

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES
August 24, 2015**

Those present at 5:30 p.m.:

Presiding: Mayor Polly Sierer
District 1, Mark Morehead
District 2, Todd Ruckle
District 3, Rob Gifford
District 4, Margrit Hadden
District 5, Luke Chapman (arrived at 5:35 p.m.)
District 6, A. Stuart Markham

Staff Members: City Manager Carol Houck
City Secretary Renee Bensley
City Solicitor Bruce Herron
Clerk of the Court Barbara Wilkers
Community Affairs Officer Ricky Nietubicz
Deputy City Manager Andrew Haines
Finance Director Lou Vitola
Parking Supervisor Marvin Howard
Planning & Development Director Maureen Feeney Roser
Planning & Development Manager Michael Fortner

EXECUTIVE SESSIONS

- A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed
- B. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) for the purpose of a strategy session involving legal advice from an attorney-at-law regarding potential litigation

Council entered into Executive Session at 5:30 p.m. and returned to the table at 6:50 p.m. Ms. Sierer advised that Council concluded its Executive Session.

- 1. The regular Council meeting began at 7:00 p.m. with a moment of silent meditation and the Pledge of Allegiance.
- 2. MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO REMOVE ITEMS 8A, BILL 15-04, 8B, BILL 15-05, 9A, MAJOR SUBDIVISION AGREEMENT – 21, 27, 39, 45 AND 49 CENTER STREET AND 9B, SPECIAL USE PERMIT – 21, 27, 39, 45 AND 49 CENTER STREET, FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

3. PUBLIC PRESENTATIONS

- A. **Resolution 15-__**: Retirement of William Street, Fire Marshal

03:10

The resolution was unanimously endorsed by Council recognizing Mr. Street for service to the citizens of Newark since April 23, 1990 in the Code Enforcement Division.

(RESOLUTION NO. 15-Y)

- 4. 2. **ITEMS NOT ON PUBLISHED AGENDA**
 - A. Public

07:10

John Morgan, District 1, attended the Board of Adjustment meeting on 8/19/15 and commended the Board members for their hard work. He referenced some ambiguity in the Zoning Code about setbacks and heights of buildings and suggested that Council and the Planning Commission look into clarifying this in the Code.

Mr. Morgan also discussed comments made regarding parking waivers at the 10/4/11 Planning Commission meeting by Board of Adjustment Chair Jeff Bergstrom. This related to Mr. Morgan's previous discussions with Council that parking waivers were underpriced – a problem he said existed for the last four years. He encouraged the City to get to work on this issue. It was clarified by Mr. Markham and Ms. Sierer that this issue already was sent to the Planning Department for future consideration by the Planning Commission.

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

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

12:15

Caitlin Olsen, Assistant Director, Government Relations, shared several dates for upcoming events.

- 9/10, 5:30 p.m. – College of Agricultural and Natural Resources and the Food Bank's annual Evening in the Garden.
- 9/17, 7:00 p.m. – UD's Trabant Center – Sonia Manzano (Maria from Sesame Street) for Latino Heritage month.
- 8/29-31 – Student move-in weekend, classes start 9/1.

6. **1-C-2. STUDENT BODY REPRESENTATIVE:** None

7. **2-D. LOBBYIST**

15:50

Mr. Armitage misinformed Council at the last meeting regarding Substitute #2 for HB 171 (telephone pole tax). He looked at the original bill and did not realize that it had been signed by the Governor. It was signed and became law on 8/4.

HB 192 and HB 201 limiting open carry in municipal and county buildings were signed by the Governor on 8/17.

SB 144 was signed on 8/11 – it expands background checks including for volunteers and will impact Parks and Recreation. The effective date was included in the amendment so that gives the City (and others impacted) time to figure out how to manage it.

HB 177, the third party notification for utility shutoff was not yet signed.

Mr. Armitage attended the Council and State government dinner meeting for Delaware legislators. He heard a number of discussions about what the State may do to municipalities in the next budget session. He thought the real estate transfer tax might be a target and was not sure about municipal street aid. He felt all the items that were off the table this June would be back again as the budget gets crafted.

Mr. Armitage noted there was a lobbyist retreat in October. Two of the presenters were Ed Ratledge, UD Center for Applied Demography and Survey Research, and the budget director. He would report what he learned at that meeting regarding the budget to Council. Mr. Ratledge provided information about the demand for services municipalities may have going forward based on looking at the demographics in different parts of the State. Mr. Armitage thought the City might want to do a workshop with him in the future.

Mr. Armitage suggested inviting legislators as guests of the City to Taste of Newark on 9/27. Ms. Sierer sent out an invitation to members in the Newark area, so they were aware of the event. Messrs. Markham and Armitage suggested including the speaker and the senate pro tem and the co-chairs of the Joint Finance and the Bond Committees.

Before the legislative session Mr. Armitage suggested hosting a breakfast for the Newark area legislators at the Courtyard Marriott. He anticipated that the public would also be invited to be able to observe the event. His recommendation was to schedule this prior to the Thanksgiving holidays.

Mr. Armitage updated his activity report and would send it shortly – he asked Council to let him know if there was enough detail included.

Mr. Markham asked if DEFAC has met or given any feeling in where the State is headed in the past months. Mr. Armitage reported the next DEFAC meeting was September 14. Back in June they were looking at least \$170 million shortfall and it may grow. Mr. Markham wanted Mr. Armitage's take on what happens on 9/14.

8. 2-E. CITY MANAGER

24:46

Ms. Houck reported she and Ms. Sierer met with project leader Jared Wasilefsky of the Box Tops for Education project. He expected to be in a position to launch the outreach effort by mid-September. City staff was assisting with collection box development and publicity for the launch.

On 9/21 at 6:00 p.m. a Council meeting would be held on the refuse RFP at the Church of the Nazarene's Community Life Facility on Paper Mill Road. There would be a staff presentation at that time and the staff recommendation was on the City's website attached as a link to the meeting notice. Mr. Markham pointed out that the Community Life building was behind the church in the back of the property.

On 8/31 at 6:00 p.m. there would be a meeting to discuss proposed changes to the noise ordinance. The PowerPoint presentation for that evening was attached to the meeting notice on the City's website.

9. 2-F. COUNCIL MEMBERS

27:02

Mr. Chapman

- Had no comments at this time.

Mr. Gifford

- A resident of the Abbottsford neighborhood offered their appreciation for the widening of the bike lanes on Hillside Road. Ms. Houck said the drive lanes were slightly narrowed and this would be continued with future repaving.
- Attended the annual Madison picnic which was well attended.
- Asked for an update about the output of the new parking meter system and software.

Mr. Markham

- Recognized Ms. Jean White for her attendance at past Council meetings and welcomed her to tonight's meeting.
- The K-9 fundraiser raised a record amount of money of approximately \$14,000.
- Asked when Council could expect a report on Smart Meters. Ms. Houck explained the measurement and verification phase was currently underway. She thought some interim information could be provided before that was completed.

Mr. Morehead

- Council received a rebuttal of the News Journal article stating Newark's electric bills were higher than Delmarva Power. He asked if this was online for the residents. Ms. Houck said it was not but staff would put it online and would be contacting the News Journal.
- Attended the Newark Arts Alliance Rolling Revolution food truck event. He was pleased with the attendance, particularly of families. This would be an annual event.
- Attended the Board of Adjustment Traders Alley hearing. He encouraged other members of Council to attend BOA meetings to understand how important every word (and sometimes punctuation) in Code can make a difference in the outcome of hearings.

Mr. Ruckle

- Attended a meeting at Fountainview with the residents and City staff regarding Smart meters which were currently unavailable there. A variety of options were presented to them and he felt the meeting went well.
- Received a letter from the Masonic Lodge that their basement is flooding due to nearby construction – he requested staff to investigate this.

Ms. Hadden

- Attended the Madison picnic at Dickey Park. The children thoroughly enjoyed the bounce house and the picnic and activities were appreciated by all who attended.
- Thanked the Police Department FOP for their support of an event at Launch Trampoline Park for the children from the Dickey Park/Thorn Lane area.
- Attended the Board of Adjustment meeting and expressed respect for the deliberation by the members of the Board for this hearing.
- Participated in the K9 fund raising event at the Courtyard Marriott and thanked Mr. Sullivan for his assistance.
- Next meet and greet will be at 5:00 p.m. on 9/3 at Pat’s Pizza for District 4 constituents.
- Enrolled in the Citizen’s Police Academy through the Police Department. The public was invited to participate.
- The 2015 Institute for Local Government Leaders was scheduled on 10/2 through the Institute for Public Administration at UD. She encouraged Council to enroll.

Ms. Sierer

- Met with the Director of the Jefferson Awards Program and UD basketball coach Monté Ross on a fundraising drive for Newark area families in need of food assistance. The basketball players will deliver the food to the kids and spend time visiting with them.
- Kudos to the Board of Adjustment members for their volunteer service on this important committee.
- Attended a Newark Bicycle Committee meeting where City of Newark summer intern Kirsten Jones gave a presentation on her European travels to see their bicycling opportunities.
- Commend Bill Sullivan for all his efforts for the K-9 event. It was a fabulous event, and a lot of time and effort are donated to support the City’s K-9 officers and the program.
- Attended the Parks & Recreation Volunteer Picnic at the George Wilson Center. The event recognizes all the summer volunteers that work with all programs in the City throughout the summer.
- Attended the Newark Community Garden Picnic the previous evening celebrating the first year. Many recipes were shared using items grown in their gardens.
- Will also be attending the Citizens’ Police Academy and encouraged other Council members to do the same.

10. 4. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:

- A.** Reappointment of William Sullivan to the Downtown Newark Partnership for an At-Large Term to Expire July 15, 2018

42:17

Ms. Sierer noted that Mr. Sullivan would like to serve another three-year term. He attended the University of Delaware. He has been an integral part of the Taste of Newark planning committee for the last eight years and Newark Downtown Wine and Dine. He was a current board member for the past 12 years and has been active in many DNP events, leadership and as a business participant with the Courtyard Marriott.

There were no questions from Council.

There were no public comments.

MOTION BY MS. HADDEN, SECONDED BY MR. MARKHAM: THAT BILL SULLIVAN BE REAPPOINTED TO THE DOWNTOWN NEWARK PARTNERSHIP TO FILL THE AT-LARGE TERM, TERM TO EXPIRE JULY 15, 2018.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

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

11. 4-B. REAPPOINTMENT OF JAMES MCKELVEY TO THE BOARD OF ADJUSTMENT FOR AN AT-LARGE TERM TO EXPIRE SEPTEMBER 15, 2019

43:38

Ms. Sierer stated that Mr. McKelvey was not able to attend the meeting, but he was interested in serving another term on the Board of Adjustment. He has been a Newark resident for 12 years in District 4. He has a good analytical mind, curiosity and patience. He valued honesty and fairness and had leadership skills from previous work.

Ms. Hadden stated that Mr. McKelvey was very involved with the City, attended many Council meetings, gave very good advice and was very analytical. He has done well with his first term and Ms. Hadden strongly recommended his reappointment.

There were no questions from Council.

There were no public comments.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: THAT JAMES MCKELVEY BE REAPPOINTED TO THE BOARD OF ADJUSTMENT TO FILL THE AT-LARGE TERM, TERM TO EXPIRE SEPTEMBER 15, 2019.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

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

12. 5. SPECIAL DEPARTMENTAL REPORTS:

A. Special Reports from Manager & Staff: None

13. 6. RECOMMENDATIONS ON CONTRACTS & BIDS:

A. Recommendation on RFP 15-01 – Purchase of Surface Lot Parking Control Access Systems

45:31

Mr. Haines presented the recommendation for RFP 15-01, Purchase of Surface Lot Parking Control Access Systems along with Mr. Howard and Mr. Vitola.

In April, Council had a discussion regarding T2, an enforcement and software tool the City was looking to deploy, which was awarded at the 4/27/15 meeting. During that discussion, an integrated solution was also discussed to include the parking control access system and equipment. It was Council's wish to go through the RFP process at the time. The advancements in the industry have been very beneficial to operations like the City has. Staff still believes that the integrated solution is potentially a long-term process to look towards. However, at this time, staff recommended that the best investment of City dollars after a thorough process was the proposal for Parking Soft.

Mr. Haines noted that Mr. Howard was present to provide an overview of what the Parking Soft equipment could do and has the opportunity to move forward from the antiquated equipment the City has throughout its surface lots. Not having an integrated solution, the City will still have some additional steps to be able to reconcile two different platforms. The City still has to maintain separate maintenance contracts, but the application integration, development and the effort of those organizations that have been able to submit bids on this process have been very welcoming. There is about a \$200,000 difference through this proposal than before on pure value, if taken into account the different costs the City has. This is a hosted solution, so the City is able to carve out the internal expense of having another server. That was a part of the process which included Joshua Brechbuehl, IT Manager, to evaluate related IT needs. But even when the City added those numbers, staff felt this was the best solution for the City. More specifically, it is an investment on its dollar to be able to provide a modern product that can efficiently digitize all the parking lots and get an increased operation.

Staff provided the recommendation for surface lot equipment to be installed in Lots 1, 3 and 4, located behind the Galleria, M&T Bank/Caffé Gelato and Walgreens. The type of operations (automated and cashier) stayed as they currently were in the respective lots. Mr. Howard would detail the equipment capabilities and lot operations, while Mr. Vitola would detail the cost of the recommendation proposed for a total of \$425,012.00.

Mr. Howard presented the details regarding the Parking Soft equipment. When the City first looked at this equipment, staff also wanted to look at it from the customer's experience. The City wanted to ensure that the customer has a more modern experience. With Parking Soft, the City got the best of both worlds. When a customer drives in, there should be a seamless transition from start to finish. With Parking Soft, the customer will see a nice digital screen and hear a voice prompt, which will guide you through the simplified system. The customer receives a bar-coded ticket, which will cut down on unreadable tickets currently experienced with the mag stripes.

The system had very few moving parts, which meant less maintenance. When visiting the City of Newark and going to the pay station, a customer would take their ticket and put the barcode onto the barcode scanner. It will give the customer an amount owed on the touchscreen and they will be able to use credit card or cash. A benefit of this particular Parking Soft system was that it recycles dollar bills, which the current system was not able to do. After speaking with other parking departments that utilize this system, it has cut down on them pulling note vaults from one to two times a week to once a month, saving time by not having to refill the machines. Another benefit is the standardization of parts in all lots, which provided savings on maintenance and inventory.

This system has no ingestion of tickets or related equipment. Currently, a ticket is inserted, goes down a transporter, then the machine has to kick that ticket back out. Wet, damaged and/or bent tickets jammed the machine. This new system has no ingestion of tickets. The new system allows the barcode to be scanned, the machine provides an amount, the customer pays the amount, and the machine returns a new receipt that is bar-coded as well to be scanned at the exit lane. Additionally, customers would now be able to pay with credit cards at the exit lane without utilizing a separate pay station.

The Chair opened the floor to questions from Council.

Ms. Hadden asked what was in place to prevent fraud or theft (i.e. making a copy of the ticket). Mr. Howard stated it was his understanding that all the bar codes are uniquely encoded and the system will know when the code has been redeemed.

Mr. Markham asked whether the equipment would handle coins. Mr. Howard replied it would. Mr. Markham asked if there could be tie in for E-ZPass. Mr. Howard stated he believed so but would verify. In addition, there was a feature to use a smartphone app. Mr. Howard stated additional features may be implemented as the process advanced.

Mr. Morehead asked if the phone app would cost the City money. Mr. Howard stated it would not.

Mr. Gifford compared the old proposal to the current proposal and asked Mr. Haines to explain the difference. Mr. Haines stated the City would have to run integrated application software, due to having two platforms so staff time was estimated. Then staff continued comparing an integrated solution versus having the Parking Soft system. The number in the end was \$240,000 apart. Staff added the cost of an API interface between two systems, which was minimal, multiple maintenance contracts and hosting, which included monitoring of the equipment and flagging of certain codes to the City's team. The review team unanimous recommended this as the best investment for the City at this time.

Mr. Gifford asked if the total five-year number for the lease model was an accurate reflection of the difference in cost. Mr. Haines replied that it is in the lease model. The City does not represent staff time in this model as there will be extra work to do the same task then if there was an integrated solution. There have been some ideas about

potentially using this software in the existing software the City is deploying with the T-2 and to try to find a work-around for payment reconciliation. That was one of the big pieces that T-2 was trying to promote. That ability was high-value, and staff would prefer not to have to let that go. That was something that staff has identified that was believed the City needed to try. It is going to be a staff work-around to see if the City can be able to reconcile those out. Discussion continued between Messrs. Gifford and Haines regarding the difference between the former and current proposals.

Mr. Gifford asked if the RFP process was worthwhile to go through. Mr. Haines stated it was a very fruitful process and that Mr. Howard was able to use attendance at an annual conference to thoroughly vet all of the vendors and use other references.

Mr. Gifford asked if the system recycles coins as well. Mr. Howard stated he believed so and that the current system recycled coins, which was not a new technology unlike bill recycling.

Mr. Gifford asked why the City would not purchase the equipment versus lease. Mr. Vitola stated the City could save money by purchasing it now, but that it was a question of funding. The lease rate was reasonable. There was not enough money in the CIP budget in 2015 to allow for the purchase of all of the equipment. With the direction of Council, it could be done. However, funding is available in 2016-2017 for something similar. Mr. Vitola stated the lease is not overly burdensome. Mr. Gifford stated he believed the difference was reported as approximately \$30,000 over the 5 years and asked how that changed over the next few years. Mr. Vitola stated the lease payments would end in year 6 and all that remains are maintenance fees. Mr. Gifford confirmed the costs listed would be \$24,000 not the \$85,000. Mr. Vitola said that was the case.

Mr. Gifford asked if there was variability in the maintenance costs. Mr. Vitola stated the cost escalates slightly each year (2-3%). Mr. Gifford asked if the lease option is chosen did the City end up paying more if something breaks. Mr. Vitola replied it would not.

Ms. Sierer confirmed the difference in the cost to lease versus purchase would be approximately \$33,000. Mr. Vitola confirmed this.

Mr. Vitola stated Council could authorize staff to transfer the amount of money required from parking reserves toward this project, but that he had no opinion either way.

Mr. Gifford asked if validated tickets would still work, which Mr. Howard confirmed.

Mr. Howard stated all the equipment used the same type of tickets. Currently, Lot 3 and 4 are using different tickets from Lot 1. Since all machines would use the same tickets in the new system, it would cut down on product inventory.

Mr. Gifford asked why Lots 3 and 4 would not be automated and noted that cost possibly was a factor due to upfront cost. Mr. Haines stated the City would have to physically reconfigure the lots. Because of the odd shape of Lot 3 (amoeba shaped), more pay stations would be needed which would escalate the cost hundreds of thousands of dollars on the hardware alone. Mr. Gifford thanked Mr. Haines for the explanation and that would explain why both a teller and an automated teller are there.

Ms. Sierer asked how long it would take to complete the installation. Mr. Howard believed it would be about 45 days, but would confirm this.

Mr. Morehead asked if the proposed new system would collect data and provide management tools, which Mr. Howard confirmed it would.

Mr. Ruckle asked if the new system be able to tell if the lot was full, would it notify the person prior to entry and would the system be able to indicate how many spots are open at a given time. Mr. Howard stated it will have a sign indicating if the lot was full, however, there are always people exiting, so the City would not want to close the lot. He will check whether it would indicate how many open spots are available.

Mr. Gifford asked if drivers can exit a lot if they do not find a spot. Mr. Howard stated there is a ten minute grace period.

The Chair opened the discussion to the public.

John Morgan, District 1, asked what the total cost of the project would be. Mr. Vitola stated \$400,000 is the total cost of five years of lease payments and the required maintenance over the five years. Commencing year six, the cost would be \$24,000+ in maintenance from year six on.

Mr. Morgan asked if any money from the parking waiver program was going toward the purchase, which Mr. Vitola stated it did not.

Mr. Morgan asked how long the company had been in business and how long the technology had been around. Mr. Howard stated the company has been in business for over 10 years. The technology was a technology that has been used. Mr. Howard talked to customers who used the product, and they were very happy with it.

Mr. Morgan stated his inclination was to go with the lease. If something went wrong, the City could get out of the lease more easily than if they purchased everything, especially if the vendor was required to provide software updates and maintenance.

Seeing no additional comments, the Chair brought the discussion back to the table.

Mr. Morehead asked if the City had a requirement to keep its reserves at a certain level, which Mr. Vitola confirmed. Mr. Morehead asked if the City was below that. Mr. Vitola said the parking fund numbers were below the threshold. Mr. Morehead said that would lean towards the lease. Mr. Vitola replied that was one of the reasons that the recommendation to this point is a lease.

Mr. Gifford asked if it was possible to get out of the lease or was it a five year contract. Mr. Vitola stated he believed it was a five-year contract. Mr. Gifford stated he was following up on an earlier question and that either way, the City owned it, and the City was paying it.

MOTION BY MR. CHAPMAN, SECONDED BY MR. RUCKLE: TO APPROVE THE RECOMMENDATION ON RFP 15-01 AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE 7 to 0.

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

17. 7. **FINANCIAL STATEMENT:** None

18. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING**
C. **Bill 15-21 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Increasing Parking Meter Fines and Adding an Administrative Billing Fee**

01:09:45

Ms. Bensley read Bill 15-21 by title only.

MOTION BY MS. HADDEN, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 15-21.

Mr. Haines stated that at the April 27, 2015 Council Meeting, the contract was awarded for an enforcement and software tool to T-2 Systems. During the deployment, Mr. Howard and Ms. Wilkers have been working with the vendor regarding the uploading of all items in Code, to make sure court can have it uploaded and working from day one.

Through that process, Ms. Wilkers was able to identify things that needed to be clarified. There was language in the Ordinance to reference fines doubling instead of

listing separate numbers throughout the Code. Also, from an administrative process, there was a desire to have things itemized and clarified about the administrative fee.

This Ordinance addressed all the day-to-day tasks that Ms. Wilkers was able to address. While Council was looking at that, staff also wanted to address the City's fees. It has been many years since the City increased the meter fine fee. It was determined that the City was below its peers; even peers in the same jurisdiction as University of Delaware has a \$20 meter expiration fee, and the City's was \$15. Staff thought it was appropriate to have an expiration fee equal within the city.

Also, as noted, the City is still below its peers. Some are seasonal and there were different reasons for some of the much more severe fees levied for meter expiration in other jurisdictions.

The Chair opened the floor to questions from Council.

Mr. Gifford asked if the \$7.50 fee had a new cost associated with it. Ms. Wilkers stated the current fee was \$5.00. An additional \$2.50 was being added help to cover the cost of the new T-2 system for the extra billing charge the City will now incur. Mr. Gifford asked what the \$5.00 fee was and if it appeared in the Code. Ms. Wilkers stated the \$5.00 fee has been in place in the 26 years she has been with the Court. Initially it was \$2.50 and then it increased to \$5.00. Ms. Bensley, Mr. Herron, and Ms. Wilkers spent a long time looking through the Code to see where it was spelled out, but somewhere it got lost. Staff wanted to bring it out in clarity, so everybody knows that not only does their bill double after 30 days, but there is a fee added for the administration of the bill. Mr. Gifford confirmed the fee is not added until after 30 days have passed, which Ms. Wilkers stated was the case and that when the bill was mailed, the fee was added. Mr. Gifford questioned why the fee is added when the fine is doubled. He noted it was interesting the \$5.00 fee already exists. He asked what happened with all the fees previously charged and would this create an issue since it is not noted in Code. Ms. Wilkers stated she was not certain it was not in the Code, but it could not be determined in the administrative costs.

Mr. Gifford stated it was his opinion it should be contained somewhere in the Code. He asked Mr. Herron for his opinion. Mr. Herron stated it was an administrative cost that the City has been recovering and it should be included in the Code.

Mr. Gifford replied that he was a little confused why the City charged an administrative fee when the fine was doubled and questioned if the doubling of the fine was the fee. Ms. Wilkers stated other local jurisdictions have fees. She stated to her knowledge the University increases the fees after ten or fifteen days. She reported there was additional staff time associated with mailing the bill.

Mr. Gifford asked if a significant number of people went over the 30 days and asked for an approximate number. Mr. Haines replied the annual average of unpaid citations is \$75,000. The new system will assist in tracking these. Ms. Wilkers stated on average her staff has to look up 500 addresses per month to input into the system to mail the bills. On average 10% remain unpaid from that point forward.

Mr. Ruckle asked how someone would dispute a ticket. Ms. Wilkers stated it is written on the ticket they come in Monday or Wednesday, from 8:00 a.m. to 10:00 a.m. A Parking Ambassador is present to talk to them. If a decision cannot be reached then the matter goes before the judge same day. Sending a written explanation to be reviewed by the judge is also permitted. Mr. Ruckle asked if a parking ticket can be appealed to the Court of Common Pleas. Ms. Wilkers stated a parking ticket cannot be appealed.

Mr. Morehead stated he was curious about the Parking Ambassadors being a very positive experience and the possibility of making it a negative experience by increasing fines and asked about the thought process behind why the City would do that, since the City is trying to encourage folks coming from out of town and encourage economic development downtown. Mr. Haines reported Mr. Howard was working with the Parking Ambassador team. A scenario that the City could have would be encouragement from a Parking Ambassador to say, "Can you please move along?" That has happened.

Merchants have talked to Mr. Howard. The City was seeing that. That was kind of an evolution that is changing in some perspectives of what the City has been doing. Part of this was also the challenge the City has on a daily basis. There were some comments or assumptions made in the newspaper about why it was happening. When staff was going through this process, they chose to take the time to say what the benchmark was, and what were other organizations doing with parking enforcement, not only at the University of Delaware, but looking at Wilmington. Those numbers showed the City were \$5.00 below the University of Delaware. In the event there is an event where someone does try to cheat the system, or there is an expiration of the ticket, in the interest of equity of the fine within the city, staff felt it was merited to move it up to \$20.

Mr. Chapman stated he was trying to recall in reference to the conversation the City had in April initiated by Ms. Wilkers and her staff. Letting staff know that if it came to Council to have a discussion that it is overwhelming the Court and there is a realization that the City may not be capturing in fines and fees the true cost of administering the process of collecting. Ms. Wilkers confirmed Mr. Chapman was correct.

Mr. Chapman stated he did not have a problem with any of the amendments proposed, except for Amendment 3, the increase of the parking violation of the meter fine increased to \$20.00 from \$15.00. It was his opinion that increase was the only one that didn't seem to necessarily have a direct relation to that the City is not charging enough to cover the costs. He does not like the concept of, "Well, everyone around us is charging this. Therefore, we feel we can get away with it." He would rather see it was in line with what the City needed to do to cover the costs associated with collecting the fines. He still felt like \$15.00 was a lot of money in college and enough to make students want to put a quarter in the next time. Unless staff told him that the City needed to raise the fine to cover costs, he would tend to remove that.

Ms. Wilkers noted that if students park at a University of Delaware meter, they can incur a \$20.00 fine. If they park at a City meter, it is a \$15.00 fine. In her opinion, students would use City meters and City streets, because they could get a ticket for \$15.00, rather than park in the University lot and get one for \$20.00 that will increase to \$30.00 in ten days. They were going to be filling City streets more versus residents or other people.

Mr. Markham noted that when with City raised this issue many years ago, people stated because it was just \$5.00 it wasn't worth feeding the meter and they would incur the fine. That was when the fine was raised to \$15.00. He wondered if the same reasoning was there and were the meters not being paid, because the fine was too low. The idea was to pay the meter, not get the fine.

Mr. Chapman stated the parking meter fee was already less for City meters versus University meters. The logic applied, assuming that students would first look to pay the incremental charge rather than just the cost of the regular meter fine, was that the City should also be aligned with 15 minute incremental cost. The City need to leave on-street parking spaces available for non-student patrons and businesses. Mr. Haines said there was a compounding affect in changing the rates because the City wanted to balance with off-street lots. The City started looking at rate structures with dynamic rate structures being discussed approximately nine months ago. It was a math game for some students that came into Court. They played the odds that they would not get caught every time and took up the parking spaces. Specifically, that the City's doubling rate was 30 days, when the university's was quicker which meant a bigger punitive impact on university lots.

Mr. Morehead asked Ms. Wilkers if City fines continue to double. Ms. Wilkers stated the City's only double the one time.

Ms. Hadden stated in some places, they don't get their certificate when they graduate until they pay the bill.

Mr. Ruckle reported the University informed him they can hold the release of transcripts for unpaid tickets and asked what happened if violators did not pay City parking fines. Ms. Wilkers stated after 5 tickets, violators went on the boot list. If they were caught on the city streets, they would be booted. They cannot get the boot off until they pay the

bill in full. Other than that, with the new T-2 system coming in, the City was doing the doubling, sending them the bills, and hoped to have T-2 start collections for those that did not pay. The City held them on the books for a few years, and after that wrote them off.

Mr. Ruckle stated if they are a onetime visitor to Newark and get ticketed there was no enforcement except to send letters. Ms. Wilkers said not at this point. With the new system coming in, the City is going to hopefully attach the tickets to Department of Motor Vehicles records, and they would show up on licenses.

Mr. Gifford wanted to make a comment similar to Mr. Chapman. The City was trying to use parking meters to keep people rotating and moving. It just seemed that the City was raising this to collect extra funding, without hard data to say the reason students were picking City meters over university meters. He felt now was not the right time to raise that rate to \$20.00.

The Chair opened the floor to public comment.

Mr. Morgan, District 1, stated he would like to endorse some of the comments that Messrs. Chapman and Gifford made. He noted that the Newark Post article stated that revenue from fines was down by about 30% and that the proposal increased the fine amount from \$15 to \$20, which was a 33% increase and would leave the amount from the fines nearly the same, assuming people get fined at the same rate. He recalled that when there was talk about having the new smart meters that it was expected that the fine revenue would go down, while the amount collected would go up. He asked if the sum of the fines and the ordinary parking revenue had gone down, up, or stayed about the same. Mr. Vitola stated he could not commit to a number, but thought it was up.

Mr. Morgan said he would like to make a comment about comparing with the university. For a lot of reasons that the City has heard about tonight, the university is a captive market. Whereas, people who shop do not have to come to Main Street and could go to a lot of other places. If the City wanted to have a nice, pleasant experience for visitors to drive here from other communities, he felt the City did not want to give them an unpleasant experience where they unexpectedly get hit with a parking ticket because they drove away 5 minutes after it expired. He urged Council not to raise the fine by \$5.00.

Helga Huntley, District 1, felt the purpose of having the fee in the first place is to get people to actually pay what they're expected to pay, rather get them to pay the fine. A daily permit at the university was \$12.00. If students play the numbers game, they may think, "Well, I may get caught every other day parking at a city meter, that's much cheaper with the \$15.00 fine, than actually paying what the university would charge you for a day's worth of parking." Ms. Huntley also questioned whether with the new meters the City was actually able to monitor how long it has been since somebody's meter ran out and if there could be some kind of grace period, or a staggering of the fine. For example, if someone was only five minutes late, they got a slap on the wrist, but if they were two hours late, they got a larger fine.

Seeing no additional comments, the Chair brought the discussion back to the table.

Mr. Morehead asked if there was a fee for administrative costs for the boot. Ms. Wilkers replied there was a \$75.00 fee. Mr. Morehead asked if that was in addition to the five tickets they haven't paid that have probably doubled. Ms. Wilkers replied yes.

Question on the Motion was called.

AMENDMENT BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: TO AMEND AMENDMENT 3, TO LEAVE THE \$15.00 FINE, NOT INCREASE THE FINE TO \$20.00, BUT GO AHEAD AND STRIKE THE REMAINDER OF THE TEXT STATING, "IF SAID FINE IS NOT PAID WITHIN 30 DAYS OF THE DATE OF THE ISSUANCE OF THE SUMMONS, THE FINE SHALL BE \$30.00."

MOTION PASSED: VOTE: 6 to 1

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

MOTION BY MR. CHAPMAN: SECONDED BY MR. GIFFORD: TO APPROVE
BILL 15-21 AS AMENDED.

MOTION PASSED: VOTE: 7 to 0

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

(ORDINANCE NO. 15-17)

**19. 9. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR
PLANNING & DEVELOPMENT DEPARTMENT**

- C.** Request of ZRC Operations Company, LLC for a Special Use Permit to Allow a Cafeteria-Style Restaurant at the Business, Qdoba Mexican Grill, to be Located at 58 East Main Street

01:34:11

(Secretary's Note: The public hearings for 9-C and 9-D were held simultaneously.)

Mr. Fortner presented the Special Use Permit applications for the proposed Qdoba Mexican Grill. He noted that the first Special Use Permit was for a cafeteria-style restaurant which was a conditional use and defined as "Any restaurant with more than 25 seats but less than 10 seats serving primarily fresh food cooked or prepared to order, including but not limited to sandwiches, pizzas, salads, and soups to patrons for pick up at the counter for consumption on or off the premises, with some exceptions."

The second Special Use Permit was to serve alcohol on the premises. Alcohol sales were regulated through Section 32-56.4 Facilities Selling Alcoholic Beverages for Consumption on Premises and Restaurant Patios, and the Special Use Permit was in Section 32-79, which stated that "Council may grant a Special Use Permit provided it does not adversely affect the health and safety of persons residing or working in the surrounding area." The Planning and Development Department determined that the application would not be injurious to the public welfare, property, or improvements to the neighborhood. The application was not in conflict with the purposes of the comprehensive development plan for the city.

Mr. Fortner reported City staff reviewed the application and found it consistent with the Comprehensive Development Plan that called for commercial businesses on the first floor. Qdoba stated in its application that the restaurant would close at midnight, which conformed to Newark's closing regulations. The restaurant would need another Special Use Permit to go beyond that time. The Planning and Development Department noted that the applicant had enough parking, with the site approved. The Police Department have no concerns with the application, and Code Enforcement says they follow all building and fire codes.

Mr. Fortner stated that Mr. Markham had asked if there were any other cafeteria-style restaurants that also serve alcohol with a dual permit like this. The answer is that the City hasn't done a dual permit like this for a cafeteria-style restaurant Special Use Permit, and an alcohol Special Use Permit. However, there were restaurants within the City that had similar setups, including Margherita's, Cosi (food is delivered to the table instead of taken from the counter), Claymont Steak Shop and Seasons' Pizza. Mr. Fortner stated that the City had never granted a Special Use Permit and an alcohol Special Use Permit at the same time, but that the City did have restaurants that operated like that. It was an emerging trend in the restaurant business and Qdoba, Chipotle and Noodles were all chains where many of their restaurants were cafeteria-style and served alcohol. Mr. Fortner introduced Bryce Sauers of Qdoba Mexican Grill to answer any questions regarding guidelines and training for their employees to serve alcohol.

Mr. Markham confirmed both items will be discussed together but will be voted on separately.

Mr. Markham noted that he had been to other Qdoba locations that do not sell alcohol. Mr. Sauers stated that roughly 500 out of 650+ stores nationwide did sell alcohol.

Mr. Markham stated that in the past, Council did not give alcohol permits to cafeteria-style restaurants and stated he would not support the application. He felt that other restaurants such as Chipotle and El Diablo would be following with the same request if this was granted.

Mr. Gifford asked if the Wood Fired Pizza Shop was classified as a regular restaurant. Mr. Fortner stated that they brought the food to the table and that they were zoned as BC, which was different than downtown zoning, meaning they may have some different regulations. Mr. Gifford noted there were easy ways around the cafeteria-style designation, however, Mr. Markham noted that Qdoba would have to modify its whole setup to comply.

Ms. Hadden asked how the alcohol would make it to the table. Mr. Sauers noted it was sold at the point of sale by the manager who checked IDs for anybody that would look under 35 years old.

Ms. Sierer asked if the patron could select their own alcohol. Mr. Sauers stated that the alcohol was given to the customer from a cooler behind the counter by the manager after IDs were checked and it was taken to the table with them.

Mr. Gifford asked if the alcohol was opened for the patron, which Mr. Sauers confirmed. Mr. Gifford asked if there was any maximum cap on number of drinks. Mr. Sauers thought it was two per hour, but it was also based off other factors such as whether they have eaten, etc.

Ms. Sierer clarified that this setup was like the setup for alcohol at the other restaurants mentioned earlier, which Mr. Fortner confirmed.

Mr. Chapman asked if Council would be able to put restrictions on how alcohol was served, what types of alcohol could be sold, and what the serving methodologies are as part of the Special Use Permit. Mr. Fortner stated that Council could limit it and that Council had the right to pull it, if there's a problem. There have been places where Council has limited it to beer and wine and some places have self-limited. Mr. Fortner confirmed that this request was limited to bottled/canned beer and wine.

Mr. Chapman asked if this recommendation specifically provided the opportunity and solicit permission for the applicant to produce Happy Hour specials between the hours of 4:00 to 9:00 p.m. Mr. Fortner stated that section of the recommendation regulated the Happy Hour and that the Special Use Permit was for the ability to serve alcohol. Council could add certain conditions if desired such as no happy hours or limiting to beer and wine. Mr. Chapman asked if restrictions would conflict with any State laws. Mr. Herron stated that Council could put restrictions on the special use permit.

The Chair opened the floor to public comment.

Mr. Morgan, District 1, expressed concerns similar to Mr. Markham and others about the combination of the cafeteria-style restaurant with the alcoholic beverages and the potential for underage consumption. He felt it was really hard for anyone including the wait staff and manager to monitor who's actually drinking what beverage at a table. He felt that, from the standpoint of the business, if it doesn't want to be driven out of business because of serving minors, they would want to make sure that, if alcohol is being served at a table, that all the people sitting at the table were at least 21 years-old. He felt it was fairly problematic for the owners and managers of the restaurant as well as the wait staff because they could get arrested if they accidentally served or allowed underage patrons to be served alcohol.

Seeing no additional comments, the Chair brought the discussion back to the table.

MOTION BY MR. MARKHAM, SECONDED BY MR. GIFFORD: TO APPROVE A SPECIAL USE PERMIT TO ALLOW A CAFETERIA-STYLE RESTAURANT AT THE PROPOSED LOCATION OF QDOBA MEXICAN GRILL.

MOTION PASSED: VOTE: 7 to 0

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

20. 9-D. REQUEST OF ZRC OPERATIONS COMPANY, LLC FOR A SPECIAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE BUSINESS, QDOBA MEXICAN GRILL, TO BE LOCATED AT 58 EAST MAIN STREET

01:51:08

Mr. Ruckle asked if this could lead to a restaurant like McDonald's or Burger King requesting to serve beer and wine. Mr. Fortner stated that if McDonald's wanted to serve beer and they met City requirements, they could petition council for a special use permit. Mr. Ruckle asked if Qdoba could have a manager serve alcohol at the table to increase monitoring. Mr. Sauers noted that the brand is not setup in that style as the managers are managing, running a register, etc. and is not set up to do table service. The staff does table checks where they actually go out and talk to the guests and make sure everything is going well. That's a lot of the monitoring process with having an alcohol system. All the employees would be trained to ensure that they are checking on the tables if there's alcohol there to make sure that there were no issues. Mr. Ruckle felt there was a risk if a minor was drinking in the establishment and asked if Mr. Sauers was willing to take that risk, to which Mr. Sauers replied as a company, yes.

Mr. Gifford felt that risk was taken at a regular restaurant, too, if there was a minor at the table. Mr. Ruckle noted that if they were not having people constantly monitoring it, it's more inclined to possibly have it. Mr. Gifford stated that the wait staff is not constantly monitoring it, either. He noted that at some point, restaurants do have to trust the individual, and Council can rescind the Special Use Permit at any time. He was willing to give them the opportunity to show what they had. Ms. Sierer agreed with Mr. Gifford.

MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: TO FURTHER RESTRICT ANY HAPPY HOUR OR SPECIALS OF ANY KIND TO STRIKE THE LANGUAGE THAT SPECIFICALLY ALLOWS HAPPY HOUR REDUCED PRICE ALCOHOLIC SPECIALS AND ALCOHOLIC BEVERAGE PROMOTIONAL ACTIVITIES TO BE NOT BE ALLOWED ANY TIME.

MOTION PASSED: VOTE: 5 to 2

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

MOTION BY MR. GIFFORD: TO APPROVE THE SPECIAL USE PERMIT AS AMENDED.

MOTION FAILED DUE TO LACK OF A SECOND.

Mr. Gifford and Mr. Ruckle discussed the possibility of further motions, but none were offered.

23. 10. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

1. Discussion Regarding the Process for Deciding on the Refuse RFP

01:58:09

Mr. Gifford requested this be placed on the agenda because he wanted to answer some questions about the process. The staff had already provided the information well in advance of the meeting, which was excellent. Mr. Gifford wanted a general agreement between Council to have a discussion on the topic at the 9/21 meeting, but delay the vote from that meeting to a future date which could be left open. Several constituents knew

they were not going to be able to attend the meeting, and wanted to hear the results. They want to be able to learn as much information about it as possible. Inevitably something new comes up at hearings and presentations, and he thought that it would be wise for such a large impactful decision to be able to communicate that to the public. He was not able to communicate that now because Council could vote on it right there and then as the meeting was now set up. He wanted to have a discussion and get feedback from other council members. He had not approached anyone else about this particular topic, but wanted to hear Council's opinions and ideas.

Mr. Markham asked how much time Mr. Gifford thought the community needed to digest and asked staff if council wanted to implement the recommendation, how much lead time did staff need to be able to launch the initiative for next year.

Mr. Gifford did not think Council needed much time in between, just enough time to reflect on it. Mr. Gifford asked when the next Council meeting would be, which Ms. Bensley stated 9/28. Mr. Gifford stated that he would be perfectly willing to leave it. He would like more than a week, but a week would be enough. He just wanted to be able to digest the information learned at the meeting. He could do that in a week with the public. Two weeks would be nice, but it would have to be three if it would be a separate meeting.

Ms. Bensley noted that staff could notice the RFP recommendation on the meeting agenda for 9/28 when the agenda was issued on 9/21, if council decided that they wanted to consider it on 9/28.

Mr. Gifford noted that Mr. Morehead was shaking his head about one week not being enough and asked if anyone else had an opinion on one week. He noted that the City would get into budget season at that point, and that made things difficult.

Ms. Houck stated that from the staff perspective, the recommendation is made. Staff would be prepared for the 28th and would like to notice it as such. It did have budget implications, and staff would be in the middle of preparing things. The sooner that staff knew the direction, the better. Certainly if there was a reason more time was needed, Council could always adjust on 9/28 and pull it.

Ms. Sierer noted that the next meeting would be 10/12 which would have a 6:00 budget workshop potentially, and a 7:00 council meeting and would be three weeks. She asked if that timing would be problematic from a budget standpoint if Council discussed it that evening. Ms. Houck stated that staff had the figures and were getting closer to the time where staff was trying to get the budget prepared for the public hearings. If Council was inclined to move forward on 9/28, staff would like to do so.

Mr. Gifford felt it would be okay to notice 9/28. Council members could change their minds, but he needed at least a week to reflect on what was discussed at the 9/21 meeting. More time was always fine, but he did not need that amount of time. He wanted to be able to allay some folks' fears that they were not going to be able to put their comments in because they could not go to that meeting. They would be able to get their comments to Council, and he had plenty of time to communicate that up front. He had more than the two weeks that he requested. It was nice and clear. Council could say, "This is the general procedure we're looking at. You have the information now. We're going to have a full meeting on 9/21, and then we could consider it as early as the 9/28." He was okay communicating that. Ms. Sierer and Mr. Ruckle agreed with Mr. Gifford.

Ms. Houck added that she thought at the end of the meeting on 9/21, staff would have an idea of some questions, and how quickly they could turn something around. If there was some stone left unturned, staff could let Council know fairly quickly whether they would be able to make it for the 9/28. She was committed to having staff do the work necessary in order to hit that date.

Mr. Morehead felt this was a fundamental question on the rights of the citizens to oversee and have appropriate time to consider with full information provided. Right now Council and the public had the recommendation, but more information comes out and more questions are asked from the presentation information and discussion that happens

at the workshop. He was not comfortable that one week was sufficient for the public on a major issue for everyone to be familiar with the information that would be available at the time. When the answers are provided on 9/28, he felt it was "here's the information, make a decision." He wanted the public to be able to provide their input and for the media to have time to report on the events of the meetings. He felt the residents deserved to weigh in and wanted to see a minimum of two weeks between the meeting and the decision.

Mr. Gifford stated that the real commitment he was looking for tonight was that Council was not going to make a decision on the 9/21. Council members expressed consensus on that point.

Mr. Chapman asked if Council needed to change the title from special meeting to a workshop. Ms. Bensley stated that it did not have to be changed. Mr. Gifford stated that Council was making an agreement, to not move forward. Ms. Houck thought that the notice should be changed tomorrow because it does say, "And potential council action regarding..." It was a simple change in advance. It was early, so there was time to change it and she felt it should be done. Ms. Sierer and Mr. Chapman agreed.

Mr. Chapman asked if everything being presented in that workshop has been given to Council in their packets that evening. Ms. Houck stated that everything but the PowerPoint presentation was there, and that would be given to Council in advance as well. Mr. Chapman asked if the information was available online, which Ms. Houck confirmed. Ms. Houck stated the PowerPoint would be posted when it was completed and that staff hoped it would be up much sooner than seven days prior to the meeting.

Mr. Chapman stated that the information has obviously already been discussed with the media. The City's current refuse collectors are actively talking to residents whenever they have the opportunity which was prompting residents to stop him which was great. The City could advertise that this information is on the website prior to the meeting. Council has a meeting for a reason, and it gives that appropriate time to shift. For Council not to be not having all the information that they want when it comes to the rest of the budgetary decisions, he would like this to at least be noticed and be on the agenda for 9/28. If it's not going to go through, and staff's preparing for it as is their recommendation I would assume, they're probably building their A option budget off of it being approved. If Council does not approve that, he wanted staff to have enough time to switch gears and give us the next best option.

Mr. Markham felt that workshop implied the decision remained and that 9/28 was not going to be enough time.

Mr. Chapman noted that if Council could agree on one week not only could Council start preparing, but they could be giving the general public an idea of how quickly they need to turn around their comments and concerns. Staff would have an idea about how long they are going to have turn around responses.

Mr. Gifford asked what the 10/7 meeting was, which Ms. Hadden noted was the broadband meeting. Ms. Sierer noted that 10/5 was the next Comp Plan meeting.

Mr. Gifford noted he was okay with 10/12 and with the workshop. He thought that communicated to the public that Council would make a decision later, which he wanted.

Ms. Houck agreed with Council regarding the workshop titling and noted that always was something that Mayor and Council did not make decisions at and there were discussions. She asked for clarification regarding the titling of meetings and the decision to mirror what the State does. Ms. Bensley stated that the ordinance passed last year by Council enumerated what regular meetings, workshops, special meetings, and emergency meetings were. For regular meetings, Council decided instead of leaving it at just the meetings held regularly on the second and fourth Monday, regular meetings would be any meeting that was noticed seven days or more in advance to match the State definition. The City does have a workshop definition in the code. It specifically says that direction can be given to staff but that no votes will be taken. Based on the fact that the original intent was to potentially have Council make a decision on 9/21, that was why it

was noticed as a meeting as opposed to a workshop. The notice will be amended if there was a decision this evening to change that.

The Chair opened the floor to public comment.

Mr. Morgan, District 1, was pleased by the direction that the discussion at the table went and felt that most citizens would learn about what happened at the workshop by reading the Newark Post on the Friday, 9/25, which would give them one weekend to think about this if the vote were on 9/28. He felt it would not be possible for some research to be done by 9/28 and preferred 10/12.

Al Porach, District 2, expressed his feeling that Newark was unique and that other cities in Delaware that had contracted out refuse collection were not comparable. He noted concerns about the potential issues that outsourced trash collection would have in relationship to student rentals and move-in/move-out time

Helga Huntley, District 1, endorsed the decision to make this into a workshop rather than a special meeting because she felt it was misleading to the public. She encouraged better noticing and linking on the website and in e-mails. She did not agree with noticing the vote for 9/28 before the 9/21 workshop occurred. She was also concerned about holding a government meeting in a church facility.

Seeing no additional comments, the Chair brought the discussion back to the table.

Mr. Morehead requested that the refuse recommendation link be posted in the menu on the left side of the front page of the website. Ms. Houck agreed to place the link in that location and stated staff would look into the issues Ms. Huntley referenced.

Ms. Sierer asked for general consensus to notice the 9/21 meeting as a workshop to which there was no objections. Council also agreed to plan for the vote on the refuse RFP on 10/12 by consensus.

24. 10-B. OTHERS: None

25. 11. APPROVAL OF CONSENT AGENDA

02:22:32

Ms. Bensley read the Consent Agenda in its entirety.

- A.** Approval of Council Meeting Minutes – August 3, 2015
- B.** Approval of Council Meeting Minutes – August 10, 2015
- C.** Receipt of Alderman’s Report – August 11, 2015
- D.** Receipt of Planning Commission Minutes – July 7, 2015
- E.** Receipt of Annual Real Estate Tax Assessment Billing Roll For July 1, 2015- June 30, 2016
- F.** Resignation of Carol Riggs from the District 6 Position on the Conservation Advisory Commission

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

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

26. Meeting adjourned at 9:19 p.m.

Renee K. Bensley
Director of Legislative Services
City Secretary