

*Wilmington, Delaware
Louis L. Redding
City/County Building
July 12, 2018*

Council met in regular session on the above date at 6:30 p.m., President Hanifa Shabazz presiding.

The opening prayer was done by Andrea Queen, Deputy Clerk.

The Pledge of Allegiance was recited by City Council.

ROLL CALL

The following members responded to the Call of the Roll: Council Members Chukwuocha, Oliver, Harlee, Williams, Freel, Adams, Dixon* and Guy, and Council President Shabazz. Total, nine. Absent with leave, Council Members Congo, Turner, McCoy and Walsh. Total, two.

MINUTES

After reading a portion of the minutes of July 2, 2018, upon a motion of Council Member Chukwuocha, seconded by Council Member Freel, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Finance & Economic Development Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Charles M. "Bud" Freel, Chair	X		
Nnamdi O. Chukwuocha, Vice-Chair		X	
Ciro Adams	X		
Zanthia Oliver	X		
Loretta Walsh		X	
Robert A. Williams	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

July 3, 2018

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred **Ordinance No. 18-036** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS OR A GENERAL OBLIGATION BOND ANTICIPATION NOTE, IN ORDER TO PROVIDE THE FUNDS NECESSARY TO FINANCE STREET REPAIRS AND IMPROVEMENTS OF VARIOUS STREETS AND ROADWAYS LOCATED WITHIN THE CITY LIMITS; PROVIDNG FOR THE SALE OF THE BONDS OR THE NOTE; AND AUTHORIZING OTHER NECESSARY ACTION

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

Respectfully submitted, Members of
 Finance & Economic Development Committee
 /s/Charles M. Freel, Chair
 /s/Zanthia Oliver
 /s/Robert A. Williams
 /s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Freel, seconded by Council Member Williams, 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>
Loretta Walsh, Chair		X	
Robert A. Williams, Vice-Chair	X		
Ciro Adams	X		
Charles M. "Bud" Freel	X		
Michelle Harlee		X	
Yolanda McCoy	X		
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
 The City of Wilmington

July 9, 2018

Ladies and Gentlemen:

We, your Public Safety Committee, to who was referred **Ordinance No. 18-040** entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE REGARDING OFF-HIGHWAY VEHICLES

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

Respectfully submitted, Members of
Public Safety Committee
/s/Robert A. Williams, Vice-Chair
/s/Ciro E. Adams
/s/Charles M. Freel
/s/Yolanda McCoy

Upon a motion of Council Member Williams, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

TREASURER'S REPORT

The following Treasurer's Report as of July 12, 2018, was read into the record by City Clerk and upon a motion of Council Member Chukwuocha, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

Council Member Guy: Madam Chair.

President Shabazz: Councilman Guy.

Council Member Guy: Yes, in May it was twenty-nine million of borrowed money in the capital fund, what is it now?

Mrs. Seijo (City Clerk): The sub-total Councilman is twenty-eight million, ninety-seven thousand, three-hundred sixty-four dollars and twenty-four cents.

Council Member Guy: Thank you.

Mrs. Seijo (City Clerk): You're welcome.

Note: The Treasurer's Report is included herein as an insert from Page 4 to Page 5.

City of Wilmington
Delaware

Velda Jones-Potter
City Treasurer

Louis L. Redding City/County Building
800 French Street
Wilmington, Delaware 19801-3537
(302) 576-2480
treasurer@wilmingtondc.gov



City of Wilmington Treasurer's Report
as of July 12, 2018


Cash on Hand:

General Account	M & T Bank	\$8,216,629.72
Central Deposit	M & T Bank	\$26,440.46
Payroll	M & T Bank	\$1,144,788.78
Total Petty Cash Accounts	M & T Bank	\$12,132.39
Grant-In-Aid	M & T Bank	\$231,734.67
Evidence/Found Currency Account	M & T Bank	\$912,596.27
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,576.67
Police Department Discretionary	M & T Bank	\$22,767.87
Pension Payroll Account	M & T Bank	\$53,860.20
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$1,592.81
Non-Uniform Pension-Plan 2	M & T Bank	\$2.30
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$204,783.42
Police Pension Account	M & T Bank	\$227,510.99
Fire Pension Account	M & T Bank	\$45,842.05
Worker's Comp 3rd Party Account	M & T Bank	\$44,970.83
Retiree Healthcare Account	M & T Bank	\$351,965.36
SubTotal		\$11,535,333.76
Total Cash on Hand		\$11,535,333.76

INVESTMENTS JULY 12, 2018:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
General	WSFS	CD	7/12/2018	1.82%	\$10,620.82	\$3,000,000.00
General	TD	CD	7/12/2018	1.71%	\$4,679.63	\$2,010,581.45
General	WSFS	CD	7/19/2018	1.82%	\$11,667.95	\$3,000,000.00
General	TD	CD	7/26/2018	1.87%	\$3,642.19	\$2,504,180.55
General	TD	CD	8/2/2018	1.87%	\$4,559.55	\$2,507,929.17
General ¹	TD	CD	9/27/2018	2.01%	\$78,837.37	\$15,689,029.00
SUB-TOTAL:						\$28,711,720.17
CAPITAL FUND:						
Capital	TD	CD	7/26/2018	1.86%	\$124,100.49	\$26,395,000.00
Capital	WSFS	CD	9/6/2018	1.90%	\$5,582.82	\$1,702,364.24
SUB-TOTAL:						\$28,097,364.24
RISK MGMT:						
Risk Management	WSFS	CD	10/10/2018	2.05%	\$40,984.55	\$8,018,955.40
Worker's Comp	WSFS	CD	10/10/2018	2.05%	\$40,984.55	\$8,018,955.40
Retiree Medical Escrow	Vanguard-OPEB					\$20,881,099.00
SUB-TOTAL:						\$36,919,009.80
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	7/26/2018	1.85%	\$7,379.73	\$5,200,000.00
Fire Pension	WSFS	CD	7/26/2018	1.85%	\$3,817.59	\$2,690,000.00
Police Pension	WSFS	CD	7/26/2018	1.85%	\$759.26	\$535,000.00
Escrow Pension	Edgar Lomax					\$20,723,176.00
Escrow Pension	Vanguard Fixed					\$38,755,802.00
Escrow Pension	Earnest Partners					\$23,154,629.00
Escrow Pension	Wilmington Trust					\$37,214,073.00
Escrow Pension	Vanguard Stock Index					\$45,492,346.00
Escrow Pension	Artisan Global					\$8,319,167.00
Escrow Pension	Dodge & Cox					\$10,890,557.00
Escrow Pension	Fidelity					\$18,960,813.00
Escrow Pension	Harding Loevner					\$8,517,211.00
Escrow Pension	MFS Management					\$21,830,053.00
SUB-TOTAL:						\$242,282,827.00
OTHER:						
Deferred Comp.	MassMutual					\$48,729,118.83
Total Investments						\$384,740,040.04
Total Cash on Hand						\$11,535,333.76
Grand Total						\$396,275,373.80

¹ Budget Reserve



 Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

Upon a motion of Council Member Freel, seconded by Council Member Council Member Chukwuocha, the following non-legislative resolutions were accepted into the record and motion prevailed:

All Council	Retirement George Giles
Freel	Retirement Yvonne Johnson
Oliver	Recognize Rashan Baul
Turner	Sympathy Doris Erika Dorsey
Williams	Sympathy Daniel A "Danny" Sullivan Jr.

