

*Wilmington City Council
Wilmington, Delaware
July 13, 2023*

City Council met in regular session with remote participation on the above date at 6:33 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 White (virtual), Darby, Oliver, Harlee (virtual), B. Fields, McCoy, Johnson, N. Field, Cabrera, Spadola and Bracy, and Council President Congo. Total, twelve. Absent with leave Council Member Mills. Total, one.

MINUTES

After reading a portion of the minutes of July 6, 2023, upon a motion of Council Member Cabrera, seconded by Council Member McCoy, it was moved they be accepted as written. Motion prevailed.

COMMITTEE REPORTS

The City Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

June 21, 2023

Ladies and Gentlemen:

We, your Joint Finance & Economic Development Committee and Community Development & Urban Planning Committees met by **anchor location and remote participation**, to who was referred **Substitute No. 1 to Ordinance No. 23-018** entitled:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CITY CODE
TO ALLOW RESIDENTIAL TENANTS IN CITY PROPERTIES TO
DEPOSIT WITHHELD RENT IN A CITY-HELD ESCROW ACCOUNT

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

Respectfully submitted, Members of
Finance & Economic Development Committee

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

TREASURER'S REPORT

The following Treasurer's Report for July 13, 2023 was read into the
record by City Clerk and upon a motion of Council Member Cabrera, seconded by
Council Members Johnson and McCoy, 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 5.

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report

July 13, 2023

Cash - Ledger Balance (as of 07/12/2023):

General	M & T Bank	\$ 8,092,775.00
Payroll	M & T Bank	\$ 904,540.37
Law Department Court Costs	M & T Bank	\$ 4,457.07
Total Petty Cash	M & T Bank	\$ 5,974.69
Police - Evidence Found (Currency)	M & T Bank	\$ 1,185,781.47
Police & Fire Remembrance	M & T Bank	\$ 10,644.49
Police Department Discretionary	M & T Bank	\$ 21,046.37
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
Total Cash on Hand		\$ 10,342,120.30

Cash Equivalents & Investments (as of 07/12/2023):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
General	M&T	Overnight Repo	Daily	3.99%	\$ 1,474.09	\$ 13,538,774.56
General	TD	High Yield Checking	6	4.44%	\$ 2,156.33	\$ 2,913,960.76
General	TD	High Yield Checking	6	4.44%	\$ 6,868.33	\$ 9,281,528.96
General	TD	High Yield Checking	6	4.44%	\$ 16,158.23	\$ 21,835,447.46
SUB-TOTAL:						\$ 47,569,711.73
Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Int. Receiv.	Investment Amount
Police & Fire Remem.	WSFS	CD	1/23/2024	0.15%	\$ 59.18	\$ 25,871.46
General	TD	CD	9/20/2023	5.57%	\$ 658,355.99	\$ 46,250,908.43
General	TD	CD*	7/17/2023	5.33%	\$ 351,276.42	\$ 26,072,513.23
General	TD	CD	9/29/2023	5.51%	\$ 69,768.19	\$ 4,849,316.50
SUB-TOTAL:						\$ 77,198,609.62
RESERVE:						
General ¹	TD	CD	8/14/2023	4.91%	\$ 431,846.93	\$ 17,493,321.25
SUB-TOTAL:						\$ 17,493,321.25
RESTRICTED:						
Capital Project	TD	CD	7/17/2023	5.33%	\$ 25,215.11	\$ 1,871,521.60
Capital Project	TD	CD	7/17/2023	5.33%	\$ 21,051.25	\$ 1,562,470.53
Capital Project	TD	CD	7/17/2023	5.33%	\$ 227,915.97	\$ 16,916,427.65
Water/Sewer	TD	CD	8/14/2023	4.91%	\$ 83,018.21	\$ 3,362,914.47
State Bonds Proceeds	TD	CD	7/17/2023	5.33%	\$ 122,853.03	\$ 9,118,423.75
SUB-TOTAL						\$ 32,831,758.00
Total Investments						\$ 175,093,400.60
Total Cash on Hand						\$ 10,342,120.30
Grand Total						\$ 185,435,520.90

