

***Wilmington City Council  
Wilmington, Delaware  
June 16, 2022***

City Council met in regular session virtually 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, Darby\*, Harlee, Johnson, N. Field, Cabrera, Mills, Spadola and Walsh, and Council President Congo. Total, ten. Absent with leave, Council Members Oliver, B. Fields and McCoy. Total, three.

**MINUTES**

Council Member Cabrera made the following corrections to the June 2 Council meeting minutes:

- Let the record reflect the actual vote for Resolution No. 22-032 (Agenda #0184) to be 9 Yeas, 1 Present and 3 Absent.
- Also, let the record reflect the actual vote for Ord. 22-022 (Agenda #0160) to be 8 Yeas, 1 Present, and 4 Absent.

After reading a portion of the minutes of June 2, 2022 As Corrected, upon a motion of Council Member Cabrera, seconded by Council Members Walsh and Gray, it was moved they be accepted as written and corrected. Motion prevailed.

**COMMITTEE REPORTS**

<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

June 6, 2022

Ladies and Gentlemen:

We, your Finance & Economic Development Committee by **Virtual Meeting with remote participation**, to who was referred **Ordinance No. 22-020** entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE A CONTRACT  
BETWEEN THE CITY OF WILMINGTON AND THIRDLINE, INC.  
FOR MONITORING & AUDITING 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 Harlee, the Report was received, recorded and filed. Motion prevailed.

#### **TREASURER'S REPORT**

The following Treasurer's Report for June 16, 2022 was read into the record by City Clerk and upon a motion of Council Member Johnson, seconded by Council Members Walsh and Harlee, the Report was received, recorded and filed. Motion prevailed.

*Note: The Treasurer's Report is included herein as an insert from Page 3 to Page 4.*

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# City of Wilmington



DaWayne Sims  
City Treasurer

## Treasurer's Report June 16, 2022

### Cash - Ledger Balance (as of 06/15/2022):

General	M & T Bank	\$	8,396,646.00
Payroll	M & T Bank	\$	1,094,151.78
Law Department Court Costs	M & T Bank	\$	4,647.07
Total Petty Cash	M & T Bank	\$	6,253.58
Police - Evidence Found (Currency)	M & T Bank	\$	1,207,317.47
Police & Fire Remembrance	M & T Bank	\$	9,444.49
Police Department Discretionary	M & T Bank	\$	23,282.05
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>10,858,643.28</b>

### Cash Equivalents & Investments (as of 06/15/2022):

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%	\$ 8.28	\$ 30,998,432.92
General	TD	ARPA funds*	13	0.13%	\$ 829.20	\$ 17,663,492.00
General	TD	High Yield Checking	13	0.13%	\$ 423.56	\$ 9,022,522.20
General	TD	High Yield Checking	13	0.13%	\$ 0.32	\$ 6,874.70
General	TD	High Yield Checking	13	0.15%	\$ 1,690.10	\$ 31,201,862.92
<b>SUB-TOTAL:</b>						<b>\$ 88,893,184.74</b>
<b>RESERVE:</b>						
General <sup>1</sup>	TD	High Yield Checking	13	0.13%	\$ 810.98	\$ 17,275,260.91
<b>SUB-TOTAL</b>						<b>\$ 17,275,260.91</b>
<b>RESTRICTED:</b>						
Capital Project	TD	High Yield Checking	13	0.13%	\$ 99.57	\$ 2,120,975.65
Capital Project	TD	High Yield Checking	13	0.13%	\$ 203.35	\$ 4,331,680.60
Capital Project	TD	High Yield Checking	13	0.13%	\$ 1,364.05	\$ 29,056,647.63
Water/Sewer	TD	High Yield Checking	13	0.13%	\$ 155.90	\$ 3,320,994.56
State Bonds Proceeds	TD	High Yield Checking	13	0.08%	\$ 182.05	\$ 6,301,562.67
<b>SUB-TOTAL</b>						<b>\$ 45,131,861.11</b>
Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Int. Receiv.	Investment Amount
Police & Fire Remem.	WSFS	CD	7/23/2022	0.50%	\$ 196.19	\$ 25,871.46
<b>Total Investments</b>						<b>\$ 151,326,178.22</b>
<b>Total Cash on Hand</b>						<b>\$ 10,858,643.28</b>
<b>Grand Total</b>						<b>\$ 162,184,821.50</b>

<sup>1</sup> Budget Reserve

\*Restricted use. Per ARPA US Treasury Guidelines

*DaWayne Sims*  
DaWayne Sims, City Treasurer

### 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 June 16, 2022

**DaWayne Sims**  
City Treasurer

Cash - Ledger Balance (as of 06/15/2022):

Pension Payroll	M & T Bank	\$	21,030.45
Retiree Healthcare	M & T Bank	\$	1,131,633.77
Police Pension	M & T Bank	\$	208,104.06
Fire Pension	M & T Bank	\$	10,316.39
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	216,832.75
Non-Uniform Pension Plan 2	M & T Bank	\$	1,000.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
<b>Total Cash on Hand</b>		<b>\$</b>	<b>1,590,510.23</b>

Cash Equivalents (as of 06/15/2022) & Investments (Market Value as of June 10, 2022)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
Pension Plan III	WSFS	CD	6/24/2022	0.01%	\$ 2.43	\$ 296,245.94
Fire Pension	TD	CD	8/11/2022	1.10%	\$ 10,152.71	\$ 3,691,893.61
<b>SUB-TOTAL:</b>						<b>\$ 3,988,139.55</b>
<b>RESERVE:</b>						
Pension Trust	Rhumblin 3000					\$ 45,635,808.00
Pension Trust	Fidelity Market Index					\$ 4,271,933.00
Pension Trust	Edgar Lomax					\$ 18,712,246.00
Pension Trust	Rhumblin 1000					\$ 13,954,335.00
Pension Trust	Earnest Partners					\$ 16,372,509.00
Pension Trust	Dodge & Cox					\$ 14,942,220.00
Pension Trust	AB Global Core					\$ 12,615,713.00
Pension Trust	Artisan Global					\$ 11,447,364.00
Pension Trust	MFS Low Global					\$ 13,394,384.00
Pension Trust	Hartford Schroder					\$ 2,579,460.00
Pension Trust	Fidelity Total Intl. Index					\$ 5,202,745.00
Pension Trust	Harding Loevner					\$ 1,208,333.00
Pension Trust	Wellington Emerging					\$ 3,716,043.00
Pension Trust	Clarion Lion					\$ 16,088,836.00
Pension Trust	Morgan Stanley					\$ 11,795,668.00
Pension Trust	LM Capital Core					\$ 35,743,040.00
Pension Trust	Rhumblin Core					\$ 34,141,830.00
Pension Trust	Fidelity Bond Index					\$ 4,342,430.00
Pension Trust	Money Market					\$ 759,943.00
Pension Trust	Vanguard-OPEB					\$ 27,956,079.00
<b>SUB-TOTAL</b>						<b>\$ 294,880,919.00</b>
<b>Total Investments</b>						<b>\$ 298,869,058.55</b>
<b>Total Cash on Hand</b>						<b>\$ 1,590,510.23</b>
<b>Grand Total</b>						<b>\$ 300,459,568.78</b>

Total Funds under Treasury Management:

Total Investments						\$ 450,195,236.77
Total Cash on Hand						\$ 12,449,153.51
<b>Grand Total<sup>1</sup></b>						<b>\$ 462,644,390.28</b>

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

*DaWayne Sims*  
DaWayne Sims, City Treasurer

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## **NON-LEGISLATIVE BUSINESS**

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

All Council	Recognize Juneteenth Day of Observance
All Council	Recognize Coalition of Black Trade Unionists 5 <sup>th</sup> Annual Solidarity Ball
Cabrera	Recognize Reggie DeWayne Johnson
Cabrera	Recognize National Caribbean-American Heritage Month
Congo	Sympathy Dr. James E. Newton
Harlee	Recognize Kuumba Academy
Oliver	Recognize Sickle Cell Awareness Day
Spadola	Recognize Jamar Rahming (Wilmington Public Library)

Council Member Cabrera requested to be excused.

