

CITY OF NEWARK
DELAWARE

COUNCIL MEETING MINUTES

August 26, 2019

Those present at 6:30 p.m.:

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

Absent: District 4, Chris Hamilton

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
Parks and Recreation Director Joe Spadafino
Planning and Development Director Mary Ellen Gray
Public Works and Water Resources Director Tim Filasky
Senior Mechanic II Dave Vispi

1. Mr. Clifton called the meeting to order at 6:30 p.m.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (2) for the purposes of preliminary discussion on site acquisitions for any publicly funded capital improvements, or sales or leases of real property.

MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION A, PURSUANT TO 29 *DEL. C.* § 10004 (B)(2) FOR THE PURPOSES OF PRELIMINARY DISCUSSION ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY.

MOTION PASSED. VOTE 6 TO 0.

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

Nay – 0.

Absent – Hamilton.

3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 6:56 p.m. Mr. Clifton reported there was no further action was required from Executive Session.

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

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

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

A. Elected Officials who represent City of Newark residents or utility customers:
None

6. 1-B. **UNIVERSITY**

(1) Administration:

01:48

Caitlin Olsen reported the new Enrollment Management Vice President, Rodney Morrison would start September 1. His previous position was at Stony Brook University. Ms. Olsen noted his duties include attracting, identifying, admitting, yielding and retaining students. He will have oversight of admissions, registrar and student financial services.

She announced a new program, Veterans and College Athletes Together (VCAT) was a free 12-week program for post September 11 veterans. It will include two 75-minute workout sessions and two wellness classes per week. UD student athletes will be paired with a veteran as workout partners. This program includes all veterans, active duty, National Guard and Reserves. It will be held on the STAR Campus and will start on September 3. Further information is available on the UD website.

She mentioned students have returned and the first football game is Thursday at 7:00 p.m. Tailgating will start four hours prior to the game. She added September 3-7 are Community Bike Days. This will culminate on the Saturday morning with a family bike ride. Patriots Day ceremony will be at Olan Thomas Park. Community Day will happen on Sunday, September 15.

Ms. Olsen thanked Code Enforcement and NPD for their hard work during student move-in the previous weekend.

Ms. Wallace asked Ms. Olsen to provide the link for VCAT to Council. She also asked how the student move-in was. Ms. Olsen noted there were some traffic issues and that will be looked at for next year in hopes of making some modifications. Ms. Wallace asked if there were any students not able to find off-campus housing. Ms. Olsen said she had not heard anything from housing to date. She will follow up with them if she hears anything further. She reported she had reached out to the Landlord Association to see if they had anything available in case the University gets any calls. However, she noted the landlords do not typically call UD unfortunately even though they can help.

Mr. Horning asked Ms. Olsen for an overview of any triple rooms being used and how that compares to the recent past. Ms. Olsen said there are some triple rooms but is unsure of the number but will provide the data. She also noted that number fluctuates daily. She stated the Courtyard Apartments were used to buffer some of the overages. There was also a lease for some units at One Easton and are technically under their purview. Mr. Horning asked if any of the local hotels had been utilized. Ms. Olsen said she asked that before student move-in and that was not the plan but she will double check.

Mr. Clifton said he appreciated the invitation from Vice President Jeff Garland to join him the past weekend during student move-in. Mr. Clifton said the process went smoothly because of the staggering move-in times. He received many compliments from out of state parents. Mr. Markham asked this invitation to be extended to all of Council in the future.

7. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker): None

8. 1-C. CITY MANAGER (3 minutes):

10:37

Mr. Coleman reported staff is continuing to work on the Electric Vehicle project. He thanked Porter Nissan for lending the City a Nissan Leaf as an electric demo vehicle for a week. Staff will drive the vehicle for the week and provide their input. City mechanics have looked at the vehicle to familiarize themselves with it. He extended the invitation to Council members to take the vehicle for a test drive. He asked they email Mr. Martindale or himself to set up a time. He reported the Leaf is most likely the vehicle the City would choose off the state contract for the first electric vehicles.

9. 1-D. COUNCIL MEMBERS (7 minutes):

11:28

Ms. Hughes:

- Reported she has been working with Lumbrook residents to institute a plan to tidy up the area and get more lighting to circumvent some recent incidents. She reported she has met with Mr. Coleman and he has provided some excellent ideas that she passed on to the residents.

Mr. Markham:

- Asked if direction was given to the Finance Director regarding the CAC and Green Energy Funds to return with the suggested changes. Mr. Coleman could not recall if staff received direction to do so, but noted they are working to get all the information together and DEMEC is updating their figures. Mr. Markham believes it should still come as a recommendation from the CAC. Mr. Coleman confirmed same.

Ms. Wallace:

- Requested Council receive an update about the Unruly Gathering Ordinance later this semester (by the end of the calendar year)
- Mentioned there was an issue raised by some residents about business sponsorship of Community Day. She believes the appropriate approach by Council was to have an opportunity to review the sponsorship policies. She asked that be provided to Council. She does not believe it needs to be included on an agenda.

Mr. Horning:

- Commented the Parks on Drafts was a successful initial event without any issues or concerns. He hoped going forward the successful process would be replicated.

10. 1-E. PUBLIC COMMENT (5 minutes per speaker) (15 minutes):

15:20

Lee Mikles, co-owner of Grain Craft Bar + Kitchen, reported that from his perspective the event went very well. There were no incidents and attendees seemed very happy. There were some great comments from the community and outside visitors as well. He said he and Messrs. Coleman and Spadafino will meet during the upcoming week to debrief. He reported that \$1,804.00 was raised for the scholarship fund.

Ms. Wallace shared that her eight-year-old nephew thoroughly enjoyed the event as well. Mr. Clifton said he appreciated seeing young families in attendance.

11. 2. APPROVAL OF CONSENT AGENDA:

- A. Approval of Council Meeting Minutes – August 5, 2019
- B. Approval of Council Meeting Minutes – August 12, 2019
- C. Receipt of Alderman’s Report – August 9, 2019
- D. Recommendation for a Change Order to the Contract for the Removal and Disposal of Material Containing PCBs at the Rodney Stormwater Pond and Park
- E. Recommendation to Award Contract No. 19-05 – Furnishing Labor and Equipment for Yard Waste Processing

17:23

Ms. Bensley 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: 6 to 0.

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

Nay – 0.

Absent – Hamilton.

12. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS: None

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

14. 5. SPECIAL DEPARTMENT REPORTS:

- A. **Resolution No. 19-__**: A Resolution in Support of the Delaware Land and Water Conservation Trust Fund Grant Application on Behalf of the City of Newark to Fund the Construction of ADA Compliant Restrooms for Preston’s Playground in Newark Reservoir Park at 240 Old Paper Mill Road (*See Items 5-B and 5-C*) (10 minutes for Items 5-A, 5-B and 5-C)

18:17

(Secretary’s Note: The public hearing for items #14, 15 and 16 were held simultaneously.)

Ms. Bensley read the proposed Resolutions into the record by title.

Mr. Spadafino said the City Parks and Recreation Department has applied for three outdoor recreation parks and trails grants through the State of Delaware – \$200,000 for the White Clay Creek Bridge Project, \$50,000 for Preston’s Playground and \$50,000 for the Old Paper Mill Park design and parking lot installation. He noted that part of the process for the Outdoor Parks and Recreation Trails Grant Program is to ensure that Council is aware of and supports the project moving forward should the grant funding be provided.

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

Mr. Horning referenced the stewardship responsibilities of the City and he asked if there are any special conditions attached to be mindful of. Mr. Spadafino explained it is maintenance and there is also a 20% match which the City would meet without any difficulties for all three of the projects.

Ms. Wallace asked if moving forward (she referenced the White Clay Creek bridge project lights not being included) if the grants preclude going back and asking for additional funds for that project. Mr. Coleman stated the lighting is not included in the original contract but the City is not precluded from spending the money on lighting.

Mr. Markham said these grants will offset or replace any Newark funds and he confirmed the City has had good luck receiving funds in the past. Mr. Spadafino agreed and stated the state has a good program and the City has a history of completing projects and these projects are in the que and ready to go which helps their chances.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: THAT COUNCIL SUPPORT A RESOLUTION IN SUPPORT OF THE DELAWARE LAND AND WATER CONSERVATION TRUST FUND GRANT APPLICATION ON BEHALF OF THE CITY OF NEWARK TO FUND THE CONSTRUCTION OF ADA COMPLIANT RESTROOMS FOR PRESTON'S PLAYGROUND IN THE NEWARK RESERVOIR PARK AT 240 OLD PAPER MILL ROAD.

MOTION PASSED. VOTE: 6 to 0.

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

(RESOLUTION NO. 19-Y)

15. 5-B. **RESOLUTION NO. 19-__ : A RESOLUTION IN SUPPORT OF THE DELAWARE LAND AND WATER CONSERVATION TRUST FUND GRANT APPLICATION ON BEHALF OF THE CITY OF NEWARK TO FUND PHASE I OF THE OLD PAPER MILL PARK DESIGN PLAN AND PARKING LOT INSTALLATION (See Items 5-A and 5-C)**

22:55

(Secretary's Note: The public hearing for this item was held under item #14.)

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: THAT COUNCIL SUPPORT A RESOLUTION IN SUPPORT OF THE DELAWARE LAND AND CONSERVATION FUND GRANT APPLICATION ON BEHALF OF THE CITY OF NEWARK, DELAWARE TO FUND THE PHASE ONE OF THE OLD PAPER MILL PARK DESIGN PLAN AND PARKING LOT INSTALLATION.

MOTION PASSED. VOTE: 6 to 0.

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

(RESOLUTION NO. 19-Z)

16. 5-C. **RESOLUTION NO. 19-__ : A RESOLUTION IN SUPPORT OF THE DELAWARE LAND AND WATER CONSERVATION TRUST FUND GRANT APPLICATION ON BEHALF OF THE CITY OF NEWARK TO FUND THE CONSTRUCTION OF THE WHITE CLAY CREEK BICYCLE AND PEDESTRIAN BRIDGE (See Items 5-A and 5-B)**

23:18

(Secretary's Note: The public hearing for this item was held under item #14.)

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL SUPPORT A RESOLUTION IN SUPPORT OF THE LAND AND WATER CONSERVATION TRUST FUND GRANT APPLICATION ON BEHALF OF THE CITY OF NEWARK, DELAWARE TO FUND THE CONSTRUCTION OF WHITE CLAY CREEK BICYCLE AND PEDESTRIAN BRIDGE.

MOTION PASSED. VOTE: 6 to 0.

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

(RESOLUTION NO. 19-AA)

Mr. Clifton thanked Mr. Spadafino for all his hard work in obtaining grant money.

17. 5-D. RECOMMENDATION TO AMEND THE BUDGET TO TRANSFER FUNDS TO CIP N1801 FOR THE COMPLETION OF CONCRETE DECK AND STAIRS REPAIRS (10 minutes)

24:25

Mr. Martindale reported work to replace the Municipal Building's concrete desk and stairs along the Apple Road side of the building began this month. During the pre-demolition walk throughs, staff and Guardian Environmental Services, who was awarded the contract in April determined that additional work to replace the brick wall between the concrete deck and parking spaces was needed as the wall is deteriorating and was not well routed in the ground as initially assumed. Guardian Environmental Services quoted this additional work at \$33,800, bringing the total for the project up to \$117,555. He noted that \$100,000 was budgeted for this project through the CIP Project N1801 so only \$17,555 needed to be transferred from the general fund to complete the work. Staff recommends taking these funds from the Facilities Building and Grounds Maintenance Contractual Services account to complete the work. This facilities account has \$58,000 or 37% of its remaining total budget for the year, so there is no issue finishing out the rest of the year with the approximate \$40,000 in the account. He noted at this point that Guardian is currently conducting the repair work and has found several additional structural issues related to the previous work completed in the early 1990s. Therefore, additional funds beyond what is requested will likely be needed to complete this project thoroughly. Staff is meeting with an engineer from JMT within the next few days to review what extra work must be done. Since the past work, which was completed poorly, lasted about 27 years, staff anticipates this work if approved will last much longer.

