

*Wilmington, Delaware
Louis L. Redding
City/County Building
November 20, 2014*

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

Invocation was given by Joe Garcia.

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, Dorsey Walker, Williams, Walsh and Wright, and Council President Gregory. Total, seven. Absent, Council Members Darius Brown, Shabazz, Prado, Freel, Michael Brown and Cabrera. Total, six.

MINUTES

After reading a portion of the minutes of November 6, 2014, upon a motion of Ms. Walsh, seconded by Mr. Williams, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Housing, Licenses & Inspections Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Samuel Prado		X	
Darius J. Brown		X	
Maria D. Cabrera	X		
Nnamdi O. Chukwuocha	X		
Hanifa G.N. Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of
The City of Wilmington

Date: 11/5/14

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred **Ordinance No. 14-039** entitled:

AN ORDINANCE TO REPEAL ORDINANCE NO. 12-028, BEING AN ORDINANCE REGARDING THE KEEPING OF LIVESTOCK AT INSPECTION OR RESTING FACILITIES WITHIN THE CITY LIMITS

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

Respectfully submitted, Members of
 Housing, Licenses & Inspections Committee
 /s/Maria D. Cabrera
 /s/Nnamdi O. Chukwuocha
 /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 aforementioned 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 G.N. Shabazz	X		
Sherry Dorsey Walker	X		

November 12, 2014

President and Members of Council of
 The City of Wilmington

Ladies and Gentlemen:

We, your Education, Youth & Families Committee, to who was referred **Ordinance No. 14-050** entitled:

AN ORDINANCE TO APPROVE THAT A CERTAIN AGREEMENT BETWEEN THE CITY, THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE ROTARY CLUB OF WILMINGTON FOR IMPROVEMENTS TO THE H. FLETCHER BROWN PARK

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

Respectfully submitted, Members of
 Education, Youth & Families Committee
 /s/Nnamdi O. Chukwuocha, Chair
 /s/Maria D. Cabrera
 /s/Ernest Congo, II
 /s/Hanifa Shabazz
 /s/Sherry Dorsey Walker

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

TREASURER'S REPORT

The following Treasurer's Report dated November 20, 2014 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Williams, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON NOVEMBER 20, 2014

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,963.81
105	Police Pension Account	M & T Bank	\$ 2,852.49
106	Fire Pension Account	M & T Bank	\$ 605,639.75
107	Evidence/Found Currency Account	M & T Bank	\$ 157,530.02
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	\$ 1,111.82
114	Central Deposit	M & T Bank	\$ 85,109.70
117	Cement Workers	Wilmington Savings Fund	\$ 33,412.62
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 2,590.83
130	Payroll	M & T Bank	\$ 116,977.92
131	Pension Payroll Account	M & T Bank	\$ 12,705.01
139	Pension Healthcare Account	M & T Bank	\$ <u>1,775.64</u>
	Total Cash on Hand		\$ 1,038,812.81

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	11/20/14	0.01%	\$ 2.17	\$ 7,912,790.00
110	Capital	WSFS	CD	11/21/14	0.30%	\$ 21,927.81	\$ 24,476,000.00
124	Non-Uniform 1990	WSFS	CD	11/24/14	0.30%	\$ 1,048.97	\$ 5,105,000.00
105	Police Pension	WSFS	CD	11/24/14	0.30%	\$ 91.44	\$ 445,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 1,578.08	\$ 2,000,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 3,698.63	\$ 5,000,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 1,474.52	\$ 2,300,000.00
116	General	TD	CD	12/12/14	0.25%	\$ 1,452.06	\$ 2,000,000.00
116	General	WSFS	CD	12/17/14	0.30%	\$ 1,541.09	\$ 2,500,000.00
116	General	TD	CD	12/23/14	0.25%	\$ 1,602.74	\$ 2,000,000.00
116	General	TD	CD	01/05/15	0.25%	\$ 1,181.51	\$ 1,500,000.00
116	General	WSFS	CD	01/09/15	0.30%	\$ 1,873.97	\$ 2,000,000.00
110	Capital ²	TD	CD	01/15/15	0.25%	\$ 1,287.02	\$ 1,540,195.00
116	General	WSFS	CD	01/23/15	0.30%	\$ 2,071.23	\$ 2,000,000.00
116	General	TD	CD	01/30/15	0.25%	\$ 1,181.51	\$ 1,500,000.00
116	General	WSFS	CD	02/06/15	0.30%	\$ 1,841.10	\$ 2,000,000.00
116	General	TD	CD	02/20/15	0.25%	\$ 3,835.62	\$ 5,000,000.00
116	General ¹	TD	CD	03/02/15	0.25%	\$ 10,482.23	\$ 15,003,965.00
514	Risk Management	WSFS	CD	07/10/15	0.35%	\$ 14,938.32	\$ 4,279,819.74
515	Worker's Comp.	WSFS	CD	07/10/15	0.35%	\$ 14,938.32	\$ 4,279,819.74
104	Escrow Pension	Affinity Wealth					\$ 1,489,699.00
104	Escrow Pension	Vanguard					\$ 35,697,884.00
104	Escrow Pension	Black Rock					\$ 27,118,856.00
104	Escrow Pension	Edgar Lomax					\$ 22,117,419.00
104	Escrow Pension	Wilmington Trust					\$ 46,565,023.00
104	Escrow Pension	Manning & Napier					\$ 20,865,115.00
104	Escrow Pension	Earnest Partners					\$ 17,396,585.00
104	Escrow Pension	GMO					\$ 11,880,713.00
104	Escrow Pension	MFS Management					\$ 20,522,867.00
139	Medical Escrow	Black Rock-OPEB					\$ 12,884,964.00
116	Deferred Comp.	MassMutual					\$ 39,663,434.00
	Total Investments						\$ 349,045,148.48
	Total Cash on Hand						\$ 1,038,812.81
	Grand Total						\$ 350,083,961.29

¹ Budget Reserve

² SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

Congo Gregory	Sympathy Auretha Mae Stallings Talbert Best wishes Mrs. Eunice E. David – 100 th Birthday
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LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

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

Mr. Chukwuocha presented Resolution No. 14-054 (Agenda #3998) as follows:

WHEREAS, it is the responsibility of elected officials to identify and address matters that threaten the well-being of those they serve; and

WHEREAS, studies have demonstrated the pervasiveness of messages disseminated in the mass media, especially in shaping the attitudes, actions and outlooks of young men and women; and

WHEREAS, an awareness of the harmful impact of such content is reflected in Federal Communications Commission policy, as well as judicial rulings, that prohibit obscene content from being aired or broadcasted; and

WHEREAS, in spite of these regulations, many media firms continue to include inappropriate, destructive messages and themes in programming, notably in presenting material to youth in urban spaces, like the City of Wilmington; and

WHEREAS, the graphic content and vulgar language that permeates television and radio programming offer monologue that serves to promote a culture of violence and disrespect, notably in the coarse degradation of women and minorities, as well as a blatant disregard for human life; and

WHEREAS, the Council supports the efforts of organizations like Rage Against the Ratchet as they seek to raise awareness of this important issue and influence federal communications policy in an effort to prevent the exposure of such negative, self-hate inspiring messages to our society's young adults.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council respectfully urges the Federal Communications Commission to adhere to its policies governing appropriate content permitted in television and radio programming, and to take action against media firms that repeatedly violate these regulations, in order to protect the youth of our City and nation from some of the violent, dangerous mantras that presently dominate in much of the mass media.

Mr. Chukwuocha: Yes Mr. President, this is a Resolution is from Councilwoman Shabazz and myself and asking our colleagues to support. We're sending the Resolution to the FCC so that they can begin to enforce their regulations regarding the content that is played on our airwave. We believe that the messages that are played are very harmful to our youth and as our city in particular struggles with the violence that is gripping parts of our city, we believe that the media and the messages that are played are hidden contributors and as we begin to address these factors, this is one step in that process.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Councilman Chukwuocha for bringing this forth. At the Education, Youth & Families meeting I asked to be a co-sponsor. As a film maker and being responsible in the film media it is imperative that we do start looking at the fact that we are putting forth negative messages. And, as I stated at the Education, Youth & Families meeting, "Rage Against the Ratchet", really did an excellent job bringing this to the City of Wilmington by Carvin Haggins. So, I just want to make sure that we recognize that as well. Thank you.

President Gregory: Mr. Congo.

Mr. Congo: Yes thank you Mr. President. Councilman Chukwuocha, have we heard anything about Rage Against the Ratchet, when they plan on coming back for another protest?

Mr. Chukwuocha: We haven't heard anything directly. I know they just had something – another event in Philadelphia but they didn't say anything about coming back but I'll try to follow-up for you.

Mr. Congo: Ok, all right. Thank you.

Mr. Chukwuocha: Thank you.

President Gregory: I agree with Rage Against the Ratchet's position and that they should - - and their position that they protest etc., being a student as they say (inaudible) prudent, I do have a concern with 1st Amendment, you know, in Frenchman, it's a slippery slope. One man's negative is another man's positive. You know, so, we have to be careful with that but I do support this. But again, we have to be careful when we start dealing with free speech. Ms. Walsh.

Ms. Walsh: I agree with you 100% Mr. President but in this case, there are FCC rulings as to what can and can't be said. And, I think a good example is you're not supposed to use the word pissed but you can use all sorts of obscene words. Even if

you look at newspaper articles, every time the word pissed is used, they put the p and then dots after it. But then they put all sorts of other words in the newspaper. So, they should start enforcing their own rules, which they're not doing right now.

President Gregory: I'm not prepared to debate what is the rule and what's not the rule. I just know generally.

Ms. Walsh: No, I was just saying that for the public record.

President Gregory: There's a 1st Amendment issue here but I agree. If I were - - I would protest with Rage Against the Ratchet but on the other side there's this issue of 1st Amendment infringements. Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President for your insight regarding the 1st Amendment but I don't ever think that when you're dealing with moralistic messages and encouraging our children to be negative through music that yes, I can appreciate the 1st Amendment but I think we also need to have some morals and values as it pertains to our children. Thank you.

President Gregory: I agree with that 100%. It's like dealing with obscenity. What is it? As justice says, I know it when I see it. Somebody else can see it and don't know it but that's the big debate we have in law school. You know, it's kind of intriguing but I agree with the Resolution one hundred percent. Clerk will call the roll.

Upon a motion of Mr. Chukwuocha, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Mr. Congo.

Mr. Congo: Nothing tonight Mr. President, thank you. Ms. Shabazz.

Mrs. Seijo: Excuse me. Declare it adopted.

President Gregory: I'm sorry. Declare it adopted. Ms. Shabazz.

Mrs. Seijo: Thank you.

Mr. Chukwuocha: Yes Mr. President, I have an Ordinance on behalf of Councilwoman Shabazz to present and call for the third and final.

On behalf of Ms. Shabazz, Mr. Chukwuocha presented and called for the third and final reading Ordinance No. 14-039 (Agenda #3973) entitled:

AN ORDINANCE TO REPEAL ORDINANCE NO. 12-028,
BEING AN ORDINANCE REGARDING THE KEEPING
OF LIVESTOCK AT INSPECTION OR RESTING
FACILITIES WITHIN THE CITY LIMITS

Mr. Chukwuocha: Yes Mr. President, this is an Ordinance that is repealing a previous ordinance that allowed for a livestock to be kept within the city limits and it's just repealing that because the appealer no longer needed that exception.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Chukwuocha, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted.

Mr. Chukwuocha: Mr. President, I have an Ordinance to present for third and final on behalf of Councilwoman Shabazz.

On behalf of Ms. Shabazz, Mr. Chukwuocha presented and called for the third and final reading Ordinance No. 14-050 (Agenda #3994) entitled:

AN ORDINANCE TO APPROVE THAT CERTAIN
AGREEMENT BETWEEN THE CITY, THE DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL AND THE ROTARY
CLUB OF WILMINGTON FOR IMPROVEMENTS TO
H. FLETCHER BROWN PARK

Mr. Chukwuocha: Yes Mr. President, this is an Ordinance regarding the H. Fletcher Brown Park and the improvements that's going to take place with the Rotary Anniversary for improvements to that park and it seems like it's going to be a good asset for that area between Market and 14th & Walnut Streets.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Chukwuocha, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted.

Mr. Chukwuocha: Mr. President, I have an Ordinance on behalf of Councilwoman Shabazz to present and call for first and second.

On behalf of Ms. Shabazz, Mr. Chukwuocha presented and called for the first and second reading Ordinance No. 14-053 (Rev. 1 to Agenda #3999) entitled:

AN ORDINANCE BY THE WILMINGTON CITY COUNCIL AMENDING THE WILMINGTON CITY CODE TO REPEAL ARTICLE IX, SECTIONS 48-431 THROUGH 48-436 OF CHAPTER 48; TO ADOPT A NEW ARTICLE XII, SECTIONS 48-562 THROUGH 48-597; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT ADMINISTRATIVE PROCEDURES, AND TO ADOPT CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO PROVIDE FOR APPLICABILITY; REPEALER; AND AN EFFECTIVE DATE

This Ordinance was given two separate readings by title only and upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, the aforementioned Ordinance was received, recorded and referred to the Public Works & Transportation Committee and Housing, Licenses & Inspection Committee. Motion prevailed.

President Gregory: You have a Resolution?

