

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

October 12, 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
Community Affairs Officer Ricky Nietubicz
Deputy City Manager Andrew Haines
Electric Director Rick Vitelli
Finance Director Lou Vitola
IT Manager Joshua Brechbuehl
Parks & Recreation Director Charlie Emerson
Planning & Development Director Maureen Feeney Roser
Public Works & Water Resources Director Tom Coleman
Public Works & Water Resources Deputy Director Tim Filasky
Purchasing Administrator Cenise Wright

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. CHAPMAN, SECONDED BY MR. MARKHAM: TO ADD ITEM 5-A-2, EMERGENCY SEWER REPAIR ADJACENT TO WHITE CLAY CREEK, TO THE AGENDA AND AMEND THE TITLE OF ITEM 10-A-1, CONSIDERATION OF STANDSTILL AGREEMENT – NEWARK COUNTRY CLUB.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

3. 1. **PUBLIC PRESENTATIONS**

A. Newark Regional Transit Center Update – WILMAPCO/DeIDOT

57:34

Mark Tudor and Dave Gula were in attendance to present the Newark Regional Transit Center update by WILMAPCO and DeIDOT.

Mr. Gula advised that their last presentation to the City was in June 2013 and at that point they thought they had a breakthrough on this project and were moving forward. It has taken a little longer to get where they wanted to be which would be explained later in the presentation. The project goes back before 2002 when there was a formal study. There was another formal study on Newark Commuter Rail improvements in 2004, Newark Train Station feasibility study in 2010 and in 2013 they were working on Phase 2 of the Newark Regional Transportation Center. The reason for this project was that this was a very constrained location. Parking used to be a big problem, but the bigger problem is the single platform. There were four tracks through there, but only one of the platforms could be used for most of the operations.

Amtrak used track three closest to downtown Newark. They have a station they are working on that is low level platform, meaning it is not fully ADA accessible. There was a small lift at the end or a ramp for mobility challenged individuals to get up onto the trains. This allows only one train at a time in the station. That was the issue since reopening in 1991. As ridership has grown, they also need to grow.

Mr. Gula felt they had a good set up now with the University of Delaware STAR campus and were working together on that. This study was designed to be an engineering and operational feasibility study. This was a good opportunity for Newark. Expanded service provided not only the opportunity for local commuter trains going north, but perhaps for commuter trains that will run south.

The challenge was the conflict between freight operations and commuter operations that is every day, all day. It was hard for both the freight operation to expand and the commuter operation to expand. This station needs to be expanded to handle more customers and more trains.

For SEPTA service there were 19 trips per day and 10 trains total. The trains come in and the controls go from the south end of the train back to the north bound end of the train so when a SEPTA train comes into the station, it sits from 10 to 25 minutes. During that time since the track was shared with freight operations, there could be no freight movements out of the Norfolk Southern freight yard which is just adjacent.

Currently SEPTA trains come in on track A, which is also used by Amtrak. There are Acela trains that use tracks three and two and come through twice an hour. That could increase. Track one is used for other northeast regional trains that come through up to six times a day. Then there are stops from Amtrak with two trains a day each way during weekdays and three trains each way on weekends. Those trains use tracks two and one and do not stop on track A. This makes people cross live tracks which is not ideal.

Southbound, there was also the ability to use the small station platform near the old Newark train station which was the Newark Historical Society's building. There was a small platform with no real amenities for folks waiting for a train. Norfolk Southern had operations around the clock with their main window of operation from 10 pm to 6 am or sometimes earlier. That limited their ability to get in and out of their yard. During the day, they have one or two trains, mostly mid-day after the bulk of commuter service has completed its day in the morning and then again in the evening.

Mr. Gula presented a schematic showing the proposed location of the station and showed what was going on with the STAR campus. There was close communication with the University about how the station fits in with their campus and how they can make it more accessible than it already will be just because of the way they are laying out their campus to make sure folks can find it and it was sort of a focal point for them. It was very important to their operation to be able to bring in more people, more students and more professors via rail and they were hopeful about establishing southbound commuting service as well. WILMAPCO completed a feasibility study in July 2010. They won a planning grant from the Federal Government, Tiger 2, and used that, as most of this phase of the study. At Phase 2 of the NRTC study, they were finishing a concept but also moving into preliminary engineering. They were then awarded another grant which provided the opportunity to complete the engineering and build the station. That was awarded in 2012.

Mr. Tudor of DeIDOT presented the design aspects of the project. During the last visit to Newark in June 2013, the preliminary engineering was begun. Since that time, there was a lot of conversation with partners to make sure the station worked and address the necessary issues. A graphic was presented showing some of the concepts developed over the past three to four years. More were developed since that time.

Fundamentally it was a challenge being in a constrained site with an operating freight yard, Norfolk Southern, and the northeast corridor, along with the axis needs for both the STAR Campus and overall patrons. That has taken them to the recommended track approach. In the earlier concepts, this kind of track layout was not as important as it is today. With the recommendations of the project now focusing the station upgrades

generally at the location of the current SEPTA stop, there had to be re-workings of the Amtrak northeast corridor to make it work.

The graphic showed the new platform which would be under South College. Track A, the southernmost of the four tracks of the northeast corridor would have to be relocated to come around the other side of the platform. That allowed for the freight traffic coming from the Norfolk Southern yard to get around the platform without conflict. Also, in working with Amtrak, there were going to be more upgrades to the northeast corridor in this area so this station could operate effectively while also addressing Amtrak's long-term needs.

The next graphic showed the existing station. What was proposed as part of the reworking of the design was to focus on improvements at the station. The parking lot currently had about 375 spots. For those using the station, it frequently got very busy and there could be trouble finding a spot. With this improvement there would be over 450 spots there. As mentioned by Mr. Gula, it was important to make this integral into the STAR Campus. The new train station would have bathrooms, a waiting area and a lot better amenities compared to what was there today.

The station was being looked at as a hallmark for SEPTA service in Delaware, and the building would be a key part of that. The bottom of the graphic showed improvements in the intersection of South College. Right now there was a five-way intersection which was really challenging to operate. They would take away one leg of it and make it more of a right angle to get access into the station and into the STAR Campus itself.

In terms of timing, environmental approvals were received in 2013. They needed to be revisited because of the new designs looking at the existing location of the patio substation. Ultimately as they go through the design, they work out other issues, especially utility issues. The goal is to start construction in spring of 2017 and have the station open in some capacity by the fall of 2018. The Federal grant required spending their money in time, because they were looking to provide improvements and create jobs, so there was a time period to reach as part of the requirements of the grant.

A public workshop would be held. It would be a forum where people could get more information. This presentation was on the DeIDOT website.

Mr. Markham asked where this stood on state funding. Mr. Tudor said the project though the revenues they were able to confirm over the past few months was fully funded.

Mr. Ruckle asked if the comment about southbound travel meant that SEPTA was going to go further south, or was Amtrak going south? Mr. Gula reported there had been conversations between the Maryland Transportation Authority and their MARC trains and WILMAPCO for a long time. Recently there were some helpful conversations that included SEPTA and Delaware Transit Corporation. There was always the hope to be able to connect the services. It was not known if it would be SEPTA proceeding farther south or MARC coming farther north. At this point, it was just really good conversation being worked on for a long time. The partners who actually run the trains were sitting down together and having much more meaningful conversations.

Mr. Ruckle asked if that would be to Baltimore or DC. Mr. Gula reported that MARC's service runs all the way to DC. At this point, it would be hard to say where it would be. DeIDOT was not even sure how the connections work yet. The idea is DeIDOT would have a study through MTA to see if this was even feasible to do.

Ms. Hadden asked if a traffic impact study had been done. Mr. Gula reported there were traffic studies looking at how the intersection functioned and that was why there were additional turn lanes at the intersection. Ms. Hadden noted there were five and asked if that was a recommendation from the impact study? Mr. Gula replied it was.

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

01:12:09

John Morgan, District 1, asked for an update on the UD presidential search and if any progress was made on contacting the city officials in San Diego or Portola Valley to see how their noise ordinance was working, particularly in residential areas late at night. Ms. Houck reported she made contact and shared information. The City also had its consultant engage, and in advance to the 10/28 meeting, full information would be shared.

Donna Means, District 5, expressed concerns about the expense of the City's new logo in light of the budget crunch. Ms. Means thought Council should enact a resolution creating a residency requirement for City employees making over \$100,000.

Connie Merlet, District 4, asked to have a timer that was visible to the public so they could see how long they had been speaking.

Donald Sharp, District 1, said it was learned a while back that the Country Club was considering developing their property. One idea discussed was that perhaps the state could acquire the property and add it to White Clay Creek State Park. Senator Sokola, co-chair of the Bond Bill Committee and Representative Paul Baumbach said they would help with funding from the state if the City would take the initiative. He asked the club members to give the City a chance to work something out.

Desmond Kahn, District 1, seconded Mr. Sharp's comments. He was a member of the White Clay Fly Fishers and was on the board of directors of the Coalition for Natural Stream Valleys. Both organizations supported pursuing the possibility of acquiring the Country Club property for public use as a park. He requested Council to take this under advisement and explore the opportunity. There were several ways funds could be raised including the State of Delaware, New Castle County government, and proposing a referendum for the City to raise some money towards this end.

5. 2-B. ELECTED OFFICIALS:

01:25:00

State Representative John Kowalko agreed the other avenues should be pursued with the Country Club site. He did not know how optimistic he would be about a result coming from the state. He was a realist and referred to the PILOT money the City did not get, the municipal street funds that were cut and the failure to do anything about the onerous property tax lost to the University every year.

6. 2-C. UNIVERSITY

(1) Administration

01:26:12

Rick Deadwyler responded to Dr. Morgan's question related to the Presidential search. During the last council session, he gave a report about the search and there were no additional updates at this time.

Mr. Deadwyler said the vision statement of the details around the STAR Campus presented in the spring still stands but thought maybe it would be a good opportunity for the University to come back and talk about how the train station continues to fit into the overarching plan for STAR Campus.

The Race in America series continues. On October 30th a group of Civil Rights organizers will be on campus delivering a message to the University community. He encouraged Council to join this important conversation.

On the STAR Campus there will be a ribbon cutting for the Speech Pathology and Language Clinic on October 22nd.

On October 30th there will be a remembrance and celebration for the Chrysler facility. The community was invited to come see the College of Health Sciences facility and the nurse-managed healthcare operation that was open to the community.

October 23rd was Parents' Weekend. Homecoming was scheduled for the weekend of the November 7th.

Mr. Morehead commented that speech pathology was important to him as he benefitted greatly from it as a child. Regarding the presidential search, he noted the UD Faculty Senate voted to request that an open search be considered when it came down to the final four and asked if there was any update on that. Mr. Deadwyler said there was no update and that message has been delivered to the board. He said if that number changed from 14 to 11, he would provide an update for Council and the community. Mr. Morehead requested an email from Mr. Deadwyler if they decided to open the process.

7. **2-C-2. STUDENT BODY REPRESENTATIVE:** None

8. **2-D. LOBBYIST:** None

9. **2-E. CITY MANAGER:** None

10. **2-F. COUNCIL MEMBERS**

01:30:49

Mr. Ruckle: None

Mr. Morehead:

- Noted that the first budget workshop was held earlier this evening. The information would be on the City's website under "Budget Central" on the front page. There were two parts to the budget – a capital improvement plan for capital projects and then the operating plan for costs during the year.
- Stated that last Wednesday there was a workshop regarding Municipal Broadband. Information was available on the website. He thanked the administration for choosing a consultant to lead the City through this process who was an industry expert with no vested interest in whether or not the City went forward. Mr. Morehead said broadband was coming and it may make sense when the City was digging in a street putting in other utilities to put a pipe in a trench so broadband could be pulled through at some future time, or someone else could pull broadband and the City would rent them the pipe.

Mr. Markham:

- As an IT person, Mr. Markham was impressed with the consultant and thought he was a good choice.

Mr. Gifford

- Encouraged everyone to look at the budget on Budget Central on the City's website. This year it should be a little bit easier to navigate, especially for the CIP Budget to understand priorities. The Operating Budget should have helpful details for each operating item as well as showing increases and decreases.

Mr. Chapman: None

Ms. Hadden

- Attended the Senior Center breakfast where Richard Gays was honored with the Funk Award for donating his private time to doing a lot of good things for the City.
- Attended the Broadband Workshop and said that was a desire voiced to her many times when she was campaigning door-to-door for Council. She commended staff for their presentation and simplifying all the technicalities of it.
- Attended the Institute for Local Government Leadership Conference where she honored to receive a certificate earned in local government leadership.
- At her meet-and-greet this Thursday at 5:00 at Pat's Pizzeria, her guest would be Tripp Way from DSM Commercial Real Estate Services who would share the management plans for their renovation of the Park 'N Shop Shopping Center.

Ms. Sierer: None

11. **4. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:**

A. Appointment of Kevin Henker to the Board of Business License Review to the Vacant At-Large Term to Expire July 15, 2018

01:36:41

Ms. Sierer recommended the appointment of Kevin Henker to the Board of Business License Review. He was a 14 year resident of Newark and resided in District 1.

There were no questions from Council.

There were no public comments.

MOTION BY MS. SIERER, SECONDED BY MR. MOREHEAD: THAT KEVIN HENKER BE APPOINTED TO THE BOARD OF BUSINESS LICENSE REVIEW TO THE VACANT AT-LARGE TERM TO EXPIRE JULY 15, 2018.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

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

Nay – 0.

12. 4-B. APPOINTMENT OF JEREMY FIRESTONE TO THE PLANNING COMMISSION TO THE VACANT DISTRICT 4 TERM TO EXPIRE SEPTEMBER 15, 2018

01:37:49

Ms. Hadden reported that she met with Mr. Firestone and was impressed with his background in both legal and research fields and also with his environmental and natural resources background. She was looking for someone with an analytical mind as well and felt that his background, especially with his legal and environmental and natural resources experience made him an excellent fit for the Planning Commission.

There were no questions from Council.

There were no public comments.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: THAT JEREMY FIRESTONE BE APPOINTED TO THE PLANNING COMMISSION TO THE VACANT DISTRICT 4 TERM TO EXPIRE SEPTEMBER 15, 2018.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

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

Nay – 0.

13. 5. SPECIAL DEPARTMENTAL REPORTS:

A. Special Reports from Manager & Staff:

1. Adaptive/Inclusive Park Play Unit – Parks & Recreation Director

01:39:23

Mr. Emerson reported he was approached in July by Nic DeCaire, Fusion Fitness, and Deb Buenaga, Executive Director of Preston's March for Energy and mother of a child with disabilities, about placing an adaptive and inclusive play unit in a City park. Mr. Emerson liked the concept and said some of the City's play units that are much smaller have adaptive components to them, but not large like this particular unit might be.

The unit would be specifically designed for children with disabilities, but obviously would be available for any child in the community. Nic and Deb along with the people they were working with committed to raise all the money for the project, an estimated \$200,000. They were well on their way.

The estimated footprint of the unit was 60' x 100' which was the largest unit in the City park system. Once constructed the Parks Department would take over inspections and maintenance on the unit. Several locations were considered for parking, drainage, topography and the impact a unit like this might have on the existing facilities in that park. The best location determined for this was at the reservoir. As one approached the driveway going into the reservoir, there was an area on the right-hand side that was relatively flat and would probably handle the drainage easily. The parking availability there most of the time would probably be adequate as well.

The manufacturer they were working with would provide the City drawings, and Parks and Recreation staff and City engineering staff would take a look at it to make sure it met with drainage requirements.

Ms. Sierer added that she was very much behind this project because she thought it was important to the community and would draw families that have children with disabilities outside of the Newark area into the area. She thought it was very positive and would provide a service to kids that need an area to play.

Ms. Sierer was doing a Mayor's 5K run on October 31st at 10:00 a.m. beginning at Delaware Technology Park on the Hall and Pomeroy Trails. Nic DeCaire, Fusion Fitness, was running this event. The hope was to raise \$8,000 to \$10,000 toward the play unit.

Mr. Markham asked the age range for the equipment. Mr. Emerson said it varied; normally units were made for 2-5 and 5-12 year old children. Mr. Markham asked for a description of who it was designed for when ready so he could send it to his constituents.

Mr. Morehead said the City was talking before about having all age groups be able to play on the equipment. He asked if it only came 60' by 100'. Mr. Emerson said it could be smaller or larger depending on the amount of money raised. Mr. Morehead asked if there were plans to continue installing this type of equipment in addition to the equipment the City had been installing for youngsters in all the parks. Mr. Emerson reported there were already adaptive units in the parks although they were much smaller and that part of the Capital budget included better access to those areas.

Mr. Emerson requested anybody interested in this project who was willing to make a contribution to contact his office.

There were no public comments.

14. 5-A-2. EMERGENCY SEWER REPAIR – ADJACENT TO WHITE CLAY CREEK

01:47:05

Mr. Coleman presented a retroactive purchase order for a sewer repair. Public Works was alerted to failure of the main by DNREC on September 22nd and isolated it the same day. Pumping equipment was brought out that evening and pumps were set up the next day. Over the next 3-4 days, a section of asbestos cement pipe had to be replaced with ductile iron. There was a tributary to the White Clay that went over the main. It had downcut, exposed the main and it appeared part of the bank fell in and collapsed it.

It was replaced with ductile iron encased in concrete and the stream above the pipe was restored. The total cost exceeded the threshold requiring Council authorization. Nickle's Excavation performed the final work. Their labor and equipment costs came in just under \$25,000, but the material was over \$12,000, exceeding the \$25,000 threshold.

Mr. Gifford asked if there was any impact from DNREC for any releases that the City had. Mr. Coleman said not yet and he did not anticipate it because the City responded quickly and thoroughly. The City did not know necessarily how long it was broken, and the good thing was the City was in a drought. Despite that this failed upstream of the City's intake, the City was on the reservoir at the time. One side effect was United had a tidal capture structure at their intake at the confluence of the Red Clay and the White Clay. It was an inflatable dam that pops up and holds water back so they can take water out of the stream. They had to collapse their dam and cut down their intake for a few hours to make sure anything that was in the stream passed by before they put it back up.

There were no public comments.

MOTION BY MR. RUCKLE, SECONDED BY MR. MOREHEAD: THAT THE TOTAL COST OF \$39,621.53 FOR EMERGENCY SEWER REPAIR ADJACENT TO WHITE CLAY CREEK BE RETROACTIVELY APPROVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

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

- A. Recommendation to Provide Funding to DeIDOT for Project H1403 – Construction of a Pedestrian Signal at the UD Green Crosswalk on East Main Street

01:50:31

Mr. Coleman presented the recommendation to provide funding to DeIDOT to install a pedestrian signal on the crossing where the Green crosses Main Street west of Grottos at the Galleria on Main Street. The signal will be coordinated with the South College traffic signal so when the light on Main Street is green to allow vehicles to go past the South College intersection, pedestrians would get a red hand at the first crosswalk upstream from the signal so cars do not starve the light out which is a common problem.

This project was in last year's CIP. It did take a little longer to get here than anticipated. The entire property to the center line in the road is owned by the University. There was not a right-of-way in that location, so in order to locate the signal cabinet and the mast arm, there had to be coordination with the University. They worked well with the City on the project, but it did slow things down. Part of this project will expand the one curb extension where the crosswalk is on the west side to allow for a mast arm to be installed in the road. The City would lose one parking space downstream from the crosswalk. The purpose of that was to allow the City to eliminate the drainage channel that goes through the crosswalk now. Right now people have to walk across a grate and extending the island upstream would allow the water to be diverted. One drain that comes down from a roof and then goes across the sidewalk would be rerouted behind the sidewalk and discharge downstream from the crosswalk. Some drainage work would be done in-house by the City to save money. DeIDOT will handle everything else.

The cost estimate ranged from \$109,000 to \$115,563, so DeIDOT asked the City to authorize payment for the upper end of the range to be sure there was enough money. Part of that cost was a \$9,102.45 projected upgrade from a standard galvanized pole to one of the black fluted ornamental poles per the University's request. They will be reimbursing this differential cost, so there would be no cost to the City and brings the total cost to the City down to \$106,461.29.

There was \$100,000 budgeted for the project. DeIDOT has handled all design costs associated with it. They have done pretty much everything up in that end, aside from a survey that was done in house. In order to get to \$106,000 number, staff recommended using \$6,461.29 that was left over in the transfer station closure project to fund the difference. If the project came in under budget, there was a range in their estimate up to \$115,000 and the City would be reimbursed that amount as well.

Mr. Morehead did not understand the timing of why the City would pay DeIDOT before the project actually started. Mr. Coleman replied it was how their program worked. The City gave them the money, they did the work, and they reimburse the City what is left at the end. Mr. Morehead asked if that worked for cash flow for the City's Finance Director. Mr. Coleman replied they were okay with it.

Mr. Markham noted that traffic on Main Street was an issue for many decades and that the City expected some relief out of this. He asked how to measure to determine if there was relief. Mr. Coleman said the City did not have baseline counts for how often the signal at South College has starved out because of the crosswalk upstream. That is something the City could get someone to do counts on, possibly work with the University to get some students do some counts. Mr. Markham asked if counts could be done on the number of cars through as there would be significantly more if this was working afterwards. Mr. Coleman said the crosswalk affects it most at class change when there were a lot of students moving and less in the in-between periods. He thought if an average daily traffic number was used through the signal, it would be hard to capture the effect of the crosswalk, just looking at numbers. Mr. Markham was looking for something that showed that it worked, because for a long time this was touted as the way to help Main Street by controlling the crossing of pedestrians. Before moving down the street, he would

like to know this one worked. Mr. Coleman would reach out to the City's contacts at the University to see if the City could get some counts done.

Mr. Markham discussed policing the crosswalks with some friendly warnings not to disobey the lights there as well. He suggested coordinating that, possibly in the fall, with the police. Mr. Coleman agreed that made sense.

In regard to the timing, the fluted pole was a long lead item. At this point there would be underground utility work, preparation of the curbs and making the island over the winter session to get it ready so when the pole comes in they can pop it in and turn the signal on. I can't say at this time exactly when the signal will be active, but they will be doing construction work over winter session. Mr. Markham suggested a target date shortly after spring break when the weather turned nice and everybody was out.

Mr. Sierer agreed it was important to have an education process and maybe the UD would be willing to help via social media to educate the students in addition to having a police presence there for a number days on how they need to correctly cross the street with the new signals. She asked if the Main Street installation at Grottos would start in the fall. Mr. Coleman said that was the one they would start over the winter session.

Regarding the one that would be located on Delaware Avenue, Ms. Sierer wanted to make sure that the proposed cycle track would not be impacted in any way. Mr. Coleman said it would be factored into the design and that was the other positive of pushing that one in other years – the City would be a year further into the process of the cycle track. The same DeIDOT traffic group was the one that did the design for this, and they were a member of the DeIDOT steering committee for the cycle track.

Mr. Gifford said it struck him as being fairly expensive and he asked about approaching the University to share more of the cost. Mr. Coleman did not think the City asked for more than the ornamental pole. Mr. Gifford would encourage staff to continue to approach them, especially for the Green. Mr. Coleman said for the Green crossing, since they station a police officer there now periodically, they would receive some cost savings by not having to do that, so that would make sense.

The Chair opened the floor to public comment.

State Representative John Kowalko echoed Mr. Gifford's concerns. He felt UD provided opportunity for all of the City's traffic jams throughout the campus. He thought it was the responsibility of the University to contribute to a situation that they are somewhat responsible for. He recommended that the Newark Police Department get in touch with UD Police Department and insist that they put an officer on Academy Road now that they had the new dorms across the street from the ICE Lab and there is foot traffic there at least during class transition time. He said it was a horrible state of affairs with cars backed up sometimes 10-12 at a time. He felt UD should step up and take some responsibility, particularly since they already enjoyed over 40% of the property tax revenue. He thought it might be a good idea to meet with the University, the local legislators and the City to have a conversation about increasing their contribution for this project.

Ernie Anderson, District 3, thought the University should get that bill and suggested putting a walk bridge over that area.

Helga Huntley, District 1, asked how it was decided that this kind of project would make a difference since there was no data on what the problem was. Second, if Council decided not to approve the funding tonight and possibly take time for more negotiations with UD or other possible changes, how would that affect the timing of the project as far as getting the construction started and finished. Mr. Coleman did not think it would significantly affect the time line because the pole would not be delivered until after winter session, so at that point the City would wait until a convenient time to set it.

To follow up on Representative Kowalko's comments and to Mr. Gifford's question as to whether or not this is an ideal situation, Mr. Coleman reiterated it was a mid-block crosswalk, and generally the City did not like mid-block crosswalks which are very

dangerous. As soon as a crosswalk is put in, there is the possibility of having to do what the City is doing today and retroactively go back and put in a signal.

Ms. Hadden said if there was going to be a meeting with University of Delaware Police Department and Representative Kowalko or any City people, she would like to be involved with that, because that is her district.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: THAT PAYMENT BE AUTHORIZED TO DELDOT IN THE AMOUNT OF \$115,563.74 FOR THE CONSTRUCTION OF A COORDINATED PEDESTRIAN SIGNAL AT THE UD GREEN CROSSWALK ON EAST MAIN STREET.

MOTION PASSED. VOTE: 6 to 1.

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

Nay – Gifford.

16. 6-B. RECOMMENDATION TO PARTICIPATE IN THE DELAWARE MUNICIPAL ELECTRIC CORPORATION, INC. (DEMEC) LED STREETLIGHT CONVERSION PROJECT AUTHORIZED BY PROJECT E1504 – LED STREETLIGHT INSTALLATION

02:06:48

Mr. Vitola reported the LED light upgrade project was approved in last year's CIP budget at a level of \$581,250 with low interest loan funding, through the Delaware Sustainable Energy Utility also known as the SEU. At the time, DEMEC, the City wholesale electric supplier, was developing specs and planned to write an RFP to vendors that could meet the varied needs of its nine member municipalities. Since then the RFP went out and proposals were received by DEMEC that recommended three qualifying vendors, with and without installation costs, to all member communities.

The bids were significantly lower than expected, and it turned out that with less than the available project funding, all cobra head street lights in the City can be upgraded with LED's, not just the 775 assumed and reported in the CIP project detail last year. The Electric Department reviewed the bidders and selected the Leotek brand of the light model due to the lower cost, ten year warranty, less light depreciation than the other models, and strong references from other cities.

The light installation would be done in-house by City electric crews, and when complete, it would save over a million kilowatt hours a year, which equated to almost \$91,000 per year in electric savings, as calculated using an independent model created by the Iowa Association of Municipal Utilities. Newark's Conservation Advisory Commission did its own calculations and spoke in support of the project during 2015 CIP hearings. Staff visited the CAC again with the final bid results and funding recommendation, and the CAC enthusiastically recommended that Council approve the project and the recommended funding sources.

The CAC's memorandum was attached to the Council recommendation and it was recommended that Council approve the project, allow DEMEC to secure low interest loan funding on the City's behalf through the SEU to purchase all of the lights and the related hardware, direct the CAC's 2015 funding allocation of \$100,000 toward the project in the form of a down payment, and repay the lights using that one-third of the State's Green Energy funding that the CAC and Council had previously earmarked for energy efficiency projects. With that funding mechanism there would be no upfront cash outlay other than the dedicated CAC funding. The repayments of the lights would be cash neutral, in other words it would occur naturally as the Green Energy funding was received on a monthly basis. The monthly savings would be higher than the monthly Green Energy funding in the first place, and thanks to the availability of the Green Energy funding, the CAC's out of pocket investment would be paid back in just fourteen months. It was strongly recommended that Council approve the project and the funding as recommended.

Ms. Hadden noted that she talked to CAC Chair George Irvine about this project, and she strongly supported this based on the fact that they are going to get the money

back in 14 months, they were willing to lay out their \$100,000 investment, and it really was budget neutral for the City. It was the way to go, and these lights would last 20 years.

Mr. Markham noted that these lights were on Main Street and asked if they were the same manufacturer and whether they were satisfactory. He knew there was some skepticism when they were first installed. Mr. Vitelli reported they were different manufacturers and there were no problems with the lights on Main Street. In fact, there was a pole that was hit and knocked down and the light still worked. Mr. Markham confirmed that the cost savings was electricity only and did not include anybody having to go out and change the bulbs. Mr. Vitelli replied that photocells last about five years and so do the bulbs. Mr. Markham added the City would have had to replace these bulbs four times, so there was some cost savings there.

Mr. Markham thought there was a requirement in the RPS to reduce City usage as well. He asked what that percentage was and how this worked towards that. Mr. Vitola said there were two different programs. The RPS required that green energy be introduced into each city's electric portfolio and that was underway. The Energy Efficiency Advisory Council at the State level was still working on exactly what types of energy efficiency project would qualify for this required reduction of an amount he was not even sure was finalized yet. They were still discussing baseline, and the amount that each city or each utility needed to reduce. Mr. Markham asked if the MOU was strictly money. Mr. Vitola confirmed it was. Mr. Markham remembered there was somewhere else that had a requirement to reduce City electricity consumption as well. Mr. Vitola explained at the very same CAC meeting that staff recommended this, a representative of the EEAC was there and mentioned that they were close but that the energy efficiency requirements were not yet finalized. When they were, the City had Scott Lynch from DEMEC who attends all those meetings, and Ms. Houck and Mr. Vitola would begin attending in order to be ready to act and report to Council with more complete information.

Mr. Ruckle asked what the cost would be to replace these bulbs four times to get the real savings calculation. Mr. Vitelli reported the yearly savings in labor was \$13,562. Mr. Ruckle said he was looking at over \$1.8 million in savings over 20 years, but he wanted to know what it would have cost the City to replace them four times in the same 20 year span. Mr. Vitelli replied roughly \$260,000. Mr. Ruckle said for \$459,000 the City was getting \$1.8 million in return which was a huge savings.

Mr. Morehead said this looked like a savings of better than \$120,000 from what the City expected. Mr. Vitola said yes, in the project cost. Mr. Morehead pointed out there were a number of other street lights in the neighborhoods that were not cobra head and asked if the City was looking at doing anything with those. Mr. Vitola said all cobra heads but no non-cobra heads. They were not part of DEMEC's spec and bids, and he was not sure if the City would be able to use the SEU funding. Mr. Vitelli said the City was not going to do the post top fixtures in the residential. They were on the bid – DEMEC put them on there, but they were almost \$600 each, so the savings is way out on those. If the City waited a year or two, those prices will come down and could be revisited.

Mr. Morehead asked if these bulbs were expected to be the same light color as on Main Street. Mr. Vitelli said they were the same color.

The Chair opened the floor to public comment.

Doortje Shover, District 4, commented that she would like to see the funds saved go towards keeping refuse collection in house.

MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: THAT PROJECT E-1504 FOR LED STREETLIGHT INSTALLATION BE APPROVED AS DETAILED IN STAFF'S MEMO DATED OCTOBER 1, 2015.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

17. 6-C. RECOMMENDATION TO AWARD CONTRACT NO. 15-11 – THE REWIND AND OVERHAUL OF A 5000/7000 KVA OUTDOOR TYPE SINGLE CIRCUIT UNIT SUBSTATION

02:18:06

Mr. Vitelli presented the recommendation to award Contract No. 15-11, the rewind and overhaul of a 5000/7000 KVA outdoor substation. On August 14th, transformer seven at Phillips Avenue substation failed and was taken offline. The contract was advertised and sent to six bidders to get it rewound and repaired. Only one bid was received for \$140,350. The other bidders were contacted and asked why they did not bid. One was the scope of work was beyond their capabilities. A couple thought they could not be competitive and one overlooked the contract even though it was emailed to them.

Chubb, the City's insurance carrier, would cover the failure. The City must pay the \$25,000 deductible. The City had \$21,000 in the Electric Department budget under contractual substation maintenance left, and \$4,000 in contingency funds to cover the deductible. Solomon Corporation did not take any exceptions to the bid.

Mr. Markham asked how old the transformer was. Mr. Vitelli said it was in service since 1971.

There were no public comments.

MOTION BY MR. MARKHAM, SECONDED BY MR. GIFFORD: THAT CONTRACT NO. 15-11 BE AWARDED TO SOLOMON CORPORATION FOR THE REWIND AND OVERHAUL OF A 5000/7000 KVA OUTDOOR TYPE SINGLE CIRCUIT UNIT SUBSTATION FOR THE TOTAL AMOUNT OF \$140,350.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay – 0.

18. 6-D. RECOMMENDATION TO AWARD CONTRACT NO. 15-07 – SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION

02:20:12

Ms. Houck presented the recommendation and reported that an RFP was issued earlier this year to obtain pricing associated with outsourcing the City's refuse operation to a private company while maintaining current service levels. The results of this led to staff's recommendation to outsource these operations to Republic Services. This recommendation was highlighted at an open public meeting on September 21st, including the detail that by outsourcing refuse operations, the same level of services could be provided while realizing a savings of \$4.9 million over the term of seven years.

The majority of those present at the open public meeting (approximately 120 people), spoke to their interest of maintaining current in-house operations. Some suggested raising taxes to cover the unrealized savings from outsourcing. Many expressed concerns related to the impacted employees. Regarding these employees, City employees and their union representation were engaged before the RFP was issued, and have continued to do so, even as recently as late last week, to respond to their questions. Ms. Houck announced that it was reported in the local paper that individuals were being forced to retire. That is not the case.

Last week, a supplement was submitted to Council that summarized the detail just shared, as well as providing four options for Council's consideration. The options presented were as follows:

- Option one: Affirm the full staff recommendation of August 21st, and direct the savings generated to general fund infrastructure needs.
- Option two: Reject the staff recommendation of August 21st in its entirety, and direct staff to prepare the fiscal year 2016 budget to include a 12% tax increase, the proceeds of which should be directed to the general fund infrastructure needs.

- Option three: Reject the staff recommendation of August 21st in its entirety, and direct the staff to report to the Council meeting of the 26th the possible savings to outsource, including Big Belly Main Street collections and bulk collections to the originally bid dumpster collection which was option B in the RFP.
- Option four: Postpone a vote on the staff recommendation of August 21st to allow the opportunity to attempt to engage the full community in an online public engagement effort that may provide a greater level of insight into the thoughts and opinions of a greater number of the people in the community. Open Town Hall from the firm of Peak Democracy has already provided staff with a demonstration.

At the September 21st meeting a community referendum was applauded by the public. Additionally, the City Solicitor since advised that a formal binding referendum would not be appropriate to allow for additional public engagement. Rather, a referendum was more suitable for borrowing in Newark according to the Charter.

Online public engagement can be accomplished quickly with results to Council for its November 9th meeting. Outreach efforts would take place within a week to engage the public. The comments would be documented and split by district. Open Town Hall protects from manipulation of the outcome by requiring a simple registration. Registrants can share their name or remain anonymous in the resulting reports. Comments will still be tracked for those who do not want to register but will not be confirmed to be from within Newark. This civic engagement tool has been used by other communities to supplement its public hearings and community meetings to obtain a more participation and to allow for more informed decision making of critically significant topics.

Bob Ziegler, division manager, represented Republic Services of Wilmington Delaware. When Republic first got involved in the RFP, it was clear that the number one priority from City staff was their employees. The more he heard that, the more excited he got because he had the exact same concerns regarding his employees. Since Republic did not carry extra manpower, if they were awarded the City's contract, they would be hiring five people and would strongly consider Newark employees. However, he could not commit to bringing them on board without going through the proper HR channels such as drug tests, background checks, etc. Regarding their pay scale, Republic is a union facility, and he was confident their residential drivers were the highest paid trash drivers in the State. Anybody they would hire from the City would probably make more money.

Mr. Ziegler said a lot of questions were asked about how they could guarantee the same service. He could not guarantee the same service. However, he said they knew how to provide service to County residents and how to do it well. He said their standards were high and were actually higher than the City's. In the past four or five years, they have grown from 18,000 to 25,000 customers because they were doing a good job.

Mr. Ziegler concluded there were many similarities between Republic's services and Newark's services. He said he was passionate about getting the contract because it was the right thing to do for the City and for the residents.

Mr. Morehead said Mr. Ziegler was regarded as an expert in the field and a nice guy. He said regardless of the vote tonight, he thanked him for being involved.

Mr. Gifford asked how Republic would approach the dumpster collection versus how the City approaches it. Mr. Ziegler said currently the City does their dumpsters rear load which was probably the most inefficient way to handle a commercial dumpster because it is a two man truck, it is more dangerous, not as safe, and it took a long time to service. A lot of backing was involved. He thought there were about 58 dumpsters. He would switch them to front load (except for the one at the fire house on Academy). Service time would be quicker and therefore keep costs down, and it was a lot safer.

Mr. Gifford asked Mr. Ziegler to share the differences in how Newark services Main Street versus how Republic would propose to service it. Mr. Ziegler observed the City's crews and learned that the trash was done on Friday morning then they go dump and come back and do the recycling on Friday afternoon. They would not go near Main Street then. They have a split body truck with one side recycling and one side trash. They pick

up both at the same time and would be in and out so much quicker than the way it is done now. They have more resources to get it done better.

Ms. Sierer asked Mr. Ziegler for his solution for Cleveland Avenue. Mr. Ziegler said that was a challenge. Their plan was to get the entire City with four routes, not five. One route would be for the tight areas - Madison, Lincoln, Barksdale Road area, etc. It would be quicker with a two man, and would not be during rush hour. They would be there midday, and get through there as fast as possible.

Ms. Sierer asked what other difficult areas there were in the City. Mr. Ziegler said in the back alleyways off of Madison he saw a lot of wires, trees, etc. Right now it was done with an automated side loader. He would do it with a rear load instead. Having two eyes back there would be better. He would do Cherry Hill Manor the same way.

Mr. Ruckle had several questions from district 2 about the level of service. They want to know how many car accidents Republic called in, how many wellness checks were there on the residents, did they call in lost dogs and how many crimes in progress have Republic drivers called the police on? City staff did all that.

Mr. Ziegler said there was something said about Republic pays incentive and their guys fly because of that. Their CVA does pay incentives for single subscription stops; however, for municipalities it is a day rate. So there is no, the faster the employees get done, the more homes they get, for the City. Employees get paid a set amount for routes.

Republic has in progress a "looking out for you" program. It sets up a phone tree or a communications system. Their drivers make calls reporting suspicious incidents where police involvement is requested. They frequently get calls from residents thanking them for what their driver did.

Ms. Sierer suggested discussing some of the options at the table and then opening it up to the public.

Mr. Gifford had a concern about when Council originally looked at this recommendation, he suggested not making a decision the night of the meeting. He thought that was a good decision that Council made. He was not happy about how the unrealized savings were linked to a tax increase. In view of the process normally used in the City going through the budget process, he did not think tonight Council should say "Let's just raise taxes for a service that the City already enjoyed" even if it was decided to keep refuse collection as is. He proposed that Council decide on the recommendation and keep the discussion to the original proposal, which was Option A and Option B. Option B could be modified if Council so decided. He wanted tax increases related to the projects they would fund. So Council could not just say a 12% tax increase would go towards random stormwater projects. He thought Council should consider exactly what that project was, and if it was valuable, then fund it. Also, some of the projects could be bond issues and there could be referendum for them. There were a lot of savings to consider here, but he thought the tax increase should be kept totally separate.

Mr. Morehead questioned whether from a process perspective if Council should talk about Mr. Gifford's request first and vote one way or the other on that in order to direct how to move forward. He supported separating this decision from a financial decision about what that would imply if Council went one way or the other because it was not quite that straightforward. It was said a number of times during this process by both the City Manager and the Finance Director that this would not preclude tax increases anyway. Ms. Houck said no, what staff presented earlier today was a 3% tax increase. Mr. Morehead said that was his point. If this was separate from the tax increase anyway, then Council ought to do the tax increase separately was his perspective.

Mr. Markham thought there would be a lot of surprised people if Council chose Option 2 tonight. The way he put it out before the last meeting was, this is under consideration, this is a possible contract, not that, if the City did not do this, Council would raise their taxes. Mr. Gifford said that was exactly his point. It was not part of the original thing. It would be different if that was the communication that he sent to his residents.

Mr. Markham said he was for an up or down on this particular contract, knowing Council may have other painful decisions when it comes to budget time.

In District 2, Mr. Ruckle received overwhelming comments in favor of keeping the existing City trash service (64 to 2), even if that meant increasing taxes. He said at budget time, the fiscally responsible thing would be for Council to have the courage to come up with the \$2.2 million in savings achieved with staff's recommendation for outsourcing.

Mr. Gifford said this was a concern – he did not want to be threatening about taxes.

Ms. Houck added that those who were at the meeting and those who have heard from their constituents since then heard that overwhelmingly people were saying "Raise my taxes to cover the savings." She said the opportunities were before Council and also offered the opportunity to hear from more of Republic if staff engaged in an effort to do the outreach effort and take three more weeks to make a decision.

Ms. Hadden said that as an elected leader it was her responsibility to not just look at the fiduciary aspect but to listen to all her constituents. She heard overwhelmingly that people wanted to keep what they had and were willing to pay to keep it.

Mr. Gifford said the one thing the City learned was there were other options for the City's refuse collection to become better as well. He also felt there were ways that the City could save money and hoped to see that if Council decided to keep refuse collection.

The Chair opened the floor to public comment.

Carol McKelvey, District 4, said her comments were on the process and conclusion that might be inappropriately derived from the public meeting on September 21.

At Council's request, staff began a process of looking for more efficiencies in the financial numbers of the City, particularly regarding stormwater management. They explored the idea of outsourcing garbage collection and did a broad research of what this would include. The outcome would have resulted in the displacement of seven or eight Public Works' employees. As part of the outsourcing research, staff worked with the union and sought solutions that would offer full retirement for some and potential employment for others in other divisions of the City or with the new vendor. The welfare of these employees was part of the proposal. The meeting was well attended by an energized group who had, in her opinion, already made up their minds. Staff's careful approach seemed to be ignored by the speakers who expressed appreciation for the refuse collectors but failed to respect or appreciate the work of the administrative staff.

She thought it was important that Council consider another aspect of that meeting. Mrs. McKelvey thought public input was great but it was not responsible to believe that all statements made at the meeting represent the full community. At that meeting she learned that beyond the yearly savings from outsourcing, there were other benefits to the decision. Also, staff arranged that City residents would continue to communicate with City personnel about problems and requests for collection and then speak on their behalf to the vendors. The decision had many considerations and there was money available to make sure that the personnel were not going to be unemployed. She requested that if the City was going to save \$700,000, they could make sure those people were employed in some way or another.

Before voting, she asked Council to reflect on the merits they will include in their decision. One of the merits might be to trust the City staff who have researched and put together the inclusive report.

John Morgan, District 1, generally agreed with most of the comments made at the meeting by the residents. He had no reason to doubt that Republic was a good company but said the issue was what would happen when the contract with the City ran out and there were no more trained garbage collectors or garbage trucks. It would be at the mercy of whichever companies bid on a new contract. Mr. Morgan thought continuing to have in-house refuse collection was the safe thing to do from a financial standpoint long term.

Rob Detwiler, District 4, supported maintaining the status quo. He related an incident he witnessed where City refuse employees were first on the scene to help extinguish a small fire.

State Representative John Kowalko stated that the hard-working employees working in refuse collection have consistently provided the residents of Newark with efficient and friendly service. They pay taxes, spend money on local businesses and earn a fair pension to provide for their families' future needs and security.

He felt the rush to divest the City of equipment and personnel was troublesome and was not justified as a cost-saving measure. The projected savings presented an overly optimistic accounting of actual money to be available, and the \$300,000 gained from equipment sales was not a valid accounting value to be added as part of the first-year savings. It also appeared to be an overly optimistic estimate of the cost of equipment maintenance and refurbishing in future years. If the City divests its collection equipment and a proposed contract became untenable, then there is no recourse for the City to reinstitute its service.

The fact that savings would be used to support infrastructure and stormwater improvements was like the shell game used in Dover and bore no resemblance to sustainable, responsible budgeting and use of taxpayer dollars. It was illogical to expect that money saved by cutting necessary services would or should be used to fill a budget gap that, if necessary, should be paid off with a tax increase.

Mr. Kowalko felt the City was being somewhat insensitive in considering the elimination of the refuse positions while adding managerial positions to the staff.

Connie Merlet, District 4, thought of this as the worth of a town. When someone moving into a town considers the worth of a town, they are not talking about what the budget is each year. They are talking about the quality of life, walkability, neighborliness – whether residents care and take care of each other and the services they are getting from living in a town. Council could take away the services people want and are willing to pay for but they lower Newark's worth when doing so. When Council members looked at themselves at this time and for how long they were going to be in, what did they want their legacy to be as far as the quality of the town?

This is the first time Ms. Merlet heard about the 12% tax increase. She assumed there had already been a workshop on it and that it was already discussed, so she could not imagine how Council could possibly vote on a 12% tax increase when they have not discussed it or had anything written on it. She was not buying the budget on this. According to her research, there were times when Republic was not always the good guys. More importantly, if the City was unsatisfied with the contract, it may not be able to get out of it. She did not think it was the type of thing to take a chance on.

Jackie Lagasse, District 3, asked Republic how many residents of Newark were employed by Republic (response was inaudible). She supported her refuse collector and credited his strong work ethic. She felt a 12% tax increase to cover the storm system penalized the tax payers and was not working to reduce costs. If the refuse contract provided inadequate services, she asked what the cost would be to bring it all back.

Dennis Klinzing, District 4, asked Ms. Houck if there was any checking on the web to find out Republic's ratings. Ms. Houck said references were checked. However, she noted that she kept herself out of the RFP process so that when staff presented the recommendation she would see it with fresh eyes. Mr. Klinzing asked if it was true that there was no Better Business Bureau accreditation for Republic. Also, he saw a lot of complaints company-wide about virtually every aspect of the delivery system and from the employees. Mr. Ziegler said they were a member of the BBB in the past but did not think they were anymore. The company used to be Allied Waste and there were some dark days before they merged with Republic. That was about five years ago and complaints have lessened considerably in that time. Regarding retention of employees, they were one of the best divisions in retaining people. They have not had a voluntary turnover in close to three years.

Doortje Shover, District 4, felt the refuse services should remain under the control of the City and not be privatized. She asked if the public could see a budget and thought perhaps employees could go without a raise for several years.

Silvia Zsoldos, District 1, agreed with almost everything that was said. She opposed the idea of outsourcing and found it impossible to realize that the City had superior employees who might be dropped in order to save a little bit of money. Secondly, she pointed out that if the City was going to increase taxes, this was the time to do it because gasoline prices were low so it would not hurt so much.

Chris Hamilton, District 4, was not aware and did not know if it was intentional that there would be a tax increase associated with this decision. He thought it was just to talk about saving \$700,000. He knew there were 125-140 people that showed up at the meeting but there were about 14,000 taxpayers, and he guaranteed the majority of them would not recognize their trash collector. He pointed out that the City was making a decision based upon a loud group of people. Although it was in the fine print of the City's presentation, the News Journal and the Newark Post left out that if outsourcing was not approved, there would be a tax increase. Further, his Council representative did not use the words tax increase in any of her presentations. It shocked him that a suggestion to put this out to a broader base would not be taken into consideration by Council.

Mr. Hamilton expressed concern that he felt some members did not come to the vote with open minds. Ms. Hadden noted she sent out emails with links to the documents on the City's website and she thought the financials were clear, but apparently not.

Mr. Gifford said the reason he brought the tax increase piece up tonight was because it was not part of the original RFP. It came out one week ago as part of the staff recommendation. That was why he had not had the opportunity to send out a note to all his constituents because he focused on the RFP. He had plenty of time to do that but did not have time to go back and then recalculate this with the tax increase. It was surprising to him and that was why he made his statement clear early on in this meeting.

Mr. Morehead responded to Mr. Hamilton. He said there were about 120 people at the meeting. Of those people, 25 spoke 28 times. Of the 25 that spoke, 24 were solidly in approval of keeping their refuse person. Of those 24, 14 of them mentioned taxes in some way or other. Of those 14, four said, "Please raise my taxes to keep my guy." The overwhelming takeaway was that the residents wanted to keep the service. That was why he agreed with Mr. Gifford that the two issues needed to be separated. During his re-election campaign in April he went door-to-door to his constituents and asked every one of them two questions – refuse outsourcing and \$15 million parking garage. With the exception of possibly four people, the vast majority wanted to keep their refuse worker. Nobody mentioned, "Please raise my taxes to do it." Mr. Morehead concluded that he was not basing his decision on 120 people in a room.

Ms. Sierer shared that she heard from many more than 120 people in the room that night and a lot of her constituents said, "Raise my taxes." That is why she had staff research that option. She also had a conversation with Representative Kowalko, and he encouraged her to do the same thing. Ms. Sierer emphasized that was only one of the four options here. Council was not only deciding refuse and raising taxes.

Donna Means, District 5, applauded Ms. Houck for the alternatives to voting tonight and for suggesting an online survey where people could voice their opinions about the trash collection. She felt that should be considered because there were people who could not attend the meetings, and deserved to have a voice in the decision. Ms. Means said the majority of people in her neighborhood were not for outsourcing. Although she was not a big supporter of raising taxes, if a 3% tax increase would make the budget work, she would vote for that. She agreed with what Representative Kowalko said that the City should take into account that the refuse employees live here, work here and spend their money here. She encouraged staff to look into cost-cutting measures in other areas.

Ms. Sierer asked Mr. Coleman to clarify how many current refuse crew members live in the city limits. Mr. Coleman was not aware of any who were living in the city limits.

Dan Griffin, District 3, said Newark was like every other city in that they always go for the low branches first. While he knew the intent was to try to improve the City, he felt the system could not be improved by laying off people at the bottom. He believed there was inefficiency starting from the top. He added that Newark was lily white – the only black people he saw working for the City were the refuse workers. He hoped that one day the administration would realize that they just cannot keep promoting themselves to the top and laying off the guys on the bottom.

Jeff Lawrence, District 3, said there were several important things in consideration here. First, as far as open-mindedness and listening, he was pleased to hear the comments from Republic. He wished comments of that depth and helpfulness were presented at the actual workshop. He wondered how all the people in the room that night might have been affected if they had heard and listened to the comments. He felt everything that was said tonight by Republic addressed many of the concerns of the people who feared the refuse outsourcing. Perhaps now Council needed to slow down and not make the decision too quickly.

Going off the numbers, if Republic stood to increase their customer base by 25%, that was pretty good. Maybe they should be given the chance to fight for that a little bit harder. Regarding the voices that are being heard, he launched off the example by Mr. Ruckle about the unofficial polls that he did. He asked Mr. Ruckle to repeat those. Mr. Ruckle said of the people who contacted him directly, he had 64 who were adamant for it and two people who were not. The other people polled by his captains in the block areas reflected the same numbers.

Mr. Lawrence said if the decision was made tonight, it was imperative that there be no discussion of tax hikes. The only relevant time to talk about that was the actual budget season. Speaking hypothetically at this point, he asked Council to consider if it was fair for 5,000 people to impose a tax increase on one person? He believed taking money away from one person against their will was paramount to theft.

Ernest Anderson, Shull Drive, recommended keeping the refuse service under the control of the City. As far as he was concerned, the City employees were outstanding workers who cared about their jobs.

Name inaudible, a Haslett Park resident for 40 years, said everybody wants to downsize and outsource and that was why the country did not have as many American jobs. He referred to these City employees as sanitation workers, not as trash men, and said everyone should all think differently about how things were worded. He suggested thinking carefully about what the City was doing before making a decision and was willing to make a financial sacrifice in order to keep these workers.

Jean White, District 1, noted that the satisfaction surveys sent by the City to residents showed that the trash recycling service by City sanitation workers gets the highest or one of the highest ratings of 96% or 97%. She cited the four options presented by staff: (1) To approve this; (2) To keep it coupled with a 12% tax increase; (3) To keep the residential collection but to consider outsourcing the dumpster collection with a lesser increase; and (4) To have an online civic engagement platform. She did not think the fourth option should be done. There has been a workshop, people in the City have contacted their Council representatives and Mayor and vice versa. She did not think that time should be wasted on anything further. She thought there should have been a fifth option here which was to vote it up or down, which she believed Councilman Gifford has brought up, and Councilman Morehead also thought may be a good idea. She thought that was what Council should do as it should not be coupled with a tax increase. She asked for that to be the course of action taken.

Mary Khalid, District 4, listened to the discussion several times and knew that Council listened to these arguments over the last several months. She thought it was important to understand that they probably know more about all sides of this issue than anyone in the room. She did not think it was a good idea to send out a questionnaire asking people randomly whether they would or would not support this issue. She thought it was important to understand all different sides, not just the money, but also things

related to the pros and the cons of the issue. She did not always agree with her Council representative, but she trusted her judgement because she was working for the best interest of all the constituents in the district. Ms. Khalid urged Council to make a decision tonight and not carry this any further.

Desmond Kahn, District 1, was happy that the overwhelming sentiment Council heard from the citizens of Newark was that they do not want this to happen. He also commented that option B where if Council voted it down, they were voting for a big tax increase was very odd. He did not know where the option was just to vote the outsourcing down without a tax increase which is something that was dropped on the Council apparently a week ago. He found that very strange.

Mr. Gifford said he always tries to see all sides of the issue. He sat down with Public Works, he sat down with Republic and went to all the meetings. He believed that Republic could do this work. If it was his decision alone, he most likely would hire Republic Services for refuse collection. They have equipment that Newark does not have including cameras in their trucks to look up inside the can and make sure that everything is out. However, based on public feedback, Mr. Gifford did not see how he could support outsourcing refuse collection.

He wanted to ensure that the City did not just rest on its laurels with the current service. While the current service is good, it can always be better. He thought it would confuse things to keep Option B in here because the City was not even sure what Option B was anymore. He thought if the City wanted to do something like that later, it could always be offered.

Mr. Gifford decided to listen to constituents this time which challenged his thoughts on this proposal. He hoped it was the right choice because it would have been a significant savings, but between tonight, the other meetings and what he learned, he thought the City could continue to offer its service and make more efficiency upgrades later.

Mr. Markham commented on Option 4, the town meeting survey. He said while the City needed something like this, in general, the time to do it was not with a powerful discussion. He would like to have better outreach to his constituents, and this would have been good if it had been fully tested and available for a smaller issue. Going forward, the City should have something like this as the more people reached, the better.

He was not voting for a tax increase tonight. That would be wrong. He would not support the outsourcing because at this point in time, it would be painful to the City residents to outsource now. He agreed with Mr. Gifford he would do it for his budget, but he was speaking for his district, not himself.

Mr. Morehead expressed a concern about an online poll system. He knew lots of folks were not technically savvy to the degree that they may pick up on this that it was happening. The City would need to understand that it was selecting some portion of the residents and possibly not another portion of the residents. He would be concerned about that because if it happened to be a close vote, that might sway the numbers. He would not be supporting a tax increase or outsourcing at this point.

Mr. Chapman agreed with Mr. Gifford's statements. This was difficult for him and was something he heard opposition to when he first campaigned in 2012. He supported staff moving forward with the research. He felt there was a fiduciary responsibility to find out what the numbers and the options were and to see how close to, if not matching, in service and quality the City could make it. He was surprised to hear from the other Council members how one-sided the outreach was from constituents. He heard from a lot of people as well and received a lot of feedback and support for outsourcing.

The feedback opposing outsourcing was very strong, and it seemed more than anything else to be an emotional decision and fear of losing quality and the recognition and the personal side of the seven refuse collectors' jobs. He thought it was worth mentioning that it was not even split, but it was close to how many people reached out in favor of this outsourcing contract. If it was a personal decision, he would have done it.

Ms. Sierer wanted everybody to understand that Council directed City staff to do this research as a fiduciary responsibility to find efficiencies and do an RFP, and that is what they did. Council now had a decision to make on the research and the information they provided. She cautioned everybody on beating up on staff, and found it inappropriate to do so, because Council asked them to do this. Please keep that in mind going forward with other important decisions in the community, because usually, Council had directed them to do so. She asked Ms. Hadden to repeat her motion.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: TO REJECT RFP 15-07.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Ms. Hadden asked if anyone else felt housekeeping was needed and whether additional direction should be given to staff for the budget process. Mr. Gifford did not think a vote needed to be taken since staff had to put a budget together for Council.

Ms. Houck said the options were options and staff heard loud and clear and she heard from Council members to raise the taxes. Tell us how much it would be. That was why staff provided them to give Council some guidance. Council had the opportunity at any time to offer any other suggestions up for the vote.

For clarification, Ms. Hadden said if she understood the proposed 12% increase, the average home was looking at \$4.83 more a month up to \$8.16 a month. Mr. Vitola said she was correct that if there was an across the board tax increase of 12%, the average residential tax payer would face an increase of about \$58 a year. That could go from zero for someone who is completely tax exempt all the way up to something like \$200 a year. The \$98 number, which is roughly \$8 and change per month was based on rather than an across the board tax increase to cover the foregone savings, it would be a tax increase to put the \$700,000 savings only on residential parcels which would result in an average of \$98 a year, but which could be anywhere from zero for someone that was tax exempt, all the way up to some number closer to \$400 a year for someone with a very high assessment value.

Ms. Hadden said since the City was in budget time, did Council feel they could give any kind of direction at this point or does Council feel there should maybe be some type of public information session.

Mr. Markham said it was the job of staff to deliver the services and decide a budget on how to deliver those services. They would have to come back and say, "We know we have the refuse internally. We have to find ways to pay for them," or present to Council different options for how to pay for it. He would not give them direction to go figure out a per house tax increase.

Mr. Gifford was concerned to learn about two tax increases tonight – the general operating tax increase and a tax increase associated with this item. Two tax increases in the same category in the same year did not make sense to him. He felt Mr. Markham stated it perfectly.

Ms. Houck said staff was fully ready to prepare the budget as they have always and include what was needed for the operations to continue them as they are, and they will do that. They already had the first budget hearing and intended to hear more from Council and then continue on.

Mr. Ruckle pointed out that a \$2.2 million shortfall was reported at the financial meeting, and said the City had to figure a way to come up with that amount. Many cuts were made, so hopefully a solution could be delaying a few more things. In the end, the residents wanted their refuse. Council had to make that decision at budget time and be clear that they have to make the hard choices.

19. 7. **FINANCIAL STATEMENT:** None

20. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING**

A. **Bill 15-26** – An Ordinance Amending Chapter 23, Parades and Public Assemblies, Code of the City of Newark, Delaware, By Changing the Liability Insurance Required for Special Events to \$1,000,000

04:03:05

Ms. Bensley read Bill 15-26 by title only.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 15-26.

Lieutenant Fred Nelson, Newark Police Department, noted that part of his job was to issue special permits for special events which normally were races, parades, etc. This ordinance allowed the Police Department to issue permits for special events and have the power to designate, limit, and place restrictions on the events. Subsection (c) specifically states, "For all special events the chief officer of the special event, is required to obtain liability insurance in the amount of \$300,000 and name the City of Newark as co-insured on the policy."

The proposed amendment would change that minimum amount of liability insurance from \$300,000 to \$1 million. This request was made in order to protect the City of Newark's financial interests in the event that an incident occurred at one of these special events. The Parks and Recreation Department is in favor of this change due to the multitude of events that are held in City parks as well as on City streets. One note of interest, during the multitude of events held throughout the City during the last year, there were no policies issued for less than \$1 million anyway, so this would just codify what happens in real life.

Mr. Gifford asked if there were any situations where \$300,000 was not enough to cover an issue. Lt. Nelson was not aware of any and was not aware of any litigation whatsoever. Mr. Gifford clarified that there was a subsection that if someone could not provide the insurance, they could still hold an event. Lt. Nelson said that was correct. If there was some type of financial difficulty, that would be taken into account and they could agree to forego the requirement.

Mr. Markham asked how many events this would affect since the parades were usually City events. Lt. Nelson replied there were a lot of races held in the City, possibly 50 in a year. Mr. Markham asked the difference in cost between \$300,000 and \$1 million. Lt. Nelson did not have that information but said he reached out to one insurance company who stated they would not even issue one for \$300,000 because that amount was just too low. Their minimum would be \$1 million and they would have to get special permission from an owner or a manager to go that low. Mr. Markham asked if this corresponded to any other cities or state limits for events. Lt. Nelson said not that I'm aware of.

Mr. Chapman thought the increase to \$1 million was overdue and appropriate and did not think it would be unreasonable to expect more for certain events. It made him uncomfortable to learn there was an option to hold an event without any liability insurance. He asked Ms. Houck for a more thorough review.

Mr. Gifford asked what the process was if somebody did not have insurance. Ms. Houck did not recall having any that came to her. Lt. Nelson did not recall any this year. The only thing that he could think of would be if somebody wanted to have some type of protest on a City sidewalk. He thought in the past that the City waived the liability insurance, because he did not think that was the intent of the special event permit.

Mr. Chapman said if they had a special event permit and a drunk driver took out people on the sidewalk that had permission by the City to be standing on the sidewalk, he felt there would be an attorney interested in picking that case up to come after the City. Whether the City had its own liability coverages or not, he would rather it be the second coverage rather than the first.

Ms. Houck said staff could look into it organization-wide and see if there is anything the City was missing. She thought some of them may not be special events, they may be like the people who are collecting for UDance, but staff could take a look at it. Mr. Chapman asked to be kept in the loop on that.

There were no public comments.

MOTION BY MR. GIFFORD, SECONDED BY MR. RUCKLE: THAT BILL NO. 15-26 BE APPROVED AMENDING CHAPTER 23, PARADES AND PUBLIC ASSEMBLIES, BY INCREASING THE LIABILITY INSURANCE REQUIRED FOR SPECIAL EVENTS TO \$1,000,000.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(ORDINANCE NO. 15–21)

21. 9. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:**
A. Rehearing of 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

04:10:51

Mr. Fortner presented the re-hearing for Qdoba Mexican Grill. They came before Council on August 24 for two special use permits. They were granted a special use permit on the cafeteria-style restaurant, however, the motion for the alcohol did not move forward for lack of a second. The City Solicitor had opined that they should have a hearing for each members to vote up or down. The applicant was here to re-present their application. The report was the same. The Planning and Development Department recommended for the special use permit, and information about the permit was in the memo to Council.

Mr. Markham asked Mr. Fortner if the applicant understood that the special use permit was discretionary. Mr. Fortner had conversations to that point with a representative from Qdoba but she was not at tonight's meeting.

Mr. Markham asked Mr. Herron if Council had to vote individually on a special use permit. Mr. Herron said Council should give consideration to the factors outlined in the ordinance and that the easiest way to reflect that consideration was to have an up or down vote on the application. Mr. Markham said during his time on Council this had never been an issue and when a motion failed for lack of a second, it was a clear message from Council. Mr. Herron did not think a similar situation ever happened before in the context of a special use permit and advised that the prudent thing to do when a special use permit was before Council was to consider the factors and take the vote. If Council agreed to keep it at the status quo, Mr. Markham asked if Council had to justify their vote. He did not believe they did in a zoning if they stated they wish to keep it as is and not grant it.

Ms. Sierer said so Council was not voting as they would in zoning where they just have to vote yes or no. Mr. Herron replied yes and there should be a discussion of Council. Mr. Markham said Council had a full discussion last time but just did not have a final vote. Mr. Chapman asked whether Council had to duplicate the conversation. Mr. Herron said since the applicant was here, he should be able to present.

James Mounts, Director of Operations for Qdoba reported their plan was to build a Qdoba restaurant on Main Street and they were requesting a special use permit to sell beer and wine in a cafeteria-style restaurant. It was his understanding that he was coming to answer questions from Council about the operation as it pertained to the sale of alcohol.

Mr. Gifford said that Council's concern at the previous meeting was that in a cafeteria-style restaurant, it would be easy for a customer to buy beer or wine, bring it back to their table and then share it with someone who was underage.

Mr. Mounts explained the way their system worked when a customer gets to the cash register and wants to purchase a beer, the manager has to come over, has a security card, punches in the I.D. and checks it. Employees and managers were frequently in the dining room talking to customers and checking on things. They have a good training program and do a lot to ensure that does not happen.

Ms. Sierer asked how it was different from going up to the bar at a regular restaurant, buying a drink and taking it to a friend at the table. It seemed to be a similar concern to her. Mr. Markham replied it was the cafeteria-style setup. Council was opening the door to at least two more restaurants on Main Street selling alcohol, whereas a bar was a little more controlled as to who walked in the door as they could be carded.

Mr. Markham asked how integral alcohol sales was to the business. Mr. Mounts said it was not a very high percentage of their sales mix, less than 5% in most cases. He said the important thing to point out was on Main Street, customers who want an alcoholic beverage would have to go to a sit-down restaurant and thus pay a little more including a tip. Qdoba allowed customers to have a lower-priced meal with high-quality food provided in a different service atmosphere.

Ms. Sierer asked if all the other cafeteria-style restaurants served alcohol. Mr. Fortner reported that Chipotle and El Diablo do not have alcohol and would need a variance for the number of seats.

Mr. Ruckle did not have an issue with this. He noted that some cafeteria style restaurants in airports were equipped with small refrigerators where the customer gets their own beer. The dilemma was that it was a cultural change for the community, so this would be a first. Mr. Mounts explained one of the things they do to prevent this in states that require it was to physically take the alcohol to their table. Ms. Sierer said Cosi was a restaurant on Main Street that does that. Mr. Mounts said they would be willing to do that if it would satisfy the City. Ms. Sierer said she was fine with that plan since the precedence was already set.

Mr. Chapman noted that a special use permit was not a foregone conclusion, it was an option of Council but was also an option of Council to remove it at any time. As long as other expectations were met, he typically leaned toward granting a special use permit with the understanding that it could be removed if there was a reason for that.

Mr. Markham's concern was that if an applicant was so insistent that they did not get a vote that they have to come back and re-request alcohol, that they would end up more like Shaggy's, where they basically violated their alcohol percentages. Mr. Chapman stated that Shaggy's did not have a special use permit to sell alcohol. They had a by-right ability to sell alcohol because they were a full restaurant with the allotted seating. He thought it was a grandfathered license and believed the food-to-alcohol ratios were a state law. Mr. Fortner clarified that the state beverage and alcohol standards would be the same for a cafeteria-style restaurant as it would for a traditional restaurant.

Ms. Hadden asked at what point was Council alerted there may be a violation and that they may want to step in and pull that special use. What type of policing was done - was it all through the Alcohol Beverage Commission? Mr. Fortner understood the police had a unit that did training and monitoring and they were being more vigilant making sure that they were abiding by the regulations. Mr. Chapman believed the police department would initiate a review and then ask staff to take a look at perhaps having council reconsider a special use permit.

Mr. Morehead said when the Greene Turtle came in front of Council and promised that they would have all sorts of technology to verify that someone's license was valid. He has never seen that technology used once.

Mr. Mounts said the system used at Qdoba was when any alcoholic beverage was rung in, it would not allow the order to cash out and finish the transaction without the manager swiping their security card to give the authorization for the transaction to take place and then entering in the birth date.

The Chair opened the floor to public comment.

John Morgan, District 1, felt some concerns would be alleviated if it was made clear that alcoholic beverages would be delivered to the table by a waiter or waitress and that gives them an opportunity to check the I.D., not only of the person to whom he or she is serving the beer or wine, but of any other people sitting at the table. He said the oldest trick in the book was to get an older friend to order the beverage and switch around as nobody was paying real close attention.

If there was already precedent for that at Cosi, that may alleviate some of those concerns. He noted there was no shortage of restaurants on Main Street serving alcoholic beverages. If the alcoholic beverages were going to be a small percentage of the sales of this restaurant he wondered whether a better business model would be to have a family-friendly restaurant where people could take their kids and have a nice inexpensive meal without having to worry about semi-drunk college students at the next table.

Carol McKelvey, District 4, often took her 12 year old niece with her to lunch. She has been to Claymont Steak and goes up to the counter and buys a beer with her steak sandwich. They will call her name and she goes and picks up her steak sandwich but she has carried the beer then to a table to where her niece sits. She also go to the Winterthur cafeteria where people go through the cafeteria line, pick up a beer there and get a glass when they pay for the beer at the register. She did not think it was an unusual thing that was happening. Because Newark is a college town, they were acting differently to this business, but the bottom line is, this is done.

Jeff Lawrence, District 3, said there were plenty of places on Main Street to get alcohol. He did not think Qdoba offering some beer and wine would turn the City into a drunken town. He felt the business should be able to run the restaurant as they wish, and bothering the employees with having to bring an alcoholic beverage to the table he did not understand how that would change a single thing, because whether I pick up my beer from the counter and hand it to my little brother or have someone bring it to me and then when he walks away, hand it to my little brother, is any different and Council was just further tasking and burdening the restaurant unnecessarily. He said whether it was three percent of their business or whatever, that was their business. It was a very cut-throat market out there and sometimes a couple of percent can make a huge difference.

Chris Hamilton, District 4, did not understand why there was even a question about this. It would not turn Main Street into some den of heathens by offering beer at Qdoba. Whether it was 3% or 8%, restaurants run on a very thin profit margin. If that is what gets another restaurant to stay in Newark, why not, because the City had seen its fair share of restaurants close. There was no need to handicap anybody.

MOTION BY MR. CHAPMAN, SECONDED BY MR. GIFFORD: TO APPROVE THE SPECIAL USE PERMIT FOR ZRC OPERATIONS COMPANY, INC., TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES CONSUMPTION FOR THE QDOBA MEXICAN GRILL CAFETERIA STYLE RESTAURANT LOCATED AT 58 EAST MAIN STREET.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 1.

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

22. 10. ITEMS SUBMITTED FOR PUBLISHED AGENDA

A. Council Members:

1. Consideration of Standstill Agreement – Newark Country Club – Regarding 310 Unit Proposal/Discussion of and Potential Vote on Newark Country Club Proposal (Councilman Morehead)

04:33:16

Ms. Sierer explained this item was to discuss the agreement placed on the agenda by Councilman Morehead and not to discuss the rezoning. That would be done at a subsequent meeting.

Mr. Morehead pointed out this was a complex issue. The Country Club was a landmark in town for many decades and a lot of folks have a stake in its future as well as a stake in what happens if the Country Club decides to go away. This has been an issue for District 1, his district. Folks talk to him all the time about the Country Club, and when they talk about the club, they talk about the land. A number of people think of the club as the organization. A lot of the residents think of it as the land, because they are not familiar with the organization, so they look across the road and see the open space.

Mr. Morehead used to own a house on the corner of Nottingham Road and Bent Lane. He has not owned the house for several years, so he did not have a vested interest in this. He did have a vested interest in that he represented the folks in District 1. A lot of the concerns were about traffic. If the site was to be developed, a lot of the concerns as well were about maintaining open space. Folks in District 1 have been used to seeing that area as open space for a long time and would like that to continue as open space.

Through this process, it became clear that if it were developed, a number of folks would like it to be developed into a 55 and older community and that they would like to move there. I also became clear that many folks in the community were working on this issue from a number of different perspectives. There were a number of ideas out there, perhaps some sort of a state park or a public-private partnership.

Comprehensive Development Plan IV, which was the plan in force, talks about preserving open space and that the City would actively acquire open space on the public's behalf. Comprehensive Plan V which was not yet approved but in process, recommended that all of the stakeholders would be engaged in a lengthy process to determine the community's will, about what to do with the future of target property because it is one of the largest, if not the largest, undeveloped properties at this point in time.

Mr. Morehead said to Council that everything Council did had consequences. He wrote a cover sheet to the agreement where he discussed the differences between the open space based on the zoning and the different minimum requirements. The City had two separate review and possible approval processes. If a plan comes forward that conforms in every way, it moves on ahead. If a plan came forward that was non-conforming and the developer or land owner requested site plan approval, that was a secondary system for us. The laws specified how that process goes. What that process does is to trade open space for more density. In this case, this agreement specified a site plan approval process which, coming back to what he said earlier about open space, this particular plan would fall under either zonings in the site plan approval process. It could be done by either one, so whether or not Council were to decide to rezone, it would not matter at all because both zonings allow for this plan to be site plan approval. This was a difference between 7% open space, 20% open space, and 40% open space. He asked Council to consider was that site plan approval was a discretionary process, and gave the City leverage to negotiate and improve the project or to request changes. Without the site plan approval process, then the City left the landowner to go to a by-rights process. This happened before with the 2008 plan that was approved by Council and that plan had every square inch of the property filled with houses. That was the safe way for the landowner to come forward, put something in that was by-rights, put in 7% open space and fill every inch of the property. The risk weighed for them, because it was discretionary, was to go for site plan approval, but the prior Planning Director and the current Planning Director have both stated on paper that the City was in a position to get a better result with site plan approval than a by-rights.

The concept and the plan was defined in the agreement and was not something that was requested from the City or from Mr. Morehead. This is what the landowner was exploring. Their request was for a 55 or older community with 310 units maximum. It would address a number of the traffic concerns. It was 40% minimum open space. Mr. Morehead learned that Council had the authority in a situation like this to not accept the open space as public open space, and it would remain in the ownership of the residents of the community or the homeowners association. It was not clear to him in that case if the public had open space access to it. Ms. Feeney Roser thought it was negotiated on as development approvals go. There was open space in some of the other developments around that actually was an extension of someone's backyard. They cannot block it off or

fence it, but it was not really easy access for the public either but it was still open space though. Mr. Morehead question was, if the City did not accept the deed, was there a requirement for it to be public access or not? Ms. Feeney Roser believed that was talked about through the process.

Mr. Morehead said the reason he went down this road was that he knew a number of Council had seen this plan in earlier iterations a long time ago, and he felt Council had chosen an outcome without performing the City's role as recommended in Comprehensive Plan V of engaging all of the stakeholders. He asked the City legal team to engage, at least the Country Club stakeholders and negotiate an agreement to allow this to come to a vote as a concept, as a, does council want to engage the Country Club in this manner. This is the result. He can answer questions from Council or there were representatives of the Country Club here that could answer questions about this. He would ask if people speak, to let Council know what they would like to see for an outcome here, such as a state park, or this development, or something else and give them some direction because Council did not have direction at this point in time.

Mr. Chapman wanted to lead by following up with the way Ms. Sierer opened this item which was to ask that the conversation be restricted to the topic at hand. He felt that was great direction but thought many things already discussed further distracted Council from what was actually in front of them and what they should be making a decision on tonight. He was concerned about this agenda item becoming a surrogate or proxy debate regarding a lot of other issues. He made a list of what those might be, especially after looking at the minutes from the Planning Commission meeting. What he was about to list had already been mentioned.

He did not feel like Council should be debating or talking about the appropriateness or desire for a 55 and older community on site when it was eventually developed, not tonight. He did not think Council should be talking about open space versus development at all, not tonight. He did not think Council should be debating or discussing the idea or the concepts of a cluster development design versus single family residences. Council should not be talking about the possible traffic issues of any development, and Council should not be talking about the endless possible other solutions and options for the property. The only two things on his list that were not discussed already were infrastructure and economics of the City. All of that distracts from the agreement that stalls the current proposal to rezone the property.

In regard to the Standstill Agreement that this item is in reference to, it sets a bad precedent. He already heard from other developers who are active in the City that what the message that's being sent loud and clear is that the threat of litigation allows a developer to get exactly what they want, and not to mention exactly what they want through the threat of litigation, but with an expedited treatment and consideration, which is what the details of this agreement lay out for a site plan approval process. He does not believe this is a process involving all stakeholders, but rather a private negotiation in terms of the agreement in front of Council. He feels this agreement is just bad policy and a bad way of doing business as Council. It was arguable that this agreement is contract zoning or contracting of zoning standards which is illegal and arguable.

He believed most members of Council understood this. The reason he was laying this out was for everybody else in the room. This agreement did not prevent any litigation from the property owners and their representation. In fact, they have already filed two FOIA violation complaints in two different courts and have stated in relation to this agreement that regardless of the way Council voted on this agreement tonight they will proceed with those violation suits. The conversation between the City's attorney and the Newark Country Club's attorney only would state that they may not proceed with any other suits if Council approves, not only the agreement because the agreement does not change any litigation threats, but ultimately approves their 310 unit development through the site plan approval process.

This agreement is not an action or negotiation by City Council or City staff, but instead a unilateral action of just a single member of Council, which Mr. Morehead clearly laid out. Through his actions though, he was acting on behalf of Council in representing

the City, which Mr. Chapman thought was dangerous and appeared to be working on behalf of a particular developer or a private property owner's interest. The agreement is unnecessary. Again, Mr. Morehead pointed this out. It was unnecessary for Council to consider a site plan approval. Council can consider a site plan approval and the property owner or developer can submit a site plan approval regardless of what the zoning is between the currently zoned RS or the proposed zone RH. Mr. Morehead mentioned that the process of site plan approval gave Council leverage. Mr. Chapman contended that site plan approval can give Council more leverage in a final outcome, but any leverage is greatly diminished by virtue of this agreement. It was in the best interest of the property owners to have this agreement, but not the City and not the constituents and the future of the City which initiated the proposal.

Mr. Chapman said the Country Club was not staying in its current location. It was on a record at the Planning Commission by several of their members that they want to remain in Newark right where they are as a Country Club and remain as an active golf course. That is not what their leadership is saying or doing. If that is really what their intentions were, there would not be a site plan approval for 310 units and a concept development in front of us.

The indicated 310 unit multi-family cluster development does not conform to the current Comprehensive Plan IV which was mentioned and does not conform to the new version V, which was just moved forward in a final draft to be reviewed by the Planning Commission. In version IV it was shown in a future land use map as open space, as compared to its current use which is recreational. That was changed in the Comprehensive Plan V to show its future use as low-density housing currently zoned RS, but low-density residential housing as compared to its current use on a separate map which is recreational. In neither one of those is there an indication of that suggested concept of a 310 multi-family cluster development conforming in that future use or that development plan or vision for the City.

Mr. Chapman reminded Council that a year ago and within this past year he brought to them what he had initiated with members of the Country Club and other stakeholders as an idea of a public/private partnership and/or the City purchasing development rights of the Newark Country Club property and not a single member of Council offered him any support in doing that or even exploring it any further.

Mr. Morehead responded that the one that stick outs most to him is that the 310 units do not conform. The interesting thing with the site plan approval process is that it is every bit as much law as the other law. The City had two legal processes and the 310 units relative to the 120 acres was how the City measured. The new Comprehensive Development Plan V moved the low density up to 10 per acre, so that would be 1,200 vs. 310. Going back to talking about not involving all stakeholders, he would like to see that done, and if that was the outcome of tonight, he would be please to take a step back and decide to involve all stakeholders.

Mr. Gifford had two questions based on what he heard. He asked Ms. Feeney Roser if this plan for the 310 units conformed to the current Comprehensive Plan IV. Ms. Feeney Roser responded that it would comply to either because with 120 acres to divide the 310 by, there would be a little less than three units per acres which would meet large lot residential.

Mr. Gifford wanted to make sure he read the agreement correctly. The City could go through this whole process and in the end say, "No, we don't want this," and have to go through a different channel. Is that correct that this would not bind us to approving anything, it just started the process. Mr. Morehead said he did not negotiate this process. His understanding was that it is a schedule and City laws already lay down a schedule. This was not an expedited schedule as such, but a definition of if this happens on such and such a date, then that has to happen on such and such a date and so forth. Mr. Gifford said ultimately Council got the decision through site plan approval process.

Mr. Morehead said the other thing that was built into the agreement was that there were some complexities. There were some legal complexities of the fact that the 2008

plan was out there and was approved by Council. After that, Council passed the Sunset Law, so one of the questions was whether the 2008 plan was still valid. There were two sides to that, and that could be argued. One of the things the agreement did was to settle that question for the time being. There were a number of other subtleties like that that it settles out in the short-term, but it specifically stated that the Planning Director's recommendation was discretionary, the Planning Commission's recommendation was discretionary, and Council's decision was final and discretionary. Mr. Morehead said the other thing is this agreement would hold until February given the timeline.

Mr. Ruckle asked if anyone talked to the Country Club and asked if they were for sale. He felt everyone had to work together. He would like to see it as a Country Club and thought most people would or an open space. There was not one single park in Newark that could have a music festival or anything like that. If there was a way to preserve the open space and the Country Club could get their money and move on, then he thought all things should be on the table.

Mr. Chapman reiterated the conversation had to stick to the agreement. There was a current plan or proposal in process right now and Council was jumping in front of and putting a roadblock in that tried and true process that every other consideration that comes before Council goes through and having a surrogate debate outside of that. Mr. Ruckle agreed with Mr. Chapman that Council should follow the process.

Mr. Markham disagreed with the constraints because this agreement was on the table for modification. Any topic that would modify this agreement in a positive way he thought could be on the table. It had to be such that it could either be placed into the agreement or replace the agreement. He read some of his old minutes – he thought he was one of the few people on Council back in 2008 and he saw the last quote in the last minutes which said, "I expected to see another plan," which he wished was not particularly true. During his time on Council he found that the pieces do not always come together at the right moments and found that quite painful waiting five or six years to pull something together. He saw an opportunity and was not saying that he liked the Standstill Plan, other than it was a standstill. He would like the opportunity to pursue other options. He said Mr. Chapman is right, he did bring items to Council and sometimes the light or the pieces just are not there at that time. He also had a very active constituent who had been very successful in the past. Mr. Markham would like an agreement that allowed other things to be pursued. He fully expected this property to be developed and did not expect to save the whole thing. However, he did think there were ways to mitigate and reduce the impact. Somehow he would like to take this agreement and expand it. With this agreement he would like something that said the Country Club would hold off future lawsuits other than what they have in litigation at the moment which he did not see in here either. Otherwise it was a little too one-sided. He was looking for a standstill, looking for something that protects both the Country Club and the people who will deal with what was left of the Country Club when it is gone. He would like to expand to include other possibilities, other referendums, state, county, whatever monies that can be looked at while things are standing still. He did not know how else to put that, but it comes back to this agreement.

The Chair opened the floor to public comment.

John Morgan, District 1, said that when the plan for building 270 houses on this property was considered in 2007 and 2008, there were serious concerns about traffic. They can be read in the transcripts of the meetings of the Planning Commission and the Council meeting. He urged every member of Council to do so. Mr. Morgan made a point about updating the traffic studies during the public comment period at the last Planning Commission meeting on October 6, 2015. The next speaker after him was Thomas Runnels, a retired attorney and citizen of Newark who now resides on West Main Street. He is a member of the Newark Country Club which is a four minute walk from his house. During his comments he made the following statement, "I will also be perfectly confident in saying whether the Newark Country Club can stay there or not has yet to be shown and if you were to poll the members today they would be overwhelmingly in favor of maintaining the property as it is." Mr. Morgan did not doubt Mr. Runnels' statement and his review of the transcripts of the meetings of the Planning Commission in 2007 and of Council in 2008 makes him reasonably confident that most residents of the City of

Newark, especially those in districts 1 and 5, also favor maintaining the Country Club property as it is. If an overwhelming majority of the members of the Country Club and a solid majority of the citizens of Newark had the same goal, it should be possible to reach a consensual agreement between the Country Club and the City of Newark to maintain the property as it is rather than selling it and building on it hundreds of houses which neither group really wants.

The main reason for selling the Country Club property is financial. Its membership has been declining in recent years, its annual expenses have exceeded its revenue by relatively modest amounts of around \$100,000 a year, and it has mortgage debt of about \$1,600,000 as indicated by Form 990 which the Country Club filed with the IRS in 2013. If the overwhelming majority of members of the Country Club indeed want to maintain it as it is so they could continue to use its golf course and associated facilities there may be a creative way forward. Instead of selling the Country Club property in Newark and buying another property in Fair Hill, Maryland which will certainly be less convenient for club members who live in Newark, the Country Club could donate the property to the City of Newark on the condition that the City of Newark maintains the golf course and the associated facilities on it for at least the next 50 years or so. He urged that serious consideration be given to this.

Helga Huntley, District 1, did not see how she could comment on an agreement concerning the standstill of the rezoning without mentioning the rezoning which seemed to be at the heart of the agreement. Ms. Huntley believed many people talked to Council and expressed their exasperation with the secretive way in which the discussion of the Country Club's future was advertised for the August 3rd meeting or the fact that it was not advertised for a meeting that it was planned for so she stated that she counted herself among this group. One of the consequences was that the City found itself in a difficult position having to deal with the fallout of taking the steps to determine the future of the Country Club's property out of order.

In this regard she disagreed with Mr. Chapman that the City was following a tried and true process with the rezoning. She felt the City got off on very bad footing in that regard. The memorandum of understanding under consideration tonight provided a way out and would give us some time for further discussions of what the vision for the property is for a variety of stakeholders and to consider creative ideas like those mentioned earlier tonight by a variety of other people. Ms. Huntley supported the recommendation made there to develop a master plan for the property through a broad collaboration. In fact, that recommendation was never discussed by Council, at least not in the many CDP workshops that she attended and was never voted down. It is still in the current draft so she imagined that it was actually supported by at least some of the people on Council. Ultimately the owner does and should have a lot of say over what will happen, however if an alternative creative idea was brought to the owner it might have a good chance of success. That required trust between the different parties. It seemed that the MOU under consideration tonight could start to rebuild that trust that was lost on August 3rd by guaranteeing the good faith effort by the City to consider the owner's proposal. At the same time the City was not committing itself at this point to any particular development plan so it seemed to her that there was very little to lose in agreeing to this MOU.

Guy Johnson, a non-resident, was a member of the Newark Country Club. He deferred to his colleagues at the Country Club since he was not familiar with the standstill agreement and had planned to talk about the zoning

Jacqueline LaGasse, District 3, was prepared to talk about rezoning but as a member of the Country Club said their first preference would be to stay there. People loved the course which had been there for 86 years and it was a beautiful piece of property. However, they could not do that alone. If the club was forced to be sold, it was up to the membership to vote whether or not they should proceed with a sale of the club. It was not an individual's or a board's choice; it goes to the membership. She thought there was a lot more room for negotiation and the only thing that she believed they wanted was fair market value should the property be sold. They were not opposed to having that property remain a beautiful green space and doing what is best for the City.

Thomas Runnels, District 1, West Main Street, was encouraged this evening for the first time since this process started. The question of trust has been raised. He was afraid of being steamrolled by a Council that was unsympathetic and unwilling to listen. He said the effort must be made to include all stakeholders and study the options. He finally felt they were listened to and urged going forward together as members of the same community.

Chris Hamilton, District 4, felt that City Council and City management seemed to take short cuts which always ended up costing us such as the reservoir lawsuit. Right now the City was back into another lawsuit. It seemed to be a recurring issue and he was not sure why. Mr. Hamilton did not want to use public money unless he had a right to walk on that golf course. If the City goes into a public-private partnership, he should be able to walk all over that land and not be a second class citizen on land he was paying for. Mr. Hamilton thought everyone could come together here. He hoped there would be some way to raise money and open up that land. Otherwise there would be more traffic and more runoff and the bill for a stormwater management system would go up with another 300,000 houses there. He urged talking with people to get things resolved.

Donald Sharp, District 1, suggesting that the City and Country Club representatives talk with Newark legislators Senator Sokola, co-chair of the Bond Bill Committee, and State Representative Baumbach to work to come up with funding. He wanted the club to get the fair market value. Ms. Sierer said she sat down with both of them so that was in progress, although they told her they do not have any money.

Jeff Lawrence, District 3, cautioned people on all sides about compromise because they may be acting out of fear and end up with something they do not want. He supported open space but the City, the County, the State and the Federal government had no money so the Country Club had to be let to do what they want with their property.

Leslie Purcell, District 1, appreciated Mr. Chapman's earlier proposal for a public-private partnership. She appreciated Mr. Morgan's comment about the City somehow acquiring the property. She was not clear on whether the agreement was really a standstill agreement but it seemed to promote the new plan for a 55 and over community. She thought it was better to have a hiatus and get the parties together to work this out.

Dennis Barba, president of Newark Country Club, said they entered into a Letter of Intent agreement for research purposes only for development of the club. It is not currently for sale and not under contract. With the support of the Board of Directors he promised to research every possible way to keep Newark Country Club a viable and active country club. Before they even got out of the blocks, the down-zoning was presented to them on August 3rd. The letter of standstill was basically a letter of trust. They wanted to stop the spending of money and did not want to go to court or trial. They needed time to work things out. For the City to abruptly throw that letter at them forced them by law to stop the City from doing what they were about to do and thought they had the right to do. The standstill agreement was negotiated through their counsel and through the City's outside counsel and was agreed to by the City's outside counsel. The Country Club was willing to sit down, negotiate and talk to the City. As it stands now the City left them no other choice but to do what they had to do. The City was protected and so were they. They were the owners of the property.

Shawn Tucker, Esq., represented the Newark Country Club and not the prospective developer. This MOU was not the idea or the creation of his client. MOU's were a very effective way to resolve matters such as this. They maintain the status quo. When they are drafted correctly, they are not contract zoning. Contract zoning was when a result was promised generally. This agreement was very careful to make clear that no result was promised. Generally MOU's were sound so long as the current Code was followed in terms of the public process and public input and if the MOU exceeds the Code in terms of public input and public process. In this case after reviewing the MOU and discussing it with the City's outside legal counsel, those things were carefully looked at. Developers who may say that MOU's were bad would probably love to have this property under contract and would like to see it blow up because developers develop. It was not unusual for developers behind the scenes to privately speak to different folks in

government about blowing up resolutions to develop property. He recommended talking to Mr. Herron and outside legal counsel about what is legal and what is not, not necessarily other developers.

The only action that was brought was one action with the Chancery Court because there was a 60 day statute of limitations so his client had no choice but to file (on the last day). His client could not be expected to waive his rights no more than the Council would waive its rights facing a 60 day statute.

Linda Stapleford, District 1, was glad to see there was a discussion between Council and the Country Club which had been missing. Her question with the standstill agreement was whether it would allow all parties to continue to talk and work on conservation and preservation of the property through direct acquisition if it was possible to find money to do so.

Mr. Markham asked if the standstill agreement allowed for other paths. Mr. Herron said it did not preclude those. Mr. Markham noted the agreement had very specific dates in it for when things were required to be submitted and asked what the process would be of modifying those dates if there was another option. Mr. Herron said the City would have to go back and renegotiate. At its essence what the agreement did was the City agreed to hold the rezoning ordinance in abeyance until it was determined one way or the other whether the concept plan would receive site plan approval.

Mr. Markham noted it held the zoning at abeyance but it did not seem to hold additional litigation at abeyance and asked why there was not something like that in it to protect the City. Mr. Herron said there were protections in there related to the proposed site plan and the manner in which the Country Club was precluded from using that or denial of that as the basis for the suit. Mr. Markham asked if the protection would stay until the plan was rejected and the zoning moved forward. Mr. Herron said if the plan was rejected and the zoning moved forward then the City was back to where it was right now. Mr. Markham asked whether until that time the lawsuits were held in abeyance, not counting what already was filed. Mr. Herron said not necessarily all lawsuits. Mr. Markham was looking for more protection for the City because it seemed the City stopped and they got to submit their plan but they were not prevented from filing additional lawsuits in this matter. Mr. Herron thought there would be no additional lawsuits to file if this agreement was approved. Mr. Tucker said Mr. Herron was correct. The idea behind the agreement was that during this respite they would all work together in good faith to have a new plan reviewed under City Code and its legal standards and a full public review process. The reason the MOU was ideal under certain circumstances was because it was about trust. His client does nothing further in terms of litigation regarding the down-zoning ordinance because it would be pending and postponed, put in abeyance and at the same time the City would be reviewing the plan through its normal process. A developer interested in the property would not spend a lot of money on engineering and application fees if the City would move forward with the down-zoning. If the down-zoning was to go through, a tremendous amount of value would be lost and what happens if ultimately the site plan was not approved after the down-zoning. That was how it got complicated and it was necessary to flush this out now while the zoning was at a standstill to see whether there was an appetite for the 55 and older plan. If approval cannot be received through the normal Code required process, then the City and the Country Club went back to where they were tonight. Nobody was harmed or at a disadvantage. His client cannot forever agree not to pursue their rights in the event that site plan is disapproved.

Mr. Markham asked if Mr. Tucker was going on public record right now that says while this MOU was in place, his client will refrain from additional lawsuits. Mr. Tucker said he will and he would go one step further and say as long as they have the permission of the Court they would even stay the Chancery Court action. He was not sure that the City would ultimately agree to that but he would even go that far.

Mr. Ruckle asked if this was the only plan they would stick with. Mr. Tucker said this was the plan the current developer with the Letter of Intent was interested in pursuing but it did not mean if other options came to the surface that other alternatives would not be equally considered.

Ms. Sierer asked if the members were aware of this agreement and if they approved it. Mr. Barba said the members were aware they signed an LOI but it has not been approved by the membership because they realize there were other plans in the pipeline. Ms. Sierer asked whether the members were aware of this specific agreement the City was being asked to agree to tonight. Mr. Barba replied the members were not aware of that current agreement right now.

Ms. Hadden was concerned about signing off on a site plan, especially when the density was so specific and was higher than what was discussed before. She had concerns about issues that would not be part of this discussion such as downstream flooding that would affect other neighborhoods, issues that were addressed in the 2008 agreement that was sunset and especially with this that was tied to the standstill agreement. She did not feel Newark had a lot of success with over 55 communities. Although she applauded the recognition that there is a need for over 55, she did not know this was necessarily the thing. While she wanted to do the right thing, she was not sure she was looking at the answer in this.

Mr. Gifford said Council needed to look at this agreement as an additional amount of time to talk. Council did not have to approve any of this. The agreement gives complete discretion and time out and a breather to have a discussion. He could not see another way to have that discussion at the moment and this was one of the better options. He said there was really no risk either way.

Ms. Hadden asked if the agreement could be modified to lower the density. Ms. Sierer did not think that could be done this evening. Mr. Gifford said it would have to go through the normal process and the density would be discussed. He was in favor of having more time to think before getting into the next step of the rezoning process.

Mr. Chapman was trying to figure out why the City would consider a site plan approval during the abeyance. If Council was not going to continue considering a rezoning, why would it just jump to a consideration of a development plan that is beyond and outside of what is currently by-right or possibly by-right in a future rezoning. If Council was going to standstill on a consideration of rezoning it should not be considering any potential development either, especially if what was heard from Mr. Barba was true. He was trying to figure out why Council would be better off involved in litigation in February 2016 vs. November 2015. The threat of litigation should not prevent Council from doing their roles. Any litigation was subsequent to outcomes of the conversations and proposals in place and that could be introduced. The timing of the litigation had no merit between next month or four months from now. By this agreement, Council had the authority to have further discussion about a 310 unit site plan approval.

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: TO REJECT ITEM 10-A-1, THE STANDSTILL AGREEMENT RELATED TO ORDINANCE 15-24.

Mr. Ruckle felt that Council did not have any input, there was one Council member who drew this up. Ms. Sierer added that discussion was not with Council in the draft this agreement and that was problematic. Mr. Ruckle thought this should be revisited and that it was a good idea to allow time to get people together to talk. He did not think the way this was done was correct so if Council voted it down now, they should come back and do a plan where everyone agrees it made sense.

Question on the Motion was called.

MOTION PASSED: VOTE: 4 to 3.

Aye – Chapman, Hadden, Ruckle, Sierer.

Nay – Gifford, Markham, Morehead.

23. 10-B. OTHERS: None

24. MOTION BY MS. HADDEN, SECONDED BY MR. CHAPMAN: THAT THE MEETING TIME BE EXTENDED PAST 11:00 P.M.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

25. 11. APPROVAL OF CONSENT AGENDA

05:54:18

Ms. Bensley received several corrections for items 11-A and 11-B. For item 11-A, the third paragraph at the bottom - should be measured instead of measures. For 11-B the spelling was corrected for Lee Mikles. There were also corrections from Dr. Morgan. Since these are the minutes of Council, Ms. Bensley wanted to be sure that Council saw and approved the corrections. There were no objections from Council.

Ms. Bensley read the Consent Agenda in its entirety.

- A.** Approval of Council Meeting Minutes – August 31, 2015
- B.** Approval of Council Meeting Minutes – September 14, 2015
- C.** Receipt of Alderman’s Report – September 23, 2015
- D.** Resignation of Dana Dimock from the Board of Ethics
- E.** Resignation of Dana Dimock from the Community Development/Revenue Sharing Advisory Committee

MOTION BY MR. CHAPMAN, SECONDED BY MR. MARKHAM: THAT THE CONSENT AGENDA BE APPROVED WITH CORRECTIONS AS NOTED TO THE MINUTES.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

24. Meeting adjourned at 12:03 a.m.

Renee Bensley
Director of Legislative Services
City Secretary