

*Wilmington City Council  
Wilmington, Delaware  
December 9, 2021*

City Council met in regular session with remote participation on the above date at 6:30 p.m., President Ernest M. Congo, II presiding.

The opening prayer was done by Akira Grenardo, Deputy City 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Absent with leave, Council Member Darby. Total, one.

**MINUTES**

After reading a portion of the minutes of December 2, 2021, upon a motion of Council Member Cabrera, seconded by Council Member Dixon, it was moved they be accepted as written. Motion prevailed.

**COMMITTEE REPORTS**

The City Clerk read the following committee report:

<b>Community Development &amp; Urban Planning Committee Members</b>	<b>Present</b>	<b>Absent w/ Leave</b>	<b>Absent w/out Leave</b>
Maria D. Cabrera, Chair	x		
Nathan Field, Vice Chair	x		
Yolanda M. McCoy	x		
Bregetta A. Fields	x		
James Spadola	x		
Shané N. Darby	x		
Ernest "Trippi" Congo II, Ex-Officio	x		

President and Members of Council of  
The City of Wilmington

June 10, 2021

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee by **Virtual Meeting**, to who was referred **Ordinance No. 21-032** entitled:

AN ORDINANCE TO APPROVE THE REMOVAL OF  
MENDENHALL COURT FROM THE OFFICIAL CITY MAP

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

Respectfully submitted, Members of  
Community Development & Urban Planning Committee

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

The City Clerk read the following committee report:

<b>Finance &amp; Economic Development Committee Member</b>	<b>Present</b>	<b>Absent w Leave</b>	<b>Absent w/out Leave</b>
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
Loretta Walsh	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of  
The City of Wilmington

December 7, 2021

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by **Virtual Meeting with anchor location**, to who was referred **Ordinance No. 21-057** entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A MULTI-YEAR AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF WILMINGTON AND TELADOC HEALTH, INC. FOR TELEHEALTH SERVICES

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

Respectfully submitted, Members of  
Finance & Economic Development Committee

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

The City Clerk read the following committee report:

<b>Finance &amp; Economic Development Committee Member</b>	<b>Present</b>	<b>Absent w Leave</b>	<b>Absent w/out Leave</b>
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
Loretta Walsh	YES		
James Spadola	YES		
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of  
The City of Wilmington

December 7, 2021

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by **Virtual Meeting with anchor location**, to who was referred **Ordinance No. 21-058** entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A PRODUCT PURCHASING AGREEMENT BETWEEN THE CITY OF WILMINGTON AND CAMBRIDGE COMPUTER SERVICES, INC. FOR A STORAGE AREA NETWORK

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

Respectfully submitted, Members of  
Finance & Economic Development Committee

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

### **TREASURER'S REPORT**

The following Treasurer's Report for December 9, 2021 was read into the record by City Clerk and upon a motion of Council Member Cabrera, seconded by Council Members Dixon and Oliver, the Report was received, recorded and filed. Motion prevailed.

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

# City of Wilmington



**DaWayne Sims**  
City Treasurer

## Treasurer's Report January 06, 2022

### Cash - Ledger Balance (as of 01/05/2022):

General	M & T Bank	\$	8,179,958.00
Payroll	M & T Bank	\$	1,687,909.09
Law Department Court Costs	M & T Bank	\$	4,257.07
Total Petty Cash	M & T Bank	\$	6,289.97
Police - Evidence Found (Currency)	M & T Bank	\$	1,214,922.19
Police & Fire Remembrance	M & T Bank	\$	8,444.49
Police Department Discretionary	M & T Bank	\$	14,516.30
Rent Withholding Escrow	M & T Bank	\$	4,137.97
Grant-in-Aid	M & T Bank	\$	112,760.87
Community Development Block Grant	M & T Bank	\$	1.00
Capital Projects	M & T Bank	\$	1.00
<b>Total Cash on Hand</b>		<b>\$</b>	<b>11,233,197.95</b>