¹ Budget Reserve

*Restricted use. Per ARPA US Treasury Guidelines

CITY TREASURER'S OFFICE

DaWayne Sims, City Treasurer

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

WWW.WILMINGTONDE.GOV • PHONE: (302) 576-2480 • FAX: (302) 573-5568

City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions I July 13, 2023

Cash - Ledger Balance (as of 07/12/2023):

Pension Payroll	M & T Bank	\$	57,567.77
Retiree Healthcare	M & T Bank	\$	3,471,698.36
Police Pension	M & T Bank	\$	1,000.00
Fire Pension	M & T Bank	\$	609,874.37
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	15,437.85
Non-Uniform Pension Plan 2	M & T Bank	\$	1,000.00
Old Non-Uniform Pension - Plan 1	M & T Bank	\$	1,592.81
Total Cash on Hand		\$	4,158,171.16

Cash Equivalents (as of 07/12/2023) & Investments (Market Value as of July 07, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
LIQUIDITY:						
Fire Pension	TD	CD	7/31/2023	5.44%	\$ 44,577.78	\$ 5,000,000.00
SUB-TOTAL:						\$ 5,000,000.00
RESERVE:						
Pension Trust	Rhumblin 3000					\$ 58,143,499.00
Pension Trust	Fidelity Market Index					\$ 1,001,695.00
Pension Trust	Edgar Lomax					\$ 15,132,993.00
Pension Trust	Rhumblin 1000					\$ 17,185,050.00
Pension Trust	Earnest Partners					\$ 16,437,546.00
Pension Trust	Dodge & Cox					\$ 12,652,992.00
Pension Trust	Artisan Global					\$ 12,442,060.00
Pension Trust	MFS Low Global					\$ 13,667,094.00
Pension Trust	Hartford Schroder					\$ 4,245,577.00
Pension Trust	Fidelity Total Intl. Index					\$ 12,645,927.00
Pension Trust	Harding Loevner					\$ 1,323,981.00

DaWayne Sims, City Treasurer

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City of Wilmington



DaWayne Sims
City Treasurer

Treasurer's Report - Pensions II July 13, 2023

Investments (Market Value as of July 07, 2023)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
RESERVE:						
Pension Trust	Fidelity Emerging					\$ 2,662,313.00
Pension Trust	Clarion Lion					\$ 13,132,182.00
Pension Trust	Morgan Stanley					\$ 9,672,742.00
Pension Trust	JP Morgan					\$ 14,076,166.00
Pension Trust	LM Capital Core					\$ 31,422,037.00
Pension Trust	Rhumblin Core					\$ 27,471,301.00
Pension Trust	Fidelity Bond Index					\$ 5,055,801.00
Pension Trust	Money Market					\$ 1,361,638.00
Pension Trust	Vanguard-OPEB					\$ 29,924,210.00
SUB-TOTAL						\$ 299,656,804.00
Total Investments						\$ 304,656,804.00
Total Cash on Hand						\$ 4,158,171.16
Grand Total						\$ 308,814,975.16

Total Funds under Treasury Management:

Total Investments						\$ 479,750,204.60
Total Cash on Hand						\$ 14,500,291.46
Grand Total¹						\$ 494,250,496.06

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

DaWayne Sims, City Treasurer

CITY TREASURER'S OFFICE

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NON-LEGISLATIVE BUSINESS

Upon a motion of Council Members B. Fields and Cabrera, seconded by Council Member McCoy, the following non-legislative resolutions were accepted into the record. Motion prevailed.

a. Recognition Resolutions

Cabrera	Recognize Lolita A. Lopez, FACHE
Cabrera	Recognize Westside Family Healthcare 35 th Anniversary

b. Sympathy Resolutions

Harlee	Sympathy Darlene Terry Webb
Oliver	Sympathy Valerie Evans
Oliver	Sympathy Aliema I. Tillson-Houi
Oliver	Sympathy Florence B. Garlick

PUBLIC COMMENTS

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

- Dwight L. Davis
- Abdullah Bey
- Mildred Turner
- Teresa Oliver

LEGISLATIVE BUSINESS

Council Member Darby presented Resolution No. 23-046 (Agenda #0333) as follows:

WHEREAS, as legislative representatives elected by the citizens of Wilmington, members of City Council are held to a higher standard in the way they conduct themselves in the public light, as well as the manner in which they conduct public business; and

WHEREAS, elected officials should strive to represent their constituents rather than their own interests; and

WHEREAS, on May 14, 2020, Councilwoman Zanthia Oliver, 3rd District, attended and participated in the City of Wilmington's Community Development and Urban Planning Committee Meeting ("CDUP Meeting"); and

WHEREAS, one item on the CDUP Meeting's Agenda was a 196-page resolution identifying City grant beneficiaries for the City's FY 2021 action plan (the "Plan"); and

WHEREAS, one of the Plan's potential beneficiaries was Our Youth, Inc., an organization run by Councilwoman Oliver's brother; and

WHEREAS, Section 2-340(a)(1) of the City Code states: "No ... elected official ... may participate on behalf of the city in the review or disposition of any matter pending before the city in which ... she has a personal or private interest[.]"

WHEREAS, Section 2-340(f)(2) of the City Code states: "No elected official shall vote for, or promote in any manner whatsoever, legislation affecting any subject matter in which he or she has a personal or private interest. Any such interest shall be disclosed by said elected officer prior to a vote on any such legislation, and elected official shall vote 'present' when called upon to vote."

WHEREAS, on May 28, 2020, City Council voted on the Plan; and

WHEREAS, Councilwoman Zanthia Oliver voted in favor of the Plan; and

WHEREAS, on April 14, 2022, the City of Wilmington Ethics Commission received a notarized affidavit regarding this ethical violation; and

WHEREAS, the City of Wilmington Ethics Commission began investigating; and

WHEREAS, after investigation, on April 18, 2023, the City of Wilmington Ethics Commission imposed a public reprimand on Councilwoman Zanthia Oliver; and

WHEREAS, it is in this spirit that the City Council feels compelled to recognize behavior manifest in the actions of one of its members, and censure that behavior to set the tone that appearances of impropriety shall not be tolerated; and

WHEREAS, it is the position of this 108th Session of the Wilmington City Council that Councilwoman Zanthia Oliver has engaged in behavior that has an appearance of impropriety; and

WHEREAS, in light of this appearance of impropriety, this Council resolves that Councilwoman Zanthia Oliver has engaged in conduct unbecoming of her office, which constitutes a detriment to the office of a Member of Council, as well as Council as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council seeks to formally censure and admonish Councilwoman Zanthia Oliver following the public reprimand imposed by the City of Wilmington Ethics Commission.

BE IT FURTHER RESOLVED that Council seeks to renew its resolve to the principles outlined in the City Code upheld by its members, and the Oath of Office taken by its members. This Council stands at the ready to move forward, and to collaborate around matters of community importance to our City.

Upon a motion of Council Member Darby, seconded by Council Member Spadola, 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 Spadola, Johnson, Cabrera, McCoy and B. Fields made comments. Council Member Cabrera made additional comments. Council Members Bracy and Harlee made comments. Council Member B. Fields made additional comments. Council Member Oliver 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 Darby and Spadola. Total, two. Nays, Council Members White, Oliver, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera and Bracy, and Council President Congo. Total, ten. Absent, Council Member Mills. Total, one.

President Congo declared the Resolution **defeated**.

On behalf of President Congo, Council Member Harlee presented Resolution No. 23-047 (Agenda #0334) as follows:

WHEREAS, City Code Section 35-37(a) states that the “Wilmington Civil Rights Commission shall be composed of seven residents of the city[.];” and

WHEREAS, City Code Section 35-37(a) further states that the mayor shall appoint five members to the Commission; and

WHEREAS, Commissioners are subject to confirmation by resolution of city council, approved a majority of all members of the city council; and

WHEREAS, City Code Section 35-38(a) states that “members of the civil rights commission shall serve a three-year term. No member of the commission may serve more than two terms[.];” and

WHEREAS, pursuant to Resolution 20-048, on July 9, 2020, the Mayor appointed Brionna L. Denby, Esq. to the Commission; and

WHEREAS, the Mayor wishes to reappoint Brionna L. Denby, Esq. for a second three-year term; and

WHEREAS, City Council deems it necessary and appropriate to confirm the reappointment of Brionna L. Denby, Esq. to the Wilmington Civil Rights Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council confirms the reappointment of Brionna L. Denby, Esq. to the Wilmington Civil Rights Commission.

