

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

June 25, 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
Community Affairs Officer Dana Johnston
Finance Director Robert Uyttebroek
P & D Director Maureen Feeney Roser
Police Chief Paul Tiernan
Assistant Water & Wastewater Director Tom Coleman

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

2. MOTION BY MR. MARKHAM, SECONDED BY MR. ATHEY: THAT ITEM 9-B, REQUEST FOR EXECUTIVE SESSION RE PERSONNEL, BE REMOVED FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

3. **PRESENTATION OF PROCLAMATION TO JANE WOOLSEY**

00:40

The proclamation was read by Mr. Clifton and unanimously endorsed by Council. Ms. Woolsey was recognized for her dedication while working at the Post House on Main Street for the past 46 years and for the rapport she established with the Newark community during that time. Marilyn Minster, Chair of the Downtown Newark Partnership, presented Ms. Woolsey with a gift expressing appreciation from the business community.

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

A. Public

06:11

Ivan Nusic, a Newark resident, thanked Mayor Funk who interceded on his behalf with a problem encountered by a visitor from another country.

5. Robert Maxwell, the City's lobbyist, updated Council on the end of the legislative session which concluded on June 30th.

6. **1-B. UNIVERSITY** – None

7. **1-B-2. STUDENT BODY REPRESENTATIVE** - None

8. **1-C. COUNCIL MEMBERS**

15:15

Mr. Markham

- Mr. Markham attended Blue and Gold day on Saturday which he said supported a very good cause.
- Mr. Markham announced that Newark's Fourth of July celebration would be held next Wednesday from 6-9 p.m.
- Mr. Markham provided a status report regarding a possible solar installation at McKees Park. During a meeting with several CAC members they asked for assurance that the REC funding would be spent on renewable energy credits regardless of whether the solar project moved forward.

9. **Mr. Morehead**

- Mr. Morehead commended the Electric Department for a job well done in keeping the power on during the last storm.

10. **Mr. Athey**

- Regarding a future presentation to Council by Wellspring representatives, Mr. Athey requested Mr. Brainard to check their availability for an August meeting.

11. **Mr. Clifton**

- Mr. Clifton commended all those involved in bringing the rail transportation grant to Delaware.
- Mr. Clifton said Jane Woolsey was an icon, and he would miss her and the Post House.

12. **Mr. Tuttle**

- Mr. Tuttle thought the Newark Regional Transportation Center grant was key to the development of the STAR campus and would have a significant economic impact on the City.

13. **2. APPROVAL OF CONSENT AGENDA**

23:56

- A. Approval of Regular Council Meeting Minutes – June 11, 2012
- B. ***First Reading – Bill 12-18*** – An Ordinance Amending Chapter 17, Housing and Property Maintenance, Code of the City of Newark, Delaware, By Revising the Annual Rental License Fees for Single-Family, Two-Family Dwellings and Dwelling and Rooming Units in Residential Occupancy Including Mixed Use Occupancies Except for Fraternities or Sororities – ***Second Reading July 9, 2012***
- C. ***First Reading – Bill 12-20*** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from BC (General Commercial) to BB (Central Business District) .826 Acre Property at 264 Elkton Road – ***Second Reading July 23, 2012***
- D. ***First Reading – Bill 12-21*** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Revising Accrued Compensatory Time for Management Employees – ***Second Reading July 9, 2012***
- E. Receipt of Alderman's Report – June 21, 2012
- F. Setting Date for 2013-2017 Capital Budget Hearing for August 13, 2012

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.

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

15. 4. FINANCIAL STATEMENT:

25:55

Mr. Uyttebroek presented the Financial Statement for the five months ended May 31, 2012. During this time period a surplus of \$1.2 million was expected; however, on a consolidated basis, a surplus of \$1.6 million was realized.

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT THE MAY 31, 2012 FINANCIAL REPORT BE RECEIVED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

16. 5. RECOMMENDATIONS ON CONTRACTS & BIDS:

A. Recommendation to Utilize a New Castle County Awarded Contract for Sewer Line Cleaning and Fiberglass Lining

27:03

Mr. Coleman presented the recommendation to enter into a contract with Abel Recon for the cleaning and fiberglass lining of approximately 2900 linear feet of sewer main. The pipe segments included in the contract were identified as being in a state of imminent collapse in the 2011 Sanitary Sewer Engineering Study. The repair would bring the pipe back to about 50 years of useful life. Funding of \$314,176 was available in the Sanitary Sewer Capital Improvement Program. Abel Recon agreed to extend the rates and terms of a New Castle County bid contract to the City for a total cost of \$210,682.

Mr. Funk questioned why the City was not using the remaining funding in light of the favorable pricing. Mr. Coleman said the contract was based on unit pricing, and the other pipes did not require action at this time.

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT THE CITY MANAGER BE AUTHORIZED TO ENTER INTO A CONTRACT WITH ABEL RECON IN THE AMOUNT OF \$210,682.95 FOR THE SEWER LINE CLEANING AND FIBERGLASS LINING PROJECT IN ACCORDANCE WITH NEW CASTLE COUNTY CONTRACT NO. 2009OP-011.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

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

A. 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

30:17

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 12-19.

Ms. Fogg explained that the Bill was revised when it was learned that the change recommended by the Traffic Committee inadvertently removed the section of Winslow Road from Orchard Road to Apple Road. Mr. Athey added that was never the intent of the Traffic Committee and the revision clarified the language. The entire street would now be designated as a Special Parking District.

AMENDMENT BY MR. ATHEY, SECONDED BY MR. TUTTLE: THAT THE ORDINANCE BE CHANGED TO READ "WINSLOW ROAD, BOTH SIDES, FOR ITS ENTIRE LENGTH."

AMENDMENT PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

The Chair opened the discussion to the public.

Crista Fowler, a Winslow Road resident, said she noticed more problems with blocked driveways, noise and traffic since the University extended its hours and added grad classes.

Patricia McGee, a Winslow Road resident, said the residents suffered with litter and late night noise with the library closing at 2:00 a.m., and the situation was becoming unbearable in this residential neighborhood.

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

Mr. Athey said he heard that Sunset Road residents were considering eliminating parking as well, so the University could be losing dozens of parking spaces near the library. Since visitors to University Admissions often turned onto Winslow Road searching for parking, he requested Mr. Brainard to discuss the possibility of adding a sign at Winslow that would direct people to public parking.

Mr. Markham wanted to insure the public would be adequately informed of the change. Signs would be installed by the City designating the street as a Special Parking District.

Question on the Motion as Amended was called.

MOTION AS AMENDED PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 12-17)

18. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS:
None

19. 8. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

1. Resolution No. 12___: Renaming Elkton Road to South Main Street Between West Main Street and West Park Place

41:14

Ms. Roser noted that when Council first considered changing Elkton Road to South Main Street, it encompassed the area from West Main Street to the Maryland line. The proposal did not go forward. Since then there was interest

from the Downtown Newark Partnership and property owners to rename the road from West Main Street to West Park Place. They believed changing the name to South Main Street would help to incorporate that area into the downtown, particularly since the City won the Great American Main Street award. The DNP also wanted to expand their boundaries to West Park Place to coincide with the name change because they considered that to be the end of the development district.

The Chair opened the discussion to the public

Marilyn Minster, DNP Chair, said the Partnership supported the renaming and felt it would increase cooperation in the City.

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

Mr. Funk remarked that the City preferred an implementation date of January 1, 2013. Ms. Houck said she looked at costs involved with the change, and she felt these would not be a large burden on the City. Regular street signs totaled about \$1,200. DeIDOT did not yet provide a price for their signs. Changes were needed to the Code, although that cost was not yet determined.

AMENDMENT BY MR. CLIFTON, SECONDED BY MR. MARKHAM:
THAT THE IMPLEMENTATION DATE FOR CHANGING THE NAME OF
ELKTON ROAD TO SOUTH MAIN STREET BE CHANGED TO
JANUARY 1, 2013.

AMENDMENT PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

Mr. Funk suggested using the flashing road sign to publicize the change.

Mr. Tuttle observed that the reservations he previously heard from his district were from residential areas not included in the new proposal. He thought this was a good way to proceed.

Mr. Athey said he would not support the Resolution for many of the same reasons he brought up previously. Lack of support was one of the reasons he did not endorse it last time. He had no problem with expanding the boundary of the Partnership, but he thought there was an issue with integrating Elkton Road into the Partnership.

Mr. Morehead seconded Mr. Athey's comments that he thought there was an issue with the DNP that needed to be examined. He was not in support of the change when it was last discussed because effectively there would be no more Elkton Road. This proposal left part of Elkton Road in place and did not impact the residents. Rather, only the businesses would be affected, and they supported the change.

Mr. Clifton felt the changes occurring along this stretch of Elkton Road were tremendous. He asked if the Partnership would look into scheduling a South Main Street-only event to promote the area and the businesses.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT
THE RESOLUTION BE APPROVED AS AMENDED.

MOTION AS AMENDED PASSED: VOTE: 6 to 1.

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

(RESOLUTION NO. 12-M)

- 20. 8-B. OTHERS: None**
- 21. 9. SPECIAL DEPARTMENTAL REPORTS:**
 - A. Special Reports from Manager & Staff: None**
- 22. Meeting adjourned at 7:57 p.m.**

Patricia M. Fogg, CMC
City Secretary

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