

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**October 26, 2015**

Those present at 7:00 p.m.:

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

Staff Members: City Manager Carol Houck  
City Secretary Renee Bensley  
City Solicitor Bruce Herron  
Community Affairs Officer Ricky Nietubicz  
Deputy City Manager Andrew Haines  
IT Assistant Manager Daina Montgomery  
Planning & Development Director Maureen Feeney Roser  
Public Works & Water Resources Director Tom Coleman

---

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

2. MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO REMOVE ITEM 11-C, APPROVAL OF COUNCIL MEETING MINUTES – OCTOBER 5, 2015, ITEM 11-D, APPROVAL OF COUNCIL WORKSHOP MINUTES – OCTOBER 7, 2015 AND ITEM 11-F, APPROVAL OF COUNCIL WORKSHOP MINUTES – OCTOBER 12, 2015 FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

3. 1. **PUBLIC PRESENTATIONS**

A. UD Bike Share Program – UD Parking Services

**01:26**

Mr. Ban Phommachanh, UD Parking Services Supervisor, introduced Sean Flood, founder of the Gotcha Group, to review the University's plans to launch a bike share program in Newark. Mr. Phommachanh emphasized that UD wanted the program to be for both the UD community and all of Newark and expressed the University's hope that the City would partner with UD in sponsoring bikes and/or bike racks.

Mr. Flood reviewed the history of various bike share programs and explained that Gotcha Group created a "smart bike" that builds the infrastructure into the bike and reservations, payment, etc. are made through a smartphone app. He reviewed the features of the bike and noted that the bike is assembled in the U.S. The Smart Lock feature on the bike allows the bike to operate in conjunction with the app or at the site of the bike without the need for kiosks. He noted that the app would allow individuals to find where unused bikes were located and reserve a bike for a period of time. A PIN number would be entered into the Smart Lock on the bike, which allowed the bike to be unlocked and parked anywhere. The bikes lock to any standard bike rack and would just need to be returned to the Gotcha Bike corrals at the end of the use. The app also allows users to socialize their rides via social media with items such as miles ridden, CO<sub>2</sub> reduction and calories burned.

From an operations standpoint, the technology built into the bike allowed Gotcha Group to know in real time where the bikes were and measure the most common routes at different times of day, which allowed for more efficient placement of the bikes and the ability to be proactive. It was also easy to scale the number of bikes and locations since power and data capability were not needed as it was smartphone and GPS-based. It was also expected to help with parking issues around campus as students would be able to use bikes more easily instead of driving cars. They had the ability to be flexible with what the bike racks and signage looked like based on City and University standards. Examples of universities and municipalities where Gotcha Bike had launched were also shown.

Ms. Sierer asked if there was any data on who used the bikes in communities like Newark (students, visitors, residents, etc.). Mr. Flood noted that it depended, but that municipalities had people who were commuting in for the day using it for the last mile of transportation or for running out for lunch or a meeting, etc. using the bike share. Day visitors and students would also be users.

Mr. Ruckle asked if a bike share bike could be taken by someone while it was being used by someone else, i.e. outside a restaurant while eating. Mr. Flood stated that was not the case as the bike would be taken off of the network of available bikes while it was checked out for use. The bike could be locked/unlocked as many times as the user wanted while it was checked out and would not be put back on the network until the user was finished and returned it. Mr. Ruckle noted that if the City chose to partner with UD, the City would expect the City logo to be included on the bikes. Mr. Phommachanh stated that would be correct and that UD would not be able to move forward with ordering more bikes until it knew what kind of commitment the City would make.

Ms. Hadden asked what the average life of the software on the bike was, who would be maintaining the bikes and if there was an average maintenance cost involved. Mr. Flood stated that Gotcha was a sponsorship model. Gotcha provided the bike that was branded to UD's specs. They would partner with local groups and organizations to manage the day-to-day maintenance and operation. The bikes were paid for through the sponsorship fees, including maintenance. In regards to technology, Gotcha would push updates to help improve user experience as part of the fees paid. Mr. Phommachanh noted that Newark Bike Project would be given the first opportunity at the maintenance contract. If they declined, it would be opened to other Newark bike businesses. Mr. Flood noted that Gotcha wanted the program to be low impact by using technology to reposition the bikes so not to require large vehicles moving bikes around the City.

Ms. Hadden asked how many bikes UD was looking to have as part of the program. Mr. Michael Smith, UD, stated that the University's plan was to use 75 bikes to start and scale an additional 25 bikes each year on top of that. The University would be the "top-tier" sponsor to get the program off of the ground. SevOne had also signed on as a sponsor and a third sponsor could not yet be named. The economic viability was important to the University and the ability to pinpoint where bikes were needed via technology so there was constant use. UD viewed it as an economic development tool to connect all of the campuses together and to help the downtown area. This would also fold into the Healthy Newark initiative. It was considered a "no-brainer" that would have an impact on students and the community and UD would be proactive in bringing in other sponsors.

Mr. Markham asked how many locations Gotcha had in use at this time. Mr. Flood stated that six locations would be launched over the next four to five months. The other locations cited were where the technology was, but was linked to a different bike. The total number existing was 13.

Mr. Markham asked if UD and the City would be able to work on the same transparent platform or if they would have to maintain separate tracking systems. Mr. Smith stated that the tracking systems would not be separate, but that a back end tracking system for City bike racks and infrastructure versus UD infrastructure could be created if needed. Mr. Markham wanted to be sure that City participants would be able to use UD bikes. Mr. Smith stated that UD did this with the full intention that anyone could use the bikes and that there would be a free amount of time so the user did not feel it was an economic burden. Mr. Markham asked what the charge for a user would be. Mr. Flood

stated that was where the sponsorship came in as they were paying for the bikes. The sponsors would determine the free period of usage, but the initial thought was approximately four hours. If someone chose to check out a bike for longer than four hours, there would be a minimal charge. Mr. Markham asked for a ballpark range. Mr. Flood stated that was not determined since the final locations had not been determined. However, they did not want the system to be completely free because free tended to equate to cheap in people's minds. The standard bike share was typically 45 minutes as it should be "bike share" not "bike rental." The idea of sharing allowed multiple people to use the same bike throughout the day without needing as many bikes in the system. The other part about the technology that differed from having the credit card kiosk was the creation in the software of flexible payment plans for different classes or riders based on e-mail addresses, sponsors, discount codes, etc.

Mr. Markham stated that he brought up bike share to Council in 2008 when it was very expensive for a small city and this was a less expensive way to go. He suggested locations like the rail station and the transit hub. He asked how far away from the UD campus a rider could go. Mr. Phommachanh replied that was the beauty of GPS – a rider could take a bike as far out as they wanted. Mr. Flood added that the bike was designed as a cruiser and that was the reason for using aluminum vs. stainless steel.

Mr. Markham asked the cost per bike. Mr. Flood reported the cost per bike was \$1,200 a year and included the construction of the bike, the technology, the maintenance and the back-end software. Roll out would be in the spring.

Ms. Sierer confirmed that UD and SevOne would supply 75 bikes. Regarding logo placement on the bike, the main sponsor had two locations – the basket and the bike, and then there were two other locations on the bike. With that, there was other criteria. Also information could be placed on the corrals themselves.

Mr. Gifford referenced the business model and questioned why, if this was a profit-generating enterprise, the City was needed to sponsor bikes and if City funding would be better spent on bike racks. Mr. Flood said historically bike sharing was not profitable mainly because they designed a more expensive system and that infrastructure and CapEx on the front end made it very expensive for a user to rent a bike. Gotcha Bike designed through technology a lower CapEx and a sponsorship platform. It was hoped that through the ridership fees some of the maintenance expenses would be offset as the system aged. The bikes were designed with a ten-year frame with components that would age over that time period, so they would continuously be putting on tires, brakes, etc. The sponsorship piece was how all of that expense was underwritten as they grow.

Mr. Gifford asked what the biggest issue was so far with the bike shares already in place. Mr. Flood said vandalism in the form of graffiti could be expected. There was very low bike theft in traditional bike share where there were no brains on the bike. He did not think there would be a lot of vandalism in the areas they chose that would typically be well lit, high traffic areas. In addition, the Gotcha Group constantly monitored the bikes.

Ms. Sierer asked how many bikes they wanted the City to sponsor. Mr. Phommachanh said they were doing 75 bikes initially, and on top of that they would like to add bikes in increments of 25.

Mr. Flood said for this to succeed, it had to have a sense of place. The bike racks were an important part of that. While uniform racks were not a requirement, signage and directions had to match so that everybody knew where to pick up and return the bikes.

Other than for informational purposes, Mr. Chapman asked what the goal was for bringing this forward tonight. Mr. Phommachanh said the first would be awareness. They looked at several different things – Newark being a bronze bike city, the healthy Newark initiative and things being done at health sciences in terms of being able to capture and measure the health of the community.

Mr. Chapman asked if the official system racks would all be placed on UD property. Mr. Phommachanh reported that currently the 75 bikes were all slated for UD property.

and none for Newark property. Mr. Chapman asked if there was an interest in locating racks on City property that would involve the City's immediate partnership. It was felt at this time UD property was sufficient, but as the system grew it might be beneficial to have locations on City properties. Mr. Phommachanh noted there were some ideal locations on City property which would benefit the system – having a branded rack at the Transit Hub would be a good start. They reached out to the City and the Newark Bicycle Committee about potential locations. A lot of feedback was received about areas in and around the City which is why it was decided this should be both a UD and City system.

Mr. Chapman asked if there were any partnerships or discussions with individual businesses to become sponsors. The Newark Transit Hub was one. Mr. Phommachanh said they had some possible partnerships in mind but felt most businesses would want to wait until phase 2 (after getting the initial 75 bikes out) to see that the program was actually working before becoming a sponsor. Mr. Chapman asked for details about the branding. Mr. Phommachanh said they would not be using vinyl stickers, rather all the logos would be painted on as you would for a car.

Mr. Ruckle asked if there would be an opportunity for several businesses to advertise on the bikes. Mr. Flood said the bike was designed to have a clean, uniform feel – they did not want to create a NASCAR-type bike. The bikes were powder-coat and a high-level water decal was used underneath the paint. The primary branding was on there forever. For the secondary-type sponsor on the back, a more temporary decal could be added. There were some secondary opportunities for branding on the bike based on what the University and the City were looking for, but the idea of having a uniform fleet of bikes was crucial to the look and feel of it. As the technology evolved, the ability to send push notifications and thanks for riding and come on in here for two-for-one at a restaurant, all of that through the technology was invisible to the outside world but very easy to monetize through the app. That could be changed daily.

Mr. Morehead referred to the rack and wondered if it would it be possible to tailor it for community use rather than student use. Mr. Flood said they took the industry standard for rack depth but made it a little bigger just by making the angle go out a little bit to hold a larger backpack. It was big enough that you could put bags in there larger than the standard bike share. You could secure groceries a little wider than the bike, but it would not hold a week's worth of groceries.

Mr. Morehead said he would be interested in the City putting in racks and so forth. It sounded like the University stood to gain the most from this. Mr. Phommachanh commented that they were also spending the most.

Mr. Gifford clarified that the SEPTA/Amtrak train station (not the old Newark train station) was owned by the State, not the City and was not Newark's responsibility. Mr. Phommachanh said for the transit hub it was a matter of asking for permission to put the logo bikes there. He said it was one of the locations that was brought up. They were also looking at other locations around the City.

Ms. Sierer wanted to give staff direction in working more closely with the University and the Bicycle Committee on coming up with some possible locations in the City limits on where we could put the racks and/or bicycles and come back to Council with a plan.

Mr. Chapman did not remember discussing the price of the racks. The Gotcha Group had a bike rack for sale and could provide a quote but said the City or University racks would be acceptable if the bike would fit it. Mr. Flood said the geofence was done remotely and would pop up on the app or the website of where those bikes were located. At that point the proper signage would go up as well.

Ms. Houck asked if the helmets were supplied with it. Mr. Phommachanh said they considered that while doing the RFP process for all bike shares. Traditionally helmets were not used. They were trying to partner with Nemours to provide some helmets that people could use if they chose to, although helmets were not required by law. The only negative heard so far regarded cleanliness.

Mr. Chapman was trying to figure out where the City was in the process and had questions about the City's involvement. Ms. Sierer noted the UD representatives were coming to provide Council with information. She thought staff could work on additional details regarding phase 2, what that was going to involve and bring it back to the table.

Ms. Houck said staff could engage again with the reps, bring back different options to Council and hear from the public. She thought there might be different levels of opportunity to choose from if the City decided to participate in some way next year.

Mr. Chapman was interested in understanding the impact or consequences of enabling many or all of the City's bike racks as hubs.

Ms. Hadden wondered what effect, if any, this might have on local businesses.

Mr. Markham was interested in pursuing this. With the traffic issues in the City, any opportunity to lessen traffic would be a valuable investment.

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

**A. Public**

**47:01**

Jamie Magee, Winslow Road, asked if the sponsorship amount included the logistics to move the bikes based on the analytical data about the paths. Mr. Flood replied it did as the sponsorship underwrites the operational expense.

Mr. Magee asked how the bikes were powered. Mr. Flood reported there was a solar panel on the bike and also a dynamo hub on the front of the bike. As the rider pedaled, power was sent to the front and the back lights, and they blinked as you went. It also sent power to the lock itself. There were two batteries, one similar to an iPhone battery and an external battery that could be taken out and changed.

Mr. Magee asked whether a bike had to be returned to a kiosk to get it off your account. Mr. Flood said that was purely up to their partner. For example, you could pick up a bike from a Gotcha Bike corral, drop it off at another one, and when it gets returned inside the geofence and locked, then it would come off your account.

Mr. Magee asked whether small businesses would find value in sponsoring one bike. Mr. Flood said with the current technology, it empowered small businesses to be able to do things they could not before. Having a geofence around a corral adjacent to a pizza restaurant and the ability that when somebody returned a bike to that corral, a call to action to a business next door, now that could be made affordable.

Mr. Phommachanh said the way the University envisioned the program was to borrow a bike from point A, take it to point B, C, or D and at the end of the day, return it to point A. The goal behind the GPS units was seeing how many bikes were being used at a location and make adjustments where needed. There was a possibility of having students sign up, see in their app where there were too many bikes and reposition them for credit to their account.

Mark Deshon, West Mill Station Drive, was Chair of the Newark Bicycle Committee which supported the bike share. He applauded UD for doing this work up front. He felt it was interesting that they were taking this on and yet they did not have any bicycle-friendly status like the City did. He felt Council should determine whether they were satisfied with bronze or would like to keep going. Newark Bicycle Committee was committed to improving the infrastructure, safety, and all the amenities involved in making Newark a truly bikeable city. He thought it would reflect better on the City than it would UD. He hoped UD would also do the legwork to apply for bicycle-friendly University status as well.

Bob Stozek, District 1, was concerned about the lack of helmets for a City-sponsored program and suggested Council consider City liability in the event of accidents.

Helga Huntley, District 1, asked for an explanation of how the bikes locked. A discussion ensued about the adaptability of current bicycle racks for the use of bike share.

Geofencing was also touched upon. Ms. Huntley suggested that if more bike traffic was expected from the STAR Campus to Main Street, it might be helpful to make the bridge across the train tracks more bike-friendly.

John Morgan, District 1, noted at the Council meeting on 9/14, Representative Paul Baumbach suggested that the City consider instituting a requirement for any proposed large development be accompanied by a traffic impact study similar to a New Castle County Code requirement. Mr. Morgan felt Mr. Baumbach's suggestion should be used.

