

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

May 14, 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, Luke Chapman
District 6, A. Stuart Markham

Staff Members: Assistant to the City Manager Charles Zusag
City Secretary Patricia Fogg
City Solicitor Bruce Herron
Community Affairs Officer Dana Johnston
Finance Director Robert Uyttebroek
Parks & Recreation Director Charlie Emerson
P & D Director Maureen Feeney Roser

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

2. PRESENTATION OF PROCLAMATION TO NIC DECAIRE

00:41

Mr. Clifton read the proclamation which was unanimously endorsed by Council recognizing Mr. DeCaire's dedicated efforts to raise funds for the Newark Police Department's K9 Unit. Mr. DeCaire invited everyone to participate in the Main Street Mile, a one mile race/walk from the Newark Library to the Deer Park on Saturday, October 6. Proceeds from this event benefit the K9 Unit.

3. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Public

04:03

Catherine Ciferni, a Newark resident, raised several concerns regarding multi-family recycling in her apartment complex.

4. **1-B. UNIVERSITY** – None

5. **1-B-2. STUDENT BODY REPRESENTATIVE** - None

6. 1-C. COUNCIL MEMBERS

08:37

Mr. Tuttle

- Mr. Tuttle reported DNREC would hold a community workshop on the latest phase of the environmental investigations and mitigation plans for the former Chrysler site on 5/24 at 6:00 p.m. at Clayton Hall.

7. Mr. Chapman

- Mr. Chapman announced there would be free admission over Memorial Day weekend at Fairfield/Fairfield Crest's community swimming pool.

- Since Ms. Houck was not present, Mr. Chapman asked to table Item 5-B, Recommendation re Smart Meter Project – Investment Grade Audit – Break Fee, to the 5/29 Council meeting when she would be available to answer Council’s questions. Mr. Uyttebroek said he spoke with the Honeywell representative and there would be no adverse impact by waiting another two weeks for Council to make their decision.

MOTION BY MR. CHAPMAN, SECONDED BY MR. ATHEY: THAT ITEM 5-B, RECOMMENDATION RE SMART METER PROJECT – INVESTMENT GRADE AUDIT – BREAK FEE, BE TABLED TO THE 5/29/12 COUNCIL MEETING.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

8. Mr. Morehead

- Mr. Morehead commended the success of the prescription drug take back on 4/28. The Newark site alone accounted for 543 pounds of medications collected. He thanked the Police Department for their participation.

9. Mr. Markham

- Mr. Markham issued a reminder about the Memorial Day Parade on Sunday, 5/20.

10. Mr. Funk

- Mr. Funk reported that Item 9-B, Request for Executive Session re Pending Litigation, should be removed from the agenda since there was no need for a discussion at this time.

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT ITEM 9-B, REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION, BE REMOVED FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

- Mr. Funk informed Council that Slavin Management Consultants requested to meet with them on Tuesday, 5/29 at 5:00 p.m. (prior to the regular Council meeting) to review resumes for the City Manager candidates.

11. 2. APPROVAL OF CONSENT AGENDA

- A.** Approval of Regular Council Meeting Minutes – April 23, 2012
- B.** Receipt of Alderman’s Report – April 19, 2012
- C.** Appointment of Carol Houck and Maureen Feeney Roser (no term limit); Carl Georgi (Taverna Restaurant); and Katy Bowman (Newark Post) to Downtown Newark Partnership – Terms to Expire July 2015
- D.** Receipt of Quarterly Pension and OPEB Reports – 1st Quarter 2012

17:01

Ms. Fogg read the Consent Agenda in its entirety.

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

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

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

13. **4. FINANCIAL STATEMENT**

17:55

Mr. Uyttebroek presented the Financial Report for the period ending March 31, 2012. At three months into the fiscal year, the City was tracking close to budget. Several months ago he expressed concern about gas prices – this issue seemed to be abating but would continue to be monitored.

MOTION BY MR. ATHEY, SECONDED BY MR. TUTTLE: THAT THE FINANCIAL REPORT FOR THE PERIOD ENDING 3/31/12 BE ACCEPTED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

14. **5. RECOMMENDATIONS ON CONTRACTS & BIDS:**

A. Contract 12-03, Purchase of One Four Wheel Drive Compact Articulating Tractor and Attachments

19:01

Mr. Emerson presented a recommendation on Contract 12-03 for the purchase of one four wheel drive compact articulating tractor and attachments. The tractor would allow the Parks Department to perform functions of each of the trade-in items in addition to providing many other uses. Only one bid was received from Lawn & Golf Supply Company at a total bid amount of \$43,465.50. Funds were available in the Capital Budget, and it was therefore recommended that the City Manager be authorized to enter into a contract for the purchase of this equipment.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THE INTERIM CITY MANAGER BE AUTHORIZED TO ENTER INTO CONTRACT 12-03 FOR THE PURCHASE OF ONE FOUR WHEEL DRIVE COMPACT ARTICULATING TRACTOR AND ATTACHMENTS IN THE TOTAL AMOUNT OF \$43,465.50.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

15. **5-B. RECOMMENDATION RE SMART METER PROJECT – INVESTMENT GRADE AUDIT – BREAK FEE**

(Tabled to 5/29/12 Council meeting – See Item #7.)

16. **6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:**

A. **Bill 12-14** – An Ordinance Amending Planning Section of the Comprehensive Development Plan IV for the City of Newark as it Relates to the Newark Interstate Business Park *(See Item 6-B and 7-A)*

22:21

Ms. Fogg read Bill 12-14 by title only.

(Note: The following is the public hearing for Bill 12-14, the Rezoning and the Minor Subdivision.)

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 12-14.

Lisa Goodman, Esq. of Young Conaway Stargatt & Taylor, represented the Newark Charter School. Also present was Greg Meece, Newark Charter School Director and Joe Charma, Project Engineer.

Ms. Goodman pointed out that this was a hearing on a land use issue. Council approval was being sought for the rezoning of three parcels of land on McIntire Drive from MI (General Industrial) to RH (Single Family – a designation that permits schools) to allow the use of a vacant industrial plant as a high school.

Ms. Goodman said they were seeking similar approval to approval granted by Council in 2002 for the original site of the Newark Charter School which was rezoned from MI and I for the portions that were in the County to RH. That property was also between the railroad tracks and Elkton Road and next to industrial zoned land.

Ms. Goodman explained that the Delaware State Board of Education unanimously granted the Newark Charter School a modification of their current charter to permit expansion to include grades 9-12.

The site plan proposed a 15,000 square foot addition to the building. Of the 20.6 acres, 11.6 acres would be green.

Regarding how they met the legal standard, Ms Goodman said both the Delaware Code and the City of Newark Code set forth the standards and guidelines for zoning discussions within the City. She believed the most relevant factors for this application were traffic impact; requirement for the provision for schools and the general consideration of the character of the district and its suitability for the particular use.

- Traffic – DelDOT's conclusion on the traffic impact was that the proposed school would generate less traffic than a 20.63 acre industrial park. DelDOT recommended a study to determine the necessity of lengthening the westbound turning lane on Elkton Road into McIntire, and that study was underway. Also underway was a signal study to see if the signal at Elkton Road and McIntire should be taken from blinking to full control.
- Provision for schools – The requirement was to accommodate schools and was not a limitation on the number of schools.
- Character of the district and its suitability for the particular purpose – The district consisted of a mix of active industrial use, a townhouse community still under construction and multiple residential communities to the southwest outside City limits. The site was particularly well suited for a school with a large building that was vacant for quite some time with constructed parking, landscaping and undeveloped parcels immediately adjacent which were suitable for playing fields.

In regard to amending the Comprehensive Plan, Ms. Goodman felt repurposing a vacant manufacturing site was an appropriate change.

The school sought to bring 87 new jobs to Newark and would nearly double its electric use purchased from the City. The bill for the current site which was the same square footage as the new site was \$270,000 per year, so combined electricity costs would be over \$500,000.

Regarding the tax base, the school was a tax-exempt entity. Ms. Goodman noted that Newark's portion of the property tax for the site was \$15,548 which she said was not much of a tax base when considering additional jobs, electric sales, the health and vibrancy of the City and the fact that the building was currently empty.

Greg Meece, Director of Newark Charter School, reported the school was a vital part of the City for the past 11 years and served the educational needs of 3,000 students. In preparation of expanding their program, additional space was needed. The proposed school would be a fully occupied campus instead of an empty warehouse with two undeveloped parcels that were vacant since 1995. The school was recognized statewide and nationally and would be significant as a positive gateway to the western edge of the City. He said the local business community encouraged the expansion because they believed it was vital to the City's economic interest. Mr. Meece concluded by saying the economic viability of the City, the ability to attract businesses and jobs and the value of properties and homes all depended upon having excellent schools and educational choices for families.

Ms. Goodman added that she believed they met the factors and guidelines for rezoning the properties, for amending the Comprehensive Plan and for the approval of the Minor Subdivision plan.

Mr. Clifton referenced concerns expressed during the public hearing for the original Charter School. He asked Mr. Meece if there were any issues such as noise from the train, the busy four lane roadway, students skipping school and hanging out at the shopping center, etc. Mr. Meece said there were no issues during their 11 years on campus. Calls for service from the Newark Police Department were routine property checks.

The Chair opened the discussion to the public.

Eve Buckley, Andy Hegedus, and Ruth Ann Murphy, Newark residents, provided coordinated public comment with a PowerPoint presentation. They had a petition with over 260 signatures. Ms. Buckley said they would discuss Newark's Comprehensive Plan and the City Solicitor's letter outlining legal requirements for reaching a decision about the rezoning request. She said the presentation would show that Newark Charter School's rezoning proposal did not meet the minimum legal requirements for adhering to the Comprehensive Plan.

Mr. Hegedus highlighted some attributes of the current Comprehensive Plan and said the proposed rezoning did not support the community's land use goals. He felt the industrial area with close proximity to trains was not a place for residential zoning or a school. The Comprehensive Plan laid out general and specific goals for land use, and any land-use decision should enhance economic opportunity and community well being. He believed the proposal failed to promote community well-being.

Ms. Murphy taught in the Christina School District for 30 years. Adequate provision for schools was a huge concern for her. She stated if more students were pulled from the existing schools, the district would have to start consolidating schools. She felt West Park was the weakest school and would go first. Jobs would be lost, there would be no tax base and traffic congestion would have a huge impact.

Vilas Annavarapu, an eighth grader at Newark Charter School and President of Newark Charter School Service Council, said the Service Council supported many local organizations through fund raising and community involvement and was well recognized for their important contributions.

Franklin Newton, a Newark resident, presented a petition containing 814 names that supported expansion of Newark Charter School. He wanted to put forward a model of being a positive, growing and vibrant community, felt the proposed school would enhance the community and encouraged Council's support.

Catherine Vento said she and her husband decided against moving into the community of Twin Lakes because of the vacant Lear building next door. They might have decided to buy a home there if the area was residential with a high school. She felt the zoning change would create jobs, increase property values and bring economic prosperity to the City.

Alan Coffey, a Newark resident, had experience with land use presentations before the Planning Commission and Council. He thought the school was a good fit with housing to one side immediately adjacent, housing across the street and no imminent disruption from the current industrial use across the street. He encouraged Council to vote for the rezoning.

Clayton Foster, a Newark resident and Chairman of the Board of Adjustment, did not believe this was a land use issue but that it was a social issue. If the school was built he felt it would be a first step back to segregating the schools.

Steve Peterson, a Newark area resident, thought the expansion would be great for the City. The bottom line for zoning was the economy, and he supported the change.

Maria Ruckle, a Newark resident and realtor, said on one hand we had a vacant industrial lot for over three years. On the other hand there was a vital school that would attract families to Newark. The Newark Charter School was an asset to the community and would raise property values. She hoped Council would make the right decision.

Matt Doyle, a Newark resident, said Lear was gone for three years and we have another business that would like to move in. He supported the rezoning.

Dan Newcott, a Newark resident and teacher-elected representative on the Newark Charter School Board, pointed out that the expansion appeared to be the people's will and it was Council's responsibility to listen to their constituents and rezone the land.

Todd Ruckle, a Newark resident and real estate agent, said with the poor reputation of the Christina School District, Newark Charter School was the one-saving grace. Since the land was vacant he wanted to see it put to an exceptional use.

James Corbett, a Newark resident, said the land use decision should be based on whether this was good for the community and the City. He looked at whether the investment created economic activity and whether that economic activity would be helpful during an economic recovery; whether the City made other land use decisions of similar magnitude; and whether this choice provided value to the community at large. He supported voting in favor of the Charter School.

Cherie Wilkins, a Newark resident, heard many comments against moving to Newark based on the poor performance of the Christina School District. However, her children were accepted into Newark Charter School which was the reason they remained in the City. If the Charter High School was not built the family would relocate to a different school district to assure their children received an adequate public education.

Tom DelleDonne, a Delaware resident, said precedent was already set to modify zoning for schools. This was an unused piece of land that would have economic benefit and increase property values. He recommended that Council vote to support the rezoning.

Melissa Shanahan, a Delaware resident, said this was an empty building that would be put to use and the proposed school was a great use for the land.

Her family also would have left the area if their children had not gotten into Newark Charter School. Since her children attend the school she is frequently in the area and supports the businesses on Elkton Road. She hoped Council would vote yes to the rezoning.

Andrew Marcioni, a Delaware resident, said there was precedence for changing the zoning and hoped the City would rezone for the school.

Robert Chambers, a Delaware resident and employee of Aberdeen Proving Grounds, said he was a former native of Chester, PA. The school was a great option for the children and for the City, and he hoped Council approved the rezoning.

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

Mr. Athey pointed out that Newark received about half of its revenue from sales of electricity but only 13% for property taxes. It was his understanding from the Finance Department's analysis that during 2006-2007 the Lear facility provided about \$200,000 in utility sales, roughly equal to the two existing Charter Schools. Combining that usage with the high school would be about a 50% increase over the current usage. Mr. Uyttebroek said he made that assumption but heard tonight that it was going to be a full 100%, even more so than he predicted. Mr. Athey said even if it was double, to him the existing Charter Schools were somewhat irrelevant because the one parcel off McIntire Drive was what was under consideration, so even if it was equivalent to the two existing schools and equivalent to Lear utility sales in a general sense that was a wash. Mr. Uyttebroek said if Lear was in full operation, running full steam like they did in 2006, it would be an equal trade. Mr. Athey said there had been comments that Newark could be seeing hundreds of thousands of dollars in income and that (1) we need to differentiate between income and revenue, and (2) if the proposed school is comparable or even less than the existing schools, it was basically a trade off, putting us back to the tax-exempt status which would be a loss to the City. Mr. Uyttebroek noted we were not seeing the revenue being generated by Lear now. He informed Mr. Athey that the assessment for the Lear property was roughly \$2.4 million. In a static environment without any new growth and with that removed from the City's assessed valuation, the impact on the tax rate would be about .2 cents. The net cost for \$100,000 of assessment would be \$2 per year. Mr. Athey said it appeared there was an impact fiscally of some degree. Mr. Uyttebroek reported that we currently collect \$15,549 per year on the existing Lear property which would go into a tax-exempt status.

Mr. Markham said the financial impact study for large light and power P customers with certain assumptions ended up with a general fund transfer of 20% of \$25,832 which exceeded the property tax currently collected. Mr. Athey said that was the challenge – do we go back to 2006 or do we try to predict what would happen in the future.

Mr. Chapman asked the applicant to speak to the financial impact of the proposed high school. With respect to electric usage, Mr. Meece said the middle school was about 55,000 square feet and the elementary school 75,000 square feet. Combined, the two facilities were equal to the 120,000 square feet of the proposed high school. For their own financial projections they doubled their \$250,000 electric costs to \$500,000/year total for all three sites.

Mr. Funk said the bottom line was that the City would gain about \$40,000 because only electricity was discussed (not water and sewer) and there would be a loss of \$15,000 in property taxes.

In conclusion, Ms. Goodman understood Mr. Athey's analysis that if Lear was still in operation, electric sales would be roughly equivalent. However, she stated it was not in spite of the fact that the owners of the site searched

unsuccessfully for another tenant for many years. In terms of economic benefit to the City, she believed it was clear the Charter School would be a vibrant occupant for the site and vastly exceeded the standards necessary for Council to rezone the property, amend the Comprehensive Plan and approve the Minor Subdivision plan.

Mr. Markham noted the Comprehensive Plan was a living document that was changed when there was a need. He did not think traffic was an issue. Regarding the loss of industrial property, he did not see this as an issue as he felt future businesses would locate at the University of Delaware Science and Technology Center. As far as protecting the tax base, Council was charged with maintaining the financial health of the City. Part of protecting the tax base was making the City attractive to people and businesses. He thought it made sense for the school to be in the City near the current property and would support the rezoning.

Mr. Morehead said education was basic for quality of life. Since the educational perspective was settled, the only remaining question was where the school would be located. He thought this site made sense since the lots were vacant for a number of years and the school would be a solid growing green business and would maintain the lots as green space. He explained that Council was required to give this matter deliberation and not make their decision capriciously. In looking at the facts and the finances, he thought it would be good for the City and planned to support it.

Mr. Athey weighed the pros and cons of the rezoning issue. There was talk about the provisions for the schools – he thought that was an interpretive issue. On the one hand the City was providing an opportunity for a school which was a plus. On the other hand if the data provided was correct, there was already excess capacity in some schools, and it was not good for schools to have underutilized buildings. The Planning Commission recommended the project, and he took their recommendations very seriously, so that worked into the plus side. Traffic was a wash. He considered utility sales a de minimis tie. About half the industrial zoned land was currently vacant, so capacity there was not necessary. He felt a compelling argument was that this was an appropriate use of the land based on a shift toward a knowledge-based economy. While Mr. Athey did not believe this was the most appropriate use of the land and was concerned about putting a high school on a four lane road with a railroad track next to it, given the data presented, he reluctantly planned to support the project.

Mr. Chapman said it was clear this was an issue where the community was divided. Regardless of the ultimate decision tonight, he hoped the community would move forward and focus on all of the great things the City had to offer and its bright future. He referred to a statement made that there was a shift in the economic priority to focus on education instead of manufacturing. He felt manufacturing was paramount and stated that Newark had been a center for manufacturing. He believed the City's remaining developed and undeveloped industrial land loaned themselves to being used for many industrial uses including manufacturing and education purposes and everything in between. He did not think this would add significant congestion in comparison to when Lear used the site at full capacity. From a financial standpoint this would at least be a net equivalent revenue in comparison to when Lear operated at full capacity. There would be a reduction in the tax base and therefore a change to remaining taxable parcels, however minor. Newark Charter School K-8 was proving to be an economic attraction and hopefully would continue to attract other long-term businesses to the remaining industrial areas. Based on the evidence presented, he believed it was appropriate to rezone the site for the expansion of Newark Charter School and planned to support the project.

Mr. Clifton said there was a precedent down the street and concern in the past about the K-8 Charter School. None of those issues came to fruition. The Elkton Road AC-zoned condominium was opened to home ownership/families

and would grow over the next few years. Regarding the Comprehensive Plan, it was a living document. Without it there would be no means for Council to modify the plan. He believed an MI zoned building was out of character to what the land use plan suggested and felt the proposed school was a much better fit. Regarding the traffic, Lear was a 24 hour a day operation with a lot of tractor trailers in and out. This was a terrific burden on the quality of the roads compared to the school buses. He saw the financial impact as a slight positive. Mr. Clifton thought this decision was about the highest and best use for the property which he did not believe was MI. He felt a school was a good fit for this zoning, plus it was a down zoning, and he would support the endeavor.

Mr. Tuttle said if the site was repurposed as a school it would be to the benefit of those moving into the townhouses at Twin Lakes. He thought it was consistent with current land use plans in the area. If vacant land was not behind the Lear plant, this would not be a conversation. There was some benefit to keeping it open with athletic fields. In terms of preserving the value of buildings, this was not a case where a site would be torn down; rather, an existing facility would be repurposed and its life extended which was a clear positive. Educational choices would also be provided in the community. He noted that the use of school buildings changed over time and thought it was appropriate for industrial uses to change when it seemed like a positive change. He would support the rezoning.

Mr. Funk felt the purpose of Newark was to manufacture education. The City's image was the University, education facilities and research and development. He felt the days of manufacturing products were over for the City. In regard to traffic, there were over 300 vehicles daily going in and out when Lear occupied the site, and he did not believe traffic would be as bad with the school. To the best of his knowledge, all who relocated from BRAC to the City were 50 or over because those with young families wanted to locate in the Appoquinimink School District for better schools. While he knew this expansion would hurt Newark High School, he felt it would survive. Financially he saw a \$25,000-\$30,000 positive cash flow versus an empty Lear plant. The City would also benefit from a large building permit fee. For all these reasons he would vote for the rezoning.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 12-15)

- 17. 6-B. BILL 12-15 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE, BY REZONING FROM MI (GENERAL INDUSTRIAL) TO RH (SINGLE FAMILY, DETACHED) THE 20.63 ACRE OLD LEAR SEATING AND ADJOINING PARCEL SITES LOCATED IN THE NEWARK INTERSTATE BUSINESS (See Item 6-A and 7-A)**

2:17

MOTION BY MR. MOREHEAD, SECONDED BY MR. CLIFTON: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 12-15.

(Note: The public hearing for Bill 12-15 was held under Item #16.)

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 12-16)

18. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:

- A.** Request of Newark Charter School, Inc. for the Minor Subdivision for a Proposed Newark Charter Upper School Facility in the Existing Vacant Lear Seating Manufacturing Building, Located in the Newark Interstate Business Park, McIntire Drive, Newark, DE **(Agreement & Resolution Submitted) (See Item 6-A & 6-B)**

2:17

(Note: The public hearing for the Minor Subdivision was held under Item #16.)

MOTION BY MR. CLIFTON, SECONDED BY MR. CHAPMAN: THAT THE MINOR SUBDIVISION BE APPROVED FOR A NEWARK CHARTER UPPER SCHOOL FACILITY IN THE EXISTING VACANT LEAR SEATING MANUFACTURING BUILDING LOCATED IN THE NEWARK INTERSTATE BUSINESS PARK, MCINTIRE DRIVE, NEWARK, DE.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

19. 8. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

- 1. Resolution No. 12-__:** Amending the Newark City Charter, Being Chapter 152 of Volume 48, Laws of Delaware, By Clarifying the Procedures for Appointment of an Alderman and Deputy Alderman, the Alderman's Legal Authority and Responsibilities, and General Operations of the Alderman's Court

2:18

MOTION BY MR. MARKHAM, SECONDED BY MR: TUTTLE: THAT THE RESOLUTION BE APPROVED AS PRESENTED WITH THE INTENT THAT THE FOUR-YEAR APPOINTMENT FOR THE CURRENT ALDERMAN AND DEPUTY ALDERMAN TAKE EFFECT WHEN THE CHARTER CHANGE IS APPROVED BY THE LEGISLATURE.

Mr. Herron reported that the impetus for the suggested uniform change came from the Governor's office. The request was for Municipal Charters to be similar with respect to Alderman's Courts throughout the State to the greatest extent possible. He noted that one problem addressed by the proposed change was the issue of vacancies.

Alderman Hatfield expressed the view that the two-year term length should be extended to four years. Mr. Herron agreed with her recommendation. Further, Alderman Hatfield felt it was unclear when the four-year term would start for Newark's Alderman and Deputy Alderman. Mr. Herron suggested that Council indicate a desire that the four-year term start with the enactment of the Charter change for the current occupants. Mr. Funk believed it was important to get this resolution to Dover before the current session concluded.

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, Chapman, Clifton, Funk, Markham, Morehead, Tuttle.
Nay – 0.

(RESOLUTION NO. 12-J)

20. **8-B. OTHERS:** None

21. **9. SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff: None

22. **9-B. REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION**

(Removed from the agenda – see Item #10.)

23. **Meeting adjourned at 9:23 p.m.**

Alice Van Veen
Deputy City Secretary