LEGISLATIVE BUSINESS

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha: Yes, Madam President, I have a Resolution and an Ordinance to present on your behalf.

On behalf of President Shabazz, Council Member Chukwuocha presented Resolution No. 18-053 (Agenda #4551) as follows:

WHEREAS, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the City of Wilmington has requested grant funds from other governmental entities in Delaware to help support efforts to implement the recommendations of the U.S. Centers for Disease Control and Prevention, as well as the work of the Wilmington Community Advisory Council formed to help address youth firearm violence in Wilmington through a holistic, public-health lens; and

WHEREAS, the City has requested \$40,000 from the State of Delaware, and \$40,000 from New Castle County; and

WHEREAS, the Council deems it necessary and appropriate to authorize the City to accept the funds, if awarded, and to facilitate implementation of the recommendations of the CDC in furtherance of the City's objectives to enhance public safety and the quality of life in Wilmington.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City's request for grant funds from State of Delaware and New Castle County is hereby authorized.

BE IT FURTHER RESOLVED that the City shall be authorized to take all necessary actions to accept the grant funds and move forward with supporting the efforts of the Wilmington Community Advisory Council to implement the recommendations issued by the Centers for Disease Control and Prevention related to curbing youth firearm violence in Wilmington.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, the above Resolution was before the Council for its consideration. Council Member Chukwuocha spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Williams, Freel, Adams and Guy, and Council President Shabazz. Total, eight. Nays, none. Absent, Council Members Congo, Turner, McCoy, Dixon and Walsh. Total, five.

President Shabazz: Declare it adopted.

Council Member Chukwuocha: Madam President, I have an Ordinance to present on your behalf and call for the third and final reading.

President Shabazz: I thought that was going to be done by Freel.

Mrs. Seijo (City Clerk): Oh, you're going to do it now for the public hearing?

Council Member Chukwuocha: I was coming...

President Shabazz: Well, we're going to wait for when Dixon, when I call for Councilwoman Dixon and you can present it at that time.

Council Member Chukwuocha: Ok, absolutely, that's fine.

Mrs. Seijo (City Clerk): Ok, thank you.

President Shabazz: Council Member Oliver.

Council Member Oliver: Yes – yes Madam President, I have a Resolution to present.

Council Member Oliver presented Resolution No. 054 (Agenda #4564) as follows:

WHEREAS, pursuant to Wilm. C. (Charter) §1-101, the City may acquire, hold, manage, and dispose of property on such terms as it deems proper; and **WHEREAS**, Wilm. C. (Charter) §6-116(d) provides that the Department of Finance may dispose of unserviceable personal property owned by the City by sale, either at public auction or private sale, or by transfer, exchange or otherwise after public advertisement or other appropriate public notice and receipt of bids; and

WHEREAS, City Council finds it reasonable that, in recognition of their hard work and dedication, City employees and appointed officials should be offered the opportunity to bid on unserviceable motor vehicles before such property is disposed of in accordance with Wilm. C. (Charter) §6-116(d).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council requests that the Mayor and the Director of Finance post notice of the planned disposition of any motor vehicle owned the City and retired from service on the City's intranet, and provide an advance period of 10 business days in which to place a minimum bid to acquire the motor vehicle. The appropriate amount of such minimum bid shall be determined by the Director of Finance.

Upon a motion of Council Member Oliver, seconded by Council Member Freel, the above Resolution was before the Council for its consideration. Council Member Oliver spoke on the purpose of the Resolution. Council Member Williams and Council Member Guy made comments.

Upon a motion of Council Member Guy, seconded by Council Member Williams, to amend the Resolution by adding the words "and residents". Motion prevailed.

President Shabazz: So, I'll call for a vote on the Resolution, as amended.

The 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, Oliver, Harlee, Williams, Freel, Adams and Guy, and Council President Shabazz. Total, eight. Nays, none. Absent, Council Members Congo, Turner, McCoy, Dixon and Walsh. Total, five.

President Shabazz: Declare it adopted. Council Member Harlee.

Council Member Harlee: Yes, Council President, I move Council dissolved into a Committee of the Whole for the purpose of holding three public hearings.

Upon a motion of Council Member Harlee, seconded by Council Member Williams, Council dissolved into the Committee of the Whole for the purpose of holding three public hearings. Motion prevailed.

PUBLIC HEARING
AMENDMENTS TO THE NEIGHBORHOOD COMPREHENSIVE
DEVELOPMENT PLAN FOR BROWNTOWN/HEDGEVILLE
AND SOUTH WILMINGTON, AND ANNEXATION AND
REZONING OF EIGHT (8) PARCELS OF LAND (ORDINANCE NO. 18-018)

President Shabazz: Clerk I ask that read the three Affidavits of Publication.

Mrs. Seijo (City Clerk): Madam President, since there are three (3) companion pieces related to the public hearing, I would like to request to read it as one reading – combine the language, is that ok?

President Shabazz: That's fine.

The City Clerk read three Affidavits of Publications into one reading as these items are companion pieces. Upon a motion of Council Member Harlee, seconded by Council Member Freel, the Affidavits of Publications were made a part of the record. Motion prevailed.

Note: The Affidavits of Publications were added into the record and are attached herein as an insert from Page 10 through Page 15.



The News Journal
Media Group

A GANNETT COMPANY

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

(302) 324-2500
(800) 235-9100

Mailing Address:
P.O. Box 15505
Wilmington, DE 19850

Legal Desk:
(302) 324-2676
Legal Fax:
302 324-2249

SD CITY OF WILMINGTON
800 N FRENCH ST

WILMINGTON, DE 19801

DE,


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:

04/25/18 A.D 2018


Sworn and subscribed before me, this 25 day of April,
2018

Ad Number: 0002885218

Legal notification printed at larger size for affidavit.



Ad Number: 0002885218

Run Dates: 04/25/18

NOTICE IS HEREBY GIVEN that a public hearing to consider the proposed amendments to the "South Wilmington Neighborhood Comprehensive Development Plan" to be held by the Wilmington City Council in the Council Chambers on May 17, 2018 at 6:30 p.m. pursuant to Resolution No. 18-029.
Maribel Seijo City Clerk
4/25-NJ

0002885218-01



The News Journal
Media Group

A GANNETT COMPANY

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

(302) 324-2500
(800) 235-9100

Mailing Address:
P.O. Box 15505
Wilmington, DE 19850

Legal Desk:
(302) 324-2676
Legal Fax:
302 324-2249

SD CITY OF WILMINGTON
800 N FRENCH ST

WILMINGTON, DE 19801

DE,

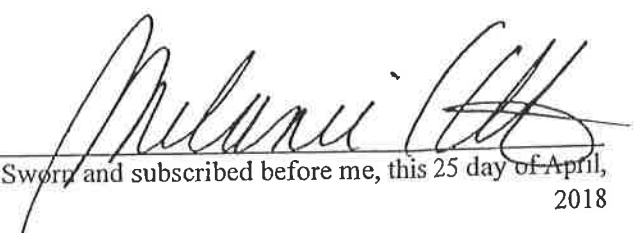
AFFIDAVIT OF PUBLICATION

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, deposeth 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:

04/25/18 A.D 2018


Sworn and subscribed before me, this 25 day of April,
2018

Ad Number: 0002885215

Legal notification printed at larger size for affidavit.



