

CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES
October 13, 2014

Those present at 7:00 p.m.:

Presiding: Mayor Polly Sierer
District 1, Mark Morehead
District 2, Todd Ruckle
District 3, Rob Gifford
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
Deputy City Manager Andrew Haines
Finance Director Lou Vitola
Planning & Development Director Maureen Feeney Roser
Planning & Development Supervisor Mike Fortner
Planning & Development Planner Ricky Nietubicz
Chief Paul Tiernan, NPD
MCpl. Gerald Bryda, NPD
Purchasing Administrator Cenise Wright

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. CHAPMAN, SECONDED BY MR. MARKHAM: TO MOVE ITEM 6-A-1 BEFORE ITEM 1.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

3. **6. ITEMS SUBMITTED FOR PUBLISHED AGENDA**
A. Council Members

1. **Resolution 14-__**: Recognizing James Bowman for His Work on the Planning Commission and Contributions to the City of Newark

06:10

Ms. Sierer, Mr. Ruckle and Mr. Clifton presented the resolution recognizing Mr. Bowman for nearly 23 years of service on the Planning Commission.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: THAT THE RESOLUTION BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(RESOLUTION NO. 14-AA)

4. MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD – THAT ITEM 1B BE HEARD AT THIS TIME.

5. **1-B. ELECTED OFFICIALS**

13:06

John Kowalko, State Representative District 25, expressed concerns about the reappointment of David Levandoski to the Board of Adjustment. *(Comments attached)*

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

A. Public

17:34

John Morgan, District 1, shared a prepared statement on proposed reappointments to the Board of Adjustment and the Downtown Newark Partnership. (*Comments attached*)

Tom Uffner, District 1, believed committee appointments and contracts should not be placed on the Consent Agenda.

Margaret Cassling, District 1, addressed Newark's new designation as pilot project of the *Chesapeake Crescent Initiative*. (*Comments attached*)

Ron Walker, District 4, objected to the reappointment of David Levandoski to the Board of Adjustment.

Brett Zingarelli, District 4, shared his concerns about Mr. Levandoski's reappointment, the CCI project and the cancellation of the budget workshop.

Jeff Lawrence, District 3, asked who was responsible for nominating Boards and Commissions members. Ms. Bensley explained the nominees came from the District Council member or from the Mayor for at-large positions and all were approved by Council. Mr. Levandoski was submitted by Ms. Sierer. He expressed concerned about the cancellation of the budget workshop.

Len Schwartz, District 3, thought Mr. Levandoski was a poor choice for reappointment. He discussed the possibility of providing community Internet access in Newark and referred to net neutrality. Mr. Morehead requested staff to check into the current franchise agreements with Comcast and Verizon.

Helga Huntley, District 1, suggested posting PowerPoint presentations with the minutes on the City's website. She felt the structure of the DNP should be reviewed before further reappointments were made. She requested that Council allow individuals to complete their public comments when speaking and asked Mr. Markham to clarify his remarks during the September 8 meeting reminding Council members not to make voting commitments individually outside of a Council meeting.

Mr. Markham responded that under FOIA regulations there was a limit to the number of people on Council that could meet as a group with an organization or a political group and was challenged in the past for having a rolling quorum. He thought it was clear that members should never commit their vote before having an entire presentation before Council.

Mr. Morehead asked Mr. Herron if several weeks ago Council received an opinion from him regarding a rolling quorum saying it had to have a component of the person who was not the Council member informing each of the Council members what the other Council members thought and without that component it was not a rolling quorum. It was Mr. Morehead's question to AB+C regarding polling all of Council about their thoughts. Mr. Herron said that was certainly prohibited and that a quorum of Council members cannot meet to discuss issues except at a Council meeting. Mr. Morehead said it was not the quorum it was the fact that AB+C polled each Council member individually and Mr. Herron wrote back and said the fact that they did not tell us what each of the others thought was a difference. Mr. Herron said that was not on an issue that may come before Council – he thought they were just getting some background information. Mr. Herron continued – it had to be a matter of public interest that may come before Council. Mr. Morehead requested a clarifying document specifying what constitutes a rolling quorum. Mr. Herron said there were past memos on this subject but he would look at it and provide a more comprehensive memo.

Donna Means, District 5, thought the City's taxpayers should not bear the financial burden from TDC and that the Board of Adjustment should be closely reviewed.

Leslie Purcell, District 1, felt there was a problem with Mr. Levandoski's Board of Adjustment reappointment based on the conflict of interest. She thought Council should consider a moratorium on new projects until the Rental Housing Needs Assessment was completed.

Bernard August, greater Newark, expressed concern about government and private industry trying to take over democracy.

Anne Solan, District 3, felt Mr. Levandoski's BOA appointment created a conflict of interest based on his position at UD. She agreed it was a good idea for the City to put a moratorium on rental units.

Martin Nicholson, greater Newark, opposed the CCI initiative and encouraged citizens to do their homework on this program.

7. 1-B. ELECTED OFFICIALS

(See Item #5)

8. 1-C. UNIVERSITY

01:18:41

(1) Administration – Caitlin Olsen, University of Delaware Government Relations, reported Homecoming was this weekend, a 5K would be held on 10/17 on the South Campus and Physical Therapy Family Fun Day was scheduled on 10/19 on the STAR Campus. Last weekend there was a soft opening of a kiosk in the atrium of the main building on the STAR Campus which would be open to the public daily from 8:00-4:00, and it was retrofitted for people with disabilities. Ms. Olsen confirmed UD had not requested a noise waiver during homecoming.

9. 1-C-2. STUDENT BODY REPRESENTATIVE

01:21:53

Lauren Mick, Governmental Affairs Senator – University Student Government Association, announced other activities throughout the week. Governor Markell would appear at the Roselle Center on 10/14 to deliver a citizenship lecture, the Delaware debates were being held at Mitchell Hall on 10/15 between U.S. Senate and House candidates and would be televised nationally and a pep rally would be held on 10/17.

