

**CITY OF NEWARK  
DELAWARE  
COUNCIL MEETING MINUTES  
March 24, 2014**

Those present at 7:00 p.m.:

Presiding: Mayor Polly Sierer  
District 1, Mark Morehead  
District 3, Doug Tuttle  
District 4, Margrit Hadden  
District 5, Luke Chapman  
District 6, A. Stuart Markham

Staff Members: City Manager Carol Houck  
City Secretary Renee Bensley  
City Solicitor Bruce Herron  
Community Affairs Officer Dana Johnston  
Deputy City Manager Andrew Haines  
Finance Director Lou Vitola  
Parks & Recreation Director Charlie Emerson  
Planning & Development Director Maureen Feeney Roser

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**A.** Executive Session pursuant to 29 *Del. C.* §10004 (b)(2) for the purpose of discussions on site acquisitions for publicly funded capital improvements.

**B.** Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (6) for the purpose of a strategy session involving legal advice or opinion from an attorney-at-law with respect to pending or potential litigation and discussion of the content of documents, excluded from the definition of “public record” in 29 *Del. C.* §10002 where such discussion may disclose the contents of such documents.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: TO REMOVE EXECUTIVE SESSION ITEM B FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.

Nay – 0.

**C.** Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (9) for the purpose of a strategy session involving legal advice or opinion from an attorney-at-law with respect to pending or potential litigation and personnel matters in which the names, competency and abilities of individual employees.

**D.** Executive Session pursuant to 29 *Del. C.* §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed (City Secretary).

Council entered into Executive Session at 5:30 p.m. and returned to the table at 6:54 p.m.

**1.** The regular Council meeting began at 7:00 p.m. with a moment of silent meditation and the Pledge of Allegiance.

**2.** MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT ITEMS 5-A-1 and 5-A-2 BE MOVED TO FOLLOW THE JEFFERSON AWARDS AND PROCLAMATIONS TO THE SHAMROCK AND BROOKS FAMILIES.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.

Nay – 0.

**3. PRESENTATION OF 2014 JEFFERSON AWARDS**

**04:41**

Mayor Polly Sierer presented the Jefferson Award to Vance A. Funk, III. Mr. Funk served as mayor of the City of Newark for over nine years and helped reinvigorate downtown Newark through his support and involvement. Mr. Funk worked to promote Newark as a regional destination and to bring more people downtown. He created the Taste of Newark, which benefits the restaurant community and local organizations, and has supported many other City events including Wine & Dine Downtown, Restaurant Week, and the 250<sup>th</sup> Anniversary of Newark. His actions foster growth and excitement in downtown Newark and aided in bringing life back to downtown.

**4. PRESENTATION OF PROCLAMATIONS TO THE SHAMROCK AND BROOKS FAMILIES**

**06:23**

Mr. Shamrock was recognized for providing over a decade of volunteer service in helping to keep Newark clean from litter and debris by cleaning up trash several times a week from Casho Mill, Barksdale Road and Route 273 in addition to the neighborhoods of West Branch, Fairfield and Nottingham Green.

Mr. and Mrs. Brooks were commended for providing over five years of volunteer service in helping to keep Newark clean from litter and debris by cleaning up trash several times a week along Route 896 between the northwest UD campus and the neighborhood of Evergreen.

Both families were commended by Councilman Chapman for their outstanding commitment and dedication to the environment and the City as a whole.

**5. PRESENTATION OF RESOLUTIONS TO JERRY CLIFTON AND DOUGLAS TUTTLE**

**10:11**

Council unanimously endorsed the resolution to Mr. Clifton who served the City as a Council member for District 2 since April 1997.

**(RESOLUTION NO. 14-L)**

Council unanimously endorsed the resolution to Mr. Tuttle who served the City as a Council member for District 3 since September 2006.

**(RESOLUTION NO. 14-M)**

**6. 1. ITEMS NOT ON PUBLISHED AGENDA:**

**A. Public**

**20:41**

**John Morgan**, District 1, requested further clarification from Council members (who were on Council in March 2012) regarding accessory use under the STC zoning category. He shared former Councilman Temko's response to the same question.

**7. Martin Willis**, New Castle, thanked the Board of Adjustment members, staff and Newark Police for doing an excellent job at the special meeting on March 19.

**8. Bob Maxwell**, City lobbyist, reported an additional \$500,000 in appropriations was requested for payment in lieu of taxes from the State to correct the wrong that was done several years ago by excluding Newark from the proposal. The Committee hearing chaired by Representative Melanie George Smith would be held on 3/27 at 12:45 p.m. in the Joint Finance Committee room. The Governor's budget was heard and his bond bill proposal was also reviewed, but more work needed to be done. Financially it was important to pay attention to the revenue stream coming to the State. For fiscal 2014 there was a \$107 million shortfall and the Joint Finance Committee would be asked along with others to make appropriate cuts. For fiscal 2015 the shortfall projected was \$40 million. The Governor's ten cent per gallon gas proposal was expected to raise \$50 million per year for the next five years which was part of the Governor's proposal for \$1.1 billion over that period. An increased bonding proposal was also part of the Governor's proposal for an additional \$50 million. Two proposals – one an increase in corporation franchise tax would bring in \$18 million and a limited partnership proposal

for increased fees for LLC's would be \$33 million. The additional proposal for a State-wide water tax on property owners would have to be approved by the General Assembly, and that was projected to bring in \$35 million. As to how that would flow back to the cities, Mr. Maxwell had no information to provide and said this particular issue and every other issue on the revenue side were just proposals. Mr. Maxwell's concern was that the City needed to protect its revenue sources because for the last ten years it was his experience the legislature has asked to take revenue from transfer tax and return it to the State. There were other examples of unfunded mandates imposed on municipalities and Counties. He advised that a worker's compensation debate should be considered by public and private bodies. Last year a fairly large worker's compensation increase was enacted, and the proposal by the insurance commissioner for this year was another 11-14% increase. Municipal street aid was currently proposed for \$5 million. In 2013 Newark received street aid of \$479,000. However, if the Governor's proposals were not accepted, everything was on the table for reductions or further cuts.

**9. Amy Roe**, District 4, noted she took video of the 3/19 Board of Adjustment meeting regarding The Data Centers which was available for public viewing. She asked for an update on a request for Council to withdraw public sponsorship of the TDC Delaware Economic Development Office grant application. Ms. Hadden replied a response would be forthcoming. Ms. Roe commented on an affidavit provided by Gavin Biebuyck of Liberty Environmental Inc. submitted as evidence by the City in the residents' appeal of the zoning verification.

**10. Donna Means**, District 5, expressed concern about the friendliness between Ms. Feeney Roser and a union member at the Board of Adjustment meeting which she did not feel was professional.

**11. Matt Doyle**, District 1, questioned why Council did not fight for residents who opposed a power plant in the City and thought the emissions would violate the City's comprehensive plan. He said there was a small group of people who wanted to build the power plant and believed they stood to make a lot of money from the project.

**12. Connie Merlet**, District 4, said \$300,000 in taxpayer money was spent so far for legal fees on the power plant. This was TDC's battle, not Newark's. She questioned the ethics of union members for backing the power plant and would not support members of the building trade because of threats to her husband related to the TDC project.

**13. Brett Zingarelli**, District 4, opposed Bill 14-12 because it would expand the powers of the City Manager.

**14. Catherine Ciferni**, District 2, thanked Council for the Boards and Commissions workshop. One idea that came out of it was an application process for candidates and she suggested Council consider adding an interview process.

**15. Margaret Cassling**, District 1, attended the Board of Adjustment meeting and thought the process was flawed because of the result. She felt elected officials should be making decisions that were responsive to the citizens.

**16. 1-B. ELECTED OFFICIALS**

**01:07:45**

John Kowalko, State Representative, was disturbed by the rhetoric from union officials to intimidate him and the public he represents, particularly in light of his integrity and dedication to unions and working people. He asked Council to reconsider the money being used for this project instead taxpayers' needs. In response to questions raised earlier, the stormwater utility fee at the State level had not yet been fleshed out.

**17. 1-C. UNIVERSITY**

**01:17:33**

(1) Administration – Rick Deadwyler, UD Director of Government Relations, encouraged Newark residents to contact him or Assistant Director Caitlin Olsen with any questions or concerns about UD. In response to questions raised about community access for Fraser Field, he reported the University completed renovations to the Bob Carpenter Sports Complex. Unfortunately there were several incidents where the 24/7 open access resulted in safety concerns and damage. Community members interested in reserving the field may contact Mr. Deadwyler, Ms. Olsen or Jake Olkkola, Director.

Mr. Deadwyler stated that the University did not endorse or support candidates seeking elective offices and did not permit political signs on the University's property.

**18. 1-C-2. STUDENT BODY REPRESENTATIVE** – Andrew Miller, SGA representative, reported UDance raised \$850,376 to benefit the B+ Foundation. He noted that Vocal Point, an a cappella group, would be competing in an international championship and Mock trial will compete in their championship as well. UD's alternative break program was sponsoring trips to several areas. SGA elections would be held in April, and the student forum would be on 4/17 for students to ask questions to administrators. Earlier today, SGA voted to endorse the establishment of a bike sharing program to promote eco-friendly travel, healthier lifestyles and decreased pollution. Mr. Miller would discuss expanding bike share out into the community. The smoke-free proposal passed last spring by SGA was currently being deliberated in Faculty Senate.

**19. 1-D. COUNCIL MEMBERS**

**01:27:03**

**Mr. Morehead**

- Attended the Boards and Commissions workshop and the Board of Adjustment proceedings. The workshop was an understanding the City needed to improve by developing job descriptions so people know what they are signing up for, developing the list of capabilities members should have, and doing a better job inviting people to participate and a better job of selection.
- Regarding the Board of Adjustment proceedings, the 3/25 Comprehensive Plan meeting was a review of the first chapter of the next proposed Comprehensive Plan and was available for public review. They will go chapter by chapter through the Plan. One of the four votes the Board of Adjustment made was based on the existing Comp Plan passed six years ago. He encouraged everyone to pay attention to the proposed plan and to raise questions at the meetings or through their Council members. A number of other votes taken at the Board of Adjustment meeting were based on specific laws in place for many years and one vote hinged on the definition of "neighborhood". He asked if Council was willing to direct staff to update the Code definition of neighborhood. He also thought the Code definition of "accessory use" should be updated.
- Regarding current noise limits of 52 dBA between the hours of 9:00 p.m. and 8:00 a.m. in residential districts, he felt this limit was extremely loud. He would like the current noise ordinance updated if Council was in agreement. Ms. Houck agreed to have staff investigate limits in other areas and bring recommendations back to Council.
- Requested a discussion of fire code – staff would be ready to present shortly.

**Mr. Tuttle**

- The Boards and Commissions workshop was positive in that it was much more of a conversation with the public as well as members of Council. He found it refreshing and encouraged consideration of adopting that type of format for future workshops.

**Ms. Hadden**

- Attended the Boards and Commissions workshop, enjoyed the conversation with the public and the excellent input received from the attendees.
- Attended the Delaware League of Local Governments' congressional meeting in Washington, D.C. which provided networking opportunities with other elected officials.
- Met with Ms. Sierer, Mr. Chapman, UD and City staff to discuss Town and Gown.
- As a result of attending a community resiliency workshop, she worked with City staff, Representative Ed Osienski and several concerned community members to plan a public information session on rail car safety on 4/17 at 6:30 pm at Aetna Fire Station #8.

**Mr. Chapman**

- Recognized the Shamrock and Brooks families. He appreciated their community stewardship and hoped others would be motivated to follow their example.
- He has a great appreciation for open meetings and public comment and wanted to clarify that just because someone shared or insinuated something at the podium on the public record, this did not make it true. He noted there were several items tonight that were categorically false and inappropriate.
- He suggested Mr. Maxwell's report be an agenda item in the future. Ms. Bensley advised this could be done at the Organizational Meeting on 4/15.

- Said it was an honor to represent District 5 during his first term, and he looked forward to continuing the work in the future.

**Mr. Markham**

- Thought it was a good idea to have Mr. Maxwell's report on the agenda. He planned to attend the PILOT meeting on 3/27, and Ms. Sierer would attend as well.
- Felt the Boards and Commissions workshop was like a Town Hall conversation.
- Issued a reminder about the Nefosky Police Memorial 5K Run/Walk at the reservoir on 4/11 to remember the late Chief and raise donations for cancer research.
- Progress was made at Curtis Paper Mill and he appreciated Council's support.
- Councilman Tuttle and his knowledge would be missed and it was an honor to serve with him.
- Thanked constituents for their faith in him over the past eight years as well as Council and staff.

**Ms. Sierer**

- Met with Department of Education Secretary Mark Murphy to discuss education in Newark. He provided ideas to work on which she will share with Ms. Houck.
- The Boards and Commissions workshop provided valuable input from residents and she felt it was important for the community to work on a project like this where different viewpoints were presented.
- Last week was National Meals on Wheels Delivery week and she delivered a meal to a 101 year old woman from Newark whom it was an honor to meet.
- Attended and spoke at the Delaware Heels and Wheels summit at Clayton Hall with about 250 people and information was shared about the City's bicycle plan.
- Attended the Water Is Life Kenya fund-raising event at the reservoir where participants learned how to carry water as they do long distances in Kenya.
- Attended the UDance event planned by students. The amount of money raised for a charity was phenomenal.

**City Manager Ms. Houck**

- Community Clean Up was held on Saturday – there was a great turnout of 175 volunteers, and the litter pick up was one of the largest in the event's history.
- Several police officers were being honored by the Knights of Columbus – Master Corporal Paul Keld for his successful investigation of the 76 year old female pedestrian who was struck and killed by a vehicle that fled the scene. The suspect was arrested and pled guilty to leaving the scene of a fatal collision and related charges. Officer Keld was also being recognized for a separate incident where he struggled with and disarmed a man armed with a knife. Corporal Adam Stevens was being honored for his investigation and arrest of a local drug supplier – 5 lbs. of marijuana, 6.5 grams of ecstasy, cocaine and \$10,000 was seized and taken off the streets. Ms. Houck also commended the NPD and UDPD for their efforts during St. Patrick's Day weekend and NPD officers for the Board of Adjustment meeting. Cpl. Brandon Walker responded to a call from a 21 year old City resident who called the Police Department because he wanted to commit suicide. Cpl. Walker calmed the person and arranged for treatment.

**20. 2. ITEMS NOT FINISHED AT PREVIOUS MEETING: None**

**21. 3. ORDINANCES FOR SECOND READING & PUBLIC HEARING**

**A. Bill 14-09 – An Ordinance Amending the Amended Pension Plan for Employees of the City of Newark, Delaware, Regarding the Creation of a Limited Enhanced Early Retirement Option**

**01:50:29**

MOTION BY MR. TUTTLE, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND PUBLIC HEARING OF BILLS 14-09 AND 14-10.

Ms. Bensley read bills 14-09 and 14-10 by title only.

Mr. Haines reported that although Bill 14-09 and Bill 14-10 were two separate bills, the context was collective and they make an early retirement incentive plan. The CWA contract had new hires being on the defined contribution plan and retirement health savings plan. There was similar action for both the AFSCME and FOP contracts being considered later in the meeting. The City was not able to offer a conventional

early retirement incentive plan with a lump sum payout so this incentive was proposed. Any member at least 50 years of age with at least 20 years of service would be eligible because early retirement incentive plans had to be defined and broadly applied. The current RHS plans required criteria of 25 years of service and 55 years in age to get post-retirement health benefits. Qualified employees could retire now and collect their pension immediately and not have to wait until age 65 to receive post-retirement health. About 27 employees qualify between the three unions and management.

On a financial basis, new hires would not be eligible for service awards until 10 years of service. Savings were estimated at \$1.5 million if all 27 employees took early retirement. This would be a one-time window and would not set a precedent.

**Council/Staff Comments:**

Was there any legal jeopardy for having a window with an end point? There was not. This was completely voluntary across the board and without prejudice. Could any one department be heavily affected? That is part of the 3 month lead time to a July 1 effective date and would determine how much recruiting was done.

There were no public comments.

Question on the Motion (Bill 14-09) was called.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.

Nay – 0.

**(ORDINANCE NO. 14-07)**

**22. 3-B. BILL 14-10 – AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, CODE OF THE CITY OF NEWARK, DELAWARE, BY PROVIDING LIMITED ENHANCED ELIGIBILITY FOR HEALTH INSURANCE COVERAGE FOR RETIRED MANAGEMENT EMPLOYEES**

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*(Note: The public hearing for Bill 14-10 was held under Bill 14-09.)*

Question on the Motion (Bill 14-10) was called.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.

Nay – 0.

**(ORDINANCE NO. 14-08)**

**23. 4. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT: None**

**24. 5. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

**A. Council Members**

**1. Resolution 14-\_\_:** In Appreciation to Jerry Clifton, Council Member, Second District

*(See Item #5)*

**25. 5-A-2. RESOLUTION 14-\_\_: IN APPRECIATION TO DOUGLAS TUTTLE, COUNCIL MEMBER, THIRD DISTRICT**

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*(See Item #5)*

**5-B. Others:** None

**26. 6. RECOMMENDATIONS ON CONTRACTS & BIDS:**

**02:06:22**

**A.** Recommendation to Award Contract No. 14-02 – Grass Cutting For 2014-2017: Reservoir Slopes, Water/Waste Water Facilities and Storm Water Management Areas

Mr. Emerson presented the recommendation which covered a period of three years beginning in 2014. The bid prices indicated the annual cost for the contract. Elite Landscape was the lowest responsible bidder at \$43,988 and received favorable recommendations from three agencies. Funding was in the Operating Budget for Parks and Public Works/Water Resources.

**Council/Staff Comments:**

How does this compare to the current contract? In the past there were two separate contracts for the two departments – these were combined this year for a savings of \$1,000. Will the contract keep the grass to acceptable levels? Most of the areas will be mowed five times a year. Was there any interest in using an outside contractor for the parks? P&R went through the exercise in 2011. The vast majority of mowing was done by seven seasonal employees who do not receive benefits, thereby keeping costs down, while contractors charge between \$40 and \$60 per hour per acre. The City fine mows 170 acres on an 11 day cycle and over 20 meadow sites of about 28 acres cut twice a year. The \$50 midpoint for the number of acres fine mowed on a contract basis would be about \$238,000 – with City employees the cost was under \$150,000. Also, the trim mowers used by the seasonal crew were used in snow removal operations.

**Public Comments:**

**Jeff Lawrence**, District 3, felt it was encouraging that the last two agenda items discussed seemed to be smart moves and would improve efficiency and save money.

**Carol McKelvey**, District 4, was disappointed the James Hall Trail was not being fine cut. She did not think the City should consider it a meadow since it was a trail.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: TO AWARD CONTRACT NO. 14-02, GRASS CUTTING FOR 2014 – 2017 TO ELITE LANDSCAPE DE IN THE TOTAL AMOUNT OF \$43,988.49 PER YEAR FOR THE THREE YEAR CONTRACT PERIOD.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.  
Nay – 0.

**27. 6-B. RECOMMENDATION TO RATIFY AGREEMENT BETWEEN AFSCME LOCAL 1670, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, AND THE CITY OF NEWARK, DELAWARE FOR THE TERM OF JANUARY 1, 2014 TO DECEMBER 31, 2016**

02:16:05

Mr. Haines presented the recommendation for the collective bargaining agreement for AFSCME and highlighted the substantive changes of defined benefit pensions converting over to defined contribution pensions. The contract provided that all new hires after April 1 in the AFSCME unit would be in a defined contribution plan as well as in a retirement health savings account which would be another step closer to removing the post-retirement health financial obligations to the City.

**Council/Staff Comments:**

GPS unit data is not to be disciplinary, but is considered information that might be reviewed and investigated relating to existing personnel policies. Regarding the deployment of GPS, there were efficiency gains shown in the State contract. A GPS unit may confirm or defend if someone was in an appropriate location. It was a fair due process of everybody involved and on both sides there were checks and balances.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED MS. HADDEN: THAT THE COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME LOCAL 1670, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, AND THE CITY OF NEWARK, DELAWARE FOR THE TERM OF JANUARY 1, 2014 TO DECEMBER 31, 2016 BE RATIFIED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.  
Nay – 0.

**28. 6-C. RECOMMENDATION TO RATIFY AGREEMENT BETWEEN FOP LODGE #4, FRATERNAL ORDER OF POLICE, AND THE CITY OF NEWARK, DELAWARE FOR THE TERM OF JANUARY 1, 2014 TO DECEMBER 31, 2016**

**02:21:57**

Mr. Haines said a large amount of time was spent discussing pension changes, and no substantive defined benefit plan changes were found. This agreement also proposed that future hires after April 1 for the police division would not be eligible for post-retirement health and that those officers would receive the retirement health savings plan as was done with the other units. There was discussion about the extreme weather policy, and there is a policy to acknowledge first responders.

**Council Comments:**

The Deputy City Manager and the Finance Director were commended for their diligence and hard work as were others involved.

There were no public comments.

MOTION BY MR. MOREHEAD, SECONDED BY MR. TUTTLE: THAT THE AGREEMENT BETWEEN FOP LODGE #4, FRATERNAL ORDER OF POLICE, AND THE CITY OF NEWARK, DELAWARE FOR THE TERM OF JANUARY 1, 2014 TO DECEMBER 31, 2016 BE RATIFIED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.  
Nay – 0.

PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.  
Nay – 0.

**29. 7. SPECIAL DEPARTMENTAL REPORTS:**  
**A. Special Reports from Manager & Staff: None**

**30. 8. FINANCIAL STATEMENT: (Ending January 31, 2014)**

**02:28:22**

Mr. Vitola presented the January 2014 Financial Statement which included the new supplemental section. The financials were not great especially in the Governmental funds but that was common early in the year. Revenues were almost \$150,000 shy of budget over several areas, including permit activities, park fees, Court fines, and tax penalties. Some of it was attributable to the weather with 18.5 business days in January and 16.5 business days in February. The trend should reverse as spring unfolds. Expenses were likewise showing a negative budget variance which was common as the budgeted funds were encumbered early in the year in the materials, expenses and contractual lines. In the Governmental funds alone, a \$589,000 negative variance was shown but the vast majority (\$550,000) was directly related to encumbrances and was not reflective of cash spending. By the end of February the negative expense variance improved to \$335,000 which would continue to normalize throughout the year. An encumbrance on an account reflected that an order was placed. The system made sure the budgeted funds were reserved to prevent overspending. In the Enterprise funds revenue was exceeding the budget by over \$400,000 in total driven by Electric. Water revenues were also strong. Sewer was slightly shy of the budget but was within 1% of the target. Parking revenues were light due to the weather. Stronger revenues were almost totally offset by higher expenses in the Enterprise funds which was common this time of year. The cash balance at the end of January was unchanged from December, \$29.4 million which included \$20.8 million in the cash reserve account, \$1.1 million in the Smart Meter proceeds account and \$7.5 million in the Operating accounts.

In regard to the supplemental section, format changes were instituted throughout the financial statements to reflect the percentage of total budget in any one month and compare it to the same period last year. There was a graph for the General, Electric, Water and Sewer funds from the revenue and expense sides. The January 2014 data

was not shown yet. The 2013 data was used to show what the graphs would look like – performance meant budget vs. actual because it was Council who approved the budget and set the spending direction for the City and staff earned revenues and spent money.

Also included was the progress at McKees solar park. The summary page would be shown during the construction period and include the funding sources and how that funding was spent over time as the project was completed. When the project goes live the detail sheet would show how much was paid back to the General Fund for the expense and how much it earned. There would be kilowatt hours produced which allowed the City to import the cost of importing kilowatt hours into the system, there would be SREC revenue which would serve to pay the project back over time and then surplus would be generated for other green energy projects.

**Council/Staff Comments:**

Make the chart 13 months to show the previous year. Operating and maintenance expenses incurred were eligible for green energy funding. The cash balance should be spelled out in the memo so the numbers add up.

There were no public comments.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT THE FINANCIAL STATEMENT ENDED JANUARY 31, 2014 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.

Nay – 0.

**31. APPROVAL OF CONSENT AGENDA**

**02:40:00**

- A. Approval of Regular Council Meeting Minutes – February 24, 2014
- B. Receipt of Alderman’s Report – March 13, 2014
- C. Resignation of Cara Lampton from the Conservation Advisory Commission
- D. Reappointment of Thomas Fruehstorfer as Chairman of the Conservation Advisory Commission For a Three-Year Term to Expire March 15, 2017
- E. Reappointment of George Irvine to the District 4 Position on the Conservation Advisory Commission For a Three-Year Term to Expire March 15, 2017
- F. Reappointment of Patricia Wilcox to the District 5 Position on the Community Development/Revenue Sharing Advisory Committee For a Three-Year Term to Expire March 15, 2017.
- G. **First Reading – Bill 14-07** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Updating Prohibited U-Turns to Match Current Traffic Patterns and Signage – **Second Reading – April 15, 2014**
- H. **First Reading – Bill 14-08** – An Ordinance Amending Chapter 26, Streets, Code of the City of Newark, Delaware, By Extending the Time to Clear Sidewalks after Inclement Weather Events – **Second Reading – April 15, 2014**
- I. **First Reading – Bill 14-12** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Clarifying the Authority of the City Manager to Promulgate Procedures and Policies Related to the Security of City-Owned Facilities – **Second Reading – April 15, 2014**
- J. **First Reading – Bill 14-13** – An Ordinance Amending Chapter 27, Subdivisions, Appendix III, Section VIII, Wetlands, Code of the City of Newark, Delaware, to Give the Public Works and Water Resources Director Authority, in Certain Instances, to Modify the Site Design and Construction Requirements Concerning Wetlands – **Second Reading – April 15, 2014**

Ms. Bensley read the Consent Agenda in its entirety.

MOTION BY MS. HADDEN, SECONDED BY MR. MARKHAM: THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

Aye – Chapman, Hadden, Markham, Morehead, Sierer, Tuttle.

Nay – 0.

**32. Meeting adjourned at 9:35 p.m.**

Renee K. Bensley  
Director of Legislative Services  
City Secretary