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

## **PUBLIC COMMENTS**

President Congo opened up the floor for public comments and the following individual spoke:

○ Branden Fletcher

## **LEGISLATIVE BUSINESS**

Council Member Gray presented Resolution No. 22-036 (Agenda #0189) as follows:

**WHEREAS**, the City of Wilmington government has a compelling interest in promoting public safety by reducing gun violence and preventing potential mass shootings; and

**WHEREAS**, prior to July 4, 1985, the City of Wilmington had broad home rule authority to enact legislation regulating the ownership, transfer, possession, carry and concealment of firearms within the City limits; and

**WHEREAS**, on June 4, 1986, the General Assembly approved legislation that preempted all municipalities in Delaware, including the City of Wilmington, from enacting legislation regulating firearms; and

**WHEREAS**, the preemption statute, which was codified at Title 22, Section 111(a) of the Delaware Code, included a grandfather clause for municipal ordinances that regulated guns in existence before July 4, 1985; and

**WHEREAS**, on August 17, 2015, the General Assembly approved legislation, codified at Title 22, Section 111(b) of the Delaware Code, that carved out a

minor exception to the preemption statute by enabling municipal governments to adopt ordinances regulating the possession of firearms in police stations and municipal buildings, subject to certain requirements set forth in Section 111(b); and

**WHEREAS**, the City of Wilmington has continued to experience the escalation of gun violence and gun trafficking within its borders since the enactment of the preemption statute, causing trauma to generations of families of both the victims and perpetrators, as well as fear and anxiety for residents and businesses regarding public safety in neighborhoods throughout the City; and

**WHEREAS**, the City of Wilmington is the largest city in Delaware by population, has the highest number of large corporations employing tens of thousands of Delaware residents, and provides the greatest percentage of corporate tax revenue to the State of Delaware, all of which is at risk through the continued and escalating gun violence in the City; and

**WHEREAS**, given the impact of gun violence that has been building dramatically over the past several decades throughout the City, and the increase in mass shootings and gun violence throughout the nation, the General Assembly must restore the City's pre-1985 home rule authority to regulate firearms within its borders so that the City can ensure public safety by reducing the rampant gun violence in the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council urges the General Assembly to enact legislation restoring the home rule authority of the City of Wilmington to enact laws to regulate firearms within its borders by exempting it from the preemption statute that prohibits the City of Wilmington from enacting firearm regulations within City limits.

**BE IT FURTHER RESOLVED** that the Wilmington City Council specifically requests that the members of the General Assembly amend Title 22, Section 111(a) of the Delaware Code as follows:

**§ 111. Limitation on firearm regulations.**

- (a) Excluding the City of Wilmington, ~~The~~ municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance, excluding an ordinance of the City of Wilmington, enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to protect the public safety.

Upon a motion of Council Member Gray, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Gray spoke on the purpose of the Resolution. President Congo requested to be added as a co-sponsor. Council Member Johnson made comments. Council Member Darby requested to be added as a co-sponsor and made comments. Council Member Gray made closing comments.

President Congo requested the Clerk 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, Darby, Harlee, Johnson, N. Field and Mills, and Council President Congo. Total, seven. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera, Spadola and Walsh. Total, six.

President Congo declared the Resolution **adopted**.

On behalf of President Congo, Council Member Darby presented Resolution No. 22-037 (Agenda #0190) as follows:

**WHEREAS**, City Charter Section 2-102 requires City Council to redistrict the City's eight (8) Councilmanic districts within six (6) months after the publication by the United States Census Bureau of the population of the City at each federal decennial census; and

**WHEREAS**, City Code Section 2-32 sets forth the procedures in which the Council is required to fulfill the requirements of City Charter Section 2-102; and

**WHEREAS**, pursuant to City Charter Section 2-102 and City Code Section 2-32, a redistricting committee comprised of the President of Council and six members of Council appointed by the President must be established to formulate the City's redistricting plan; and

**WHEREAS**, a redistricting committee consisting solely of members of Council (i.e., politicians) makes the redistricting process vulnerable to gerrymandering and political influence; and

**WHEREAS**, a redistricting committee composed of a majority of the members of Council is overly burdensome and distracts Council from their core legislative duties and from serving their constituents; and

**WHEREAS**, numerous jurisdictions across the country establish independent citizens redistricting commissions in order to keep the redistricting process politically neutral and, ultimately, to strengthen the citizenry's faith in the election and redistricting process; and

**WHEREAS**, Council deems it appropriate to amend the Wilmington City Charter to require an independent commission to formulate the City's redistricting plan instead of a redistricting committee consisting solely of seven members of Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL**, that pursuant to Title 22, Section 811 of the Delaware Code, this Council proposes to amend Section 2-102 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 2-102. – Councilmanic districts.**

There shall be eight (8) councilmanic districts, each encompassing as nearly as possible a contiguous area in which is included as nearly as practicable an equal population distribution. For the purposes of this section, all boundaries shall be considered as passing along the middle of streets. The boundaries of the eight (8) councilmanic districts shall be as presently constituted.

It shall be the mandatory duty of ~~the council~~ an independent redistricting commission to redistrict the city within six (6) months after the publication by the United States Census Bureau of the population of the city at each decennial census. Each councilmanic district shall consist as nearly as possible of contiguous areas containing as nearly as practicable a population derived by dividing the population of the city by a factor of eight (8). ~~Should council fail to redistrict the city within six (6) months following the publication of the census as herein required, the council shall not receive any further salaries until council shall have passed and the mayor shall have approved a redistricting ordinance as herein required or until such ordinance shall have become law without the mayor's approval.~~

Upon a motion of Council Member Darby, seconded by Council Member Mills, the Resolution was before the Council for its consideration. Motion prevailed. President Congo spoke on the purpose of the Resolution. Council Member Johnson made comments and raised a question, and President Congo responded. Council Members Harlee and Gray made comments. Council Member Spadola made comments and raised a question, and President Congo responded. Council Member Darby raised a question and President Congo responded. Council Member Darby made comments and requested to be added as a co-sponsor. Council Members Harlee and Gray made additional comments. President Congo made closing comments.

President Congo requested the Clerk to call for the roll.

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 Gray, Darby and Spadola, and Council President Congo. Total, four. Nays, none. Present, Council Members, Harlee, Johnson, N. Field and Mills. Total, four. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **defeated**.

On behalf of President Congo, Council Member Darby presented Resolution No. 22-038 (Agenda #0191) as follows:

**WHEREAS**, the Wilmington City Charter requires any person desiring to serve as a member of Council to be at least twenty-five (25) years old at the time of election; and

**WHEREAS**, the Wilmington City Council proposes to amend the Wilmington City Charter to lower the minimum age requirement of a member of Council to twenty-three (23).

**NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL** that pursuant to Title 22, Section 811 of the Delaware Code, this Council proposes to amend Section 2-103 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 2-103. Qualification of councilmen.**

A councilman shall be a citizen of the United States, shall be a qualified elector of the city and shall have been such for at least one year prior to his election. No councilman shall hold any other city office or employment during the term for which he was elected to the city council. A councilman shall not be less than ~~twenty-five (25)~~ twenty-three (23) years of age when elected to office. He shall remain a resident of the councilmanic district from which he was elected during his term of office. If a councilman shall cease to possess any of these qualifications, including in the case of a councilman elected from a councilmanic district, residence in the district from which he was elected, or if he shall violate any expressed prohibition of this Charter, or if he be convicted of a crime involving moral turpitude, his office shall immediately be forfeited and become vacant. A councilman shall be deemed to have been convicted of a crime involving moral turpitude upon his conviction in superior court of the State of Delaware, or by an inferior court if its decision is not appealed to the superior court. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. The council shall be the sole judge of the qualifications and election of its members and for this purpose shall have power to subpoena witnesses and require the production of records.

Upon a motion of Council Member Darby, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. President Congo spoke on the purpose of the Resolution and made comments. Council Members Johnson and Harlee made comments. Council Member Darby made comments.