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

President Congo declared the Resolution **adopted**.

Note: At this time, Council Member Spadola requested to be excused from the remainder of the meeting.

Council Member McCoy presented and called for the third and final reading Ordinance No. 23-018 (Agenda #0296) entitled:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE
CITY CODE TO ALLOW RESIDENTIAL TENANTS
IN CITY PROPERTIES TO DEPOSIT WITHHELD
RENT IN A CITY-HELD ESCROW ACCOUNT

Council Member McCoy presented a **Substitute** (Rev. 1) in lieu of that ordinance:

AN ORDINANCE TO AMEND CHAPTER 34 OF THE
CITY CODE TO ALLOW RESIDENTIAL TENANTS
IN CITY PROPERTIES TO DEPOSIT WITHHELD
RENT IN A CITY-HELD ESCROW ACCOUNT

FISCAL IMPACT STATEMENT: This Ordinance's fiscal impact should be *de minimis*.

Upon a motion of Council Member McCoy, seconded by Council Members B. Fields and Johnson, the Substitute Ordinance was before the Council for its consideration. Motion prevailed. Council Member McCoy made comments and spoke on the purpose of the Substitute Ordinance. Council Member Johnson requested to be added as a co-sponsor and made comments. President Congo requested to be added as a co-sponsor. Council Member Harlee made comments. Council Member White requested to be added as a co-sponsor. Council Members Darby and Oliver requested to be added as a co-sponsor and made comments. Council Member N. Field made comments. Council Member Bracy requested to be added as a co-sponsor. Council Member Cabrera made comments. Council Member B. Fields requested to be added as a co-sponsor. Council Members Johnson, Darby, Harlee and N. Field and Cabrera made additional comments. Council Member McCoy made closing comments.

President Congo requested the Clerk to call for the roll.

The above-referenced Substitute Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members White, Darby, Oliver, Harlee, B. Fields, McCoy, Johnson, Cabrera and Bracy, and Council President Congo. Total, ten. Nays, Council Member N. Field. Total, one. Absent, Council Member Mills and Spadola. Total, two.

President Congo declared the **Substitute Ordinance adopted.**

Note: At this time, Council Member Oliver requested to be excused from the remainder of the meeting.

Upon a motion of Council Member Johnson, seconded by Council Member Bracy, Council dissolved into the Committee of the Whole for the purpose of holding a combined public hearing on Agenda #0335 and #0325. Motion prevailed.

PUBLIC HEARING
A RESOLUTION ON THE PROPOSED AMENDMENTS TO THE CITY'S
COMPREHENSIVE DEVELOPMENT PLAN ENTITLED "WILMINGTON 2028:
A COMPREHENSIVE PLAN FOR OUR CITY AND COMMUNITIES
AND
SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-028 – REZONE SIX PARCELS OF
LAND LOCATED ALONG LINCOLN STREET BETWEEN TENTH AND
ELEVENTH STREETS FROM A ZONING CLASSIFICATION OF R-3 (ONE-
FAMILY ROW HOUSES) TO A ZONING CLASSIFICATION OF C-2
(SECONDARY BUSINESS CENTERS)

President Congo request the Clerk read the Affidavit of Publications.

The City Clerk read the Affidavit of Publication. Upon a motion of Council Member Johnson, seconded by Council Member McCoy, 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 11 through Page 12.

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DELAWARE
GANNETT

PO Box 631699 Cincinnati, OH 45263-1699

PROOF OF PUBLICATION

N SD CITY OF WILMINGTO
Sd City Of Wilmington
800 N French ST
Wilmington DE 19801-3594

STATE OF DELAWARE, COUNTY OF NEW CASTLE

The Wilmington News Journal is a daily newspaper of general circulation, printed and published in the State of Delaware; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

06/22/2023

Sworn to and subscribed before on 06/22/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$226.44

Order No: 8958722

Customer No: 904386

PO #: Wilmington 2028

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

Notice of time and place of a public hearing before City Council of the City of Wilmington on Ordinance No. ~~23-028~~, which proposes to amend Chapter 48 of the Wilmington City Code of the City of Wilmington.

Members of the public will be allowed to participate in the public hearing either in person in the Council Chambers, 1st floor, City/County Building, 800 N. French Street, Wilmington, Delaware or virtually on July 13, 2023 at 6:30 p.m. before Wilmington City Council, sitting as a Committee of the Whole, for the purpose of considering Ordinance No. 23-028 entitled:

AN ORDINANCE TO REZONE SEVEN PARCELS OF LAND LOCATED ALONG LINCOLN STREET BETWEEN TENTH AND ELEVENTH STREETS FROM A ZONING CLASSIFICATION OF R-3 (ONE-FAMILY ROW HOUSES) TO A ZONING CLASSIFICATION OF C-2 (SECONDARY BUSINESS CENTERS)

The instructions for the virtual participation will be provided on the agenda for the July 13, 2023 Council meeting.

Ordinance No. ~~23-028~~ was introduced in City Council at a regular meeting held on June 15, 2023 and received 1st & 2nd readings at that time. Resolution No. 23-039 was adopted by City Council at the meeting of City Council held on June 15, 2023 directing that a public hearing on same be held by City Council on July 13, 2023 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. ~~23-028~~ proposed to amend the existing Wilmington Zone Code 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 and report of the City Planning Commission related to this proposed amendment may be requested by contacting the City Clerk's Office at (302) 576-2140 from 8:30 a.m. to 4:30 p.m., except on Saturdays, Sundays, and holidays.

By direction of City Council
ERNEST M. CONGO II, President
6/22-NJ

City Clerk
MARIBEL SEIJ0

VICKY FELTY
Notary Public
State of Wisconsin



DELAWARE
GANNETT

PO Box 631699 Cincinnati, OH 45263-1699

PROOF OF PUBLICATION

N SD CITY OF WILMINGTON
Sd City Of Wilmington
800 N French ST
Wilmington DE 19801-3594

NOTICE IS HEREBY GIVEN that a public hearing to consider the proposed amendments to the City's Comprehensive Development Plan entitled "Wilmington 2028: A Comprehensive Plan for Our City and Communities" to amend the West Side Future Land Use Map to be held by the Wilmington City Council in the Council Chambers, 1st floor, City/County Building, 800 N. French Street, Wilmington, Delaware on July 13, 2023 at 6:30 p.m. pursuant to Resolution No. 23-040.

Maribel Seijo
City Clerk

6/22-NJ

STATE OF DELAWARE, COUNTY OF NEW CASTLE

The Wilmington News Journal is a daily newspaper of general circulation, printed and published in the State of Delaware; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

06/22/2023

RECEIVED JUN 28 2023

Sworn to and subscribed before on 06/22/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$57.72

Order No: 8958767

of Copies:

Customer No: 904386

1

PO #: ORD 23-028

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VICKY FELTY
Notary Public
State of Wisconsin

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

The City Clerk read the Planning Commission Report. Upon a motion of Council Member Johnson, seconded by Council Member B. Fields, the Planning Commission Report was made a part of the record. Motion prevailed. The Planning Commission's Report constituting the recommendations to City Council are further reflected in the videotape of the July 13, 2023 City Council meeting and public hearing, which is incorporated herein by reference.

Ms. Gwinn Kaminsky (Planning Manager) did a presentation, which is reflected in the videotape of the July 13, 2023 City Council meeting and public hearing, which is incorporated herein by reference.

As there were no comments from members of Council, at this time, President Congo opened up the floor for anyone from the public to speak for or against the proposed rezoning and nobody requested the privilege of the floor.

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

RETURN TO REGULAR ORDER OF BUSINESS

Council Member Johnson presented Resolution No. 23-048 (Agenda #0335) 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, renamed the Department of Land Use & Planning (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, Substitute No. 1 to Ordinance No. 23-028 (the "Ordinance") to amend the "Building Zone Map of Wilmington, Delaware" to change the zoning classification of six (6) parcels of land located along Lincoln Street between Tenth and Eleventh Streets (being Tax Parcel Nos. 26-020.10-037, 26-020.30-014, 26-020.30-038, 26-020.30-039, 26-020.30-040, and 26-020.30-032) (collectively, the "Parcels") from a zoning classification of R-3 (One-Family Row Houses) to a zoning classification of C-2 (Secondary Business Centers) is being considered by City Council contemporaneously with this Resolution; and

WHEREAS, the Ordinance's proposed rezoning necessitates an amendment to the Comprehensive Plan to change the land use of the Parcels from "Medium Density Residential" to "Neighborhood Mixed Use"; 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 June 20, 2023; and

WHEREAS, at its meeting on June 20, 2023, the City Planning Commission adopted Planning Commission Revised Resolution 2-23, which recommends that the Comprehensive Plan be amended to change the land use of the Parcels from "Medium Density Residential" to "Neighborhood Mixed Use" by revising the West Side 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 July 13, 2023; 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 Comprehensive Plan to change the land use for the Parcels (being Tax Parcel Nos. 26-020.10-037, 26-020.30-014, 26-020.30-038, 26-020.30-039, 26-020.30-040, and 26-020.30-032) from "Medium Density Residential" to "Neighborhood Mixed Use" by revising the West Side Future Land Use Map for the Parcels, as illustrated on the map attached hereto and made a part hereof as Exhibit "A".

Upon a motion of Council Member Johnson, seconded by Council Members B. Fields and McCoy, the Resolution was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Resolution and 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 White, Darby, Harlee, B. Fields, McCoy, Johnson, N. Field, Cabrera and Bracy, and Council President Congo. Total ten. Nays, none. Absent, Council Members Oliver, Mills and Spadola. Total, three.

President Congo declared the Resolution **adopted**.

Note: At this time, Council Member White requested to be excused from the remainder of the meeting.

President Congo requested the Clerk to read the committee report.

The Clerk read the following committee report:

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

President and Members of Council of
The City of Wilmington

June 21, 2023

Ladies and Gentlemen:

We, your Joint Finance & Economic Development Committee and Community Development & Urban Planning Committees met by **anchor location and remote participation**, to who was referred **Substitute No. 1 to Ordinance No. 23-028** entitled:

AN ORDINANCE TO REZONE SIX PARCELS OF LAND LOCATED ALONG LINCOLN STREET BETWEEN TENTH AND ELEVENTH STREETS FROM A ZONING CLASSIFICATION OF R-3 (ONE-FAMILY ROW HOUSES) TO A ZONING CLASSIFICATION OF C-2 (SECONDARY BUSINESS CENTERS)

Have given this Substitute 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 McCoy, the Report was received, recorded and filed. Motion prevailed.

President Congo asked the Clerk if there were any Findings.

The City Clerk read the following Findings:

MEMORANDUM

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

FROM: Elizabeth D. Power, Senior Assistant City Solicitor

CC: Mona Parikh, City Council Chief of Staff
Marchelle Basnight, City Council Senior Legislative Advisor & Chief Financial Officer
Maribel Seijo, City Clerk
Tanya Washington, Mayor’s Office Chief of Staff
Jeffrey J. Starkey, Director, Department of Land Use and Planning
Timothy C. Lucas, Deputy Director, Department of Land Use and Planning
Gwinneth Kaminsky, Planning Manager
Robert M. Goff, Jr., City Solicitor

DATE: July 12, 2023

RE: **City Council Findings Supporting the Enactment of Substitute No. 1 to Ordinance No. 23-028 to Rezone Six Parcels of Land Located Along Lincoln Street Between Tenth and Eleventh Streets from a Zoning Classification of R-3 (One-Family Row Houses) to a Zoning Classification of C-2 (Secondary Business Centers)**

Enclosed please find a copy of the findings (the “Findings”) prepared in connection with City Council’s scheduled public hearing on July 13, 2023 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 June 20, 2023. At that meeting, the Planning Commission approved its Revised Resolution 3-23, 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
SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-028**

City Council makes the following findings (the “Findings”) regarding the rezoning of the parcels of land that are the subject of Substitute No. 1 to Ordinance No. 23-028 (the “Ordinance”).

Proposed Rezoning Action:

An Ordinance to Rezone Six Parcels of Land Located Along Lincoln Street
Between Tenth and Eleventh Streets from a Zoning Classification of R-3 (One-
Family Row Houses) to a Zoning Classification of C-2 (Secondary Business
Centers)

City Council makes the following findings (the “Findings”) regarding the rezoning of the parcels of land that are the subject of Substitute No. 1 to Ordinance No. 23-028 (the “Ordinance”).

