

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

June 28, 2010

Those present at 7:00 pm:

Presiding: Mayor Vance A. Funk, III
District 1, Paul J. Pomeroy
District 2, Jerry Clifton
District 3, Doug Tuttle
District 4, David J. Athey
District 5, Ezra J. Temko
District 6, A. Stuart Markham

Staff Members: City Manager Kyle Sonnenberg
City Secretary Patricia Fogg
City Solicitor Roger A. Akin
Planning & Development Director Roy H. Lopata

1. The meeting began with a moment of silent meditation and pledge to the flag.

2. **PRESENTATION OF BICYCLE FRIENDLY COMMUNITY AWARD**

01:12

Jeff Riegner, Chair of the Newark Bicycle Committee, presented the Bicycle Friendly Community Award from the League of American Bicyclists for Newark's outstanding efforts to encourage bicycling in the community. Mr. Riegner appreciated the commitment of Council, staff and the volunteers who were instrumental in the Hall Trail, the upcoming Pomeroy Trail and programs that have made the City bicycle friendly. The award was bronze level, and the City had the opportunity to continue improving to achieve higher level awards in the future. Mr. Funk thanked Mr. Riegner for his support and said the Pomeroy Trail was very important to him, would be about double the length of the Hall Trail and would integrate all parts of the City. Ultimately he hoped parking on one side of Main Street would be eliminated to accommodate a bike lane.

3. **1. ITEMS NOT ON PUBLISHED AGENDA**

A. Public

03:54

State Representative John Kowalko applauded Council and others involved with the restructuring of the Newark Housing Authority. He reported the Bill passed the House and the Senate and was awaiting the Governor's signature. It expanded the Housing Authority Board to seven members and kept intact the fact that the Board had to be comprised of City residents with terms shortened to three years. Mr. Kowalko expressed his respect for the Mayor and Council for their two recent appointments.

Regarding the state's reduction in municipal street funds, Mr. Kowalko reported he would look very intensely at his street funds and work with Senator Hall-Long to try to maximize funding for the City. He pointed out that delaying infrastructure maintenance would inevitably drive up future costs.

According to Mr. Kowalko, there were three energy bills before the Senate: Senate Bills 266, 267 and Senate Substitute 1 for 119 which concerned municipalities and co-ops and goals for renewable energy portfolio standards. The municipalities were in agreement with the bill, and Mr. Kowalko spoke with the City's lobbyist, Bob Maxwell, who assured him that Newark was also. The

legislature would hopefully pass the bills which he felt were a huge step toward the future for energy conservation and renewable energy implementation.

4. Ivan Nusic, a Newark resident, was pleased when the procedures for Council Minutes were explained to him and he learned from Ms. Van Veen that audio recordings from Council meetings were kept in perpetuity. Further, he credited and thanked Messrs. Clifton and Temko who requested that Mr. Nusic be permitted to continue his presentation at the 5/24/10 Council meeting when he was interrupted for exceeding the five minute time limit.

5. **1-B. UNIVERSITY**

1. Administration – There were no comments forthcoming.

6. **1-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

7. **1-C. COUNCIL MEMBERS**

12:00

Mr. Markham – thanked the Planning Department for putting the zoning map online; regarding Main Street sidewalks, he was in favor of deeper sidewalks and also preferred that they be grade level; he spoke with Chief Tiernan regarding the traffic fatality on Paper Mill Road and requested additional enforcement on higher speed roads where it was proven to save lives.

8. **Mr. Tuttle** – joined Mr. Sonnenberg at a demonstration of the new pedestrian crossing signal being installed by DeIDOT at the Webb Farm. The new signal was thought to be much safer than a conventional traffic signal. Mr. Tuttle asked the DeIDOT engineer if the same signal could be installed in front of Main Towers on Main Street, a mid-block pedestrian crossing controlled by a conventional traffic light. DeIDOT will review this as it would just involve changing the heads and installing a new type of controller. Mr. Tuttle felt the change would make it a safer crossing; Council received notice of the Police Department's application for a Byrne Grant to purchase a license plate reader camera and several surveillance cameras - the grant required notification by the applying agency to their governing body but also required public notification of the application to solicit public comment. Although the notice was on the Police Department's website, Mr. Tuttle felt it should be more widely publicized.

9. **Mr. Clifton** – appreciated Mr. Nusic's comments, especially about the City Secretary's Department and thanked the staff for doing a great job for the Newark family; was approached by a business person who complained about the Downtown Newark Partnership fee as they felt they derived no benefit from the DNP, could not serve on its Board, and could not interact with the group. Mr. Lopata replied that a healthy downtown was good for everybody and businesses throughout Newark benefitted from the DNP. Further, anybody could be on the board. The Board was considering a higher fee for businesses in the downtown area because they derived more direct benefits than businesses in the surrounding area. Mr. Lopata said there were over 100 volunteers on the various committees and a very large Board. He felt the \$25 fee was very reasonable.

10. **Mr. Athey** – felt the publication, Newark Life (newarklifemagazine.com) contained interesting articles about the community but had outdated statistics on the City. He suggested that the Community Affairs Officer extend some proactive outreach – Mr. Funk added his disappointment that the Welcome Center at the new I-95 rest stop had only City of Wilmington information; thought Council should resume budget workshop meetings and suggested meeting when the preliminary rate study recommendations were available (Tuesday, 9/21 was the tentative date pending availability of the consultants to review their recommendations.)

11. **Mr. Pomeroy** – commended City staff on the swift response to the power outages that occurred during recent storms; expressed his gratitude to Mayor and Council, to the staff, public and the press for the respect paid to his mother-in-law, Ada Leigh Soles, and to the family during a difficult time.

12. **Mr. Temko** – regarding the meadow program, he distributed a printout from the Delaware Center for Horticulture and said there was a big difference between a non-maintenance program and an intentional meadow program where perennials and grasses were planted and mowed once or twice a year, and he wanted to include that for evaluation of the program. Mr. Markham thought some areas that backed up to woods should have more of a wooded transition; regarding the scheduling of special Council meetings for controversial items/larger projects, Council members had no objections but stressed the need for the meetings to be well advertised to the public; questioned whether the audio version of Council minutes were “time stamped” providing the capability of advancing to various agenda items. (Secretary’s note: The audio version on the City’s website shows elapsed and total times of the meetings. Once the file has downloaded, the “seek” bar can be advanced to hear a particular part of the meeting.)

13. **2. APPROVAL OF CONSENT AGENDA**

34:57

- A. Approval of Regular Council Meeting Minutes – June 14, 2010
- B. Receipt of Planning Commission Minutes -- May 25 & June 1, 2010
- C. Approval of Court of Assessment Appeals Minutes – June 14, 2010
- D. Receipt of Alderman’s Report – June 18, 2010
- E. ***First Reading – Bill 10-13*** -- An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from BC (General Business) and RR (Row and Townhouse) to BB (Central Business District) a 4.39 Acre Property Located at 250 Elkton Road (Vacant Newark Auto Dealership) – ***2nd Reading 7-26-10***

Ms. Fogg read the Consent Agenda in its entirety.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Clifton, Funk, Markham, Pomeroy, Temko, Tuttle.
Nay – 0.

14. **3. ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

15. **4. FINANCIAL STATEMENT:** Next Meeting

16. **5. RECOMMENDATIONS ON CONTRACTS & BIDS**

- A. Recommendation on Contract No. 10-02 2010 ADA Handicap Ramp Installation Program

35:56

Mr. Sonnenberg reported that eight bids were received on the recommendation for the installation of handicap ramps at 46 locations, and the lowest responsible bidder was Fontana Concrete Contractors, Inc. They satisfactorily completed City street projects in the past and had extensive experience with the installation of concrete ramps. It was therefore recommended that the contract be awarded to Fontana for its bid totaling \$69,633.85.

MOTION BY MR. POMEROY, SECONDED BY MR. TUTTLE: TO AWARD CONTRACT NO. 10-02 TO FONTANA CONCRETE CONTRACTORS, INC. IN THE TOTAL AMOUNT OF \$69,633.85

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Clifton, Funk, Markham, Pomeroy, Temko, Tuttle.
Nay – 0.

17. 5-B. RECOMMENDATION ON CONTRACT NO. 10-02, STREET AND PARKING LOT IMPROVEMENT PROGRAM

36:47

Mr. Sonnenberg said four bids were received for the street and parking lot improvement project which included curb replacement, hot mix patching, milling and hot mix resurfacing at various locations detailed in Ms. Houck's memo of 6/18/10. Fontana Concrete Contractors, Inc. satisfactorily completed street improvement contracts for the City in the past, and it was recommended to award Contract 10-03 to Fontana for its bid totaling \$592,265.25, including basic bid work and Option 1.

MOTION BY MR. ATHEY, SECONDED BY MR. TUTTLE: TO AWARD CONTRACT NO. 10-03 TO FONTANA CONCRETE CONTRACTORS, INC. IN THE TOTAL AMOUNT OF \$592,265.25.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Clifton, Funk, Markham, Pomeroy, Temko, Tuttle.
Nay – 0.

18. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING

None

19. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS

A. Request of Wohlsen Construction Company, Agent for the U.S. Army Corps of Engineers, for the Major Subdivision of 1001 Ogetown Road In Order to Construct an Approximately 81,000 Square Foot Armed Forces Training Facility for Four Army Reserve and Two Delaware National Guard Units to be Known as the Armed Forces Reserve Center. *(Resolution and Agreement Submitted)*

37:54

MOTION BY MR. CLIFTON, SECONDED BY MR. POMEROY: THAT THE RESOLUTION AND AGREEMENT BE ACCEPTED AS PRESENTED.

Mr. Clifton reported he discussed his employment status with the military with Mr. Akin prior to the meeting. Mr. Akin did not believe there was any conflict of interest.

Bill Pioli, Army Corps of Engineers Project Manager from the Buffalo District represented Louisville which was the main proponent for the Army Reserve Program in the United States. Through a Power Point presentation, he briefed Council on the project which resulted from the Base Realignment Closure, a Department of Defense and Congressional attempt to close and realign many bases to modify their asset inventory and improve expenditures.

It was required under BRAC law that the facility be located within the City limits, and it could not have been built on the site without the City going through the annexation process. The urgency of the project was a hard mandatory deadline of 6/30/11 and with help from the contractor and the designer, the beneficial occupancy date was set for April 26.

The 99th Reserve Center which covered Pennsylvania, West Virginia, Virginia, Maryland and Delaware would be the ultimate user of the facility. The new facility will be energy efficient and will utilize good engineering practices and building guidelines to enhance green construction. They will meet the LEED

Silver certification and since it was a federal and a military building, they were held to fairly strict anti-terrorism enforced protection requirements.

The Chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Athey, Clifton, Funk, Markham, Pomeroy, Temko, Tuttle.
Nay – 0.

(RESOLUTION 10-R)

20. 8. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

1. Citizen Survey – Councilman Temko

49:46

Planner Mike Fortner presented the results of the 2009 Newark Resident Survey. Council members requested that the survey be made available on the City's website.

Mr. Markham asked if there were any action items to address from the survey in terms of traffic, police visibility, etc. Mr. Sonnenberg reported the City was participating in an update of the Newark Transportation Plan to address traffic congestion issues, but it was questionable whether any viable solutions would be achieved given the geography of the City. Mr. Markham said there were several concerns involving his district – the timing of the light at Chapel Street and Cleveland Avenue and the light at Wharton Drive and Paper Mill Road. Another item that stood out was the perception that major crimes went unsolved. He felt there should be greater dissemination of information from the Police Department to the public and that the police should be more visible in neighborhoods.

Mr. Temko thought the overall results were positive, and residents enjoyed living in Newark. He agreed there were certain action items that might come out of the survey. For example, on the issue regarding noise and barking dogs which Council was frequently asked about, he suggested preparing a brochure and a web page of rights and responsibilities for pet owners. He hoped the areas where people were most satisfied could be used to promote Newark to others.

Mr. Temko distributed a spread sheet detailing areas 85% or under (the lower areas of satisfaction.) He felt those issues showed the biggest challenges for improvement and thought there should be a systematic way to make sure the issues were addressed. In conjunction with the budget process, he suggested departmental performance goals related to important issues where residents were least satisfied.

Mr. Athey questioned how the goals would be integrated into the budget goals. Mr. Temko said they would be included in the narrative.

Mr. Tuttle said the state budget included departmental goals for several program areas where they wanted measureable changes made.

Mr. Markham added that some of the metrics could be very clear cut and easy to understand. For example, the Water Department could measure pressure throughout the City. Other items would be more subjective if the goals could not be nailed down.

Mr. Sonnenberg felt Mr. Temko's suggestion was reasonable, and said he had done this in other locales. He thought it was a task the City should take on in the budget process, and would pursue it.

The Chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table. There were no further comments.

21. **9. SPECIAL DEPARTMENTAL REPORTS**
 - A. Special Reports from Manager & Staff – None
22. **Meeting adjourned at 8:12 p.m.**

Patricia M. Fogg, CMC
City Secretary

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