NOTICE IS HEREBY GIVEN that a public hearing to consider the proposed amendments to the "Browntown/Hedgeville Neighborhood Comprehensive Development Plan" to be held by the Wilmington City Council in the Council Chambers on May 17, 2018 at 6:30 p.m. pursuant to Resolution No. 18-028.
Maribel Seijo City Clerk
4/25-NJ

0002885215-01



The News Journal
Media Group
A GANNETT COMPANY

Street Address: (302) 324-2500
950 West Basin Road (800) 235-9100
New Castle, DE 19720

Mailing Address: Legal Desk:
P.O. Box 15505 (302) 324-2676
Wilmington, DE 19850 Legal Fax:
302 324-2249

SD CITY OF WILMINGTON
800 N FRENCH ST

WILMINGTON, DE 19801

DE,

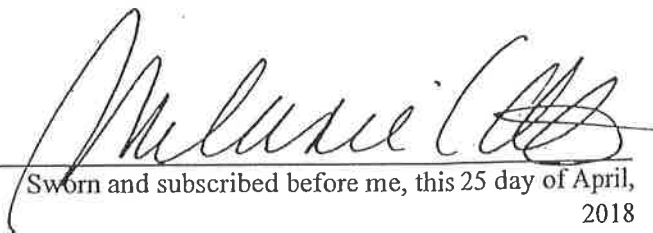
AFFIDAVIT OF PUBLICATION

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:

04/25/18 A.D 2018


Sworn and subscribed before me, this 25 day of April,
2018

Ad Number: 0002885224

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. 18-018, 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 MAY 17, 2018, AT 6:30PM before City Council of the City of Wilmington, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. 18-018 entitled:

An Ordinance to (1) Annex and Rezone the Following Eight (8) Parcels of Land:

(A) Territory 1, Being 800 South Market Street (Tax Parcel ID No. 10-001.00-015), 810 South Market Street (Tax Parcel ID No. 10-001.00-016), 800 South Walnut Street (Tax Parcel ID Nos. 10-001.00-077, 10-001.00-019, and 10-001.00-020), 0 Garasches Lane (Tax Parcel ID No. 10-001.00-022), and a Separate but Adjacent Property also Known as 0 Garasches Lane (Tax Parcel ID No. 26-057.00-050), Containing Approximately 4.51 Acres Contiguous with the City Boundary in the Vicinity of the South Wilmington Analysis Area, New Castle County, Delaware from New Castle County HI (Heavy Industrial) Zoning Classification to City of Wilmington M-1 (Light Manufacturing) Zoning Classification; and (B) Territory 2, Being 787 South Madison Street (Tax Parcel ID No. 07-040.30-001), Containing Approximately 3.72 Acres Contiguous with the City Boundary in the Vicinity of the Browntown/Hedgeville Analysis Area, New Castle County, Delaware from New Castle County HI (Heavy Industrial) Zoning Classification to City of Wilmington W-2 (Waterfront Manufacturing/Commercial) Zoning Classification; and (2) Amend the Boundaries of the Fourth Councilmanic District, the Official Building Zone Map, and the Supplemental Building Zone Maps to Add the Annexed Territories into the City's Corporate Boundaries

Ordinance No. 18-018 was introduced in City Council at a regular meeting held on April 19, 2018 and received 1st & 2nd readings at that time. Resolution No. 18-030 was adopted by City Council at the meeting of City Council held on April 19, 2018 directing that a public hearing on same be held by City Council on May 17, 2018 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. 18-018 proposed to amend the existing zoning ordinance of the City and its accompanying map.

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, map, and report of the City Planning Commission related to this proposed amendment may be examined in the City Clerk's Office, 9th floor, City/County Building from 8:30 a.m. to 4:30 p.m. Except Saturday, Sunday, and Holidays.

By direction of City Council HANIFA SHABAZZ, President

City Clerk MARIBEL SEIJO

4/25-NJ

President Shabazz: Please read the - Clerk please read the Planning Commission Report.

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Harlee, seconded by Council Members Freel and Williams, the Planning Commission Report was made a part of the record. Motion prevailed. The Planning Commission's Report constituting the recommendations to City Council are further reflected in the videotape of the July 12, 2018 City Council meeting and public hearing, which is incorporated herein by reference.

President Shabazz: I ask that a representative from the Planning Department to come forward with their report.

Council Member Guy: Madam Chair, point of order.

President Shabazz: Your point is Councilman.

Council Member Guy: Did you say that all three public hearings are going to be held as one or they're going to be held separately?

President Shabazz: No, she was reading the publication of affidavit of all three of them.

Council Member Guy: But I'm asking how – how are you proceeding? Are they being done separately?

President Shabazz: They will be done separately.

Council Member Guy: Thank you Madam Chair.

Mrs. Seijo (City Clerk): Together.

President Shabazz: All three going to be done?

Mrs. Seijo (City Clerk): Yeah, they're companion pieces.

President Shabazz: Oh they - ok, it will be done – all three will be done together. They're companion pieces, all together. Sir.

Council Member Guy: I think, didn't – didn't they each have their separate legal notice?

Mrs. Seijo (City Clerk): Yes sir.

President Shabazz: They did.

Council Member Guy: Ok, so each one, it would seem to me is a separate entity where the public than gets to comment on that particular public hearing.

President Shabazz: That would be the process.

Council Member Guy: Ok – because if somebody has to challenge it...

President Shabazz: I understand...

Council Member Guy: ...you should be able to separate that record from the other one.

President Shabazz: ...that would be the process.

Council Member Guy: Thank you Madam Chair.

President Shabazz: Planning Department please proceed.

Mr. John Kurth (Planner II - Department of Planning and Development) did a Power Point presentation. Several members of Council raised questions and made comments.

Both Mr. Kurth (Planner II) and Mr. Robert Kondelin (Environmental Alliance, Inc.) responded to questions from members of Council.

The floor was opened for anyone from the public to speak for or against the proposed rezoning.

Mr. Dion Wilson (public speaker) raised questions and made comments.

President Shabazz: Is there anyone else who would like to speak in favor of the two territories annexation and the Comp Plan? Hearing none than we would like to make a motion to return to regular order of business.

Upon a motion of Council Member Harlee, seconded by Council Member Freel, Council returned to Regular Order of Business. However, after the motion was made, someone from the public requested to speak. As the motion was not yet moved by the President, the floor remain open for additional comments.

Mr. D. Marque Hall made comments and noted that he's not for or against the annexation.

President Shabazz asked Mr. Hall to keep his comments toward the public hearing.

Council Member Guy raised a point of order and President Shabazz responded.

President Shabazz accepted a motion to move to regular order and it was duly seconded by Council Member Oliver.

REGULAR ORDER OF BUSINESS

Council Member Harlee presented Resolution No. 18-055 (Agenda #4528) as follows:

WHEREAS, Section 5-600 of the Wilmington City Charter provides that modifications to the City's Comprehensive Development Plan may be recommended by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution after a public hearing; and

WHEREAS, the "Neighborhood Comprehensive Development Plan for Browntown/Hedgeville" (the "Browntown/Hedgeville Comprehensive Plan") was adopted by City Council on June 18, 1992 and later amended on March 5, 2009; and

WHEREAS, Ordinance No. 18-018 has been introduced to City Council to: (i) annex into the City of Wilmington corporate limits a certain property located at 787 South Madison Street, being Tax Parcel ID No. 07-040.30-001 (the "Property") and to (ii) rezone the Property from New Castle County zoning designation of H I (Heavy Industrial) to City of Wilmington zoning designation of W-2 (Waterfront Manufacturing/Commercial); and

WHEREAS, the Property is currently located within New Castle County and is contiguous with the City corporate limits in an area immediately adjacent to the Browntown/Hedgeville Comprehensive Development Plan Analysis Area; and

WHEREAS, the City Planning Commission has considered the Planning Department's analysis and testimony along with other evidence and testimony at its duly advertised public meeting held on April 17, 2018; and

WHEREAS, at its meeting on April 17, 2018, the City Planning Commission passed Resolution 11-18, which recommended certain amendments to the Browntown/Hedgeville Comprehensive Plan Maps A through K in order to reflect: (i) the proposed annexation of the Property into the City of Wilmington corporate limits and (ii) the proposed rezoning of the Property from New Castle County zoning designation of H I (Heavy Industrial) to City of Wilmington zoning designation of W-2 (Waterfront Manufacturing/Commercial), as illustrated on the maps attached hereto and made a part hereof as Exhibits "A" through "K"; and

WHEREAS, in accordance with Wilmington City Charter Section 5-600(a), a duly advertised public hearing is scheduled to be held on July 12, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City Council hereby approves the amendments to the Browntown/Hedgeville Comprehensive Plan, which revise Plan Maps

A through K to (i) include the Property within the City of Wilmington corporate limits and (ii) change the proposed land use designation for the Property from New Castle County zoning designation of H I (Heavy Industrial) to City of Wilmington zoning designation of W-2 (Waterfront Commercial/Manufacturing), as illustrated on the maps attached hereto and made a part hereof as Exhibits "A" through "K".

Upon a motion of Council Member Harlee, seconded by Council Members Freel and Williams, the above Resolution was before the Council for its consideration. Council Member Harlee spoke on the purpose of the Resolution and made comments.

President Shabazz: Clerk, can you please recognize Councilwoman Dixon?

Mrs. Seijo (City Clerk): So noted.

*Note: During this time, Council Member Dixon was marked present and is reflected in the minutes herein (Roll Call).

President Shabazz: Clerk will call the roll.

The Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Vote: Yeas, Council Members Chukwuocha, Oliver, Harlee, Williams, Freel, Adams and Dixon, and Council President Shabazz. Total, eight. Nays, Council Member Guy. Total, one. Absent, Council Members Congo, Turner, McCoy and Walsh. Total, four.

President Shabazz: Declare it adopted.

Council Member Harlee presented Resolution No. 18-056 (Agenda #4529) as follows:

WHEREAS, Section 5-600 of the Wilmington City Charter provides that modifications to the City's Comprehensive Development Plan may be recommended by the Planning Department with the advice of the City Planning Commission and adopted by City Council resolution after a public hearing; and

WHEREAS, the "Neighborhood Comprehensive Development Plan for South Wilmington" (the "South Wilmington Comprehensive Plan") was adopted by City Council on May 17, 1990 and later amended on December 1, 2016; and

WHEREAS, Ordinance No. 18-018 has been introduced to City Council to: (i) annex into the City of Wilmington corporate limits certain properties located at 800 South Market Street, 810 South Market Street, 800 South Walnut Street, 0 and 410 Garasches Lane, and a separate but adjacent property also known as 0 Garasches Lane, Wilmington, Delaware, being Tax Parcel ID Nos. 10-001.00-015, 10-001.00-016, 10-001.00-077, 10-001.00-019, 10-001.00-020, 10-001.00-022, and 26-057.00-050 (collectively, the "Properties"), which will become part of the South Wilmington Comprehensive Development Plan Analysis Area and (ii) rezone the Properties from

New Castle County zoning designation of H I (Heavy Industrial) to City of Wilmington zoning designation M-1 (Light Manufacturing); and

WHEREAS, the Properties are located within New Castle County and are contiguous with the City corporate limits in an area immediately adjacent to the South Wilmington Comprehensive Plan Analysis Area; and

WHEREAS, the City Planning Commission has considered the Planning Department's analysis and testimony along with other evidence and testimony at its duly advertised public meeting held on April 17, 2018; and

WHEREAS, at its meeting on April 17, 2018, the City Planning Commission passed Resolution 10-18, which recommended certain amendments to the South Wilmington Comprehensive Plan Maps A through I in order to reflect: (i) the proposed annexation of the Properties into the City of Wilmington corporate limits and (ii) the proposed rezoning of the Properties from New Castle County zoning designation of H I (Heavy Industrial) to City of Wilmington zoning designation M-1 (Light Manufacturing), as illustrated on the maps attached hereto and made a part hereof as Exhibits "A" through "I"; and

WHEREAS, in accordance with Wilmington City Charter Section 5-600(a), a duly advertised public hearing is scheduled to be held on July 12, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the City Council hereby approves the amendments to the South Wilmington Comprehensive Plan, which revise Plan Maps A through I to (i) include the Properties within the City of Wilmington corporate limits and (ii) change the proposed land use designation for the Properties from New Castle County zoning designation of H I (Heavy Industrial) to City of Wilmington zoning designation M-1 (Light Manufacturing), as illustrated on the maps attached hereto and made a part hereof as Exhibits "A" through "I".

Upon a motion of Council Member Harlee, seconded by Council Member Williams, the above Resolution was before the Council for its consideration. Council Member Harlee spoke on the purpose of the Resolution and made comments.

President Shabazz: Councilman Williams.

Council Member Williams made comments.

President Shabazz: Councilman Chukwuocha.

Council Member Chukwuocha made comments.

President Shabazz: Clerk will call the roll.

The Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Vote: Yeas, Council Members Chukwuocha, Oliver, Harlee, Williams, Freel, Adams and Dixon, and Council President Shabazz. Total, eight. Nays, Council Member Guy. Total, one. Absent, Council Members Congo, Turner, McCoy and Walsh. Total, four.

President Shabazz: Declare it adopted.

Mrs. Seijo (City Clerk): Madam President, I'd like to make a correction. I inadvertently stated the incorrect tally for Resolution 18-055, which was the prior Resolution. It should actually be eight (8) Yeas, one (1) Nay and four (4) Absent.

President Shabazz: So noted.

Mrs. Seijo (City Clerk): Thank you.

Note: Correction was duly made and reflected in the minutes herein for Resolution No. 18-055.

President Shabazz: Clerk, please read the committee report.

The City Clerk read the following committee report:

<u>Community Development & Urban Planning Committee Members</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Rysheema Dixon, Chair	X		
Yolanda McCoy, Vice-Chair	X		
Nnamdi O. Chukwuocha	X		
Ernest "Trippi" Congo, II	X		
Zanthia Oliver	X		
Va'Shun "Vash" Turner		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

June 14, 2018

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee, to who was referred Ordinance No. 18-018 entitled:

AN ORDINANCE TO (1) ANNEX AND REZONE THE FOLLOWING EIGHT (8) PARCELS OF LAND: (A) TERRITORY 1, BEING 800 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-015), 810 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-16), SOUTH WALNUT STREET (TAX PARCEL ID NOS. 10-001.00-077, 10-001.00-019, AND 10-001.00-020), 0 GARACHES LANE (TAX PARCEL ID NO. 10-001.00-022), AND A SEPARATE BUT ADJACENT PROPERTY ALSO KNOWN AS 0 GARASCHES LANE (TAX PARCEL ID NO. 26-057.00-050), CONTAINING APPROXIMATELY 4.51 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE SOUTH WILMINGTON

ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE FROM NEW CASTLE COUNTY H I (HEAVY INDUSTRIAL) ZONING CLASSIFICATION TO CITY OF WILMINGTON M-1 (LIGHT MANUFACTURING) ZONING CLASSIFICATION; AND (B) TERRITORY 2, BEING 787 SOUGH MADISON STREET (TAX PARCEL ID NO. 07-040.30-001), CONTAINING APPROXIMATELY 3.72 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE BROWNTOWN/HEDGEVILLE ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE FROM NEW CASTLE COUNTY H I (HEAVY INDUSTRIAL) ZONING CLASSIFICATION TO CITY WILMINGTON W-2 (WATERFRONT MANUFACTURING/COMMERCIAL) ZONING CLASSIFICATION; AND (2) AMEND THE BOUNDARIES OF THE FOURTH COUNCILMANIC DISTRICT THE OFFICIAL BUILDING ZONE MAP, AND THE SUPPLEMENTAL BUILDING ZONE MAPS TO ADD THE ANNEXED TERRITORIES INTO THE CITY'S CORPORATE BOUNDARIES

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

Respectfully submitted, Members of
Community and Economic Development Committee
/s/Rysheema Dixon, Chair
/s/Yolanda McCoy, Vice-Chair
/s/Nnamdi O. Chukwuocha
/s/Ernest "Trippi" Congo, II
/s/Zanthia Oliver
/s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Harlee, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

Note: For the purpose of saving time, the Clerk simply read the addresses referenced in the above June 14 Report.

President Shabazz: Can you present the findings please?

Mrs. Seijo (City Clerk): Yes.

The City Clerk read the Factual Findings and upon a motion of Council Member Harlee, seconded by Council Member Freel, the below Factual Findings supporting enacting of Ordinance No. 18-018 to annex and rezone the properties located at 800 South Market Street (Tax Parcel ID No. 10-001.00-015), 810 South Market Street (Tax Parcel ID No. 10-001.00-016), 800 South Walnut Street (Tax Parcel ID Nos. 10-001.00-077, 10-001.00-019, and 10-001.00-020), 0 Garasches Lane (Tax Parcel ID No.

10-001.00-022), and a separate but adjacent property also known as 0 Garasches Lane (Tax Parcel ID No. 26-057.00-050) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington M-1 (Light Manufacturing) zoning classification and 787 South Madison Street (Tax Parcel ID No. 07-040.30-001) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington W-2 (Waterfront Manufacturing/Commercial) zoning classification were made a part of the record. Motion prevailed. City Council's Factual Findings supporting its decision to pass Ordinance No. 18-018 are further reflected in the videotape of the July 12, 2018 City Council meeting and public hearing, which is incorporated herein by reference.

MEMORANDUM

TO: The Honorable Hanifa Shabazz, President of City Council
The Honorable Members of City Council

FROM: Betsy Power, Senior Assistant City Solicitor

CC: Marchelle Basnight, City Council Chief of Staff
Maribel Seijo, City Clerk
Tanya Washington, Mayor's Office Chief of Staff
Herbert M. Inden, Director of Planning
Luke W. Mette, City Solicitor
William B. Larson, Jr., Senior Assistant City Solicitor

DATE: June 7, 2018

RE: **City Council Findings Supporting Enactment of Ordinance No. 18-018 to Annex and Rezone the Properties Located at 800 South Market Street (Tax Parcel ID No. 10-001.00-015), 810 South Market Street (Tax Parcel ID. No. 10-001.00-016), 800 South Walnut Street (Tax Parcel ID Nos. 10-001.00-077, 10-001.00-019, and 10-001.00-020), 0 Garasches Lane (Tax Parcel ID No. 10-001.00-022), and a separate but adjacent property also known as 0 Garasches Lane (Tax Parcel ID No. 26-057.00-050) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington M-1 (Light Manufacturing) zoning classification and 787 South Madison Street (Tax Parcel ID No. 07-040.30-001) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington W-2 (Waterfront Manufacturing/Commercial) zoning classification**

Enclosed please find a copy of the findings (the "Findings") prepared in connection with Council's scheduled public hearing on July 12, 2018 regarding the above-referenced annexation and zoning ordinance (the "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 April 17, 2018. At that meeting, the Planning Commission approved its Resolution No. 12-18, which recommended the annexation and rezoning proposed in the Ordinance. The enclosed Findings support those recommendations.

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

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 18-018

City Council makes the following findings (the “Findings”) regarding the annexation and rezoning of the properties that are the subject of Ordinance No. 18-018 (the “Ordinance”).

Annexation and Rezoning Actions:

Annex and rezone the properties located at 800 South Market Street (Tax Parcel ID No. 10-001.00-015), 810 South Market Street (Tax Parcel ID. No. 10-001.00-016), 800 South Walnut Street (Tax Parcel ID Nos. 10-001.00-077, 10-001.00-019, and 10-001.00-020), 0 Garasches Lane (Tax Parcel ID No. 10-001.00-022), and a separate but adjacent property also known as 0 Garasches Lane (Tax Parcel ID No. 26-057.00-050) (“Territory 1”) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington M-1 (Light Manufacturing) zoning classification and 787 South Madison Street (Tax Parcel ID No. 07-040.30-001) (“Territory 2”) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington W-2 (Waterfront Manufacturing/Commercial) zoning classification

1. Territory 1 is: a) within New Castle County and b) contiguous with the City of Wilmington corporate limits in an area immediately adjacent to the South Wilmington Analysis Area.
2. Territory 2 is: a) within New Castle County; b) contiguous with the City of Wilmington corporate limits on all sides; c) completely isolated from the rest of the Christina Hundred; and d) located within an area immediately adjacent to the Browntown/Hedgeville Analysis Area.
3. The proposed annexation of Territories 1 and 2 will unify Territories 1 and 2 under the governance of a single jurisdiction, the City of Wilmington.
4. The proposed annexation of Territories 1 and 2 will promote economic development of Territories 1 and 2.

