

CITY OF NEWARK
DELAWARE

COUNCIL MEETING MINUTES

August 8, 2016

Those present at 7:00 p.m.:

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

Staff Members: City Manager Carol Houck
City Secretary Renee Bensley
Deputy City Solicitor Paul Bilodeau
Code Enforcement Manager Dave Culver
Communications Manager Kelly Bachman
Finance Director David Del Grande
IT Manager Joshua Brechbuehl
Parks & Recreation Director Joe Spadafino
Planning & Development Director Maureen Feeney Roser
Planning & Development Planner Tom Fruehstorfer
Public Works Director Tom Coleman

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1. The regular Council meeting began at 7:06 p.m. with a moment of silent meditation and the Pledge of Allegiance.
 2. MOTION BY MR. MOREHEAD, SECONDED BY MR. MARKHAM: TO ADD ITEM 5-A-1, STAFF REPORT AND RECOMMENDATION REGARDING UNICITY BUS OPERATIONS, TO THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

3. 1. **PUBLIC PRESENTATIONS:** None
4. 2. **ITEMS NOT ON PUBLISHED AGENDA**
 - A. Public

03:15

Mary Ellen Green, District 2/Fountainview, reported that Fountainview provided housing for residents age 55 and over. Her concern was a resident who was physically disabled and needed van-accessible parking as he was restricted to using a wheelchair and a lift. She said there were not enough accessible parking spaces at Fountainview. Ms. Hadden clarified that the vehicle Ms. Green referred to was a side-accessible handicapped van.

Christine Monsen, District 2/Fountainview, lived in building 1000 where they had a sewage leak. According to Ms. Monsen, the main stack for four floors leaked onto carpet in the hallway at the entrance. The plumbing was repaired and a month later the drywall was put back, but nothing was done about the carpet. Property management said they did not have the money to handle this issue. Ms. Monsen was concerned that sewage and mold was getting walked on and tracked throughout the building. She reported that Mr. Kiesel from Code Enforcement had been out to inspect the property, yet no action was taken by property management. She was concerned about the possible health impact and asked for assistance from the City.

Nancy Scheet, District 2/Fountainview, reported she had cracked walls in her unit at Fountainview and asked for direction.

Ms. Houck reported that staff worked with the property maintenance group in the past and would discuss these items and get back to the residents.

Catherine McFalls, District 2/Fountainview also was concerned about the parking situation for the physically disabled resident who drove a motorized chair to the parking lot where he got into a retrofitted van. He had to park in a regular parking space and used a traffic cone in the adjoining spot. When he vacated the lot, he had no assurance there would be two adjoining spaces available when he returned. She said the van-accessible space was needed at the southern entrance of the building because only the north and south entrances of 1000 Fountainview had one entry door with a wide enough space for a wheelchair to traverse. Only two van-accessible spots served the building of 64 units.

Ms. Sierer said there was a mechanism to address additional accessible parking spaces and City staff would be reaching out to inform the residents of the process and what they need to do to make that happen. Mr. Morehead thought that next space ought to be painted out as a no-parking spot and that the disabled individual's space should be a reserved space. Ms. Sierer remarked that additional accessible spots were needed as well. Mr. Ruckle supported the additional parking and thought this should be a consideration for any adult community going forward.

John Morgan, District 1, said the concerns expressed by the residents of Fountainview highlighted the importance of the City staff's prompt and effective response when they receive specific complaints. He thought this was more important than devoting resources to the inspection of rental properties. Dr. Morgan also expressed concern that the new comprehensive plan had only two densities – low density and high density – for residential areas and that the dividing line between the two would be 11 units per acre (a little higher than Cherry Hill Manor). He was concerned about the possibility of developers buying lots in single family detached areas and being able to get them rezoned to accommodate fairly high density. He did not feel that 11 units per acre was low density and urged Council to get this detail of the comp plan right and get input on it from the residents.

Jim Green, Cherry Hill Manor, was also concerned about the zoning request for Barksdale Road. His first concern was drainage. The development engineers had a decent engineering plan, but it was a site that already had been stressed and remediated because it also serviced Handloff Park and Barksdale Green. He believed it was going to be more stressed by building what he thought was too many units on those two plots. The second concern was the City Solicitor told the Planning Commission that the allowable units could be rounded up to 14 based on the 1.3 or 1.4 acres they have in those two plots and it sounded legal, but they did not allow for enough open area in the proposed development. He noted that Cherry Hill Manor had two open recreation fields and a traffic island that gives more open space than they seem to have calculated. They were told that was mandated or strongly required by the City 35-40 years ago when Cherry Hill Manor was built. They were also told that a prior development proposal on Barksdale Road was aware of that kind of requirement and tried to get the City to include Handloff Park in their planning, and that was correctly turned down. He felt that reducing the units planned from 14 to 12 would ease the space crowding toward Cherry Hill Manor and would allow for a recreation or picnic area at the rear of the development and come closer to satisfying the open space requirement.

Pam Green, District 4/Cherry Hill Manor, also discussed the proposed Barksdale Green development. According to the artist's rendition and the signage on 1101 Barksdale Road, she would call this four stories. There was the garage level and three living areas. All the homes at Cherry Hill Manor were two stories. She saw that as a serious problem. She asked who would want to live in a house that overlooked their alley, their trash cans and recycle bins. She thought the proposed project should be modified so there was more open space between Cherry Hill Manor, Saw Mill Court and Barksdale Green. She reached out to the residents of Sutton Place (also built by Dan Kandra) and asked them to comment about proximity, privacy, drainage, aesthetics, and traffic and would report her findings on August 22. She wanted to raise awareness among Council about her concerns and give them time to investigate.

- 5. **2-B. ELECTED OFFICIALS WHO REPRESENT CITY OF NEWARK RESIDENTS OR UTILITY CUSTOMERS:** None
- 6. **2-C. UNIVERSITY**
 (1) Administration – None
- 7. **2-C-2. STUDENT BODY REPRESENTATIVE:** None
- 8. **2-D. LOBBYIST:** None
- 9. **2-E. CITY MANAGER:** None

10. 2-F. COUNCIL MEMBERS:

22:53

Ms. Hadden

- Met with constituents and City staff to resolve some issues in her district and thanked staff for their quick and thoughtful responses.
- Attended the National Night Out with the City's first responders. It was well attended and there was lots of food and fun for everyone.
- Met with an administrator of the Delaware Small Business Development Center to talk about economic opportunities and services available to assist businesses in Newark, especially start-ups and would be sending a recommendation to Ms. Sierer for consideration.
- Attended a yarn bomb event that the children attending Camp REAL participated in. The park was the second in Newark to be yarn bombed by the Newark-based group Knit Together in Love. Yarn bombing was a graffiti-style public art project that involved covering trees, sculptures and other objects with brightly colored yarn. The kids had a lot of fun learning how to finger knit and displaying their art which could be seen at Dickey Park by the pavilion.
- Expressed a special thank you to the Newark Bike Project for their donations of eight bicycles to some Camp REAL children who otherwise would not have a bike. It was an example of fabulous community service, especially to an area that could use it. She noted the City was very blessed to have the bike project.
- Hosted her Meet and Greet for August where the new Finance Director, David Del Grande, did a great job presenting and interacted very well with the participants.
- Reminded everyone that on August 19 the City of Newark Police Department FOP K-9 event would be held at the Courtyard Marriott to support the City's K-9 unit. The event was scheduled from 5-8 p.m.

Mr. Morehead

- Attended National Night Out and was pleased to see young families and kids getting to know the police officers, trying on the equipment and looking the equipment over. It was nice to see the folks that keep the City safe and how the funding and equipment to do that was actually being used and have the public get to know that, have the young kids get to know it and have them get to know the officers.
- Requested efforts to publicize City events using social media also utilize the City website. He did not find this event on the City website and would like to see it on the calendar in addition to social media.
- Had a conversation with a realtor about parking in Newark. He felt everything possible should be done to communicate public parking information. This individual was unaware that municipal lots were cheaper than street meter parking. He told her about the municipal lots, that they were cheaper and it was more convenient in that people did not have to feed the meter or worry about running out of time.
- Had a request from a District 1 resident regarding the yield sign at South Main and Nottingham Road to see what could be done about possibly enforcing the yield. Ms. Sierer noted she had also received concerns from area drivers and asked staff to take a look at it to see what options could be considered.

