

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**February 11, 2008**

Those present at 8:00 pm:

Presiding: Vance A. Funk, Mayor  
District 1, Paul J. Pomeroy  
District 2, Jerry Clifton  
District 3, Doug Tuttle  
District 4, David J. Athey  
District 5, Frank J. Osborne  
District 6, A. Stuart Markham

Staff Members: City Manager Carl F. Luft  
City Secretary Susan A. Lamblack  
Assistant to the City Manager Carol S. Houck  
Planning Director Roy H. Lopata  
Parks & Recreation Director Charlie Emerson  
Finance Director Dennis McFarland

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1. The meeting began with a moment of silent meditation and pledge to the flag.

2. **PRESENTATION OF JEFFERSON AWARDS CERTIFICATE OF EXCELLENCE**

The following nominees were recognized for their volunteerism and given a Jefferson Award Certificate of Excellence:

Fred Dawson – nominated for his outstanding philanthropic efforts as founder and member of Club Phred, a local rock band that donates funds from their performances to many local organizations.

Carol Houck – nominated for her outstanding volunteer service as a mentor with the Christina School District and coordinator of a mentoring program involving City of Newark employees and several local schools.

Joshua Kling – a full-time student at the University of Delaware nominated for serving as a volunteer fire fighter for Aetna Hose, Hook & Ladder in the City of Newark who logged in over 300 hours of emergency services training.

Paige Lawyer – a Newark High School student nominated because of her outstanding service in raising funds for the American Cancer Society in conjunction with the Delaware Ice Theatre and for her volunteer efforts at the Food Bank.

Dorothy Miller – nominated for her outstanding work in preserving over 5,000 acres of land along the White Clay Creek, an effort she began in the late 1960's. She is well known for her leadership in bringing together citizens and government officials in seeking public land donations.

David Rudy – nominated for his outstanding service as a volunteer to the elderly through many organizations such as Meals on Wheels and AARP. His impact to the community is immeasurable, as he has spearheaded efforts to provide talented volunteers to non-profit organizations.

3. **2. CITY SECRETARY'S MINUTES FOR COUNCIL APPROVAL:**

A. Regular Council Meeting of January 28, 2008

There being no additions or corrections to the minutes, they were approved as received.

4. **3. ITEMS NOT ON PUBLISHED AGENDA:**

A. Public

Steve Purvis, 9 E. Mill Station Road, a Newark resident for 20 years, expressed his appreciation to Council and the staff for the good job they do with the services provided to Newark residents. In particular, he praised Messrs. Lopata and Lapointe who have been very helpful to the West Branch Civic Association. He also noted that Mr. Pomeroy's newsletters were very informative as well as Mr. Markham's website that was now linked to the West Branch website. He heard that many citizens were concerned they may lose services such as snow removal because of the reservoir lawsuit. Therefore, he thought it was important for the City to let the public know that services would continue no matter the outcome from that litigation.

5. **3-B. UNIVERSITY**

1. Administration

There were no comments forthcoming.

6. **3-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

7. **3-C. COUNCIL MEMBERS**

Mr. Markham advised that the last time he was in City Hall he ran into a group from AmeriCorps, and it was his impression they were looking for a project to do at no cost to the City. Ms. Fogg met with the group and advised they were looking for information on the City and directed them to Mr. Lopata who provided them with a brief history of Newark and answered several questions that were raised. It was Mr. Lopata's understanding that their assignment was to spend several days in the City and accomplish a checklist of things they were assigned, one of which was to visit City Hall. The group did not indicate they were looking for a project.

Mr. Funk advised that the group contacted him several months ago. He clarified that their projects were not free. The City would have to hire their project coordinator if there was a project for them to do. Three years ago they did a project at the Newark Senior Center and he suggested the group contact them again if they were looking for a new project.

8. Mr. Markham referred to the recent shooting that occurred at the Kirkwood, Missouri City Council meeting and asked how the City was prepared to deal with that kind of situation. Mr. Luft said he would review this with Chief Tiernan.

9. Mr. Athey recognized Mike Fortner from the Planning Department who recently received his AICP (American Institute of Certified Planners).

10. Mr. Athey commented on the Legislative Workshop held last Monday night, an event he thought was always good to host.

11. Mr. Athey advised that the Main Street Forum planned for February was now scheduled for March 26<sup>th</sup>.

12. Mr. Osborne congratulated the nominees who received the Jefferson Awards. He thought all were deserving, and appreciated all the things they did for the City and its residents.

13. Mr. Tuttle thanked the members of the public who spent the last three hours with Council while they interviewed firms to do the search for a new City Manager. All of the principals made the point that University communities were somewhat unique in terms of the level of public involvement in that process. Having the public at that meeting gave everyone a clear indication there would be public involvement in the process of hiring a new City Manager.

14. **4. ITEMS NOT FINISHED AT PREVIOUS MEETING:**

A. Appointment to DNP Parking Committee

MOTION BY MR. FUNK, SECONDED BY MR. OSBORNE: THAT CHRIS BERGHAUS, MANAGER OF IRON HILL BREWERY, BE APPOINTED TO THE DNP PARKING COMMITTEE TO FILL A VACANCY; SAID TERM TO EXPIRE JANUARY 11, 2011.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

15. **5. RECOMMENDATIONS ON CONTRACTS & BIDS:** None

16. **6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:**  
None

17. **7. RECOMMENDATIONS FROM THE PLANNING COMMISSION/DEPT.**  
None

18. **8. ORDINANCE FOR FIRST READING:** None

19. **9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

A. Council Members:

1. Curtis Paper Mill Site Proposal Discussion (Markham)

Mr. Markham advised that he would like to see the Curtis Paper Mill site move forward with some kind of plan and that was one of the reasons he brought an alternative approach suggested to him by Paul Bauernschmidt for Council's consideration. Mr. Bauernschmidt, the Managing Director of Farmers+Smith, LLD, provided a proposal regarding an advocacy and initial fundraising program for the mill site. He proposed a plan to host monthly community meetings to establish the Paper Mill Partners—a citizen-based group working together to create something new and lasting. The Partners would determine what would come next on the site and plan for a fall fundraising event. Following a series of workshops and the fundraising event, he would proceed with a lobbying effort to secure state and federal funding to fund the next process and finish the plan.

Mr. Pomeroy was confident that Mr. Bauernschmidt would handle this project appropriately and would keep the process moving forward. He thought there was a high probability the City would get a good return on investment and the process would pay for itself and provide a lot of community involvement.

Mr. Funk reminded everyone that Paper Mill Road was a gateway into the City and it was important to make this site something everyone would be very proud of. He has worked with Mr. Bauernschmidt on the *Histories of Newark* book and felt his energy level and creativity were awesome, and looked forward to working with him on another project.

Mr. Clifton supported the idea and looked forward to getting something aesthetically pleasing at this site.

Mr. Athey did not oppose the request but questioned whether this kind of process could or should be used elsewhere.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT COUNCIL AUTHORIZE ENTERING INTO AN AGREEMENT WITH FARMER+SMITH, LCC TO DO THE FOLLOWING:

1. PLAN, HOST AND LEAD SIX PLANNING WORKSHOPS REGARDING FUTURE USE OF THE CURTIS PAPER MILL SITE. MEETINGS WILL BE HELD ONCE A MONTH IN APRIL, MAY, AND JUNE BY WHICH TIME A USE PLAN WILL HAVE DEVELOPER. FUNDRAISING MEETINGS WILL BE HELD ONCE A MONTH IN SEPTEMBER, OCTOBER AND NOVEMBER BY WHICH TIME A FUNDRAISING EVENT WILL BE PLANNED FOR DECEMBER. A PRE-EVENT MEETING WILL BE SCHEDULED AS WELL AS A POST-EVENT REVIEW.
2. RECORD AND MAINTAIN MEETING MINUTES FROM THE WORKSHOPS.
3. CREATE PROMOTIONAL MATERIALS (TRI-FOLD BROCHURES, POSTERS, ETC.). CITY WILL ASSUME PRINT CHARGES FOR PROMOTIONAL MATERIALS.
4. CREATE AND MAINTAIN CONTACT INFORMATION AND EMAIL LISTS FOR ATTENDEES TO ALL MEETINGS AND OTHER INTERESTED PARTIES.
5. REPORT TO MAYOR AND COUNCIL AS REQUESTED.

TOTAL FEE: \$7,500 – HALF OF FEE REQUIRED 30 DAYS PRIOR TO APRIL MEETING WITH BALANCE DUE 30 DAYS FOLLOWING DECEMBER EVENT.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

**20. 9-B. COMMITTEES, BOARDS & COMMISSIONS:**

1. Appointment to Board of Ethics (Mayor Appt.)

MOTION BY MR. OSBORNE, SECONDED BY MR. POMEROY: THAT JAMES W. GARVIN, JR., 11 FAIRFIELD DRIVE, BE REAPPOINTED TO THE BOARD OF ETHICS; SAID TERM TO EXPIRE FEBRUARY 1, 2013.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

**21. 9-C. OTHERS: None**

**22. 10. SPECIAL DEPARTMENTAL REPORTS:**

- A. Special Reports from Manager & Staff: None

**23. 10-B. ALDERMAN'S REPORT**

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THE ALDERMAN'S REPORT DATED, JANUARY 17, 2008, BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

**24. 10-C. REQUEST FOR EXECUTIVE SESSION RE POTENTIAL LITIGATION & PERSONNEL**

MOTION BY MR. POMEROY, SECONDED BY MR. CLIFTON: THAT COUNCIL ENTER INTO EXECUTIVE SESSION, WITHOUT THE PRESS, REGARDING POTENTIAL LITIGATION AND PERSONNEL.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

Council entered into Executive Session at 8:24 pm and returned to the table at 9:10 pm.

MOTION BY MR. CLIFTON, SECONDED BY MR. POMEROY: THAT COUNCIL AUTHORIZE THE CITY SOLICITOR TO FINALIZE A SETTLEMENT WITH THE CAROLINA TRANSFORMER LITIGATION TRUST TO A MAXIMUM OF \$90,000 WITH A COMPLETE RELEASE OF ALL LIABILITIES, PRESENT AND FUTURE, FROM ALL PARTIES.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

MOTION BY MR. CLIFTON, SECONDED BY MR. TUTTLE: THAT ROY LOPATA BE APPOINTED AS THE INTERIM CITY MANAGER EFFECTIVE 5 PM, MARCH 11, 2008, WITH A SALARY SUPPLEMENT OF \$10,000 PER YEAR.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Tuttle, Osborne, Pomeroy, Funk, Clifton, Athey, Markham.  
Nay – 0.

**25. Meeting adjourned at 9:15 pm.**

Susan A. Lamblack, MMC  
City Secretary

/pmf