10. 1-D. LOBBYIST: None

11. 1-E. CITY MANAGER

01:22:51

Ms. Houck reported that Les Dukhart, long-term owner of McDonalds, sent a letter expressing how extremely helpful City staff was in their reopening project. The Parks & Recreation Department thanked the Electric Department for installing the lighting and outlets for the spring community garden project and also for the Paper Mill Road lighting associated with the new Curtis Park Mill Park (opening 10/17 at 11:00 a.m.). The Newark Police Department promotion ceremony was scheduled for 10/15 at 2:00 p.m.

12. 1-F. COUNCIL MEMBERS

01:24:07

Mr. Markham

- Recognized and welcomed his neighbors in the audience.
- Attended the Alder Creek ground breaking ceremony on Cleveland Avenue.
- The McKees Solar Park came online on 10/9 and generated over a megawatt of power in one day.
- Attended a solar seminar on 10/1 with Ms. Sierer and several residents.
- He requested the Planning Department to look at recommendations for making the City more solar friendly for housing. He thought Newark was out of sync with Delmarva and the other cities in the State when it comes to green energy grants. He would like the Conservation Advisory Commission to make some recommendations of how the City should move forward and how to allocate funding. He would discuss this with the CAC at their meeting on 10/14.

Mr. Morehead

- Discussed the *Chesapeake Crescent Initiative* which he felt would involve a significant amount of staff time. He wanted Council to request a public presentation from CCI to evaluate what they were suggesting the City get involved in.

Mr. Ruckle

- Thanked many people for supporting his family during his daughter's recuperation.

Ms. Hadden

- Attended the League of Local Governments meeting where four NPD officers received Officer of the Year awards, the Newark Bike Project grand opening, the Alder Creek ground breaking, and the National Wildlife awards ceremony at Phillips Park
- Had a successful meet and greet with constituents at Pat's Pizzeria.
- Attended the stormwater workshop and thanked the staff for their work and the public for their input.
- Went to Provost Grasso's town hall at UD which was open to the public.
- Hosted a safety meeting by the Newark Police Department.
- Met with constituents from Blair Court on community issues.

Mr. Gifford

- Thanked all who came out to give public comment.
- Attended the Newark Bike Project opening.
- Thanked residents for putting together the habitat tour and the Parks Department for the rain garden.
- Weekly department reports are now on the opening page of the City's website under Agendas/Minutes/Reports.
- He agreed that Council should have a presentation about CCI.

Mr. Chapman

- His scheduled coffee with District 5 constituents was being changed this month to Wednesday, 10/15 from 6:00-7:30 at the Courtyard by Marriott on New London Road.
- Interest was expressed in reinvigorating the Fairfield neighborhood association. Anyone interested in helping to organize the effort was asked to contact Mr. Chapman.

Ms. Sierer

- Read into the record a proclamation to long-time District 1 resident Jack Billingsley.
- Thanked the University's Hotel, Restaurant and Institutional Management department and the Downtown Newark Partnership for a great Taste of Newark.
- Thanked Nic DeCaire of Fusion Fitness for the Main Street Mile in support of the City's K-9 program.
- Thanked Messrs. Vitola and Coleman and the attendees at the stormwater workshop.
- Attended the Newark Bike Project ribbon cutting and the Alder Creek ground breaking ceremony where there would be 56 homes built for low-income individuals.
- Gave a presentation to the ninth graders at Newark Charter School.
- Had a successful inaugural Mayor's breakfast at the Newark Senior Center and thanked those who attended.
- Attended the National Wildlife Federation Community Wildlife Habitat where Newark received certification. She thanked Lori Athey, Karen Barker and Pat Wisniewski for their help.
- Will be chairing a group called the Greater Newark Inter-agency Council with New Castle County Council member Lisa Diller. The group meets at the Newark Senior Center and have begun discussions regarding Red Cross emergency assistance in the community, how it impacts everyone and in addition will be working on developing a coalition of non-profit agencies in Newark to assist with the homeless and working poor in the community. Anyone interested in getting involved should contact Ms. Sierer.
- Has been attending the UD Police Academy.
- The Mayor's Masquerade Fun Run and Walk will be held on November 1 at 4:00 p.m. at the Green. This will be a family event with costumes welcome, is one mile around the Green and there will be activities for children.

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

14. 3. **SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff

1. Meeting Types and Notification Requirements Proposal Update – Director of Legislative Services

01:44:18

Ms. Bensley reported at the 9/8 Council meeting, Council elected to indefinitely postpone Bill 14-20 which was drafted to create definitions for various types of meetings Council holds. Some members of Council and the public wanted the notification requirements updated as part of the Bill. She thanked Ms. Huntley for taking time to review the previous and current versions of the bills.

Council meetings were governed by the State Freedom of Information Act, by the City Charter, City Code and by Council's Rules of Procedure. The State FOIA and City Charter were outside of the City's control. It was suggested it may be easier to look at some amendments to the Rules of Procedure to make those match the State FOIA and City Charter as well.

The changes made to the documents include adding the definition of regular meetings to change it to add that it would also encompass a meeting of Council scheduled with the minimum notice required for a regular meeting in Delaware Code (seven days in advance). The definition of special meeting would be changed to match the State FOIA definition of a meeting scheduled with less than seven days' notice as opposed to the current definition in the Rules of Procedure which was any meeting that is not on the second or fourth Monday of the month. The requirements for packet items not available seven days in advance was changed from posting the date they would become available to posting them as soon as reasonably possible with the posting date in all four notice requirement sections. The phrase "as soon as reasonably possible" was used throughout the State FOIA statute and was used here for consistency. The notice for special meetings was changed to eliminate legal advertising from the newspaper due to the changed definition of special meeting. Since none of the special meetings under the revised proposal would be more than seven days in advance, there would not be enough time to file a legal advertisement. The time frame for the notice of special meeting was changed to be completed as soon as reasonably possible but in any event, no later than 24 hours before such meeting. This phrase matched the language in the State FOIA statute. A caveat to the emergency meeting notice requirements was added to allow for the holding of an emergency Council meeting if circumstances prohibited safe access to the City building and/or an inability to update the City website or other social media accounts. It also deleted references to regular and special meetings in the Rules of Procedure. Additional words and phrases were edited or deleted for brevity and clarity.

