

*Wilmington City Council  
Wilmington, Delaware  
February 15, 2024*

City Council met in regular session with remote participation on the above date at 6:36 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, Darby (virtual), Oliver, B. Fields, McCoy\*\*, Johnson\*, N. Field, Cabrera, Mills and Bracy, and Council President Congo. Total, eleven. Absent with leave, Council Members Harlee and Spadola. Total, two.

**MINUTES**

After reading a portion of the minutes of February 1, 2024, upon a motion of Council Member Cabrera, seconded by Council Member B. Fields, it was moved they be accepted as written. Motion prevailed.

**COMMITTEE REPORTS**

The City Clerk read the following committee report:

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

President and Members of Council of  
The City of Wilmington

February 5, 2024

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-002** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (WATER DISTRIBUTION & TRANSMISSION IMPROVEMENTS – LEAD REMOVAL PROJECT), SERIES A OF 2024-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE REPLACEMENT OF WATERMAINS IN THE CITY'S DISTRIBUTION SYSTEM; PROVIDING FOR THE SALE OF THE 2024A BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

Respectfully submitted, Members of  
Finance & Economic Development Committee

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

*\*Note: At this time, Council Member Johnson was recognized as being present and reflected in the minutes herein (Roll Call).*

The City Clerk read the following committee report:

Finance & Economic Development Committee Member	Present	Absent w Leave	Absent w/out Leave
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Latisha Bracy	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
James Spadola		YES	
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of  
The City of Wilmington

February 5, 2024

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-003** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (PFAS REMOVAL PROJECT), SERIES B OF 2024-DWSRF, IN ORDER TO PROVIDE THE FUNDS

NECESSARY FOR REMOVING PFAS FROM THE CITY'S  
TREATMENT FACILITIES; PROVIDING FOR THE SALE OF THE  
2024B BOND TO THE DELAWARE DRINKING WATER STATE  
REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY  
ACTION

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

Respectfully submitted, Members of  
Finance & Economic Development Committee

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

The City Clerk read the following committee report:

Finance & Economic Development Committee Member	Present	Absent w Leave	Absent w/out Leave
Chris Johnson, Chair	YES		
Michelle Harlee, Vice Chair	YES		
Latisha Bracy	YES		
Nathan Field	YES		
Zanthia Oliver	YES		
James Spadola		YES	
Ernest "Trippi" Congo, Ex-Officio	YES		

President and Members of Council of  
The City of Wilmington

February 5, 2024

Ladies and Gentlemen:

We, your Finance & Economic Development Committee met by **anchor  
location and remote participation**, to who was referred **Ordinance No. 24-006** entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE  
TO EXTEND THE TERM OF THE CITY'S ACTIVE DEPOSITORY

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 B. Fields, the Report was received, recorded and filed. Motion prevailed.

### **TREASURER'S REPORT**

The following Treasurer's Report for February 15, 2024 was read into the record by City Clerk and upon a motion of Council Member Cabrera, seconded by Council Member B. Fields, the Report was received, recorded and filed. Motion prevailed.

*Note: The Treasurer's Report is included herein as an insert from Page 5 to Page 7.*

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

# City of Wilmington



**DaWayne Sims**  
City Treasurer

## Treasurer's Report February 15, 2024

Cash - Ledger Balance (as of 02/14/2024):

General	M & T Bank	\$ 8,133,829.00
Payroll	M & T Bank	\$ 1,393,365.57
Law Department Court Costs	M & T Bank	\$ 4,411.07
Total Petty Cash	M & T Bank	\$ 20,934.63
Police - Evidence Found (Currency)	M & T Bank	\$ 1,191,780.55
Police & Fire Remembrance	M & T Bank	\$ 11,744.49
Police Department Discretionary	M & T Bank	\$ 16,556.07
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>\$ 10,889,522.22</b>

Cash Equivalents & Investments (as of 02/14/2024):

