

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

May 28, 2019

Those present at 6:00 p.m.:

Presiding: Mayor Jerry Clifton
District 1, James Horning
District 2, Sharon Hughes
District 3, Jen Wallace
District 4, Chris Hamilton
District 5, Jason Lawhorn
District 6, Stu Markham

Staff Members: City Manager Tom Coleman
Acting City Secretary Tara Schiano
City Solicitor Paul Bilodeau
Newark Police Department Chief Paul Tiernan
Sergeant Greg D'Elia
HR and Labor Relations Manager Mark Farrall
Finance Director David Del Grande
Public Works and Water Resources Director Tim Filasky
Planning and Development Director Mary Ellen Gray
Planner Tom Fruehstorfer
Parks and Recreation Director Joe Spadafino

1. Mr. Clifton called the meeting to order at 6:00 p.m.
2. **EXECUTIVE SESSION**
 - A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) and (9) for the purposes of a strategy session, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body.
 - B. Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) and (9) for the purposes of a strategy session, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION A, PURSUANT TO 29 *DEL. C.* §10004 (B) (4) AND (9) FOR THE PURPOSES OF A STRATEGY SESSION INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY; AND THAT COUNCIL ENTER EXECUTIVE SESSION B, PURSUANT TO 29 *DEL. C.* §10004 (B) (4) AND (9) FOR THE PURPOSES OF A STRATEGY SESSION INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY .

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Absent – 0.
Nay – 0.

3. **RETURN TO PUBLIC SESSION**

1:23

Council exited Executive Session at 7:00 p.m.

Mr. Clifton said no action needed to be taken from Executive Session; however, Council would reconvene into Executive Session at the conclusion of tonight's agenda.

4. Mr. Clifton asked for a moment of silence and the Pledge of Allegiance.

5. 1. **PUBLIC PRESENTATIONS:** None

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

2:34

(Secretary's note: Item 2-B was discussed before 2-A)

Caitlin Olsen, University of Delaware Administration, attended a Town and Gown conference the week of May 20, 2019 at Penn State University. She intended to share information from this conference with Council in the near future.

She announced the Newark Police Department (NPD) worked well with the University's Office of Student Conduct because of the first two Unruly Gathering Ordinance citations.

Ms. Olsen said Doug Zander, Director of Admissions, provided information at a recent Board of Trustees meeting that she wanted to share about the University's upcoming class. She believed challenges were experienced throughout the nation regarding the acceptance of students into college (i.e. smaller high school graduating classes and issues with the international applicant pool). Despite the nationwide challenges, Ms. Olsen thought the University was on track for increased growth. She would provide exact numbers related to projected growth when it was made available to her.

Ms. Olsen announced the upcoming freshman class was most likely to be the biggest class of Delawareans. She said there was a record honors class and the University had the largest cohort of underrepresented minority students. Ms. Olsen expressed there was an incoming student who was a Newark resident and had eight perfect AP scores.

Mr. Hamilton asked for clarification regarding the University's projected growth statistics. Ms. Olsen said the last bit of projected growth would waver with class sizes and how many students were in the applicant pool. She expressed the growth rate projections for graduate students were harder to predict; however, she would follow up with the Faculty-Senate for additional information.

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

A. Elected Officials who represent City of Newark residents or utility customers

7:18

(Secretary's note: Representative Paul Baumbach arrived in Council Chambers around 7:05 p.m.)

Representative Baumbach said there were four weeks left in the current legislative session. He referenced an ongoing discussion between New Castle County (NCC) and the City regarding the local service function. Representative Baumbach believed NCC staff were in the process of meeting to discuss their proposed budget and its implications. He clarified nothing was set at this point; however, he hoped common ground would be found between both parties. Representative Baumbach said legislative staff believed this needed to be addressed in an open manner; therefore, he was committed to creating a task force that would bring broad participation in throughout NCC. Representative Baumbach thought the task force would provide ideas and recommendations for needed legislative changes pertaining to the local service function process.

Representative Baumbach announced there was still a question with NCC as to what they would do with the local service function next year; specifically, how the process would impact the City of Newark. He emphasized the decision was not set and appreciated that the City shared information about this matter with him. Representative Baumbach welcomed opportunities to bring people together to find a mutual solution to this issue.

He stated HB129 addressed the school board's ability to raise taxes to increase their operating rates without a referendum. Representative Baumbach believed Council should support HB129 because it was in the City's best interest. He provided the example of an individual, Eve Buckley, who was moving out of state with her family because CSD's voters did not support their schools. Representative Baumbach thought this could have a negative impact on property values in the City. He thought Council should consider the merits of not requiring school districts to have to beg via referendum to keep the lights on.

Representative Baumbach clarified HB129 did not permit school boards to recklessly raise taxes; however, it permitted taxes to be raised annually by 2% or CPI without going to the voters.

Representative Baumbach said HB129 was coupled with HB134. HB134 proposed a decrease in the school board term from five years to three years. He expressed reducing the school board term would permit people to vote members out if they were not happy with their actions.

Mr. Clifton opened discussion to the table.

Mr. Clifton thanked Representative Baumbach for his assistance when he met with NCC on Wednesday, May 22, 2019 to discuss the local service function. He commended Representative Baumbach for his due diligence in organizing a task force to review the local service function process.

Ms. Wallace asked for clarification regarding the status of HB134 to reduce school board terms from five years to three years. Representative Baumbach announced HB129 and HB134 were introduced on May 2, 2019. Both bills are assigned to the House Education Committee and were scheduled to be heard on June 12, 2019. Ms. Wallace questioned whether HB129 & HB134 mirrored what was already done with Vo-Tech schools. Representative Baumbach said it was related to what was done in Vo-Tech schools; additionally, it was similar to what was done in the State of Pennsylvania. In the State of Pennsylvania, Representative Baumbach said the state legislature gave the authority to have property taxes increase up to a certain amount each year.

Representative Baumbach said Delaware legislature permitted Delaware's Vo-Tech schools to raise property taxes to so many pennies per \$100 of assessed value. He expressed Delaware's Vo-Tech boards –which were unelected – are appointed by the Governor and approved by the Senate. Representative Baumbach announced the Vo-Tech boards were allowed to raise taxes each year within the cap set by the State of Delaware. He said the matter did not go to referendum because there was no local district and was county-wide. Representative Baumbach announced Vo-Tech boards assessed a tax on taxpayers, which did not go to referendum for their operating rates.

Mr. Markham thanked Representative Baumbach for his diplomatic stance during the City's meeting with NCC on May 22, 2019. Representative Baumbach said the City and NCC depended on each other. He believed it was necessary for both parties to find a common path and was committed to helping achieve this.

Mr. Hamilton questioned whether the 2% increase referenced in HB129 was only for operational expenses. Representative Baumbach confirmed the 2% increase was for operating expenses only. If the school board wanted to raise operating expenses by more than the 2% CPI level, Representative Baumbach stated they would be required to go to voters. Representative Baumbach clarified the school board was required to go to voters if they wanted to raise anything that pertained to capital.

Mr. Lawhorn supported HB129 and HB134 and thought coupling them was a good idea. He believed decreasing the school board term limits from five years to three years would significantly increase voter turnout. Mr. Lawhorn thought people typically voted on items that would affect their pockets. He believed decreasing the school board term and providing the opportunity to increase taxes by the body would get the community more invested into the school system as a whole. Representative Baumbach believed a referendum was a vote for or against children; moreover, a school board member was a vote for or against the school board. Representative Baumbach thought people should not vote against children because they were upset with the school board. He hoped people would vote against the school board. Representative Baumbach wanted to provide more frequent times for the voters to have a say on their school board members. He did not believe the referendum was the best way to keep the lights on in schools.

Mr. Horning also commended Representative Baumbach for his involvement with the City's disagreement with NCC over the local service function. He appreciated Representative Baumbach's leadership and involvement. Mr. Horning asked for clarification about the funding in HB129; specifically, how it compared to the rest of the country. Representative Baumbach announced only five states [including Delaware] across the country still held a referendum for operating costs. He said the other 45 states often held referendums for capital for large operating increases; however, Delaware was one of the five states that held referendums for basic operating increases.

8. **2-B-2. STUDENT BODY REPRESENTATIVE:** None

9. **2-C. CITY MANAGER:**

15:55

Mr. Coleman announced there were several new employees that joined the City over the past few weeks. He listed the following:

- James Reazor, IT Infrastructure Manager, started on Monday, May 20, 2019
- Stephanie Petersen, Code Enforcement Manager, started on Tuesday, May 28, 2019
- NPD dispatcher to start on Monday, June 3, 2019

He announced the Chief Communications Officer and Assistant to the Manger would begin work at the City within the next few weeks. Mr. Coleman said Council previously requested to receive information on the new hires; therefore, staff would prepare quick bios to send out to Council. He intended to invite the new hires to a future Council meeting to introduce them to Council. Mr. Coleman announced Mary Ellen Gray would bring Ms. Petersen to the next Council Meeting on June 10, 2019. He informed the audience he would not be at the June 10, 2019 Council meeting because he would be at the APPA conference.

