

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

April 27, 2015

Those present at 6:15 p.m.:

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

Absent: District 2, Todd Ruckle

Staff Members: City Manager Carol Houck
City Secretary Renee Bensley
City Solicitor Bruce Herron
Clerk of the Court Barbara Wilkers
Communications Affairs Officer Ricky Nietubicz
Deputy City Manager Andrew Haines
Electric Director Rick Vitelli
Finance Director Lou Vitola
IT Manager Josh Brechbuehl
Planning & Development Director Maureen Feeney Roser
Planning & Development Development Supervisor Mike Fortner
Police Chief Paul Tiernan
Deputy Police Chief Mark Farrall
Public Works & Water Resources Director Tom Coleman
Purchasing Administrator Cenise Wright
IT Lead Desktop Support Roberto DeDeus
Parking Supervisor Courtney Mulvanity
Senior Mechanic II David Vispi

A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(6) and (9) for the purpose of discussion of the content of documents, excluded from the definition of "public record" in §10002 of this title where such discussion may disclose the contents of such documents and personnel matters in which the names, competency and abilities of individual employees are discussed.

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: THAT COUNCIL ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS AND PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Council entered into Executive Session at 6:15 p.m. and returned to the table at 6:58 p.m.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: THAT COUNCIL APPROVE THE GLOBAL SETTLEMENT AGREEMENT RESOLVING

ALL CLAIMS FOR THE JOB-RELATED INJURY AND OTHER EMPLOYEE BENEFITS AS SET FORTH IN THE DEPUTY CITY MANAGER'S MEMO TO COUNCIL DATED APRIL 22, 2015 AND AS OUTLINED IN EXECUTIVE SESSION.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

1. MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT RESOLUTION 6-A-2, IN MEMORIAM, FRANK J. OSBORNE, JR., BE MOVED TO ITEM 4.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

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

3. MOTION BY MS. HADDEN, SECONDED BY MR. MARKHAM: THAT ITEMS 9-A AND 9-B, APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS, BE MOVED TO ITEM 14.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

4. MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: THAT ITEM 6-A-1, RESOLUTION 15-__ : RESOLUTION ADOPTING THE NEW CASTLE COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN, BE MOVED FORWARD ON THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

5. **6-A-2. RESOLUTION 15-__ : IN MEMORIAM, FRANK J. OSBORNE, JR.**

08:40

On behalf of Council, Ms. Sierer presented Ruth Zalman Osborne (wife), Mary Elizabeth Torbey, Ann Catherine Osborne and Frances Lynn Osborne (daughters), of former Councilman Frank Osbourne a resolution honoring his long-time service as a Council member to the citizens of Newark and mourning his recent passing.

(RESOLUTION NO. 15-H)

6. **CHESAPEAKE BAY GIRL SCOUTS PRESENTATION**

12:46

Marianne Abdul represented the Girl Scouts of the Chesapeake Bay and served on the Board Development Committee and the Board of Directors. She was joined by Taylor Michaels, a Newark area senior Girl Scout. The Board Development Committee was charged with finding volunteers for the various committees and troop leaders.

The Girl Scouts of the United States was the largest leadership organization for girls in the world. Currently there were about 2.8 million girls and adult members in the organization worldwide. Every female astronaut who has flown in space was a Girl Scout alumni. 15 of the 20 women in the U. S. Senate are Girl Scout alumni. More than half of the 88 women in the House of Representatives are Girl Scout alumni. Five of the six women who serve as Governors across the U.S. are Girl Scout alumni.

Ms. Abdul encouraged any adults interested in assisting the Girl Scouts to contact the local organization.

7. CHESAPEAKE CRESCENT INITIATIVE SAFE + SMART CITIES PRESENTATION

18:37

Ms. Houck introduced Stephanie Carnes, Managing Director representing the Chesapeake Crescent Safe + Smart Cities Initiative. A PowerPoint presentation was reviewed by members of the CCI team.

The organization was a public/private collaborative and their aim was to advance innovation in their region (primarily mid-Atlantic serving Delaware, Virginia, Maryland and D. C.). The City of Newark was chosen by the organization as a pilot city.

The Safe + Smart Cities project was to help cities optimize their operational performance as well as harden their resiliency. Some of the objectives were to improve operations within areas of critical infrastructure and find new ways to connect individuals and citizens with their government while helping to empower citizens to better understand what goes on in their government and more actively participate.

Technology played a unique role in this process and if approached in the right way might help be a tool in building safe and smart cities.

For this project, CCI brought together a group from Federal, State and local governments, a law firm, several technology firms, a finance company and several universities. They agreed to work with a selected municipality within their region and would offer pro bono advice and provide expertise within their respective subject matter areas. The goal was to suggest ways to get to safe and smart a little faster.

It was decided to engage in a collaborative process and at the end of the process they will deliver a blueprint document that will describe specific recommendations the City may or may not choose to undertake. There will be potential opportunities to enhance citizen engagement and optimize the operations of some infrastructure areas.

Newark was selected as the pilot site in an informal competitive process across several communities in the mid-Atlantic and was recommended by Governor Markell. The selection was made based on the City's visionary leadership that was open to innovative approaches and has a track record of implementing policies.

Steps 1 and 2 were the homework process to learn about the City. Step 3 was the discovery, collaborative session where they made sure they understood what they read and start to think about where Newark wanted to go and how can technology be used to get there. Stage 4 was finalizing the blueprint and delivering it to the City. Once that was done, CCI takes a supportive role.

Ms. Carnes commended the City for its unique assets, core values, being an inclusive community with the college and hometown component, a service-oriented government and a sustainable community both economically and environmentally.

From a technology perspective, CCI suggested a centralized information management system in order to have access to data to make decisions from an emergency perspective and also in the longer term.

Ms. Carnes stated that Newark was well positioned to be a model for the nation. The governance and organizational structure enabled the City to get there fairly rapidly.

Doug Smith provided examples of recommendations – citizen connectivity in terms of a Main Street Wi-Fi solution, Smart lighting from a multi-sensory perspective, citizen experience, citizen portal or digital interactive kiosk and an intelligent operations center to provide a single view of how the City was running. Within those elements they were looking at efficiencies from a City network perspective, the ability to produce new revenue streams and economic growth. Parking was being evaluated from a viewpoint of expanding and maximizing revenues generated through better enforcement and better use of technology. Traffic was being reviewed in order to monitor and manage traffic, noise reduction and improving livability by improving the way traffic flows through Newark.

Dick McDonald spent time with Mr. Coleman reviewing water facilities. The City was looking at SCADA (Supervisory Control and Data Acquisition) with a goal of finding a way where all the systems could be tied together. One item discussed of particular interest was weather management systems.

Scott Higgins was the director on the grid side and discussed Newark's substation and the extent of the network. One of the recommendations was when the City gets to the point of implementing the second substation or before implementing to improve switch ability between the different circuits around the City as it was a reclosing system that was automated in a loop automation process. Another recommendation was around management of the voltage.

Mr. Markham questioned the time frame of the plan. It was in graphic design phase and the recommendations were complete but needed to be laid out on the blueprint. This was expected to be ready within a week. Mr. Markham asked if the recommendations would have costs and payback information – according to Ms. Carnes, they would.

Ms. Hadden asked if the data being collected was subject to FOIA. Ms. Carnes said it depended on the system used and the context, so it was unclear at this time.

8. 1. ITEMS NOT ON PUBLISHED AGENDA:
A. Public

01:05:58

Jeff Lawrence, District 3, noted that in the recent Council election Ms. Hadden and Mr. Ruckle did not respond to a candidate survey. Mr. Lawrence disagreed with a previous proposal at Council's organizational meeting by Ms. Hadden to remove public comment on bids and contracts. Mr. Lawrence felt residents needed a stronger voice in City government, not a weaker one and was pleased the measure was defeated.

Andy Hegedus, District 4, referred to the announcement by the Christina School District that they were cutting \$1.8 million in expenses and holding a referendum on 5/27. He asked everyone to learn more about the referendum by going to the City's website or the District's website and asked Council to pass a resolution in favor of the referendum.

Martin Nicholson, greater Newark, considered the Christina School District referendum to be a back door tax increase that needed to be defeated.

Helga Huntley, District 1, asked if staff made any progress on drafting the revisions to the floodplain regulations – no update was available; asked if there were plans to revisit the mandated minimum number of seats in a restaurant required for a liquor license – Newark required 50 seats while the State required 12; asked for an update on the Community Garden – the opening was delayed due to weather conditions but was planned toward the end of May; and asked when the findings of the new parking study commissioned by the City, as noted in the 4/16 Newark Post article, would be available – Ms. Houck would get back to Ms. Huntley with a date.

Donna Means, District 5, felt the order of the agenda was inconsiderate in regard to public involvement; disagreed with the timeline for floodplain regulations; questioned issues regarding late Council meetings raised in the organizational meeting; asked for the annual cost of parking meter credit card processing and how many companies were interviewed to be processors – the information would be made available to Ms. Means.

9. 1-B. ELECTED OFFICIALS: None

10. 1-C. UNIVERSITY

01:22:17

(1) Administration – Rick Deadwyler, University of Delaware Government Relations, reported on events at the University: Ag Day was held this past weekend with about 1,000 visitors; the annual Celebration of Scholarship would be held on 4/29; the spring football game was scheduled for 5/2; finals were scheduled for 5/22 and commencement would be held on 5/30.

Mr. Markham expressed concern and offered suggestions to the UD to address students crossing through the rail cars while trains were stopped on the railroad tracks.

11. 1-C-2. STUDENT BODY REPRESENTATIVE: None

12. 1-D. LOBBYIST

01:27:10

Mr. Armitage said he was working through a number of the issues identified several months ago that were of interest to the City.

PILOT – in State Code, funding can only go to the three County seats and he did not think the law would be changed this year. The other factor that would influence it would be whether PILOT was even funded with the State's budget issues. There was discussion about tax increases and what might be done for infrastructure which was encouraging. The State realizes they have to do something with municipal street aid and they have to do something that continues to get people back to work.

Bills – a bill would probably be introduced that would limit open carry in municipal buildings and police stations. HB86 was introduced that would allow cities and counties to opt out of the State's Public Employment Relations Act. All four sponsors were Republicans so he did not think it would move any further unless it became part of the negotiations around getting enough votes to do something with taxes.

Mr. Markham asked if Mr. Armitage would have to recuse himself from the limiting open carry bill discussion (depending on what position the City took) since he had another client involved with guns. Mr. Armitage said he was trying to stand on the picket fence and not hurt either one of his clients.

Mr. Morehead asked how Mr. Armitage was getting his direction from the City at this point because Council had not spoken with him yet. Mr. Armitage said most of the direction came from the League of Local Governments and this was an issue Newark brought before the League. The initial draft of the bill was written by an attorney who represents a number of different municipalities. Mr. Morehead said the League does not speak for Council and when he was hired they discussed how he worked directly for Council and how he would interact with them and effectively take direction. Mr. Morehead asked if we were getting any further on that process so they not only know what he is working on but that they have directed him. Mr. Armitage was not sure how to do that without input from Mr. Herron. Mr. Morehead asked Mr. Armitage to meet with Mr. Herron to discuss the situation.

Mr. Armitage reported the information received from the Department of Natural Resources about the stormwater tax was that nothing would happen this year.

13. 1-E. CITY MANAGER: None

14. 1-F. COUNCIL MEMBERS

01:32:09

Mr. Markham

- Philadelphia implemented a bike sharing program from a commercial company. He thought Newark should be attractive to a private company for a similar program.
- Vice President Biden was recently in Philadelphia awarding grant money for Smart Meters for PECO. He questioned if the City could get grant money to offset Smart Meters.

- Reported on a program called Vested Interest that covered K-9's with bullet-proof vests and asked if the City could look into whether they would cover our animals.

Mr. Morehead

- Thanked the residents of District 1 for their continued support. While campaigning he conducted a poll about supporting a parking garage downtown and outsourcing the trash collection. The parking garage was neutral. The trash collection was not neutral.
- Was surprised to see issues Council discussed in Executive Session in the newspaper. Trash collection was one of them and the Rodney dorms were another. Mr. Morehead would do everything he could to bring information public such as the discussion Council had tonight (an employee issue, as he felt what Council was doing was the public's business. There are parts of that that would remain confidential and parts of it that would not need to, so before it was in the paper, the public would hear it from Council.

Mr. Chapman

- He was glad Council had the opportunity to honor former Council member Frank Osborne. Mr. Osborne was a constituent and one of the first doors he knocked on while running for Council in 2012. Newark lost a terrific constituent and community member.

Ms. Hadden

- Thanked the people who came out to vote. She was working to get issues resolved that were brought to her attention during that time.

Mr. Gifford

- At the Planning Commission meeting on 5/5 there would be a presentation on the Rodney Dorms land purchase.
- Talked about how Council could discuss lobbying issues with Mr. Armitage. He thought it could be done at the Council meeting and if Mr. Armitage wanted direction rather than just reporting back to Council more time could be scheduled on the agenda.
- Promoted the Mayor's bike ride on 5/16 which he planned to attend and hoped his family would be able to join him.
- In regard to the Smart Cities presentation, he thought the pieces about operational effectiveness were positive. He had concerns about privacy issues and said those items should be discussed deeply before making any decisions on recommendations.

Ms. Sierer

- Newark's Jefferson Award winners would be recognized at a celebration this Thursday evening at Home Grown. Also attending would be the LEAD 360 winners who were the Newark winners in the youth category. The 2015 winners were:
 - Nic DeCaire, Fusion Fitness;
 - Robin Broomall, Newark Morning Rotary Club;
 - James Flynn, University of Delaware Institute for Public Administration and School of Public Policy;
 - Donna Draper, longtime Parks and Recreation Department volunteer;
 - James Lawrence, Newark Electric Department retiree after 43 years of service; and
 - Madeline Milligan, Newark High School student with over 200 volunteer hours in the community.
- Attended the UD Alcohol Coalition Committee meeting today where the strategic plan was finalized – further information would be forthcoming.
- Attended the League of Women Voters day events in Dover and at Leg Hall which were informative and helpful.
- Encouraged participation in the Delaware League of Local Government monthly dinner meetings and legislative committee meetings.
- Attended the first Boards and Commissions Review Committee meeting in March. The second meeting was 4/28 at 7 p.m. in the Council Chamber.
- The Newark Historical Society had their open house and marker ceremony.
- The Mayor's bike ride will be held on 5/16 and features a five mile loop on the Hall and Pomeroy Trails. In addition, the Greene Turtle was donating space for a bike festival which includes activities for youth and adults and helmet giveaways.

- Encouraged the public to visit Newark Natural Foods which opened in their new location at Newark Shopping Center.
- On 5/7 in Dover was the 2015 Delaware Walkable Bikeable Summit. Ms. Sierer would participate in a panel discussion with the Mayors from Milford and Dover. There would also be bike share discussions. Participation was encouraged.

15. 9. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:

01:45:50

- A.** Appointment of Robert Detwiler to the District 4 Position on the Community Development and Revenue Sharing Advisory Committee For a Three Year Term to Expire March 15, 2018

Ms. Hadden said Mr. Detwiler who served on this committee in the past, was articulate, was committed to public service and was on many committees for the City. She thought he was a good choice for the position.

MOTION BY MS. HADDEN, SECONDED BY MR. MOREHEAD: THAT ROBERT DETWILER BE APPOINTED TO THE DISTRICT 4 POSITION ON THE COMMUNITY DEVELOPMENT AND REVENUE SHARING ADVISORY COMMITTEE FOR A THREE YEAR TERM TO EXPIRE MARCH 15, 2018.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

16. 9-B. REAPPOINTMENT OF ROBERT MCDOWELL TO THE DISTRICT 3 POSITION ON THE CONSERVATION ADVISORY COMMISSION FOR A THREE YEAR TERM TO EXPIRE MARCH 15, 2018

01:46:57

Mr. Gifford was reappointing Mr. McDowell to the CAC for his third term. Mr. McDowell was deeply involved with the group, provided a lot of advice on the Comprehensive Plan, energy conservation and helped at Community Day.

MOTION BY MR. GIFFORD, SECONDED BY MS. HADDEN: THAT ROBERT MCDOWELL BE REAPPOINTED TO THE DISTRICT 3 POSITION ON THE CONSERVATION ADVISORY COMMISSION FOR A THREE YEAR TERM TO EXPIRE MARCH 15, 2018.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

17. 6. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

- 1. Resolution 15-__:** Resolution Adopting the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan

01:47:40

Chief Tiernan reported that the City was a member of the Steering Committee to update the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan. The Committee worked under the guidance and direction of the New Castle County Office of Emergency Management. Planning meetings were attended by Chief Tiernan and the Deputy Police Chiefs and information was gathered from City departments. The purpose of the plan was to provide guidance for hazard mitigation in New Castle County including the City and identified hazard mitigation goals, objectives and recommended actions and initiatives for County and municipal governments to reduce injury and damage from natural and human-caused hazards.

The plan would keep New Castle County and Newark qualified to obtain disaster assistance in all categories of public and individual assistance and hazard mitigation grants available. Without the adoption of the plan Newark would be ineligible to receive a variety of disaster recovery programs and funding. The Executive Summary was provided to Council.

Mr. Gifford asked when the last plan was adopted. Dave Carpenter, Coordinator of Emergency Management for New Castle County, said the FEMA regulation called for all local and state jurisdictions to have hazard mitigation plans in place by December 2005. New Castle County passed theirs and received FEMA approval in March 2005 and there was a five-year requirement to update the plan. The process was started in 2009 for the second plan which was adopted in early 2010. The process was started again in late 2013 working with DEMA in order to acquire a planning grant from FEMA in order to pay for the cost to update and plan. FEMA responded in late June 2014 and work commenced in October.

Mr. Gifford questioned the public input process for the plan. Mr. Carpenter explained there was a very short time frame between the awarding of the grant and the submission deadline to FEMA (typically 90 days prior to the expiration of the plan on April 10, 2015). FEMA approved a 30 day waiver on this submission. Mr. Gifford thought Council would want to have input into the next plan. Mr. Carpenter agreed and noted this was not New Castle County's plan but was the plan for all the jurisdictions and the County plan. Typically they would brief their County Council and then put it out to the County Planning Board which is a public entity. Public comments were received at that period. For the next plan they would try to feed it out to all the town councils at the same time it went to County Council so it could be made available to more constituents.

Mr. Gifford asked how often these funds were utilized in the last five years. Mr. Carpenter reported reimbursement funds were received for a presidential-declared disaster. Newark received funds for Irene, Sandy and a snow storm several years ago.

Mr. Carpenter reported the plan identified the hazards faced by a jurisdiction, determined the risk level and the vulnerability of the jurisdiction and a large portion was dedicated to natural hazards. The plan was under FEMA review and a public copy and a plan agency copy to Chief Tiernan would be issued when the plan was approved.

Mr. Gifford thought an important item for the City's Electric Department to be aware of was UD Goal #2, objective 2.3 (page 8) – Ensure the redundancy of power systems that affect buildings, equipment and research projects.

Mr. Morehead referred to the Plan Executive Summary, Goal #1 – New Castle County and its municipalities will continue to maximize the use of technology (GIS, remote sensing, etc.) and data to develop sound mitigation policies and projects – he asked if this meant the City was agreeing to fund this effort. Mr. Carpenter replied it was a goal and with the goals come mitigation actions. They usually tie in with the State's mitigation goals and strategies. A large portion of the update to this plan was items from the State's plan that impacted the update to this plan. Some of the changes that came with those goals was the State's climate adaption plan for climate change and some of the committee recommendations. From the planning perspective that was reviewed several years ago when they started identifying mitigation actions. Each mitigation action identified a funding level and identified possible funding sources but at no time are the jurisdictions committed to those mitigation actions unless funding became available for those mitigation actions.

Mr. Morehead's question was more are we committing to funding the goals as stated here. Mr. Carpenter said you are not committing to funding the goals, you are committing to the goals as overall policy direction and that goals specifically spoke to utilizing GIS as a planning and response component.

Mr. Morehead asked if the list of locally specific mitigation actions was the whole list. Mr. Carpenter believed it was. When Mr. Morehead looked at the risk rankings of the probable future events it appeared the main concern was stormwater and asked if moving rail lines out of the center of town would be discussed. Mr. Carpenter said from the input

they receive during the year, the steering committee meets to try to collect those inputs and update the mitigation acts on an annual basis if need be by going back to Council and putting through another resolution to add or amend those mitigation actions.

Mr. Markham commented that UD had generation capability used to take load off the network, so some UD buildings have their own generation capacity. He noted under #8 of the Locally-Specific Mitigation Actions “own generation backup power at varied voltages and place at critical loads and substations” and asked if the Electric Department has a process to take care of this. Mr. Markham was informed the City owns generators.

On the Locally-Specific, Mr. Markham questioned #13 which noted the flooding threat on the Christina River at various locations and stated “not started”. He thought the mitigation issue for the flooding had been started at White Clay Creek/Paper Mill Road. Mr. Coleman said that project was started.

The Chair opened the discussion to the public.

Helga Huntley, District 1, encouraged the City and the County to release as much information about the risk analysis and the mitigation plan as possible. She thought it was important for people to make informed decisions about the risks they chose to take by living in a particular location. Ms. Huntley wondered why there was so much focus on the White Clay Creek and not the other streams in Newark. Mr. Carpenter reported that a large portion of the mitigation actions address natural hazards and flooding because they identified as the risk ranking that is one of the higher hazards faced in the City of Newark and New Castle County and one of the other reasons was a large portion of the grants through FEMA were for flood mitigation and pre-disaster mitigation and hazards mitigation. The White Clay Creek was the major stream that runs through the City.

Ms. Huntley commented on man-made hazards and asked the City to develop plans concerning hazardous material transported by rail with resident involvement.

Mr. Carpenter added that FEMA originally did the all hazard mitigation plan to identify some of the man-made and technological hazards faced. When the new plan was implemented in 2005 they changed that from the 2010 plan which solely focused on natural hazards. The jurisdiction was not required to review for the hazard mitigation plan any man-made or technological hazards because those two hazards were covered by other plans. The State was required by the Department of Homeland Security to perform a threat hazard and identification risk assessment for homeland security issues, terrorism and other man-made disasters and then the hazardous rail materials aspect of it is regulated through the Department of Transportation and the EPA through DNREC.

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

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

(RESOLUTION NO. 15-I)

18. MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT ITEM 6-QA-2, RESOLUTION IN MEMORIAM, FRANK J. OSBORNE, JR., BE ADDED TO THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

- 19. 2. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None
- 20. 3. **SPECIAL DEPARTMENTAL REPORTS:**
 - A. Special Reports from Manager & Staff: None
- 21. 4. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**
 - A. 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

02:08:42

Ms. Bensley read Bill No. 15-11 by title only.

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 15-11.

Mr. Herron reported this recommendation from the Parks and Recreation Department intended to address and prohibit the practice of individuals placing stand-alone ramps or rails in parks to perform stunts on bicycles and skateboards. A concern was raised by Ms. Huntley at the last Council meeting regarding use of the word “apparatus”. In response to the point she raised Mr. Herron recommended that Council amend the bill to delete the words “or apparatus” and reinsert the word “or” before the word “structure” so it would be clear that the new, prohibited objects would be limited to skateboard and bicycle ramps or rails.

Mr. Morehead noted that Mr. Herron’s memo of 4/20 recommended deleting the words “apparatus of any kind” and asked if he was changing that. Mr. Herron stated he was changing that as recommended above.

The Chair opened the discussion to the public.

Helga Huntley, District 1, said her objections were addressed by the proposed amendment taking out the reference to an apparatus of any kind. She also encouraged Council to consider why they wanted to outlaw skateboarding ramps and rails in City parks and potential consequences before moving ahead with the ordinance.

Jeff Lawrence, District 3, felt the City was trying to modify a poorly written bill on the fly and was concerned the ramps and rails in the park would be prohibited. He suggested eliminating this bill entirely and rethink what was trying to be achieved to find a simpler way to do so.

Martin Nicholson, Greater Newark, thought the bill should be tabled until one was proposed that made sense for everybody.

Seeing no further public comment, discussion was brought back to the table.

Mr. Morehead said Council used to discuss not making legislation for one situation and he suggested having a conversation about another way to achieve this end.

Mr. Gifford asked if the root problem was being worried about the liability or was it a citizen complaint. Ms. Houck related that Mr. Emerson had a conversation with people who brought in a piece of apparatus – they were asked to leave with it as he thought it was a safety hazard, but he was unable to get them to do so.

Mr. Markham said in Mr. Emerson’s memo the offending parties quoted the law to him, so it seemed to him it was necessary to change the law to cover loopholes.

Mr. Herron thought the Code was ambiguous as written and according to Mr. Emerson this was not a singular event but happened on multiple occasions.

AMENDMENT BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: TO AMEND THE SUGGESTED AMENDEMENT TO STRIKE THE WORD “OR

APPARATUS" AND TO REINSERT THE WORD "OR" BEFORE THE WORD "STRUCTURE".
AMENDMENT PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Question on the Motion as amended was called.

MOTION AS AMENDED PASSED. VOTE: 5 to 1.

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

22. 4B. 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

02:22:05

Ms. Bensley read Bill No. 15-12 by title only.

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 15-12.

Chief Tiernan reported this was part of the three-part plan for New London Road from Corbit to Cleveland to reduce traffic congestion. The special permit parking was previously eliminated in front of 109 and 131 New London Road. This change would place the entire length of the west side of New London Road from Corbit Street to Cleveland Avenue under No Stopping, Standing or Parking. When this was done Chief Tiernan planned to contact DeIDOT to ask them to look at the feasibility of adding a right turn lane southbound from New London Road.

Mr. Markham hoped DeIDOT was going to be well down the road to do this. He also addressed making a left turn through vehicles to get to driveways along there. Mr. Chapman replied at the top end of New London Road the properties that were not replaced several years ago still have driveways. Those properties (all but two or three driveways at this point) have always been in the turn lane anyway so the extension would more or less be in front of all of the properties that have had their driveways removed and the curb cuts replaced.

Mr. Markham asked for clarification of bullet point 4 in the NPD recommendation and was concerned about accidents. Chief Tiernan said that bullet point was to ensure it would be monitored for keeping people out of the shoulder.

Mr. Morehead clarified that southbound right-turn lane would start at Corbit and go up the hill, not start before Corbit.

The Chair opened discussion to the public.

Donna Means, District 5, asked if DeIDOT could be asked to install a "Right Turn on Red Permitted after Stopping" at the top of the hill because out of state drivers stop until the light turns green thereby adding to the traffic back up. Ms. Sierer agreed with the point.

Seeing no further public comment, the discussion was brought back to the table.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

(ORDINANCE NO. 15-11)

23. **4C. 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**

02:29:27

Ms. Bensley read Bill No. 15-13 by title only.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL NO. 15-13.

Mr. Herron reported that the Code currently gave police officers the authority to make arrests for speeding violations with radar even though the arresting officer did not actually observe the radar speed as long as the arresting officer was working in conjunction with the reading or observing officer. The comparable provision in the State Code was amended on the last day of session in the last series and gave officers similar arrest authority for red lights, cell phone and seat belt violations. This amendment brought Newark's Code into conformance with State law.

The Chair opened the discussion to the public.

Martin Nicholson, greater Newark, expressed his objection to the bill because he thought it violated the U.S. Constitution. He also expressed concern over any effort by the City to make changes to the Second Amendment.

Seeing no further public comment, the discussion was brought back to the table.

Mr. Markham clarified with Mr. Herron that each amendment required that each violation must be by personal observation by a law enforcement officer.

Mr. Gifford asked what this changed. Mr. Herron said the State felt this needed to be clarified.

Mr. Markham asked if the previous law specifically spelled out speed enforcement and did not spell out these other items. Mr. Herron confirmed that was correct.

Mr. Morehead asked how this came to the City. Mr. Herron said someone in the Newark Police Department brought it to his attention.

Question on the Motion was called.

MOTION PASSED. VOTE: 4 to 2.

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

(ORDINANCE NO. 15-12)

24. **5. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:**
A. Request of Loretta Jankowski for a Special Use Permit for a Customary Home Occupation to Teach Private One-on-One Piano Lessons Within the Residence Located at 6 Beagle Club Way

02:40:00

Mr. Fortner presented the request for a Special Use Permit for a customary home occupation. The zoning was RT and the permit met the conditions of Section 32.9 (b)(4) which ensured it stayed incidental to the residential character of the surrounding area. The Planning Department comments included the suggestion that the permit be limited to a maximum of 15 hours per week, be limited to the current owner-occupant and that parking be limited to the driveway. The Planning Department believed the proposed Special Use Permit was not in conflict with the Comprehensive Development Plan and would not be injurious to the surrounding area. City departments had no objection to the plan and it was therefore recommended that Council approve the permit as requested.

Mr. Markham (who resided next door to Ms. Jankowski) had no objection to the request, nor did other neighbors. There were two letters of support.

Mr. Morehead discussed the parking situation and the 15 hour time limit.

The Chair opened the discussion to the public.

Jeff Lawrence, District 3, felt all the restrictions should be lifted.

Seeing no further public comment, the discussion was brought back to the table.

MOTION BY MR. MOREHEAD, SECONDED BY MR. CHAPMAN: TO AMEND THE RECOMMENDATION TO ALLOW PARKING ON THE STREET AND TO ALLOW UNLIMITED HOURS PER WEEK FOR TEACHING (REMOVE RESTRICTIONS 1 AND 4 UNDER THE DEPARTMENTAL COMMENTS).

Mr. Markham clarified that the notification to the residents did not contain the restriction for hours of teaching; however, Ms. Jankowski discussed this fact with several neighbors.

Question on the Amendment was called.

AMENDMENT PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: TO APPROVE THE SPECIAL USE PERMIT AS AMENDED FOR A CUSTOMARY HOME OCCUPATION TO TEACH PRIVATE ONE-ON-ONE PIANO LESSONS WITHIN THE RESIDENCE LOCATED AT 6 BEAGLE CLUB WAY.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

25. 5-B. REQUEST OF SAUDADES GROUP, LLC FOR A SPECIAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE BUSINESS, CHURASCARIA SAUDADES BRAZILIAN STEAKHOUSE, LOCATED AT 230 EAST MAIN STREET, UNIT 23 (NEWARK SHOPPING CENTER)

02:50:12

Mr. Fortner reported the departmental comments noted this establishment would help provide more dining opportunities at the Newark Shopping Center, it would be an upscale restaurant so the Police Department did not expect many calls, there was no concern about parking since the restaurant would be located in the shopping center and alcohol service would stop at 10:00 p.m. The Planning and Development Department believed the proposed use did not conflict with the Comprehensive Development Plan

and the proposed use was compatible with the Zoning Code Special Use Permit review criteria. Therefore it was recommended that Council approve the Special Use Permit.

Mr. Markham confirmed with Mr. Piraino of Saudades Group, LLC, that there were nine seats at the bar. Mr. Piraino said this would not be another bar, and they far exceeded the requirement ratios with 267 restaurant seats versus nine bar seats.

Mr. Chapman discussed the hours of operation. Under the Special Use Permit criteria, other Zoning Code alcoholic beverage regulations specified in Section 32-56.4, and alcoholic beverage sales after 12 midnight applied to this application. Mr. Piraino added the State required last call for alcohol was 15 minutes prior to closing.

The Chair opened the discussion to the public.

Donna Means, District 5, thought 10:00 p.m. was too early for last call.

Seeing no further public comment, the discussion was brought back to the table.

Patio service and unamplified music was discussed.

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: THAT THE SPECIAL USE PERMIT BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

26. 6. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

1. **Resolution 15-__:** Resolution Adopting the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan

(See Item #17)

27. 6-A-2. RESOLUTION 15- : In Memoriam, Frank J. Osborne, Jr.

(See item #5)

28. 6-B. OTHERS: None

29. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:

- A. Recommendation to Award Contract No. 15-05 – Water Tank Mixer Installations

03:01:48

Mr. Coleman detailed the recommendation to award Contract 15-05 for the installation of water tank mixers and seven elevated storage tanks. The mixers would help circulate water within the tank. Additionally, a lot of the City's tanks have the maximum water surface elevation set by an altitude valve so there was even less circulation in those tanks. The mixers were particularly important for Newark's system to help reduce water age in the tank and icing and disinfection by-products that come as a result of older water.

The project was on the books for a long time so technology had changed in the interim. As such, the contract spec was written to be fairly open and performance based as bidders had to show their mixer would meet certain performance criteria. That opened up different mixers and reduced the price. This was anticipated to be a three year project but there was enough money in year one to do everything planned for three years.

The low bidder was Derstine Company who was a reputable firm based on feedback received. The GS-12 mixer was proposed by everybody that submitted a bid package. Therefore, Derstine Company, LLC was recommended for Contract 15-05 for the total amount of \$179,000 for the installation of a water tank mixer.

Mr. Gifford asked the amount of savings that would be provided and what would be done with the other items in the Capital Budget next time around. Mr. Coleman said it would get reabsorbed back into the Capital Budget.

Mr. Markham asked if complaints about water taste decreased when the water mixer were installed. Mr. Coleman said right now there was icing in the tanks and inspections could not be done in the winter. The icing issue drove it because that would damage interior parts of the tank. It was similar to reservoir issues but not that bad.

Mr. Markham asked how much was saved over the previous time this was reviewed. Mr. Coleman said it was somewhere in excess of \$50-\$55,000 per facility.

Mr. Morehead asked if the work would be done this year. Mr. Coleman thought we should but all the interiors of the tanks have not been inspected so he could not say they would not have to be cleaned first. With the two tank painting projects scheduled for this year, the ability to take tanks off line to remove sediment from the bottom may be limited. He was fairly confident to be able to have most of them in this year.

The Chair opened the discussion to the public.

Donna Means, District 5, said sometimes in Fairfield Crest there was poor water pressure and asked if this would help. Mr. Coleman said this would not help with the pressure – it was all elevation driven, the closer in elevation you were to the tank, the worse the pressure was.

Seeing no further public comment, the discussion was brought back to the table.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: TO AWARD CONTRACT 15-05, WATER TANK MIXER INSTALLATIONS, TO DERSTINE COMPANY, LLC. IN THE TOTAL AMOUNT OF \$179,000.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

30. 7-B. RECOMMENDATION FOR THE PURCHASE OF A MAINTENANCE DIVISION SERVICE VEHICLE FROM THE STATE OF DELAWARE AWARDED CONTRACT

03:11:43

Mr. Coleman explained this contract was for the replacement of the mechanic's second vehicle. The request was to replace a 2001 van with 91,000 miles with severe rust issues. The van could not tow the equipment the mechanics routinely needed to tow and could not push vehicles into the garage and had trouble carrying equipment. The truck specified would be a service body truck and carry all tools. The overall price of the truck was \$338 over budget for the 2016 budget year.

Mr. Chapman asked if this truck could satisfy snow removal issues. Mr. Coleman said this was not satisfied with the plow package but two new trucks were ordered with the V plow.

Mr. Gifford asked what would be done with the Ram van to which Mr. Coleman replied that the vehicle would be auctioned off.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: TO REMOVE THE RECOMMENDATION FOR THE PURCHASE OF A MAINTENANCE DIVISION SERVICE VEHICLE FROM THE STATE OF DELAWARE AWARDED CONTRACT IN THE AMOUNT OF \$35,338.00.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

31. 7-C. RECOMMENDATION FOR THE PURCHASE OF A WIRELESS VEHICLE LIFT SYSTEM FROM A STATE OF DELAWARE AWARDED CONTRACT

03:16:05

Mr. Coleman stated that the recommendation was for the purchase of the Sertil KONI Wireless Lifts and Jacks under the State contract from Alan Tye and Associates, LC, in the amount of \$62,451 for budget year 2015.

Ms. Hadden asked if these could be hard-wire run. Mr. Coleman said these could not be. The battery life was 8-10 years and on one charge could do 60 lifts. They were deep cycle batteries and the replacement cost was not much.

Mr. Gifford asked if there were other trucks that were also tandem axle other than refuse trucks. Mr. Coleman said a wheel lift was still needed with four columns instead of six. Mr. Vispi reported there were two tractor trailers being maintained with an open haul trailer for debris removal. The lifts were also being used for fabrication purposes.

There was no public comment.

MOTION BY MR. GIFFORD, SECONDED BY MR. MOREHEAD: THAT THE PURCHASE OF THE STERTIL KONI WIRELESS LIFTS AND JACKS BE APPROVED UNDER THE STATE CONTRACT FROM ALAN TYE & ASSOCIATES, LC, IN THE AMOUNT OF \$62,451.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

32. 7-D. RECOMMENDATION ON RFP NO. 14-03 – UNIFIED PARKING MANAGEMENT SOLUTION AND PROCUREMENT OF SURFACE LOT PARKING ACCESS CONTROL SYSTEMS

03:21:25

Mr. Haines said the presentation was framed as a software and hardware solution for parking. In mid-to late-2013 the Cardinal system utilized in the Court and the Police Department and at that time, for enforcement, it was well beyond its functional use. The 2014 Capital Budget included \$40,000 to upgrade Cardinal. The intent was to provide a comprehensive, unified parking management system, not only the ability for enforcement but the payment and collection standpoint from Court. There were five sealed bids in response to the RFP, and Cardinal was not one of those. The bids were narrowed down to three who presented their proposals to the review committee. The vendors were also asked to present solutions for uncollected citations.

Based on the proposals, the Committee decided that T2 Systems was most suited for unified parking in the City. From a funding standpoint, \$40,000 was eliminated from the 2014 Capital budget and built into the 2015 IT Operating Budget for a subscription to service software that would be divided equally by the departments in the total amount of \$119,336. With this recommendation there would be ongoing software subscription costs of \$35,108 and \$36,804 in years two and three.

Surface lot control access was discussed with the firms interviewed – two out of three did it but it was purely LPR reading through a long-term, off-street metered lot. There were no gates or validation. T2 had a robust platform of gated control systems. The lots would go to a barcode system with Lots #1, 3 and 4 operating on the same system. The estimate for capturing lost revenue was estimated to be \$10,000-\$15,000.

Lots #3 and 4 would still be manned booths with a barcode system with better data counts. Lot #1 was an unmanned system.

The subscription model would provide maintenance for all three lots in the entire system, have a one vendor solution for credit card reconciliation and maintenance, made the City current cloud based and more PCI compliant on regulations from a security standpoint. There would be functional software for operations and functional hardware in equipment in the field and this would improve surface lot operations today.

The funding mechanism was a utility model lease-purchase and was represented in the capital projects from this year as well as the ones pushed to 2016. Those payments could be remitted under the existing Capital projects and monies that were encumbered would cover the lease payments.

RFP 14-03 was considered to be fairly straightforward and the committee thought it was unfair to come back at a later time with a waive bid request regarding the hardware.

Mr. Markham asked Ms. Wilkers to discuss some of their challenges. Ms. Wilkers said the Alderman's Court did not connect with Motor Vehicle so none of the data on parking tickets was live. The tag had to be run, put in the system and then sent a bill. No changes in vehicle ownership was known by the Court. There were problems with the Cardinal system. There was an integration with PayPal to do online payments and that system was unreliable.

Mr. Gifford questioned the rating criteria for the five companies. Mr. Haines reported Brekford had very limited parking integration pieces. Mr. Brechbuehl said while Brekford's price looked significantly cheaper, their quote was a base price plus a cost per ticket which brought them right in line with T2 Systems. Mr. Haines explained the committee had to dig to figure that out from Brekford. This was the face value of what they submitted. Mr. Gifford suggested adding a comment next time and asked for details about Complus Data. Mr. Haines said they were limited in their abilities to perform what Newark was looking for. T2 Systems was the vendor used by UD. Mr. Haines noted the University used them for quite some time and they had a positive experience.

Mr. Gifford asked why there were parking attendants in two lots and not in the other. Mr. Haines said part if it was cost and a redesign – the payment without attendants was more expensive due to the pay stations. Mr. Gifford's opinion was to break this into two recommendations and vote on them separately. He thought a different group of vendors may have bid for this if it was just surface control.

Mr. Morehead thought the software was one thing and the hardware was completely different. He said it looked as though projects in the Capital program for 2016 were being relied on for funding. He considered that as money unapproved at this point. He was inclined to split it as well. Mr. Haines said there was an operational challenge in the ability for sustaining the parking operations on the systems.

Mr. Markham was interested in the Special Parking Permit issue – Jenney's Run and other places have issues and a good solution was needed, not just one that was unenforceable. He stressed that replacing the Court software was a high priority. He asked how validation would work. Mr. Haines said the validations would be made on the bar code tickets and was a cheaper ticket to produce compared to magnetic tickets. When it came to the software and hardware business it made sense to Mr. Markham to have an integrated system. He thought it should be done.

Ms. Sierer said the equipment was definitely falling apart and felt the bigger piece was to make it customer friendly. In order for that to be the case the hardware needed to be effective and integrated.

Ms. Hadden asked if this software program would integrate with the CCI program. Mr. Brechbuehl said they were two completely different systems and were not at all tied together. There was no need to integrate them today. Parking enforcement did not tie into

available parking spaces. He saw them potentially merging in the future but no one was merging them right now.

Although Mr. Gifford understood an integrated system could work better, he did not think this approach made the most sense when it came to getting the best price. Mr. Markham's question was whether T2 would honor their bundled price because that was typically different than the individual pricing. He said if this went back out for bid there should be a deadline to have it in place before the students return in the fall.

Mr. Haines said if the philosophy was changed on how the City operated, it would change downtown validation and should be part of the discussion. Mr. Haines reported the City subsidized 50% of the validation.

Ms. Houck reported Lot #1 was looked at for not having the gated lot. Individual meters were considered but ruled out. The gated system without a parking attendant has been the best situation. She stressed the importance of the interaction with Munis, the City's financial system which was a big plus with the T2 system.

The Chair opened the discussion to the public.

Jeff Lawrence, District 3, thought the validation program was unfair and did not support waiving the bidding process which he felt was an unacceptable solution.

Donna Means, District 5, did not feel the City should subsidize businesses on Main Street by paying half the parking vouchers. She felt the City should not rush to a decision.

Helga Huntley, District 1, urged having a deadline and a goal in mind of August 2016 for the City to get the required information and bids and for Council to have an informed discussion as to what kind of technology they want to see and to talk to CCI about their recommendations.

Seeing no further public comment, the discussion was brought back to the table.

Mr. Chapman found the presentation by Mr. Haines to be thorough and a valiant job at providing Council what they asked for in providing history, explanation, etc. He thought a proper bidding process was the right thing to do and recommended immediately going into a bidding process and working it through this summer.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: TO AWARD RFP NO. 14-03 TO T2 SYSTEMS IN THE AMOUNT OF \$119,336.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

Staff was directed to obtain bids for the purchase of new surface parking lot access control software and hardware for Lots #1, 3 and 4 and come back to Council with suggestions with a target installation date of the end of August.

33. At 11:26 p.m. Council voted 4 to 2 to continue the meeting to complete the Financial Statement and Consent Agenda.

Aye: Gifford, Hadden, Markham, Sierer.

Nay: Chapman, Morehead.

Absent: Ruckle.

34. 8. FINANCIAL STATEMENT: (*Ending February 28, 2015*)

04:33:38

Mr. Vitola reported the unaudited financial statements for the first two months of the year. A City-wide consolidated basis showed an operating deficit about \$500,000

better than expected through February. Governmental funds showed lower receipts than expected which were partially offset by lower expenses. Revenue shortfall was spread primarily between Court fines and permits. There were discussions as 2014 was winding down about the reduced fine receipts due to staffing shortages at NPD due to retirements, illnesses and required training. There was active recruiting with four currently in the Academy. Reduced permit activity was seasonal and picked up with the weather, and 2015 was expected to finish strong. Expenses were low due to lower than expected personnel expenses for the first two months of the year and spending should normalize by the end of the year. In the enterprise funds total revenue was positive compared to the budget which was driven by the electric utility while water and sewer were tracking close to the budget. Expenditures in the enterprise funds were very close (about 1% over budgeted expenditures). The other funds were benefitting from low vehicle maintenance and fuel costs and it was hoped those trends would persist throughout the year or longer. The cash position at the end of February was \$29 million which consisted of \$7.9 million in operating cash and \$21.1 million in cash reserves. The new page 13 showed the net available funds were closer to \$23.3 million in total.

The first two months of the budget calendar were being put together now. The weekly reporting process would be used to advertise the progress made with each department's budget discussions. Meeting summaries would be posed to the 2016 budget central website.

Mr. Markham asked why rental permits were short of expectations. Mr. Vitola would get him the numbers. Mr. Markham still had to find out from CAC what their opinion was on the green energy blocks and about spending the CAC money. Regarding page 13, Mr. Markham asked if the reserves of \$5.4 million was really unavailable money. Mr. Vitola said this was part of the Capital reserves so on the financial statements they were probably unrestricted but were generally resulting from previous year CIP surpluses that were intended for capital. It was likely that it was available and with Council action could be spent on anything.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. GIFFORD: THAT THE FINANCIAL STATEMENT ENDING FEBRUARY 28, 2015 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay: 0.

Absent: Ruckle.

35. 9. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:

A. Appointment of Robert Detwiler to the District 4 Position on the Community Development and Revenue Sharing Advisory Committee For a Three Year Term to Expire March 15, 2018

(See Item #15)

36. 9-B. REAPPOINTMENT OF ROBERT MCDOWELL TO THE DISTRICT 3 POSITION ON THE CONSERVATION ADVISORY COMMISSION FOR A THREE YEAR TERM TO EXPIRE MARCH 15, 2018

(See Item #16)

37. 10. APPROVAL OF CONSENT AGENDA

04:40:13

A. Approval of Council Meeting Minutes – March 9, 2015

B. Receipt of Alderman's Report – March 24, 2015

C. Receipt of Alderman's Report – April 1, 2015

D. Receipt of Alderman's Report – April 15, 2015

E. Receipt of Planning Commission Minutes – March 3, 2015

F. Resignation of Thomas Fruehstorfer from the Conservation Advisory Commission

Ms. Bensley read the Consent Agenda in its entirety.

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

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

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

Nay – 0.

Absent – Ruckle.

38. Meeting adjourned at 11:33 p.m.

Renee K. Bensley
Director of Legislative Services
City Secretary