

**CITY OF NEWARK  
DELAWARE  
COUNCIL MEETING MINUTES**

**June 23, 2014**

Those present at 6:00 p.m.:

Presiding: Deputy Mayor A. Stuart Markham

District 1, Mark Morehead  
District 2, Todd Ruckle  
District 3, Rob Gifford  
District 4, Margrit Hadden  
District 5, Luke Chapman

Absent: Mayor Polly Sierer

Staff Members: City Manager Carol Houck  
City Secretary Renee Bensley  
City Solicitor Bruce Herron  
Deputy City Manager Andrew Haines  
Finance Director Lou Vitola  
Planning & Development Director Maureen Feeney Roser  
Parking Administrator Marvin Howard  
Water & Wastewater Director Tom Coleman

**EXECUTIVE SESSION**

- A.** 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.
- B.** Executive Session pursuant to 29 *Del. C.* §10006 (b)(6) and (9) for the purpose of discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents and personnel matters in which the names, competency and abilities of individual employees are discussed.

Council entered into Executive Session at 6:00 p.m. and returned to the table at 6:55 p.m. Mr. Markham advised Council concluded the Executive Session and no action was needed at this time.

1. The regular Council meeting began at 7:00 p.m. with a moment of silent meditation and the Pledge of Allegiance.
2. Mr. Markham announced that Mayor Sierer was not present due to recovery from surgery on her broken collarbone.
3.
  1. **ITEMS NOT ON PUBLISHED AGENDA:**
  - A. Public

**02:25**

Jen Wallace, District 3, asked on behalf of the Newark Residents Against the Power Plant (NRAPP) for withdrawal of the TDC zoning verification. She presented a petition with 510 signatures to Council.

John Morgan, District 1, agreed with Ms. Wallace and asked for an update on citing UD with a noise violation on mug night. Ms. Houck advised that the City can only fine a specific person who receives a citation and outlined changes for the future to prevent a recurrence. Dr. Morgan distributed a chronology of events between the City and TDC, reviewed the documents attached and requested that the City Solicitor send a letter requesting TDC correct errors in its applications.

Tim Spaulding, District 4, requested that the zoning verification be rescinded and spoke regarding the environmental consequences of the project.

Margaret Cassling, District 1, agreed with Ms. Wallace and spoke about the scale of power plants on other university campuses and HB410.

David Cassling, District 1, requested that the zoning verification be revoked.

Nancy Willing, District 3, agreed with Ms. Wallace and Mr. Spaulding and requested that the zoning verification be revoked in light of TDC not responding to the City's requests. Ms. Willing also reported that NRAPP has sent a letter to the University's working group regarding the health impacts of the TDC project.

Barbara Wilcox, District 2, expressed concern regarding the water supply for the TDC project. Mr. Markham stated that United Water is supplying the project. Mr. Morehead asked about a cross connection with United and asked if it is typically open. Ms. Houck stated that the City has cross connections with Artesian and with United but is not sure if it is in that vicinity. Mr. Coleman will be able to clarify.

Anne Maring, District 1, requested that the zoning verification be withdrawn, spoke about the impact on attracting new residents, the June 21<sup>st</sup> Council meeting and requested a workshop on Boards and Commissions be held.

Ron Walker, District 4, complimented New Night Downtown and spoke about his experience getting petition signatures. He requested the zoning verification be revoked.

Ed Wirth, Arbour Park, discussed pollution, water needs, staffing needs and cost of the proposed power plant.

Tom Uffner, District 3, commented on his displeasure regarding the June 21<sup>st</sup> special Council meeting and thought City government is too large.

**4. 1-B. ELECTED OFFICIALS:**

**41:45**

Representative John Kowalko spoke about the University and Council efforts on the TDC project. He spoke on HB 410 and the action of the Joint Finance Committee, asked Council and the University not to let themselves be bullied and offered his support. He spoke regarding ads and push polling on the TDC project and thinks the forces behind this have been dishonest and bullies. He stated that the community's rights are no less important than developers' rights. He is also concerned about the water supply issue.

**5. 1-C. UNIVERSITY**

**54:21**

(1) Administration – Caitlin Olsen, UD Assistant Director of Government Relations, reported on the summer classes underway, the 100<sup>th</sup> anniversary celebration for the UD Cooperative Extension, and the ongoing new student orientation. Ms. Olsen reported the University had the second largest applicant pool with 26,461 applicants with over 3,000 Delaware residents applying. 93% of Delaware applicants were accepted and are the most talented pool yet. New students will arrive August 25<sup>th</sup> and 26<sup>th</sup>.

Ms. Hadden asked if the applicant number included all students. Ms. Olsen believed it was just undergraduates. Mr. Morehead asked how many students were accepted overall. Ms. Olsen said she could get that information. Mr. Markham asked for an update on the working group. Ms. Olsen stated that the internal working group was giving their statement to the administration and their summary would be out in July, most likely before the next Council meeting. Mr. Kowalko offered his help with the \$3 million dollar University allocation for the Joint Finance Committee. Ms. Hadden requested the University keep her in mind regarding meetings to plan future events.

**6. 1-C-2. STUDENT BODY REPRESENTATIVE: None**

**7. 1-D. LOBBYIST: None**

8. **1-E. CITY MANAGER:** None

9. **1-F. COUNCIL MEMBERS**

**58:36**

**Mr. Ruckle**

- Spoke regarding a safety meeting held in his district.
- Would like Council to consider establishing a fund in the budget that could be used by Council for outreach expenses.
- Was appalled by the Alderman's Court bill.
- Would like Council to consider a meeting time end of 11:00 p.m.
- Would like the City to use the IT training room for website training once a month.

**Mr. Morehead**

- Announced the Rental Housing Needs Committee on Thursday night in Council chambers and asked who is calling the meeting to order. Ms. Feeney Roser will do initial introductions and the Committee would select a chair.
- Asked if the City would provide water for TDC if United could not. Mr. Coleman stated that the interconnection would not allow water to go from Newark to TDC.
- Attended City Council/Staff event and thought some good things came out of it. Mr. Morehead reviewed the event and stated that the City does day to day stuff pretty well, but needs to improve communication.
- Stated the June 21<sup>st</sup> meeting is on YouTube. Ms. Bensley added that the audio is on the City website.

**Ms. Hadden**

- Agreed that Saturday's event was beneficial and promised to do a better job.
- Attended a workshop in Dover, a Police fundraiser, and a New Night Downtown.
- Requested Ms. Houck contact a sound consultant to provide a public workshop on the noise issue.

**Mr. Gifford**

- Thanked Mr. Kowalko for his support.
- Announced the pothole repair on Elkton Road and complimented the City.
- Attended several civic association meetings.
- Announced that Ms. Wallace had set up a "Next Door" account for District 3 residents to communicate with each other.
- Seconded comments about retreat from Mr. Morehead.

**Mr. Chapman**

- Thanked Representative Kowalko and Nancy Willing for their work regarding HB 410, Tom Coleman and Tim Filasky for working on quite a few District 5 items, and Mr. Herron for his memo regarding the water tower at the Retreat.
- Asked about September and October workshop dates.
- Stated that Council is actively listening to residents.
- Gave a list of constituent concerns including the safety issue of the Cleveland Avenue car loading/unloading, challenging Code Enforcement to step it up and focus on student housing violations, promotion of signing up for the City e-news, the issue of speeding on West Main and Rt. 896 coming into Newark from Pennsylvania and Maryland and suggested a large solar power blinking light \$1,500 per unit; the Christina Creek restoration moving forward; the length of Council meetings; City noise regulations; keeping the Newark Country Club green; the upcoming budget process; improving Citywide communication; and banning plastic grocery bags inside City limits.

**Mr. Markham**

- In regards to Mr. Chapman's remarks, he stated that solar powered blinking lights may have grants available and that plastic bags have been an ongoing discussion at the CAC. An idea could be to have DNP distribute reusable bags.
- Asked about having a web page on the City website, acknowledged concerns that it would be a political page and asked the administration to rethink its position.
- Attended Newark Night and made comments on possible improvements that could be made.

- Commented on State bills including full funding of municipal street aid, modifications to the “all powers” bill, and the response from Speaker Schwartzkopf on HB 410. Mr. Markham invited any elected official who would like to give City Council feedback to come speak at the designated agenda time.

Mr. Markham recognized Mr. Kowalko who stated that the \$5 million funding for municipal street aid is a good thing. The Joint Finance Committee again denied Newark participation in the PILOT program. House Bill 333 is not a good bill and Mr. Kowalko voted against it.

**10. 2. ITEMS NOT FINISHED AT PREVIOUS MEETING:**

- A.** Approval of Council Meeting Minutes – May 12, 2014

**01:30:45**

Mr. Markham stated that the minutes were updated to reflect that Ms. Hadden made the motion.

MOTION BY MS. HADDEN, SECONDED BY MR. MOREHEAD: THAT THE MAY 12, 2014 COUNCIL MEETING MINUTES BE APPROVED AS CORRECTED.

MOTION PASSED. VOTE 6 to 0.

Aye: Chapman, Gifford, Hadden, Markham, Morehead, Ruckle.  
Nay: 0.

**11. 3. SPECIAL DEPARTMENTAL REPORTS:**

- A.** Special Reports from Manager & Staff  
**1.** Town & Gown Committee Reinstatement Update

**01:31:30**

Ms. Bensley stated that no action is being requested by Council at this time and reviewed her memo on the progress of exploring the reinstatement of the Town & Gown Committee dated 6/16/14. This included suggestions to change the name of the committee, restate the committee’s purpose, update the charge of the committee, reduce the membership of the committee from 13 members to 9 members, designating the Mayor as the lead facilitator of the meetings, updating the meeting frequency from four times per year to every other month and providing the ability for the group to have informal forums as meetings. The University has also come forward with additional comments.

Mr. Gifford suggested changing the phrase “resource point” in bullet #2 to “forum of discussion to address immediate issues.” Mr. Morehead asked about changing the meeting frequency to every other month and Ms. Hadden and Mr. Chapman expanded on the thought process and clarified that the group would be able to hold more than six meetings per year if they deemed it necessary. Mr. Markham read a note from Mayor Sierer stating that another update is at least two meetings away.

**Public Comments**

Jen Wallace, District 3, recommended that there be a resident from each district.

John Morgan, District 1, thought the number of residents merited consideration, urged that some of the Newark residents be faculty members and asked for clarification on several points. Mr. Markham asked if Dr. Morgan would be willing to take the proposal to the faculty senate. Dr. Morgan stated he would be willing to discuss it with the members.

Anne Maring, District 1, would add University staff in the resident consideration.

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

Mr. Morehead supported the idea of one resident from each district. Mr. Markham and Ms. Hadden stated that one of the problems with the previous committee was that it was too big. Mr. Markham would keep it at 2 or 3 residents. Mr. Chapman stated support for the idea of residents from each district and explained the motive behind making the student organization representative more general. Mr. Markham stated that this will not succeed without the proper person from the Administration representing the University. Ms. Olsen stated the University’s support for a productive Town & Gown group.

**12. 3-A-2. BOARDS & COMMISSIONS APPLICATION**

**01:50:40**

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: THAT THE BOARDS AND COMMISSIONS APPLICATION FORM BE APPROVED.

Ms. Bensley reviewed her memo dated 6/16/14 which contained the updates requested by Council on the form discussed at the 6/9/14 Council meeting.

Ms. Hadden felt this has grown into a monster which is going to discourage volunteers. She felt it is individual Council members' responsibility to nominate and that this application is not inviting to anybody. Mr. Chapman was happy with the increased direction of professionalism of the boards and commissions. Ms. Hadden liked the average monthly time commitment worksheet. Mr. Morehead was willing to take a chance on the application to improve the process. Mr. Gifford asked if this is necessary for all boards and commissions. Ms. Bensley stated that the application can be made into a fillable form. Mr. Ruckle liked the form. Mr. Markham said based on the response to past calls for applicants, he is concerned that he will not get anybody. He also suggested that what is mandatory and what is optional could be designated and that an interview in front of Council would be difficult. Council had further discussion on which questions could be made mandatory versus optional.

**Public Comments**

John Morgan, District 1, agreed with Mr. Chapman's comments and referred to a past case where he felt there was a lapse in the process. He believed applicants should provide employment history, spousal employment history and personal or business relationships. He also expressed concern about needing a process to remove people from boards if needed. Ms. Bensley stated that there is a procedure via the Board of Ethics to remove board members if a violation of the Ethics Code is found.

Anne Maring, District 1, thought the structure of online forms is critical and suggested a section of the form be built in for conflict of interest questions. She believed conflict of interest should be reviewed every six months. Candidates should be interviewed by more than one Council member. The City should start having workshops around committees, including district presentations. She would like to see the Downtown Newark Partnership changed to be the Incorporated Newark Partnership to include all City businesses and residents. Ms. Maring suggested getting public feedback in terms of new boards and recommended postponing the application decision.

Tom Uffner, District 3, believed the information on applications should be investigated by the City and disagrees with appointing members on a consent agenda.

Carol McKelvey, District 4, believed the application is long, intrusive and an obstacle to recruitment.

David Robertson, District 6, saw both points of view. It is important to get the right people. Personal and financial interests should cover what Council needs to know.

Council discussed personal relationships related to the application questions.

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: ADD OR BUSINESS AFTER THE WORD PERSONAL TO THE SENTENCE "DO YOU HAVE A PERSONAL RELATIONSHIP WITH ANY MEMBERS OF CITY COUNCIL, MEMBERS OF ANY CITY BOARD OR COMMISSION, OR EMPLOYEE OF THE CITY OF NEWARK?"

AMENDMENT PASSED. VOTE 5 to 1.

Aye: Chapman, Gifford, Markham, Morehead, Ruckle.

Nay: Hadden.

Question on the application as amended was called.

MOTION PASSED. VOTE 5 to 1.

Aye: Chapman, Gifford, Markham, Morehead, Ruckle.  
Nay: Hadden.

**13. 3-A-3. MCKEES SOLAR PARK UPDATE/VOLUNTARY BLOCK PROGRAM**

**02:31:40**

Mr. Vitola gave a presentation regarding the McKees Solar Park and the Voluntary Block Program. Mr. Vitola reviewed the history of the City's Green Energy Program and updated Council on the progress of the solar park construction. He presented four parts of the community involvement being proposed for Council consideration. These include:

- Panel donations – inviting residential and commercial sponsors to donate \$250, which is the approximate cost of a panel. Donors would receive on site and website recognition.
- Purchase of the electricity output from McKees – \$50 per kWh block with a maximum of two blocks per customer. Each block would provide a 1 cent per kWh rebate per month on customer electric bills. The payback would be approximately 4 years.
- Stress the importance of conservation in the green energy equation through soliciting household LED light sponsorship by local businesses. LED light distribution would be targeted to needier residents on an application basis to ensure usage.
- Reinstigate the Voluntary Block Program at the prevailing price for the Green Energy Blocks.

Mr. Vitola reviewed the payback for the solar park project and Green Energy Fund.

Mr. Markham questioned the need for the one penny rebate per kWh incentive and suggested that the LED giveaway should target people having trouble paying their electric bills already. Mr. Vitola stated that the City could work with Catholic Charities to do that and that if the City takes away the rebate, there is still some form of return on investment over the former system. However, the CAC and SEPA would like to see the rebate.

Scott Lynch, DEMEC, spoke about the importance of promoting energy efficiency and conservation as part of this program and the attempts to address access barriers for the public to be part of the project.

Tom Fruehstorfer, CAC Chair and District 1 resident, relayed the CAC's endorsement of the project and the commission's desire to ensure that the City is getting additional funds to reinvest in green energy projects. He also suggested limiting the block sales to one per person and limiting the rebate time to 30 years instead of life.

Mr. Markham asked how many blocks were available. Mr. Lynch said the recommendation was 200, but could be increased to 210 to 215. However, an increase would reduce the City's seasonal variability buffer. Mr. Markham asked about limiting the length of the rebate to ten years. Mr. Vitola stated staff would be open to the suggestion.

**Public Comments**

Tom Uffner, District 3, asked for clarification on the return the customer would receive by participating in this program.

Mr. Vitola read the four recommendations into the record.

AMENDMENT BY MR. CHAPMAN, SECONDED BY MR. MOREHEAD: TO AMEND THE STAFF RECOMMENDATION POINT TWO TO HAVE A TEN YEAR MAXIMUM AT WHICH POINT THE ORIGINAL OWNER WOULD HAVE FIRST RIGHT OF REFUSAL TO CONTINUE FOR ANOTHER TEN YEARS AFTER REPURCHASE.

There was no discussion on the amendment.

Question on the amendment was called.

AMENDMENT PASSED UNANIMOUSLY.

VOTE 6 to 0.

Aye: Chapman, Gifford, Hadden, Markham, Morehead, Ruckle.  
Nay: 0.

Mr. Ruckle asked when the Voluntary Block Program would be reinstated. Mr. Vitola stated after the McKees project had been fully subscribed, the City would then go through DEMEC to purchase more blocks. Ms. Houck asked if Newark is the only city still doing this. Mr. Lynch stated that is correct.

Carol McKelvey asked if members of the Voluntary Block Program should have priority to purchase the blocks. It was explained that there would be no blocks for additional participants if that were the case. Ms. Houck added that CAC thought this could be a way to grow green energy participation. Mr. Ruckle asked if the City had more land could there be more blocks. Mr. Vitola stated that expansions could happen in the future.

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

MOTION BY MR. MOREHEAD, SECONDED BY MR. CHAPMAN: TO APPROVE THE STAFF RECOMMENDATION AS AMENDED.

MOTION PASSED UNANIMOUSLY.

VOTE 6 to 0.

Aye: Chapman, Gifford, Hadden, Markham, Morehead, Ruckle.  
Nay: 0.

14. **4. ORDINANCES FOR SECOND READING & PUBLIC HEARING:**  
**A. Bill 14-18 – An Ordinance Amending Chapter 11, Electricity, Code of the City of Newark, Delaware, To Delete Budget Billing**

**03:15:30**

*(Note: Bills 14-18 and 14-19 were heard together.)*

MOTION BY MR. CHAPMAN, SECONDED BY MR. MOREHEAD: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 14-18.

Ms. Bensley read the title of Bill 14-18 in its entirety.

Mr. Vitola presented Bills 14-18 and 14-19, which would allow budget billing for all utilities. Budget billing has been requested by Council and by residents. With new technology upgrades, the City is able to implement budget billing but needs to update the Code to allow it.

There were no questions from Council or from the public.

Question on the motion was called.

MOTION PASSED UNANIMOUSLY.

VOTE 6 to 0.

Aye: Chapman, Gifford, Hadden, Markham, Morehead, Ruckle.  
Nay: 0.

**(ORDINANCE NO. 14-17)**

15. **4-B. BILL 14-19 – AN ORDINANCE AMENDING CHAPTER 13, FINANCE, REVENUE, AND TAXATION, CODE OF THE CITY OF NEWARK, DELAWARE, BY CREATING A BUDGET BILLING PROGRAM FOR ALL CITY ADMINISTERED UTILITIES**

**03:17:50**

*(Note: Bills 14-18 and 14-19 were heard together)*

Ms. Bensley read the title of Bill 14-19 in its entirety.

MOTION MR. CHAPMAN, SECONDED MR. MOREHEAD: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 14-19.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY.

VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

**(ORDINANCE NO. 14-18)**

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

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

A. **Council Members:**

1. Discussion of Director of Legislative Services/City/Secretary/Treasurer Overtime Pay Per Changes to Code Section 2-94.2 at 6/9/14 Council Meeting

**03:18:25**

Mr. Markham stated that based on action taken at the previous meeting, Council has been designated as the overseeing authority for the approval of overtime for the City Secretary. The two options are overtime pay or compensatory time, both at a one to one ratio. Mr. Morehead asked Ms. Bensley what her preference was. Ms. Bensley stated she had no preference and was satisfied with whatever Council chose. Mr. Haines clarified the overtime application for other management employees. Mr. Markham stated that comp time does not affect the budget the way overtime does. Mr. Gifford asked if overtime is preapproved. Ms. Houck said Council would have to choose. It is not currently being approved. Mr. Chapman thinks Council should understand what has been happening and try to normalize what has been happening. Ms. Bensley stated that her overtime typically is two to eight hours, with some pay periods as high as twelve to fifteen hours of comp time, which is biweekly. Ms. Hadden asked who approves Ms. Bensley's time slips. Ms. Bensley stated she did. Mr. Chapman is fine with this position choosing the compensation option and asked that Ms. Bensley include in her weekly report hours worked over 37.5. Mr. Chapman asked about the comp time limits. Mr. Haines stated that there is a cap of 150 hours. Ms. Hadden asked how Council would feel about having the most senior member of Council sign off on the City Secretary's time sheet. Council gave direction that the City Secretary would submit her time sheet to the most senior member of Council to sign before submitting it to payroll. Mr. Herron clarified that any motion this evening would be giving guidance and that any ordinances that would be needed to amend the Code would be submitted at a later time. Mr. Gifford clarified that the ability to choose overtime or comp time is afforded to other members of management staff.

There were no comments from the public.

MOTION BY MR. CHAPMAN, SECONDED MR. MOREHEAD: THAT THE CITY SECRETARY SHALL HAVE THE CHOICE TO ACCRUE COMP TIME OR TO RECEIVE COMPENSATION AT THE RATE OF ONE HOUR OF BASE PAY.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY.

VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

18. 6-B. **OTHERS:** None

**19. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:**

**A. Recommendation to Award RFP No. 13-02 – Credit/Debit Card Enabled Single-Space Parking Meters**

**03:34:10**

Ms. Feeney Roser presented the recommendation for RFP No. 13-02 to purchase credit/debit card enabled single-space parking meters. Three companies responded with two vendors providing all of the services requested in the RFP, IPS Group and Duncan Solutions. Each vendor installed 20 meters on Main Street for a pilot program. Duncan sensors had problems with clearing off time that had been paid before the vehicle was moved. Duncan was able to resolve the issue. Also, the University had issues with IPS meter battery drain when the pay by cell feature was activated. IPS and the University were able to determine the issue and correct it. The height of the meter heads make the meters taller than they should be, so if the project is approved, the poles on the meters will be cut to handicapped accessibility standards. The pilot program lasted nine months. The IPS meters outperformed the Duncan meters in terms of functionality, reliability and customer feedback. The University has also reported satisfaction with their IPS meters. Staff recommends purchasing the IPS meters and adding the pay by cell feature at a later date to avoid the problems the University faced and to consider dynamic parking options. A total of 401 meters would be purchased and replaced with 250 vehicle detection sensors for a total of \$297,340. In addition, the monthly service charge of \$12 per month, which will be part of the Parking Division operating budget in the future, is included as part of the recommendation for six months of fees through the end of 2014. These fees would total \$28,872 and would be transferred from the Capital Budget to the Operating Budget. The total amount of the project would be \$5,842 under the budget estimate.

**Council Comments**

Ms. Hadden asked if there were any issues with the solar batteries in the shade. Ms. Feeney Roser said there is a battery backup and the batteries can be recharged and rotated out with the spare batteries included in the proposal.

Mr. Morehead asked about the personnel cost of changing batteries and if one person will be sufficient if the City anticipates maintenance issues since this is a newer technology. Ms. Feeney Roser said the City does not anticipate additional problems that current personnel could not handle. Mr. Howard stated that IPS meters have been around for 10 years and the University's problem was battery drain caused by pay by cell and lack of education on the data management system. The City has not had issues over nine months. Ms. Houck added that there are fewer coins to collect. Mr. Howard clarified that when there is no sunshine, there is a backup battery that can be recharged. There are several meters in shady areas during the pilot and there have been no problems.

Mr. Ruckle asked what was being done with the old meters. Mr. Howard stated the City would keep a supply on the street and as spares. The rest would be sold online.

Mr. Gifford asked about the batteries on the current meters. Mr. Howard stated the current meters have batteries that last approximately 16 months and are not rechargeable. Mr. Gifford asked about the need for the vehicle detection sensors. Mr. Howard stated the sensors gave a lot of information, including parking occupancy and patterns, allowed enforcement of the "no feed" policy, allowed resetting of the meter time when a vehicle leaves and allowed for a smartphone app to find open parking spaces.

Mr. Chapman asked if vehicle detection could be added later. Mr. Howard said it could. Mr. Chapman said he was concerned about the meter clearing feature.

Mr. Gifford asked if parking space usage could be determined by the amount of money in the meter. Mr. Howard said it could. Ms. Houck added that they would be able to determine the overall amount a meter was used, but not necessarily the timing of when it was used or be able to encourage turnover in the highest traffic areas.

Mr. Morehead has received good and bad sentiments about the meters, but the meter clearing feature response was negative.

Mr. Chapman asked about potential changes in the metering structure and timeframes. Mr. Howard said that dynamic parking rates are being considered for the

future. Mr. Chapman asked how removing the vehicle detection sensors would change the project. Mr. Howard stated it would likely alter the payback rate structure for the project. Mr. Chapman questioned the thought that more people would pay the max on the smart parking meter. Mr. Vitola said not everyone would pay the max, but more would be based on the pilot experience. However, more data is needed.

Mr. Markham stated one use of the sensors was to let parking enforcement officers know that there is a car at a meter with no time on it. Mr. Howard stated it was not the City's intent to use that feature now, but they could in the future. Mr. Markham stated that the data could also be used by residents to challenge tickets if there was time on a meter when the ticket was issued.

### **Public Comment**

Jen Wallace, District 3, was concerned about meter clearing and dynamic pricing.

Cari Rogers, Moxie Boutique, expressed support for smart parking meters and believed it would help local businesses since parking currently is the biggest complaint.

Tom Uffner, District 3, was opposed to replacing the parking meters.

Robert Newlin, District 4, spoke about the increased revenue the University has experienced using smart meters.

John Morgan, District 1, stated that downtown businesses are competing with Christiana Mall and the City needs to be conscious of the fact that increasing parking revenue may depress business on Main Street.

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

Mr. Morehead spoke on parking philosophy and stated the City could make all parking free and enforce the time limit. Mr. Chapman said college students will park there all day causing greater issues for businesses. Mr. Morehead agreed that made sense.

Mr. Chapman expressed concern about the meter space clearing feature. Any instructions regarding implementation of the feature should be direction to staff instead of attaching them to the contract.

Mr. Gifford asked why UD did not purchase the vehicle sensors. Ms. Feeney Roser stated the University encouraged long term parking in spots, so they did not need sensors.

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: THAT RFP NO. 13-02, CREDIT/DEBIT CARD ENABLED SINGLE-SPACE PARKING METERS, BE AWARDED TO IPS GROUP, INC. IN THE TOTAL AMOUNT OF \$326,212.

MOTION PASSED. VOTE: 5 to 1.

Aye: Chapman, Hadden, Gifford, Markham, Ruckle.

Nay: Morehead.

## **20. 7-B. RECOMMENDATION OF AWARD CONTRACT NO. 14-05 – CORBIT STREET AREA WATER MAIN REPLACEMENT**

**04:30:40**

Mr. Coleman presented the recommendation for Contract No. 14-05 for the Corbit Street area water main replacement. The City is proposing to replace 4,350 feet of water mains as part of this project. The expected life span is 75 to 100 years. The project replaces lines on parts of Old Oak Road, Dallam Road, Corbit Street and Ray Street. 18 companies were noticed, 6 companies attended the pre-bid meeting and 3 bids were received. The low bid was from Reybold Construction of Bear for \$699,998, which is under budget and engineer's estimate. This has been coordinated with the street project, saving additional funds. Reybold has completed several other projects successfully for the City.

### **Council Comments**

Mr. Morehead asked how long streets would be closed. Mr. Coleman stated that there would be no streets closed completely, but the streets would be closed to one lane of traffic during construction.

Mr. Markham asked how mains are being prioritized. Mr. Coleman stated that there were many breaks on Old Oak Road, Corbit Street had multiple failed valves, and testing was done on the roughness of the pipes for the mains. Mr. Markham requested that testing be done on the pipes when they are removed to ensure the City's testing methods prior to replacement are accurate.

There were no comments from the public.

MOTION BY MR. MOREHEAD, SECONDED BY MS. HADDEN: THAT CONTRACT NO. 14-05, CORBIT STREET AREA WATER MAIN REPLACEMENT, BE AWARDED TO REYBOLD CONSTRUCTION GROUP, LLC IN THE TOTAL AMOUNT OF \$699,998.00.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

**21. 8. FINANCIAL STATEMENT: (Ending May 31, 2014)**

**04:40:04**

Mr. Vitola presented the unaudited financial statements for the first five months of 2014. On a citywide consolidated basis, there is an operating surplus of \$1.2 million, which is \$741,000 lower than the budgeted surplus. In the governmental funds, revenues were stronger in April, but the negative variance took a step back in May, partly because the revenue budget assumed smart parking meters would have generated two months of revenue. There is lower than expected revenue in traffic and criminal fines, permits and transfer taxes. On the expense side, the City is about \$700,000 over budget. Payments to New Castle County for economic development and DeIDOT for the TIGER grant have pushed expenses higher as well as the increased costs for snow removal over the winter. May also had three biweekly payroll premiums. Insurance premium payments have been made for the year. Legal and consulting services are over the year to date budget. In the enterprise funds, the Electric fund is driving the positive revenue variance while the revenues for the Water and Sewer budgets are slightly higher with Water at 5% and Sewer at 1% over projected revenues. These are offset by expenses that are \$200,000 over budget due to previously mentioned variances. Staff recognizes the year is approximately half way over and while there are some timing issues artificially inflating the budget, weather related issues, high demands on personnel, higher IT demands and higher legal costs will not be recovered. As the departments begin looking at the 2015 budget, staff is also looking at ways to cut expenses in the second half of the year. If corrective action is needed by Council, it will be brought to the floor at a later date. The cash position at the end of May is \$27.2 million which consisted of \$300,000 in the smart meter accounts, \$6 million in operating cash and \$20.9 million in the City's cash reserves.

**Council Comments**

Mr. Markham asked staff to find a source for real estate trend information to be able to better estimate transfer tax revenue. Mr. Ruckle stated he could help and that May was down. Mr. Vitola stated that since the City receives May's transfer tax in June, June's receipts will not be better. Mr. Markham was glad staff was looking at 2014 budget cuts.

There were no comments from the public.

MOTION BY MR. RUCKLE, SECONDED BY MR. MOREHEAD: THAT THE FINANCIAL STATEMENT ENDED MAY 31, 2014 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

**22. APPROVAL OF CONSENT AGENDA**

**04:46:05**

- A. Approval of Council Meeting Minutes – May 27, 2014
- B. Approval of Special Council Meeting Minutes – June 2, 2014
- C. Approval of Court of Assessment Appeals Minutes – June 9, 2014
- D. Receipt of Alderman’s Report – June 10, 2014
- F. Appointment of Don DelCollo to the Vacant At-Large Appointment on the Newark Housing Authority
- G. Appointment of Jerry Clifton to the Memorial Day Parade Committee

MOTION BY MS. HADDEN, SECONDED BY MR. MOREHEAD: THAT ITEM 9-E BE REMOVED FROM THE CONSENT AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

Ms. Bensley read the Consent Agenda in its entirety.

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

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

**23. 9-E. RESIGNATION OF ANGELA DRESSEL FROM THE PLANNING COMMISSION, DISTRICT 6, EFFECTIVE JUNE 30, 2014**

**04:47:18**

Mr. Markham requested to change the resignation date for the District 6 Planning Commissioner to July 2, 2014 so she can finish her participation with the Comprehensive Plan process.

MOTION BY MR. RUCKLE, SECONDED BY MS. HADDEN: THAT THE RESIGNATION DATE OF ANGELA DRESSEL FROM THE PLANNING COMMISSION BE CHANGED TO JULY 2, 2014.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Hadden, Gifford, Markham, Morehead, Ruckle.  
Nay – 0.

**24. Meeting adjourned at 11:44 p.m.**

Renee K. Bensley  
Director of Legislative Services  
City Secretary