CITY OF NEWARK
DELAWARE
CITY COUNCIL ORGANIZATIONAL MINUTES

April 21, 2015

Those present at 7:00 pm:

Mayor Sierer presiding
Council Members Gifford, Hadden, Markham, Morehead and Ruckle
City Secretary Renee Bensley
City Manager Carol Houck

1. CERTIFICATION BY ELECTION BOARD OF COUNCIL MEMBERS

The following letter, dated April 16, 2015 was submitted by the Election Board:

"Honorable Mayor and Members of City Council:

We, the Election Board of the City of Newark, hereby certify that on April 14, 2015, the following was elected Council Member in Election Districts One, Two and Four for two-year terms:

Mark Morehead	Council Member, District One
Todd Ruckle	Council Member, District Two
Margrit Hadden	Council Member, District Four

Respectfully submitted,

Newark Election Board"

MOTION BY MR. MARKHAM, SECONDED BY MR RUCKLE: THAT THE CERTIFICATION BY THE ELECTION BOARD BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

2. OATH OF OFFICE GIVEN TO COUNCIL MEMBERS
(Charter – Section 1102)

City Secretary Renee Bensley administered the Oath of Office to Council Members Hadden, Morehead and Ruckle.

3. ELECTION OF DEPUTY MAYOR

Mr. Markham was unanimously elected Deputy Mayor upon nomination by Mr. Morehead.

4. ELECTION OF OFFICERS

City Treasurer

Ms. Renee Bensley was unanimously appointed treasurer for a one-year term upon nomination by Mr. Morehead.

5. RULES OF PROCEDURE

Ms. Sierer opened the discussion at the table regarding the Rules of Procedure resolution.

Ms. Hadden requested that Council have a conversation regarding item 7, Recommendations on Contracts and Bids, and the possibility of removing direct public comment from that agenda item. She felt it was regular City business and if a concern was felt by a member of the public, she would encourage them to reach out directly to their Council member to express their concerns. Members of the public would also have the ability to speak on the item during open public comment at the beginning of the meeting. It would encourage a one-on-one dialogue between residents and Council members and could help to streamline the meetings and allow more time for other items that the public may want to comment on. She emphasized that this was not to be perceived in any way as an effort not to be transparent, but was an effort to encourage dialogue and build relationships between Council members and the public.

Mr. Gifford asked Ms. Hadden why that item was important to her. Ms. Hadden reiterated that she felt that item was business as usual to her as it was recommendations from the departments on contracts and bids to be able to do their jobs and to her, the agenda is posted in enough time in advance that she would want people to reach out to her to let her know if they had an issue. Mr. Gifford noted that the trash collection discussion would come under that category on the agenda and that there would likely be a lot of public comment. Ms. Hadden stated that she was already getting feedback from residents about that topic who will not be in Council chambers. She believed it was not stopping that conversation from happening. Mr. Gifford reiterated that he did not understand why that particular category should be closed to public comment. Ms. Sierer felt that comments for that category could be made in open public comment. Discussion continued regarding Ms. Hadden's proposal. Mr. Gifford would have liked the proposal to be included in the noticed packet item.

Mr. Morehead felt that much of the agenda was business as usual, but that public comment should remain open. He planned to propose an amendment to the resolution notating which items were open to public comment. He also felt that having comments about contracts and bids be part of open public comment may limit members of the public if there was another topic they wanted to speak on during that time. Ms. Hadden reiterated that she did not intend to discourage the public with this proposal.

Mr. Markham asked Ms. Hadden if this topic was something that had come up during her door knocking during the campaign, which Ms. Hadden stated it was. Mr. Morehead indicated that he had received opposite feedback from his district. Ms. Hadden stated that she received feedback from several residents that they had come to Council meetings and left in frustration because Council was being bogged down. Mr. Markham asked if Mr. Ruckle had received any feedback on the topic. Mr. Ruckle felt that public comment should not all be in the beginning of the meeting. Mr. Markham felt it was good to hear the genesis of proposals as they may not be popular, but they may be what is being heard from constituents. However, it would ultimately be Council that makes that decision. Ms. Hadden reiterated that this is not about not being transparent and that the proposal is a small change to help streamline the meetings. She stated that she did not consider the trash issue that is coming up, but that there still would be a process and opportunities for the public to be engaged.

Mr. Morehead agreed with Mr. Gifford that if the proposal had been part of the noticed packet, there would have been a greater public turnout for the meeting. He felt that the comments from Council and the attempts to amend items "on the fly" were taking more time and that items that were not deemed ready by Council should be sent back to staff instead. Mr. Gifford felt that it was also difficult to react to comments made during discussion if public comment was at the beginning of the meeting instead of at the time of the agenda item and that it was difficult as a member of the public to fit all of your comments on various topics into three minutes. He requested that this item be opened for public comment this evening.

Ms. Sierer opened the floor to public comment.

Donna Means, District 5, congratulated the newly elected Council members. She felt public comment was very important and did not want it to be limited.

Mary Kalid, District 4, noted that she had attended meetings where she left without hearing the item she wanted due to the length of public comment and felt there was an agenda to complete that was not only public comment and a compromise was necessary.

MOTION BY MR. MOREHEAD: THAT ITEM 2 AND ITEMS 4 THROUGH 11 BE OPEN FOR PUBLIC COMMENT.

Ms. Sierer asked for clarification regarding the items that were open for public comment. Mr. Morehead asked where that was specified in the resolution. Ms. Bensley stated that historically the items open for public comment have been by separate motion of Council and have not been included in the Rules of Procedure resolution. Ms. Sierer requested Mr. Morehead to restate his motion.

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: THAT ITEM 2 AND ITEMS 4 THROUGH 11 BE OPEN FOR PUBLIC COMMENT.

Mr. Markham asked for clarification regarding the items under consideration and asked Ms. Bensley for the intent behind the proposed “Public Presentations” category. Ms. Bensley noted that the category would include congratulatory items such as retirement resolutions, proclamations, etc. and other presentations that have in the past just been listed at the top of the agenda. The category was not envisioned to be opened to public comment as a whole, but for specific items that require public comment, such as the budget and Capital Improvement Program hearings. Mr. Markham and Ms. Sierer were concerned about opening congratulatory items for comment. Mr. Morehead felt the comments would be minimal. Ms. Bensley added that the category “Items Not Finished at Previous Meeting” was not generally open to public comment at this time and was item specific depending on what that particular item is. Mr. Gifford asked Ms. Bensley if that is what Mr. Morehead’s motion would be doing. Ms. Bensley stated that Mr. Morehead’s current motion would be opening that category completely instead of opening specific items depending on the situation as it is right now. Ms. Sierer asked if there were specific concerns about not opening the “Public Presentations” category for comment. Mr. Gifford asked Mr. Morehead if he wanted to amend his motion. Mr. Morehead stated he would like his amendment to be considered as presented.

MOTION FAILED. VOTE: 2 to 4.

Aye – Gifford, Morehead.
Nay – Hadden, Markham, Ruckle, Sierer.
Absent – Chapman.

Mr. Markham felt the categories that were currently open for public comment should remain open for public comment and should not be changed. Mr. Gifford felt the only category that offered some confusion was the “Public Presentations” category and asked Ms. Bensley for a recommendation. Ms. Bensley stated that her recommendation was for the categories to be approved as presented and any item within the “Public Presentations” category that was legally required to be opened to public comment would be noted as such on the agenda. She also noted that Council always has the option to open an item to public comment if Council felt it was needed. Mr. Gifford stated he would be willing to support that as long as Council would be acting in the same way they have been acting in the past.

MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: THAT ITEMS 5, 6, 7, 8, 9, 10 AND 11 BE OPEN TO PUBLIC COMMENT.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Mr. Markham raised the issue of potentially cancelling the first meeting in July due to a light agenda and lower public turnout due to the July 4th holiday. Mr. Gifford felt that Council should wait and see what the agenda would be like and consider the cancellation at a later time. Ms. Sierer asked Ms. Bensley for insight on the topic. Ms. Bensley stated that typically cancellations of Council meetings are on the Consent Agenda within a month to two months before the meeting, including meetings that are traditionally cancelled such as the meeting prior to an election and the last meeting in December, and that the July meeting could be approached in the same way and be considered in May or June if that was Council's wish.

Mr. Morehead asked if the public comment paragraph was included in the resolution. Ms. Bensley stated that the public comment paragraph had been added to the resolution in one of the iterations of the Rules of Procedure from last year and that the paragraph included in the current resolution had been copied verbatim from the previous version. Mr. Morehead asked that that Rules of Procedure be linked within the agenda on the website. Ms. Bensley noted that the resolution is linked on the main page of the website, but that staff could work to provide a clearer link to the Rules of Procedure in the agenda.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE RULES OF PROCEDURE BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

7. Meeting adjourned at 7:37 pm.

Renee Bensley
Director of Legislative Services
City Secretary