

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

September 23, 2019

Those present at 7:00 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
District 5, Jason Lawhorn

Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Acting HR & Labor Relations Manager Mark Farrall
Assistant to the Manager Jeff Martindale
Finance Director David Del Grande
Deputy Finance Director Jill Hollander
Payments & Utility Billing Manager Larissa Jones
IT Applications Manager Daina Montgomery
IT Infrastructure Manager James Reazor
NPD Chief Paul Tiernan
NPD Deputy Chief Kevin Feeney
NPD Captain Michael Van Campen
NPD Sergeant Chris Jones
PSAP & Police Records Manager Brian Cannon
Parks and Recreation Director Joe Spadafino
Planning and Development Director Mary Ellen Gray
Parking Administrator Marvin Howard

1. Mr. Clifton called the meeting to order at 7:00 p.m. He asked for a moment of silence and the Pledge of Allegiance.

2. 1. **ITEMS NOT ON PUBLISHED AGENDA**
A. Elected Officials who represent City of Newark residents or utility customers:
None (2 minutes)

3. 1-B. **UNIVERSITY (5 minutes per speaker):**
(1) Administration:

00:45

Caitlin Olsen reported she had recently forwarded an email to Council announcing a Health and Career fair for veterans. It will be held on November 5, 2019 from 10:00 a.m. 3:00 p.m. She said there are still vendor spots available and also for the veterans' side as well. Anyone can attend and she asked that everyone spread the word.

She distributed UD official fall numbers to Council at the dais. She reported there are more Delaware undergraduate students and the numbers for non-residents remain the same or are slightly down. Part-time student numbers are down. She reported graduate student numbers can increase and then dip because some programs only bring in students every other year. She noted the Vice Provost for graduate studies was still an interim. She said if he becomes permanent or another individual replaces him she will let Council know. She reported the Associates in Arts Program was at the Wilmington, Dover and Georgetown campuses. She wanted to mention the goal of this program was to have the students from that two year degree transition onto the main campus to complete their degree. She noted as the Associates in Arts Program grows, those students will transition over and be included in the numbers and that Council should keep that in mind. Ms. Olsen also mentioned the numbers reflected the enrollment for the total University not just the Newark campus. The final page details first time and transfer students. She asked that Council contact her with any questions.

Mr. Hamilton asked Ms. Olsen to provide the location of the Heath and Career Fair for veterans if it was not included in her email sent earlier in the day.

Ms. Wallace asked for the ESL UD student numbers as well. She asked if the total undergraduate number would be a solid number moving forward. She asked for further updates if the number rises significantly and asked if there a hard goal for the undergraduate enrollment numbers.

Ms. Olsen reminded all the new Vice President for enrollment just started and she will reach out to him for confirmation of numbers.

Mr. Lawhorn asked if UD had any comment in the reduction of student enrollment as he was under the assumption UD was looking for an increase in student numbers.

Ms. Olsen stated no one seemed alarmed as there was more of a national trend and she knows there was an international student situation with getting students on the ground. She will reach out and see if UD will do more of a push. She noted there was a lot of competition and money was a big issue as people are being a lot more vocal about what it looks like to take on a student loan.

Mr. Lawhorn asked Ms. Olsen about the “by class” numbers. He noted the freshman class was down slightly as well as the senior class. He asked if that was normal.

Mr. Horning asked about the reaccreditation the University was going through currently. He asked if Town and Gown relations factor into this at all. Ms. Olsen said she will look into this and report back.

Mr. Horning complimented the UDPD and NPD for working together during a recent burglary incident where the suspect was tracked to a Main Street building and the incident was resolved without incident.

Mr. Markham was able to provide further information about the location of the Career and Health Fair for veterans. He noted the event on November 5th and would be held at the STAR Tower.

Mr. Markham asked if the enrollment numbers are also the number of students that showed up. Ms. Olsen said that was her understanding. Mr. Markham asked if follow up was done for students that do not show up to find out what changed their mind. Ms. Olsen said she believed UD does follow up but she will look into this.

4. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2minutes):

13:12

Megan Mullennix voiced a concern about parking on Lovett Street at the UD Catholic Oratory with long time attendees of the daily mass, especially older and disabled individuals that did not receive adequate communication with the change in parking and unloading. She believed they were in communication with Newark’s Parking Division. She offered support and encouraged better communication with some of those long time groups.

Ms. Mullenix introduced her colleague, Keri Edwards who will partner with her as student liaison in the UD Student Governmental Association. Ms. Edwards also introduced herself and said she was looking forward to working with everyone. Council welcomed Ms. Edwards.

Mr. Clifton stated he believed the parking issues on Lovett Street had been alleviated but if there are further issues he asked to be informed.

5. 1-C. CITY MANAGER (2 minutes):

18:14

Mr. Coleman thanked UD, DNREC, Senator Sokola, and Representative Baumbach for helping fund the Pomeroy Trail Connector and UD for providing the City with the easement. He reported the ribbon cutting was held on September 17th and was very well attended. He thanked Council for attending.

6. 1-D. COUNCIL MEMBERS (5 minutes):

18:35

Mr. Horning:

- Attended a meeting on September 22nd with Aetna regarding their financial reporting and projected numbers. He noted they appear to be going through a reinvention of sorts and possible consolidation of stations due to financial and/or volunteer bases . He asked all to keep Aetna in mind for possible solutions and to be included in the processes.

Ms. Wallace:

- Asked to see if a Parking “Frequently Asked Questions” can be put together for the new kiosks and associated changes. She asked this be included on the City website as well. She also suggested handouts be provided at City businesses. She has noticed many comments on social media about the new parking options. She believed it was better to be proactive than reactive of any misinformation and misconceptions. She reported she used a kiosk on Lovett Avenue and found it user friendly.

Mr. Markham asked if Ms. Wallace believed any of her concerns could be addressed currently while Mr. Howard was in attendance. Ms. Wallace stated one of the misconceptions was that people have to use the app, and they do not. People also do not seem to understand they do not have to return to their original kiosk. Also, people do not seem to know they can use quarters.

Mr. Markham:

- Reported he did not realize he could not use paper money with the new kiosks as he never carries coins. He also added it was a different app than the app he used in Rehoboth Beach, DE.
- Thanked staff for the Millcroft meeting to discuss resetting the site back to a temporary grading/landscaping. He reported residents that attended were satisfied their concerns were addressed.

Ms. Hughes:

- Attended the same meeting at Aetna with Mr. Horning. She reported their presentation was a real eye opener. She said they had their operation analyzed by an outside firm to see where their challenges and their strengths are and the analysis included past, present and future practices with respect to securing funding for their future. She asked if residents were donating to please keep them in mind. She looked forward to working with Council to find ways to improve their income stream.
- Attended the Pomeroy Trail ribbon cutting. She wanted to recognize City staff for their great abilities. She said Newark was a great City and she was very proud to attend the event.

Mr. Clifton

- Announced he was at the meeting as well and believed as time progresses he believes there will be more about the situation divulged and the potential changes with Aetna. He reported when comparisons were made with other towns and towns that have similar sized universities; there are some significant shortcomings. He thought the report was excellent and very detailed and was done by an outside organization having decades of firefighting experience. The abbreviated presentation was an hour and forty five minutes and provided very eye opening information.
- Reported October 22 Council Chambers has been reserved from 7:30-9:00 a.m. and 5:30-7:00 p.m. at night for Mr. Clifton’s first meet and great. All are welcomed to attend.
- Attended the DEMEC dinner with Ms. Hughes and Mr. Del Grande and spoke with Pat McCullar the Executive Director of DEMEC. He believed the 25% renewable goal by 2025 was a light duty goal in his mind with the number of companies getting onboard as it was getting to be a very competitive program. He will provide additional information when available.
- Suggested that development projects packets are distributed only once during the Council meeting process. He asked for Council consensus to have all the information provided during the first meeting. He believed it will save time and considerable resources to do so. Ms. Bensley noted the only item not provided in the initial first reading packet was the subdivision agreement and the resolution because it was still in process and would be provided during the second reading process. After discussion, there was Council consensus.

7. 1-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

32:04

John Morgan, District 1, expressed concern about receiving a handwritten letter in the mail from an individual expressing interest in purchasing his home for cash. He knows others have received similar offers as well. He wondered whether it would be appropriate for someone who was buying houses to resell should have a business license in the City. Mr. Clifton believed this was discussed previously. Mr. Bilodeau said he was not present for the conversation about the realtors. He noted if Council wanted him to research, he would do so. Mr. Horning said that may have been part of the lobbyist report from Dover regarding proposed legislation that realtors would not be subject to a Newark business license requirement. Mr. Clifton agreed.

Dr. Morgan reported the annual retreat of the UD’s Board of Trustees will be held on Thursday and Friday, October 3-4. He was uncertain of the times but in the past it was held all day Thursday and Friday morning. In the past, the retreats were held at the Marriott. He reported there will not be public comment but was open to the public.

Jean White, District 1, asked how many surveillance cameras are within the City of Newark not including places like the municipal building and the water plant. She also asked if the City of Newark takes photo images of every vehicle that come into the City at Routes 896, 273, and 72. She asked if NPD used facial recognition as part of their technology. Chief Tiernan said Captain Van Campen would be present shortly to answer questions about the number of cameras. Chief Tiernan said NPD does not engage in facial recognition. He also reminded Ms. White that DelDOT has traffic cameras in the City and UD had cameras that were mostly located on their properties. Captain Van Campen stated due to recent additions he would return to Ms. White with specific numbers. Ms. White said she does not need specific numbers but would prefer information about cameras in neighborhoods.

8. 2. **APPROVAL OF CONSENT AGENDA:(1 minute)**
- A. Approval of Council Meeting Minutes – September 9, 2019
 - B. Receipt of Alderman’s Report – September 9, 2019
 - C. **First Reading – Bill 19-24 – An Ordinance Amending Chapter 32, Zoning , Code of the City of Newark, Delaware, By Deleting the ML (Limited Manufacturing) Zoning District and Updating the Permitted Uses in the MI (General Industrial) Zone – Second Reading – October 14, 2019**
 - D. **First Reading – Bill 19-25 – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 321 Hillside Road – Second Reading – October 14, 2019**
 - E. **First Reading – Bill 19-26 – An Ordinance Annexing and Zoning to RS (Single Family Detached Residential) 13.869 Acres Located at 0 Paper Mill Road – Second Reading – October 28, 2019**

44:10

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: 7 to 0.

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

9. 3. **APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:** None
10. 4. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None
11. 5. **SPECIAL DEPARTMENT REPORTS:**
- A. Parks and Recreation Creek Maintenance Account Budget Amendment – Parks and Recreation Directors (5 Minutes)

45:15

Mr. Spadafino reported the maintenance account was for removal of trees for creek blockages along the Christina Valley Stream and White Clay Creek area to prevent flooding of residential areas should trees create a blockage. He added due to hurricane season, staff would like to increase the creek maintenance account by \$15,000 to help cover the existing account overage which was \$6,800 due to recent storms and existing blockages to date. Staff was requesting the appropriate amount in excess real estate transfer tax proceeds to fund the budgetary shortfall. He added any unused funds at the end of the year will revert back to the general fund and would increase the account from \$20,000 to \$35,000.

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

Mr. Markham supported this but asked Mr. Del Grande if the real estate transfer would actually be making up for shortfalls in other areas of the budget. He wanted to make sure Mr. Del Grande was not concerned about taking that money to do this project. Mr. Del Grande confirmed this.

Mr. Hamilton asked if the additional blockages were caused by anything in particular. Mr. Spadafino said with erosion there are issues with the root structure collapsing in some areas which typically occurs after high wind and rain events. Mr. Spadafino also added the tree canopy was aging with many mature trees along the Valley Stream area. He noted it was a very expensive undertaking at times to get equipment into the woods after some events. He also added next year’s budget had been increased \$5,000 to accommodate any issues as this was the second year they have experienced a budget shortfall

in this area. He also noted it was nearly impossible to predict when existing trees encounter issues so pinpointing when they may fail was not typically possible.

Mr. Horning asked if certain areas see consistent erosion will staff consider mitigating some erosion issues and address with other available programs. Mr. Coleman reported there was a project in 2014 on the upper Christina with DNREC and it was slightly less than one mile. The total project cost was over \$700,000. The vast majority was able to be grant funded and the City's contribution was approximately \$55,000 with the remainder from the federal and state grants. He noted the City has maintained communications with Steve Williams at DNREC and he continues to try to get more funding to do another project, but it took him many years to gather up all the funding he received the first time. Mr. Spadafino noted there was a similar project at Rittenhouse Park near the foot bridge with stream bank improvements along the area. Mr. Horning said he does support this expenditure but at the same time he wanted to ensure the focus was still on what can be done proactively work on this issue.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: TO USE \$15,000 OF PROCEEDS FROM THE REAL ESTATE TRANSFER TAX TO INCREASE THE PARKS & RECREATION CREEK MAINTENANCE ACCOUNT WHICH WAS 0151144-8410 FROM \$20,000 TO \$35,000.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

12. 5-B. FY2020 FINANCE DEPARTMENT BUDGET – FINANCE DIRECTOR (35 MINUTES)

55:23

Mr. Del Grande introduced his Finance Department team which included 21 occupied full-time staff and 3 part-time positions which are all currently vacant. He highlighted the team's major accomplishments in 2019. The Department had moved to Paymentus as the pay by phone vendor for all utility bills. He noted the customer service team ceased accepting utility payments directly over the phone and instead the City partnered with Paymentus to accept phone payments approximately one year ago. In doing so, they reduced the direct phone calls coming into the customer service team by 40% as Paymentus now processes about 1100 payments per month for the City. This process increased security of the pay by phone transactions and allowed the City's customer service representatives to focus more on other customer service issues. He reported about 7% of all payments accepted by the PUBs team are made through the phone system. Another 58% of the payments processed in PUB are now coming in via web payments. Residents now have the ability to pay the annual tax bill online. The City accounting team worked with IT to provide an option with the property owners to view and pay their tax bills online. As the City moved past this tax season, staff would provide Council with information on the popularity of this function. Mr. Del Grande believed the option will become more popular closer to the tax due date of September 30, 2019.

Recognizing the City's need to provide more IT support after 5:00 p.m. during the week, he reported staff was successful in filing a fulltime desktop support position that covered the hours up to 9:00 p.m. during the week. Technical support of the Council meetings allowed more residents to watch the meetings in comfort of their own homes.

He explained that data security in continuity of business operations was imperative. In 2019, the City increased the safeguarding of the City's electronic data by outfitting and enabling the new disaster recovery site. The new location was more secure and also provided a generator for redundancy purposes if data restoration was ever needed. The new data restoration site would allow for a quicker, timelier recovery process should the City need the process.

Mr. Del Grande said finance goals revolve around efficiency and maintaining a high level of quality customer service that residents and peers expect and deserve. Mr. Del Grande mentioned the popular annual financial report (PAFR). The goal of the finance team was to become the first agency in the State of Delaware to prepare the report for the stakeholders which was the easily understandable version of the financial report generated annually. The Government Finance Officers Association has a program created specifically to encourage a simplified financial report that does not require a finance background to understand.

Mr. Del Grande reported on the Finance side the overall budget increased by \$46,000 for an increase of 2.3% over 2019 as seen on the subtotal line. Overall, full time wages increased by \$28,000 due

to contractually obligated step increases where required. He noted there are no changes to the makeup of the full-time positions in the finance office. Part-time wages decreased by \$16,000 due to the deletion of a part-time customer service clerk approved in the 2019 budget. He said removing this position resulted in a \$26,000 savings which was offset by an increase in funding needed for the part-time meter reader which has not been filled to date. He reported that other wages increased by \$4,000 which was primarily due to an increase in the overtime required for staffing needs. The benefit line increased \$71,000 due mainly to pension and health benefit increases along with OPEB. In total, the personnel services budget increased by \$87,000 over 2019 or 5.3%.

Mr. Del Grande detailed the other budget lines including materials and supplies which remained unchanged. The contractual services line has \$5,900 due to workers' compensation expenses from this year along with the funding needed to support the billing and accounting software. Depreciation was calculated on the assets assigned to Finance and included one vehicle and their share of the hardware and software they utilize. Their share of depreciation expense declined \$48,000 compared to the previous year. Other expenses included training expenses incurred by staff; with the training expense increased \$1,550 over 2019. Interdepartmental charges reflected the amount of the Finance budget as allocated to department activities that require Finance's services. This increased \$55,000 to \$1.8 million in 2020.

Mr. Del Grande stated IT's overall budget increased \$1.6% or \$29,000 compared to 2019. Full-time wages remained relatively the same despite some changes in personnel. In 2019, an IT Manager, an Assistant IT Manager and a Network Administrator III were budgeted. This year the IT Department was reorganized and delayed filling the aforementioned positions. Infrastructure Manager, Applications Manager and Desktop Support positions were added. The end goal of this change was to create a more efficient IT team that now offers support hours beyond 5:00 p.m. Monday to Friday. IT's full-time wages stayed relatively flat reflecting a \$2,800 increase to \$626,000. Another change to the salary line was in Other Wages as they increased \$20,000 due primarily to the request to add a line item for standby pay for IT staff to be on call when an emergency issues arise. This would be applicable to the union employees in order to ensure that union labor was available if an emergency were to present itself. The request would not apply to management staff. IT's benefit costs have increased \$13,000 towards the normal pension, health and OPEB cost. Personnel increased \$37,000 over 2019. The materials and supplies budget were \$36,000 and included funding for non-leased computer hardware accessories, warranty extensions on City servers, software and office supplies. The materials budget decreased by \$56,000 due primarily to one-time server purchases made during 2019 and not needed in 2020. The reduction in the server warranty pricing and overall reductions in IT supplies was noted.

The contractual budget consisted of \$552,000 and included all City software subscriptions, leased equipment and contractual services. Overall, this line was \$10,000 over 2019 due to the increased costs of scheduled leased equipment. Depreciation expenses increased \$38,000 and the other expenditures line reflected no change from 2019. Overall the IT operating budget increased 1.6% over 2019 or \$28,000.

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

Mr. Hamilton asked Mr. Del Grande how the standby pay was determined. Mr. Del Grande stated staff estimated they would need an administrator on call five days a week for an entire year. Mr. Coleman stated there was not currently an on-call pay procedure in place in the CWA contract, but there was already language in AFSCME and FOP, so this on call pay procedure was modeled after the FOP language. Both are essentially the same with associated costs. Mr. Hamilton confirmed the understanding was the amount would be spent. Mr. Del Grande said it was an insurance policy for the operations of the City. He noted in his time managing IT he has come to find that the City has been very lucky and very appreciative of staff being available and coincidentally being available when urgent issues arose. However, there was not always the guarantee of people being available when and if the City was in need. By having this standby pay option available it ensures if there were issues they would have at least one dedicated person to be available if and when that person was needed and if that person was not able to handle the process it would fall back to the managers to handle as higher level issues.

Mr. Hamilton asked if it was basically equivalent to overtime. Mr. Coleman said the way the contract was written, it states the employee gets paid one hour per day to be available. If they are called in, they come in and they are compensated per the contract, but they are guaranteed to be available. If they are not available, they forfeit the one hour per day for that pay period. They would give up fourteen hours of standby pay if they miss a call, do not answer the phone or do not come in.

Mr. Markham believed the standby option was necessary and used the example of a cyberattack. He added that a good disaster recovery was worth nothing unless a plan was in place and was used. He wanted to make sure that every six months there was a shift over to use it. Mr. Markham referenced page

36 under the phone communications (8050) and a charge entitled "Long-distance fax" for \$1,200 annually. Ms. Montgomery reported the long-distance fax line was necessary because we are using a different line that was not over VOIP as there are long distance charges through Verizon. Mr. Markham asked why they were not using VOIP. Ms. Montgomery stated it was not compatible at the time when there was a switch over as copiers are used to fax. Mr. Markham said that was something that should be rectified, and Ms. Montgomery said staff would look back into the matter.

Ms. Wallace mentioned the camera upgrades for Council Chambers are included in 2019 but not in 2020. Mr. Del Grande said the cameras currently in Council Chambers are functional, but he added the complete phase in will be done by the end of 2019. Ms. Wallace referred to page 17 in the CIP regarding a replacement vehicle for \$35,000. Mr. Del Grande said due to the part-time meter person that has not been hired yet, this vehicle was the old Ford Focus that belonged to Finance when it was under the mailroom's purview. That vehicle will be replaced with an Electric vehicle with a slightly elevated price. Ms. Wallace then referenced page 19 under IT materials and supplies. She asked for clarification on a significant drop. Mr. Del Grande stated there were some one-time purchases that were made in 2019. Ms. Wallace asked if a reduction was possible in overtime pay with the presence of stand-by personnel. Mr. Del Grande said there was a minimal amount of overtime in IT currently and noted generally every weekend there was a couple of hours used for system integrity. Mr. Coleman said the standby pay would not actually reduce the overtime as it was a payment made to guarantee somebody answers the phone.

Mr. Horning asked if there was one consistent cost of living increase number being used in the budget presentations. Mr. Del Grande said no and noted in IT and Finance for non-personnel costs, they have been reaching out to contractors and looking at the existing contracts for see what the cost trends are. He noted there was generally about \$30,000 set aside in the IT budget for incidentals and that amount tended to be consistent year over year. Mr. Horning asked if there were any cost of living percentages being factored in across the board. Mr. Del Grande said there was a number put into the budget for labor negotiations but he preferred not to divulge that number publicly since negotiations were ongoing.

Mr. Del Grande reported regarding the CIP budget the hope was for the continuation of the fiber network. Fiber was being expanded to areas where it currently does not exist and would be in some areas on South College Avenue and toward the George Wilson Center.

There was no public comment.

13. 5-C. FY2020 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET – PLANNING AND DEVELOPMENT DIRECTOR (30 MINUTES)

01:19:41

Ms. Gray reported the Land Use component of the Planning Department has been busy with many projects. She noted the department puts together a comprehensive report of all the Planning Commission activities. That will be distributed shortly. She reported there were seven major subdivisions with Comprehensive Development plan amendments with a number of Special Use Permits as well and parking waivers. She noted in addition to the many completed projects there were eight projects still in process from 2018. Ms. Gray reported there have been some work groups started this year and some meetings regarding the Transportation Improvement Districts. She added the Rental Housing Work Group was initiated this year as well and will be coming to Council at the end of this month with some draft recommendations. She noted the new Green Building Work Group would be updating the LEED Code as well. She added a new use was being considered for RM and RH zoning districts. She noted a project needing significant time commitment was the Parking Strategy and reminded all at the previous Council meeting they received approval for the consultant and the agreement has been signed. She noted the Planning Commission revised the Rules of Procedures and some of the Planning Commissioners have had a lot of training.

Ms. Gray reported that Code Enforcement were busy as well and included in Council's materials were the number of summary of permits and revenue received. She added that STAR Campus particularly the STAR Building, the NIMBL Building which was nearing completion, along with the Chemours building. She added the College Square project was starting with demolition. The Benny Street project was under construction as well. She noted two of the Benny Street projects are nearly completion with a third one starting construction.

The updated Building Code will be coming before Council on December 9th. A new procedure for the building licensing process was currently being worked on. She added there was an intern working with them on the process part-time to assist with the business licensing and auditing those processes.

Ms. Gray noted Parking Regulations are being reviewed including additional parking options. The Parking Division was transitioning to a kiosk system.

Ms. Gray stated there are no changes in their staff of four full-time employees. She reported they are asking for a big increase in their overtime budget as their overtime budget took quite a hit due to their increase in land use activities and other work as well. She noted she as well as her other staff have been putting in quite a bit of overtime. As such, they are putting a more realistic number in the budget to cover the anticipated overtime. She noted on page 16, object code 6860, Ms. Gray was requesting \$8,400 to pay the Planning Commissioners \$100 per meeting. She noted this had been discussed during last year's budget. She noted most of the jurisdictions in Delaware do pay their Planning Commissioners. She explained the Planning Commission are asked to review similar to Council large numbers of items and much was expected of them. In addition, the hope was to attract a variety of people interested in serving on the Planning Commission. As such, there may be barriers such as childcare and perhaps a stipend may remove that barrier.

Ms. Gray said her department was looking for an increase under contractual services for a total of \$225,000 for consulting fees. The breakdown was as follows, \$50,000 for the Newark downtown parking plan, \$75,000 for outsourcing of planning services meaning the hiring of a consultant for assistance on planning review, building permit review, including a permit tech review and also to help out with administrative review. The hope was to free up some resources to help with the CDBG program as they do believe they need some administrative assistance for this process. This would free up some of Mr. Fortner's time to help out with some other planning related activities. They are also proposing \$50,000 for a consultant to review fees for permits and licenses. This was discussed last year and they are due for a review of all of their fees and permits. Ms. Gray thought that getting a third-party consultant will help with the analysis. After speaking with colleagues at conferences she attends, she reported most entities do employ a third-party consultant to review their fees. Also requested was \$50,000 for support of the Transportation Improvement District Work Group as they need some technical assistance on that group.

She stated the department was looking to increase the advertising budget due to the increase in meetings with a proposed increase from \$2,000-\$4,000. In addition, they are requesting an increase in Training/Education budget and will encompass \$1,800 for meals for Planning Commission. The hope was to bring in additional quarterly training for the Planning Commission with an earlier start date and include a meal. She noted last years the fees for Aetna and Newark Ambulance was included in the Planning budget on page 19 but also the Newark Partnership was added as well on page 19, object line 9005.

Ms. Gray noted there was a slight change for Code Enforcement due to changes in overhead calculations due to step increases and finance calculations. She noted in there are some changes in Parking. However, there was an overall reduction and the savings was due to the part-time wage line was decreasing due to the transitioning to the kiosk system and the proposed efficiencies gained there. She noted in Other Expenditures line item, the Parking Validation was still in play, but the City was not putting money towards this program; thereby resulting in a savings in that budget line.

Community Development Block Grant Program had no changes in this item. With respect to the Unicity bus program, there was a slight change in that due to contractual services and was largely due to additional funds needed for the bus operators from UD.

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

Mr. Lawhorn commented the requested overtime amount was a lot of money and he was wondering with all the projects are in the pipeline, do the fees collected do anything to offset these costs. Ms. Gray stated they do not. Mr. Coleman noted it does offset some, but he noted the charges are not developed assuming the work associated with such was being done on staff overtime. Ms. Gray believed that will be one of the benefits of having the fee structure reviewed. She added there are some entities that have a "fast track" process where if the developer was requesting such, additional fees will be assessed. That could potentially create another set of challenges because there would be a bottleneck as there was still additional workload to be completed. Mr. Lawhorn mentioned there are many projects in the pipeline that may require additional resources and whether that was done by hiring more consultants or hiring another full time position, that clearly adds costs and then if the project was declined there may regrets with the addition of more resources. He noted he believed that had been discussed in the context of adding consultants more in those situations. He asked if that still remains the case.

Ms. Gray reported the \$75,000 was earmarked to hire a consultant. She has envisioned perhaps a "half person." She has spoken with several consulting firms to ask how this would work and noted there are a few different ways to accomplish this. One, by outsourcing the work, or have someone come and

pick up the work, or have an offsite person. She noted they are working on a checklist for a plan review to provide the checklist to a consultant during the initial review they would do, as staff would do the technical review. Mr. Lawhorn said he understands the concept of the necessary overtime. However, he expressed concern when the number gets too large it could mean overworked individuals with a work/life imbalance and that could result in losing staff.

Mr. Lawhorn asked if there were any metrics around the output in reference to the turnaround time on phases of projects. He understands there are so matters where the City was legally bound to hit; however, he asked if there are performance checks in place (i.e. customer satisfaction metric). He asked if staff was overloaded were they way behind as well and not meeting the standard staff would like to.

Ms. Gray stated staff was getting close to that and her hope was to have the consultant assist with. She believes staff was too busy and not able to take the time to track. However, they currently have started to keep a list of current projects but the hope was to provide a more robust list. Mr. Lawhorn stated he would support the proposals regarding the Planning Commission salary. He believed the Planning Commission members required a certain skill set while other boards and commissions may be better served with a diverse group in general.

Mr. Horning wanted to reiterate the concern about overtime and asked for management to keep an eye on how it was going as he was concerned about employee burnout as well. He believes in the merits of paying the Planning Commission but expressed concern how to avoid the possibility of other committees or commissions requesting being paid for their service. However, his initial reaction was to support paying the Planning Commission to attract more diversity with the needed skill set.

Ms. Wallace said she would be in favor of providing a salary to the Planning Commissioners and noted that recommendation came out of the Boards and Commissions Review Committee. She believed the overtime number to be very high and gave her pause. She asked if there were enough projects currently in the pipeline and if the City was anticipating the pace to continue through 2020. Ms. Gray stated the calculation she made was on the current pace. The amount would be considered a place holder and if it were not used then it would not be spent. She believed the pace would be the same for this upcoming budget year. Ms. Wallace questioned whether it would be the best use of staff as mentioned before. Ms. Wallace asked about the subvention on page 19 for The Newark Partnership. She knows there was consensus last year to give them \$150,000 and she also knows they have not utilized that amount. She was not certain another \$150,000 should be added for this budget year. She believed they were not intending to ask for this amount. Mr. Coleman confirmed this.

Ms. Wallace noted that the reduction in part-time in the Parking Division was due to the change to the kiosks. She asked when considering the Main Street construction and there will not be meters on half that street for a good portion of 2020; would there be a need for as many part-time meter readers. Mr. Howard clarified the part-time attendants are the cashiers in the parking booths. Ms. Wallace asked if they are anticipating needing fewer personnel to check kiosks starting in 2020. Mr. Howard stated maintenance takes care of the kiosks and the Parking Ambassadors will still be on the street. Ms. Wallace inquired about the increase in uniforms. Mr. Howard said the existing Parking Ambassadors need new uniforms. Ms. Wallace asked what building and equipment rental on page 34 (8130) referred to. Mr. Howard stated they are the lease agreements relative to the parking office and lot rents.

Mr. Markham asked if a consultant was currently on-board assisting City staff as he believes Council voted on and approved this before. Ms. Gray stated the consultant money got taken up with the Rental Housing Workgroup and the TID Work Group. Mr. Markham asked if that money was intended for that purpose. Ms. Wallace stated she recalled that was the intent and would give staff more time to deal with the development projects. Ms. Gray noted they did ask for consultant money for additional help for plan review, but it did not happen. Mr. Markham thinks the fees should cover the development work. He had suggested in the past to schedule the projects and pace the projects, for a variety of reasons, for staff's sanity and the other for Council's ability to deal with projects. He believed some of the overtime would decrease if these conditions were followed. He does not recall the laws and rules for how the City has to respond. He was more concerned about the law and the conversations did not have to occur at the current meeting. He said he was concerned as well of staff burnout. Mr. Markham was tempted to say Council should have the proposed overtime as a budget amendment as he believed when it was put in the budget and not discussed again Council was unaware of the actual workload.

Mr. Clifton asked Mr. Markham if he wanted to remove the suggested overtime budget. Mr. Markham suggested not including the high number. He asked Ms. Gray to consider a number that was not 195% that would cover ¼'s worth of the time. He also asked her to think about how staff was paced during that quarter. Ms. Wallace asked for the consideration of additional consultants rather than the big

number. Mr. Markham noted the only issue he believed with that consideration was the whole year would have to be budgeted for. Ms. Wallace clarified she meant for the existing consultants to tack on additional hours. Mr. Markham asked if the Comp Plan project was included as he believed the Mayor had asked for it. Mr. Clifton said it was on his list for the year but noted he wanted to look at portions of the Comp Plan Use Plan but in light of Constance Holland and the recent conversations there were also some regulatory issues. Mr. Markham noted he wanted some things tweaked in the Plan such as relative to a BB district he would like to require much wider sidewalks as he believed the downtown district should be walkable.

Mr. Markham asked relative to Parking revenue on page 31, he confirmed the reduction was due to the absence of the Main Street meters. Mr. Coleman believed it was the Main Street meters and the impact to Lot 3. Ms. Gray confirmed this. Mr. Markham asked if that would be a partial year for Lot 3. Mr. Coleman stated it would be the whole year for the eastern portion of Lot 3; the hotel to Center Street. Mr. Markham said with regard to the Planning Commission a stipend may be important to some people but not others. He said that frequently the happiest people are when people are fed. Mr. Markham confirmed the Unicity bus drivers' salary was paid for by the City, but they are UD employees. Mr. Markham asked if UD was responsible for workman's comp. Ms. Gray confirmed this.

Mr. Hamilton said when the change was made to meetings every Monday, he was hoping to have some meetings that were a discussion rather than so formal. He noted there has been a lot of discussion about Planning Commission and the Planning Department and there seems to be some concerns. He sees a large item for overtime and some questions about hiring someone for \$50,000 to do a rate study. He said it boggles his mind this is being brought up for the budget rather than having a separate discussion. He stated if there was a hot spot in one of the City departments, he would hope there could be a brainstorming session and talk about how to handle some of these matters not just from a budget perspective. For instance, the Planning Commission just popping up with a \$100 per meeting at \$1,200 he would to discuss the number and where it came from. However, he was not certain when to have the conversation. He said he has not encountered any difficulty finding a Planning Commission member. He understands the origin of the suggestion but that is \$1,200 each. He believed that training was beneficial, and he was happy to pay for a training budget.

Ms. Gray stated the Rules of Procedure the Planning Commission had decided to end the meetings at 9:00 p.m. unless they agree the meetings should extend beyond that time. Mr. Hamilton said from his experience the Planning Commission are firmer on their end times than Council. He also believed it may open a can of worms with respect to the other Boards and Commissions. Ms. Bensley reported the Election Board was paid. Mr. Hamilton asked if they were paid \$100 per meeting and how many meetings do they have. Ms. Bensley stated they are paid \$180 for Election Day and then paid \$12.00 an hour for the clerical work they do for the City in advance of the election.

Ms. Gray reiterated other jurisdictions do pay their Planning Commission including New Castle County, Kent County both pay \$100. Mr. Hamilton thanked Ms. Gray for that information. He wanted to remind all the fees the City offers may be considerably less than other jurisdictions, however. He believed if a comparison is done there should be a deeper analysis to include more additional opinions and considerably more feedback. He further stated he was stunned to hear the fees do not cover the overtime. He believed that rather paying someone \$50,000 if the City was experiencing a shortfall there are other solutions. Mr. Coleman noted when Mr. Fruehstorfer in Planning did a fee review on Excel, the fees were previously built on based on how the fees were previously calculated (to some extent). He noted if the goal was to just try to recover costs using the current fee structure, that can be done relatively easily. He noted he utilized the CPI for non-labor costs and the employment cost index was used for labor costs with a three-year extrapolation and rounded it off. That result results in the City being in a similar position than three years ago when the updated fees were passed. However, he believed if there was a comprehensive review of the fees, he believed getting an independent review was not such a bad idea, but that was ultimately up to Council. He also noted the fees that are not covering the costs are more of the small plan fees. He believed it was impossible to set a fee that was predictable up front that would guarantee the City would cover their costs. Time and material could be covered but the developers and the applicants would not like that because there would be no predictability.

Mr. Hamilton asked to exercise some common sense before hiring a consultant that would not provide answers for another year and a half. Ms. Gray said she believed they were considering doing a stepped approach, in the interim because the analysis mentioned by Mr. Coleman was more of a CPI an updated status quo. Ms. Gray reminded all there was a lawsuit with the rental fees a few years in the past and that should not be relived. Mr. Hamilton suggested in the interim make up some lost costs. He also suggested a workshop to detail what was taking up so much time and could there be some procedural changes or legally that could cut down on some of the time and identify where the time was being spent.

Ms. Gray provided detail on the complete plan review process from start to finish for Council. Mr. Hamilton said he appreciated the detail but asked if a consultant was hired, maybe they can also review the process to see if there was anything that can be eliminated. Ms. Gray agreed.

Mr. Coleman noted the parking revenue lost about \$140,000 due to the change from one hour minimum to 30 minute minimum.

Mr. Hamilton asked Mr. Howard to clarify the increase of \$10,000 in equipment rentals and to also clarify the fluctuations in the line item. Mr. Howard stated he believed a lot had to do with the Meyer property when Lot #3 was sold as there was not a high rent and when the property was sold to DiSabatino the rate was increased significantly. Mr. Coleman added the stormwater utility occurred and the City absorbed some of the cost for stormwater utility depending upon the lease terms. He also noted one of the leases for Lot 3 went away for the hotel. Mr. Hamilton asked for the 2021 projections on this matter. Mr. Coleman said provided nothing happens in Lot 4, which was potentially happening he was not aware of any other changes. He noted some of the leases are year to year so there was the potential for something to happen, but there was nothing on the table currently except the Lot 4, Danneman Hotel issue that he would foresee as impacting that value considerably.

Ms. Hughes thanked Ms. Gray for the detailed information she provided. She asked if there was a reason for the increase in workload and was there a shift that has created this need for so much overtime and additional help. Ms. Gray said there were more projects. In addition to the numerous projects there were two major work groups that required significant staff time. There was the Parking Plan, the work on the focus areas with the same staff. Ms. Hughes asked Ms. Gray if she anticipated this pace going forward and was becoming the norm. Ms. Gray said she was not sure because this has become the norm. She said this was a good problem to have. Ms. Hughes asked if there was any way to slow down the pace a bit to make it more manageable for staff involved in the process. Ms. Hughes asked if Ms. Gray if when doing research about paying Planning Commissions if she also checked the other boards and commissions to see if they were being paid as well. Ms. Gray stated she had and noted in Kent County the other boards are paid as well, the Board of Adjustment, the Community Development Board, etc. Ms. Hughes said she was concerned as she believed the City of Newark may be heading in that direction. Ms. Hughes said she believed it was a good idea but needs further discussion.

Ms. Wallace suggested postponing the consultant for perhaps one more year just because if there were any increases this budget year it makes sense to do the consultant in the following year. She believes the fee increases should be done first. She does see the benefit of doing an overall review because there could be fees the City was not charging for but should be charged for.

Mr. Clifton said he believed there may be dips in the road where it may not be as busy, but his sense was that it would stay busy for at least the foreseeable future. He noted although he believes he and staff have tried to spread the developments out on the agenda there may be some legal ramifications if required deadlines are not met and he said that should remain a concern. Mr. Clifton said he cannot disagree with the necessary accomplishments and requirements with regard to the Planning Commission but believed needed further discussion was needed as he was concerned about the slippery slope as well and a much broader conversation. He suggested there may be an intern capable of doing some work in the department as well. Ms. Gray reported the department had two interns the past summer and they reviewed a number of things. She noted they are considering a UD graduate student intern for economic development to put together a brochure and working with the Delaware Prosperity Partnership. She acknowledged there may be other opportunities as well. She also reminded Council of the part time intern that was working on the business licensing. Mr. Clifton said he sees \$40,000 outstanding on the rental permits on page 7 (\$442,000) with \$402,000 being collected. He asked what was being done to collect that \$40,000. Ms. Gray stated some of that money was due to the billing cycle. Ms. Gray noted they are working on some rebilling processing and working to recuperate the rental fees and late fees for the business licenses as well. Mr. Clifton suggested reducing the budgeted amount on overtime and returning to Council with updates. He said he needed clarification on the process for a budget amendment. He does not want to see a broad departmental agenda and budget amendments are needed and things go to a screeching halt because the payment of overtime was not lawful. Mr. Coleman noted the City Manager has the ability to approve expenditures and then return to Council at a later date. He noted a budget amendment was relatively quick as it does not require a first and second reading.

There was no public comment.

Mr. Coleman requested some clarification on takeaways. He noted the first takeaway was to move the \$150,000 for The Newark Partnership out since they do not need it. The second item was to remove the consultant fees to review for this year and instead review in 2021.

Mr. Lawhorn asked what the expectation and result from the study was that would be unavailable from any calculations made. Mr. Coleman said the City had generally based fees around fees that other organizations have set up. He does not believe staff had looked at everything to ensure that every item that was entitled to a fee has a fee and the fees the City has are supported by the effort that goes into the processes. He noted there was usually more effort that goes into them than the fee charges. He believed part of the issue of setting fees was that it was really a policy discussion from Council. Mr. Lawhorn stated he would not want to postpone this process a year if staff believed there would be a large return on what the recommendations would be. Mr. Coleman stated his expectation was it would not be a huge revenue generator but rather more of a changing around of the fees. He believed it would be revenue positive. Ms. Wallace believed a benefit would be making sure the fees are equitable not equal but making sense. Ms. Gray also noted they are permit reviews and licenses as well as review the business license process. Mr. Coleman said that was a little different, because the total fees and permits was over \$2 million especially the building permits.

Mr. Coleman noted the final takeaway of the discussion was the reduction of the proposed increase in overtime by half. Staff would come back to Council mid-year if an adjustment was needed.

Mr. Markham said this would be last year's amount plus \$10,000. Mr. Coleman said last year's plus 50% of what was proposed this year. Mr. Coleman said if the amount was going to be increased by \$24,000 it would be only be increased by \$12,000 as a starting with the understanding if the amount was too low, staff would return to Council.

Mr. Markham said he does not believe he would be able to accurately gauge how busy the Planning Department will be. As such, he believes if the department would put in four months of overtime and return to Council to provide an update. Mr. Coleman said if four months return time was being considered, it would theoretically be a reduction from what was in the budget proposal. Mr. Markham stated yes but reminded all he was just one member in his opinions. Mr. Coleman said his preference would be to at least budget somewhat realistically, because he would hate to put a number in there that does not accurately reflect what was needed and will quickly surpass the budgeted amount. Mr. Coleman suggested a check-in a few months in. He added this could be included in the financial report presentation. Ms. Wallace suggested using last year's number and then return. Mr. Clifton said he concurred. He agreed with Mr. Coleman in that budgeted a number that will quickly be used and will need to be readdressed borders on micro-management. Mr. Markham said he was okay with the number but does not want it to get lost in the financial report. Ms. Wallace suggested six months. Mr. Markham agreed. Ms. Gray stated last year's overtime number was \$15,200. Mr. Markham said he was fine with that number. Mr. Coleman said he understood Council consensus.

Mr. Horning asked with reference to the development fees and licensing fees, if it would be beneficial to have a consultant consider maybe half the consultant costs. Mr. Coleman said if it included the Building Permits and licenses that was a significant number and was different. If a consultant were to tweak that number it could make a pretty dramatic impact. However, he asked all to be mindful when it comes to rate studies, the outcome may not be what result was anticipated. Mr. Coleman suggested he reach out to the current consultants and ask them to provide an estimate on what that may cost.

Mr. Markham suggested in the essence of time savings, it may be advisable to ask Council if they had any questions relative to the Capital Budget.

Ms. Wallace asked on page 38 with reference to the 2021 budget, she would like to see some more data on the usage of the meters that have already been installed in the campus areas before committing to the addition of more meters. She understands the Lovett Street kiosks are getting used, but she was not sure the Haines Street are. She has heard from people they are not being used; but she noted they may just be an issue of educating. She wanted to make sure we are not getting ahead of ourselves particularly because we are doing the Parking Consultant. Mr. Coleman said Mr. Howard and Mr. Mulvanity provided information recently that nearly 50% of all payments in Lot 1 were coming via the app already, which is probably due to the fact that most visitors to Lot 1 are students who already have the app. Any payments that go to the app are payments that the City was not incurring credit card fees. He said realistically the City incurs over \$200,000 in credit card fees in the parking fund currently and the hope was to eliminate a big portion of those fees.

There were no additional questions from the table on the Capital Budget and no public comment.

Mr. Clifton requested a five-minute break. Council recessed at 9:45 p.m. and returned to session at 9:52 p.m.

14. 5-D. FY2020 POLICE DEPARTMENT BUDGET – CHIEF OF POLICE (60 MINUTES)

02:45:56

Chief Tiernan noted they were not initially requesting any full-time positions, however, with the suggestion of the City Manager they included the request for two full-time positions. He understood personnel costs are very expensive but there are issues in the Records Division where he reported they are very short staffed and have identified a position in the PD that can civilianize that and get into a police officer on the road. He said he expected most of the conversation to be around the proposed firearms range, which was quite expensive and has been identified as a monetary and training issue. He mentioned the recurring headlines in the news across the country, including the local news, detailing numerous shootings and reminded all of the importance of adequate firearms training for the City's officers.

Chief Tiernan briefly detailed the proposed Operating Budget and noted a few highlights including a slight increase in personnel services due to salary contracts. He noted there was 1.25% set aside for standby pay, overtime pay, holiday premium and reimbursable overtime and they would account for a 2.5% percent across the board contract raise in July. The 1.2% will cover the six months. Besides the sworn police officers, overtime also includes the dispatchers. He noted there was a slight decrease in materials and supplies, some in the ammunitions and firearms budget. He said last year in the firearms budget there was a \$4,000 amount budgeted for headsets for the firearms instructors so they could communicate with each other. They will get an equipment grant for this amount and noted it was a onetime purchase with the money going unused and will not be needed again. He noted there was \$4,750 that was used for different ranges that NPD had to incur, which will be detailed later.

He noted a slight increase in uniforms as the previous uniform tailor went out of business and they needed to switch to a new vendor which caused the slight increase. There was also a slight increase in workers' comp due to the contractual service for dealing with stray cats.

Deputy Chief Feeney stated NPD was asking Council to consider the addition of a civilian fulltime employee to the department to service as civilian accreditation coordinator within the Administration Unit. The position currently referred to as an Accreditation Manager was staffed by a sworn police officer. The position was created in 1996 in preparation for the first CALEA accreditation. The position ensures for periodic reports and review and other additional activities mandated by the Commission on accreditation for law enforcement agencies are accomplished. He reported a detailed list of the job responsibilities was available and will be provided to Council following the meeting. He noted there can be additional job duties as needed including the collecting, analyzing and reporting of statistical data. These job duties are not required to be performed by a sworn police officer and are well suited for a civilian employee. Other agencies have recognized the importance of having such a position held by a civilian employee. As such, it enables the redistribution of a sworn officer to enforcement units.

Brian Cannon, PSAP and Police Records Manager reported they are requesting a full-time police records position which will be a civilian position. Mr. Cannon reported they currently have two-part time positions. He added they staff the Police Information window and respond to request for records along with additional duties. He reminded all that several years ago their full-time position was reallocated and resulted in difficulties in keeping up with the current workload and resulted in a significant amount of time by himself as manager of both the 911 center and the Police Records Division.

He noted the current part-time positions work an average of 27.5 hours per week equating to 238 hours total between both positions. Case processing alone accounted for approximately 150 of the 238 hours worked. The division also handled approximately 1,300 total phone calls per month, 475 walk-ins, 90 accident entries, 125 report releases, 20 hours of discovery and 15 background inquiries per month. Additionally, approximately 12,000 police reports per year are reviewed and need accuracy verification. He noted they are currently 8 months behind in reviewing the reports. He also noted there have been an increase in the amount of video requests and they do not anticipate this changing.

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

Mr. Lawhorn asked if they were restricted to work just the 238 hours. Mr. Cannon said they cannot work over those hours as they are part-time.

Mr. Markham confirmed this proposed added position will not take the place of the part time positions. Mr. Cannon said it would not. Additionally, Mr. Markham asked if they would be able to keep up with the workload with two part-time and one full-time position, as they are currently behind. Mr. Cannon believed once existing staff and new staff was up to speed and caught up with work, staffing should be adequate. Chief Tiernan added in lieu of a full-time person now, a light duty police officer has been working in that department for the last two years, but that officer has returned to full duty.

There was no public comment.

Sergeant Jones reported the police firearms range was a continuation of what was proposed to Council in the previous year. Sergeant Jones reported several years ago the issue of available range time and transporting officers to the range created a bottleneck in maintaining adequate training for NPD officers. He noted the original project came out of this circumstance. He noted NPD was aware of costs and as such noted outdoor ranges are significantly cheaper. During a partnership with another agency, they had the potential for some land, and that fell through. As a result, they researched other options. After considerable research and thought, the only feasible option was an indoor range. The issue with that option was cost. He noted currently the NPD was 100% compliant with the Council on Police Training Standards as far as firearms training. He added they are unable to schedule range time at the sites they normally use the previous summer and had to rent range space up in Coatesville. He noted although it was a fantastic range, the cost was significant for rental fees and the driving distance was 1 hour and 10 minutes one way. He added they no longer are on the priority list for the National Guard range as there are a great many agencies that use that range and the City of Newark was longer on the lease for that range. He also added the existing equipment at that location was outdated.

He also expressed concern with the officers receiving adequate training but being unable to participate in optional training to extend their skills to the next level. He pointed out the significance and potential impact of low frequency, high liability events and the necessity of having well trained personnel to handle such incidents should the need arise as they can create huge liability and financial issues for any municipality. He reported statistically speaking with events across the country in the last three years, firearms related lawsuits with police department, some of the highest numbers come from the fact of failing to train with moving targets. NPD currently does not have the ability to train with moving targets. Also noteworthy was Sergeant Jones mentioning the need for additional support staff at the National Guard Range when shooting. A river guard was needed to sit and watch the cameras and anytime a boat gets between point A and point B, shooting must be halted. An average of 1.24-hour delay per day was not uncommon per Sergeant Jones. Also, range safety officers have to be out there as well, one per five shooters. He also noted a shift at a time was trained because the shift trains as a group; yet coverage was still needed for road patrols. Officers need to be taken from specialized units to cover patrol for the day which creates eighteen days where they are not doing what they are intended to do. He noted if NPD has their own firearms range they can eliminate (with the exception of one shoot) all that additional road coverage. During that one-time annual event, they will train that one shift together as a group.

Mr. Clifton reiterated his concerns and how they match what Chief Tiernan and Sergeant Jones said, especially when it came to the discussion of the huge liability from lawsuits and keeping City police personnel and residents safe as well.

Sergeant Jones reported NPD staff have met with an engineering firm and got some solid numbers from them. In addition, they have support from Public Works and noted they have also been in contact with another agency in hopes to obtain land and partner with them on the final project. The proposed range would be ten lanes wide and 50 yards long and would accommodate the rifle qualifications and training. Additionally, there will be a classroom space inside. Overall it would be about 4,800 square feet of non-range space and include about 8,000 square feet of range space. The overall cost would be about \$4.7 million for the range. The hope would be that the partner agency would be able to donate the land and contribute substantially to this \$4.7 million and hopefully the end cost to the City would be \$2.5 to \$2.8 million. Annual operating costs are projected to be about \$27,000 for the City for straight operating costs. There could be revenue potentials as well to offset costs and would be considered.

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

Mr. Lawhorn said he stated this proposal last year and believed there was a need and he continues to support this proposal. He asked if the lack of extra available training causes retention issues. Sergeant Jones believed it may be a consideration from someone new coming into the NPD that may want more training that NPD was able to offer. Mr. Lawhorn asked that revenue potentials analysis include a consideration of a more "state of the art" facility as it may offer more revenue return than the "bare bones" facility. He asked how much NPD was spending on weapons training on an annual basis and are other costs (pulling personnel off the street to ensure adequate coverage) are factored in. Sergeant Jones reported this process has been looked at extensively and added NPD spends about \$20,000 in overtime for firearms instructors, range safety officers, etc., to be out at the range. \$12,000 was spent annually in salaries just in drive time to go to the Coatesville, PA facility or the National Guard range. Range rental costs are about \$3,500-\$4,000 annually. An additional \$7,000 for other costs when NPD personnel conducts the Citizens Police Academies, river guards, etc. Indirect savings could include about 710 productivity hours are gained with a new range. Additionally, he reiterated the intangible benefits of

liability and proficiency and enhanced user experience. Use of an indoor range eliminated time of day issues as well, i.e. the necessary low light shoots that are necessary for training of all officers.

Sergeant Jones mentioned they would not want to book the range to capacity because then NPD would not be available to do so. He noted that projected availability of 130 days per year and rent that facility 8 hours per day, that equates to \$1,040 at \$50 per hour, that would equal \$52,000 in rental revenue. If NPD were to have 130 days available per year, that would give them 60 days more a year availability than they currently use.

Mr. Horning asked if grant funding could be factored into the project. Sergeant Jones said grant funding was always an option but noted anytime federal funding was used, the EPA will come in and do inspections. The Department of Justice wrote NPD a denial letter and would not allow the City to use federal funds for a range because the extensive cost to that EPA inspection. The inspection estimates for a range this size was \$75,000-\$80,000 annually if federal funding was used. Sergeant Jones noted there would be a Memorandum of Understanding (MOU) signed between the two partners, with a 100% partnership across the board. Mr. Horning confirmed the proposed facility would cover all the NPD's needs when it comes to different firearms, etc. Sergeant Jones confirmed it would cover every platform NPD used. It would not include a shoot house for force on force or simulations but could potentially down the road be researched and find grant funding to add a shoot house on site later.

Ms. Wallace asked what the \$250,000 in the 2020 budget be used for. Sergeant Jones stated he believed that would be the initial costs for architectural, engineering design, permitting and construction administration costs to get the process started. In the future, she asked that all this information including operating costs and current costs be provided to Council in the form of a memorandum. The bottom line for her is how this would be paid. Mr. Coleman said that has been the big question from City staff as well.

Mr. Markham believed it would come down to cost and what was the payback time. He asked that all the numbers be compiled and provided to Council so the payback can be determined. Mr. Markham mentioned that Cecil County was mentioned in the budget presentation materials and Chief Tiernan confirmed they are one of the agencies they are talking to. Sergeant Jones will provide additional information to Council. Chief Tiernan added they would have about \$500,000 from the federal seizure grant, which was a result of drug seizures when working with the DEA and they gave a percentage of the monies recovered or fines to assisting agencies. Mr. Markham suggested Chief Tiernan reach out to state representatives. Mr. Clifton reported he had contacted federal and state representatives and the result was not encouraging.

Mr. Hamilton said he wanted to support the project, but noted the details including how to pay for the project have to be determined. He said he was willing to pay for things that do not necessarily pay for themselves, if it would result in a payback in safety. He suggested reaching out to UDPD to consider a partnership.

Ms. Hughes believes the City needs this facility and believed Newark could find a way to pay for it somehow. She agreed with Mr. Hamilton and suggested reaching out to UDPD for consideration and contributions as well as part of a joint effort. If not a joint effort, maybe UD could go a little deeper into their pockets for just general funds. She said all it takes was one unfortunate incident with a police officer to erode the public's trust and that was not needed anywhere in the country especially in the City of Newark. She praised the NPD and their efforts.

Mr. Markham asked about the replacement vehicles on page 33, specifically the 2006 Crown Victoria. Deputy Chief Feeney reported there are two that are scheduled to be replaced in the upcoming budget cycle and there was an additional Crown Victoria in the Criminal Division. He reported the Ford Interceptors are working well for NPD and they will continue to integrate the vehicles into the fleet. Any quality issues mentioned in recent reports will be monitored prior to purchase. Mr. Markham asked what the F250 was used for. Deputy Chief Feeney reported it was used for the ACO (Animal Control Officer) vehicle and the hope would be to downsize this vehicle in the future to a ½ ton or a 1500 which was a substantial reduction in cost and will include a slide-in bed for the animals.

There was no further discussion from the table and no public comment.

15. MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: TO EXTEND THE MEETING TO HEAR ITEMS 6A AND 7A.

MOTION PASSED. VOTE: 7 to 0.

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

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

- A.** Recommendation to Award RFP No. 19-03 – Credit Collection Services (20 minutes)

03:40:40

Mr. Martindale reported the City's five-year contract with the current credit collections service expired this year, so the City put out RFP 19-03 to find a new collection service to replace the old collector. The previous collector charged 25% for both backlogged accounts and for future accounts with a \$1 fee per letter sent on the City's behalf. Since the City has 2,700+ closed electric accounts totaling about \$555,000, the City hoped to find a collector with better return rates and smaller percentage fees.

Professional Recovery Consultants was a large debt collection agency with the bandwidth for collecting in large quantities offered to collect on bad debt for the City for a rate of 22% for closed accounts and 17.24% for future accounts with no letter fee. Newark will therefore receive 78% for the backlog of accounts and 82% for the forward flow of accounts. Since this company was a larger agency offering lowering collecting percentages this will prove beneficial for the City. Mr. Martindale recommended the award of RFP 19-03 to Professional Recovery Consultants for a minimum of three years with two one-year options for a total of five years.

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

Mr. Hamilton asked how effective the company was. Mr. Martindale explained the company has a recovery rate with government service range from 4% to 32% with an average rate of 11%. The utilities recovery rate was from 5.4% to 57% with an average recovery rate of 26%. Mr. Hamilton asked how that compares to the previous company. Mr. Del Grande reported the amount was 0.01% which equated to about \$1,800.

Mr. Markham confirmed they are not purchasing the debt, just pursuing debt. Mr. Martindale confirmed this. Mr. Del Grande said they checked references and New Castle County uses them for sewer and tax collections and are happy with their performance. Mr. Markham stated he was concerned about their reputation after reading some negative reports. Mr. Del Grande said the company provided materials to the City and had an interview with City staff. He noted they do provide some advanced technology in their phone call practices ensuring they are compliant with current laws to avoid litigation. Mr. Markham asked for a cancellation clause be included in the contract should staff determine their collection practices are not a good reflection of the City. Mr. Del Grande noted the current contract provided a 30 day out with notification. Mr. Hamilton asked if the current debt reflects current residents or people that have moved outside of the City. Mr. Del Grande reported they are generally students that have gone on to greener pastures and left with a balance remaining on the account.

Ms. Wallace believed the concern was what if the collection agency had the wrong person. She asked what procedures the agency had in place for removing inaccurate information off of their list and if staff will be doing follow-up reviews. Mr. Del Grande informed Ms. Wallace the agency will be providing monthly reports and, as wrong information was recognized, the accounts are noted and the information will be provided to the City.

Mr. Horning asked when the agency runs out of options if the City wrote off the bad debt. Mr. Del Grande stated the City would.

Ms. Hughes asked how long the agency would try and collect the debt before write-off. Mr. Del Grande stated once the City closes an account it was a several step process the City follows. The accounts are bundled and then forwarded to the agency for collection. Mr. Del Grande anticipated the agency will have the accounts for several months and then forward back to the City with a status update.

There was no public comment.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL AWARD RFP No. 19-03 TO PROFESSIONAL RECOVERY CONSULTANTS, INC. FOR A MINIMUM OF THREE YEARS, WITH TWO ONE-YEAR OPTIONS, FOR A TOTAL OF UP TO FIVE YEARS.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

17. 7. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

- A. Bill 19-23 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Updating a Position Title (15 Minutes)**

03:51:26

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 19-23.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Mr. Coleman reported the HR and Labor Relations Manager was the technical title for the position that Deputy Chief Farrell has done for the City since May of 2018. It was previously the Deputy City Manager position. Upon the resignation of the individual, Mr. Farrell took the position over in an acting role. It remained vacant for a while during the City Manager search. Mr. Coleman noted once he took the position, he felt it was time to fill the position. The title was changed to HR and Labor Relations Manager based on feedback that Council did not support a Deputy City Manager. The pay grade and the title were changed and during recruitment a well-qualified group of people responded. However, they were qualified for a slightly different position than intended. After evaluation the position title was changed to attract a different pool of applicants.

There were no questions from the table.

There was no public comment.

MOTION BY MS. WALLACE, SECONDED BY MS. HORNING: THAT CITY COUNCIL ADOPT BILL 19-23 AS PRESENTED.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

(ORDINANCE NO. 19-24)

- 18. 8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT: None**

- 19. Meeting adjourned at 11:02 p.m.**

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

/tas