

*Wilmington, Delaware
Louis L. Redding
City/County Building
July 11, 2019*

City 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 Gray, Congo, Oliver, Harlee, Turner, McCoy, Freel, Adams and Dixon, and Council President Shabazz. Total, ten. Absent without leave, Council Member Guy. Absent with leave, Council Member Walsh. Total, two.

MINUTES

After reading a portion of the minutes of July 1, 2019, upon a motion of Council Member Congo, 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		
Ciro Adams	X*		
Linda M. Gray	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

April 22, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred
Ordinance No. 19-023 entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CITY CODE
BY AMENDING SECTION 44-68 THEREOF REGARDING THE
VACANT BUILDINGS REHABILITATION TAX INCENTIVE
PROGRAM

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/Linda Gray*
/s/Ciro Adams*
/s/ Zanthia Oliver*
/s/Hanifa Shabazz, Ex-Officio Member

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

Council Member Gray: Um, what committee was that, that I was absent from? I'm sorry, I'm not aware.

President Shabazz: Finance & Economic Development Committee.

Council Member Gray: I was at that committee meeting. The one July 2nd?

Mrs. Seijo (City Clerk): April 22nd.

President Shabazz: April 22nd.

Council Member Freel: That was April 22nd.

Council Member Gray: Thank you. I wasn't.

President Shabazz repeated the above-referenced motion and the motion prevailed.

*Note: At the August 22 Council meeting, the minutes herein were corrected to reflect Council Members Adams, Gray and Oliver were present.

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		
Ciro Adams	X*		
Linda M. Gray	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

April 22, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred
Ordinance No. 19-024 entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CITY CODE
BY AMENDING SECTION 44-70 THEREOF REGARDING THE
TAX INCENTIVE PROGRAM FOR CITY HISTORIC DISTRICT
AND NATIONAL REGISTER PROPERTIES

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/Linda Gray*
/s/Ciro Adams*
/s/ Zanthia Oliver*
/s/Hanifa Shabazz, Ex-Officio Member

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

Council Member Turner: Thank you Madam President, why, why we're
doing committee reports for April 22nd in July? Is there a reason that we didn't do
committee reports, um, any other months before, before now on this particular, any
particular?

President Shabazz: City Clerk, will you respond please.

Mrs. Seijo (City Clerk): Those items that are - um, mentioned, those ordinances didn't come up for vote until now. We read the committee reports as they come up on the agenda for legislation.

Council Member Turner: So, so that would be from the sponsor, the sponsor, he didn't put on the agenda until now, is that what you're saying?

President Shabazz: No. I think what's she's saying they didn't come out of the committee until - they didn't come out of committee and that's when the committee report is being presented now.

Council Member Turner: So, they didn't come out of committee April 22nd?

Mrs. Seijo (City Clerk): They did but not - they weren't on the agenda until today for this meeting.

Council Member Turner: And that, and that would be because of the sponsor didn't put it on the agenda for this - till this meeting?

Mrs. Seijo (City Clerk): No different than any other sponsor putting anything on the agenda for a specific meeting date.

President Shabazz repeated the above-referenced motion and the motion prevailed.

*Note: At the August 22 Council meeting, the minutes herein were corrected to reflect Council Members Adams, Gray and Oliver were present.

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		
Ciro Adams	X*		
Linda M. Gray	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

April 22, 2019

Ladies and Gentlemen:

We, your Finance & Economic Development Committee, to who was referred
Ordinance No. 19-025 entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE CITY CODE
BY AMENDING SECTION 44-71 THEREOF REGARDING THE
REAL ESTATE TAX EXEMPTION PROGRAM

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/Linda Gray*
/s/Ciro Adams
/s/Hanifa Shabazz, Ex-Officio Member

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

*Note: At the August 22 Council meeting, the minutes herein were corrected to reflect
Council Members Adams and Gray were present.

TREASURER'S REPORT

The following Treasurer's Report as of July 11, 2019, was read into the
record by City Clerk and upon a motion of Council Member Congo, seconded by Council
Member Freel, the Report was received, recorded and filed. Motion prevailed.

