

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

JANUARY 13, 2025

Those present at 6:30 p.m.:

Presiding:	Mayor Jerry Clifton District 1, John Suchanec District 2, Corinth Ford District 4, Dwendolyn Creecy District 5, Jason Lawhorn Deputy Mayor, District 6, Travis McDermott
Absent:	District 3, Jay Bancroft
Staff Members:	City Manager Tom Coleman City Secretary Tara Schiano City Solicitor Paul Bilodeau Deputy City Secretary Diana Reed Parks & Recreation Director Paula Ennis Planning & Development Director Renee Bensley Planning & Development Deputy Director Jessica Ramos-Velasquez <i>(Virtual)</i> Public Works & Water Resources Deputy Director Ethan Robinson <i>(Virtual)</i> Chief of Police Mark Farrall Deputy Chief of Police Kevin Feeney <i>(Virtual)</i> Chief of Community Engagement Officer Jayme Gravell Chief Procurement and Projects Officer Jeff Martindale Finance Director David Del Grande IT Lead Desktop Support Eleanor Vigliotta

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

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (6) for the purposes of discussion of the content of documents, excluded from the definition of “public record” in §10002 of this title where such discussion may disclose the content of such documents

MOTION BY MS. FORD, SECONDED BY MR. MCDERMOTT: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 *DEL. C.* §10004 (B) (6) FOR THE PURPOSES OF DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF “PUBLIC RECORD” IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS.

MOTION PASSED. VOTE 6 TO 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:00 p.m.

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

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

Mr. Clifton explained the procedures for the hybrid Microsoft Teams Meeting Platform. When beginning each item, the chair would call on the related staff member to present. Other than for land use applications, when their presentation was complete, he would call on each Council member on the dais for comment. Following, he would call on all members of the public who are present, and then those remote, to offer their comments. When a Council member had additional questions or comments, they should ask the chair to be recognized again after all members had the opportunity to speak. With land use applications, following presentations from both staff and applicant, he will seek comments from members of the public that are either present or remote before calling upon each Council member for their comments. He instructed in-person attendees to sign up on the sign-in sheet near the entrance of the Council Chamber if they wished to provide public comment. At the appropriate time, the chair would call on them to speak. Although all public comment is welcome and appreciated, Council requests that during meetings with higher attendance, public commenters be mindful of others wishing to speak and condense their own comments to the best of their ability. If virtual attendees wish to comment, they should use the hand-raising function in Microsoft Teams to signal the meeting organizer that they would like to speak. The Microsoft Teams chat would be disabled during the meeting. All lines would be muted until individuals were called on to speak, at which point the speaker's mic would be enabled and they could unmute themselves to give comment. Public comments were limited to 5 minutes per person, and no time will be ceded. All speakers needed to identify themselves prior to speaking with their name and district or street address. When there were Council members attending remotely, he would call on them at the appropriate time for their vote. All votes were required to be audible and no visible voting would be accepted. He asked all Councilmembers using Teams at the dais to turn off their speakers and microphones to prevent feedback. He asked all attendees to keep cameras off until they are called on to speak. Public comments must be related to City business or affairs, or to the particular agenda item. All members of the public that violate this rule will first be warned to cease and desist. Following said warning, if the violation persists, the offender may be removed from the premises or have their microphone disabled for the remainder of the meeting. He stated the City of Newark will have zero tolerance for any hate-speech or vulgar language, as such in no way relates to City business or to any agenda item. If this occurs, there will be no warning given. The consequences for such heinous acts include being immediately removed from the premises or having the offender's microphone disabled for the remainder of the meeting.

5. 1. **PUBLIC PRESENTATION: (15-minute limit):** None

6. 2. **ITEMS NOT ON PUBLISHED AGENDA**

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

7. 2-B. **UNIVERSITY**

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

5:21

Caitlin Olsen, University of Delaware (UD) Administration, stated students return for classes on February 3rd. She reported that prospective students would begin receiving their acceptance letters from UD. She reminded all students are not obligated to live on-campus, and UD offers the SEED program, which covers 10 semesters, is more cost-effective, and significantly curbs student loan debt. She understood many may feel obligated to live on-campus to fulfill the "UD experience," but encouraged all prospective students to consider this option. She asked all to offer this information should circumstances arise.

Mr. Clifton noted his grandson was accepted into the Political Science Department in the fall. He asked if the SEED program is solely offered on the Wilmington campus.

Ms. Olsen stated that it is offered on the Wilmington, Georgetown, or Lewes campuses, but not on the main Newark campus.

Ms. Creecy noted that she is a proud parent of a child who graduated from UD's SEED program in Wilmington with three degrees.

Mr. Suchanec noted he has been receiving correspondence from UD with the tagline "UD Pride". He noted UD students' pride in their sports teams is waning, almost to the point of nonexistence. He wondered if UD is aware of this problem, as he believed it is important to address. He believes UD students' attendance at basketball games only exist when they are offered free items as an incentive to attend, and suggested they may leave as soon as they received the items. He believed sports teams should

represent UD in the eyes of the students. He asked if Council could be updated on any internal conversations UD has about this topic moving forward.

Ms. Olsen stated she would compile some information to share with Council. She stated UD tries to approach this problem from multiple angles, to determine why students are not attending their events. UD offers programs such as Athletics 101 to provide information on event participation.

Mr. Clifton agreed with Mr. Suchanec.

8. 2-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes): None

9. 2-C. CITY MANAGER (10 minutes):

12:05

Mr. Coleman reported Restaurant Week starts Thursday, January 16th and runs through Wednesday, January 22nd. He encouraged patrons to visit the participating restaurants. City staff were informed on Friday that they were awarded a \$590,000 Charging & Fueling Infrastructure Grant from the federal government. This was a competitive grant application process. The City applied to Round 1(a) and 1(b) but were unsuccessful; however, they successfully acquired the grant during Round 2. He thanked Chief Procurement & Projects Officer Jeff Martindale, Electric Distribution Engineer Lucas Biedler, and UD's Grant Assistance program for their involvement in acquiring this grant. This project will increase the City's publicly available chargers from 5 to 16 through an assortment of City and parking lots. It will also add some e-bike chargers, the first in town. He noted Newark had the smallest project funding with this grant. While the City did not receive as many other larger projects competing for this grant, they received all of the money they had asked for. This speaks to their team and the help received from the UD of Delaware.

He continued, there was another accident this morning where a vehicle on Cleveland Avenue hit St. John Church. This is the second high-speed road departure and third accident at this location in the last six months. He was unsure what the City could do about this problem from an engineering perspective, but staff will reach out to the Delaware Department of Transportation (DelDOT) to see if they can add this to the list of items to review from a safety perspective.

10. 2-D. COUNCIL MEMBERS (5 minutes):

14:10

Ms. Creecy:

- Expressed her sadness about the tragic situation at St. John Church. She did not want the church to move from its current location as it is a historical site. She will potentially reach out to the organization that assisted her during a previous project at a historic cemetery and determine the exact problem. She was proud of the City Manager and City staff for immediately jumping on this issue to determine what engineering could be done to address the problem. She was sorry this tragedy occurred.
- Thanked her constituency for communicating their concerns during her in-person campaigning for the upcoming election season. Many of the concerns they voiced are already actively being worked on by the City, and she was excited to see them come to fruition.
- Noted the Dickey Park improvement project is coming along and commended the Parks & Recreation Department for their work. The children in her district are excited about what is expected at the end of the spring.

Mr. McDermott:

- Echoed Ms. Creecy's comments about the incident at St. John Church as it is a recurring problem. He noted this specific incident involved a stolen vehicle going at incredibly high speeds in an attempt to escape the police. He was unsure what engineering could be done to stop a stolen car moving at 100 mph. This is the third time a vehicle has been running from the Newark Police Department (NPD) and resulted in property damage, death, or serious physical injury. He believed there needs to be a larger conversation about addressing this overall issue. He hoped the City can work with DelDOT to determine a solution to least alleviate regular accidents from causing this damage. However, he was unsure how to prevent a 90-mph car from doing such damage.
- Shared he spent some time on Christmas Eve at the Cavalry Baptist Church, where they make a Christmas Eve dinner to feed some of the less fortunate in the community. This year, the church fed 60 people as part of the event. He thanked the Cavalry Baptist Church and the other faith community members for putting on the event. In speaking with Pastor Corey Fields, he learned in the past, the church tried to get some shower facilities on their property but were prohibited by the Zoning Code. He wondered if this is something that could be revisited this year. Many unhoused people seek shelter in the Newark

Free Library, especially during the winter, but that will not be an option for the two years it will be closed. He wanted to discuss this idea in 2025. He thanked the Cavalry Baptist Church for their work.

Mr. Suchanec:

- Noted Home Grown Café is offering a \$2 discount to restaurant customers in January if they show them their receipt from the City's parking kiosks. He believed this is a good idea to contribute to the issue of how to reduce or control the cost of parking in Downtown Newark. He wondered if the City could encourage The Newark Partnership (TNP) to promote this with the other restaurants potentially.

Ms. Ford:

- Noted she started a campaign along Capitol Trail where the residents display signs stating, "This is a neighborhood, not a raceway." She believed we live in a culture that glorifies speed, it is tough to engineer solutions against those disregarding social norms, value of life, or the law. She believed Item 6A would be a first step to this discussion as Council will discuss potential places to install speed cameras. This will be a step towards slowing people down on the road.
- Stated DART Connect Newark has been in service for over a year. Many residents in District 2 depend very heavily on its services, such as a resident who uses it to go to her dialysis sessions 3 times per week. The rate for DART Connect Newark is a significant savings for her in comparison to paratransit. She believed the service had been very well received, but DART must attend a Council meeting to be notified of some of the issues that have surfaced. For a period, the service deteriorated due to the increase in ridership, resulting in this resident being stranded at the dialysis location and calling Ms. Ford to pick her up, which she did. She noted that DART was supposed to get GPS, new software, and new buses and asked for the current status of this initiative

Mr. Clifton asked if a resident going for dialysis treatment would be qualified as handicapped, which would be free ridership.

Ms. Ford stated DART does not offer free rides for handicapped individuals.

Renee Bensley, Planning & Development Director, explained she had reached out to DART Connect following Mr. Suchanec's request at the December 9, 2024 meeting. She met with them today, and they are now scheduled to bring a presentation to the February 10th City Council meeting. DART will be providing updates as far as how the service has been going and updates for the future. DART Connect Newark does factor deeply into the new DART Reimagined strategic plan that has been released for the next five years. DART is looking to expand to 11 more locations in New Castle County. She noted the City observed some ridership data today, and most months are doubling or tripling the ridership of the previous UniCity service.

- Shared the committee for sustainable funding for Aetna is planning a pre-Super Bowl party fundraiser event at the Aetna Banquet Hall on February 1st. She noted that the information about the event is on Aetna's website and encouraged the public to attend. All the event proceeds will go to supporting Aetna Hose, Hook & Ladder.

Mr. Lawhorn:

- Agreed that the City needs to talk to DelDOT about the incident at St. John Church. However, he believed the City should try to build a more significant case around this problem, as that intersection is problematic for many more reasons. The broader issue of this intersection shows an odd traffic pattern, which has resulted in many accidents from individuals going the wrong way on the road. He believed lighting and visual indicators may be helpful for drivers. He noted before Covid, the City identified the need for a pedestrian crossing down that road. One of DelDOT's concerns was the sight lines coming down from the hill and turning the curb. He believed all of these factors create a case for DelDOT to investigate this intersection. Additionally, both of these incidents were caused by stolen vehicles, so he believed it would be in the best interest of the nearby parking lots or dealerships to protect their cars better. He wondered if there were things the City could do to deter the vehicles from being stolen.

Mr. Suchanec noted he asked for a DART Connect update due to his concerns about how it is adequately serving the community. He noted he had seen a District 1 resident arranging for a ride when he first went into the supermarket. After shopping, he followed the DART bus to see the driver not only back into this resident's driveway when dropping her off but also escorted her to her doorstep. Witnessing this experience gave Mr. Suchanec a renewed excitement about this service. He hoped DART would be able to share more positive stories of this nature when presenting to Council next month.

Mr. Clifton:

- Noted DART Connect has done a tremendous job in servicing his blind neighbor. He believed there are many other good stories about this service, but that does not mean the service is perfect.
- Stated he could not believe another incident of this type occurred at St. John Church. He and Mr. Coleman have had conversations about this issue, and he has requested Rev. Blaine Hackett to contact Mr. Coleman tomorrow as there may be short-term solutions for the City and Church to discuss. He noted this was incredibly unbelievable, noting that the Church was slated to sign a contract for the repairs to the previous incident today. He noted that everyone he has spoken with is mortified this has happened to the church once again. He believed many throughout the City are hurting along with the church as they recognize the gravity of this situation. He believed the City needed to get serious about crime and punishment, but he thought that once we “clear the City,” it would become a significant issue.

11. 2-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

33:28

Bob Anderson, St. John Church & President of its Trustee Ministry, wanted to share his suggestions for the subject intersection. About 15 – 20 years when the intersection was redesigned, St. John Church was involved with the State’s engineers. The State’s engineers took the Church’s suggestion to back up the left turn on New London Road. He drives the way of the intersection at Cleveland Avenue & New London Road at least 4 – 5 times every day, and he believed some problems with that intersection can be solved without an engineering change. His suggestions would be, when you come up Cleveland going toward West Main Street, you have to make that right turn on New London Road. He asked why we do not have a turning sign or flashing signs within the lane. When he drives this road at night at about 2 a.m., if he is not thinking about making a right turn on New London Road, he will have a significant problem. If you are speeding, or speeding from the police, and you drive up Cleveland Avenue going to West Main Street, with the way that island is built, you will hit St. John Church. He believed [the way it is built] needs to be changed a little bit. When you come up and make that right turn onto New London, [the City] could put [turning signs] in the street, or on the curb too, so at least drivers would see it. He noted the accident at St. John Church is not the only thing we are talking about [at this site.] He sees speeding at this intersection every day. Many people do not know that turn is there; they drive really fast on West Main Street, and all of a sudden, they see the turn and have to turn. If you do not live in Newark, you might miss the turn, and if you do not live in the neighborhoods around St. John Church, you will miss it. He believed there are straightforward things to do, such as to make sure that there is a lightened right turn sign so people can see when they come up, because at night, even he forgets about the turn sometimes. He did not believe this problem could be engineered out of the way, but the City can make some right turn signs blinking in the street, and you can see it. It would not necessarily solve St. John Church getting hit, but it would solve multiple accidents and near accidents that occur almost every hour around St. John Church because of the speeds drivers are going at. There are many more vehicles in this area than before, when it was designed 15 – 20 years ago. This is why the problems have been happening. The people who steal cars are wrong and police can deal with and take care of them, but every day, there is the possibility of an accident right at that intersection because of what he had just stated and because of the one way on that road. There needs to be some way to identify that, so if you are not from Newark or do not live in that neighborhood, you know where you can turn. He believed it would be straightforward to put a turning sign there. Once you back it up, if you come up Cleveland, make the turning sign early so people know they need to get over to the right so they can make that turn. If they do not, they will almost run into the island.

Rev. Blaine Hackett, St. John Church, thanked God for everyone acknowledging there is an issue at this location and appreciated it. He would get in touch with the City Manager tomorrow, but there were a few things that [the church] needs from the City of Newark, and that is some resources the church can contact, as well, to try to resolve some of the issues they are experiencing there. One thing he was thinking about coming up from Cleveland Avenue, after it breaks down to the 25-mph marker, to have a sign indicating there is a curve. He explained that the curve, going to the left, really needs to be addressed because it splits off and keeps [causing cars to hit] the church. You do not have to be going 90 mph to hit off of there and into the church. There are pillars there, which is an issue from the first accident that compromised it for this accident. The church is trying to make some reconfigurations to address this problem. He noted that the church signed a contract to get started so they could get the permits. They did that so they could “shore it up” inside, but they need to look at that. After the 25-mph marker comes up in Cleveland, there should be a sign saying “curve” and possibly some speed bumps. The speed camera may not be enough. If the City has a few speed bumps at this location, they will deter drivers from speeding there. He appreciated everybody taking a look at that and the City of Newark. He noted that this is the first historic Black church at this location since 1848. They do a lot for the community, and they are part of this community and want to be able to stay and be safe at this location, because once again, the ministry has been having church there, and the way [the crash] pushed those pews where their ushers sat could have been catastrophic. He understood that the two people who were hurt in the crash are in critical

condition but are expected to live. The third individual miraculously escaped. He was appreciative of the Newark Police Department (NPD), who have contacted himself and the church to give an unofficial report. They did not receive an official report because of conflicting stories about what happened. He reiterated that this is not about the cars being stolen, but this is the third accident, because someone came up New London Road on Thanksgiving and nearly hit the church. The car was only stopped from hitting the church due to the surrounding pillars. There is more of an issue of speed at this location. He thanked Council for their time and steering the City. He thanked Mr. Lawhorn and Ms. Creecy for reaching out to the church. He hoped the church could get the necessary resources, as insurance companies are “not trying to pay out everything that they say has coverage,” but they claim depreciation, among other things. He believed the church would definitely need the City’s help.

Mr. Clifton commented he was “blown away” by the claim of depreciation on a historic church.

Dr. Freeman Williams, representing the Newark Branch of the National Association for the Advancement of Colored People (NAACP) and Friends of School Hill (FOSHA), was pleased to share his experiences with the pilot parking program. He stated this is wonderful and allowed someone who traditionally has had a challenging time during this period to patronize restaurants and things on Main Street. He and his family have been able to do so through the program. He knew Council hears many things, but when something is working, he believed it is encumbered upon someone involved in that to say, “thank you very much,” and hoped [this program] can be expanded upon in some form or some fashion. He thanked the City for putting this program together. He noted the many things that have been stated about the church and the commitment that we all have to it. He appreciated Mr. Lawhorn expanding the conversation because this is about safety in that area. He stated he had the opportunity to be up at the church at 1:30 p.m. with Mr. Anderson and Rev. Hackett, and he took the opportunity to take a quick tour. At about 1:30 p.m., five or six cars were zooming in that area. He would be surprised if any of them were going less than 45 mph. He noted there was one driver he was scared would run up the curve, and he would have been the next victim of that intersection. He believed there is a need for this intersection to be looked at holistically, and he believed it should be expanded to that whole area because there are problems with people going down a one-way street and problems with people coming up by the area where the meat market is located. If we are going to get and request a study, he would encourage the whole area to be looked at to see what safeguards can be placed in that entire area because it is not as safe as we would want it to be. He was aware that one of Council’s concerns is to have secure areas for all of the citizens in all of Newark’s respective areas. One of his recommendations would be when we are requesting DelDOT, that we get them to look at the whole area. He felt very uncomfortable for all the pedestrians in this area, as he would hate to see another tragedy here. He thanked Council for their time.

12. 3. APPROVAL OF CONSENT AGENDA: (1 minute)

- A. Receipt of the September 24, 2024 Diversity & Inclusion Commission Meeting Minutes
- B. Receipt of the November 12, 2024 Conservation Advisory Commission Meeting Minutes
- C. Receipt of the November 2024 Alderman’s Report
- D. Approval of the November 18, 2024 Council Meeting Minutes
- E. Approval of the November 25, 2024 Council Meeting Minutes
- F. Approval of the December 9, 2024 Council Meeting Minutes
- G. Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark: Extension of Epic Recruiting Campaign for One Year, Digital and Photographic Content Refresh, and Approval of a 2025 Budget Amendment
- H. **First Reading – Bill 25-01 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, to Implement a No Left Turn Restriction onto and off of Rose Street at the Intersection of Cleveland Avenue, Monday through Friday, 7:00 a.m. to 6:00 p.m. – Second Reading – January 27, 2025**
- I. **First Reading – Bill 25-02 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, to Implement a Four-Way Stop at the intersection of Hullihen Drive/Hullihen Court and Old Oak Road – Second Reading – January 27, 2025**
- J. **First Reading – Bill 25-03 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, to Implement Stop Signs at Both Intersections of Lenape Lane and Minquill Drive – Second Reading – January 27, 2025**
- K. **First Reading – Bill 25-04 – An Ordinance Amending Chapter 32, Zoning, Code of the City of Newark, Delaware, By Adding Body Art Establishments as a Use**

45:10

Ms. Schiano read the consent agenda into the record. She corrected Bill 24-04 will instead be heard on February 10th due to advertising requirements.

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

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

13. 4. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:

- A.** Reappointment of Timothy English to the District 3 Position on the Election Board with a term to expire January 15, 2027

47:50

Ms. Schiano read a letter of recommendation from Dr. Bancroft: “Thanks all, I propose we reappoint Tim English to the election board. We can expect steady improvements in the fairness, ease, and security of Newark's election processes. Join me in encouraging this board to actively increase candidates and turnout that will engender public confidence and community participation. Tim, thanks for helping our community.”

The Mayor opened the table to Council comment.

There were no Councilmember comments.

The Mayor opened the floor to public comment.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL REAPPOINT TIMOTHY ENGLISH TO THE DISTRICT 3 POSITION ON THE ELECTION BOARD WITH A TERM TO EXPIRE JANUARY 15, 2027.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

14. 4-B. REAPPOINTMENT OF DAVID REDLAWSK TO THE DISTRICT 6 POSITION ON THE ELECTION BOARD WITH A TERM TO EXPIRE JANUARY 15, 2027

50:42

Mr. McDermott noted that Mr. Redlawsk has been the District 6 representative on the Election Board since he took his seat on Council. He is a Political Science Professor at UD and believes he does a great job on the Election Board.

The Mayor opened the table to Council comment.

There were no Councilmember comments.

The Mayor opened the floor to public comment.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MS. FORD: THAT COUNCIL REAPPOINT DAVID REDLAWSK TO THE DISTRICT 6 POSITION ON THE ELECTION BOARD WITH A TERM TO EXPIRE ON JANUARY 15, 2027.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.
Nay – 0.
Absent – Bancroft.

15. 4-C. REAPPOINTMENT OF HELGA HUNTLEY TO THE DISTRICT 1 POSITION ON THE CONSERVATION ADVISORY COMMISSION WITH A TERM TO EXPIRE MARCH 15, 2028

52:30

Mr. Suchanec requested Council to approve Dr. Helga Huntley's reappointment. She has been a legacy Conservation Advisory Commission (CAC) member, sitting on her position even before Mr. Suchanec took his seat on Council. He stated Dr. Huntley is qualified and committed to conservation as a focus for the City of Newark.

The Mayor opened the table to Council comment.

Ms. Ford thanked Dr. Huntley for her good work on the committee.

Mr. Lawhorn stated Dr. Huntley is one of his favorite individuals to debate and obtain information from.

Mr. McDermott encouraged Dr. Huntley to communicate to any District 6 individuals who are interested in serving on the CAC to contact him.

Dr. Helga Huntley, District 1 & Chair of the CAC, stated she would love to have more individuals on the commission.

Ms. Creecy thanked Dr. Huntley for the work she has done. She quoted from Dr. Huntley, "I see conservation of the city's natural resources as critical to its long-term success," and believed she was correct in her statement.

Mr. Clifton noted there have been many great UD students who have been appointed to the CAC. He asked if there were any at-large positions open on the CAC.

Dr. Huntley stated all of the at-large positions on the CAC have been filled. The CAC does not have representatives for Districts 2, 4, and 6.

Ms. Ford noted her appointment moved out of her district, which transferred him to an at-large position.

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

MOTION BY MR. SUCHANEC, SECONDED BY MS. FORD: THAT COUNCIL REAPPOINT HELGA HUNTLEY TO THE DISTRICT 1 POSITION ON THE CONSERVATION ADVISORY COMMISSION WITH A TERM TO EXPIRE MARCH 15, 2028.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.
Nay – 0.
Absent – Bancroft.

16. 5. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

17. 6. SPECIAL DEPARTMENT REPORTS:

A. Electronic Speed Enforcement Proposed Streets List – Chief of Police (15 minutes)

56:34

Mark Farrall, Chief of Police, explained the presented list was created using feedback from Councilmembers, City staff, and City residents. The listed streets have been identified as the proposed streets for the initial round of electronic speed monitoring enforcement. The City conducted speed studies for each location, of which all are eligible for electronic speed enforcement based on the criteria set forth in Title 21, 4170A. If Council wishes for staff to add more streets, they will need to conduct additional speed studies to confirm they are eligible for the program before they can be implemented and submitted to DelDOT. Council can conditionally or provisionally authorize tonight to add additional streets if they believe more should be considered.

The Mayor opened the table to Council comment.

Ms. Ford was pleased to see both Capitol Trail directions listed as the memo's first location. She explained she had a speed study done when she first took her seat on Council, and in one year from 273 to Anna's Way (2.5 miles), there were 7 accidents resulting in bodily injuries. Last year, there was a fatality on that route. This means someone gets injured on Capitol Trail at least once every other month. During the recent speed study, Mr. Coleman presented her with statistics that indicated in one week, there were 23,000 violations (people exceeding the speed limit above 11 mph). She noted the public has expressed concerns about this being a predatory practice and claims that the City are out to make revenue off of this program. She explained under this program's enabling legislation, the City cannot profit from the revenue collected from this program. They can only collect enough money to pay to administer the program and buy the necessary equipment. The purpose of this program is to save lives and prevent people from dying on City streets. She noted today's incident at St. John Church highlights this problem. She noted those who are concerned about the program will only need to obey the speed limit, so they do not receive a ticket. She thanked Chief Farrall for his efforts. She was aware there are logistics to determine in regard to placing the cameras, but she was satisfied with this list.

Mr. Lawhorn noted that signage will be implemented to indicate that these locations are being enforced as part of this program. The signs will be present even when the camera is not, so drivers may be unaware the camera is absent from the location and will comply. He hoped these signs and the knowledge that the camera constantly moved between locations would also help control behaviors.

Chief Farrall noted Rev. Hackett spoke with him about the speeding vehicles on Cleveland Avenue, which is how that location was added to this list. He did not believe the road would meet the criteria for the speed cameras, but the speed study confirmed it did so in its westbound direction. However, the speed cameras would not have prevented this incident and the two previous ones, as an individual fleeing in a stolen vehicle does not care about the speed limit regardless. However, these cameras will help to slow down traffic in that area.

Mr. Lawhorn noted there is much pedestrian traffic in this area between the church and the students who live in that area.

Ms. Creecy noted that this list is in numerical order of how each street will be dealt with. She asked if there is any way to bump New London Road and West Main Street to the top of the list due to the ongoing issue instead of waiting to be the 4th or 5th street addressed.

Chief Farrall clarified that these streets are not listed in any rank order.

Ms. Creecy asked if this area could be concentrated on first.

Chief Farrall stated he would work with Mr. Coleman to determine a strategy. He did not believe the program would start with Capitol Trail so staff can work out the kinks before they start with the road with the most violations. Staff want to ensure this program is implemented correctly and these violations are all sticking. He believed the program would start with a lesser-volume street before they moved to some of the bigger ones. He would defer to the City Manager and Council on any type of deployment strategy.

Mr. Coleman stated the next phase from here is that staff need to get agreement from the adjacent property owners to allow staff to place these cameras on their property, because they will be located outside of the right of way. The City needs to put together a draft easement agreement with the help of the City Solicitor that they will need the property owner to sign. The City will essentially need to pour a 4-foot square concrete pad to bolt the camera down to. The vendor does not believe the camera will need to be bolted down, but the City has had enough exposure with some of their residents to know it will need to be bolted down. He has already reached out to Ms. Olsen who can work in the back channel with her team to prioritize the West Main Street location. He hoped it will be one of the first ones the City can get an agreement and easements in place for. Hillside Road will likely be the first location just because it is the City's property, and the City can place cameras on their property without needing to do anything. As it is a lower volume street, the City believes it will be a decent street to start with. The West Main Street location will likely be an earlier street in the program that they get all of the paperwork in place as long as the UD is continuing to be helpful like they have been so far.

Ms. Creecy believed it is good the cameras are being bolted down to protect them from vandalism. She heard recently an assailant in Wilmington repeatedly attacked the speed cameras in a singular location. She was sure there would still be residents irritated by the City's decision to move

forward with the program. She believed security measures, such monitoring the camera, may need to be taken, as the assailant in Wilmington could not be identified as he approached and attacked the cameras from behind. She wanted to be sure any vandalizers could be caught and identified on camera.

Chief Farrall stated the City has had numerous conversations with the vendor regarding vandalism. He noted the City used to have a mobile speed trailer, which was flipped several times. The vendor has assured the City that these cameras are relatively robust and graffiti-resistant. The vendor assured the City that they will be out to replace or repair the camera in the event of vandalism.

Ms. Creedy asked if Madison Drive made the criteria for the program.

