

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

March 10, 2008

Those present at 7:30 pm:

Presiding: Jerry Clifton, Deputy Mayor
District 1, Paul J. Pomeroy
District 4, David J. Athey
District 5, Frank J. Osborne
District 6, A. Stuart Markham

Absent: Vance A. Funk, III Mayor
District 3, Doug Tuttle

Staff Members: City Manager Carl F. Luft
City Secretary Patricia M. Fogg
City Solicitor Roger A. Akin
Assistant to the City Manager Carol S. Houck
Assistant to the City Manager Charles M. Zusag
Planning Director Roy H. Lopata
Electric Director Rick Vitelli
Public Works Director Richard M. Lapointe
Parks & Recreation Director Charlie Emerson
Building Director Thomas J. Sciulli
Finance Director Dennis McFarland
Chief of Police Paul M. Tiernan
Code Inspection Supervisor Steve Wilson

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

2. MOTION BY MR. OSBORNE, SECONDED BY MR. ATHEY: THAT ITEM 9-B-2, APPROVAL OF POLLING LOCATION FOR APRIL 8, 2008 ELECTION BE ADDED TO THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

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

MOTION BY MR. ATHEY, SECONDED BY MR. OSBORNE: THAT ITEM 9-A-1, APPOINTMENT TO NEWARK HOUSING AUTHORITY BE REMOVED FROM THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

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

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

A. Regular Council Meeting of February 25, 2008

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

4. 3. ITEMS NOT ON PUBLISHED AGENDA:

A. Public

Rick Celeste, 815 Hilltop Road, encouraged Council to do everything possible to discourage the developer of Country Club Estates from using the entrance on Country Club Drive and to encourage him to move forward with the suggested entrance across from the University on Rt. 896 (at the developer's expense). With regard to the additional traffic this subdivision would create, he suggested taking a proactive approach to traffic lights by using simulation because traffic studies done by the state used 20+ year old technology. He thought that would be a good project for a professor at the University to give to his/her students.

5. Jean White, 103 Radcliffe Drive, said she understood when the proposed DART transit hub (on Delaware Avenue) is opened, the #6 bus would no longer stop at the Municipal Building making riders take the trolley (loop bus) from the Municipal Building to the transit hub to go to Wilmington. She would have preferred the trolley to be a hybrid energy efficient bus similar to the Unicity bus. She also recognized the trolley was to get the big busses off of Main Street and Delaware Avenue, but pointed out that the trolley was a big bus. She also claimed the trolley was suppose to run every 15 minutes but learned it would now run every 30 minutes making it inconvenient for the riders. In a recent legal notice, Ms. White read that as of June 23rd, the cost of the trolley would increase from \$.25 to \$1.15, an increase she believed would discourage ridership on the trolley. In conclusion, Ms. White advised that DART would hold a public meeting on April 1, at City Hall, from 3:30 pm to 6:30 pm, on this subject.

6. 3-B. UNIVERSITY

1. Administration

Rick Armitage advised that a campus assessment meeting was scheduled at Purnell Hall at 5:30 pm on Tuesday. The meeting was being conducted in support of the strategic planning mission on campus. All members of the public were invited to attend.

7. 3-B-2. STUDENT BODY REPRESENTATIVE

Dan Greenfield, 34 Prospect Avenue, reported the Student Government run event was recently held and raised \$1,000. Consideration is being given to provide an orientation to new students as well as students living off campus for the first time to remind them of certain laws that may affect them, such as off-street parking permits, block parties, etc. The orientation would be done by email by the Student Government.

8. 3-C. COUNCIL MEMBERS

Mr. Markham thanked Messrs. McFarland and Herring for the IT report recently provided to Council.

9. Mr. Markham thanked Chief Tiernan for the speed enforcement recently conducted on Capital Trail. The average speed was 53 mph in a 35 mph. There were plans to use the "Your Speed Is" machine on Capital Trail that would be attached to a pole rather than the trailer that most people were used to seeing. He also thanked the Chief for working with the County on their recent notification regarding alarm permit registration that did not affect City residents.

10. Mr. Markham asked Carol Houck to give an update on the "You Don't Need It" program. Ms. Houck advised that a preliminary plan for the program was completed with some changes. That plan has been forwarded to Deb Hoff from the University (member of Town & Gown Committee) for her review. They were still looking for a new location since the buildings at the old Curtis Paper Mill site have been torn down.

11. Mr. Markham reminded everyone that on Friday, March 14th, the Newark Housing Authority would be auctioning Cleveland Heights.
12. Mr. Markham advised that Paper Mill Partners scheduled their first meeting on April 3rd at the Newark Senior Center from 7:00 pm to 8:30 pm.
13. Mr. Athey advised that he met with Chief Tiernan and Lt. Poley a few weeks ago about the fine structure for speeding, in particular, the way in which residential fines were set and whether they should be equivalent to fines on an interstate. This item will continue to be discussed.
14. Mr. Athey reminded everyone that the Friends of Newark were holding the Main Street Forum on March 26th at the Newark United Methodist Church. More information will be forthcoming.
15. Mr. Osborne announced that due to personal reasons he would not be seeking re-election in April.
16. All members of Council welcomed Pat Fogg, who was recently appointed City Secretary/Treasurer and sworn in this morning. She was congratulated on her promotion and Council wished her well in her new position.
17. Mr. Clifton read a resolution recognizing the City Manager's retirement from the City.

MOTION BY MR. ATHEY, SECONDED BY MR. OSBOURNE: THAT THE RESOLUTION BE APPROVED AS READ.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

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

(RESOLUTION 08-F)

Mr. Clifton thanked Mr. Luft for his service and although they have not always agreed on everything, he believed it was the City Manager's fiscal management that kept Newark running the way it has and the citizens overwhelmingly appreciated that. Mr. Luft said it was an honor and privilege working for the City, and it was the employees who deserved a lot of credit because they did the work and did a great job.

Mr. Pomeroy said during his brief time on Council, he found Mr. Luft to be completely dedicated to serving the residents of Newark. No matter whether it was a minor issue or something as major as a budget, Mr. Luft always had the residents in mind. For someone of his caliber, and someone who dedicated over 20 years to public service, in his opinion, it was a real blessing for Newark to have Mr. Luft as the City Manager. He believed that said a lot about Carl's dedication and the nature of his character which served as a role model.

Mr. Athey said he respected and admired Mr. Luft for always knowing the answer to a question. Although they didn't always agree, he never doubted Carl's dedication to the citizens of Newark.

Mr. Markham added although he didn't always agree with issues on money, whenever he had a project, Mr. Luft always found the money and understood what Mr. Markham had in mind when he wanted something for his district.

Mr. Osborne expressed his appreciation to Mr. Luft and complimented him for his control of the “public purse strings.” He appreciated all his efforts in operating the City in an efficient and frugal manner, and at the same time provide all the services the residents needed and came to expect.

18. **4. ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

19. **5. RECOMMENDATIONS ON CONTRACTS & BIDS:**

A. Contract 08-02, Purchase of Underground Cables & Transformers

Ms. Houck summarized her memorandum to the City Manager, dated February 29, 2008, wherein she recommended that Contract 08-02 be awarded in the following manner:

Items 3,4,5,6,8,10&11 – Ermco - \$49,639.

Items 1,2,7&9 - HD Supply - \$65,727.

The total amount of this purchase was \$115,366.

MOTION BY MR. OSBORNE, SECONDED BY MR. ATHEY: THAT CONTRACT 08-02, PURCHASE OF UNDERGROUND CABLES & TRANSFORMERS, BE AWARDED AS RECOMMENDED FOR A TOTAL COST OF \$115,366.

Mr. Pomeroy questioned if it was abnormal for a project to be split between two vendors and whether it affected the timeframe. Ms. Houck said it was not unusual and would not affect the timeframe. This made use of one contract to get the various supplies needed.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

20. **5-B. CONTRACT 08-01, PURCHASE OF HOT MIX, COLD PATCH, STONE & CONCRETE PRODUCTS**

Ms. Houck summarized her memorandum to the City Manager, dated March 3, 2008, wherein she recommended the following:

Part I Asphalt Products – Independence Materials – est. \$26,000.

Part II Stone Products – Penn/MD Materials – est. \$5,000.

Part III Concrete Products – Newark Concrete – est. \$15,000.

The estimated total cost of this award as recommended was \$46,000.

MOTION BY MR. MARKHAM, SECONDED BY MR. OSBORNE: THAT CONTRACT 08-01, PURCHASE OF HOT MIX, COLD PATCH, STONE & CONCRETE PRODUCTS, BE AWARDED AS RECOMMENDED FOR A TOTAL ESTIMATED COST OF \$46,000.

Mr. Pomeroy asked if it was unrealistic to think the contract could be done on a multi-year bid rather than on a yearly basis. Ms. Houck did not think it could be done that way. However, she pointed out that because the price for the hot mix was higher than what they were used to, she would be calling other vendors before the purchase was actually made in order to get the best price.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

21. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

None

22. 7. RECOMMENDATIONS FROM THE PLANNING COMMISSION/DEPT.

None

23. 8. ORDINANCE FOR FIRST READING:

- A. Bill 08-04 - An Ordinance Amending Ch. 2, Administration, By Revising the Pay Plan for Management Employees, Effective April 1, 2008

Ms. Fogg read Bill 08-04 by title only.

MOTION BY MR. POMEROY, SECONDED BY MR. MARKHAM: THAT THIS BE THE FIRST READING OF BILL 08-04.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

(2ND READING 3/24/08)

24. 9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:

- A. Council Members:

(Note: 9-A-1, Appointment to Newark Housing Authority, was removed from the agenda.)

25. 9-B. COMMITTEES, BOARDS & COMMISSIONS:

1. Planning Commission Minutes February 5, 2008

MOTION BY MR. ATHEY, SECONDED BY MR. POMEROY: THAT THE PLANNING COMMISSION MINUTES OF FEBRUARY 5, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

26. 9-B-2. APPROVAL OF POLLING LOCATION FOR APRIL 8, 2008 ELECTION

MOTION BY MR. OSBORNE, SECONDED BY MR. POMEROY : THAT THE FIRST PRESBYTERIAN CHURCH MEMORIAL HALL, 292 W. MAIN STREET, BE APPROVED AS THE POLLING LOCATION FOR THE DISTRICT 5, APRIL 8, 2008 ELECTION.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

27. **9-C. OTHERS:** None.

28. **10. SPECIAL DEPARTMENTAL REPORTS:**

A. Special Reports from Manager & Staff: None

29. **10-B. ALDERMAN'S REPORT**

MOTION BY MR. MARKHAM, SECONDED BY MR. ATHEY: THAT THE ALDERMAN'S REPORT DATED MARCH 4, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

30. **10-C. FINANCIAL STATEMENT**

MOTION BY MR. ATHEY, SECONDED BY MR. POMEROY: THAT THE FINANCIAL STATEMENT ENDING JANUARY 31, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye- Osborne, Pomeroy, Clifton, Athey, Markham.

Nay – 0.

Absent – Tuttle, Funk.

31. **Meeting adjourned at 8:10 pm.**

Patricia M. Fogg, CMC
City Secretary

/pmf