Note: The Treasurer's Report is included herein as an insert from Page 6 to Page 7.

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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@wilmingtonde.gov



City of Wilmington Treasurer's Report as of July 11, 2019

Cash on Hand:

General Account	M & T Bank	\$8,105,833.14
Central Deposit	M & T Bank	\$97,098.49
Payroll	M & T Bank	\$874,376.68
Total Petty Cash Accounts	M & T Bank	\$11,909.11
Grant-In-Aid	M & T Bank	\$154,656.55
Evidence/Found Currency Account	M & T Bank	\$971,409.87
Rent Withholding Escrow	M & T Bank	\$4,137.97
Capital Projects Account	M & T Bank	\$1.00
Cement Workers Escrow	WSFS Bank	\$33,631.58
Police Department Discretionary	M & T Bank	\$23,688.49
Pension Payroll Account	M & T Bank	\$82,266.25
Old Non-Uniform Pension Account -Plan 1	M & T Bank	\$1,592.81
Non-Uniform Pension-Plan 2	M & T Bank	\$1,903.79
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$192,637.52
Police Pension Account	M & T Bank	\$205,909.21
Fire Pension Account	M & T Bank	\$14,074.42
Worker's Comp 3rd Party Account	M & T Bank	\$25,000.00
Retiree Healthcare Account	M & T Bank	\$449,120.31
SubTotal		\$11,249,247.19
Total Cash on Hand		\$11,249,247.19

INVESTMENTS July 11, 2019:

Fund	Institution	Invest. Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
GENERAL FUND:						
General	WSFS	CD	7/11/2019	2.35%	\$7,210.96	\$2,000,000.00
General	WSFS	CD	7/18/2019	2.40%	\$19,791.78	\$3,500,000.00
General	WSFS	CD	7/25/2019	2.35%	\$9,013.70	\$2,000,000.00
General	WSFS	CD	8/1/2019	2.30%	\$7,719.18	\$3,500,000.00
General	TD	CD	8/1/2019	2.12%	\$3,534.25	\$2,000,000.00
General	WSFS	CD	8/15/2019	2.30%	\$7,751.48	\$2,510,462.34
General	WSFS	CD	8/15/2019	2.30%	\$3,087.67	\$1,000,000.00
General	TD	CD	8/22/2019	2.12%	\$8,802.74	\$3,000,000.00
General	TD	CD	9/26/2019	2.31%	\$41,997.08	\$5,500,000.00
General ¹	WSFS	CD	11/13/2019	2.45%	\$221,372.60	\$17,000,000.00
SUB-TOTAL:						\$42,010,462.34
CAPITAL FUND:						
Capital ≤ 2015	TD	CD	7/18/2019	2.34%	\$69,317.57	\$16,610,367.37
Capital ≥ 2018	WSFS	CD	9/5/2019	2.16%	\$73,035.67	\$17,144,524.00
SUB-TOTAL:						\$33,754,891.37
RISK MGMT:						
Risk Management	TD	CD	9/29/2019	2.04%	\$41,832.17	\$8,202,385.97
Worker's Comp	TD	CD	9/29/2019	2.04%	\$41,832.17	\$8,202,385.97
Retiree Medical Escrow	Vanguard-OPEB					\$23,701,584.00
SUB-TOTAL:						\$40,106,355.94
PENSION FUND:						
Non-Uniform 1990	WSFS	CD	7/30/2019	2.30%	\$10,033.36	\$4,825,000.00
Fire	WSFS	CD	7/30/2019	2.30%	\$2,432.96	\$1,170,000.00
Police	WSFS	CD	7/30/2019	2.25%	\$790.19	\$380,000.00
Escrow Pension	Edgar Lomax					\$22,975,409.00
Escrow Pension	Vanguard Fixed					\$39,254,312.00
Escrow Pension	Earnest Partners					\$24,179,937.00
Escrow Pension	Wilmington Trust					\$36,105,868.00
Escrow Pension	Vanguard Stock Index					\$38,751,713.00
Escrow Pension	Artisan Global					\$7,704,212.00
Escrow Pension	Dodge & Cox					\$11,052,305.00
Escrow Pension	Fidelity					\$19,223,726.00
Escrow Pension	Harding Loevner					\$8,725,878.00
Escrow Pension	MFS Management					\$21,995,504.00
Escrow Pension	Clarion Lyon					\$6,221,101.00
Escrow Pension	Morgan Stanley					\$5,873,624.00
SUB-TOTAL:						\$248,438,589.00
OTHER:						
Deferred Comp.	MassMutual					\$48,588,416.81
Contractual Requirements	WSFS	CD	8/15/2019	2.35%	17,795.58	\$3,037,356.74
Port Debt	WSFS	CD	12/12/2019	2.30%	\$24,119.43	\$2,025,211.00
Total Investments						\$414,923,926.46
Total Cash on Hand						\$11,249,247.19
Grand Total						\$426,173,173.65

