

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**March 9, 2020**

Those present at 7:00 p.m.:

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| Presiding:     | Mayor Jerry Clifton<br>District 1, James Horning<br>District 4, Chris Hamilton<br>District 5, Jason Lawhorn<br>Deputy Mayor Stu Markham, District 6   |
| Absent:        | District 2, Sharon Hughes<br>District 3, Jen Wallace  |
| Staff Members: | City Manager Tom Coleman<br>City Secretary Renee Bensley<br>City Solicitor Paul Bilodeau<br>Assistant to the Manager Jeff Martindale<br>Chief Communications Officer Jayme Gravell<br>Finance Director David Del Grande<br>Parks and Recreation Director Joe Spadafino<br>Planning and Development Director Mary Ellen Gray<br>Public Works Water Resources Director Tim Filasky<br>Senior Mechanic II Dave Vispi |

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1. Mr. Clifton called the meeting to order at 7:00 p.m.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (9) for the purposes of personnel matters in which the names, competency and abilities of individual employees are discussed, unless the employee requests that such meeting be open.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL REMOVE FROM THE AGENDA THE EXECUTIVE SESSION LABELED 2A.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

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

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

4. **JEFFERSON AWARDS PRESENTATION (25 MINUTES)**

**1:28**

Michele Fidance, Executive Director of Multiplying Good, Delaware, shared that the organization believed that individuals were transformed through service to others, helped individuals discover their ability to bring about positive change, deliver the skills necessary, and inspire them to do more. She explained that the award was hosted by the City of Newark and Mayor Clifton was to recognize all of the participants of the Lead 360 program. She explained it was one of the largest youth service contests in America and tapped into the energy and idealism of young people to encourage them share their stories of service with millions. The participants were tasked with submitting a project for service and a change they wanted to see in their community. She explained that Phase I was the submission of new projects and Phase II was the activation of the project that won last year, Manna Bags.

Ms. Fidance stated to date, there were over 1,114 projects engaged over 273,000 individuals, 1.1 million hours of logged community service, and had generated over \$29 million worth of impact to the State of Delaware. She revealed that the program was sponsored and supported by seven mayors across

the State with award ceremonies happening in each city. She thanked Mayor Clifton for his sponsorship and support of Lead 360.

Mr. Clifton admitted that he underestimated the level of participation in the program and commented how truly difficult it was to judge and determine the winning project. He was honored to be included in the project and expressed his pride in the group's dedication and achievements. He thanked the candidates and their support networks and found it to be uplifting on behalf of the community. He thanked Ms. Fidance for her efforts and guidance and looked forward to recognizing all the participants.

Ms. Fidance began the awards by acknowledging Phase II, the activation of Manna Bags. She explained that Manna Bags was a project completed by four seniors at Newark Charter School in 2019. The project stemmed from their desire to help the City's homeless and began by soliciting donations from around the State and ended with 18 activation partners which generated over 1,300 Manna Bags to be distributed around the State for a financial value of over \$13,000. She introduced the Delaware Union OA Girls Travel Soccer Team, MOT Charter School – 2<sup>nd</sup> Grade, Newark Charter, NHS Jefferson Club, and Fellowship of Christian Athletes.

Ms. Fidance next introduced the Phase I submissions for 2020:

- Melanie Witte
- Samantha Young
- Emma Colby
- Ashleigh Burger
- Destiney Skinner
- Aidan Locke
- Nicholas Ruggeri
- Megan Chen
- Girl Scout Kendall
- Girl Scout Madelyn
- Girl Scout Olivia
- Girl Scout Heather
- Girl Scouts Alexandra, Ifrah, and Daisy
- Girl Scouts Allison, Caitlin, Erin, Chiya, and Leah
- Girl Scout Emily
- Girl Scout Rebecca
- Girl Scouts Sahasra, Parker, and Parishna
- Girl Scout Troop #884
- Girl Scout MadaLynne
- Girl Scout Troop #14

Ms. Fidance announced the Mayor's Top Project recipient was Sabin Lowe for his bi-monthly stream and coastal clean ups, school straw letter writing campaign, Sierra Club and River Protector volunteer project, petition to prevent fracking (100,000 signatures), Delaware Youth Climate Summit speaker, Main Street & Plastic Free Delaware, and volunteering to teach English in Spain.

Ms. Fidance revealed there were 278 projects submitted State-wide, over 7,400 volunteers, and over 169,000 volunteer hours impacting over 107,000 lives. The overall financial impact for the State was over \$4.3 million. She stated that Sabin Lowe was invited to the 2020 Delaware Jefferson Award Salute to Service which would take place on April 28 at 6pm at the Soda House at Hagley Museum where the overall winner from the seven Mayor's Top Projects would be announced. She explained that the winner would be the next project activated for the calendar year 2020. Ms. Fidance thanked the participants, families, and parents for supporting the youths.

Mr. Clifton thanked the attendants on behalf of City for making a better world.

Mr. Markham declared a five-minute recess to allow for photos with the Mayor.

6. 1. **ITEMS NOT ON PUBLISHED AGENDA**
  - A. Elected Officials who represent City of Newark residents or utility customers (2 minutes): None
7. 1-B. **UNIVERSITY**
  - (1) Administration (5 minutes per speaker) (3 minutes)

**27:14**

Caitlin Olsen, UD Administration representative, reported UD was continuing to monitor the coronavirus situation and had a button on their homepage for public information and that the live streaming on the panel was available. She stated that Council should have received an email regarding the Osher Lifelong Learning Institute announcing that the division of Professional and Continuing Studies would offer eight courses over the summer beginning July 7. The classes cost \$95 per class, were four weeks long, and had no homework or tests and would be held at the Tower at the STAR Campus. She said that efforts were underway to find a location for fall and spring semester classes. She indicated there should have been an article in the Newark Post regarding UD's efforts to crowdsource a map of public artwork and explained students working to create a GIS map and inventory of public art in the City and UD campus. The students created an application where the community could take pictures and listen to

audio and UD would create a map and storyboard of the inventory with the aim to create an art loop in the City. She stated the students were funded by a mini grant they received from the Council for Community Engagement and hoped to receive larger grants once the project was put together.

Mr. Hamilton noted that previous lifelong learning classes were at the Wilmington campus and he was happy that UD brought the classes to Newark. He thanked the UD Blue Hen Investment Club for partnering with the Newark Charter Investment Club and noted it was another partnership that helped the community. He wanted to advertise to initiate more partnerships with the local middle and high schools and thought UD would benefit. He thanked the students and UD for their efforts.

Mr. Horning thanked Ms. Olsen for the increasing UD police presence the weekend before and after Saint Patrick's Day and for promoting alternative activities.

Mr. Markham recalled a conversation suggesting UD contribute more to the City through a student fee and thought it was possible to create a list of partnerships UD would consider collaborating with the City at the State level. Ms. Olsen agreed and thought the infrastructure was a good starting point. She noted there was money this year and commented that if the City was not doing well then neither was UD and that was how she would explain it to the legislators. She believed there were opportunities this session and thought it was important to sit down with the legislators as a team to see what was possible in an election year. Mr. Markham did not think it was specifically for an election year and agreed that infrastructure was a great start but there should be a natural plan.

Mr. Clifton attended the ribbon cutting at Chemours and noted the 300 jobs created. He remarked that the building and infrastructure were amazing and revealed that the CEO was impressed with the positive partnerships between the State, City, and UD. He recalled conversation around making Newark and arts destination to draw people to town and saw the mapping app as the genesis of a much bigger process.

**8. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes) (2 minutes):**

**38:36**

Keri Edwards, Student Government Association, announced that Megan Mullenix had a replacement and noted that the construction on Main Street was a potential safety hazard because people riding DART were forced to wait in the construction zones or in the street. Mr. Clifton noted the work would be completed in September and asked Ms. Edwards to send him details for the event on May 13<sup>th</sup>. Ms. Edwards confirmed and invited other Council members to join on April 22<sup>nd</sup>. Mr. Markham volunteered, and Ms. Edwards said she would send him the information. Mr. Hamilton also offered.

Nicolas Guerriero, UD freshman and Political Science and History major, looked forward to working with Council. Mr. Clifton and Mr. Hamilton congratulated Mr. Guerriero on his participation as a freshman. Mr. Markham said he also held a Political Science degree and noted it was versatile and recommended that he pair it with another major.

**9. 1-C. CITY MANAGER (2 minutes):**

**42:04**

Mr. Coleman informed Council that staff was working on the coronavirus response plan and noted there was a page on the website for residents. He referred to Ms. Olsen's comments about the art inventory and informed there was the potential for Newark to do a Public Art Plan, like the Conservation Plan, if Council was interested. He said that staff was researching potential grant opportunities and offered Council to attend the next public Art Group meeting. Mr. Clifton and Mr. Hamilton expressed interest in attending. Mr. Coleman revealed that the Planning Department reached out to the County and DNREC regarding the FEMA flood maps and said that staff was on track for hosting meeting as requested. He said that there had been meetings in 2017 and direct mailings went out to all effected property owners, but attendance was low. He said that the County and DNREC were experiencing calls and thought it likely that more people would attend.

Mr. Horning asked if staff had advice for residents required to get flood insurance per their mortgage companies or if there was still time to appeal. Mr. Coleman expected residents would have to move forward with getting flood insurance and revealed that FEMA appeals took six to nine months with the aid of an engineer. He said he had never done an appeal for an individual homeowner and explained there were processes to follow but cautioned against homeowners not getting insurance.

**10. 1-D. COUNCIL MEMBERS (5 minutes):**

**45:02**

**Mr. Markham:**

- Congratulated Mr. Clifton on the Jefferson Award
- Asked Mr. Coleman if staff began measures towards working at home for the coronavirus. Mr. Coleman answered that he was looking into a trial run for staff to work from home to test IT infrastructure in a controlled setting. He suggested residents enroll in online bill pay or pay by phone to limit public interaction if the CDC shut down the building.
- Revealed that there was no way for Council to meet unless it was in person. Ms. Bensley reached out the Attorney General's office regarding FOIA concerns and the AG was unable to offer advice as they had to remain a neutral arbiter should a resident file a complaint. Mr. Markham suggested the State should waive the in-person requirements of the legislature to allow for telepresence during a State of Emergency so that the business of government could continue. He thought the legislature should have an emergency plan. Ms. Bensley revealed that teleconferencing was not permitted per FOIA, but videoconferencing was with the caveat that every videoconference location was open to the public. Mr. Markham believed there should be other options under a State of Emergency.
- Noticed a building on South Main instituted pay-for-parking and had six spots for retail and a few 15-minute spots for pick up. He reported there were three restaurants, a liquor store, and a tanning salon in the building and the City required a certain number of spaces for the stores and apartments. He expected the spaces required were for the stores and opening the spaces up to charge for public use defeated the purpose. He was sure City code did not specifically say parking had to be free but believed it should be designated for the stores. He thought the definitions for required parking needed to be clearer and feared that all spaces would become paid parking and retail would not have designated spots. He cautioned Council against the trend and suggested they be prepared to clarify the intent. Mr. Clifton asked Ms. Bensley to add the topic to a list of Council priorities. Ms. Gray explained that the property in question was approved with 89 spaces so an inspector would be sent out to ensure there were the proper number of allocated spaces. She continued that the development was approved to have specific spaces for the specific uses that were in place at the time of approval. She noted that the request to examine parking codes was included in the Downtown Newark Parking Plan and stated that Planning was looking into how parking was managed in the City. Mr. Markham asked that Mr. Bilodeau research how required parking spaces were used.

**Mr. Horning:**

- Invited the public to attend the groundbreaking for the new park installation at the former Rodney dorm site, March 13<sup>th</sup> at 1:30pm. Parking was available at Oaklands Pool and on-street parking would be allowed in Oaklands during the event for one hour.

**Mr. Clifton:**

- Welcomed Reverend Blaine Hackett and announced the passing of Bishop Hunter. Bishop Hunter was the bishop of Prayer Temple on New London Road and was a Vietnam veteran. Mr. Clifton described him as a gentle giant who did a lot of behind-the-scenes work in the City and remarked that the community lost a great leader.

**11. 1-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes): None**

**12. 2. APPROVAL OF CONSENT AGENDA: (1 minute)**

- A. Approval of Council Meeting Minutes – February 24, 2020
- B. Receipt of Planning Commission Minutes – February 4, 2020
- C. Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark for Construction of Public Restrooms at Preston's Playground
- D. ***First Reading – Bill 20-10 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Expanding the Ethics Board to Seven Members, Creating a Staggered Appointment Structure and Increasing the Quorum Requirement – *Second Reading – March 23, 2020****

**1:01:23**

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**13. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS: None**

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

15. 5. SPECIAL DEPARTMENT REPORTS:

A. General Assembly Update and Associated Requests for Council Direction - Lobbyist (10 Minutes)

**1:02:20**

Rick Armitage, Armitage DeChene & Associates, remarked on the uncertainty of the coronavirus and suspected any financial topics covered a month ago by the State were in jeopardy. He reported that DEFAC would meet on March 16<sup>th</sup> and he did not yet anticipate economic impact but noted that the stock market dropped 2000 points.

Mr. Armitage reported that he met with Ms. Olsen and her team in February and revealed that DelDOT planned to redo the ramps on 896 and 95 in 2025. UD was concerned about how welcoming the gateways to the City were and he thought that art installations could be put on display at the gateway areas into the City. The meeting also included the request in the Bond Committee for infrastructure at the STAR Campus. He stated the letter that Mr. Clifton and Mr. Coleman sent to the Bond Committee was part of the City's support for the request for \$4.83 million. He believed the request was well-received by the Bond Committee when it was thought that funds were available and stated that DEFAC anticipated having \$200 million at the start of the budget process. Last year, the Governor set aside \$125 million as a second rainy day fund with the anticipation that another \$40 million would be added this year and the rest would be for one-time projects plus the House Substitute 1 for House Bill 200.

Mr. Armitage stated he had a conversation with the Speaker of the House on Friday regarding adjournment protocol and the suspension of meetings. The Speaker had not yet spoken to the leadership and Mr. Armitage thought it was critical for the legislature to concentrate on money but noted that the legislature was most likely uncertain on how to proceed with public meetings. He noted the lack of leadership from the Federal and State governments. Mr. Markham asked if Mr. Armitage understood he was speaking about Newark leadership and Mr. Armitage confirmed that the same institutional problems existed for both parties. Mr. Armitage assumed the State would have to initiate emergency legislation and the Governor would have to declare a state of emergency. He noted that some governors had already declared a state of emergency to gain access to federal funds. Mr. Markham noted that the State did not have to approach Congress to ask permission, but the City had to ask permission from the State. Ms. Bensley interjected that the Attorney General's office admitted that they had not received contingency plans from other public bodies. Mr. Markham noted it was not unusual for Newark to find holes and Mr. Armitage suggested that the City take the lead.

Mr. Armitage next updated about DelDOT and reported the \$10 million suggested by the Governor for suburban and municipal street funds would be together. He noted the conversation the Secretary had with the Bond Committee was supportive and said that the Newark Transit Station was on schedule for completion in 2022 and was an \$87 million project. He explained that because the State did not raise motor fuel tax, there was an additional \$1 million in motor fuel tax available. He revealed the bond rating increased, the Main Street Project was still on schedule for completion in May, and Carl Luft testified on behalf of the League and thanked the Governor and legislature for supporting the \$10 million for municipal street aid.

Mr. Lawhorn referred to the gateway beautification and thought it was possible to partner with UD to enhance New London Road as well as increase safety. Mr. Armitage revealed there was a transportation study group within UD's engineering department that was funded yearly by DelDOT that could be useful. Mr. Lawson asked about the contingency plan for Council and asked if the City should submit a proposal. Mr. Armitage suggested to work through the League because it was not a problem central to Newark and if the Legislature acted, it would do so for all the municipalities. Mr. Markham believed the State should make it a priority and Mr. Armitage said he would speak to the Speaker of the House on Friday.

Mr. Markham offered to join Mr. Armitage as an ambassador for the City. He also revealed that Don Sharpe said Mr. Armitage did an excellent presentation on open space, park land, and the water trust. He believed it was important to the community and how the City interacted with the environment. Mr. Armitage thought Mr. Sharpe and Dorothy Miller's efforts towards White Clay Creek were amazing.

Mr. Hamilton asked if the State could change its mind and Mr. Armitage repeated the economy was uncertain because of the virus.

Mr. Clifton received an email stating the trees in Dorothy Miller park were overgrown and there was a lot of trash along Kirkwood Highway. Mr. Coleman indicated crews would be sent out to clean the area. Mr. Clifton asked if the driving habits study was finished. Mr. Armitage said it was on-going and the pilot was extended for a few more months and told Mr. Clifton that he would find out more information. Mr. Clifton said reconfiguration of the motor fuel tax would impact EV drivers not paying the tax and using the roads. He spoke with Karyl Rattay from the Delaware Division of Public Health and said residents were encouraged to call the hotline on the webpage - 1-866-408-1899.

Mr. Clifton relayed that Nicole Majewski believed the City would get more money in the street bond. Mr. Armitage confirmed that was the plan going forward and that even if the Bond Committee hearings were completed, Senator Sokola asked the members to be prepared to return to do the epilogue language in the first few days they returned.

**16. 5-B. 2020 REVENUE STABILIZATION ADJUSTMENT – FINANCE DIRECTOR (20 MINUTES)**

**1:17:40**

Mr. Del Grande explained the Revenue Stabilization Adjustment (RSA) would be reset effective March 15, 2020, to reflect the City's cost of electric. He continued that the RSA was comprised of three main components: the wholesale cost of purchase power, the cost of past year's electric expenses, and the adjustment needed for the City meet its budgeted operating margins, all of which led to the overall credit of \$6.5 million available to be returned to the customers. Regarding the return, staff proposed to set aside \$3,070,000 in the City's Electric Rate Stabilization Reserve to save for future electric projects and expenses that would impact future electric rates. Staff also proposed to return \$3,428,800 via a credit of 1.206 cents per kilowatt hour applied to all customers assigned to the rate classifications that were subject to the RSA which were the City's non-contracted electric customers. Mr. Del Grande continued it was the same credit that was currently in effect and said it would continue to provide \$12.06 for every 1,000-kWh used on a monthly basis. On an annualized basis, the credit amounted to \$144 for customers who averaged 1,000 kilowatts per month. The credit would continue through March 14, 2021 and equated to just over a 5% decrease for residential customers. When the RSA is factored in, Newark customers' electric bills were 0.2% less than Delmarva.

Mr. Lawhorn summarized that the City overcharged by \$6.5 million, returned \$3.4 million to residents using the same RSA value and Mr. Del Grande explained that staff used a 2011 electric study. The City was currently going through a cost of service and electric rate study and until the new electric rate study was completed, staff had to set rates by 2011 costs of wholesale power which was why staff returned each year with a credit. Mr. Lawhorn asked if a large portion of the \$3 million saved would be for the Power Substation or something similar. Mr. Coleman confirmed and stated the money would be in the Rate Stabilization Reserve to be used for offsetting future expenses that would affect the rates. He said one project was increasing the warehouse space at the maintenance yard because the electric department needed more internal space and was projected to use \$500,000 of the \$3 million. Mr. Lawhorn asked if the project was set for 2021 and Mr. Coleman replied that the funding was available in 2020 but staff wanted to continue working on designs and present a proposal to Council for consideration.

Mr. Horning asked if staff was balancing offering a competitive rate with setting aside reserves for longer term, larger capital expenses and Mr. Coleman confirmed. Mr. Horning asked if this was the best recommendation and Mr. Coleman replied it was fair and continued that the City could either have lower rates or keep lower rates for the future and since staff felt that rates were currently competitive, it made more sense to hold them in case it was necessary to defray costs.

Mr. Markham recalled when it was necessary for Council to raise rates every few months and did not believe that most customers understood the advertised rates and suggested that Communications issue a statement to better explain to customers. He asked how much was currently in the stabilization and substation rate and Mr. Del Grande answered there was just under \$2.2 million in the Rate Stabilization Reserve and another \$2 million in the Substation Reserve. Mr. Markham calculated that \$2.2 million would be added to the Stabilization and \$2 million to the Substation for a total of \$4.3 million and \$4 million. He asked if any infrastructure funding from the State would affect the substation and Mr. Del Grande answered that staff wanted to have half of the money in reserves by 2024 to fund the substation and planned to have a conversation regarding the rest. Mr. Markham stated that none of the infrastructure money the City hoped to get from the State would be applied to the electrical system and Mr. Coleman said that the only infrastructure money the City would get from the State was either through the State Revolving Loan Fund for water/sewer and stormwater and municipal street aid. He revealed there were funding sources for electric infrastructure coming from the State. Mr. Markham remarked that one direction to the lobbyists was to ask the State for infrastructure aid and if the City should still pursue the request.

Mr. Markham asked for examples of future electric projects and Mr. Coleman responded that staff considered expansion of McKees Solar Park. Mr. Coleman continued that the direction that Council gave staff at the end of 2019 were possible projects so some of the funding could be used to do construction of generation assets that would offset future power purchases. Mr. Markham commented that there was money in the McKees-generated fund that should be used first and the Green Energy Funds were also available. Mr. Coleman added the defraying the cost of required infrastructure was a primary concern. He explained that DMEC also had a rate stabilization reserve for their wholesale power rates so in order for a wholesale cost rate to push through to Newark, DMEC would have to exhaust its rate stabilization reserve of roughly \$25 million so there was an additional layer of protection between the City and wholesale power. Mr. Markham explained he was asking about the projects and noted it would take a lot for the City to use that amount. Mr. Coleman interjected that DEMEC's power cost projections included the wholesale power costs bottoming out in the next year or two and then climbing again. He said it was driven by transmission and capacity costs. Mr. Markham believed it was more reason for local generation.

Mr. Markham was also concerned with emergency power should there be a major disaster because of how the City ranked in terms of priority for assistance. He wanted to make sure there was a good emergency power back up for facilities. He suggested using the funding for bridge lights on the Emerson for the portion the City was required to pay and noted it cost roughly \$1 million to bury the lines on Main Street and Mr. Coleman interjected it cost \$17 million. Mr. Markham revealed that the City did not have closed loops on some of the developments which only had one path to provide electricity and no way to provide an alternate path of power.

Mr. Hamilton asked if a portion of DEMEC's \$25 million belonged to the City because the City owned 40% of DEMEC and Mr. Del Grande and Mr. Coleman confirmed the City had a share of the reserves. Mr. Hamilton wanted to make sure it was possible to access the money in case of an emergency and surmised the City needed to raise another \$3.5 million over the next few years for the Substation and asked where the City would find the funds given the RSA was disappearing. Mr. Del Grande responded there would be one more year until Council set new electric rates. Mr. Coleman added that the City would ideally have impact fees in place and would be able to collect revenue from other sources. He noted that some would come from the rates set aside through the Capital Program and others would come through borrowing. Mr. Hamilton asked if borrowing would require another referendum and Mr. Coleman said it depended on how staff chose to handle it. Mr. Hamilton agreed with Mr. Markham that electric was part of the UD campus infrastructure and hoped to partner with UD to get the State to assist with reserves. Mr. Coleman believed it was a good direction for the lobbyists.