Ms. Bensley met with Mr. Gifford today who provided the following comments on the bill.

Under the draft for definition (1) for regular meeting changing it to end the first sentence at procedure and then say "This meeting of council is subject to the regulations for regular meetings provided in 29 *Del. C.* §10004. Also in that section say that "This does not prevent council from starting at an earlier time" and inserting the phrase "for the purpose of executive sessions" and finish with at the discretion of the Mayor.

In addition Mr. Gifford recommended changing the phrasing in the special meeting definition under (3) ending the first sentence after "notice" and stating "Votes may take place in this meeting" changing "are" to "is" in the fourth line and he made the same change in the emergency definition section. Under the special meeting notice requirement changing the packet item requirement to six hours instead of 24 hours in advance to match State FOIA. Additionally under the emergency notice requirement deleting the first sentence and changing it to say that notice shall be posted in the municipal building and on the home page of the city's website.

Council Comments:

Mr. Markham – on the last comment suggested for emergency meeting that it must be posted in the city building – this seemed contrary to if the building was unsafe. Ms. Bensley stated the last sentence said, "None of the aforementioned notice requirements in this subsection shall preclude the holding of an emergency Council meeting if the City is unable to comply with the notice requirements in the subsection due to a circumstance

which prohibited safe access to the City building and/or inability to update the city website or other social media account.”

Mr. Markham made another comment on the Rules of Procedure. Recently it was the tradition to hold the other Monday nights for the workshops, but that had not always been the case, previous Councils had picked other dates based on their availability – is this locking Council in? Ms. Bensley said the “if required” could be changed to “if possible”.

Mr. Markham asked if teleconferencing had ever been considered on emergency meetings. Ms. Bensley explained FOIA permitted teleconferencing, however, a quorum must be in room and additional members could teleconference in – Mr. Herron would look into this.

Mr. Morehead requested that the Rules of Procedure be posted on the City’s website.

Messrs. Gifford and Morehead suggested changing the Rules of Procedure to move Appointments from the Consent Agenda to a separate item on the agenda. Ms. Sierer recommended considering that separately at a future meeting.

Public Comments:

Helga Huntley, District 1, summarized the four main points she saw remaining with the current proposal. The currently proposed text defined any meeting called at least seven days in advance as a regular meeting, so that would include all the workshops and meant they would have to follow the regular meeting business order which she thought was undesirable. Other suggestions she made involved adding safeguards into the bill to make sure special and emergency meetings were not abused to circumvent public notice requirements so in particular it was requiring that if at all possible a meeting would be called seven days in advance. She requested a link on the City’s home page to announce all Council meetings.

Ms. Bensley responded, regarding the layout of the meetings as far as the actual agenda set up – the specific workshop definition which said it was scheduled for information discussion purposes only subject to the regulations for regular meetings as far as notice but the references were deleted to regular meetings within the Rules of Procedure for that particular agenda item. It was her view that that agenda layout would not have to be followed for a workshop.

Ms. Huntley pointed out the suggestion of Mr. Gifford was to strike that part of the sentence that said any meeting that meets the notification requirements was considered a regular meeting and that would include any workshop because they have to be called seven days in advance. She suggested taking that sentence out.

Ms. Bensley stated that regarding the safeguards against abuse, currently regular meetings are narrowly defined and everything that is not a regular meeting is a special meeting. One purpose of the bill was to get away from using the special meeting designation when something can be planned further out with more notice given.

Tom Uffner, District 1, appreciated some of the changes made recently with notices about meetings, agendas and minutes. He pointed out there were some problems with the links but hoped to see the improvements continue.

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

Mr. Gifford asked if Council members were interested in having Ms. Bensley draft Rules of Procedure that moved appointments out of the Consent Agenda. Ms. Sierer and Mr. Markham believed another discussion was needed prior to doing this.

Mr. Markham asked whether resolutions needed to be on the agenda. Ms. Bensley confirmed resolutions needed to be on the agenda and advertised under FOIA regulations. She said with Council’s consent tonight on the revised draft, a first reading for the ordinance would be placed on the 10/27 agenda and the second reading for the ordinance as well as the resolution amending the Rules of Procedure would be on the 11/10 agenda for Council’s consideration and public hearing. Mr. Morehead noted Mr. Gifford could put on the next meeting agenda further amendment to the Rules of Procedure for discussion at that meeting. Ms. Bensley reported that prior to the adoption

of the Consent Agenda as part of the Council Rules of Procedure, there was a separate Boards and Committees section for appointments and resignations on the agenda and Council could revert back to the previous format. Mr. Markham was not sure why resignations would not be a Consent Agenda item.

MOTION BY MR. GIFFORD, SECONDED BY MR. MOREHEAD: MOVE APPOINTMENTS TO A NEW LOCATION ON THE AGENDA BASED ON MS. BENSLEY'S RECOMMENDATION.

MOTION PASSED. VOTE: 6 to 1.

Aye: Chapman, Gifford, Hadden, Markham, Morehead, Sierer.

Nay: Ruckle

Ms. Bensley asked if it was the general consensus of Council that the amendments previously discussed offered by Mr. Gifford were acceptable to include in the final draft. Mr. Chapman asked for those to be summarized. Mr. Morehead wanted to see the bill in its final form. Council agreed they were ready now to see the bill as a first reading. Ms. Bensley would enumerate Mr. Gifford's changes in the cover memo for the final bill.

15. 3-A-2. DISCUSSION AND DIRECTION TO STAFF REGARDING REISSUING THE LOBBYING AND INTERGOVERNMENTAL SERVICES REQUEST FOR PROPOSAL

02:13:10

Ms. Houck requested direction in order to move forward.

Mr. Chapman said there was public comment and staff and Council discussion around the idea of internalizing the role of a lobbyist. Ms. Houck said there was no clear direction about where Council was on hiring somebody internally or whether to put an RFP out again. There was also conversation about combining it with the community affairs position but staff did not think that would work.

