

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

October 11, 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 Akin
Community Affairs Officer Dana Johnson
Planning & Development Director Roy Lopata
Assistant P&D Director Maureen Feeney Roser
Parking Administrator Marvin Howard
Chief Paul Tiernan, NPD
Captain John Potts, NPD

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

2. MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT ITEM 7-A, REQUEST OF PAULINE A. MAYER, INC., FOR A MINOR SUBDIVISION AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE CHRISTINA PARKWAY EXTENDED AND ELKTON ROAD (SUBURBAN PLAZA), NEWARK, DELAWARE, IN ORDER TO CONSTRUCT A WSFS BANK DRIVE-THRU FACILITY, AND ITEM 7-B, REQUEST OF PAULINE A MAYER, INC. (WSFS BANK) FOR A SPECIAL USE PERMIT FOR A DRIVE-THRU FACILITY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE CHRISTINA PARKWAY EXTENDED AND ELKTON ROAD (SUBURBAN PLAZA), NEWARK, DELAWARE, BE REMOVED FROM THE AGENDA AND THAT ITEM 8-A-1, RETIREMENT OF JAMES PENNINGTON, PARKING SUPERVISOR, BE MOVED TO ITEM 3.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

3. **8-A-1. RESOLUTION NO. 10 -__ : RETIREMENT OF JAMES PENNINGTON, PARKING SUPERINTENDENT**

01:29

Council unanimously endorsed the resolution recognizing Mr. Pennington for his 35 years of service to the City. The resolution highlighted the fact that Mr. Pennington had never missed a day of work and never took a vacation during his 35 year tenure with the City.

(RESOLUTION NO. 10-W)

4. PRESENTATION OF PROCLAMATIONS RECOGNIZING POLICE DEPARTMENT VOLUNTEERS

05:52

The following individuals were recognized for their contributions to the Newark Police Department.

Rose Gallante provided five years of volunteer service assisting the Administration Unit Property Management Coordinator by organizing the medical/first aid bags for police vehicles and organizing the uniform supply area and assisting the Records Division with the filing of reports.

Anita Hunter provided seven years of volunteer service assisting the Criminal Investigation Division with criminal records management.

Harry McKenry provided 18 years of volunteer service assisting the Administration Unit in the preparation of police reports for the local media outlets.

Judy Miller provided three years of volunteer service assisting the Administration Unit with the Community Concerns survey by mailing 300 surveys to residents and then compiling the returns for later use in a department-wide report.

Euretta Schultheiss provided six years of volunteer service assisting the Records Division with preparing police reports for insurance companies and for court purposes.

5. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Public

12:24

Amy Roe, a Newark resident, said she was informed by the Delaware Energy Office that the City was cancelling its voluntary green energy subscription program. Mr. Sonnenberg agreed to look into this issue.

Ms. Roe expressed concern that the Building Department was abolished and the Code Enforcement Division was placed under the supervision of the Planning & Development Director without the benefit of discussion by Council. She pointed out that the department was codified by ordinance in Chapter 2, Section 2-28 of the Code. In a letter to Ms. Roe, the City Solicitor advised that Council approved this departmental change through the adoption of the 2010 Operating Budget.

Ms. Roe indicated that the City's ISO rating might be impacted by not having a Building Director on staff with specific credentials, thereby resulting in higher insurance rates.

While Mr. Pomeroy acknowledged Ms. Roe's concerns, he stated the functions of the Building Department had not been eliminated in the departmental transition.

Mr. Clifton suggested referring the issue to the City Solicitor.

6. Thomas Passmore, a City resident, commented about the sizeable electric bill he received in October which he felt was caused by his estimated readings throughout the summer months when air conditioning usage was at a peak. He asked if the City could schedule actual readings during the three summer months to avoid this situation in the future. Mr. Sonnenberg explained the City did not have adequate staff to read meters on a monthly basis, and until it was decided to increase staffing, the frequency of meter readings would not change. Further, last year's readings were used in the estimates, so there was a combination of a

major swing from a very cool summer last year to a very hot summer this year. Mr. Temko added that the City was exploring a budget billing option for customers.

7. William Gallagher and Evan Jenkins, University of Delaware students, felt the Disorderly Premise and Noise violation ordinances disproportionately affected the students. After accepting sole responsibility for a party that resulted in a citation, Mr. Jenkins was surprised the police entered the property without requesting permission to do so and then cited other tenants who were present. Mr. Funk believed the City's ordinances were not unusual and suggested Messrs. Gallagher and Jenkins meet with Chief Tiernan to discuss the situation.

8. **1-B. UNIVERSITY**

1. Administration

There were no comments forthcoming.

9. **1-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

10. **1-C. COUNCIL MEMBERS**

29:23

Mr. Athey

- Recognized the Taste of Newark which he felt was a great event.

11. **Mr. Funk**

- Was concerned that the City acquired a new Dodge Ram truck which he felt did not meet the environmental standards the City should consider when adding new vehicles to its fleet. Mr. Sonnenberg reported that Ms. Houck applied for a grant for new hybrid cars and perhaps some of the fleet could be replaced through grant funding.

- Noted that trash cans were overflowing after Saturday's home football game, and he believed Public Works was scheduled to empty the cans at 6:00 a.m. on Sunday morning. Mr. Sonnenberg will discuss the issue with Public Works.

12. **Mr. Tuttle**

- Acknowledged the Community Forum held by the University regarding the decommissioning and demolition of the Chrysler plant. Approximately 60 residents attended the meeting. He appreciated the transparency the University appeared to be bringing to the construction process.

- Was disturbed that repairs to the Christina Creek sewer crossing were still unresolved four years after the City became aware of the problem and hoped this would become an action item in the very near future.

13. **Mr. Markham**

- Newark's Halloween Parade will be held on 10/24 at 3:00 pm and was always a fun family event. The Harvest Arts Festival sponsored by the Newark Arts Alliance was scheduled for 10/16 from 11:00 am to 4:00 pm on the Academy Building lawn.

14. **2. APPROVAL OF CONSENT AGENDA**

33:20

- A. Approval of Regular Council Meeting Minutes – September 27, 2010
- B. Receipt of Alderman's Report - October 7, 2010

- C. Appointment of Edgar Johnson, 37 Park Drive, to Planning Commission - Term to Expire September, 2013
- D. Resignation of Dorothy Ross from Community Development/Revenue Sharing Committee
- E. **Bill No. 10-17** – An Ordinance Amending Chapter 17, Housing and Property Maintenance, Code of the City of Newark, Delaware, By Adopting the 2009 Edition of the International Property Maintenance Code with Amendments – **2nd Reading October 25, 2010**
- F. **Bill No. 10-18** – An Ordinance Amending Chapter 14, Fire Prevention, Code of the City of Newark, Delaware, By Adopting the 2009 Edition of the International Fire Code with Amendments - **2nd Reading October 25, 2010**
- G. **Bill No. 10-19** – An Ordinance Amending Chapter 7, Building, Code of the City of Newark, Delaware, By Adopting the 2009 Edition of the International Code Council (CC) Codes with Amendments and Incorporating Chapter 6, International Energy Code, and Chapter 8, International Fuel Gas Code Into Chapter 7 – **2nd Reading October 25, 2010**
- H. **Bill No. 10-22** – An Ordinance Amending Chapter 20, Motor Vehicle and Traffic, Code of the City of Newark, Delaware, To Bring the Code Into Conformance with State Code Regarding Child Restraints and Seat Belts in Motor Vehicles – **2nd Reading October 25, 2010**

Ms. Fogg read the Consent Agenda in its entirety.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: 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.

- 15. **3. ITEMS NOT FINISHED AT PREVIOUS MEETING** – None
- 16. **4. FINANCIAL STATEMENT** – None
- 17. **5. RECOMMENDATIONS ON CONTRACTS & BIDS** – None
- 18. **6. ORDINANCES FOR SECOND READING & PUBLIC HEARING**
None
- 19. **7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS**
None
- 20. **8. ITEMS SUBMITTED FOR PUBLISHED AGENDA**
 - A. Council Members:
 - 1. Resolution No. 10-__: Retirement of James Pennington, Parking Superintendent
- (See Item #3)
- 21. **8-B. OTHERS:**
 - 1. Presentation by Aetna Hose Hook & Ladder re Status of Fire Service in City of Newark

36:56

Representing Aetna Hose Hook & Ladder Company were Alan Silverman, Gene Nyland, and Diane Silverman. Mr. Silverman reviewed a PowerPoint presentation detailing Aetna's operations, equipment, services, fire and rescue responses, funding and projected income.

Mr. Nyland said there was a long history of cooperation and support between the University and Aetna for which he strongly commended the University. Mr. Pomeroy added that the City and the University were very fortunate to have the services of Aetna in the community.

Mr. Silverman announced that Aetna will hold a capital fund drive in the spring. They would like to pay off the \$802,000 debt from their aerial ladder so they can start rebuilding cash reserves. He encouraged the City to maintain their financial support and would like Gene Nyland to work through the City Manager to get guidance and assistance in searching out grants and making grant applications.

- 22. 9. SPECIAL DEPARTMENTAL REPORTS**
 - A. Special Reports from Manager & Staff: None**

- 23. Meeting adjourned at 7:55 p.m.**

Patricia M. Fogg, CMC
City Secretary

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