There was no public comment and the Mayor returned the discussion to the table.

Mr. Coleman asked Mr. Del Grande for the total amount the was returned to rate payers in the RSA and Mr. Del Grande answered \$18,647,000 prior to the meeting.

MOTION BY MR. MARKHAM, MR. LAWHORN: THAT COUNCIL APPROVE THE 2020 GROSS AVAILABLE REVENUE STABILIZATION ADJUSTMENT OF \$6,490,800 AND MOVE \$3,070,000 TO THE ELECTRIC RATE STABILIZATION RESERVE AND ADOPT THE RSA RATE OF -0.01206 PER KWH EFFECTIVE MARCH 15, 2020.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**17. 5-C. 2020 PARKS ON DRAFT SCHEDULE – PARKS AND RECREATION DIRECTOR (20 MINUTES)**

**1:36:23**

Mr. Spadafino presented the 2020 Parks on Draft proposed schedule as per Ordinance 19-20 Alcohol Prohibition, City Parks and Special Events as approved by City Council. He explained that the City partnered with Grain and held its first Parks on Draft at Olan Thomas Park on August 15-18, 2019. He called the event a great success with 1,500 visitors from Thursday to Sunday even though Sunday was primarily rained out. He revealed that the City received \$1,800 from Grain as a portion of the net receipts for the event.

Mr. Spadafino continued that Parks on Draft was intended to be a seasonal event to take place in the summer because it was a traditionally challenging time for Newark businesses. The goal of the program was to highlight Newark's park system by rotating through various neighborhood parks to bring

the event to residents and to create a family-friendly atmosphere for neighbors to become better acquainted. It featured Newark restaurants, artists, and businesses. The event was held Thursday through Sunday from 4pm to 9pm on weeknights and Saturday, and on Sunday from 3pm to 8pm, with music and serving ending at 9pm. He defined the target audience as families, young professionals, and other laid-back residents and explained that all ages could enter with 21 and older being provided with wristbands and a designated area for alcohol.

Mr. Spadafino stated that the restaurants and Parks & Recreation would split the net receipts after deducting costs for labor, food and entertainment. The proposed 2020 Parks on Draft event schedule:

- Handloff Park with Homegrown Café, June 11-14
- Olan Thomas Park with Klondike Kate's, July 9-12
- Kells Park with Grain Craft Bar & Kitchen, August 6-9

Mr. Spadafino explained that because Grain was willing to be part of the initial launch of the program to help staff determine shortfalls and better practices, they would be included in the schedule for 2020. Through post-event meetings with Grain and staff, he anticipated a better event for residents in 2020. The other participating restaurants were chosen for their alcohol records and reputations as well-run establishments. He said that the intent was to have an additional three restaurants in 2021 to rotate through the establishments downtown and noted that the restaurants involved this year were enthusiastic for the opportunity.

Mr. Hamilton asked how many restaurants applied and Mr. Spadafino answered that staff did not openly bid because they did not want to turn applicants down. He continued that business would be picked on a rotating basis. Mr. Coleman interjected that the initial list was based off records that met the requirements and had a track record of partnering with Parks & Recreation. Mr. Hamilton appreciated the work done by staff and was happy it would be offered to other businesses but thought there could be accusations of favoritism. Mr. Spadafino agreed and said that one of the challenges staff had was determining qualifiers and Mr. Hamilton suggested restaurants submit bids and ideas in the future. Mr. Hamilton asked if the profits were enough to cover City costs for police and Mr. Spadafino replied that cost for the storage bin and extra items was enough but revealed the amount for police overtime was not covered. Mr. Coleman interjected that staff quickly realized that the officer was not necessary and Mr. Spadafino stated the event would not have an officer this year. Mr. Hamilton said it was not necessary for the City to make a profit on all its events because it was an event for residents who paid taxes and wanted to make sure it did not become an expense. He appreciated that the events were spread out over three districts and hoped to see the new park as an event location in the future. He also suggested that if an outdoor structure was built, the City could also host events during UD's spring break. Mr. Spadafino hoped that the event would provide staff with potential ideas to expand weekends into other seasons and dates.

Mr. Markham clarified that the serving hours on Sunday should finish at 8 to match the open times and Mr. Spadafino agreed. Mr. Markham noted that staff set the event up to be presented to Council each year because it was necessary to approve alcohol in the Parks, he asked Mr. Bilodeau if the presentation to Council was a requirement or if Parks & Recreation could handle the event without Council's yearly approval. Mr. Bilodeau replied that Council could amend the Code but currently, Code did not allow alcohol in parks, so Council needed to approve. Mr. Markham did not see the approval process before Council as necessary and suggested changing the procedure. He asked if the events would interfere with the Food & Brew in July and Mr. Spadafino answered that the weekends were chosen because there were no other City events. Mr. Markham asked if the Partnership intended to continue with Restaurant Week and Mr. Spadafino believed it did.

Ms. Bensley informed Mr. Markham that the ordinance approved permitting the event had language that said "alcohol in parks would be prohibited except in such case where it was temporarily permitted for a special event as approved by and within the sole discretion of City Council" and would need to be changed in Code. Mr. Markham understood and remarked that the City wanted control over new situations and reiterated that the ordinance could be changed when Council was comfortable with the process.

Mr. Horning asked what the overall pool of qualified restaurants was, and Mr. Spadafino answered that any restaurant with a business license in the City with a license to serve alcohol and a clean record for the last two years. Mr. Coleman added that staff wanted to work with restaurants who had a proven track record with Parks & Recreation. Mr. Horning asked if it was possible to have two restaurants at the same event and Mr. Coleman thought it depended on the nature of the parties involved. Mr. Horning admitted there was excitement mixed with reservations from residents about potential drunk

pedestrians and drivers but noted there were no such occurrences last year. He assumed the restaurants had proper guidance from the Health Department for the event and thought it was a great overall program.

Mr. Lawhorn remarked on the amount of positive feedback from the pilot program last year and thought it was successful given the approval was on a Monday and the event began Thursday. He suggested that staff pay close attention to parking and thought a shuttle service could be helpful. Mr. Spadafino said staff recommended that visitors use the trails to get to Olan Mills and Kells Park. Mr. Lawhorn hoped that more advertising would bring more visitors and thought that The Newark Partnership should have an event to let visitors know when construction on Main Street ended. He understood why staff chose restaurants they had partnered with and hoped that an application process would be open to additional owners. Mr. Spadafino interjected that Newark was fortunate to have so many quality restaurants and bars and Mr. Lawhorn agreed that there was a great potential for creativity. Mr. Spadafino stressed that his department wanted to have a controlled basis for participation. Mr. Lawhorn suggested reaching out to other similar events to share information on problems or suggestions to better run the event and thought it was important to partner with TNP because they had an economic wing available to help cut the cost down for the City in the long-term if the event grew. Mr. Lawhorn thought it was possible for many visitors to come from outside the City wanted to promote safe driving practices.

Mr. Clifton believed drinking and driving was an early concern and admitted it was a possibility but noted the servers that worked the event were qualified servers from the community. He stated that he was encouraged last year when he was leaving the event last year and passed three families entering with children and blankets who thanked the Mayor for the event. He believed it was an integral piece in making Newark an attractive destination for 25 to 45-year-old visitors. He noted the various partnerships from across the region and thought it was great that the event was moving into its second year.

The Mayor opened the floor to public comment.

Jean White, District 1, opposed the event.

The Mayor returned the discussion to the table.

Mr. Hamilton disagreed with Ms. White and suggested Kells Park and Philips Park as possible locations for future events. He noted how easy it was for visitors to walk between the two trails and saw the event as a potential to grow the visitor base and fill hotels.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE PROPOSED SUMMER 2020 PARKS ON DRAFT SCHEDULE AS RECOMMENDED PER ORDINANCE 19-20 WHICH CREATED AN EXEMPTION TO THE ALCOHOL PROHIBITION AT CITY PARKS FOR SPECIAL EVENTS AS APPROVED BY CITY COUNCIL.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

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

- A.** Recommendation to Award Contract No. 19-07 – ADA Transition Improvement Plan (15 minutes)

**2:04:04**

Mr. Filasky presented the recommendation to award Contract 19-07 the 2019 ADA Transition Plan updated on an annual basis and submitted as many as possible for bid given the budget available. He revealed that all 35 locations were in District 5 and explained they were clustered for cost benefit. He explained that the contract was for 2019 because staff got the bids late last year and took the winter to plan and stated the 2020 bids would go out this spring.

Mr. Markham asked if projects that could not be completed were added to the next year's list. Mr. Filasky confirmed but explained they would not be added unless there was a cluster like District 5. Mr. Filasky explained the projects were on a GIS layer and so staff knew what needed to be done and said it might be possible to get one additional project added to the contract.

There were no public comments and the Mayor returned the discussion to the table.

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: THAT COUNCIL AWARD CONTRACT 19-07 TO THE LOWEST RESPONSIBLE BIDDER, ALBERT G. CIPOLLONI, JR. & SONS, INC., FOR THE TOTAL FUNDING OF \$153,150.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**19. 6-B. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF A PWWR BACKHOE UTILIZING A SOURCEWELL COMPETITIVELY BID CONTRACT (10 MINUTES)**

**2:08:42**

Mr. Filasky presented the recommendation to waive the bid process for the purchase of a backhoe based on a Sourcewell bid for CIP WEQSF. He explained that the backhoe was an essential piece of equipment and said that although staff kept it in good condition, there were some issues. He said that staff got competitive pricing through the Sourcewell contract and good trade-in value for old equipment. He stated the price was around \$86,000 and included the trade-in but the original price was about \$160,000. He noted that the sinking fund was higher, so staff was exploring other equipment, such as a mini excavator, to help with stormwater clearing which staff was renting for \$6,000 a month. He was hopeful that staff could present a proposal to Council shortly.

Mr. Horning thanked Mr. Filasky for the presentation and deferred to his expertise on purchasing equipment necessary for City maintenance. Mr. Horning asked if 60/4000 mentioned in the protection plan meant 60 months and 4,000 hours and Mr. Filasky confirmed. Mr. Horning asked how many hours per year staff would put on the equipment and Mr. Filasky revealed the 2011 trade-in had 5,000 hours and stated most of the life of the vehicle would be covered under warranty.

Mr. Hamilton thanked Mr. Filasky for the presentation.

Mr. Markham appreciated that Maintenance staff was present and asked if the City only had one backhoe. Mr. Filasky replied there was one in the Street department and one in the Water department so there was a back-up available. Mr. Markham wanted to make sure the City was a capable of handling an emergency.

Mr. Clifton asked if there was value in keeping the trade-in. Mr. Filasky responded that staff considered it, but the equipment had transmission issues and reiterated the great trade-in value. Mr. Clifton asked if the mini excavator was considered a Bobcat and Mr. Filasky replied that a Bobcat was a front loader and a mini excavator could go all around.

There was no public comment and the Mayor returned the discussion to the table.

MOTION BY MR. HORNING, SECONDED BY MR. HAMILTON: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF ONE BACKHOE FROM THE SOURCEWELL COMPETITIVELY BID CONTRACT 032119-CNH FROM EAGLE POWER AND EQUIPMENT IN THE AMOUNT OF \$86,821.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**20. 6-C. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF A PWWR DUMP TRUCK UTILIZING A SOURCEWELL COMPETITIVELY BID CONTRACT (10 MINUTES)**

**2:17:40**

Mr. Filasky presented the recommendation to waive the bid process for the purchase of a dump truck based on competitively solicited purchase contracts in association with Sourcewell for CIPWEQSF. He explained the dump truck was a replacement for the Water department fleet but was also used as a frontline snowplow during major events. He described the truck to be replaced as a 2005 model with back-end problems but noted it would be moved to a lighter duty use for the Street department. He informed

that the new truck was rated for 40,000 pounds versus the old rating for 36,000 pounds to avoid overloading the truck.

Mr. Markham asked if it was a larger truck and Mr. Filasky confirmed that it was that standard truck used for plowing snow with four wheels in the front and two in the back. Mr. Markham asked if the 5 year/100,000-mile warranty and 5 year/unlimited transmission warranty were enough. Mr. Vispi answered that the warranties were the longest and anything longer were after-market with a much higher cost.

Mr. Lawhorn asked if the dump truck and backhoe came in under budget and asked if the extra funds went into a reserve account and Mr. Coleman confirmed that unspent money returned to the sinking fund or reserves. Mr. Lawhorn asked if staff would return with a budget amendment to address additional needs and Mr. Coleman confirmed.

Mr. Horning thanked staff for the presentation.

Mr. Clifton noted that the maintenance team was vigilant about maintenance and repairs on City equipment and he trusted their assessment when vehicles needed to be replaced.

The Mayor opened the floor to public comment.

Tony Sinibaldi, District 3, asked for the motivation for waiving the open bid process and Mr. Coleman explained that staff waived doing its own bid in favor of piggybacking off a previously bid contract. He said that the State would put out a competitively bid contract each year for vehicles and it was generally cheaper to purchase a vehicle under that contract because the volume was so high. He continued that Sourcewell was a government-run purchasing group and aggregated 2,500 different municipalities and was better suited for larger, more specialized vehicles.

Mr. Markham recalled vehicles that were interchangeable and asked if staff had given up on such models. Mr. Filasky explained that the dump truck was standard and informed that staff had recently purchased a swap-loader and they were still in the fleet.

The Mayor returned the discussion to the table.

MOTION BY MR. HAMILTON, SECONDED BY MR. HORNING: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR PURCHASE OF ONE DUMP TRUCK FROM THE SOURCEWELL COMPETITIVELY BID CONTRACT 081716-NVS FROM BELTWAYS COMPANIES IN THE AMOUNT OF \$175,964.52.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**21. 6-D. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF TYLER TECHNOLOGIES AND VERIZON SERVICES (10 MINUTES)**

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**2:29:19**

Mr. Del Grande explained that Tyler Technologies and Verizon Services were approved in the 2020 Operating Budget and were required for daily City operations. Staff recommended waiving the bid process to continue the use of Tyler Technologies in 2020 for \$108,123. He added that staff used Verizon Wireless to provide cellular voice and mobile data services and revealed that Verizon was the only vendor awarded on Delaware State Contract through a partnership. Staff recommended continuing the use of Verizon Wireless Services by joining the State contract for a total of \$83,453.

Mr. Markham remarked that Verizon was approved by the State and asked if there was opportunity to see if other municipalities could join in the future to get a better licensing rate. Mr. Del Grande said he would investigate the matter.

There was no public comment and the Mayor returned the discussion to the table.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF THE ANNUAL SOFTWARE LICENSES AND MATERIALS OUTLINED IN THE MEMO DATED MARCH 2, FROM DAINA MONTGOMERY, IT APPLICATIONS MANAGER.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**22. 6-E. RECOMMENDATION TO AMEND THE BUDGET TO TRANSFER FUNDS FROM CIP N1806 TO CIP N1603 AND AWARD DESIGN AND CONSTRUCTION SERVICES ASSOCIATED WITH RFP 19-01 FOR ENERGY SAVINGS PERFORMANCE CONTRACTING AND HVAC RENOVATIONS AT THE GEORGE WILSON CENTER (20 MINUTES)**

**2:32:40**

Mr. Martindale explained that he and Mr. Greenplate had been coordinating with Seiberlich Trane to determine the scope of an energy saving and HVAC renovation project across numerous City buildings. He noted that although the project was in the audit stage, the HVAC renovations of the George Wilson Center were necessary to ensure that repairs were completed before the Parks and Recreation summer camp season. He continued that although staff anticipated the work could be combined into the larger project retroactively after the audit was complete, funds needed to be made available in case the larger project was not approved by Council. Mr. Martindale revealed that the project would be presented by Trane in May. Staff recommended a budget amendment and partial awarding of contracting services through RFP 19-01 as outlined in the provided memo. He introduced Doug Edwards and Joe Spadafino for questions.

Mr. Markham asked if the conversation included insulation and resealing of the doors and windows. Mr. Coleman confirmed, and Mr. Martindale interjected that most of the energy efficiency savings were supplementing most of the HVAC work. Mr. Edwards continued Trane would look at the envelope, solar power, and would be back in May to discuss the broader scope but explained that his company factored in anticipated improvements elsewhere to balance cost efficiency performance. Mr. Markham commented that the older buildings had challenges. Mr. Coleman explained that the project was before Council because there was demand in the George Wilson Center for cooling events like summer camps and weddings.

Mr. Horning noted that staff already identified the equipment that needed replacing and Mr. Edwards explained that his company had a great path forward for the building but needed more time to finish it.

Mr. Lawhorn noted the building was consistently used and booked out for a while. He recognized Pastor Hackett in the audience and remarked that the George Wilson Center was one of the few landmarks left that symbolized the historically black community. He asked if funds were being moved around and Mr. Coleman confirmed that the George Wilson Center was a general fund expense and the warehouse should have been in the electric fund initially.

Mr. Clifton acknowledged that the George Wilson Center was not on a historical list but did not want to see much alteration to the façade because of the significant community value of the building.

The Mayor opened the floor to discussion.

Pastor Hackett, St. John’s Church, wanted staff to consider the George Wilson Center’s value as a staple of the community.

The Mayor returned the discussion to the table.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE A BUDGET AMENDMENT TO TRANSFER \$226,000 FROM CIP N1806 TO CIP N1603 AND AWARD DESIGN AND CONSTRUCTION SERVICES ASSOCIATED WITH RFP 19-01 TO SEIBERLICH TRANE OF NEW CASTLE, DELAWARE, FOR ENERGY SAVINGS PERFORMANCE CONTRACTING AND HVAC RENOVATIONS AT THE GEORGE WILSON CENTER IN THE AMOUNT NOT TO EXCEED \$226,000.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**23. 7. ORDINANCES FOR SECOND READING & PUBLIC HEARING: None**

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

- A.** Request of Margheritas Corp. For a Special Use Permit to Allow the Sale of Alcoholic Beverages for Consumption on Premises at the Restaurant Known as Margherita's Pizza and Pasta Located at 265 South Main Street (15 minutes)

**2:42:05**

Ms. Bensley read the request into the record.

Mr. Fortner presented the application from Margherita's Pizza and Pasta and explained the owners were previously at 132 East Main Street for over 25 years and were a staple restaurant in the downtown area. He explained the new location had a sit-down area for more traditional seating and the applicants served alcohol at their previous location with no reported problems. Mr. Fortner continued that the applicants met all requirements in the zoning code and agreed to the restrictions of 32-56.4 which delineated happy hour, outdoor seating, and prohibited carry-out liquor service and serving alcohol after midnight. He stated the restaurant would close Friday and Saturday at 11 pm, 10 pm Monday through Thursday, and 9 pm on Sunday. The application was limited to beer and wine only and the applicants promised to be vigilant about serving 21 and older patrons.

Mr. Fortner continued that the Planning Department recommended that sale of alcoholic beverages be limited to seated patrons through traditional waitstaff and not the takeout portion of the restaurant. He explained that Police had no concerns and the hours did not conflict with zoning code. Because the proposed use did not conflict with the land use guidelines of the Comprehensive Development Plan V, and because the proposed use was compatible with the Zoning Code Special Use Permit Criteria and because the relevant City departments had no objection to the proposal, the Planning and Development Department recommended that Council approve the special use permit for the sale of alcoholic beverages for Margherita's Pizza and Pasta with the conditions under departmental comments. He noted that the applicants voluntarily agreed to only serve beer and wine, but the condition was not listed under departmental comments.

Amerigo Della Monica, 265 South Main Street, introduced himself to Council as an owner of Margherita's Pizza & Pasta.

Mr. Hamilton was familiar with the restaurant and noted it was a good business with no problems with Police and welcomed them to the new location.

Mr. Markham was unaware the previous location had a liquor license and Mr. Della Monica said the restaurant had one since 1993. Mr. Markham asked if the applicants were happy with the beer and wine limitations and Mr. Della Monica confirmed. He explained that the new menu had more pasta, seafood, and veal dishes and the new customers suggested applying for an alcohol permit. Mr. Markham clarified that if Mr. Della Monica agreed not to serve hard liquor, he would put the stipulation in the special use permit, so he wanted to be sure that the applicants agreed.

Mr. Horning commended Mr. Della Monica for the business's track record and the new location. He asked Mr. Fortner if the Departmental Comment limiting the sale of alcohol to seated patrons through traditional staff was covered in the code or if it had to be a separate amendment and Mr. Fortner indicated it should be approved with Departmental Comments. Mr. Horning asked Mr. Della Monica if the restrictions were acceptable and he confirmed.

Mr. Lawhorn believed the permit made perfect sense and noted the difference between the old location as serving slices of pizza versus a traditional restaurant. He thanked Mr. Della Monica for having a clean track record over the last 30 years.

There was no public comment and the Mayor returned the discussion to the table.

Mr. Bilodeau stated the vote must be individual.

MOTION BY MR. HAMILTON, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE RECOMMENDATION BECAUSE THE PROPOSED USE DOES NOT CONFLICT WITH THE LAND USE GUIDELINES IN THE COMPREHENSIVE DEVELOPMENT PLAN V, BECAUSE THE PROPOSED USE WAS COMPATIBLE WITH THE ZONING CODE SPECIAL USE PERMIT CRITERIA, AND BECAUSE THE RELEVANT CITY DEPARTMENTS HAD NO OBJECTION TO THE PROPOSAL, THE PLANNING AND DEVELOPMENT RECOMMENDED THAT CITY APPROVE THE SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR MARGHERITA'S PIZZA & PASTA AT 265 SOUTH MAIN STREET WITH

THE CONDITIONS UNDER DEPARTMENTAL COMMENTS AND LIMIT THE SALE OF ALCOHOL TO BEER AND WINE.

Mr. Hamilton voted in favor of the special use permit for alcohol as it did not adversely affect the health and safety of persons residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware, and would not be detrimental to the public welfare or injurious to the property or improvements within the City of Newark boundaries or within one of the City of Newark boundaries and within the State of Delaware and will not be in conflict with the purposes of the Comprehensive Development Plan of the City.

Mr. Markham supported the special use permit for the reasons listed by Mr. Hamilton and added that he did not believe there would be any issues with persons leaving the facility and causing problems in the nearby neighborhoods.

Mr. Lawhorn, Mr. Horning, and Mr. Clifton supported the motion the reasons previously stated by Mr. Hamilton and Mr. Markham.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Hughes, Wallace.

**25. Meeting adjourned at 9:57 p.m.**

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

/ns