Mr. Chukwuocha: I have a Resolution to present on behalf of Councilwoman Shabazz.

On behalf of Ms. Shabazz, Mr. Chukwuocha presented Resolution No. 14-055 (Agenda #4000) as follows:

WHEREAS, Ordinance No. 14-053, which proposes to amend Chapter 48 of the City Code to adopt regulations and administrative procedures related to

development in floodplains and floodprone areas, together with the adoption of flood hazard maps; and

WHEREAS, the City Planning Commission will review Ordinance No. 14-053, or a Substitute thereto, at its December 16, 2014 regular meeting; and

WHEREAS, the City Council proposes to schedule a public hearing for review of Ordinance No. 14-053, or a Substitute thereto, to be duly advertised in conformity with *Wilm. C.* §48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council hereby schedules a public hearing on Ordinance No. 14-053, or a Substitute thereto, to be held on December 18, 2014, at 6:30 p.m., in the City Council Chambers, to consider the proposed amendments to Chapter 48 of the City Code adopting regulations and administrative procedures related to development in floodplains and floodprone areas, together with the adoption of flood hazard maps.

FURTHER ESOLVED, that the City Clerk is hereby directed to publish notice of said public hearing in the manner and form required.

Mr. Chukwuocha: Yes Mr. President, this is the sister piece to the previous ordinance regarding scheduling the public hearing to be held on December 16, 2014.

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted. Mr. Williams.

Mr. Williams: Mr. President, I have a Resolution to present.

Mr. Williams presented Resolution No. 14-056 (Agenda #4001) as follows:

WHEREAS, pursuant to Wilm. C. (Charter) § 1-101, the City of Wilmington (the “City”) may acquire, hold, manage, and dispose of property on such terms it deems appropriate for any municipal purpose; and

WHEREAS, the Department of Real Estate and Housing of the City (the “Department”) is the legal owner of the properties located at 1409 and 1411 Marsh Street, Wilmington, Delaware, being Tax Parcel Number 26-037.300-25 (the “Marsh Street Properties”); and

WHEREAS, the Department is the legal owner of the property located at 303 North Broom Street, Wilmington, Delaware, being Tax Parcel Number 26-034.101-36 (the “North Broom Street Property”); and

WHEREAS, the Department has determined that the City no longer needs the Marsh Street Properties and therefore offered to transfer the Marsh Street Properties to Peter DiRado, for use as a side yard; and

WHEREAS, the Department has determined that the City no longer needs the North Broom Street Property and therefore offered to transfer the North Broom Street Property to Scott Hedrick, for use as a side yard.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that, upon the recommendation of the Department, the Council hereby authorizes and approves the disposition of the Marsh Street Properties to Peter DiRado and the North Broom Street Property to Scott Hedrick.

BE IT FURTHER RESOLVED that Council authorizes the Mayor or his designee to execute any and all documents necessary to effectuate the transfer of the Marsh Street Properties and the North Broom Street Property, including any and all undertakings and assurances heretofore.

Mr. Williams: This Resolution authorizes the City to dispose of the properties located at 1409 and 1411 Marsh Street to Peter DiRado and disposal of property located at 303 North Broom Street to Scott Hedrick. This is co-sponsored by the Council Member in the 3rd District, Mr. Brown.

President Gregory: And, we don’t always, Ms. Frost...

Ms. Frost (in the audience): I’m listening.

President Gregory: We don’t always give fair market value. Often times it’s a lot adjoining an existing house and you want someone occupied and take care of it. Does it go through a bid process? Not necessarily, if it’s surplus - - I may be given a wrong answer on that - - not necessarily if it’s surplus and purchase price, it could be for a \$1.00, it could be for an outright gift because it’s a vacant property that’s an eyesore. You want adjoining property to take ownership of it to do something with it. But that’s the case in these properties. In other situations it could be you’re giving it selling to someone for non-profit or for-profit. All of them differ. So, the answer to your question, it’s no one answer, it’s a case by case basis. Okay?

Ms. Frost (in audience): Thank you.

President Gregory: Okay. Call the roll.

Upon a motion of Mr. Williams, seconded by Ms. Walsh, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted. Mr. Freel.

Ms. Walsh: Mr. President, I have two Resolutions to present on behalf of Mr. Freel.