Account Type & Fund	Institution	Investment Type	Number of Days	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
General	M&T	Overnight Repo	Daily	3.99%	\$ 2,748.14	\$ 23,881,147.46
General	TD	High Yield Checking	13	4.58%	\$ 4,998.58	\$ 3,022,319.92
General	TD	High Yield Checking	13	4.58%	\$ 7,289.80	\$ 4,407,674.69
General	TD	High Yield Checking	13	4.58%	\$ 12,062.25	\$ 7,293,263.77
<b>SUB-TOTAL:</b>						<b>\$ 38,604,405.84</b>
Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Int. Receiv.	Investment Amount
Police & Fire Remem.	WSFS	CD	1/23/2025	4.88%	\$ 1,168.38	\$ 26,124.17
General	TD	CD	2/19/2024	5.34%	\$ 183,933.33	\$ 40,000,000.00
General	TD	CD*	3/14/2024	5.37%	\$ 274,235.32	\$ 20,427,212.21
General	TD	CD	2/19/2024	5.34%	\$ 140,562.60	\$ 30,568,162.01
<b>SUB-TOTAL:</b>						<b>\$ 91,021,498.39</b>
<b>RESERVE:</b>						
General <sup>1</sup>	TD	CD	5/20/2024	5.45%	\$ 496,117.62	\$ 18,206,151.22
<b>SUB-TOTAL:</b>						<b>\$ 18,206,151.22</b>
<b>RESTRICTED:</b>						
Capital Project	TD	CD	2/19/2024	5.34%	\$ 8,976.99	\$ 1,952,225.85
Capital Project	TD	CD	2/19/2024	5.34%	\$ 7,503.98	\$ 1,631,892.12
Capital Project	TD	CD	2/19/2024	5.34%	\$ 81,182.04	\$ 17,654,666.83
Water/Sewer	TD	CD	5/20/2024	5.45%	\$ 95,373.61	\$ 3,499,948.83
State Bonds Proceeds	TD	CD	3/14/2024	5.37%	\$ 91,039.22	\$ 6,781,319.82
<b>SUB-TOTAL</b>						<b>\$ 31,520,053.45</b>
<b>Total Investments</b>						<b>\$ 179,352,108.90</b>
<b>Total Cash on Hand</b>						<b>\$ 10,889,522.22</b>
<b>Grand Total</b>						<b>\$ 190,241,631.12</b>

<sup>1</sup> 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 February 15, 2024

### Cash - Ledger Balance (as of 02/14/2024):

Pension Payroll	M & T Bank	\$	84,300.85
Retiree Healthcare	M & T Bank	\$	1,600,031.99
Police Pension	M & T Bank	\$	132,977.98
Fire Pension	M & T Bank	\$	1,788.00
Non-Uniform Pension Act of 1990-Plan 3	M & T Bank	\$	164,220.46
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>1,985,912.09</b>

### Cash Equivalents (as of 02/14/2024) & Investments (Market Value as of February 09, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>LIQUIDITY:</b>						
Fire Pension II	TD	CD	2/28/2024	5.34%	\$ 13,964.56	\$ 3,138,102.59
<b>SUB-TOTAL:</b>						<b>\$ 3,138,102.59</b>
<b>RESERVE:</b>						
Pension Trust	Rhumbline (S&P 500)					\$ 102,167,433.00
Pension Trust	Earnest Partners					\$ 16,913,691.00
Pension Trust	Dodge & Cox					\$ 13,593,309.00
Pension Trust	Artisan Global					\$ 14,365,550.00
Pension Trust	MFS Low Global					\$ 15,019,928.00
Pension Trust	Hartford Schroder					\$ 4,515,430.00
Pension Trust	Fidelity Total Intl. Index					\$ 13,429,820.00
Pension Trust	Harding Loevner					\$ 1,335,007.00

  
DaWayne Sims, City Treasurer

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# City of Wilmington



DaWayne Sims  
City Treasurer

## Treasurer's Report - Pensions II February 15, 2024

Investments (Market Value February 09, 2024)

Account Type & Fund	Institution	Investment Type	Maturity Date	Interest Rate	Interest Receivable	Investment Amount
<b>RESERVE:</b>						
Pension Trust	Fidelity Emerging					\$ 2,729,859.00
Pension Trust	Clarion Lion					\$ 10,734,396.00
Pension Trust	Morgan Stanley					\$ 8,750,418.00
Pension Trust	JP Morgan					\$ 15,216,930.00
Pension Trust	LM Capital Core					\$ 32,441,378.00
Pension Trust	Rhumblin Core					\$ 28,448,997.00
Pension Trust	Fidelity Bond Index					\$ 9,257,498.00
Pension Trust	Money Market					\$ 1,919,458.00
Pension Trust	Vanguard-OPEB					\$ 32,718,494.00
<b>SUB-TOTAL</b>						<b>\$ 323,557,596.00</b>
<b>Total Investments</b>						<b>\$ 326,695,698.59</b>
<b>Total Cash on Hand</b>						<b>\$ 1,985,912.09</b>
<b>Grand Total</b>						<b>\$ 328,681,610.68</b>

