

CITY OF NEWARK
DELAWARE

COUNCIL ORGANIZATIONAL MEETING MINUTES

August 6, 2020

Those present at 6:00 p.m.:

- Presiding: Mayor Jerry Clifton
District 1, James Horning
District 2, Sharon Hughes
District 3, Jay Bancroft (after swearing-in)
District 4, Chris Hamilton
District 5, Jason Lawhorn
District 6, Travis McDermott (after swearing-in)
- Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau

1. Mr. Clifton called the meeting to order at 6:00 p.m.

2. **RECEIPT OF CERTIFICATION BY ELECTION BOARD OF COUNCIL MEMBERS**

00:26

The following letter, dated July 30, 2020, was submitted by the Election Board:

“Honorable Mayor and Members of City Council:

We, the Election Board of the City of Newark, hereby certify that on July 28, 2020, the following was elected for the office of Council Members in Election Districts Three and Five for a term to end in April of 2022. There being only one candidate for Council Member in Election District Six, we declare the following candidate elected for a term to end in April of 2022; said candidate is entitled to assume office without formal election pursuant to Section 10-19 of the Code of the City of Newark and 15 Del. C. Section 7555(j):

Jay Bancroft	Council Member, District Three
Jason Lawhorn	Council Member, District Five
Travis McDermott	Council Member, District Six

Respectfully submitted,
Newark Election Board”

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: TO ACCEPT THE ELECTION RESULTS AS CERTIFIED BY THE ELECTION BOARD OF THE CITY OF NEWARK.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

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

3. **OATH OF OFFICE GIVEN TO COUNCIL MEMBERS** (Charter – Section 1102)

1:01

City Secretary Renee Bensley administered the Oath of Office to Council Members Bancroft, Lawhorn and McDermott.

4. **ELECTION OF DEPUTY MAYOR** (Charter – Section 310)

3:56

MOTION BY MR. HAMILTON, SECONDED BY MR. LAWHORN: TO APPOINT COUNCIL MEMBER JAMES HORNING AS DEPUTY MAYOR.

MOTION PASSED. VOTE: 5 to 1.

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

Nay – Bancroft.

Abstain – Horning.

5. ELECTION OF OFFICERS

City Treasurer (One Year Term) – By Election (Charter – Section 702.2) – Renee K. Bensley

5:31

MOTION BY MR. LAWHORN, SECONDED BY MS. HUGHES: TO ELECT RENEE BENSLEY AS CITY TREASURER FOR A ONE YEAR TERM.

MOTION PASSED. VOTE: 6 to 1.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, McDermott.

Nay – Bancroft.

Abstain – 0.

6. RULES OF PROCEDURE (Charter – Section 311)

Resolution No. 20-__: Rules of Procedure For the 2020-2021 Council Year (Presented)

6:35

Mr. Clifton pointed to the potential motions in the agenda packet and explained the motion he put forward was one for which he was passionate because developers historically submitted packet items after the legal seven-day deadline that provided enough changes to be considered disingenuous to the public if the agenda item moved forward. He asked Ms. Bensley who offered the other amendments and Ms. Bensley replied that they were proposed by staff and suggested they be read by Mr. Coleman.

Mr. Coleman introduced the first amendment proposed by staff by explaining that contracts valued under \$75,000 were on the Consent Agenda but budget amendments associated with the contracts were not. He continued that the proposed amendment would allow staff to address the contracts and the related budget items on the Consent Agenda. Mr. Coleman explained that currently, financial reports and contracts and bids were only heard on two of the four Council meeting nights per month and the proposed amendment would allow staff to present financial reports and contracts and bids on all four meeting nights. Staff requested the change because the financial reporting schedule would conflict with the budget hearing schedule and limiting the contracts and bids proved a challenge to beginning projects on time due to the sometimes lengthy waits to get on agendas. He noted that staff preferred flexibility to be able to present contracts and bids when there was open time on an agenda.

The Mayor opened the table to discussion from Council.

Mr. Horning agreed that receiving late submittals did not present Council with enough time to consider the information. He stated he was open to staff recommendations for improving processes and supported the changes to the Consent Agenda with the caveat that items could be pulled from the Consent Agenda to be considered and voted upon separately at any meeting. He further supported the proposed amendment to address the City's financials when necessary.

Ms. Hughes supported the proposed changes for the reasons stated by Mr. Horning. She agreed that it was unfair to accept late submittals to the detriment of Council and residents.

Mr. Bancroft had no questions or comments.

Mr. Hamilton supported all three proposals and stated his support of Mr. Clifton's suggestion was due to his belief in open government and the right for constituents to read the information prior to the meetings in order to provide feedback and discussion. He agreed with Mr. Horning that Consent Agenda items could be pulled for further discussion.

Mr. Lawhorn agreed with all previous comments made by Council and asked if the packet item submission deadline allowed for the Mayor to make judgment calls for special circumstances. Ms. Bensley answered that the amendment language allowed for the Mayor and City Manager to agree to override and approve late information submittals. Mr. Lawhorn reiterated his support for the proposals.

Mr. McDermott thought the proposed amendments were reasonable.

MOTION BY MR. LAWHORN, SECONDED BY MS. HUGHES: THAT COUNCIL AMEND PAGE THREE, ITEM A OF THE RULES OF PROCEDURES RESOLUTION BY ADDING 'ALL PACKET ITEMS, INCLUDING PRESENTATIONS, SHALL BE SUBMITTED TO COUNCIL AND POSTED ON THE CITY WEBSITE AT LEAST SEVEN (7) DAYS IN ADVANCE OF COUNCIL MEETINGS. EXCEPTIONS TO THIS POLICY SHALL BE LIMITED TO MINUTES ON THE CONSENT AGENDA, SUPPLEMENTAL INFORMATION THAT IS REQUESTED BY COUNCIL IN A TIMEFRAME THAT DOES NOT PERMIT THE GATHERING BEING COMPLETED BY THE DEADLINE, CORRECTIONS TO PREVIOUSLY SUBMITTED MATERIAL AND ITEMS ADDED OR ADDITIONAL INFORMATION RECEIVED AFTER THE SEVEN-DAY DEADLINE. SUPPLEMENTAL PACKET ITEM SUBMISSIONS OUTSIDE OF THE EXEMPTIONS OUTLINED MUST BE APPROVED BY BOTH THE MAYOR AND CITY MANAGER.'

MOTION PASSED. VOTE: 7 to 0.

Aye – Bancroft, Clifton, Hamilton, Horning, Hughes, Lawhorn, McDermott.
Nay – 0.
Abstain – 0.

MOTION BY MR. LAWHORN, SECONDED BY MR. HAMILTON: THAT COUNCIL AMEND PAGE TWO OF THE RULES OF PROCEDURES RESOLUTION BY INSERTING '; BUDGET AMENDMENTS WITH A VALUE OF \$75,000 OR LESS' BETWEEN 'CORRESPONDENCE REQUIRING NO ACTION' AND 'AND CONTRACTS AND BIDS WITH A VALUE OF \$75,000 OR LESS.'

MOTION PASSED. VOTE: 7 to 0.

Aye – Bancroft, Clifton, Hamilton, Horning, Hughes, Lawhorn, McDermott.
Nay – 0.
Abstain – 0.

MOTION BY MR. LAWHORN, SECONDED BY MR. HAMILTON: THAT COUNCIL AMEND PAGE ONE OF THE RULES OF PROCEDURES RESOLUTION BY INSERTING 'RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000' BETWEEN 'FINANCIAL STATEMENT' AND 'SPECIAL DEPARTMENTAL REPORTS' AND AMEND PAGE TWO BY INSERTING 'FINANCIAL STATEMENT' BETWEEN 'SPECIAL DEPARTMENTAL REPORTS' AND 'RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000'.

MOTION PASSED. VOTE: 7 to 0.

Aye – Bancroft, Clifton, Hamilton, Horning, Hughes, Lawhorn, McDermott.
Nay – 0.
Abstain – 0.

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: THAT COUNCIL APPROVE THE RESOLUTION AS AMENDED.

MOTION PASSED. VOTE: 7 to 0.

Aye – Bancroft, Clifton, Hamilton, Horning, Hughes, Lawhorn, McDermott.
Nay – 0.
Abstain – 0.

(RESOLUTION NO. 20-E)

7. ADJOURNMENT OF ORGANIZATIONAL MEETING

Meeting adjourned at 6:21 p.m.

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

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