

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

March 23, 2015

Those present at 5:30 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
Communications Affairs Officer Ricky Nietubicz
Deputy City Manager Andrew Haines
Finance Director Lou Vitola
IT Manager Josh Brechbuehl
Parking Administrator Marvin Howard
Planning & Development Director Maureen Feeney Roser
P&D Development Supervisor Mike Fortner
Police Chief Paul Tiernan
PW&WR Director Tom Coleman

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

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: THAT COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Council entered into Executive Session at 5:30 p.m. and returned to the table at 7:02 p.m. Ms. Sierer announced that the Executive Session would reconvene at the conclusion of the Council meeting.

1. The regular Council meeting began at 7:03 p.m. with a moment of silent meditation and the Pledge of Allegiance.

2. MOTION BY MS. HADDEN, SECONDED BY MR. MOREHEAD: TO REMOVE THE PRESENTATION OF PROCLAMATIONS CONGRATULATING GRASSROOTS AND KMART FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

3. MOTION BY MR. MOREHEAD, SECONDED BY MS. HADDEN: TO MOVE AGENDA ITEMS 9A, 9B AND 9C (COMMITTEE APPOINTMENTS AND REAPPOINTMENTS) AFTER COUNCIL MEMBER COMMENTS. MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

4. MOTION BY MR. MOREHEAD, SECONDED BY MR. CHAPMAN: TO MOVE AGENDA ITEMS 4-A, 4-B AND 4-C AFTER APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

5. **PRESENTATION OF PROCLAMATION THANKING BRETT GARWOOD FOR NPD VOLUNTEER SERVICE**

06:24

Mr. Garwood was recognized for his contributions to the Newark Police Department as the unofficial photographer.

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

09:18

Helga Huntley, District 1, asked when the corrections to Newark's special flood hazard area regulations were expected. Mr. Fortner reported this information would be issued to Council in the near future. Ms. Huntley asked if additional information could be provided to the public on the Rodney complex beyond what was included in the Newark Post. Mr. Morehead responded that this subject was discussed in Executive Session and therefore no further information could be shared at this time. Ms. Huntley requested that item 10-E (First Reading - Bill 15-11) be removed from the Consent Agenda.

Jeff Lawrence, District 3, echoed Ms. Huntley's concerns about Bill 15-11 and cautioned about unintended consequences when the City became involved in acquiring more property and building facilities such as skateboard parks. He was uncomfortable not knowing details about the Rodney property and asked if some aspect of it could be discussed publicly.

Mr. Gifford asked Mr. Herron to review Council's options for first readings. Mr. Herron advised that with respect to tonight's agenda, item 10-E could be removed. Ms. Bensley explained that at a past meeting, a bill for first reading was removed from the Consent Agenda for discussion which was not permitted under the Rules of Procedure. However, Council was permitted to remove an item entirely from the Consent Agenda.

7. 1-B. **ELECTED OFFICIALS:** None

8. 1-C. **UNIVERSITY**

15:28

(1) Administration – Caitlin Olsen, University of Delaware Government Relations, reported UDance shattered their record over the weekend by raising over \$1.2 million for the B+ Foundation benefitting childhood cancer. Spring break would begin next week with students returning on 4/6. Ag Day was scheduled on 4/25 from 10 a.m. to 4 p.m. on the South Campus.

Mr. Gifford raised concerns regarding UDance's fundraising activities in and out of the City. Participants were observed running across lanes of traffic to collect funds. He requested that in the future University organizers stress safety with the participants.

9. 1-C-2. **STUDENT BODY REPRESENTATIVE:** None

10. 1-D. LOBBYIST:

17:57

Rick Armitage reported that he planned to attend Thursday's League of Local Governments meeting. Mr. Markham referenced a newspaper article about the Delaware Legislature being short on funding (down another \$45 million) and recalled their tendency was to look to the municipalities to help close gaps with street funds. He encouraged Mr. Armitage to be vigilant.

11. 1-E. CITY MANAGER: None

12. 1-F. COUNCIL MEMBERS

20:23

Mr. Ruckle

- Announced the candidate debate at the Newark Senior Center on 3/24.

Mr. Morehead

- Has talked to a number of residents in townhouses who do not want a third automated bin for yard waste. He asked Council to consider allowing them to use existing bins and being able to label that bin without being forced to have a third.
- Noted this was the last Council meeting before the election. The debate was tomorrow night at 7 p.m. and the election was 4/14 from 7 a.m. to 8 p.m.

Mr. Markham

- Congratulated Tom Fruehstorfer in his new position as a Planner with the City. Mr. Markham encouraged Ms. Sierer to appoint a replacement to fill his seat on the Conservation Advisory Commission.
- At the last Council meeting he brought up the green energy funds and he was going to ask the CAC for their opinion on how to use items but they did not have their meeting, so he did not have any further information for Council.

Ms. Hadden

- Attended the UD Town Hall hosted by Dr. Grasso. Dean Nancy Targett is the Interim President.
- Attended NCC Councilwoman Lisa Diller's monthly meeting at the Senior Center.
- Will be attending the League of Local Government meeting on Thursday.
- Next Meet and Greet will be 4/2 at Pat's Pizza at 5 p.m.
- Encouraged everyone to come out to vote.

Mr. Gifford

- Thanked the City for helping Representative Baumbach and Mr. Gifford in getting potholes repaired on Elkton Road.
- Discussed the phone system – he thinks the departments are too far away from the initial greeting.
- There has been discussion about CCI Safe + Smart Cities and asked for an update on when they will come to Council with their presentation. Ms. Houck expected them at the 4/27 meeting. They met with staff today to review additional questions. She currently did not have a draft of the blueprint or the presentation.
- Was saddened to report a car accident on South College and a robbery in Victoria Mews.

Mr. Chapman: None

Ms. Sierer:

- Participated in fund raising events at Caffé Gelato for the Newark Jaycees and the Newark Arts Alliance.
- Looked forward to the opening of the Community Garden at Fairfield Park with an informational meeting on 4/14.
- Was in the planning stages of a Mayor's bike ride on 5/16 in partnership with Parks & Recreation, the Newark Bike Project and the Newark Bicycle Committee as well as Greene Turtle and Rittenhouse Station.

- Attended events for non-profits in the community – the Friends of Newark Free Library luncheon and the Newark Community Band both had a great turnout.

13. 9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:

A. Appointment of Maria Aristigueta to the District 5 Position on the Boards and Commissions Review Committee

28:37

Mr. Chapman felt Dr. Aristigueta was well qualified to serve on the Committee.

There was no public comment.

MOTION BY MR. CHAPMAN, SECONDED BY MR. RUCKLE: THAT MARIA ARISTIGUETA BE APPOINTED TO THE DISTRICT 5 POSITION ON THE BOARDS AND COMMISSIONS REVIEW COMMITTEE.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

14. 9-B. APPOINTMENT OF JO ANNE BARNES TO THE DISTRICT 2 POSITION ON THE BOARDS AND COMMISSIONS REVIEW COMMITTEE

30:03

Mr. Ruckle highly recommended Ms. Barnes to the Committee.

Donna Means, District 5, commented that the above two applicants were not present and asked the duties of the Committee members. Ms. Sierer encouraged Ms. Means to attend the meeting of the Committee on Tuesday night.

MOTION BY MR. GIFFORD, SECONDED BY MR. RUCKLE: THAT JOANNE BARNES BE APPOINTED TO THE DISTRICT 2 POSITION ON THE BOARDS AND COMMISSIONS REVIEW COMMITTEE.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

15. 9-C. REAPPOINTMENT OF JANET YODER TO THE DISTRICT 1 POSITION ON THE BOARD OF ELECTIONS FOR A THREE YEAR TERM TO EXPIRE JANUARY 15, 2018

33:10

Mr. Morehead reported that Ms. Yoder had served on the Election Board since November 2007 and he recommended her for her excellent effort and her faithfulness and commitment to the City.

There was no public comment.

MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT JANET YODER TO REAPPOINTED TO THE DISTRICT 1 POSITION ON THE BOARD OF ELECTIONS FOR A THREE YEAR TERM TO EXPIRE JANUARY 15, 2018.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

16. 4. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

- A. **Bill 15-08** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Changing Certain Penalty Provisions in Accordance with State Law

34:55

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 15-08.

Mr. Herron advised this was a proposed amendment to Newark's Code which raised fines for unregistered motor vehicles and fictitious or altered registration card or license plate to the levels set forth in the State Code.

