

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

August 8, 2011

Those present at 7:00 pm:

Presiding: Mayor Vance A. Funk, III
District 1, Mark Morehead
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 Bruce Herron
Finance Director Dennis McFarland
Parks & Recreation Director Charlie Emerson
Planning & Development Director Roy Lopata
Assistant to the City Manager Charlie Zusag
Asst. Planning & Development Director Maureen Roser
Community Affairs Officer Dana Johnston
Recreation Superintendent Joe Spadafino

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

2. PRESENTATION AND RECEIPT OF GFOA AWARD

Mr. Funk presented the Certificate of Achievement for Excellence in Financial Reporting which was awarded to Newark by the Government Finance Officers Association of the United States and Canada for excellence in its comprehensive annual financial report. Members of the Finance Department who accepted the award were Wilma Garriz, Jim Smith, Dana Montgomery, Debra Kupper and Debi Keely.

3. MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT ITEMS 2-B, ALDERMAN'S REPORT – AUGUST 3, 2011, AND 2-I, FIRST READING OF BILL 11-17, BE ADDED TO THE AGENDA AND THAT LABOR NEGOTIATIONS BE ADDED TO ITEM 9-B.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

4. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Public

02:25

Catherine Ciferni, a Newark resident, said she had difficulty hearing the discussion during the City Council Budget Workshop in July, particularly from participants whose backs faced the audience. She also felt workshop material should be available for the public. Her question (and she requested a reply on the record) was that given the closing of the market today, was it feasible that the

increases discussed at the workshop were going to be reasonable and what would happen if there were deflationary tendencies.

5. Al Szczepanek, a Newark resident in District 2, complained about a City trash truck that leaked sludge on several occasions in the parking lot at Haslett Park. Mr. Sonnenberg will follow up and report back to Mr. Clifton about this situation.

6. Steve Fangman, a business owner at Trader's Alley, requested the City to show its support on this tenth anniversary of September 11th by adopting Newark Flag Day to honor Delaware residents and others who lost their lives on that day.

7. **1-B. UNIVERSITY**

1. Administration - None

8. **1-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

9. **1-C. COUNCIL MEMBERS**

13:15

Mr. Morehead

- Asked Mr. Armitage to follow up on the NI AAA report promised to Council members by Tracy Downs during the Wellspring presentation by the University.

10. **Mr. Temko**

- At an upcoming Council meeting Mr. Temko will request Council to give direction regarding their interest in an online community calendar.

- Advised the Delaware Teaching Fellows program (a new program in Delaware) and Teach for America were now active throughout the state.

11. **Mr. Tuttle**

- Noted there was positive progress in the work being performed on the Christina Creek sewer crossing.

- Announced that the new Barnes and Noble bookstore on Main Street was now open for business.

12. **Mr. Morehead**

- Pointed out that a number of new bike racks on Main Street seemed to be getting damaged by accidents or other means. The problem is being addressed.

13. **Mr. Athey**

- Appreciated Steve Wilson's help in resolving an issue at College Park.

- Requested Ms. Fogg to invite Newark Housing Authority board members to attend the August Council Workshop where housing issues and low-income housing perspectives will be discussed.

- Suggested that when developers bring handouts for Council on proposed projects, they should have a copy available for the public as well.

- Discussed the noise ordinance as it related to lawn mowing. Lawn equipment was exempted from noise level regulations in the Code between the hours of 7:00 a.m. and 9:00 p.m.

14. Mr. Clifton

- Thanked Messrs. Sonnenberg and Wilson for help with a property maintenance issue.
- Thanked Mr. Sonnenberg for the display cases on the first and second floor lobbies in the Police Department.

