Residential/Commercial) district is to provide areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office mixed use development can take place, which is consistent with the recommendations for South Wilmington supported by long range planning efforts for the community, including the Comprehensive Plan, South Walnut Street Urban Renewal Plan (2007), and Special Area Management Plan (2006); and

WHEREAS, the six parcels located within the central area south of A Street between South Walnut and Church Streets which are owned by the City of Wilmington and being rezoned from M-1 to O are more specifically identified as Tax Parcels 26-057.00-028; 26-050.00-056; 26-050.00-058; 26-050.00-074; 26-050.00-075; and 26-050.00-080; and

WHEREAS, the purpose of the proposed O (Open Space) district is to provide for land dedicated as permanent open space to be enjoyed by the public for rest and recreation, permitting uses such as public parks or playgrounds, recreational buildings or structures, and neighborhood police stations which serve the park; and

WHEREAS, the fifteen parcels in question (nine along the A Street corridor and six within the central area) are currently zoned M-1 either in part or in their entirety, a zoning classification which does not support the waterfront residential and commercial mixed use land use patterns that are emerging along A Street, nor is M-1 zoning consistent with the wetlands park proposal; and

WHEREAS, these rezonings are consistent with the recommendations of the South Wilmington Comprehensive Development Plan ("Plan"), which was adopted by City Council on May 17, 1990, last updated on May 1, 2008, and further amended by Commission Resolution 14-16; and


City Planning Commission
Resolution 15-16
Page Two

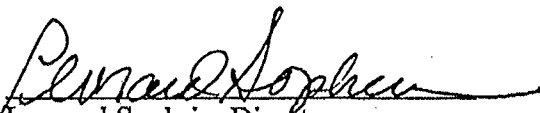
WHEREAS, on November 1, 2016, a public notice was mailed to the affected property owners, occupants and interested parties within and surrounding the area proposed for rezoning, and a classified legal advertisement was placed in the News Journal; on November 8th the Commission's November meeting agenda was sent to the standard Commission mailing list recipients and was posted in the information window of the Louis L. Redding City/County Building and on the City's website; and on November 9th a meeting was held with affected property owners to discuss the rezoning proposal; and

WHEREAS, the City Planning Commission has considered the analysis prepared by the Department of Planning, along with other evidence entered into the hearing record.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends approval of the proposal to rezone fifteen parcels of land located in South Wilmington within the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space), as presented in Ordinance 16-057.

FURTHER RESOLVED, that these rezonings are in accordance with the recommendations of the South Wilmington Neighborhood Comprehensive Development Plan, updated and adopted by Council on May 17, 1990, last revised in 2008, and as amended by Planning Commission Resolution 14-16.


Polly Weir, Chairperson
City Planning Commission


Leonard Sophrin, Director
Department of Planning and Development

Date: November 15, 2016

attachments

MEMORANDUM

TO: Wilmington Planning Commission

FROM: Department of Planning and Development

DATE: November 11, 2016

RE: **Resolution 14-16:** Proposed amendments to the South Wilmington Neighborhood Comprehensive Development Plan to amend Map D-1 (Proposed Land Use) and Map E-1 (Proposed Zoning) to change the land use and zoning recommendations for certain properties located within the area generally bounded by South Walnut, Church and A Streets and Garasches Lane.

Resolution 15-16: A proposal to rezone fifteen parcels of land located in South Wilmington within the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space). Ordinance 16-057. Zoning Referral 545-16.

I. CITY COUNCIL SPONSOR:

Honorable Hanifa G.N. Shabazz, City Council Member, 4th Council District

II. BACKGROUND/PURPOSE

Ordinance 16-057 was introduced at the November 3, 2016 meeting of City Council for the purpose of rezoning fifteen parcels located in South Wilmington, within the area generally bounded by South Walnut, Church and A Streets and Garasches Lane. This rezoning action addresses changes in two locations as follows: 1) the A Street Corridor, on the south side between South Walnut Street and the former Spruce Street right of way, which includes eight properties currently split zoned with W-4 (Waterfront Residential/Commercial) and M-1 (Light Manufacturing), and one property zoned M-1 in its entirety, in which the M-1 zoning would be rezoned to W-4; and 2) the Central Area located south of the A Street properties, between South Walnut and Church Streets, which includes six parcels owned by the City of Wilmington which are proposed to be rezoned from M-1 (Light Manufacturing) to O (Open Space) to support the development of an open space/wetlands park. See **Attachment A** for the proposed rezoning map and **Attachment B** for Ordinance 16-057.

III. COMPREHENSIVE DEVELOPMENT PLAN

The South Wilmington Neighborhood Comprehensive Development Plan ("Plan") was last updated and adopted in 1990, but has been amended through the years to facilitate the implementation of zoning recommendations which expanded the waterfront district zoning and strengthened the residential base; addressed concerns identified by a special task force related to M-2 zoning; and supported annexation to accommodate the relocation of the Wilmington public works yard.

A Street Corridor

Recommendations to support waterfront residential/commercial mixed land uses and the corresponding W-4 zoning in South Wilmington, more specifically to expand the existing W-4 zoning along A Street to the south to encompass the entirety of the parcels with frontage along A Street, are currently reflected in the Plan's Proposed Land Use Map D-1 and Proposed Land Use Map E-1. Implementing this recommendation would eliminate the split zone condition that exists for certain properties along A Street, and expands the W-4 district which is prevalent along the Christina River. The current proposal to rezone these A Street parcels to W-4 is consistent with the Comprehensive Plan, and no further changes need be made to the Plan to support the A Street corridor rezoning proposal in Ordinance 16-057.

Central Area

In 2008, the South Wilmington Comprehensive Development Plan was further updated to reference the 2007 South Walnut Street Urban Renewal Plan ("SWURP") which recommended the location of an open space/wetlands park within the large central area south of A Street between South Walnut and Church Streets. Plans called for a riverfront park and trail system along the Christina River, along with a central park area that would provide permanent open space for passive recreation, with public access via pedestrian walkways and parking areas. Wetlands retention areas and stormwater management features would address the flooding and drainage issues that are prevalent in the Southbridge neighborhood, and linear open spaces connecting the park to the riverfront would convey stormwater and facilitate pedestrian circulation. This central wetlands park concept was also referenced in the Special Area Management Plan (2006, Neighborhood Plan).

As part of the 2008 Comprehensive Plan update, appendices were included which referenced the SWURP land use concept for the proposed wetlands park, which reflected residential, office, light industrial mixed uses surrounding the park for anticipated redevelopment (Appendix B) and the SWURP zoning recommendation which proposed the rezoning of the entire area south of A Street between Walnut and Church Street to W-4 to accommodate the park and mixed use development (see **Attachment C** for these appendices).

At that time, the wetlands park was in the conceptual planning stage and specific boundaries had not yet been determined, in part because the land was not yet under the control of the City, nor was it known how the surrounding area would develop. Park plans have since been refined and plans are underway to build the park and necessary infrastructure (see **Attachment D**). While the SWURP recommended W-4 zoning as a placeholder, the Comprehensive Plan's Proposed Land Use Map D-1 and Proposed Zoning Map E-1 still reflect light manufacturing land use and M-1 zoning. Because current park plans do not anticipate waterfront mixed use development within the wetlands park, Maps D-1 and E-1 are now proposed to be amended to reflect open space land use and O zoning, which support the central park area rezoning proposal in Ordinance 16-057.

Proposed Amendments to the Comprehensive Plan

Resolution 14-16 proposes to amend Proposed Land Use Map D-1 and Proposed Zoning Map E-1, for the purpose of changing the land use and zoning designations for the six parcels of land owned by the City of Wilmington which have been acquired to construct the open space/wetlands park. These map amendments are consistent with, and support, the proposed zoning action for the central area. Because these maps already recommend the expansion of the W-4 zoning along the A Street corridor to correct the W-4/M-1 split zoning condition, there is no need for further amendments to support the A Street rezoning action. See **Attachment E** for the proposed amendments to Maps D-1 and E-1, and the updated Plan cover.

IV. LAND USE AND ZONING ANALYSIS

Current Land Use (Affected Parcels)

A Street Corridor

In 1991 parcels along the south side of A Street between South Walnut Street and former Spruce Street were rezoned with a combination of W-4 and M-1 zoning. In 2003, additional parcels on the southeast corner of South Walnut and A Streets were similarly zoned. W-4 zoning extended to B Street (a paper street), with the expectation that the roadway would be improved and serve to separate the waterfront mixed uses along the A Street corridor from light industrial park development in the central area. Despite this split zoning condition, the nine parcels along this corridor have largely developed in a manner that is consistent with the intent of the W-4 zoning that encompasses the larger riverfront area in South Wilmington. Existing uses include retail and showrooms (Flooring Solutions; Brennan Office Interiors); offices (C& B Construction, including wholesale storage/distribution); Buccini Pollin Group, including wholesale storage and fabrication); and a gasoline service station with a convenience store. There are also several parcels of vacant land.

Central Area

The six parcels located south of A Street between Walnut and Church Street, which are zoned M-1, are currently vacant and underutilized. They have been acquired by the City of Wilmington for the purpose of redevelopment into a central open space/wetlands park which is being designed to address stormwater management and flooding issues prevalent in South Wilmington.

Current Land Use (Surrounding Area)

Land use in the area immediately surrounding the rezoning site include retail and office uses, medical center/services, Wilmington Rowing Center, Delaware Humane Society, car repair and storage, and vacant land. Residential dwellings are located to the east and north west in areas zoned R-3, R-5A and W-4. Along the eastern side of South Walnut Street (zoned M-1), uses include Winner Auto Collision Center, Junior Achievement of Delaware, and Diamond Chemical & Supply.

The Christina Crossing Retail Center, which includes ShopRite grocery store and other retailers, is situated to the west, between South Market and South Walnut Streets. Along the north side of Garasches Lane, which is situated south of the proposed park, uses operating under the current M-1 zoning include Falcon Steel (exterior storage), Dauri Auto Parts (wholesale), mattress manufacturer, and a cement mixing/storage operation. On the south side of this right of way, there are several auto repair operations, including junkyards operating within the County portion of those parcels.

Current Zoning

M-1 (Light Manufacturing)

The fifteen parcels in question (nine along the A Street corridor and six within the Central Area) are currently zoned M-1 either in part or in their entirety. M-1 zoning does not support the waterfront residential and commercial mixed use land use patterns that are emerging along A Street, nor is M-1 zoning consistent with the wetlands park proposal.

The existing M-1 district provides areas where scientific research, light manufacturing or fabrication, and wholesale storage or warehousing activities can take place. Uses are restricted to low density developments on large sites with suitable landscaping. No new residential development is permitted. Examples of matter-of-right uses include: laboratories; light manufacturing, processing, fabrication, or repair; wholesale sales or warehousing; retail stores; restaurants; and public utility/public services.

Proposed Zoning

Nine parcels are proposed to be rezoned to W-4. The rezoning would correct a "split zoning" condition for eight parcels along A Street currently zoned W-4/M-1; and one parcel would be rezoned in its entirety from M-1 to W-4.

W-4 (Waterfront Residential/Commercial)

The W-4 district provides areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office development can take place. Development is subject to conformance with waterfront review standards, including landscaping and screening, to assure that it is of a quality nature, and height is limited to 6 stories.

Examples of uses permitted as a matter-of-right in the W-4 district include: single-family and multi-family residential dwelling, excluding detached single-family dwelling; bed and breakfast guest facility; library, museum, and gallery; private or public school; private club or lodge; office, bank or other financial institution; retail store and service; hotel or motel; commercial marine use; commercial recreation; indoor performing arts theater; and restaurants.

O (Open Space)

Within the central area, six parcels under consideration for rezoning are proposed to be rezoned to O (Open Space). These parcels are owned by the City of Wilmington and are proposed to be developed into a wetlands park.

The O district is designed to include land dedicated as permanent open space to be enjoyed by the public for rest and recreation. Uses permitted as a matter of right include a public park or playground under the control of the City, County, State or National Park Service, or which is owned or operated by a nonprofit institution or community association. Accessory recreational buildings or structures and neighborhood police stations which serve the park or are an addition to a community center are also permitted.

V. REZONING IMPACTS

Land Use Status

Typically, the impacts from a rezoning on existing land uses will vary, depending on the current status of those uses, as follows (see **Attachment F** for a Zoning Impact Summary):

Uses Permitted as a Matter of Right

Existing uses which are permitted as a matter of right under the new zoning classification will not be impacted by the rezoning.

Special Exceptions

Existing uses which are permitted under the new zoning classification as a special exception with Zoning Board of Adjustment approval may continue their operation as a special exception use, and are not impacted by the rezoning. Special exception uses are not considered nonconforming and are not subject to the regulations for nonconforming uses.

Nonconforming Uses

Any use which legally exists at the time of a rezoning action, but which would not be permitted as a matter of right under the new zoning classification, becomes a nonconforming use. Uses which operate under a use variance with ZBA approval, are also considered nonconforming uses.

Uses which become nonconforming as the result of a rezoning may continue operation (a condition referred to as "grandfathered"). Uses which are already legally nonconforming at the time of a rezoning are also grandfathered. Nonconforming uses are subject to certain regulations, as follows:

- a) Nonconforming buildings may not be enlarged or changed without ZBA approval;
- b) Once discontinued for a period of one year, nonconforming uses cannot be reestablished unless the ZBA has established that the discontinuance was due to a cause beyond the control of the owner or other related actions; and
- c) These uses must be registered with the Zoning Administrator within six months of the rezoning action which makes them nonconforming, and must continue to register every two years.

Future Development

Any new business or service locating to the area after it has been rezoned, must conform with the regulations governing the new zoning.

Specific Land Use Impacts

Existing uses are affected by the proposed rezoning as follows:

- Retail, office and showroom uses (Buccini Pollin Group; C&B Construction; Flooring Solutions; Brennan Office Interiors, Shell Station convenience store) are currently a matter of right and will continue as such. No impact.
- The warehousing/distribution operations (C&B Construction and BPG) are special exception uses which will continue as such. No impact.
- The fabrication operations (accessory to BPG offices) currently operate under an approved use variance (nonconforming use), and will be grandfathered. No impact.