### Cash Equivalents & Investments (as of 01/05/2022):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
General	M&T	Overnight Repo	Daily	0.01%	\$ 4.53	\$ 16,415,677.83
General	TD	ARPA funds*	6	0.08%	\$ 369.04	\$ 27,678,152.34
General	TD	High Yield Checking	6	0.08%	\$ 253.57	\$ 19,017,819.43
General	TD	High Yield Checking	6	0.08%	\$ 66.73	\$ 5,004,763.63
General	TD	High Yield Checking	6	0.10%	\$ 519.76	\$ 31,185,473.61
<b>SUB-TOTAL:</b>						<b>\$ 99,301,886.84</b>
<b>RESERVE:</b>						
General	TD	High Yield Checking	6	0.08%	\$ 218.13	\$ 16,359,966.83
<b>SUB-TOTAL</b>						<b>\$ 16,359,966.83</b>
<b>RESTRICTED:</b>						
Capital Project	TD	High Yield Checking	6	0.08%	\$ 37.55	\$ 2,816,439.24
Capital Project	TD	High Yield Checking	6	0.08%	\$ 68.43	\$ 5,132,108.36
Capital Project	TD	High Yield Checking	6	0.08%	\$ 446.51	\$ 33,488,305.69
Water/Sewer	TD	High Yield Checking	6	0.08%	\$ 43.69	\$ 3,277,025.07
<b>SUB-TOTAL</b>						<b>\$ 44,713,878.36</b>
<b>Total Investments</b>						<b>\$ 160,375,732.03</b>
<b>Total Cash on Hand</b>						<b>\$ 11,233,197.95</b>
<b>Grand Total</b>						<b>\$ 171,608,929.98</b>

\* Budget Reserve

\* Restricted use per ARPA US Treasury Guidelines

DocuSigned by:

*DaWayne Sims*  
DaWayne Sims, City Treasurer  
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CITY TREASURER'S OFFICE

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

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# City of Wilmington



## Treasurer's Report - Pensions January 6, 2022

**DaWayne Sims**  
City Treasurer

Cash - Ledger Balance (as of 01/05/2022):

Pension Payroll	M & T Bank	\$	624,775.04
Retiree Healthcare	M & T Bank	\$	146,294.97
Police Pension	M & T Bank	\$	556,674.74
Fire Pension	M & T Bank	\$	1,000.00
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	116,533.31
Non-Uniform Pension Plan 2	M & T Bank	\$	1,500.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
<b>Total Cash on Hand</b>		<b>\$</b>	<b>1,448,370.87</b>

Cash Equivalents (as of 01/05/2022) & Investments (Market Value as of December 31, 2021)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
Pension Plan III	WSFS	CD	1/24/2022	0.01%	\$ 7.48	\$ 883,893.53
Fire Pension	WSFS	CD	1/24/2022	0.01%	\$ 3.83	\$ 450,780.93
<b>SUB-TOTAL:</b>						<b>\$ 1,334,674.46</b>
<b>RESERVE:</b>						
Pension Trust	Edgar Lomax					\$ 19,480,137.00
Pension Trust	MFS Low Global					\$ 14,963,163.00
Pension Trust	Earnest Partners					\$ 18,848,568.00
Pension Trust	Rhumbline 1000					\$ 19,005,163.00
Pension Trust	Artisan Global					\$ 15,810,653.00
Pension Trust	Dodge & Cox					\$ 15,612,565.00
Pension Trust	Fidelity Market Index					\$ 5,254,922.00
Pension Trust	Fidelity Total Intl. Index					\$ 4,587,872.00
Pension Trust	Fidelity Emerging Markets					\$ 4,443,494.00
Pension Trust	Fidelity Bond Index					\$ 7,607,154.00
Pension Trust	AB Global Core					\$ 15,715,106.00
Pension Trust	Hartford Schroder					\$ 6,165,393.00
Pension Trust	Rhumbline Core					\$ 38,216,955.00
Pension Trust	Rhumbline 3000					\$ 55,908,234.00
Pension Trust	LM Capital Core					\$ 39,632,139.00
Pension Trust	Clarion Lion					\$ 14,071,632.00
Pension Trust	Money Market					\$ 716,355.00
Pension Trust	Morgan Stanley					\$ 10,243,192.00
Pension Trust	Vanguard-OPEB					\$ 32,983,951.00
<b>SUB-TOTAL</b>						<b>\$ 339,266,648.00</b>
<b>Total Investments</b>						<b>\$ 340,601,322.46</b>
<b>Total Cash on Hand</b>						<b>\$ 1,448,370.87</b>
<b>Grand Total</b>						<b>\$ 342,049,693.33</b>

Total Funds under Treasury Management:

<b>Total Investments</b>						<b>\$ 500,977,054.49</b>
<b>Total Cash on Hand</b>						<b>\$ 12,681,568.82</b>
<b>Grand Total<sup>1</sup></b>						<b>\$ 513,658,623.31</b>

<sup>1</sup> Excludes non-City funds held in trust on behalf of City employees (Mass Mutual)

DocuSigned by:

*DaWayne Sims*  
DaWayne Sims, City Treasurer  
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**NON-LEGISLATIVE BUSINESS**

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

All Council     Sympathy Maurice Jones  
Harlee           Sympathy Marion Madeline Clifton

**PUBLIC COMMENTS**

At this time, President Congo opened up the floor for public comments and the following individuals spoke:

- Deacon Earl E. Tate
- D. Marque Hall
- Branden Fletcher
- Coby Owens
- Richard Smith
- Christian Willauer
- Shyanne Miller
- Joseph Blake

**LEGISLATIVE BUSINESS**

Council Member Gray did not have any legislation to present this evening.

On behalf of Council Member Darby, Council Member Dixon presented and called for the first and second reading Ordinance No. 21-059 (Agenda #0118) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY  
CODE TO PROHIBIT THE CONSIDERATION OF COUNCIL  
MEMBERS' HOME ADDRESSES IN THE REDISTRICTING  
PROCESS

**FISCAL IMPACT STATEMENT:** This Ordinance has no anticipated fiscal impact.

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

Upon a motion of Council Member Oliver, seconded by Council Member Dixon, Council dissolved into the Committee of the Whole for the purposes of holding a combined public hearing on Agenda #0119 and #0067. Motion prevailed.

**PUBLIC HEARING**  
**A RESOLUTION ON THE PROPOSED AMENDMENTS TO THE CITY'S**  
**COMPREHENSIVE DEVELOPMENT PLAN ENTITLED "WILMINGTON 2028:**  
**A COMPREHENSIVE PLAN FOR OUR CITY AND COMMUNITIES**  
**AND**  
**ORDINANCE NO. 21-031 – AN ORDINANCE TO REZONE THE PARCEL OF**  
**LAND LOCATED AT 3001 BOWERS STREET FROM A ZONING**  
**CLASSIFICATION OF M-1 (LIGHT MANUFACURING) TO A ZONING**  
**CLASSIFICATION OF R-3 (ONE-FAMILY ROW HOUSES**

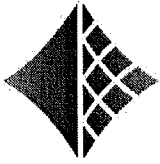
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President Congo request the Clerk read the Affidavit of Publications.

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

*Note: The Affidavit of Publications is attached herein as an insert from Page 8 through Page 9.*

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**The News Journal**  
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### AFFIDAVIT OF PUBLICATION

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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:

11/09/21 A.D 2021

*Melanie Altz*

Sworn and subscribed before me, this 9 day of November,  
2021

Linda Kennedy

Ad Number: 0004992312

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. **21-031**, which proposes to amend Chapter 48 of the Wilmington City Code of the City of Wilmington.

Please take notice that a public hearing will be held in the Council Chambers, 1st floor, City/County Building, 800 French Street, Wilmington, Delaware on **December 9, 2021 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. **21-031** entitled:

**AN ORDINANCE TO REZONE THE PARCEL OF LAND LOCATED AT 3001 BOWERS STREET FROM A ZONING CLASSIFICATION OF M-1 (LIGHT MANUFACTURING) TO A ZONING CLASSIFICATION OF R-3 (ONE-FAMILY ROW HOUSES)**

Ordinance No. **21-031** was introduced in City Council at a regular meeting held on June 3, 2021 and received 1st & 2nd readings at that time. Resolution No. 21-048 was adopted by City Council at the meeting of City Council held on Nov. 4, 2021 directing that a public hearing on same be held by City Council on **December 9, 2021 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. **21-031** 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  
ERNEST M. CONGO II, President

City Clerk  
MARIBEL SEIJO

**NOTICE IS HEREBY GIVEN** that a public hearing to consider the proposed amendments to the City's Comprehensive Development Plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities" to be held by the Wilmington City Council in the Council Chambers on December 9, 2021 at 6:30 p.m. pursuant to Resolution No. 21-048.

Maribel Seijo  
City Clerk

9/22-NJ

President Congo requested the Clerk to read the Planning Commission Report.

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Oliver, seconded by Council Members B. Fields, Dixon and Walsh, 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 December 9, 2021 City Council meeting and public hearing, which is incorporated herein by reference.

Ms. Gwinn Kaminsky (Planning Manager) did a presentation, which is reflected in the videotape of the December 9, 2021 City Council meeting and public hearing, which is incorporated herein by reference.

As there were no comments from members of Council, at this time, President Congo opened up the floor for anyone from the public to speak for or against the proposed rezoning and the following individuals spoke:

- Richard Smith
- Deacon Earl E. Tate

Upon a motion of Council Member Oliver, seconded by Council Member B. Fields, Council returned to regular order of business. Motion prevailed.

### **RETURN TO REGULAR ORDER OF BUSINESS**

Council Member Oliver presented Resolution No. 21-052 (Agenda #0119) 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 Department of Planning and Development (the "Planning Department"), with the advice of the City Planning Commission, and adopted by City Council resolution after a public hearing; and

**WHEREAS**, the City's comprehensive development plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities" (the "Comprehensive Plan") was adopted by City Council on December 12, 2019; and

**WHEREAS**, on June 3, 2021, Ordinance No. 21-031 was introduced before Wilmington City Council to amend the "Building Zone Map of Wilmington, Delaware" to change the zoning classification of 3001 Bowers Street (being Tax Parcel No. 26-30.00-030) (the "Parcel") from a zoning classification of M-1 (Light Manufacturing) to a zoning classification of R-3 (One-Family Row Houses); and

**WHEREAS**, the City Planning Commission considered the Planning Department's analysis and testimony along with other evidence and testimony at its duly advertised public meeting held on May 18, 2021; and

**WHEREAS**, at its meeting on May 18, 2021, the City Planning Commission passed Resolution 2-21, which recommended that the Comprehensive Plan be amended to change the land use of the Parcel from “Mixed Commercial/Light Manufacturing” to “Institutions” by revising the Price’s Run/Riverside/11<sup>th</sup> Street Bridge Future Land Use Map for the Parcel as illustrated on the map attached hereto and made a part hereof as Exhibit “A”; and

**WHEREAS**, in accordance with Wilmington City Charter Section 5-600(a), a duly advertised public hearing is scheduled to be held on December 9, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the City Council hereby approves the amendment of the City’s comprehensive development plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities” to change the land use for 3001 Bowers Street (being Tax Parcel No. 26-030.00-030) from “Mixed Commercial/Light Manufacturing” to “Institutions” by revising the Price’s Run/Riverside/11<sup>th</sup> Street Bridge Future Land Use Map for 3001 Bowers Street, as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**BE IT FURTHER RESOLVED** that the effective date of such amendment shall be February 1, 2022.

Upon a motion of Council Member Oliver, seconded by Council Member B. Fields, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Resolution.

President Congo requested the Clerk to call for 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 Member Gray, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon and Spadola, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Darby and Walsh. Total, two.

President Congo declared the Resolution **adopted**.

President Congo requested the Clerk to read the committee report.

The Clerk read the following committee report:

<b>Community Development &amp; Urban Planning Committee Members</b>	<b>Present</b>	<b>Absent w/ Leave</b>	<b>Absent w/out Leave</b>
Maria D. Cabrera, Chair	x		
Nathan Field, Vice Chair	x		
Yolanda M. McCoy	x		
Bregetta A. Fields	x		
James Spadola	x		
Shané N. Darby	x		
Ernest “Trippi” Congo II, Ex-Officio	x		

President and Members of Council of  
The City of Wilmington

June 10, 2021

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee by  
**Virtual Meeting**, to who was referred **Ordinance No. 21-031** entitled:

AN ORDINANCE TO REZONE THE PARCEL OF LAND  
LOCATED AT 3001 BOWERS STREET FROM A ZONING  
CLASSIFICATION OF M-1 (LIGHT MANUFACTURING)  
TO A ZONING CLASSIFICATION OF R-3 (ONE-FAMILY  
ROW HOUSES)

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

Respectfully submitted, Members of  
Community Development & Urban Planning Committee

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

President Congo asked the Clerk if there were any Findings and the Clerk  
noted there were.

The City Clerk read the following Findings:

**MEMORANDUM**

**TO:** The Honorable Ernest “Trippi” Congo II, President of City Council  
The Honorable Members of City Council

**FROM:** Elizabeth D. Power, Senior Assistant City Solicitor

**CC:** Daniel T. Walker, City Council Chief of Staff  
Maribel Seijo, City Clerk  
Tanya Washington, Mayor’s Office Chief of Staff  
Herbert M. Inden, Director of Planning  
Gwinneth Kaminsky, Planning Manager  
Robert M. Goff, Jr., City Solicitor

**DATE:** December 8, 2021

**RE:                   City Council Findings Supporting the Enactment of Ordinance No. 21-031 to Rezone the Parcel of Land Located at 3001 Bowers Street from a Zoning Classification of M-1 (Light Manufacturing) to a Zoning Classification of R-3 (One-Family Row Houses)**

Enclosed please find a copy of the findings (the “Findings”) prepared in connection with City Council’s scheduled public hearing on December 9, 2021 regarding the above-referenced zoning ordinance (the “Ordinance”). The Findings supplement the record of the City Planning Commission (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 Planning Commission at its regular meeting following its public hearing on May 18, 2021. At that meeting, the Planning Commission approved its Resolution 3-21, which recommended the 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 THE ENACTMENT OF ORDINANCE NO. 21-031**

City Council makes the following findings (the “Findings”) regarding the rezoning of the parcel of land that is the subject of Ordinance No. 21-031 (the “Ordinance”).

Proposed Rezoning Action:

An Ordinance to Rezone the Parcel of Land Located at 3001 Bowers Street from a Zoning Classification of M-1 (Light Manufacturing) to a Zoning Classification of R-3 (One-Family Row Houses)

1. The proposed rezoning action is consistent with the recommendations of the Citywide comprehensive plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities”, as amended by City Planning Commission Resolution 2-21 and proposed to be amended by a City Council resolution to be considered contemporaneously with the Ordinance.
2. The proposed rezoning action will bring the entire block bounded by Todd’s Lane, Bowers and Claymont Streets, and the City’s northern boundary under the same R-3 (One-Family Row Houses) zoning classification.

3. The proposed rezoning action would allow for the proposed expansion of the East Side Charter School, which is consistent with the proposed R-3 (One-Family Row Houses) zoning classification.
4. The proposed rezoning action will not create any nonconforming or special exception uses.
5. Changing conditions in the area support the proposed rezoning action.
6. The proposed rezoning action is consistent with the adjacent zoning.
7. The land uses that would be permitted under the proposed rezoning classification are consistent with the adjacent land uses.
8. The proposed rezoning action will have no negative effect on population density patterns and will not overburden public utilities and facilities.
9. The proposed rezoning action will not create or excessively increase traffic congestion or otherwise adversely affect public safety.
10. The proposed rezoning action 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 rezoning action will not adversely affect property values in the adjacent areas, nor will it be a deterrent to the improvement or redevelopment of adjacent properties, but rather should have a positive effect.
12. The proposed rezoning action will best serve the public welfare and will not constitute a grant of any special privilege to any individual owner of property.
13. The proposed rezoning action will not be out of scale but rather will be consistent with the needs and current and future uses of the subject area and the City of Wilmington.
14. The proposed rezoning action 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. The proposed rezoning action adheres 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 rezoning of the parcel of land that is the subject of the Ordinance, as illustrated on the map attached to the Ordinance. The Ordinance incorporates the recommendations of the City Planning Commission regarding the proposed rezoning action, which were approved at the Planning Commission meeting on May 18, 2021 and contained in its Resolution 3-21.

Upon a motion of Council Member Oliver, seconded by Council Member B. Fields, the Findings were made a part of the record. Motion prevailed.

Council Member Oliver presented and called for the third and final reading Ordinance No. 21-031 (Agenda #0067) entitled:

AN ORDINANCE TO REZONE THE PARCEL OF LAND  
LOCATED AT 3001 BOWERS STREET FROM A ZONING  
CLASSIFICATION OF M-1 (LIGHT MANUFACTURING)  
TO A ZONING CLASSIFICATION OF R-3 (ONE-FAMILY  
ROW HOUSES)

Upon a motion of Council Member Oliver, seconded by Council Members B. Fields and Walsh, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance.

President Congo reminded members of Council that when voting, they will need to state the reason for their vote.

President Congo requested the Clerk call for 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 - Yes, and I agree with the Findings; Oliver - Yes, I agree with the Findings; Harlee - Yes, based on the Findings; B. Fields - Yes, based on the Findings; McCoy - Yes, based on the Findings; Johnson - Yes, based on the Findings; N. Field - Yes, based on the Findings; Cabrera - Yes, based on the Findings; Dixon - Yes, based on the Findings; Spadola - Yes, based on the Findings and Walsh - Yes, based on the Findings; and Council President - Yes, based on the Findings. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Oliver presented and called for the third and final reading Ordinance No. 21-032 (Agenda #0068) entitled:

AN ORDINANCE TO APPROVE THE REMOVAL OF  
MENDENHALL COURT FROM THE OFFICIAL  
CITY MAP

Upon a motion of Council Member Oliver, seconded by Council Members Dixon and B. Fields, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Oliver spoke on the purpose of the Ordinance.

President Congo requested the Clerk to call for 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Harlee presented Resolution No. 21-053 (Agenda #0120) as follows:

**WHEREAS**, pursuant to Section 2-363 of the City Code, City 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 Office of Economic Development has submitted a grant proposal to The Nature Conservancy in the amount of Seven Hundred Fifty-Three Thousand Dollars (\$753,000.00); and

**WHEREAS**, the Office of Economic Development has submitted a grant application to the National Fish and Wildlife Foundation in the amount of Four Hundred Seventy-Five Thousand Dollars (\$475,000.00); and

**WHEREAS**, the Office of Economic Development intends to use the proposed grant funding to (i) purchase approximately ten (10) acres of degraded wetland adjacent to the South Wilmington Wetlands Park, which will be made part of the Wetlands Park and (ii) restore such land to a high functioning freshwater tidal wetland habitat; and

**WHEREAS**, no matching funds are required for the grant from The Nature Conservancy and Six Hundred Seventy-Two Thousand Dollars (\$672,000.00) in matching funds are required for the grant from the National Fish and Wildlife Foundation; and

**WHEREAS**, the City will fund its match through amounts already budgeted for this purpose; and



**WHEREAS**, the Council deems it necessary and proper to authorize the City's acceptance of grant funds, for the aforesaid purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Office of Economic Development's grant proposal to The Nature Conservancy in the amount of Seven Hundred Fifty-Three Thousand Dollars (\$753,000.00) is hereby authorized.

**BE IT FURTHER RESOLVED** that Office of Economic Development's grant application to the National Fish and Wildlife Foundation in the amount of Four Hundred Seventy-Five Thousand Dollars (\$475,000.00) is hereby authorized.

**BE IT FURTHER RESOLVED** that the Director of the Office of Economic Development, or his designee, shall be authorized to take all necessary actions to accept any and all funds associated with the grants and to fulfill the requirements of the grants.

**FISCAL IMPACT STATEMENT:** There is no negative fiscal impact to the City. Although the grant from the National Fish and Wildlife Foundation requires a local match of Six Hundred Seventy-Two Thousand Dollars (\$672,000.00), sufficient funds have already been budgeted for this purpose, and the grant from The Nature Conservancy does not require any matching funds.

Upon a motion of Council Member Harlee, seconded by Council Members B. Fields and Walsh, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Harlee spoke on the purpose of the Resolution and made comments. Council Member Walsh made comments.

President Congo requested the Clerk to call for 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Resolution **adopted**.

Council Member Harlee presented and called for the first and second reading Ordinance No. 21-060 (Agenda #0123) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO REDISTRICT THE COUNCILMANIC DISTRICTS OF THE CITY OF WILMINGTON PURSUANT TO SECTION 2-102 OF THE WILMINGTON CITY CHARTER

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Harlee, seconded by Council Members

Dixon and McCoy, the Ordinance was received, recorded and referred to the Redistricting Committee. Motion prevailed.

Council Members B. Fields and McCoy did not have any legislation to present this evening.

Council Member Johnson presented Resolution 21-054 (Agenda #0121) as follows:

**WHEREAS**, on March 11, 2021, the President of the United States signed the federal American Rescue Plan Act (“ARPA”) into law, establishing the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) program, which provides funds to State, local, territorial, and Tribal governments; and

**WHEREAS**, the United States Department of Treasury’s (“Department of Treasury”) Interim Final Rule, effective as of May 17, 2021 (86 Fed. Reg. 26786), permits funds to be used as follows: 1) to respond to the COVID-19 public health emergency or its negative economic impacts; 2) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; 3) for the provision of government services, relative to revenues collected in the most recent full fiscal year prior to the emergency; and 4) to make necessary investments in water, sewer, or broadband infrastructure; and

**WHEREAS**, the City of Wilmington has acted with deliberate consideration of multiple factors in determining appropriate uses of a once-in-a-lifetime funding opportunity provided by the federal government through the American Rescue Plan Act; and

**WHEREAS**, the goal of our government representatives in releasing ARPA funds throughout the City is to help resolve some of the City’s most pressing needs which affect Wilmington residents in various ways, therefore making the people and neighborhoods of Wilmington stronger and more prosperous; and

**WHEREAS**, as the City moves through this extraordinary process, it will seek to ensure that its ability to identify problems and solutions will be transformational on multiple fronts throughout the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** remains committed to ensuring that ARPA funds produce an effective difference in the lives of City residents and City neighborhood.

**BE IT FURTHER RESOLVED** that the appropriation of ARPA funds have been assigned as follows: Revenue Replacement, \$12 million to replace revenues lost due to COVID 19; Workforce Development, \$4 million to fund skills training and internships for employment; Community Investment, \$5 million to assist nonprofits in restoring COVID impacted programming for communities, including \$300,000 for councilmanic distribution; Neighborhood Revitalization, \$22 million for capital investment in historically underserved neighborhoods; Building Safer Communities, \$8 million to make neighborhoods safer through grassroot efforts to reduce gun violence and other types of crime; Essential Pay for Essential Work, \$2.5 million to compensate eligible first responders and essential employees; Administrative Costs, \$2.1 million to meet financial and compliance requirements under ARPA.

**BE IT FURTHER RESOLVED** that funding allocation amounts may change based on additional details, anticipated fiscal outlook, and program requirements.

**BE IT FURTHER RESOLVED** that the proposed use of these fund may change as additional guidance is issued by the Department of Treasury.

Upon a motion of Council Member Johnson, seconded by Council Members B. Fields, Dixon and Walsh, the Resolution was before the Council for its consideration. Motion prevailed. Council Members Johnson spoke on the purpose of the Resolution and made comments. Council Members Gray, Harlee, Cabrera, Oliver, B. Fields, Spadola, Walsh and Dixon made comments. Council Members Gray, Cabrera, Oliver and Harlee made additional comments. President Congo made comments. Council Member Johnson made closing comments.

President Congo requested the Clerk to call for 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Resolution **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 21-057 (Agenda #0114) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A  
MULTI-YEAR AMENDMENT TO THE AGREEMENT  
BETWEEN THE CITY OF WILMINGTON AND TELADOC  
HEALTH, INC. FOR TELEHEALTH SERVICES

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is an amendment with a total estimated maximum price of One Hundred fifteen Thousand Dollars (\$115,000.00) for the period from January 1, 2022 through September 30, 2023, with the possibility of three (3) extensions of one (1) year thereafter at an estimated maximum price of Sixty-Five Thousand Dollars (\$65,000.00) per year.

Upon a motion of Council Member Johnson, seconded by Council Members Dixon and Cabrera, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance and made comments. Council Members B. Fields and Cabrera made comments. Council Member Oliver made comments and requested to be added as a co-sponsor. President Congo requested to be added as a co-sponsor and made comments.

President Congo requested the Clerk to call for 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 21-058 (Agenda #0115) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE  
A PRODUCT PURCHASING AGREEMENT BETWEEN  
THE CITY OF WILMINGTON AND CAMBRIDGE  
COMPUTER SERVICES, INC. FOR A STORAGE  
AREA NETWORK

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is an agreement at an estimated total price of One Million Two Hundred Thousand Dollars (\$1,200,000.00).

Upon a motion of Council Member Johnson, seconded by Council Members Dixon and B. Fields, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance.

President Congo requested the Clerk to call for 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, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera, Dixon, Spadola and Walsh, and Council President Congo. Total, twelve. Nays, none. Absent, Council Member Darby. Total, one.

President Congo declared the Ordinance **adopted**.

Council Member N. Field did not have any legislation to present this evening.

Council Member Cabrera presented and called for the first and second reading Ordinance No. 21-061 (Agenda #0122) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY  
CODE TO CODIFY THE CONTINUED EXISTENCE OF THE  
WILMINGTON NEIGHBORHOOD CONSERVANCY LAND  
BANK CORPORATION AND TO REVISE THE MEMBERSHIP  
OF ITS BOARD OF DIRECTORS

**FISCAL IMPACT STATEMENT:** This Ordinance has not anticipated fiscal impact.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Cabrera, seconded by Council Members Dixon and B. Fields, the Ordinance was received, recorded and referred to the Community Development & Urban Planning Committee. Motion prevailed.

Council Members Dixon, Spadola and Walsh did not have any legislation to present this evening. At this time, Council Member Walsh requested to be excused.

**PETITIONS AND COMMUNICATIONS**

Council Members and Council President spoke on the following: best wishes were expressed for a happy and safe holiday; announcement of community events; the need to remember individuals in need when celebrating; American Rescue Plan Act funds; Hurricane Ida; crime and violence throughout the city; the need to check smoke detectors especially during the holiday season with Christmas lights on trees; individuals who spoke during public comments were thanked; Council staff and all city employees were thanked for all they do; and including but not limited to, Councilmembers were thanked for a job well done in their first year in session and for being a part of the One Council events.

**ADJOURNMENT**

Upon a motion of Council Members Cabrera and Oliver, seconded by Council Members Dixon and Gray, Council adjourned at 8:32 p.m. Motion prevailed.

Attest: Maribel Seijo  
Maribel Seijo, City Clerk