10. 2-D. COUNCIL MEMBERS:

17:24

Ms. Hughes:

- Attended the City's Memorial Day Celebration on Sunday, May 19, 2019. She described it as profoundly moving and encouraged people to attend it next year. Ms. Hughes said Mr. Clifton attended the celebration and placed a wreath. She heard people state this year's attendance at the parade was one of the lowest. Ms. Hughes hoped more people would attend the parade next year and believed people should take the time to attend it.

Mr. Hamilton:

- Questioned whether the construction at the University's football stadium would affect the Fourth of July fireworks celebration. Mr. Coleman said the fireworks celebration would still be held at the University's football stadium; however, they would not have access to the same areas that they had in previous years. Mr. Coleman said NCC graciously donated the use of their sound stage again this year.

Mr. Markham:

- Appreciated that Newark held the Memorial Day Parade on an annual basis. He wished more efforts could be done to expand attendance. Mr. Markham thought the parade and services used to be more well attended in the past.
- Reported most of his district (District 6) was affected by the electrical outage over the weekend. He was aware information about the outage went out on Facebook. Mr. Markham thought there were many places throughout the City where they did not necessarily have the best cell phone reception. He questioned whether information could be shared about future outages at extension 7050. Mr. Coleman confirmed staff was in the process of addressing a solution with the IT Department.
- Thought Council needed a calendar, so they would know when Council members and staff would not be able to make meetings. He believed a calendar would be helpful because Council voted to increase the number of meetings per month. Mr. Markham wanted to ensure Council members would be able to attend meetings when items in their districts were scheduled. He asked the City Secretary to assist with this effort.

Mr. Horning:

- Spent significant time on Memorial Day with veterans and family members that lost loved ones and friends in combat. He attended the City's Memorial Day Parade on Sunday, May 19, 2019 which he thought was well attended. Mr. Horning thanked City staff for their efforts related to this event. He attended a memorial service for Memorial Day at the Delaware Veterans Memorial Cemetery in Bear, Delaware on Saturday, May 25, 2019. Mr. Horning's daughter wrote a report for school about Veterans Day, in which she mentioned the City's parade and described Memorial Day as special. He thought the City's Memorial Day Parade and event helped solidify the importance of Memorial Day for his daughter and others.

Mr. Lawhorn:

- Thanked staff for their work on the Pomeroy Connector Trail in District 5. He said this was a very big deal to residents in his district and acknowledged City staff's efforts. Mr. Lawhorn thanked the University for their cooperation with the City in this matter and wanted to emphasize the importance of this type of collaboration.

Mr. Clifton:

- Echoed the comments from Council members about the importance and significance of the City's Memorial Day Parade on May 19, 2019. He thought the event used to be well attended when Linda Burns used to be in charge of it and expressed, he would attempt to locate information about this. Mr. Clifton had many discussions with Frank Vavala, former Adjutant General of the Delaware National Guard, about how the Department of Defense (DOD) came down on the use of military units in public events (i.e. parades etc.). Mr. Clifton provided an example where there could not be two military bands in one parade; however, there were a few exceptions. He said General Vavala indicated he would commit more to Newark's Memorial Day Parade if they made it a title-rights event. For example, a City of Newark Memorial Day Parade supported by the Delaware National Guard.

Mr. Clifton thought the Delaware National Guard had the ability to give the City some assets; however, they might have to work or be flexible depending on what weekend the parade would be scheduled.

11. 2-E. PUBLIC COMMENT:

26:18

There was no public comment at that time.

12. 3. APPROVAL OF CONSENT AGENDA:

- A. Approval of Organizational Meeting Minutes – April 18, 2019
- B. Approval of Council Meeting Minutes – May 13, 2019
- C. Receipt of Planning Commission Meeting Minutes – April 2, 2019
- D. Receipt of Alderman's Report – May 10, 2019
- E. ***First Reading – Bill 19-14 – An Ordinance Amending Chapter 2, City Council, Code of the City of Newark, Delaware, Administration, City Council, Regarding Locations of Public Meetings of City Commissioners, Boards and Committees – Second Reading – June 10, 2019***

27:00

Ms. Schiano read the consent agenda into the record.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.

Absent – 0.

Nay – 0.

13. 4. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

14. 5. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:

- A. Appointment of Beth Chajes to the Mayoral Appointment on the Conservation Advisory Commission For a Term to Expire March 15, 2021

27:54

Mr. Irvine recommended Beth Chajes to the Mayoral Appointment on the CAC for a three-year term to expire March 15, 2021. He said Ms. Chajes would replace John Hornor, who resigned from his position on the CAC. Mr. Clifton expressed Council had Ms. Chajes's resume in their meeting packets and believed she would be a great asset to the commission. He said Ms. Chajes was in the audience and would answer any questions.

Mr. Clifton opened discussion to the table.

Mr. Hamilton thanked Ms. Chajes for volunteering to serve on the CAC. Ms. Chajes was happy and honored to serve in this capacity.

Mr. Markham asked Ms. Chajes what her passion is. Ms. Chajes emphasized her interest and passion for the environment; specifically, regarding climate change. She believed climate change was an overarching problem that affected many issues in society.

Ms. Wallace thanked Ms. Chajes for her willingness to serve on the CAC. She expressed support for this nomination. Ms. Wallace and Ms. Chajes served on the Sierra Club. She believed Ms. Chajes would be an asset to the City of Newark in this capacity.

Ms. Hughes thanked Ms. Chajes for committing to serve on the CAC. She thought Ms. Chajes had an impressive resume and believed the City was fortunate to have her on the CAC.

There was no public comment.

MOTION BY MR. CLIFTON, SECONDED BY MR. LAWHORN: TO APPOINT BETH CHAJES TO THE CONSERVATION ADVISORY COMMISSION TO FILL OUT THE PRESENT TERM VACATED BY JOHN HORNOR.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.

Absent – 0.

Nay – 0.

15. 6. SPECIAL DEPARTMENT REPORTS:

A. The Police Athletic League of Newark, Delaware (PAL) – Newark Police Department

31:22

Sergeant D’Elia announced the Police Athletic League (PAL) of Newark was recently formed. He said the mission of the PAL was to reduce crime and victimizations following school hours and during the summertime. The other objective is to give positive role modelling with police officers as mentors and interacting with the community by providing kids in schools with skills that can assist them in everyday life. In the past, NPD partnered with the City with the Safe Kids Campaign TWC Camp, Family Fun among other activities to encourage interaction with local kids. In 2018, the Special Operation’s Unit decided to move towards a model of concepts not originally identified and recognized.

In 2019, the decision was made to look towards how we formally have a Police Athletic week. The establishment of the Police Athletic week of Newark, Delaware occurred on May 1st. The organization will be structured as a non-profit, separate from the City of Newark, but will include City staff on the board, yet a completely separate entity not costing the City anything as it will have its own funding source. The Chief and City Manager provided their endorsement which was necessary for National PAL. Sergeant D’Elia announced members of the Board:

- Sergeant D’Elia - Temporary Chair
- Master Corporal Fountain - Secretary
- Joe Spadafino - Board Member
- Paula Martinson - Board Member
- Nick DeCaire - Local business representative
- Lisa Hatfield - Attorney
- Mr. Lawhorn - Newark City Council
- Ed Mayfield, Assistant Superintendent and Director of Operations - Christina School District

Ms. Hatfield currently serves as the City of Newark Alderman. The proposed PAL program hopes to start an after school program at some of the local elementary schools. The school district is receptive to the concept of allowing police officers to participate in the after-hours program. This would also provide a local representative to run a PAL program. Reverend/Dr. Lonnie Rector from Pilgrim Baptist Church expressed support with the proposed plan. In the past, there has been some criticism from UD students feeling they do not have the opportunity to offer input and be part of the community. Sergeant D’Elia stated he wanted to have representatives from the fraternities and sororities on the Board. Sergeant D’Elia reached out to Helen Flaherty, President of Panhellenic Council representing sororities and Anthony Guccione, Vice President of Community Relations from the Interfraternity Council of the University of Delaware. The Board was in the process of creating by-laws, receiving an incorporation and filing with an affiliation with for the National PAL. The Board has started to plan fundraising to build a fund to be able to host events for the community.

The Board would continue to do the community PAL events in different communities throughout the Newark and should be able to do that before everything has been set up based on the models that we have done last year. He is hopeful by next spring there should be a PAL program up and running within the schools. Another topic discussed was to reestablishing Newark Police Youth Academy which was a weeklong camp. However, it would be dependent upon the funding source. The hope is to partner with community residence groups, Newark businesses and others who have been involved with community

projects to reduce crime. A long-term goal for the Board would be to have an actual building to offer these opportunities.

Mr. Clifton thanked Sergeant D'Elia for his presentation and had one question. Mr. Clifton wanted to know the fundamental difference between the newly proposed PAL facility and the Main Street satellite office used in the past. Chief Tiernan explained that the big difference was building at Main street where the youth and parents had to take initiative to leave the neighborhoods and schools to come to Main Street with a building that displayed a police badge and could be viewed as intimidating. The proposed plan would have the officers and community members go out to the schools, so the children would feel more comfortable. The previous building was more police driven where this would have people from Parks and Recreation and people from the community.

Ms. Wallace suggested for the program to reach out to Council for help with fundraising efforts. She stated information could be distributed through their Newsletters.

Mr. Lawhorn believed it to be a great program and thanked Sergeant D'Elia for the passion shown for this program which showed how he had a long term vision of how it could grow and impact the City. He reiterated it is a great idea and great program that would be a great contribution to the City.

Mr. Hamilton thanked Sergeant D'Elia and recalled another event, "Party in the Park," which he thanked Sergeant D'Elia for. He also reminded all of the bounce house provided by Robert Wittig. Mr. Hamilton asked if the PAL program would dovetail off of the Newark Partnership. Sergeant D'Elia reported they are planning on existing as their own 501c3 non-profit but sees no reason why they may not be able to partner with others in the future. Mr. Hamilton suggested Sergeant D'Elia attend a meeting at some point to discuss further opportunities. He also said he would love the PAL to have a permanent building and will be possible once the funds are secured.

Mr. Markham said he likes the idea of moving the program around the City and hopes the plans include this suggestion. He asked Sergeant D'Elia if he had ideas yet for a centralized location for the permanent location. Sergeant D'Elia said according to the Commission on Accreditation for Law Enforcement Agencies ("CALEA") when they did their last assessment, they considered Dickey Park as an ideal location. He believes that Parks & Recreation did a study some years back looking at that park as an ideal spot. Mr. Markham also mentioned there is a parcel on Old Paper Mill Road that is an option as well.

Ms. Hughes thanked Sergeant D'Elia for putting so much time and effort into the proposal and based on the presentation this was well put together and very involved. She thinks the program is very important and will offer diversified activities for the participants. Sergeant D'Elia reminded all the program will include not only sports but activities as well and gaming will not necessarily be ruled out as part of the program as it can be a potential draw to any PAL center as the intent is to help keep kids out of trouble.

Mr. Clifton offered his support as well and mentioned he was glad to see the return of the Citizens Police Academy.

The Chair opened the discussion to questions or comments from the public.

Helga Huntley, District 1 reported BikeNewark had received a visit from NPD and she added in her role as co-chair of BikeNewark she wished to report that BikeNewark has decided to dedicate part of the funds that we will be raising from the upcoming community event to supporting the PAL. She added BikeNewark is very grateful to the police for all their support for all their events in the past. She added BikeNewark is very happy to partner with them and invest with them and future and invest in the community and the value of community partnerships.

Jean White, District 1 said it was a very nice presentation and sounds very worthwhile. She asked about the interface between the program and Parks & Recreation activities such as in the elementary schools and after school programs, Safety Town in the summer, Rittenhouse Park and the many other programs that Newark's Parks & Recreation has going on.

Sergeant D'Elia noted there will be two representatives from Parks & Recreation and they are not looking to take away anything from any existing programs at all.

The discussion was returned to the table.

Ms. Wallace suggested a Fortnite Battle Royale gaming challenge between City Council versus the kids from the community as part of a suggested community event. Sergeant D'Elia said he would pitch Fortnite Friday Fundraiser to the board.

Mr. Clifton thanked everyone involved in the process and said Council looks forward to this worthwhile project.

**16. 6-B. EASEMENT AGREEMENT FOR SANITARY SEWER AND REDD PARK TRAIL CONNECTOR –
Public Works Director**

48:29

Mr. Filasky stated he and Mr. Spadafino would discuss a unique opportunity for an easement for a trail in exchange for an easement for sewer service of an adjacent property. He said staff was approached by the developer for parcel within New Castle County who has a city property between he and his sewer connection. In order to allow the sewer line to run through the city parcel it is adjacent to a City park with a trail in it and they would like to connect the trail to the state park trail and New Castle County trails and White Clay Creek.

Mr. Filasky noted the sewer connection upon approval will likely be installed through directional drill and would not be a clear cut through the wood and will be determined based on the trail location and the sewer location. The only thing required tonight is a recommendation to move forward with the final easement.

Mr. Spadafino reported the trail would connect Redd Park near the Louviers Shopping Center and go to Paper Mill Road. He noted with the connectivity of the Tri-Valley Trail, a state park trail and should the project be approved, it would connect with the New Castle County trails. He reported the trail would be 4 feet wide and approximately 550feet long and would not be paved and would therefore be an easy project. It would improve the stormwater area and there is a maintenance road back to the stormwater pond which has been removed and regraded and seeded. It is currently a smooth and natural area. He reported the biggest hurdle would be putting a bridge over the creek that runs between the property and the start of Redd Park.

Mr. Markham confirmed it is for the County section of the Shoppes at Louviers and asked if there were any plans to annex it into the City. Mr. Filasky said it would not be annexed at this time. Mr. Markham noted half the shops will be in the City and half will be in the County as well as City services for half. He wanted to make sure both the applicant and the developer understands the only service they will be receiving is sewer. Mr. Filasky said the only reason the sewer connection is going through City property is to reach the County property. Currently, without being a City parcel the sewer service has to go to New Castle County, so in order to get to NCC it goes through our property, so it would not be dumping into the City system it will go into New Castle County system. Mr. Markham confirmed the permanent easement will in place and New Castle County will be responsible to maintaining the sewer line. He also confirmed Mr. Filasky is comfortable with this. Mr. Filasky noted it was a forced main, so he is comfortable with it as the County is building to City standards. Mr. Markham asked how close this would come to homes and some residents may be concerned about their existing tree coverage. Mr. Filasky said the tree coverage would not likely change and modifications can be made, if needed. Mr. Markham asked how close this will come to some of the homes at The Woods at Louviers. Mr. Filasky said it would not be close to Louviers but closer to Fir Court at Middle Run Meadow. Mr. Markham recommended going further down away from the houses. He also expressed concern that the property owners know what is going on. Mr. Spadafino noted there would be screening placed as well. Mr. Markham asked there be respect for the property owner's privacy.

Mr. Clifton asked for clarification about what was being built on the property. Mr. Filasky stated he was not sure and asked for clarification from the developer. Lou Ramunno, owner of the Shoppes of Louviers which was adjacent to the parcel. He stated there were plans similar to the Summit of Pike Creek which is independent adult living with some assisted living.

Mr. Hamilton wanted to make sure that they were going to be responsible for the section because they would not be paying any taxes on that section. Mr. Filasky stated the sanitary sewer line would belong to the developer. The City would provide them with an easement to cross the City's property. Any future maintenance would be on the developer and staff would make sure the final agreement reflects that.

Ms. Wallace asked if the City had a say over the proposed plan. Mr. Filasky explained that it would be built per the City's specifications. Ms. Wallace asked if it would come back as a CIP (Capital Improvement Project) for the trail and if Council was only tasked with approving the easement. Mr. Filasky stated that

was the intention and Mr. Spadafino could provide details on the cost. Mr. Spadafino stated it was in the CIP for Redd Park Trail improvement for 2021 but staff would be pursuing grant money to make the trail improvements possible.

Mr. Horning asked if there were environmental restrictions with that type of piping going through that area. Mr. Filasky stated many reasons to do subsurface improvements was to avoid any wetlands on the surface or any destruction of the environment. It would be less intrusive but wetland or environmental studies would be required before the installation.

Mr. Hamilton asked who was paying for the wetland studies. Mr. Filasky stated it is up to the developer to maintain any wetlands studies on the site.

Mr. Markham reiterated his concern for leaving the trees and not damage the root structure and if they are damaged there is a replacement policy.

Mr. Coleman noted if the proposed Charter amendment that would allow out of City customers to connect our sewer system for the approval of Council is approved the alignment might be lot shorter so that they could just connect to City sewer also but that would also require Council and New Castle County approval.

The Chair opened the discussion to questions from the table.

Mary Clare Matsumoto, District 6 said she used the trails frequently and uses the trail that goes to that neighborhood and is familiar with the existing retention pond. However, she is trying to visualize where the trail will come out. Mr. Spadafino said it would come out right next to the substation next to the gas station on Paper Mill Road (Shell Station). Ms. Matsumoto asked an access would be provided into the bike path on Paper Mill Road. Mr. Spadafino said that would be up to the state. He noted there is some talk about some improvements from that point all the way into the Tri-Valley Trail

The discussion was returned to the table.

Mr. Markham asked if the residents notified about the proposed project as he believes it is within 300 feet of the several residents. Mr. Filasky reported notification was not given to any to any residents because it is not an actual project until it goes forward. Mr. Markham said if the easement was granted and then not grant the project? He said it does not make sense to him. Mr. Filasky reminded Mr. Markham it is a County project, so the project would go through the New Castle County development process. Mr. Coleman said the City of Newark would only be issuing a building permit for the sewer installation as it is not a development project in Newark. Mr. Markham expressed concern Newark residents would not be notified unless the County does something and reiterated City residents should have been notified. Whereas, the City has granted permission to do the project. Mr. Filasky said it could be a condition of the easement that the residents are notified.

Mr. Bilodeau suggested an option may be to negotiate the easement and the location of the easement and come back for Council at that point for final approval of the easement and then at that juncture provide notification to any of the adjacent property owners to give them the opportunity to voice any concerns or opposition.

After discussion, Mr. Bilodeau suggested he negotiate an easement agreement and return to Council for final approval once it is complete.

Mr. Coleman suggested checking with NCC to see what their notification process is before making any final decision. Mr. Markham thanked Mr. Coleman for his suggestions but believes it is the City's responsibility to look out for our residents.

Ms. Wallace said she supported Mr. Markham's proposal.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: TO TABLE THE EASMENT AGREEMENT UNTIL THE FINAL EASEMENT AND THE LOCAL NEIGHBORS HAVE BEEN NOTIFIED OF THIS PROPOSAL.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.

Absent – 0.

Nay – 0.

After a clarifying discussion, it was decided to use the 300 feet notification requirement the City follows.

17. 6-C. ELECTRIC VEHICLE RECOMMENDATION – Conservation Advisory Commission

1:09:15

George Irvine, Conservation Advisory Commission Chair reported the proposal was mainly in part due to a recommendation from Andrew O'Donnell, a City resident who had researched the purchase of electric vehicles by cities and how it could be done with a cost effective and environmentally friendly manner.

Mr. Irvine reported the proposal recommends the City buy 11 electric vehicles as part of the Capital Improvement Plan both for financial reasons for environmental reasons for health reasons and for being a leader and Newark is a leader and many ways and he believes that is overlooked when it comes to environmental stewardship and conservation. Mr. Irvine reported 36 electric vehicles are owned in the City of Newark as of 1 ½ years ago. He believes that is an insufficient number and they are now reasonably priced.

Mr. Hamilton asked if the price comparison and savings was being compared to the existing sedans the City has been purchasing. He asked if the City concurs with the proposed savings (\$120,000). Mr. Clifton asked Mr. Andrew O'Donnell to be included in the conversation.

Andrew O'Donnell, District 3, reported their recommendation includes a 5 year plan of approximately \$7 million worth of vehicles as they age out. He estimated that replacing 11 City vehicles would be an estimated \$250,000 worth of savings. Maintenance is not included in this savings. He said the numbers include the cost of procuring vehicles, the fuel and some of the maintenance were estimated, but he did not include the hard number of this. By including the Police Department there would be an estimated \$850,000 dollars without maintenance, with maintenance closer to \$1,000,000 savings over five years.

Mr. Markham asked if the charging stations are they still available for rebate because he believes that may be running out. Mr. Irvine said the program still exists. He said the CAC opted not to act based on the data of only thirty six electric cars in the City. He was not sure where a charging station could be added to serve such a small number. However, if electric vehicles and a charging station were placed at City Hall that would make perfect sense. The rebates vary depending on if it is Level 1 or Level 2 charger. He added DNREC still has that program. He noted the CAC would be pleased to help write that grant proposal.

Mr. Markham said he supports the CAC and their work. He said one of his concerns is the range of electric cars, i.e. the Leaf only has a sixty-five-mile range which is not enough. He hopes there are a variety of vehicles because he believes what the City does is not just moving people there is also tools involved and other things. He is not sure the police vehicles may work with this proposal as they have very specialized requirements. He believes the biggest maintenance issue is the battery. He asked if a percentage has been included for battery replacement. Mr. Markham mentioned City vehicles are needed to travel to Dover and back. He reminded Mr. O'Donnell that the City pays a wholesale rate on electricity, so the savings would actually increase. Mr. Markham also mentioned that getting the right vehicles is also very important. He asked if the hybrids had been included in the discussion as the City has four hybrid cars

Mr. Irvine stated the recommendation did not include which cars to buy and he believes it does not make sense from a procurement prospective. Mr. Irvine mentioned the recommendation did not include the purchase of heavy duty vehicles only sedans.

Ms. Wallace thanked the CAC and her constituent Mr. O'Donnell for bringing this forward. She asked staff what the path forward would be. Mr. Coleman said in anticipation of this recommendation staff has been looking at pickup trucks, sedans and smaller cars. Several have been identified, two in the 2020 budget, two in the 2021 that would be targeted for this program. One of the issues is that the current vehicles have very low mileage or are they are involved in emergency operations. Police cars need to be able to sit at a scene with the lights on for an extended period of time. Oversized alternators are necessary to power the equipment they have. In addition, they are not aware of any electric vehicles that are pursuit rated.

Ms. Wallace asked if it was possible in the long run to be able to surpass eleven sedans. Mr. Coleman said he would have to verify which vehicles this would apply to. Mr. Coleman noted an additional concern is the vehicles have to be able to work effectively in the sleet and snow. Therefore, there are some vehicles

that have to be four wheel drive vehicles. Another option is to have a staff member be slated to receive an electric car but still partner in with someone to use a pick-up truck when needed. He said the City is committed to any vehicle will be considered to move to an electric vehicle.

Ms. Wallace asked if the rebate program covers the entire cost of the charging station. Mr. Coleman said he did not have that information at hand but believes there will be an additional cost. Mr. Coleman added that the Green Energy Funding would likely be available to cover the difference.

Mr. Lawhorn said the recommendation is a great idea and believes the proposed plan set in place to ease into the electric vehicles with two vehicles in 2020 and 2021 is a good way to start off.

Mr. Clifton expressed some disappointment over the fact that with regard to electric pick-up truck purchases a large quantity (50) is required through the state contract.

Dave Vispi, Senior Mechanic, City of Newark believes it is a good idea and we are close to moving forward with some electric vehicles in the City fleet. He reported there have been some vehicles identified some vehicles that will be a fit for this program. He noted replacing eleven vehicles may be a stretch only because when looking at the City's existing fleet the life cycle of the vehicles is very long because they do not rack up a lot of miles. He reported an electric vehicle will be in the Stormwater Division and the Parking Division for enforcement. Two have been identified in Code Enforcement for possibly 2021 and perhaps some for the water plant operators. He noted the replacement of pick-up trucks is just not an option at this point as the City does not have spare vehicles in case there is a down time with the electric vehicles. However, Mr. Vispi did not rule it the near future.

Mr. Clifton expressed support and asked for consensus to direct Mr. Coleman to accelerate it to the point where applicable in the fleet replacement that the City look at all electric options going forward with the understanding that trucks and larger vehicles would be considered in the near future. Mr. Vispi noted with regard to police vehicles, the closest Tesla dealership is not nearby so that would not be workable at this time. Also, the cars are not pursuit rated as the amperage system is not sufficient and City police cars are used during each shift with no down time. However, he expressed support for the other proposed electric vehicles for the City fleet.

Mr. Hamilton suggested partnering with UD to cover the minimum purchase requirement. He also asked where the charging stations will be located, and will they be available to the public and/or UD vehicles to potentially share the cost. Mr. Coleman said UD has a number of charging stations around town. Mr. Coleman said the proposed locations are City Hall and one perhaps in Lot 1 for the parking office. His expectation is one charging station has two wires for adjacent charging. One stop would realistically have to be reserved for the City vehicle.

MOTION BY MS. WALLACE, SECONDED BY MR. MARKHAM: TO DIRECT THE CITY MANAGER TO BRING BACK THE UPCOMING CIP WITH RECOMMENDATIONS WHERE WE CAN SUBSTITUTE WITH ELECTRIC VEHICLES.

MOTION PASSED. VOTE: 7 to 0.

Aye - Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay - 0.

18. 6-D. GENERAL ASSEMBLY UPDATE AND ASSOCIATED REQUESTS FOR COUNCIL DIRECTION
Rick Armitage-Lobbyist

1:35:05

Mr. Armitage reported the Joint Finance Committee had been working over the last week and should finish tomorrow. He stated that Mr. Coleman had asked to have money added to the Unicity budget which had not been increased since 2012. He did not believe additional funds would be granted. However, that did not mean that it would not happen. He added he would continue working on Grant & Aid and the Bond bill to get an increase. The other factor in was that WILMAPCO is working on the transit plan to try to blend together the Unicity bus system, the University bus system and the Dart system and Cecil County transit system to get better coordination between all four of the systems. The sewer charter change was drafted and circulated for co-sponsors. Currently, Representative Baumbach, Representative Kowalko and Senator Sokola are listed as the co-sponsors. Since this extends outside the City, he recommends including other officials to co-sponsor the bill.

HB109, the Senate had not yet released the agenda when they return, but Mr. Armitage expects it to be discussed the following week as it was released from Committee without a lot of negative discussion.

SB5, the littering bill has passed the Senate and was now on the House ready list and the agendas for next week should be available next Friday.

HB130 which curtails the use of plastic shopping bags passed the House with a vote of 33 yes, 7 no and 1 absent. Mr. Armitage and Representative Baumbach believed it would pass the Senate without much of a problem. This would be the third time he has seen a bill be introduced around plastic bags but believed this bill was slightly less restrictive for some of the retail stores. It could go into effect if passed in January 1, 2021. It does have a committee hearing next on June 5th @12.30pm in Nature Resources and in the memo, he would be happy if Council concurs to testify at Committee that Newark is in support of this bill.

In reference to the Bond Committee, he believes Council received a note from Carl Luft the Bond Committee will meet late this month on the 18th, 19th and 20th. He believes the Newark is in a unique position when looking at the membership of that Committee, there are many that are close to Newark (Senator Sokola, Representative Ramone, Senator Townsend, and others) and are very connected to Newark. He asked Council to consider reaching out to them and ask them to consider the increase in the Municipal Street Aid to the \$7 million. The DEFAC numbers from last year ended up with \$189 million into the Bond Bill. He believes there will be at least that much money again this year that shifts in one time spending. It is his opinion there is a good chance this year of increasing that Municipal Street Aid to the \$7 million.

Mr. Armitage reported HB44, the Alcohol bill has been an odyssey in his opinion, with Delaware State Police, the Chief for Alcohol and Tobacco Enforcement, as well as Mr. Armitage himself all testified that there were some significant concerns about the bill. He believes the Legislature was taking a tool away from particularly Newark and also probably Dewey Beach. He believes the kinds of things we can do to address alcohol abuse. He reported the bill was released from Committee and worked on the Senate floor the next day. Mr. Armitage reported he has been having conversations with the Speaker of the House who is one of the Co-Sponsors in the House about the Legislation (he is a retired trooper). He is willing to amend the bill, so the person would get two bites of the apple under the civil process. The third bite, the person shall be arrested. He believes this is the best we can get. Mr. Armitage has been talking to the House attorney who has been drafting this bill. He noted the other practical difficulty is trying to figure out between all the courts whether it is Alderman's Court, Superior Court, Justice of the Peace Court, the expungement process that may eventually be associated with one of those arrests if the time when somebody turns 21, if they had no other offense associated with alcohol arrest that time if there was a third offense. They are trying to craft that amendment but he believes we will see something before the end of the month.

HB110, Recreational use of Marijuana. Representative Osienski was one of the co-sponsors of the bill. Staff was still evaluating the bill which would be related to:

- 1 ounce or less for personal use
- Must be 21 years of age, if younger than 21 it would be a civil offense
- Quantities greater than 1 ounce and depending upon age, the charge would be an unclassified misdemeanor

Mr. Armitage was waiting for staff to discuss if they find any other problems associated with the employment factor. The bill tries to make it clear that marijuana use should not occur while at work and that a landlord could restrict the use on their properties. He is waiting to hear from staff if there are any other concerns.

Mr. Armitage stated that he had a conversation with Senator McDowell regarding PILOT. Senator McDowell is a Co-Chair of the Joint Finance Committee. He was not willing to allow the City to join PILOT, but he was willing to provide funds. Mr. Armitage did not know the monetary amount because the Committee may not have decided on the amount yet. He will keep Council and staff updated.

Mr. Armitage addressed the Renewable Energy Portfolio Standards as there was a stakeholders' meeting which occurred early last month. The Governor's office wanted to see a 40% portfolio standard by 2030 or 2032. Senator McDowell was being conservative at 35%. Mr. Armitage believed that there would be a bill at the end of the session and may not get worked through. It may only become a discussion during the summer.

Mr. Armitage stated that Representative Baumbach wanted to thank Senator Sokola who participated with the County for the Operations Budget.

Mr. Clifton brought the discussion back to the table.

Ms. Wallace felt that Council should support HB130 the curtailment of the plastic shopping bags and would make a motion after public comment. She believed that HB110 covered two different things and she believed that the City did not have a problem with students using marijuana and having unruly gatherings as they may do with alcohol. She believes they are two different things. Ms. Wallace asked Mr. Armitage to continue the work pertaining to SB44.

Mr. Markham asked Mr. Armitage about open space funding. Mr. Armitage stated the early conversations with the bond bill may have each fully funded. He was not sure if it would be increased beyond the \$10 million for each program. Mr. Markham added that based on the DEFAC (Delaware Economic and Financial Advisory Council) numbers it seemed to be a good time to ask for more for the open space funding. Mr. Armitage had a conversation with Don Sharpe about the open spaces. Mr. Armitage educated Mr. Sharpe that the key was to speak with Senator Sokola because of the geographic interest and being a Co-Chair of the Bond Committee. Senator Sokola could push harder than any other member. Mr. Markham asked if it would happen. Mr. Armitage explained that the conversation he had heard between Senator Sokola and members of the DEFAC Committee where he had assured them that the money they used to fund the committee that they would fully fund their obligation to both open space and farmland preservation. The other background argument that could go on would be about the "budget smoothing" idea which was presented for the second or third year. Mr. Armitage did not know if that would enter in the conversations to take up some of the \$300 million discovered over the revenue report over the last year.

Mr. Markham brought up the money which may or may not be granted for the PILOT program. Mr. Armitage stated he would find out what the number was going to be. He was not sure if Senator McDowell would disclose the number.

Mr. Markham said he would support the plastic bag bill. However, he had a concern from a report he had read where it could affect the poor who use plastic bags. He would like to see the City or the State to set aside funding for reusable bags for people. Mr. Markham explained that he had tried to have the Newark Partnership to give them away and provide an incentive to reuse them. Mr. Armitage believed that this bill had received more attention than similar bills previously submitted was because this bill did not have any fees associated with it. It could make the transition easier and second nature to use the reusable bag.

Mr. Irvine, Conservation Advisory Commission, Chair has reviewed this issue as far back as when Mr. Fruehstorfer was in charge of the commission. They wanted to act as a City to give a recommendation but were precluded to so because of prior state law which stated no city could act independent of the State. The Commission was happy to see the state is moving on the bill. The CAC was going to recommend a fee because of presented research by students from Newark Charter and Newark High School. Mr. Irvine was surprised that the State had gone this far to ban the plastic bags as the bags had a short use life but take 1,000 years to degrade into a micro plastic which then eventually becomes ingested as food. The health benefits in addition to the environmental benefits were great. The idea to use Green Energy Funds to purchase a large quantity of reusable bags, the non-reusable plastic bags mess up foul up the recycling equipment. Those costs for repairs was worked into the contracts with the recycling company. Any money potentially saved could be put towards helping people adjust to using reusable bags. To prompt the change would be a good use of the Green Energy Fund. Mr. Markham told the Council that he wanted to have the CAC bring information back to them along those lines because he had thought about the cost of the equipment jamming. He asked if the City received fines for over pollution, Mr. Coleman stated the City had managed to avoid the fines. However, if the City had too much contamination in the recycling the City could receive a fine. Mr. Coleman added it was a real cost as after a number of days, the facility has to be shut down to remove the plastic from the rotating parts of the sorting equipment.

Mr. Markham was in support of the HB134 Bill and wanted to stay neutral for the 2%. He understood why individuals want it done. Regarding the Portfolio, when the cost of service, if the portfolio was to change make sure that solar was not penalized. Mr. Coleman explained that the "on roof" solar individual homeowners does not count towards the City's RPS standards. Those to go the State.

Mr. Hamilton requested an update and a definition on SB85 regarding the wording "judicial conflict". Mr. Armitage explained that he believed that there may be occasions where the Alderman may either know a defendant and want to recuse themselves. If they do not have an alternate, there may not be a straight forward way to transfer the case. Mr. Bilodeau provided an example if a Councilmember's spouse was arrested for disorderly conduct the trial could not be held in Newark with the Alderman trying the

spouse of one of their bosses. If there were to be a conflict that could possibly affect the ability of the judge to objectively determine guilt or innocence.

Mr. Markham said he had thought that this was already in place. Mr. Bilodeau stated that there had been cases transferred out of the Alderman's for similar reasons, but this would just codify what had been done in the past. Mr. Markham stated that then it was just a practice before and not a law. Mr. Bilodeau responded correct.

Mr. Bilodeau believed that New Castle County was on this day going to pass a resolution in support of the Sewer Charter amendment.

Mr. Clifton said he knew Representative Baumbach brought up the 2% and asked which bill it was. Mr. Armitage stated it was HB129 and HB134 was the school board election. Mr. Clifton added that at the last meeting there was conversation going both ways regarding Council's interaction with the school districts. In his opinion was that there was a very clear nexus in what Representative Baumbach said that should bring concern to Council. After public comment motions would be entertained for direction.

The Chair opened the discussion to public comment.

Helga Huntley, District 1, stated that any questions for the CAC could be addressed to her directly. She wanted to encourage Council to consider the CAC's recommendation to take a position on the plastic ban bill because it was to be presented to the committee next week. She appreciated the news that it may be easily passed by the Senate. Ms. Huntley added that there were a number of reasons why it should be passed mainly because of the plastic pollution issue.

Ms. Huntley added that as a resident and a parent of the Christina School District it made her nervous that every few years they had to rely on a referendum process to keep the schools going and keep the teachers employed. She felt that it was not a good use of energy for anyone involved. She believed there was a good reason to have referendums for Capital campaigns but not for cost of living increases as schools were required by State law to give the teachers. To require the school boards to ask the voters to approve them after they had been already required by the State. She stated good school systems were important for good tax base for a city.

James Creque, District 4, was curious if the regulations concerning marijuana were against having in a person's possession or an amount per person to consume or was there a test to see if a person had been consuming marijuana. Mr. Armitage explained that at the State level, it was already decriminalized to possess marijuana for personal use at less than 1 ounce. That applied to people between ages 18 to 21. Ages 18 and less were not included. Those individuals would still go to Family Court and falling under an unclassified misdemeanor. SB45 tries addresses people under the age of 18 to be charged with an unclassified misdemeanor. HB110 would allow personal use with no civil penalties of a quantity of 1 ounce or less. If the quantity was more than 1 ounce, then there would be graduated crimes to be associated with it.

Mr. Clifton brought the discussion back to the table for motions.

MOTION BY MS. WALLACE, SECONDED BY MR. MARKHAM: MOVE FOR COUNCIL TO DIRECT THE CITY'S LOBBYIST TO LOBBY IN FAVOR OF HB130.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

MOTION BY MS. WALLACE, SECONDED BY MR. HAMILTON: MOVE FOR COUNCIL TO DIRECT THE CITY'S LOBBYIST TO LOBBY IN FAVOR OF HB134.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: MOVE FOR COUNCIL TO DIRECT THE CITY'S LOBBYIST TO LOBBY IN SUPPORT OF HB129.

Ms. Wallace felt that it was slightly difficult to be a body to discuss another body. She thought it was important because the schools impact the quality of life in Newark. Ms. Wallace felt that the legislation was not perfect and did not address all of the funding inadequacies that existed something did need to be done. In addition, the State mandates a 2% raise for teachers per year and then forces the school districts to do a referendum to pay for the increase.

Mr. Lawhorn believed it to be important to recognize Council was not recommending a straight tax increase. The recommendation was for the board to have the ability to vote a tax increase. He thought it important to go along with that would be the three year term. Mr. Lawhorn found it to be important to have them executed together because then the residents would have the ability to elect the board members that have the power to implement the tax increase.

Mr. Markham asked the City Solicitor if it were possible to abstain from a vote as the vote would be directed to the Lobbyist since typically with contracts and ordinances abstaining would not be an option. Mr. Bilodeau responded that if a Councilmember wanted to abstain the vote for any reason they could because of the nature. Mr. Markham stated he wanted to be neutral.

Mr. Horning stated he agreed with the previous comments. He asked for clarification from Mr. Armitage if this would affect the tax credits to the exempted classes. Mr. Armitage stated he did know. Exempted classes received reduction in property taxes. The number had changed over the last six years because of State budget difficulties. Mr. Armitage believed it was a flat \$400 but there had been some effort to move it back to \$500 because financially the State was healthy. He did not believe them to be linked. Mr. Horning explained that his difficulty to decide to support the issue, this was more of a State issue that Representative Baumbach was leading. Mr. Horning stated he did not support it now, but it was more of an issue of timing. His district has a large population of an exempted class who could be sensitive to any fee or tax increase. He had worked with the school district after the last referendum with Mr. Pulaski and worked in the public perception of the school district and what could be done going forward. If it brought back next year to revisit or there was additional time for Mr. Horning to receive additional feedback.

Mr. Clifton stated he understood the comments made but this was an issue where people make decision either live or not to live in Newark based on the educational system. Mr. Clifton explained that it was a concern to him to know that people have moved south to be in a different school district knowing that they would end up paying higher taxes as compared to Newark. Mr. Clifton gave his support for the legislation to move forward and thought it was a good first step.

MOTION PASSED. VOTE: 5 to 1.

Aye – Clifton, Hamilton, Hughes, Lawhorn, Wallace.

Nay – Horning.

Abstain – Markham.

19. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:

- A.** Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark to Award a Contract for the Removal and Disposal of Concrete and Soil Containing PCB's for the Rodney Stormwater Pond and Park Project

2:13:40

Mr. Filasky stated the contract would finish the environmental remediation at the Rodney Project. The reason for the return to Council was because the City had switched contractors from the original remediation contractor. Because of the change, it warranted a return to Council. JMT was used for a bulk of the project and had subcontracted work out to Brightfields. Staff hoped to enter into a separate contract with Brightfields to do the final step of remediation at a significant savings because JMT does not engage in construction activities. The original contractor did complete their portion of the contract within budget and timeframe. It was contemplated as part of the original budget and the new cost was within the budgeted amount for the original project.

Mr. Clifton asked about the air monitoring. Mr. Filasky said the air monitoring was for the asbestos removal. This would be for the PCBs (Polychlorinated Biphenyls) that were in the ground and in the concrete that made up the basements of buildings. Brightfields was contracted to do the air monitoring and would advise if there would be a need for further monitoring. Mr. Clifton if all the results from the testing was available to the public. Mr. Filasky stated all the testing done so far has been posted on the City's website and updated daily whenever there was construction activity.

Ms. Wallace asked if it was correct that the PCBs were found on porous and non-porous surfaces and if those areas were covered. Mr. Filasky explained that they were found on the soil and concrete; it was in the basements of the buildings and not readily available to the environment. Ms. Wallace wondered why there was such a difference in price and wanted to make sure that they chose the best service possible. Mr. Filasky explained that Brightfields had been the contractor on this project and several other projects. Staff has confidence that Brightfields could do the work and testing. Brightfields identified the limits of the PCBs once the transformers were removed. They have good working knowledge of what was on site. Mr. Filasky added that it could also come down to timing as the construction market seemed to be busy at this time of the year. Brightfields was available, provided a price to not only remove the PCBs but to also dispose of them. The disposal cost with the other contract was an unknown number based on market conditions.

Ms. Wallace wanted to know the logistics of the removal. Gregg Crystall, Brightfields representative, noted that individual containment would be set up in the different basements where it was found that the transformers had leaked. There would be negative pressure, so air would be drawn out through filters into other parts of the basement during work. The plan was to go into the powerhouse Building E first depending on if it flooded within the next few days as it had a history of flooding. Concrete would be broken up and a mini-excavator would be used. The concrete pads with the contamination on them would be lifted through a lull lift and placed in large storage bags. Once full, the bags would be placed into lined dumpsters and also covered at the end of each workday. This would be different than the asbestos abatement that was done because there would not be any fibers. The actual PCBs would be in soil which would not be spread. There would be high efficiency particulate absorption filters to protect the workers and the outlet to the containment. After the removal of the concrete, worker would dig 1 foot down in the areas where they found PCBs at the bottom of the concrete. The assumption was that if it went through the concrete it hit the soil. Ms. Wallace asked how it was determined to dig one foot. Mr. Crystall stated it was approved by the EPA. It would be 1 foot where there was a lower concentration of PCBs. JMT would collect the samples and then split them between a laboratory hired by JMT and Brightfields' lab to compare confirmation results. There would be a three day turnaround time. While the workers continue to remove the concrete and soil, they would then move on to the next basement's concrete pads. For the pads with higher than 50 parts per million in the concrete they will dig down two feet and follow the same testing process. Ms. Wallace asked if then there was a potential to go further down if the sample proves contamination to be present. Mr. Crystall stated yes however, they do not see that it should go further than the two feet but would until they found 1 part per million or less.

Ms. Wallace asked if the price included the transportation and the storage in one of the regional facilities. Mr. Crystall stated it included the transportation to the disposal of the PCBs in the concrete and soil less than 50 parts per million. That material would be accepted in Cumberland County Landfill in Newburg, Pennsylvania. For PCBs above 50 parts per million would go to a licensed waste facility called U.S. Ecology in Grand View, Idaho.

Mr. Horning asked in terms of the reimbursement through the Brightfields program of the cost, was any of it adversely effected by waiving the bid process. Mr. Filasky said no. As with the contract with JMT and Brightfields, it would be reimbursed through the State this would also allow the City to be reimbursed through the State. Mr. Filasky stated discussions did occur with the State. Mr. Horning asked what the implications would be to do the full bid. Mr. Filasky explained that the implications to do a full bid were that it would have to go through a month long process to place the bid out, then there would need to be a recommendation written and the final step would be to bring it back to Council. It would place the project a month and a half behind and would push back the actual start of the real demolition which was to start in early August with the full demolition to start after Labor Day. Then if the full demolition was not completed then they would run into the winter months and possibly be shut down because of weather. If it was not done before winter comes then time would be lost in the Spring to start the park and pond construction.

Mr. Horning asked other than additional time would it impact other contractors lined up or any penalties or delays. Mr. Filasky stated they did not know for a fact, but they did put a timeline in the demolition contract. Bids were received the previous week. If the timeline was not met, there was a possibility that the contractor could move to another job and then possibly not available when needed. Mr. Coleman added that Spring was the end of the due diligence period. It would be best to get as much done as possible before that time. Mr. Horning said that it may be a moot point that if the City were to get reimbursed for the either work way, staff should still do the due diligence and the selection. Mr. Filasky stated that Mr. Crystall educated him that if the contract could get done quickly work can begin now. Mr. Coleman explained that the end of the inspection period was March 15th.

Mr. Hamilton questioned if Brightfields could begin work the day after the meeting. Mr. Crystall stated they could mobilize to the site the next day, it would take a few days to have the dumpsters and large bags delivered. They could start to cut up the concrete with the use of saws and have people in place to prep the area. Mr. Hamilton said he was under the impression that the majority of the demolition would take place after the pool closed. Mr. Filasky stated that was correct. Mr. Hamilton expressed concern about having work being while children would be swimming near the construction site and believed that Ms. Wallace may have better insight to his concern. Mr. Hamilton wanted to know the placement of the dumpsters. Mr. Crystall stated they would be placed as far away from the pool as possible.

Mr. Hamilton wanted to be shown Building E and which buildings were the target of the contamination. Mr. Coleman stated Building E was nearest to Forrest Lane. Mr. Crystall explained that Buildings B, D and F did not have transformers in their basements. The plan for remaining buildings was outlined:

- Building E – remove concrete pad; dig out 1 foot of soil further testing
- Building A – a higher concentration of PCBs was found; dig out 2 feet of soil further testing
- Powerhouse Pad 1 – remove concrete pad; no contamination found
- Powerhouse Pad 2 – remove concrete pad; dig out 2 feet of soil further testing
- Building C – remove concrete; dig out 1 foot of soil for further testing

Mr. Coleman stated the powerhouse was behind the Rodney Mart. Mr. Hamilton wanted to know the location of Building A. Mr. Filasky stated Building A and the powerhouse were closer to the pool. He continued to explain that the work was interior work which was estimated to take two and a half weeks. There would not be major construction work performed outside of the building. Mr. Hamilton was concerned about particles entering the air. Mr. Crystall stated the bags would be in the building, the bags would be lifted out, place in the covered dumpsters. Mr. Hamilton asked if Mr. Crystall would be agreeable with his kids swimming in a pool near this type of work. Mr. Crystall responded yes as most of the work would be all indoors except for the placement of the bags into dumpsters which would be fully covered and strapped shut when not in use. As soon as the dumpster become full they would be shipped off site to one of the disposal facilities. Mr. Hamilton expressed concern over dust being created by the use of saws. Mr. Crystall said that was why the project planned to have negative pressure and with the use of the mini-excavator it would be equipment with a hammer. The hammer uses the force of a 100 pound hammer which was a lot less than a handheld jack-hammer. They do not expect anyone on the outside to notice the work at all. Mr. Hamilton questioned the type of cover that would be used on the dumpster. Mr. Crystall stated it would be a heavy-duty vinyl lid that would be strapped down. It would be similar to what would be used for asbestos abatement contractor used. Mr. Hamilton stated there had been issues before with wind and coverings that resulted in contaminants being released into the atmosphere. Mr. Hamilton asked if there were anyone else who had expertise on PCBs that would comment on the item.

Mr. Markham asked Mr. Hamilton if he had concerns about the timing and he responded yes. Mr. Markham stated right now the discussion was to vote on whether or not to award the contract. Mr. Markham posed a question to Mr. Bilodeau if this was the time to discuss the schedule as well as the contract. Mr. Hamilton asked Mr. Filasky if the work could be done after the closing of the pool. Mr. Filasky explained that there would still be contamination in the building and the longer it was there they know it is there. He did not know if the PCBs background. If the concern was about the PCB, it would be removed within two and half weeks otherwise it would still be there and subject to whatever the buildings were there.

Ms. Wallace questioned if it was correct that Building E had some water issues. Mr. Filasky stated yes. Ms. Wallace stated that would be more potential harm if they do not act as it could leak out and get into the City's waterways. Ms. Wallace requested clarification on that train of thought. Mr. Crystall stated it was unlikely, but it would be a lot easier to work with dry. Mr. Coleman added that much of the roofs had been removed from the buildings and the longer they wait the more water that could enter the buildings.

Mr. Hamilton was fine with the removal of the hazardous materials during the winter months as the contractor did a great job with a lot of monitoring. He did not expect additional materials to be moved 100 feet from an active pool. Mr. Crystall explained that most of the work would be done with the hammer. Difficult spots they would employ the use of the saw which was why they prepared to use the negative air pressure inside. Negative air pressure was designed to keep everything inside. This type of removal was different from asbestos where asbestos has fibers. This contamination was bound to the concrete and soil. If dust did become visible they would be able to correct the error. Brightfields comprised of two divisions: Consulting Division and Remediation Division. They work independently of

each other. The plans were from the Remediation Division. Mr. Bradley, a Brightfields representative, would be on site. He did the oversight for previous work performed at the location and would ensure all work performed would be done correctly. Mr. Crystall spoke in depth to the Brightfields remediation team and owners so if something was not being done correctly according to the consulting side, it would be done correctly within 15 to 20 minutes. The confirmation at the end of the soil sampling would be done by a lab hired by Brightfields and one hired by JMT.

Mr. Hamilton asked Mr. Filasky what the repercussions would be if the actual work was to be delayed until after Labor Day. Mr. Filasky stated they needed to move forward and with parts being rearranged there would be a risk of PCBs still there and have a contractor ready to work the day after Labor Day. It could be rearranged but Mr. Filasky said that he could not say the schedule would or would not be affected. If there was an issue the project could be shut down at any time and a number of precautions had been put into place. Staff brought the recommendation to Council because they felt it would be in the best interest to move forward.

Mr. Clifton opened discussion to the public.

Helga Huntley, District 1, stated her family used the pool and that her husband was knowledgeable on the asbestos removal processes. She stated he was not concerned about the PCB removal while the pool was open because it would not be airborne and much more contained as compared to asbestos.

Mr. Clifton brought the discussion back to the table.

Mr. Horning asked if the City had in the past worked with an industrial hygienist or someone to that extent to provide an opinion for similar projects. Mr. Filasky stated they work the engineering consultants, such as JMT, who sometimes use contractors similar to Brightfields. Staff respected the opinion that Brightfields provided as they had been the environmental consultant for a majority of this project. Mr. Filasky pointed out that during the asbestos removal was successful as there were no asbestos hits during all the air monitoring of the project at the property lines. Mr. Filasky reiterated that there again would be someone on site to monitor the progress as well as having samples sent to two different laboratories to confirm the findings. He stated a third party testing or monitoring inspector to do spot checks. Mr. Horning thought it sounded like proper diligence had been done. Mr. Horning shared the same concerns as Mr. Hamilton given that the pool was located close to the area. He asked if a notice should be presented to the Oakland Pool and the surrounding residents. As well as having a public workshop to at least get the information out to the public. He believed even if that suggestion would delay the project by a month it would be worth it to receive community feedback.

Ms. Hughes asked if there were any recent projects which involved the planned process. Mr. Filasky did not know of any personally or with the City. Mr. Crystall stated similar projects were completed at properties located in Wilmington at a building called Pack and Process. They found that the basement was contaminated with PCBs and the process to remove the contaminants was to break up the concrete and dig out the soil. The proposed project plan would have the same checks and balances in place. They performed a similar project on the Green at the University of Delaware where back in circa 1960-1970 a transformer exploded. They worked with the EPA officials and DNREC to find the best ways to perform the removal. The most recent work was done on Front Street in Wilmington. A facility was being redeveloped and there were hundreds of wood and brick contained with PCBs. A radiation team was hired by the consulting side to remove the wood and bricks, place them into dumpsters and arranged for disposal. The concrete beneath was scrapped and soil was dug out from beneath the bricks to confirm the PCBs were removed. All the work was performed by employees of Brightfields. Only the disposal coordination and disposal facility portion were subcontracted out.

MOTION BY MR. HORNING, SECONDED BY MS. WALLACE: TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PCB REMOVAL, MATERIAL REMOVAL AND DISPOSAL OF THE FORMER RODNEY DORM COMPLEX AND AWARD THE CONTRACT TO BRIGHTFIELDS, INC OF WILMINGTON, DELAWARE IN THE AMOUNT OF \$96,695.00.

Mr. Horning offered the following amendment:

MOTION BY MR. HORNING, SECONDED BY MR. HAMILTON: THAT WORK COMMENCE AFTER A PUBLIC WORKSHOP TO BE HELD FROM 4PM TO 7PM ON A WEEKDAY WITH PROPER NOTICE TO THE SURROUNDING RESIDENTS OF THE OAKLAND POOL.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

MOTION PASSED. VOTE: 6 to 1.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.
Nay – Lawhorn

20. 9. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None.

21. 10. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:**

- A. Request of Martin Honda for the Addendum to the Subdivision Agreement In Order to Adjust the Number of Structures from Three to One and to Remove the Parking Deck for the Property at 701 Ogletown Road and 1364 Marrows Road

02:46:54

Mr. Clifton called for a motion to move Item 10A on the agenda to come before Item 8 due to technical difficulties.

MOTION BY MR. CLIFTON, SECONDED BY MS. WALLACE: MOVE AGENDA ITEM 10A BEFORE AGENDA ITEM 8

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

Mr. Clifton wanted to disclose that he was a manager for the Martin organization in previous years. Secondly, he found it disturbing to continue to receive presentations and additional information at the last minute. Mr. Clifton asked that if the City Manager was to receive something after the agenda had been posted and made public, Mr. Clifton did not want to hear the information. If the information was to be found to be important then it would need to be moved to the subsequent meeting.

Ms. Gray provided a brief introduction of the review. She stated that on December 12, 2016 the City Council approved an annexation major subdivision and special use permit for the property located at 1364 Marrows Road for demolition of existing structures for the construction of three new buildings. The buildings would be for auto repair and service center for:

- Martin Honda
- Martin Kia
- Martin Mazda

Each building was intended to include first floor service space with a second floor to be partially office and sales space. A parking structure was also approved.

The application was being presented because the applicant wanted to adjust the number of service structures from three to one. Because of the reduction the applicant wanted to request the removal of the parking deck from the plan. According to the City Code, plans that do not substantial conform to the design presented during the subdivision approval process, the request must be referred to City Council. Staff had determined that the proposed plan was significantly different from the initial approval and therefore required reconsideration and approval. The original Planning and Development report plans in the subdivision elevation drawings and subdivision agreement approved by Council were attached to Exhibit A. The revised plans and the elevation drawings for consideration were attached to Exhibit B.

Ms. Gray explained that the applicant would present the changes in detail. Essentially the revised plan was to remove the service space, a parking garage and parking structures for the Kia and Mazda dealerships. Since the Council approved the annexation, major subdivision and special use permit on December 12, 2016 the application in front of Council now was for the approval of the revision to the subdivision plan and the subdivision agreement. Planning staff recommended approval for the revision to the subdivision plan and agreement. With no further questions, Ms. Gray introduced Mark Zeigler who represented the applicant.

Mr. Zeigler of McBride and Ziegler stated along with him was Bill Camp and Trevor Furr from Martin Honda. Mr. Zeigler referred to the presentation which showed the proposed rendition of the Honda building. It illustrated the location of the building to the intersection of Ogletown Road and Marrows Road. He described the old layout as having three buildings with a parking garage behind them. The proposed plan would now eliminate the originally proposed Kia and Mazda building. The proposed Honda building would be shifted further to the West. The previous gross floor area was roughly 66,000 square feet. The revised plan had reduced the square footage by 30,600 square feet. Mr. Zeigler referred to the presentation to show where the proposed entrances would be located. There would also be private use only carwash located on the property with the entrances off Route 273 and Marrows Road. He then displayed recently taken photographs of the proposed to show the proposed views, which buildings were to be demolished, and the former entrances. DelDOT was involved with the project and Mr. Zeigler stated DelDOT approved and supported the project. The project would reduce the entrances to the property from five down to three. He added that the site would have green technology with a plan to eliminate the underground stormwater management system through the Construction Improvement Plan process to enlarge the bio-retention areas. The site had also been through the DNREC (Delaware Department of Natural Resources and Environmental Control) process and has been remediated. An underground storage tank was removed, and the wells were being monitored on site.

Mr. Clifton brought the discussion to the table.

Mr. Hamilton asked if the pictures were from the previous presentation and Mr. Zeigler stated yes. Mr. Hamilton did not have any additional questions.

Mr. Markham questioned why there was a reduction of buildings. Mr. Camp stated the plan was not to downsize. He explained that they had found was that there were certain things with the property which would have kept them from building all the structures on the property. The decision was then made to move the Honda portion of the business to the new location and then recondition the existing Honda building to house the Kia and Mazda portion of the business.

Mr. Horning did not have any questions. However, he did disclose that he had purchased two vehicles from Martin Honda and as an attorney has used McBride and Zeigler. He did not feel that this would impair his judgement to vote.

Mr. Lawhorn asked for a rough idea of how the property would look with the change to the parking lot and the bio-retention pond. Mr. Zeigler stated the rendering would still be the same.

Mr. Clifton opened the discussion to public comment.

Andrew O'Donnell, District 3, asked if the green technology included EV charging stations for when Honda eventually moves to electric vehicles. Mr. Camp stated there were charging stations within existing facilities because Honda has a plug-in hybrid. The infrastructure for conduits to run more robust charging stations once the technology becomes adopted was also in place.

Mr. Clifton brought the discussion back to the table and then entertained any motion since there was no other discussion.

MOTION BY MS. HUGHES, SECONDED BY MR. LAWHORN: MOVE FOR COUNCIL TO APPROVE THE PROPOSED ADDENDUM TO THE DECEMBER 28, 2016 SUBDIVISION AGREEMENT BETWEEN MARTIN HONDA AND THE CITY OF NEWARK, WHICH REDUCES THE NUMBER OF PROPOSED SERVICE GARAGE STRUCTURES FROM THREE TO ONE AND ELIMINATES THE CONSTRUCTION OF A PARKING DECK AS IT WILL NOT HAVE A NEGATIVE IMPACT ON NEARBY OR ADJACENT PROPERTIES AND BECAUSE THE ADDENDUM COMFORMS TO THE LANDUSE RECOMMENDATION IN THE COMPREHENSIVE PLAN.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

22. 8. FINANCIAL STATEMENT: (Ending March 31, 2019)

(Secretary's note: Item 10-A was discussed before Item 8)

03:00:55

Mr. Del Grande presented the March financials and explained that the estimated expenditures based on the first quarter of activity did not show any significant issues. The spending activity through March reflected a positive Seasonal Expenditure variance of \$367,000. At this point it was a positive sign and would help any revenue shortfalls through the end of the year. Most of the positive variances were due to the number of employment vacancies as Mr. Coleman had mentioned earlier. This number would decrease slightly as the positions become filled. Overall the Operating Revenue was \$211,000 below the budgeted expectations through March. This was mainly due to utility sales being lower than anticipated in electric, water and sewer. However, it was a \$58,000 improvement from February.

The overall utility revenue through March was \$243,000 less than the 2018 year-to-date. That equated to \$16.7 million versus \$16.5 million. Mr. Del Grande explained that as the weather changed there would be some improvements. The hotter weather could bring in more utility consumption.

If the City met the utility sales expectations for April through December it would be between 0.6% and 1.4% under budget for the entire year per each utility. There was enough time in the year to make up the difference. The City non-utility revenue have been consistent, with no early warning signs to cause any concerns. The Lodging Tax had recorded \$234,000 through April and with graduation approaching the number should grow through June and July. In 2018 the Overall-Current Net Surplus through March, which includes both expenditures and revenues netted against the other, resulted in a \$150,000 positive variance. That was \$25,000 less than what staff had for the month of February.

The Cash Balance at the end of March was \$37.3 million. That included \$22.5 million in Long Term Cash and \$14.8 million in the Daily Operating Cash account. The electric Regulatory Asset or Liability account had a credit balance of \$1.5 million which was a \$100,000 decrease from last month. It would be managed through the 2020 RSA (Revenue Stabilization Adjustment).

Mr. Clifton opened the discussion to questions from the table.

Mr. Markham understood that it has only been three months and there seemed to be quite a bit of negative variances. However, in the fourth month he may have questions. Mr. Markham knew the reference to the word "immaterial" in the report and asked to have it explained. Mr. Del Grande explained that "immaterial" meant that it was not considered to be significant change of numbers regarding the current projections.

Mr. Markham asked if the RSA was in full effect and Mr. Del Grande responded yes. Mr. Markham was glad of the short-term interest and thought it was a smart idea.

Mr. Markham stated Council used to receive information regarding the reservoir savings. He believed that it used to save close to \$1 million per year in safe water purchases. Mr. Markham requested to be provided with the number again because it was a big number to not be accounted for. Mr. Coleman stated the calculation has been updated the calculation last year and the reservoir has fully paid itself off. Mr. Markham said that it had not paid off its bond. Mr. Coleman added enough money was saved to offset the cost of the project but yes, the bond was still active. Mr. Markham stated it was important and would like it to be reflected when projects pay the City back.

Mr. Hamilton asked if there were still blocks available to purchase on McKees Lane. Mr. Del Grande stated yes. Mr. Coleman added that it was a relevant question that had been discussed. It was discussed to make a recommendation to Council to increase the number of blocks a person could buy because there were unsold blocks. There may not be enough of a demand of individual block owners, so the rest should just be sold off.

Mr. Clifton asked Council for a motion for acceptance of the Finance Report as there were no further questions from the dais. Mr. Markham asked if it should be opened to the public.

Mr. Clifton opened discussion to the public and as there were no comments, the discussion was brought back to the table for votes.

MOTION BY MR. CLIFTON, SECONDED BY MR. LAWHORN: MOVE COUNCIL TO ACCEPTANCE OF THE FINANCE REPORT.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

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

24. 11-B. OTHERS: None.

25. MOTION BY MR. CLIFTON, SECONDED BY MR. MARKHAM: ADJOURN THE MEETING TO ENTER INTO EXECUTIVE SESSION.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.

26. Meeting adjourned at 10:37 p.m.

Tara A. Schiano
Acting City Secretary

/dmp