- The Shell Station currently operating as a legal nonconforming use within the W-4 portion of their property will remain legally nonconforming. No impact.
- Any portion of the Shell Station currently operating as a matter of right within the M-1 portion of their property will be grandfathered, becoming a legally nonconforming use. Change of status from matter of right to nonconforming.
- There are no current uses on two parcels of vacant improved land (600 A Street; 510 A Street), and therefore no impact; however, any redevelopment must be redeveloped in conformance with the W-4 zoning regulations.
- Two parcels of vacant unimproved land along A Street (proposed for W-4 zoning) and six parcels of vacant unimproved land located within the Central Park area (proposed for O zoning) are being redeveloped into a park facility as a matter of right. No impact.

VI. PUBLIC NOTICE

On November 1, 2016, a public notice of the Commission public hearing was mailed to affected property owners, occupants, and interested parties (see **Attachment G**). A classified legal advertisement was published in the News Journal on November 2, 2016. The Commission's November meeting agenda was sent to the standard Commission mailing list recipients and was posted in the information window of the Louis L. Redding City/County Building and on the City's website on November 8, 2016. On November 9th, the Office of Economic Development, Licenses and Inspections and Planning staff met with affected property owners to address specific concerns and questions related to the proposed zoning. To date, Planning has received one call for information regarding the rezoning proposal.

VII. SUMMARY/RECOMMENDATIONS

The Department of Planning recommends the approval of the following resolutions:

Resolution 14-16: Proposed amendments to the South Wilmington Neighborhood Comprehensive Development Plan to amend Map D-1 (Proposed Land Use) and Map E-1 (Proposed Zoning) to change the land use and zoning recommendations for certain properties located within the area generally bounded by South Walnut, Church and A Streets and Garasches Lane.

Resolution 15-16: A proposal to rezone fifteen parcels of land located in South Wilmington within the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space). Ordinance 16-057. Zoning Referral 545-16.

City Council is scheduled to hold public hearings regarding the proposed amendments to the South Wilmington Comprehensive Plan and the rezoning action, at their December 1, 2016 meeting.

Attachments

- A Proposed Rezoning Map
- B Ordinance 16-057
- C Comprehensive Plan Appendices
- D Open Space/Wetlands Park Plans
- E Proposed Changes to the Comprehensive Plan
- F Zoning Impact Summary Chart
- G Public Notice

Resolution 14-16

Resolution 15-16



ATTACHMENT A

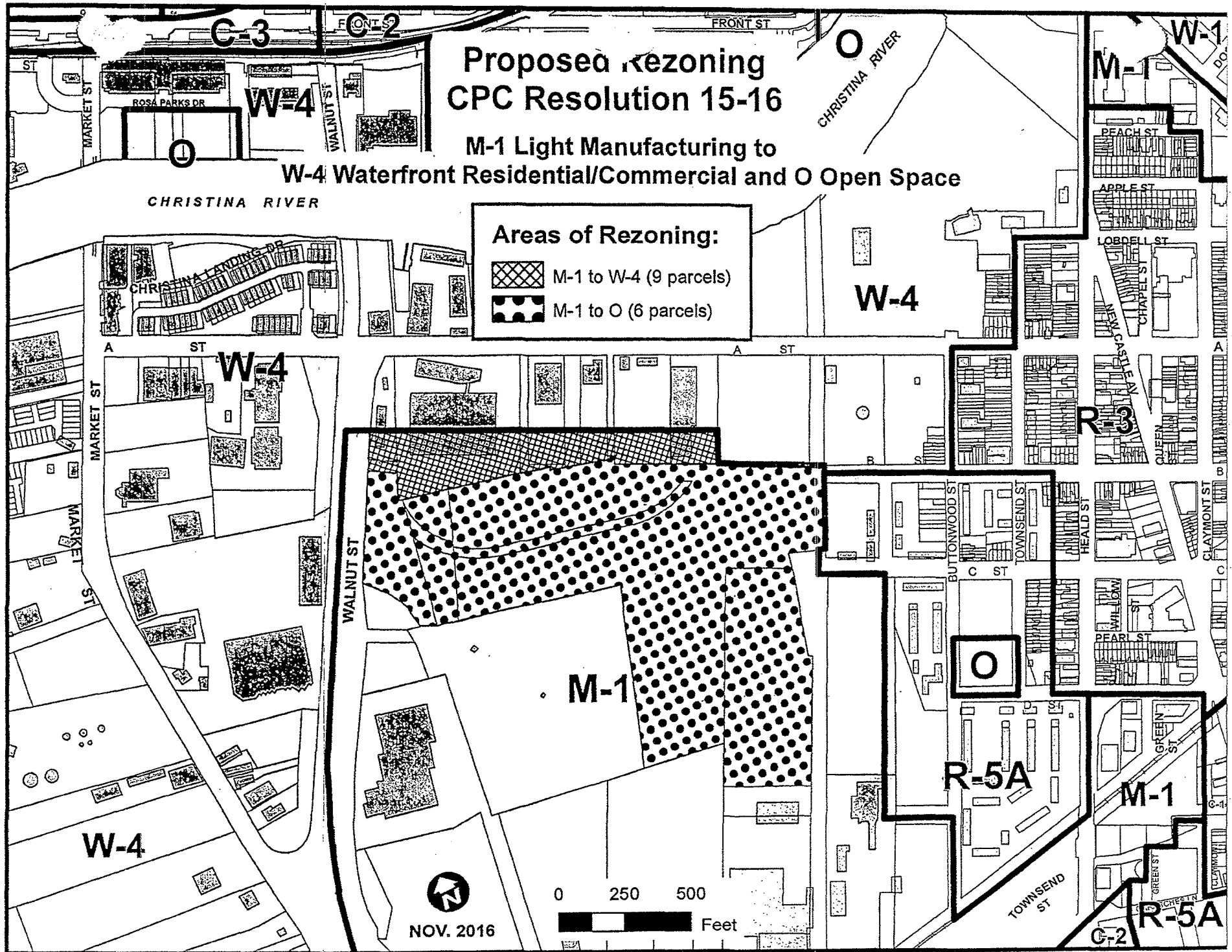
Proposed Rezoning Map

Proposed Rezoning CPC Resolution 15-16

M-1 Light Manufacturing to
W-4 Waterfront Residential/Commercial and O Open Space

Areas of Rezoning:

-  M-1 to W-4 (9 parcels)
-  M-1 to O (6 parcels)



ATTACHMENT B

Ordinance 16-057

AN ORDINANCE TO REZONE FIFTEEN PARCELS OF LAND LOCATED IN SOUTH WILMINGTON WITHIN THE AREA GENERALLY BOUNDED BY SOUTH WALNUT, CHURCH, AND A STREETS AND GARASCHE LANE FROM M-1 (LIGHT MANUFACTURING) TO W-4 (WATERFRONT RESIDENTIAL/COMMERCIAL) AND O (OPEN SPACE) ZONING CLASSIFICATION

WHEREAS, the City Council for the City of Wilmington deems it necessary and appropriate to rezone the parcels of land depicted on the map attached hereto and made a part hereof as Exhibit "A" known as 620 A Street, 600 A Street, 510 A Street, 504 A Street, 500 A Street, 414 A Street, 322 A Street, 300 South Walnut Street, and 0 South Walnut Street, Wilmington, Delaware, being Tax Parcel Nos. 26-050.00-041, 26-050.00-042, 26-050.00-043, 26-050.00-044, 26-050.00-045, 26-050.00-046, 26-050.00-048, 26-050.00-050 and 26-050.00-079 from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) zoning classification; and

WHEREAS, City Council for the City of Wilmington deems it necessary and appropriate to rezone the parcels of land depicted on the map attached hereto and made a part hereof as Exhibit "A" known as 615 South Church Street, 0 South Walnut Street and 400 B Street, Wilmington, Delaware, being Tax Parcel Nos. 26-057.00-028, 26-050.00-056, 26-050.00-058, 26-050.00-074, 26-050.00-075 and 26-050.00-080 from M-1 (Light Manufacturing) to O (Open Space) zoning classification.

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

SECTION 1. Section 48-97 of the Wilmington City Code and the

"Building Zone Map, City of Wilmington, Delaware," dated January 2006, are hereby amended by changing the zoning classifications of Tax Parcel Nos. 26-050.00-041, 26-050.00-042, 26-050.00-043, 26-050.00-044, 26-050.00-045, 26-050.00-046, 26-050.00-048, 26-050.00-050 and 26-050.00-079 from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) zoning classification, as illustrated on the Map attached hereto and made a part hereof as Exhibit "A" and as more particularly described by the metes and bounds description attached hereto as Exhibit "B".

SECTION 2. Section 48-97 of the Wilmington City Code and the "Building Zone Map, City of Wilmington, Delaware," dated January 2006, are hereby amended by changing the zoning classifications of Tax Parcel Nos. 26-057.00-028, 26-050.00-056, 26-050.00-058, 26-050.00-074, 26-050.00-075 and 26-050.00-080 from M-1 (Light Manufacturing) to O (Open Space) zoning classification, as illustrated on the Map attached hereto and made a part hereof as Exhibit "A" and as more particularly described by the metes and bounds description attached hereto as Exhibit "C".

SECTION 3. The rezoning of the parcels described herein and as identified in Exhibit "A" attached herein and made a part hereof is in accordance with the recommendations found in the South Wilmington Neighborhood Comprehensive Development Plan.

SECTION 4. This Ordinance shall be deemed effective immediately upon its date of passage by City Council and approval by the Mayor.

First ReadingNovember 3, 2016
Second Reading.....November, 2016
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this _____
day of _____, 2016

Assistant City Solicitor

Approved this ____ day of _____, 2016



Mayor

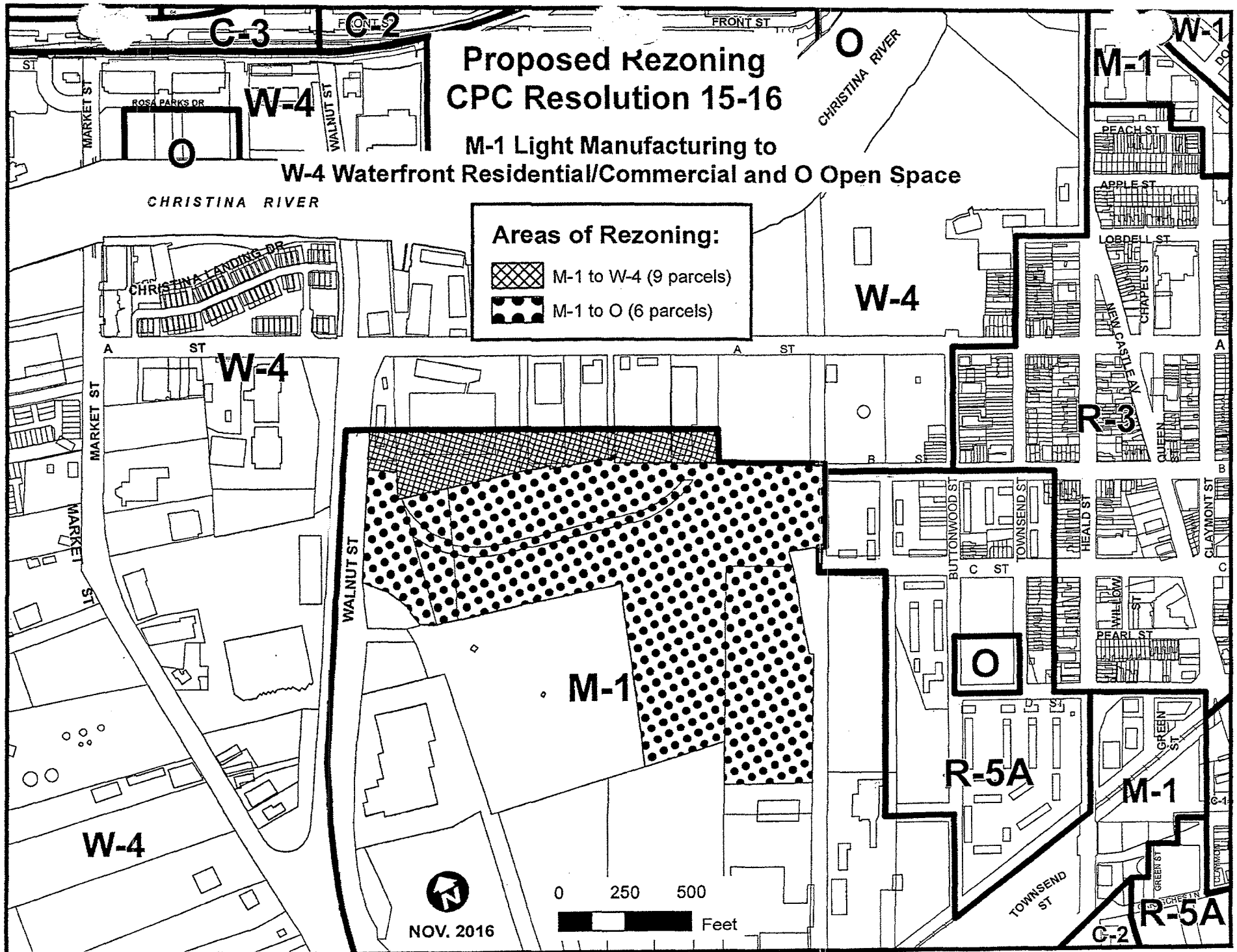
SYNOPSIS: This Ordinance rezones fifteen parcels of land located in South Wilmington from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space) zoning classification.

Proposed Rezoning CPC Resolution 15-16

M-1 Light Manufacturing to
W-4 Waterfront Residential/Commercial and O Open Space

Areas of Rezoning:

-  M-1 to W-4 (9 parcels)
-  M-1 to O (6 parcels)

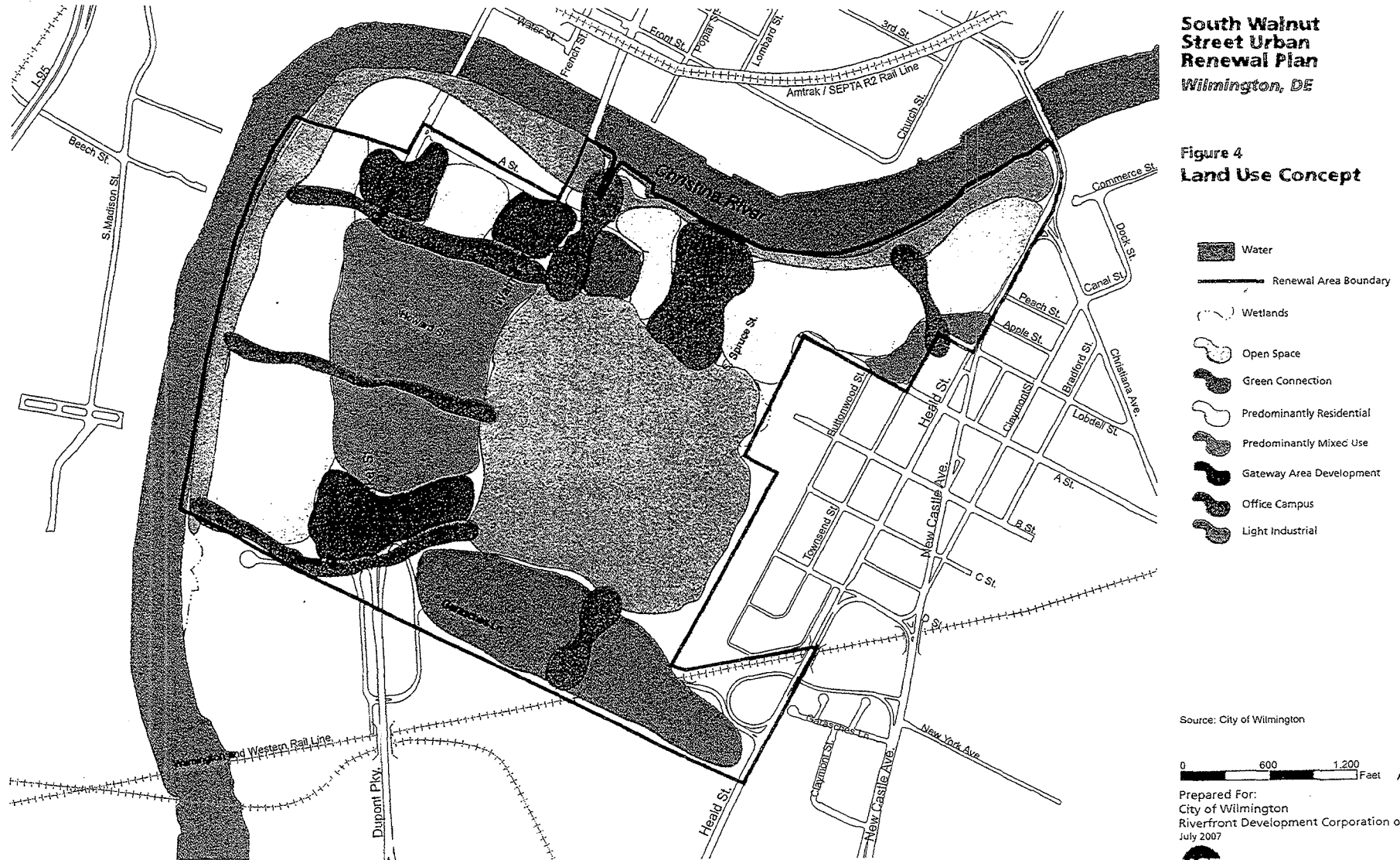


ATTACHMENT C

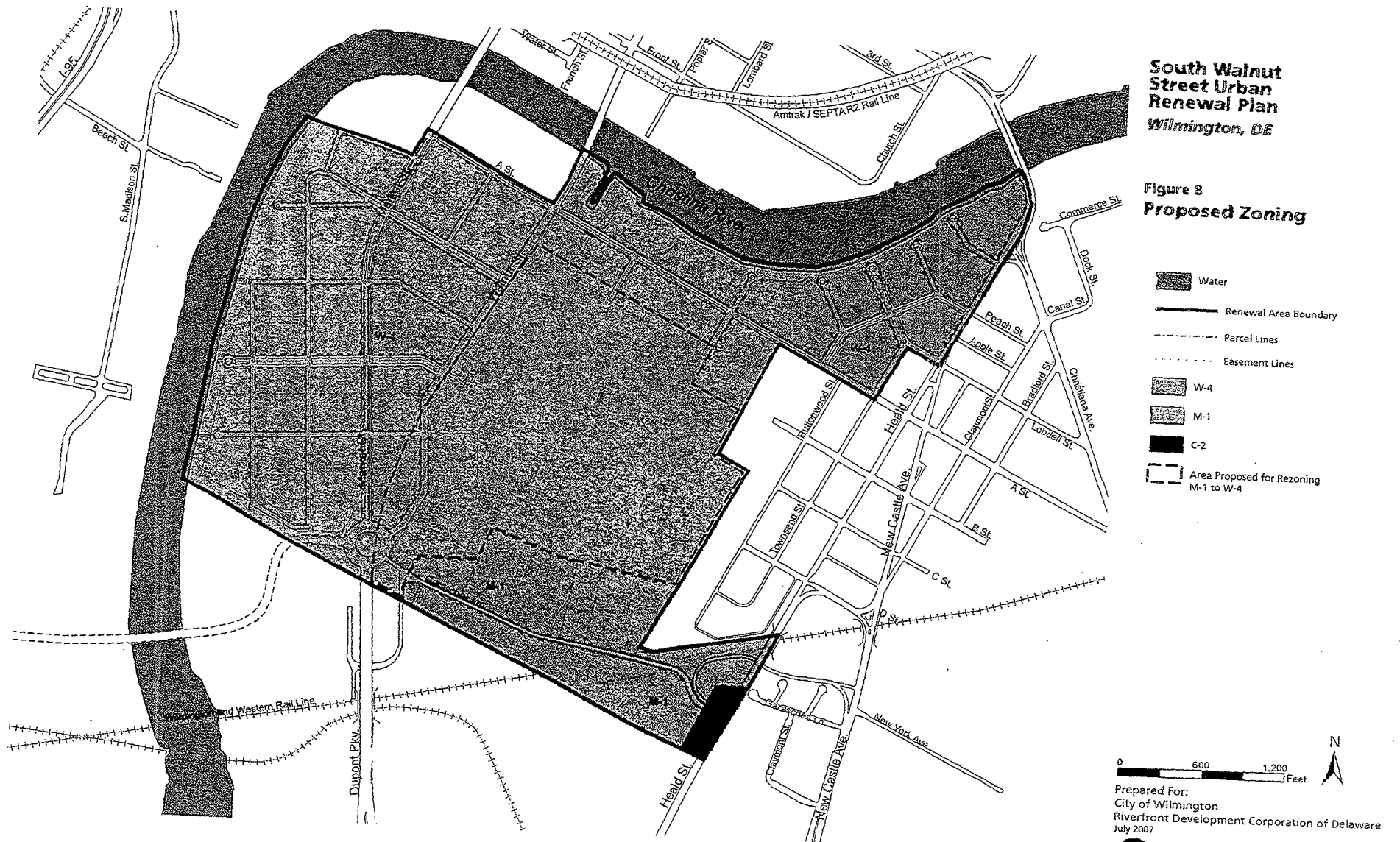
South Wilmington Comprehensive Development Plan (2008)

Appendices related to the SWURP

Appendix B



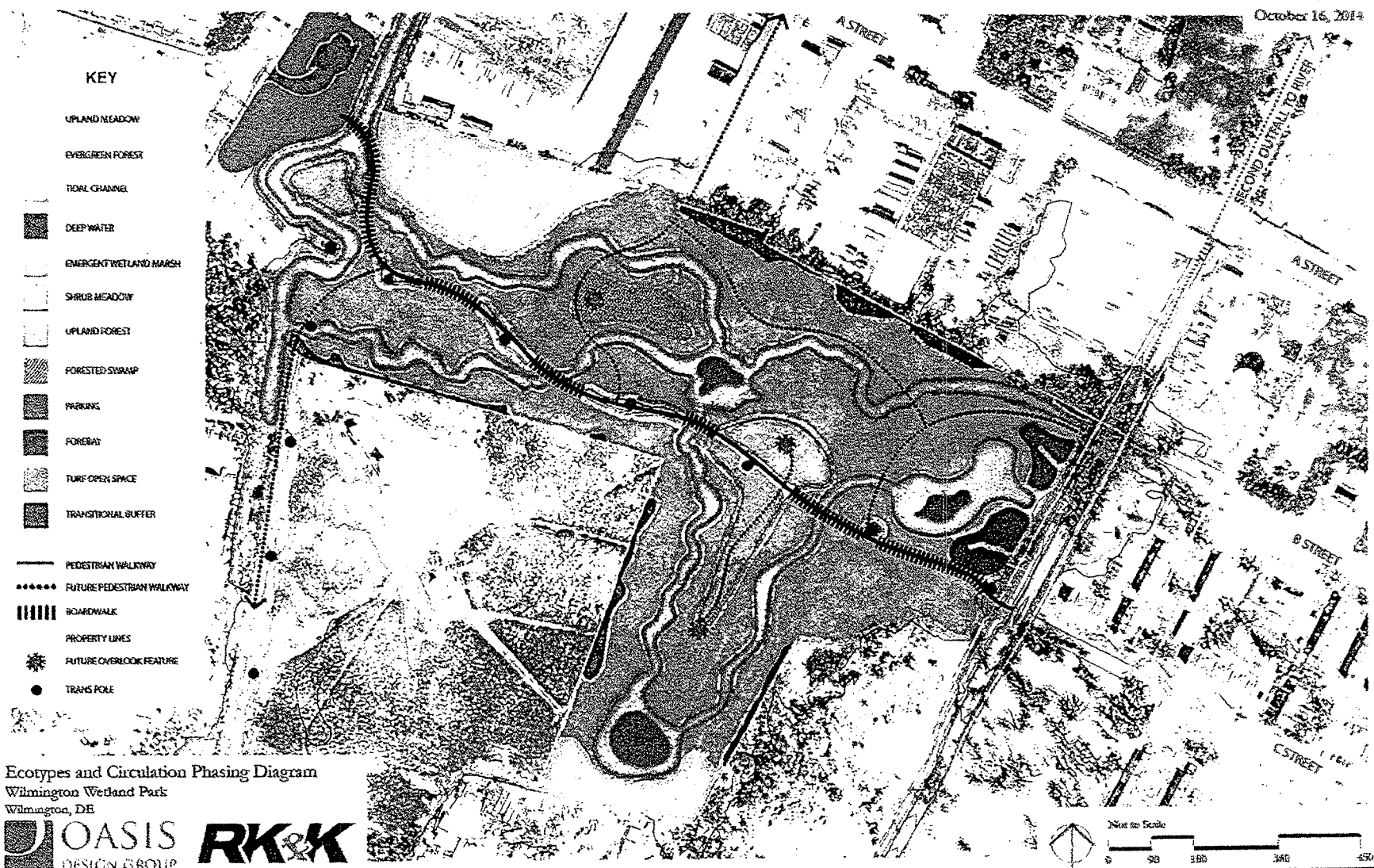
Appendix C

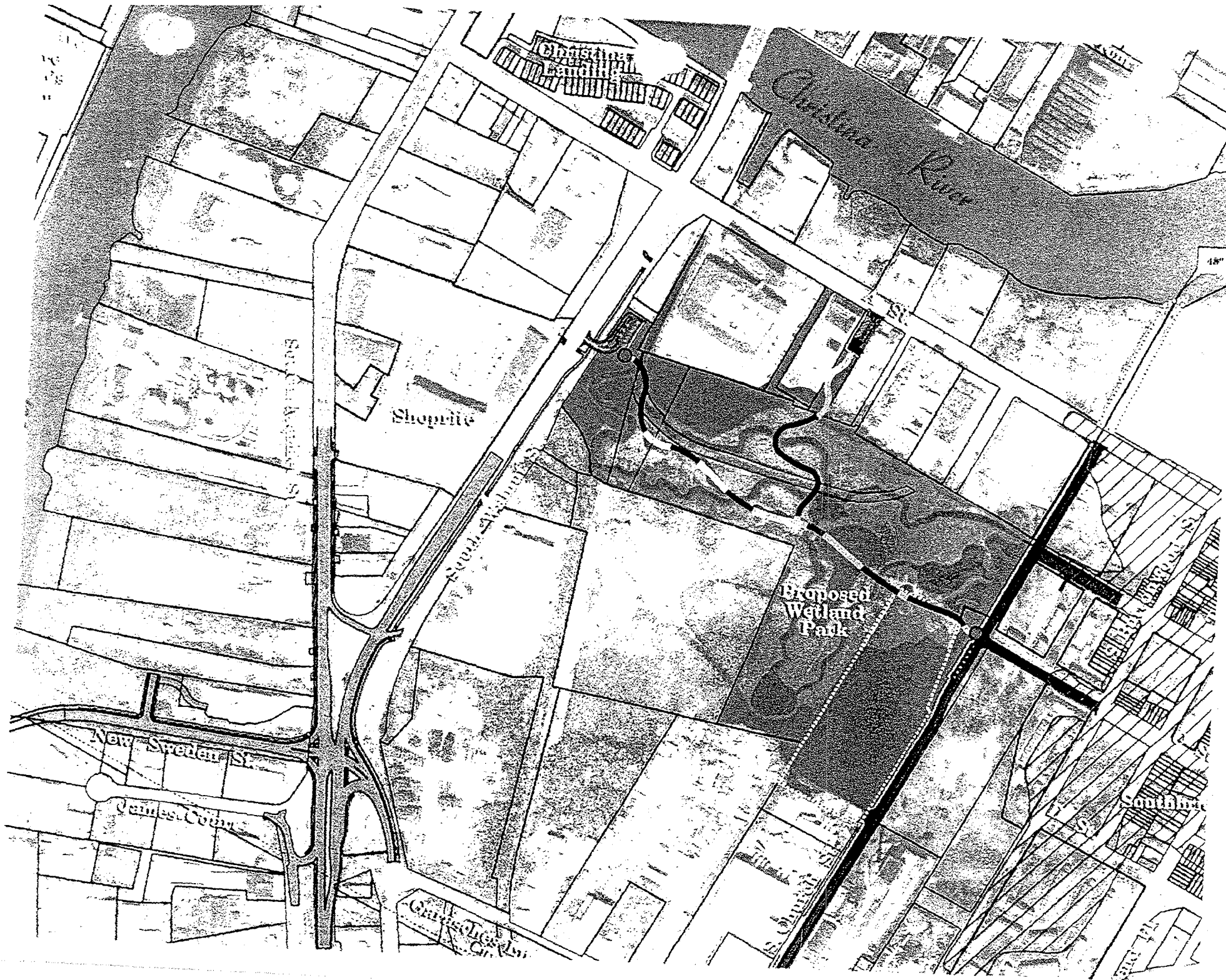


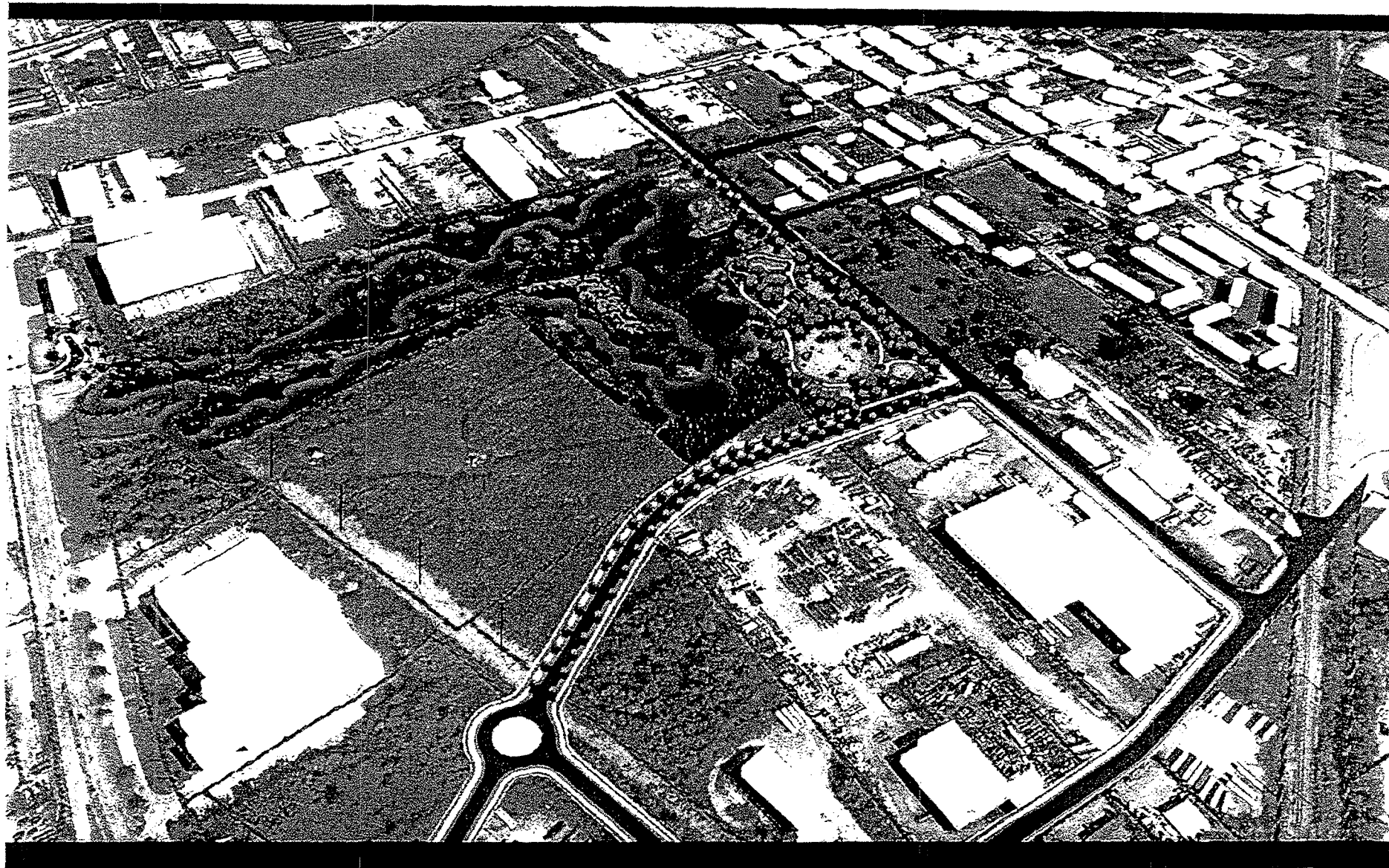
ATTACHMENT D

Open Space / Wetlands Park Plans

October 16, 2014







ATTACHMENT E







**Proposed Changes
to the
Neighborhood Comprehensive Development Plan
for South Wilmington**

**Proposed Land Use Map D-1
and
Proposed Zoning Map E-1**

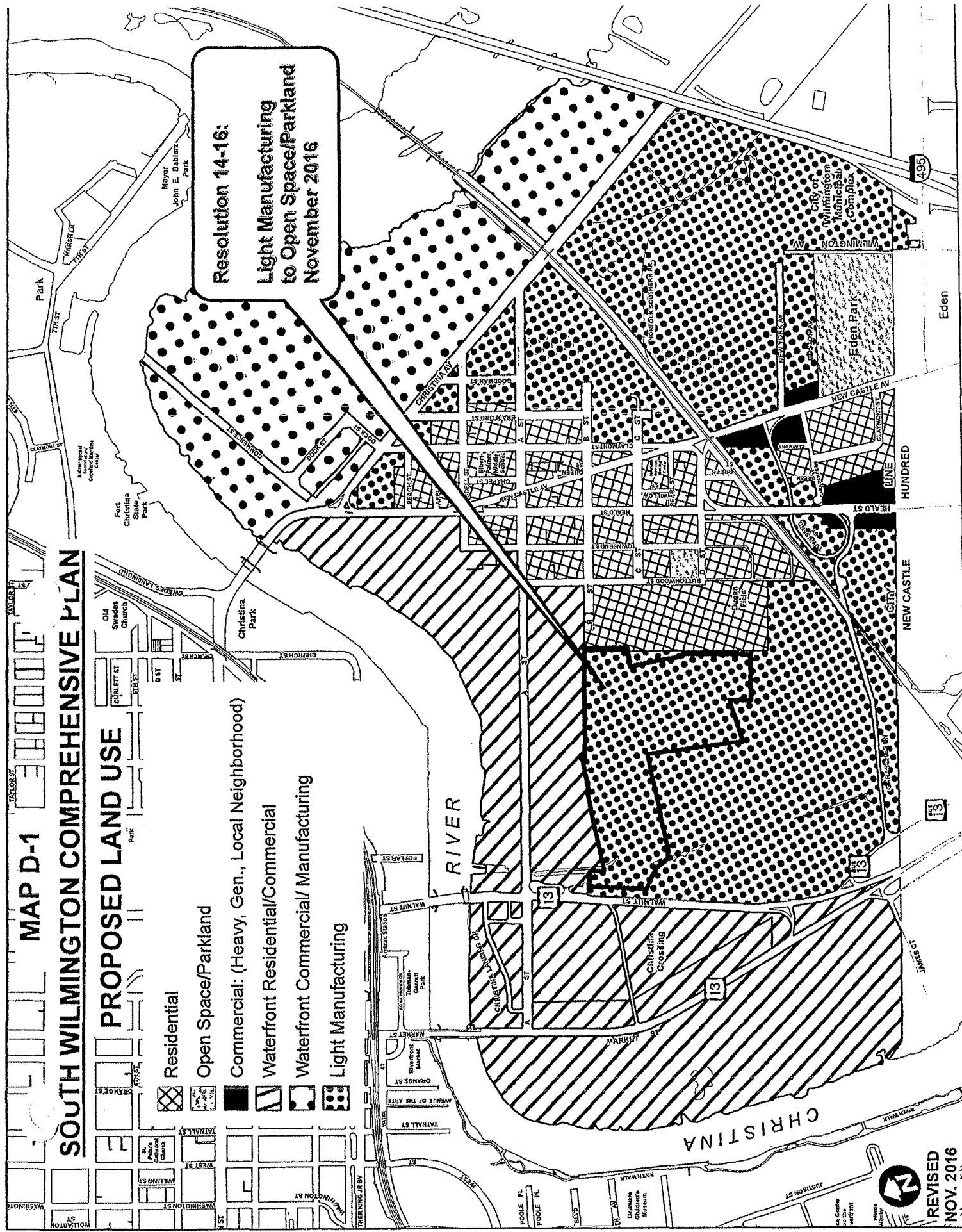
MAP D-1

SOUTH WILMINGTON COMPREHENSIVE PLAN

PROPOSED LAND USE

-  Residential
-  Open Space/Parkland
-  Commercial: (Heavy, Gen., Local Neighborhood)
-  Waterfront Residential/Commercial
-  Waterfront Commercial/Manufacturing
-  Light Manufacturing

**Resolution 14-16:
Light Manufacturing
to Open Space/Parkland
November 2016**





**REVISED
NOV. 2016**

MAP E-1 SOUTH WILMINGTON COMPREHENSIVE PLAN

PROPOSED ZONING

CPC RESOLUTION: 14-16

AREAS OF CHANGE

-  M-1 to O
-  M-1 to W-4

RESIDENTIAL

- R-3 ONE FAMILY ROW HOU.
- R-5A APARTMENT HOUSE LOV. CITY

COMMERCIAL

- C-1 NEIGHBORHOOD SHOPPING
- C-2 SECONDARY BUSINESS CENTERS
- C-5 HEAVY COMMERCIAL

MANUFACTURING & INDUSTRIAL

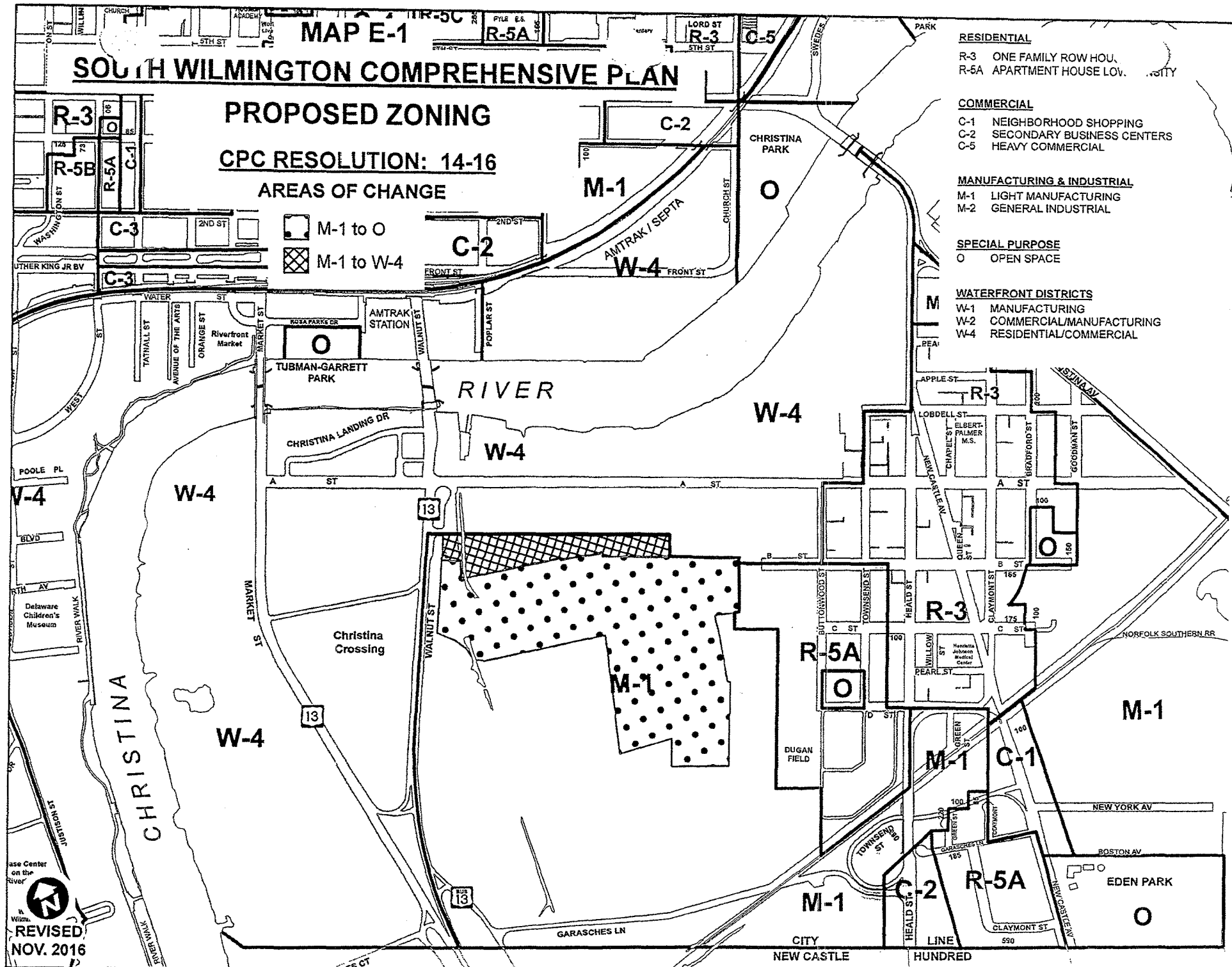
- M-1 LIGHT MANUFACTURING
- M-2 GENERAL INDUSTRIAL

SPECIAL PURPOSE

- O OPEN SPACE

WATERFRONT DISTRICTS

- W-1 MANUFACTURING
- W-2 COMMERCIAL/MANUFACTURING
- W-4 RESIDENTIAL/COMMERCIAL



**NEIGHBORHOOD COMPREHENSIVE DEVELOPMENT PLAN
FOR SOUTH WILMINGTON**

**Department of Planning
April 1990**

**Census Tract 19
(Formerly Neighborhood #15)**

This Comprehensive Development Plan replaces that plan which was originally adopted in May 1959 and subsequently amended on January 26, 1976, by City Council.

Recommended By:
The City Planning Commission
Resolution 9-90
April 17, 1990

Adopted By:
City Council
Resolution 90-069
May 17, 1990

Recommended By:
The City Planning Commission
Resolution 2-91
February 19, 1991

Revised By:
City Council
Resolution 91-034
March 21, 1991

Recommended By:
The City Planning Commission
Resolution 1-99
February 16, 1999

Revised By:
City Council
Resolution 99-037
April 8, 1999

Recommended By:
The City Planning Commission
Resolution 4-02
March 19, 2002

Revised By:
City Council
Resolution 02-036
May 2, 2002

Recommended By:
The City Planning Commission
Resolution 21-03
October 21, 2003

Revised By:
City Council
Resolution 03-066
December 4, 2003

Recommended By:
The City Planning Commission
Resolution 1-05
January 11, 2005

Revised By:
City Council
Resolution 05-004
January 20, 2005

Recommended By:
The City Planning Commission
Resolution 11-05
April 19, 2005

Revised By:
City Council
Resolution 05-060
June 2, 2005

Recommended By:
The City Planning Commission
Resolution 8-08
April 15, 2008

Revised By:
City Council
Resolution 08-042
May 1, 2008

Recommended By:
The City Planning Commission
Resolution 14-16 (Pending)
November 15, 2016

Revised By:
City Council
Resolution (Pending)
December 1, 2016

ATTACHMENT F

Zoning Impact Summary Chart

Zoning Impact Summary Chart

A Street Corridor

620 A Street	Harvin Foods	
1.37 acre	Current Zoning:	W-4/M-1
26-050.00-041	Proposed Zoning:	M-1 portion to W-4
	Current Use:	Brennan Office Interiors (offices) C&B Construction (offices, warehousing /distribution)
	Land Use Status:	Matter of right: Offices Special exception: Warehousing/distribution
	Impact:	Offices remain matter of right Warehousing/distribution will be grandfathered
600 A Street	Denis O'Sullivan	
2.0 acre	Current Zoning:	W-4/M-1
26-050.00-042	Proposed Zoning:	M-1 portion to W-4
	Current Use:	In 2016 ZBA denied use variances for 2 illegal uses and approved a special exception for a third use, whose lease then expired. The site is currently vacant
	Land Use Status:	Vacant
	Impact:	No impact. Land must be redeveloped under W-4 regulations
510 A Street	Urie RE LLC	
0.95 acre	Current Zoning:	W-4/M-1
26-050.00-043	Proposed Zoning:	M-1 portion to W-4
	Current Use:	Former Urie Blanton Welding Supply/Propane Service
	Land Use Status:	Vacant (former use had grandfathered status)
	Impact:	No impact. Land must be redeveloped under W-4 regulations
504 A Street	City of Wilmington	
0.57 acre	Current Zoning:	W-4/M-1
26-050.00-044	Proposed Zoning:	M-1 portion to W-4
	Current Use:	Vacant
	Land Use Status:	Proposed future park access/infrastructure
	Impact:	No impact. Land is being developed matter of right
500 A Street	Southside LLC (Flooring Solutions)	
1.3 acre	Current Zoning:	W-4/M-1
26-050.00-045	Proposed Zoning:	M-1 portion to W-4
	Current Use:	Retail, office, showroom
	Land Use Status:	Matter of right
	Impact:	No impact

Summary Chart (Continued)

A Street Corridor

414 A Street	City of Wilmington	
0.25 acre	Current Zoning:	W-4/M-1
26-050.00-046	Proposed Zoning:	M-1 portion to W-4
	Current Use:	Vacant (former Lombard Street right of way)
	Land Use Status:	Proposed future park access/infrastructure
	Impact:	No impact. Land is being redeveloped matter of right
 322/402 A Street	 322 A St LLC (BPG)	
5.48 acre	Current Zoning:	W-4/M-1
26-050.00-048	Proposed Zoning:	M-1 portion to W-4
	Current Use:	Office/headquarters with on-site fabrication/storage
	Land Use Status:	Matter of right: office/headquarters
		Use variance: fabrication
		Special exception: storage
	Impact	No impact. Use variance and special exception uses will be grandfathered; matter of right uses continue
 310/300 A Street	 SMO Inc.	
0.76 acre	Current Zoning:	W-4/M-1
26-050.00-050	Proposed Zoning:	M-1 to W-4
	Current Use:	Gas Station and convenience store
	Land Use Status:	Legal nonconforming: Gas station (pre-existed W-4 zoning)
		Matter of right: convenience store
	Impact:	No impact. Gas station remains nonconforming; convenience store remains matter of right
 0 S Walnut Street	 SMO Inc.	
0.1 acre	Current Zoning:	M-1
26-050.00-079	Proposed Zoning:	M-1 to W-4
	Current Use:	Accessory to gas station on adjacent parcel
	Land Use Status:	Matter of right
	Impact:	Any legally operating use related to gas station becomes nonconforming

Central Open Space

Six parcels owned by the City of Wilmington are being redeveloped into the central open space/wetlands park, a permitted use under the proposed O (Open Space) zoning. The land is currently zoned M-1, vacant and classified as wetlands. There is no impact from the rezoning. These parcels are as follows:

26-057.00-028	615 S. Church Street	26-050.00-056	0 S. Walnut Street
26-050.00-058	400 B Street	26-050.00-074	0 S. Walnut Street
26-050.00-075	0 S. Walnut Street	26-050.00-080	0 S. Walnut Street

ATTACHMENT G

Public Notice

DENNIS P. WILLIAMS
MAYOR

City of Wilmington Delaware

LOUIS L. REDDING - CITY/COUNTY BUILDING
800 FRENCH STREET
WILMINGTON, DELAWARE
19801-3537
WWW.WILMINGTONDE.GOV



PUBLIC NOTICE

TO: Affected Property Owners and Interested Parties

FROM: Wilmington Department of Planning

DATE: November 1, 2016

RE: Resolution 15-16: A proposal to rezone fifteen parcels of land in South Wilmington located within the area generally bounded by South Walnut, Church and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space). Zoning Referral 545-16.

The Wilmington City Planning Commission will hold a public hearing on Tuesday, November 15, 2016 at 6:30 p.m. in the Council Chambers, First Floor, Louis L. Redding City/County Building, 800 North French Street, Wilmington, Delaware. At that time, the Commission will receive public comment regarding Resolution 15-16, a proposal to rezone fifteen parcels of land in South Wilmington within the area generally bounded by South Walnut, Church and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space) zoning.

This rezoning is consistent with the 2008 South Wilmington Comprehensive Development Plan ("Plan"), which includes recommendations for the expansion of W-4 zoning south of A Street and the development of a central open space/wetlands park south of A Street between Walnut and Church Streets (also referenced in the 2009 South Walnut Street Urban Renewal Plan and 2006 Special Area Management Plan). This park will provide for recreation as well as wetlands retention and stormwater management to address flooding and drainage issues. The existing M-1 zoning does not support the waterfront residential and commercial mixed use land use patterns that are emerging along A Street, nor is M-1 zoning consistent with the wetlands park proposal. The Comprehensive Plan specifies that the zoning of the park and surrounding area would be implemented when specific boundaries have been determined, based in part on the final park design. To that end, the Commission will also consider Resolution 14-16, which addresses changes to the Plan to update the necessary land use and zoning recommendations to reflect the boundaries for the wetlands park. Recommendations for waterfront residential/commercial mixed uses supported by W-4 zoning are already in place.

CURRENT ZONING

M-1 Light Manufacturing (Current Zoning)

The existing M-1 district provides areas where scientific research, light manufacturing or fabrication, and wholesale storage or warehousing activities can take place. Uses are restricted to low density developments on large sites with suitable landscaping. No new residential development is permitted. Examples of matter-of-right uses include: laboratories; light manufacturing, processing, fabrication, or repair; wholesale sales or warehousing; retail stores; restaurants; and public utility/public services uses.

PROPOSED ZONING

W-4 Waterfront Residential/Commercial

Of the fifteen parcels under consideration for rezoning, nine are proposed to be rezoned to W-4. The rezoning would correct a "split zoning" condition for eight parcels along A Street currently zoned W-4/M-1; and rezones one parcel on Walnut Street from M-1 to W-4. The nine parcels are as follows:

Eight Parcels Currently Zoned W-4/M-1:

26-050.00-041 (620 A Street)	26-050.00-042 (600 A Street)
26-050.00-043 (510 A Street)	26-050.00-044 (504 A Street*)
26-050.00-045 (500 A Street)	26-050.00-046 (414 A Street*)
26-050.00-048 (322/402 A Street)	26-050.00-050 (310/300 A Street)

One Parcel Currently zoned M-1:

26-050.00-079 (0 S. Walnut Street)

The W-4 district provides areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office development can take place. Development is subject to conformance with waterfront review standards, including landscaping and screening, to assure that it is of a quality nature, and height is limited to 6 stories. Uses permitted as a matter of right include single-family and multi-family residential dwellings; bed and breakfast guest facility; family day care, group day care home, and day care center; library, museum and gallery; private or public school; private club or lodge; office, bank or other financial institution; retail stores and services; hotel or motel; commercial marine use; commercial recreation; parking lot; and restaurants.

O (Open Space)

Six parcels currently zoned M-1 are proposed to be rezoned to 'O' Open Space zoning. These parcels, which are owned by the City of Wilmington, are located south of A Street between Walnut and Church Street, and are being redeveloped into a central wetlands park designed to address the stormwater management and flooding issues prevalent in South Wilmington. The parcels are as follows:

26-057.00-028 (615 S. Church Street*)	26-050.00-056 (0 S. Walnut Street*)
26-050.00-058 (400 B Street*)	26-050.00-074 (0 S. Walnut Street*)
26-050.00-075 (0 S. Walnut Street*)	26-050.00-080 (0 S. Walnut Street*)

* Properties owned by the City of Wilmington.

The O Open Space district is designed to include land dedicated as permanent open space to be enjoyed by the public for rest and recreation. Uses permitted as a matter of right include a public park or playground under the control of the City, County, State or National Park Service, or which is owned or operated by a nonprofit institution or community association. Accessory recreational buildings or structures and neighborhood police stations which serve the park or are an addition to a community center are also permitted.

REZONING IMPACTS

Any existing land uses which are legally operating at the time of the rezoning but which do not meet the zoning requirements under the new zoning classification would be grandfathered, allowing their continued operation. Also, uses operating as special exceptions with Zoning Board of Adjustment approval or which are currently legally nonconforming are not affected by the proposed rezoning. No new nonconforming uses are created by the proposed rezoning.

The Commission reserves the right to recommend to City Council other revisions to these or adjoining zoning districts in order to preserve the intent of the Comprehensive Plan. If you have any questions or comments regarding this rezoning proposal, or would like to discuss any potential impacts to your property, please contact the Wilmington Department of Planning at (302) 576-3100. Comments may also be sent to the address below:

Gwinneth Kaminsky, Planning Manager
Wilmington Department of Planning and Development
Louis L. Redding City/County Building, 7th Floor
800 N. French Street
Wilmington DE 19801



Attachment

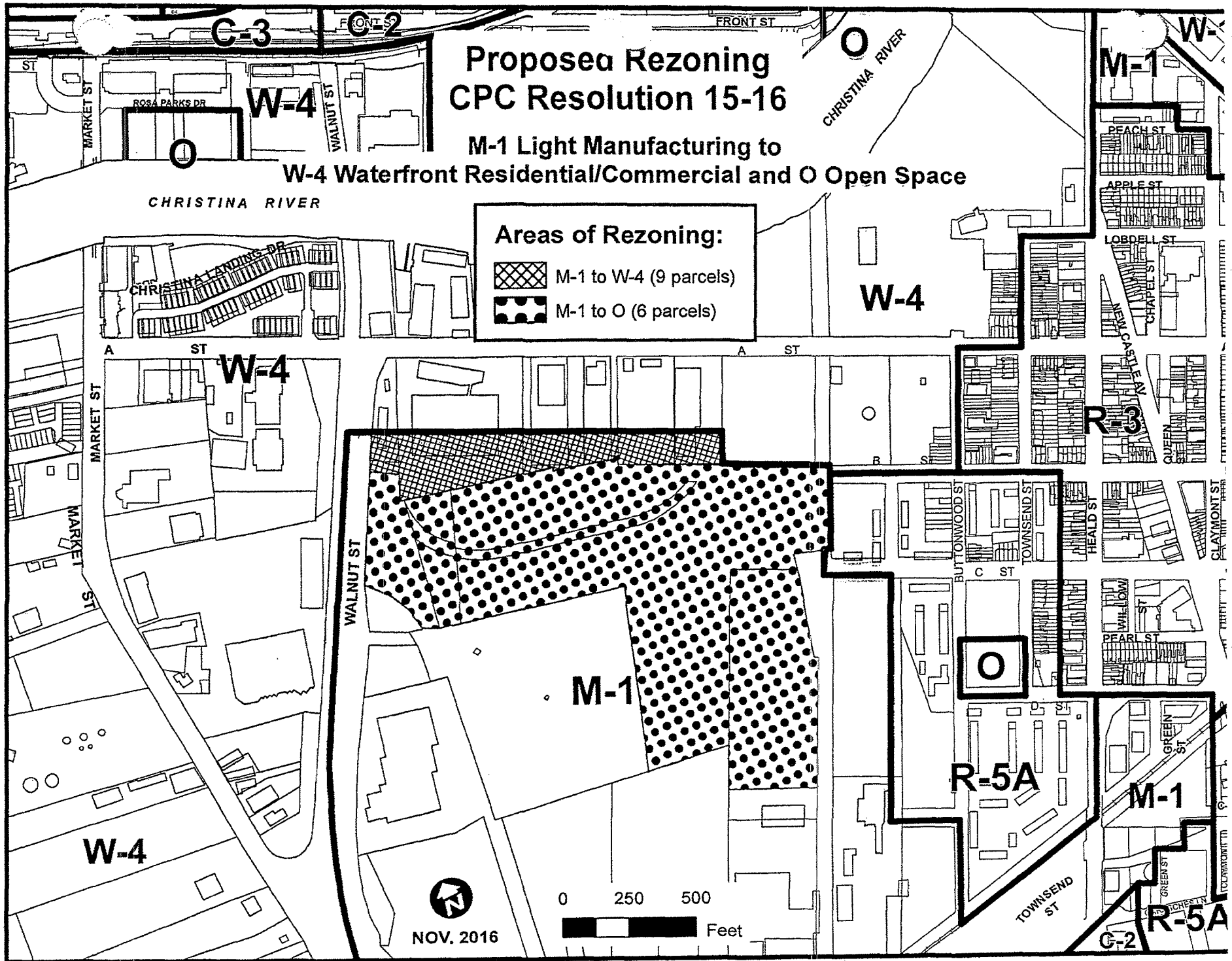
cc: Honorable Theopolis K. Gregory, Sr., City Council President
Honorable Hanifa G.N. Shabazz, City Council Member, 4th District
Honorable Members of City Council
Honorable James Johnson, State Representative, 16th District
Honorable Margaret Rose Henry, State Senator, 2nd District
Gary Fullman, Chief of Staff, Office of the Mayor
Michael Migliore, City Solicitor

Proposed Rezoning CPC Resolution 15-16

M-1 Light Manufacturing to
W-4 Waterfront Residential/Commercial and O Open Space

Areas of Rezoning:

-  M-1 to W-4 (9 parcels)
-  M-1 to O (6 parcels)