Chief Farrall responded in the negative. However, staff could double check.

Ms. Creedy encouraged staff to do so, noting there is speeding on that street during the night.

Chief Farrall explained that there will be outliers on any street in Newark. However, the 85th percentile needs to be at least 5 mph over the speed limit. He did not believe Madison Drive would meet that criteria, but he promised to double-check. The City is not permitted to include streets that do not meet the program's criteria.

Ms. Creedy noted she received some emails from her constituents. One child in her area was almost hit by a speeding car, while another driver was going so fast that their truck had almost flipped over.

Mr. Coleman stated that outliers will be better handled once the speed bump pilot program is aggregated and brought back to Council. Once the data is checked and if it is supported, Council can add this provisionally by including it in their final motion.

Mr. McDermott noted Washington D.C. has speed cameras in 25 mph zones, and every driver moves at 25 mph. He believed this is a testament to how well these programs work to control speeds. He noted the crosswalk at Wilbur Street and East Cleveland Avenue was just redone, and the sign had to be reinstalled 5 times after being repeatedly run over. Staff eventually stopped reinstalling the sign. He noted he has received complaints about speeding in the Old Paper Mill Road area, by the new park location.

Chief Farrall did not believe this area would qualify for the program as a residential area but would follow up with Council.

Mr. Suchanec appreciated how the list includes all of the locations he has wished to be included in the program. He reminded there is only one camera, and there are currently 15 locations on the list for cameras to rotate through that will only grow as more locations are added. He believed it will be "interesting" to determine the schedule for this camera, for how long it will stay and how often it will rotate. He believed Council agrees they are effective if the vendor lives up to their obligations of standing behind and responding to the trigger of speed to finally get to the point where a ticket is actually issued. He was not sold on having these cameras on the ground and bolted to concrete pads. He noted this idea started with accepting cameras at intersections to catch people violating traffic lights, but these were airborne, pole-mounted, and very effective. He did not see any reason why the City could not find a vendor or talk to this program's vendor about providing pole-mounted options so the City would not have to pour concrete in order to place these cameras. It might also allow the City in the future to have more of these cameras permanently located in the high-risk speed areas. He was very concerned about resident safety, and he believed there are several places in his district where pedestrian safety issues need to be addressed.

Mr. Coleman noted the City reached out to program vendor Elovate following the last Council when mounting them on the pole was mentioned. Elovate stated this specific LIDAR system cannot be pole-mounted, but a radar system (similar to red light cameras) can be. However, it is not integrated with their system for speed and is not used in Delaware for speed cameras anywhere. Elovate's recommendation was to roll out this program and get it running. Once the system is in place and staff are properly trained, if the City runs into a situation where they cannot get an easement, at that point the City will then look to acquire a second camera using the radar system because it will not be interchangeable.

Mr. Suchanec supported the idea of a permanent camera in all 15 of these locations but was unsure how this could be done with the starting technology. He was aware that the City is bound to the State in terms of what it can do. However, his expectation was that the City would be able to support the

Police Department and augment boots on the ground and wheels on the ground with cameras in all of these locations on a permanent basis.

Mr. Coleman noted that these cameras must point at the vehicle's rear. For most of these streets, the City will need two camera systems to permanently mount them in two directions. Each camera costs \$60,000 a month. Ideally, when the City puts out these cameras, behaviors will change, and the City will not generate as many tickets. This is why the City started with purchasing only one camera. Likely, the City will purchase fake cabinets and have them out in rotation so drivers cannot tell which are holding cameras. However, having permanent cameras will cost significantly more money, so they must ensure the locations financially justify them. He noted one location that will likely justify permanent cameras will be Capitol Trail. He reminded the City cannot keep any revenue from this program and is required to send it to the Office of Highway Safety. The Office of Highway Safety is supposed to provide grant money back, but the details of that grant money are not yet known. Those grants are estimated to be used for engineering, enforcement, and education. The City's idea, where the cameras are long-term, would be to reengineer the street to make it less likely for people to speed on. The City can look into many different traffic calming measures for this purpose.

Mr. Suchanec believed this needs to be considered in the situation involving the crashes at St. John Church. He believed traffic calming in this area needs to be included in the City's discussions with DelDOT. He was concerned that speed bumps in this area may cause cars to go airborne over the restrictors in front of the church.

Mr. Coleman responded that the City will do so. He noted he emailed Representatives Mara Gorman and Cyndie Romer earlier this evening to make them aware of this situation and ask for their assistance when they approach DelDOT with their requests.

Chief Farrall added that the City needs to put up signs indicating that the speed in these areas is photo-enforced. Those signs will remain when the camera is moved to a different location. Staff believe that if the camera is frequently removed between locations, drivers will eventually become unaware of the camera's true location, which will impact driving behaviors city-wide.

Mr. Suchanec believed a permanent encasement would help with this idea by giving the illusion that the camera is deployed.

Mr. Clifton asked for a further explanation of the technological problem behind why these cameras cannot be pole-mounted.

Mr. Coleman explained the LIDAR camera has a proprietary pole that needs to be used because the camera can only be so high. While the City inquired if the camera could be mounted on an arm off of a utility pole, going down that route would put the City way behind schedule instead of placing a camera in the field and starting the program sooner rather than later.

Mr. Clifton stated that there are not many vehicles that would be too tall to be detected. While he understood the State controls things such as alcohol and firearms statewide, he was bothered that the City, as a home-rule government, does not have the right to determine how to control speeds in their town because the State takes preeminence. He did not understand the reasoning behind this other than the potential to get a better price on the technology used. He was disturbed that the City is boxed into a particular method of rolling out this program and how the money flows into it. He was satisfied with the streets included on this list and could not think of any other streets that would fit this program's criteria. He noted he was anxious to get this program running. He believed one person had already volunteered for a concrete pad.

Mr. Coleman explained that the equipment will take 3 – 4 months to arrive, which will be the long lead item that will ultimately determine when the program will start. In the interim, the City has to pass a local ordinance, of which a draft has been completed, and City Solicitor Paul Bilodeau has taken to the Attorney General's office for review. This pilot program has been approved for 5 years starting on June 30, 2023. If everything goes well by the end of the pilot program, the City may be able to argue that some of these restrictions should be lifted, and the City should have a little more freedom to install these and choose their vendor for the technology. The City has identified the most desired locations for these cameras based on field visits and was hopeful they could receive support from the Councilmembers of each district as they reach out to each of the property owners to try and convince them that they should let the City install large steel boxes in their front yard.

Mr. Clifton noted that this conversation first occurred when City Council meetings were briefly held in Alderman's Court due to renovations at that time. He found it frustrating that the City still did not have a camera in hand despite the long amount of time since that discussion.

Mr. Coleman noted that Madison Drive and Old Paper Mill Road would be added for speed studies.

The Mayor opened the floor to public comment.

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

Ms. Ford wanted to see legislation giving the City more freedom regarding spending the revenue from this program to buy additional cameras. She wanted to see if the City could actually collect revenues for this purpose instead of giving the money to the State and asking for a grant to get it back.

Mr. Coleman stated that the City can already use the revenue to purchase additional cameras. However, the City is not sure how much revenue it will gain from this program.

Ms. Ford believed the City would generate a fair amount of revenue from ticketing speeding drivers on Capitol Trail alone.

18. 6-B. DISCUSSION REGARDING PROMOTION OF CITY ELECTIONS WITH A FOCUS ON INCREASED VOTER TURNOUT AND A LARGER CANDIDATE POOL – CHIEF OF COMMUNITY ENGAGEMENT (20 MINUTES)

1:36:34

Jayne Gravell, Chief of Community Engagement, explained there had been interest from several groups (Council included) to create an incentive to promote higher voter turnout in City elections and encourage more engagement in our local government. She reported that the last three elections have been cancelled as no opposing candidates have existed. Voter participation was 6% - 12% in the previous two elections. The City has many tools in its toolbox in terms of how to advertise elections to spread crucial voting information. This information is available on the City's website, and the City sends out information through push notifications on their app. Two press releases, four newsletter articles, and 17 social media posts were sent out for the most recent election. While this may appear substantial, improving the current voting statistics is not enough. This year, staff are currently operating under the assumption that there will be an election for all eligible districts. The City sent out a press release with this information, to which it received a 49% open rate. This is a positive statistic compared to the typical 35% open rate for City press releases. The City Secretary's Office has advertised this information in print media, The News Journal, and The Newark Post. All of this information has also been shared on social media. The City has previously run into the issue that they can advertise but not boost posts on Meta (Facebook and Instagram), so the only people who see those posts are those who choose to follow the City's pages. There is an extensive approval process; every time the City reaches the next step, another step is added. She asked to be informed of Council's desired budget for this purpose. The City aims to launch Subtext, a two-way text messaging platform, within the next month. This allows residents to respond when the City sends out information through push notifications. Finally, she, Ms. Schiano, and Mr. Coleman worked on a "Council 101" link for the website that shares information on the time commitments, responsibilities, and duties of taking a seat on Council. This conversation serves to ask Council to provide their opinions on what they believe may be missing, ideas for what staff can do to improve, and how City staff can assist Council without making them feel as if they are trying to unseat them. The City is only trying to make residents aware of what is currently happening within their community and allow them to serve on the public body if that is their wish.

Mr. Clifton believed the public has taken a "Jeffersonian" approach to local politics, where they feel they have elected Council to represent them and are satisfied with the current composition of the public body until they become frustrated. He believed this is part of what is holding the City back. He noted the current average attendance of City Council meetings compared to the attendance of meetings related to the power plant, when they typically ended around 2 a.m. He believed this had a large effect on that year's mayoral election. He believed overcoming this mentality is a starting point in this initiative. While it is comforting to know the community trusts its current City Council, lack of healthy turnover means there are fewer fresh ideas being brought to the table.

The Mayor opened the table to Council comment.

Mr. Lawhorn recalled he had mentioned this issue approximately 2 years ago, during an abnormal year where there were unforeseen circumstances that called for unusual practices to take place. He liked

this plan, as the general public has many touch points and opportunities to reach out. Lack of participation is a significant issue, but while the City is responsible for informing the public and ensuring this information is available to them, it is the citizen's job to remain engaged with their local government. He noted this issue is not unique to Newark, as even the recent national election faced some of these challenges. He challenged residents to become engaged themselves. He believed utility bills could be used to send messages. He asked if this is an option.

Ms. Gravell stated that staff wanted Council direction to see if they would prefer to use this method again.

Mr. Lawhorn preferred to bring this back, believing it to be an excellent opportunity.

Ms. Gravell noted that the City stopped printing and stuffing the newsletters into utility bill envelopes only because of cost. However, if Council wishes, staff can start printing the newsletter and adding it to the utility bill for those who get a paper bill.

Mr. Coleman added Council can decide whether this is done year-round or selectively during large events such as elections.

Mr. Lawhorn believed this method would be more impactful if utilized selectively. He believed this is an overall good plan. He noted he has also gone through the extensive verification process to boost posts on Meta. He wondered if any new steps need to be completed if they are added after an account has already completed verification.

Ms. Gravell stated that the City is currently at the stage where Meta has to send a verification code via phone so they can verify their landline. However, the City does not have a real person answer the phone, as it goes to a call tree directory. The City's IT Division is working with Meta to develop a 10-minute window system where the City can turn it off and have an actual person answer the phone to get the verification code.

Mr. Lawhorn believed this would be nice to have and that reaching 10,000 people would not be that expensive. He was not concerned about the budgetary costs of Facebook boosts. Overall, he believed this was a good plan.

Ms. Ford agreed that Facebook posts are typically cheap. However, she noted that the City is looking to move away from sending out paper bills altogether. She asked if there is the potential to add a pop-up window Silverblaze containing information and reminders about the upcoming election when an individual first signs on. Additionally, she believed the search engine on the City's website was not helpful and encouraged staff to do whatever possible to improve it.

Ms. Gravell noted the City website is due for a revamp, including this improvement. CivicPlus' search engine does not archive information by date, so if an individual searches for "mayoral election," every mayoral election in the City's past will show up without being organized by date or engagement.

Mr. Coleman added staff are looking to purge much of the less-used data from the website. Staff can see which pages get the most traffic and which pages are not. They will try to reduce the amount of unused data and then add back what is requested. There is so much on the website that it is impossible to find anything.

Ms. Ford believed the website's index and search engine algorithm were the most prominent issues.

David Del Grande, Finance Director, explained that staff has minimal control over that window when the City goes to the Silverblaze landing page. For example, the City recently added another blurb about the City's renewable energy program. There is room for another line or two of information, but it could get lost. Once a customer signs into Silverblaze, the City has no control over what information appears on the screen. The City could add information to the sign-up window, but it must be minimal.

Ms. Ford believed anything the City does would be better than nothing, and the number of people utilizing Silverblaze is steadily increasing. She encouraged the City to move forward with this idea because even if the information is small, the public will still see it when signing onto Silverblaze. She noticed the city does not have any radio, even though public service announcements are available to the public on radio stations. She suggested pursuing this idea further.

Mr. Suchanec gave blanket approval for these ideas, believing that if all of these initiatives are pursued, staff will do a job well. The objective of this initiative is to get more people out to vote.

Ms. Gravell interpreted Council's wish to be for more voter turnout and elections taking place.

Mr. Suchanec noted that even if the City focuses on encouraging more voter turnout through these initiatives and ideas, the increased voter turnout is still not guaranteed. He believed offering options such as absentee or online voting would significantly increase voter turnout.

Ms. Schiano stated that the City already offers absentee voting, which is available on the website via a fillable form. A significant number of individuals utilize absentee ballots within the city.

Mr. Suchanec asked if there are any more requirements for an absentee ballot besides requesting it.

Ms. Schiano explained that when an individual fills out the form, they are asked their reason for requesting an absentee ballot. These reasons could be illness or not being in the area at the time of the election.

Mr. Suchanec suggested adding this information to the documentation he received about this matter and sending it to the rest of Council.

Mr. Clifton asked for clarification on the fact that the State allows no-excuse absentee voting, where a reason does not need to be given.

Mr. Coleman believed this was being challenged.

Ms. Schiano noted that the State of Delaware supplied the absentee ballot forms that are currently being utilized.

Mr. Suchanec wondered why City residents could not vote online if they could pay their bills online. He encouraged the City to investigate the possibility of this idea and how it can be controlled to prevent fraud. He believed more people could vote if they were allowed to do so online.

Ms. Bensley explained that while the State legislature passed a bill relating to no-excuse absentee voting, it was overturned by the Delaware Court system, saying that it needed to be an amendment to the State's Constitution because reasons that permit absentee voting are in the Delaware Constitution. The State legislature has not yet successfully passed a constitutional amendment to allow no-excuse absentee voting. Delaware allows early voting, 10 days of in-person voting that can be done ahead of time. They also have regular absentee voting where a reason on the described list of reasons needs to be given to acquire an absentee ballot.

Mr. Suchanec asked if the City can offer early voting for citywide elections.

Ms. Bensley stated the City's charter does not currently permit this and would, therefore, require a charter change to become possible. Additionally, the City has always encountered the issue where there would need to be a location offered for that length of time that is not used by anyone else and can be appropriately secured when the polling places are not open because the voting machines are still inside and active. Volunteers and staff would also be required to administer early voting at that length of time. The State only has so many locations because they have problems pinning down locations where they can have committed to them for the length of time they need for the entire early voting period; have it be secured to where individuals cannot just wander in and out; and have the number of staff and election volunteers that they need to be able to run those spaces for the number of days early voting is offered.

Mr. Suchanec asked if she believed the City could solve all of these issues and meet those requirements for early voting.

Ms. Bensley believed it was a matter of "give and take," such as if the City was willing to give up the Council Chamber or George Wilson Center for 10 days. She noted it is a struggle to find enough manpower to staff a single Election Day, especially for a citywide election. Staffing ten 8 – 12-hour days of early voting like the State for the entire period (as no shift work is permitted for election consistency purposes) would be an even more significant challenge. It will not be able to be implemented by the coming election. There are challenges in recruiting election workers due to the rigorous work required in a single day. As they work closely with the Department of Elections as they use their voting machines, the

City would also need permission to use those voting machines for longer. At this time of year, there are also school board elections, school district referendums, and potential presidential primaries, so it is also a question of whether the City can access the resources from the State for the appropriate length of time.

Mr. Suchanec noted that many of his requests were more for the long term than the coming election. He believed the City should do whatever it could to pursue adding online voting as a potential option. He did not see a good return on investment to allow an early voting period, given Ms. Bensley's explanation. However, he believed absentee ballots or allowing online/mail submissions as an alternative to in-person voting should be investigated by staff.

Mr. McDermott believed voter burnout significantly contributes to this issue. He wondered why the City's elections do not occur simultaneously as national elections when the public is generally more engaged with the voting process. He believed the City's elections would receive more engagement and participation if they ran congruently with the general elections. Additionally, the city may not have as many staffing issues as the polls, which would already be staffed and operational during this time. He did not believe many voters were paying as much attention to their local elections for this reason. He noted he was recently verified by Meta, an excruciating process that took him a week to complete. He agreed that boosting posts is not very expensive. He believed many of these problems were because many people are not currently engaged in elections. If citywide elections align with the general election, there could be more engagement.

Ms. Creecy agreed with her fellow Councilmembers' previous statements. She supported bringing the city's elections closer to popular elections as voters would already be engaged. She believed the City should utilize its dedicated television station, which should be broadcast on Facebook so people can tune into that channel online. She believed some things could be brought to that television station to pull viewers in. She agreed that at-home voting should be made easier as the City's population is at least 25% - 32% seniors, and things should be made more accessible. She believed the City should utilize other apps besides Facebook to promote their elections, as Facebook is not as popular with younger generations of voters. She thought it would be beneficial to advertise on multiple apps to appeal to various age groups, utilize voting by mail, and lobby with the State to permit online voting.

She continued that when she was elected to office 4 years ago, she immediately acted to host a community meeting. Despite sending out many invitations, only two people attended, who were individuals she recruited to show the seniors in her area how to utilize the parking app. She believes personal interaction is significant, so she continues to do so whenever possible. She agreed that Silverblaze should include some advertisements for the City's elections. She noted that when she worked as Judge of Elections in Upper Darby, they responded to issues of pulling voters in by driving a van around to pick up individuals who could not drive to the polls themselves. She believed the work staff had already done for these efforts was impressive but encouraged them to venture out slightly more than they had already done so.

Ms. Gravell noted there is a challenge in that some students from other states do not register to vote here.

Ms. Creecy believed students would still interact with this information if it was presented to them and if they spoke to their parents and peers. She commented that she was very proud of City staff for their work in these efforts.

Ms. Gravell stated that the City has had multiple calls and meetings with Channel 22. It has been discovered that the Comcast box has to be reconfigured due to the most recent renovations to the Council Chambers.

Ms. Creecy suggested investigating ways to make Channel 22 stand out to encourage viewer engagement.

Mr. Clifton noted Newark High School was supposed to have a ½ - 1-hour spot on Channel 22, as the high school was experiencing challenges in sharing positive information and publicity. He was told 6 years ago there were plans to get the channel up and running, but he did not believe that was ever a priority. He noted his first idea for this initiative is to utilize the City's existing methods. It is not costly to run banner ads on The Newark Post for a short period, and they are very effective. He believed if the same philosophy, such as the red banner indicating news of today's car accident, is used, it will be effective. He believed this could also be effective if this method is utilized on the City's website as it will catch the eye of any visitors.

He believed it could be difficult for a nonpartisan government to run a City election during a general election, as there may be an influx of individuals running for a single Council seat. He noted that many individuals also only vote by party for the offices up for election and do not properly educate themselves on each candidate's policies or beliefs. He believed the City had a strong advantage in being the only election in the area during April. He believed there are a few things the City could do to improve their elections, as a 12% voter turnout is very disappointing. While the governor's race was hotly contested, it only had a 64% voter turnout. He was concerned that running a citywide election congruently with a general election could potentially cause local candidates' messages to the public to be drowned out among the many running political ads during that period.

Ms. Creecy asked if the City can hold debates during the citywide election period.

Mr. Clifton stated that the League of Women Voters always sponsors the debates during City elections, as they have firm rules and run fair, equitable debates. Such rules include the prohibition of audience recording. Before the debate, the rules must be stated explicitly, and the candidates sign forms saying they are aware of them. He was aware there was once a candidate, during a previous election, whose spouse had recorded the debate, and the League of Women Voters immediately insisted the video must be taken down because it included only snippets of the discussion. He noted that the debates are often very well-attended.

Ms. Creecy suggested broadcasting these debates on Channel 22.

Ms. Schiano noted it is often frustrating for a voter to keep track of all of the elections they may be able to vote in, but the reason is the State Department of Elections being extremely busy year-round. She noted a municipality running an election depends entirely on the State Department of Elections because they need to staff and prepare, and it can be challenging to schedule an election within a very short period. Running all polls at the same time would be ideal, but the City needs to certify machines and staff election workers. This is the most significant challenge in pursuing this initiative. Regarding encouraging individuals to vote, the City has the absentee ballot process and pays for the postage when mailed out, as well as stamps attached for voters to mail back in. Occasionally, people may run into timing issues with mailing the ballots, so they will physically bring them back to the office instead. Additionally, the City is always available to go to people's houses if they need to vote. She believed it would be beneficial to communicate to the public that change starts at the local level when ideas are formed to encourage local voting.

Mr. Suchanec asked if the City has statistics for voter turnout on things besides candidate elections, such as referendums. He believed this could potentially generate more interest and voter turnout. He suggested the City consider putting referendums on ballots in addition to the candidates running, such as which ideas the public would like the City to prioritize.

Ms. Bensley stated that the City's charter only allows them to hold a referendum on two items: to ask to borrow money and for amendments to the City charter. The City cannot put any other questions on a potential ballot by charter. During the last referendum held in 2018, the Council of that year elected not to do the referendum simultaneously with the Council election because they did not want the referendum items – which were necessary Public Works & Water Resources (PWWR) projects – to become negative candidate campaign items. They wanted it to run separately so it could stand on its own merits instead of getting involved in candidate campaigning.

She continued that it is prescribed in State law that the City is required to use the State's election machines and systems for their elections. The only thing the City has the option to choose is whether they want to administer their own absentee ballots or the State to do so for them. The City of Newark has always chosen to administer its absentee ballots. The State has not yet created a mechanism for online voting, so she was unsure if this option would be available to Newark. There is a balance of easy access with security, verifying identity, and verifying there are no other issues, as one of the different items related to this is the role of the challengers in elections. Legally, for any election within the State of Delaware, any citizen has the right to challenge somebody else's vote on identity, bribery, or eligibility of the voter's residence. If online voting is offered, there will be a system where challenge access is not necessarily available. For absentee ballots, the City takes that list of absentee voters and provides that to the individuals at the polling place. Hence, individuals have the opportunity to challenge a vote if they wish to do so. She believed there are many logistical issues with online voting. The State has not yet reached this point, so the City cannot either as they are obligated to use the State's systems. She was aware there have been other discussions about items such as ranked choice voting, which are also things that would need to be done at the State level first before the City can utilize them. However, the existing voting machines can utilize ranked choice voting if the City were to move in that direction. She did not

believe many jurisdictions have solved the security and identity issues within online voting to make it a viable option.

Mr. Suchanec asked if the State has even investigated online voting.

Ms. Bensley was not aware. The administering of the election and the materials that need to be used will likely be unable to be changed. Things that can be done within those parameters may have a different outcome.

Ms. Creecy thanked Ms. Schiano, Ms. Gravell, and Ms. Bensley for the information shared with the Council. She remarked that the details of this situation seem to be a “headache,” but staff deal with it in the best way they possibly can. She noted that the City of Newark has served as a leader among cities in specific initiatives, and maybe they potentially can do the same to lobby for online voting and bring it to the forefront. She noted there have also been issues where assigned polling places have changed, so when they are used to going to a specific voting location and go to said location only to find that it is empty, and the voting location has changed, they will choose to go home instead.

Ms. Bensley stated that part of this challenge is that State districts do not match City districts. She gave the example of how a resident on Madison Drive is in the State district that votes at the Aetna Fire Station. However, the Aetna Fire Station is not located in District 4 but in District 3 for the City. The City Code requires all City polling places to be in the Council districts they are running, so a District 3 polling location cannot be used for a District 4 race.

Mr. Clifton stated that the Council has given many good ideas this evening. However, he cautioned that some municipalities may oppose these ideas if they are proposed to the State.

The Mayor opened the floor to public comment.

David Redlawsk, District 6, appreciated this discussion. He noted that the Election Board had this same discussion at their most recent meeting, though not nearly as in much detail. The Election Board hoped the Council would engage with it, so he appreciated that they did. He noted that the website is the one personal thing that irritates him about trying to get the word out about elections. Yes, it is there, but you do not know when landing on the front page. You have to learn to click on “Government,” and then you have to know to click on “Mayor & Council,” and then you can click on “Election,” and there it is. If there is anything that can be done from that standpoint on the website during election season, to put it right up on the front page, he believed that alone could make a significant difference in people’s awareness [of the election], at least.

There was no further public comment, and the Mayor proceeded to the next item on the agenda.

19. 7. **FINANCIAL STATEMENT:** None

20. 8. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER CONSENT AGENDA LIMIT:**

- A. Recommendation to Award a Contract Stemming from Invitation to Bid No. 24-04 (Newark Historic Train Station Repairs) – CIP N1809 – Assistant City Manager - Operations (15 minutes)

2:21:06

Jeff Martindale, Chief Procurement & Projects Officer, explained that the deteriorating state of the Historic Train Station was first raised as part of the FY2018 budget process and was noted as critical for steering the 2023 budget process. Following the 2023 budget discussion, the Newark Historical Society and the City jointly launched a lobbying campaign to the State legislature to seek funding for the building. The City then received full grant funding for restoration from the State FY2024 community reinvestment fund. Invitation to Bid (ITB) No. 24-04 includes replacement of all 31 windows and the roof, installation of new gutters, repairs to awning and plaster, and other items outlined in the memo. BSS Contractors was the lowest bidder for this ITB at just over \$500,000. BSS Contractors recently completed the most recent Council Chambers renovations and is currently completing the warehouse expansion at the Maintenance Yard. Staff have full faith in their ability to complete this work. City staff are very excited to move this critical community project forward.

The Mayor opened the table to Council comment.

Ms. Creecy was excited about this project.

Mr. Suchanec encouraged this project to move forward.

Ms. Ford was concerned about the ongoing operational costs of maintaining the building. She hoped that when the building was renovated, there would be some mechanism for a continuous revenue stream, the proceeds of which would pay for the operational costs. She asked if the City was responsible for 100% of the building's operational costs.

Mr. Martindale responded in the affirmative. He noted that the City recently received a check from the Newark Historical Society as part of the new lease agreement for annual checks to help support restoration. He agreed it would be worthwhile to have a specific budget item for the train station to track those costs over time as part of the future budget process. Currently, staff "throw a dart in the wall" to determine exactly how that cost fits into the larger Facilities Maintenance budget.

Ms. Ford had suggested ideas such as a café to generate income to meet the train station's ongoing operational costs. She wanted to know if this or similar ideas were considered and if there are any plans to consider them.

Mr. Coleman explained that the train station is fully leased out, so the existing lease would need to be modified. Beyond that, the building is not constructed to host something of that type. He believed an alternative would be to do something at the location up the trail and to the east at the corner of Waterworks Lane or to do a separate booth. He was more interested in doing something similar to the City of Dover with their rail house, a lease agreement with an operator that effectively runs a beer garden or another type of permanent facility that would be open and can be leased out that way. He noted that this is currently a water facility and much work needs to be done, so it is an idea that cannot be immediately implemented. However, he believed a better location for an idea of this type would be further up the James Hall Trail.

Mr. Martindale noted the Newark Historical Society has significantly revamped their fundraising efforts since the 2023 budget discussion meeting. He believed a portion of the raised funds would be available to the City to help support the facility should the funding situation become much more dire.

The Mayor opened the floor to public comment.

Mary Torbey, Newark Historical Society Board of Directors & Newark History Museum Curator, thanked the City of Newark for its commitment to preserving and restoring the 1877 Newark Passenger Train Station that houses the Newark History Museum. As of January 3rd, the Newark Historical Society has moved all their artifacts and furniture from the museum into climate-controlled, temporary storage. The moving costs and storage costs have been fully funded by the Newark Historical Society's fundraising activities. By generous donations, Newark citizens have demonstrated their support for preserving Newark's history. Voting favorably for BSS Contractors tonight will allow the renovations to begin on schedule and within the projected budget. The Newark Historical Society thanks the City of Newark for its continued efforts towards this renovation. Thanks to the City and the citizens, Newark will have this irreplaceable treasure for many generations to come.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL AWARD A CONTRACT STEMMING FROM INVITATION TO BID NO. 24-04 TO THE LOWEST RESPONSIBLE BIDDER, BSS CONTRACTORS LLC, IN THE AMOUNT OF \$528,530.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

21. 9. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

- A. Bill 24-34 – An Ordinance Amending Chapter 22, Police Offenses, Article IV, Trespass and Injury to Property, Code of the City of Newark, Delaware, By Prohibiting Camping upon City of Newark owned Property or Parks – City Manager (15 minutes)**

2:29:29

MOTION BY MS. CREECY, SECONDED BY MR. SUCHANEC: FOR SECOND READING AND PUBLIC HEARING.

Mr. Bilodeau explained that this past summer, there was an incident at the Newark Free Library where several encampments were on the property. To address it, the NPD first needed permission from New Castle County to approach the homeless individuals camped out in this location. In the past, the City has utilized its trespass ordinance to deal with situations of this type. Staff suggested to Mr. Bilodeau to look for a better way of dealing with unhoused individuals' encampments.

He noted earlier in 2024, there was a U.S. Supreme Court case about this matter in Oregon. He used the ordinance upheld by the Oregon Supreme Court to draft an ordinance with staff that dealt with encampments of unhoused people in a more humane fashion. He noted the minimum penalty for the trespass ordinance is a \$100 fine with jail time. This ordinance serves to give the Alderman options when dealing with someone, if they came before the court, to consider how cooperative they were, potentially investigate the underlying reasons why they are unhoused, and point them in the direction of possible services they could utilize. He noted there are some carve-outs, such as emergency situations where the City Manager can allow individuals to camp in parks, and also during Council-approved special events, such as camping under the stars. He noted there has been much interest and comment on this issue, and Mr. Coleman has more information potentially on this ordinance.

Mr. Coleman stated the City put together what their standard operating procedure is for a situation of this type. When this issue takes place on City property, the NPD is contacted and will respond by attempting to contact the person residing in the tent. If they make contact, the police will verbally inform the individual they have 10 days to clear the space or face arrest under the current trespass ordinance. At this time, officers will usually have an informal discussion with the subject and include information on services that are available and where else the individual can go. If they cannot contact the individual, officers will leave a printed page at the encampment explaining that the occupant has 10 days to clear out or face arrest. In both instances, the individual is informed they are on City property and cannot remain in that location. NPD sets aside time to go back after the 10-day period and report to the Parks & Recreation Department. Almost every time, the tent is gone by the time they check back out on it, and then the case is closed. On the occasion that the tent remains but the individual cannot be found, the Parks & Recreation Department will remove the property from the parkland. If someone still occupies the tent, they would then be cited for trespassing. However, the City cannot find any employees who remember ever citing an individual for trespassing as they have already moved on by that point. If someone were cited, the officer would still share information about potential resources they could utilize. Everything is documented on the body-worn camera interactions and the Delaware Criminal Justice Information System (DELJIS). He noted the City's new Mental Health Case Manager is working with the NPD to create a resource document to provide to homeless subjects that they encounter moving forward. The Mental Health Case Managers would co-respond or follow up after the initial response with the homeless individual.

The Mayor opened the table to Council comment.

Mr. McDermott believed it is important to have an ordinance of this nature because the NPD is currently relying on an ordinance that may not fit the situation they are addressing from both a legal and liability standpoint. He believed this is something the City needs to have in its Code because trying to utilize a law that may or may not work under a given set of circumstances is an issue that needs to be fixed. He believed it is important to provide the homeless with resources when police officers and behavioral health professionals are dispatched to contact the unhoused individual who may be in the parkland. He noted he brought this up two years ago as a priority needing to be addressed, but some initiatives often get lost in the shuffle of work and need to be revisited. He noted law enforcement needs to go out and contact an individual, but the officer may not know where the individual is within the spectrum of where they are in receiving resources and what other officers have already done for the subject individual. He believed in a city of Newark's size, this is something that is obtainable, because the scale of individuals who are unhoused in the City is not in the thousands. He believed the City should have the ability to know where specific unhoused individuals are, what resources they have been provided with, and what issues have contributed to their lack of housing. The City wants to ensure the Alderman can give this person the resources they need to make sure they are not in a situation for longer than they have to be. However, regarding the law, the police need an ordinance to be able to address situations of this manner while utilizing all of the steps outlined already by the City Manager.

Ms. Creecy believed there needs to be an ordinance so the Alderman can give resources to the unhoused. She believed the City should centralize resources so that they do not have to call anyone else to handle situations of this type. She believed if a police officer is dispatched to an area and finds that the individual has a mental disability and something of that nature, there should be some type of advocacy for them in this situation. She believed this is harder to do if the person does not have a formal address. She believed another key to this problem is to build housing dedicated for people of lower and moderate

incomes. She noted this is a very personal issue to her as two homeless individuals living in tents were once her neighbors. She knew the experience of being homeless without any advocacy from someone else. She hoped there would be a more direct solution from the City for these individuals. She believed this ordinance is needed so Alderman's Court can facilitate resources, and the NPD are appropriately assisted.

Mr. Lawhorn concurred with Mr. McDermott.

Ms. Ford asked for a description of how the process will actually change when a person calls the Police Department to notify them of a homeless encampment.

Mr. Coleman explained that the defense the individuals are charged with would allow the Alderman more discretion to consider their ability to pay and issues driving their homelessness and make recommendations that are different from what would typically be made for a criminal charge under the current trespass ordinance.

Mr. Bilodeau noted there are some provisions about handling the person's property if the officer returns to an abandoned tent. The City can take possession of those items, and if they seem to have some sort of value, the City will make attempts to return the items back to their owner. He was unsure if this is already done by the NPD in these situations, but he included this component as part of the ordinance to ensure the property is returned to the individual if it holds significant value.

Mr. Coleman clarified this is usually not done, as most of the time, tent sites are cleared. In the event, they are cleared, but items are left behind, staff will usually dispose of them because they are likely garbage.

Ms. Ford noted this ordinance includes a provision over sentencing that states, "these alternative penalties may not include a term of imprisonment," which she was pleased to see. She did not want any individuals to be jailed simply for being homeless. However, while this may be a better way of treating people, it only serves to move them from one place to another. The reality is that these individuals will find another place to camp, and the problem will not be solved. It bothered her to move people when the City has no real alternative to this issue. She noted there are multiple organizations within the city that do their best to shelter people, but she believed the City needs to provide some space on public land where people can shelter and are not brought into a court because they are homeless. She believed this seemed to be an improvement from current practices but was still inadequate. She believed the next step would be to determine if the City could set aside an area to provide shelter to the homeless, especially in the current winter weather.

Mr. Suchanec agreed with the comments made by Ms. Creecy and Ms. Ford. While he would support the ordinance, he believed it only served to move the problem to a different area instead of solving it. He did not believe there was a designated area to move this problem to. He believed there was a solution and that the City needed to find a way to provide housing or temporary shelter to the people who were in need. He believed the City needs to formalize relationships with the local churches and support and potentially expand the efforts they are already making. These homeless individuals are still residents, and the City needs to support the needs of its residents. While he would support this ordinance, he believed the City needs to focus on the real problem at hand.

Mr. Clifton agreed with all of Council's previous statements. He noted when you have property that is selling for over \$2 million an acre, this is a problem. When you only have 9.5 square miles within a municipality, that is another problem. He noted there are safe and secure homes that are heated, air-conditioned, and water-connected that can be built in a matter of hours. He has always been a proponent of small homes. He noted Elizabethtown, PA is an example of a good small home community. A woman was concerned about lower-income individuals, and the Elizabethtown Council changed its ordinance to allow her to take over a failing trailer park, expand its number of sites, and transform it into a small home community. He believed there were answers to this problem, but it was a matter of finding a solution that would fit a town of Newark's size. This solution will need to take money from another source besides the City, because the City does not unfortunately have the money to do so. He believed there are answers out there and ways of approaching this to which the City just needs to take the first step. He believed there are places out there that have enough land to which they can offer a solution to this issue. He believed there was one person with property on Main Street who had a passion for helping the unhoused. He believed it is time to move the "smaller than small home" idea forward.

The Mayor opened the floor to public comment.

Sam Van Horne, District 6, believed this is a misguided ordinance that is following a national trend of the enactment of laws that aim to criminalize being homeless. It was his opinion that this proposed ordinance is misguided for several reasons, the first of which is that it would do nothing to help fix the problem of homelessness, which is something that many of Council have really admitted. He felt its apparent goal is not to address the causes of homelessness, but rather to seek the power to move an unhoused person who is trying to exist and just move them to some other location. He stated the language of the ordinance is quite stark. He read, "The City shall be able to relocate or cause to be relocated individuals, personal camping materials, and campsites from unauthorized camping property locations." He did not believe this sounded like attention to someone's belongings, which might be their only belongings. He stated this ordinance does not allocate resources to helping homeless people find job training or other kinds of help that they may need. It does not allocate resources to expanding access to shelters. He was concerned it is irresponsible and callous to propose such an ordinance when homelessness is being exacerbated by an ongoing housing crisis, especially in the middle of a very cold January. An account of the homeless in Delaware last year found that the number of homeless individuals increased by 9% from 2023. The majority of the unhoused are Black, and there has also been an increase in the number of veterans experiencing homelessness. What is needed to address homelessness is not a patchwork of solutions that criminalize homelessness, but investments in how to prevent the causes of homelessness and how to help the unhoused become sheltered. He asked how it will help unhoused individuals who are already struggling if they are levied a \$50 fine for only trying to exist on City property. In addition to putting more financial pressure on unhoused individuals, this fine will cause them to have a criminal record that will only make it more difficult to get credit and to navigate the process of being able to rent a place to live. It was his opinion that the City wants to reserve the right to say who is acceptable to camp within their City limits. Scouts or other groups may be acceptable, but homeless individuals are not. He believed this indicates that the ordinance is not about camping, but rather about criminalizing homelessness. The City would seem to be only able to find an answer to the problem by turning to law enforcement, rather than to policies or practices that could help the unhoused in the community. He hoped the City would reject this ordinance and instead invested in helping the unhoused within the community.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE BILL 24-34 AS PRESENTED.

MOTION FAILED. VOTE: 3 to 3.

Aye – Clifton, Lawhorn, McDermott.

Nay – Creecy, Ford, Suchanec.

Absent – Bancroft.

22. 10. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:

- A.** Request by Katherine Hernandez to Amend the Special Use Permit for an In-Home Daycare at 211 Edjil Drive to Increase the Maximum Number of Children Permitted from 10 to 12 – Planning and Development Director (15 minutes)

2:55:33

Ms. Bensley explained in December, the Planning & Development Department received a request from Katherine Hernandez, the owner-occupant and business owner at 211 Edjil Drive. She currently runs a home daycare and, in 2017, was granted a Special Use Permit to do so by City Council for a maximum of 10 children. Since that period of time, she has added an addition to her house that provides additional square footage that would allow her, under State regulations, to take up to 2 additional children, for a total of 12. Under the 2017 Special Use Permit application, she was limited to 10 children. The State ultimately had limited her to 9 when issuing the final license because of space regulations at the time, but they have indicated they would match the 12 children cap on this license. In looking and reviewing the permit, the Planning & Development Department has noted in the past for similar applications that there is a need for affordable and accessible childcare within the City of Newark, and this would expand that availability. Typically, in-home childcare is a less expensive option for families than center-based daycares. This applicant has had an in-home daycare for several years, and staff have heard no concerns from the Code Enforcement Division or Police Department for any violations that have been issued during this time. Staff are currently undergoing a review of the different things listed as special uses within the Code. Home daycares are identified as something that staff will approach Council in the future to recommend it be made a by-right use in residential zoning districts as opposed to special use, and to allow this to be regulated by the State as opposed to having additional regulations on it by the City. While not in this evening's proposal, that will come to Council in the future. While Ms. Hernandez has asked for an increase

to her current cap of 12, Planning & Development staff recommend that the Council consider removing the cap altogether and allowing it to be regulated by the State. In addition, the existing Special Use Permit is limited to the current owner-occupant at 211 Edjil Drive, and it would not transfer with the property if she were to move. It would also not be able to be used by another operator if she were to turn this property into a rental, and if she were to move to a different residence at this point, under the current Code, she would need to apply for another Special Use Permit. Because the proposed Special Use Permit does not conflict with the purposes of the Comprehensive Development Plan V 2.0 with the departmental recommendations, would not be injurious to property or improvements in the surrounding area, and it can meet all zoning and Special Use Permit requirements, the Planning & Development Department recommends that City Council approve the 211 Edjil Drive amended Special Use Permit for a home occupation daycare with departmental conditions.

The Mayor opened the table to Council comment.

Ms. Ford asked if there had been any input on this application from the community surrounding this address.

Ms. Bensley noted this request was sent out to all surrounding neighbors within 300 feet of the property. She did not believe any comments were submitted as a result.

Mr. Lawhorn believed this was a need and supported raising the cap on the number of children. He also supported allowing the State to administer such caps in the future. He believed the State has adequate resources to manage this, and it is not something the City needs to use its own staff and resources to manage.

Mr. Suchanec asked if a physical inspection of the property has been conducted to ensure the building will support the increased headcount.

Ms. Bensley stated that the state takes care of this, and they have indicated that the building will support the increased headcount. The State will inspect the property as part of the final process before issuing an expanded license.

Mr. Suchanec asked what would happen if the Council approved this, but the State conducted its inspection and determined there was not enough space to support the increased headcount.

Ms. Bensley explained if the State rules there is not enough space to accommodate the headcount, the applicant will have to abide by the State's limits.

Ms. Creecy understood the State would step in after Council rules in favor of this application, and they could potentially rule that there is not enough room. She asked if this will essentially make Council's ruling no good.

Ms. Bensley noted in the application that Ms. Hernandez has stated that the State has indicated she can have a maximum of 12 children. The State will not issue her a license, however, if she does not meet State standards. The limit will ultimately be what the State sets unless the City sets a lower limit.

Ms. Creecy believed this service was an affordable need for parents.

Ms. Bensley explained that the State had two-tiered licenses for in-home childcare: a Home Daycare license, which is limited to 9, and a large family in-home Childcare license, which is limited to 12, which is what Ms. Hernandez is applying for this time.

Mr. McDermott agreed that affordable childcare is a necessity but currently difficult to find. He believed the more facilities of this nature the City could add to the pool, the better. He noted that the City does not directly regulate childcare, only by Special Use Permit, and the State does the rest. He was in favor of ruling with whatever the State rules on this matter.

Mr. Clifton supported this request. He agreed with Mr. McDermott, noting the City does not and will never have its own Department of Health. The State controls these requests anyway, and he agreed that is where it should be. He requested Ms. Bensley and Mr. Coleman to bring something back to the City making this a by-right use in residential zones.

The Mayor opened the floor to public comment.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MS. CREECY: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR 211 EDJIL DRIVE FOR THE EXPANSION OF THE HOME DAYCARE FROM 10 TO 12.

MOTION PASSED. VOTE: 6 to 0.

MR. MCDERMOTT VOTED YES FOR THE MOTION BECAUSE THE PROPOSED USE DID NOT AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSON OR 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 PLAN OF THE CITY.

MS. CREECY VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. MCDERMOTT.

MR. SUCHANEC VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. MCDERMOTT. HOWEVER, HE WOULD NOT SUPPORT MAKING THIS A BY-RIGHT USE IN THE FUTURE.

MS. FORD VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. MCDERMOTT.

MR. LAWHORN VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. MCDERMOTT.

MR. CLIFTON VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. MCDERMOTT.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: TO EXTEND THE MEETING.

MOTION PASSED. VOTE: 6 TO 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

23. 10-B. REQUEST OF TSIONAS MANAGEMENT, DBA CONTINENTAL COURT, LLC AND UNIVERSITY COMMONS II, FOR THE AMENDMENT OF THE MAJOR SUBDIVISION AGREEMENT AND MAJOR SUBDIVISION PLAN FOR 4.7098 +- ACRES AT 65 SOUTH CHAPEL STREET AND 101 VICTORIA COURT TO REDUCE THE TOTAL NUMBER OF PARKING SPACES TO THE CODE-REQUIRED MINIMUM – PLANNING AND DEVELOPMENT DIRECTOR (15 MINUTES)

3:07:33

Ms. Bensley explained the Planning & Development Department received an application from the owner of 65 South Chapel Street, which is currently under construction. This was a subdivision to demolish 32 of the existing 38 townhomes at 101 Victoria Court and 65 South Chapel Street and the existing apartment building and to construct a 6-story, 190-unit apartment building with an internal parking garage. The applicant is requesting approval to reduce the number of parking spaces provided within the primary apartment building by 27, from 511 to 484, due to a higher-than-expected groundwater level at the site. The lower level of the parking garage is at risk of being inundated by water without substantial change to the construction of the building. Instead, the applicant proposes to eliminate the deepest portion of the underground garage along with its parking spaces. As the project was designed with more parking than the required 502 spaces, removing 27 spaces from the garage will result in the project meeting the exact parking requirements. 484 spaces will be provided in the garage, and an additional 18 spaces will be provided in the driveways and garages of the 6 existing townhomes that are remaining as part of this project. The Planning & Development Department determined this was considered a substantial change and that the City Council did need to review it and amend the subdivision agreement and subdivision plan. The only thing that has changed in the plans presented by Council is the number of parking spaces. Since this is the second subdivision agreement amendment staff have returned to the City

with for this project that is at least partially related to parking, staff have changed the language for them to provide at least the Code-required minimum number of parking spaces as opposed to putting an exact number, so if there are changes and failed conditions, the City has a floor benchmark, but they do not have to keep returning to Council for every single change.

Greg Rishel, Pennoni Associates, was representing the applicant. He noted he was accompanied tonight by John Work of Tsionas Management and Ben Garvin with Franklin-Daniel, the project's architect. He thanked Ms. Bensley for outlining the details of the request. He explained there was an unforeseen issue at the site that had arisen once the ground was broken. The water level was observed to be higher than anticipated, which affected the lower level of the site. He believed this to be a fairly straightforward request as the project remains Code-compliant even with this change. Had this issue not been encountered, the applicant would not be making another request to Council this evening.

The Mayor opened the table to Council comment.

Mr. Suchanec asked what this space would be utilized for if not for parking spaces.

Mr. Rishel stated the space would be soil. It is internal to the garage. This building is a 6-story building, so a 6-story garage with a half-floor down. The half-floor down will not be constructed to keep the project up.

Ms. Creecy asked if the insurance company would be notified if there were any further sinking issues.

John Work, Tsionas Management, stated that their insurance company is well aware of the situation. This has been a matter of grave concern, and the applicant tried to avoid having to reduce parking, but physics simply does not allow them to do so.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MS. CREECY: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT AND REVISED MAJOR SUBDIVISION PLAN CHANGING THE PROVIDED PARKING SPACES TO AT LEAST THE CODE-REQUIRED MINIMUM FOR THE PROJECT LOCATED AT 65 SOUTH CHAPEL STREET AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Suchanec, Ford, Creecy, Lawhorn, McDermott.

Nay – 0.

Absent – Bancroft.

24. Meeting adjourned at 10:12 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh