

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

December 8, 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: City Manager Kyle Sonnenberg
City Secretary Patricia M. Fogg
City Solicitor Roger A. Akin
Chief Paul Tiernan
Assistant to the City Manager Carol S. Houck
Assistant to the City Manager Charles Zusag
Finance Director Dennis McFarland
Planning & Development Director Roy H. Lopata
Assistant P&D Director Maureen Feeney Roser
Public Works Director Richard M. Lapointe

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

2. MOTION BY MR. TUTTLE, SECONDED BY MR. CLIFTON: THAT THE AGENDA BE AMENDED BY HEARING ITEM 4-B, BILL 08-24, BEFORE ITEM 4-A, 2009 GENERAL OPERATING BUDGET APPROVAL.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

MOTION BY MR. ATHEY, SECONDED BY MR. CLIFTON: TO ADD ITEM 9-B-2, APPOINTMENT TO CONSERVATION ADVISORY COMMISSION (DISTRICT 6) AND ITEM 10-A-1, PENSION DISABILITY BENEFIT FOR DANIEL LEE, TO THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

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

A. Regular Council Meeting of November 24, 2008

Mr. Temko noted that the utility rate increase referenced on page 7 was incorrectly stated as 28%. The correct figure was .8%.

MOTION BY MR. TEMKO, SECONDED BY MR. CLIFTON: TO APPROVE THE MINUTES AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

4. 3. ITEMS NOT ON PUBLISHED AGENDA

A. Public

Gene Niland, Aetna Hose, Hook and Ladder Company of Newark, presented the 2008 EMS Partnership Award to the Newark Police Department in recognition of decades of assistance to Aetna EMS crews. Mr. Niland reported that in 2008 the Police Department was instrumental in saving the lives of four Newark citizens and in delivering one baby.

5. Bruce Harvey, 5 Phillips Avenue, shared concerns of the Newark Landlord Association about the ban being enforced on “For Rent” signs at rental properties. Mr. Harvey’s research indicated that these signs were protected under the U. S. Constitution and noted there were at least three Supreme Court decisions upholding that protection. He requested Council to suspend enforcement on the ban until the legality was determined. Mr. Akin reported he was exploring how the law was being applied and interpreted in residential zones and wanted to withhold judgment until he researched some of the more comprehensive case law. He did not object to withholding enforcement until completing his review. Mr. Sonnenberg said the City Manager was obligated to enforce the laws of the City, and requested direction from Council if there was an interest in suspending enforcement.

MOTION BY MR. TUTTLE, SECONDED BY MR. ATHEY: TO AUTHORIZE THE CITY MANAGER TO TEMPORARILY SUSPEND ENFORCEMENT ON THE BAN AGAINST “FOR RENT” SIGNS.

Messrs. Markham and Funk were not aware a complete ban was being enforced, but thought only the size of the signs was being regulated.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

6. Robert Bruner, II, 382 S. College Avenue, reported he was contacted by a Code Enforcement Officer regarding a requirement for smoke detectors in rental properties. Mr. Funk believed this was part of the new Fire and Safety Code. Mr. Bruner asked if battery-operated detectors could be installed rather than hard-wired units since inter-connecting smoke detectors would be a costly expense for landlords. Mr. Funk said the Building Department would contact Mr. Bruner to answer his questions.

7. Bruce Diehl, 205 Meriden Drive, supported five additional police officers in the proposed budget. He said crime was different today than when he came to Newark 35 years ago, and he had no objection to a tax increase to fund the officers.

8. Steve Dentel, 69 Kells Avenue, presented a report of crime statistics which he felt indicated that Newark was in reasonably good shape compared with other comparable cities in Delaware. He said Newark had a greater number of police officers than New Castle County and other cities with higher crime rates.

9. Eve Buckley, 227 Orchard Road, noted that adding three police officers would increase property taxes an average of \$30 annually which she felt was affordable to a large number of residents in the City. She thought there was a

significant need for increased staffing in the department and encouraged Council to consider additional funding.

10. James Corbett, 16 Townsend Road, said the crime data from the state website showed an average of 40 complaints per thousand population, with Newark having 48-61 complaints per thousand. He felt Newark was a safer community than many others in Delaware and felt it was important to continue to provide police staff with the necessary resources to deter crime.

11. Frances Hart, 257 West Main Street, felt the property owners of Newark should not have to pay for any new police officers. She said crime problems in the City resulted primarily from late night activities and having restaurants and bars open until 1:00 a.m. encouraged drinking and anti-social behavior. She suggested that the University take more responsibility for students living off campus and that the University, City and County police should work together more cooperatively. She also suggested having landlords provide security officers to patrol their parking lots and rental properties.

12. **3-B. UNIVERSITY**

1. Administration

Mr. Armitage reported that the University will host the inauguration of Governor-elect Markell on January 19, and the University and City police have been coordinating with the State Police for the event scheduled in Memorial Hall at 11:00 p.m. The ceremony will be open to the public with parking in the Center for Performing Arts and Trabant garages. Mr. Funk felt it was important for the City to be actively involved in the planning.

Mr. Athey said he was unable to attend a carbon footprint meeting hosted by the University and requested Mr. Armitage to find out if a report would be published from that meeting. From what he heard, drastic changes might result, and Mr. Armitage related that John Byrne and a number of his graduate students as well as staff have been working on that issue.

13. **3-B-2. STUDENT BODY REPRESENTATIVE**

None

14. **3-C. COUNCIL MEMBERS**

Mr. Athey reported he attended the annual Thanksgiving Day breakfast at the George Wilson Center, a great community event hosted by the Parks and Recreation Department for the past 23 years.

15. Mr. Athey acknowledged the Police Department and Mr. Sonnenberg for attending a Fourth District meeting where a potential community watch program was discussed.

16. Mr. Athey requested that an anti-idling ordinance proposed by the Conservation Advisory Commission be reviewed by Council at a January or February meeting.

17. Mr. Athey said the workshop meeting with DeIDOT on the Elkton Road/Main Street intersection highlighted some of the extremely complex issues that would be involved in making improvements to the area.

18. Mr. Temko reported that traffic calming studies for Corbett Street and Country Club Drive would be on the Traffic Committee's January 20th agenda.

19. Mr. Temko requested feedback from Council members on a resolution recommending that the state pass enabling legislation to allow speed cameras and on an open government resolution. He also requested a discussion about non-discrimination and smoking measures at a February Council meeting.

20. Messrs. Tuttle and Markham applauded the Parks & Recreation Department for another great Winterfest event.

21. Mr. Tuttle announced that Ms. Fogg and Ms. Houck were compiling a packet of information about transportation services provided by the City, particularly targeted towards seniors and disabled citizens. He noted that the City provided unique services such as the Unicity bus system and discounting the already-reduced taxi fare for senior citizens. With the increasing over-55 population in the City, he felt this information should be more widely publicized.

22. Mr. Markham noted on the City's infrastructure project list to the federal government, suggestions to improve energy efficiency in the Municipal Building were not listed, and he suggested this could be added to the list.

23. Mr. Markham commented on reports indicating a drop in the market for recycling and suggested keeping an eye on the City's costs for the program.

24. Mr. Pomeroy reminded Ms. Fogg to include a discussion of the Traffic Committee on a January/February agenda.

25. Mr. Pomeroy said although Winterfest was a wonderful event, traffic around town was unbearable. Mr. Funk felt the problems were caused by lanes being closed too early and poor timing of traffic lights. He said when Lt. Stanko arrived and made changes, traffic started moving but that did not happen until 6:15 p.m. and Winterfest began at 6:00 p.m. It was suggested to keep this in mind when planning for next year's event.

26. Mr. Pomeroy said he was overwhelmed by the tremendous community support of the Mitten Tree at Downes School.

27. Mr. Clifton congratulated the Police Department for a job well done in receiving the EMS Partnership Award and the Parks and Recreation Department and City staff on the Thanksgiving breakfast which was always well attended and a tremendous event.

28. Mr. Clifton extended his thanks to the Police Department for assisting with traffic issues during the repaving of Marrows Road.

29. Mr. Funk appreciated all the effort put into making Winterfest such a successful event which he felt was very well attended this year.

30. **4-B. BILL 08-24 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, BY REZONING FROM RM (MULTI-FAMILY DWELLINGS – GARDEN APARTMENTS) TO BLR (BUSINESS LIMITED RESIDENTIAL) A .3513 ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CHOATE AND NEW STREETS**

MOTION BY MR. POMEROY, SECONDED BY MR. CLIFTON: TO LIFT BILL 08-24 FROM THE TABLE.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Shawn Tucker, Esquire, stated that the proposed rezoning of the property and subdivision was heard by Council in September. At that meeting, the applicant was asked to return to the Planning Commission with a revised proposal, and he reported that the Planning Commission recommended in favor of the plan change. Mr. Tucker pointed out that the four-unit building was now

facing Choate Street instead of New Street. The four units were separated, and the fifth unit, a single-detached residential family unit, faced New Street. He noted the parking concerns had been addressed as were concerns about drinking outside the premises. Ms. Fogg added with the plan revisions, Item #15 in the development agreement and Item K in the resolution were no longer applicable and would need to be removed by an amendment.

The Chair opened the discussion to the public.

Jean White, 103 Radcliffe Drive, asked to see the architectural design changes made since the Planning Commission meeting where there was discussion about the side of the two units as seen from New Street. It appeared to Mrs. White that the Choate Street exterior was different from New Street, and she suggested the addition of a brick and frame combination which she thought would be quite attractive. Mrs. White also asked if the landlord would be willing to impose a limit for indoor parties to no more than 15 people.

In regard to the brick, Mr. Tucker said the first set of architectural drawings with the four-unit design showed a combination on the front façade of siding and brick. These were adjusted to show all brick in the front, adding a significant increase in costs. Mr. Funk added that when the four units were split into two units, construction costs obviously increased. Mr. Tucker said there was discussion at the Planning Commission hearing of putting brick all the way around into all areas visible to the right-of-way. Mr. Tucker noted the proposed plan was consistent with the Code and the developer felt by adding full brick to the front and separating the units, they had made a good faith effort in achieving a higher quality design. He said additional brick had been added along the bottom that was not part of the original drawings. Further, there had been no neighborhood opposition to the project.

There being no further comments, the Chair returned the discussion to the table.

Mr. Pomeroy asked that the issue of partying be addressed since it was raised. Mr. Tucker emphasized that Mr. Lisa had no interest in creating a problem property and had no history of complaints from any of his other rental projects. He required a higher GPA of his tenants and there would be a provision in the lease for an eviction process as permitted by state law for any tenant who was arrested and convicted of a crime.

Mr. Temko asked if stucco or some other material less expensive than brick had been considered instead of siding for the area facing the right of way. He felt this was an important consideration in making the buildings attractive to young professionals. Mr. Tucker said the project was a step up for the street but from the developer's viewpoint, there had to be some cost sensitivity in the current market.

Mr. Clifton suggested a fence to separate the property from Chapel Street properties. Mr. Tucker said rather than fencing, which could be broken and defaced, the developer planned a fairly dense border of solid shrubs. Mr. Clifton thought a combination of fencing and shrubbery would be even better. Mr. Clifton said he took exception to Mr. Tucker's comments about limiting cost increases for improvements because of the market, as he felt rental property rates have not decreased in the City. He planned to support the project.

Mr. Pomeroy applauded the developer for the project and felt it greatly improved the potential for owner occupancy in the area. He planned to support the project and encouraged more brick on the wrap around as an added enhancement, although he understood it was not required by Code.

Mr. Markham said the area was identified for improvement in the Comp Plan, and he felt the project was an experiment that was worth the risk. He

agreed that additional brick was desirable. He felt the area needed change and planned to support the project.

Mr. Tuttle felt the project was a positive addition to the neighborhood. He felt that the developer did a great job in responding to a number of Council and Planning Commission requests which he found to be a very positive response on their part. He thought the project was a good middle ground and supported it.

Mr. Temko felt the project had somewhat of a suburban look for the downtown area but supported increased density at this location and saw it as a considerable improvement in the area. He suggested a more attractive design feel for all sides of the exterior. He planned to support the project.

Mr. Athey said this was a unique design that raised the bar and set a good precedent for other redevelopment in the area. He felt the only real downside was that the fifth unit seemed oddly out of place but on the positive side, the houses on Chapel Street were three stories high or two stories with a pitched roof, so the height was similar. He intended to support the project and thanked Messrs. Lisa and Tucker for their patience.

Mr. Funk planned to support the project as he felt redevelopment in the area was crucial and that the project was a good start in the right direction.

(Secretary's note: The following motion was made at the meeting on 9/22/08 prior to the tabling motion.)

MOTION BY MR. MARKHAM, SECONDED BY MR. CLIFTON: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 08-24.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(ORDINANCE 08- 27)

31. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS

- A. Request of James and Karen Lisa for the Minor Subdivision of a .3513 Acre Property Located at the Intersection of Choate and New Streets to Construct Five Townhouse-Style Apartments to be Known as Choate Street Commons

(NOTE: The public hearing was held for the rezoning and minor subdivision of this property under Item #30.)

MOTION BY MR. TEMKO, SECONDED BY MR. TUTTLE: THAT THE RESOLUTION AND AGREEMENT BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

AMENDMENT BY MR. CLIFTON, SECONDED BY MR. ATHEY: TO DELETE ITEM K FROM THE RESOLUTION AND TO DELETE ITEM 15 FROM THE AGREEMENT.

AMENDMENT PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

Question on the Motion as Amended was called.

MOTION AS AMENDED PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(RESOLUTION 08–CC)

32. 4. ITEMS NOT FINISHED AT PREVIOUS MEETING

A. 2009 General Operating Budget Discussion

For the utility assistance program, Mr. Funk noted Council members proposed figures of \$25,000 and \$50,000. Mr. Funk suggested starting with \$25,000, and if that amount was found to be insufficient, it could be amended to include additional funding. Mr. Temko preferred to set a specific limit. Mr. Pomeroy said in light of the weatherization support program through the Senior Center, the program should be kept as simple as possible. Mr. Temko said there were other weatherization programs available where it would be simple to allocate any extra funds (for example the weatherization assistance program run by DSS and the state.) Messrs. Pomeroy and Markham supported allocating \$25,000 for emergency utility assistance. Mr. Athey was in favor of \$25,000 to start, but wanted further clarification on how the funds would be used. Mr. Pomeroy wanted to insure there was an outlet other than just the Senior Center for allocating the funds. Mr. Clifton thought Council first needed to determine whether they were willing to allocate budget money to fund the program and in what amount and it would then be up to staff to hammer out the details.

Mr. Temko asked for Council’s sense of whether electric service should be turned off during the winter months for delinquent accounts, and Mr. Clifton said he felt that was a policy decision for the Finance Director and the City Manager to make.

Mr. Funk asked if there was any objection to funding the Curtis Paper Mill project. No objections were raised, and Mr. Athey said it looked reasonably optimistic that the funds would be recouped through DNREC.

Mr. Funk verified that the pension contribution and retirement health plan would not be funded through taxes.

Regarding the elimination of grass collection, Mr. Funk’s impression was that Council did not want to fund this program based on the limited participation. Mr. Lapointe said he prepared a memo outlining yard waste recommendations with two proposals: eliminating the program, or creating a “green day” on Wednesdays. On “green day” both grass and yard waste would be collected throughout the City, thereby eliminating Saturday grass collection. Mr. Pomeroy thought this was a reasonably efficient cost-savings measure.

On the water rate increase, a 15% across-the-board increase for residents and 30% for non-residents was agreed upon which kept the City’s rate 50% lower than Artesian or United.

Regarding the number of police officers, Mr. Clifton said he supported five officers and thought Chief Tiernan had very credible reasons for his request. He felt with the City’s escalating crime rate, fewer officers would retain the status quo. To him the target for crime was zero, and anything less was admitting defeat in the City’s war against crime. However, in light of the compromise necessitated by budget constraints, he agreed with three additional officers.

Although Mr. Pomeroy supported five officers and saw it as a reasonable request, based on the difficult budget year, he would settle for a minimum of three additional officers.

Mr. Athey felt everyone on Council would prefer to have five officers, but agreed to three as a compromise. Philosophically, he felt the police should be funded by a property tax increase and not be funded by utility rate increases.

Mr. Markham agreed with Mr. Athey that funding additional police officers should be through a property tax which provided continuous funding. He was willing to compromise with three officers although he knew the Chief had excellent reasons for asking for five. One of his concerns was the amount of time it took to get an officer fully trained in light of the fact that there were a fair number of officers available for retirement in the near future.

Mr. Tuttle was advised that approximately nine members of the Police Department were close to being eligible for retirement, and he felt the budget decision should be considered in terms of transition planning. If the budget could not support five officers this year, then there should be a two-year plan to accomplish that request. Mr. Tuttle also agreed that the funding for the officers should be supported by property taxes, which was a firm funding source.

Mr. Temko was willing to support two or three officers if costs were kept reasonable.

Mr. McFarland recapped that the proposed budget showed a \$50,000 surplus. In the worksheet, with the tax increase backed out, there was an operating deficit of about \$910,000. Staff recommended a decrease in the transfer tax revenue estimate by \$270,000 and in the building fees of \$200,000. There was consensus on a 30% increase for non-City water customers and an increase of 15% for all other customers. With three police officers rather than five, there was a savings of \$120,000. The grass collection consolidation on the green Wednesday saved about \$41,000, and the utility hardship fund increased the cost by \$25,000. Mr. Pomeroy added that was a 1.8% increase in utility margin, and what needed to be made clear was that this was not a 1.8% increase in utility rates. Rather, utility rates would actually go down in 2009, and this was a difference in the margin that allowed the City to recoup the shortfall. Further, Mr. Pomeroy said the increase in the utility margin allowed the increase to be spread more equitably among all classes of rate payers in the City. Mr. Temko felt the margin could be reduced by looking at fee increases. Mr. Pomeroy felt this was a superior plan because even with the tax increase, the City was still below the County's tax rate, and the water rates were very competitive. Going forward, he stressed the budget should be done in a five-year cycle to provide more predictability for taxpayers.

While Mr. Funk preferred five new officers, in light of the poor economic year, he would agree to three. He felt the additional officers, in combination with the twelve new University of Delaware officers, would greatly benefit the community.

Mr. Clifton noted that Delaware state police had a mandatory retirement age of 55 years, and Mr. Zusag advised that the City did not.

Mr. Temko thought the downtown recycling project should be included in the budget. Mr. Pomeroy agreed that the possibility should be looked into. Mr. Lapointe said in reading the information Mr. Funk received, he thought the free program included only once a week pick up, and Main Street required daily pick up.

Mr. McFarland said given what Council talked about so far and assuming an adjustment of 1.8% in the electric margin as part of the discussion, the budget surplus was about \$95,000. He suggested much like the \$50,000 in the first budget that was cutting it fairly close and if there were other opportunities to enhance revenues or reduce expenses, if Council were to direct staff to

investigate those, they could do a much better job with more time to come back to Council subsequent to budget adoption.

Regarding the Alderman's Court surcharge, Mr. Athey said there were a number of issues with the court in the past, and he did not feel that should be tinkered with.

Mr. Athey wanted to give firm direction to Mr. Sonnenberg to start looking at these programs as he believed all that was being done now was passing a tax increase. He asked Mr. McFarland where the 1.8% margin would put the City's rates compared to Delmarva Power. Mr. McFarland said it would be difficult to predict but felt the City would be either below or competitive with Delmarva Power.

Mr. Sonnenberg said staff would start a process of analyzing the different services the City provided and felt the beginning of that discussion would take place in March. Further, he felt at this point that staff had everything they needed if Council was in agreement to adopt the budget. He did not see a reason to put off the decision for another week.

MOTION BY MR. POMEROY, SECONDED BY MR. CLIFTON: THAT THE 2009 GENERAL OPERATING BUDGET BE APPROVED AS PRESENTED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

MOTION BY MR. POMEROY, SECONDED BY MR. TUTTLE: THAT THE PROPERTY TAX BE INCREASED BY 2.25%.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

33. 5. RECOMMENDATIONS ON CONTRACTS & BIDS

None

34. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING

None

35. 7. PLANNING COMMISSION/DEPARTMENT RECOMMENDATIONS

- A. Request of James and Karen Lisa for the Minor Subdivision of a .3513 Acre Property Located at the Intersection of Choate and New Streets to Construct Five Townhouse-Style Apartments to be Known as Choate Street Commons

(NOTE: The minor subdivision request was heard under Item #31.)

36. 8. ORDINANCES FOR FIRST READING

None

37. 9. ITEMS SUBMITTED FOR PUBLISHED AGENDA

- A. Council Members:
 - 1. Resolution 08-__: To Adopt Other Post-Employment Benefits (OPEB) Trust and to Authorize Staff to Select Custodian of Trust Assets

MOTION BY MR. POMEROY, SECONDED BY MR. CLIFTON: THAT THE RESOLUTION BE APPROVED AS PRESENTED.

Mr. McFarland said the proposal would establish a trust to hold the funds for other post-employment benefits which in the City's case were health care costs. \$300,000 would be deposited into the trust in 2008 and an additional \$600,000 would be deposited in 2009. According to Mr. McFarland, Council acted as trustee, and Fulton Financial Services, the parent company of Delaware National Bank, was the custodian. Mr. Athey asked if there was any need for a Charter change. Mr. Akin believed Council had the authority to proceed because it essentially directed the administration of City funds. Further, there was no prohibition against establishing a trust to hold funds as opposed to holding funds in the general fund.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(RESOLUTION NO. 08-DD)

38. 9-B. COMMITTEES, BOARDS & COMMISSIONS

1. Planning Commission Minutes of November 5, 2008

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

39. 9-B-2. APPOINTMENT TO CONSERVATION ADVISORY COMMISSION

MOTION BY MR. MARKHAM, SECONDED BY MR. ATHEY: THAT CAROL RIGGS BE APPOINTED TO FILL THE UNEXPIRED TERM OF WAYNE CASSANOVA ON THE CONSERVATION ADVISORY COMMISSION; SAID TERM TO EXPIRE MARCH 13, 2010.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

40. 9-C. OTHERS

None

41. 10. SPECIAL DEPARTMENTAL REPORTS

- A. Special Reports from Manager & Staff:
 1. Pension Disability Benefit for Daniel Lee

Mr. Zusag explained this was one component of the settlement agreement with Daniel Lee for an on-the-job injury. Mr. Zusag reported Mr. Lee sustained a shoulder injury which led to permanent impairment. The disability pension will take effect on January 1, 2009.

MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: TO APPROVE THE DISABILITY BENEFIT FOR DANIEL LEE IN THE AMOUNT OF \$1,365.25 MONTHLY EFFECTIVE JANUARY 1, 2009.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

42. 10-B. ALDERMAN'S REPORT

MOTION BY MR POMEROY, SECONDED BY MR. ATHEY: THAT THE ALDERMAN'S REPORT DATED DECEMBER 2, 2008 BE RECEIVED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

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

43. Meeting adjourned at 10:03 p.m.

Patricia M. Fogg, CMC
City Secretary

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