Donna Means, District 5, noted there was a vehicle in her neighborhood with an out of state license that expired in 2011.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(ORDINANCE NO. 15-06)

17. **4-B. BILL 15-09 – AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, CODE OF THE CITY OF NEWARK, DELAWARE, BY CREATING A PENSION COMMITTEE (SEE 2-A)**

38:34

Ms. Bensley read Bill 15-09 by title only.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 15-09.

Mr. Haines explained this Bill was newly introduced since the original version was postponed indefinitely regarding the membership of the Committee itself. The original had two Council members and it was expressed that part of the Bill should be reworked. What was being proposed now was a Committee of eight with seven voting members. The permanent positions were the City Manager, the Deputy City Manager and the Finance Director with all three voting. The Deputy Finance Director would be an alternate on the Committee for continuity of knowledge and be able to step in in the event of conflict if one of the three permanent members were absent. This individual would be a non-voting member. The fourth member would be the investment consultant, also a non-voting member. Then the piece was expanded where staff was talking about the Council members from last time and trying to have citizen engagement on this process. So it was opened up to four voting members after looking at stakeholders in the entire process. Staff looked at existing members of the three unions – AFSCME, CWA and FOP – and then an active retiree with preference given to City residency selected by the Mayor as confirmed by Council. At the time there are no active employees with a defined benefit plan from AFSCME and CWA, an additional retiree would be added. Again, preference would be given to a member with residency and would be appointed by the Mayor and confirmed by Council.

The Committee would meet at least twice a year or more frequently if desired and it would fall under normal State FOIA requirements as a public meeting.

Mr. Haines pointed out those were the only changes of 4-B since the last discussion in its original version.

Mr. Markham thought the direction was going towards residents of the City and not just members of the unions, that the Council members would be replaced with City residents.

Mr. Chapman thought a citizen of the City was a biased stakeholder in that they were essentially funding the plan and that may or may not be a positive bias. The conversation about acumen and just by being a citizen does not necessarily make someone eligible to serve on the Committee.

Mr. Gifford echoed Mr. Markham's comments and liked the idea of some stakeholders understanding more about the Pension Plan that they are part of, so it might be good to add a resident voice to this.

Ms. Hadden asked if pension conversations came up when there was the contract review with the unions. Mr. Haines replied they did. Ms. Hadden said if they had representation at contract time, she did not know if they needed to be included on the Committee. Mr. Haines said the contribution value by an employee was not in the same context of the investment policy or diversification or who the actuary or custodian was.

Mr. Sierer asked if the Committee would be too large with nine members. Mr. Markham explained there were two members who do not vote but attend – the Consultant and the Deputy Finance Director.

The Chair opened the discussion to the public.

Helga Huntley, District 1, noted when the union does not have any active members anymore then the members of the Committee should be replaced by an active retiree. She thought an alternative Council could consider was that if there was no longer an active member to just reduce the membership on the Committee by one instead of continuing to add more retirees. Currently the way section (c)(2) was written it specified membership of each of the unions by the name of the union – but if there might be some reorganization in the labor unions that it might be better to specify you want one member from each of the unions representing City employees rather than listing them specifically.

Ms. Huntley's other comment regarded section (c)(4) which specified that the first terms shall be one year terms and all the other terms shall be two year terms – she did not see why the initial term should not also be two years. That section also referred to an organizational meeting and she was unclear on if that was the Council organizational meeting or of the Pension Committee and might be clarified in the ordinance.

Ms. Hadden supported Mr. Gifford's idea saying the active retiree appointed could be a resident. Mr. Morehead referred to item 3 where it stated an active retiree and asked Mr. Haines if he was thinking specific to that union or any active retiree. Mr. Haines replied any active retiree. Mr. Morehead thought if there was no longer an active member of the union that he would replace it with an active retiree of that union. Mr. Haines said they were trying to give deference to residents. Mr. Markham asked if the question about the organizational meeting was leftover from when Council was going to be on the committee and felt it could be stricken. Ms. Bensley said the terms can start when the appointments are ready and they can be made two year terms from the date of appointment.

AMENDMENT BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: STRIKING IN ITEM (c)(4) STARTING AT THE SECOND SENTENCE, IN THE INITIAL APPOINTMENT OF THE PENSION COMMITTEE ALL NON-PERMANENT MEMBERS SHALL BE APPOINTED TO A TERM EXTENDING FROM APPOINTMENT TO AN ORGANIZATIONAL MEETING OF THE NEXT EVEN YEAR UP TO THE WORD THEREAFTER AND THEN CAPITALIZE THE A IN ALL (SO ALL TERMS SHALL BE FOR TWO YEARS)

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: TO REMOVE THE FOURTH SENTENCE IN ITEM (c)(4) "ACTIVE RETIREES SHALL

BE APPOINTED BY THE MAYOR WITH APPROVAL OF COUNCIL AT THE ORGANIZATIONAL MEETING.

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

AMENDMENT BY MR. MOREHEAD, SECONDED BY MS. HADDEN: TO CHANGE THE FIFTH SENTENCE IN ITEM (c)(4) TO READ "ACTIVE EMPLOYEES SHALL BE APPOINTED BY THEIR RESPECTIVE BARGAINING UNITS IN WRITING TO THE COMMITTEE CHAIR." (REMOVED THE WORDS "ON OR BEFORE THE DATE OF THE ORGANIZATIONAL MEETING.")

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

AMENDMENT BY MR. MARKHAM, SECONDED BY MR. RUCKLE: (c)(2)(d) REMOVE THE WORDS "AN ACTIVE RETIREE" AND SUBSTITUTE "ONE APPOINTMENT SHALL BE MADE BY THE MAYOR WITH COUNCIL'S APPROVAL WITH PREFERENCE GIVEN TO A CITY RESIDENT."

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: IN ITEM (c)(3) REMOVE THE WORDS "ANOTHER ACTIVE RETIREE" AND REPLACE THEM WITH "A CITY RESIDENT" AND REMOVE THE WORDS "WITH PREFERENCE GIVEN TO A CITY RESIDENT".

Mr. Chapman stated that this amendment had the possibility of, in some foreseeable future, shifting the body to a majority of citizens that are also not affiliated with the pension in any way other than living here and paying taxes which he did not think was Council's intention. He would leave it as it is or modify it in two ways – reduce the size of the Committee or maintain an active retiree.

Question on the Amendment was called.

AMENDMENT PASSED. VOTE: 4 to 3.

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

Mr. Ruckle stressed the importance of defining a City resident. Mr. Gifford felt that information could be evaluated through the Boards & Commissions application process. Mr. Morehead agreed with Mr. Ruckle.

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: CHANGE THE WORDING IN ITEM (2)(d) TO READ "ONE CITY RESIDENT SHALL BE APPOINTED BY THE MAYOR WITH COUNCIL'S APPROVAL."

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Mr. Chapman felt Council created a future problem on one of the amendments for item 3 and therefore he would not be approving the amended version. With the body of

eight members and seven voting he felt we were looking at half of, in a majority of voting, being solely qualified by living in Newark and appointed by the Mayor and Council. If that was the intention of how Council wanted the Pension Committee to function, he felt they should just start with that.

Mr. Gifford remembered the conversation from the previous meeting was to have more City resident involvement because Council might be either conflicted or too busy with other duties. Mr. Gifford asked Mr. Chapman why he thought Council would not be capable to choose who was qualified to be on the Committee.

Mr. Chapman said part of the original discussions that goes back a few years as to why they might want a Pension Committee was that there was no voice of any pensioners other than the presenting City staff member. Up until now, any pension related conversation was fairly high level actuary-type information. He felt that any pensioner currently working or currently receiving the benefits was a stakeholder that should have a voice in determining how the pension was managed. What was done in tonight's discussion and amendments was to remove that validity or its importance and he was uncomfortable with that decision. He thought Council was putting themselves in a leadership role among other municipalities in the nation to show as an example how prudent pension management could be done.

Mr. Morehead said Council was responsible for approving these people and he hoped future Council's would take that job as seriously as this Council does when looking for good volunteers to serve on the various committees and whether the people are qualified. That was why the application system was originally instituted so all of Council would have more information about each applicant. Further, this Committee was meant to be an advisory Committee to Council in matters of the pension. The ultimate authority still rests with Council so they would have the fiduciary responsibility as they do now to the pensioners. He saw those as a check and balance.

Mr. Chapman noted that the majority of the advice coming in Council's direction whether they have professional experience or pension investment management does not reveal or communicate any biases toward organized labor, pension agreements or their investment style. The prudent advice was more likely to come from active participants. In thinking about the administration of pensions and the constant renegotiations of the labor unions, providing a seat at the table at this level provided an enormous value for Council to have more successful negotiations and an ongoing relationship.