5. The proposed annexation of Territories 1 and 2 is consistent with the policies outlined in the City-Wide Plan of Land Use, which was last updated and adopted by City Council on August 27, 2009 and duly certified by the Office of State Planning Coordination on October 21, 2010.
6. The proposed rezoning action for Territory 1 is consistent with the Neighborhood Comprehensive Development Plan for South Wilmington as proposed to be amended, which is being adopted by City Council resolution contemporaneously herewith.
7. The proposed rezoning action for Territory 2 is consistent with the Neighborhood Comprehensive Development Plan for Browntown/Hedgeville as proposed to be amended, which is being adopted by City Council resolution contemporaneously herewith.
8. The proposed rezoning actions for Territories 1 and 2 will have no negative effect on population density patterns and will not overburden public utilities and facilities.
9. The proposed rezoning actions for Territories 1 and 2 will not create or excessively increase traffic congestion or otherwise adversely affect public safety.
10. The proposed rezoning actions for Territories 1 and 2 will not seriously reduce light and air to adjacent areas, but will be consistent with and complementary to the zoning classifications of nearby zoning districts and the property uses therein.
11. The proposed annexation and rezoning actions for Territories 1 and 2 will not adversely affect property values in the adjacent areas, nor will they be a deterrent to the improvement or redevelopment of adjacent properties, but rather should have a positive effect.
12. The proposed annexation and rezoning actions for Territories 1 and 2 will best serve the public welfare and will not constitute a grant of any special privilege to any individual owner of property.
13. The proposed rezoning actions for Territories 1 and 2 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.
14. The proposed annexation and rezoning actions for Territories 1 and 2 will not create any isolated districts, but rather will better relate the subject properties to each area and to future best uses of the properties.

15. Changing conditions in the areas support the proposed annexation and rezoning actions for Territories 1 and 2.
16. The proposed rezoning actions for Territories 1 and 2 are consistent with the adjacent zoning.
17. The proposed rezoning actions for Territories 1 and 2 adhere to the standards set forth in the applicable provisions of Chapter 48 of the City Code, Title 22 of the Delaware Code, and applicable Delaware case law.

CONCLUSION

This concludes the set of Council's Findings for the annexation and rezoning of the properties that are the subject of the Ordinance, as illustrated on the maps attached to the Ordinance. The Ordinance incorporates the recommendations of the City Planning Commission regarding the proposed annexation and rezoning actions, which were approved at the Planning Commission meeting on April 17, 2018 and contained in its Resolution 12-18.

Council Member Harlee: Ok, Council President, I have Ordinance 18-018 to call for the third and final reading.

Council Member Harlee presented and called for the third and final reading Ordinance No. 18-018 (Agenda #4513) entitled:

AN ORDINANCE TO (1) ANNEX AND REZONE THE FOLLOWING EIGHT (8) PARCELS OF LAND: (A) TERRITORY 1, BEING 800 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-015), 810 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-16), SOUTH WALNUT STREET (TAX PARCEL ID NOS. 10-001.00-077, 10-001.00-019, AND 10-001.00-020), 0 GARACHES LANE (TAX PARCEL ID NO. 10-001.00-022), AND A SEPARATE BUT ADJACENT PROPERTY ALSO KNOWN AS 0 GARASCHES LANE (TAX PARCEL ID NO. 26-057.00-050), CONTAINING APPROXIMATELY 4.51 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE SOUTH WILMINGTON ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE FROM NEW CASTLE COUNTY H I (HEAVY INDUSTRIAL) ZONING CLASSIFICATION TO CITY OF WILMINGTON M-1 (LIGHT MANUFACTURING) ZONING CLASSIFICATION; AND (B) TERRITORY 2, BEING 787 SOUGH MADISON STREET (TAX PARCEL ID NO. 07-040.30-001), CONTAINING APPROXIMATELY 3.72 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE BROWNTOWN/HEDGEVILLE ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE FROM NEW CASTLE COUNTY H I (HEAVY INDUSTRIAL) ZONING CLASSIFICATION

TO CITY WILMINGTON W-2 (WATERFRONT
MANUFACTURING/COMMERCIAL) ZONING CLASSIFICATION;
AND (2) AMEND THE BOUNDARIES OF THE FOURTH
COUNCILMANIC DISTRICT THE OFFICIAL BUILDING ZONE
MAP, AND THE SUPPLEMENTAL BUILDING ZONE MAPS TO
ADD THE ANNEXED TERRITORIES INTO THE CITY'S
CORPORATE BOUNDARIES

Upon a motion of Council Member Harlee, seconded by Council Members Freel and Dixon, the above Ordinance was before the Council for its consideration.

President Shabazz: Please, please give the reasons for your vote, um, if it's depending upon the findings. Roll call.

The 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, based on the findings; Oliver: yes, based on the findings; Harlee: yes, based on the findings; Williams: yes, based on findings; Freel: yes, based on the findings; Adams: yes, based on findings; and Dixon: yes, based on findings; and Council President Shabazz: yes, based on findings. Total, eight. Nays, none. Absent, Council Members Congo, Turner, McCoy, Guy and Walsh. Total, five.

President Shabazz: Declare it adopted.

Council Member Harlee: That's all I have Council President.

President Shabazz: Council Member Dixon.

Council Member Dixon: Permission to be excused.

President Shabazz: Yes ma'am. Thank you. Council Member Williams.

Council Member Williams: Madam President, I have an Ordinance to present and call for the third and final reading.

Council Member Williams presented and called for the third and final reading Ordinance No. 18-040 (Rev. 1, Agenda #4559) entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE
CITY CODE REGARDING OFF-HIGHWAY VEHICLES

Upon a motion of Council Member Williams, seconded by Council Member Chukwuocha, the above Ordinance was before the Council for its consideration. Council Member Williams spoke on the purpose of the Ordinance and made comments.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Williams, Freel and Adams, and Council President Shabazz. Total, seven. Nays, none. Absent, Council Members Congo, Turner, McCoy, Dixon, Guy and Walsh. Total, six.

President Shabazz: Declare it adopted.

Council Member Williams: Thank you. That's all I have Madam.

President Shabazz: Thank you. Council Member Freel.

Council Member Freel: Yes, I have an Ordinance and a Resolution.

Council Member Freel presented and called for the third and final reading Ordinance No. 18-036 (Agenda #4553) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS OR A GENERAL OBLIGATION BOND ANTICIPATION NOTE, IN ORDER TO PROVIDE THE FUNDS NECESSARY TO FINANCE STREET REPAIRS AND IMPROVEMENTS OF VARIOUS STREETS AND ROADWAYS LOCATED WITHIN THE CITY LIMITS; PROVIDING FOR THE SALE OF THE BONDS OR THE NOTE; AND AUTHORIZING OTHER NECESSARY ACTION

Upon a motion of Council Member Freel, seconded by Council Member Williams, the above Ordinance was before the Council for its consideration. Council Member Freel spoke on the purpose of the Ordinance and made comments.

President Shabazz: Councilman Adams.

Council Member Adams made comments.

President Shabazz: Councilman Freel.

Council Member Freel made additional comments.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Williams

and Freel. Total, five. Nays, Council Member Adams and Council President Shabazz.
Total, two. Absent, Council Members Congo, Turner, McCoy, Dixon, Guy and Walsh.
Total, six.

President Shabazz: Declare it defeated. Please recognize Councilwoman
Dixon.

Mrs. Seijo (City Clerk): So noted.

Council Member Freel: Madam President, I have a Resolution to present.

On behalf of President Shabazz, Council Member Freel presented
Resolution No. 18-057 (Rev. 1, Agenda #4563) as follows:

WHEREAS, Section 2-369 of the City Code requires grants awarded by
the Mayor, City Council or the City Treasurer in the amount of \$5,000 or more to be
approved by resolution of City Council; and

WHEREAS, City Council wishes to award a grant to the Wilmington
Education Strategies Think Tank (WESTT), a program for which the Christina Cultural
Arts Center is the fiduciary agent, in the amount of \$40,000; and

WHEREAS, this grant funding will support the work of WESTT in
championing the cause of enhanced educational opportunities for Wilmington youth
through advocacy efforts and the fostering of collaborations across sectors and between
levels of government; and

WHEREAS, this cause is closely aligned with the priorities of the City
Council Strategic Planning Process, specifically in its focus on youth, and support for
youth in the educational process.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF WILMINGTON**, that City Council hereby approves the issuance of a
grant from City Council to the Wilmington Education Strategies Think Tank (WESTT), a
program for which the Christina Cultural Arts Center is the fiduciary agent, in the amount
of \$40,000.

Upon a motion of Council Member Freel, seconded by Council Member
Williams, the above Resolution was before the Council for its consideration. Council
Member Freel spoke on the purpose of the Resolution and made comments.

President Shabazz: Councilwoman Harlee.

Council Member Harlee made comments and requested to be added as co-
sponsor.

President Shabazz: So noted. Clerk will call the roll.

The Resolution was received, adopted as read and directed to be recorded
and filed by the following Yea and Nay Vote: Yeas, Council Members Oliver, Harlee,

Williams, Freel, Adams and Dixon, and Council President Shabazz. Total, seven. Present, Council Member Chukwuocha. Total, one. Nays, none. Absent, Council Members Congo, Turner, McCoy, Guy and Walsh. Total, five.

President Shabazz: Declare it adopted. Council Member Adams.

Council Member Adams: No legislation tonight ma'am, thank you.

President Shabazz: Council Member Chukwuocha.

Council Member Chukwuocha: Madam President, I move that Council dissolve into the Committee of the Whole for the purpose of holding a public hearing on Ordinance 18-033.

Council Member Williams: Second.

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, Council dissolved into the Committee of the Whole for the purpose of holding a public hearing.

PUBLIC HEARING
AMEND CHAPTER 48 OF THE CITY CODE
TO UPDATE THE ZONING CODE (ORDINANCE NO. 18-033)

President Shabazz: The Clerk will read the Affidavit.

The City Clerk read the Affidavit of Publication. Upon a motion of Council Member Chukwuocha, seconded by Council Members Freel and Williams, the Affidavit of Publication was made a part of the record. Motion prevailed.

Note: The Affidavit of Publication is added into the record and are attached herein as an insert from Page 31 through Page 32.



The News Journal
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06/15/18 A.D 2018

Sworn and subscribed before me, this 15 day of June,
2018

Ad Number: 0002980801

Legal notice 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. 18-033, 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 July 12, 2018 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. 18-033 entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO UPDATE THE ZONING CODE

Ordinance No. 18-033 was introduced in City Council at a regular meeting held on June 7, 2018 and received 1st & 2nd readings at that time. Resolution No. 18-047 was adopted by City Council at the meeting of City Council held on June 7, 2018 directing that a public hearing on same be held by City Council on July 12, 2018 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. 18-033 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 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 City Clerk
DR. HANIFA SHABAZZ, President MARIBEL SEIJO
6/15-NJ

President Shabazz: Clerk please read the Planning Commission Report.

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Chukwuocha, seconded by Council Members Williams and Freel, the Planning Commission Report was made a part of the record. Motion prevailed. The Planning Commission's Report constituting the recommendations to City Council are further reflected in the videotape of the July 12, 2018 City Council meeting and public hearing, which is incorporated herein by reference.

President Shabazz: I ask that a Planning Department representative come forth and present their report.

Mr. Tim Lucas (Department of Planning and Development) did a presentation.

President Shabazz: Questions from members of Council.

Council Member Harlee raised a question and Mr. Lucas responded.

President Shabazz: Any other questions from members of Council? Are there any questions from the public or questions or comments from members of the public for or against? Come forward please. While she's coming forward I'd like to make sure that I formally recognize Councilwoman Dixon is in attendance.

Mrs. Seijo (City Clerk): So noted.

Ms. Erin Goldner made comments and raised a question and Mr. Lucas responded.

President Shabazz: Any other comments from the members of the public? Come forward please. Please identify yourself.

Ms. Myra Brown made a comment not related to the public hearing and President Shabazz noted that this public hearing deals with zoning changes, and therefore, the comments should be relevant to the report that was given by the Planning Department.

President Shabazz: Any other comments from the public regarding the Planning Department's report on this Ordinance that we're discussing this evening? Hearing none, I'd accept a motion...

Council Member Chukwuocha: Madam President, Madam President, I move to return to the regular order of business.

Council Members Freel and Williams: Second.

Upon a motion of Council Member Chukwuocha, seconded by Council Members Freel and Williams, Council returned to Regular Order of Business. Motion prevailed.

REGULAR ORDER OF BUSINESS

President Shabazz: Clerk read the committee report.

The City Clerk read the following committee report:

<u>Community Development & Urban Planning Committee Members</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Rysheema Dixon, Chair	X		
Yolanda McCoy, Vice-Chair	X		
Nnamdi O. Chukwuocha	X		
Ernest "Trippi" Congo, II	X		
Zanthia Oliver	X		
Va'Shun "Vash" Turner		X	
Dr. Hanifa Shabazz, Ex-Officio	X		

President and Members of Council of
The City of Wilmington

June 14, 2018

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee, to who was referred **Ordinance No. 18-033** entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO UPDATE THE ZONING CODE

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

Respectfully submitted, Members of
Community Development & Urban Planning Committee
/s/Rysheema Dixon, Chair
/s/Yolanda McCoy, Vice-Chair
/s/Nnamdi O. Chukwuocha
/s/Ernest "Trippi" Congo, II
/s/Zanthia Oliver
/s/Hanifa Shabazz, Ex-Officio Member

Upon a motion of Council Member Chukwuocha, seconded by Council Member Freel, the Report was received, recorded and filed. Motion prevailed.

President Shabazz: I ask that the Clerk read the findings.

The City Clerk read the Factual Findings and upon a motion of Council Member Chukwuocha, seconded by Council Member, the below Factual Findings supporting enactment of Ordinance No. 18-033 to amend Chapter 48 of the City Code to update the zoning code was made a part of the record. Motion prevailed. City Council's Factual Findings supporting its decision to pass Ordinance No. 18-033 are further reflected in the videotape of the July 12, 2018 City Council meeting and public hearing, which is incorporated herein by reference.

