

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

March 26, 2007

Those present at 7:30 p.m.:

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

Staff Members: City Manager Carl F. Luft
City Secretary Susan A. Lamblack
Assistant to the City Manager Carol S. Houck
Assistant to the City Manager Charles M. Zusag
City Solicitor Roger A. Akin
Planning Director Roy H. Lopata
Water & Wastewater Director Roy Simonson
Acting Chief of Police John Potts
Finance Director Dennis McFarland

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

2. **2. CITY SECRETARY'S MINUTES FOR COUNCIL APPROVAL:**

A. Regular Council Meeting of March 12, 2007

There being no additions or corrections to the minutes, they were approved as received.

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

A. Public

Jane Reese, 721 Lehigh Road, said the City needed to hire a better contractor to trim the trees near the power lines. She claimed the contractor destroyed her tree and cut a major branch that was 6-8' above the power lines that was not interfering with the power lines, yet they left a branch that was 2' from the power line. The contractor left a mess and destroyed a rhododendron. Ms. Reese said she spent hundreds of dollars every year on her flowerbeds and asked whom she should send her bill to—Asplundh who did the tree trimming or the City. Mr. Luft said he would call her tomorrow to resolve this problem.

4. Bruce Diehl, 205 Meriden Drive, suggested eliminating two parking spaces on each side of Main Street near the crosswalk at Happy Harry's. Mr. Funk advised that would happen when the reconstruction of Main Street was completed this summer.

Mr. Diehl asked if the City would continue its yard waste ban now that the state has put that restriction on hold. Mr. Luft advised that the City would continue to allow residents to put their yard waste in their trash containers (as long as it met Code) and they would be encouraged to participate in the special pickup on Wednesdays.

Mr. Diehl provided photographs of his yard that was affected from the last snow/ice removal by the City. He contacted the Public Works Department and was told someone would inspect the damage and to date he has not heard from anyone. He claimed that normally his street did not get plowed when there was a regular snowstorm.

Mr. Diehl also noted that during the last snowstorm (which was mostly ice), the plows dumped everything on the sidewalks, which made it difficult to remove the snow/ice from the sidewalks within 24 hours. He acknowledged that the snowplows did a good job but they made it difficult for the residents to clean the sidewalks.

5. Representative John Kowalko, 134 N. Dillwyn Road, commented on the yard waste issue by encouraging the City to proceed with the plan they had in place. He took responsibility for the faults of the process in Dover with the yard waste legislation. The program was not set up correctly and the legislature thought it was important to have a moratorium on the yard waste ban to get the haulers, DNREC, and the public together before putting a program in place. He believed the City's program was the direction the state wanted to go.

Mr. Funk believed the City was the leader in the state in terms of waste management. Rep. Kowalko agreed and said he hoped Newark would join the City of Wilmington and their recycling program with Blue Mountain.

6. **3-B. UNIVERSITY**
1. Administration

There were no comments forthcoming.

7. **3-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

8. **3-C. COUNCIL MEMBERS**

All Council Members welcomed Representative Kowalko back after a short illness.

9. Mr. Pomeroy said he was proud of the City for being proactive on the yard waste ban. He encouraged people to take advantage of the program and was glad the option would still be there. He also was looking forward to a day where the City had its own recycling program.

10. Mr. Pomeroy commended the Conservation Advisory Commission (CAC) for their report on the creation of a green building incentive program for the City. He was encouraged that it had a commercial and a residential component to it. This topic will be discussed at Council's April 23rd meeting. Mr. Pomeroy asked the City Manager to have staff review the report and have comments prepared for that meeting.

11. Mr. Pomeroy clarified that the topic he wanted to bring up was not reactionary to any particular incident. He always felt that in order for public bodies to operate efficiently, it needed certain tools in their tool belt. He thought it was important for City employees to have a place where they could go to lodge a complaint of concern anonymously. Mr. Funk thought that was required by state law to which Mr. Pomeroy agreed. He would like an avenue for public employees to anonymously lodge a complaint of concern especially if they saw something that had anything to do with any sort of impropriety or anything of that nature. To his knowledge, he did not think that mechanism existed and asked Mr. Akin to determine (over the next two months) whether or not it would be appropriate for the City Solicitor's Office to receive those complaints.

- 12.** Messrs. Osborne and Athey noted that Bill Frame, a past member of City Council, and the husband of Madeline Frame who served on the Planning Commission, died last week. The Frames moved to Oxford several years ago because there was no retirement housing in Newark at that time.
- 13.** Mr. Osborne updated Council on the new streetlights at the intersection of Hillside Road and W. Main Street. The poles were in place but the wiring still needed to be completed. He expected that project to be completed in the very near future.
- 14.** Mr. Osborne commented that he felt the City was taking a very proactive position on the yard waste ban. He liked how the City was handling their program and it was his intention to comply with it in order to keep as much yard waste as possible out of the main garbage stream.
- 15.** Mr. Athey said he was pleased to see the letter from the Office of Highway Safety congratulating Cpt. Potts and his staff on their work on the sobriety checkpoints.
- 16.** Mr. Athey advised that he attended the Delaware League of Local Governments meeting last Thursday and learned there was a lot of concern regarding certain issues that he hoped Newark's lobbyist was staying on top of. They included Municipal Street Aid, the new recycle legislation, and the transfer tax issue. He noted that a lot of emphasis was placed on the new election law, and Ms. Lamblack has been on the forefront of that issue.
- 17.** Mr. Athey thanked Ms. Lamblack for keeping Council better updated on the boards, committees and commissions membership.
- 18.** Mr. Markham asked if the Conservation Advisory Commission would be making a presentation on the green building program, to which Mr. Luft said they would be making a presentation at the April 23rd meeting. Messrs. Pomeroy and Markham said they wanted to be sure folks knew this item would be on the agenda for discussion. Ms. Lamblack advised that it would be listed as a separate line item under committees.
- 19.** Mr. Markham advised that Jane Armstrong from the Small Business Administration contacted him about a franchise workshop scheduled for Tuesday at the Delaware Bio-Tech Institute. That workshop has been advertised on Channel 22, and targeted employees from Chrysler and Avon.
- 20.** Mr. Markham asked if the City received any feedback from DeIDOT since the Workshop held a few months ago. He said he got answers on the telephone poles—that being that DeIDOT would not put up any type of guardrail. Mr. Luft said he got very little feedback. Mr. Markham said he would do a follow up on items that were brought to DeIDOT's attention.
- 21.** Mr. Markham acknowledged receipt of the state's annual audit report on the City's municipal grants. He noted that it took one year to get the audit report and asked if anything could be done to get it earlier. Mr. Luft advised that the City could make that request to the state.
- 22.** Mr. Markham asked Rick Armitage from the University of Delaware if there were any updates on the proposed admissions building on Winslow Drive. Mr. Armitage said the plans were not finalized, and as soon as he had something, he would present it to Council. Today, he forwarded an email to them that he received from a neighbor regarding a concern about drainage next to the proposed building.
- 23.** Mr. Markham asked when he had to submit items for the capital budget. Mr. Luft suggested sending him an email. He explained that first the staff review

of projects was done and their projects had to be submitted within the next couple of weeks. The Finance Director, the City Manager, and a small committee reviewed staff's requests and a recommendation was then given to the Planning Commission and then to Council.

24. Mr. Markham asked if there was any update on the Commerce Bank project. Mr. Luft advised that everything would be done after graduation, in June.

25. Mr. Markham asked about the status of the sidewalk at the reservoir, how much money the City had for the project, and how much money was still needed. Mr. Luft said the City only had the \$75,000 in grant money. Ms. Houck advised that the legislators were going to make up the difference in the County portion and the City was still waiting on information from DNREC.

26. Mr. Tuttle said he attended the Arbour Park Civic Association meeting and the yard waste ban question was raised. He encouraged those who attended that meeting to use the process the City put in place because ultimately it would save the City money as opposed to having the yard waste put into the regular trash and the City paying the tipping fee.

27. Mr. Tuttle commended Sue Lamblack for her work with the Delaware Municipal Clerks Association relating to the changes in the election law. Ms. Lamblack helped to bring together a group for an educational session on that issue last Wednesday. Although there was still a pending amendment dealing with absentee ballots, there were a lot of other changes, and Mr. Tuttle was pleased to see Ms. Lamblack taking a lead on that.

28. Mr. Tuttle thanked Cpt. Potts and Lt. Henry for meeting with the College Park Civic Association. That group was getting revitalized and he was hopeful they would continue to make some progress and make it a better neighborhood than it was now.

29. Mr. Clifton advised that while Rep. Kowalko was out sick he was fielding some complaints from some mutual neighbors. One neighbor was a senior citizen from White Chapel living in the apartments on Aylesboro. There were a couple complaints about the sidewalks not getting shoveled within the 24-hour time requirement. Mr. Clifton suggested that the City contact the manager of that apartment complex about the 24-hour law.

30. Mr. Clifton said he talked to the City Manager about changes in the personnel policy as it applied to discrimination and asked if anything was happening with that. Mr. Zusag advised that he reviewed the material submitted by Mr. Clifton and did not see a lot of difference except for the fact that the Federal government policy was considerably longer, more detailed, had a lot of acronyms, and it was military. Mr. Zusag said he had some questions he wanted to ask the Delaware Public Employee Labor Relations Association before incorporating any of the Federal policy into the City's policy.

31. **4. ITEMS NOT FINISHED AT PREVIOUS MEETING**

There were no comments forthcoming.

32. **5. RECOMMENDATIONS ON CONTRACTS & BIDS:** None

33. **6. ORDNANCES FOR SECOND READING & PUBLIC HEARING:**

- A. Bill 07-11 - An Ordinance Amending Ch. 2, Administration, Article IX, Personnel, By Adding a New Section Regarding Benefits for Job-Related Injury Leave

Ms. Lamblack read Bill 07-11 by title only.

MOTION BY MR. OSBORNE, SECONDED BY MR. POMEROY: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 07-11.

Mr. Markham questioned Amendment 1, (a)(2) "... the lesser of two-thirds of the employee's regular weekly base salary and longevity, or two-thirds of the latest average weekly wage..." and asked how the City was relating what the state was doing to an individual. Mr. Zusag explained that every June the Secretary of Labor announced the state's average weekly wage.

Mr. Markham asked what the possibility was that the person's wage would be significantly lower than that average weekly wage. Mr. Zusag explained that under state law, the maximum benefit was two-thirds of the latest average weekly wage as announced by the Secretary of Labor. The City had some employees who earned more and some who earned less. If an employee earned more than the average, he/she would still get the maximum benefit allowed under state law.

Mr. Markham questioned the maximum of 300 weeks and asked if it would be retroactive. Mr. Zusag said he intended to apply it to three active cases. Two employees were about 100 weeks and one was 30 weeks. The employees over 100 weeks both had surgery in January and once they reached maximum recovery from the surgery, he would begin talking to them about reaching a final settlement to settle all matters. Mr. Markham asked if those employees were aware of the 300 weeks to which Mr. Zusag said the 300 weeks was new and it had been an oversight when he wrote the policy over 15 years ago. At that time he did not put a limit on maximum temporary total disability benefits, but it was in the state law and he felt this was the time to correct that oversight. The City has always tried to parallel state law yet maintain its exemption to avoid going to the Industrial Accident Board for approval of settlements.

Mr. Clifton said he had discomfort with the proposal. He asked Mr. Zusag if he talked to the bargaining units about this change. Mr. Zusag said he talked to the FOP on several occasions and as late as today. He talked to the president of AFSME and the president of the Employees Council. AFSME had nothing in their contract about job-related injuries and the City did not relinquish any rights to establish policy in this area with the AFSME contract. The Employees Council contract made a vague reference to establishing benefits that were similar to what was provided by state law but still gave the City the right to establish what those benefits were. He said he did not negotiate away any rights to the union for that contract. The FOP contract has a statement that says during the terms of their agreement the City won't change the policy. He claimed it was debatable whether or not the policy could be changed. He also claimed he talked to the FOP about this and they understood the change to make the benefits non-taxable was in their favor and they did not dispute it. The other change, the 300 weeks, did not apply to them because the police have a benefit in their pension plan that says they get three-quarters disability for life. Mr. Zusag said he talked to the president of the FOP union today, and he did not have any objection to the change. Mr. Zusag claimed he would have heard about any objection. The lawyer for the FOP got the change at least a month ago and he never presented any concerns to the president of the FOP about it. Therefore, it was Mr. Zusag's opinion that there was no objection.

Mr. Clifton thought they needed to find out those facts before asking Council to vote on it. Mr. Zusag reiterated that was why he talked to the FOP at least six times. He talked to John DeGhetto, Bob Agnor, and Andy Rubin and they referred it to their attorney Jeff Weiner. He gave them copies of everything Council had before them. They said they would let him know if they had any objections. He contacted John DeGhetto again today and informed him the bill was going before Council and Sgt. DeGhetto said he did not think the FOP had any problem with it. Looking at it rationally, Mr. Zusag said he did not know why they would because the 300-week limit would not apply to them because of the benefit they have in their pension plan. The other benefit was to their advantage

to have the funds nontaxable so he did not think they had a problem with that. Mr. Clifton said he would agree, but if there were questionable issues in the bill they should be fixed first and Council should know for a fact that the unionized employees were on board with it—not “I think” they don’t have a problem with it.

Mr. Funk thought it could be resolved by adding an extra clause “subject to the terms of the existing union agreements.” Mr. Zusag did not know whether they wanted to apply that condition if they didn’t have to. He reiterated that he made every attempt he could to find out how the FOP felt about it, sent the language to their attorney, and talked to the FOP at least six times and they have not yet voiced an objection. He did not think there was anything else he could do except make them sign something. Mr. Clifton said that was what an agreement/contract was—a signed document that stated that both parties were in agreement to this and without that he did not understand how one could say “we think the round pipe fits this round hole but we’re not quite sure.”

Mr. Funk added that the City’s contract with the FOP was binding and it superceded whatever Council did with this ordinance. Mr. Zusag said that was debatable based on the language in the contract. When he talked to Sgt. Deghetto and Sgt. Agnor they both said they had no problems, and he assured Council that knowing both of them like he did, they would have let him know if they had a problem with it.

Mr. Clifton said he was still uncomfortable with debatable language that was part of legislation in a contract. Mr. Zusag said Council could table this and he would try to get something more affirmative. He wanted to get this resolved because one of the employees currently on leave was receiving a taxable benefit and her attorney and the City felt it would be to her benefit to make it nontaxable as quickly as possible. Mr. Clifton said he also wanted to make sure that contractually the City was covered, not just with the FOP but with all of the unions, but especially with the FOP. Mr. Zusag assured Mr. Clifton that the City was definitely covered with the other unions, and as far as he knew, the FOP did not object to it.

Mr. Luft added that the main purpose was to codify the nontaxable part of the benefit, which was considered a good thing.

Mr. Zusag asked Mr. Clifton if anybody voiced any objection to him and Mr. Clifton answered no.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT BILL 07-11 BE TABLED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

**34. 6-B. BILL 07-12 – AN ORDINANCE AMENDING CH. 2,
ADMINISTRATION, BY REVISING THE PAY PLAN
FOR MANAGEMENT EMPLOYEES, EFFECTIVE
4/1/07**

Ms. Lamblack read Bill 07-12 by title only.

MOTION BY MR. OSBORNE, SECONDED BY MR. TUTTLE: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 07-12.

Mr. Pomeroy said he did not have an issue with the pay increase this year but asked for clarification as to whether there was a policy and how it was enacted upon on a yearly basis. He asked if the revision to the pay plan was

always the same amount negotiated with the unions, or was it sometimes separate, and was it always a given or did it depend upon how things were on a year by year basis.

Mr. Luft said he did not like using the word “always” but normally on an annual basis, this ordinance matched the union settlements. There were a number of reasons for that but one of the primary reasons was because of the supervisors (who supervised the union people), some engineering employees and a couple confidential employees as well as the department directors who received an increase as a result of this ordinance. He claimed it was very normal to do this after the union contracts were settled.

Mr. Pomeroy asked if he understood correctly that the increases were by practice as opposed to by Code. Mr. Luft said it has been a policy/practice over the years, and noted that this increase was included in the budget. He also noted that the department heads cut 2% out of their budgets along with certain capital projects this year.

Mr. Markham said that he and Mr. Pomeroy were both in the private sector and they don't see this kind of raise. They saw merit increases every year, not a cost-of-living increase. One of his concerns was everyone around the county and the state were tightening their belts across-the-board. He suggested thinking about how the City could keep costs down the next go around and asked if that would require discussions with the unions. If the City was in a situation where they had to do that, the majority of personnel expenses were in the labor contracts and that was where some of the larger pensions were. If they were to take that tactic, Mr. Luft said they would have to take it across-the-board. He stressed that the important factor was supervisors who supervise union members.

Mr. Clifton added that it was important when discussing these kinds of issues, when you compared the salary of the person working in the public sector it was much less than the comparable position in the private sector. He works in the federal sector and received the federal cost of living increase each year, both on the civil side and the military side. This year it was 2.8%. The military will get another 8% next month across-the-board and the reason for that was because they don't make what they should make compared to their civilian equivalent. For example, he does not make the salary that was earned by his civilian equivalent. In fact, he would probably make another \$15,000 a year in an equivalent position as a service manager in a car dealership.

Mr. Pomeroy said he did not think it was so much a statement of the value that any individual provided to the City. From his standpoint, the question was more from if the City found itself dealing with financial issues that required additional belt tightening, he wanted to understand what the policy was as it related to the pay increases. He had no issues with it this year and believed everyone deserved a cost of living adjustment no matter what position they were in. He thought it was important to be cognizant of fiscal matters that were being dealt with constantly by municipalities and certainly by the City of Newark.

The chair opened the discussion to the public.

Bruce Diehl, 205 Meriden Drive, asked what was the percent of the change and was told it was 3%. Mr. Diehl said that was the normal raise but once your pay got to a certain level, 3% was a lot of money. He claimed what has happened in the private sector was people were getting away from all the “fluff” known as benefits. Most of the people he knew in the engineering field were working for a straight salary. Personally he did not get paid for sick days, holidays, etc.

There being no further comments, the discussion was returned to the table.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(ORDINANCE NO. 07-9)

MOTION BY TO AUTHORIZE THE CITY MANAGER TO GRANT A 3% ACROSS-THE-BOARD INCREASE TO THE ANNUAL BASE SALARY RATES FOR MANAGEMENT EMPLOYEES EFFECTIVE APRIL 1, 2007.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

35. 6-B-1. 2007 SALARY INCREASE FOR CITY SECRETARY

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT THE CITY SECRETARY'S SALARY BE INCREASED BY 3% TO \$81,200 EFFECTIVE APRIL 1, 2007.

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 – Pomeroy, Osborne, Athey, Funk, Markham, Tuttle, Clifton.
Nay – 0.

36. 6-B-2. 2007 SALARY INCREASE FOR ALDERMAN/DEPUTY ALDERMAN

Mr. Funk stated that when he negotiated the hourly rate with the Deputy Alderman, it was his understanding it would be for the coming year. The Deputy Alderman was just hired in January. Therefore, it was decided that only the Alderman's salary would receive an increase.

MOTION BY MR. POMEROY, SECONDED BY MR. ATHEY: THAT THE ALDERMAN'S SALARY BE INCREASED BY 3% TO \$34,259 EFFECTIVE APRIL 1, 2007.

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

37. 6-C. BILL 07-09 - AN ORDINANCE AMENDING CH. 32, ZONING, BY INCREASING THE FEES FOR THE REVIEW OF SPECIAL USE PERMITS

Ms. Lamblack read Bill 07-09 by title only.

MOTION BY MR. POMEROY, SECONDED BY MR. CLIFTON: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 07-09.

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(ORDINANCE 07-10)

38. **7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:**
None.

39. **8. ORDINANCES FOR FIRST READING:**

A. Bill 07-13 - An Ordinance Amending the Zoning Map By Rezoning from RS (Single-Family, Detached) to RM (Multi-Family, Garden Apartments) .724 Acres Located at 279 & 281 New London Avenue

Ms. Lamblack read Bill 07-13 by title only.

MOTION BY MR. OSBORNE, SECONDED BY MR. MARKHAM: THAT THIS BE THE FIRST READING OF BILL 07-13.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(2ND READING 4/23/07)

40. **8-B. BILL 07-14 – AN ORDINANCE AMENDING THE ZONING MAP BY REZONING FROM BN (NEIGHBORHOOD SHOPPING) TO BB (CENTRAL BUSINESS DISTRICT) .958 ACRES LOCATED AT 100 ELKTON ROAD**

Ms. Lamblack read Bill 07-14 by title only.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THIS BE THE FIRST READING OF BILL 07-14.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(2ND READING 4/23/07)

41. **8-C. BILL 07-15 - AN ORDINANCE AMENDING CH. 20, MV&T, BY PROHIBITING PARKING AT ALL TIMES ON BOTH SIDES OF TOWNSEND ROAD BETWEEN MANNS AVENUE & RITTER LANE**

Ms. Lamblack read Bill 07-15 by title only.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THIS BE THE FIRST READING OF BILL 07-15.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(2ND READING 4/23/07)

42. 9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:

A. Council Members: None

43. 9-B. COMMITTEES, BOARDS & COMMISSIONS:

1. Appointments to Community Development/Revenue Sharing Committee

MOTION BY MR. FUNK, SECONDED BY MR. POMEROY: THAT THE FOLLOWING AT-LARGE MEMBERS TO THE COMMUNITY DEVELOPMENT/REVENUE SHARING COMMITTEE BE REAPPOINTED FOR ANOTHER THREE-YEAR TERM; SAID TERMS TO EXPIRE MARCH 31, 2010:

PETER WEIL, 91 KELLS AVENUE;
WALLACE MCCURDY, 98 DALLAS AVENUE;
GENE DANNEMAN, 17 S. WYNWYD DRIVE; AND
DANA DIMOCK, 12 TIMBERLINE DRIVE.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

MOTION BY MR. POMEROY, SECONDED BY MR. OSBORNE: THAT LEE ENGLER, 729 FISKE LANE, BE REAPPOINTED TO THE COMMUNITY DEVELOPMENT/REVENUE SHARING COMMITTEE FOR ANOTHER THREE-YEAR TERM; SAID TERM TO EXPIRE MARCH 31, 2010.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: THAT DAVID ROBERTSON, 17 CENTER STREET, BE REAPPOINTED TO THE COMMUNITY DEVELOPMENT/REVENUE SHARING COMMITTEE FOR ANOTHER THREE-YEAR TERM; SAID TERM TO EXPIRE MARCH 31, 2010.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

44. 9-B-3. PLANNING COMMISSION MINUTES OF MARCH 6, 2007

MOTION BY MR. OSBORNE, SECONDED BY MR. ATHEY: THAT THE PLANNING COMMISSION MINUTES OF MARCH 6, 2007 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

45. **10. SPECIAL DEPARTMENTAL REPORTS:**
A. Special Reports from Manager & Staff: None

46. **10-B. ALDERMAN'S REPORT**

MOTION BY MR. TUTTLE, SECONDED BY MR. OSBORNE: THAT THE ALDERMAN'S REPORT, DATED MARCH 21, 2007, BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

47. **10-C. FINANCIAL STATEMENT**

Mr. Funk asked how the City was doing on transfer tax. Mr. Luft said he would have to get back to Council with an answer.

MOTION BY MR. OSBORNE, SECONDED BY MR. CLIFTON: THAT THE FINANCIAL STATEMENT ENDING FEBRUARY 28, 2007 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

48. **10-D. REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION (DURKIN V. NEWARK)**

MOTION BY MR. OSBORNE, SECONDED BY MR. CLIFTON: THAT THIS ITEM BE DELETED FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

49. Meeting adjourned at 8:32 pm.

Susan A. Lamblack, MMC
City Secretary

/pmf