Mr. Morehead stated the unions only lose their seat at the table when they lose active membership so under (c)(3) "If and when there is no longer an active member from Sections (2)a-c above..." what about putting a sunset in there so if the unions do not have a representative at the table, the law would be revisited at that time to address the issue directly. Mr. Chapman did not like the idea of sunseting.

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: THAT BILL 15-09 BE APPROVED AS AMENDED

MOTION AS AMENDED PASSED. VOTE: 5 to 2.

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

(ORDINANCE NO. 15-07)

18. 2. **ITEMS NOT FINISHED AT PREVIOUS MEETING:**
A. **Bill 14-28** – An Ordinance Amending the Amended Pension Plan For Employees of the City of Newark, Delaware, Regarding Enumerating the Duties of the Pension Committee ***(See 4-B) (Postponed from the February 9, 2015 Meeting By Request of Council)***

01:21:21

Ms. Bensley read Bill 14-28 by title only.

MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL NO. 14-28.

Mr. Haines reported that Bill 14-28 remained intact from when it was postponed. He noted Mr. Morehead raised concerns with Mr. Herron. Mr. Haines reviewed the discussion edits reviewed by staff which were contained in Sections 15.2-e, f and g.

Section 15.2-e approved a policy related to payments and what would the policy be – it would be consistent with payments with the Charter and the Code as acceptable day-to-day expenditures. It was suggested to delete this section in its entirety.

Section 15.2-f approved a document retention policy. This would follow the policy of the State Archives which was done organizationally and was required by FOIA. Again, it was suggested to delete this in its entirety.

Section 15.2-g administered the provisions of the Plan. From an interpretation standpoint staff did not want it to come across as it was presented that the Committee was administering the Plan as Council sets what the Plan is and from a day-to-day standpoint the City Manager or his role as Deputy and the Finance Director have administered the Plan. Again, the suggestion was to delete this in its entirety.

Section 15.2-l established a funding policy for the Plan in conjunction with the Actuary. As this was a recommendation committee, it was suggested to insert the word “recommended” to read “Establish a recommended funding policy...”

Section 15.2-q.2 “Establishing and maintaining the written agreements with the external advisors...” The suggestion was to insert the words “approved by Council” and would read ““Establishing and maintaining the written agreements with the external advisors approved by Council that will outline the services they will provide...””.

Section 15.2-q.5 about selecting actuarial methods and assumptions for the valuation of the Plan, in conjunction with the Actuary, had no edits suggested at this time by the Advisory Committee. They thought it was germane for the Committee to select what would be the advice of the professional or the best suggested Plan and ultimately Council could reject the suggestions.

Mr. Morehead asked Mr. Haines to further discuss Section 15.2-q.5. Mr. Haines said one of the suggestions that came up in recent dialogue about the actuary they talked about the scenario of the amortization period – the City was at 30 years (similar to a mortgage) and had been moving down a year, 29, 28 and 27 – that style would be a selection of an actuary methodology to say you have a smaller amortization period therefore more money would have to be put in because you are not assuming spreading out the risk more. So that would be a recommended style which staff has done recently. Also the actuary making the suggestion to move (over recent years) from 7 1/2 assumed returns to 7 1/4 and they were pushed to march downward so you have less percent returns so you do not assume that – you would have to again put more real money, and that is where (as staff viewed this section) in selecting those actuary methodologies that those assumptions would be a part of those recommendations.

Mr. Morehead asked Mr. Herron if his interpretation of the word “selecting” in the preparation of the recommendation, or was that the final selection in q-5. Mr. Herron replied that it could be open to either and perhaps the answer was amending it by saying “selecting and recommending” – Mr. Morehead “recommending a selection” – Mr. Herron, yes, we were recommending selected actuarial methods.

There were no public comments.

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT SECTION 15.2-q.5. BE WORDED “RECOMMENDING SELECTED ACTUARIAL METHODS AND ASSUMPTIONS FOR THE VALUATION OF THE PLAN, IN CONJUNCTION WITH THE ACTUARY.”

AMENDMENT PASSED. VOTE: 6 to 1.

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

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: IN SECTION 15.2, DELETE SUBSECTIONS e, f AND g. AND IN SECTION 15.2-l INSERT THE WORD "RECOMMENDED BETWEEN THE WORDS "A" AND "FUNDING" AND IN SECTION 15.2-q.2 INSERT THE WORDS "APPROVED BY COUNCIL" BETWEEN THE WORDS "ADVISORS" AND "THAT".

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT BILL 14-28 BE APPROVED AS AMENDED.

MOTION AS AMENDED PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(ORDINANCE NO. 15-08)

19. 4-C. BILL 15-10 – AN ORDINANCE AMENDING CHAPTER 11, ELECTRICITY, CODE OF THE CITY OF NEWARK, DELAWARE, BY REVISING THE FORMULA FOR THE COMPUTATION OF THE REVENUE STABILIZATION ADJUSTMENT (RSA) CLAUSE (SEE 3-A-1)

01:31:35

Ms. Bensley read Bill 15-10 by title only.

MOTION BY MR. GIFFORD, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND PUBLIC HEARING OF BILL 15-10.

Mr. Vitola reported that in connection with the electric rate study done in 2011, the old purchased power cost adjustment or PPCA provision in the Code was replaced with the revenue stabilization adjustment or RSA. After reviewing the minutes of the first several RSA updates and listening to the audio when the first RSA was recommended and approved, it was clear the methodology was executed consistently and with the intent of the original RSA recommendation. However the Code was not updated completely and it appears that only the title of the PPCA Section 11-4.1 was changed to RSA but most other provisions remained as is. At the 2/9/15 meeting of Council, Mr. Herron advised that the Code should reflect the actual practice employed to reset the RSA.

The proposed amendments reflect changes to the Code to bring it in line with the 2011 action to adopt the current RSA methodology. There were two components – one was cost of power driven and the other was margin driven. The margin driven component consisted of the expected budget margin and any under or over collection thereof afterward. Each of these sections was critical to the overall revenue stabilization of the electric fund and the rate stabilization reserve for residents.

Mr. Markham asked Mr. Vitola to describe what he said about the margin again. Mr. Vitola said there were two components in the RSA. One was cost of power driven meaning when a rate study was done, the rates were set based on the City's revenue requirements and the revenue requirements were met by using a rate that was so much higher than the cost of power. So if the costs of power deviates from that base rate, the difference was either passed through or credited back to customers. The second component was the margin, so the paragraph at the bottom of the RSA Code said that notwithstanding the above the utility could change the RSA to achieve the budgeted

operating margin and also under and over collections could be considered. So there were two main parts and the second part could be divided into two categories, budget margin and then over or under collection after the budget year was concluded. Mr. Morehead said so the simple formula on the front RSA was cost of power minus base cost times use – was not the RSA, it was a component of the RSA. Mr. Vitola said yes, it was the first component in the RSA. Mr. Morehead asked if it could be relabeled. Mr. Vitola was open to suggestions. Mr. Morehead asked if it could be called total RSA due to cost. Mr. Vitola said that was how it was presented in the memos in its component parts. They were not named but were known as the cost component, the budget component and the over or under collections. There was a fourth part that was called the Governor's MOU component. He did not know if there would be any special value out of labeling them in Code – the calculation and the wording were there.

The discussion was opened to the public.

Helga Huntley, District 1, said her comments on the RSA fall into two categories. First she would address some of the philosophy and policy considerations that should inform the design of electric rates and secondly she would address some of the specifics in the proposed ordinance.

One way to design the rate adjustment factor was to insure that the revenue generated was close to that projected – a revenue stabilization adjustment. This helped the City's budgeting in knowing exactly how much revenue could be counted on regarding of fluctuations in wholesale electricity prices and fluctuations in electricity consumption due to the weather or other factors. It also meant that the amount the electric customers jointly spent on electricity was independent of wholesale prices or consumptions but was instead set by Council in the budget. The individual customer then can only control the proportion of that pie that he or she has to pay by adjusting their consumption. If customers were aware of this (she did not think they were) it would lead to the paradoxical economic incentive to get everyone else to be energy hogs. Both Mr. Vitola's 3/13 memo on this agenda item and the original memo dated 5/4/2011 from Finance Director McFarland at that time that introduced the current approach to setting the RSA highlighted that the RSA should do two things. It should track wholesale prices and should insure that the revenue targets are met. However, these goals were not compatible. This was obvious if one assumed that consumption projections were accurate. In this case if wholesale prices dropped, then the RSA should drop to achieve the first goal. To achieve the second goal it must stay constant. There was another undesirable affect upsetting electric rates based on the total target and revenue. Assume that wholesale prices remain constant for several years but the first year a cool summer leads to low consumption whereas in the second year a scorching summer leads to high consumption. Since the total revenue was set independently of consumption, the total electricity cost to the customers as a whole would be the same for both years. That means that per Kwh electricity was much cheaper when consumption was high than when it was low and provided perverse economic incentives. The alternatives to the stable or revenue goal - reflecting wholesale price fluctuations would be one. The proposed formula would achieve that if the adjustments for revenue stabilization were removed. Another alternative would be to aim for rate stabilization so expenses to customers were more predictable and more controllable by adjustments to consumption. For this scenario the revenue surplus from high revenue years should be saved to cover the deficits from low revenue years with rate adjustments linked in inflation. Something like that seemed to be implemented in the rate stabilization reserve whose existence, however, directly contradicts the stated goal that the RSA should reflect wholesale prices. She requested that Council consider these and possibly other alternatives to determine what is best for the City and its constituents and then state its goals clearly and specify how competing goals are to be balanced.

Ms. Huntley continued to the details of the proposed ordinance.

1. The new text referred to "the first component of the RSA but did not list any further components. It would be clearer if all the components were listed explicitly and if each of the other components were defined with a relevant computation formula.
2. The period for which the RSA was to be reevaluated used to be explicitly defined with some factors adjusted monthly and others annually. The new text proposed

the vague substitute periodically. It should be precise and state how this period was to be determined.

3. The changes to the RSA formula were mostly simplified the wording. The cost basis was changed to one projected by the Finance Department. Although she had some concerns, she thought this was the way to go since the RSA applied only to future sales and future prices were fairly predictable for Newark.

The other substantive change concerned the loss factor. It was previously left unspecified how it was to be determined and it was desirable to have such a definition in the Code. However, the way it is currently defined all sales to customers not subject to the RSA were considered losses. While it appeared that currently only those in the ED classification fell into this category, she thought this should be corrected. The loss should be defined as the ratio of all purchase power to all sold power. Also, this was not easily projected due to the unpredictability of the weather so she recommended using data from the immediately preceding year or the equivalent month in the immediately preceding year if it was expected that the loss fluctuated with the seasons.

It remained unclear to Ms. Huntley what went into the calculation of the second RSA component in the memo for the 2015 calculation and in particular how the number in the middle was derived.

Jim Negg, 5 Heather Court, recalled that Mr. McFarland's comment relative to any RSA that should be credited for the following year, was that it was the people's money and the City should give it back as opposed to generating a large fund. Part of the reason was a lot of the residents were students so money saved was not going to them. He recommended giving the money back and making that adjustment at the earliest time.

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: THAT BILL NO. 15-10 BE POSTPONED INDEFINITELY.

Mr. Morehead wanted to see it split into the multiple components of the RSA, to see them defined as components rather than one of them being called the RSA. He wanted to see the loss accommodate both the actual electric losses as well as the City use. He liked the simple definition – purchase minus sold would equal loss – because that would accommodate the seasonal loss which changed with temperature as well as the City's use.

Mr. Vitola did not think this needed to be postponed and addressed some of the comments made on the floor. First, the components to the RSA could be named easily. The first section of the RSA was already called the first component of the revenue stabilization adjustment factor – he recommended calling that Component I. Then, after #6 where Kwh was defined, that paragraph could be started with Component II. Then, before the words "in addition", he believed another subtitle could be started that said Component III. Some of the comments mentioned he thought were just misunderstandings of the RSA. Ms. Huntley mentioned there could be a clear goal of the RSA – he said the goal of the RSA was to hedge risk and it literally protected the City from the risk of fluctuations beyond its control. The idea that the RSA itself as one small component of the whole rate discouraged conservation was not valid because the RSA as it stands today makes up less than 1/30th of the electric rate. After more was given back it would be about 1/15th of the rate. The City's electric rates were not being changed. The rates were established and they were positioned in a way with the inclining block rate to encourage conservation. Mr. Vitola noted there was Council oversight every time the RSA comes to the floor and a recommendation to be approved or not. The idea of the second preceding paragraph failed as there could be low losses or high losses and low losses or high sales in any given month with tons of volume and then two months later that would be passed back in a shoulder month. There was not enough to go around so to speak. So if you give back what should be some huge credit from July, two months later in September when there is no volume, the residents do not get enough back. The idea of waiting until the year passes and then making a projection, that takes the year's seasonality into account. That was one of the reasons it was changed to the RSA.

Mr. Vitola noted the definition of all purchased power over all purchased sold as being the definition of the loss factor, that was to the detriment of the residential rate payers. The losses were fewer to larger customers. To get the power from the substation to the University, very little was lost there. To get it from the substations distributed all throughout the community, the losses were bigger. If the credit was only being scaled by the City's total losses, the residents were not getting enough back. The same was true in scaling up purchased power cost increases by total City losses, then enough was not being passed onto the residents who were not part of the RSA structure.

Mr. Morehead said Mr. Vitola was arguing against himself here because he had $L = P$ divided by S (loss equals purchases divided by sales). Mr. Vitola said Mr. Morehead said P minus S earlier. Mr. Morehead said he got it wrong with P minus S which gave the differential and he would have to throw that over P to get the math to work out. P divided by S was the same thing. Mr. Morehead said it was purchase divided by sold for a percentage. Mr. Vitola said yes, for a factor, for a multiplier, which is what we do. Mr. Morehead said the point is the definition of loss should be something simple like purchase divided by sold rather than in 4.3 it was defined as the loss which was understood to be the electric loss due to temperature variation and the City use factor. It would be simpler to just say purchase divided by sales and define it. Mr. Vitola said we do say that in the formula and then L , P and S are all defined. So L was the loss and the City use factor which shall be adjusted periodically and then S is sales and P is purchases. That is what Mr. Vitola thought Council wanted. Mr. Chapman added that is what Council asked him to do last year. Mr. Morehead said the formula was very simple but the wording was much more complex and it made sense to just make the wording simple.

Question on the Motion was called.

MOTION DEFEATED. VOTE: 1 to 6.

Aye: Morehead.

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

AMENDMENT BY MR. CHAPMAN, SECONDED BY MR. MOREHEAD: TO INSERT "COMPONENT I" PRIOR TO THE SENTENCE "THE FIRST COMPONENT OF" AND THEN ADDING ONE AFTER THE WORD COMPONENT; ON PAGE 2 THE PARAGRAPH AFTER ITEM 6 PROVIDING A HEADING "COMPONENT II" AND AFTER THE SENTENCE ENDING WITH COUNCIL APPROVAL AND BEFORE THE SENTENCE "IN ADDITION" CREATING AN ADDITIONAL PARAGRAPH AND PRIOR TO THAT PARAGRAPH NOW BEGINNING WITH THE SENTENCE "ADDITION" AND STARTING "COMPONENT III."

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: THAT BILL 15-10 BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

(ORDINANCE NO. 15-09)

- 20. 3. SPECIAL DEPARTMENTAL REPORTS:**
- A.** Special Reports from Manager & Staff:
 - 1.** 2015 Revenue Stabilization Adjustment (See 4-C)

01:56:36

Mr. Vitola reported that for the RSA calculation itself, nothing in terms of the wholesale rate or base rate changed since the 2/9/15 recommendation and nothing in terms of the required 2015 budget margin changed since that recommendation. The over-collection component changed as a result of the billing activity at the expiring RSA rates since the last meeting which was reflected in the recommendation. Rather than return one penny flat to the residents over the upcoming year, 1.08 cents per Kwh should be returned. The recommendation was to immediately return the February over-collection but the recommendation was to set aside the 2014 over-collection. In consideration of the expectation that wholesale power costs would increase in 2016 the recommendation was to build the existing rate stabilization reserve from the \$1.04 million roughly established with 2012 over-collections up to almost \$2.2 million by reserving 2014 over-collections of \$1.14 million. DEMEC recently signaled to its member utilities that rates would rise and they were preparing a memo to explain the components of the potential cost increase.

The \$2.2 million would bring the City into the range put forth in the City's financial policies which called for \$1.5 million to \$3.8 million in reserves set aside for this purpose. Newark was currently below the minimum range. As recommended the 1.08 cent Kwh return to customers represented a rate decrease of 4.1% or \$4.88/month for the average household using about 775 Kwh in a billing period.

The City's rates as of today were 4.7% below Delmarva's rates. With the RSA as recommended tomorrow they would dip to 8.6% below Delmarva's rates. If Delmarva had any such over-collection on its books that would be distributed immediately to its shareholders and not set aside for its residents. With the turnover of University students, those that pay rates may not get them back if they graduate.

Mr. Gifford asked Mr. Vitola to explain who was a contract customer. Mr. Vitola reported it was any party with whom the City directly negotiated a rate, which currently was only the University of Delaware. He asked if there would be any problem if the City was to set aside funds to be at the minimum of its financial policy recommendation. Mr. Vitola explained if Newark did that, we would be giving back 60% of that \$1.14 million in the RSA and only setting aside another \$460,000 of it. So that rate stabilization reserve would grow from \$1.04 million up to the \$1.5 million minimum. We would add .0027 to the RSA to bring it to 1.35 cents instead of 1.08 cents. He recommended not going any further than that because it was important to put up the reserve even if there was a mismatch among some receiving and some giving customers.

Mr. Gifford requested discussion about going only to the \$1.5 million and returning as much as possible based on the City's policies.

Mr. Morehead asked Mr. Vitola to explain the purpose of the reserve. Mr. Vitola said it was to protect rate payers against rising rates. He understood the RSA was established from the beginning to completely hedge the City's risk in a way that if rates rose in the future, the RSA would do its job and pass that all along to the consumer. Mr. Vitola said at times it could be challenging to act when it was required to do so and there was a buffer in place that would allow the City to ramp up and give more notice and advise consumers of the rate picture.

Mr. Morehead asked Mr. Vitola to address the effective time frame of a spiking rate environment given DEMEC and their long term contracts as a buffer already. Mr. Vitola replied that DEMEC did a great job. Mr. Vitola reported 42% physically hedged with generation and then another high 40's to low 50's hedged with purchase contracts and the rest was subject to open market. There were times, especially in the mid-2000's when spiking power on just that 10% exposed to the market was enough to sway rates and push PPAC's and rates among the member utilities up by a whole penny. So it can happen fast even if there is sound hedging in place. Yet DEMEC has efforts to be 92-95% hedged, but in the falling rate environment that has curtailed. Mr. Vitola did not believe that DEMEC has hedged at 92% today, so there is probably 5-8% exposure in the coming year and 10-12% exposure two years out and even greater exposure several years out. So there can be a compounding effect over the long term but there was enough unhedged that if there is a shock, it can have an impact on the City's rate payers and that \$1.5 million can get eroded quickly (three months or one summer season).

Mr. Gifford asked if the budget plan was offered to residents to allow a smoother transition. Mr. Vitola said yes, but there was a settle-up period after that and it was easier to manage for that person if the settle-up period at the end was not as great. Mr. Vitola added the design of the RSA was to make the City as risk neutral as possible.

Mr. Markham believed this was first introduced in 2007 and 2008 because of the major rate shock the City experienced. The City actually subsidized the rate payers by \$6 million instead of having any type of fund to cover the rate raises or the fact that there was nothing in place. He said the raise was quite a shock to the residents. Having lived through that he was in favor of having a fund to give people a chance to adjust.

Mr. Chapman added it was a temporary spike in a seasonal situation that this best protected against.

There were no public comments.

MOTION BY MR. GIFFORD, SECONDED BY MR. MOREHEAD: TO GIVE BACK ONLY THE AMOUNT THAT GOT THE CITY TO \$1.5 MILLION IN THE RESERVE.

Mr. Vitola noted that amount was \$679,619 or an additional .0027 per Kwh.

MOTION DEFEATED: VOTE: 2 to 5.

Aye: Gifford, Morehead.

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

MOTION BY MR. CHAPMAN, SECONDED BY MR. RUCKLE: THAT ITEM 3-A-1 BE APPROVED.

MOTION PASSED: VOTE: 5 to 2.

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

Nay: Gifford, Morehead.

21. 3-A-2. CREDIT-ENABLED PARKING METER UPDATE

02:11:34

Mr. Vitola noted that Mr. Gifford requested a report on the credit-enabled parking meter usage. A memo was provided to Council in their packets. Mr. Gifford posed follow-up questions and some were answered via e-mail to Council and posted to the City's website. The rest of those answers would be provided as soon as possible. Mr. Vitola offered to incorporate a quarterly or semi-annual report with the supplementary section of the Financial Statements for those reporting periods.

Mr. Markham and Mr. Vitola discussed the trend in revenues going down in December and January which were probably linked to students. Mr. Vitola said receipts (both parking meter and fine revenue) were lower in this time period. He pointed out that the fine revenues were especially low and were trending down across the board. Also there were holidays with free parking.

Mr. Morehead asked if Mr. Vitola had any intention of breaking down the data further by location. He asked based on the parking utilization number of 33.5%. Mr. Vitola said staff intended to do that but did not have the data today. As soon as it was available it would be provided in an update to Mr. Gifford's questions. Mr. Vitola would break the information down by zone, not by street. Today the meter per meter data was not available due to an issue with the vendor who was working on it.

Mr. Gifford asked if there was an ordinance about being allowed to stay at one meter in the central business district and use it repeatedly. Mr. Howard reported this was being allowed at this time but would be looked at in the future.

Mr. Gifford addressed ticket revenue. Mr. Vitola said expectations were they were going to fall and were therefore budgeted conservatively.

The discussion was opened to the public.

Helga Huntley, District 1, noted Council wanted more detailed data to explore the 30% occupancy rate and suggested that in addition to analyzing the data by location, the time of day should also be investigated.

Jeff Lawrence, District 3, said one thing that stood out to him in looking at the report was the notion that the average coin transaction gained something like \$.70 which the average credit card transaction averaged closer to \$2.00. He asked the average duration and whether the coin customers were not paying enough or were the credit card customers paying too much. Mr. Vitola said the data indicated most people preferred to buy the option value and the security of not getting a ticket and thus the transactions were high.

Jen Wallace, District 3, did not believe the public was aware that the credit card option defaulted to the highest possible amount. It did not make sense to her that when using cash people started with the lowest amount and she felt the credit card and cash options should mirror each other.

22. 3-A-3. RECOMMENDATION FOR INSURANCE COVERAGE 2015-2016

02:27:13

Mr. Vitola said the three most notable items impacting the renewal were the general liability coverage, the auto coverage and the umbrella coverage. There was virtually no negative general liability experience over the last five years and it appeared the favorable experience was factored into the underwriting process and was driving a 9% rate decrease in that line. The auto coverage was up 3.5% in terms of total premium or almost \$6,700 because the City acquired newer vehicles and more drivers over the last few years requiring higher coverage requirements. However, the per unit premium was down and that was a result of lower claims over the last three coverage periods and in part due to a higher deductible. Auto claims have been outstanding and claims dropped from 25 to 12 to 7 to 5. It was believed this was directly attributable to the deployment of the GPS units in the vehicles which resulted in a reduction of speeding incidents by more than 82% almost immediately upon installation. Unfortunately auto loss runs were also viewed through a five year look back period for underwriting and pricing purposes so the 2009, 2010 and 2011 experience was in our trend but at this pace there should be even more reductions in premium requirements going forward.

The third notable item was the umbrella coverage through Scottsdale which decreased by almost 6% or about \$3,000 for the year. Every other line increased only marginally resulting in the second consecutive year with overall reduction in premiums. That represented cumulative savings of more than \$100,000 in 2014-2015 which was rare in the insurance world – it was hoped to see this even lower still next year.

There were no changes in coverage levels other than the organic increase in auto values, so this was truly an apples-to-apples comparison of the expiring coverages to new coverages and the falling premium level. Exposures and insured values were all reviewed and updated in 2013, so it was felt the City had an appropriate level of coverage. The total cost of coverage was within the 2015 budget.

Council was requested to authorize staff to bind coverage with the carriers detailed in staff's memo dated 3/10/15.

Mr. Morehead referred to the second page which stated the renewal premiums were less than the budgeted amount and then about trying to fund the self-insurance fund – he asked if that money was going there. Mr. Vitola reported the self-insurance fund was funded a little bit more in 2015 but there was no adjustment for the deductibles or retention of any extra risk. Mr. Morehead referred to the last sentence in paragraph one about the recommended renewal premiums being less than the budgeted amount by 1.4% over all lines of coverage for 2015-2016. He said that means to him there was money leftover out

of the budget. The amount was \$13,000 and Mr. Morehead asked if that would go into the self-insurance fund. Mr. Vitola said there were no plans to do that - \$13,000 was the difference between the expiring premiums and the new premiums.

MOTION BY MR. CHAPMAN, SECONDED BY MR. RUCKLE: TO ACCEPT THE RECOMMENDATION DETAILED IN STAFF'S MEMO OF MARCH 10, 2015 FOR INSURANCE COVERAGE FOR 2015-2016.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

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

- A.** Request of Wood Fired Pizza, LLC for a Special Use Permit to Allow the Sale of Alcoholic Beverages for Consumption at the Business, Wood Fired Pizza Shop, Located at 140 East Cleveland Avenue

02:31:41

Mr. Fortner presented the request for a Special Use Permit to serve alcoholic beverages at the existing restaurant for consumption on site. Two variances were obtained from the Board of Adjustment before coming to Council. The Zoning Code required a restaurant selling alcohol to have 50 seats. They needed a 15 seat variance to have 35 seats, the minimum State requirement. The second variance was for the minimum number of parking spaces - for 35 seats the required number of parking spaces was 15. Their plan showed 10 spaces, requiring a variance of 5 parking spaces from the Board of Adjustment. There were no objections by the City departments to the Special Use Permit. Planning & Development notes the hours of operation – they are closed on Monday and Tuesday, close at 10 p.m. Wednesday through Saturday and close on Sunday at 3 p.m. Alcoholic beverages will be limited. Planning & Development does not anticipate any impact to the surrounding residential neighborhood. The Police Department has no incidences reported at this location and the customer base appears to be family oriented. There was no conflict with the Comprehensive Development Plan and it was therefore recommended to grant the Special Use Permit to the applicant.

The restaurant was in Mr. Markham's district and he supported the request.

Ms. Hadden asked if there were plans to change the operating hours of the business. Nathan Hengst, owner/operator, said there were no plans to change the hours of operation.

The discussion was opened to the public.

Helga Huntley, District 1, addressed general comments that pertained to 5A and 5B which were two similar applications. She noted the law required a minimum of 50 seats in the restaurant, but the Board of Adjustment decided to waive that requirement for both applicants tonight. Her concern was that she generally opposed making special rules for certain people and businesses. In the interest of fairness she felt the same rules should apply to everyone and said perhaps it was time for Newark to update its zoning requirements.

Jen Wallace, District 3, asked for an explanation of the zoning difference for this location. Mr. Fortner said the difference between BB and BC zoning was the parking waiver. In BB zoning downtown there was a mechanism for the Planning Commission to recommend a parking waiver for businesses, but in a BC zoning district the parking waiver was not available. Thus they had to go to the Board of Adjustment for a variance on the number of parking spaces. She thought there seemed to be a habit in the City of breaking its own rules quite a bit especially when it came to development and variances. However, she thought this permit made sense and had no problem with beer and wine being sold at smaller establishments.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO APPROVE THE SPECIAL USE PERMIT FOR WOOD FIRED PIZZA.

Mr. Gifford encouraged thinking about aligning Newark's Code with the State in the future.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

24. 5-B. REQUEST OF MEDITERRANEAN GRILL FOR A SPECIAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE BUSINESS, MEDITERRANEAN GRILL, LOCATED AT 230 EAST MAIN STREET, UNIT 612 (NEWARK SHOPPING CENTER)

02:42:41

Mr. Fortner presented the application for the Special Use Permit to sell alcoholic beverages on site. The restaurant contained 15 seats and 50 were required for alcohol sales. Therefore, a 35 seat variance was obtained from the Board of Adjustment. The business owners contacted their local State representative regarding the seating requirement and House Bill 16 passed and was signed today. That made the minimum State requirement 12 seats.

The hours of operation were 11 a.m. – 9 p.m. Monday through Saturday and noon to 8 p.m. on Sunday. There were no objections by City departments to the application and no conflict with the Comprehensive Development Plan. It was therefore recommended to grant the Special Use Permit to the applicant.

The Mediterranean Grill was in Mr. Markham's district and he commented on the struggles they have experienced in the past.

The discussion was opened to the public.

Donna Means, District 5, was glad Council approved the Wood Fired Pizza Shop Special Use Permit because in the past there were no stable businesses in that location. She felt it was a good addition to the neighborhood. Regarding Mediterranean Grill she said they had very good food and a family atmosphere. She felt they should be able to serve alcohol.

Donna Papanicolas, owner, has run several other restaurants, one previously in the Newark Shopping Center and had just been trying to run something smaller.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: TO APPROVE THE SPECIAL USE PERMIT FOR MEDITERRANEAN GRILL.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

25. 5-C. REQUEST OF KARLA AND KIRA BELL FOR A SPECIAL USE PERMIT TO PLACE A SHED IN THE FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA (SFHA) ON THE RESIDENTIAL PROPERTY LOCATED AT 40 MINQUIL DRIVE

02:48:01

Mr. Fortner reported the applicants wanted to install an 8' x 12' shed in the FEMA designated special flood hazard area. Zoning Code Section 32-96, Use Regulations for Flood Plains were restrictive on what could be put inside this area but they did allow for accessory uses granted certain conditions were met. In this case the applicant submitted

a topographic plan showing the National Flood Insurance rate map had the area floodplain at 71 feet. However, their plan showed that the property was mostly out of the floodplain and where they wanted the shed was approximately 2.5' above the base flood elevation. It was in the FEMA SFHA but that was only an estimate. To find out exactly where the floodplain was located required a survey which the applicant submitted. The applicant also had a LOMA (Letter of Map Amendment) that they submitted to their insurance company that shows that their house and other primary structures on that property were out of the floodplain.

Because this met all the applicable requirements of the City's Floodplain Ordinance and because the natural ground elevation was 2.5' above the base flood elevation or the 100 year floodplain and because new construction would not impede the flow of water in the floodway or in the flood zone and it would not cause danger to life and property because it is raised outside of the floodplain, then the Planning Department recommended this Special Use Permit be approved.

Ms. Hadden asked where the Letter of Map Amendment came from. Mr. Fortner said the applicant hired a survey company and they submitted it to the insurance company and FEMA for acceptance. Ms. Hadden how close the nearest structure was to the adjoining property foundation location? Kira Bell, 40 Minguil Drive, said it was 17 + feet and it met the City's requirement for the placement of that type of building on their lot. Ms. Bensley read letters from both neighbors who fully supported putting the shed there.

Mr. Ruckle thought the start of the shed had to be behind the back of the house. Mr. Fortner said in the rear of the house, it needed to be only three feet from a property line. When a shed was placed on the side of the house it still had to meet all side yard requirements so they had to have the minimum side yard plus the minimum aggregate side yards for both sides.

Mr. Markham asked Mr. Fortner to point out on the floodplain map where the shed would be located.

The discussion was opened to the public.

Helga Huntley, District 1, understood that if a letter of map amendment was submitted to FEMA then officially that changed the map. So if the applicant had a registered LOMA with FEMA then according to FEMA that part of the property was not in the SFHA. Her question was whether the City's zoning corresponded one-to-one with the FEMA map. So if there was a letter of map amendment filed with FEMA would that also change the City's zoning? Mr. Fortner said the LOMA was for the insurance company and it did not actually change the FEMA map. Even a Letter of Map revision which was a higher form did not change the map, it became an addendum to the map so insurance companies and surveyors know it is outside. The Special Flood Hazard Area stays the same until FEMA decides to revise it which is done periodically.

MOTION BY MR. GIFFORD, SECONDED BY MR. MOREHEAD: THAT THE SPECIAL USE PERMIT TO APPROVED AS REQUESTED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

26. 6. ITEMS SUBMITTED FOR PUBLISHED AGENDA
A. Council Members:

1. **Resolution 15-__**: Resolution to Submit a Request For a Regional Drinking Water Planning Grant to the Water Infrastructure Advisory Council For Matching Funds to Finance a Water GIS Database Creation, GIS Maps, and Capacity Model

02:59:50

Mr. Coleman reported this was the same program previously considered by Council, but on the water side. There would be a field survey of the water valves (2,500

valves and hydrants) and create a GIS database, input all of the fire hydrant information, valves and curb stop shutoffs for individual houses into the database. The second part of the project was to develop a hydraulic model to field calibration. The project was two parts mainly because staff wanted an application that Council could approve a part of or both parts. The program had a total of \$300,000 available of which the City would apply for \$100,000. The matched cap was \$100,000 which Mr. Coleman said we were trying to get. Newark was awarded two grants last year from this same program. Positive feedback was received from the Program Administrator who asked Newark to present what was already done at the Drinking Water Revolving Loan Fund annual meeting.

Mr. Morehead asked for clarification regarding the matching funds available. Mr. Coleman explained the total project cost would be \$250,000 - \$150,000 of our cost and \$100,000 of the State cost. There was a cap of \$100,000 per municipality.

MOTION BY MR. CHAPMAN, SECONDED BY MR. MOREHEAD: 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. 15-F)

**27. 6-A-2. DISCUSSION ON ORDINANCE DEVELOPMENT PROCEDURES
– COUNCILMAN MOREHEAD**

03:03:05

Mr. Morehead wrote a letter to Council discussing a phenomena that we saw again tonight several times where an ordinance comes before Council for a second reading and Council understand at that point in time that it would like to make amendments and that process can be slow and painful. It struck him there may be other ways to bring ordinances and policies forward and he was interested in having a conversation with Council about how we might do that in other ways.

Mr. Markham brought up an idea that was brought up many years ago by former Council Member Tuttle and he believed other municipalities may be using it. In their two meetings per month, the second meeting was for passing the ordinances and the first meeting was a workshop with a public meeting and no voting but hashing out what is wanted in the ordinance. Thus he suggested having one meeting with conversation and getting it all out on the table and specify what we want. That would require a change in the Rules and Procedures. Ms. Hadden discussed whether public input would be at the workshop as well as the voting meeting because in public comment a lot of good stuff is brought to the table. Mr. Markham's understanding was it would replace the regular scheduled Council meeting and would replace extended Council conversation during the vote.

Ms. Sierer felt attendance at the Comprehensive Plan workshops was disappointing and the thought of residents having only one meeting per month to voice concerns might be troubling.

Mr. Chapman said the current situation was not any different than having one opportunity unless that opportunity spurs Council to delay indefinitely which has become a trend as well. His concern was Council's ability to come prepared to the first meeting to hash items out in workshop style and completing only half as many agenda items with one voting meeting per month. Retraining of Council and the citizens would be necessary so everyone would understand how the new structure worked and be able to have a productive discussion.

Mr. Gifford thought a benefit to the monthly workshop meeting would be having more discussion prior to second readings. He liked the idea of a Council sponsor but was not sure how it would work in practice.

Mr. Morehead's other concern was about wasting staff time since staff cannot poll Council. For example staff invested a large amount of time in the recent discussion about creating a new economic development department and it did not go forward. He was trying to work toward a way where the public can give Council input, Council can give administration input and administration time is used most efficiently.

Mr. Markham said another option would be to post proposed bills with the understanding that it was a very rough draft. His concern with posting them was people would think it was the final wording and become upset.

Mr. Markham noted Ms. Bensley had a background in County Council and asked her to explain their process. Ms. Bensley's experience was that often bills were forwarded from the administrative staff to Council similar to what was done in Newark. Some bills would be initiated by a specific Council person in various issues based on constituents concerns but the vast majority did come from staff. The way their bills were introduced was that they went through a first reading, then each bill would be referred to a committee based on the topic. The structure was set up with a County Council Committee for each department of the County. The sponsors of the bill were determined by who were the chairs of those committees; for example, for a land use bill the chairs of the Land Use Committee would be the sponsors. If it was a specific development project, often the sponsor was the Council member in that district. A bill would have a first reading then be referred to committee, there would be a committee meeting where the bill was work shopped and then at that point it would be placed on an agenda for second reading and public hearing where the vote would be taken on the floor. Additional Council discussion may come up. If questions had been asked in the committee meeting that staff had not answered, they would be able to provide answers to those questions before the bill was voted on. Any amendments that needed to be made to the bill would be made as floor amendments and then a final vote would take place. County Council's amendment process differed in that they had the ability to submit amended versions of a bill ahead of time (provided the changes were not substantive) and that would be the published final version being considered for the second hearing. There also have an entire day of committee meetings every Tuesday. Sponsors are assigned before the first reading.

The discussion was opened to the public.

Jeff Lawrence, District 3, supported the idea of sponsorship for agenda items which he thought would be helpful towards creating further open government, transparency and accountability.

Martin Nicholson, greater Newark, said sponsorship of bills made it easier for constituents and citizens to understand the thought process of Council members and to know who to hold accountable.

Ron Walker, District 4, thought the idea of sponsorship was an excellent idea and would prevent wasting time and needlessly upsetting residents when no Council member was interested in sponsoring a bill.

Ms. Bensley noted that sponsorship was only for ordinances and resolutions so it would not be for every item on the agenda. Secondly in regard to the comments by Mr. Walker regarding the sponsorship of the Charter issue the way it worked with County Council was if there was not a particular sponsor by default, typically the Council President would be the sponsor so there would still be a hearing of the issue and it could be discussed publicly. It was not necessarily accurate to say that there would not be a sponsor on a particular issue and it would depend on how Council decided to set that up.

Mr. Markham added that with land use issues in the County the area Councilman sponsors it regardless of whether he is in favor of it and he has control around how it is presented.

Mr. Morehead said he thought he would take this forward and work with Mr. Herron to put in front of Council about possible sponsorship moving forward.

28. 6-B. Others: None

29. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:

A. Recommendation to Award Contract No. 15-02 – Purchase of Rock River Arms Patrol Rifles

03:28:07

Chief Tiernan explained that Contract No. 15-02 provided unit pricing for the purpose of patrol rifles. A total of 46 patrol rifles needed to be purchased. There were three interested bidders, and two sealed bids were received. Funding for the contract was available in the total amount of \$46,832.14 from Capital Improvement Project C1001. It was recommended that Contract No. 15-02 be awarded to Atlantic Tactical, Inc. for the purchase of 46 Rock River Arms patrol rifles at the unit cost of \$1,018.09 each.

Mr. Gifford said in the initial discussion in the budget was it more weapons or was the dollar amount larger before? Chief Tiernan said it was \$61,000 for the rifles and the other equipment that went with it. Mr. Gifford asked if everyone needed to be trained on the new weapons. Chief Tiernan reported that three times per year they go to the range and qualify with the weapons and since this is a new weapon the officers must qualify with it before taking it on the road.

Mr. Morehead questioned the statement in the third paragraph of Lt. Hargrove's memo dated 11/14/14, "Other types of rounds were restricted due to over penetration dangers." Chief Tiernan responded he could not answer the questions as Lt. Hargrove was the expert on firearms. Mr. Chapman remarked that over penetration could probably umbrella the aspect of the shotgun being a non-discriminate weapon in terms of the spread and its lack of functionality in longer distances. He said it came up with his question to Lt. Hargrove during the budget about the penetrating power of the caliber used in the new weapons of what it can pass through not knowing what is on the other side and the 12 gauge was significant in terms of coming through a wall.

Mr. Ruckle noted he had the opportunity of going through the training with members of the Police Department on the new rifle and shared some of his experiences with the equipment.

Martin Nicholson, greater Newark, commended Chief Tiernan for saving almost \$300 per rifle on the new equipment. He had experiences with this equipment and felt depending on the ammunition used, there was not going to be an over penetration with this round. He believed the Police Department needed the right tools to get the job done.

Jeff Lawrence, District 3, supported this and asked what scenarios might call for these types of weapons. Mr. Lawrence was told the information was in the memo by Lt. Hargrove dated 11/14/14 which was on the City's website as part of the agenda packet.

MOTION BY MR. RUCKLE, SECONDED BY MS. HADDEN: THAT CONTRACT NO. 15-02 FOR THE PURCHASE OF 46 ROCK RIVER ARMS PATROL RIFLES BE AWARDED TO ATLANTIC TACTICAL, INC. AT A COST OF \$1,018.09 PER RIFLE.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

30. 7-B. RECOMMENDATION TO PURCHASE MUNIS SOFTWARE-AS-A-SERVICE (SAAS) AND ADDITIONAL MUNIS MODULES

03:37:45

Mr. Brechbuehl was present to discuss the ever-growing consolidation of business software within the City. The current application called Tyler Technologies Munis was used for the general ledger and mostly accounting packages and was in use for many years. The plan was to expand upon the existing modules owned by the City and was a culmination of several years of projects being pushed backwards into the future. Mr. Brechbuehl detailed the Munis modules already owned and those proposed to be

implemented in 2015. Also part of this was centered around the aging server infrastructure for this particular platform which was due to be replaced this year but would be held off until next year for a full evaluation. Tyler Technologies had a cloud-based solution and it was planned to move the financials to the cloud where server, network and power redundancy would all be included in the cost and system administration would be moved to Tyler Technologies.

The project was included in Capital projects as well as the Operating Budget. It was therefore recommended to approve the purchase of Munis Software-as-a-Service, including implementation and training, additional Munis modules and cloud hosting fees for a total cost of \$166,986 and the annual cloud hosting fee of \$108,708 for at least the next two years and then a slight increase was expected when the contract was renegotiated every third year.

Ms. Hadden asked how portable the data would be if a decision was made in the future to move away from Munis. Mr. Brechbuehl said it would be just as portable as if it were on site and there would be a peer-to-peer or site-to-site VPN connection to the data center. It was just a matter of who was responsible for managing the hardware and the software. Mr. Markham thought Ms. Hadden wanted to ask what type of export features were there for the data and was that format importable into other software. Mr. Brechbuehl said anytime a financial system was moved to another platform it would be a lot of work but was no more difficult than any other system would be to move out of. It was a SQL-based system so it was a database jargon system which meant that data could be exported out as long as someone had the expertise to line up the two databases.

Mr. Markham asked Mr. Brechbuehl if he talked to the City of Wilmington about these modules and what was their opinion. Mr. Brechbuehl only worked heavily with Munis. Mr. Markham thought it should become standard practice to talk to one of our sister cities if they used the same module. He knew Wilmington used Munis.

Mr. Markham thought there would be cost savings associated with these modules related to formalizing certain activities and throwing out spread sheets and saving people's time. He thought it would be a more rounded picture and easier for Council to see efficiencies or cost savings to go along with the expense.

Mr. Morehead asked Mr. Brechbuehl to ballpark how much of this was expansion of capabilities and how much of it was future financial savings. Mr. Brechbuehl said he did not have a number in mind right now but knew that physical hardware savings alone in our data center would be approximately \$45,000 to not upgrade to what we need to – that would be done about once every three to four years. A great return was expected on the work order management system. A lot of time and money was spent this year developing the GIS platform and the data being put in the system would piggyback off the exact same system. This would provide real time data on exact locations when issues happened, where crews were dispatched and where problem areas were.

Regarding the applicant tracking from Human Resources, Mr. Brechbuehl believed the City was currently paying for a system to get though until this is ready to go, so there were costs savings there with paperwork and redundancy.

General billing would allow two systems to be merged together and there would be costs savings there as well.

Mr. Morehead asked what upgrades would be necessary because we were so far behind based on the hardware platforms being used. Mr. Brechbuehl explained if we continued doing things the way we are doing them today, we were looking at a server storage upgrade approximately once every three to four years. We were due right now. If we moved to this there would be no more hardware to purchase – it was solely given to the cloud at a set fee per year and never have an upgrade cost associated with it. The only time that number would increase significantly would be when it was decided to add modules to the system.

Ms. Hadden confirmed that the building was already wired for this. Mr. Brechbuehl reported this was done last year with the City's e-mail system and was the next step in moving away from having to buy equipment that aged very quickly.

Mr. Gifford questioned the annual cloud hosting cost which seemed high, especially when Mr. Brechbuehl described a \$45,000 server that had to be upgraded every three to four years. Mr. Brechbuehl said a lot of this was the added functionality they were buying, so it was really two things – one was moving to the cloud and there was about a 20% increase to move to that from where we are today. The rest of it was the purchase of the additional modules we do not have today, the new licenses and features and then the annual subscription payment to stay current in order to have the latest version of the platform available. Mr. Gifford commented that when discussing the capital budget, these were the items that he was talking about when the computers were upgraded. There were discussions about how more money was needed for the capital budget but a lot was being transferring to the operating budget. He thought we had to be cognizant that a lot of the old hardware was now in the operating budget and that was not included in next year's capital budget because it was shuttled to a different area.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: THAT THE PURCHASE OF MUNIS SOFTWARE-AS-A-SERVICE BE APPROVED INCLUDING IMPLEMENTATION AND TRAINING, ADDITIONAL MUNIS MODULES AND CLOUD HOSTING FEES FOR A TOTAL COST OF \$166,986 AND THE ANNUAL ONGOING CLOUD HOSTING COST OF \$108,708.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

31. 8. FINANCIAL STATEMENT: *(Ending January 31, 2015)*

03:56:40

Mr. Vitola presented the unaudited Financial Statements for January 2015. On a Citywide consolidated basis the operating deficit was about \$123,000 better than expected after one month of the year. The governmental funds were mixed, revenue was light but lower expenses nearly offset the dollar variance in terms of the expected surplus the governmental funds were less than \$10,000 behind. The revenue shortfall was spread primarily among Court fines, permits and interest income. Expenses were low due to lower than expected personnel expenses through the first month of the year. Recruitment in the Police Department and in other areas was ongoing so the light spending should continue through the first quarter or so. In the enterprise funds there was a small positive variance to budget in both revenue and expense lines. Water and sewer volumes and margin were light in January but were offset by strong electric activity. Expenditures in utilities were very close to budget and lower expenses in the Parking Division helped to push overall expenditures below budget. The other funds were benefitting from low vehicle and maintenance fuel costs and it was hoped that fuel cost savings persist throughout the year. The cash position at the end of January was \$29.9 million consisting of \$8.8 million in operating cash and \$21.1 million in the City's cash reserves.

Mr. Morehead requested a report to show the total encumbrances and reserve balances. Mr. Vitola noted this request was met with a one page presentation that he believed would also help answer the periodic question from Council about how much cash the City really had. Page 13 showed on the top line existing cash and cash reserves at the end of the month and that tied to the balance sheet. Next were the short term assets that were like cash or would be converted to cash in the upcoming accounting period. That was not in the next month but was over the course of the next year even though most of those turnover multiple times within the year. It would be inappropriate to show near term claims against the cash position without showing the near term working capital as well. Cash and current assets represent the gross available resources and that total was adjusted for the claims against those assets. So there was the regulatory liability which represented the 2014 over-collections and all other current liabilities on the next line such as accounts payable and the rate stabilization reserve, there were encumbrances, the current portion of long-term debt, capital reserves and the transfers

for debt service would net each other out. At the bottom were net available funds that try to reconcile cash with short term working capital to arrive at the City's status after promises made with the cash available.

Mr. Markham referred to the charts in the back and asked if they were seasonalized. Mr. Vitola said they seasonalized the budgeted revenue and the expenses. Mr. Markham expected this to give a better idea of whether we were on or off track throughout the year. Mr. Markham was concerned in looking at the sewer margin since it was tracking way above budget last year and dropped dramatically in January. Mr. Vitola said it was off to a bad start with light water volumes and he thought billings were behind on the large sewer meters.

Mr. Markham referred to the supplemental financial information for McKee's solar park (January 2015 period showing another \$85 of community involvement funding) and asked when that would end. This was the 10 year \$1 per household coming out of McKees generation to pay back the investors of the block. Mr. Markham noted that when monitoring McKees Park it had a tendency to flatten off on the high days and he did not think it should do that, but should continue a bell curve. His concern was that the City was not getting the electricity or the monitoring system was not doing it properly.

Mr. Morehead referenced the charts and asked if there was a reason why the months were not filled in ahead of time for the dark blue line. Mr. Vitola said it was because of working on how the expenses were going to be seasonalized for the year and his intent was to put that information in there.

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: TO ACCEPT THE FINANCIAL REPORT FOR THE MONTH ENDED JANUARY 31, 2015.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

32. **9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**
(See Item 12.)

33. **10. APPROVAL OF CONSENT AGENDA**

04:05:39

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: TO REMOVE ITEM 10-E (FIRST READING OF BILL 15-11), FROM THE CONSENT AGENDA.

MOTION FAILED. VOTE: 2 to 5.

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

- A. Approval of Council Meeting Minutes – February 23, 2015
- B. Approval of Council Special Meeting Minutes – March 2, 2015
- C. Approval of Council Workshop Minutes – March 2, 2015
- D. Receipt of Alderman's Report – March 3, 2015
- E. **First Reading – Bill 15-11 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Amending the Rules and Regulations For the Use of City Parks – Second Reading – April 27, 2015**
- F. **First Reading – Bill 15-12 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Changing Parking Prohibitions On New London Road Between Hillside Road and Corbit Street – Second Reading – April 27, 2015**
- G. **First Reading – Bill 15-13 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Granting Arrest Powers Without Warrant to Police Officers For Certain Motor Vehicle Violations in Accordance With State Law – Second Reading – April 27, 2015**

Ms. Bensley read the Consent Agenda in its entirety.

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

- 34.** MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: TO RETURN TO EXECUTIVE SESSION AFTER A FIVE MINUTE BREAK.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

- 35.** Ms. Sierer announced that Council concluded its Executive Session.

- 36.** MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE CITY MANAGER'S SALARY BE SET AT HER CURRENT SALARY PLUS 1.5%.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

- 37. Meeting adjourned at 11:33 p.m.**

Renee K. Bensley
Director of Legislative Services
City Secretary