RESOLUTION 14-16

**Amendments
to the
South Wilmington
Neighborhood
Comprehensive Development Plan**

**PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING
CITY OF WILMINGTON
RESOLUTION 14-16**

WHEREAS, Section 506(a) of the City Charter provides that modifications to the Comprehensive Development Plan may be made by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution; and

WHEREAS, the current South Wilmington Neighborhood Comprehensive Development Plan ("Plan") was updated and adopted by City Council on May 17, 1990, but has been amended through the years to facilitate the implementation of a variety of zoning recommendations; and

WHEREAS, in 2008 the South Wilmington Comprehensive Development Plan was revised to reference the 2007 South Walnut Street Urban Renewal Plan ("SWURP") which recommended the location of an open space/wetlands park within the large central area south of A Street between South Walnut and Church Streets, to provide permanent open space for passive recreation, as well as wetlands retention areas and stormwater management features to address flooding and drainage issues prevalent in the Southbridge neighborhood; and

WHEREAS, the SWURP also called for the rezoning of the area south of A Street, between South Walnut and Church Streets, to accommodate the open space/wetlands park, although given the conceptual nature of the proposal and the lack of the specific boundaries for the park, the Comprehensive Plan was never amended to include these recommendations in its Proposed Land Use Map D-1 and Proposed Zoning Map E-1, which still reflect light manufacturing land use and M-1 zoning; and

WHEREAS, plans for the park have since been refined and six parcels of land were acquired by the City of Wilmington to facilitate its development, and Maps D-1 and E-1 are now proposed to be amended to reflect open space land use and O Open Space zoning, which support the central open space/wetlands park; and

WHEREAS, Ordinance 16-057 was introduced at the November 3, 2016 meeting of City Council for the purpose of rezoning fifteen parcels of land located in South Wilmington, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) along the A Street corridor (nine parcels); and from M-1 to O (Open Space) within the central area south of A Street between South Walnut and Church Streets (six parcels); and

WHEREAS, with respect to the A Street rezoning, the Plan currently includes recommendations to expand the waterfront residential/commercial mixed land uses and the corresponding W-4 zoning along the south sides of the properties along the A Street corridor, which are currently reflected in the Plan's Proposed Land Use Map D-1 and Proposed Land Use Map E-1, and no further changes to the Plan are necessary to support this rezoning action; and

WHEREAS, with respect to the central area, amendments are required to the Proposed Land Use Map D-1 and Proposed Zoning Map E-1, for the purpose of changing the land use and zoning designation for this area from light manufacturing land use and M-1 zoning to open space/parkland land use and O zoning, which is consistent with Plan objectives for creating a wetlands park; and

City Planning Commission
Resolution 14-16
Page Two

WHEREAS, the Commission has considered the analysis prepared by the Planning Department along with other evidence presented at the November 15, 2016 Planning Commission meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Commission recommends that the proposed amendment to the South Wilmington Neighborhood Comprehensive Development Plan, Map D-1 (Proposed Land Use), which changes the proposed land use designation of six City-owned parcels located south of A Street, between South Walnut and Church Streets, from "light manufacturing" to "open space/parkland" be approved.

FURTHER RESOLVED, the Commission recommends that the proposed amendment to Map E-1 (Proposed Zoning), which changes the current M-1 (Light Manufacturing) zoning to O (Open Space), be approved.

FURTHER RESOLVED, that the land use and zoning recommendations currently reflected on Map D-1 and Map E-1 support the implementation of the proposed rezoning of nine parcels along the A Street corridor from M-1 to W-4, and no further revisions to these maps is necessary in order to implement these changes as proposed by Ordinance 16-057.

FURTHER RESOLVED, that the proposed land use and zoning changes were presented in the Planning Department analysis dated November 11, 2016 and are shown on Maps D-1 and E-1, attached to this resolution and hereby made a part of the record.

Polly Weir, Chairperson
City Planning Commission

Leonard Sophrin, Director
Department of Planning and Development

Date: November 15, 2016

attachments

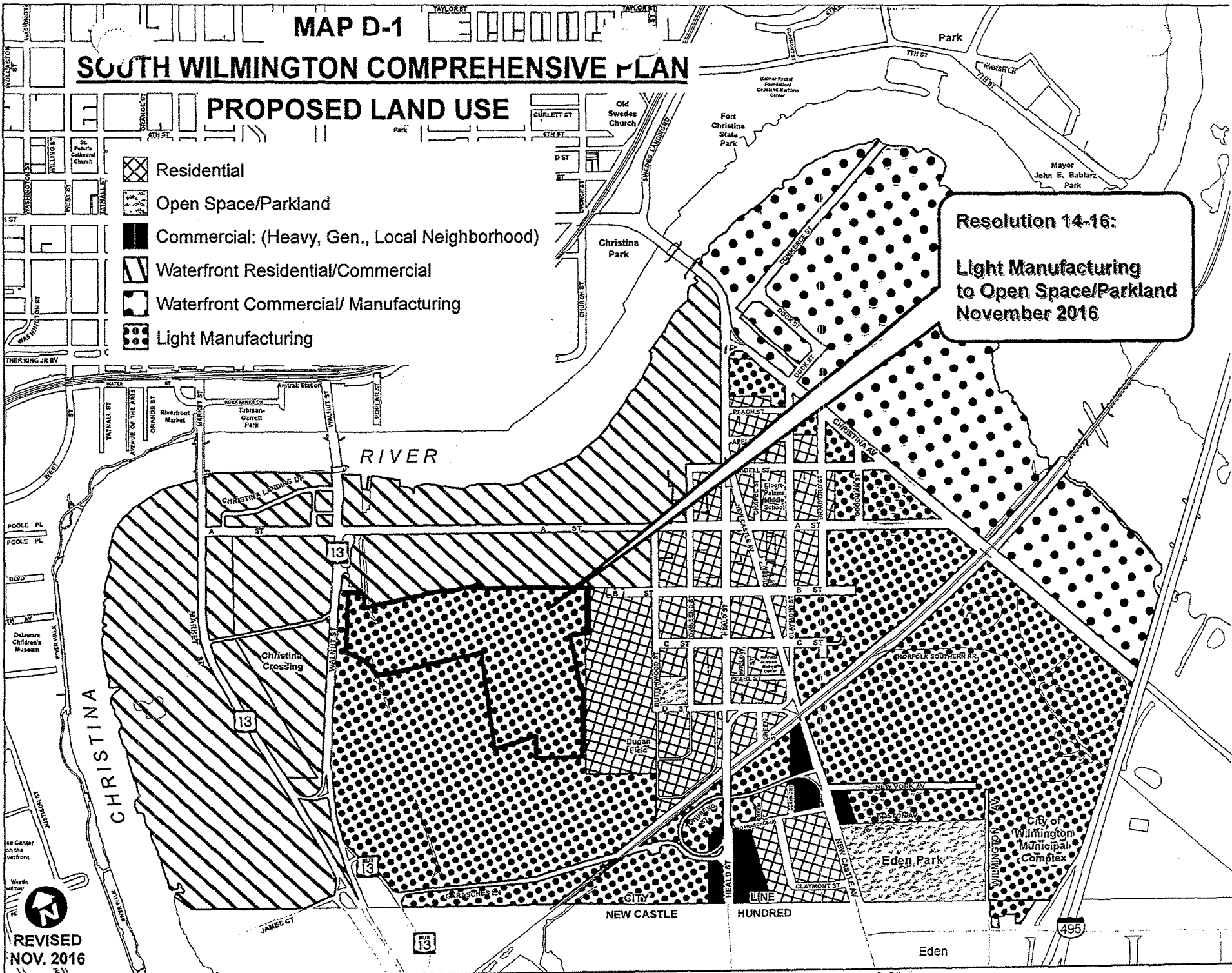
MAP D-1

SOUTH WILMINGTON COMPREHENSIVE PLAN

PROPOSED LAND USE

-  Residential
-  Open Space/Parkland
-  Commercial: (Heavy, Gen., Local Neighborhood)
-  Waterfront Residential/Commercial
-  Waterfront Commercial/ Manufacturing
-  Light Manufacturing

Resolution 14-16:
Light Manufacturing
to Open Space/Parkland
November 2016





REVISED
 NOV. 2016

SOUTH WILMINGTON COMPREHENSIVE PLAN

PROPOSED ZONING

CPC RESOLUTION: 14-16

AREAS OF CHANGE

-  M-1 to O
-  M-1 to W-4

RESIDENTIAL

- R-3 ONE FAMILY ROW HOUSE
- R-5A APARTMENT HOUSE LOW DENSITY

COMMERCIAL

- C-1 NEIGHBORHOOD SHOPPING
- C-2 SECONDARY BUSINESS CENTERS
- C-5 HEAVY COMMERCIAL

MANUFACTURING & INDUSTRIAL

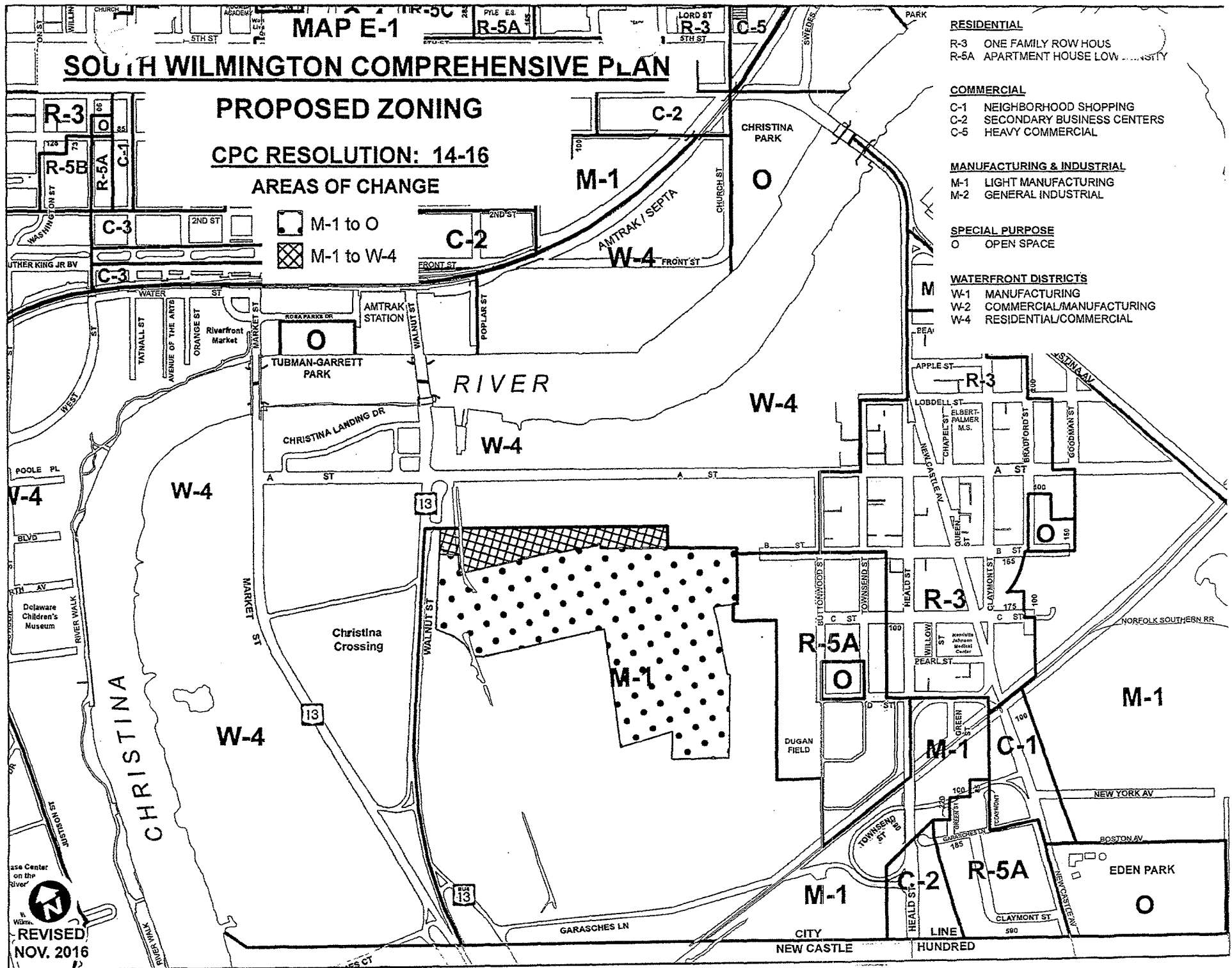
- M-1 LIGHT MANUFACTURING
- M-2 GENERAL INDUSTRIAL

SPECIAL PURPOSE

- O OPEN SPACE

WATERFRONT DISTRICTS

- W-1 MANUFACTURING
- W-2 COMMERCIAL/MANUFACTURING
- W-4 RESIDENTIAL/COMMERCIAL



Revised
NOV. 2016

RESOLUTION 15-16

Proposed Rezoning

**CITY PLANNING COMMISSION
OF THE DEPARTMENT OF PLANNING
CITY OF WILMINGTON
RESOLUTION 15-16**

WHEREAS, Article II, Section 48-51 of the Wilmington City Code provides for amendments by City Council to Chapter 48 of said Code, including amendments to the Official Building Zone Map; and

WHEREAS, the City Planning Commission is authorized to review proposed zoning amendments and make recommendations to City Council; and

WHEREAS, Ordinance 16-057 was introduced at the November 3, 2016 meeting of City Council for the purpose of rezoning fifteen parcels of land located in South Wilmington, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) along the A Street corridor (nine parcels); and from M-1 to O (Open Space) within the central area south of A Street between South Walnut and Church Streets (six parcels), as presented in Zoning Referral 545-16; and

WHEREAS, the nine parcels located along the A Street corridor being rezoned from M-1 to W-4 are more specifically identified as Tax Parcels 26-050.00-041; 26-050.00-042; 26-050.00-043; 26-050.00-044; 26-050.00-045; 26-050.00-046; 26-050.00-048; 26-050.00-050; and 26-050.00-079; and

WHEREAS, the purpose of the proposed W-4 (Waterfront Residential/Commercial) district is to provide areas adjacent to the central business district and residential neighborhoods where medium to high density residential, retail and office mixed use development can take place, which is consistent with the recommendations for South Wilmington supported by long range planning efforts for the community, including the Comprehensive Plan, South Walnut Street Urban Renewal Plan (2007), and Special Area Management Plan (2006); and

WHEREAS, the six parcels located within the central area south of A Street between South Walnut and Church Streets which are owned by the City of Wilmington and being rezoned from M-1 to O are more specifically identified as Tax Parcels 26-057.00-028; 26-050.00-056; 26-050.00-058; 26-050.00-074; 26-050.00-075; and 26-050.00-080; and

WHEREAS, the purpose of the proposed O (Open Space) district is to provide for land dedicated as permanent open space to be enjoyed by the public for rest and recreation, permitting uses such as public parks or playgrounds, recreational buildings or structures, and neighborhood police stations which serve the park; and

WHEREAS, the fifteen parcels in question (nine along the A Street corridor and six within the central area) are currently zoned M-1 either in part or in their entirety, a zoning classification which does not support the waterfront residential and commercial mixed use land use patterns that are emerging along A Street, nor is M-1 zoning consistent with the wetlands park proposal; and

WHEREAS, these rezonings are consistent with the recommendations of the South Wilmington Comprehensive Development Plan ("Plan"), which was adopted by City Council on May 17, 1990, last updated on May 1, 2008, and further amended by Commission Resolution 14-16; and

City Planning Commission

Resolution 15-16

Page Two

WHEREAS, on November 1, 2016, a public notice was mailed to the affected property owners, occupants and interested parties within and surrounding the area proposed for rezoning, and a classified legal advertisement was placed in the News Journal; on November 8th the Commission's November meeting agenda was sent to the standard Commission mailing list recipients and was posted in the information window of the Louis L. Redding City/County Building and on the City's website; and on November 9th a meeting was held with affected property owners to discuss the rezoning proposal; and

WHEREAS, the City Planning Commission has considered the analysis prepared by the Department of Planning, along with other evidence entered into the hearing record.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends approval of the proposal to rezone fifteen parcels of land located in South Wilmington within the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane, from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space), as presented in Ordinance 16-057.

FURTHER RESOLVED, that these rezonings are in accordance with the recommendations of the South Wilmington Neighborhood Comprehensive Development Plan, updated and adopted by Council on May 17, 1990, last revised in 2008, and as amended by Planning Commission Resolution 14-16.

Polly Weir, Chairperson
City Planning Commission

Leonard Sophrin, Director
Department of Planning and Development



Date: November 15, 2016

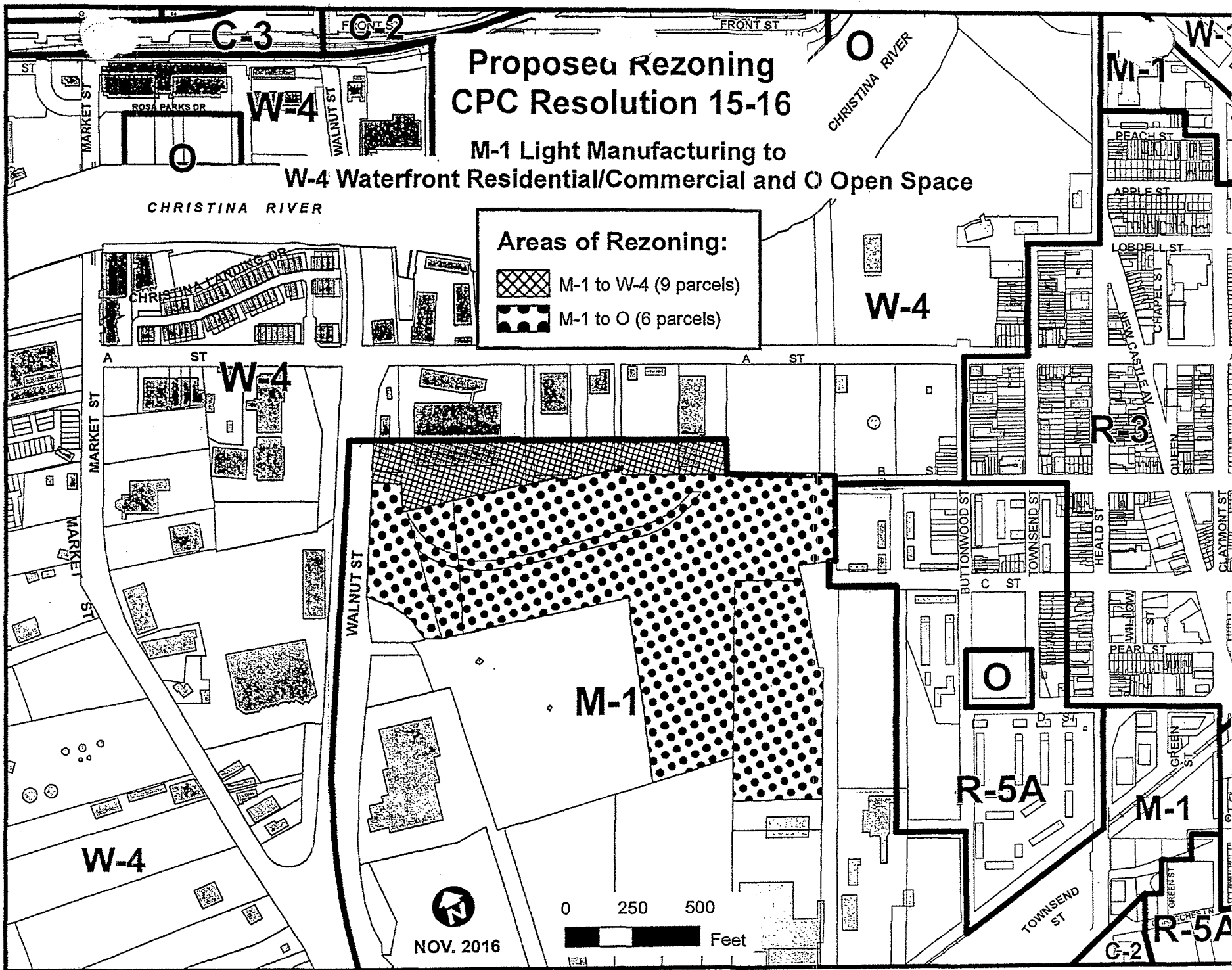
attachments

Proposed Rezoning CPC Resolution 15-16

M-1 Light Manufacturing to
W-4 Waterfront Residential/Commercial and O Open Space

Areas of Rezoning:

-  M-1 to W-4 (9 parcels)
-  M-1 to O (6 parcels)



President Gregory: Could we have a Planning Department representative come forth please to speak to the matter.

Ms. Gwinneth Kaminski: Good Evening. I'm Gwinneth Kaminski with the Planning Department. Tonight I will be addressing the South Wilmington Rezoning proposal that is described in Ordinance 16-057, and I will also be speaking to the comprehensive plan amendments that are necessary to support the rezoning action. Ordinance 16-057 addresses the rezoning of fifteen parcels of land generally located south of A Street between Walnut and Church Streets. There are two areas under consideration to remove the current M-1 light manufacturing zoning and those are shown on the first map of your packet. The first area includes nine parcels of land along the A Street corridor, to the east of Walnut Street. Eight of these parcels are currently split zoned - meaning they have W-4 waterfront mixed use zoning along their A Street frontage, and M-1 light manufacturing zoning across their back end and this is illustrated on the second map where the blue area is the W-4 portion the parcels and the green area is the M-1 portion. And, it is the M-1 portion that is proposed to be rezoned to, excuse me to W-4. The ninth parcel in this area abuts Walnut Street and is zoned M-1, and would also become W-4 and that's shown in red. Eliminating the split zoning condition will bring the entire A Street corridor under the W-4 regulations. The current light manufacturing zone is not consistent with the high quality mixed use development being promoted along A Street. Also, these parcels will directly abut the wetlands park being developed to the south, and the W-4 will create a buffer which is much more compatible with the park than the M-1 zoning. If you refer to the next map, the second area proposed for rezoning includes six parcels located south of the A Street properties also between South Walnut and Church Streets. This central area is proposed to be rezoned from M-1 to Open Space. The land is currently vacant and underutilized, and has been acquired by the City for the purpose of developing a central wetlands park. The park concept is consistent with long range planning initiatives, and is recommended in the South Wilmington Comprehensive Plan, the 2007 South Walnut Street Urban Renewal Plan, and the 2006 Special Area Management Plan. These six parcels are largely classified as federal wetlands, and are not likely candidates for development under the current M-1 zoning. However, they are appropriate for passive recreation, so Open Space zoning is an appropriate choice. As you know, zoning must be in conformance with the Comprehensive Plan. The Plan already supports the W-4 land use and zoning for the A Street corridor. Therefore, no changes are necessary in order to implement the A Street rezoning to W-4. For area 2 however, while the Plan does endorse the concept of the wetlands park, it still reflects light manufacturing land use and zoning for the central area. This is because when the park concept was first drafted, the land had not yet been acquired and specific boundaries could not be determined, and so a decision was postpone the amendments to the Comprehensive Plan at that time until the park plans had been further refined. Now that park boundaries have been established, changes are necessary to the Proposed Land Use Map D-1 to establish the "open space/parkland" use

designation for the six parcels, and changes are also recommended to the Proposed Zoning Map E-1 to establish the Open Space zoning designation and these changes are addressed by Council resolution.

Finally, I would like to point out that the rezoning action for both areas has minimal if any impact on the existing businesses. **Along A Street**, businesses situated within the current W-4 portion of their property are not impacted by the rezoning because the W-4 will remain intact. Businesses currently operating within the M-1 portion are currently either a matter of right, or are legally nonconforming; or have received ZBA approval to operate with a special exception or use variance. All of these uses will be grandfathered and allowed to continue operations legally once they're rezoned to the new W-4 classification. Vacant parcels along A Street are not directly impacted, although they must be redeveloped in conformance with the new W-4 zoning regulations. In the central rezoning area, there is no rezoning impact because the six vacant parcels are being redeveloped in a manner that consistent with the proposed open space zoning. The Planning Commission held its public hearing on November 15, which was attended by community members and affected property owners. The Commission recommended the approval of the necessary amendments to the South Wilmington Comprehensive Plan to provide for appropriate land use and zoning recommendations in support of the rezoning action. They also recommended the approval of the rezoning as presented in Ordinance 16-057. These are the two action items that are before you this evening. I would be happy to address any questions at this time.

President Gregory: Does any Councilperson have a question of Ms. Kaminski? Is that your name now?

Ms. Kaminski: And it has been for a long time (laughter).

President Gregory: Ok. I thought, I thought, I thought something happened recently. Anybody have any questions or staff person? Anyone from the audience want to speak "for" or "against" this particular report? Hearing none; thank you very much.

Ms. Shabazz: Mr. President I move that Council return to regular order of business.

Ms. Walsh/Mr. Williams: Second.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh/Mr. Williams, the Council returned to regular order of business. Motion prevailed.

REGULAR ORDER OF BUSINESS

Ms. Shabazz: Mr. President, I have a Resolution to present.

Ms. Shabazz presented Resolution No. 16-090 (Agenda #4299) as follows:

WHEREAS, the Wilmington City Charter provides that modifications to the Comprehensive Development Plan may be recommended by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution, Wilm. C. (Charter) ' 5-600; and

WHEREAS, the Planning Department finds it necessary to update the Neighborhood Comprehensive Development Plan for South Wilmington, as adopted on May 17, 1990 and most recently amended on May 1, 2008, to reflect desired land use and zoning classifications for the area; and

WHEREAS, said changes to future land use and zoning classifications were reviewed by the City Planning Commission on November 15, 2016 and the changes were recommended by way of City Planning Commission Resolution 14-16; and

WHEREAS, the City Planning Commission recommended to City Council that the Neighborhood Comprehensive Development Plan for South Wilmington be amended to update the proposed land use map and the proposed zoning map; and

WHEREAS, based upon the recommendation of the City Planning Commission, City Council deems it necessary and proper to adopt the updated Neighborhood Comprehensive Development Plan for South Wilmington as proposed to be amended; and

WHEREAS, in accordance with Wilm. C. (Charter) ' 5-600(a), a duly advertised public hearing was held on December 1, 2016 to consider the proposed amendments; and

WHEREAS, with respect to the rezoning of parts of South Wilmington, the Neighborhood Comprehensive Development Plan currently includes recommendations to expand the waterfront residential/commercial mixed land uses and the corresponding W-4 zoning designation along the south sides of the properties along the A Street corridor, which are currently reflected in the Plan's Proposed Land Use Map D-1 and Proposed Land Use Map E-1, and no further changes to the Plan are necessary to support the rezoning action.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council hereby approves the updated Neighborhood Comprehensive Development Plan for South Wilmington to revise the Proposed Land Use Map in a manner consistent with Map D-1, attached hereto and made a part hereof as Exhibit 'A' and the Proposed Zoning Map in a manner consistent with Map E-1, attached hereto and made a part hereof as Exhibit 'B'.

On the question:

Ms. Shabazz: Yes, Mr. President, this Resolution is to conduct a public hearing at the December 1st meeting to accept the information that the Planning Department and hear any comments from the public regarding amendments to the South Wilmington Neighborhood Comprehensive Development Plan.

President Gregory: That's it?

Ms. Shabazz: Wait a minute. I'm chocking. Excuse me. Mr. President, as per the – this Resolution is necessary to go along with the things that we need to do with the mitigation of the flooding that's happing in South Wilmington.

President Gregory: Thank you. The Clerk will call the roll please.

Upon a motion of Ms. Shabazz, seconded by Mr. Williams, the aforementioned 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 Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Committee Report please.

The City Clerk read the following committee report.

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair		X	
Michael A. Brown, Sr.	X		
Nnamdi O. Chukwuocha	X		
Samuel Prado	X		
Robert A. Williams	X		

President and Members of Council of
The City of Wilmington

November 16, 2016

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred
Ordinance No. 16-057 entitled:

AN ORDINANCE TO REZONE FIFTEEN PARCELS OF LAND
LOCATED IN SOUTH WILMINGTON WITHIN THE AREA
GENERALLY BOUNDED BY SOUTH WALNUT, CHURCH, AND
A STREETS AND GARASCHESS LANE FROM M-1 (LIGHT
MANUFACTURING) TO W-4 (WATERFRONT RESIDENTIAL/
COMMERCIAL) AND O (OPEN SPACE) ZONING CLASSIFICATION

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Michael A. Brown, Sr.
/s/Nnamdi O. Chukwuocha
/s/Samuel Prado
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the
aforementioned Report was received, recorded and filed. Motion prevailed.