Proposed Rezoning Action:

An Ordinance to Rezone Six Parcels of Land Located Along Lincoln Street
Between Tenth and Eleventh Streets from a Zoning Classification of R-3
(One-Family Row Houses) to a Zoning Classification of C-2 (Secondary
Business Centers)

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 recommended to be amended by City Planning Commission Revised Resolution 2-23 and proposed to be amended by a City Council resolution to be considered contemporaneously with the Ordinance.
2. All property uses that are currently matter-of-right uses will remain matter-of-right uses under the proposed rezoning action.
3. The proposed rezoning action will bring several nonconforming uses into conformance under the C-2 (Secondary Business Centers) zoning classification, thereby making them matter-of-right uses.
4. The proposed rezoning action will not create any nonconforming or special exception uses.

5. The proposed rezoning action will expand the existing C-2 (Secondary Business Centers) district located to the immediate north of the affected area.
6. The land uses permitted under the proposed rezoning action are consistent with the adjacent land uses.
7. Changing conditions in the area support the proposed rezoning action.
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 excessively increase traffic congestion or adversely affect public safety.
10. The proposed rezoning action will have no negative effect on population density patterns and will not overburden public utilities and facilities.
11. The proposed rezoning action will not seriously reduce light and air to adjacent areas, but will be consistent with and complementary to the zoning classifications of nearby zoning districts and the property uses therein.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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 June 20, 2023 and contained in its Revised Resolution 3-23.

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

Council Member Johnson presented and called for third and final reading Ordinance No. 23-028 (Agenda #0325) entitled:

AN ORDINANCE TO REZONE SEVEN PARCELS OF LAND
LOCATED ALONG LINCOLN STREET BETWEEN TENTH
AND ELEVENTH STREETS FROM A ZONING
CLASSIFICATION OF R-3 (ONE-FAMILY ROW HOUSES TO
A ZONING CLASSIFICATION OF C-2 (SECONDARY
BUSINESS CENTERS)

Council Member Johnson presented a **Substitute** (Rev. 1) in lieu of that ordinance:

AN ORDINANCE TO REZONE SIX PARCELS OF LAND
LOCATED ALONG LINCOLN STREET BETWEEN TENTH
AND ELEVENTH STREETS FROM A ZONING
CLASSIFICATION OF R-3 (ONE-FAMILY ROW HOUSES TO
A ZONING CLASSIFICATION OF C-2 (SECONDARY
BUSINESS CENTERS)

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

Upon a motion of Council Member Johnson, seconded by Council Member McCoy, the **Substitute** Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Substitute Ordinance.

President Congo requested the Clerk to call for the roll.

The above-referenced Substitute Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Darby – Yes, I support for the community; Harlee – Yes, based on the findings; B. Fields – Yes, based on the findings; McCoy – Yes, based on the findings; Johnson – Yes, based on support for the community and based on the findings; N. Field – Yes, based on the findings; Cabrera – Yes, based on the findings; and Bracy – Yes, based on the findings and in support of the community; and Council President Congo – Yes, based on support for the community. Total, nine. Nays, none. Absent, Council Members White, Oliver, Mills and Spadola. Total, four.

President Congo declared the Substitute Ordinance **adopted**.

Note: At this time, Council Member Harlee was excused from the remainder of the meeting.

PETITIONS AND COMMUNICATIONS

Council Members and Council President spoke on the following: announcements of community events throughout the various districts; everyone was encouraged to check in on seniors; pool safety and spray parks; pet safety; everyone was thanked for joining tonight's Council meeting whether in-person or virtually; announcement of Council's Summer break; announcement of the next Council meeting being August 24th, however, individuals can still call the Council Office with any questions or concerns; and including but not limited to condolences expressed to Anita Hawkes (Council staff) for the loss of her sister.

ADJOURNMENT

Upon a motion of Council Members B. Fields and Cabrera, seconded by Council Members McCoy and Bracy, Council adjourned at 8:28 p.m. Motion prevailed.

Note: More detailed information is reflected in the videotape of the July 13, 2023 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/266451>.

Attest: 
Maribel Seijo, City Clerk