Mr. Morgan felt that one of the major motivations for the proposed down-zoning of the Newark Country Club's property was the fear that building about 270 houses on that site would significantly increase traffic congestion on Nottingham Road and other nearby roads where levels of service at intersections had already been assigned relatively low grades of D and E in the traffic impact study performed in October 2006 by Urban Engineers. These fears were expressed by many residents of Districts 1 and 5 during the meetings of the Planning Commission on 10/2/07 and 11/6/07 when a plan to build 271 houses was discussed and reluctantly approved by the Planning Commission.

At the October meeting, the traffic engineer with Urban Engineers discussed estimates that this project would result in about 148 vehicles per hour exiting the proposed development onto Nottingham Road and Country Club Drive during the morning rush hour. Since that traffic impact study is now nine years old, he believed another such traffic impact study should be performed before any new plan for developing the Newark Country Club was considered by the Planning Commission and the Council.

He noted the proposal to build a large, multi-story parking garage behind the Galleria in Lot #1 was likely to result in an additional 300 vehicles per hour. This parking garage (estimated to cost about \$14 million) would only be able to pay for itself if it was nearly full during lunch and dinner hours. To his knowledge, no traffic impact study for this proposed multi-story parking garage, was performed.

Mr. Morgan requested that Council direct staff to stop spending their time and taxpayer's money on pursuing the parking garage project until a traffic impact study was performed by DelDOT or a reputable engineering firm with no financial interest in designing or building parking garages.

**5. 2-B. ELECTED OFFICIALS: None**

**6. 2-C. UNIVERSITY  
(1) Administration**

**01:02:16**

- Caitlin Olsen announced that a Chrysler community celebration would be held at the STAR Campus on 10/30 from 5:30 to 7:30 p.m. with building tours and memorabilia from the former plant.
- A ribbon cutting was also scheduled for the new speech language hearing clinic.
- An update on the STAR Campus was owed to Council and would be given at a future meeting.

**7. 2-C-2. STUDENT BODY REPRESENTATIVE**

**01:03:29**

Janice Hudson, recording secretary for the Graduate Student Government, introduced herself.

Shane Bortledge, student representative for undergraduate government had a question about Bill 15-27. Ms. Sierer advised that this item was on for first reading and would be discussed at the second reading and public hearing on 11/9. In the meantime, any questions could be directed to the Public Works and Water Resources Department.

**8. 2-D. LOBBYIST:**

**01:04:57**

Rick Armitage attended the lobbyist retreat where the State Treasurer discussed the Revenue Subcommittee. Mr. Armitage would share the presentation from that

meeting. There was a similar presentation by the State Budget Director. The numbers have gotten worse in that the pupil counts were higher than what they expected this year as well as the healthcare numbers started to come in. The number that they thought they were going to be short as the door opener started increased probably close to \$200 million. The positive part of that was that was still only 2% of the State's budget. The presentation from the State Treasurer was interesting as he talked about the State's real revenue sources. Mr. Armitage thought he was going to push very hard to do things on property taxes which would be a much more stable source of income for Delaware.

The other thing that came up was discussion among the lobbying group about HB200. That was legislation introduced by Representative Viola adding requirements to the existing ADA painting in parking lots. If this bill passed, anytime the City might re-stripe any of its lots, it would be a different set of requirements expanded beyond what exists today – the size of the spaces for handicap parking as well as the travel lanes that someone in a wheelchair might be able to use. It would reduce the number of parking spaces in a parking lot. The bill would require every county and municipality to adopt regulations that would make it part of Code. It would also extend to private parking lots.

Mr. Markham asked if there might be funding in the state budget that would help out with the bike share. Mr. Armitage said we would not know until he presents his budget in January on what he plans to do.

Mr. Markham asked if Mr. Markham read Tom Cook's editorial in yesterday's News Journal where he breaks down all the different options that he sees for taxes. One of the things he talked about was property taxes and the fact that it would change with the economy and would be stable. He also said they would have to do a reassessment statewide to bring things into line. Mr. Armitage said the last he heard was that would cost close to \$27 million and the discussion at the legislature was whether there would be enough of a return on doing it to make money.

Mr. Morehead asked Mr. Armitage to keep Council apprised of the progress with HB200. He received a number of comments about the Newark Shopping Center even though it was not in his district on that very issue. Mr. Armitage noted that currently the bill had been released from committee, but the idea was that Representative Viola would not run the bill before the end of session last year but would continue to work with the affected communities as well as the advocates that brought this bill to his attention.

## **9. 2-E. CITY MANAGER**

**01:11:32**

- Ms. Houck called attention to the Budget Central link on the website (home page, left hand column) where the 2016 operating budget and the 2016-2020 Capital Program were available.
- The first budget hearing would be held on 11/2 at 6:30 p.m.
- The City and State legislator get together would not be scheduled until sometime in the New Year.

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

**01:12:42**

### **Mr. Morehead**

- Thanked everybody for attending and for participating in their government. The budget was coming up and was approximately \$48 million this year with the Capital Program. The budget increased 7% over 2015, and the proposed property tax increase was 3%. He encouraged everybody to review the documents and provide their input.

### **Mr. Ruckle**

- Attended the fundraiser for the Aetna Women's Auxiliary Program on 10/21. He also attended the ribbon cutting at the STAR Campus for the new hearing and speech department which was a state-of-the-art facility.

### **Mr. Markham**

- The noise workshop was scheduled for 10/28 at 6:00 p.m.

- The Halloween parade was very successful. A parent of a UD student who attended the parade said she loved the small hometown feel of the event.

**Mr. Gifford**

- Comments regarding the budget would be welcomed.
- He was downtown on Parents' Weekend. One of the parents was unhappy about his experience with the parking meters. His thought he was not getting his full amount of time for the number of coins he put in. He thought clearer instructions might be in order.
- Requested an update on the parking meter data. He thought the meters were more capable of providing real-time data than they seemed to be. Ms. Houck said they were working on getting it to Council.
- Over the last few weeks, Mr. Gifford and Ms. Bensley were in communication with UDance about complaints of students being in the street, on the medians, not being in the places where they were permitted and soliciting from cars as they pass by from crosswalks or medians.

**Mr. Chapman**

- Discussed the impending closing of the Super Fresh store at the Fairfield Shopping Center. He said the users of that grocery store and the surrounding community should feel confident that the community wanted a grocery store to continue in that location. He and other elected officials were working and fighting for that with property owners Delle Donne & Associates. He would provide updates when more information was available.

**Ms. Hadden**

- Attended the Citizens Academy where they learned about the hazards police officers can face when making vehicle stops and attended the firearm safety class with the shooting component. They learned about the City's CID function and the use of polygraphs. She recommended the Academy to the public when another session begins.
- Hosted a meet-and-greet where drawings of the renovations to the Park and Shop shopping center were presented. Most of the current tenants planned to remain. There will be no Wawa, Royal Farms or gas pumps
- Attended the Downtown Newark Partnership's annual meeting.
- Participated in a sit-along with the police dispatch this past Friday.
- Ms. Hadden and her husband were judges at the Halloween parade along with Mr. Markham. She also met the woman from Columbia who was very impressed with the community feel of Newark.
- The next meet-and-greet will be held on 11/12.

**Ms. Sierer:** No comments.

11. 3. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

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

A. Appointment of James DeChene to the Downtown Newark Partnership as the Delaware Chamber of Commerce Representative – Term to Expire July 15, 2017

**01:21:34**

Ms. Sierer noted that Mr. DeChene was a resident of District 1 and recommended that he be appointed to the Downtown Newark Partnership. He was employed by the Delaware State Chamber of Commerce and therefore has an understanding of business and its role in the community. He has had experience on several boards including Jobs for Delaware Graduates and the Joint Military Affairs Committee created by the State and County Chambers of Commerce. He was able to collaborate and work as part of a group.

There were no questions from Council.

There were no public comments.

MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT JAMES DECHENE BE APPOINTED TO THE DOWNTOWN NEWARK PARTNERSHIP AS THE DELAWARE CHAMBER OF COMMERCE REPRESENTATIVE FOR A TERM TO EXPIRE JULY 15, 2017.

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. City Logo Transition Discussion – Deputy City Manager

**01:23:50**

Mr. Haines reported the launching of the new version of the City's logo began in the middle of the year with discussion of a redesign of the City's website through its web hosting contract. City staff discussed the redesign and updating the logo was part of the discussion. One example reviewed was the Greater Newark Economic Development Partnership logo. Every member of the committee felt it was clean, crisp and very modern. In the 7/7 weekly report, Ms. Houck noted that we were going to start experimenting. User rights were obtained to the logo after the GNEDP went dormant.

Staff agreed that service excellence was provided by the City, and was what residents and Council expected. There was no intention to demean the expectation that the City was here to provide service excellence to the community.

Staff did not intend to invest a lot of dollars to express the re-branding. When it comes to the concern of reprinting letterhead, the City did not have pre-printed letterhead but print on demand. Only out of supply business cards were reprinted. To date \$1,133 was spent on the effort. Roughly half of that was or items in the queue to be purchased. There were no gross expenditures to switch every sign and staff was looking at designs. Ms. White brought up comments about the signs coming into the City. Mr. Nietubicz would be showing a design that may be able to be retrofitted to existing signs in the park system.

As far as City vehicles, only new purchases or damaged vehicles would be re-branded with a new decal. The simplicity of the new logo made it much easier to decal versus the intricacies of the other one.

Mr. Nietubicz presented some of the work done to date. The first thing that came along was that the City needed a one color version. Since some of the letters overlapped with one another, if the different colors were taken away it looked good on the side of a truck or on a webpage. On the side of a trash can where it was just one color for cost or practicality reasons, staff realized a slightly different version was needed where the letters did not just run straight from one into the next. Staff wanted to bring back the slogan "Committed to Service Excellence", so a version was created that could be put into use immediately with that slogan on it. There was a need for departmental logos as well.

There was experimentation on a square version of the logo because a rectangular logo was more appropriate digitally for Twitter and Facebook. Most of the spaces on the City's website were rectangular, and the new logo blended well. It also works well with the design in the utility and payment system.

Mr. Nietubicz reviewed some of the City's past letterhead designs. He noted that some improvements were made to the new logo in the return address area and staff thought the design looked very good.

Business cards changed from a more traditional horizontal design to a modern vertical design that was more the current trend.

Staff was working on a possible retrofit to City signage. The signs in the parks and have a wooden disk containing the logo, so there was an opportunity to retrofit that disk as opposed to replacing the entire sign.

Mr. Ruckle felt the color projection was not good and recommended using a richer, darker shade of green.

Mr. Chapman voiced concerns about the lack of a strategy for re-branding and the logo. Since 2012, he had conversations with Ms. Houck and Mr. Haines that the City's general communications, public relations outreach and website had to be approached strategically and there had to be correlation in the event of re-branding or changing the logo. During conversations about creating a communications director position, Council stated that they would like to see some changes based on concerns and ideas they had.

Mr. Chapman liked the Greater Newark Economic Development Partnership logo and preferred it to the old logo. The concern he had was that our existing signage varied around the City and since 2012 there were discussions about coming up with a strategy to determine what it ultimately should be

Mr. Chapman said he receives numerous phone calls and emails from people who live in Newark, Delaware but do not live within the municipal City limits. He noted our branding does not refer to the City of Newark while the letterhead from 1988 did. He felt branding should provide adequate clarity regardless of the tagline. He asked to discontinue inserting the new logo anywhere and said to leave whatever was changed for now and revisit the subject when the new communications director came on board.

Mr. Morehead seconded Mr. Chapman's request to stop implementing anymore changes. He thought Council and civic involvement should have started at the beginning of the process and before a decision was made to remove "Committed to Service Excellence" from the letterhead.

Mr. Morehead noted that the former logo contained a rainbow, birds, trees, buildings and water and indicated that Newark, Delaware might be a place where people would want to live. With the proposed new logo it was not even clear that DE stood for Delaware. He liked the old logo and knew a number of folks in District 1 liked the old logo. Where it was not useful in some digital applications, he suggested fixing those problems but to otherwise leave it alone.

Mr. Haines clarified that the citizen engagement was actually in the mainstream process with the timing of the web design with our hosted Civic Plus. That was not at the end. When he mentioned before when staff started in June, they thought who were the users internally and what were they doing. The next step was going to be this fall, citizens, before staff even got to the design part with the designers. All that was pushed back because of the timing of the actual design itself through the City's contract. Mr. Morehead said the City was already making changes. Mr. Haines said that was abstract to the logo. That started the conversation but the web design piece and the citizen engagement about how it is laid out, that was going to go after layout and consuming of a website. It was not initially designed on the logo. He apologized if it was connected. It was abstract to the logo. Staff wanted the citizens input up front about when they get on the City website, staff wanted to make it more user friendly. Mr. Morehead said this was not just a website issue. This was an issue of the vehicles passing by, parks, business cards, letterhead, bills, all of it. It was the City's logo and brand. From that perspective the City needed to engage a larger part of the resident base than just simply website posts. Mr. Haines understood Mr. Morehead's comments about the branding.

Mr. Gifford shared the opinion of the last two Council members on the logo process. He did not think the weekly report was a great way to get Council agreement before moving forward on decisions like this. He thought it would be better to have it on an agenda and discussed. He felt if this was something Council bought into, they could have helped with the rollout. Instead, it just happened and he learned about it from the public. While the cost thus far was approximately \$2,000 he could imagine it reaching up to \$25,000. Even though the logo was free, it was only a great deal if everyone was in agreement. He received input from professionals who said the text on the bottom did not look like it fit with the original logo. He thought the logo decisions should have waited for the new communications director to come on board. As far as choosing the logo that would be painted on the water towers, he thought that should be put on hold also.

Mr. Markham believed the current logo was brought into existence by former City Secretary Sue Lamblack. He asked how long it was in use and what the process was for

rolling it out – he thought there might have been workshops and a precedent there. Mr. Haines believed it was the early 90's.

Ms. Houck apologized to Council if it was not handled appropriately. She received positive feedback from some Council members and noted there was a great deal of excitement in the organization about the logo change. A comment was made that the logo was free, but it was not. The City and UD paid \$75,000 a year for the GNEDP for three years. During that time the City was heavily involved in the logo branding process, among other things with the GNEDP. It was clear to her that the City had spent a lot of money to do the branding that took place for the GNEDP that did not last past the trial period. Ms. Houck confirmed that everything was paused and staff would take Council's guidance and information from tonight and move forward.

Mr. Chapman said with regard to the design originally created for the use of the GNEDP there was a launch party and it was talked about at length how it came to be and the research that went into it. It was specifically ambiguous because three main players were involved. It was specifically mentioned that the GNEDP was not confined inside of the City limits. So it was not supposed to convey the City of Newark. Comments were made about the inclusion of the imagery along with the text in the pre-existing logo. He was sure they were included because it inferred it was a place to live, not a business. That could be accomplished in other ways which is why Council wanted to take a restart at this. He noted that the current logo re-branding was on hold in terms being applied to anything else, but was concerned it would get put on hold indefinitely because there was a problem to fix – two very different logos with no correlation to one another.

Mr. Chapman felt this would be a good project for the new communications director to work on and hoped that within a few weeks would have a report of how the process would move forward. His request was that it was not indefinitely put on hold.

It was the consensus of Council that everything going out should say "Committed to Service Excellence".

Jean White, Radcliffe Drive, distributed pictures showing the City's logo in different locations. She felt the pre-existing logo was distinctive for Newark and was an attractive design that was balanced with the words "Newark, Delaware" and "Committed to Service Excellence". Delaware was spelled out completely and she felt it was important to use the full name of the state for identification purposes and also would add it to the City's website. "Committed to Service Excellence" at the bottom was a meaningful tagline. She felt the pre-existing logo was superior to the new one for hard copy use but did not object to modifying it for the website, Facebook, etc. Her request was to keep the present City logo. She felt it had served the City well, and there was no reason to change it.

John Morgan, District 1, liked the design on the podium, He could see a possible need for something different on the website. He felt the DE abbreviation was ambiguous.

Mr. Gifford said there was a problem with our website since the old logo was not vector graphics, it was not easy to re-size, fonts get messed up and the City had a hard time using it whether Council liked it or not. Mr. Haines added the intricate details of the current logo was not very scalable. Reproduction in general was difficult.

Mr. Gifford was aware that new the logo cost the City money in the beginning, but compared to creating a new logo now, this was technically without cost at this point. The City had to spend additional money if staff wanted to make it better or make it digital.

Mr. Haines summarized that staff would take a pause and on day one hand it to the communications manager, to come back with a strategic plan and say, "Here's what we have, does Council have input, are we good to go?" and at that point, whichever direction Council landed on, staff would move forward.

**14. 5-A-2. BOARDS & COMMISSIONS REVIEW COMMITTEE  
RECOMMENDATION REGARDING THE TIMELINE FOR PRODUCTION  
AND ONLINE PUBLICATION OF DRAFT MINUTES**

---

**02:14:31**

Ms. Bensley reported that at the 9/22 meeting, the Committee recommended that all draft minutes of all meetings of the City's boards and commissions be posted on the City's website within 20 working days. After the conclusion of the meeting, that motion passed 4 to 1 with 2 absent.

In presenting this recommendation to the Boards and Commissions Review Committee, Dr. Morgan who represented District 1, raised concerns regarding missing minutes for the Downtown Newark Partnership and its subcommittees on the City's website. Staff was working to track down those minutes and update the website. Due to some staffing transitions in the department responsible for the Downtown Newark Partnership Committee this had taken longer than expected, but was being worked on.

Currently, the majority of committees do not post draft minutes in advance of the approval with the only exception being the Boards and Commissions Review Committee and occasionally the Planning Commission when there was some sort of delay in the adoption of their minutes. They do not do it on a regular basis. Additionally, since the passage of HB320 as amended by House Amendment 1 in 2014, the City's Secretary's office has posted draft minutes to the City's website within 20 working days of the meeting for committees that meet 4 times or less per year that are staffed by its office, such as the Election Board. However, the State bill as written, only applied to State agencies and did not include municipal public bodies.

All committees that met on a regularly scheduled basis have approved minutes posted to the website. The memo in front of Council contained citations from the Freedom of Information Act as well as Robert's Rules of Order regarding practice with minutes. Neither require that draft minutes be posted but only recommend that approved minutes be posted publicly, as they are the final copy adopted by the board. In both of those documents, the office was constantly sending draft minutes to the members of the public body to review and offer correction. However, neither provides for posting draft minutes for public review with the exception of the State public bodies referenced earlier that meet four or fewer times per year. The purpose of that is while the timely availability of the minutes of the meetings of the City's boards and committees was important, the accuracy was equally, if not more important. While giving members of the Boards and Committees the opportunity to review draft minutes and offer corrections prior to those minutes becoming public, incorrect copies were likely to remain in circulation both as paper and electronic versions.

Additionally, all minutes for the City's public bodies were far more detailed than required by State law or Robert's Rules of Order. The information required to be recorded in the minutes of meetings of public bodies of the State were the members of the body present and a record by individual members of votes taken in actions agreed upon as noted in the previous FOIA citation. It has been customary to include more detailed topics of discussion in the minutes, but it was a time consuming and laborious task. In October 2015 alone, the City Secretary's office will have staffed meetings that would require 12 separate sets of minutes which would likely exceed 150 pages. Additionally, the Planning and Development Department would have staffed meetings requiring three sets of minutes, the City Manager's Office would have three sets and the Police Department would have one set of minutes to complete.

In all of these departments, the drafting of minutes was just one of the many tasks that the employees who work on them were assigned. While she believed this recommendation was well-intentioned, it placed further strain on employees who were constantly, consistently, required to do more with less, creating a rushed environment, and increasing the potential for errors, while trying to meet an arbitrary deadline.

Questions for Council to consider in deciding if they would like to implement this recommendation:

- 1) Does Council wish to specify a timeline requirement for the production of publication of draft minutes for Boards and Commissions.
- 2) If Council wished to specify a timeline requirement, should the practice of detailed summary minutes be continued or should minutes be abbreviated

- to meet the requirements of the State statute and therefore be produced more quickly.
- 3) If Council wished to specify a requirement for the production and publication of draft minutes, should the requirement match the State statute of electronic posting of minutes within 20 working days for Boards and Commissions that meet four or less times per year, or should a more stringent standard be set for every board and commission, regardless of meeting frequency.
  - 4) Does Council wish to specify a formal policy regarding the electronic posting and publication of adopted minutes.

The staff recommendation from Ms. Bensley with consultation from the Planning Department was that Council adopt the State of Delaware standard for the electronic posting of draft minutes to the City's website only in the case of boards and committees that meet four or fewer times per year, and to electronically post final approved minutes of open public meetings to the City's website within five working days of final approval of said minutes from the adoption of this recommendation forward.

Mr. Ruckle thought the City already followed Delaware law. Ms. Bensley said we follow Delaware FOIA which required that minutes be kept. However, regarding the electronic posting of minutes, the law was specific to State boards and committees and did not encompass municipal boards and committees. The City followed State law in that minutes were kept and went beyond what State law required in that minutes were published to the website of committees that met on some sort of regularly scheduled basis. If this recommendation were adopted, groups such as appeal boards that may meet once every couple of years (Board of Building Appeals and the Board of Sidewalk Appeals) that do not have their own home on the website for minutes would have an archive created and minutes posted. Minutes were done and available by request for those boards.

Mr. Ruckle asked if following the state standard would increase the City Secretary's workload. Ms. Bensley replied it would not considerably increase the workload to follow the State standard.

Mr. Morehead said following the State FOIA requirement, all of these that had no minutes listed should be easily obtained somewhere. Ms. Bensley said staff was working to track down all of those minutes. As she mentioned before there was some staffing change in the department that was responsible for the DNP, so tracking down all of the past documents has taken a little more time than expected but was something being worked on. Mr. Morehead's question was is it the City's responsibility to have the minutes in its possession, or was it someone's responsibility that the minutes exist. Ms. Bensley said it was the City's responsibility that the minutes exist to be able to provide them when requested.

Mr. Gifford said this was brought up because sometimes it was hard to find minutes and sometimes they were not produced quickly. He knew from experience when creating minutes, it was certainly difficult to create the minutes a month or more after the meeting has happened. When looking at the recommendation, if you take out the part about posting the draft minutes because that was probably the most controversial part, he thought we would all expect that a draft of the minutes has been created within 20 working days of a meeting, and said that was part of the problem here. Some of these minutes were not created within that time frame or lost or not given to somebody. At a minimum he thought the city staff could have the minutes in the draft form in their possession. Whether they were on the website in a draft form, that was sort of a secondary thing, but we should have them within 20 working days as a minimum expectation.

Ms. Bensley responded that while it was general practice for meetings to have minutes prepared and ready for approval at the next meeting, when talking about a committee that meets monthly, that is typically within 20 working days. Her concern was if there were mistakes in minutes, they are able through FOIA to be corrected up until the time they are approved. If there were mistakes she did not want those mistakes to be permanently on the Internet and available to continually have misinformation perpetuated.

It was the responsibility of the Board and Committee members to review the minutes and to offer corrections prior to approval. She thought the accuracy was the most important element. As far as whether or not that always occurs, she was sure not everybody reads every page of the minutes but hoped that enough folks were looking at it that any major, glaring errors would get caught. Posting draft versions of this on the website is taking away the ability of those committees to have the opportunity to review and correct what they have said and what was recorded as what they said.

Mr. Gifford said with some committees, the problem was meeting cancellations where the minutes never seem to get approved. It has been difficult to find them in the past, so he would like a more reliable way to get to those minutes. Council draft minutes were out there before getting approved and they were pretty accurate with some minor corrections. He did not think it was problematic to have the final draft put out there. There were some timing issues where the minutes were at times not useful for anyone because they were not available until months later. It just happened the DNP had some subcommittees where it became difficult occasionally because of the number of members who could attend. He thought it was important to have guidelines to have the minutes the City staff created in some form, and then Council could talk about if they were linked to a website or just held in staff's possession until the meeting or whoever the department is. Mr. Gifford thought it was a reasonable expectation to produce minutes when they were still fresh.

Mr. Morehead pointed out that Ms. Bensley presented several options and one of the questions was, should minutes be abbreviated. He would be willing to entertain in some cases that minutes be according to the State law where the motion is recorded and the vote is recorded, as far as who said yes, who said no, who was absent. Currently we do a number of our minutes differently. For example, Planning Commission is verbatim. That is actually extremely useful, and possibly very important for the public. Council minutes are something of a summary versus verbatim and he thought that was useful. For some of the other Boards and Commissions he would be willing to entertain a discussion of, "Does it really matter." Is having the minutes more important than having the verbatim discussion, if that was what the minutes were trying to be and if that was taking all the time. He would come down very firmly on the side of, it was more important to have the minutes, to have the record, to have the correct record as far as the votes according to State law and FOIA than to try to be doing more in some cases, but he wanted to have that discussion about which cases those might be.

Ms. Sierer believed Council should go along with the staff recommendation this evening. However, if the Boards and Commission Review Committee wanted to present recommendations for minutes for specific committee, they could bring that forward for Council's consideration.

Mr. Morehead said if that was the responsibility of the Review Committee, their recommendation to Council was that the Boards and Commissions be posted on the City's website within 20 working days. It would make sense to him if Council thought that was their purview to take their recommendation and work with that.

Ms. Sierer said her suggestion was, if Mr. Morehead was making the recommendation to take certain committees and have abbreviated minutes that Council not decide that tonight, that Council give that back to the Board to do that by each board.

Mr. Markham said it seemed to him we were trying to solve a problem of minutes not being generated with an ordinance to force them to be generated whereas we need to change a habit. We need to find a better way to get the minutes. In the case of Council minutes, there were always recordings that could be made available. There was a missing piece here. He did not agree with having them done by a certain amount of time but rather should find other possibilities – record it and put it on the website, make it summary. He did not want to legislate having draft minutes for everybody on the website within 20 days but did agree to the groups with four or less meetings per year to come into agreement with the state. It seemed this was the wrong tool to solve this problem.

Ms. Sierer confirmed that the staff recommendation was to follow, the State standard for State boards and committees for City boards and committees. Mr. Ruckle was in agreement with that. He asked if the audio recordings could be posted to the website. It was pointed out that not all committees meet in the Council Chamber and thus there were not always audio recordings. Mr. Gifford noted if the State standard was adopted it would not solve the problems we have today, because the committees we have trouble with meet 12 times a year.

John Morgan, District 1, was the Vice Chair of the committee. At their June meeting, the committee unanimously approved putting, as one of their criteria for review, the following question: Do the minutes of the meetings of this board or commission, maintained by the City appear to be complete and up to date? Their hope was that most of the time, the answer would be yes.

He explained that the Boards and Commissions Review Committee had no authority to order anyone to do anything since they only make recommendations. They cannot order any board or committee to bring their minutes up to date. Only Council had the ability to give that direction to staff. He thought it was unfair to criticize someone for not doing something if they have not first been told they should be doing it. As far as he knew, in recent years, Council never told either the staff or the members of the Boards and Commissions that it was important to have up to date minutes. He provided Council with some material which he believed Ms. Bensley did not distribute to them which were copies of his correspondence about missing minutes of various committees of the Downtown Newark Partnership. She responded that an effort was underway to track down the missing minutes. A month later, there had not really been any progress. He cited the Design Committee, the Merchant's Committee, and the Parking Committee in lagging behind with production of the minutes. He also noted there were some inaccuracies in the records of the meetings.

**MOTION BY MR. MOREHEAD, SECONDED BY MR. GIFFORD: THAT COUNCIL DIRECT STAFF TO COME UP WITH A PLAN TO ACKNOWLEDGE THE RECOMMENDATION OF THE BOARDS AND COMMISSIONS REVIEW COMMITTEE'S CONCERNS AND TO BRING IT BACK TO COUNCIL AT A FUTURE MEETING.**

Mr. Gifford thought that was a logical approach because right now part of the problem was, it seemed like it was a mandate and maybe we were not set up just right to meet that requirement. Maybe there was a way to make sure we do not miss the committees that meet more than four times a year who may be challenged in getting the minutes together. He asked Ms. Bensley if there was something that could be put together that would meet the spirit of what the committee was recommending.

Ms. Bensley would be happy to look into this further if that was Council's direction, but said she thought the second part of the recommendation about electronically posting final approved minutes to the City's website within 5 working days of final approval would work toward addressing that issue as several of the sets of minutes that are still missing are approved minutes. It was staffing transition that was a portion of why staff was having problems locating them.

Mr. Gifford asked what could be done with the minutes that go for four months without final approval – they have trouble getting quorums at meetings. This was the Downtown Newark Partnership. Ms. Sierer thought the makeup of that committee has changed, some folks have dropped off, and she appointed some new folks. She thought with the networking mixer they had last week, there was of a new path forward with revitalizing the energy of the group and perhaps there would be an impetus to have meetings monthly and not constantly canceling meetings because of a lack of quorum. She would like Council to give that group time to reorganize themselves and then also the Review Board will be taking a look at that board and making recommendations.

Mr. Markham understood the problems with the minutes needed to be fixed. He had two issues with this current draft – one was the 20 days and the other was the draft. He felt if, for example, two consecutive meetings were missed, then a draft of the minutes

should be made available to try to deal with those that are supposed to meet monthly but were not.

Mr. Morehead agreed that Council had clear direction proposed by the Boards and Commissions Review Committee and it had some numbers the City may be having difficulty with. While the focus was on the DNP, these minutes were developed by City staff, so it was not necessarily a DNP issue. It was important to have the documents from a FOIA perspective as the City was legally required to do this. If Council has never directed staff that this is an important criteria, than shame on them.

Mr. Chapman said assuming the motion was approved and there was now a directive to the staff, his feeling was that four weeks was enough time for someone to hand in their notes which is essentially what minutes are. If the problem was turning the notes into a publicly digestible format, then Mr. Markham's comments were more the focus of the direction to staff. He thought the expectation that 20 working days was enough time to get a draft completed. He asked staff to bring Council more clarity as to where the breakdown exists, how prevalent is it and the recommended fixes.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

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

Nay – 0.

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

**6-A.** Recommendation on Contract No. 14-10 – Purchase of Two (2) Conventional Cab, 33 Cubic Yard, Dual Steer, Right Hand Standup, Tandem Rear Axle, Automated Side Loader Refuse Trucks and Recommendation to Purchase Two (2) Additional Refuse Trucks

**02:49:57**

Mr. Coleman presented the recommendation to purchase new refuse vehicles. These were the automated side loaders that the curbside collectors use to pick up residential carts. The two trucks were in the 2014 budget, were bid last year and had a recommendation ready to come to Council when the refuse outsourcing discussion began. Now that outsourcing was rejected, the winning bidder, H.A. DeHart & Son, Inc., was contacted and agreed to extend their pricing to 2016. This recommendation was to move forward with the purchase of those two vehicles along with a second part to pre-authorize the purchase of two trucks that are included in the pending 2016 budget. That would satisfy the requirements of the seller to extend the contract pricing through January.

The truck in question was more of the City's standard truck. They were tandem axle with approximately 11 ton capacity compared to the 4.5 ton capacity single axle trucks used on half the routes today. That would allow the City to pick-up the entire route in one load. Additionally, staff had included scales that are built into the truck, so as the truck fills up, staff knew how full it was so as not to overload it or be too conservative and go dump early thinking that it was full but was not. Not being overweight on the road will save on shocks and breaks and tires on the trucks.

The GS products, this would be the first, second, third, and fourth of this truck purchased by the City. A lot of research was done prior to putting out this bid package in 2014. City mechanics viewed trucks that were currently in operation. At State College these trucks picked up 1,000 cans per truck per day. They were high production vehicles. City of Newark routes were closer to 700, so depending on how much trash people put in the carts, these could be the bridge to get down to 4 routes.

With these trucks unlike the previous straight axle trucks, there was no need to take a brand new chassis, cut the frame in half and lower the frame down to be able to throw trash in. They were standard height normal trucks, a benefit now that the City had to go to the landfill starting in June 2016 when the new rate agreement was in place with DSWA. Getting the truck up higher was good since it got it up away from things that were on the ground that may damage hydraulics.

The current trucks tilt to dump. This truck used the same packer to push the trash out of the back so the truck stayed flat the whole time. An issue with the tilt truck is it tilted up and the trash did not come out. Staff has to back-up and hit the brakes and try to jostle it out of the back which is not necessarily as safe as ejecting it out with the ejector.

This manufacturer used mostly mechanical as opposed to electrical controllers which City mechanics were very excited about. There was a lot of redundancy built into the trucks. They use a hand-held joystick in the current trucks to reach out, grab the can, bring it back and dump. These have a joystick plus two sets of toggle buttons, so three things that have to fail to take a truck off the road versus today where it was just one part. The City would still retain the ability to throw trash by hand which is a plus. They agreed to price for an extended warranty out to five years. They also agreed to fix the price of all parts for five years as well beyond the warranty period. The reach on the trucks was nine inches longer than the City's current reach. One of the best things about this manufacturer was the chassis they had on hand – the manufacturer already owned them. They happened to use the same ones the City liked, the Freightliner. The lead time on the truck was three to four months versus nine-plus months using the other manufacturer. The body and the chassis were manufactured in the U.S.

Mr. Morehead knew one of the concerns about the Cherry Hill alleys was the weight of the truck and these vehicles were heavier. Mr. Coleman replied the rear loader truck was used in there. It was currently tandem axle, but it was scheduled to go in early before it was loaded and allowed staff to stay in the middle of the road as opposed to driving down the one side.

Mr. Morehead asked about the financing. Mr. Coleman confirmed that two trucks were in 2014 and two were in 2016. Mr. Morehead clarified that two would be reserve spending and two would be money not yet approved. Mr. Morehead voiced his support for the axle scales.

Mr. Markham asked how long the trucks were expected to last. Mr. Coleman was still using a seven year target date to turn the trucks over. If the trucks were not being overloaded and were only making one trip down, they should last longer than the current trucks that were right at their max making two trips to the landfill. There would be reduced wear and tear on the trucks as a result. Mr. Markham asked about the disposition of the old vehicles. Mr. Coleman replied they would be sold, three immediately, and then one in several months to be sure all the bugs were worked out.

Mr. Markham recalled that Republic Services had suggested that we use front loaders in some areas. He assumed these could not be adapted to take care of that problem. Mr. Coleman said the front loading trucks would replace the rear loading trucks. There was just one location where the front loaders would not work. A lot of flexibility was lost with a front loader versus a rear loader. The City used them for bulk collection. They were definitely faster, but staff would need to figure out some options.

Ms. Hadden asked if it would make more sense to get two trucks this year and then in a year or so get two more trucks so the City did not have to get four all at once. Mr. Coleman reported the issue was all the trucks being replaced were nine or ten years old and were significantly beyond that window already. They were already in pretty bad shape. City mechanics put together calculations and all the trucks had 85,000 to 90,000 miles and 12,000-14,000 hours. Everybody would prefer not to put off the two.

Mr. Coleman added there were benefits to having four of the same truck. All the parts were identical and was easier to do it that way. Four of these trucks were bought in 2006 and two were bought in 2004. They were purchased in blocks before similar to this.

There were no public comments.

**MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: TO AWARD CONTRACT NO. 14-10 TO H.A. DeHART & SON, INC. OF THOROFARE, NJ, FOR THE PURCHASE OF TWO CONVENTIONAL CAB, 33 CUBIC YARD, DUAL STEER, RIGHT-HAND STANDUP, TANDEM REAR AXIAL, AUTOMATED SIDE**

LOADER REFUSE TRUCKS AND THE RECOMMENDATION TO REPLACE TWO ADDITIONAL REFUSE TRUCKS AT A TOTAL COST OF \$940,628.00.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

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

**16. 6-B. RECOMMENDATION TO PURCHASE ROCK SALT FROM STATE OF DELAWARE CONTRACT NO. GSS15469 – ROCK SALT**

**03:02:21**

Mr. Coleman reported that last January he received authorization to purchase rock salt off the State's contract which expired in August. They had a new one year contract with three additional yearly options to extend. This time they got pricing from three separate companies. Last year the City contract was with Morton Salt. This year Chemical Equipment was the low bid. The request was for authorization to purchase up to the \$60,000 budget from the State's awarded bidders. If there was an issue where Chemical Equipment was out of salt or there were delays in getting salt staff could move the option to purchase from the other two vendors.

Last year there was a discussion on whether the City should write its own bid. Since then staff spoke with the town of Middletown who did their own contract and paid close to \$100 a ton compared to the City's price of \$56.18.

Mr. Markham asked whether the City was picking it up or having it delivered as there were two different prices. Mr. Coleman confirmed it would be delivered at a price of \$60 per ton. This was just authorizing for when the City needed it. Stores were full and did not need any right now. Ms. Houck added staff would have to order as needed and quickly if necessary.

Mr. Morehead asked how much salt the City currently had on hand and how much was typically used on average. Mr. Coleman said the City had around 500 tons. Last year significantly more was used than that. The plan was to have 1,000 tons available in the shed. That would be the \$60,000 budget. Last year he thought the City used \$67,000.

Mr. Markham asked if the City was reimbursed for salt usage over 4 inches of snow with the State or just plowing. Mr. Coleman stated there was no reimbursement from the State – only neighborhoods outside municipalities were reimbursed.

There were no public comments.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO APPROVE THE PURCHASE OF ROCK SALT UNDER THE STATE OF DELAWARE CONTRACT NO. GSS15469 FROM CHEMICAL EQUIPMENT LABS, INC. ON AN AS-NEEDED BASIS FROM SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2016 WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR PERIODS.

MOTION PASSED. VOTE: 6 to 1.

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

**17. 6-C. RECOMMENDATION TO WAIVE BID PROCESS AND AUTHORIZE FEASIBILITY STUDY FOR MUNICIPAL BROADBAND**

**03:08:50**

Ms. Montgomery presented the recommendation to waive the bid process and authorize a feasibility study to provide municipal broadband to the residents of Newark. On 10/7, CTC Technology and Energy provided detailed information regarding the opportunity of bringing municipal broadband to the City. As a result of that meeting, Council requested a formal quote for a feasibility study. The quote was provided, and CTC proposed to assist the City in analyzing the feasibility of the City initiated network by

performing core tasks related to that study. Task 1 was the site workshop which was completed. Tasks 2-4 include developing a high network model with cost estimates, preparing a financial analysis and submission of a final project report. The cost to complete Tasks 2-4 was \$45,550. The study was expected to take 4-6 months. CTC was in the best position to perform this study based on their expertise, recommendations from vendors and their knowledge of the information gathered from the workshop for the project. The funds to cover the study's cost were available in the 2016 Legislative Legal/Consulting Services budget. Council was requested to waive the bid process and authorize the City Manager to enter into an agreement with CTC for the completion of the feasibility study for municipal broadband.

Mr. Morehead confirmed that Task 1 was done. He assumed there was a project parameter document. Ms. Montgomery reported that Task 1 was a half a day workshop with management staff and the other half of it was the workshop for the public meeting. Mr. Morehead said out of that should come a project spec, some sort of "these are our requirements", this is what they were expected to help evaluate, a backbone of fiber, etc. Ms. Montgomery replied it was the understanding that by meeting with the staff and with the public that evening that CTC was going to be able to gather information in order to tell the City what could be done to move forward if that was what the City wanted to do.

Mr. Morehead said Tasks 2-4 were evaluating some design. He was trying to get some sort of project scope document of what that basic design would look like. For example, was the City connecting all SCADA for the various electrical facilities? Was the City connecting the water towers and the pumps? He asked if a document like that existed. Ms. Montgomery was not aware of such a document. She knew it was mentioned that those were things that the City could connect, SCADA could be brought in, etc. She knew that in Task 2 they would conduct a field survey.

Mr. Markham raised a question in terms of break points. In Task 3 a high level cost estimate would be provided. It seemed to him that the City could get a number there where Council said, "no, thank you" and decided not to do Task 4. He asked if there was a way to say, "at this point in time, we re-visit it" and maybe not spend the entire amount. Ms. Montgomery said that question could be taken back to CTC, but as it stood right now staff was provided a lump sum for Task 2. Mr. Markham commented it could just be so far out of the ballpark that it was not worth it.

Ms. Hadden said she did not see any reference in Task 2 to utilizing the resources or collaborating with UD. She thought that should be an important part of this project because they had so much infrastructure that the City possibly could partner with them. Ms. Montgomery said that was something staff would be looking into. They wanted to ensure Council wanted to move forward with the feasibility study before involving UD.

Ralph Begleiter urged Council to support the authorization of a feasibility study for this purpose. He suggested that Council direct the staff to be sure that the consultant included the kinds of questions that Ms. Hadden raised. The proposal he read seemed to be a technical proposal. There was no indication that the group would consider different areas of the City being business-centric or residential-centric and differentiating the service that might be provided in those areas at different costs and different levels of equipment. From reading the proposal, he felt it was essentially a geographic study and would say here is how the whole City was covered by drawing circles, but the same level of service or capability was not necessarily needed inside all of the circles.

Mr. Begleiter urged Council to be sure that staff demands of the contractor that the study be more than geographic. The proposal was missing any reference to a significant aspect talked about at the workshop, and that is the presence of UD and its existing and future technology. The proposal almost looked as if the consultants were completely unaware of the existence of UD. He knew that was not the case from the workshop, but the documents that the City expected to get from the consultant should make reference to a significant piece of the puzzle in the City – UD's technology, its consumers, and its potential for assisting the City to accomplish the tasks. If the consultants did not plan to do any interviews or survey UD's capabilities, he thought the resulting report would likely be an overkill proposal failing to utilize, or even account for, UD's role.

Mr. Begleiter noted that Council previously discussed providing more than a single level to all parts of the City. There might be multiple tiers but that was not referenced, and he suggested the contractor be requested to furnish that information.

Len Schwartz, district 3, said Dr. Andrew Afflerbach of CTC spoke at the broadband meeting on 10/7. His talk included a number of topics of interest to the City in the decision-making process. He suggested incremental steps that a small city like Newark could take starting with government services then expanding to businesses and residents. He said it was an advantage that Newark supplied electricity. He listed many beneficial uses and savings to the City by consolidating existing communications. He also mentioned potential revenue by providing service to schools and hospital and possible funding sources including Federal programs as well as financing through municipal bonds. He showed the City-provided map of existing fiber and connections and suggested that additions could include both underground and aerial fiber. Several slides referred to alternative levels of service and cost. UD was not mentioned, but he was asked by Council to include them for interconnection and/or possible partnership in the written proposal.

Mr. Schwartz said the proposal seemed disconnected from the presentation. The proposal spelled out what the City would get for \$45,000, and nothing more should be expected that what was explicitly stated. Mr. Schwartz did not believe the completed project as stated would get Newark much closer to a desirable action plan the City could support. Based on Mr. Afflerbach's talk, Mr. Schwartz believed CTC had the necessary capabilities. Thus, he believed the City should ask CTC to submit a revised proposal stating that the project report would present several desirable scenarios and detailed financing options for each. The proposal should state that they will investigate the UD interconnection, consequential savings on the bulk purchase of data and other benefits to the City and UD. He liked the idea that the City would fund the study but thought they needed to make explicit in the contract what the City expected to get from them. Mr. Markham agreed that the City needed more direction on what it wanted in this contract.

Ms. Sierer thought the City needed the proposal broken out by task, or at least Task 2 and 3 lumped together since the City may not want to do Task 4. Questions she heard were, what are the City's funding sources, how can the City provide service to lower income individuals and seniors, how can the City go about phasing in types of services like government services and businesses, how the City can tier the service in certain areas, include UD in the process with surveys and interviews, make it more of a centric process perhaps with businesses and residential and it needed to be more than a geographic study. Mr. Morehead added plus the potential incremental implementation whether the City started with just a backbone for City services, whether institutions were added and whether business and residential were added.

It was the consensus of Council that staff go back to CTC with the additional concerns to be included in the proposal and then have staff come back to Council with pricing and to separate Tasks 2 and 3 from Task 4.

- 18. 7. **FINANCIAL STATEMENT:** None
- 19. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None
- 20. 9. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:** None
- 21. 10. **ITEMS SUBMITTED FOR PUBLISHED AGENDA**
  - A. **Council Members:** None
- 22. 10-B. **OTHERS:** None
- 23. 11. **APPROVAL OF CONSENT AGENDA**

**03:27:00**

Mr. Gifford requested that item 11-A be removed from the Consent Agenda.

Ms. Bensley read the Consent Agenda as amended.

- B. Approval of Council Meeting Minutes – September 28, 2015
- E. Approval of Council Meeting Minutes (Executive Session) – October 12, 2015
- G. Receipt of Alderman’s Report – October 8, 2015
- H. **First Reading – Bill 15-27** – An Ordinance Amending Chapter 20, Motor Vehicles, Schedule XVII, Code of the City of Newark, Delaware, By Allowing a Right-Turn on Red Traffic Signal Except Between the Hours of 8:00 A.M. and 6:00 P.M. Monday Through Friday From South College Avenue to East Delaware Avenue – **Second Reading – November 9, 2015**
- I. **First Reading – Bill 15-28** – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 21 North Chapel Street – **Second Reading – November 23, 2015**
- J. **First Reading – Bill 15-29** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from RM (Multi-Family Residential – Garden Apartments) to BB (Central Business District) 0.10 Acres Located at 21 North Chapel Street – **Second Reading – November 23, 2015**
- K. **First Reading – Bill 15-30** – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 53 and 57 West Cleveland Avenue and 56 Church Street – **Second Reading – November 23, 2015**
- L. **First Reading – Bill 15-31** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning BN (Neighborhood Shopping), BLR (Business, Limited Residential) and RD (One Family, Semi-detached Residential) to RM (Multi-Family Residential – Garden Apartments) 1.02 Acres Located at 53, 57 and 63 West Cleveland Avenue and 56 Church Street – **Second Reading – November 23, 2015**

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: THAT THE CONSENT AGENDA BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

**24. 11-A. APPROVAL OF COUNCIL WORKSHOP MINUTES – SEPTEMBER 21, 2015**

---

**03:29:19**

Mr. Gifford requested the names of the representatives from Republic Services who attended the meeting be included in the minutes. Ms. Sierer added a minor change as well.

MOTION BY MR. GIFFORD, SECONDED BY MS. HADDEN: THAT ITEM 11-A, COUNCIL WORKSHOP MINUTES – SEPTEMBER 21, 2015, BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

**25. Meeting adjourned at 10:35 p.m.**

Renee Bensley  
Director of Legislative Services  
City Secretary