Ms. Hadden did not envision the position to be a City of Newark position. She reviewed suggested verbiage for the lobbyist RFP. Her thought was to quote it out again.

Mr. Markham said it was clear the City needed representation in Dover based on things directed at the City in the past year. He noted in the previous discussion Council discussed rebidding the RFP and increasing the range. There were concerns about conflict of interest from other big groups and that the City had not reached out far enough.

Mr. Morehead agreed it should be rebid and that the price cap should be removed. He pointed out that a lobbyist would help legislators who were not from the area to better understand things that were important to Newark.

Ms. Hadden also thought the cap should be removed.

Mr. Gifford concurred and thought Ms. Hadden's wording under lobbyist services, item 4 about Council via the City Manager was a better term in having the lobbyist be more Council oriented. In regard to the selection committee he asked about expanding it to any Council member who wanted to participate. Mr. Herron advised it would be problematic to have a quorum of Council on the committee. Mr. Morehead asked if Council could submit rankings anonymously. Mr. Herron advised it would be best for Council to consider lobbyist proposals at the table and not pre-rank before voting.

Mr. Ruckle felt Council should be more proactive in trying to reach out and not just put out an RFP and he agreed about removing the cap.

Ms. Houck explained there was a procedure required when submitting an RFP and that an extensive list got the mailing. She anticipated there would be more responses.

Public Comment:

John Morgan, District 1, agreed that Newark has special issues not shared with other towns in Delaware and needed someone to effectively represent the City. He agreed with removing the price cap and suggested considering that the lobbying services might extend beyond the Delaware General Assembly to other government entities. He suggested no ranking at all.

Brett Zingarelli, had experience as a lobbyist and felt the position needed to be year round to effectively represent the City.

Martin Nicholson, greater Newark, said when considering a lobbyist, campaign contributions should be examined to ensure there are no conflicts of interest with Council.

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

Ms. Houck would mark up the original RFP to include Council's comments. Those included: rebid, increase the range, consider conflicts of interest, make sure the RFP goes out to a broader field with more outreach to that field, Council via City Manager, selection committee – for professional services in government, the City follows the strict State Code for RFP's which does require ranking, three was the maximum number of Council members who could participate in the ranking, if the choice was made to go beyond the Delaware General Assembly it could be on an on-call hourly basis with the cost specified upfront, several engagements with the Council were suggested off-legislative session to share concerns, complete employment history and look at fund-raising efforts. Parts of Ms. Hadden's draft also would be incorporated into the RFP.

Mr. Chapman wanted to further clarify the scope or timeline of the work to not necessarily be so defined. As far as how successful a lobbyist can be, he felt it was essentially a full time job and had nothing to do with when the legislature was in session. Ms. Houck responded that Mr. Maxwell was always available to the City 12 months a year but the most active, engaged time was during the months in session. Mr. Chapman noted he was less concerned with the lobbyist being on the phone with him and more concerned with them being on the phone with the legislators in Dover.

16. 4. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None

17. 5. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:**

A. Request of Lindsay Burgess for a Special Use Permit to Operate a Day Care Center with a Maximum of 8 Children at the Owner-Occupied Residence Located at 10 Beagle Club Way, Newark, Delaware

02:40:29

Mr. Fortner presented the application for a special use permit to operate a home daycare which was permitted in an RT (and all residential zoning districts). Mr. Fortner outlined the special requirements under the Zoning Code Section 32-9(b)(6) which included 100 square feet of outdoor play space per child, fenced-in play space a minimum of four feet in height and 35 square feet of indoor area per child with a minimum lot area of 10,000 square feet. Mr. Fortner detailed the stipulations for a special use permit in Zoning Code Section 32-78 which were: would not adversely affect health and safety of persons residing or working in the neighborhood; not be detrimental to the public welfare or injurious to property or neighborhood improvements; not be in conflict with the Comprehensive Plan.

The Planning and Development Department suggested limiting approval to a maximum of eight children to include six pre-school age plus two school age children. There was a further stipulation that the operation shall remain incidental to the residential use of the dwelling.

Mr. Fortner reported there were some concerns about additional traffic, increased noise, lowering property values, increased trash and changes to the residential character of the area. There were also e-mails in support of the daycare facility. Further, compliance was required with Building and Fire Code requirements, the existing fence on the northeast side of the property needed to be moved onto the property line and the City's operating departments expressed no problems with the special use permit request.

It was the recommendation of the Planning and Development Department that Council approve the special use permit as requested.

Mr. Fortner explained that the number of children were limited by the applicant's license designation with the State. Any change would require Ms. Burgess to come back to Council for an increase.

Mr. Gifford asked the reason for no other employees. Mr. Fortner said this was a department recommend since for a home-based business there were usually no additional employees. No special bus would be required.

Mr. Ruckle asked how this complied with State Code. Mr. Fortner noted Ms. Burgess had a permit and the State reviewed the house to make sure it fits their criteria. The City checks for building, fire and zoning regulations.

Mr. Morehead asked which version of the building and fire codes applied and whether the house was sprinklered. Mr. Fortner said the house was not sprinklered and was not required to be as the applicant was not building the home. It was Ms. Houck's understanding the requirements were those of daycare providers, not specific to the City's Code. Mr. Morehead requested that in the future the Codes be specified so Council could understand which Codes they were discussing.

Mr. Markham asked how many special use permits were granted in the City for daycare facilities. Mr. Fortner believed there were six and one was previously revoked. They ranged between five to twelve children. Currently there was one special use permit granted for a home office in the Hunt.

Lindsay Burgess, applicant, provided information about her experience working in daycare and detailed plans to provide childcare services in her home. The facility would operate Monday through Friday from 7:00 a.m. to 5:30 p.m., and weather permitting the children would be outside from 3:30 to 5:00 p.m. Ms. Burgess explained that she was licensed to care for six full-time children and did not need to hire additional employees. Traffic would be no more than six cars dropping off and picking up their children in the driveway close to the house. Daycare parents would be asked to be sensitive to creating noise outside the home. There would be no special buses. Regarding noise levels, the children are inside the home the majority of the day with the exception of 1.5 hours in the afternoon, weather permitting. To create a sound barrier in the back yard, evergreen trees would be planted on both sides of the fence. Excessive trash or recycling would not be an issue. Regarding concerns about degradation of property values, Ms. Burgess doubted most people would be aware of the family childcare home. As far as safety concerns, the daycare is closed if there is a state of emergency due to inclement weather. She believed having a licensed family childcare home would not adversely affect the public welfare.

Mr. Ruckle asked if any neighbors expressed interest in using the daycare. Ms. Burgess said most of the children were much older.

Mr. Chapman commended Ms. Burgess on her presentation and addressing a lot of concerns.

Mr. Morehead noted Council had the ability to take back a special use permit at any time and could exercise that authority if necessary.

Mr. Markham stated that Council rarely issued a special use permit in the case of stiff opposition and awaited public comment.

Public Comments:

Joann Miller, a resident from the Hunt, opposed the daycare facility based on the plastic playground equipment and additional cars coming and going on the quiet street.

Eric Cannon, Hockessin, (father of Ms. Burgess) spoke on her behalf about the positive home environment she provides to the children she cares for.

Nate Owen, urged support for Ms. Burgess who has cared for his two children at her Windy Hills home daycare.

Doug Hancock, resident of the Hunt, opposed the special use permit for the daycare on the quiet residential street which he said was never intended to be an operation for a commercial business. He felt the additional traffic would be a safety

concern for the neighborhood. He noted there was a daycare center within half a mile on either side of Cullen Way as it intersects Possum Park Road.

Sue Schechter, resident of the Hunt, opposed the daycare. She was not anti-family or anti-child. Her opposition was that Beagle Club Way was not a connector street and had relatively little traffic - that would change significantly from the daycare. Ms. Schechter cited health issues and the negative impact more noise would have on her ability to rest.

Bill Schechter, resident of the Hunt, opposed the special use permit. He quoted from the Comprehensive Development Plan that the elected representatives must retain the ability or right to make land use decisions that correspond to the needs and the wants of the community at the time the decision is made. Based on community opposition he felt the application should be denied. Mr. Schechter said there was enough capacity for daycare in the existing local facilities. He referenced a special use permit granted for 316 Hilltop Road in Newark in 2006 which was ultimately revoked due to community opposition. He also disputed calling a daycare an incidental use of the home and felt negative property values and safety would be an issue.

Tom Roberts, resident of the Hunt, opposed the special use permit and mentioned other available daycare options in the area. He asked Council to vote for the voice of the people most impacted by the decision.

Steve Levine, resident of the Hunt, opposed the precedent of introducing a commercial business into a residential neighborhood. He felt the signed petition with objections from 16 out of 19 homeowners (and five homes adjacent to or across the street from the home in question) was enough reason for Council to deny the permit.

Scott Keifer, Windy Hills, was a long-time neighbor of Ms. Burgess and spoke on her behalf. He said there was no noise and no negative impact. He did not look at the daycare as a commercial business and felt objections were based on fear of the unknown.

Rebecca Bowen, was the parent of two children who attended Ms. Burgess' daycare and addressed concerns of residents at the Hunt.

Jeff Lawrence, District 3, supported the applicant's request and was disturbed by the reaction of residents.

Brett Zingarelli, District 4, said the special use permit would not be needed if the daycare facility was outside City of Newark limits. He could not imagine this being a detriment to the community.

Martin Nicholson, greater Newark, hoped Council would approve the special use permit and supported Ms. Burgess.

Helga Huntley, District 1, lives down the street from an in-home daycare and was not aware it existed, nor saw any consequences as a result. She encouraged the residents to be more open minded and for Council to understand the fears were a result of the unknown. She noted it was difficult to find quality daycare in the Newark area. She felt children brought life to neighborhoods.

Tom Uffner, District 1, was offended by the opposition he heard tonight.

Bob Bass, realtor, addressed the issue of property values. The Windy Hills neighborhood where Ms. Burgess is coming from saw a 19.8% increase over the last three years, so an in-home daycare was not affecting property values. The increase was 5% more than New Castle County in general.

Amy Roe, District 4, noted there was no working definition of what a neighborhood is in the City of Newark. She felt before Council could consider a special use permit there needed to be guidance on the working definition of neighborhood was in order to understand who was being impacted.

Jen Wallace, District 3, thought in-home daycares were an invaluable asset to the community. She encouraged the neighbors to give this an opportunity to move forward.

John Morgan, District 1, pointed out the noise ordinance did not regulate noise from the unamplified human voice nor did it regulate ordinary motor vehicle noise. Mr. Chapman pointed out the ordinance covered nuisance.

Kimberly Carstetter, District 6 and former resident of the Hunt, said it was a wonderful neighborhood to grow up in. She was disappointed by the neighbors' reactions which she thought resulted from fear of the unknown. She did not think a home daycare would be a deterrent to most people.

Michelle Honaker grew up in the Hunt and pointed out her mother had an in-home business which the neighbors did not object to.

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

Ms. Hadden asked if the business were to move, what would happen to the special use permit. Mr. Fortner said the special use permit runs with the property but Council could impose a restriction that it would expire if the applicant moved. Ms. Hadden asked Ms. Burgess about her statement to a current resident that she would hire a worker to help in the afternoon. Ms. Burgess responded she hoped to expand in the future and if and when she does that, she would come back for approval to expand her permit. She does not plan to do this at this time.

Mr. Chapman regretted a previous special use permit request that Council did not approve due to opposition from the neighbors. He believed a home based daycare provided an overall positive experience for the community. He hoped the applicants and their future neighbors would be able to get along and communicate openly. He was in favor of the special use permit.

Mr. Markham said the Hunt neighbors have always welcomed new families and kids. The difference here is the business in a family home. He noted the applicant did not do her research before signing the contract and this was not the fault of the residents or the City. Further, Council was constantly being told to listen to the residents of Newark.

Mr. Morehead said the current law allows this – it is private property. He was not aware of the in-home daycare in his neighborhood. Families with children are welcome in his neighborhood.

Mr. Ruckle reported a next door neighbor had a special use permit for an in-home daycare and since he works during the day he never saw any of the children. His district represents a number of families with children and he votes as their representatives.

Mr. Gifford reminded everyone that Council takes voting seriously. He randomly visited several in-home daycare facilities (including the applicants) and said none of the houses look any different than the others. In talking to a lot of folks and listening to what he heard tonight, he thought the community wanted to be a little more inclusive. He hoped everyone could get along after the vote tonight.

AMENDMENT BY MR. CHAPMAN, SECONDED BY MR. RUCKLE: IF THE SPECIAL USE PERMIT IS APPROVED TONIGHT THAT THE APPROVAL WAS SUBJECT TO THE PROPERTY AS LONG AS THE CURRENT APPLICANT WAS THE OWNER AND OPERATOR.

MOTION PASSED. VOTE: 6 to 1.

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

Ms. Hadden said this was a difficult decision and the vote would be taken very seriously by Council. She was disturbed that there could not be a resolution where everybody would win. Mr. Ruckle endorsed her comments and hoped the community could come together.

MOTION BY MS. HADDEN, SECONDED BY MR. MOREHEAD: TO APPROVE THE SPECIAL USE PERMIT AS AMENDED.

MOTION PASSED. VOTE: 6 to 1.

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

18. **6. ITEMS SUBMITTED FOR PUBLISHED AGENDA**

A. Council Members

1. **Resolution 14-__**: Recognizing James Bowman for His Work on the Planning Commission and Contributions to the City of Newark

(See Item #3)

19. **6-B. Others: None**

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

A. Recommendation to Install Two Automated License Plate Readers

04:32:22

Chief Tiernan reported in 2013 the Newark Police Department was awarded grant funds in the amount of \$59,734.79. The funds were used to purchase microphones for in-car cameras and for the purchase and installation of an additional two fixed locations license plate recognition systems (LPR's). A purchase requisition was submitted by the Police Department in the amount of \$44,070 for the purchase and installation of the two LPR's. The requisition went through the approval process and the purchase order was generated on December 13, 2013. The two LPR's were received in March 2014. The purchase was recently identified as required to have been submitted to Council for approval since the purchase amount was over the \$25,000 threshold that requires Council approval, regardless of being grant funded. The LPR is a pivotal tool for law enforcement, public safety and has resulted in several arrests of violent criminals in the City. The LPR's are used on public streets, highways and public places open to the view of all. The two new LPR's would enhance the two cameras currently in place. It was therefore recommended that Council retroactively authorize the purchase and installation of the two LPR's that were received.

Council Comments:

Mr. Gifford asked the two locations for the new cameras. Chief Tiernan replied they were not yet installed.

Public Comments:

Helga Huntley, District 1, discussed whether the City should have bought the LPR's and what should be done about the purchase being done without Council approval. She did not have privacy concerns and felt the grant money was appropriately spent. However, regarding the purchase without Council review she said no one should be able to break the City's laws with impunity including staff. She felt someone should be held accountable and questioned whether the City Manager was routinely neglecting her oversight duty on purchases and contracts. Ms. Huntley added there was no point in passing laws if there was no enforcement at the other end.

Ms. Houck responded the \$5,000-\$25,000 requirement in the Code is the City Manager or designee. The originating department initiates the purchase order electronically, when it is approved within that department it moves on to the Finance Department and they approve it for funding as appropriate. In this case they would have had backup information about the grant. Then it moves on to the Purchasing Assistant and that person approves it for the appropriateness of the purchase, asks questions about it, has conversations with the department if there are any questions, and then it moves on to the Purchasing Clerk who prints and distributes the purchase order. Ms. Houck noted staff already admitted the system failed, and she did not think it fell to any one area. She felt everyone in the chain had the responsibility to question it at any time. It was probable the thought process was that the City had already made a commitment to having cameras and it was additional grant funding (sole source) and that may be why additional questions were not asked at the time for a purchase of over \$25,000. She outlined changes that were put into place – a requirement was instituted for everyone involved in purchasing duties to sign off on the purchasing policy so there can be no mistake that people understand it. The importance of insuring all are aware of the policy will also be stressed, particularly with staff turnover. All department directors have been informed about everybody having responsibility to understand. A policy was also put into place that any purchase \$25,000 or over will also require the Deputy City Manager to sign it.

Brett Zingarelli, District 4, felt this was an issue of responsibility and thought it was a common issue that people were not held accountable for the decisions they make. The issue was actually preventing this from happening again.

Tom Uffner, District 1, wanted assurance this would not happen again and people would be held accountable if it does. He would prefer the cameras not be used and thought holding the scanned license plate information for six months was excessive.

Jeff Lawrence, District 3, felt voting to retroactively approve the cameras did not matter. He was more concerned that the cameras were illegally purchased and about what was done in response. He said if the City Manager was not going to recognize the seriousness of this situation and take responsibility for it he urged Council to take that responsibility and if Council did not take responsibility, the people would.

Ms. Hadden responded that the City Manager claimed responsibility for this situation, staff implemented processes so it would not happen again and Council shared the responsibility. It was inaccurate and unfair to say nothing was done to correct this.

Mr. Morehead disagreed and said the City Administration continued to call this policy. He said it is not policy, it is law and the law was broken. He felt downplaying this as minor was not accepting the severity of the situation and fueled the argument Council was not taking it seriously. Mr. Morehead asked Mr. Herron the penalty for breaking a law such as this. Mr. Herron responded this was not a criminal law or a traffic law, so there was no penalty in the Code. Ms. Houck added that it was not intentional, it was a mistake that was curable and processes were put in place to make the system better.

John Morgan, District 1, thought it should be possible to modify the City's online purchasing system so if the amount was above a certain level it would not be processed if it did not get an electronic signature from the requisite person. He referred to an unsolved homicide in Newark and said if there had been a License Plate Reader on Elkton Road it was likely the Police Department would have a lead to follow. He thought it was an important capability for the City. He felt Council should set the policy for how long the data was retained. He urged Council to read his handout on recommended policies from the ACLU.

Amy Roe, District 4, was concerned the City was trying to purchase equipment with potential for misuse without making sure policies were in place to protect the rights of the public. Regarding the City Manager's authority over purchases and contracts and the bidding policy (Section 2-23), the City Manager replied she or her designee could make those approvals. Ms. Roe thought that was incorrect because according to the Municipal Code purchases shall be administratively reviewed and approved by the City Manager prior to its award. After reviewing the ACLU's guidelines for how the LPR's should be used, Ms. Roe noted there was no disclosure by the City on how the LPR's were used. She recommended before approving the purchase tonight, the policies should be put in place to protect the people and then revisit the purchase.

Chief Tiernan noted there was a miscommunication when Ms. Roe asked if she was allowed to find out if her license plate was in the system. He explained the system may be used for law enforcement purposes only. Regarding the effectiveness, the Police Department had a list of armed robberies and assaults solved as a direct result of the cameras and there was no question it was a valuable tool.

Haig Stubblebine, District 2, asked for clarification as to how the purchase order for the LPR's was handled by the Police Department. Ms. Houck believed everybody thought they were doing what they had to do and it would be checked through the different steps of the process.

John Mayer, District 2, was one of the owners of Suburban Plaza shopping center. He said they were currently getting bids to put LPR's all over the shopping center in order to protect the people – not only the owners but shoppers, etc. He did not feel crime was going away anytime soon. Further, license plates belonged to the State – people did not own their license plate. He wanted Newark to obtain as many LPR's as possible to help lower the crime rate and to keep approving their processes.

Martin Nicholson, greater Newark, said the only agency with the legal authority to read the tags was the Delaware State Police according to the Attorney General's office.

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

Mr. Gifford felt if grants were obtained, it would be difficult for Council to say no to some of them. He thought Council should consider getting involved in the approval process of obtaining grants. Mr. Gifford referred to Section 2-23 and asked Mr. Herron to clarify if approvals for \$5,000 to \$25,000 had to be reviewed by the City Manager. Mr. Herron's interpretation was that between \$5,000 and \$25,000 administratively reviewed and approved by the City Manager. For exceeding the sum of \$25,000 it stipulated the City Manager or his designee with approval by Council. Mr. Gifford referenced Section 2-25 and thought anything more than \$10,000 could not be returned without prior Council approval. Mr. Herron will review this question. Mr. Gifford wanted to make sure the policy there was clear.

Ms. Houck reported for 25 years the City Manager has not approved those levels – it has been the designee. Mr. Gifford said if Council wanted to change the Code later that was fine but for now staff should follow the way it was written.

MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: TO RETROACTIVELY AUTHORIZE THE PURCHASE AND INSTALLATION OF THE TWO ALPR SYSTEMS THAT WERE RECEIVED.

MOTION PASSED. VOTE: 5 to 2.

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

Nay: Gifford, Morehead.

21. 8. FINANCIAL STATEMENT: None

22. 9. APPROVAL OF CONSENT AGENDA

05:19:00

Mr. Morehead requested that items 9-A, Approval of Council Meeting Minutes – September 8, 2014, 9-C, Approval of Council Meeting Minutes – September 22, 2014, 9-M, Reappointment of David Levandoski to the Board of Adjustment For a Three Year Term to Expire September 15, 2017 and 9- P, Reappointment of Marilyn Minster to the Downtown Newark Partnership for a Three Year Term to Expire July 15, 2017, be pulled from the agenda.

Ms. Bensley read the Consent Agenda as amended.

- B.** Approval of Council Special Meeting Minutes – September 15, 2014
- D.** Approval of Council Special Meeting Minutes – September 29, 2014
- E.** Receipt of Alderman's Report – September 25, 2014
- F.** Receipt of Conservation Advisory Commission 2011 Year End Report
- G.** Receipt of Conservation Advisory Commission 2012 Year End Report
- H.** Receipt of Planning Commission Minutes – September 2, 2014
- I.** Appointment of Willard F. Hurd, AIA to the Planning Commission to Fill the Vacant District 2 Position For the Term to Expire September 15, 2015
- J.** Appointment of Nic DeCaire to the Downtown Newark Partnership to Fill the Vacant At-Large Position For the Term to Expire July 15, 2017
- K.** Reappointment of Joseph Charma to the Downtown Newark Partnership For a Three Year Term to Expire July 15, 2017
- L.** Reappointment of Dawn Calzada to the Downtown Newark Partnership For a Three Year Term to Expire July 15, 2017
- N.** Appointment of M. Howland Redding to the Boards and Commissions Review Committee For the District 6 Position
- O.** Appointment of Michael Keough to the Community Development/Revenue Sharing Advisory Committee to Fill the Vacant District 3 Position for the Term to Expire March 15, 2017

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: TO APPROVE THE CONSENT AGENDA AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

23. 9-A. APPROVAL OF COUNCIL MEETING MINUTES – SEPTEMBER 8, 2014

05:21:25

Regarding John Morgan's public comments which were noted as being attached to the minutes, Ms. Bensley explained they will be attached to both the online version and to the final book copy of the minutes.

MOTION BY MR. MOREHEAD, SECONDED BY MS. HADDEN: TO APPROVE THE SEPTEMBER 8, 2014 COUNCIL MEETING MINUTES WHEN COMMENTS ARE ATTACHED AS STATED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

24. 9-C. APPROVAL OF COUNCIL MEETING MINUTES – SEPTEMBER 22, 2014

05:22:17

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: TO APPROVE THE MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: TO APPROVE THE SEPTEMBER 22, 2014 COUNCIL MEETING MINUTES WHEN COMMENTS ARE ATTACHED AS STATED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

25. 9-M. REAPPOINTMENT OF DAVID LEVANDOSKI TO THE BOARD OF ADJUSTMENT FOR A THREE YEAR TERM TO EXPIRE SEPTEMBER 15, 2017

05:23:06

Mr. Morehead felt this was a conflict of interest and noted in light of the public's feelings that it should be voted on independently from the Consent Agenda.

Ms. Hadden appreciated comments from the public and Representative Kowalko. She takes the public trust seriously in her position on Council and performs the best due diligence she can to reach the best possible decisions. Regarding Mr. Levandoski's reappointment to the Board of Adjustment, after reviewing his application Ms. Hadden visited him to talk about his application. As a result of her meeting she was impressed with his directness in answering her questions and his honesty and integrity. No question was off limits or ignored. He explained why he answered no with the conflict of interest question and it was a problem with the form that will be addressed in the future. He explained he attended the November 2011 meeting in Dover that was referenced earlier but he went because he was told by his boss to go. He also offered that if anybody took the time to read the minutes of that meeting they would see he made no comments or added anything to that meeting. A comment was made to Ms. Hadden that Mr. Levandoski had received a promotion in November 2013 as a result of his involvement with bringing TDC to campus. He stated that in November 2013 he was demoted by title. He also added he is the site manager and is not responsible for bringing any clients to the campus – that person is Andy Lubin. Ms. Hadden believes Mr. Levandoski has the background knowledge, the intelligence and the honesty and integrity that being on the Board of Adjustment required. He proved his ethics by recusing himself from the Board of Adjustment hearing, not because he was asked to, not because he was challenged and not for any other reason than he believed it was the right thing to do. Mr. Levandoski communicated his desire to be a good member of the community and felt he has a lot to offer the City. Ms. Hadden urged Council not to let previous TDC circumstances impact their decision regarding Mr. Levandoski.

Mr. Morehead did not mean to impugn Mr. Levandoski's ethics or his honor or his personality. The fact was the University was the single largest developer in the City and

it was expected Mr. Levandoski would continually have to recuse himself in any decision having to do with the University.

Mr. Gifford pointed out the University had over 300 open acres to develop and it was inconvenient to have someone who was constantly up against this challenge. Mr. Gifford said there were a number of other roles in the City in which Mr. Levandoski could serve and encouraged appointing him to a different board.

Mr. Markham said everyone in the City had a conflict and asked how many UD projects have actually gone before the Board of Adjustment. Ms. Feeney Roser replied the University was exempt from zoning so the only time they would have to go to the Board of Adjustment would be for the STAR Campus which had its own zoning designation for which they gave up their exemption. Mr. Herron thought there was one other case in which Mr. Levandoski was required to recuse himself. Mr. Markham's experience was finding somebody for a non-controversial spot took him six months because people did not want to commit or did not want to fill out the form. Mr. Markham's concern was that Mr. Levandoski probably should have said yes, he had a conflict. Clearly he knows when he has a conflict because he recuses himself. Mr. Markham had a hard time turning down someone who appears to be a conscientious person.

Ms. Sierer spoke with Mr. Levandoski as well and feels confident in his ability. She believes he is a reasonable, honest person, is a resident in the community and he has recused himself. She said he is willing to serve the City and worked on a lot of cases during the time he has been serving. She noted there currently are vacant positions that are not being filled and there are Council members that need to make recommendations for appointments and have been asked to do so for months. In addition, a lot of new folks have been appointed to serve on the Boards and Commissions. She urged Council to reappoint Mr. Levandoski.

MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: THAT DAVID LEVANDOSKI BE REAPPOINTED TO THE BOARD OF ADJUSTMENT FOR A THREE YEAR TERM TO EXPIRE SEPTEMBER 15, 2017.

MOTION PASSED. VOTE: 5 to 2.

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

Nay: Gifford, Morehead.

26. 9-P. REAPPOINTMENT OF MARILYN MINSTER TO THE DOWNTOWN NEWARK PARTNERSHIP FOR A THREE YEAR TERM TO EXPIRE JULY 15, 2017

05:35:43

Mr. Morehead said he was responding to comments made in the public earlier about the tone of the nominee, specifically commenting about Council not acting on behalf of the City. He raised the question whether this was the public statement Council would like to reward. Ms. Sierer asked Mr. Morehead if he talked to Mrs. Minster since the application was received. He had not. Ms. Sierer encouraged him to do that in the future as she did with Michael Keough to introduce herself and learn about his interests in order to make an informed decision. She suggested when there were questions regarding appointments, that Council talk to the person who would serve the City. In Ms. Sierer's conversations with Ms. Minster she is frustrated (as are several people who are frustrated with the application) and she thinks that needs to be readdressed.

Mr. Gifford asked Ms. Sierer if Ms. Minster said anything that would help Council to better understand her frustration. Mr. Chapman said perhaps it was a strength to have folks speak their mind regardless of the position they find themselves in and maybe that makes the process healthy. Mr. Gifford encouraged the folks who do that to be more specific and provide details.

Mr. Markham has talked with Ms. Minster through the years and she is passionate about the City and expresses her feelings clearly. He cannot think of many people who have the passion for the City and stuck to it.

Ms. Hadden visited Ms. Minster who expressed frustration with the application form. She had some issues filling it out but her passion and desire to serve the City drove her on to write the letter. For future appointments Ms. Hadden encouraged Council members to reach out to the applicants regarding any problems.

Mr. Chapman was conflicted on this reappointment and wondered if new ideas and new leadership would be beneficial to the DNP. However, he felt Ms. Minster's continued service would fill a void for not only an age demographic but also for her institutional knowledge and as a woman business owner. If reappointed he challenged the remainder of the DNP membership to strongly consider a change in the chair position.

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: THAT MARILYN MINSTER BE REAPPOINTED TO THE DOWNTOWN NEWARK PARTNERSHIP FOR A THREE YEAR TERM TO EXPIRE JULY 15, 2017.

MOTION PASSED. VOTE: 5 to 2.

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

27. Meeting adjourned at 12:41 p.m.

Renee K. Bensley
Director of Legislative Services/City Secretary