¹ Budget Reserve

Velda Jones Potter
Velda Jones-Potter, City Treasurer

NON-LEGISLATIVE BUSINESS

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

Oliver	Sympathy Lambert G. Johnson, Sr.
Oliver	Sympathy Dorothy Brown
Oliver	Sympathy Craig Washington
Freel	Recognize Michael Hart

LEGISLATIVE BUSINESS

President Shabazz: Council Member Gray, any legislation this evening.

Council Member Gray: Um, no Madam President.

President Shabazz: Council Member Congo.

Council Member Congo: Nothing tonight Madam President, thank you.

President Shabazz: Council Member Oliver.

Council Member Oliver: Yes, Madam President, I have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member Oliver presented Resolution No. 19-040 (Agenda #4691) 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 grants to 16 prominent organizations in the Wilmington community for a total of \$85,000; and

WHEREAS, these organizations provide the Wilmington community with vital resources and services; and

WHEREAS, it is important that we support organizations that provide youth activities, senior services, and community aid; and

WHEREAS, when we support our community and the various groups that comprise it, we grow stronger as a City; and

WHEREAS, City Council wishes to award the following organizations and grant amounts to total \$85,000:

•	Stop the Violence Prayer Chain Foundation	\$5,000
•	I Am My Sister's Keeper	\$5,000
•	Bernice's Educational School Age Center, Inc.	\$5,000
•	Reeds' Refuge	\$5,000
•	Christina Cultural Arts Center	\$5,000
•	Grand Opera House	\$5,000
•	Culture Restoration Project – Beyond Those Bars	\$5,000
•	Wilmington Senior Center	\$10,000
•	Leading Youth Through Empowerment	\$5,000
•	Police Athletic League of Wilmington	\$5,000
•	Safe United Neighborhoods	\$5,000
•	TeenSHARP	\$5,000
•	Neighborhood House (South Wilmington)	\$5,000
•	Kingswood Community Center	\$5,000
•	Hilltop Lutheran Neighborhood Center	\$5,000
•	Wilmington Green Box	\$5,000

WHEREAS, this cause is closely aligned with the priorities of the City Council Strategic Planning Process, specifically in the pursuit of being safe and secure and a community for all ages; and

WHEREAS, Stop the Violence Prayer Chain Foundation is focused on providing for the needs of at-risk youth and their families who have lost loved ones due to gun violence and domestic violence; and

WHEREAS, I Am My Sister's Keeper provides leadership development and entrepreneurial skills training for young girls that focuses on empowering them and teaching them how to positively impact their community; and

WHEREAS, Bernice's Educational School Age Center is a licensed center that provides child care, academic and enrichment services to children from 6-weeks to 18 years of age and their parents. This Center primarily serves Wilmington's economically disadvantaged families; and

WHEREAS, Reeds' Refuge Center is a community-focused organization that provides children with a safe-haven away from violence, drugs, guns and idle minds by connecting youth with their creative potential; and

WHEREAS, the mission of the Christina Cultural Arts Center is to make affordable arts, education, career pathways, gallery and live performance programs accessible to youth and adults in a welcoming environment; and

WHEREAS, the Grand Opera House has been providing residents and visitors of Wilmington for over 140 years with diverse live performances and a wide variety of community engagement programs for children, adults and adults in the region; and