15. 2. APPROVAL OF CONSENT AGENDA

- A. Approval of Regular Council Meeting Minutes – July 25, 2011
- B. Receipt of Alderman’s Reports – July 22, 2011 & August 3, 2011
- C. ***First Reading - Bill 11-13 – An Ordinance Amending Planning Section D of the Comprehensive Development Plan IV for the City of Newark as it Relates to 70-74 Amstel Avenue - 2nd Reading September 12, 2011***
- D. ***First Reading – Bill 11-14 – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from BN (Neighborhood Shopping to BB (Central Business District) a .48 Acre Parcel of Land Located at 70 Amstel Avenue and From RM (Multi-Family Dwellings – Garden Apartments) to BB (Central Business District) a .29 Acre Parcel of Land Located at 74 Amstel Avenue - 2nd Reading September 12, 2011***
- E. ***First Reading - Bill 11-15 – An Ordinance Amending Chapter 25, Sewers, Article IV, Regulations on Nondomestic Waste Water Discharges Into the Public Sewer System, By Incorporating Certain Amendments of the New Castle County Code - 2nd Reading September 12, 2011***
- F. ***First Reading – Bill 11-16 – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning From AC (Adult Community) to RR (Row and Townhouse) a 6.14 Acre Parcel of Land and From AC (Adult Community) to RD (Single Family, Semi-Detached) a 8.45 Acre Parcel of Land Located on the West Side of Casho Mill Road, South of the CSX Railroad Right-of-Way and East of the Christina Creek (The Wilson Farm) – 2nd Reading September 26, 2011***
- G. Real Estate Tax Assessment Actual Billing Roll – Annual Billings for the Period of July 1, 2011 – June 30, 2012
- H. Receipt of Planning Commission Minutes – July 5, 2011

22:48

Ms. Fogg read the Consent Agenda in its entirety. Mr. Funk asked that item I be removed for discussion.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT THE CONSENT AGENDA BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

Nay – 0.

16. 2-I. FIRST READING – BILL 11-17 – AN ORDINANCE SUPPLEMENTAL TO ORDINANCE NO. 93-17 RELATING TO THE CURRENT REFUNDING OF \$2,700,000 CITY OF NEWARK GENERAL OBLIGATION BONDS, SERIES OF 2000 AND THE ADVANCE REFUNDING OF \$18,600,000 CITY OF NEWARK GENERAL OBLIGATION BONDS, SERIES OF 2002 – 2ND READING SEPTEMBER 12, 2011

25:25

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THIS BE THE FIRST READING OF BILL 11-17.

Mr. Funk was concerned about following the proper bidding procedures. Mr. McFarland said the ordinance was consistent with the Code passed some time ago on how to conduct refinancing, and there would be a competitive bid on the underwriting.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(SECOND READING 9/12/11)

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

18. **4. FINANCIAL STATEMENT:**

A. Presentation by Auditor – Receipt of 2010 Audit Report

26:58

Mr. McFarland introduced J. Michael Stephens, Partner with the accounting firm of Clifton Gunderson LLP, who reviewed the highlights of the audit of the City's Comprehensive Annual Financial Report for the year ended December 2010.

The audit team utilized IT specialists, pension specialists and compliance specialists for the single audit. The audit approach as required by standards was referred to as a "risk based" approach and focused on the riskier areas of the financial statements.

One of the key items of the GFOA certificate was that the City had an unqualified opinion meaning the statements were fairly presented in accordance with generally accepted accounting principles. There were no issues with respect to the audit opinion.

Regarding the report on compliance with respect to Federal funds received by the City, the City also had an unqualified opinion.

Under the Report on Single Audit, two deficiencies were noted for segregation of duties and accrual of expenses. The major deficiency related to the accrual of expenses, and there was an audit adjustment as a result of that finding.

Mr. Stephens noted that Clifton Gunderson issued a hard copy letter as part of the reporting package for required communications, and this was also accomplished through the meeting tonight.

MOTION BY MR. ATHEY, SECONDED BY MR. TUTTLE: TO ACCEPT THE 2010 AUDIT REPORT AS PRESENTED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

19. **4-B. DEFERRED ACCOUNTING FOR ELECTRIC UTILITY**

35:49

Staff proposed that the City adopt deferred accounting within the electric utility operations as outlined in Mr. McFarland's memo dated May 4, 2011. According to Mr. McFarland this would entail that any over or under collections

within the utility with respect to the approved budgeted margin would be deferred on the City's balance sheets on a monthly basis. Under collections would go on the balance sheet as an asset to be recovered in the future. Over collections would go on the balance sheet as an amount to be refunded in a future period. The adjustment would be made annually by reviewing the balance sheet account balance at the end of September and proposing an adjustment in the Revenue Stabilization Adjustment on January 1 of the subsequent year. That meant the electric utility would always earn its budgeted margin in any given calendar year. This accounting had to be approved by Council because the premise was Council, as the regulatory body, was the one that assured the recovery of those costs. The benefit to the City was budgeted income would be much more stable and would not be subject to volatility due to consumption as a result of weather or economic conditions. Mr. McFarland said this method should also provide greater stability in customer rates since the adjustment would be made once a year. However, there would still be volatility on the cash side. With over collection, a cash balance would be built up. Under collection would cause the cash balance to go down. This type of accounting would assure that over time the cash flow evened out.

Mr. Clifton asked for clarification. 1) Looking at this on an annual basis was this part of the problem several years ago when the City had a seven digit shortfall? 2) In the event of under collecting and adjustments needed the following year, would that be an adjustment on top of any other rate increases enacted? Mr. McFarland replied: 1) Where we ran a deficit in the prior period, this would correct for that situation. 2) Tracking this would be a separate component of the RSA because it would have to be looked at as a separate calculation. If Council raised or lowered the approved budgeted margin, that would be a second component in the RSA. Thus, there would be two pieces in there – one to reflect what Council felt should be the approved rate level on a prospective basis and another component which would correct for any incorrect estimations in a prior period. Mr. Clifton pointed out there could be two rate increases in a year – one to compensate for the RSA and one to compensate for the margin, and he thought that might seem to be a double hit to the customers. Mr. McFarland said they were basically unrelated where both could be increases, both could be decreases or they could offset. Mr. McFarland felt if staff did a decent job in estimating, the over/under collection would not result from poor estimation but rather because the weather was really warm or really cool. For the City's financial health, he said these costs had to be recovered sometime.

Mr. Temko thought it was very positive that the City was moving forward with stabilizing the RSA and creating a more transparent mechanism for rate adjustments.

Mr. Morehead referenced the two components that lead to the RSA – the base purchased power cost and the over or under collection. If the one was done at the end of September and then DEMEC changed their rates in January, he asked if this would be implemented so there was only one change a year. Mr. McFarland said the key was getting to the place where the change was made once a year and when the 2012 budget was put together, the DEMEC rate estimate would be rolled into the budget.

MOTION BY MR. ATHEY, SECONDED BY MR. TEMKO: TO ACCEPT THE REVENUE STABILIZATION ADJUSTMENT ACCOUNTING SYSTEM AS RECOMMENDED IN MR. MCFARLAND'S MEMO OF MAY 4, 2011.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

20. 4-C. JUNE 30, 2011 FINANCIAL REPORT

44:06

Mr. McFarland reviewed the June 2011 Financial Report which showed results on a consolidated basis of \$2.3 million over budget. He reminded Council that their action on deferred accounting for the electric utility would reduce the over collection from \$2.3 million to about \$800,000 because a large portion of the current results were from over collections due to weather and a delay in implementing the rate reduction. He said the July report will adjust for that situation.

The operating deficit for the Governmental Funds was \$4.5 million or \$881,000 less than budgeted. Revenues were \$450,000 over budget due largely to higher permit revenues, higher fine revenues and slightly higher property tax collections. Permit revenues were up due to a one-time building permit issued to the University. Operating expenses were about \$430,000 under budget due to lower personnel costs partially offset by higher costs for contractual services and materials.

The Enterprise Funds were \$1.4 million over budget for the period. Revenues were up about \$1.6 million due almost entirely to higher electric margins and higher sales volumes. The budget anticipated lower electric rates for the large customers to be effective the first of the year, but those new rates were not implemented until June 1. Sales volumes were up 3.7% higher than budget due to unseasonably warm weather. That trend continued through July, so results were expected to come in over budget. Water margins were under by about \$226,000 while Sewer margins trailed by only \$85,000. Parking lot revenues exceeded the budget by \$154,000 due to extended hours while operating expenses were about \$126,000 over budget due to contractual payments.

The Cash position was \$22.2 million at the end of June, up \$3.2 million from the beginning of the year.

Mr. Markham asked if the rates for individual users were flattening out since the changeover to monthly meter readings. From a customer's perspective Mr. McFarland said they were more stable as there was no longer a third month make up adjustment.

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: THAT THE JUNE 2011 FINANCIAL REPORT BE RECEIVED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

21. 5. RECOMMENDATIONS ON CONTRACTS & BIDS: None

22. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

- A. Bill 11-11 – An Ordinance to Adopt Revisions to the Amended Pension Plan for Certain Employees of the City of Newark, Delaware, to Comply with State of Delaware Law Recognizing Civil Unions Effective January 1, 2012**

49:59

Mr. Clifton asked Mr. Herron to explain an issue with the bill that was brought to their attention. Mr. Herron said it was pointed out that the proposed revisions to the Pension Plan may not precisely reflect the language in the new State legislation. In order to insure that the language was consistent with State Code, Mr. Herron recommended tabling the bill to a future Council meeting.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT BILL 11-11 BE TABLED TO A FUTURE COUNCIL MEETING.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

23. 6-B. BILL 11-12 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE, BY REZONING FROM RM (MULTI-FAMILY DWELLINGS – GARDEN APARTMENTS) TO BB (CENTRAL BUSINESS DISTRICT) .49 ACRES LOCATED AT 116 AMSTEL AVENUE (See Items 7-A and 7-B)

51:38

(NOTE: The following is the public hearing for the Rezoning, Major Subdivision and Special Use Permit required for 116 Amstel Avenue.)

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 11-12.

Lisa Goodman represented Amstel Avenue, LLC and was joined by property owner Kevin Heitzenroder and Mark Ziegler, Project Engineer. The request was for a rezoning, a subdivision approval and a Special Use Permit for 116 Amstel Avenue to permit the construction of a new building for the Baptist Student Ministry and to construct six townhouses to the rear of that building.

Ms. Goodman referred to visuals of the project. The site was .49 acres and was currently zoned RM (Multi-Family Garden Apartments). The Student Ministry occupied a 3,456 square foot converted house on the site. Mr. Blake Hardcastle, Director of Baptist Student Ministry, provided a brief overview of the current facility. He explained their need for space that would be more appropriate for the ministry.

The plan would slightly enlarge the ministry building by 1,500 square feet and would continue with the same use. Eight parking spaces were provided. In the rear they proposed six townhouses with 19 parking spaces.

The current zoning was RM, and the proposed zoning was BB which was consistent with the area. The Comprehensive Plan provided for medium density for this site and the plan was such with 12 dwelling units per acre. The project was consistent with adjoining properties and would be a great addition to Amstel Avenue.

The Chair opened the discussion to the public.

Victor David, adjoining property owner of Schilling-Douglas School, expressed his support for the project which he felt was consistent with the area.

Kevin Heitzenroder of Amstel Avenue LLC was proud to partner with the Baptist Student Ministry and said this was the vehicle to allow the income to be made to provide a new facility for the ministry. The site would now be split in two tax parcels. The Baptist Student Ministry would retain ownership of the front parcel and he would take title to the rear parcel where the townhouses would be constructed.

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

Mr. Morehead asked if Mr. Heitzenroder would be willing to restrict his project to six tenants per unit. Mr. Heitzenroder preferred a total limitation of 36

tenants based on the layout of two units which had extra square footage and flexibility.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 11-10)

24. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:

- A.** Request of Amstel Avenue, LLC, for the Redevelopment and Major Subdivision of the .49 Acre Parcel Located at 116 Amstel Avenue, In Order to Demolish the Existing Delaware Baptist Association Building and to Replace it With a New Structure for the Continuation of the Existing Use and to Add Six Townhouse Apartments in a Two-Story Structure (***Resolution and Agreement Presented – See Items 6-B and 7-B***)

1:07

(NOTE: The public hearing was held for Bill 11-12, the Major Subdivision and Special Use Permit for this property under item #23.)

MOTION BY MR. MOREHEAD, SECONDED BY MR. CLIFTON: THAT THE RESOLUTION AND AGREEMENT BE APPROVED SUBJECT TO A LIMIT OF 36 TENANTS TOTAL.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(RESOLUTION 11-H)

25. 7-B. REQUEST OF AMSTEL AVENUE, LLC, FOR A SPECIAL USE PERMIT TO PERMIT SIX TOWNHOUSE APARTMENTS AT 116 AMSTEL AVENUE (See Items 6-B and 7-A)

1:07

(NOTE: The public hearing was held for Bill 11-12, the Major Subdivision and Special Use Permit requested for this property under item #23.)

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE SPECIAL USE PERMIT BE GRANTED AS REQUESTED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

26. 8. ITEMS SUBMITTED FOR PUBLISHED AGENDA

- A.** Council Members: None

27. 8-B. OTHERS: None

28. 9. SPECIAL DEPARTMENTAL REPORTS:

- A.** Special Reports from Manager & Staff:
1. Presentation of More Park Project

1:08

Ms. Roser provided an overview about expanding parking downtown. Known as More Park, this new technology was a modular foundation-less second parking level system built like building blocks and could be placed directly on an

existing municipal parking lot. This was less expensive than building a regular parking garage and could be installed quickly (in as little as eight weeks) which fit into the very limited summer construction window. The entire lot did not have to be shut down since the system was modular. Because it was demountable, the City would not have to own the property on which it was constructed, and long-term leases could be structured with existing property owners.

After evaluating all City parking lots, it was determined Lot 3 was the best option because of its location, layout and size. With appropriate site preparation, a More Park system could add approximately 113 new paid parking spaces in the heart of downtown in the area most pressured for parking by recent development. A design-build proposal for the project made sense because the technology was unique and working with just one contract made it possible to complete the project within one summer construction period. Property owners were informed of the proposal and feedback was positive. The proposal came in at \$3.4 million and included the More Park system and the necessary site work. The plan was to finance the project with a tax-exempt lease which would run 12-15 years. Public Advisory Consultants, who will seek to identify a source of capital for the construction, indicated capital should be available. Current interest rates were relatively low.

To fund the City's portion, an increase in the parking rate of ten cents per half hour over all municipal paved park lots was recommended. This increase coupled with the additional spaces would cover the City's lease cost. Ms. Roser added that parking lot rates have not been increased in the 13 years since the City took responsibility for off-street parking.

If approved, deck construction would begin in the summer of 2012. Staff recommended adding an entrance to the lot off Center Street through the property located at 17 Center Street which the City acquired as part of the development of 108 E. Main Street. It was recommended that the house be demolished to accommodate the entrance to the lot. According to Ms. Roser, the proposed plans were endorsed by the Downtown Newark Partnership's Board, Merchant and Parking Committees.

Mr. Markham previously requested that the Center Street entrance be well screened so it would not aesthetically detract from the area.

The Chair opened the discussion to the public.

Ryan German, owner of Caffé Gelato restaurant, cited the importance of the project with most of the downtown lots full every day between noon and 2:00 p.m. He thought a 20% rate increase was a good idea. If this system worked, he hoped others would follow and that the parking garage in Lot 1 would also move forward.

Tina Jackson, a Newark resident, favored the parking garage. Her biggest concern was exiting the lot since she believed the current exit failed miserably. She was assured that issues with the traffic signal onto Main Street would be resolved by DeIDOT.

Steve Fangman, a downtown business owner, remarked that providing additional parking would be worthwhile considering all the great events the City sponsored to draw people to the downtown area and the revenue that resulted.

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

Mr. Morehead suggested looking at parking solutions away from, but within close proximity to, Main Street. He asked whether any More Park projects were constructed in the U.S. as the information presented to Council indicated the majority of the company's parking decks were in Europe. He was concerned

about the difference in size, height and weight of larger vehicles driven in the U.S. versus the smaller vehicles used in Europe.

Mr. Athey was also concerned about the track record of this system in the U.S. Ms. Roser advised More Park had several contracts in the U.S. They employed a structural engineer to work on the project, and the City would also need to hire an engineer to make sure the structure was engineered to meet the City's requirements. In regard to questions about the number of parking spaces the City would gain, Ms. Roser indicated the proposed layout was only a preliminary plan.

Mr. Temko discussed the differential rates between metered parking (\$.25 for 12 minutes or \$1.25 per hour) and parking lot rates (would increase to \$.60 cents for 30 minutes or \$1.20 per hour.) Ms. Roser said parking experts recommended higher rates for premium spaces than for off street parking. Mr. Temko asked whether financing options other than raising parking rates were explored. Mr. Sonnenberg responded the project was looked at it in terms of supporting itself. Mr. McFarland added the parking lots were in the separate enterprise parking fund and therefore should be self supporting. Mr. Temko suggested additional promotion of the parking validation program.

In terms of the market, Mr. Tuttle reported that the Trabant Center garage on campus charged \$.75 per half hour and the visitor parking lot on Amstel Avenue charged \$.60 per half hour, so the City was still below market.

Mr. Athey asked what risk the City would incur by moving forward with the project. Mr. McFarland thought the single biggest risk would be whether the spaces would be utilized at the level estimated during the analysis.

This project will be included in the proposed 2012-2016 Capital Budget.

29. 9-A-2. PRESENTATION ON CURTIS PAPER MILL PLAN, OLD PAPER MILL PARK & SKATEBOARD SPOTS

1:43

Mr. Emerson reviewed a PowerPoint presentation detailing the Master Plan for the Curtis site and Old Paper Mill Park. He introduced Greg Rishel and Angelo Fatiga with Pennoni Associates who were the consultants on this project.

The primary objective for the project was to create a comprehensive Parks and Recreation Master Plan for the Curtis site and Old Paper Mill Road and to create a gateway from north to south into Newark on Paper Mill Road. Mr. Emerson reported the project also created active and passive recreation opportunities for the residents of Newark, expanded pedestrian and bicycle networks and improved safety and mobility in that area. Since the Curtis site was a designated brownfield site, remediation was incorporated into the plan.

The project would be developed in three phases: Phase I included the former Curtis Paper Mill site and water treatment plant improvements as well as roadway improvements at the existing signal on Route 72; Phase II would be the Kershaw Park site and a pedestrian bicycle connector bridge; Phase III would be the Old Paper Mill Road Park site.

Estimated construction costs for each of the three phases were reviewed. Phase I at \$1.1 million included demolition of the smoke stack. Restoring the smoke stack to a safe condition was estimated at \$250,000. Phase II for the Kershaw Park pedestrian/bicycle bridge totaled about \$900,000. Phase III for the Old Paper Mill Road Park approximated \$1.5 million. Estimated costs were reviewed for equipment, maintenance and personnel. Funding options were also discussed.

Skate Spots

Mr. Emerson explained skate spots were small skate facilities that would fit into the City's parks; they were essentially concrete and were almost maintenance free. Seven potential sites were identified, and he suggested installing three or four geographically around the City. According to the national average, about 16% of people ages 5-24 skateboard which would equate to about 1,300 skateboarders in Newark. The minimum estimated cost was \$25,000 per facility depending on square footage and amenities. Funding opportunities were available through the Delaware Land and Water Conservation Trust Fund and from an individual donor who offered matching funds.

Mr. Temko asked what feedback was received about the smokestack. Mr. Emerson reported 14% of the people who responded to the survey were in favor of saving it. His view was that interest in preserving the stack had waned over time. The cost of demolishing the smokestack was included in the capital budget, but the cost of restoring it was not. Mr. Temko asked whether a dog park was still on the horizon. According to Mr. Emerson, a dog park was included in the additional plans but since there was very little interest, it was pulled from the plan.

In response to Mr. Athey's question, Mr. Emerson said if the project received Council's approval, he would seek as much funding from outside sources as possible and would probably create a committee to work with reducing costs through local businesses.

Mr. Markham noted the maintenance costs covered maintenance of these three parks and was also needed for other projects including the Pomeroy Trail.

Mr. Emerson reported the Consumer Product Safety Commission research indicated that skateboarding was shown to be less dangerous than basketball, football, hockey and soccer.

This project will be included in the proposed 2012-2016 Capital Budget.

30. 9-B. REQUEST FOR EXECUTIVE SESSION RE PERSONNEL AND LABOR NEGOTIATIONS

2:12

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LABOR NEGOTIATIONS.

Council entered into Executive Session at 9:11 p.m. and returned to the table at 9:54 p.m.

MOTION BY MR. CLIFTON, SECONDED BY MR. TEMKO: THAT COUNCIL APPROVE THE PERMANENCY AND DISFIGUREMENT AWARD THAT WAS GRANTED BY THE ARBITRATOR FOR DONALD GUY TAFEL, AND THAT COUNCIL APPROVE THE DISFIGUREMENT AWARD THAT WAS GRANTED BY THE ARBITRATOR FOR SANDRA HERNANDEZ.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

31. Meeting adjourned at 9:56 pm.

Patricia M. Fogg, CMC
City Secretary

/av