On behalf of Mr. Freel, Ms. Walsh presented Resolution No. 14-057 (Agenda #4002) as follows:

WHEREAS, Ordinance No. 14-026, which proposes amendments to the Zoning Map by rezoning property comprising the former Wilmington Finishing Company, from C-6 to W-4 and R-2 zoning classifications, was introduced by City Council at its regular meeting of June 5, 2014; and

WHEREAS, pursuant to Wilm. C. §48-52, the City Planning Commission has 90 days to review and submit a report to the Mayor concerning that Ordinance;

WHEREAS, on August 21, 2014 City Council passed a resolution to extend the City Planning Commission's time for review by ninety (90) days until December 2, 2014; and

WHEREAS, City Council believes it is necessary and desirable to extend the City Planning Commission's time for review by an additional 90 days.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the time for review and submission of a report by the City Planning Commission on Ordinance No. 14-026, or a Substitute thereto, is hereby extended an additional 90 days to on or about March 2, 2015.

Ms. Walsh: Mr. President, this just grants a second 90-day extension for the property that was named as Wilmington Finishing Company; property to be sent - - the findings to be sent to the Planning Commission.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Walsh, seconded by Mr. Williams/Mr. Wright, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted. Ms. Walsh.

Ms. Walsh: Yes, I have another Resolution on behalf of Mr. Freel and on behalf of the Administration

President Gregory: It's an ordinance.

Ms. Walsh: Oh, an Ordinance. I'm sorry.

On behalf of Mr. Freel, Ms. Walsh presented and called for the first and second reading Ordinance No. 14-054 (Agenda #4003) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE REGARDING THE WILMINGTON WATER, SEWER AND STORMWATER CITIZENS ADVISORY BOARD ("CAB")

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

President Gregory: Mr. Michael Brown.

Mr. Congo: Yes Mr. President, I have a Resolution to present on behalf of Michael Brown.

On behalf of Mr. Michael Brown, Mr. Congo presented Resolution No. 14-058 (Agenda #4004) as follows:

WHEREAS, by its Ordinance No. 97-051, amending Section 2-363 of the Wilmington City Code, the Council of the City of Wilmington ("Council") deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including a requirement for Council approval by resolution, and including authorization for expedited grant applications in any situation in which a City office or department is required to file a grant application or proposal for funds prior to a regular meeting of Council, in which case the application shall be submitted to Council for its approval and ratification subsequent to its submission to the issuing agency; and

WHEREAS, the City, through the Wilmington Police Department ("WPD"), has sought to obtain grant funding from the State of Delaware Special Law Enforcement Assistance Fund ("S.L.E.A.F.") in the amount of \$4,800.00 and from the State of Delaware, Department of Safety and Homeland Security, Division of Alcohol and Tobacco Enforcement ("D.A.T.E.") in the amount of \$5,000.00; and

WHEREAS, the S.L.E.A.F. grant will be applied toward flotation devices for the WPD's marine unit, and the D.A.T.E. grant will be applied for overtime salaries for officer time dedicated to fighting alcohol related crime; and

WHEREAS, neither grant requires a local match; and

WHEREAS, for timing purposes, the grant application had to be submitted prior to Council approval; and

WHEREAS, even though the application for said grant has been submitted, the WPD must still take the affirmative step of accepting the funding should it be a successful applicant; and

WHEREAS, Council deems it necessary and proper to authorize the WPD to accept the grant from S.L.E.A.F. in the amount of \$4,800.00 and from D.A.T.E. in the amount of \$5,000.00, for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the WPD is hereby authorized to accept grant funding from S.L.E.A.F in the amount of four thousand, eight hundred dollars (\$4,800.00) and from D.A.T.E. in the amount of five thousand dollars (\$5,000.00).

Mr. Congo: Yes Mr. President, this is just a Resolution from the Police Department to accept grants with no matching funds and one grant is for \$4,800 and second grant is for \$5,000. This wasn't able to go through the - - to be fully vetted through the Public Safety Committee meeting because the last two meetings were cancelled. So that's why - - and it's time sensitive so that's why we're bringing it to Council right now.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Congo, seconded by Ms. Walsh, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted. Ms. Walsh.

Upon a motion of Ms. Walsh, seconded by Mr. Wright, Council dissolved into the Committee of the Whole for the purpose of having a public hearing on Agenda item 4005. Motion prevailed.

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PUBLIC HEARING
AN ORDINANCE APPROVING THE REZONING OF FIVE AREAS WITHIN
THE BAYNARD BOULEVARD ANALYSIS AREA AND THE RESPECTIVE
AMENDMENTS TO THE NEIGHBORHOOD COMPREHENSIVE
DEVELOPMENT PLAN FOR BAYNARD BOULEVARD ANALYSIS AREA

The City Clerk read the Affidavit of Publication. Upon a motion of Ms. Walsh, seconded by Mr. Williams, the Affidavit of Publication was made a part of the record and is on file in the City Clerk's Office. Motion prevailed.