WHEREAS, the Culture Restoration Project's Beyond Those Bars program confronts the challenges that our youth face with literacy. This program utilizes interactive and unique hip-hop based workshops to develop reading, writing and critical thinking skills that drive participants to be purposeful contributors to the community; and

WHEREAS, Wilmington Senior Center provides programs that respond to critical community needs and helps seniors experience healthy and independent aging, manage chronic disease effectively and reduce economic insecurity; and

WHEREAS, the organization Leading Youth Through Empowerment focuses on increasing access for low-income middle school students to top performing Delaware high schools through personal mentoring, rigorous teaching and leadership; and

WHEREAS, the Police Athletic League of Wilmington provides youth with a safe haven to go to after school and channels their energies in positive directions to promote self-esteem, good life choices and healthy lifestyles; and

WHEREAS, Safe United Neighborhoods is a nonprofit organization created to promote clean and safe environments by working to reduce crime with the Wilmington Police Department and providing youth activities; and

WHEREAS, TeenSHARP provides low-income, black and Latino youth access to premier leadership opportunities, trains them to be ambassadors of higher education in their communities, and prepares them for success at selective colleges and universities; and

WHEREAS, the Neighborhood House in South Wilmington provides programs that educate, enlighten and empower people to improve their lives through various comprehensive services; and

WHEREAS, the Kingswood Community Center offers programs for children and adults with a mission of enabling people in Northeast Wilmington and surrounding communities to achieve their potential for economic, social and personal well-being; and

WHEREAS, Hilltop Lutheran Neighborhood Center's primary purpose is to provide supplemental educational activities for youth in the Hilltop area of the City of

Wilmington so they are able to effectively compete academically and socially for career opportunities and higher education; and

WHEREAS, Wilmington Green Box is a non-profit project that provides youth with entrepreneur jobs while supplying urban city communities with direct access to produce and delicious healthy goods.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that City Council states its intent to award 16 organizations in the Wilmington community with grants to total \$85,000.

Upon a motion of Council Member Oliver, seconded by Council Members Freel and McCoy, the above-referenced Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Resolution. Council Member Gray made comments. Council Member Harlee made comments. Council Member Congo made comments. Council Member Adams made comments. Council Member McCoy made comments. President Shabazz made comments and responded to previously stated comments. Council Member Oliver made comments. Council Member Turner made comments. President Shabazz responded to Council Member Turner's comments. Council Member Turner made additional comments. Council Member Gray made additional comments. President Shabazz responded to Council Member Gray's comments. Council Member Adams made additional comments. Council Member Oliver made additional comments.

President Shabazz: Roll Call please.

The above-referenced Resolution was received, **Defeated** as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Oliver, Freel and Adams, and Council President Shabazz. Total, four. Nays, Council Members Gray, Congo, Harlee, Turner, McCoy and Dixon. Total, six. Absent, Council Members Guy and Walsh. Total, two.

President Shabazz: Declare it defeated. Councilwoman Oliver.

Council Member Oliver: Yes, Madam President, I have final reading of the Ordinance to present and call for the third and final reading.

Mrs. Seijo (City Clerk): You have to dissolve into the Committee of the Whole.

Council Member Oliver: Oh, that threw me off, I'm sorry. I move the Council dissolve into the Committee of the Whole for the purpose of holding a public hearing on Ordinance 19-033.

Upon a motion of Council Member Oliver, seconded by Council Members Gray and Freel, Council dissolved into the Committee of the Whole for the purpose of having a public hearing. Motion prevailed.

PUBLIC HEARING

AMEND CHAPTER 48 OF THE CITY TO PERMIT INDOOR COMMERCIAL HORTICULTURAL OPERATIONS AS A MATTER OF RIGHT WITHIN M-1 (LIGHT MANUFACTURING), C-5 (HEAVY COMMERCIAL), W-1 (WATERFRONT MANUFACTURING), W-2 (WATERFRONT MANUFACTURING/COMMERCIAL), AND W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICTS

President Shabazz: Clerk can you please read the Affidavit of Publication.

