

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

January 23, 2012

Those present at 7:00 pm:

Presiding: District 2, Jerry Clifton
District 1, Mark Morehead
District 2, Jerry Clifton
District 3, Doug Tuttle
District 5, Ezra J. Temko
District 6, A. Stuart Markham

Absent Mayor Vance A. Funk, III
District 4, David J. Athey

Staff Members: City Manager Kyle Sonnenberg
City Secretary Patricia Fogg
City Solicitor Bruce Herron
Assistant to the City Manager Carol Houck
Assistant to the City Manager Charles Zusag
Code Enforcement Supervisor Steve Wilson
Finance Director Robert Uyttebroek
Planning & Development Director Roy Lopata
Assistant P& D Director Maureen Feeney Roser

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

2. MOTION BY MR. TUTTLE, SECONDED BY MR. MARKHAM: THAT ITEM 2-B, RECEIPT OF ALDERMAN'S REPORT – JANUARY 19, 2012, BE ADDED TO THE CONSENT AGENDA; THAT ITEM 7-A, REQUEST OF AMSTEL AVENUE, LLC, FOR A REVISION TO THE APPROVED SUBDIVISION AGREEMENT AND CONSTRUCTION IMPROVEMENT PLAN FOR THE REDEVELOPMENT OF THE .49 ACRE PARCEL LOCATED AT 116 AMSTEL AVENUE TO INCREASE THE NUMBER OF TOWNHOUSE APARTMENT UNITS FROM SIX TO SEVEN, BE REMOVED FROM THE AGENDA; THAT ITEM 9-B, LABOR NEGOTIATIONS, BE ADDED TO THE EXECUTIVE SESSION AND THAT ITEM 8-A, RETIREMENT OF DEAN SIMPSON BE MOVED TO ITEM 3.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

3. MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: THAT ITEMS 3-A, 3-B AND 3-C (132 AND 136 EAST DELAWARE AVENUE PROJECT) REMAIN TABLED UNTIL THE FEBRUARY 13, 2012 COUNCIL MEETING.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

4. RESOLUTION NO. 12-__ : RETIREMENT OF WILLIAM “DEAN” SIMPSON

01:47

The resolution was unanimously endorsed by Council recognizing the retirement of Mr. Simpson who served the citizens of the City of Newark for thirty-three years in the Electric Department.

(RESOLUTION NO. 12-A)

5. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Public

06:02

Mike Walsh, a Newark resident, expressed his disappointment in recent UD construction projects which he said do not blend well with the surrounding area. Projects he referenced were the UD Bookstore, the new Math and Science Building and the International Residence on Courtney Street. In regard to the International Residence he was told that the University acquired the property and then leased it back to the original owner who handled the construction.

6. Catherine Ciferni, a Newark resident, said she had not been notified regarding a change in her Council district as a result of the City’s recent reapportionment. Ms. Fogg explained that approximately 1,000 letters were sent out in the last week addressed to “Resident” and that Ms. Ciferni should receive a letter since her district had changed. Only those affected by the change would be notified, and this information would be posted on the City’s website.

Ms. Ciferni remarked about the postponement of the More Park system and said she was concerned by Staff’s oversight about the fact that the parking system had not been installed at Seattle/Tacoma airport as had previously been reported Council. She thought the City should have checks and balances to prevent similar oversights in the future. Mr. Sonnenberg said the information was not checked before the meeting but will be in the future.

7. Leslie Purcell, who grew up in Newark, commented about the recent proliferation of large, blockish style buildings in the City. She cited the Rittenhouse Station project as an example. She felt there should be larger setbacks, more green space and more consideration given to being pedestrian friendly. In addition, she said the Newark Country Club site was a gem and that it would be a terrible loss to the community if that area was developed. She encouraged the City to try to obtain funding to keep the property as open space.

8. 1-B. UNIVERSITY

19:08

1. Administration – David Singleton, UD Facilities Vice President said he and his colleagues would present the annual report of development on campus. The items they planned to cover included several completed projects, some under construction and some in final stages of planning. The presentation also included a report for the development of the Science and Technology campus, formerly known as the Chrysler site.

Andy Lubin, Director of Real Estate, discussed redevelopment of the 272 acre former Chrysler site, now known as the Science and Technology Campus. He noted that Bloom Energy was attracted to a 50 acre portion of that site. The University would deliver the parcel to Bloom on or before March 1, 2012. Bloom would produce approximately 900 jobs, and the site ultimately might have a number of additional structures through other vendors and suppliers and joint venture partners with up to 1,500 employees.

The Science and Technology campus would be a live, work and play facility and would require a modest relocation of the Newark Train Station a little west of the site. It was hoped the station would eventually become a facility between Baltimore and Philadelphia with expanded transit opportunities.

Retained at the site was the former two-story administration building of approximately 70,000 sq. ft. and behind that was 100,000 sq. ft. of high bay area. The University was close to selecting a strategic partner/developer who would redevelop the buildings for Health Sciences at their own expense. The strategic partner would also be responsible to introduce commercial partners who wanted to be close to these facilities. The University hoped to start the rehabilitation mid-summer of 2012 with the programs coming to life by the fall of 2013. As part of the relationship with the State of Delaware and with Bloom's presence on the site, the University will continue to explore other initial infrastructure opportunities while working with the City and other utilities to stimulate the activity and development of this site.

Kathleen Comisiak, Associate Director of Facilities Planning and Construction, discussed the bookstore project which was completed August 1. The project was a partnership with Barnes and Noble for the first two floors and the bookstore was relocated from Perkins Student Center. The third floor housed the Development and Alumni office. The school house fronting Main Street was preserved to be sensitive to the neighborhood architecture and became the café for Barnes and Noble. The Opera House wall at the entrance to Grass Roots was used to display various types of masonry artistry. They also looked to work with the church adjoining the site in constructing a retaining wall and a fence to limit runoff, and there was onsite runoff stormwater retention under the parking lot. The plaza connecting Main Street to Academy Street used native plants and other sustainable stormwater management features.

The Bob Carpenter Center project addition opened in November and provided practice facilities for men's and women's basketball teams and volleyball practice for the women's team, some inter-mural sports facilities and coaching and athletic offices. Part of the project renovated the existing Bob Carpenter Center and arena and replaced mechanical systems. Later this year there would be an addition and renovation at the Little Bob at the opposite end of campus.

The Interdisciplinary Science and Engineering buildings at Academy Street and Lovett Avenue will be completed in May 2013. The instructional wing faces Academy Street with a research wing on the opposite end and a connecting courtyard. The Institutes for Environmental and Energy Science will be housed on the research side. Sustainable features include green roofs, bio retention basins, light monitoring and a lighting control system.

Alan Brangman, University Architect and Campus Planner, discussed the East Campus housing project.

The East Campus residence hall project was near Academy just east of Perkins and was the first of a four-phase project that created a freshmen precinct on campus. Total beds were just under 800, split between two buildings. The second phase was the full renovation of Harrington Hall. The third phase (across Academy Street from Perkins at the tennis courts) was the future site for a 1,200 seat dining hall and residence hall with roughly 200 more beds for freshmen and second-year students. The final phase would be to the east of the residence hall with an additional 500-600 beds.

A complete renovation was scheduled in the summer of 2013 for Allison Hall, an academic building that housed the College of Arts and Sciences and the College of Education and Human Development.

On East Delaware Avenue between the Armory Building and McKinley Lab, a Life Sciences research building was under construction scheduled for completion in August 2012.

The information presented was available on the University's website. Questions may be directed to Rick Armitage, Director of Government and Community Relations at Armitage@udel.edu or by phone at 302-831-2931.

In view of the proposed construction Mr. Clifton asked for clarification on the number of beds on campus. He was told the number would remain at about 7,000 beds, roughly the same amount currently in place.

Mr. Markham asked when the plans would be available for Rodney, and the tentative plan would be for Rodney to close after June 2015.

Mr. Temko asked UD representatives if they would speak more broadly to specific projects addressed by a member of the public tonight in terms of community outreach by the University when residential areas were impacted by their plans.

Mr. Singleton reported that the International Building was not being developed by the University but rather by a private developer, although the building would be used for UD students. He added that the University endeavored to reach out to the community. For example, on the redevelopment of the Chrysler site they had numerous meetings with community members to brief them on the demolition and the environmental clean up and to discuss the redevelopment. Tonight's meeting was another forum for the University to make the community aware of their plans. Mr. Temko thought part of being a good neighbor in a University community was not just keeping your neighbors informed but having two-way communication and seeking input from neighbors.

Mr. Morehead asked what was planned when Rodney and Dickinson were taken down. Although plans were not yet formulated, Rodney was most likely a candidate for demolition. Dickinson would have more potential for conversion to other uses.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE RULES BE SUSPENDED AND THE DISCUSSION BE OPENED TO THE PUBLIC FOR TWO MINUTES.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

Nay – 0.

Absent – Athey, Funk.

Mike Walsh, a Newark resident, questioned how the developer for the International House got the University's zoning exemption for the project.

Mr. Lopata explained this property was owned by the University (who is exempt from the Zoning Code) who had these types of relationships on campus where they brought in an outside developer for properties that would be used for academic or University purposes. In such cases the exemption applied. Mr. Temko clarified that those exemptions were based on State (not City) legislation. Thus, Mr. Lopata said the University did not have to meet the setback requirements, landscape requirements, height of building requirements, etc. Mr. Temko pointed out that, regardless of that fact, there was nothing to stop the University from telling their outside contractor to meet with the neighbors to discuss issues that might arise.

9. 1-B-2. STUDENT BODY REPRESENTATIVE - None

10. 1-C. COUNCIL MEMBERS

58:04

Mr. Morehead

- Mr. Morehead attended a Dow Chemical community involvement meeting where Dow reported on their EPA status and on FEMA planning and members of the community were given an opportunity to speak to their management. A request from Dow to meet with City staff and Council was passed on to the City Manager's office for coordination.
- Mr. Morehead noted that Lot 6 behind the University bookstore was not well plowed during the recent weekend snow event.
- In light of the Planning & Development Department's recommendation not to move forward with the More Park system this year, Mr. Morehead asked what would happen with the \$86,000 fund appropriated for the engineering study. Mr. Sonnenberg responded that the project was stopped and no money was spent.

11. Mr. Tuttle

- Mr. Tuttle drew attention to the fact that the City's website listed the names of eight individuals and two firms who were willing to clear snow and ice from sidewalks in the City. He said quite a few sidewalks were not cleared during the recent storm, and the iciness was a real hazard. He encouraged residents to take advantage of this service since the sidewalks needed to be passable for members of the community to get around safely.
- Mr. Tuttle noted the opportunity for residents to sign up for the "Inform Me" citizen alert system which was a valuable and efficient service offered to the Newark community.

12. Mr. Markham

- Mr. Markham mentioned the passing of Councilman Athey's father.
- Mr. Markham encouraged participation during Restaurant Week for the numerous lunch and dinner specials.

13. Mr. Temko

- Mr. Temko thanked Dana Johnston for her responsiveness to his request to have the Parks and Recreation activities converted to an online-friendly format and make it more web-friendly going forward.
- Mr. Temko said he continued hearing complaints with greater frequency about the overly large and blockish buildings around the community. He felt it was incumbent on Council to be proactive and set the standards for more diverse architecture in Newark. He provided pictures to Council of unique construction in other cities and said the existing DNP design guidelines offered tremendous opportunities for creative construction which he did not see coming to Council.

14. 2. APPROVAL OF CONSENT AGENDA

- A. Approval of Regular Council Meeting Minutes – January 9, 2012
- B. Receipt of Alderman's Report – January 5 and January 19, 2012
- C. ***First Reading – Bill 12-02 – An Ordinance Amending Chapter 32, Zoning, Code of the City of Newark, Delaware, By Reducing the Permitted Rental Apartment Density and Providing Density Bonuses for Owner Occupant Multi-family Housing in the BB Zoning District – 2nd Reading February 13, 2012***
- D. ***First Reading – Bill 12-03 – An Ordinance Amending Chapter 21, Peddlers, Vendors and Solicitors, By Requiring Adjacent Property***

Owner and Commercial Tenant Consent to Permit Vending on Sidewalk – **2nd Reading February 13, 2012**

- E. **First Reading – Bill 12-04** – An Ordinance Amending Chapter 31, Weapons, Code of the City of Newark, Delaware, By Adding a New Section to Prohibit the Possession of Stun Guns and Taser Guns Within the City of Newark - **2nd Reading February 13, 2012**
- F. Appointment of Richard S. Rind, Director of Parking and Transportation Services at UD, to DNP Parking Committee – Term to Expire January 2014
- G. Reappointment of Raymond Peters to Board of Ethics – Term to Expire February 2017
- H. Receipt of Real Estate Tax Assessment Quarterly Supplemental Roll – December 2011

1:09

Ms. Fogg read the Consent Agenda in its entirety.

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

Nay – 0.

Absent – Athey, Funk.

15. 3. ITEMS NOT FINISHED AT PREVIOUS MEETING:

- A. **Bill 11-29** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from BL (Business Limited) to BB (Central Business District) the .345 Acre Portion of 132 and 136 E. Delaware Avenue (**Tabled January 9, 2012**)

(This item remained tabled at the request of the developer)

16. 3-B. REQUEST OF 132 E. DELAWARE AVENUE ASSOCIATES, LLC FOR THE REDEVELOPMENT AND MAJOR SUBDIVISION OF 132 AND 136 EAST DELAWARE AVENUE, IN ORDER TO CONSTRUCT A THREE-STORY MIXED USE BUILDING WITH 4500 GROSS SQUARE FEET OF FIRST FLOOR COMMERCIAL SPACE AND 12 APARTMENTS ON THE SECOND AND THIRD FLOORS (Resolution and Agreement Submitted)

(This item remained tabled at the request of the developer)

17. 3-C. REQUEST OF 132 E. DELAWARE AVENUE ASSOCIATES, LLC FOR A SPECIAL USE PERMIT TO ALLOW 12 UPPER FLOOR APARTMENTS IN THE PROPOSED THREE-STORY COMMERCIAL/RESIDENTIAL MIXED USE BUILDING TO BE CONSTRUCTED AT 132 AND 136 EAST DELAWARE AVENUE

(This item remained tabled at the request of the developer)

18. 4. FINANCIAL STATEMENT:

1:11

Mr. Uyttebroek presented the Financial Report ending November 30, 2011. All trends were favorable for the City with a Consolidated Surplus of \$1.6 million. Mr. Clifton questioned the Cash Position of \$26 million in reserve and asked if that amount was subject to fluctuate at the close of the year. Mr. Uyttebroek said there was \$26 million on hand. Mr. Markham asked if the electric overpayment was included in that fund. Mr. Uyttebroek noted the electric rates were reduced by 1.33 cents per kWh effective January 1. As stated in Mr. McFarland’s memo, there was a surplus of \$5.3 million being returned to the rate payer. Mr. Morehead requested that the \$26 million be earmarked in the next month to show how much the City actually owed the rate payers.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE NOVEMBER 30, 2011 FINANCIAL REPORT BE RECEIVED.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

19. 5. RECOMMENDATIONS ON CONTRACTS & BIDS:

- A. Recommendation to Purchase One 2013 Conventional Cab, Dual Steer Single Axle Truck Chassis with Equipment and a SwapLoader in Accordance with the Award of Contract No. 10-04

1:16

Ms. Houck reviewed the recommendation contained in her memo of 1/12/12. She reported that Council approved the first SwapLoader in September 2010, and the unit was received in September 2011. Based on results from that one leaf season the Public Works Director believed that the purchase of two additional units was warranted. A reduction in overtime was experienced in the first year with just one piece of equipment, and further labor savings were anticipated with additional units. There would also be the opportunity to dispose of equipment being replaced by the SwapLoaders. The vendor from the 2010 contract held the same pricing for this purchase, and funds were available from the 2013 Capital Program. It was therefore recommended that Council award the second purchase based on Contract 10-04 to North East International for its total bid of \$216,985.19.

Mr. Markham confirmed that this was a more flexible and efficient unit. Ms. Houck said only one person operated the equipment as opposed to three. Mr. Sonnenberg added that the back of the truck was 80% larger than the older models, so fewer trips were needed to dump the load. The life span of the vehicle was about 15-20 years on the body, and all the back portions were stainless steel construction.

Ms. Houck anticipated the third vehicle would be obtained in 2014.

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: THAT A SECOND PURCHASE BE AWARDED TO NORTH EAST INTERNATIONAL BASED ON CONTRACT NO. 10-04 FOR THE PURCHASE OF A 2013 INTERNATIONAL CHASSIS TRUCK WITH SWAPLOADER SYSTEM, DUMP BODY AND LEAF MACHINE FOR ITS TOTAL BID OF \$216,985.19.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

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

- A. **Bill 12-01** – An Ordinance Amending Chapter 20, Motor Vehicles and Traffic, Code of the City of Newark, Delaware, By Bringing the Code Into Conformance with the State Code By Increasing the Minimum and Maximum Fines for Failing to Obtain Vehicle Registration

1:21

Ms. Fogg read the ordinance by title only.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL NO. 12-01.

Mr. Herron said this change would bring the Code into conformance with legislation passed by the General Assembly.

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: 5 to 0.

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

Nay – 0.

Absent – Athey, Funk.

(ORDINANCE NO. 12-01)

21. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:

None

22. 8. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

1. Resolution No. 12-__: Retirement of William “Dean” Simpson

(SEE ITEM NO. 4)

23. 8-A-2. DISCUSSION RE HIRING OF A NEW CITY MANAGER

1:22

Council considered two possible avenues for hiring a new City Manager to replace Mr. Sonnenberg: (1) Contract Slavin Management Consultants, the search firm used to hire Mr. Sonnenberg. Slavin had presented a bid. (2) Conduct the search in house utilizing Personnel Director Charles Zusag and City Staff.

At the last Council meeting Mr. Temko asked for a financial accounting as to the in house cost vs. Slavin’s bid. Based on the cost savings to conduct the search in house (\$4,300 vs. \$23,000-\$24,000), Mr. Temko thought Council should pursue recruitment internally. However if the diversity or quality of candidates was lacking, he felt the process should be redone or a consultant should be employed.

In addition to the cost savings to the City to conduct the search in house, Mr. Clifton thought Staff was very capable of doing it in house – in particular, they had the ability to advertise, to bring in the resumes for Council’s consideration and to arrange interviews and interview processes.

Mr. Clifton noted that Mr. Funk had endorsed using Staff for the search. Conversely, Mr. Clifton spoke with Mr. Athey who was not adverse to either way, but his preference was to use Slavin.

Mr. Tuttle said while he recognized it would be less expensive to do the search in house, he thought that approach might be pennywise and pound foolish because a professional firm had more resources in terms of outreach. He said a significant piece of Slavin’s approach was interviewing the candidate at their employment site which would not happen if Staff was utilized under their low-cost proposal. He also felt there was an air of impartiality that would be lost in using staff for the search. He believed in order to do a professional job, a professional should be utilized, particularly since the cost was not unreasonable.

Mr. Morehead said in the corporate world you do not choose your own boss. Based on all the personnel changes going on right now and from a professional level, he felt an outside consultant should be used.

Mr. Markham said if the search was done in house there would need to be enough checks and balances to make it clear that Council was making the decision and they might be deluged with all the information they had to review. Therefore, he suggested contracting outside.

Mr. Clifton raised concerns he had from using Slavin in the past. One concern was that Slavin did not provide Council with information showing that he had visited the towns of the prospective candidates. While Mr. Clifton believed search firms had a pool of candidates to increase the scope of the search, he was concerned that based on their financial interest, they would promote particular candidates who were their clients. He said if Council decided to use Slavin, the contract should contain a disclosure if any of the applicants were their clients.

In regard to the costs associated with search, Ms. Fogg reported that during the last City Manager recruitment, travel expenses for the candidates were separate from Slavin's fee and that expense came out of Mr. Zusag's recruitment budget.

Mr. Clifton remembered information he found by doing Internet research on the past candidates and was disappointed by Slavin's efforts in that regard. Mr. Markham agreed Slavin should have done a better job. Mr. Temko said while everything was not perfect in the past with Slavin, Council should have taken some responsibility in terms of follow up, and they should make sure to have specifics ironed out in this contract.

If it was Council's decision to contract an outside search firm, Mr. Clifton asked whether this should go through the RFP process. Mr. Tuttle was not convinced that the past experience would have been any different if they chose a different firm because Council was not knowledgeable about the process which had not occurred in 18 years. He said the points made were correct that Council should hold the search firm's feet to the fire better than they did in the past and, by and large, he was not uncomfortable with Slavin's work. He said they were a known quantity which would save a couple of months in the recruitment process.

The Chair opened the discussion to the public.

Chris Locke, a Newark resident, pointed out there was some benefit to doing an in house search which was that it was beneficial to know the Staff members doing the interviewing were going through the first cut with the people they thought they could work with in the future. Further, it was important for Council to remember that they would make the final decision. Mr. Locke thought Council did a great job with the last search by including the public in meet and greets with the final candidates and then getting public input about who they thought might be a good City Manager. He thought Mr. Temko made a great point that Council should go in house as they always had the alternative of using an outside consultant later. This method had the possible benefit of saving substantial funds which might be useful in negotiations with future candidates.

Jeff Lang, a Newark resident, said with Mr. Sonnenberg leaving and Mr. Lopata retiring, this was a very important turning point for the City. Further, Council members were the leaders as far as these two points of concern for the community – who would be the new City Manager and what direction would planning take in the future. He suggested that Council develop specific criteria before proceeding with the decision whether to do an in house search or utilize an outside consultant. He stressed the importance of including public input in that discussion. Mr. Lang felt there was tremendous ability in house to reach out to a lot of people. He said we had the opportunity now to make the selection versus somebody else making that selection for us.

Mr. Morehead thought Mr. Lang brought up an interesting and valid point that in putting this out to a professional search firm, Council was responsible to specify their requirements. Mr. Tuttle said that was done in the previous process – describing the vision and providing the criteria statement – and that it was not a random search.

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

Mr. Herron was requested to work on revising Slavin’s contract to clarify the deliverables Council expected to see and to address the concerns they expressed at this meeting.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE CITY PURSUE A CONTRACT WITH SLAVIN MANAGEMENT CONSULTANTS FOR THE RECRUITMENT OF THE NEXT CITY MANAGER

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

Nay – 0.

Absent – Athey, Funk.

24. 8-A-3. DISCUSSION RE RENOVATION TO COUNCIL CHAMBER OR DISABILITY ACCESS

1:55

Mr. Sonnenberg reported Council had requested options from Staff for meeting the ADA requirements in the Council Chamber. Staff came up with three different options. One would be to designate seating space on the upper level. A drop leaf table and signage would be required at an estimated cost of \$500. This option met the standard for only one person.

Two options would allow disabled individuals access to the lower level. One would involve the installation of a platform lift at a cost of approximately \$13,750 and would take up less space than a ramp. The second would be a ramp. Given the area that had to be covered, the ramp would be 18’ long and 42” wide and would have guardrails/handrails. With this option, the back seating along the wall would be lost, and the cost would be about \$18,000.

The Chair opened the discussion to the public. Suggestions were made by Jeff Lang, Joe Charma and Chris Locke. Possible options discussed were extending the platform over to allow for three seating areas across, utilizing the lobby area, extending the wall out from the upper level and raising the floor to meet the lobby level. It was pointed out that the Chamber was currently in compliance with ADA requirements.

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

Mr. Temko felt the Chamber should be an accessible space to accommodate people in the least restrictive environment possible. He felt the ramp was the best option.

Mr. Clifton noted there was a difference between being compliant and creating an environment that was equal and inviting for participation by everyone in attendance.

MOTION BY MR. TEMKO, SECONDED BY MR. TUTTLE: THAT THE 2013 CIP INCLUDE PLANS AND FUNDING TO MAKE THE COUNCIL CHAMBER MORE ACCESSIBLE TO DISABLED PERSONS.

MOTION PASSED UNANIMOUSLY: VOTE: 5 to 0.

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

Nay – 0.

Absent – Athey, Funk.

25. **8-B. OTHERS:** None

26. **9. SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff: None

27. **9-B. REQUEST FOR EXECUTIVE SESSION RE PERSONNEL AND LABOR NEGOTIATIONS**

2:16

Council entered into Executive Session at 9:15 p.m. They returned to the table at 10:56 p.m. Mr. Clifton advised that no action was required.

28. **Meeting adjourned at 10:57 p.m.**

Patricia M. Fogg, CMC
City Secretary

/av