

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

July 22, 2019

Those present at 5:30 p.m.:

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

Absent: District 5, Jason Lawhorn

Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Chief Communications Officer Kevin Liedel
Assistant to the Manager Jeff Martindale
Electric Director Bhadresh Patel
Finance Director David Del Grande
Parks and Recreation Director Joe Spadafino
Planning and Development Director Mary Ellen Gray
Deputy Police Chief Kevin Feeney
Sergeant Gerald Bryda
Public Works and Water Resources Director Tim Filasky

1. Mr. Clifton called the meeting to order at 5:30 p.m.
2. **EXECUTIVE SESSION**
 - A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) 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) (9) for the purposes of personnel matters in which the names, competency and abilities of individual employees are discussed.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: THAT COUNCIL ENTER EXECUTIVE SESSION A, PURSUANT TO 29 *DEL. C.* § 10004 (B)(4) FOR THE PURPOSE 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 PURSUANT TO 29 *DEL. C.* § 10004 (B)(9) FOR THE PURPOSES OF PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED. VOTE 6 TO 0.

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

3. **RETURN TO PUBLIC SESSION**

1:00

Mr. Clifton reported no action was taken for both Executive Sessions.

4. **SILENT MEDITATION & PLEDGE OF ALLEGIANCE**

1:06

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

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

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

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

1:44

Representative Paul Baumbach expressed thanks to the City for the Food and Brew event. He announced he is looking forward to the City's participation with the Local Service Fee Task Force. He hopes the first meeting will be Wednesday, July 31, 2019 dependent upon appointments coming in the next 48 hours so seven-days notice can be provided. He noted due to the number of items to address, there will be aggressive scheduling with many meetings to ensure the work is completed by the end of the year. He hoped this will lead to a path both the City and County can agree to along with other municipalities throughout the County. He noted there is considerable work ahead but hopes for a great outcome. He referenced the CSX agenda item and noted the State Legislators are united to ensure it is a state-maintained road and not shut down. He said he is looking forward to partnering with the City and DelDOT on that matter. He noted there are many plans developing.

7. 2-B. **UNIVERSITY**

(1) Administration

3:29

Caitlin Olsen, University of Delaware Administration, announced new student orientation is coming to an end. She noted student move in weekend is August 24, 2019 and the first day of classes is August 27, 2019. She said the University is working with the Parking Department to develop a plan that will enable the cars to get in and out of the City smoothly. She will provide an update with additional information when it is available. She announced that UD is ranked among the top 25 Public Universities Providing the Best Return on Student's Investments. She explained this ranking highlights the 50 schools that provide students the highest salaries for their tuition dollars. She noted it was a great ranking to receive. She told all that the University is one of the sponsors for Community Bike Days, taking place from September 3rd throughout the week with nightly events. She said the Family Fun ride is on morning of September 7th. She stated the information is on BikeNewark. She has a meeting with them on July 23rd to obtain more information but noted three of the nights are in Newark parks and one night is on the campus. She announced this will take place all around the City.

Ms. Wallace asked if the public parking link has been made more visible on the UD parking page. Ms. Olsen responded that she approved the change but has not looked to see if it is public yet. She pointed out that it is the slide at the top of the page saying, "Looking for Parking on Main Street." Ms. Wallace said she will check the site. Ms. Olsen thanked Ms. Wallace for the reminder.

Mr. Clifton thanked Ms. Olsen for the response on the issues at the University Courtyard. He recalled his concerns at the last meeting about some issues that were brought to his attention. He was made aware that the previous owners painted over the sprinkler heads. He noted that the University is taking care of all the issues and replacing everything. He expressed a major concern about how effective the sprinklers would be in the event of a fire. He thanked Ms. Olsen for their work.

Ms. Olsen confirmed the University is upgrading the whole property.

8. 2-B-2. **STUDENT BODY REPRESENTATIVE(S):** None

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

6:57

Mr. Coleman announced there is a new audio recording system. He said this is the first meeting with the new system and noted there was an issue at the last meeting with the previous system. He told all that the City will be converting the Network Administrator III position to a second Lead Desktop Support person with hours that are later in the day to provide coverage for Council meetings, for later shifts in the Police Department and City employees that are working late. He noted the IT person, Lee Ellingsworth, was present to troubleshoot this week's meeting.

10. 2-D. **COUNCIL MEMBERS:**

7:49

Mr. Markham:

- Noted the strong heat, heavy rains and said he was curious how the infrastructure has held up on electricity and runoff issues. He requested a short update on that.

Mr. Hamilton:

- Thanked the University of Delaware Police who met with the Old Newark Civic Association a couple of weeks ago and will be meeting with them again in the future. He noted it was a very productive meeting. He appreciated the reach out. He noted Mr. Clifton was in attendance also. He believes we are set to move forward in getting more cooperation to make the neighborhoods a better place to live and integrate in the students to educate them in understanding their part in the community.

Ms. Hughes:

- Met with a Yorkshire resident and added approximately six residents over the past few months, but mostly over the last few weeks, had contacted her about flooding in their neighborhood. She noted there are certain areas in the City that are unable to handle the flow of water. She suggested a task force to address the issue. She requested direction from Council on this matter in hopes for resolution. She explained that oftentimes, flooding is a result of things that may be out of the City's control such as trees that mature and changes the flow of water, grading that has changed; or even a new shed may change the grading where the flow of water migrates differently. She believes this is a huge issue for the homeowners and hopes the City can aid those affected by it.

