

**CITY OF NEWARK  
DELAWARE  
COUNCIL MEETING MINUTES  
May 26, 2015**

Those present at 7:00 p.m.:

Presiding: Mayor Polly Sierer  
District 1, Mark Morehead  
District 2, Todd Ruckle  
District 3, Rob Gifford  
District 4, Margrit Hadden  
District 5, Luke Chapman  
District 6, A. Stuart Markham

Staff Members: City Manager Carol Houck  
City Secretary Renee Bensley  
City Solicitor Bruce Herron  
Communications Affairs Officer Ricky Nietubicz  
Deputy City Manager Andrew Haines  
Finance Director Lou Vitola  
Planning & Development Director Maureen Feeney Roser  
Parks and Recreation Director Charles Emerson  
Police Chief Paul Tiernan  
Animal Control Officer Donna Vickers  
Public Works & Water Resources Director Tom Coleman

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1. The regular Council meeting began at 7:00 p.m. with a moment of silent meditation and the Pledge of Allegiance.
2. **PUBLIC PRESENTATIONS**
  - 1-A. City of Newark, DE Downtown Parking Supply & Demand Study Final Report Presentation – Tim Haahs & Associates, Inc.

**36:07**

Todd Helmer and Megan Leinart with Timothy Haahs and Associates presented the City of Newark, DE Downtown Parking Supply and Demand Study. Mr. Helmer gave an overall summary of what was done in relation to the parking study provided for the central business district, which included existing inventory, future parking conditions and projections and recommendations. The parking study comprised of Delaware Avenue on the south, Chapel Street on the east, the Trabant Garage on the west and the rail line to the north, with the study conducted in the Main Street central business district.

Transient public parking lots, permit public parking lots and private customer parking lots were inventoried and the utilization of the Trabant Garage and its potential impact the Main Street and the central business district were reviewed. On-street parking areas on Main Street and a few streets off of Main Street were included.

The parking supply demand analysis was conducted on Friday, April 17th from 10am until 8p.m. with the understanding that is a typical busy day for the City. City-owned off-street public lots are comprised of a total supply of 608 spaces. The private-owned customer lots have 209 spaces, including both reserved and transient. City-owned on-street parking represented approximately 162 spaces and 15 loading area spaces, which are defined and potentially to be used for transient parking during off-peak loading times. At the Trabant Garage, there were a total of 150 transient spaces and 431 permit parking spaces. The total parking space supply available is 1,129 spaces. 54 of those are reserved, or loading areas, and over 1,000 are non-reserved, non-loading areas.

The total supply that was calculated was 940 at 10:00 a.m. Every two hours the demand was measured in every City-owned off-street and on-street parking space to determine the peak, and at 8:00 p.m. on this particular Friday, there was 834 spaces

occupied of the 940. The City-owned lots represented 608 of the 940, and at 8:00 p.m. there were 542 spaces occupied in the City-owned lots. The on-street peak time was identified as noon when 139 of the 162 available on-street spaces were occupied.

The private lot parking had 325 spaces, but the subtotal of the private lots was 166. The Trabant Garage had a peak time at noon with 141 spaces occupied out of 150 transient spaces. 431 spaces in the Trabant Garage were classified for permit parking. The Trabant Garage was a considerable distance from the downtown and the Main Street. However, the 431 permit spaces that are allocated were mostly used during the day, and there may be a greater opportunity potentially for more transient parking in the garage later in the day.

The Design Day Parking Occupancy was outlined and its relationship to the survey day. Information that obtained from the City included revenue generation on a monthly basis for 2013 and 2014 from the current parking supply. As an average, the 2013-2014 average for the second or third busiest day of the year happened to be in April. When calibrating a survey day to a Design Day, the 85th percentile is taken so more parking than needed is not being built, nor is any future parking facility that may be required being undersized. Because April was the second or third busiest month, and the time of the survey was April 17th, the Design Day and the survey day equated out. There was a 90% occupancy at 8:00 p.m.

The other thing to take in consideration was an effective supply factor. Both 90% and 95% were utilized. Supply is multiplied by a factor with the understanding that there is a cushion. There is a frustration factor in trying to find spaces, so for transient City-owned off-street parking lots, on-street public meters, and privately owned lots were given a 90% supply factor. City-owned off-street permit lots were given a 95% supply factor. That, in conjunction with revenue, was taken into account to project and calibrate need.

Mr. Ruckle noted that his district feels there is a lack of parking and that people from areas outside of the City also express concern about a lack of parking. He asked if those outside areas were taken into consideration in this study. Mr. Helmer stated those areas were not taken into consideration in this particular study as the analysis was primarily comprised of the central business district areas. Mr. Ruckle felt that would create more of a shortage due to the businesses that want to come down here for meetings and were frustrated because they cannot find parking, which was not taken into consideration.

Mr. Gifford asked how this area was selected for the study and why the Newark Shopping Center, the Burger King parking lot, and the 32 metered spaces that continue up to the Newark Natural Foods were not included. Mr. Helmer noted that those areas were enforced for primarily that particular use, and in talking to the City, would not have an impact to the Main Street area. Mr. Gifford stated that the parking meters along Main Street in that area were closer to a lot of the restaurants on that side of town than Lot 1 and he would have liked to have seen at least the approximately 37 metered spaces to Tyre Avenue that the City enforces included. Ms. Feeney Roser stated that the study area was based on the previous study done by Desmond and Associates. What that study found was that there are locational differences in the need for parking. Originally, the entire district was included, and they found that properties east of Chapel Street did not have the same demand for parking as those west of it. Even the first study was broken down that way. The Newark Shopping Center was currently under construction, and at some points is enforcing no parking and towing, so based on previous studies, the City thought it made sense to cut the study off in the areas that the previous study had said was where the need was. Additionally, the study was being done for Lot 1. It was quite a distance from Lot 1 to Chapel Street, therefore, it was cut off based on previous experience with the study. Mr. Gifford noted that the Trabant Garage was about the same distance, if not longer, which Ms. Feeney Roser agreed. Mr. Gifford asked if the City included the Newark Shopping Center last time. Ms. Feeney Roser stated it was included in the 2007 study, but not the 2011 study, because that was also for Lot 1. Mr. Gifford noted that the reason he would have liked to have seen it is because the City has a lot of development there and most of the new developments in Newark were on the east side, including a large development in Newark Shopping Center and a new large restaurant which would be important to consider in the future.

Messrs. Morehead and Gifford requested that the discussion be opened to the public once Council had completed its discussion.

Mr. Morehead asked if the study was done on April 10th as noted in the report or April 17<sup>th</sup> as noted in the presentation. Mr. Helmer confirmed it was April 10th. Mr. Morehead asked if staff and DNP comments were incorporated into the final report, which Mr. Helmer confirmed. Mr. Morehead asked if the exclusion of the Deer Park Tavern parking lot on page two came out of those draft comments, which Mr. Helmer confirmed. Mr. Morehead questioned why the potential development of 52 North Chapel Street was included, but the Burger King parking lot on Chapel Street on the same side was not included in the report. Mr. Morehead noted displeasure regarding differences between the slides and the report presented for which Mr. Helmer apologized.

Mr. Morehead asked if Mr. Helmer's company designed and built parking garages. Mr. Helmer noted that his company did not build garages, but they were a consultant company that does feasibility studies, parking studies, and then design of parking structures. Mr. Helmer felt the study was a very objective approach and an independent parking study, not considering design implications. Mr. Morehead asked if the choice of Lot 1 versus a smaller lot where a garage would have to be built higher was a design implication. Mr. Helmer noted that Lot 1 appeared to be the most efficient and most centrally located lot available to accommodate structured parking, if needed.

Mr. Morehead asked, in Mr. Helmer's experience, how far people would walk from a parking lot to where they wanted to go. Mr. Helmer stated that it depended on the path of travel, what they were going to and what they were actually passing by. He felt the Trabant Garage was a considerable distance away from the business district core. As an example, for someone that would be parking in the Trabant garage and walking down to the main central business district, there was not a lot on either side of the street, so from a perception standpoint, that would be a lot longer than if there were some shops. Mr. Morehead felt an interesting thing about living in Newark was that folks walk downtown or to the University since they live nearby and it is a highly engaged, educated community.

Mr. Morehead noted on page 4, 15 loading zone metered parking spaces were noted and were not brought back in the rest of the discussion, when in actuality the last of them become available at 4:00 p.m. and met the timing of the need. He felt the presentation that there were 4 extra spaces was completely wrong and that there were 15 more spaces that were missed in the rest of the presentation.

Mr. Morehead stated there are places like the Washington House where there was parking leased by the university until 5p.m., and then becomes public parking without restriction on going to the restaurants in the building. After 5p.m., with the additional spots noted, that 4 number jumped to 19 with the loading zone spots and jumps from 19 to approaching 40 or 50 with Washington House included. He understood why things like the Deer Park are excluded and why Trabant may be excluded, but he felt it was not an in-depth understanding of the City's situation, and that it was a big issue and a \$15-million decision.

Mr. Morehead asked that Mr. Helmer consider the difference in pricing between City-owned public lots (\$1/hour) and the Trabant Garage (\$2/hour). He expressed concern that the public would be paying \$15 million to put in a larger parking structure for the benefit of the University folks to park cheaper than they can park at the Trabant Garage. He felt the current study ignored that fact and ignored the population growth due to the University. He was not willing to make a \$15 million decision based on the information presented.

Mr. Gifford asked if some spaces were double counted and if reserved spaces were not counted in the supply, but were counted in the Design Day recommendation. Mr. Helmer stated he would check on that. Mr. Gifford thought it came out to another 12 or 13 spaces that shouldn't have been included in that and noted several lots where more cars were counted than spaces available, which Mr. Helmer said he would check. Mr. Gifford asked for those numbers to be updated if that was the case as it should only reflect transient spaces and that the other should be completely excluded as that number should

never exceed the supply, which Mr. Helmer confirmed. Mr. Gifford asked if there was any idea how many students are using Lot 1 or any of the parking lots, to which Mr. Helmer responded that they did not count students. Mr. Gifford asked if there was any estimate of how many employees of restaurants and stores were using the lots. Mr. Helmer did not have that available, but would look into that further. Mr. Gifford was interested in the fact that the City might be consuming its spaces with the employees of the stores that are there, and that travel service to a remote lot, the Trabant Center, or another negotiated lot might be a positive way to deal with that situation.

Mr. Gifford stated that Lots 3 and 4 had the most demand at night and asked if Mr. Helmer had his choice of where to increase parking, was that the area that would be most useful if it was the right shape. Mr. Helmer stated that if it had the right configuration and the right layout for a parking structure, Lots 3 and 4 would be it. Mr. Gifford asked if the demand for the parking was more east, to which Mr. Helmer responded that the demand was centralized a little bit further east of Lot 1.

Mr. Markham asked how it was possible that the City-owned off-street parking lots at noon could be at 101% capacity. Mr. Helmer stated that there might have been a couple cars parked there illegally.

Mr. Markham stated that it has been mentioned that the City should have summer rates to encourage people to come downtown and asked if there was any research or recommendations on that. Mr. Helmer noted that he thought the City could have summer rates to encourage folks to come downtown. He thought the rates would have to be consistent, in their experience, throughout the year, and that the rates on-street should be a little bit higher to encourage turnover for the merchants than the off-streets, but that could be something to consider to attract folks downtown for the summer months. Mr. Markham noted that he heard consistent and heard consider summer rates, so he asked if summer rates would be a good idea to encourage people. Mr. Helmer stated it was possible, but that they would have to look into it more. Mr. Markham remarked that the City has a much lower parking usage in the summer.

Mr. Markham did not know how the City-owned off-street parking lots with permits, which have a 26 spot surplus at 8 p.m., helped the City when looking at transients. The people who had permits always have the right to park there, so he did not understand how the permit spots could be involved in the calculation to say the City was on the plus side using those numbers. The lots could not be reused as they were assigned and gone and transients could not use those. Mr. Markham noted an example of permitted spots being counted in the bottom chart on page 16.

Mr. Markham felt there was a contradiction regarding the level of difficulty in finding parking between the Smart City report and Mr. Helmer's report. Mr. Markham asked what the feeling was on the Smart City suggestion to have an app to find available parking and if that would that help alleviate some of the problems finding parking throughout the City. Mr. Helmer felt an app might be helpful and noted that what they found based on their observations and understanding that looking for a spot and looking for on-street and off-street parking, was that it was fairly well signed to find. He noted that often apps are found in areas that have many parking structures or a significantly larger parking supply. Mr. Markham noted that Mr. Helmer knew what he was looking for and that the Smart City people said that they went around multiple times trying to find lots. Mr. Helmer noted that an app may be helpful depending on the expense. Mr. Markham asked if he had any experience with apps that would provide the expense. Mr. Helmer noted his firm has, but he had not personally.

Mr. Markham asked if there was any conversation with the University regarding the Trabant Garage other than what the capacity was and how many people were using it, such as if spots would be available if the City did a shuttle. Mr. Helmer noted that type of conversation had not occurred and it was generally around how many people parked in the garage and whether they were transient (150 spots) or permit (431 spots).

Mr. Markham asked staff if suggestions on how to reduce abuse of residential parking permits and the temporary use or selling them to friends have been reviewed

previously or is the City looking at them. Mr. Haines stated that the new T2 system that was approved had temporary guest passes that could be printed out as bar codes to help eliminate that ability to pass along out of expiration, so the City can be able to say whether it is a valid permit or not. In addition, staff was looking at these recommendations as well.

Mr. Markham noted that most of the City's pay for parking is downtown around Main Street and asked if Mr. Helmer talked to businesses for direct feedback from both them and their customers on how easy or difficult it was to find parking. Mr. Helmer noted there was a Parking Committee meeting where the difficulty finding parking was discussed. Mr. Markham stated his district has half of Main Street, he heard more from businesses about difficulty parking, and wanted to hear feedback Mr. Helmer had gotten.

Mr. Chapman asked if the creation of this report was possibly flawed from the beginning by trying to achieve a certain solution. He reached that thought towards the end of the presentation when talking about the thought process that went into building the report, such as what was the City looking for and how were the boundaries chosen. He asked if it related to the proximity or if everything led back to Lot 1. Mr. Helmer stated that the boundary area was irrespective of Lot 1 initially and that the boundary area was selected with the City. He felt it was a very objective study, which concluded that if there was the opportunity to put structured parking that Lot 1 was again the most efficient in proximity and so forth and that it was not with any preconceived notion of Lot 1.

Mr. Chapman was worried that the City was looking at this with either too focused a perspective or not general enough. He stated that question one is, does Newark have a parking shortage or surplus, and inside of that there's all sorts of qualifiers, such as season, time of day, and then inside of that there can be a parking problem, a parking shortage and a parking surplus within 100 yards of one another. He would have approached trying to understand, was there a parking shortage and surplus, time, season, purpose, who first, and then said the data was telling us that these areas have surpluses, these areas have shortages, and try to understand why.

Mr. Chapman understood that this lot, might be the perfect shape, size for a garage, but it may not function well there, but it is really needed over here or quite the opposite. Understanding that information then gives the City the ability to make changes with the existing infrastructure that we have, reducing on-street parking to 10-15-minute maximums, forcing anybody for anything longer than quickly picking up to go, or a coffee, into a lot to increase on-street parking turnover. Mr. Chapman did not follow the comments about the walking community folks that walk from their neighborhoods down to Main Street are not complaining about parking because they didn't bring their cars. He thought the consideration of parking zones might be helpful.

Mr. Chapman felt a study that was inclusive of more than one day, more than one season and strategically looking at the University schedule might be helpful, but the City was always going to have a surplus of parking when students were not there. The only way for the City to have out-of-towners attracted to Main Street and the businesses in the downtown areas was if folks thought of them all year, not just in the summer, which means the City had to have enough parking in the right areas at all times of the year. That might mean that the City had a greater surplus in the summer than it already does, but an appropriate surplus, or a buffer during the busier season. Thinking that parking is not the City's problem based on who used the parking affected the City already.

Mr. Chapman noted that there was quite a bit of construction in the last decade, and it looked like there was going to be a significant amount of construction in the next decade. Construction on Main Street, side streets and adjacent to parking lots could take out several spots for periods of time, and throughout the day, tractor-trailers could take several spots on the street. He was interested to see how those conditions interact, and felt the frustration factor discussed deserved more attention as the way parking is perceived is not always the parking situation. He was unsure how that could be incorporated in a report, but wanted it considered.

Mr. Ruckle noted that most of District 2 was not walking distance from Main Street and that he has been flooded with phone calls over the last 2 years about frustrations with

not being able to find parking. He liked the idea of putting more signs in the roads to help direct parking, but that frustration factor was there and it was a huge factor. He felt there was a stigma in the business community that they do not want to go to Newark because there was parking for visitors during lunchtimes, and he felt that perception has to change.

Ms. Hadden stated that she was looking forward to the revised charts with the number issue being worked out. She had listened to all her counterparts, and agreed with something that everyone has said, but she really would like to see those numbers revised.

Ms. Sierer thought the study had been beneficial. She thought that it clearly showed that some of the things staff and council have done the past few years to create more parking spaces and a better parking situation have been fruitful. I counted at a minimum nine opportunities for us to explore in creating a better parking situation downtown. I certainly hear all the time in my travels outside of the City limits that people will not come here for dinner because parking is a hassle, and those are the exact customers our businesses need, not the resident walking from Nottingham, because they were going to come anyway. She thought the perception that the City did not have parking was something the City can work on, which was part of the recommendations. The City says it loud and clear that it has parking. She has always been able to find a spot, but she was willing to walk 3 blocks. Many people were not willing to do that. She thought this had been beneficial for those reasons, and it was step one in creating a better parking environment on our Main Street.

Mr. Morehead agreed with Ms. Sierer that several good ideas had been thrown out. He liked the idea of the shuttle as there were a lot of spaces immediately outside of this area that could be used to serve and bring people directly to their destination so that they would not have to walk. He would like the shuttle to be ADA accessible.

Mr. Morehead asked Ms. Feeney Roser if Lot 2 permits were sold for 24 hours or if they were bought to be used during a specified timeframe. Ms. Feeney Roser stated that it was a 24-hour permit and if a customer had purchased a permit in that lot they expected to be able to park there. They were not assigned spaces, but there should be space enough available. There was some opportunity for overselling, but not a lot in a lot with 35 spaces. Mr. Morehead asked if anyone could buy a permit or if the sales were targeted toward employees or apartment dwellers. Ms. Feeney Roser stated that it was organized for employees of businesses, and the businesses that are on that lot would have precedence, but anyone could get in line for it. She confirmed the business would buy the permit for their employees and that in some of the lease agreements, there were permitted spaces that were part of the rent. Mr. Morehead thought that if it was individuals who left at 5:00 routinely, there might have a lot that could be added.

Mr. Morehead noted that item A of the report was to identify existing parking shortages. He was concerned that the outcome was identified in the introduction which was not considered good science.

Ms. Hadden asked for clarification on why was okay to base a study like this on a one-day survey. Mr. Helmer replied that typically there was a very good idea of what would be a fairly busy day as a representation of that particular week, which happened to be April 10th. That in combination with the revenue received from the City to understand when the second and third busiest month was of the year, led to April 10<sup>th</sup> being considered a good representation of the busy day. Ms. Hadden confirmed this was in relation to picking the peak parking demand which Mr. Helmer confirmed.

Mr. Markham asked Ms. Feeney Roser about a previous conversation where they had talked about using Avon as a parking location, and shuttling in. He asked where that got to, or if it was killed with the redevelopment effort for the Avon area. Ms. Feeney Roser stated that they had reached out and talked about it and they had previously talked about shuttle service. It was not pursued because of the price involved with how often shuttles had to run and where they had to run from. She thought Mr. Markham's suggestion was a daytime lunch hour shuttle. She said she could go back and look, but did not remember exactly why it did not move forward. Mr. Markham believed it was the cost of staffing and the cost of running the shuttles. Ms. Feeney Roser stated that it was running the bus,

determining where the bus came from, and how often it ran as they have to run in a very quick manner to address lunchtime needs. She stated she would get back to Mr. Markham on that. Mr. Markham noted another possibility could be College Square.

Mr. Gifford asked what the observations were about how well the City utilized the space that it had in existing parking lots and if there was any opportunity for compact car or tighter parking as the City would still have surface lots no matter what. Mr. Helmer felt the existing lots were fairly well utilized and striped out. There may be some opportunities for a compact car or two, but even if the City were to reduce the size to a compact car, spaces may not be gained.

Mr. Gifford expressed that his biggest concern was all of the turning and entering on Main Street across sidewalks and the related safety concerns. While Lot 2 was mentioned, Mr. Gifford asked for thoughts on the rest of Main Street and if the City was going about this the right way with having parking all turning off of Main Street. Mr. Helmer felt that the balance of Main Street provided a good opportunity for access from the adjacent streets or lots. He noted that anytime that there was a Main Street, there was the potential for pedestrian-vehicular conflicts. While that was one thing that was observed on the study day, they did not see too much of that at all. However, the Lot 2 area was somewhat challenging coming off of Main Street. Mr. Gifford noted that the City was talking a lot about walkable-bikeable in the comprehensive plan and that if there was more parking a few blocks out, people could still walk it and it might be calmer on Delaware Avenue and Main Street. He noted that the traffic is the number one thing he heard and the secondary was the parking.

Ms. Sierer opened the floor to public comment.

Jeff Lawrence, District 3, thanked those who made comments already. He wanted to second the challenge of how objective a study could be done by a company that designs parking garages. He expressed concerns regarding the zone selected. He felt Main Street and the City should be reviewed as a whole and supported the idea of using College Square parking. He felt a shuttle should be left to the private sector and that a parking garage should be left to the shop owners on Main Street or the private sector.

Catherine Ciferni, District 2, felt that if this was a lucrative proposition, private entities in the City would be engaged in providing parking for a fee. She wanted to see a reevaluation of the numbers in the downtown when Washington House was added. She felt East Main Street was becoming a more congested depending on the time of year. She recommended looking at the height of traffic and running a shuttle on designated days if the City did not want to run a shuttle all year round. She expressed concern regarding the date this study was run as it may have been decision weekend for the University and inflating the numbers. She felt a year round study should be done and include low points like the summer and the winter when the students leave. She was concerned about the City supplying apartment parking and felt that should be done by the developer. She also cautioned about the potential issue of the effect of further restrictions on residential parking permits on owner-occupants.

Albert Porach, District 4, felt that parking should be provided for an optimum situation, not a maximum situation for the highest traffic months. He noted that he looked at the hourly receipts from the parking lots and that the parking is occurring in Lots 3 and 4, not Lot 1 where the parking garage is being proposed. He felt the City was overlooking possible parking in the evening at the City Hall parking lot with a shuttle. He noted the price difference between City lots and the Trabant Garage, which was a supply and demand issue, not a problem of inconvenience. He also suggested putting parking meters on Delaware Avenue instead of the proposed cycle track.

John Morgan, District 1, was surprised to find that traffic was not mentioned in the study or in most of the discussion at the table as he felt it was an absolutely crucial issue. He felt a parking garage needed to actually solve a problem and be financially viable. He felt there needed to be a study of what the impact would be on traffic on Delaware Avenue and Main Street that were very congested already with an added garage, including potential gridlock and the need for additional traffic lights. He suggested that the City

should be looking at permits that are not for 24 hours but for a specific timeframe so those spaces could be used for transient parking particularly on the eastern part of Main Street where there did seem to be a shortage in the evenings. He agreed with Ms. Ciferni's concern about why taxpayers should subsidize new development that required parking waivers and felt developers should be putting in ground-level parking if needed. He expressed concern for the safety of Main Street employees who may be leaving work with large amounts of cash who did not want to have to walk a long distance at night. He noted that garages often fill the lower levels first, which can be inconvenient for transient parkers and suggested a differential price structure for long term parkers who park on top floors. He suggested talking with the owner of the Newark Shopping Center to have a partnership where people can park there in the evenings to go to the restaurants on the east end of Main Street. He did not believe the citizens of Newark should be subsidizing the cost of a parking garage through increased fees, taxes or paying more to park in the central area.

Donna Means, District 5, was concerned about the cost of studies to the City and had not had problems with parking on Main Street. She felt the Trabant Center was not a viable place for parking or for a shuttle. She felt that the businesses who would benefit from a parking garage should pay for it.

Helga Huntley, District 1, was disappointed with the quality of the report and enumerated several issues with both the study and the report. She felt there were such serious, egregious errors in this study that City Council should not make any plans or decisions based on this report.

Tom Uffner, District 1, felt that a parking app would lead to people driving around looking at their cell phones while trying to park, which was not an ideal situation in Newark traffic. He felt free parking and university parking available after certain hours should be considered within the study. He agreed with Mr. Lawrence that if there was demand for a parking garage the City should be looking for a private vendor to build it, so it would be a source of revenue, not a bond to repay.

**3. 2. ITEMS NOT ON PUBLISHED AGENDA:**  
**A. Public**

**02:11:09**

Donna Means, District 5, asked for follow up regarding previously asked questions on updates to the floodplain ordinance, whether the City had reviewed multiple credit card processing vendors for the Smart Parking Meters, and if the City's rules surrounding historic properties were different from the State. Ms. Feeney Roser stated that the City has its own list of historic properties and there is a process by which they can be nominated, which is outlined in Chapter 7 of the Code under Historic Properties. Ms. Feeney Roser would follow up with Ms. Means on her more detailed questions regarding historic properties and noted that the floodplain memo is coming as Planning & Development has been working with DNREC to ensure any changes made do not affect its ability to govern the way DNREC wants it to. It should be out shortly.

Jeff Lawrence, District 3, thanked Mr. Gifford for bring attention to Elsmere Councilman Zielinski at the previous meeting during the Elected Official agenda segment. He requested Council give staff direction to cease all activities concerning the garage and to give direction to the City's lobbyist to not support the upcoming preemption bill. He asked if video equipment that had been donated was planning to be utilized to stream Council meetings. Mr. Haines stated that IT was reviewing the equipment's connectivity and functionality.

Catherine Ciferni, District 2, was concerned about the increase in bicycle and skateboarding traffic both on the sidewalk and going the wrong way against traffic on Main Street. The bicycle issue included a Main Street business's bicycle delivery drivers and recommended that business be approached on the issue. She asked if there was a way either to get the speed of the lights changed or to monitor traffic from South to North Chapel at the light as there seemed to be a lot of cars getting stuck between Chapel and Main, causing gridlock.

John Morgan, District 1, suggested that the public be allowed to comment on any controversial bills that Council decides to take a position on during the lobbyist's section.

Helga Huntley, District 1, commented on the importance of making bicycling downtown safe, which she felt will also help with the parking and traffic problems as that encourages people to come downtown without their cars. She also would like to see some thought on how bicycling through the Casho Mill underpass can be improved including not having to cross traffic to go south on Casho Mill Road and allowing bicyclist to ride their bikes under the underpass with the condition of yielding to pedestrians.

Albert Porach, District 4, expressed concern regarding students leaving items in yards when they were moving out of their houses. Ms. Houck stated that the Public Works Department should be contacted in that case and that the UDon't Need It? program was ongoing. If trash/debris was in the yard, Code Enforcement should be contacted.

4. **2-B. ELECTED OFFICIALS:** None

5. **2-C. UNIVERSITY**  
(1) Administration

**02:27:14**

Caitlin Olsen, University of Delaware Government Relations, stated that commencement was Saturday, May 30th. The gates open at 7:00 a.m. and the processional starts at 8:00 a.m. Tickets are not required and the event is rain or shine UDon't Need It? goes through June 6th. It is in a different location toward the back of STAR Campus and signs have been posted to guide people to the location. The weekend of June 5th is alumni weekend, which is open to everyone and the University hoped that the community would join the festivities. There will be tours of the creamery and the beehives, a 5K, and Dela-bration on Friday night. The University planned to monitor the Dela-bration noise both on the edges of campus and in the neighborhoods.

Mr. Markham asked if there were any updates on the College Avenue train situation, which Ms. Olsen did not have. Mr. Markham asked if there were any updates on the presidential search. Ms. Olsen noted there was a presidential search website up and on that there was a place where members of the community can put suggestions, what they're looking for in the next president, and can see who was on the committee. The University was meeting with groups such as students, faculty, and staff, to see what they were interested in the next president and was working on getting focus groups together quickly. Ms. Olsen will give the City the information for the presidential website and Council members can send it out to their constituents. Mr. Markham suggested the University do something similar to what the City did with the search for the City Manager where when they are down to the final 2 or 3 candidates, the University host open forums for the candidates to meet the public and for the public to give input. He felt it would be nice since the University has so much input to this community, that the public have some input to the next president chosen.

Ms. Sierer noted the committee had already been selected and thought it would have been nice to have included somebody from Council on the committee. She did not know if it was too late for that to be done but would appreciate it if Ms. Olsen would ask.

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

7. **2-D. LOBBYIST**

**02:31:04**

Mr. Armitage stated that the Legislature was on a break for the past two weeks while they have been doing bill drafting. They return to work next Tuesday and there will be 13 legislative days between now and the end of June. Council will meet again on the 8th and the 22nd. Mr. Armitage was not sure if anything else will develop between now and the end of June on which he and staff would need guidance. He thought the last 13 days would be an adventure because it is the end of the year. The Legislature still has not figured out a budget and that will dominate everything that happens between now and the end of session.

Mr. Armitage noted that one of the bills moving forward that might be helpful would be changing the limits around prevailing wage. That was introduced. It was on the sidelines because of the party line vote that happened around the motor vehicle tax increases. That does not mean that there won't be another deal that comes while they still need some Republican votes to do some of the tax increases that they will need to do in the Senate. Things may still happen surrounding prevailing wage and what is finally done with the budget.

Ms. Houck, Mr. Vitola, and Mr. Armitage met with Bill Sullivan last week to talk about the hotel tax. A one percent increase in the hotel tax statewide would generate about \$2.5 million. Mr. Sullivan's feeling this year is that if the City moved an issue like that forward, given the circumstances in Dover this year, the City wouldn't get the money, which Mr. Armitage agreed. The state would keep the money. If they move the hotel tax from 8% to 10%, that extra \$5 million would go in the state's coffers and it wouldn't come to the county or to the City. He did not think this was the year for the City to press that issue. One of the positives that the City heard from Mr. Sullivan is that he does not think that it would have a negative impact on hotel night stays here in the state if something like that happened, but this probably is not the year to try and push that issue forward.

Mr. Armitage noted two other bills that may be of interest to the City, the municipal preemption bill and Senate Bill 83. The municipal preemption bill was expected to be introduced sometime in the next week. The way it was constructed at this point in time is that a city would have to opt in if they wanted to create an ordinance that would prohibit the open carrying of firearms in municipal facilities. As part of opting in, the ordinance would have to be fairly prescriptive to create consistency throughout the state in anything that a municipality adopted, which was requested by the Attorney General's office. If that bill is passed and signed by the Governor, it would then be up to the municipality itself whether or not they would want to adopt an ordinance that would prohibit the open carrying of firearms in Council Chambers or other parts of municipal building.

Then the other bill that is moving forward is Senate Bill 83 surrounding updating protection from abuse orders. Mr. Armitage thought that was going to be a controversial bill and was not sure that the City wanted to get involved in that one. Senate Bill 83 was introduced a week or so ago and updated conditions surrounding the seizure of firearms. Because it's a gun bill, it was going to be controversial in the Legislature.

Ms. Sierer asked if those were the hot topics between now and June 8<sup>th</sup> and when do the Legislature come back. Mr. Armitage stated that the rest of this week Joint Finance Committee was still working on crafting the operating budget.

Mr. Gifford noted at this point the City was not actively involved in promoting any of the bills except the prevailing wage bill which was on the sidelines. Mr. Armitage stated that he was having conversations with people on anything that the City can do to try and maximize those thresholds. He also got a copy of the second clean water act bill that was introduced, which was sent to Ms. Houck, but he did not think that was going to go anyplace this year. Mr. Gifford requested Mr. Armitage observe and wait and see.

Ms. Houck noted that Mr. Armitage was given direction by Council to work on the prevailing wage issue at the last Council meeting and asked if Mr. Armitage needed further direction on the hotel tax issue. Mr. Armitage stated that the only direction he had so far from Council was around prevailing wage. He felt he did not need direction on the hotel tax based on the conversation with Mr. Sullivan. Ms. Hadden and Ms. Sierer stated that they thought Council's position was to just wait and see.

Mr. Morehead asked for a copy of Senate Bill 83, which Mr. Armitage said he would provide.

**8. 2-E. CITY MANAGER:**

**02:40:22**

Ms. Houck announced that the Community garden was opening and that the people who had the plots were able to start planting. It has been pretty exciting to see the excitement of the people who are participating. It looks like all of the plots are being

actively used and thanks to Parks and Rec for a good job. There will be an onsite City blood drive again on July 30th and the public can register through Delmarva Blood Bank. Space is limited and the event is at City Hall.

The active gift card program was nearing the \$300,000 mark loaded onto cards and committed to being spent in our downtown. In 2014, \$69,000 was loaded and \$61,000 was spent in that calendar year so it seems to be continuing to grow.

At the last CAC meeting a presentation was made by the McKees Solar Park installer, Solair, as well as DEMEC Energy Services manager Scott Lynch, and they advised the CAC that 150 megawatt hours have been produced since October. The City's system is out-producing similar systems in the state.

## **9. 2-F. COUNCIL MEMBERS:**

**02:42:18**

### **Mr. Morehead:**

- Attended the Mayor's Fun Ride and had the honor of accompanying a five-year-old on a bicycle who finished it all on the whole length of the trip.
- Attended the Traffic Committee, where the Traffic Committee unanimously voted to ask DelDOT to put up signs on all the state roads that prohibit the use of Jake brakes and noted areas that would benefit.
- Attended the DEMEC meeting, where there was a long discussion about where the price of electricity is going in the future and reviewed the costs of producing electricity and the probability of electric rates going up in the future.
- Noted the Christina School referendum was tomorrow and encouraged everybody to get out and vote that lives in Christina.

**Mr. Chapman:** None

### **Ms. Hadden:**

- Was excited that George Irvine from District 4 was elected as the new Chair of the CAC and complimented the CAC's work.
- Attended the police memorial ceremony on May 13th that honored Newark's fallen officers and encouraged everyone to attend next year.
- Attended the Newark Historical Society dinner meeting hosted by Robin Brown from the Wilmington News Journal and reminded the audience that the Newark Historical Society was here for everybody and they have an abundance of information about the history of Newark.
- Attended the DEMEC briefing in Dover.
- Attended a meeting at the Senior Center with the Interagency Council on Homelessness to help come up with plans to address the Newark homeless issue.
- Worked with the Mayor, Cherry Hill Manor community and the landscapers to supervise the planting of trees at Cherry Hill Manor and complimented the changes in the development.
- Attended the K9 Fundraiser Event at Klondike Kate's.
- Attended last week's Delaware Legal of Local Governments dinner in Dover where the guest was Congressman Carney.
- Attended the Memorial Day parade and will be attending the Veterans Memorial Event at the Delaware Memorial Bridge on Saturday.

### **Mr. Gifford:**

- Reiterated the item Ms. Ciferri raised about bikes on Main Street, noted incidents he had seen and asked the police to look into it.
- Agreed with Ms. Huntley regarding issues with the Casho Mill underpass for bicyclists.
- Stressed the weekly reports as a resource for residents on the website and noted that questions being asked at Council have been addressed in those reports.
- Echoed Mr. Markham on his comments about UD's search and hoped for some public input into that process.

**Mr. Ruckle:**

- Reiterated that the referendum for the Christina School District was tomorrow and hoped everyone would get out to vote.
- Attended the DEMEC meeting and commented on the cleanliness of the Smyrna power plant technology owned by DEMEC.
- Attended the homeless meeting.
- Attended the K9 fundraiser, which was a great event to support the police.
- Attended the Police Memorial Ceremony for their fallen officers and encouraged everyone to support the police.
- Will be attending the Washington House condo association meeting tomorrow and felt they have done a phenomenal job protecting the citizens with the structures they have built around the building.

**Mr. Markham:**

- Thanked those who participated in the Memorial Parade and the service on the green.
- Thanked the Rotary Club for lining Olan Thomas Park with flags in remembrance of Memorial Day.
- Attended the police memorial service.
- Praised the success of the UDon't Need It? program which has diverted a lot of waste and complimented Ms. Houck and the University of Delaware on a good program.
- Noted that County Council was discussing reassessment tonight and that it has been more than 30 years since things have been reassessed.
- Participated in the Mayor's Fun Ride and thanked the Mayor.
- Noted that McKees is up to 169 megawatts and that if electric rates are going up, it will make alternatives more feasible and less expensive.
- Attended the CAC meeting to ask them questions and have them send Council information. Council got a memo that the CAC supported multiple green energy blocks, which the City has already pursued. He asked about a formula, which he thought they were going to send in a memo to Council, which Ms. Bensley stated she would review with staff. Mr. Markham noted there was also a discussion about how they intended the CAC funds that they put toward McKees. Mr. Markham and Mr. Vitola agreed that CAC expected that the 2012 and the 2013 allocation pledged toward McKees was sunk and that there's no need to hold up future projects to wait for the Green Energy fund to replenish before starting the next project. Mr. Markham felt this was important, because if those funds were taken out, the City was basically two months away from repaying the McKees project. He hoped the CAC would be forwarding a recommendation to Council on how to use future funds. It was also noted at the CAC meeting that the McKees project still had a section that could support more panels, which was estimated at \$50,000 to complete by the installer. He anticipated a proposal coming to Council in the future on that issue.

**Ms. Sierer:**

- Attended the DEMEC meeting, which was very informative. DEMEC will try to do them every six months.
- Attended the K9 fundraising event at Klondike Kate's and thanked Nic DeCaire from Fusion Fitness for his work on the event which raised nearly \$4,000.
- Thanked Ms. Hadden and Mr. Ruckle for attending the Greater Newark Area Interagency Council chaired by Ms. Sierer and County Councilwoman Lisa Diller. The last meeting saw 4 focus groups developed and work on a strategic plan to assist with homelessness in the greater Newark area.
- Thanked Messrs. Morehead, Markham, and Gifford for being part of the Mayor's Bike Ride as well as Ms. Houck, Mr. Nietubicz and the residents who attended, and recognized Helga Huntley and her family for their participation.
- Encouraged Council members to work with developments on beautification projects similar to the Cherry Hill Manor tree planting and offered her participation and assistance.
- Noted a tentative ceremony for the Community Garden on June 30th at 6:30 p.m. with more information to follow.

- Walked in the Memorial Day parade and was honored to carry the wreath and place it at its resting place on the Academy Lawn.
- Spoke at the New Castle County Veterans Homeless Summit last Tuesday and noted the challenge in the State of Delaware to end veterans' homelessness by the end of the year. There are 84 individuals that need placement in Delaware. All counties assisting in doing that and working with landlords to find homes for them. More updates will follow in the future.

**10. 5. SPECIAL DEPARTMENTAL REPORTS:**

**A. Special Reports from Manager & Staff**

**1. Feral Cat Initiative – Newark Police Department/Forgotten Cats**

**03:04:34**

Chief Tiernan stated that on April 30<sup>th</sup>, Animal Control Officer Donna Vickers and Lieutenant Fred Nelson met with representatives from the Forgotten Cats organization in the State of Delaware's Office of Animal Welfare in reference to the trap, neuter, return grant that Forgotten Cats received from PetSmart. The goal of the grant is to manage the feral wild cat population in the area with the assistance of the Newark Animal Control Office. Forgotten Cats will set traps in the areas identified as having problems with wild cats. Contact will be made with homeowners, apartment renters, and managers of apartments and buildings. Once the cats are trapped they will be transported to the Forgotten Cats facility in Trainer, Pennsylvania. Once at that facility the cats would be sterilized, given a rabies and other shots. Their ear would be tipped in order to signify they've gone through the program and they will be treated for any other illnesses. If the cats are young enough or social they will be adopted out. Otherwise they'll be returned to where they were found and released.

According to Forgotten Cats and the Office of Animal Welfare, the cat population goes down steadily after the program has been instituted since the cats no longer reproduce. The program has been successful in Harrington and Delaware City. The Newark Police Department supports this program. Animal Control Officer Vickers was present as well as representatives from both agencies to answer any questions.

Wynne Hewitt, Forgotten Cats/Humane Society of the United States, and Chris Motoyoshi, Office of Animal Welfare under the Delaware Division of Public Health, introduced themselves. Ms. Motoyoshi stated that from the State's perspective, there was strong support for this project as anything that helps reduce the risk of rabies is a good thing from a public health perspective. This also has been a proven, effective method used throughout the country and in Delaware to help reduce the stray cat population.

Ms. Hewitt noted that the Humane Society also supports TNR and that Forgotten Cats was not asking the City to outlay any money. Because this is being funded through PetSmart, Forgotten Cats can do the trapping, vaccinations, sterilizations, and transport without any outlay of cost for the City. They are already using volunteers to try and get the word out and have found an awful lot of cats in a lot of different areas.

What is being asked of the City is to help get the word out on the program through links on the City's website to the Forgotten Cats website, notices in bills, etc. to supplement the volunteers going door-to-door. Ms. Sierer noted that Ms. Vickers likely knows where most of the feral cats are.

Ms. Hadden asked how long the rabies shots last, do some of the cats go back for more rabies vaccinations at a later date and how long does the program last. Ms. Hewitt stated that the cats would get the equivalent of a 3-year vaccination when they first go in and would not be revaccinated. However, it was thought that any vaccination is better than none.

Ms. Motoyoshi noted that the free spay/neuter was going to be available for pet cats as well.

Ms. Sierer asked if there was any idea how many feral cats were in the City limits. Ms. Hewitt stated that PetSmart Charities uses a formula where they look at the

population in an area and they divide by 15. That has some variation depending on climate - in warmer climates there tend to be more cats. More rural places tend to have more cats. It was hard to know an accurate number as they are hard to find sometimes and feral cats do not seek out human contact. There are often more in a colony than people realize.

The goal of TNR is "manage to extinction" because when there is a food source, cats will find it, continue to breed and have kittens and the colonies tend to expand. When trapped, neutered and returned, they work with the caretakers to make sure that they gradually reduce the food supply and work with people to educate them about making sure that is not available to the cats. Then, gradually, over time they die off and the colonies get smaller and smaller.

The colonies tend to be self-maintaining so if there is only enough food for this many cats they are not going to let others in and protect their own territories. If an entire colony is spayed and neutered so there are no new kittens, they are going to maintain their own boundaries until they gradually die off. It has been proven to be the most effective way of dealing with feral cat colonies. Just killing them off does not work because if the food sources are there and the shelter is there other cats will find it.

Mr. Morehead asked if there was any data identifying life expectancy of feral cats. Ms. Hewitt did not know it offhand. Mr. Morehead noted there were some hot spots in District 1. Ms. Hewitt stated that hot spots from Ms. Vickers or other constituents helps because they can go in and target a specific area.

Ms. Sierer encouraged Ms. Vickers to email all of Council so they could provide some input and get some information from constituents regarding locations.

Ms. Hewitt noted that sometimes people are afraid the cats are going to be taken away and killed, so part of this is educating people that they are not going to do that and will bring them back to whoever is looking after them so they can continue doing that.

Mr. Gifford asked if a pet cat is caught, would the cat processed the same way or would it be returned to its owner. Ms. Hewitt stated that if they know that it's a pet cat, they will not take it unless the services are requested by the owner.

Mr. Ruckle asked if the cats were tested for rabies. Ms. Hewitt stated that only adoptable cats are tested for rabies. Those cats are also tested for feline leukemia and feline immunodeficiency virus.

Mr. Ruckle asked if they were working with other organizations. Ms. Hewitt noted she also works with Faithful Friends and several other organizations.

Mr. Markham asked how long the program will last. Ms. Hewitt stated it was a two-year grant and they are to spay and neuter 2,000 cats per year, so 4,000 cats over the length of the grant. However, Forgotten Cats has already done 8,500 cats this year, so it was the organization's hope that PetSmart Charities would give them more money to keep going.

Mr. Markham asked what the preferred habitat of the feral cats is. Ms. Hewitt stated that they turn up all over the place, anywhere there are people and food sources.

Mr. Markham asked what keeps other cats from moving in to take over a territory that was cleared out. Ms. Hewitt noted that the education piece with the caretakers was part of that to reduce the amount of food as the colony becomes smaller. Then the cats themselves will maintain it because they want to have it themselves. They will keep the other cats away and the cats will move on and find somewhere else. The idea of doing targeted TNR is to focus in a certain area to start in one area and get all the cats from there and go to the surrounding areas as well. Even if there is some migration from one area to another they will still get the bulk of the colonies in that area.

Mr. Markham asked if the survival rate for neutering was high, which Ms. Hewitt confirmed.

Mr. Morehead asked if the group was working with local vets. Ms. Hewitt replied that local vets usually earn part of their income from doing spay-neuter, so while they are letting them know that they are doing it, she did not know how much they will promote it.

Mr. Morehead asked if this was a group that could apply to the CDBG for City funding. Ms. Feeney Roser stated it would be difficult to justify low or moderate income benefit, which is what the CDBG guidelines would require but revenue sharing, however, is given to groups who will improve conditions in Newark so that was a possibility. Mr. Morehead suggested the City might be able to help out and extend the life span of the program.

Ms. Hadden supported the effort and thanked the presenters for bringing it forward.

Ms. Hewitt noted that programs like these often lead to a reduction in animal nuisance complaints, a reduction in the risk of disease and puts Newark as a progressive, humane and forward-thinking City.

Ms. Motoyoshi noted that the director for the Division of Public Health was planning to do a press conference to promote this which covers four different zip codes.

Ms. Sierer opened the floor to public comment

Helga Huntley, District One, asked which zip codes are being targeted and where people have to take their pets if they want to take advantage of the spaying, neutering and immunization services. Ms. Hewitt stated the zip codes are 19701, 19702, 19711 and 19720. Unfortunately, inadvertently 19713 was left off of the grant, however, if they get people in that area, they will do it. People could bring pets to the Forgotten Cats clinic in Trainer, PA, or if people didn't have transportation we could arrange that.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO SUPPORT THE FERAL CAT INITIATIVE PRESENTED TONIGHT.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

**11. 6. RECOMMENDATIONS ON CONTRACTS & BIDS:**

- A.** Recommendation to Award Contract No. 15-04 – Windy Hills Water Tank Repair and Painting

**03:27:08**

Mr. Coleman presented the recommendation for the repainting of the Windy Hills water tank located in the Windy Hills subdivision out on Capitol Trail. It is a 300,000 gallon elevated tank constructed in 1956 that is in need of repainting. In the recommendation, there was a list of work that will be performed. The contract was sent to 23 firms. Four came to the pre-bid meeting and the City received two prices back. Ionion Painting's proposal was in line with our engineer's estimate, which was created last year, of \$513,974. There was also a 2008 estimate of \$419,000. Using the annual growth between 2008 and 2014 and extrapolated that out to 2015, it was \$529,771, almost exactly what their proposal price was. References were checked and they all came back positive so staff is comfortable that the contractor will be able to complete the work. They also met out at the tank with the contractor and they seemed very competent.

The funding is available in W8605 in the amount of \$530,500. The City intended to paint this tank last year but did not have enough money when they got the updated estimate so it had to be pushed off a year. The 2014 inspection recommended that the City repaint within a year from when that inspection was complete, which has just passed. This is a fairly important project to get done sooner than later. The only thing aside from an approval that is holding this up now is the concrete tank project currently under way.

That will be wrapped up by the end of June. Staff recommended that Mayor and Council award Contract 15-04, Windy Hills water tank painting to Ionion Painting/Suburban Contractors for \$529,750.

Ms. Sierer asked how long the project would take once it was started. Mr. Coleman stated it will likely take eight to 10 weeks from mobilization to completion as they will have to build full containment around the tank for blasting because they are going to sandblast the interior and exterior.

Mr. Morehead asked if the concrete tank needed to be online in order to maintain pressure. Mr. Coleman stated he did not feel comfortable taking two offline since it was the primary tank for the system. Mr. Morehead asked if the City should be notifying folks preemptively about potential pressure issues. Mr. Coleman stated there was a potential for pressure issues, but was only likely if there was a fire. Under normal situations there will not be any pressure issues. The Windy Hills tank is regulated by an altitude valve. The tank is a couple feet too short so there is a valve that closes the pipe off into the tank when the water pressure would be so high it would overflow the tank. For most of the day the tank is dead storage with occasional outflow. There might be some minor pressure fluctuations but at this time staff does not anticipate anything significant.

Mr. Coleman noted that before the start of the project there is a plan to do stress testing similar to what was done with the concrete tank. The solution, if there is a problem like what was done at the concrete tank, would be essentially the same thing which was to install a pressure reducing valve and use the Louviers tank to feed down through the pressure reducing valve into the lower pressure zone. The City has a main that runs down Possum Park Road and ties in which is valved off shut now. The City would basically just need to install a valve there. The same pressure reducing valve from the other location can be reused there and save some money.

Mr. Ruckle noted that District 2 was excited that this is happening as the tank is a focal point coming in and out of the City. Mr. Coleman noted that the color will be white with the Newark logo.

Mr. Markham questioned the comfort level with the winning bidder since the bids were so drastically different. Mr. Coleman had confidence in Ionion as they were in line with the engineer's estimate, had positive references and having met with the contractor.

Mr. Morehead asked if there was a history of change orders because sometimes that was how places made their money. He also noted that two places came but did not bid and asked if Mr. Coleman knew why. Mr. Coleman noted the department was surprised to only get 4 to the pre-bid and in asking the people that did show up it seemed that the general answer was everybody was really busy right now. The only thing they can figure is that with the turn of the economy everybody is doing work now. Most of the contractors were tied up. One that did not bid was a firm out of New Castle that does mostly ground tanks, not elevated tanks.

Mr. Gifford asked if the tank painting would impact surrounding homeowners. Mr. Coleman noted that the City had been in touch with the person on the Capitol Trail side already and that they would reach out to the person on the Mulberry Road side shortly. The containment will fall within the fence line so neighbors should not be impacted aside from some mid-day noise and some construction traffic back and forth on the access road. If there were any issues with containment, then the job would get shut down.

Ms. Sierer opened the discussion to public comment. There being no comments forthcoming the discussion was returned to the table.

**MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT CONTRACT 15-04 FOR THE WINDY HILLS WATER TANK REPAIR AND PAINTING BE AWARDED TO IONION PAINTING INC./SUBURBAN CONTRACTORS, LLC J.V. IN THE TOTAL AMOUNT OF \$529,750.**

**MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.**

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

**12. 6-B. RECOMMENDATION FOR THE PURCHASE OF SANITARY SEWER ROOT FOAMING SERVICES**

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**03:35:37**

Mr. Coleman presented the recommendation for the purchase sanitary sewer root foaming services. Root intrusion in sanitary sewer systems is, next to grease, the most common cause of backups and often works in conjunction with grease. Grease builds up on the roots causing sanitary sewer overflows and backups into basements. Over the past eight or nine years the City has been working with Dukes adding lines as they find problems to have them foamed. The nature of the contract with Dukes was a guarantee if the City re-foams within a certain time period. The first time a line is foamed there is a two-year guarantee and then every subsequent foaming is a 3-year guarantee, where if there is a backup they will come back out and retreat the line at no cost to the City.

The guarantee causes lines to come back somewhat frequently, causing a lumpy distribution of where the lines fall, in what year, because smoothing them out may cause the City to forfeit the guarantee. Most years, the number is smaller and the contract is much smaller. However, this year and every third year after this, there is a higher bump. This time it was just over the contract limit at \$27,147. New Castle County has a contract with Duke's Root Control and it is part of their consent decree from the EPA to reduce sanitary sewer overflows. The City does not yet have a consent decree but it could in the future so having good housekeeping practice like this is a plus. Based on their contract pricing, the contract amount would be \$27,147.30. Mr. Coleman recommended that Mayor and Council authorize the payment from the Public Works and Water Resources operation and line maintenance contractual services account.

Mr. Markham asked where the services were concentrated. Mr. Coleman stated they are largely in wooded easement type areas, so along creeks, down backyards. There are some areas where they are in the road but most of the time they are in the woods. Mr. Markham noted they could be doing places like Redd Park, or the sewer line crossings on White Clay, which were places that the City definitely did not want to have overflows. Mr. Coleman agreed, stating that they are generally along streams when they're in woods because they are the low area so the neighborhoods run down to the stream valleys and then the interceptors run along the stream valleys out of the City. One of the largest areas was near Elon in District 1. At the Christina, the City has a 12-inch main. A lot of the segments there that were not relined in 2011 or 2012, have root problems, so adjacent to the streams is definitely one of the issues.

Ms. Sierer opened the discussion to public comment. There being no comments forthcoming the discussion was returned to the table.

**MOTION BY MR. MOREHEAD, SECONDED BY MR. CHAPMAN: THAT THE PURCHASE OF THE 2015 ROOT FOAMING PROGRAM FROM DUKE'S ROOT CONTROL, INC. IN THE AMOUNT OF \$27,147.30 FOR BUDGET YEAR 2015 AND IN ACCORDANCE WITH NCC CONTRACT NO. 15A-069, BE APPROVED.**

**MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.**

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

**13. 6-C. RECOMMENDATION ON THE PURCHASE OF REPLACEMENT VEHICLES FOR STATE OF DELAWARE CONTRACT GSS14560 – TRUCKS/VANS**

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**03:37:48**

Mr. Emerson presented a recommendation to replace two vehicles in the Parks and Recreation Department. In advance to the 2015 Capital Improvement Program, the Public Works Department evaluated the fleet and made recommendations for replacement. This evaluation takes into consideration the vehicle condition, continued needs of the vehicle, mileage and repair history. There are two vehicles in the Parks and

Recreation Department that need to be replaced. One was vehicle number 1433, which is a 2001 dump truck. The other was vehicle number 1439, a 2002 4x4 pickup truck. Both vehicles have extensive rust on the floors, the frame and the body. For several years the Department has relied heavily on hand-me-downs from other departments and needed to get away from that as a reliable vehicle was needed for these purposes.

One of the new vehicle purchases for the Parks Department would also include a plow package which was needed for plowing the downtown parking lots and the other City lots.

Funding was approved for the vehicle 1439 in the capital budget project K1304. Funding was available in the 2015 equipment replacement program for vehicle 1433 in the amount of \$75,000 and in the capital program project K1304 for vehicle 1439 in the amount of \$30,000. The total replacement cost for 1433 is \$70,013 and the cost for 1439 is \$32,378. 1439 was a bit shy of budget so we request that the City use some of the money in the capital project for 1433 to help fund that vehicle.

Mr. Emerson recommended Mayor and Council authorize the City Manager to purchase these vehicles from the State contract in the amount of \$102,391 from Winner Ford, New Jersey for the 2016 F-450 swap loader for \$70,013 and from Hertrich for an F-350 with the snow plow package at \$32,378.

Mr. Morehead asked if vehicle 1433 was a dump truck, which Mr. Emerson confirmed. Mr. Morehead asked what a hydraulic hook lift is. Mr. Emerson noted that one of the things he was able to replace in the equipment was for it to have multiple functions. This vehicle has a hydraulic hook and their roll off. One is for a dump bed and one is a chipper box. The importance of a dump bed is we have the dump truck capability but we can release that and put it on site. For example, we had a lot of volunteer groups for years that have done mulching in parks for us or place wood carpet and play equipment. With this unit we can take it, fill it, sit it on site and it can be there for volunteers that come on a Saturday. The City does not have to dump it and clean it up afterwards on the ground.

The department hauls construction equipment and construction materials. The chipper box would be something new. There is a lot of tree work in the parks, where the branches are loaded on the truck, brought to the site, dumped in locations where it has to be chipped later on, so it has to be picked up twice. Staff does not want to do that and would rather do the work with a chipper on site and take it some place to use a whole lot less storage space when they go to dump those chips. A lot of the chips will be used for various purposes but will be a convenient thing for staff to be able to use that equipment in that capacity.

Ms. Sierer opened the discussion to public comment. There being no comments forthcoming the discussion was returned to the table.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: THAT WE APPROVE THE RECOMMENDATION FOR THE PURCHASE OF REPLACEMENT VEHICLES FROM THE STATE OF DELAWARE CONTRACT GSS 14560 TRUCKS AND VANS IN THE TOTAL AMOUNT OF 102,391.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay: 0.

**14. 7. FINANCIAL STATEMENT: (Ending March 31, 2015 and April 30, 2015)**

**03:47:05**

Mr. Vitola presented the unaudited financial statements for the year-to-date periods ended March 31 and April 30 of this year. The City wide consolidated statements show an operating surplus that's about \$567,000 better than expected through April. The governmental funds show lower receipts than expected which were partially offset by lower expenses. The revenue shortfall remain primarily between Court fines and permit revenue while other areas are tracking close to the budget. Fine revenues will continue

to be down. Mr. Haines and the police have been doing interviews and actively recruiting and there are four recruits in the Academy. The downward trend will not last forever and should ultimately rebound.

Expenses were tracking under budget, mitigating revenue impact and with budget meetings underway, the need for continued cost control through 2015 will be emphasized. Lower than expected personnel costs were driving the positive expense areas and that was due to some of the open positions in the police and admin divisions.

In the enterprise funds, total revenue was positive compared to the budget through March and April which was driven by the electric utility while the water and sewer continue to track close to budget. Expenditures in the enterprise funds were 2.7% under budget through April. Sewer expenditures were particularly below budget due to a portion of sewer personnel charges currently hitting the water fund and needing to be reclassified. It was also a function of the new expense seasonalization, where the City over-seasonalized some of the budget expense early and the expenses didn't track. That was one of the two areas, IT being the other one, where the expense seasonalization was not perfect. That was something that was not changed because then they would just be changing the budget to match the spending and the statements would look perfect until suddenly at the end of the year, they were not. Staff was sticking with the numbers put in the budget at the beginning of the year for each month.

Other funds continue to benefit from low vehicle maintenance and fuel costs. Fuel costs are tracking up from the start of the year but the positive variance should still persist throughout the rest of the year. The City's cash position at the end of March was \$28.9 million. It improved to \$30.1 million at the end of April which consisted of \$9 million in operating cash and \$21.1 million in the City's cash reserves. Capital reserves were highlighted as well as cash reserves available for CIP. CIP budget hearings would be later in the summer. Operating budget hearings were underway and the CAFR was nearly complete as noted in the weekly reports.

Mr. Markham asked why the reserve stayed the same when the cash balance increased and asked if there was a reason why the City was keeping more in the operating budget and not in the reserves. Mr. Vitola noted that the City rarely made a move to the reserves and that the reserves had been growing by virtue of interest earnings and appreciation not as a result of transfers from operating cash. Operating cash could fluctuate widely from month to month and there was not very much extra benefit from moving cash over into short term instruments with the current interest environment. It was also important to have the operating cash available for liquidity heading into the summer periods. When there was \$12 million in operating cash late in 2012, \$3 million was moved to the reserves. Since then the City's cash balance has fluctuated between \$3 and \$10 million in the operating cash account and the City was on target. What did move from March to April was the City's receivables went down, but cash went up. In total, cash and receivables were both about \$24 million from period to period. Mr. Markham wanted to ensure this fit with what the City was going to spend as he felt money in the operating budget was easier to spend than the capital reserve. He noted it was good to see the number was up and it was good to know it was above the number needed.

Mr. Markham questioned if decreased fines were traffic or parking citations and if the City was down personnel in those areas. Mr. Vitola stated it was both and that the City was down 11 police positions. However, 4 currently were in the Academy, 4 more would be starting in the County Academy with a few more thereafter. All Court fines were down, but most of those were traffic and parking. Mr. Markham noted that the parking enforcement officers pay for themselves and more and that should be kept in mind.

Mr. Markham asked what the projection was on permit revenue since fewer projects seemed to be coming to the Planning Commission and Council. Mr. Vitola stated he did not have a projection for the year, but would be happy to follow up. It was a lagging number because when something was before Council for approval, it was months before it starts, the scope is known, and the permit application goes in. The permit fees are staged based on what activities being permitted at that time and ultimately the C/O fees come in. His hope was that there was a cold weather period with less activity, so it would

pick up. Things seen picking up in March and April will bring permit receipts in May, June, July as seen in the last couple of years. Low permit revenue picks up through the summer and fall, however, staff could work on a projection. Mr. Markham thought that would be in there because staff was seasonally adjusting. Mr. Vitola stated the timing could still vary.

Mr. Markham noted that sewer expenditures seemed like either the margin was high or the expenditures were low and asked if it was a timing issue. Mr. Vitola stated this one was a function. He thought the City over-seasonalized the expenses in March and April and, at the same time, there were sewer personnel expenses that were being reported in water. The City had to move those over to where they belong and live with the over-seasonalization. That was something that would not persist all year and that line would catch up. The orange line showing the budget for the year went up at a sharper, steeper angle due to putting too much of the budget expenditures in March and April.

Mr. Markham noted that the RSA number jumped between March and April and assumed that was because Council changed what the City was going to return, which Mr. Vitola confirmed.

Mr. Markham confirmed that the capital reserves was money available. Mr. Vitola stated it was available for CIP projects.

Ms. Hadden asked what prepaid expenses were under the assets category. Mr. Vitola stated they were assets because they were something that was paid for but not yet received, such as an insurance premium or a period covering more than one month.

Mr. Morehead asked if the desire to go into the summer with more operating cash on hand was to pay the electric bill. Mr. Vitola stated that the electric bill was part of it. Mr. Morehead asked for the other reasons. Mr. Vitola noted that water was typically high but that water expenses are fixed. Sewer would have a higher county bill as a result of higher water usage. Otherwise it was electric and project work that's underway. Once CIP projects get underway, there was a big cash draw. Money was spent down and then the tax receipts were collected in the fall. The fall was a good time to move money out and the City could reassess in the fall like it did in 2012. Money could always be moved over into the reserve account and then brought back. Mr. Vitola noted that the cash reserve is different from the accounting reserves, the accumulating surpluses and that they were never perfectly equal.

Mr. Morehead noted it had not occurred to him when the City moved to monthly billing for water and sewer that the City should have leveled out its cash flow to spike quarterly. Mr. Vitola stated that was happening and there was less variability in the cash. The cash balances in the last 8 months have all been pretty close to \$6-9 million. In 2013 and into 2014, that was when there were the bigger swings from \$4 million to \$9 million.

Mr. Markham asked if there was a point in time when the surplus could be moved out and it no longer was eligible for collective bargaining. Mr. Vitola replied that it did not matter where the cash sat as a revenue over expense surplus was not available to the negotiating.

MOTION BY MR. HADDEN, SECONDED BY MR. MARKHAM: THAT THE FINANCIAL STATEMENTS ENDING MARCH 31 AND APRIL 30, 2015 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

15. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None

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

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

A. **Council Members:** None

18. 10-B. **OTHERS:** None

19. 11. **APPROVAL OF CONSENT AGENDA**

**04:01:36**

- A. Approval of Council Meeting Minutes – April 27, 2015
- B. Approval of Council Meeting Minutes – May 4, 2015
- C. Receipt of Alderman’s Report – May 15, 2015
- D. ***First Reading* – Bill 15-14** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Updating Management Classifications and Establishing Field Management Emergency Essential Time – ***Second Reading* – June 8, 2015**
- E. ***First Reading* – Bill 15-15** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware By Rezoning from BL (Limited Business) to BB (Central Business District) 0.36 Acres Located at 52 North Chapel Street – ***Second Reading* – June 22, 2015**

Ms. Bensley read the Consent Agenda in its entirety.

Mr. Gifford noted that the meeting start time in item 11-A needed to be amended to 6:15 p.m.

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

20. MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT COUNCIL ENTER INTO EXECUTIVE SESSION IN FIVE MINUTES.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

21. A. **EXECUTIVE SESSION PURSUANT TO EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B)(2) FOR THE PURPOSE OF DISCUSSIONS ON SITE ACQUISITIONS FOR PUBLICLY FUNDED CAPITAL IMPROVEMENTS**

Council returned to the table at 10:42 p.m. Ms. Sierer reported that no action needed to be taken at this time.

22. **Meeting adjourned at 10:42 p.m.**

Renee K. Bensley  
Director of Legislative Services  
City Secretary