

*Wilmington, Delaware  
Louis L. Redding  
City/County Building  
July 14, 2016*

Council met in regular session on the above date at 6:30 p.m., President Theopolis K. Gregory, Sr. presiding.

Invocation was given by Joe Garcia.

The Pledge of Allegiance was recited by City Council.

### **ROLL CALL**

The following members responded to the Call of the Roll: Council Members Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh and Wright, and Council President Gregory. Total, eleven. Absent, Council Members Chukwuocha and Michael Brown. Total, two.

### **MINUTES**

After reading a portion of the minutes of July 7, 2016, upon a motion of Ms. Walsh, seconded by Mr. Williams/Mr. Freel, it was moved they be accepted as written. Motion prevailed.

### **REPORT OF COMMITTEES**

The City Clerk read the following committee report:

<b><u>Housing, Licenses &amp; Inspections Committee Member</u></b>	<b><u>Present</u></b>	<b><u>Absent with Leave</u></b>	<b><u>Absent w/out Leave</u></b>
Maria D. Cabrera	X		
Darius J. Brown		X	
Samuel Prado	X		
Nnamdi O. Chukwuocha		X	
Hanifa G.N. Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of  
The City of Wilmington

July 13, 2016

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred **Substitute No. 1 to Ordinance No. 16-036** entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE  
WILMINGTON CITY CODE RELATING TO MANDATORY  
LANDLORD TRAINING AS A CONDITION FOR RENTAL  
BUSINESS LICENSES

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

Respectfully submitted, Members of  
Housing, Licenses & Inspections Committee  
/s/Maria D. Cabrera, Chair  
/s/Samuel Prado  
/s/Hanifa Shabazz  
/s/Sherry Dorsey Walker

Upon a motion of Ms. Cabrera, seconded by Mr. Williams/Ms. Walsh, the  
aforementioned Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Housing, Licenses &amp; Inspections Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Maria D. Cabrera	X		
Darius J. Brown		X	
Samuel Prado	X		
Nnamdi O. Chukwuocha		X	
Hanifa G.N. Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of  
The City of Wilmington

July 13, 2016

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred  
**Ordinance No. 16-037** entitled:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE  
REGARDING AMENDMENTS TO THE INTERNATIONAL  
BUILDING CODE OF 2012

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

Respectfully submitted, Members of  
Housing, Licenses & Inspections Committee  
/s/Maria D. Cabrera, Chair  
/s/Samuel Prado  
/s/Hanifa Shabazz  
/s/Sherry Dorsey Walker

Upon a motion of Ms. Cabrera, seconded by Ms. Walsh, the aforementioned Report was received, recorded and filed. Motion prevailed.

### **TREASURER'S REPORT**

The following Treasurer's Report dated July 14, 2016 was read into the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Freel, the Report was received, recorded and filed. Motion prevailed.

**TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON JULY 14, 2016**

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 715.81
105	Police Pension Account	M & T Bank	\$ 3,954.68
106	Fire Pension Account	M & T Bank	\$ 5,862.87
107	Evidence/Found Currency Account	M & T Bank	\$ 476,880.88
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 1.00
113	Non-Uniform Pension	M & T Bank	\$ 1,252.06
114	Central Deposit	M & T Bank	\$ 90,108.18
117	Cement Workers	Wilmington Savings Fund	\$ 33,490.63
118	Worker's Comp. 3 <sup>rd</sup> Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 2,635.21
120	Grant-In-Aid Account	M & T Bank	\$ 201,369.00
130	Payroll	M & T Bank	\$ 208,193.54
131	Pension Payroll Account	M & T Bank	\$ 26,022.86
139	Pension Healthcare Account	M & T Bank	\$ 680.32
	Total Cash on Hand		<b>\$ 1,068,309.24</b>

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	07/14/16	0.01%	\$ 1.90	\$ 6,902,868.00
116	General	WSFS	CD	07/22/16	0.40%	\$ 1,402.74	\$ 2,000,000.00
116	General	WSFS	CD	07/28/16	0.45%	\$ 1,202.05	\$ 1,500,000.00
124	Non-Uniform 1990	WSFS	CD	07/28/16	0.45%	\$ 353.95	\$ 990,000.00
106	Fire Pension	WSFS	CD	07/28/16	0.45%	\$ 759.76	\$ 2,125,000.00
105	Police Pension	WSFS	CD	07/28/16	0.45%	\$ 429.04	\$ 1,200,000.00
116	General	TD	CD	08/05/16	0.43%	\$ 1,170.56	\$ 2,000,000.00
116	General	TD	CD	08/19/16	0.40%	\$ 622.23	\$ 1,000,000.00
116	General	TD	CD	08/19/16	0.32%	\$ 693.34	\$ 1,500,000.00
110	Capital	WSFS	CD	09/23/16	0.45%	\$ 17,605.47	\$ 12,000,000.00
110	Capital	WSFS	CD	09/30/16	0.40%	\$ 12,243.29	\$ 8,400,000.00
116	General <sup>1</sup>	TD	CD	10/03/16	0.45%	\$ 18,292.09	\$ 15,403,864.00
110	Capital	TD	CD	10/07/16	0.50%	\$ 14,583.34	\$ 10,000,000.00
110	Capital	WSFS	CD	11/18/16	0.50%	\$ 99,726.02	\$ 20,000,000.00
514	Risk Management	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
515	Worker's Comp	WSFS	CD	07/10/17	0.50%	\$ 35,245.13	\$ 7,068,391.71
104	Escrow Pension	Affinity Wealth					\$ 1,490,032.00
104	Escrow Pension	Vanguard					\$ 42,394,000.00
104	Escrow Pension	Black Rock					\$ 23,899,588.00
104	Escrow Pension	Edgar Lomax					\$ 23,455,089.00
104	Escrow Pension	Wilmington Trust					\$ 44,403,940.00
104	Escrow Pension	Manning & Napier					\$ 10,249,140.00
104	Escrow Pension	Earnest Partners					\$ 18,278,221.00
104	Escrow Pension	GMO					\$ 11,562,532.00
104	Escrow Pension	MFS Management					\$ 22,362,973.00
104	Escrow Pension	American Funds					\$ 9,851,045.00
139	Medical Escrow	Black Rock-OPEB					\$ 15,293,402.00
116	Deferred Comp.	MassMutual					\$ 40,299,236.00
	Total Investments						\$ 362,697,713.42
	Total Cash on Hand						\$ 1,068,309.24
	Grand Total						\$ 363,766,022.66

<sup>1</sup> Budget Reserve

/s/Henry W. Supinski  
City Treasurer

## **NON-LEGISLATIVE BUSINESS**

Upon a motion of Ms. Walsh, seconded by Mr. Freel, the following non-legislative resolutions were accepted into the record and motion prevailed:

All Council	Sympathy The Honorable Clarence S. Bennett
Dorsey Walker/Williams	Retirement St. Elizabeth Coach Richard Rago
Dorsey Walker	Recognize Ronike Haynie
Wright	Recognize LaShanda Wooten and Jane Williams
Wright	Retirement Dave Blankenship

## **LEGISLATIVE BUSINESS**

President Gregory: Mr. Congo.

Mr. Congo: Mr. President, I have a Resolution to present on your behalf.

On behalf of President Gregory, Mr. Congo presented Resolution No. 16-060 (Agenda #4244) as follows:

**WHEREAS**, pursuant to the provisions of Section 2-100 of the Wilmington City Charter, the City Council, by ordinance, is directed to set and revise the salaries of Council members from time to time, when deemed appropriate; and

**WHEREAS**, pursuant to City Council Resolution No. 86-135, a review of salaries and salary structures of members of City Council was conducted by a Council Compensation Commission, which issued a report in May 1987 with recommendations; and

**WHEREAS**, the May 1987 report recommended salaries for Council members at that time, while also recommending that Council “review its salary structure every four years...to avoid overly long periods between adjustments or a need for large catch-up increases”; and

**WHEREAS**, since that time, Council has periodically reviewed and made adjustments to the salaries of Council members, owing both to the recommendations of the Council Compensation Commission and Council Rule 25, which calls for increases in Council member salaries commensurate with general increases given, by ordinance, to non-union classified employees under the merit system; and

**WHEREAS**, the May 1987 report also encompassed a broader review of the structure and functions of City Council, considering issues beyond compensation; and

**WHEREAS**, the report recommended that Council consider a referendum on a City Charter amendment to reduce the number of Council members to reflect declines in City population since 1960 – declines that have continued in the years following the report’s issuance; and

**WHEREAS**, the report also included a discussion of the time commitments of Council members, noting that “the part-time character” of Council membership should be preserved, “for it helps to assure that City policy will be

formulated by people from a diversity of backgrounds, for whom public office is not their primary source of livelihood”; and

**WHEREAS**, the report also recognized, however, the additional leadership duties that fall on the Council President – duties which have evolved since then, and now encompass additional areas of oversight, supervision and policy development; and

**WHEREAS**, it has been nearly 30 years since the Council Compensation Commission conducted its review and offered findings and recommendations – three decades in which City government functions have changed and responsibilities have evolved; and

**WHEREAS**, it is critical to fulfilling City Council’s fiduciary responsibility, to routinely assess and evaluate governmental structures and the effectiveness, efficiency and practicality of public institutions and operations, as well as to afford appropriate consideration to opportunities to transform city government – including City Council; and

**WHEREAS**, in order to ensure a careful and deliberate review of the structure and time commitments of City Council and its members, Council has determined that a formal, independent review is necessary.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that the Council Organization Commission is established, comprised of five members to be appointed by the President of City Council, from residents of Wilmington who are not holding and/or seeking an elected public office.

**FURTHER RESOLVED**, that the Council Organization Commission is requested to conduct its review of City Council’s structure and organization – including, but not limited to, the enumerated points below – and make findings and recommendations to this Council within 180 days of its appointment:

- 1) An appropriate number of Council members for the City of Wilmington, accounting for current and historic population figures and trends, as well as the needs of City residents, and
- 2) An appropriate distribution of district and at-large Council member positions, and
- 3) Whether the duties and responsibilities of the City Council President more closely constitute a part-time or full-time position, weighing the various expectations of the officeholder – as well as an appropriate salary level for the City Council President commensurate with such determination, and
- 4) The reasonableness of establishing staggered Council member terms, and the associated benefits that might arise from ensuring a determined level of continuity among City Council members across election cycles

**FURTHER RESOLVED**, that the City Council Deputy Chief of Staff, as designated and directed by the Council president, is directed to provide staff assistance to the Council Organization Commission, and the Law Department is requested to provide counsel to the Commission as required.

**FURTHER RESOLVED**, that findings and recommendations made by the Council Organization Commission should be subsequently discussed and considered among the full body of City Council, and the adoption of all or part of the findings and recommendations, if approved, shall take effect at the start of the term of the 108<sup>th</sup> Session of City Council, beginning in January 2021.

On the question:

Mr. Congo: Yes, would you like to speak to this, Mr. President?

President Gregory: Well, actually, this is our Resolution, Mr. Congo, myself, there was a lot of chatter coming out of the last session of Council relating to some issues of council structuring and that chatter continued over the last three years, so, we thought that in the spirit of transforming and making City government work better, we should do this, and I set forth three values in the Resolution but the key language is including but not limited to, so, everything can and should be considered except for the powers of Council. This goes to the structure of Council not the powers of Council, so, hopefully as we move on looking forward, into this century that folk will support this and certainly, Mr. Congo, you did not go unheard, while I probably sat up here about a, you know, dead pan, when you would start off on your little whatever but it was heard. So, those are my opening comments and I'll leave it to you all.

Mr. Congo: All right, I think it . . .

President Gregory: Go ahead.

Mr. Congo: I, yes, just kind of following up on what you said: I think this is long overdue. I have been talking about it for a while 'cause I, I think that we need to just take a look at how our Council is structured and I was looking at other much larger cities; their, their council is made up of a, of fewer people, I'm just, you know, at the end of day just trying to be fair to our residents and maybe we can use out money in other, in other areas, if, if it is deemed necessary to, you know, to, to lessen Council members, with scholarships, just so many different ways I think that we can, still do the same work, maybe we can do better work as, as long as the department heads and those people are, are held accountable. I think that we can do the City a great justice financially in as far as the work being done. I guess if there was, it's important to note that also this won't affect our Council or the next session, but our following session. Some, I think, I think some people may have, not have, they didn't have all the correct information . . .

President Gregory: That's correct.

Mr. Congo: ...thinking that this is going to take affect the next session but, it won't – it won't – if it's even adopted, it won't take effect, I think, until 2021.

President Gregory: Mhm.

Mr. Congo: Thank you.

President Gregory: Mr. Prado.

Mr. Prado: I like this piece of legislation because it mentions reducing the Council, and when that vote came up a few years ago, I don't think you were on there when we needed that, I voted for that and there was some rhetoric that went around that was really inaccurate to say the least, and I, I will say this, too; the city's population is 71,000 now. I, I don't think it's completely out of the, you know, out of the realm of possibility to reduce the number of Council members. So, I was pleased to see that. I think it's time that we really look at that, and, honestly, I think that, you know, that, that Council itself talking about what you, what you were mentioning, not that, not the, the actual job of Councilmen but the structure. Like, for example, there should be less Council members and maybe it should be a full-time job. These are things that should be looked at. Now, I don't have anything in this 'cause I'm not running, but, I really think this, we need to rethink how we do council and I was pleasantly surprised to see this, that this is going to be looked into and, and taken seriously this time because the last time this came up, the rhetoric that went around was just ridiculous and I think it's time to, to, you know, we always talk about let's reduce, let's, let's save here and then when it came to us, all of a sudden everybody backed out of it. So, I think this is a good step in the right direction. That's all.

President Gregory: Mr. Williams.

Mr. Williams: Thank you, Mr. President. Every year we vet every department; we go through their budget, we look at where we can trim, save and try and assist the City in a budgetary standpoint, yet we never take the opportunity to look at ourselves internally. This'll give us that opportunity to have an open forum of an internal look at what Council does, what the responsibility of Council is, how we can best serve our citizens. So, this gives the opportunity for that to happen.

President Gregory: Thank you. Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. I kind of just want to reiterate what Councilman Williams stated regarding this piece of legislation. But, also, I do believe that seeing how the Council President does do a lot of work that is something that we really should think about making a full-time position and then looking at reducing the number of Council members. I agree with Councilman Congo that we do have a lot of people on Council and then we look at cities larger than our city and they have far fewer members of Council and they actually seem to get a lot done; so, it'll be good to see, just to look at and be responsible with the taxpayers' money. Thank you Mr. President.



President Gregory: Thank you. Mr. Darius Brown.

Mr. Darius Brown: Thank you Mr. President. As you mentioned earlier that this - these points that we're looking at for this legislation is not, we're not limited to this (inaudible). So, I do want to stress, even though there has been comments tonight around the size of Council, that nothing has been predetermined ...

President Gregory: That's correct.

Mr. Darius Brown: . . . as we enter in, in, into establishing this committee, in, in, commission. So, you know, for me, with me supporting this tonight, I just wanna stress that nothing has been predetermined.

President Gregory: I, I appreciate your saying that because that was going to be one of my follow-up comments, that is, where this ends up is where it ends up. I don't go into it with any values. The only value I go into it with is that we should examine ourselves and vet ourselves to be the best City Council that we can to serve the people in the City of Wilmington. Any other comments? I would be remiss if I didn't recognize that my firefighter friends are in the audience and we're looking at ourselves, you see that? You got that, right? That's a, that's a, internal public joke, right? Thank you very much. The Clerk, call the roll.

Upon a motion of Mr. Congo, seconded by Mr. Williams/Ms. Walsh, the aforementioned 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 Congo, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright and President Gregory. Total, eleven. Nays, none. Absent, Council Members Chukwuocha and Michael Brown. Total, two.

President Gregory: Declare it adopted.

Mr. Congo: May I be excused?

President Gregory: Mr. Congo is excused.

Mr. Congo: Thank you.

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Nothing tonight. Thank you.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Mr. President, I have an Ordinance to present and call for the first and second reading.

Ms. Shabazz presented and called for the first and second reading  
Ordinance No. 16-041 (Agenda #4246) entitled:

AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY  
CODE TO REQUIRE THAT DEVELOPERS WHO RECEIVE  
FINANCIAL ASSISTANCE FROM THE CITY OF  
WILMINGTON ON RESIDENTIAL CONSTRUCTION  
PROJECTS REQUIRE THEIR CONSTRUCTION  
CONTRACTORS TO HIRE WORKERS FROM CITY-  
APPROVED JOB TRAINING PROGRAMS

The aforementioned Ordinance was given two separate readings by title  
only and upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the Ordinance was  
received, recorded and referred to the Housing, Licenses & Inspections Committee.  
Motion prevailed.

President Gregory: Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: No legislation tonight Mr. President. Thank you.

President Gregory: Mr. Williams.

Mr. Williams: No legislation this evening. Thank you.

President Gregory: Mr. Freel.

Mr. Freel: Yes sir, I have a couple of Resolutions and Ordinances.

Mr. Freel presented Resolution 16-061 (Agenda #4247) as follows:

**WHEREAS**, Ordinance No. 16-028, which proposes amendments to the  
Zoning Map by rezoning property comprising the former Wilmington Finishing  
Company, from C-6 to W-4 and R-3 zoning classifications, was introduced by City  
Council at its regular meeting of May 5, 2016; and

**WHEREAS**, pursuant to Wilm. C. §48-52, the City Planning Commission  
has 90 days to review and submit a report to the Mayor concerning that Ordinance;

**WHEREAS**, City Council believes it is necessary and desirable to extend  
the City Planning Commission's time for review by an additional ninety (90) days  
through and including November 4, 2016.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that the time for review and submission of a report by the City Planning Commission on Ordinance No. 16-028, or a Substitute thereto, is hereby extended an additional ninety (90) days through and including November 4, 2016.

On the question:

Mr. Freel: Yes Mr. President, we are actively having discussions now the rezoning of the old Wilmington Finishing Company between the civic groups and the owners of the property but we do need additional ninety-days to finish this work until we get to the Planning Commission.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, the aforementioned 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 Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright and President Gregory. Total, ten. Nays, none. Absent, Council Members Chukwuocha, Michael Brown and Congo. Total, three.

President Gregory: Declare it adopted.

Mr. Freel presented Resolution No. 16-062 (Agenda #4248) as follows:

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Agreement for the term of July 1, 2012 through June 30, 2016 between the CITY OF WILMINGTON, a municipal corporation of the State of Delaware, and the INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND ITS AFFILIATE LOCAL UNION 1590, a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor and the City Clerk are hereby authorized and directed to execute as many copies of the said Agreement as may be necessary.

On the question:

Mr. Freel: Yes, Mr. President, I'm pleased to put this Resolution forward, I believe everybody has a fact sheet, but I'll just go through some of the items real quick, here. This is a four-year agreement between the City and the International Association of Firefighters Wilmington Local. The contract runs from July 1, 2012 to June 30, 2016. A couple of the items: there was a 2% increase for FY '13, no increase in '14, a 1% increase in '15; for FY '16 we did away with the shift differential and that was rolled into a base pay, and also starting in '16, they will be given longevity pay, which is \$600 at the 10-year anniversary, \$600 at the 15, and \$1600, \$600 at the 20-year. Some of this contract will be paid for out of special retroactive, out of the Unassigned Fund Balance, and the rest of it will come out of the FY '17 Projected Surplus. There is also a change in, in what they'll pay as far as their healthcare based upon the plan that they have selected for them, for themselves or their family.

President Gregory: Ms. Walsh.

Ms. Walsh: Just so people will understand this, too, though, so this contract is already up.

Mr. Freel: Correct.

Ms. Walsh: Okay. Just so people know that, they're going into negotiations now.

Mr. Freel: Both parties agreed to immediately go back in and try to negotiate a contract moving forward.

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President. I'm, I'm happy that this is finally coming to fruition. As, as was just stated, this thing's already a few days old and we have to start all over again. It's a shame when the Unions have to endure this type of, lack of negotiations, delayed negotiations, you, you name it, the whole, the whole plethora of things that take place. So, I'm glad that thing was finally hammered out and, and the poised reached across the table and, and, and have an agreement. So I'm happy to support this.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Yes, I, too, am very happy to support this; it's long overdue and, of course, we're still waiting on the contract with the Police Department to be resolved. But certainly we shouldn't take for granted the work that our City employees do in our, in our city and least of all our public safety officials as they go out there and risk their life every day, the least we could do is pay them on a timely basis and negotiate with fairness and good intentions. Thank you.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Freel, seconded by Mr. Williams, the aforementioned 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 Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh, Wright and President Gregory. Total, ten. Nays, none. Absent, Council Members Chukwuocha, Michael Brown and Congo. Total, three.

President Gregory: Declare it adopted.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-042 (Agenda #4249) entitled:

AN ORDINANCE CONSTITUTING AMENDMENT NO. 1  
TO THE FISCAL YEAR 2017 OPERATING BUDGET  
(BEING AN ORDINANCE TO AMEND SUBSTITUTE  
NO. 1 TO ORDINANCE NO. 16-018, AS AMENDED) BY  
MAKING CHANGES TO THE FISCAL YEAR 2017  
POSITION ALLOCATION LIST FOR THE HUMAN  
RESOURCES DEPARTMENT AND EXECUTIVE AND  
MANAGERIAL SALARY STRUCTURE MATRIX

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

President Gregory: You're excused Mr. Wright.

Mr. Wright: Thank you.

Mrs. Seijo (City Clerk): Thank you.

Mr. Freel presented and called for the first and second reading Ordinance No. 16-043 (Agenda #4250) entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE  
CITY'S GENERAL OBLIGATION BONDS OR A GENERAL  
OBLIGATION BOND ANTICIPATION NOTE, IN ORDER  
TO PROVIDE THE FUNDS NECESSARY TO FINANCE  
VARIOUS STREETS AND ROADWAYS LOCATED WITHIN  
THE CITY LIMITS; PROVIDING FOR THE SALE OF THE  
BONDS OR THE NOTE; AND AUTHORIZATION OTHER  
NECESSARY ACTION

The aforementioned Ordinance was given two separate readings by title only and upon a motion of Mr. Freel, seconded by Mr. Williams/Ms. Walsh, the Ordinance was received, recorded and referred to the Finance Committee. Motion prevailed.

Mr. Freel: That's all; thank you sir.

President Gregory: Ms. Cabrera

Ms. Cabrera: Yes Mr. President, I have an Ordinance to present and call for the third and final reading.

Ms. Cabrera presented and called for the third and final reading Ordinance No. 16-036 (Agenda #4230) entitled:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE  
WILMINGTON CITY CODE RELATING TO  
MANDATORY LANDLORD TRAINING AS A  
CONDITION FOR RENTAL BUSINESS LICENSES

Ms. Cabrera: Mr. President, I have a **Substitute** to present in lieu of that Ordinance:

AN ORDINANCE TO AMEND CHAPTER 5 OF THE  
WILMINGTON CITY CODE RELATING TO  
MANDATORY LANDLORD TRAINING AS A  
CONDITION FOR RENTAL BUSINESS LICENSES

On the question:

Ms. Cabrera: Yes Mr. President, we are going to follow through on something that the Attorney General's Office has started as part of the reducing crime reduction through environmental design program and with doing this, what we're saying is that for the City of Wilmington, yes we're mandating, and nobody likes to be mandated, but we are mandating that our landlords, property owners take this course for those who have not taken it. For those who have, they can present their certification that they've been through the Attorney General's course or such course that, that's been approved and that they will show that proof when they renew their license. They have up to one year to take the classes from the time they apply for a first-time license or when they go to renew their license. The City of Wilmington is committed to presenting these classes, and they will be free, no charge to the landlords and property owners. The reason that we're doing this is because there's a lot of do's and don'ts and sometimes people who invest in properties and they fix them up and they rent them, some of them are just contractors and are not really aware of all that goes into renting a property and when we start to see the problems, and many of them with the tenants and the neighborhood, they're at a loss.

But, the point is that they're bringing people into those properties that are causing havoc in our city and that by them having this education it's a way to, to really foster those relationships with the tenants, with the police, with the community but at the same time to protect their investment, because the landlord who takes care of their property and does everything by the book and the rules certainly doesn't want to be next to a landlord who doesn't. So a lot of the landlords have said, you know, we're not happy about it but we support it because we feel that the good guys that do everything right are yet being asked to do something else and to take time away from their busy days to do this. But, there's no way that we can say, okay, well, you guys are the good guys and here's the bad guys, you know, we have to make it fair so everybody has to be a part of it. If anyone has taken the class they will be able to show their certification or they're on the list from the classes that were given through the Attorney General's Office, they

do not have to take this class. And they do have a year to take the class and it is gratis. So, it's merely a way to, to get a handle on our situation in our neighborhoods.

President Gregory: How long is the certification for? Do you have to take the training every year?

Ms. Cabrera: No, you do not.

President Gregory: Do it one time?

Ms. Cabrera: Just one time. One of the things that has been discussed is that if someone really falls into that problem area of having nuisance points constantly on their property, maybe they should come and take the class again, but one of the things that the Law Department at this point, that could be left for a future amendment, is that that's when we will get them with a provisional business license.

President Gregory: How, how, how long is the class?

Ms. Cabrera: It's, like a 9 to 3 class, and lunch is included.

President Gregory: It's a seminar.

Ms. Cabrera: Yeah.

President Gregory: And, is there any fiscal impact to the City of Wilmington?

Ms. Cabrera: Yes, there is. The City, right now, in the conversations that we had with the Administration, we're looking at, if we do the classes every month, because the first time, the first year's going to be the most impactful, that we may be looking at \$15,000. If we do them bimonthly, then we're looking at about half of that, and there is a community block grant, neighborhood grant, that the Attorney General's Office has available so we have contacted them and we're bringing them in for a meeting to let them know that we're going to move forward with this, and that we would like to get support for at least the next fiscal year and then they would budget this for the following years.

President Gregory: Let's see, I'm not sure, how, how does one, can the landlord, if the landlord's the property owner or can there be an agent of the landlord? In other words, does the property owner have to get the training if he or she is the owner of the property but he may or she may have a management company that's actually managing the property?

Ms. Cabrera: It says property owners, operators, and/or lessors, who complete the com-, you know they have to complete it. So, if someone owns a property

and they live in California, we're not asking them to fly in to take this class. They have, whoever they have designated, who is managing that property, they have to ...

President Gregory: Even though it's an agent. Okay.

Ms. Cabrera: Yes. I mean, so there is flexibility and the other thing that came up in discussion is that not just the City of Wilmington but those other entities that provide similar classes so we're gonna look at what those classes should encompass so it doesn't have to be just, you know, you come to the City of Wilmington class, you can take the Attorney General's class the way that it's written now but that we would look to expand this because the Board of Realtors said that they do a class, the president of the apartment, I guess they have an apartment association, they also said that they do a class. So we're looking to make sure to make this as accessible and as inclusive as possible.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. We did have extensive conversation regarding this piece of legislation yesterday in the Housing Committee and before this came about the Attorney General did such, such workshops over on the East Side, we, and we had a very good turnout of the landlords that came for the workshop, of course the ones that came were not the ones where the trouble properties, but it, a lot of landlords came out and they said they got a great wealth of information. My understanding of the whole, the premise of the Attorney General doing it was to make sure the landlords saying that they, they do know all the laws so that when we address them with some nuisance they could not say they did not know. I'm glad that the sponsor did discuss some of the possible next steps that we would do because we also heard some of the comments that was made by the public regarding landlords and their feel for that. So, I think it's a good first step in trying to address the amount of rental properties that we have in the city and ensuring that they are knowledgeable business owners doing business in the City of Wilmington because that's what landlords are, are doing business, and they know the laws and rules of doing that business, and that they, and that they ensure that they're businesses run efficiently, that it's a benefit to the community and not a hindrance to the community and just not a funding source for them and leave us to deal with the consequences of it, because that was one of the questions that was brought up and points that was made at the, at the committee meeting was that they felt about if, they were, they were responsible for policing the area, but, I mean, any other business you would look and maintain the comings and goings and operations of your business, and we were hoping that the landlords would kind of consider that the same way that they have to be, have some responsibility of the comings and goings of the property because they are running a business and not just - it's a facility.

President Gregory: There is a little libertarian, libertarian side of me that causes me some angst with respect to this and that is do we to move to corner store owners eventually and do we move to liquor store on those end, do we move to homeowners and where do we end with this and so, so, and you know we as legislators,



we like to come up with things, or work on the next session when some young person comes on and decides they want to expand this corner stores and to liquor stores. Ms. Walsh.

Ms. Shabazz: I wasn't finished.

President Gregory: You weren't finished?

Ms. Shabazz: No sir.

President Gregory: I thought you were finished, you paused, a long pause. But go ahead.

Ms. Shabazz: Only because you came in, between ...

President Gregory: Oh, I took it. I went in on you? Okay, go ahead.

Ms. Shabazz: My last statement I wanted to say, as we said in the, in the committee meeting was that, you know, this, this could be somewhat of a tool to address, we do have a tremendous amount of rentals in the city, so, looking at this being mandatory, the hoping it would kind of get a, a grip on the issues that we're having with it and that as things begin to progress that we can ease, ease it back up again because I do agree with that we don't want to start mandating and, and, and putting conditions on every ... I agree.

President Gregory: We, we, with, with the current culture of new councils coming on ...

Ms. Shabazz: I agree.

President Gregory: ... trying to find something to do. I guarantee you that someone is going to expand this to liquor stores (inaudible) and also corner stores.

Ms. Shabazz: But also, the issue was, a question came up well how do we enforce it? That was my other question. How was it to being enforced?

President Gregory: Well, that my libertarian spirit coming out. Ms., Ms. Walsh.

Ms. Walsh: I was supporting this legislation, but the, only a couple of things because the violations seem to be simply losing business license and I think we know that we have landlords around this town, especially in some neighborhoods who have never had a business license and they could care less. But this just adds another nail in their coffin for when they finally do get caught up with and get prosecuted. Anything that's costing the City money, the Law Department is supposed to have fiscal note attached to it.

President Gregory: Yes.

Ms. Walsh: So, I've noticed quite a few lately that do not have fiscal note. Take that back to your director please. Thank you; and other than that, you know, do I feel badly for the people that do follow the law, I do because that's something that we do now we have to penalize people as a whole in this country. But unfortunately because the high rate of rentals in our town, it's becoming more rentals than not, so laws like this do need to exist and so I will be supporting this.

President Gregory: Mr. Williams.

Mr. Williams: Thank you, Mr. President. It was stated in the presentation that there was no method to measure good versus bad and, and I would have to dispute that point, that there is a point system in place. In, in my opinion this is a, a shotgun approach when a BB gun would do. We can easily put a handbook together and present the landlords with a handbook and expect them to live up to that code and when they reach a certain milestone in the point system, then let's mandate that they take this training. It's, I think that in the haste of getting this out there was some points that you brought up that, that just weren't, not built into it, specifically it says that upon renewal, so to me that doesn't say that there's an endpoint. Every time I renew, someone's going to have to go through this training because of the way that it's written. I, I just think that when we had the public comment earlier that I was here to, to, to listen to, not one person came in support, there were actually an opposition, and the phone calls and the emails that I received were in opposition to this because we are penalizing the people that are doing it the right way. Like I said, we have a point system, it's already there, we can already identify who's, who's at fault. We also have the, the chance that was brought up earlier, that this is gonna cause for blatant disregard of people obtaining business licenses, and they're just gonna have that catch-me-if-you-can attitude, and I don't think that's the healthy way to promote this type of lifestyle in the city. That's the only points I have for right now.

President Gregory: There is a handbook Mr. Williams, in a summary Landlord/Tenant Code. It's a little yellow book and any time a landlord rents to a new tenant, he or she is supposed to give the tenant . . .

Mr. Williams: Correct.

President Gregory: . . . a copy of that book, which sets forth the rights and obligations of both the landlord as well as the tenant. Ms. Shabazz.

Ms. Shabazz: Yes, thank you, Mr. President. One other thing I wanted to mention was, it was stated that this course is given in other entities, such as the realtors organizations and those type of things and if, if the landlord's already taken such course, then they just have to show proof that they've already done it; and some association that many landlords and managers have already taken such, such courses so if they've already

done that they're the, those are the ones that are doing it right. All they got to do is just show that they've already taken it so then they don't have to take the City course.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President, just very quickly, in the committee meeting one of the things that we discussed is, and I'm going back to the point of the landlords, we actually probably need some tenant training in addition to landlord training so maybe we could look at crafting something up. Councilwoman Cabrera was looking at the possibility of doing something like that.

President Gregory: That's what I said earlier.

Ms. Dorsey Walker: Mhm.

President Gregory: Slippery slope. It's gonna be a slippery slope but we can try, you know, there's always that word called repeal, so we'll give it a shot and see what we come up with. Ms. Cabrera.

Ms. Cabrera: Okay, so, just to elaborate on what Councilwoman Dorsey had said, one of the things that came up when the News Journal did a story on this is that organizations such as HUD is going to start doing some tenant training for their people, but that in terms of mandating tenant training, I don't, you know, at least for me, I'm not looking at that right now, but one of the things that was noted about that, any landlord that wants to go above and beyond the training that we would look at incentives the City could offer and some of those things would be #1) for any home that is CETEC certified, which is the, what, what is it, the environmental, crime reduction by environmental design, the things that we learned at the, at the center for community progress, that if they were to take their homes and make them as crime free as possible that the City would work with that, with them as far as offering an incentive. See we're always seeing is the big bad, you know, hand of the City coming down.

The other thing is that if their tenants were to take that, that class voluntarily, then again there would be another incentive offer for them to do that, and to Mr. Williams I would say that one of the things that I had to do was, I actually went and I sat through the training and it is impossible to get in a handbook, in fact it's actually very difficult to get all the information out that needs to be gotten out in terms of being a responsible property owner and renting in a, in a five-hour class 'cause they take an hour break or half in a hour break, so that there's a lot, a lot of components to this. Fair housing comes in to speak, HUD comes in to speak, Legal Aid comes in to speak, the Attorney General speaks, so, there's different elements of this class. They said with, in the meeting they said that if you were to just teach the landlord/tenant part of the code that alone would take half a day. So that has been reduced to like a two-hour segment. So there's a lot more going on to being a landlord or property owner and we see the results of that in our city. In terms of this expanding to liquor stores and corner stores, I do believe that we already have laws in place that people should follow in terms of

conducting business, it's just a matter of enforcing them, and in terms of support, this evening three people showed up to speak on this, but yesterday we had people that came and spoke at a committee meeting that lasted an hour and a half, much of the discussion was on this, and they spoke in favor of it and they had questions. I also spoke in front of the Greater Wilmington Housing Partnership, which is an organization with a hundred and fifty landlords. And yes, they were not happy about being mandated, but by the time that I left that luncheon and explaining what this really is going to do, most of them had said that they had taken the class so they're happy that they don't have to come and take the class because they can show their certificate, but all of them, every single one of them, said that when they attended the class, they walked away with something. They learned something, and they were all the better business owners because of it.

So, again, it's just like that medicine that they're forcing you to swallow, but when you're done, you're well, I'm all better now and, and this really wasn't so bad for me. You know, I, I mean, I don't know what else to do. Do we, looking at the city and every time you look into these neighborhoods it's just worse and worse and worse. You know, property owners are going to have to be held accountable and someone made the comment, as Councilwoman Shabazz said, that, the landlords weren't responsible for policing their tenant. Well if they're not responsible, then who is? Wilmington police are going to go police the tenants? I'm gonna go police the tenants? I mean, whose responsibility is it? City Council? They're your tenants you're making money off of them. It's your responsibility just like any other business has to follow the rules; landlords have to follow the rules.

President Gregory: My, my libertarian spirit did not go to the content of the course, I think that that's excellent. My libertarian spirit went to mandatory, but, but I'm fine with it, so, we'll give it a shot 'cause we're trying to fix something that's broke. Mr. Williams.

Mr. Williams: Just real quick, a question to the sponsor. You did give the summarization that if someone lived in California, of course we wouldn't be able to enforce this with them. What is your geographical coverage? If I lived in Hockessin, if I lived in Pennsylvania, if I lived, how far out are we gonna go with? What is the boundaries that you're willing to, to expand to, to hold someone accountable to this?

Ms. Cabrera: The City of Wilmington has it in their License and Inspection Codes with rental properties that if the actual property owner is not within a certain geographic proximity that they have to assign a manager to those properties; so for those businesses that invest in the City of Wilmington and own hundreds of home, they have a property manager. When people fill out their business license they actually have to put the name of a person, even if it's a corporation, and who is the responsible contact person and a physical address not a P.O. Box – Councilman Freel can further speak to that – so there is a human being that has to come to that class and they have to have someone assigned to manage those properties. They're not allowed to live x-amount of whatever the miles are and not have a property manager. They're still responsible for those properties.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Cabrera, seconded by Ms. Walsh, the aforementioned Ordinance, **as Substituted**, 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 Darius Brown, Shabazz, Prado, Dorsey Walker, Freel, Cabrera, Walsh, and President Gregory. Total, eight. Nays, Council Member Williams. Total, one. Absent, Council Members Chukwuocha, Congo, Michael Brown and Wright. Total, four.

President Gregory: Declare it adopted.

Ms. Cabrera: Thank you. Mr. President, I have an Ordinance to present and call for the third and final reading.

Ms. Cabrera presented and called for the third and final reading Ordinance No. 16-037 (Agenda #4231) entitled:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE  
CITY CODE REGARDING AMENDMENTS TO THE  
INTERNATIONAL BUILDING CODE OF 2012

On the question:

Ms. Cabrera: This Ordinance is being presented by the Administration for City his Ordinance is being presented by the Administration for City Council's review and approval. If approved, Council would be authorizing an amendment to Chapter 4 of the City Code regarding the International Building Code of 2012. Specifically, this Ordinance would add provisions to the code related to the City inspections of elevators.

President Gregory: The Clerk will call the roll.

Upon a motion of Ms. Cabrera, Ms. Walsh, the aforementioned 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 Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, Walsh and President Gregory. Total, nine. Nays, none. Absent, Council Members Chukwuocha, Congo, Michael Brown and Wright. Total, four.

President Gregory: Declare it adopted. Ms. Walsh.

Ms. Walsh: No legislation.

President Gregory: We'll entertain a motion to adjourn.

**PETITIONS AND COMMUNICATIONS**

There were no petitions and communications this evening.

**ADJOURNMENT**

Upon a motion of Ms. Shabazz, seconded by Mr. Williams, Council adjourned at 7:24 p.m. Motion prevailed.

Attest: Maribel Seijo  
Maribel Seijo, City Clerk