

*Wilmington, Delaware
Louis L. Redding
City/County Building
October 2, 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, Dorsey Walker, Williams, Freel, Michael Brown, Cabrera*, Walsh, and Council President Gregory. Total, eleven. Absent, Council Members Prado and Wright. Total, two.

MINUTES

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

REPORT OF COMMITTEES

The City Clerk read the following committee report:

<u>Health, Aging & Disabilities Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Robert A. Williams	X		
Darius J. Brown		X	
Charles M. "Bud" Freel			X
Sherry Dorsey Walker	X		
Justen A. Wright	X		

August 27, 2014

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Health, Aging & Disabilities Committee, to who was referred **Ordinance No. 14-029** entitled:

AMEND CHAPTER 36 OF THE CITY CODE TO ADD A NEW ARTICLE X, "SMOKING PROHIBITED IN PARKS, PLAYGROUNDS AND TRANSIT FACILITIES", AND AMEND CHAPTER 38, ARTICLE II 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"

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

Respectfully submitted, Members of
Health, Aging & Disabilities Committee
/s/Robert A. Williams, Chair
/s/Sherry Dorsey Walker
/s/Justen A. Wright

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

The 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: September 17, 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. 14-041** entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/PARKING REGULATIONS

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/Michael A. Brown, Sr.
/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 aforementioned Report was received, recorded and filed. Motion prevailed.

The City Clerk read the following committee report:

<u>Health, Aging & Disabilities Committee Member</u>	<u>Present</u>	<u>Absent with Leave</u>	<u>Absent w/out Leave</u>
Robert A. Williams	X		
Darius J. Brown		X	
Charles M. "Bud" Freel			X
Sherry Dorsey Walker	X		
Justen A. Wright	X		

September 24, 2014

President and Members of Council of
The City of Wilmington

Ladies and Gentlemen:

We, your Health, Aging & Disabilities Committee, met on the above date at 5:00 p.m., Council Member Robert A. Williams presiding. The following items were discussed:

- A presentation about Elderly Comfort by president and CEO Tina Larose
- A presentation on "Healthy Aging Month" by Kathleen Anderson, Director of Wilmington Senior Center's Stand By Me 50+ program

- A presentation on “National Suicide Prevention Week” and “World Suicide Prevention Day” by Alexandra Gawel, Mental Health Association of Delaware’s Community Educator

Respectfully submitted, Members of
 Health, Aging & Disabilities Committee
 /s/Robert A. Williams, Chair
 /s/Sherry Dorsey Walker
 /s/Justen A. Wright

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

TREASURER’S REPORT

The following Treasurer’s Report dated October 2, 2014 was read into
 the record by the City Clerk, and upon a motion of Ms. Walsh, seconded by Mr.
 Williams, the Report was received, recorded and filed. Motion prevailed.

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF WILMINGTON October 2, 2014

102	Community Development Block Grant	M & T Bank	\$ 1.00
104	Old Non-Uniform Pension Account	M & T Bank	\$ 1,963.81
105	Police Pension Account	M & T Bank	\$ 2,225.97
106	Fire Pension Account	M & T Bank	\$ 1,857.23
107	Evidence/Found Currency Account	M & T Bank	\$ 164,097.84
108	Rent Withholding Escrow	M & T Bank	\$ 4,137.97
110	Capital Projects Account	M & T Bank	\$ 33,828.67
113	Non-Uniform Pension	M & T Bank	\$ 1,111.82
114	Central Deposit	M & T Bank	\$ 50,502.03
117	Cement Workers	Wilmington Savings Fund	\$ 33,828.67
118	Worker’s Comp. 3 rd Party Account	M & T Bank	\$ 13,003.23
124	Non-Uniform Pension Act of 1990	M & T Bank	\$ 4,603.33
130	Payroll	M & T Bank	\$ 109,486.88
131	Pension Payroll Account	M & T Bank	\$ 102,947.97
139	Pension Healthcare Account	M & T Bank	\$ 40,443.26
	Total Cash on Hand		\$ 564,039.68

FUND CODE	FUND	INSTITUTION	INVEST. TYPE	MATURITY DATE	INTEREST RATE	INTEREST RECEIVABLE	INVESTMENT AMOUNT
116	General	M&T Bank	RP	10/02/14	0.01%	\$ 2.31	\$ 8,416,325.00
116	General	WSFS	CD	10/03/14	0.30%	\$ 719.17	\$ 2,500,000.00
116	General	WSFS	CD	10/17/14	0.30%	\$ 986.30	\$ 2,000,000.00
116	General	TD	CD	10/28/14	0.25%	\$ 1,839.73	\$ 1,700,000.00
105	Police Pension	WSFS	CD	10/30/14	0.30%	\$ 187.40	\$ 760,000.00
124	Non-Uniform 1990	WSFS	CD	10/30/14	0.30%	\$ 1,209.45	\$ 4,905,000.00
116	General	TD	CD	10/31/14	0.25%	\$ 2,465.76	\$ 5,000,000.00
116	General	WSFS	CD	11/07/14	0.25%	\$ 794.52	\$ 2,000,000.00
116	General	WSFS	CD	11/14/14	0.30%	\$ 1,380.82	\$ 2,000,000.00
116	General ¹	TD	CD	11/20/14	0.25%	\$ 9,249.03	\$ 15,003,965.00
110	Capital	WSFS	CD	11/21/14	0.30%	\$ 21,927.81	\$ 24,476,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 1,578.08	\$ 2,000,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 3,698.63	\$ 5,000,000.00
116	General	WSFS	CD	11/26/14	0.30%	\$ 1,474.52	\$ 2,300,000.00
116	General	TD	CD	12/12/14	0.25%	\$ 1,452.06	\$ 2,000,000.00
116	General	TD	CD	12/23/14	0.25%	\$ 1,602.74	\$ 2,000,000.00
116	General	TD	CD	01/05/15	0.25%	\$ 1,181.51	\$ 1,500,000.00
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
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					\$ 1,492,232.00
104	Escrow Pension	Vanguard					\$ 35,101,622.00
104	Escrow Pension	Black Rock					\$ 27,101,943.00
104	Escrow Pension	Edgar Lomax					\$ 21,831,381.00
104	Escrow Pension	Wilmington Trust					\$ 46,505,574.00
104	Escrow Pension	Manning & Napier					\$ 23,200,795.00
104	Escrow Pension	Earnest Partners					\$ 17,674,196.00
104	Escrow Pension	GMO					\$ 12,172,449.00
104	Escrow Pension	MFS Management					\$ 20,257,510.00
139	Medical Escrow	Black Rock-OPEB					\$ 12,819,408.00
116	Deferred Comp.	MassMutual					\$ 38,510,890.00
	Total Investments						\$ 340,829,124.48
	Total Cash on Hand						\$ 564,039.68
	Grand Total						\$ 341,393,164.16

¹ Budget Reserve

² SEU

/s/Henry W. Supinski
City Treasurer

NON-LEGISLATIVE BUSINESS

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

M. Brown	Honor Derek S. Jeter (New York Yankees)
Cabrera	Sympathy Patricia O. DeCusatis
Cabrera	Sympathy Magaly Lopez
Cabrera	Michelle Mercado – Grand Opening of Salon Michelle
Chukwuocha	Salute Sister Barbara Ann Curran
Gregory/Council	Sympathy Charles Rochester
Shabazz	Salute Chief Apostle Patricia C. Williams
Wright	Best wishes Pastor Emma Creamer – 75 th Birthday

LEGISLATIVE BUSINESS

President Gregory: Mr. Chukwuocha.

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

President Gregory: Mr. Congo.

Mr. Congo: Nothing tonight Mr. President. Thank you.

President Gregory: Mr. Darius Brown. Legislation; you do you have any...I'm going down the legislation.

Mr. Darius Brown: Okay, no legislation Mr. President.

President Gregory: Ms. Shabazz.

Ms. Shabazz: Nothing tonight Mr. President.

President Gregory: Because we were keep going on and on. Mr. Prado. Oh, he's not here. Ms. Dorsey Walker.

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

President Gregory: Mr. Williams.

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

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

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE TO ADD A NEW ARTICLE X, "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"

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

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE TO ADD A NEW ARTICLE X, "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"

Mr. Williams: Mr. President, I have some floor amendments I'd like to present at this time. Floor amendments to the Substitute, 1st Page, is in title section is line 2, after the word "Playgrounds", please insert "Public *Plazas*". After the 1st Whereas clause line 5, after the word "Playgrounds", insert the word "*Public Plazas*". The 2nd Whereas clause line 1, change "Article III" to "*Article VIII*". In Section 1 line 2, after the word "Playgrounds", insert the word "*Public Plazas*". Page 2, in Chapter 36 Miscellaneous Offenses and Provisions line 2, after "Playgrounds", please insert "Public *Plazas*". In Section 296 Definitions, in definition number (2) for "Parks", line 3, after "Parks", add a new sentence: "*The definition of Parks specifically includes public squares.*" Page 3, Section 297 (a) delete: "*New Castle County*". Section 297 (b) delete: "*New Castle County*". Section 299 line 2, after "police officer" delete: "*or park police officer*". Section 299 line 3, change "shall" to "*may*". Page 4, insert a new section at the top of page (after the end of Section 299) to read as follows:

Sec. 300 Exceptions.

Specific areas in Rockford Park, Brandywine Park and Canby Park will be designated as smoking areas where smoking is allowed within twenty (20) feet of a sign designating such smoking area. The location of the smoking area will be designated at the discretion of the City's Director of Parks and Recreation. No cigarette butt disposal facilities will be provided in these smoking areas.

“Section 300 – 309 Reserved”, change that to “*Section 301 – 309 Reserved*”. In Chapter 38 Parks and Recreation Section 38-77 line 3, change “Article VIII” to “*Article X*” and Chapter 38 Parks and Recreation Section 38-77 line 3, after “Playgrounds”, insert “*Public Plazas*”. In Section 4, lines 1 and 2 after the word “effective” delete “*upon its date of passage*” and add: “*on November 20, 2014, the day of the American Cancer Society’s Great American Smokeout, following its passage*”. Page 5, in the Synopsis, line 2, after “Playgrounds”, insert “*Public Plazas*”.

President Gregory: You need a second to your motion.

Ms. Dorsey Walker: Second.

The floor amendment was properly moved and seconded. President Gregory moved to “On the Question” for the Ordinance itself.

Mr. Williams: Thank you Mr. President. This Ordinance has been given a quite a thorough vetting. It was introduced back in May; we gave the summer for some thorough discussion; it was placed on some public notifications via various websites and through the City’s email system, etc. We did have a public hearing at the last Health, Aging & Disabilities Committee meeting and we’ve heard from a few persons there and I think that you know, we’re prepared to move forward with this.

President Gregory: Mark Maria Cabrera here please.

Mrs. Seijo: So noted.

*Note: Ms. Cabrera was marked present at this time.

President Gregory: Ok, anybody else? Mr. Brown.

Mr. Michael Brown: Yes Mr. President, while I think we ought to be looking out for our health, but I think that’s an individual battle; that’s an individual responsibility, we here in local government, particularly here, with this particular Ordinance, I will not support it. But I tell you that the reason why I will not support it is that we can’t just keep going around dictating to the citizens. When I read through this Ordinance and I read about \$50.00 violation/citation and we who was going to be (inaudible), we as the City of Wilmington Police Department handles more calls, more calls than any municipality in the State of Delaware. And, we have more laws on the books right now that are not being truly enforced right now and prime example and stick with this prime example is that we have a daytime curfew, seven to three o’clock or two-thirty in the afternoon for school curfew, you ride on any side of town on 5th & Madison in that area, 29th, 30th & Madison by the park, you ride up on Washington Street, you ride on the Eastside, and during the school hours and you find individuals, young individuals who should be in school or should be challenged by the police department and I’m quite

sure they ride by them and don't challenge them and so we got, I got a problem with putting laws and when do we stop making laws and when do stop forcing stuff on citizens. It's just that – that's my opinion and that's just my one vote and so I will not be voting for it tonight. Thank you.

President Gregory: Thank you Mr. Brown. Ms. Walsh.

Ms. Walsh: Thank you Mr. President. If there's anybody on this floor who should probably on paper be a co-sponsor of this, it would be me - - a long term smoker and who has had severe lung damaged onto that. That being said, I'm not a supporter of this legislation at all. I look at people that smoke in our country now as the latest immigrant. You know, for alcoholics, for drug addicts, we give them social security disability. If they can prove that their addiction is so bad but the one group that everybody thinks they can keep just dumping on all the time, are smokers. If the Governor wants to balance a budget, the first thing they do is look at the cigarette tax and they increase it and I believe the State of Delaware collects to the tune of \$143 million a year. I could have that reversed, it could be \$123 million because as Bob said this bill was introduced in May and I had my cheat/cheat back then. But you know, we have some more problems in this City and addiction is one of them. That we have homeless people all over the place or people that don't necessary have a place to go to during the day.

They might have a place to go at night but during the day after they get their medications, and where do they go? They go in our parks and because we have so many, the agencies downtown that provide the medication. So now, what are we going to do? Put a lot of those people who are addicted to cigarette also out on the street. So then we have businesses screaming at us that they're back on the street. We've been through that with West Center City, you know, a year in a half-ago, two years ago. I'm not going to belabor this but I just think, you know, the government is the one who made many, many Americans addicts. GIs always got free cigarettes, they're still doing it over in the middle east right now - -anybody over there – the GIs who smoke – they give out free cigarettes still and then they want to turn around and put restrictions on us that I think this is a personal responsibility and I don't think it should be legislated and especially legislated in a City with the crime rate as high as we have. I think we have a lot more things to be worried about right now. Thanks.

President Gregory: Thank you. Ms. Cabrera.

Ms. Cabrera: Thank you Mr. President. I agree with the comments that both of my colleagues just made. I agree with Councilman Brown because I know enforcement is going to be an issue as enforcement is already an issue with the laws that we have in the books some of even more severe than curfew. And, I also believe that we do have too many laws. We probably should start looking through and see what we need to kick out. I agree with Councilwoman Walsh in the sense that addiction including cigarettes is a very difficult for some people to kick this habit. I have a smoke-free home but there's people in my family who smoke and I see how no matter what I say to them it

doesn't change. But we do have some free (inaudible) programs here in the State of Delaware so for someone who really makes that initiative to want to quit, it's there. I want to support this for the simple reason that it's annoying to me to have to breath somebody else's smoke and my child shouldn't have to do it and lately he's been having more and more problems with asthma, which he didn't have which of course if the polluted air here in Delaware. There's a lot of things that we allow that we shouldn't. Will we be able to properly enforce this? Probably not but the fact that the law exist, will some people maybe take - take it to heart or be conscious of it at least to not smoke in certain areas, maybe not smoke near the playground equipment? I will never want to be waiting for a bus and have to be subjected to smelling somebody's cigarette because we're all underneath the same cover. So, you know, I agree for the reasons the comments that are being made but, you know, I want to support this and I will ask to be a co-signer because, you know, the reason we have all these laws is because people don't practice common sense because they're too stupid to care of themselves so you have to impose it upon them. And, you know what happens with people who get sick? We pay for it. So, at the end of the day, you know, it's my feelings, my opinion.

President Gregory: Councilwoman Shabazz.

Ms. Shabazz: Thank you Mr. President. I don't want to repeat some of the things that my colleagues have said because they're all very factual and many that I agree with. I do have a question though in referenced to Section 300 Exceptions, were those particular parks where there's an exception that you can, there will be a designated smoke area, those three parks, why were they not – was there not consideration because of the people who do smoke that there be designated locations inside of the city parks? I know these are on the outskirts of the County, so why was just these three parks and not the Kirkwood Street Park and Eden Park and Herman Holloway Park and Madison Street Park - - all the parks where the people, the city really frequent, why didn't they not be given a designated smoking area?

Mr. Williams: If I can answer. It was viewed that larger parks would not impose the health risks whereby due to the size of the park that a designated smoking area would not be something that would encumber somebody else. That was the thought behind it.

Ms. Shabazz: Ok, so it was the size...may I Mr. President?

President Gregory: Sure.

Ms. Shabazz: It was just the size and not the consideration of the people that we all govern? I mean, this is for some people who do smoke and some people that don't. I thought our purpose of laws is to make so that everyone has some freedom in this City. So, we only give just for the three larger parks and not in consideration for the City, the parks that are right in the City?

Mr. Williams: If I can answer.

President Gregory: Go ahead.

Mr. Williams: Yes ma'am. Basically, as I said, due to the square footage, the size of the park, it would not encumber somebody else to have to deal with that and that the designated smoking areas would be so that it would not interfere with the freedom of mobility of the other participants in that park.

President Gregory: You want to follow up?

Ms. Shabazz: (inaudible) the same Mr. President that I just think that this is not taking into consideration to everyone in this City and that I understand his answer but I could debate it all day because there's areas in Herman Holloway Park that you can designate, especially Eden Park and other parks that my constituents frequent and on, not just on that bases but others, I will not be supporting this.

President Gregory: Ms. Dorsey Walker.

Ms. Dorsey Walker: Thank you Mr. President. I've heard the comments of my colleagues and I can appreciate all their thoughts and concerns. My greatest concern and being a co-sponsor of this legislation is about our children. I was very concern being in several of our parks just last year and constantly doing things with the young people in the park and seeing that there are people who were smoking, no disrespect to them, but they didn't show respect to our children. They're smoking right by our children. So, several of them I had to say to them, "I'd appreciate if you put your cigarette out while our babies are playing." They weren't disrespect. Some of them moved away but nevertheless for someone to even have to say that to you and you see our children at play, I thought was just an area, that's a huge concern for me. So, I'm in support of this mainly because of our children. Thank you Mr. President.

President Gregory: Mr. Congo.

Mr. Congo: Yes, thank you Mr. President. I am going to be supporting this just because – it does – smoking does put others in harm's way and like Councilwoman Dorsey Walker just stated, that's the main purpose why I'm going to support it. It's not about trying to tell somebody they can't smoke. This isn't telling someone they can't smoke. This is trying to let people know that they can't smoke and affect others. If they want to smoke, let them smoke but others shouldn't have to be harm's way because they want to smoke. Other things that people are addicted to, it doesn't directly affect the person that might be right next to them. If someone drinks or if someone is doing a drug but it doesn't necessary carry over to that person – to a person or a group that might be next to them but smoking does. That's a fact that secondhand

smoking is real and it does affect people and that's all this is really about. It's not trying to be dictatorship or thinking that we're better or superior to any other group. It's just trying to protect those who don't want to be put in harm's way. Thank you.

President Gregory: Mr. Darius Brown.

Mr. Darius Brown: Thank you Mr. President. My colleague Councilwoman Shabazz had hit on some of the things that were issues to me or concerns to me. When this bill first started back in May, I was, in mind someone that wasn't very supportive of it. I just thought that we've seen over the last ten years, actually more than ten years, a different policy that the State of Delaware has adopted and other states have adopted around no smoking and it's had great benefits but it's also - - and also, has been detrimental if you talk to some small business owners from the implementation even here in the state of the no smoking ban from some years ago. So, initially it was something that I would not have supported and talked to my civic associations and they thought that having the ban in public parks would be a good idea and so I made my own convictions and thought of my constituents in this process that is going on for five months. But, what is even more disconcerting from tonight is that in the (inaudible) my constituents and their view that nothing in this legislation represents them. Rockford Park, Brandywine Park, Canby Park, does not represent the population that I represent and so for this, I say well maybe you're just thinking about from your Council district. I can look at it and say the State of Delaware through DHSS for many years, you know, every three to five years, comes out with another report of cancer clusters in the City of Wilmington. And so, northeast Wilmington, Eastside, Southbridge, the Hilltop, West Center City areas are always in that report as cancer clusters and none of the parks in that area are a part of this legislation. So, I understand my constituent's interests and I had hoped to represent my constituent's interests but this legislation doesn't speak to their interest tonight.

President Gregory: Ms. Shabazz, you had something? Wait just a minute. Mr. Chukwuocha.

Mr. Chukwuocha: Thank you Mr. President. I also won't be supporting this legislation. Since the beginning, the one point I was arguing about was to have designated smoking areas in the parks and I thought that would be evenly throughout the City and I feel that this right now is just creating another law that won't be enforced. I feel that if this is the intent, maybe and if we'd be willing to have it than we should have maybe it's a voluntary program where we have signs that say, "Don't Smoke in the Park", but voluntary where there's no - - we're just asking the constituent to do it. I think that right now this way, there is no way it's going to be enforced at least to the intent of this legislation. I think it also doesn't include as my colleagues said, the various parks, the selection of different parks. My whole thing, my whole life I either played sports and I've had my father in the stand smoking cigarette and as a coach now, I sit there and I see grandfathers - grandfathers and uncles who are the primary figures in some of the young men's life at 18th & Broom, they can't go across street to the WHA property so they stand

toward the end of the parking lot and come back and watch the games. So, what we're saying right now you're not allowed to smoke in that parking lot, you're not allowed to smoke on that bus stop. Well the WHA residents come across the street and use the bus stop for smoking place. So, there's too many issues that I think that haven't been flushed out with it and I just don't think it serves the intent and there's no way for it to fully be put into effect or (inaudible).

President Gregory: Mr. Brown.

Mr. Michael Brown: Yes Mr. President and one other observation I have sir. I also noticed and heard, I think one of the – Councilwoman Cabrera said that something about inside the park but you know, you can't dictate to somebody else right at the - - the entrance of the park is the sidewalk and you certainly cannot dictate to someone standing on the sidewalk that they can't be smoking and the wind blows the smoke or you got to pass through the smoking people going inside the park. And so, it - I just don't want us to get caught up in the - - it brought me back down to earth about three years ago, four years ago, when I was trying to get seven votes to do something about baggy pants. Everybody laughed (inaudible) this City – baggy pants. But baggy pants was, it was beginning to be a nerve reckoning to watch people walk around with pants hanging off their behind. And, it started with me and my granddaughter being in a park and young man bent over and my granddaughter said, ugh, look at that pop pop and you can see the crack of that person's behind. And so, I tried to come back and try to write, make a law and, and, again, that was taking away somebody's freedom of speech in the terms of how they dress and taking away one of their rights and taking away their rights to smoke in a public place and public park is just not something I'd be willing to do. Thank you.

President Gregory: You get last say.

Mr. Williams: I sat here and I listen to the arguments on both sides of this issue and I find it perplexing. State of Delaware banned smoking in drinking facilities – bars. You can't smoke a cigarette in a bar but we're okay with smoking with smoking cigarettes around our kids. We sit here and we talk about education; we got to educate the youth; we've got to change our system but do as I say but not as I do. And, I don't want you to smoke but I'm going to sit here and smoke at the park while you play. What message are we sending to our children? What are we trying to tell our kids based on our actions? This isn't about policing. It's about public health. It's more about policing each other; being respectful to your neighbor. I can't tell you how many times I've worked major venues that the City puts on. People get there early, set up their chair, put out their lunch, a nice little picnic – ready to go, the band starts and a guy lights up and they want to come to the police officer and say, can you have him put that out? No, I can't do that. You got to move your family, move your blanket because that person chooses to smoke in front of you. You can ask them but you got nothing to back that up.

The City has been labeled unfriendly, dirty - dangerous. This legislation is basically to start somewhere to change the public perception about what our City is about that we have pride in our City; we care about our City; we care about one another. It's not about enforcement or about writing tickets and having a police officer writing somebody a summons, it's about common courtesy. A lot of times it takes a rule on the books for the common courtesy affect to kick in for you to say, oh, I'm sorry, I didn't know this was a no smoking park, I'll put it out. The fact that you can't walk across the street while your grandson is playing baseball, out of respect for your grandson – call for the vote sir.

President Gregory: I believe in shared resources – I'm not a smoker but it seems to me that a smoker and non-smoker both should be able to share a resource. I thought that in terms of the bars, you could have smoking and non-smoking bars, that's why people go to (inaudible) bars. People go to parks and go outside to smoke so I just believe in shared resources. Clerk will call the roll please.

Upon a motion of Mr. Williams, seconded by Ms. Walsh, the aforementioned **Substitute Ordinance (Rev. #4)**, As Amended, was read for the third and final time and was **DEFEATED** by the following Yea and Nay Roll Call Vote: Yeas, Council Members Congo, Dorsey Walker, Williams, Freel and Cabrera. Total, five. Nays, Council Members Chukwuocha, Darius Brown, Shabazz, Michael Brown and Walsh, and Council President Gregory. Total, six. Absent, Council Members Prado and Wright. Total, two.

President Gregory: Declare it defeated.

Mr. Williams: Thank you.

President Gregory: 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. 14-041 (Agenda No. 3975) entitled:

AN ORDINANCE TO ENACT CERTAIN TRAFFIC/
PARKING REGULATIONS

Mr. Williams: Mr. President, this is just an Ordinance to do some housekeeping for some various signs throughout the City. Specifically in my district looking to change a loading zone to a daycare drop-off/pickup point and vice versa on another one.

President Gregory: Anybody else? Ms. Shabazz.

Ms. Shabazz: Thank you Mr. President. I would ask that the Administration – that these types of Ordinances that come through me as Chair of Public Works for my presentation and vetting.

President Gregory: Let's talk about that. It goes to the genesis or how the ordinance originated. Certainly if the Councilperson started or originated the ordinances but if it's an ordinance coming through the Administration, we have a process that they should honor and it's the process that you just mentioned but I will address that in-house.

Ms. Shabazz: Thank you.

President Gregory: When I look at this ordinance though it's a piece of legislation - - taken advantage of a piece of legislation that I passed when I was on Council last time, a child drop-off and there was a big debate on that, folks were saying that we would be taking parking spaces away but it's been very responsibly used; therefore, daycares particularly on busy streets, and then in interior highways. The Clerk will call the roll.

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

President Gregory: Mr. Freel.

Mr. Freel: Nothing this evening. Thank you sir.

President Gregory: Mr. Michael Brown.

Mr. Michael Brown: Yes Mr. President, nothing tonight. Thank you very much.

President Gregory: Ms. Cabrera.

Ms. Cabrera: Nothing this evening. Thank you.

President Gregory: Ms. Walsh.

Ms. Walsh: No legislation, thanks.

President Gregory: Mr. Wright. Mr. Chukwuocha.

PETITIONS AND COMMUNICATIONS

Council Members announced committee meetings/civic association meetings and community events throughout their districts. Council Members expressed their condolences to the Blunt-Rochester family. Council Members spoke about the following matters: revisiting the Poet Laureate legislation; scholarship funds; city services; the need of mentors at Shortlidge and Warner schools; infestation of mosquitos; and constituents were encouraged to be engaged in the civic association meetings. It was requested that the Chair of Education, Youth & Families Committee have the Director of William "Hicks" Anderson Community Center and the Director of Parks and Recreation attend the November committee meeting to address some questions and/or concerns.

It was noted that we have to do better as a community to become educated on environmental issues (i.e. hazardous waste and chemicals). The Police Department and Vice Squad were thanked on a good job in taking some drugs off the streets. Also, Trinity Vicinity was thanked for all that they do and collaborating/working together with Council and Public Safety. In addition, the Police Department, Real Estate and Housing Department, Attorney General's Office, Public Safety Committee Chair as well as the Law Department were all thanked for assisting with the nuisance that was taken place on Taylor Street. Finally, it was duly noted that October is Breast Cancer Awareness month.

ADJOURNMENT

Upon a motion of Ms. Walsh, seconded by Mr. Freel, Council adjourned at 7:44 p.m. Motion prevailed.

Attest: 

Maribel Seijo, City Clerk