

*Wilmington, Delaware
Louis L. Redding
City/County Building
January 8, 2015*

Council met in regular session on the above date at 6:30 p.m., President Theopalis 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 Chukwuocha, Congo*, Darius Brown, Shabazz, Prado, Dorsey Walker, Williams, Freel, Cabrera, and Wright*, and Council President Gregory. Total, eleven. Absent, Council Members Michael Brown and Walsh. Total, two.

MINUTES

After reading a portion of the minutes of December 18, 2014, upon a motion of Mr. Freel, seconded by Ms. Shabazz, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Joint Meeting of Public Safety and Housing and Licenses & Inspections Committees</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Michael A. Brown, Sr.		X	
Ernest "Trippi" Congo, II	X		
Charles M. "Bud" Freel		X	
Loretta Walsh		X	
Robert A. Williams	X		
Samuel Prado	X		
Maria D. Cabrera	X		
Nnamdi O. Chukwuocha	X		
Hanifa Shabazz	X		
Sherry Dorsey Walker	X		

President and Members of Council of
The City of Wilmington

Date: Jan. 7, 2015

Ladies and Gentlemen:

We, your **JOINT** Public Safety and Housing and Licenses & Inspections Committees, to who was referred **Ordinance No. 14-057** entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE REGARDING DISORDERLY PREMISES.

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

Respectfully submitted, Members of
Public Safety Committee
/s/Ernest Congo, II
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

Respectfully submitted, Members of
Housing, Licenses & Inspections Committee
/s/Samuel Prado, Chair
/s/Darius Brown
/s/Maria D. Cabrera
/s/Nnamdi O. Chukwuocha
/s/Hanifa Shabazz
/s/Sherry Dorsey Walker
/s/Theopalis K. Gregory, Sr., Ex Officio

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

TREASURER'S REPORT

The following Treasurer's Report dated January 8, 2015 was read into the record by the City Clerk, and upon a motion of Mr. Freel, seconded by Mr. Williams, the Report was received, recorded and filed. Motion prevailed.

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TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON JANUARY 8, 2015

102	Community Development Block	M & T Bank	\$ 1.00
104	Grant	M & T Bank	\$ 1,963.81
105	Old Non-Uniform Pension Account	M & T Bank	\$ 1,197.23
106	Police Pension Account	M & T Bank	\$ 1,230.97
107	Fire Pension Account	M & T Bank	\$ 152,518.22
108	Evidence/Found Currency Account	M & T Bank	\$ 4,137.97
110	Rent Withholding Escrow	M & T Bank	\$ 1.00
113	Capital Projects Account	M & T Bank	\$ 1,111.82
114	Non-Uniform Pension	M & T Bank	\$ 153,677.66
117	Central Deposit	Wilmington Savings	\$ 33,412.62
118	Cement Workers	Fund	\$ 13,003.23
124	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 15,451.11
130	Non-Uniform Pension Act of 1990	M & T Bank	\$ 98,792.56
131	Payroll	M & T Bank	\$ 59,275.66
139	Pension Payroll Account	M & T Bank	\$ <u>1,836.10</u>
	Pension Healthcare Account	M & T Bank	\$ 537,610.96
	Total Cash on Hand		

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FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	01/08/15	0.01%	\$ 2.04	\$ 7,441,624.00
116	General	WSFS	CD	01/09/15	0.30%	\$ 1,873.97	\$ 2,000,000.00
110	Capital ²	TD	CD	01/15/15	0.25%	\$ 1,287.02	\$ 1,540,195.00
116	General	WSFS	CD	01/23/15	0.30%	\$ 2,071.23	\$ 2,000,000.00
124	Non-Uniform 1990	WSFS	CD	01/29/15	0.30%	\$ 1,403.91	\$ 5,510,000.00
116	General	TD	CD	01/30/15	0.25%	\$ 1,181.51	\$ 1,500,000.00
116	General	WSFS	CD	02/06/15	0.30%	\$ 1,841.10	\$ 2,000,000.00
116	General	TD	CD	02/20/15	0.25%	\$ 3,835.62	\$ 5,000,000.00
116	General ¹	TD	CD	03/02/15	0.25%	\$ 10,482.23	\$ 15,003,965.00
116	General	TD	CD	03/06/15	0.25%	\$ 1,260.28	\$ 2,000,000.00
110	Capital	WSFS	CD	03/16/15	0.30%	\$ 23,134.84	\$ 24,476,000.00
116	General	TD	CD	03/20/15	0.25%	\$ 1,342.47	\$ 2,000,000.00
116	General	WSFS	CD	03/31/15	0.30%	\$ 2,136.99	\$ 2,500,000.00
116	General	TD	CD	04/01/15	0.25%	\$ 1,654.11	\$ 2,300,000.00
514	Risk Management	WSFS	CD	07/10/15	0.35%	\$ 14,938.32	\$ 4,279,819.74
515	Worker's Comp.	WSFS	CD	07/10/15	0.35%	\$ 14,938.32	\$ 4,279,819.74
104	Escrow Pension	Affinity Wealth					\$ 1,468,016.00
104	Escrow Pension	Vanguard					\$ 36,549,858.00
104	Escrow Pension	Black Rock					\$ 27,266,157.00
104	Escrow Pension	Edgar Lomax					\$ 22,650,635.00
104	Escrow Pension	Wilmington Trust					\$ 46,798,250.00
104	Escrow Pension	Manning & Napier					\$ 21,279,719.00
104	Escrow Pension	Earnest Partners					\$ 17,880,997.00
104	Escrow Pension	GMO					\$ 12,005,336.00
104	Escrow Pension	MFS Management					\$ 21,153,690.00
139	Medical Escrow	Black Rock-OPEB					\$ 13,012,371.00
116	Deferred Comp.	MassMutual					\$ 39,701,105.00
	Total Investments						\$ 343,597,557.48
	Total Cash on Hand						\$ <u>537,610.96</u>
	Grand Total						\$ 344,135,168.44

¹ Budget Reserve

² SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

M. Brown Sympathy Pastor Regina C. Gibbs Johnson
Shabazz Sympathy Sylvia Evans

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

Mr. Chukwuocha: Nothing tonight Mr. President, thank you.

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Thank you Mr. President, nothing tonight.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Nothing tonight Mr. President, thank you.

President Gregory: Mr. Prado.

Mr. Prado: Nothing tonight Mr. President.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Nothing tonight Mr. President, thank you.

President Gregory: Mr. Williams.

Mr. Williams: No legislative business tonight.

President Gregory: Mr. Freel.

Mr. Freel: Nothing, thank you.

President Gregory: Ms. Cabrera.

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

Mr. Prado: Second.

Ms. Cabrera presented and called for the third and final reading Ordinance No. 14-057 (Agenda #4009) entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE
CITY CODE REGARDING DISORDERLY PREMISES

Ms. Cabrera: Yes Mr. President, this is no nonsense common sense law that compliments the existing nuisance laws with the distinctions that it holds those engaged in the disorderly behavior to be held accountable for their actions and extreme behaviors; behavior that disrupts the quality of life in our neighborhoods and throughout our City. The police will be enforcing this law and have the power to do so. It will be at their discretion to determine if the complaint is valid. The persons involved would receive a citation. They have an opportunity to comply and if not there will be fines associated with the behaviors as well as a criminal summons. Everyone is entitled to due process as they would for any criminal offense, go to trial; go to court. The types of behaviors that this is addressing go beyond the noise abatement. It's about the fighting, the brawling on the premises or around property of the premises; the loitering, the dice games that go back, the fighting, the things that spill out into the neighborhood and we have many of these properties where this is occurring in our city. Some of these properties we know are in engaged in criminal behavior. This took a while to come together but it was work of many people that brought this to fruition so that we would have a solid piece of legislation. I would be remised if I don't thank our staff members Tanya Washington, David Karas with the research that they did, my fellow Council Members such as Councilman Chukwuocha with research that he presented that he did with the study in Nebraska - - we looked at best practices across the State; Council Member Freel who is a co-sponsor who was able to provide good advice in terms of what exist with the nuisance laws; the Law Department, Rosamaria. We worked closely with the Attorney General's Office Dan Logan and Mr. Grimm that came to the meetings and we had departments that were involved; both Commissioners of L&I and both Rhodes and Starkey involved in the meetings as well as the Finance Committee; the Police Chief; and even Lenny Sophrin. It was a lot of work from a lot of people to put this together something solid that we could enforce.

President Gregory: Mr. Williams.

Mr. Williams: Thank you Mr. President, while I love the spirit of the law, I just have some reservations and I have some questions to ask in regards to it. On June 19th we passed 39-19 of Chapter 11 and that was without the Councilwoman's support and during the debate that we had was that she said she was the victim of harassment through the noise that officers would drive by and they would not enforce it. Eventually she ended up closing her business. She also stated that there were poorly built homes where the noise would get through the partitions that was the reason why she wouldn't support that. And, I'll quote, "people who are out to get you would do whatever they had to do to get you" and then further on there was some more debate and she stated, "I wanted to work within the current laws, we have a tough times enforcing them" and that was also reiterated by senior Councilman Michael Brown. Through the Committee meeting yesterday we had some discussion that under Title 11, 1301, disorderly conduct which mirrors this legislation, if the police show up and issue a citation for disorderly

conduct, it's valued pointed at six nuisance points. Whereby if this Ordinance is enacted and enforced, it's only valued at four points. What we're doing is we're distinguishing between a residence and a premise. So now, Webster says premise is anything that has the boundaries and business can also be associated. So, I think what we're doing is we're expanding upon 39-19 and encompassing what would be premises. So, in essence what we're doing is we're looking to absolve businesses or bring businesses into the fold through this. So, I have some concerns with that. So, I just - - I have to support this because I won't in six month time completely do a one eighty and having supported mine and then not support this. In my opinion, would just be hypocritical. So, I'm thankful that we're expanding this but I do have those reservations, I do have those questions.

President Gregory: Mr. Brown would like to be added as a sponsor. The Clerk will call the roll. Excuse me, mark Mr. Wright and Mr. Congo present please.

**Note: At this time, Mr. Wright and Mr. Congo were marked present.*

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

President Gregory: Declare it adopted.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Mr. Wright, seconded by Mr. Freel, Council adjourned at 6:41 p.m. Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk