

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

August 11, 2008

Those present at 7:30 pm:

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

Staff Members: Interim City Manager Roy H. Lopata
City Secretary Patricia M. Fogg
City Solicitor Roger A. Akin
Assistant to the City Manager Carol S. Houck
Interim P&D Director Maureen Feeney Roser
Public Works Director Richard M. Lapointe
Chief Paul Tiernan, NPD
Captain Rick Williams, NPD

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

2. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: THAT THE AGENDA BE AMENDED BY MOVING ITEM 9-A-3, RESOLUTION 08-__: COMMENDING PATROL OFFICER DANIEL J. MARSILII TO ITEM 3 AND ADDING ITEMS 8-C, BILL 08-22, ORDINANCE AMENDING CH. 20, MOTOR VEHICLES AND TRAFFIC, BY REVISING SCHEDULE II, SPEED LIMITS, AND 10-A-1, SETTING DATE FOR PUBLIC HEARING OF THE 2009-2013 CAPITAL IMPROVEMENT PROGRAM.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

3. **9-A-3. RESOLUTION 08-__: COMMENDING PATROL OFFICER DANIEL J. MARSILII**

Mr. Clifton read the resolution endorsed unanimously by Council, honoring Patrol Officer Marsilii, who was deployed with the 153rd Military Police Company, Delaware Army National Guard. Officer Marsilii served in Iraq for a year, and Mr. Clifton felt it was an honor to recognize an employee of the City who had been put in harm's way and did an outstanding job during his mission. Lt. Col. Bob Pyle thanked Officer Marsilii for service to his country and to the City of Newark on behalf of the Delaware National Guard and briefly described the mission of the 153rd while they were in Iraq.

(RESOLUTION 08-R)

4. **2. CITY SECRETARY'S MINUTES FOR COUNCIL APPROVAL**

A. Regular Council Meeting of July 28, 2008

Mr. Tuttle corrected page 16, item 37 (discussion of Casho Mill/Elkton Road intersection), the last sentence in the third paragraph to read: *"He felt sight line for left turns at Casho Mill Road with a traffic signal would be no more of an issue than right turns on red."* The minutes were approved as amended.

5. **3. ITEMS NOT ON PUBLISHED AGENDA**

A. Public

Steve Purvis, 9 E. Mill Station Drive, thanked the Police Department for their efforts in promoting the 25th annual National Night Out on August 5th which was well received in the West Branch community and prompted the suggestion for more such events.

6. **3-B. UNIVERSITY**

1. Administration – There were no comments forthcoming.

7. **3-B-2. STUDENT BODY REPRESENTATIVE**

There were no comments forthcoming.

8. **3-C. COUNCIL MEMBERS**

Mr. Athey recognized the Police Department for attending the College Park Neighborhood Association meeting.

9. Mr. Athey thanked Mr. Lopata and staff for investigating the Alliance for Safe Roads.

10. Mr. Athey appreciated Mr. Lopata's follow up and diligent pursuit on a rental situation in his district.

11. Mr. Clifton asked Mr. Lopata the current status of the pipeline over the White Clay Creek. Mr. Lopata reported that a letter was sent to Mr. Cooch from Mr. Simonson concerning the situation, and he would provide a copy of the letter to Council. Regarding the life expectancy of the pipeline, the engineers have determined the need for repairs was not immediate.

12. Mr. Tuttle hoped Council would address ADA compliance for the Council Chamber after finalizing the ADA sidewalk transition plan. He noted that although there was space for several wheelchairs at the top of the landing, other types of physical impairments could make room access difficult. Mr. Lopata agreed the City should move forward with this project.

13. Mr. Markham asked if the sidewalk work on Main Street would be completed before the students return. Mr. Lopata said DeIDOT postponed the start of the project, and, unfortunately, it may not be done by then. Mr. Markham asked if there was a way to stop entire sections of the sidewalk from being blocked in front of the Washington House. Mr. Funk said the sidewalk work was delayed because the Washington House wanted to extend the brick sidewalk in front of Lang Development property. Mr. Markham felt additional warning signs should have been posted about the closure of Rt. 273 and the Main Street CSX crossing. Mr. Lopata felt the City should have received earlier notification from CSX about the closure.

14. Mr. Markham suggested a general review following annexation of properties into the City to insure that all the necessary requirements have been met.

15. Mr. Temko asked if Mr. Gadson of the Alliance for Safe Roads had any comment about discrepancies in the information he presented to Council. Mr.

Lopata indicated after forwarding the information he gathered for Council, he did not attempt to pursue the matter further with Mr. Gadson.

16. Mr. Temko extended an invitation to a community meeting on August 13th at the George Wilson Center regarding the 203 New London Road project which was tabled by Council. The purpose of the meeting was to discuss plan changes that would help make the project an asset to the community.

17. Mr. Funk recognized Jerry DuPhily of Out and About magazine for his effort in bringing the Food & Brew Fest to the City and for his continued support of the event.

18. **4. ITEMS NOT FINISHED AT PREVIOUS MEETING**

None

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

A. Recommendation for Approval of Vehicle Purchases – State of Delaware Awarded Contract No. 07-013-HF (2) 2008 Ford Crown Victoria Flex Fuel Police Vehicles

Ms. Houck summarized her memo to Mayor and Council dated August 1, 2008, wherein she provided purchasing details for two canine unit vehicles. Her recommendation was updated to address some of the questions posed by Council. The two vehicles would transport the police dogs and their equipment and would be outfitted with the equipment contained in all patrol cars, including laptops, radio transmitters, etc. The Police Department received confirmation of a Department of Justice grant to fund the vehicles. When notice of the grant funding was received, two vehicles were available, and Ms. Houck hoped to take advantage of the vehicles at this time.

Ms. Houck said the Crown Victorias were the vehicle of choice for performance and space to handle the canine animals and their equipment. She explained that hybrid vehicles were normally not available in patrol cars, with the biggest issues being size, reliability, and handling the electrical needs necessary for police vehicles. Ms. Houck thought some changes would be necessary in purchasing hybrid vehicles. Fleet vehicles were downgraded in the sense that they did not have the same high-tech accessories included on non-fleet vehicles and therefore, must be factory ordered rather than purchased from a lot.

Mr. Funk was curious as to why Ms. Houck's memo did not mention Hondas and Toyotas. Ms. Houck said the practice of purchasing foreign-made vehicles was previously frowned upon. She tried to purchase the City's first hybrid this year and learned the Toyotas available on the lot were high-end vehicles. There was an option for the Chevy Malibu hybrid under the state contract, but the City's order was cancelled by the dealer due to battery problems. She was exploring several other options (including E-85 vehicles) and will make recommendations to Council in November in conjunction with the energy plan.

Mr. Lopata added that staff will present a comprehensive review of the City's energy policy in November and fleet vehicle purchasing would be included in that report.

Chief Tiernan felt it was fortunate that Ms. Houck was able to track down the two cars quickly so they would be available before the second canine unit was ready for duty in September.

From Mr. Clifton's experience riding with the canine unit, there were a number of features such as air conditioning duct work, quick release on doors, etc., that had to be accomplished to make a vehicle satisfactory for the health and safety of the animal.

MOTION BY MR. CLIFTON, SECONDED BY MR. ATHEY: THAT COUNCIL APPROVE THE PURCHASE OF TWO FORD CROWN VICTORIA FLEX FUEL POLICE VEHICLES AT THE STATE CONTRACT PRICE OF \$21,985 EACH FUNDED PRIMARILY BY A U.S. DEPARTMENT OF JUSTICE GRANT.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

20. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING

A. Bill 08-12 An Ordinance Amending Ch. 20, Motor Vehicles & Traffic, By Amending the Penalty for Driving in Excess of the Speed Limit

Ms. Fogg read Bill 08-12 by title only.

MOTION BY MR. ATHEY, SECONDED BY MR. TUTTLE: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 08-12.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

Mr. Athey thanked Chief Tiernan and his staff for supporting the measure and working with him on the ordinance. He said the primary goal was to get people to drive 25 mph in residential areas. This program was flexible for the Police Department and fined speeders sufficiently enough that they would think twice about speeding. He stressed this was not a revenue-generating measure but was rather a pedestrian safety measure. Mr. Athey thought the additional revenues generated should be tracked to be used for enhanced traffic-calming measures or public education. He noted that DelDOT was publicizing the same message and wondered if the City could piggy-back on their effort.

Mr. Athey's theory was the more people who were ticketed for speeding with higher fines, the more likely people would appeal those fines. Therefore, there might be unintended consequences such as additional costs to the Police Department to defend the speeding tickets. He felt the situation should be tracked, and if there were additional costs for the program, that would be a logical place for the additional revenue.

Mr. Lopata agreed the revenues generated should be deployed for traffic enforcement in general and that the revenues should be tracked to make sure they were properly directed. With the photo red light enforcement program, his understanding was that fine revenue declined dramatically after the program was in effect for a period of time.

Mr. Temko felt the bill was simpler and easier to understand than the first draft of this proposal and that earmarking the funds for traffic enforcement was a key component.

Mr. Funk said in looking at the fine structure, when people got tickets up to 9 mph over the speed limit they would pay the fine and take the lower points, but at 10 mph over, there would be a definite increase in not guilty pleas.

Mr. Markham's concern was to make sure enough speed limit signs were posted, and they be clearly visible so there would be no excuse for not being aware of the speed limit.

Chief Tiernan reported the traffic division was working with DeIDOT on improving signage.

The Chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

To allow time for public education regarding the changes, it was decided to make the effective date of the ordinance September 1, 2008. Mr. Athey suggested coverage on Channel 22 and the City's website.

AMENDMENT BY MR. ATHEY, SECONDED BY MR. POMEROY: THAT SEPTEMBER 1, 2008 BE THE EFFECTIVE DATE OF BILL 08-12.

AMENDMENT PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 08-14)

21. 6-B. BILL 08-16 AN ORDINANCE AMENDING CH. 2, ADMINISTRATION, BY AMENDING THE DUTIES OF ALDERMAN REGARDING PROBATION BEFORE JUDGMENT

Ms. Fogg read Bill 08-16 by title only.

MOTION BY MR. TEMKO, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 08-16.

The Chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 08-15)

22. 6-C. BILL 08-19 AN ORDINANCE AMENDING CH. 26, STREETS, BY INCORPORATING ADA (AMERICANS WITH DISABILITIES ACT) STANDARDS FOR SIDEWALKS IN THE CITY OF NEWARK

Ms. Fogg read Bill 08-19 by title only.

MOTION BY MR. TUTTLE, SECONDED BY MR. ATHEY: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 08-19.

Mr. Lapointe explained if curb ramps were needed at the intersection of two city streets, the City would be responsible for installation. If a driveway entered a commercial entity and had a return curb entrance with a full pavement, a curb ramp would most likely be required. In that case, the adjacent homeowner or business owner would be responsible for installation of the curb ramp. He said very few homeowners would be affected by this scenario. In the case of a private residence, if the cross slope of the driveway or the sidewalk was greater than 2% and the City was doing a road project and had to lower the back side of the sidewalk to meet the 2% cross slope, that might affect the driveway going into the private property. The City would be responsible for replacement of the sidewalk, but outside the right of way, the homeowner would

be responsible for any changes. In most cases, the City would do the work and assess the homeowner for the cost.

Mr. Temko asked how many homeowners might be impacted with paying for curb ramp installation or reconstruction. Mr. Lapointe said driveways have not been evaluated at this time. In those situations, the Public Works Department would use their best judgment. If they felt the impact on a property was too great, there was an economic hardship option within the ADA requirements. Mr. Lapointe said the costs would come in mostly where the cross slope was greater than 2%.

Mr. Athey asked what the time period was for commercial sites such as at the New London Road Shopping Center. Mr. Lapointe said a complaint was already received on that property and since that was a commercial area, they were high on the priority list. Mr. Athey noted the City did have a mechanism in place for appeals through the Board of Sidewalk Appeals.

Mr. Markham pointed out that the word "sidewalks" was inadvertently repeated twice in the second paragraph in Amendment 1.

The Chair opened the discussion to the public.

Mr. Steve Purvis, 9 E. Mill Station Drive, clarified that, according to the ADA, sidewalks were not supposed to have more than a 2% grade across the sidewalk.

There being no further discussion forthcoming, the discussion was returned to the table.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

(ORDINANCE NO. 08-16)

23. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS
None

24. 8. ORDINANCES FOR FIRST READING
A. Bill 08-17 An Ordinance Amending Ch. 20, Motor Vehicles & Traffic
By Revising Article XVIII, Towing & Impounding
Vehicles Generally

Ms. Fogg read Bill 08-17 by title only.

MOTION BY MR. POMEROY, SECONDED BY MR. ATHEY: THAT THIS BE THE FIRST READING OF BILL 08-17.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(2nd READING 8/25/08)

25. 8-B. BILL 08-18 AN ORDINANCE AMENDING CH. 13, FINANCE, REVENUE & TAXATION, BY REQUIRING OPERATORS OF TOWING VEHICLES TO OBTAIN A BUSINESS LICENSE

Ms. Fogg read Bill 08-18 by title only.

MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT THIS BE THE FIRST READING OF BILL 08-18.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(2nd READING 8/25/08)

26. 8-C. BILL 08-22 - AN ORDINANCE AMENDING CH. 20, MOTOR VEHICLES AND TRAFFIC, BY REVISING SCHEDULE II, SPEED LIMITS

Ms. Fogg read Bill 08-22 by title only.

Mr. Lopata thanked Ms. Fogg and Chief Tiernan for finding the Code discrepancies that Bill 08-22 would correct. He said the intent of the change was to have the speed limit signs match the Code. Mr. Funk said typically when you have a state road in a municipality, the speed limit was set by the state, and changes had to go through an application process with DeIDOT. Since Christina Parkway (line 9), New Chestnut Hill Road (line 22), and Paper Mill Road (line 30) were state roads, it was agreed they should be deleted from the list until there was clarification that the state would agree to the changes. Mr. Markham wanted to encourage the state to have the same speed limit both north and southbound on Paper Mill Road.

AMENDMENT BY MR. MARKHAM, SECONDED BY MR. POMEROY: TO REMOVE LINES 9, 22, AND 30 FROM BILL 08-22.

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

MOTION BY MR. MARKHAM, SECONDED BY MR. POMEROY: THAT THIS BE THE FIRST READING OF BILL 08-22 AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(2nd READING 8/25/08)

27. 9. ITEMS SUBMITTED FOR PUBLISHED AGENDA

- A. Council Members:
 - 1. Resolution No. 08-__: (ADA) Americans with Disabilities Act Transition Plan

Mr. Lopata reported this resolution was a companion to Bill 08-19.

Mr. Tuttle made a correction in the third paragraph, third line to read: “must comply with *the* minimum design standards *of the* Americans with Disabilities Act.”

AMENDMENT BY MR. POMEROY, SECONDED BY MR. ATHEY: THAT THE RESOLUTION BE RE-WORDED AS NOTED ABOVE.

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

The chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table

MOTION BY MR. ATHEY, SECONDED BY MR. POMEROY: TO APPROVE THE RESOLUTION AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(RESOLUTION 08-S)

28. 9-A-2. DISCUSSION RE FAIR LABOR STANDARDS ACT/ENVIRONMENTAL PROTECTION AGENCY CERTIFICATION FOR CONTRACTS, QUOTES, BIDS & PROPOSALS

Mr. Temko thanked Ms. Houck for the draft document. He viewed the change as a good government measure and said Dane County, Wisconsin, had success with the certification requirement which they developed. In terms of concerns about getting fewer bids, he felt this change would not add much bureaucracy to the process. Mr. Temko felt this was an important empowerment tool for the City.

Mr. Athey did not have a problem with the concept, but wanted a clear understanding of how the City would respond if a company with the low bid had violated one of the standards. He asked if any other local municipalities had such a requirement. Mr. Temko was not aware of any other municipalities in Delaware who required the certification.

Mr. Tuttle noted that there was a request for “satisfaction pieces”, in the draft. This would allow the City to see what kind of good faith a company with violations was operating under.

Mr. Clifton had particular concerns for the smaller companies. Further, he felt the City would be put in a difficult position of trying to evaluate whether a violation was significant enough to eliminate a bidder from consideration.

Mr. Markham asked Ms. Houck if there were previous cases where this might have been useful to the City in evaluating a bid. Ms. Houck did not remember ever having violations of federal rules or standards brought to her attention where certification would have been pertinent. Ms. Houck asked why these two statutes were being focused on when there were hundreds of statutes in the law.

Mr. Lopata said staff was somewhat reluctant to impose additional requirements based on difficulty the City had experienced in obtaining bids. He was not sure how violations related to the bidding process and recommended careful consideration before proceeding.

Mr. Athey asked if the policy change was passed and a low bidder was rejected based on a violation, could there be legal recourse against the City for unfairly awarding a contract to the second lowest bidder. Mr. Akin advised that the current acquisitions ordinance gave the City Manager sufficient flexibility to

recommend against awarding a bid to the low bidder for good reasons shown to Council. If Council adopted this new procedure, he recommended bidders should be put on notice that if they disclosed a violation, that would not mean they were disqualified nor that their bid would be rejected. Rather, it meant that the City was asking for disclosure and how the matter was remedied. If they acted responsibly, it would not affect their eligibility to be awarded a contract. He said he did not think the procedure would necessarily discourage bidders, but there might be some instances where a company would rather not disclose something than engage in the bidding process.

Mr. Clifton asked who provided the City's diesel fuel and gasoline. He said it would be interesting to apply the EPA portion of the certification to those companies. Ms. Houck said the City participated with the state contract which presented another wrinkle to the requirement. Mr. Clifton shared staff's opinion that the procedure could be another potential stumbling block with little return.

Mr. Athey suggested there might be a way for the City to track this type of information through a website and make it part of the review process without adding more paperwork that might confuse or make bidders reluctant to deal with Newark.

Mr. Funk said if this was implemented, the City would be doing something entirely different from anybody in the area, and he felt this would dissuade companies from bidding.

Mr. Markham noted that smaller companies could easily re-incorporate if they had violations in order to have a clean slate.

The chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

Mr. Temko offered to contact Dane County to find out what problems they have encountered and what they have done to resolve any problems.

29. 9-B. COMMITTEES, BOARDS & COMMISSIONS

1. Planning Commission Meeting Minutes of July 1, 2008

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: THAT THE PLANNING COMMISSION MINUTES OF JULY 1, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

30. 9-C. OTHERS

None.

31. 10. SPECIAL DEPARTMENTAL REPORTS

- A. Special Reports from Manager & Staff
 1. Setting Date for Public Hearing of the 2009-2013 Capital Improvement Program

MOTION BY MR. POMEROY, SECONDED BY MR. TEMKO: THAT THE PUBLIC HEARING FOR THE 2009-2013 CAPITAL IMPROVEMENT PROGRAM BE HELD AUGUST 25, 2008.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

32. 10-B. ALDERMAN'S REPORT

MOTION BY MR. ATHEY, SECONDED BY MR. MARKHAM: THAT THE ALDERMAN'S REPORT DATED AUGUST 5, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

33. 10-C. FINANCIAL REPORT

Mr. Funk was concerned with the drop in the gross utility revenues which were \$924,000 below budget year to date. Mr. Tuttle's understanding was the approach to recovering the purchased power cost increases was changed to look back monthly, and his question was whether this would correct itself in a month. He said if this was a thirty-day blip, it would not be a concern, but if it was a trend, it would be. Mr. Funk said in reviewing the last DP&L comparison, the City's electric costs were among the lowest in the state. Mr. Lopata said he would discuss the situation with Mr. McFarland and report back to Council.

MOTION BY MR. POMEROY, SECONDED BY MR. TUTTLE: THAT THE FINANCIAL STATEMENT ENDING JUNE 30, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

34. 10-D. REQUEST FOR EXECUTIVE SESSION RE PERSONNEL

MOTION BY MR. TUTTLE, SECONDED BY MR. MARKHAM: THAT COUNCIL ENTER INTO EXECUTIVE SESSION WITHOUT THE PRESS TO DISCUSS PERSONNEL.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Council entered into Executive Session at 9:03 pm and returned to the table at 9:38 pm. Mr. Funk said no further action was required.

35. Meeting adjourned at 9:40 pm.

Patricia M. Fogg, CMC
City Secretary

/av