

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**June 11, 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: Interim City Manager Carol Houck  
City Secretary Patricia Fogg  
City Solicitor Bruce Herron  
Finance Director Robert Uyttebroek  
P & D Director Maureen Feeney Roser  
Public Works Director Rich Lapointe

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

2. MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: THAT ITEM 8-A-1, DISCUSSION RE SOLAR AT MCKEES PARK & RENEWABLE ENERGY CREDITS, BE ADDED TO THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

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

A. Public

**00:31**

Catherine Ciferni, a Newark resident, discussed recycling for multi-family apartment units and assessment fees for contamination. She was uncomfortable about using clear plastic bags because of identity theft and thought shredded paper could not be recycled. Mr. Lapointe reported that a flyer would be distributed City-wide in the June utility bills to educate residents about recycling procedures.

4. **1-B. UNIVERSITY** - None

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

6. **1-C. COUNCIL MEMBERS**

**13:30**

**Mr. Clifton**

- Mr. Clifton reported on the passing of Paco, retired K9 member of the Newark Police Department who had a stellar record during his time with the unit.
- Mr. Clifton felt Newark Day was a success, that the crowd size was on target and observed it was a family-oriented crowd.

- Mr. Clifton thanked Ms. Houck and Mr. Lapointe for help with issues at the Washington House.
- Mr. Clifton thanked Ms. Feeney Roser for hosting the Deputy Planning Director from the City of Baltimore.
- Mr. Clifton recommended reimbursing Planning Commission member Angela Dressel the fee she incurred for legal representation during a Board of Ethics hearing. Council members agreed to reimburse Ms. Dressel the \$750 fee.

**7. Mr. Athey**

- Mr. Athey said Newark Day was a success but was not totally convinced that noon to 5:00 pm was the right time period for the event. His concern was that it would become almost identical to Community Day.
- Mr. Athey noted that the Pomeroy Trail looked better each time he was on it.
- Mr. Athey questioned whether Council was interested in implementing time restrictions for grass cutting by commercial contractors. Mr. Funk felt this was unnecessary since the City had an existing noise ordinance. There was no desire by Council to pursue this issue further at this time.

**8. Mr. Morehead**

- Mr. Morehead received a number of favorable comments about the new time for Newark Day.
- Mr. Morehead reported he joined Mr. Clifton and Ms. Houck at the commissioning of Unit #2 at the Beasley Power Station. He believed this facility was good for the City as far as efficiency and lower peak costs.
- Mr. Morehead said he was approached by people who were interested in mounting a campaign to save the Curtis Paper Mill smoke stack. Ms. Houck noted this was tried in the past, but only \$200 was raised. She asked Mr. Morehead to have the interested parties contact her.

**9. Mr. Markham**

- Mr. Markham believed that K9 Paco was a sworn officer of the Newark Police Department.

**10. 2. APPROVAL OF CONSENT AGENDA**

**28:37**

- A. Approval of Regular Council Meeting Minutes – May 29, 2012
- B. Approval of Court of Assessment Appeals Meeting Minutes – May 29, 2012
- C. Approval of Special Council Meeting Minutes – May 29, 2012
- D. **First Reading** – Bill 12-19 – An Ordinance Amending Chapter 20, Motor Vehicles and Traffic, Code of the City of Newark, Delaware, By Prohibiting Parking At All Times on Winslow Road, Between Orchard Road and College Avenue – **Second Reading June 25, 2012**
- E. Approval of Unicity Bus Service for State Fiscal Year 2012-2013
- F. Receipt of Alderman’s Report – June 7, 2012

Ms. Fogg read the Consent Agenda in its entirety.

MOTION BY MR. ATHEY, 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.

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

12. **4. FINANCIAL STATEMENT:** None

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

A. **Contract No. 12-05 – 2012 ADA Handicap Ramp Installation Program**

**29:43**

Mr. Lapointe outlined the recommendation for Contract No. 12-05 for the 2012 ADA Handicap Ramp Installation Program which was a combination of curb replacement, handicap ramps and hot mix patching at 37 locations within the City. No ramps currently existed at the majority of these locations. Five bids were received ranging from \$71,184 to \$158,589. Several references were checked for the lowest bidder, and satisfactory comments were received about the quality of their work. In addition, the City inspected one of their projects and found the work to be satisfactory. It was therefore recommended to award Contract No. 12-05 to Diamond Hill, Inc., the lowest responsible bidder, for a total bid of \$71,184.00. Funding was available in the Capital Program.

Mr. Tuttle noted the budgeted amount in the Capital Program was \$258,130 and asked whether additional ramps could be completed this year with the remaining funding. Mr. Lapointe thought it might be too late to add on to the contract. Other Council members agreed with Mr. Tuttle's suggestion to accelerate the project if the contractor would honor the same pricing.

Ms. Houck said staff would put together a list of additional ramps and approach the contractor with this request.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT CONTRACT NO. 12-05 BE AWARDED TO DIAMOND HILL, INC. FOR INSTALLATION OF HANDICAP RAMPS FOR TOTAL BID OF \$71,184.00.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

14. **6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:**  
None

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

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

A. **Council Members:**

1. **Discussion re Solar at McKees Park & Renewable Energy Credits – Markham**

**36:50**

Mr. Markham reported that the idea for a solar park was brought to the table several years ago by Mr. Pomeroy but was voted down based on costs. Since that time Mr. Markham developed some alternative ideas for Council to consider and looked at this as an opportunity for a community project.

He felt McKees Park (the old landfill) would be a perfect solar location. In regard to funding, he pointed out that the \$150,000 renewable energy credit allocation from last year had not been spent and mentioned the possibility of repurposing that money for the solar project.

Rather than hiring a private contractor, Mr. Markham noted there were options available in house and locally. Some examples were: using the Electric and Public Works Departments for the connections and pouring concrete; approaching a nearby solar manufacturer to determine their interest in showcasing the project; utilizing the area votech schools; green energy purchases, and possible clean water grants that might be available if solar power was used at Newark's treatment plant. Mr. Markham added that the recs could be applied to the City's solar requirement in coming years.

Mr. Markham requested being able to utilize staff and also suggested approaching the Conservation Advisory Commission to determine if they were interested in helping to coordinate the project.

Mr. Athey thought it was a great concept. While he thought the CAC would be involved, he did not feel a group of volunteers would have the time commitment necessary for the project. Rather, he thought this called for a project manager who would be able to dedicate time to pull all the pieces together.

Mr. Clifton thought the project was on target, was good out-of-the-box thinking and that it would be worth spending staff time to research the project.

Mr. Funk believed the City should move forward, especially with the new generation of panels that hit the market in the last six months which he said were much more efficient and generated more energy.

Mr. Chapman thought this was a great idea and that it made sense if the \$150,000 in recs could be reappropriated. He said it would possibly be another opportunity for Newark to be a municipal leader.

Ms. Houck was pleased that the solar proposal was revived and felt she had enough direction from Council to get back to them with more details in the next several weeks.

17. **8-B. OTHERS:** None

18. **9. SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff: None

19. **9-B. REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION**

**52:39**

Council entered into Executive Session at 7:52 p.m. and returned to the table at 8:15 p.m.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM TO APPROVE THE STIPULATION OF SETTLEMENT NEGOTIATED BETWEEN THE PARTIES IN THE CHANCERY COURT CASE OF HARVEY, ET AL V. CITY OF NEWARK SO THAT THE STIPULATION AND EXHIBITS CAN BE SUBMITTED TO THE COURT.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

Nay – 0.

**20. Meeting adjourned at 8:16 p.m.**

Alice Van Veen  
Deputy City Secretary

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