President Gregory: Findings.

The City Clerk read the Findings as follows:

MEMORANDUM

**TO: The Honorable Hanifa G.N. Shabazz
 Council Member 4th District
 The Honorable Theopalis Gregory, City Council President
 The Honorable Members of City Council**

FROM: Michael P. Migliore, City Solicitor

DATE: December 1, 2016

**RE: City Council Findings Supporting Enactment of Ordinance No. 16-
 057, an Ordinance to Rezone Fifteen Parcels of Land in South
 Wilmington Located in the Area Generally Bounded by South
 Walnut, Church, and A Streets and Garasches Lane from M-1 (Light
 Manufacturing) to W-4 (Waterfront Residential/Commercial) and O
 (Open Space) Zoning Classifications in Accordance with the South
 Wilmington Neighborhood Comprehensive Development Plan**

Enclosed please find a copy of the Findings prepared in connection with Council's scheduled Public Hearing on December 1, 2016, regarding the above-referenced zoning ordinance. The Findings supplement the record of the Planning Commission and its report, as well as the record of the Council's Public Hearing, and the Law Department advises their inclusion in the record as a means of complying with Delaware Court decisions that involve zoning ordinances of County governments, but the principles of which apply to Wilmington, as well.

In this instance, the Findings support the provisions of the Ordinance. The Findings and the Ordinance reflect the recommendations approved by the City Planning Commission at its regular meeting following its public hearing on November 15, 2016. At that meeting, the Planning Commission approved its Resolution No. 15-16. The enclosed Findings support those recommendations.

Should you have any questions regarding this matter, please do not hesitate to contact me.

MPM/ajh
Enclosure

cc: Gary Fullman, Chief of Staff (w/ enc.)
Romain Alexander, City Council Chief of Staff (w/ enc.)
Maribel Seijo, City Clerk (w/ enc.)
Leonard Sophrin, Director Planning (w/ enc.)
Gwineth Kaminsky, Planning Manager (w/enc.)
James G. DiPinto, Zoning Administrator (w/ enc.)
Anthony J. Hill, Assistant City Solicitor (w/ enc.)
Kalila Hines, Legal Legislative Assistant (w/ enc.)

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-057

CITY COUNCIL'S FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-057, which is the rezoning of Fifteen Parcels of Land in South Wilmington located in the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial) and O (Open Space) Zoning Classifications, submitted by City Council Member Hanifa G.N. Shabazz of the 4th Councilmanic District.

The Council makes the following Findings regarding the rezoning of the Fifteen Parcels of Land in South Wilmington located in the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane as follows: 1) rezone the property including Tax Parcel Nos. 26-050.00-041, 26-050.00-042, 26-050.00-043, 26-050.00-044, 26-050.00-045, 26-050.00-046, 26-050.00-048, 26-050.00-050 and 26-050.00-079 from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial); 2) rezone the property being Tax Parcel Nos. 26-057.00-028, 26-050.00-056, 26-050.00-058, 26-050.00-074, 26-050.00-075 and 26-050.00-080 from M-1 (Light Manufacturing) to O (Open Space); as set forth in the section of Findings attached hereto and made a part hereof and as the areas are illustrated on the Maps attached to Ordinance 16-057.

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 16-057

Rezoning Action:

The Council makes the following Findings regarding the rezoning of the Fifteen Parcels of Land in South Wilmington located in the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane as follows: 1) rezone the property including Tax Parcel Nos. 26-050.00-041, 26-050.00-042, 26-050.00-043, 26-050.00-044, 26-050.00-045, 26-050.00-046, 26-050.00-048, 26-050.00-050 and 26-050.00-079 from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial); 2) rezone the property being Tax Parcel Nos. 26-057.00-028, 26-050.00-056, 26-050.00-058, 26-050.00-074, 26-050.00-075 and 26-050.00-080 from M-1 (Light Manufacturing) to O (Open Space).

1. The proposed changes in zoning are consistent with the South Wilmington Neighborhood Comprehensive Development Plan, as proposed to be amended, which is being adopted by City Council Resolution contemporaneously herewith.
2. The existing land use patterns appear to have been adverse to certain uses and future improvements, and the area is more likely to be developed in an appropriate manner if the proposed zoning actions are enacted for uses and purposes within the W-4 and O zoning classification as set forth in Chapter 48 of the City Code
3. Rezoning the said properties will not create any isolated districts, but rather will better relate the properties to the nearby areas and future best uses of the properties.
4. The proposed rezoning action will have no negative effect on population density patterns and will not overburden public utilities and facilities and it will not create drainage problems, but rather will effectuate better control of any such existing drainage problems.
5. Changing conditions in the immediate area, as well as in adjacent areas, support the rezoning and as such, the proposed rezoning action will have positive, and not adverse, influence on uses and development in the area.
6. The proposed rezoning action will not create or excessively increase traffic congestion or otherwise adversely affect public safety.
7. The proposed rezoning action will not seriously reduce light and air to adjacent areas, but will be consistent with and complement the zoning classifications of nearby zoning districts and the property uses therein.

8. The proposed rezoning action will not adversely affect property values in the adjacent areas, nor will it be a deterrent to the improvement or redevelopment of adjacent properties, but rather should have a positive effect.
9. The proposed rezoning action will best serve the public welfare and will not constitute a grant of any special privilege to any individual owner of property.
10. The proposed zoning action reduces the higher density and potentially adverse nature of current light manufacturing designation on the adjacent areas.
11. The proposed zoning action will not be out of scale but rather will be consistent with the needs and current and future uses of the subject area and the City of Wilmington.

CONCLUSION

This concludes the set of Council's Findings for the rezoning of the Fifteen Parcels of Land in South Wilmington located in the area generally bounded by South Walnut, Church, and A Streets and Garasches Lane: 1) rezone the property including Tax Parcel Nos. 26-050.00-041, 26-050.00-042, 26-050.00-043, 26-050.00-044, 26-050.00-045, 26-050.00-046, 26-050.00-048, 26-050.00-050 and 26-050.00-079 from M-1 (Light Manufacturing) to W-4 (Waterfront Residential/Commercial); 2) rezone the property being Tax Parcel Nos. 26-057.00-028, 26-050.00-056, 26-050.00-058, 26-050.00-074, 26-050.00-075 and 26-050.00-080 from M-1 (Light Manufacturing) to O (Open Space); as set forth in the section of Findings attached hereto and made a part hereof and as the area is illustrated on the Map attached to Ordinance No. 16-057. The Ordinance incorporates the recommendations of the City Planning Commission in its Resolution 15-16 regarding the rezoning action approved at the Planning Commission Meeting on November 15, 2016.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh/Mr. Williams, the Findings were made a part of the record. Motion prevailed.

Ms. Shabazz: Mr. President, I have an Ordinance to present and call for the third and final reading.

Ms. Shabazz presented and called for the third and final reading Ordinance No. 16-057 (Agenda #4284) entitled:

AN ORDINANCE TO REZONE FIFTEEN PARCELS OF
LAND IN SOUTH WILMINGTON LOCATED IN THE
AREA GENERALLY BOUNDED BY SOUTH WALNUT,

CHURCH, AND A STREETS AND GARASCHE LANE
FROM M-1 (LIGHT MANUFACTURING) TO W-4
(WATERFRONT RESIDENTIAL/COMMERCIAL) AND
O (OPEN SPACE) ZONING CLASSIFICATION

On the question:

Ms. Shabazz: Mr. President, this Ordinance is presented by the Administration for our review and approval. It will amend the City's Zone Map to rezone fifteen (15) parcels of land in South Wilmington and the parcels would be rezoned to W-4, which would permit waterfront residential/commercial development from the current zoning of M-1, which permits light manufacturing development. It also, again, supports the development of wetlands that would mitigate the flooding that's been plaguing the City – the neighborhood of Southbridge for the past fifty (50) years.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Mr. Williams/Ms. Walsh, the aforementioned 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 Chukwuocha: yes, with the findings, thank you; Congo: yes, based on the findings; Darius Brown: yes, based on the findings; Shabazz: yes, based on the findings and the support of the community; Dorsey Walker: yes, based on findings and the support of the community; Williams: yes, based on the findings and community support; Freel: yes, based on the findings; Michael Brown: yes, based on the findings and the community support; Cabrera: yes, based on the finding; Walsh: yes, based on the findings; and Wright: yes, based on the findings; and Council President Gregory, yes, based on the finding. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted.

Ms. Shabazz: Mr. President, I have an Ordinance to present and call for the third and final reading.

Ms. Shabazz presented and called for the third and final reading Ordinance No. 16-058 (Agenda #4287) entitled:

AN ORDINANCE TO AMEND CHAPTER 3 OF THE
WILMINGTON CITY CODE RELATING TO THE
TREATMENT, CARE, CONTROL AND LICENSING
OF ANIMALS

On the question:

Ms. Shabazz: This Ordinance is also being presented by the Administration for our review and approval. It would amend the City's laws with regard

to the treatment, care, control and licensing of animals to adopt language that is consistent with the State of Delaware's animal welfare laws. Because the licensing of animals and other laws regarding animals is conducted by the State, it is important for regulations and enforcement purposes that City law be aligned with State law. The new language adds provisions regarding an animal being declared dangerous or potentially dangerous as well as provisions regarding liability for a dog owner for impoundment of a dangerous animal.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the aforementioned 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 Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freil, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Ms. Shabazz.

Ms. Shabazz: Mr. President, I have an Ordinance to present on your behalf and call for the first and second reading.

On behalf of President Gregory, Ms. Shabazz presented and called for the first and second reading Ordinance No. 16-064 (Agenda #4300) entitled:

AN ORDINANCE TO AMEND THE CAPITAL
IMPROVEMENT PROGRAM FOR THE SIX FISCAL
YEARS 2006-2011 INCLUSIVE

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Ms. Shabazz, seconded by Mr. Williams, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Mr. President, I have another Ordinance to present on your behalf and call for the first and second reading.

On behalf of President Gregory, Ms. Shabazz presented and called for the first and second reading Ordinance No. 16-065 (Agenda #4301) entitled:

AN ORDINANCE TO AMEND THE CAPITAL BUDGET
FOR FISCAL YEAR 2006 BY AMEND SUBSTITUTE
NO. 1 TO ORDINANCE NO. 05-017

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Ms. Shabazz, seconded by Mr. Williams/Ms. Walsh, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

President Gregory: Mr. Prado. Ms. Dorsey Walker.

Ms. Dorsey Walker: No legislation tonight Mr. President; thank you.

President Gregory: Mr. Williams.

Mr. Williams: No legislation this evening; thank you.

President Gregory: Mr. Freel.

Mr. Freel: I have one Ordinance for first and second reading.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-066 (Agenda #4302) entitled:

AN ORDINANCE CONSTITUTING BUDGET AMENDMENT
NO. 5 TO THE FISCAL YEAR 2017 OPERATING BUDGET
(BEING AN ORDINANCE TO AMEND SUBSTITUTE NO. 1
TO ORDINANCE NO. 16-018, AS AMENDED, BY MAKING
CHANGES IN THE OFFICE OF CITY COUNCIL AND
APPROPRIATING THE USE OF THE CATV FUND
BALANCE

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Ms. Walsh, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

President Gregory: Mr. Michael Brown.

Mr. Michael Brown: Yes Mr. President, I have an Ordinance to present and call for the third and final reading.

Mr. Michael Brown presented and called for third and final reading Ordinance No. 16-061 (Agenda #4290) entitled:

AN ORDINANCE TO AUTHORIZE AN ETHERNET
TRANSPORT SERVICES AGREEMENT WITH
COMCAST ENTERPRISE SERVICES TO CONNECT
ALL FIRE DEPARTMENT FACILITIES WITH THE
CITY'S TELECOMMUNICATIONS NETWORK

On the question:

Mr. Michael Brown: Yes Mr. President, this Ordinance is being presented for the Administration for the City Council's review and approval. And, if approved, the Council would be authorizing the Administration to enter into a 36-month contract with Comcast at a cost of \$99,360. This contract, known as Ethernet Transport Services Agreement, would upgrade the connection for all of the City's Fire Stations with the City's telecommunications network.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Michael Brown, seconded by Mr. Williams/Ms. Walsh, the aforementioned 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 Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freil, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Ms. –

Mr. Michael Brown: No, no, Mr. President, I have a Resolution.

President Gregory: That's what I thought. Okay than; okay.

Mr. Michael Brown: Mr. President, I have a Resolution to present.

Mr. Michael Brown presented Resolution No. 16-091 (Agenda #4303) as follows:

WHEREAS, pursuant to Section 2-363(b) of the City Code, in the event of a severe time constraint, Council may authorize and ratify grant applications and proposals after submission and prior to obtaining approval by resolution; and

WHEREAS, the City of Wilmington ("City"), through the Wilmington Police Department, has applied for a grant from State of Delaware, Criminal Justice Council ("CJC") in the amount of \$10,000.00 to fund an advertising campaign for Delaware Crime Stoppers Awareness Initiative ("Advertising Campaign"); and

WHEREAS, the City is not required to provide matching funds for receipt of these grant funds, thereby having no net financial impact on the City; and

WHEREAS, the Wilmington Police Department has recommended that City Council approve the City's use of the grant funds for the Advertising Campaign in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described grant funds received from CJC be accepted and approved, and the Mayor or his designee, the Chief of Police, and the City Clerk are hereby authorized and directed to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

On the question:

Mr. Michael Brown: Yes Mr. President, this, this Resolution is being presented by the Administration for City Council's review and if approved, Council would be authorizing the Wilmington Police Department to apply for a \$10,000 grant from Delaware Criminal Justice Council to be used for advertising campaign to promote the Crime Stoppers Program.

President Gregory: The Clerk call the roll.

Upon a motion of Mr. Michael Brown, seconded by Mr. Williams, the aforementioned 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 Chukwuocha, Congo, Darius Brown, Shabazz, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Prado. Total, one.

President Gregory: Declare it adopted. Ms. Cabrera.

Ms. Cabrera: Nothing this evening sir.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation; thanks.

President Gregory: Mr. Wright.

Mr. Wright: I'm going to hold the ordinance (Agenda #4304) and motion to adjourn.

President Gregory: You're holding it; motion to adjourn.

PETITIONS AND COMMUNICATIONS

There were no petitions and communication this evening.

ADJOURNMENT

Upon a motion of Mr. Wright, seconded by Mr. Williams/Mr. Michael Brown, Council adjourned at 7:08 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk