

*Wilmington, Delaware
Louis L. Redding
City/County Building
June 19, 2014*

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, Michael Brown, Cabrera, Walsh and Wright, and Council President Gregory. Total, twelve. Absent, Council Member Freel. Total, one.

MINUTES

After reading a portion of the minutes of June 5, 2014, upon a motion of Ms. Walsh, seconded by Mr. Williams/Ms. Shabazz, it was moved they be accepted as written. Motion prevailed.

REPORT OF COMMITTEES

The Deputy City Clerk read the following committee report:

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

Date: June 4, 2014

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Housing, Licenses & Inspection Committee, to who was referred **Ordinance No. 14-021** entitled:

AN ORDINANCE TO AMEND CHAPTER 13 OF THE CITY CODE
REGARDING THE USE OF CLOTHING DONATION BINS

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

Respectfully submitted, Members of
Housing, Licenses & Inspections Committee
/s/Samuel Prado, Chair
/s/Darius J. Brown
/s/Nnamdi O. Chukwuocha
/s/Sherry Dorsey Walker

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

The Deputy City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado			X
Robert A. Williams	X		

Date: June 18, 2014

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, to who was referred **Ordinance No. 14-025** entitled:

AN ORDINANCE TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY AND THE KENT COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS A/K/A FIRST STATE ANIMAL CENTER AND SPCA FOR ANIMAL CONTROL SERVICES.

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

Respectfully submitted, Members of
Public Works & Transportation Committee
/s/Hanifa Shabazz, Chair
/s/Nnamdi O. Chukwuocha
/s/Robert A. Williams
/s/Theopalis K. Gregory, Sr., Ex Officio

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

The Deputy City Clerk read the following committee report:

<u>Public Works & Transportation Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Hanifa G.N. Shabazz, Chair	X		
Michael A. Brown, Sr.		X	
Nnamdi O. Chukwuocha	X		
Samuel Prado			X
Robert A. Williams	X		

Date: June 18, 2014

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Public Works & Transportation Committee, met on the above date at 4:30 p.m., Councilwoman Hanifa G.N. Shabazz presiding. The following items were discussed:

- Update on the City of Wilmington traffic impacted by the closure of I-495
- Presentation on the City’s Stormwater Pollution Prevention and Management Plan

Respectfully submitted, Members of
 Public Works & Transportation Committee
 /s/Hanifa Shabazz, Chair
 /s/Nnamdi O. Chukwuocha
 /s/Robert A. Williams
 /s/Theopalis K. Gregory, Sr., Ex Officio

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

The Deputy City Clerk read the following committee report:

<u>Public Safety Committee Member</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		

DATE: June 9, 2014

President and Members of Council of
 The City of Wilmington

Ladies and Gentlemen:

We, your Public Safety Committee, to who was referred **Ordinance No. 14-017**
 entitled:

**AN ORDINANCE TO AMEND CHAPTER 11 OF THE CITY CODE
 REGARDING NOISE CONTROL AND ABATEMENT**

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

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

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

TREASURER'S REPORT

The following Treasurer's Report dated June 19, 2014 was read into the record by the Deputy City Clerk, and upon a motion of Ms. Walsh, seconded by Mr. Williams/Mr. Prado, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON June 19, 2014

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,386.81
105	Police Pension Account	M & T Bank	\$ 183,903.36
106	Fire Pension Account	M & T Bank	\$ 121,107.83
107	Evidence/Found Currency Account	M & T Bank	\$ 41,332.98
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 44,645.69
113	Non-Uniform Pension	M & T Bank	\$ 1,111.82
114	Central Deposit	M & T Bank	\$ 160,772.03
117	Cement Workers	Wilmington Savings Fund	\$ 33,393.01
118	Worker's Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 5,904.18
130	Payroll	M & T Bank	\$ 86,850.33
131	Pension Payroll Account	M & T Bank	\$ 5,266.61
139	Pension Healthcare Account	M & T Bank	\$ <u>77,260.81</u>
	Total Cash on Hand		\$ 780,077.66

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	06/19/14	0.01%	\$ 2.03	\$ 7,408,395.00
124	Non-Uniform 1990	WSFS	CD	06/25/14	0.30%	\$ 835.52	\$ 3,765,000.00
106	Fire Pension	WSFS	CD	06/25/14	0.30%	\$ 272.95	\$ 1,230,000.00
105	Police Pension	WSFS	CD	06/25/14	0.30%	\$ 116.50	\$ 675,000.00
116	General	WSFS	CD	06/27/14	0.30%	\$ 1,167.12	\$ 2,000,000.00
116	General	WSFS	CD	06/27/14	0.30%	\$ 575.34	\$ 2,000,000.00
116	General	TD	CD	06/30/14	0.25%	\$ 86.25	\$ 466,350.00
116	General ¹	TD	CD	06/30/14	0.25%	\$ 2,489.32	\$ 14,537,615.00
116	General	TD	CD	07/11/14	0.25%	\$ 1,386.99	\$ 2,500,000.00
116	General	WSFS	CD	07/11/14	0.30%	\$ 350.34	\$ 1,375,000.00
116	General	WSFS	CD	07/11/14	0.30%	\$ 350.34	\$ 1,375,000.00
514	Risk Management	WSFS	CD	07/11/14	0.30%	\$ 8,687.31	\$ 2,895,775.55
515	Worker's Comp.	WSFS	CD	07/11/14	0.30%	\$ 8,687.31	\$ 2,895,775.55
116	General	WSFS	CD	07/18/14	0.30%	\$ 476.71	\$ 2,000,000.00
116	General	TD	CD	07/25/14	0.25%	\$ 1,246.58	\$ 2,000,000.00
110	Capital	WSFS	CD	08/04/14	0.30%	\$ 18,105.53	\$ 24,476,000.00
116	General	WSFS	CD	08/08/14	0.30%	\$ 1,890.41	\$ 2,500,000.00
116	General	WSFS	CD	08/22/14	0.30%	\$ 1,742.46	\$ 2,000,000.00
110	Capital ²	TD	CD	09/15/14	0.25%	\$ 1,107.68	\$ 1,540,195.00
116	General	WSFS	CD	09/19/14	0.30%	\$ 2,071.23	\$ 2,000,000.00
116	General	TD	CD	10/28/14	0.25%	\$ 1,839.73	\$ 1,700,000.00
104	Escrow Pension	Affinity Wealth					\$ 1,519,822.00
104	Escrow Pension	Vanguard					\$ 33,914,509.00
104	Escrow Pension	Black Rock					\$ 27,007,201.00
104	Escrow Pension	Edgar Lomax					\$ 20,866,764.00
104	Escrow Pension	Wilmington Trust					\$ 46,374,444.00
104	Escrow Pension	Manning & Napier					\$ 23,793,499.00
104	Escrow Pension	Earnest Partners					\$ 16,781,456.00
104	Escrow Pension	GMO					\$ 12,157,146.00
104	Escrow Pension	MFS Management					\$ 19,536,670.00
139	Medical Escrow	Black Rock-OPEB					\$ 11,896,740.00
116	Deferred Comp.	MassMutual					\$ 38,825,151.00
	Total Investments						\$ 334,013,508.10
	Total Cash on Hand						\$ 780,077.66
	Grand Total						\$ 334,793,585.76

¹ Budget Reserve

² SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

All Council	Sympathy Valerie M. McCoy
All Council	Congratulate David Karas
Chukwuocha	Recognize Dr. Marlene A. Saunders
Gregory	Retirement Patricia A. Brown
Gregory	Sympathy Elizabeth Wootten
Gregory	Recognize Clarence Banks of Delaware State University
Shabazz	Commend Wilmington Housing Authority
Shabazz	Commend Westin Hotel
Shabazz	Commend Dr. Harry L. Williams
Shabazz	Welcome Mayor James Walls
Freel	Recognize Barbara Blair
M. Brown	Sympathy Cameron Alexander Wildman
Cabrera	Recognize Habana Sax
Wright	Commend The National Sorority of Phi Delta Kappa, Inc., Rho Chapter

President Gregory recognized former Council President Theodore Blunt who was sitting in the audience.

*Note: Mr. Congo was marked present at this time.

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

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

Mr. Chukwuocha presented and called for the third and final reading Ordinance No. 14-021 (Agenda No. 3923) entitled:

AN ORDINANCE TO AMEND CHAPTER 13 OF THE
CITY CODE REGARDING THE USE OF CLOTHING
DONATION BINS

Mr. Chukwuocha: Yes Mr. President. This is an Ordinance that establishes regulations for the placement of clothing bins to ensure that the owner operators of the bins are lawful businesses that have business license to operate within this City. Also, establishes fines and for legal bins and managed ill bins as well as giving

the City the authority to remove bins that illegally placed and ill maintained and it (inaudible) addresses a great community need. Thank you Mr. President.

President Gregory: Thank you Mr. Chukwuocha for this idea and for staying with it. I believe it took us about nine months to almost a year probably to get this done but there was some resistance from folk who will have to enforce this in the City but we worked around and I believe it's a good piece of legislation. Anyone else?

Ms. Walsh: Mr. President.

President Gregory: Ms. Walsh.

Ms. Walsh: Just one quick question please. I'm the owner of a company, I have a parking lot outside, you own a charity and you just put it on my property. I still have the right to remove without, if I didn't give you permission, right?

President Gregory: That's correct.

Ms. Walsh: Ok. Thank you. No, I think it's a good piece.

President Gregory: Yes and actually it's a proliferation of these bins up in the 1st and 2nd Councilperson's districts. The Clerk will call the roll.

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh/Mr. Williams, the above 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 Vote: Yeas, Council Members Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, M. Brown, Cabrera, Walsh and Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Freel. Total, one.

President Gregory: Declare it adopted. Mr. Chukwuocha.

Mr. Chukwuocha: Yes Mr. President. I have a Resolution to present.

Mr. Chukwuocha presented Resolution No. 14-022 (Agenda No. 3940) as follows:

WHEREAS, pursuant to Section 2-363 of the Code of the City of Wilmington ("City"), the City may apply for and receive grant funds to be used for a wide variety of City activities, subject to the approval of City Council; and

WHEREAS, the City has been approved by the Department of Labor Division of Employment and Training of the State of Delaware to receive approximately \$342,100.00 in grant funds for the operation and cost of the Summer Youth Employment Program (the “Youth Program”), which is set to run from June 16, 2014 through August 22, 2014 (see attached award letter dated May 02, 2014); and

WHEREAS, although the City is not required to provide matching funds for receipt of these grant funds, the City is initially required to pay the Youth Program employees with City funds and is then reimbursed by the State of Delaware for the payments. Importantly, there will be no net financial impact on the City, provided the City complies with all State requirements applicable to the Youth Program; and

WHEREAS, for timing purposes, the application for said grant had to be submitted in advance of City Council approval by resolution; and

WHEREAS, the City, through the Mayor or his designee, the Director of Parks and Recreation, may enter into Contract 5-653-SY – Summer Youth Employment Program (the “Contract”) – to use the grant money to pay the wages of youth employed by the City as part of the Youth Program; and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City’s use of the grant funds for the Youth Program in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described grant funds received from the State of Delaware for the Summer Youth Employment Program be accepted and approved, and the Mayor or his designee, the Director of Parks and Recreation, and the City Clerk are hereby authorized and directed to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

Mr. Chukwuocha: Yes Mr. President. This is one of our annual Resolutions that deal with the Department of Parks and Recreation regarding the Summer Youth Employment Program. It’s to receive a grant in the amount of \$342,100.00 and this will be used for employment for our children for 273 youth Mr. President.

President Gregory: The Clerk will call the roll.

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, the above 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 Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, M. Brown, Cabrera, Walsh and Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Freel. Total, one.

President Gregory: Declare it adopted. Mr. Chukwuocha.

Mr. Chukwuocha: Yes Mr. President. I have a Resolution to present.

Mr. Chukwuocha presented Resolution No. 14-023 (Agenda No. 3941) as follows:

WHEREAS, pursuant to Section 2-363 of the Code of the City of Wilmington (“City”), the City may apply for and receive grant funds to be used for a wide variety of City activities, subject to the approval of City Council; and

WHEREAS, the City has been approved by the Department of Education for the State of Delaware to receive approximately \$526,000.00 in grant funds from the Federal government for the operation and cost of the Summer Food Service Program (the “Food Program”), which is set to run from June 16, 2014 through August 29, 2014; and

WHEREAS, although the City is not required to provide matching funds for receipt of these grant funds, the City is initially required to pay the Food Program vendor with City funds and is then reimbursed by the Federal government through the State of Delaware for the payments. Importantly, there will be no net financial impact on the City, provided the City complies with all Federal and State requirements attached to the Food Program; and

WHEREAS, the City is prepared to put Contract 15012PR – Summer Food Service Program (the “Contract”) – for vendors to provide meals for eligible participants in the Food Program out for bidding (a copy of the Contract is on file with the Division of Procurement and Records); and

WHEREAS, the Department of Parks and Recreation has recommended that City Council approve the City’s use of the grant funds for the Food Program in accordance with the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the use of the herein described Federal grant funds received from the State of Delaware for the Program be accepted and approved, and the Mayor or his designee, and the City Clerk are hereby authorized to execute any and all appropriate grant documents or other undertakings pursuant thereto as may be necessary.

Mr. Chukwuocha: Yes Mr. President. This is the sister Resolution to the prior Resolution that deals with accepting a grant for a \$526,000.00, which will be used for the Summer Food Program, which will run from June 16th through August 29, 2014.

President Gregory: Clerk will call the roll.

Upon a motion of Mr. Chukwuocha, seconded by Ms. Walsh, the above 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 Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, M. Brown,

Cabrera, Walsh and Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Freel. Total, one.

President Gregory: Declare it adopted. Mr. Darius Brown.

Mr. D. Brown: Thank you Mr. President. I have a Resolution to present.

Mr. D. Brown presented Resolution No. 14-024 (Agenda No. 3942) as follows:

WHEREAS, Opportunity Nation, a bipartisan nonprofit organization working to expand economic opportunity in this country, and 200 companies and other organizations, have signed a letter urging Congress to reauthorize the Carl D. Perkins Career and Technical Education Act (the “Perkins Act”), citing that access to high-quality career and technical programs is essential to closing America’s skills gap; and

WHEREAS, as America recovers from the most significant economic recession in recent memory, employers are reporting a shortage of skilled workers to fill in high demand positions; and

WHEREAS, career and technical education (CTE) programs throughout the country are central to overcoming this skills gap and provide greater opportunity for America’s youth and adults; and

WHEREAS, CTE has proven to be an effective tool for improving student outcomes and helps prepare both secondary and postsecondary students with necessary skills for successful entry into the workforce; and

WHEREAS, reauthorizing the Perkins Act is critical for the continued economic prosperity of this Country; and

WHEREAS, Vice President Joseph Biden has stated, “Unless we have the most skilled workforce in the world, we will not be able to lead the world;” and

WHEREAS, as Congress sets out on this task, Opportunity Nation and the coalition supporting the reauthorization of the Perkins Act urges Congress to focus on areas where improvements can be made to the current law, building upon its past successes and enhancing aspects of the Perkins Act which will help better serve both workers and employers, and

WHEREAS, Opportunity Nation and its allies believe a reauthorized version of the Perkins Act should align CTE programs to the needs of the regional, state, and local labor market, support effective and meaningful collaboration between secondary and postsecondary institutions and employers, and increase student participation in experiential learning opportunities such as industry internships, apprenticeships and mentorships and promote the use of industry-recognized credentials.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council supports the goal of Opportunity Nation and the coalition of businesses and organizations in urging Congress to reauthorize, update and improve the Perkins Act because City Council believes this is a bipartisan step in the right direction to provide youth and adults with the necessary technical skills to succeed in today’s economy.

Ms. Owens: Excuse me, before we go further. This is Resolution 14-024.
Go ahead.

Mr. Darius Brown: Thank you Mr. President. This Resolution supports the goal and the coalition around businesses and organizations to urge Congress to reauthorize and update existing Perkins Act as our Vice President Joe Biden stated, unless we have the most skilled worked force in the world, that we would not be able to lead the world. So, we do recognize the local skills gap and talent dividend that we and so this Resolution is urging our Congressional Delegation to support the reauthorization and passage of the Perkins Act.

President Gregory: Councilwoman Shabazz.

Ms. Shabazz: Thank you Mr. President. I think this is a really good Resolution and ask that I be a co-sponsor please.

President Gregory: So noted. Clerk will call the roll.

Upon a motion of Mr. Darius Brown, seconded by Ms. Walsh/Mr. Williams, the above 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 Chukwuocha, Congo, D. Brown, Shabazz, Prado, Dorsey Walker, Williams, M. Brown, Cabrera, Walsh and Wright and Council President Gregory. Total, twelve. Nays, none. Absent, Council Member Freel. Total, one.

President Gregory: Declare it adopted. Mr. Brown.

Mr. Darius Brown: Yes Mr. President. I have an Ordinance to present for first and second.

Mr. Darius Brown presented and called for the first and second reading Ordinance No. 14-027 (Agenda No. 3943) entitled:

AN ORDINANCE TO AMEND CHAPTER 37 OF THE
CITY CODE TO PROVIDE LIMITED PARKING FOR
PATRONS OF CERTAIN NON-PROFIT ORGANIZATIONS

This Ordinance was given two separate readings by title only and upon a motion of Mr. D. Brown, seconded by Ms. Walsh, was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

President Gregory: Ms. Shabazz.

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

Ms. Shabazz presented and called for the third and final reading Ordinance No. 14-025 (Agenda No. 3938) entitled:

AN ORDINANCE TO AUTHORIZE AN AGREEMENT
BETWEEN THE CITY AND THE KENT COUNTY
SOCIETY FOR THE PREVENTION OF CRUELTY TO
ANIMALS A/K/A FIRST STATE ANIMAL CENTER AND
SPCA FOR ANIMAL CONTROL SERVICES

Ms. Shabazz: Mr. President, this Ordinance if approved by Council authorizes a one year contract with a possibility of two one-year extension with the same term conditions for animal control services for the City payable to the Kent County SPCA also known as the First State Animal Center in the sum and not to exceed \$600,000 per year or \$50,000 per month for animal control services outlined in the contract and the Ordinance would begin on July 1. Many of us know that we have been dealing with a partial contract with the Delaware SPCA and even though Mr. President this is a lot of money, I personally am not really in support of spending this kind of money but I know we have no other alternative to deal with animal control in our City. I think this - - our hands are tied as what to do with the amount of dogs we have in our City. I hope that in this one year that we are finding some other alternative before we have to in act on the two one year extensions on it and I present it to Council.

President Gregory: Clerk will call the roll.

Upon a motion of Ms. Shabazz, seconded by Ms. Walsh, the above aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Chukwuocha, Shabazz, Prado, Williams, M. Brown, Cabrera and Walsh and Council President Gregory. Total, eight. Nays, Council Members Congo, D. Brown, Dorsey Walker and Wright. Total, four. Absent, Council Member Freel. Total, one.

President Gregory: Declare it adopted.

Mr. Darius Brown: Mr. President, may I be excused?

President Gregory: Yes. Mr. Williams.

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

Mr. Williams presented and called for the third and final reading
Ordinance No. 14-017 (Agenda No. 3919) entitled:

AN ORDINANCE TO AMEND CHAPTER 11 OF THE
CITY CODE REGARDING NOISE CONTROL AND
ABATEMENT

Mr. Williams: Mr. President, this Ordinance moves to enact the fact that we could establish a disorderly residence's criteria. What it would do is add on to what's already existing as a disorderly subject, disorderly vehicle, this will now allow for disorderly resident. Basically, I'm looking at a point system - - it's a two prong approach, it gives the landlord the proper footing to affect an eviction if necessary with a conviction. If that doesn't take place, it gives the City the proper footing to pursue the point system in a much expeditious manner for a residence known to be disorderly.

President Gregory: Mr. Brown.

Mr. M. Brown: Yes Mr. President, I had this conversation, so it's no surprise, I had this conversation with Councilman Williams. I can't support this tonight and let me tell you, he's - - and let me tell you why. He's mentioned already that we have a law already on the books and this is just an add on to that law to the existing law but my statement is, how many laws we have so far on the books that we're not even enforcing right now? We have numerous laws even existing laws is really not being enforced. We talk about crime. We talk about how the police officers are being used and not being used. I just, to me, this law when one is already in place, you know, I can be your enemy and live right next door to you, you and I could have a disagreement. You can have a barbeque, you could have a youth party in the backyard and I want to lift up my window and watch the Yankees in my living room and I just don't get along with you. I don't like you and every time you have some affair, you know, I call the police.

Well, the police are going to get tired of coming. Yes, the law says about 50 feet, within 50 feet, something in that nature. Well, when the police officer get out of their car and walk 50 feet or more behind the back of the house and hear that noise - - it's a barbeque, it's a party it's a Saturday afternoon or Sunday afternoon but I don't like you but every time that noise get a little louder, I'm going to call the police and they're going to tired of coming and it becomes a nuisance to the police, you and the complainer. And, so I just think, this law, while it may have some good intentions in it, it's just another add on to a law that we already have on the books that really isn't getting that much attention to it. Plus we already, the police officers already do that anyway. They already come to your house if there's a complaint about noise anyway and tell you to turn it down. So, that's my reasoning and I just don't think that's going to be support by me tonight. Thank you.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Well, I have to echo some of the sentiments that my Council brother Brown stated. I love the spirit of the law Councilman Williams because I think what happens is some people just take advantage and it just comes to the point where you can't live peacefully in your home because there's so much noise. Now, I just came out of a neighborhood where next to my window where I sleep, I have to listen to dogs barking at all hours of the night because this is where people keep these animals and they insist on having these pitbulls tied up in their backyards that they refuse to walk. So, believe me, I'm feeling the pain. I was feeling the pain. But I also was a victim of a person who decided that they were going to harass me and my business because the building is built so cheaply that there's no sound proofing. I could hear everything that went above me when I had my little café and I understand that she could hear everything below but she still try to have my business shut down. It became a regular thing to call the police on Café Bohemia, Friday, Saturday and Sunday at 9:30 in the evening on Friday night during the Art Loop and most - - the police came in because they said they had to come in, they apologized profusely and some officers are now telling me, yeah we used to drive by there all the time and we didn't hear anything we kept going. And every, every call was a no incident report but she did it anyway.

Eventually, I just closed my business because I was tired of being harassed. But now if this law is to going to place and you can hear the noise through the partition, then technically, I would be in violation. So, that is my concern as to why I probably won't support this either because I was a victim. And people, when they are out to get you, they will do whatever and unfortunately we have neighbors that you know, have fuse that goes on and on. Nobody wants to leave but this is what they're going to do. So, I just don't want to give more fuel to a feud and maybe work within the laws that we have. And, it's true, we're having a hard time enforcing the nuisance laws that we have place. But I really respect the spirit of it because I understand that this is an issue for many people when they have bothersome neighbors but we have to go about this maybe a different way. Thank you.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Real, real briefly Mr. President. I respect the spirit of the law, agree with my colleagues and I think what we're trying to do here is to codify how to be good neighbors.

President Gregory: I normally wait until the end but I'm going to go ahead and weigh in now and I'll probably be a minority voice in this it seems like but on its face, this Ordinance does no harm. It certainly, there can be harm done on the execution of this ordinance but as with any ordinance, there's de lament. There can be harmed done. When I read the Ordinance and I got some comfort in reading the Ordinance when it says that, "the disturbance has to unreasonably annoy". So, it's not some test floating out there with no standard. It's has to be unreasonable when a police officer comes firstly and secondly, it has to offend the normal sensitivities of a person.

So, it can't be your personal sensitivity, there's a standard of normal. But again, on its face, it does no harm. One because, Mr. Williams, I'm sorry but you really don't need the law in my opinion because the police officers do this anyway but you're just codifying specific conduct. So, since it does no harm, I'm going to vote for it even though I don't think that you need it. But you know, you are, with his rookie Councilman and so, I'm going to give you one tonight, okay? So, I just want you to know that. Ms. Walsh.

Ms. Walsh: Thank you Mr. President. You're right, there's an awful lot things in here that we already have and it becomes a matter of enforcement. But, this is also one of those broken windows laws in that we - - and I think just about every person on this floor, reads a fair amount of newspapers and magazines, whether you do it online or you do with a newspaper, the amount of noise levels in urban areas has become extremely unhealthy too that the decibels that's coming off these construction sites and just the beeping on those damn trucks alone, living across street from a business that's in Councilman Williams' district even though I'm not in it, it has taken me God knows how many threats to stop them from going to pick up trash at 2 and 3 o'clock in the morning with their beepers going because they thought they wouldn't get caught and that's the reason why they did it. They didn't want to put up with the buses and the school buses in the middle of the day. And um, so the construction costs are like really or the construction problem noise is really a problem too.

Same thing, you know, this past week on Pennsylvania Avenue, they're putting in for - - you know no wonder DELDOT is broke all the time for the amount of construction they do on Pennsylvania Avenue alone. But, they're putting in the curb cuts again, for the third time at the same damn corner in the last ten years and they had things parked there and that beep, beep - - I timed them once I truly thought I was going to be in the State Hospital by the end of the day. I live four blocks away. Actually some people think I should have been put in the State Hospital ten years ago but I do, I live that far away and I could hear it in my house with the windows closed and that beep, beep went on for over two in a half straight hours. So, if we're going to go after DELDOT, I'll be one of those people that call the police all the time until they finally go out and do something and give them points. So, even though I do it somewhat repetitious in most of the areas, I think it's good to bring this to people's attention once in a while, so I will be supporting this this evening.

President Gregory: Ms. Shabazz you can be a gracious hostess as you indicated earlier and you can be excused.

Ms. Shabazz: Thank you sir.

President Gregory: Thank you.

Ms. Walsh: Remember a point of order on that too, okay.

President Gregory: Mr. Prado.

Mr. Prado: Yeah, I'm going to be supporting this. One of the problems living in Wilmington is that unfortunately with the density, you're more likely to have some rude and inconsiderate people and one of my big issues are dogs of which I have myself but my dog stays inside the house, which is what it's supposed to be. But unfortunately, there are a lot of ignorant people who keep their dog outside all night, all day barking and I don't care if this might be a little repetitious, if it brings attention to the issue, that's one of my pet peeves is you know, inconsiderate animal owners who leave dogs out all day/all night, ninety degree weather barking and they have no regards for their neighbors. And then also, I just remember last summer at 6:30 in the morning, somebody decided to use a leaf blower. I mean, these are the kinds of things that happen and so if there's any way to make it easier for the police to enforce it, then I'll be supporting it.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. I agree with a lot of what my colleagues said on this evening but I also look at the fact that there's a situation in my district where the neighbors have been at each other for the last fourteen years and it has a lot to do with excessive levels of noise. So, if in fact we can have this Ordinance help resolved their issue and whoever is creating the issue gets the nuisance gets the points and I'm not saying that and this isn't anything against renters by any means but when the homeowner has an issue and the landlord is not addressing it, Councilman Williams, does this provide another opportunity for nuisance points on that property?

Mr. Williams: Councilwoman, the thing that this Ordinance does is that it takes the attention off the individual and places it on their property. Right now an argument can be made that the subject making the noise in front of X, Y, Z household is nowhere associated with the household and you can't tie those points to that household. This puts the onness directly on the household so that it can be taken through the point system.

President Gregory: Mr. Michael Brown.

Ms. Dorsey Walker: Thank you.

Mr. M. Brown: Nothing else Mr. President.

President Gregory: Are you sure?

Mr. M. Brown: I'm positive.

President Gregory: Clerk will call the roll.

Upon a motion of Mr. Williams, seconded by Ms. Walsh, the above aforementioned Ordinance was read for the third and final time and was adopted by title and section recurring to the Enacting Clause and passed by the following Yea and Nay Roll Call Vote: Yeas, Council Members Congo, Prado, Dorsey Walker, Williams, Walsh and Wright and Council President Gregory. Total, seven. Nays, Council Members Chukwuocha, M. Brown and Cabrera. Total, three. Absent, Council Members D. Brown, Shabazz and Freel. Total, three.

President Gregory: Declare it adopted. Mr. Williams.

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

Mr. Williams presented and called for the first and second reading Ordinance No. 14-028 (Rev. #1, Agenda No. 3944) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

This Ordinance was given two separate readings by title only and upon a motion of Mr. Williams, seconded by Ms. Walsh, was received, recorded and referred to the Public Works & Transportation Committee. Motion prevailed.

President Gregory: Mr. Williams.

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

Mr. Williams presented and called for the first and second reading Ordinance No. 14-029 (Agenda No. 3945) entitled:

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY
CODE TO ADD A NEW ARTICLE 10, "SMOKING PROHIBITED
IN PARKS, PLAYGROUNDS AND TRANSIT FACILITIES";
AND AMEND CHAPTER 38, ARTICLE III OF THE CITY CODE
BY ADDING A NEW SECTION, "SMOKING PROHIBITED";
AND AMEND CHAPTER 36 BY DELETING ARTICLE VIII,
"SMOKING IN PUBLIC PLACES AND PLACES OF
EMPLOYMENT"

This Ordinance was given two separate readings by title only and upon a motion of Mr. Williams, seconded by Ms. Walsh, was received, recorded and referred to the Health, Aging & Disabilities Committee. Motion prevailed.

President Gregory: Mr. Michael Brown.

Mr. Michael Brown: Yes Mr. President, I have a Resolution to present.

Mr. Michael Brown presented Resolution No. 14-025 (Agenda No. 3946) as follows:

WHEREAS, the City currently owns a 2009 Toro Groundmaster 7200 lawn mower (Fleet #R612; VIN 290000116) which was previously used by the Department of Parks and Recreation, but has now been replaced and is considered to be surplus property; and

WHEREAS, the Friends of Mt. Zion Cemetery, which maintains Mt. Zion Cemetery and Mt. Olive Cemetery, located on Lancaster Pike just outside the City limits, is in need of a lawn mower and has requested that the City's surplus lawn mower be donated for its use in maintaining said cemeteries; and

WHEREAS, the City deems it appropriate to donate said lawn mower to the Friends of Mt. Zion Cemetery for the purpose stated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council hereby authorizes and approves the disposition and transfer of a 2009 Toro Groundmaster 7200 lawn mower (Fleet #R612; VIN 290000116) to the Friends of Mt. Zion Cemetery for its use as stated above.

BE IT FURTHER RESOLVED, that the Commissioner of Parks and Recreation and the Manager of the Division of Procurement and Records, as well as all other appropriate City officials, are hereby authorized to take all actions deemed necessary to complete the transfer of title of said lawn mower in accordance herewith.

Mr. Michael Brown: Yes Mr. President, I was asked some time ago by Procurement to rid - - to assist in ridding them of this lawnmower in making sure that we can get it over to the folks who do the cleanup at the cemetery and that's all this Resolution is doing is giving a piece of equipment that's no longer needed and really has no need for in stock.

President Gregory: Clerk will call the roll.

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

President Gregory: Declare it adopted.

Mr. M. Brown: Nothing else Mr. President. Thank you.

President Gregory: Mr. Wright.

Mr. Wright: Is this petitions and communications?

President Gregory: No.

Mr. Wright: Ok. Nothing tonight Mr. President, thank you sir.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation, thanks.

President Gregory: Mr. Freel is not here.

Ms. Cabrera: You missed me.

President Gregory: We'll have petitions and communications.

Ms. Cabrera: You missed me. I have nothing tonight.

President Gregory: Ms. Cabrera, actually the script's off because I missed up and I reviewed after Traci.

Ms. Cabrera: That's ok. I've done enough tonight.

President Gregory: That's not so. Mr. Wright.

Mr. Wright: What part is this, petitions and communications?

President Gregory: Yeah petitions or we can make a motion.

Mr. Wright: Well before I make the motion, I just want to say to those who are viewing that Council is going on the summer schedule. So, for the month of July, the first and second Thursday of the month, we'll have our Council meetings. It will not be the 1st and 3rd of the month of July and August will be the last two Thursdays of the month. With that, I'd like to make a motion to conclude this meeting and forgo petitions and communications.

Mr. Michael Brown/Ms. Dorsey Walker: Second.

PETITIONS AND COMMUNICATIONS

There were no petitions and communications this evening.

ADJOURNMENT

Upon a motion of Mr. Wright, seconded by Mr. Michael Brown/Ms. Dorsey Walker, Council adjourned at 7:43 p.m. (with Ms. Cabrera opposing). Motion prevailed.

Attest: Maribel Seijo
Maribel Seijo, City Clerk