Mr. Coleman suggested Ms. Hughes contact him if she receives a drainage complaint; he will then schedule a field meeting with the Public Works team to review the grading and see if the problem can be identified or provide information on a path forward. Ms. Hughes asked would she come directly to Mr. Coleman if she received a drainage complaint in the future. Mr. Coleman confirmed that was fine.

Mr. Clifton:

- Expressed he thoroughly enjoying the Food and Brew event even with the extremely high outdoor temperatures. He said he is looking forward to next year's event. He said he was able to get to four or five establishments that day. He noted the Wine and Dine, and the Food and Brew are two great events.

11. 2-E. **PUBLIC COMMENT:** None

12. 3. **APPROVAL OF CONSENT AGENDA:**

- A. Approval of Council Meeting Minutes – July 8, 2019
- B. Receipt of Alderman's Report–July 9, 2019
- C. ***First Reading – Bill 19-19*** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Creating an Exemption to the Alcohol Prohibition in City Parks for Special Events as Approved by City Council– ***Second Reading – August 12, 2019***
- D. ***First Reading – Bill 19-20*** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Removing No Parking Restrictions on Portions of Haines Street, Lovett Avenue and Center Street, Making Portions of North Chapel Street No Parking, Requiring Head-in Parking in Off-Street Parking Lots, Setting Off-Street Parking Lot Meter Rates, Limiting Free Handicapped Parking to On-Street Parking, and Updating Language Regarding Parking Meter Holidays– ***Second Reading – August 12, 2019***

12:55

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

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

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

- A. Appointment of John Mateyko to the Vacant District 4 Position on the Community Development/Revenue Sharing Advisory Committee for a Term to Expire March 15, 2021

14:04

Mr. Hamilton announced he was recommending Mr. Mateyko forward to ask Council to approve his appointment to a term to expire March 15, 2021 on the Community Development/Revenue Sharing

Advisory Committee. He gave a brief introduction of Mr. Mateyko and noted he was in the audience and available to answer any questions.

There were no questions from Council or the public.

MOTION BY MR. HAMILTON, SECONDED BY MS. WALLACE: TO APPOINT JOHN MATEYKO TO THE VACANT DISTRICT 4 POSITION ON THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE FOR A TERM TO EXPIRE MARCH 15, 2021.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

15. 5-B. APPOINTMENT OF KARL KADAR TO THE VACANT DISTRICT 6 POSITION ON THE PLANNING COMMISSION FOR A TERM TO EXPIRE SEPTEMBER 15, 2020

15:58

Mr. Markham announced he was nominating Karl Kadar and gave a brief introduction of the candidate. He asked Council to approve his appointment to a term to expire on September 15, 2020 on the Planning Commission. He noted Mr. Kadar was in the audience and available to answer any questions.

There were no questions from Council or the public.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: TO APPOINT KARL KADAR TO THE VACANT DISTRICT 6 POSITION ON THE PLANNING COMMISSION FOR A TERM TO EXPIRE SEPTEMBER 15, 2020.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

Mr. Markham asked when Mr. Kadar's first meeting was. Ms. Bensley reported it would be July 30, 2019 and noted it is a Special Meeting.

16. 5-C. APPOINTMENT OF ROBYN O'HALLORAN TO THE VACANT AT-LARGE POSITION ON THE CONSERVATION ADVISORY COMMISSION FOR A TERM TO EXPIRE MARCH 15, 2022

17:44

Mr. Clifton announced he was nominating Ms. O'Halloran and gave a brief introduction. He asked Council to approve her appointment to the At-Large Position on the Conservation Advisory Commission (CAC) for a term to expire March 15, 2022. He announced she would be filling the unexpired term of Kass Sheedy. He noted she is available to answer questions.

The Chair brought the discussion back to the table.

Mr. Hamilton asked when she is due to graduate. Ms. O'Halloran answered she is due to graduate in 2021. She noted she may consider graduate school at the University of Delaware but is uncertain at this time. Mr. Hamilton noted the term end is 2022. Ms. O'Halloran confirmed she is aware that the term expires in 2022. Mr. Hamilton thanked Ms. O'Halloran.

There were no questions from the public.

MOTION BY MR. CLIFTON, SECONDED BY MS. WALLACE: TO APPOINT ROBYN O'HALLORAN TO FILL THE UNEXPIRED TERM OF KASS SHEEDY AS MAYORAL APPOINTMENT ON THE CONSERVATION ADVISORY COMMISSION FOR A TERM TO EXPIRE MARCH 15, 2022.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

Mr. Clifton thanked all who serve on a Board or Committee in the City of Newark. He wanted to recognize all their efforts and he extended his appreciation to every person serving on those committees.

17. 6. SPECIAL DEPARTMENT REPORTS:

A. Resolution No. 19-__: Fixing a Time and Place for a Hearing on the Vacation of a Portion of Washington Street

20:39

Ms. Bensley read the title of the resolution into the record.

Mr. Bilodeau stated under City Code there has been a petition filed to vacate a portion of Washington Street located in George Reed Village. He said it is a road that was never built. He said under Code, it was necessary for Council to pass a resolution and set the time and place for the public hearing on the petition to vacate that portion of the road. He noted the resolution indicated the meeting will be held on September 9, 2019 at 7:00 p.m. in Council Chambers. Mr. Clifton asked if that meeting is the second meeting of the month. Ms. Bensley answered it would technically be the first meeting of the month because there would be no meeting due to the Labor Day holiday. She acknowledged it was the second Monday of the month. Mr. Bilodeau requested a motion to adopt this resolution.

The Chair brought the discussion back to the table.

Ms. Wallace asked if this would merely be a housekeeping issue. She asked if Council was scheduling the hearing only at this point. Mr. Bilodeau confirmed that is the case.

There was no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING: THAT COUNCIL ADOPT THE RESOLUTION FOR A HEARING ON THE VACATION OF A PORTION OF WASHINGTON STREET ON SEPTEMBER 9, 2019 AT 7:00 P.M. IN COUNCIL CHAMBERS.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

(RESOLUTION NO. 19-T)

18. 6-B. DISCUSSION AND DIRECTION TO STAFF REGARDING THE CSX REQUEST TO CLOSE THE CASHO MILL ROAD UNDERPASS – CITY MANAGER

24:11

Mr. Coleman stated there was a request from CSX to DeIDOT to close the tunnel on Casho Mill Road under the CSX rail line. He said Representative Baumbach was the most familiar with this matter and thanked him for still being present. He told all that CSX has initiated the process for closure by sending the letter to the state requesting their support on the issue. He said DeIDOT has not responded to CSX, however, DeIDOT has informed the City that they are adamantly against the closure. He noted railroads are regulated at the Federal level and have broad exemptions from much of the state and local regulation interference. He explained under the Senior Rights legal defense; the City may have some leverage to stop the closure if it can be proven the road was there first. He is uncertain if CSX is adamant about closing the tunnel or just set on the safety issue. He stated until DeIDOT responds to CSX, and the meeting between the two entities is scheduled to discuss the matter in detail, the City will not know CSX's primary interest on this matter.

Representative Baumbach believed the letter from CSX showed a low level of professionalism. He stated when the letter referred to Casho Mill Road underpass as being a low volume artery, it bordered on gross incompetence. He noted the letter from CSX was not well drafted, was not well presented nor was it supported. DeIDOT, the City of Newark and Senator Coons' office are involved in the matter. He said they are doing all that they can to make certain that justice and the City of Newark prevails. He thought it was possible they were referring to McKees Road which has low traffic volume and matches their description, yet CSX referenced Casho Mill Road. He believes as a city and state, the decision to close McKees Road would be acceptable. He said it appears there is more going on in this matter and he would like to state that the defense of why they want Casho Mill Road closed does not match the facts. He believed everyone agreed it is important to reduce vehicles striking the bridge. He said he is working with the City, DeIDOT, the legislature and his colleagues to develop advanced approaches to reduce the

vehicles from striking the bridge. He hopes that all parties will be able to get past the “silliness” of CSX’s initial letter to a more constructive and respectful process resulting in a positive outcome.

Mr. Clifton expressed appreciation for everyone’s efforts on this issue. He said he will be offering direction to Messrs. Coleman and Bilodeau to draft a resolution to the state voicing City Council’s support of DeIDOT and the direction in which they are going.

Representative Baumbach responded the current strategy was to have the partners of the City and the legislators make a specific request of DeIDOT for a specific process to reduce the strikes at the Casho Mill Road underpass. He said this has a two-factor system, the main factor was they have Maximum Height Clearance Bars that strikes the vehicle when the vehicle’s perimeter is above the height restriction. He believed it can be very successful if done accurately. He stated this is unorthodox and uncommon. It appears the best way for DeIDOT to move forward is to get a strong request from the stakeholders. He appreciates the City taking that step.

Mr. Hamilton stated he was surprised they asked for permission. He said the automobile industry is changing rapidly and he believes in the very near future, the vehicle will be able to detect if there is an area or road that is unsafe for the particular vehicle. He believed if they just wait a few years for future technology, this would not be an issue.

Representative Baumbach believes in fairness to CSX, their concern is the next few years and how many large trucks hit the bridge at a considerable speed. He said eventually it will threaten the safety of that bridge for the cargo, which is their business.

Ms. Wallace stated this is in her district, but it impacts so many of the districts. She said this structure is one of the main thoroughfares to West Newark. She made mention this may have been CSX’s method of getting DeIDOT’s attention and she remains hopeful that getting the stakeholders together and coming up with a real solution to the problem.

Representative Baumbach added there was an incorrect reporting. The Casho Mill Road underpass was not discussed at the October 2018 meeting. He said the letter from CSX dated July 1, 2019 and received on July 3, 2019 “came out of nowhere.” He noted that was an important fact.

Mr. Markham asked if there was an opportunity to “fix it right.” He was uncertain if there was an opportunity to fix the underpasses at Casho Mill Road and North Chapel Street federally. He noted that he and Representative Baumbach met with DeIDOT and CSX at North Chapel Street. At that time, he noted that CSX gave permission to move forward. The only stipulation was not to touch the bridge. He said the real path forward is to do it correctly. He suggested to fix the one or one and a half lanes at Casho Mill Road so that people can get through and to fix the drainage. He noted those changes would cost a lot of money. He believes if done correctly, it will aid traffic at both areas.

Representative Baumbach explained that anything is possible with partners that are working well together but noted that was currently not the case. He said, “fixing it right,” requires a lot of money and it is clear that CSX is not interested in putting forth the money needed. From a traffic flow perspective, it is not broken. He explained that bringing \$10 million from the Feds to address one of those bridges, in his opinion, if the partners were working well together, the North Chapel Street underpass could be addressed successfully. He said it does not have the drainage issues that Casho Mill Road has. He believes that Casho Mill Road is an engineering challenge and stated that Mr. Coleman could reinforce that.

Mr. Markham said he believed that something must be done at those locations since they introduced this issue. He thought it would be good to get Senator Carper, who is a major train supporter, involved. He felt that Senator Carper could help in mediating some of these issues.

Representative Baumbach stated there are three members on Federal delegation. He mentioned he is a little closer to some of the other individuals than Senator Coons, which is why that was his first “go to.” He announced his personal strategy, if this escalates in any way, is to go to all three and “pull in every chip” he has.

Mr. Markham feels certain that the City must keep the bridge open.

Representative Baumbach said he understands the importance to keep the road open.

Ms. Wallace said that it works for the current traffic flow to that area, but if it were open or widened, it would allow for more growth in that part of Newark. She is uncertain if the residents she has

communicated with would agree to that change. She thought that the residents may be agreeable that North Chapel Street needs to be widened but not Casho Mill Road.

Representative Baumbach responded that when he first moved back to Newark in 1990, he questioned a State Representative at the time why Casho Mill Road underpass cannot be bigger. The response was that he would not want a bigger underpass and would not want trucks and tractor trailers traveling back and forth on Casho Mill Road. He said one lane is not a bad thing, for the reason she said.

Ms. Wallace said besides the strikes, it works.

Representative Baumbach believes in two or four years, there is a way to reduce the strikes to a very low level.

Mr. Coleman noted those are reported strikes. He believes the number is greater than what is reported. That bridge is struck more than any other bridge in the State of Delaware. Casho Mill Road and North Chapel Street combined are struck more than any other bridge in the State combined.

Mr. Horning asked if there was any indication on the process or timing that the closure could occur. He asked if Casho Mill Road was in danger of being closed immediately. He wanted to offer the residents some reassurance that this is not an immediate event.

Representative Baumbach said when this was introduced, he was unsure of the process. He noted that there is a call for a meeting. He explained that the City and Legislators can act in the interim, but a large part of the process is meetings. He said that DelDOT is currently researching the legality of whether they must ask for permission. He said he has not seen a process with neither statute nor timing. He noted Mr. Coleman may have knowledge of this information.

Mr. Coleman confirmed that was not the case. He said he only knows this is the first step.

Representative Baumbach announced that Secretary Cohan wrote to the City that DelDOT firmly opposes the closure of the underpass. He noted that every action that has been taken on the State level is in the right direction.

Mr. Horning extended his appreciation to Representative Baumbach in his efforts with this matter. He said he appreciated Representative Baumbach taking the lead and applauds his working relationship with the other agencies involved. He said he would let the City know of any support he may need in advance of this issue moving forward. He stated as long as the right communication and progress is occurring, he is happy to see Representative Baumbach taking the lead in this matter. He explained that he discourages multiple people calling DelDOT, possibly confusing things and by attempting to contact CSX. He expressed that Representative Baumbach is handling this issue appropriately.

He made a point to his constituents that CSX is similar to the University of Delaware with how intertwined our daily lives are. He noted this is a long-term relationship regardless of the opinion. He is hopeful the City is getting the attention of CSX and can have the right discussions on the data that was mentioned.

Representative Baumbach thought the analogy to the University of Delaware was apt. He noted that the University of Delaware does not go to the City Council and request permission to do something. They just inform the City what is to occur and will keep them updated on the progress. He said that sometimes the University of Delaware will say they are thinking of something and ask the City Council for their input. He explained that CSX has full control in this matter. As a State Legislator, he has no control over CSX. Interstate commerce is regulated by the Federal government. He said he has federal delegation contacts and noted there are some things that are within the City's purview. However, City Council is limited in what it can do. He said that is why they just try to work together and get the needed support to move forward.

Mr. Horning asked as a state elected official, is Representative Baumbach taking lead in this as opposed to Senator Sokola.

Representative Baumbach confirmed he is taking lead in this and coordinating, as he can, with DelDOT, Senator Coons' office and any other state agency as necessary.

Mr. Horning thanked Representative Baumbach.

Mr. Clifton expressed appreciation of all the work Representative Baumbach has done. He echoed Ms. Wallace and said he would always call this the Field of Dreams mentality and if the Casho Mill Road underpass was opened that would exponentially increase the traffic that goes through. The people that travel through are respectful of oncoming traffic and the current system works very well. He suggested that because of the manpower it requires to go out and secure and clear the scene, remove the truck, and any necessary repairs, Mr. Clifton would like the City to explore imposing a fine when a person hits the bridge. He thanked DeIDOT Secretary Cohan for conversing with him about this.

The Chair opened the discussion to public.

Carolyn Zsoldos, District 1, said she is proud to hear how Council is supporting DeIDOT in opposing the closure of the bridge. She said she has been traveling that path on Casho Mill Road for over 50 years and believes it is a vital part of the community. She suggested not bombarding the state legislature or CSX, but rather work with Council in collaborating what can be done as residents. She asked if residents could work on a safety study by suggesting what would happen if the closure should occur and all of the traffic is redirected to Apple Road. She believes it is not just a question of looking at the volume but looking at the all the effects of potential closure. She noted CSX may state it is not their problem. She said as a City and people that support CSX with their property, it is something that should be investigated to help build the case. She thanked Representative Baumbach for spearheading this issue and speaking for everyone.

Mr. Clifton said in his conversation with Secretary Cohan, she is acutely aware of the stress that it would put on the arterial roads throughout Newark. He expressed the City has Secretary Cohan's support.

John Riegner, District 1, said it is convenient for his family to travel the path of Casho Mill Road. He stressed the significant inconvenience it would impose on his family if the underpass was closed and believed it would be harmful to the businesses located on the other side such as Suburban Plaza. He noted that strikes on the underpass are an issue but thought that closing the underpass would be something of a "nuclear option." He suggested researching less severe ways to fix it before considering closing it.

Jean White, District 1, said she uses Casho Mill Road and Apple Road quite frequently. She spoke of a Newark Post article called "*The Friendliest Place in Town*," written years ago by Shirley Tarrant, longtime activist, when traveling on Casho Mill Road at the underpass. She said she thinks of that because when she is traveling toward Elkton Road and there is a line of cars in the other direction, she noted courteous drivers allowing drivers on the other side of the underpass to pass through. She said as the cars are passing the drivers that are waiting for the opportunity to pass through, the driver passing through waves at the waiting driver to signify a gesture of thanks. Each side alternating every few cars. She said this system works very well with one lane. She stated there is more to be done to prevent the strikes. She noted the different height warnings on both sides, even as far as before Barksdale Road. She thought there are things to be done to keep the underpass open. She expressed her desire, and that of others, that the bridge remain opened.

Lily Grosso, District 4, said she is happy to see City Council on the right side of this. She stated she commutes through the underpass daily. She said she does not only commute to the highway through the underpass, but to her place of employment, Kinder Care. She noted that commuting on Apple Road would be an imposition for her.

Sandy Harper, District 1, stated she uses Casho Mill Road frequently. She said the residents would not like large trucks traveling in their community where they have children. She noted there is an elementary school on Casho Mill Road. She said at the times of arrival and dismissal of the students, large trucks traveling on that road would be a safety issue for them. She asked, for the safety of the community and their children, the City to seek other alternatives than opening the bridge.

Jim Burns, District 1, thought the overwhelming number of bridge strikes are from drivers of small box trucks, rental trucks, U-Haul trucks and not Mack trucks. He said the City can be creative in working with DeIDOT and the State to propose ways to reduce strikes. He was impressed by Mrs. White's comments about the friendliness of people when passing. He said it was a "brief ray of sunshine in an otherwise gloomy day." He suggested moving beyond that. He said it is possible to put a single red or green traffic light on both sides. He noted an otherwise distracted truck driver, at a red light, may be alerted to the sign that warns of the height maximum of 8 feet 7 inches. He mentioned the Lincoln Tunnel warning system but instead of plastic, he thought chains would aid in alerting a driver to stop because their vehicle is above the height maximum for the road. He suggested coming up with creative ways as a

City to work together with CSX in finding an alternative solution because closing Casho Mill Road bridge is the nuclear option, which can be avoided. He thought, as a City, we are creative enough to do that.

The Chair brought the discussion back to the table.

Mr. Clifton said he thought Mr. Hamilton mentioned that commercial trucks, commercial buses, coach buses all have commercial GPS systems, unlike the consumer GPS. He echoed Mr. Burns that rental trucks are a concern in the number of bridge strikes. He mentioned a strike that involved a truck with children in the overhead compartment. He believes there is much more to be done to educate people on this. He said he is not sure what the state can do to require rental trucks, in the Newark area, to be equipped with commercial GPS. He noted that just made sense.

Ms. Wallace stated she used a rental truck company which notified her about the bridge height restriction. She thought the rental companies are doing what they can to inform their customers about roads with height restrictions. She noted companies would not want their equipment damaged. She explained that it is the irresponsible drivers that are the problem and that is where a solution is needed.

Mr. Coleman noted the Lincoln Tunnel was brought up in the meeting several times. He noted the Lincoln Tunnel idea is something the City has been conversing with DeIDOT about for several years. He explained it has not happened yet because there was a concern from the legal department that if a driver hits the height warning, it could become a projectile and hit someone else traveling in the opposite direction or a pedestrian. He noted that was the reluctance to move forward with the idea. He said that it is known there is a safety risk from someone hitting the bridge. He asked at what point is the risk greater from someone hitting the bridge than a piece flying off and striking someone. He stated he had the same idea with the chains and thought if a link or two flies off, this risk is less. He noted Public Works Director, Tim Filasky and Representative Baumbach suggested the Lincoln Tunnel idea around the same time. He stated the Lincoln Tunnel has greater traffic volume than Casho Mill Road. He believes if it works for them, it will work for the City of Newark.

MOTION BY MR. CLIFTON, SECONDED BY MS. WALLACE: THAT COUNCIL DIRECT CITY MANAGER TOM COLEMAN AND CITY SOLICITOR PAUL BILODEAU TO HAVE A RESOLUTION TO COUNCIL SUPPORTING DELDOT IN ITS FULLEST WITH THE CASHO MILL ROAD UNDERPASS ISSUE TO CSX.

MOTION PASSED. VOTE: 6 to 0.

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

Mr. Clifton thanked Representative Baumbach again and he hoped in two weeks, at the next meeting, the resolution will be available for Representative Baumbach.

19. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:

A. Recommendation to Waive the Competitive Bid Process for the Purchase of Police Uniforms

55:17

Deputy Chief Feeney introduced Sergeant Bryda who oversees the Property Coordinator. He stated for the last ten years the NPD have been purchasing uniforms from Red the Uniform Tailor of Lakewood, NJ. The uniforms were custom fit for each officer. He announced early in 2019 Galls, Inc. bought Red the Uniform Tailor and shortly thereafter, eliminated the manufacturing of custom-made uniforms. He said that due to the number of law enforcement agencies that Red the Uniform Tailor served, the elimination of these custom fit uniforms created a great deal of strain for the uniform industry that offered a similar made to order product to what Red provided.

He stated a vendor has been selected that can build upon the Blauer product that is currently used by the Police Department. He said that The Action Uniform Company of Egg Harbor, NJ has demonstrated that they provide many of the requirements that Red the Uniform Tailor provided including:

- Maintaining the unique measurements of each officer expediting the replacement process,
- Providing excellent customer service,
- Custom fit “off the rack” uniforms to individual officers,
- Consistent prices.

He noted there are many details and specifications required to fit each officer and he noted the police uniform is not a traditional uniform purchase. He said it is their ongoing desire to provide quality and comfort in uniform supply to officers at the most reasonable price possible. He said that evaluating the market for uniform options and the best prices is a process that will be ongoing due to the continuous changes within the uniform industry. He said it is their duty to seek out vendors that can meet the necessary departmental uniform requirements. He stated that it was not within the department's best interest to lock in a multiyear contract.

He asked that Council waive the bid process for the purchase of police uniforms from The Action Uniform Company of Egg Harbor, NJ in accordance with the approved budget.

The Chair brought the discussion to the table.

Mr. Hamilton noted the \$80,000 budget listed in the memo, he asked what the previous year's contract amount was.

Deputy Chief Feeney answered there was not a specific amount and then explained the purchasing process. He said the Property Coordinator places one big order per year usually to replacement of the long sleeve and short sleeve uniforms. Throughout the year replacement is needed for damaged uniforms. He noted that there are specialized units that require different uniforms. He said the only caveat in the contract is they had to order multiples of three.

Mr. Hamilton asked if \$80,000 was designated for a certain number of uniforms.

Deputy Chief Feeney clarified the figure has been consistent for the last five or six years and is the estimated cost to outfit the department. He noted it is less than what other agencies spend. He noted they research each request to ensure that the items ordered are actually needed and noted items are not randomly purchased.

Mr. Clifton asked if this proposal included full duty uniforms.

Deputy Chief Feeney confirmed that is the case. He also explained that tactical uniform can supply them from Class A all the way down. He stated that Red the Uniform Tailor Class B uniform were constructed from a roll of fabric. He noted about three years ago they began using Blauer product, Class C uniform, which would take a certain size and they would take your measurement and then customize to fit. He explained they are more comfortable and what officers prefer. He said it is easier for them to wear than just an off the rack pant or shirt.

There was no public comment.

MOTION BY MS. HUGHES, SECONDED BY MR. MARKHAM: THAT COUNCIL WAIVE THE BID PROCESS FOR THE PURCHASE OF POLICE UNIFORMS FROM ACTION UNIFORM COMPANY OF EGG HARBOR IN ACCORDANCE WITH THE APPROVED BUDGET.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

20. 7-B. CIP BUDGET AMENDMENT AND CHANGE ORDER ON CONTRACT NO. 18-05 – 2018 STREET IMPROVEMENT PROGRAM TO AMEND THE CONTRACT TO INCLUDE IMPROVEMENTS TO MUNICIPAL PARKING LOT #1 (PARKING LOT #1 EXPANSION)

01:00:57

Mr. Filasky said he contacted their 2018 contractor for the Annual Street Improvement Program and asked for a bid to pave and upgrade parking Lot #1 based on the two lots that were purchased from the University of Delaware. He noted they can add 45 parking stalls in Lot #1 to aid the need for parking in the downtown area and hoped that it would be in time for the return of students and to alleviate some of the parking shortage due to DelDOT work being performed on Main Street. He noted it was the same contractor that was used in 2018 which is also 2019's contractor. He noted the contractor offered reasonable pricing based on the location and the type of work that is being completed. He thought they were great prices based on current numbers. He stated they are looking to use the funding from the Parking Waiver Fund which is specifically for adding parking spots in the downtown or a nearby area when

a parking waiver is granted. He said it made sense to use this funding to increase the contract to include Lot #1.

The Chair asked if there were any questions from Council.

Mr. Markham expressed his support of expanding the parking lot and asked how the runoff is from these increased number of parking lots being handled. Mr. Filasky answered there is already a house and a driveway on the parking lot and a pipe that runs directly underneath between the two houses. He noted any additional runoff will enter that storm drain. Mr. Markham reiterated his question asking if there was an increase in the runoff. Mr. Filasky responded there is very slight runoff. He said the additional runoff would go into the storm drain on Delaware Avenue which goes in two directions, with some going towards Academy Street and some toward South College Avenue. He said they are working on the line on South College Avenue because of issues encountered. He believed there is a blockage in one of the junction boxes. He explained they are working with DeIDOT on a solution to access the junction box and to clear that blockage. He said the junction box is buried and once the blockage is removed, Delaware Avenue and South College Avenue will have better drainage. Mr. Markham reiterated Mr. Filasky that runoff is expected but not significant runoff. Delaware Avenue is expected to handle the current runoff and the blockage will be cleared out. Mr. Filasky confirmed that was the case. Mr. Markham asked if the storm water fee would increase because of this. Mr. Filasky confirmed that is not the case.

Ms. Wallace stated the CIP noted the expected return on investment was three to four years and asked if they anticipated it will be lessened due to Mr. Lang's hotel project which will be taking away some of the parking. She said it could not be predicted that the parking will be used even in the summer months and other months. Mr. Filasky answered Lot #1 will be fuller than it has been.

Mr. Horning asked when the expected completion of the repaving and expansion is expected. Mr. Filasky answered they just had the preconstruction meeting for the 2019 street contract which will beginning in early August. He said that the contractor was informed this is priority and expect that to begin in early August also. He noted that the Lot will be closed for several days as it is easier to work while full or partial closures as opposed to working around people driving around. He stated the goal is, weather permitting, to have it completed by students' first day on August 24th or hopefully a few days before. Mr. Coleman stated the critical path includes the deed transfer which Mr. Bilodeau has been working on. He noted there was a slight hold up, but it is cleared up now. He announced that Mr. Bilodeau has been working with UD in the process. Mr. Filasky said that Council approved the demo contract several weeks ago. He said that Mr. Martindale has been working with the contractor to get started on the demo.

There were no comments from the public.

The Chair brought the discussion back to the table.

MOTION BY MR. HAMILTON, SECONDED BY MR. HORNING: THAT COUNCIL APPROVE A TRANSFER OF FUNDS FROM THE PARKING WAIVER FUND TO THE CIP PROJECT V1802 IN THE AMOUNT OF \$46,000 AND APPROVE THE CHANGE ORDER TO CONTRACT NO 18-05 FOR GRASSBUSTERS LANDSCAPING, INC. TO COMPLETE THE EXPANSION OF MUNICIPAL PARKING LOT #1.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Lawhorn

21. 8. **FINANCIAL STATEMENT:** None

22. 9. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**

A. **Bill 19–15** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Temporarily Removing the Right Turn on Red Restriction at the Intersection of Chapel Street and East Main Street

01:07:52

Ms. Bensley read the title of Bill 19-15 into the record.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: FOR SECOND READING AND PUBLIC HEARING.

Mr. Filasky said it was discussed at the Traffic Committee Meeting on June 18, 2019, after a recommendation from several members of the public and the State Legislators, for the Traffic Committee to look into whether it was appropriate not to restrict right turns on red for the duration of the DeIDOT Main Street reconstruction project. He explained that pedestrian safety is the main concern. He stated that the right turn on red is not always followed but it is also challenging to enforce because the sign is so far removed from the actual street. He asked where the Newark Police would pull the violator over while construction is going on. He noted there were discussions with Newark Police Department about it. He believed removing the restriction would be beneficial and to add signage to intersection that will say yield to pedestrians in crosswalk.

The Chair asked if there were any questions from the table.

Ms. Wallace asked if staff had brought this forward to the Traffic Committee. Mr. Filasky answered he does not recall for certain but believed it was staff. He stated they have also received questions in the meetings with DeIDOT and meetings with Representative Baumbach to investigate what can be done to move traffic along during this project.

Ms. Wallace stated this is the biggest traffic impact for a right turn on Main Street. She said that intersection there has a lot of pedestrian traffic and believed that this would create a problem. She said that she wants the cars to be able to flow through but also wants the pedestrians to be safe. She noted that is where she is torn.

Mr. Coleman asked for clarification that the left turns while heading west on Main Street turning South onto Chapel turn against the walk symbol as well. Mr. Filasky confirmed that is the case. Mr. Coleman said that would be a similar situation.

Ms. Wallace said she thought that was a no turn. Mr. Filasky clarified that Mr. Coleman is referring to a left turn onto Chapel from East Main Street. He explained that when Main Street has the green light, the walk signal is up so the turns already must yield to pedestrians. He noted adding the yield to pedestrian signage will help that. He said the lane in front of the church is closed so there is more time to see pedestrians but eventually the side will be switched. He said there will not be any cars between a turning car and the pedestrian crosswalk.

Mr. Markham asked is there going to be a right turn lane available to allow traffic to flow, there is not one currently. Mr. Filasky responded it depends on the phase but currently there is not. Mr. Markham explained that the advantages of a right turn on red is that you have a way around the through traffic. He does not think there is. Mr. Filasky said that there may be an opportunity to work with DeIDOT once that phase is complete and they switch sides, there is the parking lane that is reserved for deliveries. He said there may be an opportunity to add that right turn lane in front of the church once they switch sides. Mr. Markham stated that the church uses that space for weddings, limos, deliveries and interment services. Mr. Filasky stated there is parking in front of the church. Mr. Markham said it is bagged currently. Mr. Filasky confirmed that was the case but there is usually parking in front of the church.

Mr. Markham stated he does not see how this helps in the immediate future. He noted that if a vehicle in the very front of the line can go then someone will move up but once you hit the straight through Main Street, then everything stops. Mr. Filasky said they are trying to bite off small pieces of what can assist the traffic. He stated there is a right off of Chapel to keep people moving on Chapel, if you decide to avoid Main Street, traveling down Cleveland and left on Chapel to avoid sections of Main Street.

Mr. Markham asked is the right turn on red from Chapel onto Main being removed also. Mr. Filasky confirmed this was the case. That is the intent.

Mr. Hamilton said that was not clear in the ordinance. Mr. Markham confirmed he does not see that either. Mr. Filasky if they looked at the amendment of the ordinance, it is East Main Street and North Chapel Street and North Chapel at East Main Street.