MEMORANDUM

TO: The Honorable Hanifa Shabazz, President of City Council
The Honorable Members of City Council

FROM: William B. Larson, Jr., Senior Assistant City Solicitor

CC: Marchelle Basnight, City Council Chief of Staff
Maribel Seijo, City Clerk
Tanya Washington, Mayor's Office Chief of Staff
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DATE: July 10, 2018

RE: **City Council Findings Supporting Enactment of Ordinance No. 18-033 to Amend Chapter 48 of the City Code to Update the Zoning Code**

Enclosed please find a copy of the findings (the "Findings") prepared in connection with Council's scheduled public hearing on July 12, 2018 regarding the above-referenced zoning ordinance (the "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 May 22, 2018. At that meeting, the Planning Commission approved its Resolution No. 15-18, which recommended the Zoning Code changes proposed in the Ordinance. The enclosed Findings support those recommendations.

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

FINDINGS SUPPORTING ENACTMENT OF ORDINANCE NO. 18-033

City Council makes the following findings (the “Findings”) regarding the zoning code changes that are the subject of Ordinance No. 18-033 (the “Ordinance”).

Zoning Action:

An Ordinance to Amend Chapter 48 of the City Code to Update the Zoning Code

1. The proposed amendment in Section 1 of the Ordinance eliminates an impractical parking requirement in the Central Retail and Central Office districts.
2. The proposed amendment in Section 2 of the Ordinance makes the floor to area ratio requirement in the Central Office district uniform and better matches current land use trends.
3. The proposed amendment in Section 3 of the Ordinance deletes an outdated cross reference and inserts the applicable language into the Zoning Code to make current practice clearer for the public.
4. The proposed amendment in Section 4 of the Ordinance gives the Zoning Manager the ability to address in the first instance reestablishment of uses discontinued because of renovations. This process is more efficient and retains Zoning Board of Adjustment involvement for appeals.
5. The proposed amendment in Section 5 of the Ordinance provides a more realistic time frame in which to make repairs to damaged properties than the timeframe presently contained in the Zoning Code.
6. The proposed amendment in Section 6 of the Ordinance will allow non-profits and community associations greater flexibility to assist the City with local parks.
7. The proposed amendment in Section 7 of the Ordinance provides a cross-reference to help the public learn about Best Management Practices for storm water runoff and pollutants in parking lots, which will help improve the environment.
8. The proposed amendment in Section 8 of the Ordinance seeks to preserve street trees and clarifies that parking lot owners are responsible for their care, which will help preserve the beauty of Wilmington.
9. The proposed amendments in Sections 9 and 10 of the Ordinance eliminate a defunct practice of issuing “development permits,” which serves no practical purpose given the other existing permitting requirements.

10. The proposed amendment in Section 11 of the Ordinance provides an additional permitted use with Zoning Board of Adjustment approval in W-4 zones to encourage responsible development in that type of district.

CONCLUSION

This concludes the set of Council's Findings for the updates to the Zoning Code that are the subject of the Ordinance. The Ordinance incorporates the recommendations of the City Planning Commission regarding the proposed changes to the Zoning Code, which were approved at the Planning Commission meeting on May 22, 2018 and contained in its Resolution 15-18.

President Shabazz: We now accept the Ordinance.

Council Member Chukwuocha: Madam President, I have an Ordinance to present on your behalf and call for the third and final reading.

On behalf of President Shabazz, Council Member Chukwuocha presented and called for the third and final reading Ordinance No. 18-033 (Agenda #4549) entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO UPDATE THE ZONING CODE

Upon a motion of Council Member Chukwuocha, seconded by Council Member Williams, the above Ordinance was before the Council for its consideration.

President Shabazz: I ask that all members in your voting, please indicate...

Council Member Freel: Madam President, on the question.

President Shabazz: On the question, I'm sorry.

Council Member Freel: Madam President, at this time I'd like to offer a floor amendment and I would like to strike the entirety of Section 4 of the Ordinance and the subsequent section should than be renumbered appropriately. Five becoming four, six becoming five, etc. and I'd also like to strike the clause, and in the synopsis explaining the effects of Section 4, which will be stricken through this amendment.

Council Member Williams: Second.

President Shabazz: It's been properly moved and seconded that the amendment that was presented and read would be accepted. All those in favor – I mean, on the question.

Council Member Freel: Just briefly, I just think there's needs to be more of a discussion on this particular item.

Council Member Oliver: Second.

President Shabazz: The amendment has been moved and seconded - - it's been moved and seconded on the amendment, and I take a roll call on the amendment as presented.

Mrs. Seijo (City Clerk): The actual Ordinance or the majority?

President Shabazz: No, the amendment.

Mrs. Seijo (City Clerk): Ok.

President Shabazz: We didn't – we haven't voted on the amendment yet.

Mrs. Seijo (City Clerk): Ok, is it a voice vote?

President Shabazz: A voice vote? A voice vote – all those in favor signify by saying “Aye”, any opposed? Amendment accepted. Now we can do a roll call on the Ordinance as amended.

The Ordinance, **As Amended**, 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, based on findings; Oliver: yes, based on the findings; Harlee: yes, based on findings; Williams: yes, based on findings; Freel: yes, based on findings; Adams: yes, based on findings; and Dixon: yes, based on findings; and Council President Shabazz: yes, based on findings. Total, eight. Nays, none. Absent, Council Members Congo, Turner, McCoy, Guy and Walsh. Total, five.

President Shabazz: Declare it adopted. Thank you. Councilman Guy. Council Member Walsh.

Council Member Williams: Madam President, I have a Resolution to present on behalf of Councilwoman Walsh.

On behalf of Council Member Walsh, Council Member Williams presented Resolution No. 18-058 (Agenda #4565):

WHEREAS, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary prior to Council's approval by resolution; and

WHEREAS, the Wilmington Fire Department submitted a grant application to the U.S. Department of Homeland Security in the amount of \$24,992.00 to sustain and improve the Wilmington Fire Department Fire Boat; and

WHEREAS, the grant funds will be used to update to a Casacade/CBNE control panel, update the navigational system, and update the all-weather visibility enhancement system on the Fire Boat; and

WHEREAS, the grant does not require any matching funds; and

WHEREAS, the Council deems it necessary and proper to authorize the grant application, for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Wilmington Fire Department's grant application to the U.S. Department of Homeland Security in the amount of \$24,992.00 to sustain and improve the Wilmington Fire Department Fire Boat is hereby authorized.

BE IT FURTHER RESOLVED that the Chief of the WFD or his designee is hereby authorized to take all necessary actions to apply for and accept any and all funds associated with the grant application and to fulfill the grant requirements.

FISCAL IMPACT STATEMENT: There is no negative fiscal impact to the City by accepting this grant. The grant requires no matching funds.

Upon a motion of Council Member Williams, seconded by Council Member Freel, the above Resolution was before the Council for its consideration. Council Member Williams spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The 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, Oliver, Harlee, Williams, Freel, Adams and Dixon, and Council President Shabazz. Total, eight. Nays, none. Absent, Council Members Congo, Turner, McCoy, Guy and Walsh. Total, five.

President Shabazz: Declare it adopted.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Council Member Freel, seconded by Council Member Williams, Council adjourned at 8:15 p.m. Motion prevailed.

Attest: 
Maribel Seijo, City Clerk