

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

February 27, 2012

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: Interim City Manager Carol Houck
City Secretary Patricia Fogg
City Solicitor Bruce Herron
Assistant to the City Manager Charles Zusag
Finance Director Robert Uyttebroek
P & D Director Maureen Feeney Roser
NPD Police Chief Paul Tiernan

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

2. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT ITEM 2-E BE ADDED TO THE CONSENT AGENDA AND THAT ITEM 9-B BE ADDED TO THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

3. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT ITEM 7-A BE TABLED AT THE REQUEST OF THE APPLICANT.

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 – None

5. **1-B. UNIVERSITY**

1. Administration – None

6. **1-B-2. STUDENT BODY REPRESENTATIVE** - None

7. **1-C. COUNCIL MEMBERS**

02:02

Mr. Athey

- Mr. Athey recognized Senator Liane Sorenson.

8. Mr. Clifton

Mr. Clifton reported that he and Chief Tiernan met with the Superintendent of the National Police Agency of Japan who was reaching out to some of the police departments in the area.

9. Mr. Markham

- Mr. Markham complimented the by-standers who rescued an individual from a car that was involved in a train collision. He suggested having a conversation with CSX about the confusion around that area of railroad tracks.
- Mr. Markham acknowledged newly appointed Interim City Manager Carol Houck.
- Mr. Markham also welcomed Senator Sorenson.

10. Mr. Temko

- Mr. Temko thanked former City Manager Kyle Sonnenberg for his service and welcomed Ms. Houck as Interim City Manager. He acknowledged the retirement of Roy Lopata who dedicated many years of service to the City and welcomed Maureen Feeney Roser as Director of the Planning & Development Department.
- Mr. Temko reported that Odyssey of the Mind regional competition would be held on 3/3/12 and that West Park Elementary, Newark Charter and Shue-Medill Middle Schools were competing.
- Mr. Temko stated he was not running for another term on City Council.
- Mr. Temko said implementation of the Community Calendar was expected next month and requested an update on launch plans and implementation at a March Council meeting.
- Regarding tabled item 7-A (Revision to Approved Emily Bell Place Subdivision Agreement to Stipulate Private Payment by any Future Developer of the Newark Country Club for the Roadway Known as Emily Bell Lane), Mr. Temko proposed specifying "private" developer. In the event the City became involved with the Country Club property, he would not want the City to bear the proposed financial responsibility. Mr. Temko discussed this with Kevin Mayhew who did not voice any objections.
- Mr. Temko discussed the format for public involvement in the search for the new City Manager. Mr. Funk thought the way it was handled during the last search was the best method with the meet and greet for the final candidates. This will also be an agenda item open for public comment at the 3/12/12 Council meeting.

11. 2. APPROVAL OF CONSENT AGENDA

- A.** Approval of Regular Council Meeting Minutes – February 13, 2012
- B.** Receipt of Alderman's Report – February 23, 2012
- C.** First Reading – Bill 12-06 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Eliminating Certain Management Positions, Revising the Title and Pay Grade of a Certain Management Position and Adding a New Management Position – 2nd Reading 3/12/12
- D.** First Reading – Bill 12-10 – An Ordinance amending Chapter 20, Motor Vehicles and Traffic, Schedule X, Code of the City of Newark, Delaware, By Amending the Time Limit in Certain Parking Meter Zones – 2nd Reading 3/12/12

- E. First Reading – Bill 12-12 – An Ordinance Amending Chapter 17, Housing and Property Maintenance, Code of the City of Newark, Delaware, to Include a Provision to Allow an Appeal of a Property Maintenance Citation in the Alderman’s Court – 2nd Reading 3/12/12

09:53

Ms. Fogg read the Consent Agenda in its entirety.

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

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

12. 3. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

13. 4. FINANCIAL STATEMENT:

11:25

Mr. Uyttebroek presented the Financial Report as of December 31, 2011 which was the end of the fiscal year. He said the highlight was that the budget was fairly accurate and was somewhat tight. Revenues came 1.94% over budget at \$754,000. Expenditures came in at 0.23% under budget for a gain of \$73,864. The net consolidated Surplus over the fiscal year was \$829,000.

Mr. Clifton liked how Mr. Uyttebroek formatted the report which he thought was clear and concise.

Mr. Markham questioned whether the Capital Encumbrances/Reserve Sources included the electric refund that was being passed on to customers. Mr. Uyttebroek confirmed that it was.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THE DECEMBER 31, 2011 FINANCIAL REPORT BE RECEIVED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

14. 5. RECOMMENDATIONS ON CONTRACTS & BIDS:

- A. Recommendation on the Purchase of Replacement Vehicles from the State of Delaware Awarded Contracts

15:36

Ms. Houck detailed her memo of February 17, 2012, wherein she recommended the purchase of 12 replacement vehicles from State awarded contracts. Funds were available from the 2012 Capital Program Equipment Replacement Fund as well as \$25,500 in funding from a Delaware Greenhouse Gas Grant for the purchase of hybrid vehicles. It was therefore recommended to authorize purchase of the vehicles noted in the recommendation from the State contracted vendors at the total cost of \$372,511.

Mr. Clifton commended Ms. Houck on the hybrid vehicles. Ms. Houck said the grant finally made it possible for the purchase of some hybrids and this would allow her to do some evaluations and see how they serviced.

Mr. Markham said he was curious to see if the hybrids were good investments long term. He also noted that all the dealers were from New Jersey which he found interesting since this was a State contract. Ms. Houck said the State could not disallow any businesses from bidding and the New Jersey

vendors had made it a priority to participate in these types of bids while our local vendors in Newark and across the State had not done so.

Mr. Clifton asked if extended service contracts were considered on the hybrids since the cost of the equipment to analyze some of the cars could be pricey when they go out of warranty. Ms. Houck will look into that.

Mr. Temko was excited to have hybrids added to the City's fleet and thanked the State for the grant money.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THE INTERIM CITY MANAGER BE AUTHORIZED TO PURCHASE THE VEHICLES DETAILED IN MS. HOUCK'S MEMO OF 2/17/12 FROM THE STATE CONTRACTED VENDORS AT A TOTAL COST OF \$372,511.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

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

A. Bill 12-09 - An Ordinance Amending Chapter 20, Motor Vehicles and Traffic, Article XXIV, Theft, Unauthorized Use of Vehicles, Code of the City of Newark, By Bringing the Code Into Conformance with the State Code with Regard to the Display of Number Plates

22:52

Ms. Fogg read Bill 12-09 by title only.

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 12-09.

Chief Tiernan said this was housekeeping and brought the City's Code into compliance with the State. There were problems with license plates frames or film covering license plates which obstructed red light cameras from reading them.

Mr. Funk thought the \$25 fine was low with little incentive to enforce it and noted this had been on the books for a while.

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

(ORDINANCE NO. 12-05)

16. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:

A. Request of North Campus, LLC, for a Revision to the Approved Emily Bell Place Subdivision Agreement to Stipulate Private Payment By Any Future Developer of the Newark Country Club for the Roadway Known as Emily Bell Lane) (*Addendum to Subdivision Agreement Submitted*)

(This item was tabled at the request of petitioner.)

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

A. **Council Members:** None

18. **8-B. OTHERS:** None

19. **9. SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff: None

20. **9-B. REQUEST FOR EXECUTIVE SESSION RE LABOR NEGOTIATIONS**

26:29

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT COUNCIL ENTER INTO EXECUTIVE SESSION WITHOUT THE PRESS TO DISCUSS LABOR NEGOTIATIONS.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Council entered into Executive Session at 7:26 p.m. and returned to the table at 7:49 p.m.

Mr. Funk announced that a motion was needed to approve the tentative agreement reached with CWA.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT COUNCIL APPROVE THE TENTATIVE AGREEMENT REACHED WITH CWA.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

21. **Meeting adjourned at 7:49 p.m.**

Patricia M. Fogg, CMC
City Secretary

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