

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

February 11, 2013

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: City Manager Carol Houck
City Secretary Patricia Fogg
City Solicitor Bruce Herron
Community Affairs Officer Dana Johnston
Interim Finance Director Wilma Garriz

1. The regular Council meeting began with a moment of silent meditation and pledge to the flag. Mr. Funk asked everyone present to remember the victims of today's shooting at the New Castle County Court House.

2. PRESENTATION OF JEFFERSON AWARDS FOR PUBLIC SERVICE

00:45

Mr. Funk reported this was the City's ninth annual Jefferson Awards ceremony and recognized the following individuals for their volunteerism with a Jefferson Award Certificate of Excellence for their public service:

Mathias Stephen Fallis – Mr. Fallis works with Students for Haiti, an organization that assists in the reconstruction of sustainable healthcare facilities destroyed in the 2010 earthquake and has recently expanded its outreach to include scholarships for children to attend school. He has met with service organizations, spoken at churches and organized events and concerts to raise funds necessary to finance the rebuilding and outfitting of these clinics and hospitals.

Diana Advani – Ms. Advani founded the Global Perspective Club in 2012 to make a difference in the world and has changed the world for Nasei, a young orphaned girl by sponsoring her to allow her to go to high school. Ms. Advani spearheaded the campaign by selling bracelets made by Kenyans and holding several other fundraisers while spreading word about the cause. She traveled to Kenya to make a documentary about charity and meet Nasei.

Polly Sierer – As president of the Newark Area Welfare Committee, Ms. Sierer spearheads efforts to assemble holiday food boxes for families in need of assistance during the holidays. She motivates the committee, coordinates food and monetary donations, and leads and energizes hundreds of volunteers. She also networks with local businesses and organizations to gain support for the holiday food box program. Through her tireless efforts and dedication, she has touched the lives of hundreds of Newark residents by ensuring that no family knows hunger during the holidays.

Gail Chickersky – A member of the Board of Directors at the Newark Senior Center since 2007, Ms. Chickersky is very active on several Board Committees: Human Resources, Finance, Facilities, and Fund Development. She is well-informed, engaged,

and always seeking new knowledge and experience that may help advance the Newark Senior Center. She is an avid volunteer at fundraising events and does jobs big and small without an ego. She is always having fun while generously giving of her time, talent and treasure.

Elena Delle Donne – An All-American basketball player, Ms. Delle Donne has had an extremely successful college career. Through her play, she has brought her team to national acclaim, attracted record crowds to the Bob Carpenter Center, and brought positive national media attention to herself and University of Delaware for academic work, community service, and devotion to her family. She is active in numerous team community service activities including Special Olympics, Mary Campbell Center and A.I. DuPont Children’s Hospital. Her play helped attract the University of Delaware to become the first and second round site for the 2013 NCAA Women’s Basketball Tournament.

Sharon Bruen – A community event organizer in Newark, Ms. Bruen has helped to make the events community traditions. In 2012, she helped make the transition from Newark Nite to Newark Day a smooth and successful one helping it become even more family friendly. She coordinated fourteen community events that included Community Day, Liberty Day and fireworks, Winterfest, and the Memorial Day Parade. The events involve over 100,000 participants each year along with hundreds of volunteers. Through her dedication and leadership, these events continue to be a success.

2013 YOUTH SERVICE CHALLENGE

Michelle Fidance, National Director of the Jefferson Awards for Public Service announced the launching of the Youth Service Challenge for 2013 by Mayor Funk. This involved reaching out to the local schools, youth groups and faith based organizations in the surrounding area to step up by submitting service projects on the YSC website by April 30, 2013.

The purpose of the YSC was to challenge America’s youth to come up with big, meaningful community service projects and engage one million youth in student led activities across the country. The goal was to help young Americans embrace service as a way of life. Contact: www.YouthServiceChallenge.net for additional information.

3. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Public – There were no comments forthcoming.

4. 1-B. UNIVERSITY

15:51

1. Administration – Mark Brainard thanked everyone for their cooperation and flexibility with him during the past year. He announced that an additional staff member would be joining his office and attending future Council meetings.

5. 1-B-2. STUDENT BODY REPRESENTATIVE

There were no comments forthcoming.

6. 1-C. COUNCIL MEMBERS

17:01

Mr. Chapman

- Mr. Chapman congratulated the Jefferson Award winners.

7. Mr. Athey

- Mr. Athey recognized the sizeable turnout at the WAWA community meeting and discussed the need for better sound quality in the Council Chamber and in the lobby area to facilitate large crowds. Ms. Houck said the capability existed for audio coverage in the lobby and some renovations were budgeted for the Chamber.

8. Mr. Markham

- Mr. Markham issued a reminder that the final vote by New Castle County Council on the Stopyra tract would be held on 2/12. Mr. Athey pointed out that the project would be named Newark Town Center although it was not in Newark and was not in the center of town.

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT NEWARK CITY COUNCIL OPPOSES THE NAME "NEWARK TOWN CENTER" FOR THE PROPOSED DEVELOPMENT OF THE STOPYRA TRACT PROPERTY.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

This action will be conveyed to New Castle County on Tuesday.

- Mr. Markham reported that a constituent would host a seminar on black history on February 26 at 7 pm in the Council Chamber.
- Mr. Markham commended Ms. Houck for her efforts in presenting the City's issues at the Legislative dinner. He hoped the PILOT fund issue would continue to move forward.
- Mr. Markham commented on the shootings at the County Courthouse (where they have security) and the lack of security in Newark's Municipal building. Ms. Houck said plans were underway to deal with this issue.

9. Mr. Clifton

- Mr. Clifton thanked Messrs. Athey and Tuttle for hosting the WAWA informational meeting which he thought worked well in disseminating information to concerned members of the community.

10. 2. APPROVAL OF CONSENT AGENDA

26:46

- A. Approval of Regular Council Meeting Minutes – January 28, 2013
- B. Receipt of Alderman's Report – January 31, 2013
- C. Appointment of Mark Doughty, 715 Bent Lane, to Newark Housing Authority – Term to Expire January 2016.
- D. Reappointment of James Garvin, Jr., 11 Fairfield Drive, to the Board of Ethics – Term to Expire February 2018
- E. Receipt of Real Estate Tax Assessment Quarterly Supplemental Roll

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.

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

12. 4. FINANCIAL STATEMENT

27:58

Ms. Garriz presented the Consolidated Monthly Financial Reports for the year ended December 31, 2012 which reflected an operating surplus of \$8.5 million. This surplus amounted to about \$2.4 million over the budgeted surplus of \$445,000. The

positive variances were mostly due to higher electric contributions, higher permit revenues (mostly in building permits for UD), higher tax revenues including transfer taxes and about \$907,000 savings in operating expenses as a result of cost management efforts. The cash balance increased about \$10 million from the previous year mostly as a result of the \$8 million that was included in the balance for the proceeds of the Smart Meter funding. The remaining \$2 million was from improved operating results.

Mr. Clifton questioned the total appropriation for snow removal and emergency preparedness. Ms. Houck said the City budgeted for salt and for overtime and the amount was blended into other line items. Alternative methods (such as brine) were being looked at and could offer better efficiencies and savings in the future.

Mr. Markham referenced the cash balance of \$36 million minus the \$8 million set aside for Smart Meters which led him to question other encumbrances and the amount of over-collection for electric. Ms. Garriz reported the over-collection at the end of 2012 was \$373,000.

Mr. Athey asked how often the City contacted the bonding agencies to update them on our cash balance. Ms. Garriz advised the financial statements were forwarded to them annually.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT THE DECEMBER 31, 2012 FINANCIAL STATEMENT BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

13. 5. RECOMMENDATIONS ON CONTRACTS & BIDS:

A. Recommendation to Award Contract 12-16, Purchase of One New 55' Aerial Lift, Utility Body and Chassis

34:48

Ms. Houck referred to a memo dated January 25, 2013 wherein it was recommended to purchase an aerial lift that would replace an old bucket truck purchased in 2001. The lowest vendor on the trade in and the bid price was Brian Hoskins Ford. Funds were available for this planned purchase from the Capital Program. It was therefore recommended to award Contract 12-16 to Brian Hoskins Ford for the total price of \$164,000 after a trade in of \$12,500.

Ms. Houck said the truck would be dedicated to the Electric Department.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT CONTRACT 12-16, PURCHASE OF ONE NEW 55' AERIAL LIFT, UTILITY BODY AND CHASSIS, BE AWARDED TO BRIAN HOSKINS FORD FOR THE TOTAL AMOUNT OF \$164,000.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

14. 5-B. RECOMMENDATION TO AWARD CONTRACT 12-14, REMOVAL OF ACCUMULATED SEDIMENT FROM BACK WASH LAGOONS ONE AND TWO AT THE NEWARK WATER TREATMENT PLANT

36:04

Ms. Houck referenced a memo dated January 31, 2013 wherein it was recommended to award Contract 12-14 for the removal of sediment from the back wash lagoons at the Newark Water Treatment Plant to Merit Construction who was the low bidder and satisfactorily completed numerous projects for the City. Funds were available from two capital projects for the contract which totaled \$245,000.

Mr. Morehead asked if there was some kind of measure that specified a percentage of sediment removal. Ms. Houck explained that the lagoons were almost totally full and Merit would remove as much sediment as possible to make room for the treatment process.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT CONTRACT 12-14, REMOVAL OF ACCUMULATED SEDIMENT FROM BACK WASH LAGOONS ONE AND TWO AT THE NEWARK WATER TREAT PLANT, BE AWARDED TO MERIT CONSTRUCTION ENGINEERS INC. IN THE AMOUNT OF \$245,000.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

15. **6. ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** *None*

16. **7. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:**
None

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

A. **Council Members:**

1. Appointment of City Secretary

38:50

Mr. Clifton reported that interviews were conducted with the top four candidates for this position and Ms. Renee Bensley was the successful candidate.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT RENEE BENSLEY BE APPOINTED TO THE POSITION OF CITY SECRETARY EFFECTIVE MARCH 4, 2013 AT AN ANNUAL SALARY OF \$64,000 INCLUDING FRINGE BENEFITS PROVIDED TO MANAGEMENT EMPLOYEES HIRED AFTER JANUARY 1, 2012 AND BEGINNING EMPLOYMENT WITH A BALANCE OF THREE WEEKS VACATION.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

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

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

A. Special Reports from Management and Staff:

1. Request Approval of 2012 Operating Budget Amendment

40:25

Ms. Garriz referred to her memo of February 4, 2013 wherein a budget amendment was being requested for 2012. There was no change to the budgeted surplus of \$445,000. The request was for an increase in revenue and expense in equal amounts of \$521,153. In the General Fund it was recommended to increase building permits, property taxes, transfer tax revenues as well as on-behalf service fees revenues to their actual amounts for 2012. Also in the General Fund it was recommended to increase the Legal Fees line in the Legislative Department by \$517,410 to cover costs associated with the landlord litigation. Other increases requested were to the Police and Court overtime costs. Part of this will be funded by the increased revenue mentioned earlier and part from a requested transfer from the Refuse Department, Planning Department and Street Department operational savings. It was recommended that Mayor and Council approve this recommendation.

Ms. Garriz noted this was done in the past for Police overtime and for Planning expenses. This was good for the CAFR when it was being looked at because we were not presenting a huge variance for overage and expenses compared to budget.

Mr. Morehead questioned where the actual settlement for the landlord case came from, and Ms. Garriz responded it was paid from the 2011 budget.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT THE RECOMMENDED BUDGET AMENDMENTS BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

20. Meeting adjourned at 7:39 pm.

Patricia M. Fogg, CMC
City Secretary