The City Clerk read the Planning Commission Report. Upon a motion of Ms. Walsh, seconded by Mr. Williams, the Planning Commission Report was made a part of the record and is on file in the City Clerk's Office and Planning Department. Motion prevailed.

President Gregory: We have someone from the Planning Department to come and speak to the matter.

Department of Planning Representative: Good evening President Gregory, Council Members, ladies and gentlemen. My name is Derrick Lightfoot and a City Planner with the City's Department of Planning and Development. The purpose of my presentation tonight is to address two separate public hearing items, which are companion pieces of legislation. The first public hearing this evening is to address the item that relates the legislation. The first public hearing is a proposal to amend the adopted Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area in order to incorporate pertinent important information. The second public hearing item is a proposal to rezone five areas within the Baynard Boulevard Analysis Area consistent of a total of 255 parcels. In the interest of time and with the approval of the sponsoring Council Member, I'd like to address both items of the public hearing at the same time. To begin, Planning staff is requesting that the current Baynard Boulevard Comprehensive Development Plan be amended in order to incorporate three items. These items are: an updated proposed zoning map, an updated proposed land use map and a summary of written recommendation focusing transportation, economic development, housing, parks and other special issues that have been developed by the working group for the Baynard Boulevard Concord Avenue Area. By way of background, it is noteworthy that the public input and participation process to update the existing Baynard Boulevard Comprehensive Development Plan began in July 2012 roughly twenty-seven months ago and has continue. Immediately following the July 12th community wide kick-off meeting, a working group was formed. That working group was compromised of members of the community, residents, interested parties and civic association members. During 2012, 2013 and 2014 numerous meetings were held with Planning staff and Planning staff met with civic associations as well as members of the working group,

which assigned itself, divided itself, into topic areas of special concern that the members felt needed to be included in the Comprehensive Development Plan. Planning staff also attended many community group meetings of special interest to community members and addressed concerns that are raised during the process of updating the Comprehensive Development Plan. It is important to note that the items that I'm going to address this evening do not constitute a completely updated Comprehensive Development Plan. Instead, these items address the amendments. Changes in Planning Department leadership also resulted in a new city-wide approach towards comprehensive development planning. Moreover, Planning staff advocated for amending the existing plan in order to avoid losing the good work and ideas that were generated during the twenty-seven months of involvement by members of the community. As such, a decision was made to move forward with the Working Group's land use, zoning and other important recommendations and to amend the existing Comprehensive Development Plan to incorporate them. On October 21st, the City Planning Commission held a public hearing at which much public input - positive public input was received for the Working Group's recommendations and to amend the existing Comprehensive Plan to incorporate them.

At its regular meeting, the City Planning Commission approved two Resolutions. Resolution 6-14 approved amending the Comprehensive Development Plan to incorporate the Group's land use and zoning recommendations as well as other important recommendations. City Planning Commission Resolution 7-14 recommended implementing the Plan recommendations as amended thorough adoption of the five rezoning areas that are contained in Ordinance 14-045. Located in your packet are materials that include a copy of the Comprehensive Draft Plan. In addition, is a copy of the Draft Resolution. Your attention is directed kindly to Map I, excuse me, in the back of the Draft Comprehensive Development Plan, which is in that packet of materials. Briefly speaking, the five areas proposed for rezoning include Area 1 and Area 2. Both those areas are currently zoned R-2A, which is one-family detached, semi-detached dwellings with conversions and is proposed to be rezone to R-2 one-family detached and semi-detached dwellings. R-3, which is currently zoned, I'm sorry, Area 3, which is currently zoned R-3 row-house development with one-family, is proposed for rezoning to R-2. It's important to note that in Area 3 there are no row-houses. Area 4, we're recommending that it be rezoned from R-5B to R-3. Area 5, we're recommending that it be rezone from R-5B to C-1 which is neighborhood shopping. That concludes my presentation and if there are any questions, I will do my best to answer them.

President Gregory: Any questions from any Councilpersons? There's no question. Is there anyone...you can, thank you Mr. Lightfoot. Is there anyone from the audience who wants to speak for this ordinance? Anyone want to speak against the ordinance?

FOR

Good evening, my name is Lawrence C. Smith, I currently the President of the Washington Heights Neighborhood Association. I am here today to support the Comprehensive Plan for Area 2 (Second Councilmanic District). The only other plan I want to raise is that the area in which the Washington Heights Neighborhood Association is supportive of, the entire Plan but more importantly Area 3 residential area zoned 3 to R-2 and I just wanted to express for support of that. Thank you very much.

