

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**August 10, 2020**

Those present at 5:30 p.m.:

Presiding: Mayor Jerry Clifton  
Deputy Mayor, James Horning, District 1  
District 2, Sharon Hughes  
District 3, Jay Bancroft (arrived at 6:21 p.m.)  
District 4, Chris Hamilton  
District 5, Jason Lawhorn (arrived at 5:39 p.m.)  
District 6, Travis McDermott

Staff Members: City Manager Tom Coleman  
City Secretary Renee Bensley  
City Solicitor Paul Bilodeau  
Assistant to the Manager Jeff Martindale  
Chief Communications Officer Jayme Gravell  
Finance Director David Del Grande  
NPD Chief Paul Tiernan  
Parks and Recreation Director Joe Spadafino  
Planning and Development Director Mary Ellen Gray  
Parking Manager Marvin Howard  
Parking Supervisor Courtney Mulvanity  
Planner II Tom Fruehstorfer  
Public Works and Water Resources Director Tim Filasky  
Public Works and Water Resources Deputy Director Ethan Robinson

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1. Mr. Clifton called the meeting to order at 5:30 p.m.

MOTION BY MR. HAMILTON, SECONDED BY MR. HORNING: THAT COUNCIL ADD AGENDA ITEM B TO THE EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (4) FOR THE PURPOSE STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Bancroft, Lawhorn.

2. **EXECUTIVE SESSION**

- A. Executive Session pursuant to 29 Del. C. §10004 (b) (4) and (6) for the purpose of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body and discussion of the content of documents, excluded from the definition of “public record” in 29 Del. C. §10002 where such discussion may disclose the contents of such documents.
- B. Executive Session pursuant to 29 Del. C. §10004 (b) (4) for the purpose strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to pending litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body.

MOTION BY MR. HAMILTON, SECONDED BY MR. HORNING: THAT COUNCIL ENTER EXECUTIVE SESSION A PURSUANT TO 29 DEL. C. §10004 (B) (4) AND (6) FOR THE PURPOSE OF STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN

MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY AND DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN 29 DEL. C. §10002 WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS; AND THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (4) FOR THE PURPOSE STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Bancroft, Lawhorn.

**3. RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:00 p.m. and Mayor Clifton noted that no further action was necessary.

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

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

Mr. Clifton stated there were addendums for Ordinances for Second Reading and Public Hearing.

MOTION BY MR. HORNING, SECONDED BY MS. HUGHES: TO ADD TO THE AGENDA: (1) UNDER ORDINANCES FOR SECOND READING AND PUBLIC HEARING AGENDA ITEM C, EMERGENCY BILL NO. 20-06 – AN EMERGENCY ORDINANCE CONCERNING COVID-19 PRECAUTIONARY MEASURES; AND (2) ITEM D, EMERGENCY BILL NO. 20-07 – AN EMERGENCY ORDINANCE CONCERNING COVID-19 PRECAUTIONARY MEASURES.

MOTION FAILED. VOTE 0 TO 7.

Aye – 0.

Nay – Bancroft, Clifton, Hamilton, Horning, Hughes, Lawhorn, McDermott.

Absent – 0.

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

**A.** Elected Officials who represent City of Newark residents or utility customers (2 minutes): None

**6. 1-B. UNIVERSITY**

**(1)** Administration (5 minutes per speaker) (10 minutes):

**6:23**

Caitlin Olsen, UD Administration, welcomed new Council and congratulated Ms. Bensley and staff upon completion of the election. Ms. Olsen thanked the Electric Team, Newark PD, Public Works, and everyone who reassembled the City, and specifically thanked Dan Moore, DelleDonne & Associates, for using his personal time to stay to control the lighting at STAR Campus on movie night.

Ms. Olsen shared that UD staff uploaded 6,500 resident names into the census system and explained that "residents" were defined as students who were in the dining hall on census day. She admitted UD had over 7,000 residents so the numbers did not match and explained that the new Academy Residence Hall and the master lease at 1 Easton were not in the system and were uploaded separately. She stated that UD staff was working with the census team to ensure the data was correct and shared that although a UDaily article was circulated on how to complete the census, staff was not on campus because of COVID and were unable to conduct in-person instruction. She would continue to update Council with any census issues.

Ms. Olsen informed that campus would slowly and safely be returning to normal and noted that the Creamery was now taking walk-up orders and staff hoped to have the library running shortly. She stated that Newark citizens with UD ID cards would be allowed to use the library but would be required to swipe for access so UD could monitor contact tracing. She explained that staff removed chairs, installed barriers, and that the stacks were electronic to keep users safe. She anticipated directions on how UD

would conduct quarantining, isolation, and testing and wanted Newark residents to feel comfortable about the returning students. She continued that opening UD spaces was an extremely involved process and included oversight from doctors and scientists to ensure safety and contact tracing.

Mr. Clifton opened the floor to questions from Council.

Mr. Hamilton asked if the Little Bob would be open to members. Ms. Olsen replied that Student Life was pushing to open and would ask Athletics for a timeline. Mr. Hamilton appreciated UD's coordination with the City.

Mr. Lawhorn was interested in the number of tests and how often they would be conducted on returning students and noted Newark tested between 100 and 250 people per day. He claimed there was concern regarding returning students but if UD conducted widespread testing, it could help identify community spread and provide better output measurement on the City's handling of the virus. He asked if the testing numbers would roll into the Division of Public Health (DPH) numbers and Ms. Olsen confirmed UD would coordinate with DPH on testing and system implementation. She pointed that UD had capacity for testing because of its history of testing poultry for Avian Flu and SARS but stated testing would be given to DPH. She credited Rita Landgraf as an asset to UD and the State. She claimed that UD would be in lockstep with DPH and admitted there would be positive cases but would work on communication regarding quarantine and isolation. She reminded that UD affiliates were already in the City and were not necessarily on campus and there would be multiple levels of testing shared with students next week. Mr. Lawhorn stressed the importance of communication and expected that a larger testing pool translated to more positive cases. Ms. Olsen confirmed and shared that she had calls with Newark businesses and stressed that students would participate in reporting non-compliant businesses to the City because of their own personal safety concerns. Mr. Lawhorn stressed the importance of determining areas for improvement. Ms. Olsen asked that she be informed of any issues with non-compliance with UD affiliates.

Mr. Horning interjected and asked if students were being tested prior to arriving on campus. Ms. Olsen did not think anything was official but would inform Council when she was positive and explained UD staff wanted to make sure testing was available for all. Mr. Horning asked if masks were required on campus and Ms. Olsen confirmed that UD would follow directives from DPH which stated masks were required when individuals within six feet of one another. Mr. Horning asked if UD would support Newark PD in enforcing the restrictions and Ms. Olsen confirmed.

Ms. Hughes asked how the City could support UD's efforts. Ms. Olsen requested that the City disseminate information from UD to City residents to share its plans for protecting the community.

Mr. Horning asked if UD had any requests from the City regarding social gathering restrictions and Ms. Olsen requested the language in any social gathering restriction be clear and precise. She supported a limitation of ten people, as in the spring, and wanted to be strict. She pointed that UD did not plan on hosting any events or social gatherings and had instructed students to conduct online meetings. She stated UD would enforce any measures created by Council.

Mr. Clifton thanked Ms. Olsen and looked forward to the partnership.

**7. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes) (2 minutes):**

**24:36**

Savannah Sipes, UD Graduate Student Government Secretary and volunteer Student Representative for City Council, attended the Organizational meeting and Planning Committee meeting the prior week. She stated the Graduate Student Government (GSG) met regularly to determine focus areas for the upcoming semester and looked forward to working with Council. Mr. Clifton asked that she forward her contact information to Ms. Bensley, thanked her for attending the meetings, and offered Council's assistance when needed.

The Mayor opened the table to discussion from Council.

Ms. Hughes looked forward to working with Ms. Sipes.

Mr. Hamilton welcomed Ms. Sipes.

Mr. Horning asked if the GSG had COVID concerns that Ms. Olsen had not addressed. Ms. Sipes shared that the GSG was concerned with students' mental health and would hold virtual events for students, especially for new graduate students, and would focus on improving the counseling center for

all students. She hoped for the chance to hold in-person events but stressed that the GSG had no issues with obeying rules and conducting virtual meetings.

Mr. Clifton thanked Ms. Sipes and looked forward to working with her.

Mr. Clifton noted he overlooked reading the meeting procedures into the record at the start of the meeting. He explained the procedures for the GoToMeeting Platform. He stated that at the beginning of each item, he would call on the related staff member to present and, once the presentation was complete, he would call on each Councilmember in order of district number to offer their comments. If a Councilmember had additional comments to add later, they should signal Ms. Bensley through the GoToMeeting chat function. Members of the public wishing to comment should also signal Ms. Bensley through the chat function with their name, district or address, and the agenda item on which they would like to comment. He noted that for participants logged in by phone, names would only appear as Caller One, Caller Two, et cetera, so it was imperative that the participants inform Council of their identities. He stated that all lines would be muted until individuals were called to speak. All speakers were required to identify themselves prior to speaking and, in compliance with the executive order on teleconference meetings by Governor Carney, votes would be taken by roll call. He continued that it may be necessary to adjust the guidelines if any issues arose during the meeting. He reminded that all lines should be muted until called upon to speak.

Mr. Clifton added that he received remarks on how Council commented by district order and said he would begin mixing up the order at future meetings.

**8. 1-C. CITY MANAGER (10 minutes):**

**31:15**

Mr. Coleman commented that the recent storm was the new flood of record for the Christina Creek and was 13% higher than previous flooding during Irene in 2011. He shared that staff was reviewing the flooding areas and would prepare a report to Council outlining the cause and available mitigation methods for future flooding with recommended prioritization. Staff estimated the report would be available within a week and admitted the topography of some flooding locations presented difficulties that staff would attempt to address.

Mr. Coleman stated that staff reached out to the Census Bureau twice to discuss plans for the fall given the Federal change to end the count a month early. The Census Bureau confirmed workers would be in Newark to count hard-to-capture groups and staff would be in communication with them throughout the fall.

Mr. Coleman noted the last scheduled Parks on Draft was successful, save for the rain on Friday and Sunday. He asked if Council was interested in holding events throughout the fall and shared that staff considered a tentative plan to re-envision the Harvest Festival into a Parks on Draft Fall Edition and would provide more information when available. He noted that Wednesday would be the last approved Main Street Alfresco event and shared that all three previous events were successful. He explained that staff was confident in holding future events and that Council could opt to hold additional events on August 19<sup>th</sup> and August 26<sup>th</sup>, the last two Wednesdays before school resumed. He welcomed the restaurants that had logged into the GoToMeeting and informed the participants that the agenda was not amended to add the emergency ordinances but cautioned them not to log off before Council comments.

**9. 1-D. COUNCIL MEMBERS (5 minutes):**

**34:27**

**Mr. Horning:**

- Supported more Parks on Draft events
- Commended restaurants at the Handloff Park event for being organized and adhering to COVID restrictions
- Supported more alfresco events
- Appreciated Aetna Hose, Hook & Ladder for the rescue on Rahway Drive
- Noted the historical issues with stormwater in Cherry Hill, District 1
- Stated Mayor Clifton, Representative Baumbach, and Senator Sokola visited the affected area and met with residents to discuss funding for longer term solutions
- Hoped fellow Council saw the need for funding in the impacted area
- Supported discussion on an ordinance for limiting social gatherings to ten people and outdoor to 30 with proper social distancing
- Appreciated any information Chief Tiernan could share from Newark PD on increased population saturation going into the fall

- Congratulated Mr. Lawhorn on reelection

Mr. Clifton asked if Mr. Horning wanted to comment on the restaurant bar areas. Mr. Horning wanted to continue to work with the Governor's office and businesses and thought it was redundant for the City to create a reporting hotline if the State already established complaint system and was concerned with the City's limited resources and staffing.

**Ms. Hughes:**

- Agreed with Mr. Horning regarding Parks on Draft
- Supported safe outdoor activities with social distancing
- Thought the City provided a united front with the businesses
- Acknowledged the impact Main Street construction and COVID had on local businesses
- Wanted to do everything legally possible to help businesses recover
- Reiterated concern about social distancing

**Mr. Bancroft:**

- Supported previous comments from Council
- Looked forward to participating

**Mr. Hamilton:**

- Supported outdoor activities
- Disagreed with Mr. Horning and wanted the City to provide information for residents with details on COVID non-compliant businesses
- Stressed that Council was obligated to post complaints on the website
- Denied that too much effort would be spent on the complaint line
- Thought it paramount that residents had information on non-compliance
- Concerned at the suggestion of inaction in the face of a possible uptick in cases
- Anticipated the return of 10,000 UD affiliates could create a hotspot
- Alarmed at Ms. Olsen's comments that not all returning students would be tested prior to arrival
- Noted that other universities cancelled football and were concerned about the virus spreading
- Wanted to consider restrictions in necessary areas
- Encouraged the public to do its own research
- Wanted to ask UD professors their opinions
- Noted UD drastically reduced on-campus living quarters
- Would not be satisfied that the City welcomed returning UD affiliates until provided with science
- Thought liability could be an issue
- Wanted to consider the results of other locations opening bars
- Hoped Council would make informed decisions based on findings

**Mr. Lawhorn:**

- Thanked staff, first responders, and the electric crews for responding to the floods
- Thanked staff, Council and Ms. Olsen for the census conversation
- Noted the importance of the census in receiving government funding
- Attended Parks on Draft and thought it outstanding
- Stressed that Parks on Draft attendees obeyed social distancing
- Looked forward to future events
- Supported al fresco events on August 19<sup>th</sup> and 26<sup>th</sup>
- Supported more al fresco events into the fall
- Wanted to confirm with restaurants that Wednesdays worked best
- Suggested alternating al fresco and Parks on Drafts events
- Asked Mr. Coleman if initial cost estimates dropped

Mr. Coleman confirmed the cost had decreased and admitted there was a cost still associated. He noted there was an additional officer, but no Parks and Recs staff. and staff configured some vehicles blocking roadways. He explained that most of the savings were on the administrative side because there was now a set process.

- Interested in generated parking revenue for the event
- Suggested addressing the costs of future events with The Newark Partnership
- Reiterated support for the events
- Agreed with the principle behind a gathering ordinance but thought an indoor limit of ten for non-college persons was too low

- Noted large families in the City protested the number
- Preferred a higher allowable number or setting the limit by family units
- Wanted to continue partnering with bars
- Noted that many returning students were already in the City and had been for some time
- Did not anticipate a huge surge of rates
- Admitted there was room for improvement
- Did not see a need to exceed State regulations
- Believed other locations were more threatening than restaurants and said he counted 45 patrons at Wawa not following protocol
- Wanted to identify weaknesses and consider solutions
- Acknowledged some bars struggled with execution
- Stressed sharing best practices
- Reiterated the need for continuous improvement through partnership

**Mr. McDermott:**

- Thanked staff for assisting with on-boarding
- Supported outdoor events
- Supported points made by Mr. Horning and Mr. Lawhorn for indoor social distancing and agreed ten was too low
- Noted the Governor’s guidelines had the full force of the law
- Believed restaurants wanted to stop the spread as residents and were doing due diligence
- Thought the Governor’s provisions were effective
- Wanted to work with restaurants to comply

**Mr. Clifton:**

- Supported all outdoor dining events and Parks on Draft
- Wanted al fresco dining on a more permanent basis
- Believed the events were wildly popular
- Agreed with patrons who felt safer dining outdoors
- Noted Chief Tynan was determining outdoor heating solutions
- Agreed with Ms. Olsen to continue with ten-person limitation for indoor social events
- Admitted concerns of residents who were restricted to ten people and noted the instance of a wedding
- Wondered if special exceptions could be made to the gathering ordinance on a case-by-case basis
- Agreed with Mr. Hamilton regarding bars
- Thought it was better to be proactive versus reactive
- Believed there was empirical evidence cautioning against bars because they were established social venues
- Wanted waitstaff to escort customers to the bar and socially distance them from other patrons and disallow customers choosing their own seats
- Disappointed that time was wasted on attempting to protect the City through protocols because owners were lax at the bars
- Cautioned that an outbreak could not be contained
- Respected the rule of law and Council’s decisions

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

**1:17:05**

Ms. Bensley read a comment from Glenn Schmalhofer, District 2, into the record:

“I would like to welcome the new city council members.

I would also like to remind you that only a few days ago you swore an oath to uphold the U.S. Constitution as well as the State of Delaware Constitution.

Further, I would like to, unfortunately, welcome you to a city which has a track record of violating and continuing to violate our civil rights; and, in my opinion, is involved in a certain level of corruption/criminality.

If you have read/studied our Declaration of Independence, Constitution and Bill of Rights, you already know that:

1. Our rights are inherent and ALL Americans living here have those rights

2. Our government works for the people not the other way around
3. There are a separation of Powers: Legislative, Judicial, and Executive

Contrary to popular belief, octogenarians who own houses on Kells or Wollaston Avenues do not have more rights than any other American who lives in this country.

For starters and for this reason, AGAIN, the 'Jim Crow Jerry' 'Student Hate Ordinance' NEEDS TO BE ABOLISHED.

In my opinion, City Council committed 'open treason' when they voted to make Newark some level of a sanctuary city.

Entering the United States ILLEGALLY is a criminal offense, and this legislation needs to be rescinded immediately. Any official involved in the passing of this seditious legislation should tender his/her resignation for being a traitor to the United States of America.

It is past time to return the anti-American city of Newark to a point of being more than a disappointment, and, in some cases as detailed above, a total disgrace."

Ms. Bensley then introduced Mark Ashby, Deer Park Tavern.

Mr. Ashby spoke on behalf of his restaurant colleagues and stated that all were taking the situation seriously because it directly impacted their livelihoods and the health of staff, customers, and community. He disagreed with the impression that it was not a concern and stressed that restaurant owners worked tirelessly to follow the Governor's guidelines and suggested anyone speaking to the contrary should read the guidelines for Phase II. He noted it was impossible to have a shoulder-to-shoulder bar under the guidelines and claimed to want to work with the City and State to be safe. He did not think a one-week shutdown was an appropriate punishment for a single incident and thought it should be considered a learning experience. He likened the scenario to the Board of Health inspections and explained that restaurants quickly rectified issues and were vigilant in following rules. He reiterated that the restaurant community cared and were taking the situation seriously. He noted that restaurant staff were specifically hired to enforce the State's rules. He hoped that any issues would be brought forward and that restaurants were given the opportunity to fix them.

Mr. Horning interjected more comments about social gatherings and supported Mr. Lawhorn's suggestion of defining social distancing by familial units. He explained that Mr. Clifton's suggestion was extreme and had been discussed in District 1 because of a scenario where the wedding attendants were doctors and infectious disease professionals. He noted the family planned to rent a larger tent than necessary to distance tables and planned to provide hand sanitizers. He did not see why the event could not move forward given the precautions taken. He noted the language in Phase II of the Governor's order indicated in B1b, Section 6 and 14, stated that all patrons must have a seat, be seated, and remained seated unless going to the restroom or participating in an approved bar game activity and, if playing games, patrons must remain six feet apart, and bar service and seating at a bar could remain open if proper social distancing was observed between patrons from different households. He noted the language did not state six feet and thought it could be clarified by the Governor, but repeated non-household members must remain properly distanced. He refuted the idea that bar-goers would dare to socialize with patrons outside of their social groups. He encouraged residents to report any non-compliance.

Mr. Clifton reminded Council that the portion of the meeting was to allow the public to address topics that were not on the agenda.

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

11.
  2. **APPROVAL OF CONSENT AGENDA: (1 minute)**
    - A. Approval of Council Meeting Minutes – July 6, 2020
    - B. Approval of Council Meeting Minutes – July 13, 2020
    - C. Receipt of Alderman's Report – July 10, 2020
    - D. Receipt of Green Building Code Work Group Minutes – June 15, 2020
    - E. Receipt of Planning Commission Minutes – July 7, 2020
    - F. Receipt of Resignation of Kismet Hazelwood from an At-Large Position on the Conservation Advisory Commission
    - G. **First Reading – Bill 20-23 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Deleting and Retitling Positions and Adjusting Pay Grades – Second Reading – August 24, 2020**

1:26:04

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

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

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

14. 5. **SPECIAL DEPARTMENT REPORTS:**

A. Discussion and Direction to Staff Regarding Development Impact Fees – Planning and Development Director (60 minutes)

1:27:40

Ms. Gray explained that Council requested staff investigate utilizing impact fees to help offset the cost of infrastructure and associated improvements related to development. The team included City Manager Tom Coleman, Public Works and Water Resources Director Tim Filasky, Deputy Director of Public Works and Water Resources Ethan Robinson, Parks and Recreation Director Joe Spadafino, Electric Director Bhadresh Patel, Finance Director Dave Del Grande, and Planning and Development Director Mary Ellen Gray. The team met on December 19, 2019, January 30, March 4, and March 20, 2020 to discuss the topic and to review impact fee-related zoning language from Kent and New Castle counties. She noted JMT consultants participated in the discussions to add expertise. She pointed that COVID delayed the team’s efforts.

Ms. Gray explained that an impact fee was a community buy-in fee for new residences and businesses whereby in order to build a new home or business, developers and builders were assessed a fee to add or expand the public capital facilities or services necessary for new homes and businesses. She stated impact fees could include development fees, capital recovery fees, utility connection fees, system development charges, service availability charges, mitigation fees and facility fees, and must have a rational nexus to the project which required a reasonable connection between the need for additional facilities and the benefit received. She pointed that impact fees were based on a fair share formula where similar projects in similar locations should pay like fees and must be assessed to uses in a proportionate manner relative to their demand or impact on public facilities.

Ms. Gray continued that the team considered implementing impact fees to water, sewer, electric, parks and recreation, fire, and law enforcement, and that developing an impact fee for any of the aforementioned areas involved a considerable amount of effort and involved several steps with varying degrees of difficulty. She explained that staff had the most data and need for water and sewer and suggested developing an impact fee for them to start. She explained that it would be a challenge to develop the fees given current staff resources and it was decided to consult JMT, which was experienced and provided similar consultation for sewer impact fees for New Castle County. After staff and JMT developed the water and sewer impact fees, they would be presented to Council to adopt via an ordinance prior to implementation. Staff estimated if the project began in September, it would take four months before draft ordinances could be presented to Council in early 2021. Once the water and sewer impact fees were implemented, staff welcomed direction from Council on other areas where impact fees could be developed.

Mr. Clifton thanked Ms. Gray for the presentation and opened the table to discussion from Council.

Mr. Horning asked if the cost for utilizing the on-call contract with JMT for consultation fell within the approved 2020 budget and Mr. Filasky confirmed that staff would utilize the contractual consulting fees currently budgeted by redirecting them from different projects. Mr. Filasky informed that staff could return to Council to report how much time was required of JMT. He noted that staff was confident that some work could be done in-house but would need assistance and expertise from JMT to speed up the process. Mr. Horning agreed JMT’s familiarity with impact fees should be used to the City’s advantage and asked that new Council revisit the priority project matrix with staff to determine where the project would fall in the rearrangement. He assumed that any fees collected would outweigh any consulting fees and



Ms. Gray and Mr. Filasky concurred. Mr. Horning asked if UD could be charged the new fees if they constructed a new facility and Mr. Filasky did not think the City could exclude any customers and wanted to further research before answering. He stated the fees were based on capacity and the current system and suspected UD would be subjected. Mr. Horning shared that residents were concerned that new developments did not pay into the infrastructure and thought the fees addressed some of the issues.

Ms. Hughes had no questions.

Mr. Bancroft agreed with Mr. Horning and wanted to pay attention to the people most impacted.

Mr. Hamilton thanked staff for the presentation and was pleased that the project was moving forward. He agreed that utilizing JMT's expertise was a benefit to the City. He appreciated the fee because new developments added stressors to the infrastructure and needed to be considered. He thought the fee was fair and noted it was practice in other municipalities. He looked forward to the completion of the first round of fees and hoped to have additional conversations about others.

Mr. Lawhorn repeated staff's plan to complete water and sewer first and asked if electric was complex. Mr. Filasky replied that staff spent considerable time considering the value of the system and what upgrades were necessary prior to and after the 2018 referendum and opted to start with the data available. Mr. Coleman added that the City had a good model to follow in the County's program. Mr. Lawhorn asked if replacement water funds were historically replenished using capital funds from the standard budget. Mr. Filasky replied that extensions that needed to serve a specific development were paid for by the developer, but staff would not necessarily upgrade the pipe for individual in-field development, and the developer would be on the hook. He admitted that it did not apply with the existing infrastructure the developer would be using and Mr. Lawhorn asked if those fees would come from the standard budgeted process. Mr. Filasky confirmed and explained any upgrades came from the capital plan. Mr. Lawhorn asked if staff had estimated the amount the fees could possibly generate, and Mr. Filasky did not but noted it depended on the acceleration or deceleration of development and was unpredictable. He said staff would use historic numbers to create a conservative estimate before returning to Council. Mr. Lawhorn understood and asked if the fees were post-approval of Council because he was concerned that large fees could deter necessary development. Mr. Filasky replied that the developer would know the fee and explained it was not paid in advance but was paid before the issuance of the building permit or prior to receiving the certificate of occupancy. He noted it was a set fee based on square footage or number of units. Mr. Lawhorn asked if the developer was required to pay the fee only when development moved forward and Mr. Filasky deferred to Mr. Bilodeau for the timing but stated the approval was not contingent on the developer paying the fee, rather after the approval. Ms. Gray interjected and believed Mr. Lawhorn was inferring that the development payment was upon construction but said staff might be able to recover capital recovery fees if it was based on capacity if the City installed upsized pipes for additional capacity if the development tapped into said capacity. Mr. Lawhorn denied that was his inference and wanted to make sure that developers denied by Council were not required to pay impact fees and Mr. Filasky confirmed.

Mr. McDermott noted if a developer wanted to build in the County, they paid County impact fees and currently, if a developer built in the City, they would not pay impact fees. He asked if staff anticipated the City's fees were comparative to the County's current fees and Mr. Filasky did not anticipate them being as high as the County because the County had different factors and repeated that he could not estimate until the calculations were completed. Mr. Coleman agreed because the City had capacity for most areas and noted staff passed through the County's impact fees that were relevant to the City's territory.

Mr. Clifton appreciated the comments on County impact fees and suspected that developers were pleased with the City's services and staff's thorough review in a short time. He appreciated staff bringing the item forward and acknowledged that Council promoted the review of the fees. He noted State Representative Rich Davis was vocal about impact fees in the 1980s when Route 40 was developed and thought the County was overwhelmed then with infrastructure issues stemming from the development on Route 40, 7, and 72. He believed it was prudent for the City to move forward with the fees and looked forward to JMT's response.

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

**MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: THAT COUNCIL DIRECT STAFF TO DEVELOP AN IMPACT FEE FOR SEWER AND WATER, UTILIZING OUR CURRENT ON-CALL CONTRACT WITH JMT, AS NECESSARY.**

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

**15. 5-B. BUDGET AMENDMENT FOR CIP K1705 (PRESTON’S PLAYGROUND) – PARKS AND RECREATION DIRECTOR (10 MINUTES)**

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**1:51:57**

Mr. Spadafino explained that at the March 9<sup>th</sup> Council meeting, Council approved to waive the bid process in accordance with City Code for the purchase and delivery of a precast two-unit bedroom from CXT Concrete Buildings from the Delaware State Contract. The units were to be installed at the Newark Reservoir, also home of Preston’s Playground, for \$68,462. Since Council’s approval, staff updated the funding sources for the project and CIP K1705. On a memo from March 2, 2020, staff noted that funding would come from an Outdoor Recreation Parks and Trail (ORPT) grant of \$110,000, which required the City to match the grant by \$110,000 in other qualified matching funds including donations, cash in lieu of parkland, and special project park maintenance. Staff presented a breakdown of the budget and pointed that no current resources would be utilized, and all funds used were earmarked for park maintenance and park initiatives. Staff also broke down the remainder of the costs which included utility lines, HVAC system, and pad preparation for an estimated total of \$61,538.

The Mayor opened the table to discussion from Council.

Mr. Horning asked if there was precedence for using the cash in-lieu-of parkland account for such uses and Mr. Spadafino confirmed and stated the staff used the account to paint the Rittenhouse Bridge and to build the skate park. He said that the reservoir and Preston’s Playground were used City-wide and staff felt it was appropriate to use the funds to finish the restroom. Mr. Horning agreed and asked if it was possible to use the funds in the cash in-lieu-of parkland to close the budget gap in the general fund. Mr. Spadafino replied no and explained the funds were collected from subdivisions that did not meet the open space requirements and were slated in City code for park initiatives. Mr. Horning appreciated the efforts to make the park accessible to all residents.

Ms. Hughes asked for clarification for the City’s bottom-line cost and Mr. Spadafino replied the project cost an estimated \$130,000 and ORPT would match the City’s funding so the cost to the City would be an estimated \$65,000 with ORPT contributing the other \$65,000. Ms. Hughes asked what a pre-cast concrete bathroom was, and Mr. Spadafino explained it was a concrete building that was delivered assembled and staff would hook up the utility lines. He continued that it was a ready-to-go, pre-cast concrete building. Ms. Hughes asked where the restroom would be placed at the reservoir. Mr. Spadafino stated it would be placed above the playground, along the sidewalk, and would be an ADA accessible restroom to accompany the ADA accessible playground.

Mr. Bancroft had no questions.

Mr. Hamilton was pleased that the City maintained the parks.

Mr. Lawhorn had no questions and was pleased with the reservoir’s popularity.

Mr. McDermott supported the project.

Mr. Clifton noted Council previous approved \$115,000 for a similar project and asked if it was used for the infrastructure of the restroom. Mr. Spadafino confirmed Council approved the funds in 2017 for the water and sewer line for the eventual restroom completion. Mr. Clifton asked if the pipes were in place and Mr. Spadafino confirmed that the pipes were installed and stubbed up to the restroom location. Mr. Clifton asked how long it would take to get into place and operational and Mr. Spadafino replied it would take 90 days for delivery after placing the order.

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

MOTION BY MS. HUGHES, SECONDED BY MR. HAMILTON: THAT COUNCIL APPROVE THE REALIGNMENT OF FUNDS AND INCREASE THE BUDGET OF K1705 BY \$20,000 AS INDICATED ABOVE AND ON THE ATTACHED CIP WORKSHEET.

MOTION PASSED. VOTE: 7 to 0.

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

16. 5-C. **RESOLUTION NO. 20-\_\_**: A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF NEWARK, DELAWARE, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE ACQUISITION, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT WITHIN THE TERMS PROVIDED HEREIN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION (10 MINUTES)

2:02:41

Ms. Bensley read the resolution into the record.

Mr. Martindale presented the financing resolution requested by Bank of America to close on the lease/purchasing agreement to finance the Seiberlich Train Energy Savings Performance Contracting project. He reminded that Council approved the project on July 13, 2020, and the project inflows for the initiative would match or exceed the project outflows, making the project cost-neutral or better for the City over the 20-year Bank of America loan term. Since the project was last discussed in July, the Conservation Advisory Commission committed \$80,000 for the project, and staff was closing in on at least \$60,000 in grant contributions from Efficiency Smart. The total expected finance amount was \$8.15 million with a current closing date on August 21, 2020. He introduced Trane Project Manager, Doug Edwards, and Finance Director David Del Grande for any questions.

The Mayor opened the table to discussion from Council.

Mr. Horning asked if Mr. Bilodeau reviewed the resolution and Mr. Martindale confirmed. Mr. Horning thanked the CAC for their input and support.

Ms. Hughes, Mr. Bancroft, Mr. Hamilton, Mr. McDermott, and Mr. Clifton had no questions.

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

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

MOTION PASSED. VOTE: 7 to 0.

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

**(RESOLUTION NO. 20-F)**

17. 6. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000**: None

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

- A. **Bill 20-21** – An Ordinance Amending Chapter 25, Sewers, Code of the City of Newark, Delaware, By Setting the Out of Town Rate for City Sewer Service and Clarifying the Effective Date of County Sewer Rate Changes (15 minutes)

2:06:34

Ms. Bensley read the ordinance into the record.

MOTION BY MR. HAMILTON, SECONDED BY MR. LAWHORN: FOR SECOND READING AND PUBLIC HEARING.

Mr. Filasky stated that in 2019, the City Charter was changed to allow the City to serve customers outside the corporate limits of Newark and as such, needed to create ordinances and set a rate. Staff applied the same multiplier of the sewer rate to the water rate of customers outside the limits. He noted that the City had three out-of-town sewer customers for nearly 20 years and those customers would be granted the current rates. He wanted to amend the language that current sewer customers outside of the City limits were extended the inside City rates until the title of the property changed and listed the

customers as CSC, Bank of America, and the State of Delaware. He noted the multiplier was added to the City portion of the rate and not the passed through County portion.

Mr. Del Grande explained staff wanted to clarify language in Amendment 1, Section F, by adding the word “consumption” before “date”. He noted that the County billed the City for sewer use on a quarterly basis using prior consumption to estimate consumption but when the County changed the sewer rate on the City’s usage, the City would have already billed residents for one or two months of consumption. He noted when the County last raised the sewer rate by 12%, the City lost \$150,000 in uncollected revenue that could not be passed on to rate payers. The ordinance allowed the City to bill the differential for when the County raised rates.

Mr. Clifton asked Mr. Bilodeau if the recommended amendment was a substantive change. Mr. Bilodeau had technical issues and could not respond.

The Mayor opened the table to discussion from Council.

Mr. Horning asked if another ordinance was necessary if the rates needed to be changed. Mr. Coleman confirmed and noted the ordinance only set an out-of-City rate for out-of-City customers who were not exempt by the proposed amendment. He shared that staff developed the amendment with Mr. Bilodeau, who agreed that the amendment was non-substantive. Mr. Horning assumed the rates for outside the City limits did not allow for the City to lose money for providing service and Mr. Coleman said staff was comfortable with the number as set until a full rate study could be completed. He noted it was a percentage that staff used historically for water to good effect. Mr. Horning thanked Mr. Del Grande for bringing the issue forward in order to get ahead of the shortfalls.

There were no other questions from Council.

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

Ms. Bensley read the proposed amendment: Amendment 1, subsection E, after “limits” in the fourth line, to add “current sewer customers who are outside the city limits are hereby grandfathered at the inside city rate until the title of property is changed.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL AMEND THE ORDINANCE AS STATED BY THE CITY SECRETARY.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

MOTION BY MR. LAWHORN, SECONDED BY MR. BANCROFT: THAT COUNCIL APPROVE ORDINANCE 20-21 AS AMENDED.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

**(ORDINANCE NO. 20-16)**

**19. 7-B. BILL 20-22 – AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE, BY REINSTATING PARKING FEES FOR ON-STREET PARKING METERS (15 MINUTES)**

**2:18:09**

Ms. Bensley read the ordinance into the record.

MOTION BY MR. HAMILTON, SECONDED BY MR. LAWHORN: FOR SECOND READING AND PUBLIC HEARING.

Mr. Coleman explained staff was proposing to remove the free 15-minute on-street parking between North Chapel and the UD Green. He noted the population was returning and many restrictions

on indoor and outdoor dining had been lifted for the summer. Staff felt it was the appropriate time to phase-out from the free 15-minute parking intended for curbside pick-up. He added that if Council approved the ordinance that evening, it would be switched over by Wednesday due to time constraints.

The Mayor opened the table to discussion from Council.

Mr. Horning agreed it was time to generate revenue for budget concerns.

Ms. Hughes agreed with the ordinance but thought it was dicey to change so quickly.

Mr. Bancroft had no comment.

Mr. Hamilton acknowledged the need for the fees and wanted to bring revenue back to the City.

Mr. Lawhorn, Mr. McDermott, and Mr. Clifton had no questions.

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

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL ADOPT BILL 20-22 AS PRESENTED.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

**(ORDINANCE NO. 20-17)**

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

- A. Request of the City of Newark for a Special Use Permit to Construct a Pedestrian/Bicycle Bridge in the FEMA Designated Special Flood Hazard Area (SFHA) and to Allow an Increase in the Flood Level in the Area Upstream of the Proposed Bridge By 1.2 Inches on the Property of 109 Paper Mill Road (30 minutes)

**2:22:24**

Ms. Bensley read the request for the special use permit into the agenda.

Ms. Gray informed Council that Mr. Spadafino, Mr. Filasky, Mr. Robinson, and Mr. Fruehstorfer were involved in the project. During the design phase, it was determined that the bridge could not be reasonably constructed outside of the floodplain. When the span widened to keep the abutments outside of the flood plain, the length of the span required a pier at the center of the span. The final design provided an opening wider than the existing bridge with minimized impact to the floodplain. She continued that City Code required Council approval for a special use permit to construct a bridge in the SFHA and to allow an increased flood level of 1.2 inches in the area upstream of the proposed bridge. Staff could not present the special use permit request until the design was completed and the stream flood elevations were analyzed.

Ms. Gray continued that the area was zoned PL/OFD (Parkland/Special Flood Hazard Area) and required a special use permit to construct bridge and for the increase in flood levels. She reiterated the slightly increased flood levels upstream from the proposed bridge and noted the area was predominately City and State parkland except for several homes on the south side of the stream, 600 feet upstream of the proposed bridge. She repeated the projected increase of flood levels was 1.2 inches for the homes upstream and did not result in a regulatory flood plain expansion to include any additional structures and was considered by staff to be inconsequential.

Ms. Gray informed that City regulations were more restrictive than FEMA regulations, which allowed new construction to raise flood levels up to one foot. She continued that FEMA regulations allowed variances to local codes that were more restricted than FEMA codes if they still met FEMA requirements. She stressed that the proposed construction was well within FEMA requirements and the slight variance was allowed.

Ms. Gray stated that on July 7, 2020, the Planning Commission unanimously recommended that Council approve the special use permit because the new construction will not significantly impede the flow of flood waters, or otherwise cause danger to life and property at or above or below the locations along the floodway.

Diane Rubin, Water Resources Engineer with White, Requardt & Associates, worked on the project and presented a PowerPoint to Council to help highlight the efforts. She explained that the special use permit was requested based on conditional circumstances because the construction of the trail bridge was over the 100-year flood plain, based on the recommendation and approval from the Planning Commission. Ms. Rubin continued that the team addressed adverse impacts to health, property and people and any conflicts with the City's comprehensive development plan. The team also completed the hydrologic and hydraulic analyses to support the permit and had coordinated with City staff. She noted that property owners were notified and commented that the City was helpful with working with property owner agreements and providing understanding of the project's impacts.

Ms. Rubin described the location as upstream of Paper Mill Road, along White Clay Creek. She then presented various maps highlighting the expected impacts to the flood plain area outside of the bridge and waterway, the planned location for the bridge, and renderings of the completed bridge. She explained the hydraulic model was developed for existing and proposed conditions. She noted that WRA typically included the features relevant in the crossing and reiterated the area upstream would be minorly impacted. She then displayed the FEMA Flood Insurance Rate Map depicting the proposed bridge, dam, and Paper Mill Road, and reiterated there was very little impact expected as a result of the project. The team created an aerial overlay map showing the four properties of interest, the existing and proposed flood plain lines, and noted that if the houses were not already in the flood plain, the project would not put them in the flood plain.

Ms. Rubin compared the proposed project conditions and FEMA and explained the 100-year water surface elevations decreased due to improved hydraulic analysis. She then pointed that comparisons of the proposed conditions to existing conditions had a slight increase in the upper reach along the White Clay Creek, along the steep stream bank. She did not anticipate any negative or adverse impacts along any developed property or proposed structures.

The Mayor opened table to discussion from Council.

Mr. Horning stated he read the Planning Commission minutes and asked if the City was putting itself in bad position for funding for stormwater relief by constructing the bridge. Mr. Coleman replied that he did not believe it was an issue and pointed to Ms. Gray's comments that the City's requirements were considerably stricter than FEMA's. He noted that if the City used FEMA's requirements, the worst location would only be 25% of what was allowable under FEMA's and was right at the site of the proposed bridge. He continued that the area upstream had reduced impact and the most impacted area was owned by the City. The owners of the three privately-owned properties affected by the change met with Ms. Gray and Mr. Robinson and none expressed concern over the proposal. Mr. Horning asked if there was an environmental impact for the pier and Ms. Rubin informed that there was no proposal for a pier, but the plan called for two abutments outside of the limits of the existing bridge and did not encroach inside. Mr. Horning recalled discussions on removing the dam and asked if the removal changed the end calculation. Ms. Rubin confirmed and stated the team ran scenarios without the dam and found no adverse impact either way.

Ms. Hughes appreciated the presentation and had no questions. She was pleased that staff met with the property owners who had no issues.

Mr. Bancroft had no questions.

Mr. Hamilton supported the project.

Mr. Lawhorn was curious about the dam and asked if there was no impact because the level of the dam was already in a flood state and had no impact on the flow. Ms. Rubin replied that there was no adverse impact by reducing the dam. She continued that the flood plain was large enough that the dam, by comparison, had no great impact for long distances. She admitted the water surface elevations dropped but not as significantly as believed.

Mr. McDermott asked if there was any flooding in the area after the tropical storm surge. Mr. Coleman confirmed there was flooding on Paper Mill Road in the area of the bridge, but it did not come directly from White Clay Creek. He explained the flooding was caused by Jenney's Run, the stream that

flowed up the east side of Paper Mill Road, under Curtis Lane, and which backed up on the Curtis Lane cul-de-sac. He noted that staff removed culverts further downstream but there was a tailwater condition where Jenney's Run could not join the stream fast enough to allow drainage under the cul-de-sac. He reiterated the flooding was not directly associated with the bridge and did not suspect there would be a difference in a similar circumstance. He noted the bottom cord of the proposed bridge was higher than the bottom on the existing bridge and Ms. Rubin confirmed. Mr. McDermott stated the foot bridge was higher than Paper Mill Road and Mr. Coleman confirmed.

Mr. Clifton had no further questions.

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

Mr. Clifton informed that the special use permit required individual Council votes.

MOTION BY MR. LAWHORN, SECONDED BY MR. HAMILTON: THAT COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE PROPOSED WHITE CLAY CREEK EMERSON BRIDGE AS REQUESTED.

Mr. Lawhorn supported the motion because the proposed use did not adversely affect the health or 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, would not be detrimental to the public welfare or injurious to property or improvements 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 in conflict with the purposes of the comprehensive development plans of the City.

Mr. Horning supported the motion for the reasons stated by Mr. Lawhorn and the Planning and Development Department's report.

Ms. Hughes supported the project based on the reasons presented by Mr. Lawhorn.

Mr. Hamilton voted in favor of the project based on the reasons stated by Mr. Lawhorn and Mr. Horning.

Mr. McDermott supported the special use permit based on the reasons stated by Mr. Lawhorn.

Mr. Bancroft supported the special use permit based on the reasons stated by Mr. Horning.

Mr. Clifton supported the motion for the reasons stated by Mr. Horning.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

**21. Meeting adjourned at 9:40 p.m.**

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

/ns