

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

September 13, 2010

Those present at 7:00 pm:

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

Absent: District 1, Paul J. Pomeroy

Staff Members: City Manager Kyle Sonnenberg
City Secretary Patricia Fogg
City Solicitor Roger Akin
Finance Director Dennis McFarland
Planning & Development Director Roy Lopata
Water & Wastewater Director Roy Simonson

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

2. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT ITEM 5-E, RECOMMENDATION TO WAIVE BIDDING FOR REPLACEMENT OF STREET SWEEPER BODY, BE ADDED TO THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

Aye – Athey, Clifton, Funk, Markham, Temko, Tuttle.

Nay – 0.

Absent – Pomeroy.

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

A. Public

00:39

Jim Nigg, a Newark resident, distributed information on electric rates and expressed concern about high utility bills for customers with electric heat. He noted about 1,400 residential customers (13% of residential users) heated their homes with electricity and were some of the highest volume users in the City. He estimated their usage at about 25% of the residential electric.

Mr. Nigg explained that the current residential rate structure eliminated the differential between winter and summer rates which had a huge impact on these users. According to Mr. Nigg, Delmarva Power had a separate rate of 14.45 cents per KWH in the summer and a winter rate of 8.9 cents. Solutions he proposed to the dilemma would be to go back to some type of winter rate, or to implement a separate rate structure for electric heat customers similar to Delmarva Power.

Mr. Funk asked if this rate situation was being considered as part of the electric rate study. Mr. Temko responded that Mr. Nigg's information was being given to Council in advance of the workshop on 9/21 for consideration at that time.

4. **1-B. UNIVERSITY**

1. Administration – There were no comments forthcoming.

5. **1-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

6. **1-C. COUNCIL MEMBERS**

7:21

Mr. Markham

- Congratulated the Newark Charter School for being named one of only four Delaware Blue Ribbon Schools.
- Attended band day at the University, and he was pleased to see the large group of high school students performing with the UD band.
- Issued a reminder about Newark Community Day on 9/19 and hoped to see a good turnout of UD students.
- Thanked staff for working on a problem with bike racks at 108 E. Main Street which should be installed shortly. Parks and Recreation obtained a grant for 19 bike racks on Main Street which he thought would help encourage bike usage on Main Street.
- Mentioned that 9/14 was Delaware's primary election day and encouraged everyone to vote.

7. **Mr. Tuttle**

- Acknowledged students who were in attendance from the University.
- Congratulated the Police Department on resolving the multi-state DNA case that took a considerable amount of investigatory effort.
- Reported the City website will link to a state site allowing Delaware residents to test the speed of their home internet connection. The University of Delaware and the Delaware Department of Technology and Information were working jointly to improve broadband access in the state. He encouraged participation in the test which would generate data for the state to validate claims made by providers.

8. **Mr. Clifton**

- Commended the Newark Police Department for the high profile cases recently brought to closure which he believed spoke highly of the men and women serving the Newark community.
- Spent time with the University of Delaware Police over the weekend where he witnessed a number of incidents involving alcohol abuse and suggested stepping up alcohol education programs in the City.
- Reported Newark resident, Brigadier General Hugh Broomall, will be promoted to the rank of Major General at the New Castle Air National Guard Base on 9/18. Mr. Clifton said the Deputy Adjutant General was well deserving of the recognition.

9. **Mr. Athey**

- Congratulated the Newark Police Department for their efforts in the high-profile DNA case and in apprehending the graffiti artist.

- Acknowledged the increase in pedestrian enforcement to promote pedestrian safety.
- Enjoyed participating in the Main Street Mile fund raiser for the Police Department's K-9 Unit. Mr. Clifton added that \$2,600 was raised during the event.
- Was pleased to see the tenant landlord resources available on the City's website.
- Looked forward to the Council workshop on 9/21 in the Council Chamber to discuss the electric rate study. In response to Mr. Clifton's question, Mr. Sonnenberg said background material would be provided to Council this week.

10. Mr. Temko

- Regarding the issue of electric heat and seasonal rates, Mr. Temko learned that one in ten residential customers were electric heat customers in the City. He felt there were two options available if Council decided to address the issue - one was to go back to implementing seasonal rates and the other was to use inclining block rates.
- Noted that Cara Lampton, recommended CAC appointee, had a lot of expertise to offer regarding energy as she went through the Center for Engineering and Environmental Policy and currently worked with the State Energy Office on municipal policy issues.
- While he fully support adding bike racks to Main Street, he suggested it be done in a way that made sense as a whole, taking into account whether it would be a bikeable space, where would they be placed, where would people access them from, etc.

11. 2. APPROVAL OF CONSENT AGENDA

- 18:59**
- A.** Approval of Regular Council Meeting Minutes – August 23, 2010
 - B.** Receipt of Alderman's Report – September 7, 2010
 - C.** Appointment of Ralph Begleiter, 11 Creek Bend Road, to Planning Commission- term to expire September, 2013
 - D.** Appointment of Cara Lampton, 42 Woodhill Drive, to Conservation Advisory Commission – term to expire March, 2012
 - E.** **Bill No. 10-14** - An Ordinance Amending Chapter 16, Garbage, Refuse and Weeds, Code of the City of Newark, Delaware, By Revising the Collection Schedule and Fees To Be Charged and Exemptions To Be Granted to Certain Categories of Non-Residential Customers – **2nd Reading September 27, 2010**
 - F.** **Bill No. 10-16** – An Ordinance Amending Chapter 25, Sewers, Code of the City of Newark, Delaware, By Deleting Sewer Unit Charges as Reflected in the Code – **2nd Reading September 27, 2010**
 - G.** **Bill No. 10- 20** - An Ordinance Amending Chapter 26, Streets, Code of the City of Newark, Delaware, By Extending the Time To Remove Snow and Ice from Sidewalks and Private Property; and Revising the Enforcement and Penalty – **2nd Reading September 27, 2010**

Ms. Fogg read the Consent Agenda in its entirety.

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

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

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

12. **3. ITEMS NOT FINISHED AT PREVIOUS MEETING** – None

13. **4. FINANCIAL STATEMENT** – None

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

A. Recommendation to Purchase LED Roadway Light Heads in Association with RFP No. 10-0039DPU Issued by Dover on Behalf of Both Dover and Newark

20:28

Ms. Houck summarized her memo to Mr. Sonnenberg dated 9/1/10 recommending that Council authorize the purchase of 65 LED street lights with the balance of the energy conservation stimulus funds. The lights would be installed on Main Street, and there was additional funding for the 10 lights needed to complete the entire length of Main Street. The City partnered with Dover for pricing which saved a considerable amount of time in the development of the RFP.

Mr. Markham, who was in favor of the LED lights, asked the cost per light and wanted to know if that price could be extended to future purchases. The cost was \$817 per light, and Ms. Houck will ask for the pricing to be extended. Based on the brightness of the lights, Mr. Markham questioned whether two poles could be replaced with one for added savings. Ms. Houck will request the Electric Department to consider this option.

Mr. Markham felt the new lighting which used less electricity might lead to other uses in residential areas and suggested the Conservation Advisory Commission might be interested in finding ways to fund additional lights throughout the City.

Mr. Temko noted there were performance contracting opportunities for expanding installation, and Ms. Houck added there might be additional opportunities through SEU and Honeywell.

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: TO AUTHORIZE THE PURCHASE OF 75 LED STREET LIGHTS AND COMPONENTS FROM LED ROADWAY LIGHTING FOR INSTALLATION ON MAIN STREET AT A TOTAL COST OF \$68,238.

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

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

15. **5-B. CONTRACT NO. 10-01 (REVISED), REMOVAL AND REPLACEMENT OF EXISTING BACK STOP, SIDELINE AND OUTFIELD FENCING AND REMOVAL OF IN GROUND DUGOUTS AT LEROY HILL PARK**

26:12

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT CONTRACT 10-01 BE AWARDED TO NEW HOLLAND CHAINLINK LLC FOR THE REMOVAL AND REPLACEMENT OF EXISTING BACK STOP, SIDELINE AND OUTFIELD FENCING AND REMOVAL OF IN GROUND DUGOUTS AT LEROY HILL PART AT A TOTAL COST OF \$62,310.

Ms. Houck summarized her memo to Mr. Sonnenberg dated 8/26/10 wherein she reported the contract provided for the necessary replacement of all the fencing, the installation of the backstop kit provided by the City and removal and redevelopment of the in ground dugouts at Leroy Hill field. Four bids were received, and reference calls made by the Parks and Recreation Department indicated a high level of satisfaction with New Holland's work. A combination of capital project funding and a grant from the Delaware Land and Water grant were available for the project. The grant enabled the optimum layout including the new backstop and fencing and the bottom rail throughout.

Mr. Temko relayed the concern of the Newark American Little League about filling in the in ground dugout. Ms. Houck reported the contract was revised to the satisfaction of all parties involved.

Question on the Motion was called.

Aye – Athey, Clifton, Funk, Markham, Temko, Tuttle.

Absent – Pomeroy.

Nay – 0.

16. 5-C. CONTRACT NO. 10-04, PURCHASE OF ONE 2010 CONVENTIONAL CAB, DUAL STEER, SINGLE AXLE TRUCK CHASSIS WITH EQUIPMENT AND A SWAPLOADER

30:05

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: THAT CONTRACT NO. 10-04 BE AWARDED TO NORTH EAST INTERNATIONAL FOR THE PURCHASE OF ONE INTERNATIONAL CHASSIS TRUCK WITH SWAPLOADER SYSTEM, DUMP BODY AND LEAF MACHINE AT A TOTAL COST OF \$216,985.19.

Ms. Houck summarized her memo to Mr. Sonnenberg dated 9/2/10 wherein she explained that the purchase would allow greater efficiency and ultimately help reduce the number of Public Works vehicles over the course of three years. Two vehicles would be replaced with one. The SwapLoader (the first in the City's fleet) would be factory mounted to a single axle truck chassis that offered a hook lift hoist system enabling the vehicle to change from a flat bed to a dump body to a leaf collection unit. Only one sealed bid was received with lower-than-anticipated pricing, and replacement vehicle funding was available. Ms. Houck said efficiency savings would be realized after several of these vehicles were in the fleet, as seasonal employees would be reduced during the leaf season.

Mr. Clifton asked if there would be further cost savings beyond the reduction in seasonal personnel. Ms. Houck expected greater savings when the City acquired two additional SwapLoaders, allowing for changes in year-round operations and a reduction in overtime costs. While Mr. Clifton did not promote the loss of employees' jobs, he acknowledged there was a difference with seasonal staffing. At a cost of \$200,000, he questioned the timing of the purchase. Ms. Houck explained this one chassis provided many vehicles and would help make inroads to greater operating efficiency.

Mr. Markham asked if the two vehicles were scheduled to be replaced in the 2010 or 2011 Capital budget. Ms. Houck stated one was originally scheduled for 2009 but did not get replaced, and then both vehicles were included in the 2010 budget for replacement.

Question on the Motion was called.

Aye – Athey, Clifton, Funk, Markham, Temko, Tuttle.

Absent – Pomeroy.

Nay – 0.

17. 5-D. CONTRACT NO. 10-05, SERVICES TO REDRILL WELL 14

37:22

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT CONTRACT NO. 10-05 BE AWARDED TO A. C. SCHULTES TO REDRILL WELL 14 FOR THE TOTAL PRICE OF \$86,967.

Ms. Houck summarized her memo to Mr. Sonnenberg dated 9/2/10 which recommended the redevelopment of Well 14 in the South Well Field. Three sealed bids were received. A.C. Schultes, Inc, the lowest bidder, satisfactorily performed many similar projects for the City. Funds were available in the Water Department Capital program, and it was recommended that Contract No. 10-05 be awarded to A.C. Shultes for the bid price of \$86,967.

Mr. Markham asked if this was a heavily used well. Ms. Houck said it will be used heavily when it becomes operational. The well collapsed last year, and the location had to be moved and engineering work done to get the same capacity out of the well. Ms. Houck stressed the importance of maintaining the City's ground, storage and surface water supplies.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

Aye – Athey, Clifton, Funk, Markham, Temko, Tuttle.

Absent – Pomeroy.

Nay – 0.

18. 5-E. RECOMMENDATION TO WAIVE BIDDING FOR REPLACEMENT OF STREET SWEEPER BODY

39:43

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT THE PURCHASE OF A STAINLESS STEEL REPLACEMENT BODY FOR STREET SWEEPER UNIT NO. 413 BE AUTHORIZED FROM ATLANTIC MACHINERY AT A TOTAL INSTALLED COST OF \$58,338.92.

Ms. Houck summarized her memo to Mr. Sonnenberg dated 9/9/10 wherein she recommended replacing the corroded body of the street sweeper unit at this time in order to maintain service. Replacing the existing steel body with a stainless steel body was expected to increase the useful life by approximately five years. The chassis that the sweeper body would be mounted to remained in good condition as did the hydraulic system and the brushes. Atlantic Machinery provided a quote for a Schwarze stainless steel body. Funds were available from the Public Works Capital program because, in addition to a deferred project, several other projects came in under budget.

Mr. Funk asked if there was another supplier who could submit a bid. Ms. Houck said it was necessary to go back to the original vendor since the replacement body would be installed on the existing equipment.

Mr. Temko questioned whether it was acceptable to use the additional Public Works funding referenced above for this project when the ADA ramp funding was under budget. Ms. Houck said this was not an issue as the City was fulfilling what was included in the contract for the ramp work.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

Aye – Athey, Clifton, Funk, Markham, Temko, Tuttle.

Absent – Pomeroy.

Nay – 0.

19. **6. ORDINANCES FOR SECOND READING & PUBLIC HEARING**

None

20. **7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS**

None

21. **8. ITEMS SUBMITTED FOR PUBLISHED AGENDA**

A. Council Members: None

22. **9. SPECIAL DEPARTMENTAL REPORTS**

A. Special Reports from Manager & Staff:

44:42

1. Authorization to Enter into Agreements with T-Mobile for the Installation of Telecommunications Equipment on Water Towers Located on New London Road and Dallam Road

MOTION BY MR. MARKHAM, SECONDED BY MR. CLIFTON: THAT THE CITY MANAGER BE AUTHORIZED TO ENTER INTO LEASE AGREEMENTS WITH T-MOBILE FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON THE NEW LONDON ROAD AND DALLAM ROAD WATER TOWERS.

Mr. Simonson presented the T-Mobile lease agreements for the proposed communications equipment on the water towers. One agreement was for a second installation on the New London Road tank, and the other agreement was for an installation on the Dallam Road tank. The set up on the New London tank would be very similar to the previous communications equipment approval granted by Council. The equipment at the Dallam Road site would be an upgraded installation with an enclosure around the ground equipment. With the enclosure and landscaping, there would be little visual impact. The terms were the same as the other agreements - \$30,000 per year, with a 12% increase every five years.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

Aye – Athey, Clifton, Funk, Markham, Temko, Tuttle.

Nay – 0.

Absent – Pomeroy.

23. **Meeting adjourned at 7:43 p.m.**

Patricia M. Fogg, CMC
City Secretary

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