Mr. Markham said that may actually help. He noted the sign is hidden as is. Mr. Filasky noted there were discussions with DeIDOT over the years to move the sign up to where the red light is located but there are wires there. He said that DeIDOT does not like to put signs near where there are wires because they can cut them. At the end of the Main Street project, there will be a massed arm with a no turn on red sign on it.

Mr. Markham asked will the sign be better than the sign on Margaret Street and Cleveland. Mr. Filasky responded it will not be as big. Mr. Markham expressed he was not impressed with that sign. He

asked if December 31, 2020 really a good date. He noted they should be completed well before then. Mr. Filasky confirmed that was the case but that was the date that was discussed with Mr. Bilodeau and the Traffic Committee. He noted that they specified that date because they wanted to catch the entirety of the project. Ms. Wallace asked if it will be brought back to Council before then if that were the case.

Mr. Filasky asked is the concern with the project being caught short or caught long. Mr. Markham answered long. Mr. Filasky asked about this being in effect too long. He further asked if the project was completely done in August 2020. Mr. Markham answered if they are moved down and moved down by the Haines (inaudible) and asked should this still be in effect. He suggested that they should reevaluate whether this should be in effect. Mr. Filasky said they went through this with Mr. Bilodeau and determined this was the easiest way to get this done without forgetting it was in there and having to come back. If they are all wrapped up and done by August, he said they could come back for that. Mr. Markham explained that he understood about establishing an expiration date because sometimes a person can forget about housekeeping items.

Mr. Horning thought along the same lines of Ms. Wallace, he liked the fact that a current law is being evaluated to see what can be arranged to temporarily address the delays. He asked was it discussed at the meeting what led to the right turn on red restrictions. He asked if there was anything that needed to be discussed that the current law was intending to address. Mr. Filasky stated he did not know when or why the law was established. Mr. Horning stated he is aware he is putting Mr. Filasky on the spot and would normally ask in advance but he would appreciate any insight Mr. Filasky can provide. Mr. Filasky thought it may have been pedestrian safety along Main Street. He noted that it was agreed that should remain but researching a way to move traffic along. It is a fairly heavy pedestrian traffic area. He said that a ramp on the Southside has already been added and noted the fourth leg of that intersection will increase already heavy traffic. He explained that there are few right turn on red signals. He announced that the fact that there are only two that are being discussed indicates that they have been there for a while or that it was considered with high priority.

Mr. Coleman said this is a situation that will be monitored together with the Police and Traffic Committee and if the City receive complaints going forward, then time will not be wasted coming back. He noted this fell into what can we do to help Main Street.

Mr. Horning confirmed that this is a great idea as long as there is continued dialogue with the Police and staff to come back.

There were no comments from the public.

The Chair returned the discussion to the table.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: TO APPROVE AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE, BY TEMPORARILY ALLOWING RIGHT TURN ON RED AT THE INTERSECTION OF CHAPEL STREET AND EAST MAIN STREET.

MOTION PASSED. VOTE: 5 to 1.

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

Nay – Wallace

Absent – Lawhorn

(ORDINANCE NO. 19-16)

23. 9-B. BILL 19-16 – AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE, BY PROHIBITING PARKING AT ALL TIMES ON THE NORTH SIDE OF COUNTRY CLUB DRIVE EAST OF STAMFORD DRIVE

01:21:32

Ms. Bensley read the title of Bill 19-16 into the record.

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING: FOR SECOND READING AND PUBLIC HEARING.

Mr. Filasky stated this was brought to their attention by Mr. Lawhorn. He noted the site triangle was not sufficient in allowing drivers to see people coming in either direction. The Public Works Department surveyed the triangle to show it was an engineering issue and not a perception issue. He

announced that it was an engineering issue. He said they went out and temporarily restricted parking with barrels and tape after they realized that the cars were in the way. In the process, they communicated with several of the residents of the nearby apartments that were using those parking spaces and there was only one. The found that the one was using it out of convenience. He noted there was plenty of parking in the apartment complex. He said there were no complaints so far and he does not expect any issue going forward.

Mr. Hamilton asked were the people parking their residents of the apartments or students. Mr. Filasky said that the person parking at the spot was from the apartment and was uncertain if they were students. Ms. Wallace said they could be both.

Mr. Hamilton asked when the test was done. Mr. Filasky answered in March. Mr. Hamilton noted there were students there and had sufficient time to submit a complaint. Mr. Coleman said it would have been sooner, but the Traffic Committee meeting was cancelled which pushed it back.

There were no comments from the public.

The Chair returned the discussion back to the table.

MOTION BY MS. WALLACE, SECONDED BY MR. HAMILTON: THAT COUNCIL ADOPT AN ORDINANCE TO AMEND CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE TO DESIGNATE THE NORTH SIDE OF COUNTRY CLUB DRIVE EAST OF STAMFORD DRIVE AS NO PARKING AT ANY TIME.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0

Absent – Lawhorn

(ORDINANCE NO. 19-17)

- 24. 10. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:** None
- 25. 11. **ITEMS SUBMITTED FOR PUBLISHED AGENDA**
 - A. **Council Members:** None
- 26. 11-B. **Others:** None
- 27. **Meeting adjourned at 8:26 p.m.**

Renee K. Bensley, CMC
Director of Legislative Services
City Secretary

/dad