President Congo requested the Clerk 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, Darby, Harlee, Johnson, N. Field, Mills and Spadola, and Council President Congo. Total, eight. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

On behalf of President Congo, Council Member Darby presented Resolution No. 22-039 (Agenda #0192) as follows:

**WHEREAS**, the Wilmington City Charter requires any person desiring to serve as Mayor to be at least thirty (30) years old at the time of election; and

**WHEREAS**, the Wilmington City Council proposes to amend the Wilmington City Charter to lower the minimum age requirement of the Mayor to twenty-five (25).

**NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL** that pursuant to Title 22, Section 811 of the Delaware Code, this Council proposes to amend Section 3-300 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 3-300. Mayor.**

The mayor shall have been a resident of the city for at least two (2) years preceding election, shall be at least ~~thirty (30)~~ twenty-five (25) years of age at the time of his election and shall remain a resident during the term of office.

Upon a motion of Council Member Darby, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed.

**AMENDMENT**

Upon a motion of President Congo, seconded by Council Member Gray, the Resolution was amended to change the minimum age requirement of the Mayor from twenty-five (25) to twenty-three (23). Motion prevailed.

President Congo requested the Clerk to call for the roll.



The above-reference 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 Gray, Darby, Harlee, Johnson, N. Field, Mills and Spadola, and Council President Congo. Total, eight. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution, **As Amended, adopted**.

On behalf of President Congo, Council Member Darby presented Resolution No. 22-040 (Agenda #0193) as follows:

**WHEREAS**, public participation in the electoral process is a vital and guiding principle of democratic governance which City Council desires to promote; and

**WHEREAS**, City Charter Section 2-101 establishes the process for filling a vacant City Council position between general elections; and

**WHEREAS**, City Charter Section 2-101 states that if a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilmember to fill a vacancy, the City Council, by a majority vote of all its remaining members, shall appoint a person to fill the vacancy for the balance of the unexpired term; and

**WHEREAS**, conducting a special election to fill a Council vacancy promotes public participation in the electoral process as it empowers citizens to choose the candidate they deem best to represent their district or the city at large; and

**WHEREAS**, pursuant to Title 22, Section 811 of the Delaware Code, a municipal corporation's home rule charter may be amended by act of the Delaware General Assembly passed with the concurrent of two-thirds of all members elected to each House thereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the City Council urges the Delaware General Assembly to amend the City Charter to empower Wilmington citizens to fill vacant Council seats through a special election.

**BE IT FURTHER RESOLVED** that this Council specifically requests the members of the Delaware General Assembly to amend Section 2-101 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 2-101. – The election of councilmenmembers; vacancies.**

At the general election to be held on the Tuesday next after the first Monday in November, 1968, and on the same day in every fourth year thereafter on which general elections are held, one councilman shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large. Each elector shall have the right to vote for one district councilmanmember, the president of the council, and (3) councilmenmembers-at-large. To this end not more than three (3)



candidates for councilmanmember-at-large shall be nominated pursuant to law by any party or other political body. When a vacancy occurs in the office of a councilmanmember, the city council shall certify that a vacancy exists. ~~A vacancy occurring more than thirty (30) days prior to the date of a primary election in which city officers are nominated shall be filled in the next succeeding general election held in the city. Councilmen elected in this manner to fill a vacancy shall take office on the first Tuesday following their election. If a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy as herein provided, the city council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until a person is elected by the voters for the unexpired term. Thereafter, the president of the council shall issue a writ of election to the State of Delaware Department of Elections to fill the vacancy for the remainder of the unexpired vacated Council seat term, which election shall be held on a date specified in the writ, but not less than thirty days after its issuance. The president of council may fix as the date of the special election, the date of the next primary or general election. If a vacancy arises less than 180 days from the date the term of said office naturally expires, then the seat shall remain vacant for the balance of the unexpired term and shall instead be filled through the next applicable election cycle for a four-year term.~~ If the vacancy occurs in the office of a district councilmanmember, the new member shall come from the same councilmanic district; but if the vacancy occurs in the office of a councilmanmember-at-large, the new member may come from any place in the city but shall be a member of the same political party as the councilmember who vacated office. ~~Council in filling a vacancy must appoint a member of the same political party as that of the councilman whose office has become vacant.~~ In the event of a vacancy in the office of president of council, the council shall appoint by majority vote from among its members a president of the council to fill the unexpired term. The council office of the councilmanmember so appointed president of the council shall in turn become vacant and shall be filled by a special election as herein provided in this Charter for council vacancies. In the case of a special election to fill an unexpired term, the person elected may qualify and assume office as soon as practicable after the canvass of the election.

All citizens qualified by the Constitution and the laws of the State of Delaware to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified to vote for the members of the city council, president of the council, the mayor, and other elected city officials. Except as otherwise provided by this Charter, the provisions of the election laws of the State of Delaware shall apply to elections held under this Charter. All elections provided for by this Charter shall be conducted by the election laws of the State of Delaware. The nomination of persons to be candidates in the general election for mayor, city councilmanmembers, president of the council, and other

elected city officials shall be governed by the election laws of the State of Delaware.

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

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, Darby, Harlee, Johnson, N. Field, Mills and Spadola, and Council President Congo. Total, eight. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

Council Member Darby presented and called for the first second reading Ordinance No. 22-029 (Agenda #0165) entitled:

AN ORDINANCE TO AMEND CHAPTER 40, SECTION 40-341(A) OF THE CITY CODE TO MIRROR THE STATE CODE'S POLICY REGARDING PAID PARENTAL LEAVE

**FISCAL IMPACT STATEMENT:** Based on an analysis of the last four audited fiscal years of parental leave usage, an increase to 8 weeks of paid parental leave (from the current 4 weeks) is projected to result in additional Overtime and Acting Out of Classification payments (along with the associated benefits costs) that will total an average of \$158,700 per year (plus or minus \$46,850).

Based on an analysis of the last four audited fiscal years of parental leave usage, an increase to 12 weeks of paid parental leave (from the current 4 weeks) is projected to result in additional Overtime and Acting out of Classification payments (along with the associated benefits costs) that will total an average of \$317,400 per year (plus or minus \$93,700).

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Darby, seconded by Council Member Johnson, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

Council Member Darby presented Resolution No. 22-041 (Agenda #0194) as follows:

**WHEREAS**, Wilmington City Charter (“Charter”) § 3-203 states that the “mayor, with the advice and consent of a majority of all the members of the council, shall appoint the city solicitor”; and

**WHEREAS**, pursuant to Charter § 4-300, the City Solicitor is tasked with representing and providing legal advice to the City and its departments, which includes both the executive and legislative branches; and

**WHEREAS**, Charter § 2-105 permits City Council to employ and determine the compensation of outside council when the “law department declines to advise or render legal services to the council in any matter and whenever the council is conducting an investigation relating to the executive and administrative branch of the city government”; and

**WHEREAS**, although the City Solicitor has provided legal representation and advice to the Mayor and City Council, City Council believes Charter § 3-203 creates an appearance of bias by allowing the Mayor to appoint the City Solicitor; and

**WHEREAS**, in order to avoid the appearance of bias and to reduce City Council’s need to seek outside legal consultation to assist in carrying out their duties, City Council believes it is necessary to amend Charter § 3-203 and modify the City Solicitor position from an appointed position to an elected position; and

**WHEREAS**, 22 Del. Code § 811 permits the City Charter to “be amended by act of the General Assembly, passed with the concurrence of two thirds of all the members elected to each House thereof”; and

**WHEREAS**, consistent with Part III, Chapter 2, Section 3(B) of the *Delaware Legislative Drafting Manual* (2019 ed.), the Wilmington City Council has attached a draft proposed General Assembly bill as *Attachment A*.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council urges the Delaware General Assembly to amend City Charter § 3-203 to modify the City Solicitor position from an appointed position to an elected position.

Upon a motion of Council Member Darby, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. Council Members Johnson, Gray, Harlee and Spadola made comments. Council Members Johnson and Harlee made additional comments. President Congo made comments and requested to be added as a co-sponsor. Council Member Darby made closing comments.

President Congo requested the Clerk to call for the roll.

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 Gray, Darby and Harlee, and President Congo. Total, four. Nays, Council Members Johnson, N. Field and Spadola. Total, three. Present, Council Member Mills. Total, one. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution No. 22-042 (Agenda #0195) as follows:

**WHEREAS**, pursuant to Title 22, Section 811 of the Delaware Code, a municipal corporation's home rule charter may be amended by act of the Delaware General Assembly passed with the concurrence of two-thirds of all members elected to each House thereof; and

**WHEREAS**, Council deems it appropriate to amend the Wilmington City Charter to impose term limits for members elected to the Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council respectfully requests the members of the Delaware General Assembly to amend Section 2-100 of the City of Wilmington Charter with the addition of the underlined language to read as follows:

**Sec. 2-100. - Number, terms and salaries of council members.**

Council shall consist of twelve (12) members, of whom eight (8) shall be elected from councilmanic districts and four (4) from the city at large, and the president of the council, who shall be elected by the people from the city at large. The terms of council members shall be four (4) years, or until their successors have been elected and take office, commencing on the first Tuesday in the month of January following the year in which they were elected, except that a council member elected to fill a vacancy shall serve only the balance of the unexpired term. No council member shall be eligible for election for more than three (3) terms in each representative capacity; council member elected from a councilmanic district, council member at large, and president of the council. Each council member shall receive a salary at the rate of eight thousand dollars (\$8,000.00) per annum, or such other sum as the council shall from time to time ordain, but the annual salary shall not be increased during the current term of council members enacting such ordinance. No change shall be made in the compensation of members of the city council during the final six (6) months of the terms of the members of the city council. The president of the council shall receive, in addition to the sum paid the council members, the sum of one thousand dollars (\$1,000.00) per annum. The president of the council shall preside over meetings of the city council and shall have the same rights and duties including the right to vote and speak therein as other members.

Upon a motion of Council Member Darby, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. Council Members Harlee, Johnson, Mills, N. Field and Spadola made comments.

President Congo made comments. Council Member Gray made comments. Council Member Harlee made additional comments. Council Member Darby made closing comments.

President Congo requested the Clerk to call for the roll.

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 Gray and Darby, and Council President Congo. Total, three. Nays, Council Members Harlee, Johnson, N. Field, Mills and Spadola. Total, five. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution No. 22-043 (Agenda #0196) as follows:

**WHEREAS**, *15 Del. C. § 6101*. The Constitution of the State allows means by which those losing voting rights from felony convictions can have them reinstated; and

**WHEREAS**, *15 Del. C. § 6103*. prohibits voter registration of convicted felons who have not served their full sentence nor those convicted of ‘disqualifying felonies’; and

**WHEREAS**, the fundamental American principle of freedom and opportunity apply to all within, despite errors of judgement. A country where all citizens of this country are granted an inalienable right to vote, for limitations on voting have no place in a true democracy; and

**WHEREAS**, the removal of the right to vote for inmates has a deep seeded history in racist voter discrimination, and a preservation of such voter disenfranchisement would be a preservation on the history on which it was built. The legacy of such discrimination is one which disproportionately effects the Black and Hispanic communities, having 56% and 9% of prisoners being black and Hispanic respectively, but only being 23% and 4% of the state population; and

**WHEREAS**, Delaware has been expanding rights to its formerly convicted population by removal of waiting periods and having to satisfy financial penalties prior to voting. Incorporating the currently incarcerated is the next step in declaring that voting is an inalienable right to all our citizenry in our democracy; and

**WHEREAS**, Delaware has a higher incarceration rate than any other country in the world, developed or not. Within the United States Delaware ranks in the top 60% of imprisonment rates by states, ranking in 21<sup>st</sup> place. The highest state having 680, the lowest at 133, and Delaware at 382 (measured in incarcerations per 100,000 residents); and

**WHEREAS**, there is precedent in Vermont, Maine, and the District of Columbia, and this would be a continuation of such just precedent.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council urges the Delaware General Assembly to enact legislation that will guarantee the right to vote for all Delaware citizens, including those in state run prisons.

Upon a motion of Council Member Darby, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. Council Member Johnson requested to be added as a co-sponsor and made comments. Council Members Gray and Harlee made comments. Council Member Mills raised a question and Council Member Darby responded. Council Member Mills made comments. President Congo made comments and requested to be added as a co-sponsor.

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, Darby, Harlee and Johnson, and Council President Congo. Total, five. Nays, Council Member Spadola. Total, one. Present, Council Members N. Field and Mills. Total, two. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted\*\***.

*\*\*Note: Initially, Resolution No. 22-043 was declared defeated, however, it was duly noted by President Congo the Resolution was in fact adopted based on those members present and voting and is correctly reflected in the minutes herein.*

Council Member Darby presented Resolution No. 22-044 (Agenda #0197) as follows:

**WHEREAS**, City Charter Section 2-101 establishes the election for all thirteen members of City Council at every general presidential election cycle, resulting in the wholesale turnover of the City Council every four years; and

**WHEREAS**, staggered terms of office for the City Council would promote the continuity of government and retention of institutional knowledge of the legislative branch; and

**WHEREAS**, staggered terms of office reduce the power of voting blocs, special interest groups, or political action committees to stage a takeover or cause a drastic shift in city leadership at a single election; and

**WHEREAS**, pursuant to Title 22, Section 811 of the Delaware Code, a municipal corporation's home rule charter may be amended by act of the Delaware General Assembly passed with the concurrent of two-thirds of all members elected to each House thereof.



**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the City Council urges the Delaware General Assembly to amend the City Charter to provide for four-year staggered terms of office.

**BE IT FURTHER RESOLVED** that this Council specifically requests the members of the Delaware General Assembly to amend Section 2-101 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 2-101. – The election of councilmenmembers; vacancies.**

~~At the general election to be held on the Tuesday next after the first Monday in November, 1968, and on the same day in every fourth year thereafter on which general elections are held, one councilman shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large.~~ Commencing with the general election of 2024, councilmembers shall be elected to serve four-year staggered terms, except as provided for in this Charter to establish staggered terms of office, and shall serve until their successors are elected and qualified. One councilmember shall be elected from each councilmanic district and four (4) from the city at large, together with the president of the council who shall be elected at large. At the general election of 2024, the offices for the president of council, the two most senior councilmembers-at-large and councilmanic districts 1, 3, 5 and 7 shall be elected to fill a four-year term. The offices for the two other councilmembers-at-large and councilmanic districts 2, 4, 6 and 8 shall be elected for an initial two-year term. Thereafter, all terms shall be four years. Each elector shall have the right to vote for one district councilmanmember, the president of the council, and (3) councilmenmembers-at-large. To this end not more than three (3) candidates for councilmenmember-at-large shall be nominated pursuant to law by any party or other political body. When a vacancy occurs in the office of a councilmanmember, the city council shall certify that a vacancy exists. A vacancy-occurring more than thirty (30) days prior to the date of a primary election in which city officers are nominated shall be filled in the next succeeding general election held in the city. Councilmen elected in this manner to fill a vacancy shall take office on the first Tuesday following their election. If a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy as herein provided, the city council, by a majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until a person is elected by the voters for the unexpired term. If the vacancy occurs in the office of a district councilmanmember, the new member shall come from the same councilmanic district; but if the vacancy occurs in the office of a councilmanmember-at-large, the new member may come from any place in the city. Council in filling a vacancy must appoint a member of the



same political party as that of the councilman whose office has become vacant. In the event of a vacancy in the office of president of council, the council shall appoint by majority vote from among its members a president of the council to fill the unexpired term. The council office of the councilmanmember so appointed president of the council shall in turn become vacant and shall be filled as herein provided for council vacancies.

All citizens qualified by the Constitution and the laws of the State of Delaware to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified to vote for the members of the city council, president of the council, the mayor, and other elected city officials. Except as otherwise provided by this Charter, the provisions of the election laws of the State of Delaware shall apply to elections held under this Charter. All elections provided for by this Charter shall be conducted by the election laws of the State of Delaware. The nomination of persons to be candidates in the general election for mayor, city councilmenmembers, president of the council, and other elected city officials shall be governed by the election laws of the State of Delaware.

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

President Congo requested the Clerk call for the roll.

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 Gray and Darby, and Council President Congo. Total, three. Nays, Council Members Harlee, Johnson, Mills and Spadola. Total, four. Present, Council Member N. Field. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution No. 22-045 (Agenda #0198) as follows:

**WHEREAS**, Title 29, Chapter 95 of the Delaware Code sets forth the regulations regarding real property acquisition and makes provisions to ensure that eminent domain proceedings are used for “a limited, defined public use”; and

**WHEREAS**, research, including a briefing report published by the U.S. Commission on Civil Rights, has found that the “public use” requirement is overly broad and often subject to misuse that further facilitates racial and ethnic inequities; and

**WHEREAS**, those with the highest probability of being targeted by eminent domain are often the least able to appeal such decisions, particularly when their properties are at risk of being transferred to large development interests. In a study where

researchers examined a sample of 184 areas where there were attempts to use eminent domain to transfer real estate assets for private development projects. Over half the populations included minority communities, one-quarter of the areas targeted had significantly more individuals living at or below the poverty line and residents had significantly lower levels of educational attainment; and

**WHEREAS**, the City of Wilmington continues to suffer from the effects of eminent domain policies. The consequences of land-use policies, such as those that were adopted to facilitate the creation of the I-95 highway infrastructure, have contributed to hyper segregation in housing and education, racial wealth and opportunity gaps, gentrification, damage to the small business economy, lost socio-cultural networks and substantial population losses. It is unlikely that further use of this mechanism, with fewer legal checks on such authority, will bring the City closer to repairing these deep scars; and

**WHEREAS**, for property owners who have the capacity to do so, broad uses of eminent domain powers have been the subject of numerous litigations, resulting in valuable public trust and resources spent defending contentious decisions. Although the “public use” restriction in Title 49 of the Delaware Code is instrumental in combatting legal excesses with regard to the use of eminent domain policies, this resolution expresses strong opposition to legislation intended to weaken protections against unnecessary property seizures in already marginalized communities.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that this Legislative body is strongly opposed to any additional amendments to the Delaware Code or City of Wilmington Charter that have the potential to weaken legal provisions regarding the responsible use of eminent domain.

**BE IT FURTHER RESOLVED** that this City Council urges the Delaware General Assembly to oppose any legislative proposals that have the potential to further exacerbate the historical harms of eminent domain on the residents of Wilmington.

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

President Congo requested the Clerk to call for the roll.

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 Gray, Darby and Harlee, and Council President Congo. Total, four. Nays, Council Members Johnson, N. Field, Mills and Spadola. Total, four. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution No. 22-046 (Agenda #0199) as follows:

**WHEREAS**, the Wilmington City Charter empowers Wilmington City Council to adopt emergency ordinances in order to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, the Wilmington City Council proposes to amend the Wilmington City Charter to require Wilmington City Council to make appropriations on an emergency basis from available sources of unappropriated revenues, grant funds or special funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that pursuant to Title 22, Section 811 of the Delaware Code, this Council proposes to amend Section 2-205 of the Wilmington City Charter by adding the underlined language and deleting the stricken language to read as follows:

**Sec. 2-205. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the city council ~~may~~ shall adopt emergency ordinances, which shall include appropriations from any available source of revenues, grant funds or special funds, including funds being passed through to non-city entities, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except to issue emergency notes as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds of the members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made for the issuance of emergency notes shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Upon a motion of Council Member Darby, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Harlee raised a question and Council Member Darby responded.

President Congo requested the Clerk to call for the roll.

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 Gray, Darby and Harlee, and Council President Congo. Total, four. Nays, Council Member N. Field. Total, one. Present, Council Members Johnson, Mills and Spadola. Total, three. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **defeated**.

Council Member Darby presented Resolution No. 22-047 (Agenda #0200) as follows:

**WHEREAS**, the Wilmington City Charter requires Wilmington City Council to adopt an annual operating budget ordinance and make certain appropriations of revenues and special funds in the operating budget; and

**WHEREAS**, the Wilmington City Council proposes to amend the Wilmington City Charter to require Wilmington City Council to appropriate grant funds in addition to revenues and special funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that pursuant to Title 22, Section 811 of the Delaware Code, this Council proposes to amend Section 2-300 of the Wilmington City Charter by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 2-300. The annual operating budget ordinance.**

.....

(7) The annual operating budget ordinance shall make appropriations to the various departments, boards, commissions or agencies for all items which are to be met out of special funds and grant funds, including funds being passed through to non-city entities. Such appropriations shall be made in single lump-sum amounts to each of the various departments. Such appropriations are made contingent upon the receipt of funds and shall be utilized in the manner prescribed by the statutes, ordinances, resolutions and/or grants from which they derive. In the event new funds are received or funds are received in greater or lesser amounts than appropriated in the annual operating budget ordinance, spending shall be adjusted upward or downward in accordance with the funds available. Special funds and grant funds may not be appropriated or spent without

council approving by resolution the receipt of such funds. The provisions of [subsection] (6) above shall not apply to such special funds and grant funds; however, in no event shall spending of appropriated special fund[s] and grant fund[s] exceed the amount available.

Upon a motion of Council Member Darby, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. Council Member Gray made comments and raised a question. President Congo made comments. Council Member Darby responded and 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, Darby, Harlee and Spadola, and Council President Congo. Total, five. Nays, Council Members Johnson and N. Field. Total, two. Present, Council Member Mills. Total, one. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

Council Member Darby presented Resolution No. 22-048 (Agenda #0201) as follows:

**WHEREAS**, the Wilmington City Charter empowers Wilmington City Council to amend the annual operating budget in order to make certain appropriations; and

**WHEREAS**, the Wilmington City Council proposes to amend the Wilmington City Charter to require Wilmington City Council to make certain supplemental appropriations of excess revenues, grant funds or special funds during the fiscal year.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that pursuant to Title 22, Section 811 of the Delaware Code, this Council proposes to amend Section 2-301 of the Wilmington City Charter by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 2-301. Other appropriations.**

The council may not make any operating appropriations in addition to those included in the annual operating budget ordinance except:

- (a) To meet emergencies which could not be anticipated when the operating budget ordinance was passed;

- (b) To pay the expenses of holding special elections and elections on proposals to amend this Charter;
- (c) To pay the cost of councilmanic investigations and inquiries and the compensation of attorneys retained by the council as authorized by this Charter; or
- (d) If during the fiscal year revenues, grant funds or special funds in excess of those projected or anticipated in the annual operating budget become available, including funds being passed through to non-city entities, the council shall make supplemental appropriations for the remainder of the fiscal year up to the amount of such excess.

Unless paid for out of current revenues or grants, all amounts appropriated under this section must be included as liabilities of the city in the next succeeding annual operating budget ordinance and except to meet emergencies, operating expenses shall neither be appropriated nor paid out of loan funds.

Upon a motion of Council Member Darby, seconded by Council Member Johnson, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Darby spoke on the purpose of the Resolution and made comments. Council Members Johnson, Gray and Harlee made comments. President Congo made comments. Council Member Johnson made additional comments. Council Member Darby 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, Darby, Harlee and Spadola, and Council President Congo. Total, five. Nays, Council Member N. Field. Total, one. Present, Council Members Johnson and Mills. Total, two. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

On behalf of Council Member Oliver, Council Member Johnson presented Resolution No. 22-049 (Agenda #0202) as follows:

**WHEREAS**, House Bill No. 205 (HB No. 205) proposes to establish the Expanding Access for Retirement and Necessary Saving (EARNs) program to assist eligible employees in accumulating additional retirement security through a State-facilitated savings plan. The EARNs program provides convenient, tax-efficient and portable savings benefits to employees while relieving the administrative and cost burdens some businesses face when overseeing employer-sponsored retirement plans; and



**WHEREAS**, HB No. 205 was introduced because 75 percent of U.S. residents are facing a retirement crisis, and one-third of U.S. workers lack access to retirement savings plans. For many Americans, whose wages or salary constitute their primary sources of income, inadequate savings, coupled with inflation, rising healthcare costs and the ongoing impacts of the COVID-19 pandemic are widening the wealth gap between poor and middle-income Americans. Approximately 47 million Americans are struggling financially or are at risk of falling into economic insecurity as they age. According to the U.S. Census Bureau, 22.9 percent of social safety net benefit recipients were aged 60 years or older in 2019; and

**WHEREAS**, more than one-third of women have no retirement savings, contrasted with 15 percent of men who say they lack funds for retirement. One-third of single people have not saved for retirement, and just nine percent of middle-income workers save 15 percent or more of their income for retirement. Those who find it most difficult to meet their daily expenses while also saving for retirement are also more likely to require public assistance in the future; and

**WHEREAS**, the disproportionate impact of the COVID-19 pandemic on the older working population with the least resources, and lack of retirement savings is significant and has the potential to increase disparities along age, racial, ethnic and gender lines. The pandemic has also initiated retirement anxiety. More than 36 percent of American employees who are within 20 years of retirement wish to delay their retirement; and

**WHEREAS**, millions of America's low and middle-income workers lack access to sponsored retirement benefits. Their employers often cite expenses, limited administrative resources, and lack of employee interest as the main reasons for not offering retirement plans. Because the EARNs program proposes State facilitation of contributions, many of the existing barriers to employer-sponsored retirement plans would be alleviated for both businesses and their employees; and

**WHEREAS**, in Delaware, 54 percent of employers do not offer a retirement plan. According to Georgetown University Center for Retirement Initiatives, approximately 38 percent of Delaware's workforce, more than 145,000 workers, many of whom are lower to moderate-income women and minority, do not have access to employer-sponsored retirement plans. Delaware was one of just five states that have neither taken any action to create nor explored the feasibility of an optional individual retirement arrangement (IRA); and

**WHEREAS**, Wilmington's poverty rate is 26 percent, which is higher than the State average of 12.1 percent. This means that one out of every 3.7 residents of Wilmington lives in poverty, which negatively impacts their ability to save for retirement. The EARNs program would allow them to participate in a retirement savings plan and to maintain the financial contributions they have made even if they change employers.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council is in favor of HB No. 205 which aims to amend Titles 19 and 29 of the Delaware Code relating to the establishment and management of the expanding access for retirement and necessary saving program.



**BE IT FURTHER RESOLVED** this Council encourages the Delaware General Assembly to support this important provision to help Delawareans better prepare for their financial futures.

Upon a motion of Council Member Johnson, seconded by Council Members Gray and Harlee, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Resolution. Council Member Harlee requested to be added as a co-sponsor and 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, Darby, Harlee, Johnson, N. Field, Mills and Spadola, and Council President Congo. Total, eight. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

Council Member Harlee presented Resolution No. 22-050 (Agenda #0203) as follows:

**WHEREAS**, Section 2-204 of the Wilmington City Charter (“Charter”) requires that City Council meet at least twice every month; and

**WHEREAS**, Section 2-204 of the Charter also permits additional meetings to be held when requested by the Mayor, President of City Council, or a Majority of the City Council in accordance with the procedural rules of City Council; and

**WHEREAS**, City Council believes that permitting, but not requiring, City Council meetings in the months of August and December will ensure increased efficiency and productivity of City Council; and

**WHEREAS**, City employees’ time and City resources involved in preparing and managing City Council meetings will be more efficiently apportioned by permitting, but not requiring, City Council meetings in the months of August and December; and

**WHEREAS**, moreover, City Councilmembers serve in a part-time capacity but often devote substantial additional time serving the residents of the City of Wilmington; and

**WHEREAS**, in *The Productivity of Working Hours*, STANFORD INSTITUTE FOR ECONOMIC POLICY RESEARCH (2013), the author states that an employee working more hours does not automatically equate to an increase in quantity of work completed because fatigue and stress result in decreased productivity; and

**WHEREAS**, as expressed in *An Assessment of Paid Time Off in the U.S.*, OXFORD ECONOMICS (2014), allowing time for one to take vacation and recharge is necessary to prevent burnout and increase employee productivity; and

**WHEREAS**, in ENVIRONMENT INTERNATIONAL 154 (2021), the World Health Organization and International Labour Organization found that working long hours is a common contributor to increased health concerns; and

**WHEREAS**, 22 *Del. Code* § 811 permits the City Charter to “be amended by act of the General Assembly, passed with the concurrence of two thirds of all the members elected to each House thereof”; and

**WHEREAS**, consistent with Part III, Chapter 2, Section 3(B) of the *Delaware Legislative Drafting Manual* (2019 ed.), the Wilmington City Council has attached a draft proposed General Assembly bill as *Attachment A*.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council urges the Delaware General Assembly to amend City Charter § 2-204 to exclude August and December from the twice-a-month meeting requirement except when a meeting is requested by the Mayor, President of City Council, or a Majority of the City Council.

Upon a motion of Council Member Harlee, seconded by Council Member Johnson, 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 Gray 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, Darby, Harlee, Johnson, N. Field, Mills and Spadola, and Council President Congo. Total, eight. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

Council Member Harlee presented Resolution No. 22-051 (Agenda #0204) as follows:

**WHEREAS**, House Bill No. 25 (HB No. 25), An Act to Amend Title 15 of the Delaware Code Relating to Elections, provides for election day registration for presidential primary, primary, special and general elections, and permits same day registration at polling places for eligible voters who present appropriate documentation; and

**WHEREAS**, the electoral system is the bedrock of a democratic governance system. It is the mechanism whereby citizens express their vision for the political future of their nation, state or locality, as well as the primary means through which they hold their elected officials accountable for executing the public will. Ensuring that every eligible citizen can participate in this aspect of civic life up until the polls have closed, reinforces procedural fairness and residents’ trust in the democratic process; and

**WHEREAS**, Title 15, Chapter 20, §2036 of Subchapter V of the Delaware Code currently stipulates that, “The last date to register to vote for any

presidential primary, primary and general election shall be the fourth Saturday prior to the date of the election.” According to the Pew Research Center, from 2016 to 2020, there was a 74% increase in the number of registered voters nationally who felt that the presidential election ‘really matters,’ however, nearly half anticipated having difficulties casting their vote. The existing law makes Delaware’s voters more susceptible to experiencing difficulties when voting. It places individuals who are less familiar with the electoral process in the State of Delaware at greater risk of exclusion and places poll workers in the precarious position of having to refuse otherwise eligible voters a chance to participate in the governance process; and

**WHEREAS**, the bureaucratic procedures associated with voting can be intimidating, particularly to new residents, young people, those with low-income, racial and ethnic minorities and individuals from other marginalized communities. Registration at polling locations, which are located within residents’ communities and staffed by fellow community members, has the potential to streamline the applications to vote and improve the likelihood that those documents are complete and accurate; and

**WHEREAS**, technological advancements now allow processing of registrations and ballots to occur almost instantaneously, the logistical and recordkeeping concerns that were the basis of the existing guidelines are no longer relevant. Our laws should make every possible accommodation to ensure that those who are eligible to participate in the voting process are able to exercise their rights.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that this Council is in favor of HB No. 25, which allows for same day registration of voters at the polls with proper documentation of their eligibility.

**BE IT FURTHER RESOLVED** this Legislative body encourages the Delaware General Assembly to support to HB No. 25, which constitutes a major step in increasing the inclusivity of our State’s electoral process.

Upon a motion of Council Member Harlee, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Harlee 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 Members Gray, Darby, Harlee, Johnson and Mills, and Council President Congo. Total, six. Nays, none. Present, Council Member N. Field\*\*\*. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera, Spadola and Walsh. Total, six.

President Congo declared the Resolution **adopted**.

\*\*\*Note: Upon the guidance of the City Solicitor’s Office provided June 17, 2022, based on 29 Del. C. section 10006A, the tallied vote for Resolution No. 22-051 (Agenda #0204) is 6 Yeas, 1 Present and 6 Absent, and was corrected to reflect the change of Council Member N. Field from absent to Present.

Upon a motion of Council Member Harlee, seconded by Council Member Gray, Council dissolved into the Committee of the Whole for purpose of holding a combined public hearing on Agenda #0205 and #0144 (Ord. 22-011). Motion prevailed.

**PUBLIC HEARING**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CITY'S COMPREHENSIVE DEVELOPMENT PLAN ENTITLED "WILMINGTON 2028: A COMPREHENSIVE PLAN FOR OUR CITY AND COMMUNITIES" REGARDING THREE PARCELS OF LAND LOCATED AT THE SOUTHEAST CORNER OF FOURTH AND SHIPLEY STREETS, COMMONLY KNOWN AS "HUMBLE PARK"**

**AND**

**ORDINANCE NO. 22-011 – AN ORDINANCE TO REZONE THREE PARCELS OF LAND LOCATED AT THE SOUTHEAST CORNER OF FOURTH AND SHIPLEY STREETS, COMMONLY KNOWN AS "HUMBLE PARK", FROM A ZONING CLASSIFICATION OF O (OPEN SPACE) TO A ZONING CLASSIFICATION OF C-3 (CENTRAL RETAIL)**

---

President Congo requested the Clerk to read the Affidavits of Publications.

The City Clerk read the Affidavits of Publications and upon a motion of Council Member Harlee, seconded by Council Members Johnson and Gray, the Affidavits of Publications were made a part of the record. Motion prevailed.

*Note: The Affidavits of Publications are attached herein as an insert from Page 30 through Page 33.*

*[the remainder of this page intentionally left blank]*



**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

Maribel Seijo

DE,

### AFFIDAVIT OF PUBLICATION

# of Affidavits 1

**This is not an invoice**

**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 edition dated as follows :

05/24/2022 A.D 2022

*Linda Hitt*

Sworn and subscribed before me, this 24 day of May,  
2022

Ad Number: 0005269807

Legal notification printed at larger size for affidavit.

*Vicky Felty*

Notary Public, State of Wisconsin, County of Brown

*9-19-25*

My commission expires

VICKY FELTY  
Notary Public  
State of Wisconsin

Ad Number: 0005269807

Run Dates: 05/24/2022

NOTICE IS HEREBY GIVEN that a public hearing to consider the proposed amendments to the "Wilmington 2028: A Comprehensive Plan for Our City and Communities" related to the proposed change to the zoning classification of three parcels of land located at the southeast corner of Fourth and Shipley Streets, Wilmington, Delaware, to be conducted virtually by the Wilmington City Council on June 16, 2022, at 6:30 p.m. pursuant to Resolution No. 22-020.

Maribel Seljo  
City Clerk

5/24-NJ

0005269807-01



**The News Journal**  
**Media Group**

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

Maribel Seijo

DE,

### AFFIDAVIT OF PUBLICATION

# of Affidavits 1

**This is not an invoice**

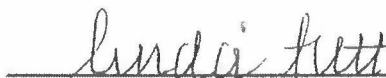
**State of Delaware**

**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 edition dated as follows :

05/24/2022 A.D 2022



Sworn and subscribed before me, this 24 day of May,  
2022

Ad Number: 0005269803

Legal notification printed at larger size for affidavit.



Notary Public, State of Wisconsin, County of Brown

9-19-25

My commission expires

VICKY FELTY  
Notary Public  
State of Wisconsin



Notice of time and place of a public hearing before City Council of the City of Wilmington on Ordinance No. 22-011, which proposes to amend Chapter 48 of the Wilmington City Code of the City of Wilmington.

Due to the Governor's March 1, 2022 declaration of a public health emergency and the extensions of such declaration, please take notice that a public hearing will be conducted virtually with no anchor location on June 16, 2022 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. 22-011 entitled:

AN ORDINANCE TO REZONE THREE PARCELS OF LAND LOCATED AT THE SOUTHEAST CORNER OF FOURTH AND SHIPLEY STREETS, COMMONLY KNOWN AS "HUMBLE PARK", FROM A ZONING CLASSIFICATION OF O (OPEN SPACE) TO A ZONING CLASSIFICATION OF C-3 (CENTRAL RETAIL)

The instructions to access the public hearing virtually will be included on the agenda for the June 16, 2022 Council meeting.

Ordinance No. 22-011 was introduced in City Council at a regular meeting held on March 3, 2022 and received 1st & 2nd readings at that time. Resolution No. 22-021 was adopted by City Council at the meeting of City Council held on May 19, 2022, directing that a public hearing on same be held by City Council on June 16, 2022 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. 22-011 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  
5/24-NJ

City Clerk  
MARIBEL SEJO

0005269803-01

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

The Clerk read the Planning Commission Report and upon a motion of Council Member Harlee, seconded by Council Member Gray, the 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 videotaped of the June 16, 2022 City Council meeting and public hearing, which is incorporated herein by reference.

Mr. Matthew Harris (Senior Planner) did a presentation, which is reflected in the videotape of June 16, 2022 City Council meeting and public hearing, which is incorporated herein by reference.

At this time, President Congo opens up the floor for any questions from the members of Council. Council Member Gray made comments and raised a question, and Mr. Harris responded.

Council Member Harlee requested the Clerk to read the following communication:

June 7, 2022

Maria Cabrera, Chair  
Wilmington City Council, Community Development and Urban Planning  
Louis L. Redding City/County Building  
800 N. French Street, 9th Floor  
Wilmington, DE 19801

Re: Humble Park

Delaware Technical Community College supports the City's current process to consider alternative uses of Humble Park in Wilmington, located at 4th and Shipley Streets. Although directly adjacent to our Wilmington campus, our students don't currently use the park for recreation or as a place to study.

There are several locations on our campus that they use frequently, such as our newly renovated Student Success Center, Learning Commons, or courtyard. In addition, students also walk to the Riverfront or patronize restaurants and stores on Market Street or in the LOMA area adjacent to the campus. A final observation is that the park serves as a gathering space for the homeless population in that area of the City and presents concerns for the safety of students and staff who utilize 4th Street to access the Market Street businesses referenced above.

Thank you for your consideration of Delaware Tech's position on this project. We sincerely value our relationship with Wilmington's leadership and the students and businesses we serve in the community.

Sincerely,  
/s/Mark T. Brainard President

Upon a motion of Council Member Harlee, seconded by Council Member Gray, the communication was made a part of the record.

At this time, President Congo opened up the floor for anyone from the public to speak “for” or “against” the public hearing and nobody desired the privilege of the floor.

Upon a motion of Council Member Harlee, seconded by Council Member Gray, Council returned to regular order of business. Motion prevailed.

### **REGULAR ORDER OF BUSINESS**

Council Member Harlee presented Resolution No. 22-052 (Agenda #0205) 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 March 3, 2022, Ordinance No. 22-011 was introduced before City Council to amend the “Building Zone Map of Wilmington, Delaware” to change the zoning classification of three parcels of land located at the southeast corner of Fourth and Shipley Streets, Wilmington, Delaware (being Tax Parcel Nos. 26- 043.10-188, 26-043.10-189, and 26-043.10-190) (collectively, the “Parcels”), which are commonly known as “Humble Park”, from a zoning classification of O (Open Space) to a zoning classification of C-3 (Central Retail); 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 February 15, 2022; and

**WHEREAS**, at its meeting on February 15, 2022, the City Planning Commission adopted Resolution 1-22, which recommends that the Comprehensive Plan be amended to change the land use of the Parcels from “Parks and Open Space” to “Downtown Mixed Use” by revising the Midtown Brandywine/Central Future Land Use Map for the Parcels 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 June 16, 2022; and

**WHEREAS**, City Council deems it necessary and appropriate to revise the Comprehensive Plan as recommended by the City Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that 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 the Parcels located at the

southeast corner of Fourth and Shipley Streets, Wilmington, Delaware (being Tax Parcel Nos. 26- 043.10-188, 26-043.10-189, and 26-043.10-190), which are commonly known as “Humble Park”, from “Parks and Open Space” to “Downtown Mixed Use” by revising the Midtown Brandywine/Central Future Land Use Map for the Parcels, 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 the later of (i) passage of this Resolution by City Council or (ii) the entry of an order by the Superior Court of the State of Delaware vacating the dedication of the Parcels as open space/parkland.

Upon a motion of Council Member Harlee, seconded by Council Member Gray, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Harlee 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 Members Harlee, Johnson, N. Field, Mills and Spadola. Nays, Council Member Darby and Council President Congo. Total, two. Present, Council Member Gray. Total, one. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera and Walsh. Total, five.

President Congo declared the Resolution **adopted**.

Council Member Harlee **held** Ordinance No. 22-011 (Agenda #0144) and Agenda #0206 (Res.) this evening.

Although Ordinance No. 22-011 was held this evening, President Congo requested the Clerk to 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:** Marchelle Basnight, City Council Senior Legislative Advisor & Chief Financial Officer  
Maribel Seijo, City Clerk  
Tanya Washington, Mayor’s Office Chief of Staff  
Timothy C. Lucas, Acting Director of Planning  
Gwineth Kaminsky, Planning Manager  
Robert M. Goff, Jr., City Solicitor

**DATE:** June 16, 2022

**RE:** City Council Findings Supporting the Enactment of Ordinance No. 22-011 to Rezone Three Parcels of Land Located at the Southeast Corner of Fourth and Shipley Streets, Commonly Known as “Humble Park”, from a Zoning Classification of O (Open Space) to a Zoning Classification of C-3 (Central Retail)

Enclosed please find a copy of the findings (the “Findings”) prepared in connection with City Council’s scheduled public hearing on June 16, 2022 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 February 15, 2022. At that meeting, the Planning Commission approved its Resolution 2-22, 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. 22-011**

City Council makes the following findings (the “Findings”) regarding the rezoning of the parcels of land that are the subject of Ordinance No. 22-011 (the “Ordinance”).  
Proposed Rezoning Action:

An Ordinance to Rezone Three Parcels of Land Located at the Southeast Corner of Fourth and Shipley Streets, Commonly Known as “Humble Park”, from a Zoning Classification of O (Open Space) to a Zoning Classification of C-3 (Central Retail)

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 1-22 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 unit block of West Fourth Street under the same C-3 (Central Retail) zoning classification.
3. The proposed rezoning action is consistent with the adjacent zoning to the north, east, and south.
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 land uses that will be permitted under the proposed rezoning classification are consistent with the adjacent land uses.
7. The proposed rezoning action will not adversely affect public safety.
8. The proposed rezoning action will be consistent with and complementary to the zoning classifications of nearby zoning districts and the property uses therein.
9. 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.
10. 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.
11. 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.
12. The proposed rezoning action will not create any isolated districts, but rather will better relate the subject properties to each of the surrounding areas and to future best uses of the properties.
13. 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 parcels of land that are 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 February 15, 2022 and contained in its Resolution 2-22.

Upon a motion of Council Member Harlee, seconded by Council Member Gray, the Findings were made a part of the record. Motion prevailed.

On behalf of Council Member B. Fields, Council Member Johnson presented and called for the first and second reading Ordinance No. 22-030 (Agenda #0207) entitled:

AN ORDINANCE TO APPROVE THE DISPOSITION OF  
SEVEN PROPERTIES LOCATED IN THE WEST CENTER  
CITY NEIGHBORHOOD TO GRADUATES OF THE  
JUMPSTART WILMINGTON PROGRAM

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



The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Johnson, seconded by Council Member Harlee, the Ordinance was received, recorded and referred to the Finance & Economic Development Committee meeting. Motion prevailed.

Council Member Johnson presented and called for the third and final reading Ordinance No. 22-020 (Agenda #0158) entitled:

AN ORDINANCE TO AUTHORIZE AND APPROVE  
A CONTRACT BETWEEN THE CITY OF WILMINGTON  
AND THIRDLINE, INC. FOR MONITORING & AUDITING  
SERVICES

**FISCAL IMPACT STATEMENT:** This Ordinance has an anticipated fiscal impact of \$550,000 over a five (5) year period.

Upon a motion of Council Member Johnson, seconded by Council Member Gray, 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 defeated by title and section recurring to the Enacting Clause by the following Yea and Nay Roll Call Vote: Yeas, Council Members Gray, Harlee, Johnson, N. Field and Mills, and Council President Congo. Total, six. Nays, none. Present, Council Member Darby\*\*\*. Total, one. Absent, Council Member Oliver, B. Fields, McCoy, Cabrera, Walsh and Spadola. Total, six.

President Congo declared the Ordinance **defeated\*\*\***.

*\*\*\*Note: Upon the guidance of the City Solicitor's Office provided June 17, 2022, based on 29 Del. C. section 10006A, the tallied vote for Ordinance No. 22-020 (Agenda #0158) is 6 Yeas, 1 Present and 6 Absent, and was corrected to reflect the change of Council Member Darby from absent to Present. Also, based on City Charter section 2-201(5) which requires that ordinances passed by City Council obtain at least 7 Yea votes, the President's initial declaration at the June 16<sup>th</sup> meeting that Ordinance No. 22-020 was Adopted is changed to Defeated.*

Council Member Johnson presented Resolution No. 22-053 (Agenda #0208) as follows:

**WHEREAS**, Senate Substitute No. 1 for Senate Bill No. 3 (SS No. 1 for SB No. 3) would amend Title 11 of the Delaware Code sets forth an application process to obtain a handgun qualified purchaser card that must be presented by individuals seeking to purchase or transfer ownership of a firearm; and

**WHEREAS**, in 2020, firearm-related injuries were among the 5 leading causes of death for Americans under the age of 44 years old. Every day, more than 100 Americans are killed by gun violence, and more than 230 are injured. In an average year, more than 40,000 die, and another 84,000 are wounded by guns nationally. Nearly eight in 10 murders and more than half of deaths by suicide in the United States involve a firearm. According to the National Safety Council, there was a 13.9 percent increase in all gun-related deaths and a 10 percent rise in accidental gun deaths in 2020; and

**WHEREAS**, Delaware has the 25th highest rate of gun-related fatalities in the U.S. An average of 111 Delawareans are killed by firearms each year. Firearm deaths and injuries cost the State of Delaware an estimated \$714 million annually; and

**WHEREAS**, according to the Federal Bureau of Investigation, nearly one in four of Wilmington's violent crimes involved a handgun. There were 28 shootings with 32 victims in Wilmington between January 1 and May 15, 2022. In the past year, there were a total of 118 shootings with 149 victims and 39 homicides; and

**WHEREAS**, SS No. 1 for SB No. 3 sets forth an application process for obtaining a handgun qualified purchaser card that preserves the Second Amendment Rights of responsible, lawful gun owners; ensures that cardholders are adequately trained to safely operate firearms; closes loopholes in access to guns by mandating that all legal gun sales or transfers verify that an individual possesses a handgun qualified purchaser card; prohibits access to weapons for individuals convicted of certain criminal offenses, and assists law enforcement officers' capacity to conduct criminal investigations when firearms are misused.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Wilmington City Council is strongly in favor of SS No. 1 for SB No. 3, which would require that gun purchasers possess a handgun qualified purchaser card to buy or obtain a firearm through a transfer of ownership.

**BE IT FURTHER RESOLVED** that this Council urges the members of the Delaware General Assembly to support SS No. 1 for SB No. 3 to better regulate the sale of firearms and promote responsible gun ownership.

Upon a motion of Council Member Johnson, seconded by Council Member Mills, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Resolution and made comments. Council Member Darby made comments. Council Member Gray requested to be added as a co-sponsor and made comments. Council Member Harlee made comments and requested to be added as a co-sponsor. President Congo requested to be added as a co-sponsor. Council Member Mills requested to be added as a co-sponsor. 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, Darby, Harlee, Johnson, N. Field and Mills, and Council President Congo. Total, seven. Nays, none. Absent, Council Members Oliver, B. Fields, McCoy, Cabrera, Spadola, and Walsh. Total, six.

President Congo declared the Resolution **adopted**.

There was no further legislation being presented this evening.

### **PETITIONS AND COMMUNICATIONS**

Council Members and Council President spoke on the following: community events throughout the various districts; Resolutions going down to the General Assembly; the various festivals in the city; newsletter to residents; the need to continue to be safe; everyone who joined tonight's meeting were thanked; and including but not limited to it was announced that it is Council's goal to return to having its meetings in the Chambers after the break.

### **ADJOURNMENT**

Upon a motion of Council Member Harlee, seconded by Council Member Johnson, Council adjourned at 9:53 p.m. Motion prevailed.

Attest: Maribel Seijo  
Maribel Seijo, City Clerk