### Total Funds under Treasury Management:

Total Investments						\$ 506,047,807.49
Total Cash on Hand						\$ 12,875,434.31
<b>Grand Total<sup>1</sup></b>						<b>\$ 518,923,241.80</b>

<sup>1</sup> 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 Cabrera and Johnson, seconded by Council Member Oliver, the following non-legislative resolutions were accepted into the record and motion prevailed:

a. Recognition Resolutions

Cabrera	Recognize Apostle Frank Burton, Jr.
Cabrera	Recognize Lucius H. King, Jr.

b. Sympathy Resolutions

All	Sympathy Valerie Trammel
Congo	Sympathy Alexis C. Jones
B. Fields	Sympathy Phyllis Ann Cunningham
B. Fields	Sympathy Beatrice Marie Mills
Mills	Sympathy Ethel Taliaferro

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

## **PUBLIC COMMENTS**

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

- o Deacon Earl E. Tate, II

## **LEGISLATIVE BUSINESS**

Council Member Darby presented and called for the first and second reading Ordinance No. 24-007 (Agenda #0392) entitled:

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE TO PROHIBIT THE DEPARTMENT OF FINANCE FROM PURSUING MONITION ACTIONS AGAINST CITY RESIDENTS WHOSE ARREARAGE INCLUDE UNPAID WATER, SEWERAGE, AND STORMWATER FEES AND RELATED COSTS

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance cannot be precisely quantified.

The above-referenced Ordinance was given two separate readings by title only and upon a motion of Council Member Darby, seconded by President Congo, the

Ordinance was received, recorded and referred to the Finance & Economic Development Committee. Motion prevailed.

Council Member Oliver presented Resolution No. 24-012 (Agenda #0393) as follows:

**WHEREAS**, nationwide, states are relaxing or eliminating the requirement that employees must have college degrees to be eligible for hire; and

**WHEREAS**, in 2023, Delaware's Department of Human Resources removed the degree requirement for approximately 350 jobs in Delaware's Department of Services for Children, Youth, and their Families and Delaware's Department of Health and Social Services; and

**WHEREAS**, on January 14, 2024, the Delaware General Assembly passed House Concurrent Resolution 76, which directed Delaware's Department of Human Resources to publish a report that: (i) states the number and title of jobs statewide that require college degrees; and (ii) states the degree removal's impact on vacancy rates; and

**WHEREAS**, currently, the City's Director of Human Resources determines the education level, and/or any experience equivalent, in creating a job posting; and

**WHEREAS**, there are qualified candidates whose experience is on par or succeeds candidates with degrees; and

**WHEREAS**, these qualified candidates should be on equal footing with candidates with degrees; and

**WHEREAS**, *Wilm. C. (Charter) § 4-200* requires the Administrative Board to review any prospective changes to the City's Human Resources Code; and

**WHEREAS**, City Council believes it necessary and proper for the City's Department of Human Resources to prepare a report for the Administrative Board regarding city job postings and degree requirements; and

**WHEREAS**, City Council believes it necessary and proper to have the Department of Human Resources present its findings to the Administrative Board about changing the City's Human Resources code.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Department of Human Resources shall prepare a report on the number of City jobs that will not require a college degree and present its findings to the Administrative Board no later than December 2024.

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

President Congo requested the Clerk to call for the roll.

The above-referenced Resolution was received, adopted as read and directed to be recorded and filed by the following Yea and Nay Roll Call Vote: Yeas, Council Members White, Darby, Oliver, B. Fields, McCoy, Johnson, N. Field, Cabrera,

Mills and Bracy, and Council President Congo. Total, eleven. Nays, none. Absent, Council Members Harlee and Spadola. Total, two.

President Congo declared the Resolution **adopted**.

Upon a motion of Council Member Oliver, seconded by Council Members Bracy and Cabrera, Council dissolved into the Committee of the Whole for the purpose of holding a combined public hearing on Ordinance No. 24-004 (Agenda #0389) and Ordinance No. 24-005 (#0390). Motion prevailed.

**PUBLIC HEARING**

**ORDINANCE NO. 24-004 – AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO REVISE THE HEIGHT, FLOOR AREA RATIO, AND BUILDING COVERAGE RATIO RESTRICTIONS FOR THE W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICT**

**AND**

**ORDINANCE NO. 24-005 – REZONE THE PARCEL OF LAND LOCATED AT 1195 EAST SEVENTH STREET FROM A ZONING CLASSIFICATION OF W-4 (WATERFRONT RESIDENTIAL/COMMERCIAL) TO A ZONING CLASSIFICATION OF W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION)**

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

After the Clerk read both Affidavits of Publications, upon a motion of Council Member Oliver, seconded by Council Member B. Fields, both 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.*



PO Box 631699 Cincinnati, OH 45263-1699

## PROOF OF PUBLICATION

Maribel Seijo  
Marchelle Basnight  
SD City of Wilmington City Council Office  
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:

01/23/2024

Sworn to and subscribed before on 01/23/2024

Notice of time and place of a public hearing before Wilmington City Council on an ordinance which proposes to amend Chapter 48 of the Wilmington City Code.

Members of the public will be allowed to participate in the public hearing (i) in person in the City Council Chambers, 1st floor, City/County Building, 800 N. French Street, Wilmington, Delaware and (ii) virtually in accordance with 29 Del. C. § 10006A on February 15, 2024 at 6:30pm before Wilmington City Council, sitting as a Committee of Whole, for the purpose of considering an Ordinance to amend Chapter 48 of the City Code to revise the height, floor area ratio, and building coverage ratio requirements for the W-3 (Water-front Low Intensity Manufacturing/Commercial Recreation) Zoning District.

The instructions for virtual participation will be provided on the agenda for the February 15, 2024 Council meeting.

An Ordinance will be introduced in City Council at a regular meeting to be held on February 1, 2024 and receive 1st & 2nd readings at that time. Resolution No. 24-002, adopted at the January 18, 2024 City Council meeting, directs that a public hearing on the Ordinance be held by City Council on February 15, 2024 at 6:30p.m. in the Council Chambers and directs the President of City Council and the Wilmington City Clerk to give public notice of said hearing in the manner and form required by the Zoning Enabling Act and the Wilmington City Code. The Ordinance to be introduced proposes to amend the existing Wilmington Zoning Code.

This notice is given pursuant to the provisions of Sec. 48-51 of the Wilmington City Code providing that the Wilmington Zoning Code may be amended after a public hearing is held, at which time interested property owners and citizens may have an opportunity to be heard in favor of or in opposition to the proposed amendment.

The text and report of the City Planning Commission related to this proposed amendment may be examined in the City Clerk's Office, 9th floor, City/County Building from 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  
1/23-NJ

City Clerk  
MARIBEL SEIJO

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$925.30

Order No: 9758738

Customer No: 905048

PO #: CH 48 Amendment

# of Copies:

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VICKY FELTY  
Notary Public  
State of Wisconsin

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DELAWARE  
GANNETT

PO Box 631699 Cincinnati, OH 45263-1699

**PROOF OF PUBLICATION**

Maribel Seijo  
Marchelle Basnight  
SD City of Wilmington City Council Office  
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:

01/23/2024

Sworn to and subscribed before on 01/23/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1002.50

Order No: 9758808

Customer No: 905048

PO #: Rezone Ord 1195

# of Copies:

1

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

VICKY FELTY  
Notary Public  
State of Wisconsin

Notice of time and place of a public hearing before Wilmington City Council on an ordinance which proposes to rezone the parcel of land located at 1195 East Seventh Street (being Tax Parcel No. 26-052.00-004) from a zoning classification of W-4 (Waterfront Residential/Commercial) to a zoning classification of W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreational).

Members of the public will be allowed to participate in the public hearing (i) in person in the City Council Chambers, 1st floor, City/County Building, 800 N. French Street, Wilmington, Delaware and (ii) virtually in accordance with 29 Del. C. § 10006A on February 15, 2024 at 6:30pm before Wilmington City Council, sitting as a Committee of Whole, for the purpose of considering an Ordinance to rezone the parcel of land located at 1195 East Seventh Street from a zoning classification of W-4 (Waterfront Residential/Commercial) to a zoning classification of W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreational).

The instructions for virtual participation will be provided on the agenda for the February 15, 2024 Council meeting.