The Chair opened the discussion to questions from the table.

Mr. Markham said he believes this is an unusual circumstance to find that additional work needs to be completed after the contract is approved. He asked if there is a way to do a more thorough job of knowing what a project or job may incur. If not, he is encouraging Mr. Martindale to find a way to do things that any potential issues. He suggested that the original contract may not have been written as accurately as it could have been. Mr. Martindale said with this project in particular a lot of the work was not noticeable on the surface and required additional in-depth work. He said moving forward staff will be doing a more comprehensive look at the contract proposals beyond just the dollar figure. Mr. Coleman reported the only reason this issue was found when it was because the wall was bumped into by a vehicle and totally collapsed. He added the contract was originally put together in house by the Facilities team at the time and they did not employ a structural engineer in the initial review.

Mr. Horning reiterated Mr. Markham's comments and he believes he is a little more sensitive about government contractors of taking advantage of taxpayer funds. He is not speaking of any of these contractors specifically. He added he is counting on staff on the front lines to be aware and cautious of this as they proceed.

There was no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. MARKHAM: THAT COUNCIL AMEND THE BUDGET TO TRANSFER FUNDS TO CIP N1801 FOR THE COMPLETION OF CONCRETE DECK AND STAIRS REPAIRS.

MOTION PASSED. VOTE: 6 to 0.

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

18. 6. RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:

- A.** Recommendation to Award Contract No. 19-06 – Water Main Replacement 2019 (10 minutes)

30:55

Mr. Filasky reported Contract 19-06 is one of the first major projects that will be funded with referendum money. He noted they were able to get favorable pricing and he believes Council will notice there was only one bid come in for the project. He said it was favorable and Mr. Filasky stated he did reach out to some of the other contractors and they stated they had heavy workloads and were unable to bid and complete in the construction deadline. He noted the contractor is able and willing to do up to \$1,000,000 worth of work at the unit prices that are listed on the contract. There are plans and specifications prepared for that additional work, which was anticipated for completion in 2020, but it may be able to be completed this year with Council approval.

The Chair opened the discussion to questions from the table.

Mr. Horning clarified in terms of the submitted bid including the reference it was in line with the engineers estimate. He asked if that was JMT's estimate. Mr. Filasky stated it was an in-house estimate and noted City staff did approximately 90% of the design work in-house. JMT did a small amount of survey work. Mr. Horning confirmed the residents affected were notified. Mr. Filasky said residents were notified during the surveying process. Wilson Road residents in particular had been frequent callers with water issues and will benefit from the water main improvements.

Ms. Wallace was hesitant with such a large contract to just have one bid. She thanked staff to addressing the Wilson Road issues. She contemplated suggesting waiting to have more bids before the project is done. She asked if the project is urgent because it is impacting residents, or would it be wise to wait until such a time when construction changes and there can be more bidders. Mr. Filasky did not think there would be better bids; just more bids. He added this bid is in line with what they expected, they have used this contractor before, and the contractor has done good work in the past. He noted in the past there has been water quality concerns and is therefore a project they are looking to complete. He added if this project is pushed off it will also push off others resulting in a larger contract down the road.

Mr. Markham asked why it is was not mentioned in the memorandum the project would be done with referendum money. Mr. Filasky apologized and noted the referendum authorized the City to use the state revolving loan fund and that is where it was noted there is a 2.48% interest rate for 20 years. Mr. Markham asked that projects being done with referendum money are clearly identified because residents ask. Mr. Filasky noted there is a notation of referendum funding on the CIP sheet last year when this process commenced. However, he noted staff will certainly add it to agenda packet documents. Mr. Markham noted he has heard of issues on Vassar Drive since 2006 so he is relieved this will be rectified.

Ms. Hughes asked for clarification on the timeline of the project. Mr. Filasky hopes to start the project as soon as they are able but with the approach of winter; it can be started now and stopped once the weather is not favorable. The hope was to complete the project by May 2020. Ms. Hughes asked when the bid originally went out. Mr. Filasky reported the bid went out in early July and because they are working with state revolving loan funds the City needed to follow certain guidelines. He reported the loan was closed at \$1 million. Therefore, \$1 million was budgeted and the City will be eligible to take that funding and with Council's approval, the contractor has agreed to do additional work at the same unit prices provided in the bid up to \$1 million that is budgeted for this year. Mr. Coleman said when a project is planned, staff tries to bundle the project that will get the amount right around the budgeted amount.

Ms. Wallace asked that the CIP sheets be included in the projects as it may assist other Council members understanding this project will use referendum money.

Mr. Clifton said he would like to mention he is typically concerned when there is only one bid. Mr. Filasky said in that instance they would compare the last three years' contracts to use as a benchmark. He believes the residents on the west end of town are really looking forward to these projects to provide them relief from the flooding they experience.

There was no public comment.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL AWARD CONTRACT NO. 19-06 – WATER MAIN REPLACEMENT TO REYBOLD CONSTRUCTION GROUP, LLC OF BEAR, DE UP TO THE BUDGETED AMOUNT OF \$1,000,000.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hamilton

19. 6-B. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK, DELAWARE FOR THE PURCHASE OF REPLACEMENT VEHICLES (5 MINUTES)

44:00

Mr. Filasky reported the vehicle being replaced is the water line maintenance vehicle. It is truck 202 and is a 2012 and is the front-line vehicle for water main repairs and water main service. It houses a generator and an air compressor in addition to other equipment needed for repairs. He mentioned it does run all night long during emergencies. He noted Mr. Vispi was present to answer any technical questions as needed. He reported this vehicle has a gas engine as the diesel engine did not fit their needs because of the blow off and the odor it creates in the work area. Mr. Filasky noted staff is confident in the sales and service of both the vendors that submitted bids.

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

Mr. Horning asked about the reference to utilizing the State of Delaware contact and asked if this provides a volume discount or something similar. Mr. Filasky confirmed same. Mr. Horning asked if the bid is waived how does staff know it is a good deal in this situation. Mr. Filasky reported the City has been on the opposite side of this and taken the state bid and had to put it out to bid due to some other circumstances and the bid came in lower than the state. He also mentioned this entails putting out specifications and spending staff time and advertising fees, etc. He reported they did review other bids for this vehicle and staff feels this is a good price. Mr. Horning asked if the timing was driven by current status of the vehicle in question. Mr. Filasky stated that was not necessarily true and is actually on the build of the truck itself as sometimes it takes up to a year to get the vehicles delivered. Mr. Horning asked if this vehicle could benefit from an electric replacement. Mr. Filasky said it was not recommended at this time and there is not enough technology at the price point.

Mr. Markham expressed concern that the vehicle was relatively new (2012) and asked if that was the typical life of these vehicles. Mr. Filasky stated the current vehicle is an F350 and the replacement vehicle will be a F550, a slightly larger truck. He reported over the years they have noticed the 2012 vehicle does not really fit to do the job effectively. He anticipates the 2012 vehicle being able to provide some money back even though it has more hours than miles as it sits idle a lot. Mr. Filasky believes replacing the vehicle at seven years may be the opportune time to do so, enabling them to get some money for them. Mr. Coleman said the original purchase, at the time replaced an extremely large vehicle and staff knew they wanted to downsize and actually took that first existing vehicle and bought two trucks. Unfortunately, he believes they went too far in the other direction and replaced it with a vehicle that was too small. He noted this vehicle is akin to an electric line truck for the Water Department. He noted with line trucks if one truck goes down there is another truck available. However, he reported if this truck goes down there are no other available trucks.

Mr. Filasky noted that Mr. Vispi has a conversion to convert hours to miles so they believe this 2012 vehicle has 225,000 miles in comparison to hours. Mr. Markham said a few years ago the City shifted to the unibody allowing different bodies to be dropped on the back of the truck. He noted this was not one of those. Mr. Filasky confirmed same and reiterated this is specialized with some of the interior electric work.

Mr. Clifton confirmed the new truck is gas. Mr. Filasky confirmed this. Mr. Vispi noted there have been problems in the past with the diesel engines. He also noted this vehicle may need to be onsite and running for extended periods of time and diesel technology is not capable of such use.

There was no public comment.

MOTION BY MR. HORNING, SECONDED BY MR. MARKHAM: THAT COUNCIL WAIVE THE BID PROCESS TO AUTHORIZE THE PURCHASE OF VEHICLE 202, AS OUTLINED IN THE MEMORANDUM DATED AUGUST 12, 2019 FROM BAYSHORE FORD AND INTERCON TRUCK BODIES FOR A TOTAL PRICE OF \$99,481 IN ACCORDANCE WITH MUNICIPAL CODE.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hamilton

20. 6-C. RECOMMENDATION TO WAIVE THE BID AND CONTRACT AWARD – CORRUGATED METAL PIPE (CMP) LINING 2019 (5 MINUTES)

54:28

Mr. Filasky said in 2018 the first lining project was done. The bid was awarded to IPR Northeast, LLC. The company does a geopolymer lining. This lining was chosen from several options in order to line corrugated metal pipes that had deteriorated mostly along the bottom where they stay wet. He noted the biggest obstacle to tackle is corrugated metal pipe deterioration which can result in a collapse. This project will enable staff to clean out the pipe and then essentially grout the bottom of the pipe and reline the inside of the pipe making a new pipe inside the old pipe. The hydraulic efficiency has been evaluated to ensure the pipe has the same capabilities after the lining is complete and they do not anticipate any concern on any of these pipes.

He noted the largest area to replace is area 5, Chrysler Avenue between Shull and Bradford which goes down the back property line of several residences. Therefore, if the pipe had to be replaced it would create extensive disruption to several residences. He noted Wyoming Road east of Pomeroy Trail, one segment received a new outfall on in 2017 and has been functioning well but the pipe upstream is bad, so that pipe needs to be lined.

The Chair opened the floor to questions from Council.

Mr. Markham reminded all this is important to do because there have been pipe collapses on Paper Mill and Old Paper Mill Roads which caused flooding. After replacement that issue was alleviated. He assumes Chrysler Avenue has issues until Rodney is put in. Mr. Filasky stated that was the hope. Mr. Filasky noted one of those repairs mentioned costs approximately \$100,000 and that was an emergency repair and unplanned for. Mr. Markham believes this proactive approach is essential.

Ms. Wallace reiterated what Mr. Markham said and noted the proactive approach is essential. She thanked Public Works and Water Resources for doing a good job and asked that when the notices are sent to residents that work will happen in their area for Council to be included as well. She likes to include the information in her newsletter and social media.

Mr. Horning said with regard to the premature failures and deterioration; he asked if staff has looked into any reimbursement from the manufacturer or is this beyond their warranty. Mr. Filasky noted when the corrugated pipe was initially installed it was supposed to be the pipe that lasted forever, but that it was unlikely any reimbursement would be available.

Mr. Lawhorn asked the lifetime of the corrugated pipe. Mr. Filasky stated the manufacturer claims a life of 50 years.

Mr. Clifton asked where the pipe was replaced on Wyoming Road. Mr. Filasky said pipe was replaced from the back of the curb out into the woods. This replacement will be under the road and will be a crossing from the west side of the bus yard and cross the yard and will be approximately 70 feet.

There was no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING: THAT COUNCIL WAIVE THE BID PROCESS FOR THE 2019 CORRUGATED METAL PIPE LINING PROJECT AND AWARD THE CONTRACT TO IPR NORTHEAST, LLC OF BELTSVILLE, MD, IN THE AMOUNT OF \$241,732.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hamilton

21. 7. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**

- A. **Bill 19-21** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, Regarding Locations of Meetings of City Public Bodies (*See Item 7-A-1*) (30 Minutes for Items 7-A and 7-A-1)

1:01:36

(Secretary’s Note: The public hearing for items #21 and #22 took place at this time.)

Ms. Bensley read Bill 19-21 and the proposed resolution into the record.

MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 19-21.

Ms. Wallace said this matter had been discussed earlier this year and is returning based on the discussion and input from the rest of Council. She believes the list of proposed locations is comprehensive. She noted the way the ordinance is written is any additions or removals will need to return to Council in the form of a new resolution. It allows the City Secretary's Office to make notes to the resolution in the event there are closures of establishments and then update Council. She anticipates the library not being available at some point for example as they will be undergoing renovations in the future.

The Chair opened the discussion to questions from the table.

Mr. Horning reported one resident had mentioned four churches on the list and inquired whether this raised any First Amendment concerns. He said he was glad to see the more expansive list.

Mr. Markham said he is glad the list expanded and contemplated the church locations as well. In his opinion, the ability to be closer to certain neighborhoods outweighs the concerns he originally had. He is glad the list is under Council's control not under staff's control.

Ms. Wallace noted she appreciated the concerns about churches being added to the locations and believes including them on the list is some of these churches are used as polling places, so the City is already mixing government and religion. She also agreed with Mr. Markham in that in some areas of the City this is the only option to hold meetings within a community.

Mr. Clifton said he was really happy to see this come forward and he appreciates the new options available as he had expressed great concern in the past about meeting attendees having to go to meetings in a restaurant where they may feel pressured to purchase something or it may be unclear who is actually attending the meetings. He wanted to make sure the City continues to ensure the public's ability and accessibility to attend meetings. He also wanted noted that Council meetings take place in the municipal building not necessarily in close proximity to projects under discussion and if Council wants to see the project, they go visit the site.

Mr. Clifton opened the discussion to public comment.

Joe Charma, Chair of the former DNP Design Committee, currently the Newark Design Committee, categorically opposed various comments. He appreciated the flexibility of the meeting location options on the list. He still feels that any committee should have the opportunity to meet where they choose, provided they follow the proper FOIA requirements, advertise in accordance with City policy and make the meeting accessible. He noted in the 20 years he has been chairing these meetings he has never had an issue where anyone could not find the meeting, they could not hear. They have had a location or two that turned out to be noisy so they never returned. As such, he believes they can regulate themselves. He believes this may be governmental overreach. He respectfully asks that the flexibility is allowed and give them the chance to prove that it will work. He had sent a prospective list to Mr. Horning, his Council member and some of the places on Mr. Charma's list included locations that are walk-in locations. He asked they be included as well to see if they work, if not they can be removed.

Mr. Charma noted he had several members that said if there is not flexibility on where they meet, they will quit the committee. He does not believe that will benefit the City as they are dedicated volunteers wanting to make the City of Newark better.

Mr. Clifton returned the discussion to the table.

Mr. Markham asked Mr. Charma if the walk-in locations have a designated room or area that would satisfy the requirement of having a noise free meeting area.

Mr. Charma used Panera Bread as an example. He noted it is a very large building. Currently, the committee meets at 8:00 a.m. on the third Thursday of every month. If they meeting attendees sit way in the back, there is no one ever in the rear of the restaurant. He also referred to Café 67, at the Newark Co-Op is quiet as well. He added they are places they have picked because they are quiet.

Mr. Markham asked Mr. Bilodeau if the Newark Partnership is still considered a quasi-governmental organization with the same restrictions at the DNP. Mr. Bilodeau said he does not believe so. It is not affiliated with the City and would not fall under this law. Mr. Clifton said he would beg to differ because the argument was when they jettisoned off the DNP to TNP was this remain under City control and City auspices. Mr. Coleman confirmed same and noted everything went away except the Design Committee and the they remained as an official committee. However, it is still part of the DNP because it

has not been removed from Code. This discussion came up during the prioritization conversation about why it is still on Code.

Mr. Horning asked how the additions of the walk-in locations would be added to the proposal. Ms. Bensley reported they would be added as an amendment to the resolution under 7-A-1 and they would be included as additions to the list.

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING: THAT COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, CODE OF THE CITY OF NEWARK, DELAWARE, REGARDING LOCATIONS OF MEETINGS OF CITY PUBLIC BODIES.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hamilton.

(ORDINANCE NO. 19-22)

22. 7-A-1. RESOLUTION NO. 19-__ : A RESOLUTION APPROVING MEETING LOCATIONS FOR PUBLIC BODIES OF THE CITY OF NEWARK

1:19:10

(Secretary's Note: The public hearing for this item took place under item #21.)

MOTION BY MS. WALLACE, SECONDED BY: THAT COUNCIL ADOPT A RESOLUTION APPROVING MEETING LOCATIONS FOR THE PUBLIC BODIES OF THE CITY OF NEWARK.

Mr. Horning asked if amendments should be considered prior to the vote. Ms. Bensley confirmed that amendments should be considered prior to the final vote.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: TO ADD LOCATIONS NEWARK NATURAL FOODS AND THE PERFECT BLEND TO THE LIST OF APPROVED LOCATIONS FOR THE MEETINGS FOR PUBLIC BODIES OF THE CITY OF NEWARK.

Ms. Wallace said her concern with this amendment is the reason why she brought this forward was based on concerns from residents out at public locations that had either concerns about noise or being able to find the meeting or feeling they could not participate. Additionally, she believes it is a problem having public meetings of a public body at a retail location. She believes it can be somewhat of an impediment feeling that they have to purchase an item. She is not certain this ever happened, but that would certainly be a concern of hers. She believes the proposed list keeps things cleaner in this regard. She recognizes the Design Committee often likes to go out and look at locations. She does believe that could be problematic if the Design Committee is walking around in the middle of the meeting as that impedes participation from the public and she does not think that should be allowed and it could potentially violate FOIA. She believes the committee should do such leg work before the meeting.

Ms. Hughes said her concern is the privacy piece because she does not believe it is easy to sit and conduct a meeting and be able to discuss details of a project without a sense of who is able to listen. She reminded all the list in the proposal gives 18 options and the only difference she sees between what is being offered and what Mr. Charma requested is it is not a restaurant type of environment.

Mr. Clifton said there really is no issue with who is listening but there is a concern with extraneous noise that is interfering with members of the public.

Mr. Markham said he was originally sympathetic adding on these additional places with the caveat the first complaint received but he believes there will be a complaint after the first meeting.

Mr. Horning does want to give this further debate. He noted with his discussions with Mr. Charma he shared his own thoughts that when he originally saw this as an agenda item, his initial thought whether the City was being too bureaucratic or overreaching and he believes considering a potential FOIA violation, that to him was what tipped him over; in that whether the risk benefit analysis is worth it to add the four other locations. He would like to see if there are tangible detriments to any of the committees in meeting at locations other than the proposed approved ones on the list. He suggested getting feedback and perhaps adding potential walk-in locations as the ones proposed in the future.

Mr. Lawhorn said during the first discussion he was initially opposed to this idea as he believes it is a solution to problem that does not exist. In his experience, he has not heard any complaints. He respects that some other Council members have heard some. He appreciates there are many locations on the proposed list, which is helpful, which is why he voted in favor of this. However, in referring to Mr. Charma, he is a member who has led a committee for 20 years who is mentioned he is concerned that he will lose volunteers. Mr. Lawhorn added he is not the first person he has heard this from. He also added he does not believe this is an unfair request from someone who has served the community and is concerned that he is going to lose volunteers over this matter and he believes it is a fair compromise to listen to his experience and trust that his recommendation is a good one. Therefore, he would be in favor of this amendment to add the two locations.

MOTION FAILED. VOTE: 1 to 5.

Aye – Lawhorn.

Nay – Clifton, Horning, Hughes, Markham, Wallace.

Absent – Hamilton.

A vote was taken on the proposed resolution that previously received a motion and a second.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hamilton.

(RESOLUTION NO. 19-BB)

23. 7-B. BILL 19-22 – AN ORDINANCE AMENDING CHAPTER 25, SEWERS, CODE OF THE CITY OF NEWARK, DELAWARE, BY EXPANDING THE SANITARY SEWER SERVICE TERRITORIAL LIMITATIONS (15 MINUTES)

1:30:50

Ms. Bensley read the proposed bill into the record.

MOTION BY MS. WALLACE, SECONDED BY MR. MARKHAM: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 19-22.

Mr. Coleman reported this is the ordinance change required to make the Code match the Charter now that the Charter has been amended to allow sanitary sewer service outside the City of Newark with concurrence in the County.

The Chair opened the discussion to questions from the table.

Mr. Markham welcomed this and noted it makes a difference to properties. He confirmed the subsection being added only to applies to properties within the corporate limits of the City. Mr. Filasky noted this was added by the City Solicitor because they cannot force non-residents to tie in.

Ms. Wallace asked if the cost would be borne by the property owner. Mr. Coleman said in the existing ordinance there is an assessment for the construction costs. It is currently handled contractually and will remain so. Ms. Wallace asked if ongoing maintenance or emergency costs for outside residents. Mr. Filasky said theoretically the sewer fund should fund itself. He also reported the actual rate for an out of town customer has yet to be anticipates it to be similar to the out-of-town water rate and would be somewhat higher than the in town sewer rate. Ms. Wallace how the rate would be set. Mr. Coleman stated it would be a standard rate and the same rate would apply theoretically to all out of City customers.

Mr. Horning asked if there was a current overall percentage of capacity. Mr. Filasky reported he does not have the numbers offhand but noted there is capacity in the entire system. He noted that most of these additions are not full subdivisions but are one-offs here and there which the City certainly has enough capacity for.

Ms. Wallace asked about Covered Bridge Farms, where there is the anticipation of more than just a one off. Mr. Filasky stated the one offs are what is being addressed currently and then the larger full subdivision would be evaluated prior to inclusion. Mr. Coleman believed that JMT's sewer capacity analysis of this basically shows the interceptor there was sufficient capacity for Covered Bridge Farms, but it would still be further analyzed prior to tie in.

There was no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: THAT COUNCIL ADOPT BILL 19-22 AN ORDINANCE AMENDING CHAPTER 25, SEWERS, CODE OF THE CITY OF NEWARK, DELAWARE, BY EXPANDING THE SANITARY SEWER SERVICE TERRITORIAL LIMITATION.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Hamilton

(ORDINANCE NO. 19-23)

24. 8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:

- A.** Request of the Kandra Group, Inc. for the Minor Subdivision with Site Plan Approval of 0.47 Acres in Order to Demolish the Existing Single-Family House, Divide the Existing Parcel into Two Parcels and Construct a Semi-Detached Structure Containing Two Single-Family Homes at the Property Located at 511 Valley Road as Part of the Existing Briarcreek Development ***(Agreement and Resolution Attached)***

1:40:00

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

Ms. Gray said the applicant is seeking a minor subdivision by utilizing the site plan approval provision of the Code. This proposal is for the demolition of the existing structure located at 511 Valley Road and the construction of a semi-detached structure that will encompass the two single-family owner-occupied residences with parking. The proposed structure is intended to replicate the existing architecture within the previously approved subdivision of Briarcreek.

Ms. Gray further added that surrounding the parcel are owner occupied single family residential properties. She noted the more recent subdivision of Briarcreek North was approved in September of 2016. The applicant is requesting site plan approval for three requirements; one is to permit a one-family semi-detached dwelling in the RS zoning district. The second is relief from the 75-foot minimum lot width as they require a 6.23 feet relief; and the third is a side yard variance with asking for a 0 feet on the side yard and 11 feet relief on the aggregate. She further noted the plan complies with Comprehensive Development Plan V and is compatible with low density use. The state had requested the City of Newark require the owners to retain a historic building when the property was developed. The building was never listed as an historic structure in Code and was never a condition of approval of the project.

Ms. Gray said the Planning and Development Department staff recommends approval of the minor subdivision with site plan approval based on the finding the proposed plan meets City Code. She also noted the Planning Commission unanimously recommended Council approve this project.

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

Mr. Markham believed it sounded as if the City dropped the ball when it came to this historic property. He asked what the state would say now since they made the request to keep the property. Ms. Gray reminded Mr. Markham it was merely a recommendation and not a requirement and was noted on the letter marked as Exhibit J. Mr. Markham asked in the future to remind staff when these requests are provided by the state, this type of resolution should be front and center in Council packet so they do not miss the importance of the matter.

Mr. Clifton opened the discussion to comments from the petitioner.

Dan Kandra, owner of The Kandra Group, stated he developed and built Briarcreek back in the mid-2000s. Since that time, he has continued to own the farmhouse and the lot. He has been using the structure to store his construction equipment and his trucks. He reported approximately sixteen months ago to turn his attentions to the farmhouse. He noted he has made the same proposal to the Briarcreek Homeowners Association meeting. He explained the proposal includes demolition of the farmhouse and build semi-detached units and will be in harmony with the existing units both administratively and aesthetically. The 55 and older ownership still applies, and every owner would be a member of the homeowner's association and abide all the rules and regulations. He believes his current residents are in

favor of proposal. He recalled a similar situation with one of his other projects that had a farmhouse that was excluded from the 55 and older restriction. Initially he had the intent of trying to get a buyer for the property that was 55 years or older. He then realized an older home would not work for that age group with the additional work typically necessary for a home that age. In addition, the floor plan was not conducive to their style of living. His attempts to suggest modifications to the floor plan were unsuccessful as well. He did eventually sell the property to a young couple with two children. The other residents in his property in Paper Mill Falls were not happy. He believes his proposal will circumvent that concern. The buyers of the proposed two units will be 55 years and older, children must be over the age of 18 (the restriction for 55 and older).

Mr. Clifton clarified that no one under the age of 55 can be a full-time resident except for a caretaker. Ms. Bensley noted it is RS not AC zoning.

Alan Hill, Hillcrest Associates reiterated the details of the proposed project. He reported that over the years there have been additions to the existing farmhouse structure and as such there is actually very little left of the original building from 1820 and it has started to deteriorate over the last few years. He recapped the three deviations the applicant is seeking relief from. Mr. Hill stated the homes would be LEED certified homes. He also reiterated the architecture would be very similar to the existing design.

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

Mr. Markham asked Ms. Gray if the minor revisions from the August 16 memorandum had been accepted by the applicant. Ms. Gray said they are editorial in nature and noted on page 7. Mr. Hill confirmed the revisions had been accepted by the applicant. Mr. Markham advised he preferred the driveways not be on Valley Road, due to traffic and sight distance concerns. Mr. Hill said they have reviewed the site design and found it to be adequate to meet DelDOT requirements. Mr. Hill said there was some consideration to have driveway access on the side road and his understanding was they preferred for the driveways to come off of Valley Road due to terrain concerns. Mr. Markham asked the City reach out to the state and request they install a historic marker. Mr. Hill said there was no objection to the agreement, but he was concerned it may indicate significant historic value.

Mr. Clifton asked if all the facades matched with the existing homes. Mr. Hill confirmed the same. Mr. Clifton asked what the historical significance is to the farmhouse and when was the structure last occupied. Mr. Hill reiterated Mr. Kandra used the structure most recently as an office and it has been a part-time residence over the last few years that Mr. Kandra owned it. Mr. Hill reported they obtained the date of 1820 from New Castle County records. He added he does not have the dates the additions were completed.

Janine Trochimowicz, District 1 and President of the Briarcreek Homeowners Association, noted they presented at the Planning Commission a petition signed by 98% of the residents in favor of the project. She noted of the only two people who did not sign the petition, one had just moved in and the other person was ill and could not sign. As such, she said the vast majority of the residents are totally in favor of this project. She reported it would complete the community and enhance it. They requested Council approve the project.

Shelley Einbinder, President of Christine Manor Homeowners Association, asked all to refer to Exhibit C, page 2 showing the site plan of Briarcreek North. She noted the actual driveway will face out onto the only entrance and exit into the community. She said the front door and the garages and the entering and exiting directly facing onto a major entryway into a community of more than 40 residences. She asked the developer to consider using the version 4 LEED certification rather than version 3. She noted the version 4 requires receiving registration on the site for it and not build to it. She believes it is very difficult to maintain and track, including all the prerequisites for a project like this. She asked for clarification of what the public notice process entails. She said near her neighborhood is an organization called CHAD (Center for Historic Architecture and Design). She noted it is part of UD and she recommends as part of this application the developer commission this organization to evaluate the historic nature of the property. This is tri-state organization. She reminded all this property is on the Mason-Dixon Line. She mentioned that Valley Road that has significantly suffered from this issue (splitting of properties) and is also run by two different road systems, with significant repair and water issues. She asked the disrepair and maintenance issues be addressed before approval of any permit. She stated she is not officially opposed to this property being developed but believes it is an area of historical interest.

Mr. Clifton returned the discussion to comments from the table.

Mr. Horning asked about the large shade trees provided along Valley Road to enhance the streetscape. He expressed sight distance concerns. He asked they be planted further back from the road to not cause concern. Mr. Hill said the street trees will be kept back outside the sight triangle which is approximately 14.5 feet. Although it moves as it goes along the property line but he stated they will be mindful of appropriate distance to alleviate concerns.

Mr. Horning asked if DeIDOT's letter of no objection has been requested and/or received. Mr. Hill stated he believes it is process. Mr. Horning asked if parking would be permitted along the curb in front of the homes. Mr. Hill stated there will be no on-street parking and there is a turnaround is proposed on the driveway to allow cars to turn around have extra parking. Mr. Horning said he was glad to see this. He asked the current status of Briarcreek North and any traffic impact. Mr. Hill said they are in the process of doing CIP revisions with the Public Works Department. He noted they have reviewed the plan once and his firm is completing the CIP with some additional detail to replace the culvert on Valley Road. He hopes to have the changes to be processed through the City by the end of the year. He noted the entrance is directly across and is considered the safest way of having the entrances. Mr. Coleman stated during the a.m. peak there are seven cars that leave before 7:00 a.m. and during the p.m. peak there are nine. Mr. Horning asked if there have been any issues with the stucco material used in this development. Mr. Hill said he cannot answer to this but he does know the latest requirements of building with stucco are much stricter with water proofing than used previously. In response to Mr. Horning's inquiry about road responsibility; Mr. Hill noted the frontage of Briarcreek is DeIDOT's responsibility. Kayser Court is not a DeIDOT maintained road, but City of Newark.

Mr. Horning asked if it is a deed restriction to keep the age at 55. Mr. Hill said it is tied into the restrictions and the homeowner's documents for Briarcreek and subject to the same restrictions. Ms. Bensley noted in the original subdivision agreement that was approved in 2001 for the Briarcreek subdivision, there is a provision in there requiring the developer agree to restrict the site by deed or other recordable instrument as follows: "So as not to permit the rental of any dwelling units to more than two unrelated individuals and if rented, so as to require that one of the tenants shall be at least 55 years of age and so as to require occupancy by a minimum of one person of at least 55 years of age at the time of a purchase of a dwelling as set force in the United States Code where in the designation "housing for older persons" is defined at 42 U.S.C. Sec. 3607 and the regulations promulgated pursuant thereto." Mr. Horning asked if that restriction had gone through for the existing homes as a deed restriction, which Ms. Bensley confirmed.

Mr. Horning added there was additional information provided by Dr. Jim Jones who is a professor of history at West Chester University. He has provided some walking tours through the City of Newark with regards to history. Dr. Jones has researched and believes the information at the New Castle County Recorder of Deeds is inconclusive of whether the current physical house was constructed at the time. He also reviewed map data beginning in 1849 of New Castle County and found that based on the maps was that the 511 Valley Road home did not exist during the time of 1843-1896 at least when the original family owned it. He believes the house was likely constructed in the first half of the 20th century and has been extensively modified since that time.

Ms. Wallace understands the driveway placement but would have preferred they be constructed on the inside. However, hearing the residents are happier to have them where they are makes sense. She said she is sometimes critical of the site plan approval process but is less concerned with this particularly because of the neighborhood support. Ms. Wallace told Ms. Gray she would have liked to have seen the petition in the packet. Ms. Gray apologized for the oversight. She asked for a future discussion about historic preservation and how it is handled in the City. At some point, she may return to Council but she wants to understand the current process first. She noted whether it can actually be considered a historic home or not, she believes it did fall through the cracks. She wants to make sure moving forward there is a better process. She appreciates the concerns of residents for historic preservation.

Ms. Hughes expressed concerns about resident notification and conditions of the road. She asked for clarification of the notification process. Ms. Bensley said this project is a minor subdivision application which does not have as many notification requirements as a major subdivision, such as the yellow sign not being required. However, Ms. Bensley noted due to past Council comments, this hearing was noticed through the City Secretary's Office as if it were a major subdivision. She noted an advertisement was run ten days ahead of time in the Newark Post. There were also direct mail notices sent to residents who reside within a 500 feet radius of the property. Ms. Gray noted, in addition, the Planning Commission does not have public notification requirements for a minor subdivision. However, they also notified all property owners within 300 feet by mail as if it were a major subdivision.

Mr. Horning asked for resolution regarding the difference between the LEED version 3 and 4. Mr. Hill said they will look into the matter and noted the LEED form they submitted is the form they always submit to the City of Newark. This will be taken into consideration during the building permit process. Ms. Gray noted staff is looking at revising that part of the Code, but the revisions are not there yet.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THE DEVELOPER AGREES TO REQUEST THE STATE OF DELAWARE REVIEW AND CONSIDER THE APPROPRIATENESS OF THE PLACEMENT OF A STATE OF DELAWARE HISTORICAL MARKER AND TO FUND THE INSTALLATION OF SAID SIGN IF APPROVED BY THE STATE OF DELAWARE.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0

Absent – Hamilton

MOTION BY MR. HORNING, SECONDED BY MS. WALLACE: TO APPROVE THE BRIARCREEK LOT 21 MINOR SUBDIVISION AND SITE PLAN APPROVAL PLAN AS SHOWN ON THE MINOR SUBDIVISION PLAN AND SITE PLAN APPROVAL PLANS DATED SEPTEMBER 6, 2018 AND REVISED FEBRUARY 25, 2019 WITH THE SUBDIVISION ADVISORY COMMISSION CONDITIONS AS AMENDED TONIGHT.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0

Absent – Hamilton

(RESOLUTION NO. 19-CC)

25. Meeting adjourned at 9:32 p.m.

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

/tas