Mr. Ruckle

- Attended National Night Out and was glad to see Mayor and Council there. It was a great event. The fire department did a great job. He always enjoyed watching the Jaws of Life and how they break cars apart and how fast they can do it to save people along with the police department and everything they did. It was something that was going to keep growing, and he agreed the City needed to promote it more.
- Had his monthly meeting with Ed Osienski at the Senior Center. He got more positive comments about the water tower painting, and residents looked forward to the addition of the City's logo.

Mr. Chapman: No comments.

Ms. Wallace: No comments.

Mr. Markham:

- Corrected comments he made at the July 25 Council meeting in regard to administrative warrants for property inspections (second paragraph from the bottom of page 12). He mistakenly referred to the City's Charter instead of the City's Code.
- Asked when the sidewalk traffic light would be installed on Main Street. There were three weeks until students were back, and it would be best to have it in before they got here and get them used to it. It was supposed to help not starve that light and keep traffic moving. Last time he looked, it did not look like it was going anywhere. He thought originally it was supposed to be in by spring break and was delayed. He asked Ms. Houck to get back to Council on that.
- The next Cleveland Avenue Task Force meeting would be August 16 at 6:00 pm in the Council Chamber. The public was welcome to provide input on how Cleveland Avenue may change, improve, add bike lanes or change traffic patterns. DeIDOT would be giving a PowerPoint presentation. The agenda was on the City website.

Ms. Sierer

- National Night Out was a successful event. She thanked Kody for his canine demonstrations and his handler, Officer Sharpe. Two of the newest motorcycles that Council approved a few months ago made their debut.
- Would visit Camp REAL for the bike rodeo with the Newark Bike Project at Handloff Park for three hours tomorrow morning with those kids. She said if Council members got a chance to volunteer or participate those kids were so interested in attention and being engaged with us. It was a great opportunity to make a difference in their lives.
- Had the pleasure of spending several days with Tony Roberts who visited us from Newark, United Kingdom. She shared a letter from their commission.

“Greetings to the Honorable Mayor of the City of Newark. The bearer of this letter, Councillor Tony Roberts, brings with him greetings from Newark Town Council, England, and the citizens of Newark-on-Trent. Newark Town Council recognizes and celebrates the links between the communities throughout the world that share our common name. By the way, there are 26 Newarks in the world. I see from your website that your town's history dates back to the early 1700's, when a small group of English, Scots, Irish, and Welsh set up a hamlet which grew to be given formal recognition by King George II, granting a royal charter in 1758. In this respect our two towns are similar, as we were also granted a royal charter in 1561 by Queen Elizabeth I.

I also see that our two towns have similar size populations, although we cannot claim a university campus. We do have an internationally renowned violin making college of which we are very proud because it attracts students from all over the world. I wish you and your community well for the future, and I look forward to hearing all about Newark, Delaware when Tony returns to Newark, England.”

Councillor Roberts also shared some brochures for different parts of their community – historic, Art Deco Trail, Curiosity Trail, so she thought this might be something to take a look at for the Newark community and then a picture of Newark Castle as a gift. It was nice to be able to spend some time with him and compare communities and cities and countries.

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

12. 4. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS

A. Appointment of Afton Clarke-Sather to the District 3 Position on the Planning Commission For a Three-Year Term to Expire September 15, 2019

34:57

Ms. Wallace presented the appointment of Afton Clarke-Sather for the District 3 position to the Planning Commission. Dr. Afton Clarke-Sather was an Assistant Professor of Geography at the University since 2012. He and his family lived in Devon, and he lived in a number of other places including Minnesota, Boulder, Colorado, China and Bolivia. She thought Dr. Clarke-Sather had the technical know-how needed for this position and, in addition, he also had experience elsewhere to see how towns were laid out. He had a personal interest in land use, and she thought he would be a real asset to the Planning Commission.

Dr. Clarke-Sather said he would be honored to serve the City in this position. He noted that he was contacted by several Council members who had concerns expressed to them about his opposition to the power plant which was fairly well known and whether he would handle things in an unbiased manner. He emphasized that he viewed that as his activities as a private citizen and was pro-development overall as long as it was done right.

Mr. Chapman noted that Dr. Clarke-Sather's experience seemed quite extensive in the world of environmentally conscious issues and how it related to geography. He asked if he had any experience with planning and development. Dr. Clarke-Sather responded that he wrote his master's thesis on land use, including land use law in one county in Michigan. He looked at their land use planning processes. He had a good understanding of the geographic information systems used to generate land use maps. He had not worked in development but knew the law around that fairly extensively and worked on issues in urban geography in the past. He felt like he knew more about land use than the average Joe on the street.

John Morgan, District 1 and Vice-Chair of the Boards and Commissions Review Committee, noted the Committee had reviewed the Planning Commission. Neither State nor City Codes had requirements for Planning Commission members to have a formal background or training in land use issues unlike the Board of Adjustment, but had a general statement about being familiar with the town. He felt Dr. Clarke-Sather met that requirement and was as well qualified as other Commission members with the exception of Mr. Silverman who worked in the New Castle County Planning Department for several decades.

Pam Green, District 4, asked when the appointment would take effect and how long the term would be. Ms. Bensley reported that it would take effect immediately, and the term would expire September 15, 2019.

Ms. Hadden said recently, some very fine people were brought forward to go on the Planning Commission, and there were overwhelming concerns brought forward about lack of experience and connection to the University of Delaware that made some Council members pull back their nominations. She called Dr. Clarke-Sather today and was very impressed. He sounded sincere and thoughtful. On a committee such as the Conservation Advisory Commission, she felt he would be a great asset with efforts on sustainability and being green. She commended his desire to continually improve the City. Because the Planning Commission was such an important part of the future growth and development of the City, she would be more supportive of someone with a stronger background in urban planning and development and not just an interest. She felt that Dr. Clarke-Sather would be excellent for fitting with another committee such as the CAC, but did not feel he would be a good fit for the Planning Commission.

Mr. Morehead said living in the City, it was almost impossible not to have some affiliation with the University. Council had that same challenge. There were times when, for one reason or another, Council members had to recuse themselves, and that responsibility was up to the individual. There was no real good measure. He used it several times on various issues where people said, "That was not necessary." With an abundance of caution, as former Councilmember Dave Athey used to say, he did it. There were Council members in the past, very fine people, very fine job, that ... numerous folks worked directly for the University. The City had them currently, so he did not share that concern.

Ms. Hadden asked to defend herself and said that she was not in a policy making position at all at the University of Delaware. Mr. Morehead was not meaning to imply anything. The folks with tenure tended to be more insulated and were not necessarily in a situation where they may be concerned about retribution. He believed since Dr. Sather had his master's thesis in planning he had a sufficient and thorough understanding of Newark's challenges even though he had not worked in that field. There were many individuals on the Planning Commission who were related to the field of planning in one way or another that did not have the background or the training. While he appreciated Ms. Hadden's comments, he would be fully supporting this nominee.

Mr. Markham asked Dr. Clarke-Sather about his community involvement and what outreach he had done in the community in addition to water resources. Dr. Clarke-Sather added that was his professional resume, so he did not include his community activities. He sat on the State Board, along with Mr. Coleman for the Water Resource Center. Mr. Markham asked for involvement that was more local, more neighbors, more humanistic. Dr. Clarke-Sather was very involved at least half the workshops for Comprehensive Plan V. As noted, he was also involved in opposing the power plant. People would feel different ways about that, but it was community outreach. Ms. Wallace could speak to the number of concerns he raised to her, and Mr. Gifford could also provide another litany of the land use concerns he expressed. He served as officer of his church for one year, so he had that community outreach experience.