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

Note: The Affidavit of Publication was added into the record and is attached herein as an insert from Page 13 through Page 14.

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The News Journal
Media Group

A GANNETT COMPANY

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WILMINGTON, DE 19801

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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:

06/21/19 A.D 2019

Davis

Ad Number: 0003640785

Kathleen A Gibson

Sworn and subscribed before me, this 21 day of June,
2019

Legal notification printed at larger size for affidavit.



Notice of time and place of a public hearing before Wilmington City Council on Ordinance No. 19-033, which proposes to amend Chapter 48 of the Wilmington City Code.

Please take notice that a public hearing will be held in the Council Chambers, 1st floor, City/County Building, 800 N. French Street, Wilmington, Delaware on July 11, 2019 at 6:30 p.m. before Wilmington City Council, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. 19-033 entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO PERMIT INDOOR COMMERCIAL HORTICULTURAL OPERATIONS AS A MATTER OF RIGHT WITHIN M-1 (LIGHT MANUFACTURING), C-5 (HEAVY COMMERCIAL), W-1 (WATERFRONT MANUFACTURING), W-2 (WATERFRONT MANUFACTURING/COMMERCIAL), AND W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICTS

Ordinance No. 19-033 was introduced in City Council at a regular meeting held on June 20, 2019 and received 1st & 2nd readings at that time. Resolution No. 19-025, adopted at the June 20, 2019 City Council meeting, directs that a public hearing on Ordinance No. 19-033 be held by City Council on July 11, 2019 at 6:30 p.m. in the Council Chambers and directs the President of City Council and the Wilmington City Clerk to give public notice of said hearing in the manner and form required by the Zoning Enabling Act and the Wilmington City Code.

Ordinance No. 19-033 proposes to amend the existing Wilmington Zoning Code.

This notice is given pursuant to the provisions of Sec. 48-51 of the Wilmington City Code providing that the Wilmington Zoning Code 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 on Saturdays, Sundays, and holidays.

By direction of City Council
Hanifa Shabazz, President
6/21-NJ

City Clerk
MARIBEL SEJO

President Shabazz: Clerk please read the Planning Commission Report.

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Oliver, seconded by Council Member 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 11, 2019 City Council meeting and public hearing, which is incorporated herein by reference.

Ms. Gwinneth Kaminsky (Planning Manager with the Department of Planning) did a presentation, which is reflected in the videotape of the July 11, 2019 City Council meeting and public hearing thereby incorporated herein by reference. Council Member Gray raised a question and Ms. Kaminsky responded.

The floor was opened for anyone from the public to speak for or against the proposed rezoning, however, nobody requested the privilege of the floor.

Upon a motion of Council Member Oliver, seconded by Council Member Freel, Council returned to Regular Order of Business. Motion prevailed.

REGULAR ORDER OF BUSINESS

President Shabazz: Clerk, um, I ask that you 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		
Ernest "Trippi" Congo, II	X		
Linda M. Gray		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 27, 2019

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee, to who was referred **Ordinance No. 19-033** entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO PERMIT INDOOR COMMERCIAL HORTICULTURAL OPERATIONS AS A MATTER OF RIGHT WITHIN M-1 (LIGHT MANUFACTURING), C-5 (HEAVY COMMERCIAL), W-1 (WATERFRONT MANUFACTURING), W-2 (WATERFRONT MANUFACTURING/COMMERCIAL), AND W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICTS

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/Ernest "Trippi" Congo, II

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

President Shabazz: Clerk, I ask if there are any findings?

Mrs. Seijo (City Clerk): Yes, Madam President.

The City Clerk read the Factual Findings and upon a motion of Council Member Oliver, seconded by Council Member Freel, the below Factual Findings supporting City Council's decision to pass Ordinance No. 19-033 to permit indoor commercial horticultural operations as a matter of right with M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial) and W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning Districts were made a part of the record. Motion prevailed. City Council's Factual Findings supporting its decision to pass Ordinance No. 19-033 are further reflected in the videotape of the July 11, 2019 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: Elizabeth D. Power, Senior Assistant City Solicitor

CC: Marchelle Basnight, City Council Chief of Staff
Maribel Seijo, City Clerk

Tanya Washington, Mayor's Chief of Staff
Herbert M. Inden, Director of Planning
Gwinneth Kaminsky, Planning Manager
Robert M. Goff, Jr., City Solicitor

DATE: July 9, 2019

RE: City Council Findings Supporting Enactment of Ordinance No. 19-033 to Permit Indoor Commercial Horticultural Operations as a Matter of Right with M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial) and W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning Districts

Enclosed please find a copy of the findings (the "Findings") prepared in connection with Council's scheduled public hearing on July 11, 2019 regarding the above-referenced zoning ordinance (the "Ordinance") to amend Chapter 48 of the City Code (the "Zoning Code"). 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 June 18, 2019. At that meeting, the Planning Commission approved its Resolution No. 08-19, which recommended the Zoning Code amendments 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 THE ENACTMENT OF ORDINANCE NO. 19-033

City Council makes the following findings (the "Findings") regarding the proposed amendments to Chapter 48 of the City Code (the "Zoning Code") that are the subject of Ordinance No. 19-033 (the "Ordinance").

Proposed Zoning Code Amendments:

An Ordinance to Amend Chapter 48 of the City Code to Permit Indoor Commercial Horticultural Operations as a Matter of Right within M-1 (Light Manufacturing), C-5

(Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial), and W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning Districts

1. The City has received numerous requests in recent years to amend the Zoning Code to permit innovative indoor agricultural production practices in nontraditional urban settings. The proposed amendments address the need to update the Zoning Code to encourage and promote such practices.
2. The proposed amendments permit indoor commercial horticultural operations as a matter of right within the City in M-1 (Light Manufacturing), C-5 (Heavy Commercial), W-1 (Waterfront Manufacturing), W-2 (Waterfront Manufacturing/Commercial), and W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) zoning districts. Such operations are consistent with the other uses that are permitted as a matter of right in those zoning districts.
3. The proposed amendments define indoor commercial horticultural operations to include plant nurseries, hydroponic farms, and vertical farms to permit a variety of appropriate indoor agricultural production practices for wholesale or retail sales and distribution.
4. The proposed amendments regulate indoor commercial horticultural operations to limit such operations to completely enclosed buildings or greenhouses to (1) secure the space and provide a controlled environment, (2) minimize impacts from harmful pests and pathogens, (3) protect against harsh weather conditions and allow year-round operation, (4) reduce water usage, (5) eliminate site runoff, and (6) keep pollutants, such as fertilizers, from entering the groundwater and soil.
5. The proposed amendments regulate indoor commercial horticultural operations to prohibit such operations from creating, emitting, or discharging noxious or offensive odors in order to prevent harm to adjacent properties.
6. The proposed amendments regulate indoor commercial horticultural operations to prohibit the growth of plants which are deemed illegal to grow, possess, or distribute under federal or Delaware law to make clear that the proposed amendments do not permit the growth of illegal plants.

7. The proposed amendments establish parking requirements for indoor commercial horticultural operations to require such operations to have an appropriate amount of parking spaces.
8. There is no evidence that the proposed amendments would create any detriment to the public. To the contrary, the proposed amendments should create benefits for the public, including (1) the creation of jobs and development of the local workforce, (2) increased local food production, year round, particularly in areas identified as urban food deserts, (3) support for the local food infrastructure by providing fresh produce for restaurants and grocers, (4) creation of new markets for agricultural producers, consumers, and businesses, (5) revitalization of abandoned and underused properties, and (6) community engagement.
9. There has been no opposition to the proposed amendments.
10. The proposed amendments 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 proposed amendments to the Zoning Code that are the subject of the Ordinance. The Ordinance incorporates the recommendations of the City Planning Commission regarding the proposed amendments to the Zoning Code, which were approved at the

Planning Commission meeting on June 18, 2019 and contained in its Resolution 08-19.

President Shabazz: You can now present your Ordinance for third and final reading.

Council Member Oliver: Ok, I present the Ordinance for the third and final reading.

Council Member Oliver presented and called for the third and final reading Ordinance No. 19-033 (Agenda #4671) entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY
CODE TO PERMIT INDOOR COMMERCIAL HORTICULTURAL

OPERATIONS AS A MATTER OF RIGHT WITHIN M-1
(LIGHT MANUFACTURING), C-5 (HEAVY COMMERCIAL),
W-1 (WATERFRONT MANUFACTURING), W-2 (WATERFRONT
MANUFACTURING/COMMERCIAL), AND W-3 (WATERFRONT
LOW INTENSITY MANUFACTURING/COMMERCIAL
RECREATION) ZONING DISTRICTS

Upon a motion of Council Member Oliver, seconded by Council Member Freel, the above-referenced Ordinance was before Council for its consideration. Motion prevailed.

President Shabazz: Members, when you give your vote, please indicate the reasons for your vote. If there are any – um, based on your acceptance of the findings or whatever your reason is.

The above-referenced 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 Gray – yes and my reason is because hydroponic growing for vegetables and plants is very popular and has produced a lot of healthy, um, vegetables, provided for communities, and it's a lower cost; Council Member Congo – yes, based on the findings and reinvestment in the community; Council Member Oliver – yes, based on the findings and the community support; Council Member Harlee – yes, based on the findings, the community support and I think that a direction that we should be going in, thank you; Council Member Turner – yes, based on the findings; Council Member McCoy – ah yes, based on the findings and the reinvestment in that community; Council Member Freel – yes, based on the findings; Council Member Adams – yes, based on the findings; and Council Member Dixon – yes, based on the findings and ah the work that's going to go into that building as well as the partnered organizations um, that they're allowing to help organizations; and Council President Shabazz – yes, based on the findings and the aggressiveness of this initiative and the things it's going to do for the community. Total, ten. Nays, none. Absent, Council Members Guy and Walsh. Total, two.

President Shabazz: Declare it adopted. Councilwoman Harlee.

Council Member Harlee: No legislation tonight, thank you.

President Shabazz: Council Member Turner.

Council Member Turner: No legislation tonight Madam President.

President Shabazz: Council Member McCoy.

Council Member McCoy: Ah yes, Madam President, I have an Ordinance to present and call for the first and second reading.

Council Member McCoy presented and called for the first and second reading Ordinance No. 19-038 (Agenda #4692) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member McCoy, seconded by Council Members Freel and Dixon, the Ordinance was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

Council Member McCoy: Madam President, I have a Resolution to present on your behalf.

On behalf of President Shabazz, Council Member McCoy presented Resolution No. 19-041 (Agenda #4693) as follows:

WHEREAS, Council Member Robert A. Williams submitted a letter to Council President Hanifa Shabazz resigning his position as the Seventh Councilmanic District's Council Member effective as of July 1, 2019, and Council President Shabazz accepted it with sincere regret; and

WHEREAS, City Charter Section 2-101 provides that when a vacancy occurs in the office of a Council Member, City Council shall certify that a vacancy exists.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that it is with deep regret that, effective as of July 1, 2019, this Council accepts the resignation of Robert A. Williams, City Council Member from the Seventh Councilmanic District.

BE IT FURTHER RESOLVED that City Council, as required by Section 2-101 of the City Charter, formally certifies that the Seventh Councilmanic District position is vacant as of July 1, 2019 and it will be filled by the appointment of a duly qualified successor in accordance with City Charter Section 2-101 and City Code Section 2-34.

Upon a motion of Council Member McCoy, seconded by Council Members Dixon and Freel, the above-referenced Resolution was before the Council for its consideration. Motion prevailed. Council Member McCoy spoke on the purpose of the Resolution.

President Shabazz: Clerk will call the roll.

The above-referenced 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 Gray, Congo, Harlee, Turner, McCoy, Freel, Adams and Dixon, and Council President Shabazz. Total, nine. Nays, none. Absent, Council Members Oliver, Guy and Walsh. Total, three.

President Shabazz: Declare it adopted. Council Member Freel.

Council Member Freel: Ah, yes, Madam President, I have three Ordinances to present for third and final.

Council Member Freel presented and called for third and final reading Ordinance No. 19-023 (Agenda #4649) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE
CITY CODE BY AMENDING SECTION 44-68
THEREOF REGARDING THE VACANT BUILDINGS
REHABILITATION TAX INCENTIVE PROGRAM

Upon a motion of Council Member Freel, seconded by Council Member McCoy, the above-referenced Ordinance was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Ordinance. Council Member Harlee requested to be added as cosponsor and made comments. Council Member Adams made comments.

President Shabazz: Clerk will call the roll.

The above-referenced 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 Gray, Congo, Harlee, Turner, McCoy, Freel, Adams and Dixon, and Council President Shabazz. Total, nine. Nays, none. Absent, Council Members Oliver, Guy and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 19-024 (Agenda #4650) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE
CITY CODE BY AMENDING SECTION 44-70
THEREOF REGARDING THE TAX INCENTIVE
PROGRAM FOR CITY HISTORIC DISTRICT AND
NATIONAL REGISTER PROPERTIES

Upon a motion of Council Member Freel, seconded by Council Member Dixon, the above-referenced Ordinance was before the Council for its consideration. Motion prevailed. Council Member Freel spoke on the purpose of the Ordinance. Council Member Harlee requested to be added as a cosponsor and made comments. Council Member Adams made comments. Council Member Turner made comments.

President Shabazz: Clerk will call the roll.

The above-referenced 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 Gray, Congo, Harlee, Turner, McCoy, Freel, Adams and Dixon, and Council President Shabazz. Total, nine. Nays, none. Absent, Council Members Oliver, Guy and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Freel presented and called for the third and final reading Ordinance No. 19-025 (Agenda #4651) entitled:

AN ORDINANCE TO AMEND CHAPTER 44 OF THE
CITY CODE BY AMENDING SECTION 44-71
THEREOF REGARDING THE REAL ESTATE TAX
EXEMPTION PROGRAM

Upon a motion of Council Member Freel, seconded by Council Member McCoy, the above-referenced Ordinance was before the Council for its consideration. Motion prevailed.

Council Member Freel offered a floor amendment to this Ordinance. Council Member Freel and Council Member Adams spoke on the purpose of the Ordinance.

Council Member Oliver requested to be recognized.

President Shabazz: Clerk will call the roll.

The above-referenced 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 Gray, Congo, Oliver, Turner, McCoy, Freel, Adams and Dixon, and Council President Shabazz. Total, nine. Nays, none. Absent, Council Members Harlee, Guy and Walsh. Total, three.

President Shabazz: Declare it adopted.

Council Member Freel: That's all I have ma'am.

President Shabazz: Thank you. Council Member Adams.

Council Member Adams: Ah, no ma'am. I have no legislation this evening.

President Shabazz: Council Member Dixon.

Council Member Dixon: Um, no legislation tonight.

President Shabazz: Council Member Gray. Councilman Guy** is not here. Council Member Harlee.

Council Member Harlee: Council President, can I be recognized?

***Note: Agenda item #4694 was held.*

President Shabazz: Yes. Please make note.

Mrs. Seijo (City Clerk): So noted.

President Shabazz: We now move into the petitions and communications portion of our committee – of our agenda.

PETITIONS AND COMMUNICATIONS

Council President and Council Members spoke on the following: announcement of community events throughout the districts; announcement of a meeting at Dickerson Education Center to discuss plans of bringing some arts or beautification to the bridges that cross over 95 going from Adams to Jackson Street; condolences were expressed to the family of former Councilman Kevin F. Kelley, Sr.; protecting rights of citizens; Press Release of the sub-committee for Healthy Communities regarding reaching the max of 15 members who have agreed to sit on the sub-committee; a sincere apology was expressed to the residents of the City of Wilmington for the dysfunction that has persisted within the legislative body; the oath of office as elected officials was noted; the continuance of implementing the needs outlined in the Strategic Plan and including, but not limited to, a reminder to all that Council will reconvene on August 22nd.

ADJOURNMENT

Upon a motion of Council Member Freel, seconded by Council Member McCoy, Council adjourned at 7:43 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk