

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

September 10, 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 4, David J. Athey
District 5, Frank J. Osborne
District 6, A. Stuart Markham

Staff Members: City Manager Carl F. Luft
Acting City Secretary Patricia M. Fogg
City Solicitor Roger A. Akin
Assistant to the City Manager Carol S. Houck
Planning Director Roy H. Lopata
Water & Waste Water Roy Simonson
Acting Chief of Police John Potts
Finance Director Dennis McFarland

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

2. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THE AGENDA BE AMENDED BY ADDING 9-A-1, DISCUSSION RE REALTY TRANSFER TAX, AND 9-B-1, RESIGNATION/APPOINTMENT TO COMMUNITY DEVELOPMENT REVENUE SHARING COMMITTEE.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

3. **2. CITY SECRETARY'S MINUTES FOR COUNCIL APPROVAL:**
A. Regular Council Meeting of September 10, 2007

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

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

Ivan Nusic, 26 Wakefield Drive, referred to the discussion on solicitation held at the last meeting. He suggested that the City would have better control and enforcement of vendors if they were issued a badge when they received a permit. The Mayor thought this was a good idea and asked that it be looked into. Mr. Akin advised that he was almost finished with his research on whether or not a municipality could ban door-to-door sales for Council's review. The Mayor thought it would be a good idea to include in the City Newsletter that handouts by vendors must be given to an individual and not left hung on a door.

Mr. Nusic requested that he get the same packet received by Council for each meeting (except for confidential material). Mr. Luft advised that extra packets were not printed for the public, but the packet was online. Mr. Nusic felt he was entitled to copies and emphasized that the City Secretary's Office always

provided him copies whenever he asked. However, he thought any interested citizen should be allowed to get the whole packet. Mr. Luft reminded him that a packet was available to read in the office. Mr. Nusic said because of his interest in the town, he wanted the materials made available to him, but he did not have time to come into City Hall to read them.

5. 3-B. UNIVERSITY

1. Administration

There were no comments forthcoming.

6. 3-B-2. STUDENT BODY REPRESENTATIVE

There were no comments forthcoming.

7. 3-C. COUNCIL MEMBERS

Mr. Athey thanked the Building Department for assisting with a problem raised at the last meeting by Ms. Shover concerning a rental property next to her property.

8. Mr. Athey complimented the 5K walk/run held on Sunday in memory of Chief William Nefosky. He understood over seven thousand dollars was raised for the American Cancer Society and over 300 people participated in the walk/run. Mr. Pomeroy also attended as a “passive participant” and congratulated everyone who was involved. Mr. Tuttle added that he also attended the walk, was not surprised to see the large turnout, and thought it was very gratifying. Mr. Markham, who also participated, commented that he was glad Chief Nefosky was recognized and remembered. Mr. Clifton also did the walk which provided him the opportunity to see people he had not seen for some time.

9. Mr. Athey noted that he attended and appreciated the films offered at the Film Festival. He thought it was a great event that has grown each year. He also noted that he attended the Bikes & Blues Festival in August. Several negative comments had been made about this event, but he personally thought it was a good event. A segment of the community may have had some negative impressions, but personally he did not think that was really fair. Mr. Funk said he received calls about the vendors and what was on the shirts they were selling. Mr. Athey agreed there were some questionable shirts.

Mr. Athey stated further that he thought the bike group was raising money for motorcycle accident victims or something of that nature. Mr. Funk interjected that he understood they did not raise any money. Mr. Athey suggested if the event were to come back next year perhaps it could be for some cause that was for Newark, or the proceeds could be split with a cause and the City. He thought that might give a different impression of the way people viewed the event.

10. Mr. Athey said he was advised by a recent appointment to the Newark Housing Authority (NHA) that there was suppose to be a representative from the NHA on the Community Development/Revenue Sharing Committee (CD/RS). He suggested at the NHA’s board meeting scheduled for Wednesday that the subject be discussed and the board recommend a name of someone who would be willing to serve on the CD/RS committee.

11. Council welcomed Senator Sorenson to the meeting.

12. Mr. Pomeroy advised that he received a letter from Congressman Castle who looked into the situation surrounding the post office on Main Street. He confirmed that it would not be closing although some of the distribution has shifted to the larger location on Ogletown Road.

- 13.** Mr. Pomeroy thanked the City Manager for his recent letter to DeIDOT regarding concerns.
- 14.** Mr. Pomeroy reported he received two telephone calls during the week from people who were very pleased with the prompt customer service they received when they called the City.
- 15.** Mr. Funk advised Senator Sorenson that there was concern as to whether the Senate would go back into session before January since the City was waiting for the Governor to make the appointment of the new Alderman. Senator Sorenson indicated the Senate would go back into session November 27th and the appointment of Alderman would be on their agenda.
- 16.** Mr. Funk referred to a public hearing notice Council received from DART that included the Newark trolley and listed the cost to ride the trolley at \$1.15. He asked the City Secretary's office to research the minutes where DART said the cost would be 25¢. That information was forwarded to DART and the Mayor asked them to revise the printed cost of \$1.15.
- 17.** Mr. Tuttle pointed out that there have been quite a few crimes reported on City streets and in parking areas in the last couple of weeks. He acknowledged the great cooperation between the Newark Police Department and the University Police and getting information out to the public. He noted that several months ago he commented that the University, on their home page, provided notice to members of the community when crimes occurred that might pose a threat. Also, anyone could subscribe to get email advising when a crime has been posted. That has now been enhanced to include a map that might better acquaint a citizen where the crime occurred. He concluded by saying it was important to acknowledge that this service would not work if it had not been for the prompt information flow from the Newark Police Department to the University's Public Information Office.
- 18.** Mr. Markham said he was bothered by the lack of student representation at Council meetings. Mr. Funk said he has been in contact with the students to remind them that they were expected to attend, and questioned whether that item should be deleted from the agenda. Mr. Markham thought communication from the students was needed and perhaps they could reach out to the students. Mr. Funk said he would talk to the representative on Town & Gown who represents the student government about getting students to attend future Council meetings.
- 19.** Mr. Markham advised that the storm drain he has been asking about for the past month has been fixed and several residents thanked him for that work getting done.
- 20.** Mr. Markham noted that Pulte was moving along with getting the second phase of the Woods at Louviers accepted. Ms. Houck advised that contractors were hired to finish the work, but she did not know when the work would be finished.
- 21.** Mr. Markham reported that the work to put in the sidewalks along the reservoir was suppose to start next week. He recognized that Senator Sorenson and Representative Schooley got the money to pay for the sidewalk in the Nonantum section next year and in the Ridgewood Glen section the following year.
- 22.** Mr. Markham asked everyone to take a few minutes tomorrow to remember what happened six years ago on September 11th.
- 23.** Mr. Markham questioned the status of the Curtis Paper Mill site and was told that bids for demolition would be opened Tuesday with a recommendation forthcoming.

24. Mr. Markham asked if a recycling recommendation was still expected at the end of the year. Ms. Houck thought something should be ready in the next couple of weeks.

25. Mr. Clifton thanked John Potts for the tremendous job he has done as Acting Chief of Police. He enjoyed working with Cpt. Potts and appreciated all the help he provided. He also congratulated the Department on some good collars lately, especially the sex predator arrested at Peoples Plaza Shopping Center. He gave kudos to the Police Department for the work they do in keeping everyone safe.

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

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

A. Contract 07-12, Purchase of (1) 2008 Mini-Bus

Ms. Houck summarized her memorandum to the City Manager, dated August 24, 2007, wherein she explained that this purchase would replace an existing bus. As a result of the level of funding available from DeIDOT this year for the purchase of the replacement mini-bus, the City requested cost savings from each bidder in association with several aspects of their mini-bus that the vehicle maintenance division deemed of less priority. DeIDOT will fund \$100,000.

American Truck and Bus Sales and Service bid \$100,931. Ms. Houck recommended that the funding source for \$931.00 come from the equipment replacement program and that Contract 07-12 be awarded to American Truck and Bus Sales and Service for the total cost of \$100,931.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT CONTRACT 07-12, PURCHASE OF (1) 2008 MINI-BUS BE AWARDED TO AMERICAN TRUCK AND BUS SALES AND SERVICE FOR THE TOTAL COST OF \$100,931.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay – 0.

28. **5-B. CONTRACT 07-13, PURCHASE & INSTALLATION OF POLICE FACILITY SECURITY SYSTEM**

Ms. Houck summarized her memorandum to the City Manager, dated August 30, 2007, wherein she explained that the current system has been in place since the building was constructed in 1993 and has continually failed to operate satisfactorily. The Police Department applied and received a grant from Homeland Security that would allow for the replacement of the original system.

One sealed bid was received from WFI Delaware in the amount of \$59,650. Four references were called and all reported a high level of satisfaction with this company. Therefore, Ms. Houck recommended that Contract 07-13 be awarded to WFI Delaware of Newark, DE for the purchase and installation of the Lenal Door Security System for the total cost of \$59,650.

Mr. Funk expressed concern with receiving only one bid. Ms. Houck advised that other companies called and received information, but only WFI toured the facility. Mr. Clifton found it disconcerting that the existing system had problems since 1993 and nothing had been done about that until now.

Cpt. Potts advised that the system was upgraded in 2000, but the basic infrastructure was the same. At the present time the system was barely running. Mr. Clifton questioned if the system included the card access through the sally

port as well. Cpt. Potts answered yes and confirmed that the system still worked, however, it could not be upgraded. Also, they could not change users or make new cards. He further advised that the new system was an open architecture and various manufacturers of card readers and other things could be used in the future if they wanted to upgrade or change it.

Ms. Houck interjected that the present system was part of the bid of the original contractor who built the facility.

Mr. Markham asked how long Lenel (name of company who makes the system) has been in business. Ms. Houck said she did not know but added that Officer Maiura received very good comments from the four agencies that have been using the system. Cpt. Potts added that he thought Lenel was an international company. The references were Wilmington Police Department, the Philadelphia Sheriff's Department, the Delaware River and Bay Authority, and Security-Agilent Technologies. Mr. Markham asked how long the system was used by the references to which Cpt. Potts believed it was at least five years.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT CONTRACT 07-13, PURCHASE & INSTALLATION OF POLICE FACILITY SECURITY, BE AWARDED TO WFI DELAWARE IN THE AMOUNT OF \$59,650.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

29. 5-C. RECOMMENDATION RE RFP 07-03 DESIGN/BUILD SERVICES FOR THE REFURBISHMENT, FIT-OUT & START UP OF A SIEMANS TR-420 (A) TREATMENT UNIT AT THE CURTIS WATER TREATMENT PLANT

Ms. Houck summarized her memorandum to the City Manager, dated August 30, 2007, wherein she explained that the City's existing Curtis water treatment plant was constructed to operate as a 5 MGD (million gallons a day) facility. However, until the completion of the reservoir, the plant could only operate at 3 MGD. The design/build RFP recommendation provided for the necessary engineering, instrumentation, and associated installation/construction to bring the plant up to the now available 56 MGD operating capacity.

Ms. Houck further explained that 11 firms were represented at a pre-submittal meeting (mandatory) and four sealed bids were received and evaluated by a committee. The team of Layne/Pennoni was the highest ranked firm at the cost of \$567,000.

Mr. Athey asked if the RFP explained how the rankings would be considered since it appeared the recommendation was a quality ranking and not a cost ranking. Ms. Houck advised that the criteria, including the weighing factors, were provided to all potential firms. Each firm was aware they were not being judged on the price proposal (which was opened after each firm was evaluated). Mr. Funk interjected that this procedure was state law.

Mr. Pomeroy asked because the funding was coming from several sources, if the project went over budget, where the additional funding source would come from.

Ms. Houck explained that this project was a little bit different in that normally it would be in a capital program and stand alone. The need to do performance maintenance on the existing bays pushed the project to the forefront. She also explained that any change order would have to be agreed to and if additional funding was needed, she would have to locate funds.

Mr. Simonson added that any change order requests would be for things that were missed and he did not expect that to happen. The other potential change order would be where the contractor came up with a recommendation to make the process work better and the City would have the option whether to accept that.

Mr. Markham asked if the City would be drawing more water from the reservoir, or reservoir water being combined with creek water to come up with the higher level. Mr. Simonson said the City would have the capacity to draw 5 MGD a day if they were running all five units—from either the creek or the reservoir. This will provide a degree of flexibility, i.e., if repairs had to be made at the South Wellfield Treatment Plant, they could kick up the production at the Curtis Plant and make up that difference. The City was permitted to draw 5 MGD from the creek and 5 MGD from the reservoir.

Mr. Clifton asked if he was correct that the average water consumption in Newark was 4 MGD. Mr. Simonson said that the daily average/month over a year was 5.9 MGD.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT THE CITY MANAGER BE AUTHORIZED TO ENTER INTO AN AGREEMENT AS DETAILED IN RFP 07-03 WITH THE TEAM OF LAYNE/PENNONI FOR DESIGN/BUILD SERVICES FOR THE EXPANSION OF THE CURTIS WATER TREATMENT PLANT AT A COST OF \$567,000.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

30. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:
None

31. 7. RECOMMENDATIONS FROM THE PLANNING COMMISSION/DEPT.
A. Request of Pilgrim Baptist Church for a Special Use Permit to Allow the Relocation of an Outfall Facility Associated with the Construction of a Small Addition to the Existing Church & the Relocation for the Existing Stormwater Management Facility to an Underground System, Located at 1325 Barksdale Road

Roger Stanley, Jr., Larson Engineering, Inc., 2717 Pulaski Highway, Newark, explained that the Pilgrim Baptist Church needed a special use permit at 1325 Barksdale Road in order to relocate an outfall facility. The site currently featured a “dry” type of stormwater management (SWM) basin near the rear of the property, which served the parking lot behind the church. The existing outfall pipe and its rock outlet protection pad were situated within the 100-year floodplain. The proposed plans for the project included the construction of a 4,680 square foot building expansion and the removal of the storm pond in favor of an underground stormwater management system. In transferring from a SWM pond to an underground system, they will upgrade and relocate the rock outlet protection from the south of the pond to the east of the proposed system. The new location was still within the 100-year floodplain.

Mr. Clifton said it was his opinion that the new system was probably more efficient than what was there today and there would be less maintenance required. He also believed it would be safer. Mr. Stanley agreed it would be a much more efficient process especially because of its close location to the wooded area. He also indicated it would be safer and fairly easy to maintain and gave a brief description on how the new system would work and the required maintenance.

Mr. Athey asked if it would be basically an infiltration basin to which Mr. Stanley said there would be infiltration taking place. However, they were designing it more conservatively and not taking into account infiltration rates because the soil rates were not as porous as they would like.

Mr. Athey noted a floodplain elevation of 112 plus or minus yet he had a copy of the latest flood map that showed the elevation at 110. He questioned whether the datum used to identify the 112 elevation was from the same FEMA datum. Mr. Stanley answered yes and said the benchmark was at the overpass on Casho Mill Road.

Mr. Markham asked for clarification that the church would maintain the basin and was told that was correct. He then asked if they would have a maintenance contract to which Mr. Stanley explained that the church would be given a user's manual. Phone numbers would be included for contacting the store tech manufacturer. Mr. Markham hoped there would be some kind of follow up because so many times storm basins end up with trees and things of that nature and don't get maintained. He also asked if they had to worry about small animals getting into the system. Mr. Stanley said it would be really tough for any critters to get into the system.

Mr. Pomeroy said he would support the request not just because of the importance of the expansion and the value the church provided to the community, but because there were no real water issues on the site and it was definitely a dry pond. He praised the church for coming up with an efficient piece of engineering that was good not just for the church but also for the City.

The chair opened the discussion to the public.

Thomas Birdsall, 1324 Barksdale Road, said when he first moved into his house, he could walk from the road down into a field at Pilgrim Baptist Church and also where Barksdale Estates was now located. Both areas were designated floodplains and then filled in, elevations redone, and then they were allowed to be developed. He claimed when it rained that whole area flooded prior to being filled. He claimed people still had problems with flooding even though the area was elevated. Mr. Birdsall claimed Pilgrim Baptist Church did not build in the floodplain because they elevated the site when the church was built, and they were now above the floodplain.

Mr. Lopata explained that Barksdale Estates was originally a subdivision called Garden Acres that was approved in 1966 (but never developed). Barksdale Estates was built much later. He agreed with Mr. Birdsall that it was a very low wet area and in 1966 when the development was approved, it predated the City's floodplain regulations. With today's rules, a lot of those homes would not be built. Mr. Lopata also agreed that Pilgrim Baptist Church was built on land that was filled. Both the church and Barksdale Estates were not in the floodplain today, and the church was actually in the higher area on that side of Barksdale Road.

Mr. Birdsall continued by saying that he watched the area get filled in and he did not think that was good business in that it affected every home on Rahway (and he noted the City actually bought one of the homes on Rahway Drive). He claimed it affected his house (which was not in the floodplain) because he was lower than Rahway Drive. When the floodwaters back up and go underneath Rahway Drive, through the culvert, it flooded his house. He had extra sump pumps put in, and spent \$5,000 on a drainage system this year.

Mr. Birdsall found it upsetting that the City hasn't looked at the overall effect of some projects. He did not mind the church working on the drainage system. However, he was concerned with the planned 4,000 sq. ft addition. He questioned how many parking spaces would be lost with the addition. He also noted he attended a public meeting about granting parking on Barksdale Road

for the church. He did not see a problem with that but looking back on that decision, he thought it was now a mistake because there were two near accidents coming out of Rahway Drive on Sunday mornings. The parking on Barksdale Road on Sunday mornings has extended into Sunday afternoons. He thought it was a disservice to the community by allowing the church to build an additional structure and eliminate parking on their site. Mr. Birdsall concluded by asking the City to look over the project to make sure it was done correctly because he could not take any more water coming onto his property as a result of what happened on the church property.

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

Mr. Athey said if there were changes to the floodplain or any upstream or downstream ramifications he would not support this request. That would not occur in this situation so he would approve the request made by the church.

Mr. Stanley said they were not adding anything in the way of storage volume from the floodplain area. Rather, they would be shifting from where the water was leaving to a contained management area, which would now be underground. With the addition to the church, they would be losing two parking spaces, but by expanding the parking to the rear, they would regain the lost spaces. Also, they planned to re-stripe and reconfigure the parking around the church itself thereby not resulting in any net loss of parking spaces. He also noted that the largest part of the addition was enlarging and updating the kitchen in addition to creating more meeting space.

Mr. Pomeroy said he has been in this area a lot after heavy rains because of calls about flooding issues especially in the area of Rahway Drive. He understood the water problem brought to their attention by Mr. Birdsall. However, he separated the church project from that problem. He understood the end result of the addition to the church would be a small increase to the number of parking spaces on the site and it would not necessarily relieve the parking on Barksdale Road. That being said, he knew church members have met with the Police Department to work on their challenging situation with parking. To date, they have made a good faith effort to try and mitigate some concerns, and they may have to work more on it as it related to their expansion project. He did not think the relocation of the outfall facility would exacerbate the problem Mr. Birdsall referred to.

Mr. Stanley further commented that the post development drainage leaving the site's runoff would be less than what was currently there pre-development of the church. That reduction will help with the higher-level storms.

Pastor Lonnie Records, 768 Arbour Drive, Newark, thanked Cpt. Potts for working with the church with their parking situation on Sundays. Officers have timed the speed on Barksdale Road and the average speed was 49 mph. The church encouraged their members to be careful getting out of their cars on Sunday mornings, and the church was doing everything possible to make things better in the community.

Mr. Athey asked Mr. Stanley to state for the record that it would be graded such that all of the drainage from the rooftop would go into the underground detention chamber. Mr. Stanley said that was correct. Also, there were existing roof drains that drained to the left and the right of the building and those drainage patterns would not be changed.

MOTION BY MR. CLIFTON, SECONDED BY MR. POMEROY: THAT A SPECIAL USE PERMIT BE GRANTED TO THE PILGRIM BAPTIST CHURCH TO ALLOW THE RELOCATION OF AN OUTFALL FACILITY ASSOCIATED WITH THE CONSTRUCTION OF A SMALL ADDITION TO THE EXISTING CHURCH AND THE RELOCATION OF THE EXISTING

STORMWATER MANAGEMENT FACILITY TO AN UNDERGROUND SYSTEM LOCATED AT 1325 BARKSDALE ROAD.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

32. 7-B. REQUEST OF LIBORIO LOUVIERS, LLC, FOR A REVISION TO THE APPROVED SUBDIVISION AGREEMENT FOR THE DEVELOPMENT KNOWN AS THE SHOPPES AT LOUVIERS, PARCEL A, LOCATED ON THE EAST SIDE OF PAPER MILL ROAD, TO MODIFY THE DEED RESTRICTIONS TO ALLOW WINE TASTING IN THE WINE-ONLY PACKAGE STORE (ADDENDUM TO SUBDIVISION AGREEMENT PRESENTED)

Lou Ramunno, Lenape Properties Management, Inc., said that he was the owner of the Shoppes at Louviers and reminded Council that he was given permission to operate a wine-only package store at The Shoppes at Louviers. He did not realize the importance of wine tasting and therefore was requesting permission to do that on the site.

The chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

MOTION BY MR. TUTTLE, SECONDED BY MR. MARKHAM: THAT THE SUBDIVISION AGREEMENT BE REVISED TO MODIFY THE DEED RESTRICTIONS TO ALLOW WINE TASTING AT THE WINE-ONLY PACKAGE STORE WITHIN THE SHOPPES AT LOUVIERS (SUBJECT TO ABCC APPROVAL).

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

33. 8. ORDINANCE FOR FIRST READING: None

34. 9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:

A. Council Members:

1. Discussion re Realty Transfer Tax – Mayor Funk

Mr. Funk advised that he put this item on the agenda because he thought Council owed the New Castle County Board of Realtors a response to their request to eliminate the buyer's portion of the Newark transfer tax for the last quarter of the year. It was staff's position that the City could not afford to do that at this time.

Mr. Funk said that based on staff's report, it appeared the City was planning on having 25 residential closings per month for the next three months. Mr. McFarland said they reviewed the transfers for the past couple of years and determined what percentage of the transfer tax dollars came from residential transactions and that was how they came up with the figures in their report.

Mr. Funk said the only thing he thought was a fallacy was the fact that NCC Board of Realtors was only asking for a waiver for owner occupied. He thought that was less than 25% of the seller/investor properties

It was the consensus of Council that nothing be done at this time. Mr. Markham asked if there was talk about waiving the transfer tax for one month. Mr. Funk said that was discussed, but would cost the City about \$50,000. If the

City were to adopt the Board of Realtor's recommendation, the City would see a revenue drop of \$157,286.

Mr. Funk said the reason to do what the Board of Realtors requested was to try and get more owner-occupied homes. Mr. Markham questioned whether they could target a certain neighborhood. Mr. Funk reminded him that the City already had a program if someone bought a rental property and turned it into an owner-occupied residence within a targeted area, the transfer tax was waived. Mr. Funk also said that during settlements when he looked at contracts he often saw the seller's address as being different and was amazed at how many people didn't have rental permits. He understood the Building Department was now cross checking and doing better enforcement on those situations. Many sellers were expecting to get the waiver not realizing they needed the rental permit in order to qualify for the waiver. Mr. McFarland added that when he researched the numbers and reviewed the July Financial Reports, they were still \$330,000 behind budget.

There were no further comments.

35. 9-B. COMMITTEES, BOARDS & COMMISSIONS:

1. Resignation & Appointment to Community Development/Revenue Sharing Committee

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT COUNCIL ACCEPT THE RESIGNATION OF MARILYN MINISTER FROM THE COMMUNITY DEVELOPMENT/REVENUE SHARING COMMITTEE AND APPOINT MARGARET CATTS TO FILL THAT POSITION.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

36. 9-C. OTHERS: None

37. 10. SPECIAL DEPARTMENTAL REPORTS:

- A. Special Reports from Manager & Staff: None

38. 10-B. ALDERMAN'S REPORT

MOTION BY MR. OSBORNE, SECONDED BY MR. ATHEY: THAT THE ALDERMAN'S REPORT DATED SEPTEMBER 5, 2007 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

39. 10-C. REQUEST FOR EXECUTIVE SESSION RE PENDING LITIGATION (DURKIN V. NEWARK)

Mr. Akin advised that an Executive Session was not needed at this time.

40. Meeting adjourned at 8:50 pm.

Susan A. Lamblack, MMC
City Secretary

/pmf