Mr. Markham stressed that in this position there would be a lot of interaction with residents, fellow commissioners and landlords, and communication with these people would be very important. There were two things that would come up with the STAR campus. One was UD, and the other was previous involvement with the power plant and NRAPP on STAR campus. He felt that Dr. Clarke-Sather would have to recuse himself from anything on the STAR campus. Further, when a Planning Commissioner spoke to people about land use within the City, they had to be careful to avoid confusing their personal and professional conversations. Dr. Clarke-Sather said he understood that. He worked in a profession where he had to be circumspect in a lot of what he said because of working with students. In terms of conflicts of interest, this was raised by several people regarding the University. He saw at least three people on Council who were either directly working for the University or their spouses were. This was a widespread issue. There were other Planning Commissioners and members on the Board of Adjustment tied to the University as well. On a case by case basis, he would discuss it with a lawyer. When he was approached by Ms. Wallace about this, the first thing he did was to discuss with his union representative how he would deal with conflicts of interest, so this was something he had given thought to. Dr. Clarke-Sather disagreed with Mr. Markham's statement that he had to recuse himself from anything regarding the STAR campus. That was an informed opinion that he discussed with others, and he was acutely aware of conflicts of interest with his employer. Mr. Markham said they would disagree just based on the reaction of projects at the STAR campus and having other members from the University on boards that were making decisions regarding that. Dr. Clarke-Sather said he would address this on a case-by-case basis and look at precedent of when other people recused themselves and what the reaction had been to that recusal or non-recusal.

Mr. Ruckle said before he was elected, he attended the Board of Adjustment hearing at the Newark High School. There was a person with a Ph.D. in geography that testified as a real estate expert in Delaware. Dr. Clarke-Sather noted he testified as a geographer, not as a real estate expert. He was a social scientist, and his credentials to conduct social science were well-established. Mr. Ruckle referenced the statements made that if a factory was built, it would depreciate the values of the surrounding neighborhoods. Dr. Clarke-Sather said there was a statement that if a power plant was built based on the experience of about 100 power plants built in the 1990s, they had an overall effect compared to every county in the United States using extremely rigorous econometrics of decreasing values between 2% - 5%. That particular case added up to a lot of houses – there were about 40,000 houses within the radius of areas that would be affected based on census data. He conducted that analysis. He thought it was the best analysis that could be done using available methods and models of real estate pricing that exist. He spoke to the developer of that model and applied it. It gave a number that was a little surprising to him how large it was, but when he broke it down, it made perfect sense. He stood by his work in that case. Ms. Sierer clarified that Dr. Clarke-Sather was a witness for the plaintiffs in the Board of Adjustment case.

Ms. Wallace stated there were already members on the Planning Commission who were faculty at the University. She was sensitive to that issue. Her husband worked at the University, so she recognized she had a connection as many in the room did. It was a complicated issue, she recognized that, but the practical reality was that if everybody was eliminated who had a connection to the University, then the City did not have anybody on boards and commissions and maybe even on City Council. She knew Dr. Clarke-Sather. He was a professional person and someone that she trusted with this job. With the exception of the school of Public Policy, the Geography Department was probably the next best place from which to get a Planning Commissioner. She thought he had the technical background necessary to do the job and had the ability to do the rigorous work the job demanded. In addition, she met with Mr. Silverman, Planning Commission Chair. While she did not want to speak for him, she mentioned this appointment, and he did not share any concerns with her at that time last week.

MOTION BY MS. WALLACE, SECONDED BY MR. MOREHEAD: TO APPOINT AFTON CLARKE-SATHER TO THE DISTRICT 3 POSITION ON THE PLANNING COMMISSION FOR A THREE-YEAR TERM TO EXPIRE SEPTEMBER 15, 2019.

MOTION FAILED. VOTE: 2 to 5.

Aye – Morehead, Wallace.

Nay – Chapman, Hadden, Markham, Ruckle, Sierer.

13. 4-B. REAPPOINTMENT OF KEVIN HEITZENRODER TO A MAYORAL APPOINTMENT ON THE NEWARK HOUSING AUTHORITY FOR A THREE-YEAR TERM TO EXPIRE JULY 15, 2019

56:10

Ms. Sierer brought forward the re-appointment of Kevin Heitzenroder to the Newark Housing Authority Board. He was a resident of Newark for 26 years and was in real estate development. He had a passionate interest in increasing affordable public housing. He was instrumental in the Alder Creek project on Cleveland Avenue. She thought it was important that a landlord/developer be on this board and also that the board have continuity since he had interest in serving. She noted the City had some options that may come forward in the near term regarding the Newark Housing Authority and some additional housing. Therefore, she requested that Council approve the reappointment of Kevin Heitzenroder to the Newark Housing Authority Board. It had the blessing of Maureen Jordan.

Mr. Morehead spoke in favor of Mr. Heitzenroder who was a Newark resident for many decades. As far as developers went, he tried hard to work with the community. He listened and would change the plans of a project in response to community concerns. He did few projects and was not trying to build every single square inch in the whole town. Mr. Morehead found him to be exceptionally trustworthy and a great guy. He lived in town and was going to stay in town. He was an all-around good person and the kind of guy one would like to have as a neighbor and as a friend. Mr. Morehead support his reappointment.

Ms. Hadden echoed Mr. Morehead's comments. Mr. Heitzenroder was a constituent in her district. She attended Newark Housing Authority meetings, and he was a good fit. He was definitely an asset and he seemed to have a passion for it so she would be backing this reappointment.

There were no public comments.

MOTION BY MS. SIERER, SECONDED BY MR. MOREHEAD: THAT KEVIN HEITZENRODER BE REAPPOINTED TO THE MAYORAL APPOINTMENT ON THE NEWARK HOUSING AUTHORITY FOR A THREE-YEAR TERM TO EXPIRE JULY 15, 2019.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

14. 5. SPECIAL DEPARTMENTAL REPORTS:

A. Special Reports from Manager & Staff:

1. Staff Report and Recommendation Regarding UNICITY Bus Operations; Possible “Revised” Schedule to Accommodate the DART Route 16 Cancellation; and Notice of Participation in DART Transit Study with UD IPA to Determine Future Transit Outlook within Newark

59:55

Ms. Houck reported that portions of the DART Bus Route 16 were cancelled due to low ridership. The City was fortunate enough to have an arrangement with DART to provide a temporary shuttle through the end of August. Ms. Houck and staff spent time gathering the details included in the recommendation. They were able to engage the UNICITY operations to request costs and suggestions to be able to continue some level of service to the Fairfield area. The shuttle offering saw an additional drop in ridership.

The offering came with additional costs that would go through the end of the year as described in the recommendation. The recommendation to Council to decline the opportunity was based solely on the cost benefit for spending additional funds to extend the UNICITY a bit further to the end of the year. She was encouraged by the opportunity in the near future to engage with DART, UNICITY, the UD Institute of Public Administration and hopefully Cecil Transit to come up with a solution to improving overall transit in Newark. There was not enough time to explore any other options prior to the end of the month.

Mr. Chapman asked if the recommendation for this four month plan was a replacement for what was currently provided by the shuttle. Ms. Houck said it was not, it was a further reduction. The first chart, attachment B, Route 16A, the middle columns, was what the shuttle offered now with the different times of service. The next column over where it said UNICITY showed the new offerings, so there would be two offerings in the morning and only one at night. Understandably, that made it harder to accommodate anybody who needed to get somewhere and get back. However, that option was one we might be able to fund, knowing everything she knew right now with the costs already spent. However, if there were any big maintenance problems with any of the buses, it could force us to go over. Some contingencies could be tapped if Council was so inclined to take this through to the end of the year and allow us to engage in this other effort. Her recommendation was that currently the ridership numbers were not there to support the recommendation to continue it.

Mr. Chapman asked the cost to ride the UNICITY. Ms. Houck confirmed it was free. He asked if these times were created out of the study of the DART ridership showing when they were having the most riders. Ms. Houck said it was a combination of that as well as being able to add it to existing routes. He asked if the UNICITY bus was stopping at all those places where the DART bus was stopping at these times or was it just an end run route at the Fairfield Shopping Center. Ms. Houck replied this was just an addition to the UNICITY to get it out to that area in the morning and in the evening, so it was not stopping, it was not going to recreate the DART route.

Mr. Chapman asked whether it would stop on Country Club and again down at Windsor and Delrem Drives. Mr. Fruehstorfer thought the proposal that came from UNICITY was just going back and forth. The City told them that would not work, that it would have to stop in between. Timewise, they set up their times to go from Fairfield down New London straight to City Hall but switching going down Country Club and through Nottingham like the current route does would be what they would have to do, because that was where some of the users were. They did not come back and adjust their times for that. There was not time to get that answer back from them. He thought it was safe to say that it definitely could have worked. That was what it would do, the City would make it do that.

Ms. Houck asked Mr. Fruehstorfer if that would be at the same price or if that was additional. Mr. Fruehstorfer replied it only took a couple minutes more to go down Country Club and West Main. It was a matter of putting in the time. They needed to be at Fairfield at a certain time and needed to be at City Hall a certain time to link up with DART. UNICITY did not get back to staff and say "Yes for sure on that", but he thought they could make that happen.

Mr. Chapman confirmed that the majority of the cost for the four months was related to maintenance and staffing rather than fuel. If this were to add a couple of miles a week it was \$500 fuel cost estimated for all four months. Ms. Houck said utilizing mileage, staff was able to utilize the City's cost for gas and \$6,332 was primarily for the drivers.

The issue Mr. Chapman wanted to address was Ms. Houck mentioned in the past verbally and then in her memo that the City was not getting the grant funding or reimbursement expected from the state. Ms. Houck said the City was getting it. It used to be every two years for new buses. That fluctuated a little bit in recent years, sometimes three years. The City got a certain amount that ranged from \$141,200 in 2011 up to \$143,380 in 2015. That was money the City got to cover everything she noted in the beginning: labor, fuel, maintenance, printing, advertisement, etc. The issue over the years was how the City accounted for it had not been as a whole, but in different accounting categories. When staff looked at this, they were able to pull everything and realize exactly how much the City was subsidizing. It was not really that they had not been giving us enough. Although the City asked for more, they had not been able to give it. For instance, the City had not been getting the full cost of the buses. They did not want to complain too much, because it was only a couple thousand dollars less than the bids. She thought the question was that they should decide as a city whether to run it the same way it was run in 1983.

Ms. Houck noted the City had the opportunity to know the operating costs and how much they were spending to subsidize it and take this opportunity with IPA and others to come up with something that better served the community. The recommendation before Council did not really deal with all that. That was going to happen, and it had to happen now, but the City needed to make a decision soon to get the word out if the City was going to add this addition so people could be aware of it. Mr. Chapman recognized there were a couple of riders here and withheld additional comments or questions until the public was given a chance to speak on the topic.

Mr. Markham confirmed with Ms. Houck that the University was driving the buses for the City, they maintained their own routes and those were for the use of students only. He said if the City could get that changed, they could cover a lot of Newark. He suggested the possibility of outreach to the University. Ms. Houck agreed and thought there might be an opportunity to bring them into this. She noted that UNICITY operations were actually University and there was also UD transit. She thought there was an opportunity to bring it all in, overlap what everybody was doing and come up with something that better suited the community. They had this opportunity that had been funded by the State for the IPA. That was supposed to start soon, but it was not soon enough for the people in Fairfield that needed it. Mr. Markham would like to pursue that and thought it would not be bad for residents and students to be sharing buses either.

Mr. Morehead liked the idea of working with the various agencies toward a future plan. He asked Council to strongly consider funding an interim solution so that folks without access to transportation at least had something in the interim. He knew it was inconvenient, but as a community, the City made a lot of efforts to reach out to a lot of people in many different ways, many different services. He saw this as one that was important to our residents and planned on supporting a stop gap in the short term.

Mr. Markham asked if the City could do this with a ten person van with this ridership level. Ms. Houck replied that the shuttle was a van now. As she mentioned, there just was not enough time to think of other things we might do. There were probably some other opportunities. The problem was finding out who all the users were.

Mr. Markham pointed out that for a van, a commercial license was not needed. Ms. Houck added that the City had the regular family style van in the Parks Department and rented a larger van for camp. There were some other options the City could think about and price. It just could not be done in time for Council to make this decision. The August 22 meeting was too close to the deadline.

Ms. Sierer asked if the City would be tracking the ridership on this route through the end of the year. Ms. Houck said yes, UNICITY tracked now by hand. Ms. Sierer said the additional \$7,000, if approved, the City would be tracking ridership for that route. Ms. Houck said absolutely.

Natasha Ortega, District 5, said she had been fighting this with DART for 9 1/2 years. There were other people in the City that were fighting prior to that. This was an ongoing battle with DART. In April she contacted Mr. Chapman. He went to the meeting with DART. DART was like "Oh no, we want to move things around." Their thing was there was always low ridership. She was later told what they needed to do was move buses around because they want the buses to stop at the I-95 service station where all of the Route 16 buses were going. She noted not one person gets on the bus either going into Wilmington or coming back. Since they started moving the buses June 27 from the Newark Hub, it was not supposed to come to the municipal building, but she fought and said "You have to." They were going from the hub, straight down to College out to 896. She told them "You have knocked out all of West Newark. You have to do something." They came up with this thing. Now they stop at the Municipal Building through September 2 and then residents were left with no shuttle, where they were using a full bus.

Ms. Ortega sent a proposal to the Council members whose districts were being affected by this. She saw Ms. Houck's letter which she thought was well written and she appreciated it. She knew this would take time that they did not have. She rode the bus and spoke to the other riders. There were six to eight riders between Fairfield through Nottingham, to go all the way out to 896. They even said they could carpool if they could get to the City building and park somewhere, but there was no place to park around here. If they parked across the street, their cars would be towed. They would ask Council to help in talking to the developers to be able to park there. The other thing was parking at the City building. They would be looking at three spots, and that would save the approximately \$6,000 for the next four months, so there would be more time. If Council voted on this tonight and there was no more service as of September 6, she knew she would hear it from the ridership. She asked the City to think about this.

Ms. Ortega said they were looking at a temporary fix on this, only four months between now and January. Her fear was that DART was chipping away at this route little by little. She handed in a petition with over 200 signatures of riders and residents of the City where they were saying, they want to have the opportunity of having the bus here. They were asking the City to be able to work together.

Ms. Hadden suggested that she and Ms. Sierer meet with the management company of Park N Shop to try to negotiate three temporary parking spots for the next four months.

Pam Green, District 4, corrected a previous statement that came from the table. Anyone with a University ID could ride the UD bus. It was not just for students. It was also for staff and faculty and spouses. She was only asked for her ID once or twice.

John Morgan, District 1, followed up on the comments that were made by Ms. Ortega and others with a more general issue. He believed that in the last ten years the quality of bus transportation in the City has gone downhill. Ten years ago there was a bus route that came along Kirkwood Highway, all the way around Main Street and then the bus would stop at the Municipal Building, wait a few minutes, and then it would go out along West Park Place and over through the south part of the University and then over to the College Square Shopping Center and up and back out Kirkwood Highway. That stopped because of the feeling that it was a good idea to get the bus off of Main Street. Instead that bus terminated at the hub and then there was the Newark shuttle, which would run from the hub over to the municipal building and then back. Unfortunately the ridership on that shuttle was low and after a few years it was cancelled completely. This made it more difficult for people to get across town by DART buses. It could be done on the 33, but there was only one bus instead of two. It was much more inconvenient for people who lived out near Kirkwood Highway to come to the businesses along Main Street, because they could always take the bus stops at the hub, and then maybe wait half an hour for the 33 bus. Dr. Morgan urged the City to talk with DART about getting the Kirkwood Highway buses to resume coming along Main Street and all the way down to the Municipal Building and then turning back around. He thought this would be helpful in light of Mr. Ruckle's comments about how some of the residents in District 2 wanted to have dinner downtown but complained about not finding parking. If bus service was extended to 8:00-9:00 p.m., that would alleviate the need for more parking.

Ms. Wallace asked to clarify that the rest of the ridership was in agreement with Ms. Ortega, that they would rather find a carpool solution and not have the shuttle. She felt both options could be pursued to be on the safe side. Ms. Ortega said ultimately the residents wanted to make sure they had service and could continue taking the bus here at the Municipal Building and this was where the carpool idea came from. To Mr. Ruckle and Dr. Morgan, the bus they were talking about was the number 6 which added extra buses coming out of Wilmington, and they should be going later than 6.30, so that was another option to let DART know there were more buses now, they were coming out every 20 minutes.

Ms. Wallace thanked Ms. Hadden for offering to reach out to the owners of the Park N Shop. In addition she requested that the City approach the University to see if they could expand the UNICITY buses. She also thought it was very important that the City puts as much pressure as possible on DART. There was a traffic problem in this City and the more people encouraged to use buses, the less traffic problem there would be. She thought the City needed to be an advocate toward bus usage and make it clear to DART that we were not just talking about these current folks. People need to know they can rely on the bus transportation, or they were not going to pursue it. By continuing to eliminate and cut down routes, they were sending a message. Mr. Markham thought this seemed to be a place for the State Reps to get involved. They should have more influence on State agencies than the City could, so he would reach out to them and ask for their help, not just for funding, but sometimes they could be persuasive.

Mr. Markham was a little unclear and asked Ms. Ortega if she agreed with the staff recommendation that said do not fund it. Ms. Ortega said as a City resident and tax payer, she thought there was a way to save this money, so yes, do not fund it if they could get to park across the street, or

the space was here at the City building. This would buy the City and residents some time to work on this and see what would happen after that, maybe they would need to go back to Park N Shop and say they need to extend the parking a few more months.

Ms. Houck said staff wanted to know how they were moving forward and UNICITY wanted to know whether they needed to make changes. She wanted to make sure everybody understood that DART went after the funding to be able to do the engagement that would start next month, and they secured it. They saw a problem and it was about the cost to run a bus and how many people were on it. If they could look at it comprehensively and get everybody so that all the buses running around the streets were not running on top of each other, and the links were proper from outward, inward and back, it would be better for everyone. The four months was based on budget because then there was a new calendar year and they were working on budget. There were a lot of things that could happen from January forward, but looking at the money that was allocated for UNICITY now, that was the four months coverage.

Mr. Markham said it was a little bit more than \$50 a day to finish the end of the year for four months. He was okay with that to give people an option to ride the bus.

Mr. Chapman was excited that Ms. Ortega coordinated with some of the other riders who ride to get to work in the City. Those 6-8 people were the majority of the consistent ridership in the area. There were a couple of other issues – one of the major pick up spots, the Fairfield Shopping Center, was surrounded by apartments, some low income and housing for seniors. Evergreen was just up the road and was housing primarily for folks over 50. Fairfield and Fairfield Crest had a lot of residents aging in place as well. He received quite a bit of communication about the Route 16 removal from folks that may not have ridden it to and from work every day but did use it to get to the doctor, or, with Super Fresh closing, were using it to get to the grocery store. As was pointed out, in situations like public transportation when the option was removed it was really difficult to get it back. He would be happy if the common riders were carpooling and skipping that route. It was going to hurt the numbers and data, but the City knew they were still there. Mr. Chapman asked that Council still approve the funding through four months. He was actually going to suggest extending to a time unknown specifically tied to the review of the IPA study but would not necessarily bring that up but would make a note to discuss this specifically at budget time.

Ms. Hadden thought that perhaps part of the decrease in ridership may be because the line just was not suiting the needs of the community anymore or maybe needed to have more stops, or there may be a number of reasons that someone missed. She was happy to see more work being done to get research and pulling it together because when the City promoted itself as a pedestrian and bicycle friendly community, they should have alternate options for public transportation, so people do not use their cars. She thought going in that direction made Newark a thriving city.

Ms. Houck was looking for direction to inform UNICITY, so they could secure drivers and routes and so the information could be shared with the public.

Ms. Sierer asked Ms. Ortega if these times were going to fit the 6-8 people, or should the City be pursuing both carpooling and parking in a lot for now to accommodate those people and funding. Ms. Ortega believed that the morning pick up would take care of it because a lot of the ridership was on vacation and were not taking the bus. The evening pick up right now was at 5:07, and then they got up to New London by 5:20. Those would be the ideal times and would satisfy people. She said they realized they also had to be flexible, so 5:10-5:20 was a good pickup time Morning was tight because DART picked up at the Municipal Building at 7:02-7:03, and if they were not there by 7:00, they miss the bus.

Mr. Chapman said Mr. Fruehstorfer had most of the interaction with UNICITY and asked him to weigh in on the 40 minute time difference. Mr. Fruehstorfer said the problem was UNICITY was somewhere else at that time.

Ms. Ortega said if they could take DART to the Municipal Building and if the UNICITY stopped anywhere between 896 and the Municipal Building, they could stop and get off knowing that the UNICITY bus would pick them up, for example on West Park. They can do that, but if they do not know where their pickups are going to be, then they will come directly to the Municipal Building and just sit and wait.

Ms. Sierer summarized that it was the consensus of Council to have staff move forward with the additional expenditures to continue the route through the end of December. Ms. Hadden and Ms. Sierer would attempt to obtain three parking spaces at Park N Go as requested by Ms. Ortega and talking to the university about the possibility of expanding the ridership on University buses.

15. 6. RECOMMENDATIONS ON CONTRACTS & BIDS

- A. Recommendation to Award Contract No. 16-10 - Renovation of Tennis Court at Folk Park and Street Hockey Court at Dickey Park

01:42:55

Mr. Spadafino presented the recommendation for Contract No. 16-10 to renovate a tennis court at Folk Park and the street hockey court at Dickey Park. The scope of the work included cleaning and filling cracks, installing crack repair system, repairing low areas, applying sealer, applying color coat system and re-lining the courts. The sole bid was from the American Tennis Courts, Inc. for the Folk Park tennis court for \$21,320 and for the Dickey Park street hockey court for \$8,425 for a total of \$29,745. The funding was available in the amount of \$31,500 in the 2016 Capital Budget, Hard Surface Facility Improvements. It was therefore recommended to award Contract No. 16-10 to American Tennis Courts.

Mr. Markham asked how long the renovations would last. Mr. Spadafino replied 15 to 25 years for the resurfacing.

Mr. Morehead noted the recommendation provided for additional crack sealing over 770 linear feet of \$19.99 per linear foot and asked if he expected a lot of that. Mr. Spadafino said from their estimates, they should be short of that 770 linear feet number.

Ms. Wallace asked how old the tennis court was and if this was the first time it was being repaired. Mr. Spadafino said this was the first repair and Folk Park was about 14 years old. There was a problem there where it settled and there was a lot of cracking in the foundation around the fence post and also around the tennis court and also around the tennis net post as well. The resurfacing was not unusual, but the amount of repairs that Folk Park was going to need was a bit unusual. For example, the courts at Handloff Park were there for 40 years and we have not experienced a crack. Folk Park was one of the newer parks so there was probably a lot of settling for that to happen. Ms. Wallace asked if he anticipated this happening again. Mr. Spadafino said they were hoping the repairs were going to last – they planned to cut down where the concrete edges were and build it back up again.

MOTION BY MS. WALLACE, SECONDED BY MR. RUCKLE: THAT CONTRACT NO. 16-10, RENOVATION OF THE TENNIS COURT AT FOLK PARK AND STREET HOCKEY COURT AT DICKEY PARK BE AWARDED TO AMERICAN TENNIS COURTS, INC., BALTIMORE, MD. IN THE TOTAL AMOUNT OF \$29,745.00.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hadden

16. **6-B. RECOMMENDATION TO AWARD CONTRACT NO. 16-11 - INSTALLATION OF ONE (1) METAL SHELTER WITH CONCRETE PAD AND ADA ACCESSIBLE SIDEWALK AT FOLK PARK**

01:47:03

Mr. Spadafino presented the recommendation to award Contract No. 16-11, the installation of one metal shelter with concrete pad and ADA-accessible sidewalk at Folk Park. Federal guidelines stipulate that at least 20% of City park facilities must have ADA-compliant access. The ADA-accessible sidewalk would lead to the pavilion. Krasman Construction was the lowest bidder for the installation and removal of the existing walkway at a total of \$54,744. Funding was available in the 2016 Capital Budget, and it was therefore recommended the contract be awarded to Krasman Construction in the amount of \$54,744.

MOTION BY MS. WALLACE, SECONDED BY MR. RUCKLE: TO AWARD CONTRACT NO. 16-11, THE INSTALLATION OF ONE METAL SHELTER WITH CONCRETE PAD AND ADA-ACCESSIBLE SIDEWALK AT FOLK PARK TO KRASMAN CONSTRUCTION IN THE TOTAL AMOUNT OF \$54,744.

MOTION PASSED UNANIMOUSLY.

VOTE: 7 to 0.

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

Nay – 0.

17. **6-C. RECOMMENDATION TO AWARD RFP NO. 16-02 – SCADA INTEGRATION SERVICES FOR PUBLIC WORKS AND WATER RESOURCES PROJECTS**

01:49:17

Mr. Coleman presented RFP No. 16-02, SCADA Integration Services for the water and wastewater system. In late 2014 staff came before Council and started this project. At that time they got one year's authorization to use the Electric Department's SCADA integrator. The initial project was going to be to get the reservoir back up and running.

That goal was accomplished. Throughout the process they realized that getting an integrator that was thoroughly skilled in the water and wastewater industry was going to be critical to be able to pull the larger project off effectively. Once they got the reservoir up, they truncated the project at a level where they could reuse everything that had been done so far without developing a lot of the software backing. Right now they were just getting kind of a data export periodically from the integrator.

They put together an RFP package tailored specifically to water and waste water integrators. In the packet there was a list of the companies. It was sent out directly to 12 companies and advertised as well. Eight firms submitted proposals. All the proposals were scored, and the firms were narrowed down to the top three – Keystone Engineering, Allied Controls and Optimum Controls. All three were extremely qualified which is why it was not extended down to the fourth. At that point the top three firms were invited into town for two days, and they were taken around to pretty much every single facility we had so they could see exactly what they would be working on and the communications challenges, equipment challenges and standardization issues.

They were given a few weeks to go back and fine tune their presentations and proposals to the City of Newark's facilities. They came back and gave an updated presentation custom tailored to the City. Following that presentation and a review by the people who were in attendance (listed in the recommendation), the Evaluation Committee was very comfortable with all three firms, but Allied Control Systems was far and away their favorite amongst the group. The service charges were looked at for ACS and Keystone who were the top to picks, but ACS was the best selection. They were in the same range. Keystone had a wider variety of hourly rates, from \$75 up to \$150, but the bulk of the hours would be completed in the \$100 to \$125 range. ACS similarly ranged from \$97 to \$120 but they had many fewer classifications. It was felt that their pricing was competitive between the two.

The Committee reached out to a local mechanical contractor that worked for them at the City of Wilmington where they hold the SCADA professional services contract. That was Brandywine Construction, and they gave effusive praise to ACS.

Similarly the Committee reached out to the City of Wilmington. They loved them. They won their contract now for six consecutive years, and everybody had positive things to say. Staff actually had a chance with two time sensitive projects that were on hold until authorization was received from Council to move forward. One of them was the Louviers tank painting. They needed to correct some issues at the booster station there that pumped up to the Louviers tank so the tank could be taken off line to paint it. That contract was already awarded and was on hold until that could be fixed. Then there was a pipe failure in the northwest booster, and it exploded inside the station and shorted a bunch of things out. They had them come out on a T&M basis and they were able to fix it using scavenged parts from the two. It was incredible and staff was very excited about getting them on board.

Currently there was \$279,000 in the SCADA budget. It was fully anticipated that this project would cost more than that. First, after getting the Louviers tank offline to start the painting, the first major task staff had for them was to develop a master plan that would help us plan out the cost of this over the next few years. It was anticipated this would take probably four to five years to build out in total, and Council would have an opportunity each year to approve funding towards that goal through the budget process.

Mr. Markham asked after the onsite visit if there was a substantial revision to the proposal. Mr. Coleman said yes, they went back. It was not as substantial as staff had hoped but it did fine tune it, and they came with more tailored suggestions. Some of the firms that they did not like as much initially gave staff a really tight suggestion out front, and some of the higher ranked firms kept it a little more open because they did not know what the City had yet. After they went out, they were able to fine tune it some and said, "We were probably talking in this range for software packages and this range for PLCs, and RTU units." It certainly helped.

Mr. Markham asked which way the pricing swung after they realized what they were in for. Mr. Coleman said the pricing was still an unknown. The pricing they provided was an hourly rate for employees, so that was fixed. The overall price of the project probably fine-tuned but nobody knew what that was yet because nobody has been able to dive into it yet. They had an idea but it was probably going to be on the order of \$500,000. Mr. Markham remarked that Council was being asked to approve a contract with no fixed amount. Mr. Coleman said initially \$279,000 in current resources was sitting in a

bucket in the CIP. Any expenditures in excess of that amount had to be authorized by Council again through the budget process.

Ms. Wallace referred to the \$279,000 and asked what if Council did not approve any more funding moving forward and what deliverable would the City have at that point. Mr. Coleman liked that this company's solution was fairly modular. As they scaled up, the licensing scaled up, and the communication devices would be cellular. They were not building \$70,000 worth of radio infrastructure that would not be used for other purposes. It was generally scalable. Each facility was probably going to be in the range of \$30,000 to \$35,000 as they were brought online, some more expensive, some less expensive. The booster station, for example that would help take us offline was approximately \$34,000 to get it fully automated. A well site would probably be on the order of \$10,000.

He thought a lot would get done with the initial \$279,000. The elephant in the room was the water treatment plant, specifically the surface water plant. There was a lot of equipment there that was still wired in but did not do anything, so a lot of time would be spent there. The bulk of the money was probably going to be spent in the Curtis water treatment plant.

Initially the thought was to start at all the satellite facilities to save on gas time driving out. They would be able to reduce the number of times staff stopped by a site because they had confidence that it was still up and working. They would be able to focus more on the plants once they got the master plan pricing built out. They would have a fairly comfortable estimate for the total build out price by budget.

Ms. Wallace said her concern was that we did not know what was going to happen in the future and if funds would be able to be built in for another five years. Mr. Coleman replied that everything built would be usable, regardless of whether the City continued with the other sites.

Ms. Houck added that what Council was being asked to approve was not only to spend the \$279,000 but essentially that the City was going to be using this vendor. Moving forward in advancing SCADA for water and waste water, they would continue with this vendor because they did not want to change. They went through this type of effort with the electric utility, identifying all the assets and being able to have more remote capabilities. It was an RFP, and nothing more would be spent without Council's approval or it was in a capital program.

Ms. Wallace understood. She toured the Public Works Department and the Electric Department and saw the SCADA system there. She felt it was a move in the right direction, but wondered what would happen if there was another recession or something else that prevented the City from moving forward due to funding issues.

Mr. Coleman said the software package chosen was an industry standard for water and waste water. It was ordered by Schneider Electric, one of the largest companies for SCADA software and was one of their premier software packages. Similarly, the communications units were industry standard and common equipment. Even if they had to go with a different vendor for SCADA integration services, they owned everything, so they could take it and give it to someone else if there was an issue with ACS down the road. He noted this was a full turnkey solution meaning they could do everything electrical, the drafting of the wiring diagrams, installation and communications. The City would write them a purchase order, go over the site with them and they finish it which was something staff did not have previously. With the electrical contractor, up until now the City had to obtain three bids for every electric job while here they would have established rates from a firm they were comfortable with and that knew City facilities, and they would be able to tackle small projects much more quickly and knowing what the City's costs would be.

Mr. Morehead referenced the cellular communications from the remote sites and asked about including the potential of fiber communication. Mr. Coleman said absolutely – the treatment plants would be the first to be lit up more than likely unless they happened to have something along the route. Then from there some of the water facilities were fairly remote, so they would probably end up staying on cellular at least for a while. Anything that was nearby, Mr. Brechbuehl factored that into one of the target sites to get fiber to if the City moved forward with its own fiber. That point was discussed with each of the firms during this process – how to migrate from whatever they proposed to fiber as it became available.

Regarding the scoring, Mr. Morehead asked how that changed so dramatically when they said by far and away, ACS was their favorite when they came in second place in the initial scoring. Mr. Coleman said the background on that and he thought it was probably staff's familiarity with Keystone. Three of the people in the Review Committee have been to New Castle Municipal Services Commission. Keystone built their system, so they had that in their heads. One of the other reviewers in his previous career worked

with Keystone. Since the committee was familiar with them it probably skewed the initial scores, that was why they wanted to bring in multiple to get a second look and make sure of being honest in the evaluation.

There were no public comments

MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT RFP NO. 16-02, SCADA INTEGRATION SERVICES FOR PUBLIC WORKS AND WATER RESOURCES PROJECTS, BE AWARDED TO ALLIED CONTROL SYSTEMS, INC. FOR A TWO-YEAR PERIOD WITH THE OPTION TO RENEW ANNUALLY, BY MUTUAL CONSENT, FOR A PERIOD OF NO MORE THAN FOUR YEARS.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay – 0.

18. 6-D. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH CITY CODE FOR THE PURCHASE OF FINE BUBBLE AERATION AND WATER QUALITY MONITORING SYSTEM FOR THE NEWARK RESERVOIR

02:04:05

Mr. Coleman reported that last year Public Works had a project in for source water monitoring and reservoir upgrades. At the time to save money, the source water monitoring was removed from the capital project. Fortunately, a grant opportunity was identified through the state Water Infrastructure Advisory Council for an IT cutting edge technological grant. They applied for that grant for the source water monitoring and reservoir monitoring that would be concurrent with the reservoir upgrades project.

The City of Newark was awarded the grant but had to scale back what was proposed for the source water monitoring so it would be able to be used in both locations. Mr. Coleman was still very happy with the probe that was proposed as part of this recommendation.

Within the recommendation there was an agreement at the back that required authorization to enter into for the grant. It was 100% covered with no cost to the City. This was a probe they were renting/running from time to time to do profiles while developing the reservoir upgrades project that was also part of this recommendation.

The probe would monitor seven parameters, depth conductivity to determine how much salt was in the water, temperature, pH, dissolved oxygen, turbidity and total algae. Most of these would assist staff with treatability but some were also indicators of potential pollutants in the stream.

This probe would be mounted about 361 days a year at the treatment plant in a flow-through mode. As the water came into the plant, a little would be taken out, it would go through the sonde, and it would log all the data on the influent to the plant and has a telemetry built in that if there was a spike in any one that would be indicative of a contaminant, it would call us on the phone.

When not being used there, it would be taken up to the reservoir. It can be dropped down to get a real time profile of all these parameters against depth. That would help us select where they should be taking water out of from the reservoir because it actually got very stratified which he would touch on later. It would also help verify the effectiveness of the aeration system.

Regarding the aeration system, during last year's budget process, there was a discussion about how the reservoir got thermally stratified. The top water where the wind could turn it stayed warm and then down below the wind wave action, the temperature dropped very fast, probably 20 to 25 degrees in 5 or 6 feet. What that did was it kept the water separate, so the cold water would not mix with the warm water. Then once it got cold, it just stayed down at the bottom and got pretty nasty.

It was not a real issue for the first few years the City had the reservoir because there was not enough time for the bad stuff to form at the bottom, hydrogen sulfide and rotting material created an anoxic environment. Over time it got worse and worse and then in 2013 was the first year they had a big reservoir turnover event. When the air got cold it made water at the surface cold, and its peak density was 39 degrees. Once the water hit 39 here, it dropped to the bottom and all the bottom water came to the top, and all of a sudden it could not be used.

When that happened, staff was working on the treatment plant. They had three of the units down and could not use it effectively, so they had to reduce their filter rates on the units that were in service and that resulted in the City purchasing \$130,000 of water from United.

This was definitely a risk reduction effort to eliminate this reservoir turnover issue and get the full water column usable. Mr. Coleman was a member of the Water Resources Center Advisory Council. He mentioned this project there and discussed it with a few of the professors. He had a lot of support from Professor Pei Chiu, PhD in the Civil & Environmental Engineering Department at the University.

Similarly he had a letter of support from Bob McDowell from Newark High School. The City had a partnership with them. Once implemented, they would be taking some of their students for tours of the facility to show them the importance of source water protection, source water monitoring, and how they took a problem and fixed the problem with the aeration system. Outreach to STEM students was actually a requirement of the grant.

The reason for the waive bid for the aeration system was that all the install would be done in-house. After a lot of research it was determined that the best product for our application was a specific ADS product because the bottom of the reservoir was not flat and had contours in all directions.

A traditional aeration system which lays hoses across would have to snake them along contours to keep them horizontal to ensure equal bubbling. These units were disks with about 100 feet of hose coiled on a disk, so they just pop it down and then staff can set the pressure for that one disk and it would work properly. The proposal was for 10 disks located strategically around the reservoir.

There was also a compressor in the tower out in the middle that the City was going to buy separately because ADS does not sell compressors. One was selected from Atlas Copco, which was below the purchasing limit. City staff would be doing all the install of the disks and the hoses to get the compressor installed in house. There was nothing to bid because they knew the product they wanted and there were not any contractors to bid against.

Ms. Wallace said in looking at the grant it mentioned that the City of Newark will install source (or raw water) quality monitoring technology on the White Clay Creek and the Newark reservoir. She asked if what Public Works was planning was slightly different. Mr. Coleman replied it was the same. When they installed it at the plant, depending on which source was being used, they were either taking water from the creek or from the reservoir, and both of them would flow through the sonde, so when they switch it would switch automatically.

Ms. Hadden asked if the noise from the generator would be loud and how we would handle that. Mr. Coleman said that was actually one of the selling points of the Atlas Copco Compressor that was selected. It was very quiet and was silenced in an enclosure and would also be inside the tower. It would be turning a lot of air over (80 cubic feet per minute), but this model was specifically selected because it was very quiet.

Mr. Ruckle asked if this would be basically turned into a giant fish tank as it would be more conducive to having fish in the reservoir. Mr. Coleman said it absolutely would. The fish in there will live more easily.

Mr. Markham knew when MBNA had their generators running, the reservoir got blamed. He reiterated the need to be very careful and about the continuous cycling noise as Council had a lot of conversation about noise like this. He also asked about the motor, noting the City had pumps fail and had to do quick purchases on them. He asked if Mr. Coleman was planning on a backup. Mr. Coleman explained this was not going to be a real failure critical item, so if it went down, there would be time to do a repair. It was just an air compressor. The only requirement was that it put out the right amount of air at the right pressure, and they could have a holding tank with a regulator and get the right pressure out. Really they just need an air compressor. If something failed, they could roll the trailer compressor down the bridge and hook it up that way if they needed it as an emergency. This was one where it could be down for a little while and they would be okay.

Mr. Markham asked if the compressor could go down before that. Mr. Coleman said if they waited to turn it on until then, it was too late. When they initially turned it on, there would have to be a pretty big PR effort, because there was hydrogen sulfide at the bottom and it would create odors. When they switched to the bottom in the past, they received calls rather quickly about the odors. Unfortunately, until the hydrogen sulfide was addressed (not anticipated to take very long), there would be questions from the public when it was turned on, so public outreach would be important. Mr. Markham suggested the possibility of some kind of open house to show what was being done. Mr. Coleman explained that hydrogen sulfide was heavier than air so it tended to sink down and run down the valley, so they usually got calls from Timothy's first. Anyone who had been around a mushroom house or compost facility in

Kennett Square, that was about what it smelled like. Regarding any impact to the swimmers, the bubbles were very fine, so at the surface it looked like rippling water, so it should not affect anything.

Mr. Morehead asked if this was running all the time or cycling. Mr. Coleman said initially the plan was to run it all the time until it was under control and then see how it could be scaled back. The proposal was turning the entire volume over once a day which was probably more aggressive than needed. It was a cost benefit to run it less often. He could not imagine they would end up running it all the time, it would probably be every other day, or run at a lower rate continuously.

Mr. Morehead asked if an oil-less compressor would be used. Mr. Coleman reported it was an oil compressor for longevity of the machine. They took their standard spec that they used all over the country and went out to different companies to try to find a unit that was more cost competitive than the one proposed. One was found that came with good recommendations and was significantly less expensive.

Mr. Markham asked if there was money for a backup oil dryer because that was a pretty critical piece for the drinking water. Mr. Coleman said that was not in this proposal, but it was something that they would look to buy separately. The cost of the compressor was fairly low, near \$12,000.

The Chair opened the discussion to the public.

Jean White, District 1, was not taking issue with the RFP. She asked how deep the Newark Reservoir was. Mr. Coleman replied 54 feet. Ms. White asked whether this was a progressive accumulation of sediment of that algae and everything on the bottom, but if she heard correctly, the problem of needing this actually did not surface until 2013. Mr. Coleman confirmed this was correct. She asked if the water taken from White Clay Creek and then piped into the Newark Reservoir, was filtered at all before it was put in. Mr. Coleman replied it was not filtered whatsoever.

Ms. White asked how often or how much has water from the Newark Reservoir been used in the last ten years to supply water to homes and businesses in Newark. Mr. Coleman would guess it would probably be around 60 to 90 days a year when the City was on the reservoir, so a fairly good portion of it. Regarding the usage, Mr. Coleman said if he used 75 days it was 260 million gallons roughly, and we used about a billion a year.

Ms. White asked if the City progressively increased the chemical treatment of the water from the Reservoir since 2013. The description talked about how much money would be saved because of less chemicals. Mr. Coleman replied there had been an increase in chemical costs. It can even be seen across the year, so if the City was on the reservoir during the winter when there was a turnover event and that water column was homogenous, they had to use up to 150 pounds of chlorine a day. When they were on the reservoir during the summer they were closer to 75, so it made a pretty big difference just over the course of the year as well as along the course of time.

Ms. White asked what other nearby reservoirs used the fine bubble aeration method and whether the situation was different. Mr. Coleman reported that Newark's reservoir was somewhat unique. Hoopes had a similar problem, but they were a flow through reservoir and got water movement all the time. Since the City was a pump-up reservoir, water put out there sat until it was used. They tried to address the problem since 2013 by using it periodically. Over the last two years, the water level varied a lot more often in an effort to try to emulate the action of a dam.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT COUNCIL AUTHORIZE THE SIGNING OF THE DRINKING WATER INNOVATION AND TECHNOLOGY GRANT AGREEMENT AND AUTHORIZE THE PURCHASE OF THE FINE BUBBLE AERATION SYSTEM FROM AIR DIFFUSION SYSTEMS FOR \$43,600, AND THE WATER QUALITY MONITORING SYSTEM FROM YSI INC. FOR \$28,013.09.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

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

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

A. **Bill 16-18** – An Ordinance Amending Chapter 32, Zoning, Code of the City of Newark, Delaware, By Clarifying Exceptions for Height of Buildings and Building Setback Lines

02:23:52

Ms. Bensley read Bill 16-18 by title only.

Ms. Wallace asked how the height was determined for the roof appurtenances (in addition to the four feet). Mr. Fruehstorfer said this went through the Planning Commission three times. This was the wording they came up with, and their idea was that up to 12 feet would be fine. His first thought was 12 feet sounded a bit high. The number just came from the first iteration through Council. The sketch he made showed the parapet wall, a false roof and someone standing 50 feet across Main Street. The site line for that lined right up to the top of the parapet wall and the top of the false roof. After looking at it a little closer, it showed that the building with that false roof would not have any more imposing feeling over Main Street than a parapet wall.

Mr. Morehead asked if that was the case from 50 feet away. Mr. Fruehstorfer replied if you were standing in front of the building it would be less, that was across Main Street. Mr. Morehead said from 100 feet away it would be much higher. Mr. Fruehstorfer said there were going to be other buildings on the other side of the street, so they would not get 100 feet away from most buildings, but, yes Mr. Morehead was right. Mr. Morehead said if they could see the building like the new building at the Newark Shopping Center, they can see it from Cleveland Avenue, for example and from Main Street, so this would apply on Main Street where they have a limited access to get away from the building, but otherwise it was much taller. Mr. Fruehstorfer agreed this was correct.

Mr. Fruehstorfer said the buildings approved recently with the false roofs were typically 8 to 11 feet, so it was in line with what was being approved to build now. Ms. Wallace asked if it also had to be twelve feet away from the edge. Mr. Fruehstorfer said it could only be 8 feet away, but then it could only be 8 feet high. It could not be steeper than that 12-12 pitch.

Mr. Chapman thanked Mr. Fruehstorfer for being super thorough with his presentation, and the fact that Council did not have a lot of questions was impressive. Ms. Sierer agreed.

The Chair opened the discussion to the public.

John Morgan, District 1, noted that the report before Council was motivated in large part by what happened at the Board of Adjustment meeting about a year ago. He felt the meeting illustrated the need for precise definitions in the City's Code. Dr. Morgan felt the wording was ambiguous about the proposed building or structure not exceeding 35 feet or three stories in height. For example, would it be permissible to have a three story building with each story being 20 feet? Instead he proposed adding the phrase, "Whichever is less." During Planning Commission discussions, a committee member suggested the phrase, "Either 35 feet or three stories in height". Dr. Morgan researched both phrases and found "Whichever is less" to be more commonly used. To eliminate any ambiguity, he suggested including it in the final amendment.

Mr. Fruehstorfer explained that this was considered by staff and Mr. Herron. The thought was that stories could not be less than feet, and feet could not be less than stories. Even if they could determine which was less, it would not matter because it could not exceed either of them. The Code said, "Proposed building or structure does not exceed either 35 feet or three stories in height." They decided that was the simplest way of saying it and that it was very clear.

AMENDMENT BY MR. CHAPMAN, SECONDED BY MS. HADDEN: IN AMENDMENT 2 (112.1), THE WORD, "STATE," SHOULD BE REPLACED WITH THE WORD, "STAGE."

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay – 0.

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: THAT BILL 16-18, AN ORDINANCE AMENDING CHAPTER 32, ZONING, CODE OF THE CITY OF NEWARK, DELAWARE, BY CLARIFYING EXCEPTIONS FOR HEIGHT OF BUILDINGS AND BUILDING SETBACK LINES, BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Nay – 0.

21. 8-B. **BILL 16-19 – AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, TO FORMALLY CHARTER THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE**

02:35:47

Ms. Bensley read Bill 16-19 by title only.

There were no Council comments and no public comments.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: THAT BILL 16-19, AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, TO FORMALLY CHARTER THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

22. 9. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:** None

23. 10. **ITEMS SUBMITTED FOR PUBLISHED AGENDA**
A. **Council Members:** None

24. 10-B. **OTHERS:** None

25. 11. **APPROVAL OF CONSENT AGENDA**

02:37:03

Ms. Bensley read the Consent Agenda in its entirety.

- A. Approval of Council Minutes – July 25, 2016
- B. Receipt of Alderman’s Report – July 27, 2016
- C. **First Reading – Bill 16-23** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Designating Sunset Road as “No Parking Anytime” – **Second Reading – August 22, 2016**
- D. Approval of the Annual Billings for the Period of July 1, 2016 to June 30, 2017

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

26. **Meeting adjourned at 9:43 p.m.**

Renee K. Bensley
Director of Legislative Services
City Secretary