

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

August 27, 2007

Those present at 7:30 pm:

Presiding:	Vance A. Funk III, Mayor District 1, Paul J. Pomeroy District 2, Jerry Clifton District 3, Doug Tuttle District 5, Frank J. Osborne District 6, A. Stuart Markham
Absent	District 4, David J. Athey
Staff Members:	City Manager Carl F. Luft City Secretary Susan A. Lamblack City Solicitor Roger A. Akin Assistant to the City Manager Carol S. Houck Assistant to the City Manager Charles M. Zusag Planning Director Roy H. Lopata Public Works Director Richard M. Lapointe Water & Waste Water Roy Simonson Building Director Tom Sciulli Acting Chief of Police John Potts Finance Director Dennis McFarland Assistant Finance Director Maureen Feeney Roser

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

2. **2. CITY SECRETARY'S MINUTES FOR COUNCIL APPROVAL:**

A. Regular Council Meeting of August 13, 2007

Mr. Markham corrected page 7, item 19, fourth line from the bottom of the paragraph, by adding "but in this case it was five years since the builder's last settlement" after the word "issued." Also, on page 11, second paragraph, by replacing the word "site" with "stormwater retention basin."

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT THE MINUTES OF AUGUST 13, 2007 BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.

Nay – 0.

Absent – Athey.

3. **2-B. SPECIAL COUNCIL MEETING OF AUGUST 14, 2007**

There being no additions or corrections, the minutes were approved as received.

4. **3. ITEMS NOT ON PUBLISHED AGENDA:**

A. Public

Brian Dunigan, 422 Orchard Road, brought the following three issues to Council's attention. One, he suggested that Channel 22 needed to include more events, including weekly University of Delaware events. Two, he questioned whether businesses on Main Street were permitted to advertise by writing on the sidewalks with chalk. Three, what were the legal ramifications of door-to-door solicitation and was it considered trespassing if they did not have a permit. Mr. Dunigan pointed out that his concern included people who delivered flyers. Personally, he did not want to get flyers nor did he want any door-to-door solicitation and suggested that he be on a "do not solicit this residence" list similar to being on a "do not call" list for his telephone. He questioned whether the increased solicitation in his neighborhood could be contributing to the theft or burglary that has been on the rise.

Mr. Funk advised that the City required permits for solicitation and there were fines if it was done without a permit. He thought that people who dropped off pizza flyers and things like that were addressed with the trespassing laws and unless they were told not to do it, they were allowed to.

Ms. Lamblack added, for clarification, that distributing flyers to homes in the City was not legal unless they were handed to the resident. Flyers were not permitted to be left or hooked on doors or cars. She advised that the distribution of flyers was addressed in the littering law. She suggested that Mr. Dunigan call her office with the information from any flyer he received and she would write them a letter advising them of the law.

Mr. Clifton said he discussed this situation with Mr. Dunigan and followed up with a discussion with Ms. Lamblack since her office handled the soliciting permits for the City. It was his experience in Stafford that any time he asked an individual if they had a permit to deliver a flyer(s) he was told no or the person assumed his company got the permit. Mr. Clifton was concerned that someone soliciting could be trying to find out who was home at that time, who lived at the home and/or perhaps casing the place. He thought that all commercial solicitation in the City should be prohibited.

Mr. Akin said his preliminary research revealed that several towns have attempted to do that and the courts have routinely held that door-to-door solicitation was a legitimate commercial business and a flat prohibition may have some legal problems involved. That being said, Mr. Akin indicated if Council wanted him to pursue it further, he would be happy to do more research. Mr. Clifton asked for additional research to see what options were at the City's disposal. He thought, at the minimum, hard fines should occur if there was no application for a permit through the City Secretary's office.

Mr. Funk commented on Mr. Dunigan's concern with "chalk art" and noted when it was discussed as part of the graffiti ordinance, it was decided not to include it in the ordinance. He also noted that a lot of the chalk art was done with the encouragement of the Newark Art Alliance. Mr. Dunigan's concern was with the business owners promoting their products on their sidewalks and not art. He thought there were enough ugly signs in all the windows and now he couldn't appreciate the bricks without reading about specials being promoted by businesses. The one business that did that often was the Kaplan Business, among others.

5. Dorothea Shover, 27 Sunset Road, advised that she had a problem with a student rental next door to her. She has lived there for less than two years and was on her third group of students. She has spoken to other neighbors and they were furious with the behavior of the students. Mr. Shover read a letter that she emailed at 2:30 am to Mr. Athey that detailed the problems. She explained that the first group were extremely noisy and on weekends cars lined the street, and at one point at 3:30 am she called the police. The second group arrived in June 2006 and they were graduate students and behaved very well. The third group of students arrived in June 2007 and has no concern for others—they sit on their

screened in porch speaking loudly into the wee hours of the morning, among other things. Ms. Shover gets no sleep at night because she can hear the students very clearly.

Ms. Shover claimed when she purchased her house she was told that students were not allowed to live in her “quiet” neighborhood. On some nights she claimed there were many cars parked on their lot and many people go there on foot and bicycles. When they leave the house at 3:00 to 4:00 am there was loud slamming of car doors, loud conversations, screaming, etc.

Ms. Shover assured if the students behaved responsibly she would not make an issue out of this but she could not afford to have many more sleepless nights. Ms. Shover received a response to her email from Mr. Athey advising her that he looked into this problem about a year ago and found they were allowed to have no more than two unrelated students or three unrelated adults. If there were more than three students, then the landlord was in violation of his rental permit. Ms. Shover suspected there were at least six students living in the house. Mr. Sciulli will investigate this complaint to determine the number of students living in the house.

6. 3-B. UNIVERSITY

1. Administration

There were no comments forthcoming.

7. 3-B-2. STUDENT BODY REPRESENTATIVE

There were no comments forthcoming.

8. 3-C. COUNCIL MEMBERS

Mr. Osborne advised that ex-councilman Bob Smith’s wife recently passed away, and he offered his condolences to the family.

9. Mr. Pomeroy advised that he participated in the University students’ move-in on Saturday. It was a very hot day and a great experience. He noted that University President Harker also participated with the move-in.

10. Mr. Pomeroy noted that he signed his son up for soccer with the Parks and Recreation program on Saturday. He complimented the department and the staff who were working Saturday as well as the programs that were offered.

11. Mr. Pomeroy thanked the City Manager for the research that was done on the post office issue. It was good news to hear the post office on Main Street would not be closing.

12. Mr. Pomeroy commented on the drag racing grant and its effectiveness. The grant was about to expire and he hoped the Police Department would reapply for another grant.

13. Mr. Funk commented on the University’s move-in day and said he appreciated Mr. Pomeroy’s participation. He thought it was a lot of fun meeting parents. In fact, the new Chief of Police was moving his daughter into a dorm.

14. Mr. Funk noted the police were quite busy on Saturday night and fortunately there were enough officers on duty to keep everything under control. This afternoon there were good results regarding a potential problem on Wilbur Street. He was a strong believer that a strong presence of the police at the beginning of the school year sent a good message.

15. Mr. Tuttle acknowledged Mr. Dunigan’s suggestion regarding Channel 22. He thought it was a great resource, but an underutilized resource in that people

don't check it because they don't think the information was necessarily fresh. Anything that could be done to take advantage of Channel 22 and keep timely information in terms of the community calendar would be helpful.

16. Mr. Markham asked if any update could be given on the sidewalks at the reservoir. Mr. Lapointe advised that because of recent weather the contractor has been delayed on projects he was doing for DeIDOT. The contractor planned to start the week of September 10th. However, Mr. Lapointe noted that there has been three days of rain since he received that update.

17. Mr. Markham asked for an update on the Woods at Louviers to which Mr. Lapointe advised the contractor was on the site today. He also advised the City processed two purchase orders for two local subcontractors to finish the work. He was familiar with the subcontractors who have done a lot of work in the City on sidewalks and stormwater management areas and confident the work would get done.

18. Mr. Markham referenced his previous request at the budget hearing about the number of disconnects due to nonpayment, and asked if that information was available.

Mr. McFarland said the gross number was approximately 1800 but that did not reflect 1800 different customers.

19. Mr. Markham advised that this Saturday a hazardous waste removal service was scheduled at the Curtis Paper Mill site. Information regarding this service was available on Channel 22.

20. Mr. Clifton thanked Mr. Lopata for his educational session today regarding the types of housing in the City. A brief tour of the City was a result of a discussion at the last Council meeting by Messrs. Clifton and Athey regarding a variance request that went before the Board of Adjustment involving a garage on Orchard Road.

21. Mr. Clifton commented on the Bikes & Blues event held August 18th. He received two negative comments about the event that basically questioned with all the work that has been put into community and family oriented events, was the Bikes & Blues event the type of event to showcase downtown Newark. Mr. Clifton did not attend the event, but after listening to the comments, he wasn't so sure this was the type of event that should be promoted. He discussed this with Maureen Roser who indicated the jury was still out regarding the business community's opinion. Mr. Funk said this would be discussed at the next DNP meeting. It was Mr. Clifton's opinion that the event should not be held again.

22. Mr. Clifton said he was advised by a resident who used the SEPTA train to go to Philadelphia that there was not a bicycle rack at the terminal nor did SEPTA allow bicycles on their commuter train. He asked if the City could look into getting a bicycle rack at the train station.

23. Mr. Clifton thanked everyone involved for the report to Council on delinquencies and looked forward to getting options for collecting the delinquencies. He thought almost a million dollars in delinquencies in the various departments was a large number. He was advised that it represented 3% on utilities and 15% on parking tickets. Mr. Funk noted that the 15% was a good number when you considered the national average was over 20%.

24. **4. ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

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

A. Request for Extension of Contract 05-15, Purchase of Cleaning Services

Ms. Houck summarized her memorandum to the City Manager, dated August 14, 2007, wherein she explained that the existing agreement for the above contract expires on October 31st and as in the past, the contract provided for annual renewals of up to four years. There have been no serious issues regarding the work provided by Bravo Building Service, the current contractor. Ms. Houck advised that they provided a price quote for an additional year of cleaning. She recommended that Council authorize the extension of Contract 05-15 for an additional year to Bravo Building Services, Inc. at the annual cost of \$69,932.84 with the contract taking effect as of October 31, 2007.

Mr. Markham asked if employees were aware of what the process was for making a complaint about the cleaning because he has heard concerns about the cleaning. Ms. Houck responded by saying people don't hesitate to comment and the cleaning would never be perfect. She suspected that next time the contract would be changed slightly, and she was happy to have an additional year to think about other options while having another year of consistent cleaning of the buildings.

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT CONTRACT 05-15, PURCHASE OF CLEANING SERVICES, BE EXTENDED FOR ONE YEAR, EFFECTIVE OCTOBER 31, 2007 FOR THE ANNUAL COST OF \$69,932.84.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.
Nay – 0.
Absent – Athey.

26. 5-B. RECOMMENDATION TO WAIVE THE BID PROCESS FOR THE PURCHASE OF SUPPLEMENTAL PARKING EQUIPMENT FROM RICHARD N. BEST ASSOCIATES

Ms. Houck summarized her memorandum to the City Manager, dated August 14, 2007, wherein she explained that in association with the effort to add another exit lane to Parking Lot No. 1 at the Main Street Galleria, it was necessary to purchase additional parking equipment, i.e., one magnetic strip exit verifier and one exit gate. The equipment would function in the same manner as the existing equipment and would be networked into the overall parking system installed in 2004 in Lot No. 1. Although other systems were available, they would not look or operate the same, nor would they function on the platform now in use.

Ms. Houck further explained that the Parking Division received a quote of \$33,995 for an additional Federal APD parking, access and revenue control system from Richard N. Best Associates to accommodate the new exit lane. Therefore, it was recommended that Council waive the bidding requirement and authorize the purchase of additional Federal APD parking system equipment to accommodate an additional exit from Richard N. Best Associates for the total cost of \$33,995.

Mr. Funk questioned how much money was left in the Parking Waiver Fund to which Ms. Houck answered there would be about \$20,000 after this purchase.

Mr. Markham asked if this was the only option and whether any other equipment could be used. Ms. Houck said there were other options, but the equipment would not look the same or work on the existing concrete platform. Also, by purchasing the same equipment, employees would not need additional training. Mr. Luft added that the City was pleased with the present equipment and the expertise on maintenance would only require dealing with one manufacturer as opposed to dealing with two.

Mr. Markham asked if the cost of the other systems were close to the cost of this equipment. Ms. Houck explained that in 2004 when the system was first purchased from Richard N. Best, they were the lowest responsible bidder and to date the City has been happy with them.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT COUNCIL APPROVE WAIVING THE BID PROCESS AND AUTHORIZE THE PURCHASE OF ADDITIONAL FEDERAL APD PARKING SYSTEM EQUIPMENT TO ACCOMMODATE AN ADDITIONAL EXIT FROM RICHARD N. BEST ASSOCIATES FOR THE TOTAL COST OF \$33,995.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.

Nay – 0.

Absent – Athey.

27. 5-C. RECOMMENDATION FOR INSURANCE COVERAGE 2007-08

Mr. Luft summarized Mr. McFarland's memorandum to the City Manager, dated August 17, 2007, wherein he recommended renewing insurance coverage with St. Paul Traveler's for the City's general liability, automobile, and casualty policies, and renewing the City's policy with CHUBB for property, boiler, and machinery insurance for the period April 1, 2007 to March 31, 2008. The total premiums, net of brokerage fees, for those policies were \$388,963.

Mr. McFarland explained that the cost was \$31,906 more than in 2007, and that was due to two factors. The first was the inclusion of the reservoir in the property coverage for the first time, which accounted for \$23,000 of the increase. The other was a reappraisal of City Hall which accounted for \$8,700 of the increase in the premium.

Mr. Clifton said there had been liability insurance that basically covered Council and in the past he saw that itemized in the bid, but he did not see it in this recommendation and questioned if that was a different policy.

Mr. McFarland advised that it was not included in these policies. What the City did not have was fiduciary—there was general liability as elected officials, but the City did not have coverage for the Council's fiduciaries for the funded pension plan. He has had discussions with the City's broker as to what that coverage would cost, but he has not heard back from them. Mr. Clifton asked if the coverage that he remembered being there was still there and was told it was.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT COUNCIL APPROVE THE RENEWAL OF INSURANCE COVERAGE AS RECOMMENDED BY THE FINANCE DIRECTOR IN HIS MEMORANDUM TO THE CITY MANAGER, DATED AUGUST 17, 2007, FOR THE TOTAL COST OF \$388,963.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.

Nay – 0.

Absent – Athey.

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

- A. Bill 07-27 - An Ordinance Amending Ch. 20, MV&T, By Establishing Enforcement Authority in Private Parking Lots of Areas in the City of Newark

Ms. Lamblack read Bill 07-27 by title only.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 07-27.

Mr. Luft explained that during the course of reviewing a citizen's question about handicapped parking regulations, Charlie Zusag discovered an omission in the Code in that it did not clearly authorize the City to tow/boot a legally parked scofflaw from a private parking lot. The proposed language corrected that inconsistency.

Mr. Markham asked if this would add any liability to the City by allowing an officer to go on private property. Mr. Akin did not think it would expose anybody to any liability they don't already have in conducting law enforcement activities in public lots.

Mr. Zusag added that police officers already enforced handicap and fire lane regulations on private properties. This ordinance would permit them to tow or boot a vehicle on the scofflaw list that was legally parked in a parking lot. Prior, the vehicle had to be parked in violation of an ordinance in order to be towed even if they were on the scofflaw list.

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: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.
Nay – 0.
Absent – Athey.

(ORDINANCE NO. 07-25)

29. **6-B. BILL 07-28 – AN ORDINANCE AMENDING CH. 20, MV&T BY BRINGING THE CODE INTO CONFORMITY WITH THE STATE CODE PERTAINING TO THE CRITERIA FOR ENTRY INTO OFFENDER'S PROGRAM AND THE LENGTH OF LICENSE REVOCATION OF INDIVIDUALS WITH HIGH BLOOD ALCOHOL LEVELS**
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Ms. Lamblack read Bill 07-28 by title only.

MOTION BY MR. POMEROY, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 07-28.

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: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.
Nay – 0.
Absent – Athey.

(ORDINANCE NO. 07- 26)

30. **7. RECOMMENDATIONS FROM THE PLANNING COMMISSION/DEPT.**
None

31. **8. ORDINANCE FOR FIRST READING:** None

32. **9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

A. Council Members:

1. Resolution 07-___: Authorizing the City Manager to Enter Into an Assignment of Certain of the City's Obligations Owed to the Delaware Municipal Electric Corporation

Ms. Lamblack read the resolution by title only.

Mr. McFarland explained the purpose of the resolution. Patrick McCullar, president of DEMEC, has been working with PJM and counsel to develop an assignment document that participating members of DEMEC could legally execute to provide a no-cost financial security document that PJM could accept in place of an existing letter of credit. Presently, DEMEC held an \$8 million credit line at PJM and the letter of credit DEMEC had provided to PJM increased that to \$18 million. However, there was an annual cost of approximately \$35,000 to maintain the letter of credit facility. That expense would not occur by the adoption of the proposed assignment documents by members of DEMEC.

PJM said if the DEMEC members (which included the City) were to assign directly to PJM its obligation to pay DEMEC's bills, that would meet the increased credit requirements that PJM was asking of DEMEC.

Mr. McFarland said he examined the assignment and what it would mean to the City and found it would not harm the City's financial posture in any significant way. The City remained obligated to pay its proportionate share of all DEMEC's incurrent costs which in turn go on to PJM. Therefore, he recommended that Council approve the resolution.

Mr. Pomeroy asked if it would have any effect on the City's future credit scoring, and Mr. McFarland answered that it would not.

Mr. Markham referred to an Exhibit A that was referenced in the material he received and asked what that pertained to. Mr. McFarland responded by saying there were a series of attachments and that Exhibit was an allocation (to each of the DEMEC members) of the additional credit.

Mr. Markham said he was concerned with language that read "DEMEC in default as defined by PJM." He did not like when another party decided how the default would work. Mr. McFarland explained that there was a contract between DEMEC and PJM that laid out conditions of default.

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT THE RESOLUTION BE APPROVED AS RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.

Nay – 0.

Absent – Athey.

(RESOLUTION 07-T)

33. **9-B. COMMITTEES, BOARDS & COMMISSIONS:** None

34. **9-C. OTHERS:**

None

35. 10. SPECIAL DEPARTMENTAL REPORTS:

A. Special Reports from Manager & Staff:

1. Discussion re Electric Economic Development Rate

Mr. McFarland explained that in response to Council's request, staff investigated rate initiatives that would foster economic development within the City and recommended the establishment of a new electric tariff. The tariff would be available to any new industrial customer who would otherwise be eligible for "P" service provided the customer's investment added in excess of \$200,000 to the City's assessed tax base. Eligible customers could receive up to a 10% discount on their electric bill for a limited period of time subject to a negotiated service agreement. The intent of the tariff was to create an incentive to encourage new industrial businesses to locate within the City while at the same time not raise the cost burden on existing electric customers.

Mr. Pomeroy thanked staff for the research and time that was invested in putting together this proposal. He asked, in practical terms, what size company they were talking about and Mr. McFarland said the market value would be about \$400,000. The \$200,000 figure was selected by looking at all of the existing "P" service customers.

Mr. Pomeroy thought the idea was to try to recruit and attract the kind of high growth, almost tech park sort of companies. He also thought there were many times where an existing high tech business was trying to decide between relocating or staying put. He asked if any consideration was given to discount in terms of where an existing business was planning to expand by "x" percent or move elsewhere.

Mr. McFarland claimed consideration was given as to who would be eligible for a tariff—whether it would be an expanding existing customer or a brand new customer. The thought was it would be much more cleaner to offer the tariff to the new customers to see how it worked, whether or not it attracted new businesses, etc. He acknowledged there was the policy option to make it available to existing customers who expand, but the complexity you got into was how big an expansion it would have to be, could they expand and a year later reduce the size, etc. He said it was difficult to determine the eligibility for existing businesses.

Mr. Luft said during the discussions one of the things they needed to be careful about was not losing something they would otherwise have with revenues.

Mr. Pomeroy thought the proposal signaled the City's real desire to recruit businesses. He asked if there was any way to try and front end the benefits and for an explanation of extending the benefit over a five-year period.

Mr. McFarland explained that front ending it was not contemplated, but suggested it could be front and back ended making the discounts bigger in the front and lower in the back. Making it larger in the front end would be running a risk of losing money in revenues in the first year.

Mr. Pomeroy thought the proposal provided a model to follow the track over the course of a period of time to see how it was working and where it could be complimented, enhanced, or expanded if it was working.

Mr. Markham questioned how the City would keep the customers after the five-year period. He thought there needed to be an incentive to keep the business here. Another concern had to do with competing with the City's current customers. He questioned if they would be encouraging somebody to come into the City with a better rate against a current company that was already doing the same business.

Mr. McFarland said the five-year period was a policy decision and the timeframe could be extended or shortened. The staff's concern was to provide enough of an incentive to attract somebody to the City with an attractive rate that was still cheaper than Delmarva. Staff's concern was if they kept somebody on a discounted rate forever, at some point there was some inequity between them and existing customers.

Mr. Markham pointed out that high tech companies, especially in the computer field, found it very easy to pick their machines up and put them someplace else.

Mr. McFarland reiterated that the five-year period was somewhat arbitrary after he looked at other utilities' incentive tariffs. The five-year period showed up a lot, although some were seven years and some three years. He further noted that the City was not exposed to third party suppliers coming in and "cherry picking" the City's customers. He noted that the City had contracts with all of the large customers.

Mr. Markham reiterated that he was more concerned with, for example, having two high tech companies with the same target audience, and then a brand new one was brought in to compete against those already in the City. He said it was a no brainer if you had a brand new, unique business, but when you start competing against an established Newark based company, it became more difficult.

Mr. McFarland thought the other feature that would address that was the way the tariff was proposed in that the new customer was eligible for the service, but they still had to negotiate a contract with the City for that service and that contract would in turn have to be approved by Council. Therefore, there would be discretion to say we don't feel we need to offer the firm the discount because there was a very similar firm located in the City. Also, there was discretion in negotiating the terms of the new service during the approval of the contract itself. The City was obligated to provide "P" service, but it was not obligated to provide the new incentive service.

MOTION BY MR. POMEROY, SECONDED BY MR. CLIFTON: THAT STAFF DRAFT AN ORDINANCE THAT ADDRESSED THE PROPOSAL SUBMITTED REGARDING A NEW ELECTRIC TARIFF.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.
Nay – 0.
Absent – Athey.

36. 10-A-2. RECEIPT OF 2006 AUDIT REPORT

Mr. Luft explained that the auditor was not available until the September 24, 2007 meeting to make a presentation on the 2006 audit report. However, he placed the report on the agenda now so that Council could received it because of issues encountered last year with timing.

37. 10-B. ALDERMAN'S REPORT

MOTION BY MR. POMEROY, SECONDED BY MR. MARKHAM: THAT THE ALDERMAN'S REPORT DATED AUGUST 16, 2007 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.
Nay – 0.
Absent – Athey.

38. 10-C. FINANCIAL STATEMENT

MOTION BY MR. OSBORNE, SECONDED BY MR. CLIFTON: THAT
THE FINANCIAL STATEMENT ENDING JULY 31, 2007 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Clifton, Markham, Tuttle, Funk, Pomeroy, Osborne.
Nay – 0.
Absent – Athey.

39. Meeting adjourned at 8:40 pm.

Susan A. Lamblack, MMC
City Secretary

/pmf