An Ordinance will be introduced in City Council at a regular meeting to be held on February 1, 2024 and receive 1st & 2nd readings at that time. Resolution No. 24-003, adopted at the January 18, 2024 City Council meeting, directs that a public hearing on the Ordinance be held by City Council on February 15, 2024 at 6:30p.m. in the Council Chambers and directs the President of City Council and the Wilmington City Clerk to give public notice of said hearing in the manner and form required by the Zoning Enabling Act and the Wilmington City Code. The Ordinance to be introduced proposes to amend the existing Wilmington Zoning 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 Wilmington Zoning Code may be amended after a public hearing is held, at which time interested property owners and citizens may have an opportunity to be heard in favor of or in opposition to the proposed amendment.

The text and report of the City Planning Commission related to this proposed amendment may be examined in the City Clerk's Office, 9th floor, City/County Building from 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  
1/23-NJ

City Clerk  
MARIBEL SEIJO

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

After the Clerk read in part the Planning Commission Report, upon a motion of Council Member Oliver, 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 February 15, 2024 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 February 15, 2024 City Council meeting and public hearing, which is incorporated herein by reference.

Council Members McCoy and Cabrera raised questions and Ms. Kaminsky responded.

President Congo opened the floor for anyone from the public to speak "for" or "against" the above-referenced public hearing and nobody requested the privilege of the floor.

Upon a motion of Council Member Oliver, seconded by Council Members Johnson and White, Council returned to regular order of business. Motion prevailed.

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

President Congo requested the Clerk to read the committee report.

The City Clerk read the following committee report:

<b>Community Development &amp; Urban Planning Committee Members</b>	<b>Present</b>	<b>Absent w/Leave</b>	<b>Absent w/out Leave</b>
Maria D. Cabrera, Chair		X	
Nathan Field, Vice Chair	X		
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

February 8, 2024

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-004** entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY CODE TO REVISE THE HEIGHT, FLOOR AREA RATIO, AND BUILDING COVERAGE RATIO RESTRICTIONS FOR THE W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/COMMERCIAL RECREATION) ZONING DISTRICT

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

Respectfully submitted, Members of  
Community Development & Urban Planning Committee

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

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

February 8, 2024

Ladies and Gentlemen:

We, your Community Development & Urban Planning Committee met by **anchor location and remote participation**, to who was referred **Ordinance No. 24-005** entitled:

AN ORDINANCE TO REZONE THE PARCEL OF LAND  
LOCATED AT 1195 EAST SEVENTH STREET FROM A  
ZONING CLASSIFICATION OF W-4 (WATERFRONT  
RESIDENTIAL/COMMERCIAL) TO A ZONING  
CLASSIFICATION OF W-3 (WATERFRONT LOW  
INTENSITY MANUFACTURING/COMMERCIAL  
RECREATION)

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

Respectfully submitted, Members of  
Community Development & Urban Planning Committee

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

President Congo requested the Clerk to read the 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 & CFO  
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:** February 15, 2024

**RE:** **City Council Findings Supporting the Enactment of Ordinance No. 24-004 to Amend Chapter 48 of the City Code to Revise the Height, Floor Area Ratio, and Building Coverage Ratio Restrictions for the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning District**

Enclosed please find a copy of the findings (the “Findings”) prepared in connection with Council’s scheduled public hearing on February 15, 2024 regarding the above-

referenced zoning ordinance (the “Ordinance”) to amend Chapter 48 of the City Code (the “Zoning Code”). The Findings supplement the record of the 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 November 21, 2023. At that meeting, the Planning Commission approved its Resolution No. 8-23, which recommended the Zoning Code amendments proposed in the Ordinance. The enclosed Findings support those recommendations.

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

**FINDINGS SUPPORTING THE  
ENACTMENT OF ORDINANCE NO. 24-004**

City Council makes the following findings (the “Findings”) regarding the proposed amendments to Chapter 48 of the City Code that are the subject of Ordinance No. 24-004 (the “Ordinance”).

Proposed Action:

An Ordinance to Amend Chapter 48 of the City Code to Revise the Height, Floor Area Ratio, and Building Coverage Ratio Restrictions for the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning District

1. The current height, floor area ratio, and building coverage ratio restrictions for the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning District are severely restrictive and have not generally been conducive to encouraging development on the eastern end of the City’s Seventh Street Peninsula without the need for Zoning Board of Adjustment relief. The proposed amendments address the need to update the Zoning Code to relax those restrictions.
2. The proposed amendments will result in height, floor area ratio, and building coverage restrictions for the W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation) Zoning District that reflect what is generally permitted in other waterfront zoning districts.
3. The proposed amendments will promote appropriate development on the eastern end of the City’s Seventh Street Peninsula without the need for Zoning Board of Adjustment relief.
4. There is no evidence to suggest that the proposed amendments would create any

detriment to the public. To the contrary, the proposed amendments should create benefits for the public, including the promotion of appropriate development on the eastern end of the City's Seventh Street Peninsula without the need for Zoning Board of Adjustment relief.

5. There has been no opposition to the proposed amendments.
6. The proposed amendments adhere to the standards set forth in the applicable provisions of Chapter 48 of the City Code, Title 22 of the Delaware Code, and applicable Delaware case law.

### **CONCLUSION**

This concludes the set of Council's Findings for the proposed amendments to the Zoning Code that are the subject of the Ordinance. The Ordinance incorporates the recommendations of the City Planning Commission regarding the proposed amendments to the Zoning Code, which were approved at the Planning Commission meeting on November 21, 2023 and contained in its Resolution 8-23.

After the Clerk read in part the Findings, upon a motion of Council Member Oliver, seconded by Council Member Mills, the Findings were made a part of the record. Motion prevailed.

### **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 & CFO  
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  
Gwineth Kaminsky, Planning Manager  
Robert M. Goff, Jr., City Solicitor

**DATE:** February 15, 2024

**RE:** **City Council Findings Supporting the Enactment of Ordinance No. 24-005 to Rezone the Parcel of Land Located at 1195 East Seventh Street from a Zoning Classification of W-4 (Waterfront Residential/Commercial) to a Zoning Classification of W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation)**

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Enclosed please find a copy of the findings (the “Findings”) prepared in connection with City Council’s scheduled public hearing on February 15, 2024 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 November 21, 2023. At that meeting, the Planning Commission approved its Resolution 9-23, 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 ORDINANCE NO. 24-005**

City Council makes the following findings (the “Findings”) regarding the rezoning of the parcel of land that is the subject of Ordinance No. 24-005 (the “Ordinance”).

Proposed Rezoning Action:

An Ordinance to Rezone the Parcel of Land Located at 1195 East Seventh Street from Zoning Classification of W-4 (Waterfront Residential/Commercial) to a Zoning Classification of W-3 (Waterfront Low Intensity Manufacturing/Commercial Recreation)

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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”.
2. The proposed rezoning action will serve to eliminate an isolated W-4 zoning district at the eastern end of the City’s Seventh Street Peninsula while expanding the larger W-3 zoning district that occupies most of the peninsula.
3. The proposed rezoning action will not create any nonconforming or special exception uses.
4. The land uses permitted under the proposed rezoning action are consistent with the adjacent land uses.
5. Changing conditions in the area support the proposed rezoning action.
6. The proposed rezoning action will be consistent with and complementary to the zoning classifications of nearby zoning districts and the property uses therein.

7. The proposed rezoning action will not excessively increase traffic congestion or adversely affect public safety.
8. The proposed rezoning action will have no negative effect on population density patterns and will not overburden public utilities and facilities.
9. The proposed rezoning action will not 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. The proposed rezoning action adheres to the standards set forth in the applicable provisions of Chapter 48 of the City Code, Title 22 of the Delaware Code, and applicable Delaware case law.

### CONCLUSION

This concludes the set of Council's Findings for the rezoning of the parcel of land that is the subject of the Ordinance, as illustrated on the map attached to the Ordinance. The Ordinance incorporates the recommendations of the City Planning Commission regarding the proposed rezoning action, which were approved at the Planning Commission meeting on November 21, 2023 and contained in its Resolution 9-23.

After the Clerk read in part the Findings, upon a motion of Council Member Oliver, seconded by Council Member B. Fields, the Findings were made a part of the record. Motion prevailed.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-004 (Agenda #0389) entitled:

AN ORDINANCE TO AMEND CHAPTER 48 OF THE CITY  
CODE TO REVISE THE HEIGHT, FLOOR AREA RATIO,

AND BUILDING COVERAGE RATIO RESTRICTIONS FOR  
THE W-3 (WATERFRONT LOW INTENSITY MANUFACTURING/  
COMMERCIAL RECREATION) ZONING DISTRICT

**FISCAL IMPACT STATEMENT:** There is no anticipated negative fiscal impact associated with this Ordinance.

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

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members White – Yes, based on the findings of the Planning Committee, Mr. President, I support the motion; Oliver – I vote is yes based on the findings; B. Fields – Yes, based on the findings; McCoy – Yes, based on the findings; Johnson – Yes, based on the findings; N. Field – Yes, based on the findings; Cabrera – Yes, based on the report and findings; Mills – Yes, based on the findings and Bracy – Yes, based on the findings and the Planning Commission; and Council President – Yes, based on the findings. Total, ten. Nays, none. Absent, Council Members Darby, Harlee and Spadola. Total, three.

President Congo declared the Ordinance **adopted**.

Council Member Oliver presented and called for the third and final reading Ordinance No. 24-005 (Agenda #0390) entitled:

AN ORDINANCE TO REZONE THE PARCEL OF LAND  
LOCATED AT 1195 EAST SEVENTH STREET FROM A  
ZONING CLASSIFICATION OF W-4 (WATERFRONT  
RESIDENTIAL/COMMERCIAL) TO A ZONING  
CLASSIFICATION OF W-3 (WATERFRONT LOW  
INTENSITY MANUFACTURING/COMMERCIAL  
RECREATION)

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

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

President Congo requested the Clerk to call for the roll.

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

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 24-002 (Agenda #0385) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (WATER DISTRIBUTION & TRANSMISSION IMPROVEMENTS – LEAD REMOVAL PROJECT), SERIES A OF 2024-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE REPLACEMENT OF WATERMAINS IN THE CITY'S DISTRIBUTION SYSTEM; PROVIDING FOR THE SALE OF THE 2024A BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yes, Council Members White, Oliver, B. Fields, McCoy, Johnson, N. Field, Cabrera, Mills and Bracy, and Council President Congo. Total, ten. Nays, none. Absent, Council Members Darby, Harlee and Spadola. Total, three.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for the third and final reading Ordinance No. 24-003 (Agenda #0386) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (PFAS REMOVAL PROJECT), SERIES B OF 2024-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR REMOVING PFAS FROM THE CITY'S TREATMENT FACILITIES; PROVIDING FOR THE SALE OF THE 2024B BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

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

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yes, Council Members White, Oliver, B. Fields, McCoy, Johnson, N. Field, Cabrera, Mills and Bracy, and Council President Congo. Total, ten. Nays, none. Absent, Council Members Darby, Harlee and Spadola. Total, three.

President Congo declared the Ordinance **adopted**.

Council Member Johnson presented and called for third and final reading Ordinance No. 24-006 (Agenda #0391) entitled:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO EXTEND THE TERM OF THE CITY'S ACTIVE DEPOSITORY

**FISCAL IMPACT STATEMENT:** There is no anticipated fiscal impact associated with this Ordinance.

Upon a motion of Council Member Johnson, seconded by Council Member McCoy, the Ordinance was before the Council for its consideration. Motion prevailed. Council Member Johnson spoke on the purpose of the Ordinance and made comments. Council Member White raised questions and Council Member Johnson responded. Council Member McCoy made comments. Council Member White made comments and raised a question, and for clarity, Council Member McCoy responded. Council Member Johnson made closing comments.

President Congo requested the Clerk to call for the roll.

The above-referenced Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and was passed by the following Yea and Nay Roll Call Vote: Yes, Council Members White, Oliver, B. Fields, McCoy, Johnson, N. Field, Cabrera, Mills and Bracy, and Council President Congo. Total, ten. Nays, none. Absent, Council Members Darby, Harlee and Spadola. Total, three.

President Congo declared the Ordinance **adopted**.

*Note: At this time, Council Member Oliver requested to be 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 city; residents were reminded to call 311 to schedule pickup of large items prior to placing them at the curb; Homeowner Repair Program; Black History Month; residents were thanked for coming out to vote for the referendum; Wilmington Fire Department application deadline; and including but not limited to everyone was thanked for joining tonight's meeting whether in-person or virtually and encouraged to call the City Council Office with any questions and/or concerns.

### **ADJOURNMENT**

Upon a motion of Council Member Cabrera, seconded by Council Members B. Fields and McCoy, Council adjourned at 7:49 p.m. Motion prevailed.

*Note: More detailed information is reflected in the videotape of the February 15, 2024 City Council meeting at the following link: <https://wilmingtonde.new.swagit.com/videos/297581>.*

Attest:   
Maribel Seijo, City Clerk