President Gregory: Anyone else? Entertain a motion.

Upon a motion of Ms. Walsh, seconded by Mr. Williams, Council returned to Regular Order of Business. Motion prevailed.

REGULAR ORDER OF BUSINESS

President Gregory: Ms. Walsh.

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

Ms. Walsh presented Resolution No. 14-059 (Agenda #4005) 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, in conjunction with the Baynard Boulevard/Concord Avenue Working Group, finds it necessary to update the Neighborhood Comprehensive Development Plan for Baynard Boulevard 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 City Planning Commission on October 21, 2014 pursuant to Resolution 6-14; and

WHEREAS, the City Planning Commission recommended to City Council that the Neighborhood Comprehensive Development Plan for Baynard Boulevard be amended to update the proposed land use map, the proposed zoning map and incorporate certain recommendations prepared by the Working Group as reflected in Resolution 6-14; 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 Baynard Boulevard as proposed to be amended; and

WHEREAS, in accordance with Wilm. C. (Charter) ' 5-600(a), a duly advertised public hearing was held on November 20, 2014 to consider the proposed amendments.

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 Baynard Boulevard as amended to revise the Proposed Land Use Map and the Proposed Zoning Map to change the proposed land use and zoning designations for five areas within the Baynard Boulevard Analysis Area and to incorporate recommendations of the Working Group.

Ms. Walsh: On the question, I have to explain what it is?

President Gregory: No.

Ms. Walsh: I was going to go into that more with the ordinance, just part of it so.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Walsh, 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, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, none. Absent, Council Members Congo, Darius Brown, Shabazz, Prado, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted. Committee report.

The City Clerk read the following committee report:

<u>Community and Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Loretta Walsh	X		
Darius J. Brown		X	
Maria D. Cabrera		X	
Ernest "Trippi" Congo, II			X
Sherry Dorsey Walker		X	
Justen A. Wright		X	

November 13, 2014

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Community and Economic Development Committee, to who was referred **Ordinance No. 14-045** entitled:

AN ORDINANCE APPROVING THE REZONING OF FIVE AREAS
WITHIN THE BAYNARD BOULEVARD ANALYSIS AREA

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

Respectfully submitted, Members of
Community and Economic Development Committee
/s/Loretta Walsh, Chair
/s/Theopalis K. Gregory, Sr., Ex Officio

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

President Gregory: Any findings?

Mrs. Seijo: Yes.

MEMORANDUM

TO: The Honorable Theopalis K. Gregory, President of City Council
Members of City Council

FROM: Mark J. Pilnick, Esq., First Assistant City Solicitor
Sanjay Bhatnagar, Esq., Assistant City Solicitor

DATE: November 20, 2014

RE: City Council Findings Supporting the Enactment of Ordinance No. 14-045, Approving the Rezoning of Five Areas Within the Baynard Boulevard Analysis Area

Enclosed please find a copy of the Findings prepared in connection with Council's scheduled Public Hearing on November 20, 2014, regarding the above referenced 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 also apply to the City.

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 October 21, 2014. At that meeting, the Planning Commission approved its Resolution 6-14, which proposes to amend the Neighborhood Comprehensive Development Plan for Baynard Boulevard in order to reflect the recommendations of the Baynard Boulevard/Concord Avenue Working Group. In addition, the Planning Commission approved its Resolution 7-14, which proposes to rezone five areas within the Baynard Boulevard Analysis Area in conformance with the Neighborhood Comprehensive Plan for Baynard Boulevard, as amended.

The enclosed Findings support the Commission recommendations.

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

cc: Cleon Cauley, Chief of Staff
Romain Alexander, City Council Chief of Staff
Maribel Seijo, City Clerk
Leonard Sophrin, Planning
Director Gwinneth Kaminsky,
Planning Manager James G.
DiPinto, Zoning Manager
Michael P. Migliore, City
Solicitor

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE 14-045

CITY COUNCIL'S FINDINGS SUPPORTING ENACTMENT OF ORDINANCE 14-045, which provides for the rezoning of five (5) areas of the Baynard Boulevard Analysis Area, sponsored by City Council Member Loretta Walsh, November 20, 2014

The Council makes the following Findings regarding the proposed rezonings in support of enactment of Ordinance 14-045, as set forth in the sections of Findings attached hereto and made a part hereof.

1. The existing Neighborhood Comprehensive Development Plan for the Baynard Boulevard Analysis Area ("Plan") was adopted by City Council on January 12, 1984 and was last amended on April 15, 1993.
2. The Baynard Boulevard/Concord Avenue Working Group (the "Working Group") was formed in 2012 and together with other community members and interested parties began the process of evaluating critical components of the Plan.

3. The Working Group developed a series of land use and zoning recommendations and other recommendations that address transportation, housing, economic development, parks and special issues that would have a positive influence on living conditions within the Baynard Boulevard Analysis Area.
4. The Planning Department determined it was necessary and appropriate to address the immediate needs of the Working Group by incorporating the land use and zoning recommendations of the Working Group into the existing Plan.
5. The Planning Commission, at their meeting held after a duly publicized public hearing, recommended by means of Resolutions 6-14, amendments to the Neighborhood Comprehensive Plan for Baynard Boulevard, and Resolution 7-14, the rezoning of five areas within the Baynard Boulevard Analysis Area, through the approval of Ordinance No. 14-045.
6. Ordinance No. 14-045 proposes to rezone five areas of the Baynard Boulevard Analysis Area as follows: Area 1 and Area 2 from R-2-A to R-2; Area 3 from R-3 to R-2, Area 4 from R-5-B to R-3, and Area 5 from R-5-B to C-1
7. The proposed rezonings are consistent with the recommendations of the Working Group and Planning Department to update the Plan for the Baynard Boulevard Analysis Area.

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

Ms. Walsh: Mr. President, I have an Ordinance to present.

Ms. Walsh presented and called for the third and final reading Ordinance No. 14-045 (Agenda #3989) as follows:

AN ORDINANCE APPROVING THE REZONING OF FIVE
AREAS WITHIN THE BAYNARD BOULEVARD ANALYSIS
AREA

Ms. Walsh: Yes Mr. President, as Mr. Lightfoot from the Planning Department indicated, this is something that has been worked on by the residence of the impacted areas for over two in a half years. It started under the other administration and continued under the new Mayor. I would like to thank the Planning Director for proceeding with this because he has a different vision of the Planning Department than there has been prior to this and he has a vision of there being one whole planning for the entire city. So, these are amendments to the Comprehensive Program that exist now. It is not a full comprehensive plan, you know, change.

This is a beautiful section of our city. Many speculators have tried break-up the great old houses over there without the proper authority to do so. This will again help to protect that from happening. These residents put a whole a lot of work into it. To testify tonight, I saw another one in the audience with Presidents of their community associations'. This is a very active neighborhood. I ask our Councilmembers to please support the residents on this and pass these rezoning.

President Gregory: With these rezoning, you have to state your reason or reasons as legislators as to why you're taking the position you're taking by law. The Clerk will call the roll.

Upon a motion of Ms. Walsh, seconded by Mr. Williams, the aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha: yes, I'm in favor of it based on the findings and the community support; Congo: yes, based on the community support; Dorsey Walker: yes, based on community support; Williams: yes, in full support of the community and the findings; Walsh: yes, because it's my legislation; and Wright: yes, based on the community support; and Council President Gregory: yes, based on the character of the neighborhood. Total, seven. Nays, none. Absent, Council Members Darius Brown, Shabazz, Prado, Freel, Michael Brown and Cabrera. Total, six.

President Gregory: Declare it adopted. Mr. Wright.

Mr. Wright: Nothing tonight Mr. President. Thank you.

PETITIONS AND COMMUNICATIONS

Council Members announced committee meetings/civic association meetings, and community events throughout their districts. Council Members spoke on the following matters: residents were encouraged to become engaged in the private school process; concerns in some of the senior high-rises as it relates to management and looking to address it in a committee meeting for which the Wilmington Housing Authority's attendance at the meeting was requested; donation of three computers and a printer was requested for the Parkview senior high-rise; the Wilmington Fire Department and Browntown block captains were thanked for assisting in putting up lights in Browntown; thoughts and prayers were expressed for both the family of subjects trapped and firefighters responding currently to a fire at 5th & Jefferson Street; Wilmington Children's Chorus fundraiser; the need to check in on the elders during all the holidays; and including but not limited to happy holiday was expressed for the Thanksgiving holiday. Thoughts and prayers were expressed for those Councilmembers who are out with health issues. In addition, condolences were expressed to the family of Mason Webster Dunn. It was noted to reflect on, if all of our so called public schools were privatized, what would the product look like? What would be the motive for educating children and giving resources out if they were all privatized?

ADJOURNMENT

Upon a motion of Ms. Walsh, seconded by Mr. Wright/Mr. Williams,
Council adjourned at 7:19 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk