

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

JANUARY 27, 2025

Those present at 7:00 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 Parks & Recreation Deputy Director Tyler DeBruin (<i>Virtual</i>) Planning & Development Director Renee Bensley Planning & Development Deputy Director Jessica Ramos-Velasquez (<i>Virtual</i>) Public Works & Water Resources Director Tim Filasky Public Works & Water Resources Deputy Director Ethan Robinson (<i>Virtual</i>) Chief of Community Engagement Officer Jayme Gravell Chief Procurement and Projects Manager Jeff Martindale Chief Human Resources Officer Devan Hardin (<i>Virtual</i>) Deputy Chief of Police Kevin Feeney Finance Director David Del Grande Parking Supervisor Courtney Mulvanity (<i>Virtual</i>) Captain Scott Rieger Planner II Joshua Solge (<i>Virtual</i>) IT Infrastructure Manager Donald Lynch IT Desktop Support I Jackie Etzweiler

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

2. **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. 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 comments are welcome and appreciated, the Council requests that public commenters be mindful of others wishing to speak and condense their comments to the best of their ability during meetings with higher attendance. If virtual attendees want to comment, they should use the hand-raising function in Microsoft Teams to signal the meeting organizer they wish to speak. The Microsoft Teams chat will be disabled during the meeting. All lines would be muted until individuals were called on to speak; at this point, the speaker's mic would be enabled, and they could unmute themselves

to comment. Public comments were limited to 5 minutes per person, and no time will be ceded. All speakers must identify themselves before speaking with their name and district or street address. When Council members attended 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 were called to speak. Public comments must be related to City business or affairs or the particular agenda item. All members of the public that violate this rule will first be warned to cease. 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 that the City of Newark will have zero tolerance for any hate speech or vulgar language, and as such, it does not relate to city business or any agenda item. If this occurs, no warning will be 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. While Council and staff always encourage public comment at their meetings, 2-E allows open public comment for items not on the current agenda. While some may wish to speak on the matter of Folk Memorial Park, the decision was made yesterday to postpone that agenda item. A public information session will be held shortly, during which all proposal details will be shared, and residents will be allowed to participate. Residents who still wish to share their comments on this proposal at this meeting would be allowed to do so, but he respectfully asked their comments to be kept brief in the interest of time. All public comments received until 5 p.m. this evening will be shared with Council and appropriate staff. Yesterday's announcement is on the City's homepage and linked to Facebook.

Mr. Bilodeau stated he was aware of the extensive public comment received about the Folk Memorial Park project. He asserted that "Nothing untoward was done [by the City]. Newark Charter approached Mr. Coleman about potentially utilizing a field in the park, so this [Agenda] item would have consisted of the Council providing direction to Mr. Coleman on whether to proceed with [looking into this further]. There was no agreement made on this item; this item only served as an opportunity to discuss whether this is something the Council and the City [may] want to do.

MOTION BY MS. FORD, SECONDED BY MR. MCDERMOTT: TO REMOVE AGENDA ITEM 6A FROM TONIGHT'S AGENDA.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

3. 1. PUBLIC PRESENTATION: (15-minute limit):

A. General Assembly Update – James DeChene, Lobbyist

7:10

James DeChene from Blue Hen Strategies noted that the General Assembly has been back in session for two weeks and will continue until Thursday, January 30th, before breaking for the Joint Finance Committee (JFC) budget mark-up process in February. The General Assembly will resume its session in early March. Recently, several bills affecting the City of Newark were introduced.

One significant bill is HB-33, which would empower Newark's Alderman Court to process marijuana ordinance violations within city limits. The bill is sponsored by Rep. Cyndie Romer and Sen. Dave Sokola and has completed the House Committee process. It is scheduled for discussion on the floor of the House of Representatives on January 28th. DeChene thanked Rep. Romer for her efforts on this legislation. A brief amendment drafted by the City Solicitor to clarify an aspect of the bill will be added for consideration.

Another important bill, HB-34, seeks to allow the City of Newark to tax the University of Delaware. While a committee date has not yet been assigned to the bill, Mr. DeChene anticipates more discussion when the General Assembly reconvenes after the JFC break in March. Rep. Romer, a strong advocate for this issue, introduced the bill.

Additionally, a bill concerning renters will allow them to provide a 30-day notice to terminate their lease if they purchase a home. This legislation could have broad implications for rental properties statewide, as it would impact how renters break their leases. Concerns have arisen regarding the short notice period for landlords to find new tenants and potential issues if a tenant's home purchase falls through after seeing a new tenant. Ongoing discussions are required to address these issues.

DeChene also mentioned that newly appointed Gov. Matt Meyer has signed an Executive Order to establish a task force to expedite home-building permits. This initiative addresses low-income housing in Delaware by streamlining the permitting process. The task force is slated to meet in February, with a master list of individuals appointed. A report detailing recommendations for expediting the process at the State and County levels will be presented next year.

As pre-filing is expected to ramp up in February, Mr. DeChene plans to highlight any bills that may impact Newark. He also indicated that the accessory dwelling unit (ADU) bill could be reintroduced, although the sponsor has not communicated when or if that will occur.

The Mayor then opened the floor for Council comments.

Mr. Lawhorn mentioned that the Redding Consortium has faced delays since the pandemic; however, the new governor has prioritized Delaware's education and school districts. He inquired whether DeChene has any expectations regarding how this focus might evolve under the new governor's administration.

Mr. DeChene noted that he is no longer a member of the Redding Consortium. He explained that the Consortium is still working through various challenges. One of the initial issues they addressed was the need for more educators, how to best handle the emotional health of students returning from COVID-19, and potential curriculum needs. They are beginning to explore what new district lines may look like.

Additionally, the City of Wilmington has created a task force to investigate the reintroduction of a Wilmington school district. However, he expressed uncertainty about how this restructuring would function due to Supreme Court decisions. He noted that Wilmington's new Mayor, also the former Delaware Governor, previously established a memorandum of understanding (MOU) on the Wilmington Learning Collaborative—this effort aimed to investigate how schools and districts could work together without necessarily redrawing district boundaries. Newly appointed Gov. Matt Meyer has expressed a strong interest in fixing education and education funding and moving from a unit-based funding formula model to a needs-based funding model with benefits and drawbacks. The current Secretary has worked hard to advance some of these initiatives. While the new governor and Secretary of Education want to act quickly, they face competition from multiple interests and ongoing challenges within several school districts.

Mr. Lawhorn noted that this would be a matter of waiting and seeing as new individuals are being established in their new roles.

Mr. DeChene noted that the General Assembly has established a task force working group focusing on teacher compensation and the American Institutes for Research (AIR) across the state and regionally. Additionally, they are investigating what funding models—comparing unit funding to needs-based funding—would look like. They will assess how the student population might respond to these types of funding, how school districts can access this funding and its form, and how schools will determine how to distribute the funds appropriately.

Mr. Lawhorn suggested reengaging with the community to gather input as new officials settle into their roles and develop their plans. This would aid the Council in advocating for these ideas to be incorporated into these officials' plans.

Mr. DeChene reported that a bill that would have funded School Resource Officers (SROs) in every school died in the House Committee. If it had made further progress, it would have impacted the Newark Police Department (NPD).

Mr. Suchanec thanked Mr. DeChene for his report.

Mr. Creecy appreciated Mr. DeChene's report on these topics. She asked for further clarification on the bill requiring 30 days' notice from tenants buying a home.

Mr. DeChene explained that this bill tenants in the process of buying a home by allowing them to break their lease for the most minor penalty possible in breaking a lease, be able to move out of that rental, and then move into their home. He was aware there were other provisions for breaking a lease.

Mr. Bilodeau added that a tenant can break a lease if they are to move away a certain distance or have started a job taking them out of Delaware. For example, if a tenant signs a year lease and suddenly gets money to buy a house after 4 months, this legislation lets them end the lease. They will not have to

pay the rest of the rent or face penalties. This benefits the tenant as they can break a lease within 30 days and face no penalty.

Mr. DeChene noted that if the renter breaks their lease and buys the house, they could be homeless if the landlord finds a new tenant immediately. A 30-day notice might be too short for the landlord, but it is helpful for the tenant who wants to leave quickly.

Mr. McDermott supported this bill by strongly supporting home ownership and expanding the City's permanent residence base. He noted he would likely not give his landlord notice until the house deal was determined.

Mr. Clifton recognized the landlords' viewpoint but noted that home sales often extend beyond 30 days. He highlighted Newark's fast-paced, competitive market where homes sell quickly and acknowledged tenants' eagerness to secure their dream homes. He asked Mr. DeChene to update the Council on the bill and inquired about the JFC's start date and chairperson.

Mr. DeChene stated that the JFC will convene on Tuesday, February 4th, and will be chaired by Rep. Kim Williams. Three weeks are planned for scheduled presentations, with a one-week buffer in case they need to go over. He added that funding is currently available, so "the fight is more intense when they do have money versus when they do not have money, and you can make the case on both sides that they are still going to fight."

4. 2-B. THE NEWARK PARTNERSHIP – ALI DEANGELIS, PROGRAM DIRECTOR

25:10

Mr. Clifton stated that this upcoming Saturday, February 1st, Aetna will host a fundraising event at the Aetna Fire Hall starting at 5 p.m. Ali DeAngelis will be the emcee for the evening.

Ali DeAngelis, The Newark Partnership (TNP) Program Director, shared a presentation to update the Council on TNP's latest activities and initiatives.

(Presentation: Attached [here](#). The presentation spanned from 25:40 to 33:23.)

The Mayor opened the table to Council comment.

Mr. McDermott thanked Ms. DeAngelis for her presentation and meeting with him two weeks ago. He suggested the City create an informal timeline in waiting for CSX to give them a contract back (3 months) before reaching out again. Potentially, the City could reach out to Rep. Sarah McBride, Sen. Chris Coons, or Sen. Lisa Blunt Rochester to try to push CSX to work faster on the process.

Ms. DeAngelis noted that CSX has been very transparent and communicative with her.

Ms. Creecy liked the presented banners. She asked if the banners for the New London Road project were complete.

Ms. DeAngelis explained that TNP collaborated with Rev. Blaine Hackett and Friends of School Hill (FOSHA) to create a list of over 100 veterans from the New London Road community. The project committee for New London Road will choose 47 of those veterans to serve as samples while they nail down a design. The committee will then work with the same banner manufacturer used for Main Street. They hope the final design will be approved by early spring, and the final 47 banners will be delivered in late spring.

Ms. Creecy reminded Ms. DeAngelis that the Council has requested information about the minority banners since early 2024. She noted that it was easier to renew the previous failing veteran banners as the details were already provided. However, this conversation originated from acknowledging veterans of color. Despite being introduced first, she was disappointed that this project would not receive results until spring.

Ms. DeAngelis clarified that the banners on Main Street were failing, deteriorating, and even falling off their poles before this redesign. This meant the priority was to replace the failing banners. Now that the old banners have been removed, TNP can focus on developing the new banners.

Mr. Suchanec noted that the issues discussed by TNP are essential and relevant to the city. These issues include clarifying parking rules and ensuring that staff on Main Street can afford to work there. He believes these should be top priorities. During Restaurant Week, some waitstaff and managers of two restaurants were unaware that the City began offering free parking on Sundays, Mondays, and Tuesdays during the

off-peak season. Another restaurant's staff was only aware of it after being told by their manager. He was concerned that the City does not have a good enough network to rely on a manager to keep their staff informed about changes on Main Street. He believed Restaurant Week was successful, as even though it did not significantly increase sales, these businesses reported seeing new customers. He believed there is confusion in how the City communicates the details about the parking pilot. He received complaints from two people who thought there was a grace period for parking but got tickets within 5 to 10 minutes of parking while running quick errands for their jobs. One person even claimed they received two tickets. He believed communication is a part of the parking issues. He believed there are many parking spaces the City can make available. He believed the City could immediately solve the confusion over the free period offered on Sundays by offering free parking for the entire day instead. He believed the City should parallel its efforts regarding the underpass mural. He agreed with Mr. McDermott, assuming the committee for this project should be started to stir up community interest and use it as leverage when negotiating with CSX. He thanked Ms. DeAngelis for her efforts.

Ms. Ford thanked Ms. DeAngelis for agreeing to emcee the Aetna Fire Hall fundraising event. She invited her to the upcoming meetings on Tuesday and Friday so she could familiarize herself with the venue and sound equipment. She noted that CSX has historically been difficult to contact and negotiate with, so she appreciated Ms. DeAngelis' persistence. She hoped that when contacting CSX, an agreement would be made about maintaining the land around the mural due to its extensive overgrowth.

Mr. Lawhorn agreed with Mr. Suchanec. He believed the best way to implement a 15-minute "grace period" would be to preclude Parking Ambassadors from ticketing vehicles in violation until 15 minutes have passed since the violation has been noticed. While resulting in fewer fines and lower City revenue, it would be favorable to encourage people to visit the city and would solve many issues stated before He agreed with the overarching economic plan for Main Street. He believed there should be some partnership within TNP and with some support from the City. The Downtown Newark Partnership was created years ago to revitalize Main Street when it suffered from competition with the Christiana Mall. Later, it was reformulated into The Newark Partnership, whose focus was looking at the whole City and not just Main Street. However, he believed Main Street was different because if businesses elsewhere in shopping centers could work with their landlords on issues, Main Street's businesses would need to work with the City. There needs to be a way to coordinate a plan for Main Street, which will be more critical with the growth of The Grove and STAR Campus into eventual competition. He believed this would also help with the aforementioned communication issue, such as finding a mechanism to feed information to Main Street's business owners and entrepreneurs. He thought this would be beneficial to discuss when the Council discusses its priorities for 2025.

Mr. Clifton acknowledged that communication needs improvement. He noted emails about the Food & Brew event went to managers but may not have reached restaurant owners, which caused many to express interest too late. He emphasized that communication is a significant issue when working with restaurants. Regarding the mural, he noted there was a meeting at the George Wilson Center (GWC) just before the pandemic. He had received many emails from legitimate artists willing to volunteer to showcase the diversity of Newark's residents. Bloom Energy provided the City with \$5,000 for this purpose, which is still available. CSX previously showed informal support ("a wink and a handshake") for the project. After meeting with CSX today, he realized he could have used this opportunity to negotiate for the City. He wondered if he could reach out to a representative from CSX in Jacksonville again.

He continued, stating that he appreciated the veteran banners as a veteran himself. He knew there was some discussion about how TNP was looking for deceased veterans to honor during this project's process. One issue with the New London Road project was that there were few deceased veterans to honor. He believed this project should be opened up to all veterans regardless of whether they fell in battle. He asked how many veterans would be included as part of the project.

Ms. DeAngelis stated that TNP would select from 100+ applicants 47 veterans to use as the mock-ups for the banners.

Mr. Coleman noted that the project committee would select the veterans for the 47 available banner spots, with most poles accommodating double banners. Due to limited pole availability, the number will be reduced accordingly. Once the City receives the names and information, they can order and mount the banners upon arrival. However, mounting may take longer on poles, lacking the necessary hardware.

Mr. Clifton suggested implementing a QR code on New London Road or Main Street, which would lead the public to more information about the displayed veterans. He thanked Ms. DeAngelis for her presentation.

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

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

6. 2-B. **UNIVERSITY**

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

52:56

Caitlin Olsen, University of Delaware (UD) Administration, discussed the historical context of the killed-in-action and missing-in-action lists, noting the absence of people of color due to systemic racism, particularly during World War II. This realization led TNP to create a new system that allows residents to submit names of honorably discharged family members, making the list more personal and interactive for the community.

She also highlighted that UD students could help address parking issues. She mentioned the national discussions surrounding student-athletes' names, images, and likenesses and how Delaware has enabled local businesses to hire athletes for promotions. Students could promote free parking and local restaurant specials on social media in exchange for incentives like gift cards. This initiative is part of the "302 Collective." She noted that UD students return for classes on February 3rd.

The Mayor opened the table to Council comments.

Ms. Creecy noted that Google search can be utilized to find information about soldiers of color who died in World War II, such as Fred Jackson, one of the Tuskegee Airmen.

Mr. Clifton stated he received a lovely email from the Student Government Association (SGA) thanking him for speaking to their group previously.

7. 2-B-2. **STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes):** None

8. 2-C. **CITY MANAGER (10 minutes):**

57:15

Mr. Coleman announced a public information meeting for the Folk Memorial Park proposal at the Aetna Banquet Hall on Wednesday, February 12th, likely in the evening. The meeting will cover the project's origins, progress, and future steps. The Newark Charter School will share their needs, background, and considered alternatives. The City and school will gather community feedback and questions to share with the City Council.

He noted he and the Public Works & Water Resources (PWWR) engineering team had developed multiple schematic conceptual redesigns for the St. John Church intersection and shared them with DeIDOT Secretary Shantae Hastings to arrange a meeting with her team. A doodle poll for potential meeting dates has been sent out. Attendees will include Bob Anderson, Rev. Blain Hackett, and potentially Sen. Dave Sokola, Rep. Mara Gorman, and City staff. They hope to hold the meeting before or shortly after the next City Council meeting.

Mr. Coleman stated that City staff delivered letters and flyers about the parking pilot program to Main Street businesses but struggled to communicate effectively due to finalizing dates just 6 days prior. Staff will survey businesses for feedback to improve the program and enhance awareness for summer. Additionally, staff are planning spring and summer events and seek Council input on the Memorial Day parade and ceremony. While the ceremony is well-received, parade participation has declined, prompting staff to request feedback on whether to continue the parade or focus on the ceremony before the event committee's first meeting at the VFW.

9. 2-D. **COUNCIL MEMBERS (5 minutes):**

1:01:05

Mr. Lawhorn:

- Preferred to keep the Memorial Day parade but investigated the issues causing lower participation, as the Halloween parade is highly successful. He wondered if this is a marketing issue and is concerned about how the City approaches people and organizations to walk in the parade. He wanted to preserve this event as he believed it was an important parade and a good celebration when well-attended.
- Noted there is now a GoFundMe to generate funds for the repairs at St. John Church following the two accidents that have severely damaged the building. He would include this information in his newsletter to get the word out to the public. He noted that this is the only building that represents the

Historic Black Community in Newark, so it is one of the most historical buildings in the City that needs to be repaired. He believed any efforts to fund the repairs would be well appreciated.

Ms. Ford:

- Noted that the Aetna pre-game party fundraiser will occur on Saturday, February 1st. She expected a good turnout due to the recent Eagles win. The event will offer music, food, raffles, and trivia. She encouraged the public to attend.
- Believed part of the issue of lower attendance for the Memorial Day parade is logistical: the ceremony is on The Green, but the parade is farther away on Main Street. She preferred to see the parade stay. She believed it would be better to move the ceremony to Main Street so that the ceremony and parade are in the same place. She thought the City needs to start early in engaging and recruiting bands, as The Marine Band is a popular pick for Memorial Day events. She believed the Memorial Day parade was an event that made Newark a “hometown.” If the City is to put on a parade, it needs “the razzle-dazzle.”

Mr. Suchanec:

- Believed the City definitely needs to keep the Memorial Day parade, but the City should potentially investigate simplifying it. He supported concentrating on Downtown Newark. He preferred to have a dedicated City spot for these events rather than using University property. He believed the Memorial Day parade was a successful event that put Newark on the map. However, the City needs to ensure that a product is advertised correctly and planned early.
- Recalled when he first took his seat on the Council, the City held a blood drive in Council Chambers for employees. He was unsure if this is still being done or planned by the City, and if it is, it should be advertised and promoted. He offered to sponsor it and donate blood himself. He noted that the blood bank routinely calls him, stating they need donations. He wondered if this program could be made available beyond City employees.

Mr. McDermott:

- Supported keeping the Memorial Day parade and noted he and Ms. Ford have attended the Halloween parade, but it would be great for more Councilmembers to be involved. He attended the Memorial Day parade for the past two years and observed a lack of Council presence, believing their involvement would encourage more people to come downtown. He felt "awkward" when he and Ms. Ford were only at the Halloween parade's reviewing table among 16 empty chairs. He emphasized that Council needs to be actively involved in these events to boost attendance.
- Stated Council needs to hold an official parking workshop so Ms. Bensley can develop a plan and establish dates for free parking. A consistent parking message for clarity over the next 4 years regarding free days and rates is essential. There have been negative comments following his Facebook post about free parking, and a dedicated workshop could help shape a clear parking strategy. Restaurants have mentioned a lack of communication about the free parking, although he funded a Facebook ad for Restaurant Week and the parking pilot. He questioned what other methods could be utilized to inform the public, suggesting that paid ads on Meta are relatively inexpensive. A dedicated plan to share information with the public is necessary.

Renee Bensley, Planning & Development Director, stated that workshop discussions are held on the third Monday of each month, excluding land development items. The third Mondays in January and February are City holidays, and March's meeting is reserved for affordable housing follow-up. Due to the election, there is no meeting in April so the next session will be in May.

Mr. McDermott did not oppose holding this workshop on a day besides Monday. When an individual group was held for the charrette, he believed their meeting was held on a Thursday.

Ms. Bensley noted that scheduling a meeting with all of Council on a specific day is challenging.

Mr. McDermott believed this parking issue was critical. He felt half of it was reality, and the other half was the perception, but the city needed to do something to fix it regardless.

Ms. Bensley explained the staff plan to present and discuss the parking pilot data before the election to receive Council direction and implement changes before June. Waiting until after the election may hinder proper promotion. She mentioned several land development items submitted to the City Secretary for agenda inclusion before the election, including the February 24th hearings for Newark United Church of Christ rezoning and Kristol Center's Comprehensive Development Plan amendment. Additionally, staff may propose changes to Chapter 20 regarding the City's towing contract, as vendors are reluctant to work for the City due to unfavorable code constraints compared to State rates.

Ms. Ford suggested having a workshop meeting on the first Monday of the month.

Mr. McDermott noted that the discussion on the free parking pilot might lead to a broader conversation about parking, but it may not yield productive results. He emphasized that the agenda item's purpose is solely to review the pilot and decide on a way forward. He believed this issue requires a dedicated discussion to ensure Main Street stays competitive for dining, entertainment, and shopping, as the current situation is unsustainable long-term.

Ms. Bensley asked what Council's expectation of that agenda item would be. While it is beneficial to hear new suggestions from Council, if they are offered during the discussion of a dedicated topic when there is a specific action to accomplish, those new ideas may get lost in the shuffle.

Mr. McDermott expressed the need for the Council to focus specifically on the agenda item, as discussions often veer in multiple directions. He suggested having a separate, broader discussion on parking issues, distinct from the parking pilot discussion. This is a significant concern for local restaurants and business owners, and he believes it warrants serious attention. While the Council can decide on the parking pilot in June, a more extensive discussion about parking should occur at a different meeting despite limited scheduling options.

Ms. Bensley asked if Council would like staff to pursue scheduling a separate meeting before the election.

Mr. McDermott preferred to do so. He asked the Mayor to take a poll.

Ms. Bensley stated that if Council were to choose a Monday, the only available date would be a Special Council meeting on the first Monday in March because an agenda for the first Monday in February would need to be published today.

Ms. Creecy asked if the Council could have an early meeting about parking, similar to an executive session, prior to a regularly scheduled council meeting.

Ms. Bensley asked if this was a discussion Council believed they could finish in an hour.

Mr. Clifton did not believe so.

Ms. Bensley stated she would not oppose but did not see it finished in 1 – 2 hours, noting it was already 8:20 p.m. and none of the formal agenda items had been discussed.

Mr. McDermott asked Ms. Bensley to provide some recommendations.

Ms. Bensley stated she would discuss with the City Secretary and City Manager to provide some options.

Mr. Lawhorn agreed with Mr. McDermott. However, holding this discussion before the election means there may be a change in Councilmembers. He did not want to repeat the same discussion if new faces were at the dais.

Mr. McDermott stated that the discussion needs to happen regardless of whether it is before or after the election.

Mr. Clifton explained Council does not meet in April to prevent candidates from making false or inflammatory statements before the election. Holding a meeting too close to the election could lead to one candidate making a negative comment that reaches the press before others can respond. Thus, the meeting before the election is typically canceled on the third Monday in March. He concurred with Mr. Lawhorn that holding this discussion after the agenda is more practical.

Ms. Creecy noted Council have discussed parking for over a year. She believed it would be best for seasoned Councilmembers familiar with the situation to vote on this topic instead of a newly elected Councilmember getting their feet wet.

Mr. Clifton noted that if it is a workshop session, the Council cannot legally vote on anything. Voting during that meeting would be against the Council's own rules and procedures.

Ms. Creecy:

- Supported the continuation of the Memorial Day parade.

- Noted she had received multiple emails from her constituents about parking, agreeing it is an issue. She hoped to determine a suitable time and location for a dedicated parking discussion. While Facebook is helpful, flyers may work better for elderly or technologically challenged residents. She would open up her social media to promote this, save for Facebook, on which she has received attacks since announcing she would run again for Council.

Mr. Clifton:

- Noted he has heard from two restauranteurs that the recent winter weather was more impactful than parking to business during Restaurant Week 2025. He noted Restaurant Week is held in January as it is typically a slow month for business, but August is also a slow month for business. He suggested discussing when they will have this discussion with the restauranteurs.
- Stated there used to be at least one City-sponsored event every month. He wanted to see more thought given to this initiative to draw people into Newark.
- Wanted the Memorial Day parade to continue. He explained that the event faced an issue where two Department of Defense (DOD) assets could not participate without special permission. Jim Benson, the newly appointed General for the Delaware Guard, could potentially help by providing the 287th Army Band or a unit band. Mr. Clifton believed local participation is key to attracting attendees and volunteered to facilitate coordination between the City and VFW for the parade.
- Informed the Easter Seals are having a volleyball tournament at the Lil Bob Gym on March 8th, geared toward 12 – 18-year-old students. He hoped the tournament could raise some money and bring out the community to support young people playing volleyball.
- Recalled Council voted a few months ago to use American Rescue Plan Act (ARPA) funding to pay for engineering to see if the New Ark Church of Christ could be built upon. A few people have come forward who may want to partner with them in creating what would be workforce housing. He believed the workforce is between \$30,000 and \$50,000 annually. He noted a house in Newark could not be sustained for \$30,000. He asked for an update on this initiative.

Mr. Coleman explained that the City had a kickoff meeting with its engineering consultant in 2024, who is working with the church on the project. He noted that the Council will approve the necessary rezoning and Comprehensive Development Plan amendment on February 24th, indicating that the project is ahead of schedule.

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

1:29:46

Linda Gould, Villa Belmont, stated that when she heard about the [Folk Memorial Park] proposal, she was very upset. After speaking with her neighbors, she found out they were equally upset and everyone was upset with Council and Newark Charter School. She thanked Council for tabling the topic for this meeting, but reiterated she was still upset as she believed proper notification was not given to the surrounding neighborhood. She stated Mr. Coleman had spoken to her and others in attendance prior to the meeting and Mr. Coleman had explained that it was just a proposal Council was going to consider on whether they wanted to move forward with even considering. She said she was skeptical of Mr. Coleman's comment as she had found out that Folk Park was the third option being considered, which she believed meant that there were two other options that had already been discussed and decided that they were not appropriate. She reiterated she was very concerned the neighbors had not been contacted prior. At this point, she said she preferred to speak on some of the observations she had determined from earlier conversations and some of her concerns, rather than read her previously prepared statement into the record. She referenced an offhand comment Mr. Clifton made about a "wink and a handshake." She stated she was concerned the upcoming informational meeting to take place on February 12th is "just something the City is throwing at the public because they have already done a "wink and a handshake" with the Charter School." Mr. Clifton interjected that his offhand comment was not referencing this topic but was referring to the discussion of the underpass mural with CSX.

Ms. Gould continued, she was also concerned by Council stating they cannot find the time to talk about parking, which they agreed is a significant issue. She asked how many members of Council would come to the informational meeting on February 12th to listen to the residents as they all will be voting on this project. She was unsure what negotiations and discussions Council has already had about this project. She noted the mention of all of these events that make Newark special. She noted Ms. Ford mentioning this being like a home, which is how these neighbors feel about [Folk Memorial Park]. She noted this park is a part of their extensive community that many residents spend their time in. She was unsure what the Charter School could say to convince any of those who are affected by this [proposal] agree to it. She was concerned that this is tearing down a forest that is home to the creatures that bring them together as a community, such as a deer with a broken leg known by many residents. She noted tearing down this forest changes the entire nature of not only the park, but also the surrounding community. She noted the proposal is backing up to people's houses, which then breaks down and cuts down their proper values

and quality of life. She was glad Council proposed this meeting to talk to about it. She hoped all of Council would attend the meeting on February 12th.

Jennifer Hobbs, Lehigh Road, looked at this issue from an environmental standpoint, since she is not directly in the surrounding neighborhood but nearby enough to still be ecologically impacted. She noted the City has goals about increasing their tree canopy. She asked why Council is even considering a vote on a proposal for cutting down six acres worth of trees. She believed this will seriously impact the ecosystem and land itself. She wondered if there would be flooding now in all those houses from losing the trees that are currently sucking up the water. She was concerned that the purpose of this is to build sports fields – softball or baseball. Meanwhile, there are many sports fields in the City that are either underutilized or being repurposed because there is such low demand for them. She asked why we need to build more if there are already spaces available to use. If something is precluding the school from using those spaces, she believed the City needs to investigate why. She asked if those spaces exist, why are we not using them? She was concerned these are fields that would not be accessible to the general public, yet this is currently public land that the public can go walk through and explore. Students and children can explore, hike and learn about nature. She asked how Newark Charter School would take their students through there for science lessons if they were going to cut the trees down. She hoped there would be a much longer, more detailed explanation when that date came up. She urged Council to reject the proposal outright just because to her, this does not seem like in the best interest for our town or for our city.

Emma Brown, Thorn Flats, explained she and her husband frequently utilized the Folk Memorial Park space when they lived at Villa Belmont. She saw an amazing biodiversity of wildlife and expressed similar environmental concerns to Ms. Hobbs. Her husband is a White Clay volunteer monitoring bird boxes and removing invasive plants with the Master Naturalists, while she is on the Board of the Delaware Native Plant Society. After hearing about the Folk Park decisions, she emailed Ms. Creecy and State Botanist Bill McEvoy. She asked Mr. McEvoy what he would do. Mr. McEvoy she recommend spending time conducting a survey to determine the value of that six-acre space. From a quick calculation, that space, those six acres of trees alone provide enough oxygen for almost the entire Newark population per day. She stated this is great value that we already have, as there are also underutilized baseball and softball spaces. She looked forward to participating in this conversation further at the February 12th meeting.

Additionally, she appreciated hearing everyone work to make progress for Newark and found it interesting to see how this all functions. While she believed it was wonderful that veterans are being honored, she noticed the whitewashing of the previous veteran banners. She believed it is amazing to give recognition and credit where it is due for people who worked really hard, no matter what their race. She was excited to see more banners with more variety. She noticed that students are around during the Halloween parade, but not during the Memorial Day parade, which could account for a lot of the missing attendance. She also believed switching the direction of the parade route to end up on Academy Street, or the space they discussed for the ceremony, could be beneficial. She noted she would have more to say eventually on the Folk Park proposal. She thanked Council for working towards the betterment of the community and hearing all of the public's concerns.

Gil Nichols, District 1, has lived in Newark for 54 years and has seen many things come and go. He has seen Newark grow into a community he was proud of. However, he was disturbed that the City seemed to lack continuity of long-range planning. He noted the discussion of the impact on upcoming elections. He believed there is a certain amount of organizational knowledge that should be tucked away and maintained until someone comes up with a better way. He believed this should be done through long-range planning committees, parking committees, and other things. While he admires a new Councilperson's energy and dedication, he becomes worn out when they join and share ideas that inflict a mentality, "Well, here we go again." Parking is concerning because it could kill Main Street, as well as the investment, interest, and excitement that has been generated since he first arrived in 1969. He believed if there were a way to stagger these committees in a way that they could overlap and be an actual resource and working repository of information gleaned over the years to assist City Council, that would be positive as Council should have new faces. It should have renewed energy, but it also the access, the value, and the benefit of receiving information that has been learned, grown, and tucked away over the years. He believed combining more active, long-range things, strategic plans, and the dynamic from having changing faces and energies would be the pieces of a possible solution. He believed Councilmembers should form their own ad hoc committees in their districts to generate parking ideas so they are armed with some of the latest parking information and feedback from their residents. One benefit to bring to that ad hoc committee is actually to bring a real graphic description of the parking situation. He stated that the public gets to the point where they just do not care anymore when faced with an influx of information and details from outlets such as The Newark Post. Many residents have friends who just will not come to downtown Newark. He recently recommended to some friends to just

go to The Grove, as they have something worth going to and will not have a problem with parking. He believed that would be a big challenge for Newark.

Rev. Blaine Hackett, St. John Church, provided Council with a brief update. He noted that before this meeting, he met with Friends of School Hill Association (FOSHA), the Newark branch of the National Association for the Advancement of Colored People (NAACP), concerning the Historic Black Veterans Flag project. He noted they met TNP Executive Director Mark Arehart a few months back. The photos for the flags were sent back to TNP. Now, they have to make their selection because many of the pictures do not have a good enough resolution. He noted there will be a meeting on Monday to select the photos. There are 47 poles to put the flags on, and 96 candidates for those that may be useful. However, the committee for this project decided instead to put two flags on one side because TNP wanted to keep this as a separate project. They will hand over the names and pictures, which will be similar to those already hung with the branch of service, name, and other things of that nature by the following Monday. There was consideration to hang two flags on a pole to hang all flags up at once, but since there are 47 poles, every six months, they will be taken down for the Christmas decorations, and the following six months, the other half would be hung to better preserve the flags.

Mr. Clifton encouraged the public to go to The Newark Post's website and see the GoFundMe to donate to the church's repairs.

Rev. Hackett thanked the public for their support. The church still has service in its fellowship hall.

Ms. Creecy asked why these projects were separated.

After meetings, long discussions, and debates, Rev. Hackett explained that TNP and the project committee believed it would provide more autonomy for each project.

Andrew O'Donnell, District 3, also a member of the Conservation Advisory Commission, offered his comment as a member of the public, not as a commission member. He stated that he resides about 2,000 feet from the proposed project site. He added that he and his family frequently visit Folk Memorial Park to enjoy the trail and playground. He noted he had not heard about the proposal until he saw comments on social media. He understands Newark Charter School (NCS) wants a home facility to showcase their student talent. NCS currently uses Weiss Park, a County park, the existing Folk Park softball complex, and the Hill baseball complex, with challenging scheduling and availability issues. He is firmly against destroying the City's invaluable natural woodland to develop redundant facilities, which will commit the City to further resource consumption for the foreseeable future. He added that natural wooded areas provide immeasurable benefits to Newark residents. They filter pollutants from the air, provide oxygen, absorb and sequester carbon to combat climate change, manage rainwater from aquifers, prevent erosion, and support biodiversity by providing natural habitats.

He reminded all to refer to Newark's Sustainability Plan, which aims to align sustainability efforts with greenhouse gas reduction targets, enhance nature preservation, and mitigate urban impacts. Additionally, he stated that additional goals are to increase Newark's tree canopy to 34% by 2025 and 36% by 2030. Preserving the tree canopy and green corridors is becoming more crucial as threats like the emerald ash borer and bacterial leaf scurge continue to take a toll. He believes the City of Newark Planning and Development Department can collaborate with NCS to provide solutions utilizing Delaware's model for complete community's toolbox developed by the UD's Institute for Public Administration as outlined in goal 2.1 of the Sustainability Plan. For instance, NCS already uses existing softball fields at Memorial Park and has \$3 million available. He believes they could lease and enhance the existing softball field from the City, gain naming rights, and be granted the scheduling control they desire for the proposed facility. He suggests similar arrangements for a baseball field at another Newark park, such as Hill or Handloff Park, can be made. He believes that NCS would achieve its objectives, and the City would benefit from preserving the City's woodland and generating revenue from leasing out the facilities, improving facilities for parks and recreational use, and reducing maintenance expenses for the Parks and Recreation Department. In summary, he believes this presents an opportunity for NCS to strengthen partnerships with the City of Newark by preserving our natural woodlands, improving existing athletic facilities for NCS students and Newark residents, reducing the Parks and Recreation Department's costs, providing revenue for the city, and generating NCS full schedule and control of home venues for their baseball, softball, and other programs. Thank you for your time and consideration.

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

- A. Receipt of December 2024 Alderman’s Report
- B. Receipt of Financial Statement Ending October 31, 2024
- C. Receipt of Financial Statement Ending November 30, 2024
- D. Receipt of the December 10, 2024, Conservation Advisory Commission Meeting Minutes
- E. Receipt of the December 3, 2024 Planning Commission Meeting Minutes
- F. Receipt of the Planning Commission 2024 Workplan Quarterly Updates October – December 2024
- G. Recommendation to Waive the Bid Process by the Code of the City of Newark for the Purchase of One Asphalt Roller and Tilt Trailer Based on Competitively Solicited Purchase Contracts in Association with Sourcewell and Amend the 2025-2029 Approved Capital Improvement Program CIP for Project H2502 (Street Division)
- H. Recommendation to Amend the 2025-2029 Approved Capital Improvement Program to Incorporate Grant Funding for CIP Project I2506 – Endpoint Detection and Response (EDR) Replacement
- I. **First Reading – 25-05** – An Ordinance Amending Chapter 32, Zoning, Code of the City of Newark, Delaware, By Adding Church, or Other Places of Worship, Seminary or Convent, Parish House or Sunday School Building as a By-Right Use Within the BB (Central Business District) – **Second Reading – February 24, 2025**
- J. **First Reading – 25-06** – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 300 East Main Street – **Second Reading – February 24, 2025**
- K. **First Reading – Bill 25-07** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from RD (Single Family Semidetached Residential) to BB (Central Business District) 097 Acres Located at 300 East Main Street – **Second Reading – February 24, 2025**
- L. **First Reading – Bill 25-08** – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 53 West Delaware Avenue – **Second Reading – February 24, 2025**

1:55:30

Ms. Schiano read the consent agenda into the record.

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.

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

- A. Reappointment of Sydney Goldberg to the At-Large Position on the Election Board with a Term to Expire on January 15, 2028

1:58:26

Mr. Clifton reported that Mr. Goldberg was unable to attend the meeting. He added that Mr. Goldberg is a long-term member of the Election Board and an integral participant with 10 years of experience.

There was no Council comment and no public comment.

The Mayor returned the discussion to the table.

MOTION BY MR. MCDERMOTT, SECONDED BY BLANK, THAT THE COUNCIL REAPPOINT SYDNEY GOLDBERG TO THE AT-LARGE POSITION ON THE ELECTION BOARD WITH A TERM TO EXPIRE ON JANUARY 15, 2028.

MOTION PASSED. VOTE: 6 to 0.

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

13. 4-B. REAPPOINTMENT OF NIKKI LANE TO THE NEWARK HOUSING AUTHORITY WITH A TERM TO EXPIRE ON JANUARY 15, 2028

1:59:53

Mr. Clifton stated that Ms. Nikki Lane has done a tremendous job with the Newark Housing Authority. As a member and Chair of the board, she has guided the board through the redevelopment of Main Street. He announced that Ms. Lane was attending remotely and was available to answer questions.

There was no Council comment and no public comment.

The Mayor returned the discussion to the table.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL REAPPOINT NIKKI LANE TO THE NEWARK HOUSING AUTHORITY WITH A TERM TO EXPIRE ON JANUARY 15, 2028,

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

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

15. 6. SPECIAL DEPARTMENT REPORTS:

- A. Recommendation to Enter into an Agreement with Newark Charter School for a Proposed Project at Fok Memorial Park – Parks & Recreation Director (30 minutes) – **REMOVED FROM THE AGENDA**

16. 6-B. DECEMBER 31, 2024 PENSION PLAN AND OPEB UPDATE – FINANCE DIRECTOR/DT INVESTMENTS

2:01:23

Mr. Clifton noted that Finance Director David Del Grande will depart from the City on Friday, January 31st, so this will be the last presentation he gives to Council.

David Del Grande, Finance Director, stated that working with the City for the past nine years has been a pleasure. He explained that the City of Newark maintains two accounts that fund the retirement benefits for eligible employees and active retirees, referred to as the Pension & Other Post Employment Benefits (OPEB) for short. As of December 31st, the value of the pension account was \$100.2 million, and the OPEB account was \$22.7 million. City Council, acting as trustees for these plans, are fiduciaries responsible for directing and monitoring the investment management of the plan assets. As such, the trustees can delegate certain responsibilities to professional experts in various fields. DT Investments (DTI) Chief Investment Strategist Andrew Zimmerman serves as the financial advisor for the City and works with City staff and the Pension Committee to oversee these accounts. In February 2024, Council voted to move the pension and OPEB funds from Vanguard to Charles Schwab, to be passively managed by DTI until a new investment advisor and custodian are selected through the request for proposal (RFP) process.

Andrew Zimmerman, DTI Chief Investment Strategist, gave a presentation to Council about the pension plan and OPEB update.

(Presentation: Attached [here](#). The presentation spanned from 2:03:10 to 02:10:48.)

The Mayor opened the table to Council comment.

Mr. Lawhorn asked if there is any urgency in getting the RFP out and if the City is currently in a negative position.

Mr. Coleman stated that this position is where the City wanted to end up after an RFP. Prior to the transition, Vanguard consistently missed the benchmark by whole percentage points or more. It is a significant improvement for the City to now be within a tenth of a percentage away from lower fees.

Mr. Zimmerman explained that DTI became involved in Spring 2016, to which Russell was the City's current manager. Their fees for the year were close to \$500,000. DTI was hired and performed a search, after which they hired Vanguard. The costs were cut in half, and Vanguard utilized half passive, half active management. Neither scenario performed well against this benchmark, so the decision was made in February 2024 to go entirely passive. The fees have been cut from roughly \$250,000 to about

\$70,000. As another year’s data comes on, stock pickers struggle against the market. However, passive management has the best risk-adjusted returns over a cycle.

There were no further Councilmember comments.

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

17. 6-C. RECOMMENDATION TO ENTER INTO AN AGREEMENT WITH NEW CASTLE COUNTY FOR SANITARY SEWER TRANSMISSION AND TREATMENT – PUBLIC WORKS & WATER RESOURCES DIRECTOR (15 MINUTES)

2:13:44

Tim Filasky, Director of Public Works and Water Resources, reported that over the past year and, more specifically, during the budget hearing on September 9th of 2024, this agreement represents years of work by City and County staff to finalize it. Both parties view it as a fair contract with a few notable changes from the previous agreement. He added that the changes are all outlined in the attached memo.

He noted that the \$850,000 increase in sewer fees referenced in the memo has been budgeted in the 2025 operating budget. Finance Director Del Grande, City Manager Coleman, and Deputy Public Works & Water Resources Director Robinson were all integral and participated in negotiations. He added that the referenced staff are available to answer questions.

Mr. Filasky continued that New Castle County and the City of Wilmington pull all of the environmental permits and keep those all up to date to treat the City of Newark’s waste. This is a process they have to include in their process, regardless, but the City joins along. He added that it is a great partnership, and the City continues to have a long and productive relationship with the county staff.

Mr. McDermott stated that the increase was in line with what he believed Mr. Filasky reported and noted that it was in line with what was anticipated when the budget was decided this year. He added that the City will not receive a bill until April. At that point, the City will better understand how we stand in April and July. When compiling the data for the 2026 budget, staff will have a better idea, but it is his belief that we are in good shape.

Mr. Suchanec inquired if, in the future, this service fee budget-wise will be in the \$6 million range annually.

Mr. Filasky stated that It depends on whether they raise their rates in addition to that. So, each year, they set a rate as well. They have not increased their rates in a few years, but each year, they will set a rate, and then we will be subject to that rate. So if they raise it by 5%, add 5%, and then whatever our markup is.

It was referenced in the report that there were some infiltration issues that we are being charged for, and there might be ways to eliminate that. For many years we have been trying to keep the system as tight as possible, including lining the sewer mains. What we have started doing in recent years, which was not done in the past, is lining the manholes as well. So anytime you get a water table that comes up near the manhole or up past the manhole's invert, water will come into the maintenance hole, which can be significant at times. Currently, all that water travels to the county, which will be charged for. In the past, it was not the case, and we may not have the ability to make the upgrades. But now we can focus on many manholes that we have not focused on in the past. The rainwater that flows into the roads and then down into the catch basins goes into a separate storm sewer system.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MS. CREECY: THAT CITY COUNCIL DIRECT THE CITY MANAGER TO ENTER INTO THE ATTACHED AGREEMENT WITH NEW CASTLE COUNTY FOR CONVEYANCE AND TREATMENT OF SANITARY SEWER FLOWS AS OUTLINE IN THE MEMO.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

18. 7. FINANCIAL STATEMENT: None

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

- A. Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark for the Purchase of One Dump Truck based on Utilizing State of Delaware Contracts for CIP HEQSF (Street Division) – Director of Public Works & Water Resources (10 minutes)

2:18:57

Mr. Filasky explained that this new truck will replace a 2015 mid-sized dump truck used for construction and snowplowing. Unlike the current one, the new truck is just under the commercial driver's license (CDL) limit, allowing more employees, such as trainees who do not yet have their CDLs, to operate it. The PWWR Department will first offer the existing truck to the other departments before listing it on MuniBid for resale to recover some costs. While the current truck requires more maintenance, it remains functional.

The Mayor opened the table to Council comment.

Mr. Suchanec noted that staff measure the need for replacement by the fact that the vehicle has to be maintained more often than at high hours. He asked if high hours are measured by mileage or by engine.

Mr. Filasky explained that most of the new vehicles have hour meters so that this data can be pulled during a regular inspection.

Mr. Suchanec did not anticipate many miles being out on this vehicle.

Mr. Filasky stated that this is the same with trash trucks and police cars, where they have significantly more hours than miles due to the engine being kept running. Many times, utility trucks idle more than preferred because they are used to operate generators and other similar equipment.

Mr. Clifton asked what the gross vehicle weight of this truck was.

Mr. Filasky stated it is 25, but a vehicle needs to be 26 to require a CDL.

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

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF ONE DUMP TRUCK FROM THE STATE OF DELAWARE CONTACT NO. G5523014-VEHICLES FROM PACIFICO FORD IN THE AMOUNT OF \$159,085.82.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

20. 8-B. **RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK ON UTILIZING STATE OF DELAWARE AWARDED CONTRACTS FOR THE PURCHASE AND UPFIT OF REPLACEMENT VEHICLES – DEPUTY CHIEF FEENEY (10 MINUTES)**

2:22:26

Kevin Feeney, Deputy Chief of Police, requested Council's approval to purchase four Dodge Durango Pursuit model patrol vehicles through a State of Delaware contract with Hertrich Fleet Services. These vehicles will replace older, high-mileage units to maintain operational efficiency. Staff recommends awarding the up-fitting contract to Elite Mobile Solutions in Aston, PA. The total cost for the vehicles and equipment is \$280,234, with funding secured through a master lease agreement as part of the 2025 – 2029 Capital Improvement Program. He thanked Council for their consideration.

The Mayor opened the table to Council comment.

Mr. Clifton observed that the Durangos have been functioning well for the Police Department.

Dep. Chief. Feeney commented that the officers like them and they are working well.

Mr. Clifton asked for clarification: It costs \$27,000 to upfit one vehicle and \$113,000 to upfit all four.

Dep. Chief Feeney responded in the affirmative. He explained that two of these vehicles are old Crown Vicks with no reuseable equipment. Some of the equipment in the two older Tahoe's can be reused, reducing some up-fitting costs.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF FOUR 2025 DODGE DURANGO PURSUIT POLICE VEHICLES FROM HERTRICH FLEET SERVICES OF MILFORD, DELAWARE, FOR \$167,008, AND THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK AND AWARD THE VEHICLE UPFITTING OF FOUR REPLACEMENT PATROL VEHICLES TO ELITE MOBILE SOLUTIONS OF ASTON, PA, IN THE AMOUNT OF \$113,226.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

21. 8-C. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF 2025 POSTAGE SERVICES FROM MAILROOM SYSTEMS, INC. – CHIEF COMMUNICATIONS OFFICER (5 MINUTES)

2:25:21

Jayme Gravell, Chief of Community Engagement, noted the contracts with Mailroom Systems, Inc. (the only contractor on the State contract) to mail about 215,000 pieces of mail every year at a cost of about \$160,000. She asked that the City continue to use them and waive the bid process for the continuance of this service.

The Mayor opened the table to Council comment.

Ms. Creecy asked if any other service could be utilized for a lower cost.

Ms. Gravell suggested email.

Mr. Coleman noted that most of the cost is the postage itself

Mr. McDermott noted he relayed the City's encouragement for customers to switch to e-billing. He hoped staff would continue to try and push that out to get people to switch to save the City on this cost in the future.

The Mayor opened the floor to public comment.

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

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT CITY COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY TO PROCURE PRE-SORT MAIL AND POSTAGE SERVICES FROM MAILROOM SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED \$160,000.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

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

- A. Bill 24-27** – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 339, 341, and 349 East Main Street (**See Items 9B & 10A**) – Planning & Development Director (60 minutes for 9A, 9B, and 10A combined)

2:27:11

Mr. Clifton stated items 9A, 9B, and 10A would all be discussed simultaneously.

Ms. Schiano read the ordinance into the record.

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

Ms. Bensley explained this application requests a Comprehensive Development Plan amendment, rezoning, and major subdivision for the property located at the listed address at the southwest corner of East Main Street and Washington Street. The applicant proposes construction of a five-story building with ground floor retail and parking fronting Main Street and 32 three-bedroom apartments on Floors 2 – 5. This project initially was submitted under the previous BB zoning regulations. However, the applicant elected to withdraw that application and resubmit under the new BB zoning regulations adopted in December 2022. This makes this project compliant with the current Code. The current zoning of the parcels is BL, Business Limited. The properties are currently occupied by single-family houses with accompanying garages on each parcel. 339 and 349 East Main Street are both currently vacant, while 341 East Main Street served as an office for a logistics company before being damaged by a fire on Christmas Eve. The current BL zoning district does not allow the proposed use of a five-story mixed-use building with ground floor commercial space, upper floor apartments, and parking. However, all of the proposed uses are permitted in the BB zoning district. The proposed plan does not conform to the existing land use designation indicated in the Comprehensive Development Plan V 2.0 and will require a Comprehensive Development Plan amendment to change the designation of the proposed lots from commercial to mixed urban.

She continued, Planning Section A of the Comprehensive Development Plan currently designates commercial use for 339, 341, and 349 East Main Street, and the Comprehensive Development Plan recommends mixed urban uses for the downtown along East Main Street. This project requires a two-space parking waiver since only 42 of the required 44 spaces were provided. This was approved by the Planning Commission by a 4-2 vote with the condition that the parking waiver fee of \$12,500 be paid. With this parking waiver, the proposed development meets all requirements detailed in Chapter 27, Subdivision, and Chapter 32, Zoning, once rezoned to BB and does not require site plan approval. Zoning regulations for residential units in the BB Zoning District do not restrict the density of new development. The 32 proposed apartments on the 0.712-acre property result in a proposed unit density of 45 per acre. As all of these units have three bedrooms or less, this will result in a maximum total of 96 bedrooms for the site, which will be a net increase of 32 units and 96 bedrooms since the site most recently has had no residential use. The density of this project, along with other pertinent project details compared to other recent projects, is shown in the development density data comparison chart in Exhibit F of Council's packet.

Ms. Bensley stated East Main Street is a State road, while Washington Street is a City street. The proposed development is not expected to significantly impact the average daily trips through the East Main Street corridor, and it is not anticipated that a traffic impact study (TIS) will be required by DeIDOT. The applicant has provided preliminary traffic generation information to the City of Newark, and they estimate the redevelopment would result in an additional 300 daily trips over the existing use. As this project was submitted after the Newark Transportation Improvement District (TID) was approved on March 27, 2023, it will be subject to the most current Newark TID fees at the time of the execution of their TID agreement. There will need to be an amendment to Item #20 in the subdivision agreement and the corresponding Item W in the resolution to reflect that the TID fees will be those in effect at the time of payment, and not the current rate. This has been provided to the applicant's attorney, and they have indicated they have no objections, as this is required for compliance with the agreement that the City has with DeIDOT for the TID. Following the Subdivision Advisory Committee's review of the proposal, staff prepared the attached Planning & Development report, which was presented to the Planning Commission at their September 3, 2024 meeting, with the suggested recommendations that City Council approve the Comprehensive Development Plan amendment, rezoning, and major subdivision to construct the proposed project at 339, 341, and 349 East Main Street. The Planning Commission voted 4 – 2 to recommend that City Council approve the Comprehensive Development Plan amendment and rezoning. They also voted 4 – 2 to approve the parking leave. Members then voted 3-3 on the major subdivision, meaning the vote on the major subdivision recommendation failed. In changes to the plan since the September Planning Commission meeting, the Conditions of Approval section of the Planning & Development Report indicated several tasks that were required to be completed before the plan could be scheduled for a City Council meeting. These have been addressed to staff's satisfaction with the outstanding items being required in the subdivision agreement. Following the Planning Commission meeting, a further revision of the subdivision plans dated October 14, 2024 was submitted to address items required prior to consideration by City Council. No request for Council to review the approved

parking waiver was filed with the City Secretary within 30 days of its approval by Planning Commission, so it has been granted and is final. Therefore, Council is only being asked to consider the comp plan amendment rezoning and major subdivision tonight.

John Tracey, Young, Conaway, Stargate & Taylor gave a presentation to Council about this project.

(Presentation: Attached [here](#). The presentation spanned from 2:34:47 to 2:50:02.)

The Mayor opened the floor to public comment.

Tina Jackson, 119 Tyre Avenue, noted she had informed the Planning Commission her street would receive traffic from this property. Her concerns were about traffic and whether this developer spoke with the surrounding community. She noted there was a traffic light on Main Street, which would have provided an exit if they had talked, but she did not feel like that conversation occurred. She noted a Lang Development Group property is between this property and the neighborhood, with a driveway and parking behind. She wondered if this development talked to the neighboring property. She was also concerned about the underdevelopment of the east end of Main Street. While it has picked up over the last few years, she wanted to see developers working together parking lots join in sensible ways. She believed that by not having this conversation, they had given up access to Main Street at a light that already existed, which would have been a safer place to enter traffic. She pointed out that the developer did not speak to the surrounding neighborhood's civic association or this district's Councilperson. She asked what would go in these buildings' shops. Other development projects have invited the civic association to speak with them or have spoken at their meeting, where the civic association has provided feedback on what businesses they would prefer not to be near their neighborhood, such as businesses that serve alcohol. She noted that this area is low-income, consisting of seniors who use wheelchairs and walkers. She believed the needs of seniors instead of students should be considered by the developers in their projects around this area, including pharmacies or convenience stores. Additionally, because some of the houses in the neighborhood do not have sidewalks, sometimes seniors have to use the street to get around and are vulnerable to incoming traffic. She believed this project's traffic and such a large building would negatively affect the surrounding community, which also was the thought of two Planning Commissioners. However, she understood the neighborhood could not stop this project as the City Code permits. She was also concerned about the loss of green space this project would result in, given that the project would only include a small number of trees. She believed the needs and character of this community should be considered and hoped other projects coming into the area would work with them and the businesses they will come between.

John Harkins, Jr., George Read Village, stated he has lived at the intersection of Washington Street and Thompspon Circle for approximately 25 years. He noted that the community has noticed an influx of traffic from nearby road closures. Additionally, the Thompson Circle stop sign on Washington Street was knocked over twice in that period. He noted an accident over the weekend that knocked a car off the street into a utility pole at 8 Thompson Circle. He said when Main Street is congested during the beginning of the University school year, many people who plan to leave Georgie Village via the Washington Street to Main Street exit find themselves waiting for an extended period of time, will turn around, and instead use Tyre Avenue. It can get very congested. The nearby apartment complex may cause a further backlog of traffic back into Washington Street and Delaware Avenue. Also, as people plan to enter Washington Street from Main Street, many make that turn very quickly. For those who exit the nearby apartment complex, there is such a small window of time to react, which could also cause an accident. He was concerned this would be a significant problem without further measures such as a yellow signal or increased lighting. This will be an abrupt landscape change for those who live near the complex. He asked Council to consider these concerns.

Ms. Schiano proceeded to read multiple letters into the record.

(Secretary's Note) The following letters were received from:

- [Neal S. Kalin, MD, 314 East Main Street, Suite 302.](#)
- [Mark Maniso, Forte Creates, 314 East Main Street, Suites 1 - 3.](#)
- [Dr. Narinder Singh, MD.](#)
- [Dr. Monika Gupta, 314 East Main Street, Suite 404.](#)

There was no further public comment, and the Mayor opened the table to Council comment.

Ms. Ford expressed her concerns about a 5-story building in her district. She feared it would significantly increase traffic on the already narrow Washington Street, leading to more accidents at the

Main Street intersection. She pointed out ongoing issues with a stop sign on Tyre Avenue and believed the project would negatively impact residents by being "dumped" in their backyard. While the Planning Commission approved parts of the project, the subdivision was rejected due to inadequate green space, which she deemed detrimental to the community's welfare. Ms. Ford criticized letters of support from non-resident business owners and lamented the loss of residences on Main Street, which she felt contributed to the City's charm. She noted that the project requires a zoning change and an amendment to the Comprehensive Development Plan, making it non-compliant.

Mr. Bilodeau stated this is correct, but if Council approves the rezoning and Comprehensive Development Plan amendment, they do not have much reason to vote down the subdivision.

Ms. Ford believed if you were to vote against the subdivision, you should also vote against the steps that paved the way for the subdivision. She supported the Planning Commissioners' decision against the subdivision due to insufficient green space and its impact on the nearby residential area. She believed the Washington Street access point was unwise and agreed with Ms. Jackson that access should have been provided from Tyre Avenue, which already has a traffic light and a wider street. She opposed the proposal.

Mr. Lawhorn asked how the City could get access to the traffic light from this property, as any potential solutions should be discussed. He asked Ms. Jackson to speak to this.

Ms. Jackson explained that there is one house used as a business with a large parking lot behind it. These two properties are situated side by side. She believed that a conversation might have provided a pathway through. Both properties could have a shared advantage. Customers could access that business from Washington Street. This arrangement would benefit both businesses, but she did not think a conversation about this ever took place.

Mr. Tracey noted that the applicant attempted to acquire that property, but the owner was not receptive to selling. He noted that a driver cannot get all the way to Tyre Avenue without either going through George Reed Village or onto Main Street.

Mr. Lawhorn thanked the applicant for resubmitting the plans to be compliant with the new Code, as the Council made much effort to change the Code. He asked what the houses on the site are currently acting as.

Mr. Tracey explained that two of the three abandoned residential structures and the third center building hosted a logistics company before it suffered a fire on Christmas Eve.

Mr. Lawhorn stated Council has a goal of having more density downtown to take the load off of residential neighborhoods. He asked for clarification this project would add 96 beds to Main Street.

Mr. Tracey responded in the affirmative that this would add 32 three-bedroom apartments.

Ms. Bensley added that the current zoning is BL, which does not allow residential use. At this point, those properties would have to be rezoned to become residential properties again anyway.

Mr. Lawhorn noted that the approved 5-story Newark Housing Authority (NHA) project will be nearby, acknowledging neighbors' concerns about having a large building in their backyard. However, he believes this will be beneficial, as this situation is inevitable due to the council's approval of the NHA project.

Mr. Tracey noted the three properties at the bottom of his presentation all had rental permits. He believed most of the units in George Reed Village have that based on the City website list of rental permits.

Mr. Lawhorn asked how big the sidewalk would be, as he preferred to have larger, more accessible, and pedestrian-friendly sidewalks.

Mr. Tracey explained behind the brick wall is a plaza that runs in front of all the buildings, but it is not the sidewalk. The sidewalk is on the inside of the wall by the Main Street sign.

Tom Schreier, Hillcrest Associates, explained that the sidewalk along East Main Street is 5 feet, and the plaza behind the retaining wall is approximately 20 feet.

Mr. Lawhorn acknowledged the plaza concept approved by Council. Although he initially questioned the idea of plazas, associating them with meeting areas, he appreciated this project's design.

He did not believe the development would significantly increase traffic, as it may primarily attract families. However, he noted it could also attract students, who typically do not drive much, suggesting that traffic concerns might not be major. The traffic patterns will depend on their destinations.

Mr. Tracey stated they would all get to the same point at Tyre Avenue because there is no other way to get out of the neighborhood. He noted that the entrance location onto Washington Street was something DelDOT mandated because DelDOT will look at the lesser classification road in terms of placing and designing the entrance, so the applicant took the existing entrances off of East Main Street and consolidated it to Washington Street.

Mr. Lawhorn believed if this project is approved, the City should look into that neighborhood as a potential improvement project. He noted the mention of how many houses in the neighborhood do not have sidewalks when there are many people who require ADA accessibility. He noted that affordable housing does not only consist of building new housing, and this is an area that is considered affordable. He believed approving a project like this justifies the City's effort to approve this area for a better traffic flow and ADA accessibility.

He noted encouraged future developers to speak at neighboring civic associations' meetings. He believed this would be a highly desired area for the shops, so the developer has the ability to pick and choose. He believed it would be beneficial to work with the community to see what types of businesses they would and would not like near their neighborhood.

Mr. Tracey stated with the retail space as planned, they would be unlikely to host businesses that would serve alcohol. Council also would have the ultimate say over the matter through the Special Use Permit process if a business wanted to serve alcohol in one of these spaces. He noted he and Ms. Ford emailed each other but could never set a meeting time.

Mr. Lawhorn mentioned there are both pros and cons about the project. He believed it would enhance the City's appearance compared to the current site. Although he supported green space, he prioritized improving housing due to high demand and low supply. He acknowledged the nearby neighborhood but highlighted the project's positives.

Mr. Suchanec believed George Reed Village is a very eclectic little community when you can tell there is a large population in such a small area just with the residents and rather than through traffic. He noted the plan is required by code to have retail on the first floor. He asked if the applicant expected foot traffic retail.

Mr. Tracey believed it would be a mix of either type of traffic. He stated this building is an ideal location for foot traffic because it would receive foot traffic from both George Reed Village and the businesses across the street. He anticipated it would be small retail-type uses. While part of it is technically classified as office space for the building's leasing office, it could ultimately be something else. It will likely be more offices as opposed to retail.

Mr. Suchanec asked if the parking associated with those retail spaces is behind the building.

Mr. Tracey responded in the affirmative, as they are fully accounted for in the building. There are two spots below the requirement, and that was basically the two spots tied to the leasing office.

Mr. Suchanec visited the project site due to concerns about the traffic configuration where East Main Street and Kirkwood Highway merge. This merger occurs within the property, preventing drivers from easily accessing Kirkwood Highway if they're coming from it. To return home from Kirkwood Highway, drivers must continue to the East Main Street and Library Avenue intersection, make a right turn, and then a left onto Washington Street.

Mr. Tracey explained if you were coming up Kirkwood Highway, it would really be the Kirkwood Highway maneuver. You would end up either going past the building. He never made the right turn off of Kirkwood Highway directly onto East Main Street.

Mr. Suchanec noted it is impossible to do that unless you drive against traffic.

Mr. Tracey stated if somebody were coming from Kirkwood Highway in that example, they would be going past and they would have to work their way around.

Mr. Suchanec stated that drivers would have to go to Tyre Avenue and “fish” their way through the community to get back to this building.

Mr. Tracey noted these are generally low traffic generators in general. While he could not name how many people are going to be coming from that direction, it is equally likely that most of the people in this area would be utilizing walking as their form of travel.

Mr. Suchanec stated if you make the turn in front of McDonald's and the paint store and try to merge onto East Main Street, that merger occurs after this site. There is no way to get to Washington Street from that road.

Mr. Tracey explained if somebody were coming from that direction, somebody who is familiar with the location or familiar with living here would know that if they wanted to approach from this direction, they could come in that version there. However, the developer cannot design through every inevitability from the access point.

Mr. Suchanec believed even if this was developed on the west side of your property and had that be the entrance, it would create a total traffic jam where people would be stalled while waiting to make the left-hand turn into your property.

Mr. Tracey stated that is why from looking at Washington Street, while it is obviously proximate to that interchange, the merger onto East Main Street occurs before this joins it. If you are looking forward, you see what is coming in front of you and what is coming down the street when making that maneuver.

Mr. Suchanec believed this would mean there would be limitations on the types of retail that could go in these locations. He noted that this is a community with many elderly and disabled individuals. He believed that putting services in these retail spaces would be very popular for foot traffic.

Mr. Tracey stated he would love to put a pharmacy in one of these spaces, but many pharmacies are closing.

Mr. Suchanec noted that this configuration is essentially a suite of apartments, with a shared bathroom, shared common area, and 2 to 3 bedrooms attached. By definition, a bedroom requires a door for security, a window for safety, a closet, and floor space for a bed. He asked if Mr. Tracey believes this configuration will meet that definition.

Mr. Tracey responded in the affirmative.

Mr. Suchanec noted that \$500 per tree is inexpensive, and it often costs more to remove mature trees. He suggested the applicant reconsider this issue. He stated that it should be mandated that 20% of the units in a building are affordable. He recommended that 6 to 7 units in this building be designated and established as affordable, with every project required to include this mandate. He was concerned that this building would send the message that Newark is focused on housing students, as it is a large, high-rise structure. He wanted to communicate that Newark is a small college town, but not necessarily centered on housing students on Main Street.

Mr. Tracey stated for better or for worse, with the designation of this area under the mixed urban BB zoning, this is kind of what follows. And as part of it, as we talked about, is capping those building heights.

Mr. Suchanec understood the developer is playing by the rules already set by the City.

Mr. Tracey acknowledged Mr. Suchanec's feelings but believed they were part of a broader Code discussion.

Mr. Suchanec found it impossible to walk in the back of the three residential properties that this building will back up to. He was concerned about a five-story building overlooking families enjoying backyard barbecues. While this is not happening now, it could occur in the future. He suggested that the developer should consider building a wall taller than four feet between this building and the neighboring properties to provide some privacy for those homes.

Mr. Tracey stated this can be looked into. He believed there would be a 6-foot solid fence on top of that wall.

Ms. Creecy noted she cares for the elderly and disabled at Main Towers. She acknowledged the neighborhood's vulnerability and affordability, supporting Mr. Suchanec's idea that 10-20% of units in new buildings should be affordable. This could assist the Council in addressing community concerns over new developments, which are often met with resistance due to lack of affordability and the impact on existing small homes. Many seniors at Main Towers cannot attend Council meetings due to mobility issues and often express a need for nearby convenience stores. While she occasionally shops for her clients at ACME, the local produce store does not meet all their needs. She urged the applicant to consider including a convenience store in the new development.

Mr. Tracey mentioned that the applicant is not foreclosed from anything and can consider this. He recalled a former 7-Eleven location behind Delaware Avenue, now an Amazon drop box, and pointed out a smaller 7-Eleven on Main Street that could attract interest. He noted his client is willing to deed restrict three units as affordable housing. Additionally, new buildings do not eliminate existing units; rather, they facilitate movement and transition within communities, making other apartments available as people relocate.

Mr. Suchanec thanked the site owner for making this commitment to rendering a set number of units as affordable.

Ms. Creecy noted Mr. Tracey's statement and voiced her concern that this effectively would push people out of their area when something new and more expensive is being built.

Mr. Tracey clarified this was not his point. He noted this building is not pushing anybody out because nobody is on this property. His point was simply that when new apartments come online, other apartments in other areas become available.

Ms. Creecy voiced her concern about the traffic situation in this area. She asked if there was a way to work in between to find another solution besides the current traffic route.

Mr. Tracey explained that "working between" would involve both DelDOT and the City. The Council reviewed a property that borders Washington Street only, with an entrance location directed by DelDOT. He noted that the applicant spoke to the owner of the adjacent western property, who showed no interest in being involved. Consequently, there is no access to the referenced traffic light. During the development process, any viable alternatives can still be considered for the project.

Ms. Creecy noted there would likely be accessibility for the disabled and elderly who will live and park in the facility. She asked what security measures this building would have.

Mr. Tracey noted that the City of Newark requires cameras and some form of access, such as a key card, to get into the building.

Ms. Creecy agreed with Mr. Lawhorn about pulling the students toward the school instead of the residential areas. She was pleased this project was not at the previously proposed height of 7-stories. She noted the lack of green space. She asked if the trees in the diagram were those that would be planted on the outside of the building.

Mr. Tracey pointed out that these are existing trees, and the green circles around the perimeter represent the trees that will be planted.

Mr. McDermott noted that Council invested significantly in redoing the Zoning Code in the downtown district. He pointed out that if Council opposed this style of building on Main Street, it should not have been permitted in the revised Zoning Code. Yet, they requested this type of development, which the applicant presented. While Council often emphasizes the need to preserve traditional residential neighborhoods, the student population requires housing, and they prefer apartment-style buildings over living next to frat houses. Such projects help draw students away from residential neighborhoods, mitigating issues related to student houses.

He envisioned the plaza as part of the Zoning Code update, highlighting the importance of an open sidewalk and retail spaces on Main Street to create a walkable downtown that attracts boutique shops and conveniences. Increased foot traffic would benefit businesses along Main Street, connected to The Grove, which is evolving into a shopping center. However, he expressed concern over neighbor objections, particularly regarding traffic on Washington Street, and questioned why drivers were allowed to turn right out of the development, potentially cutting through nearby neighborhoods.

Mr. Tracey noted this would be the decision of the City.

Mr. McDermott mentioned that the City could prohibit right-hand turns from the parking lot into the neighborhood. While compliance might be challenging, he estimated that around 90% might follow the rule, directing traffic away from the neighborhood. However, he expressed greater concern about residents returning home, particularly those approaching from the east via Delaware Avenue and cutting through the neighborhood to reach their apartments. He questioned the frequency of trips from the apartment building, noting that as a resident, he would be worried about the traffic this building generates.

Mr. Tracey stated the estimate for total trips for the project as a whole was 300: 150 in and 150 out. He could not anticipate if that number would be more, less, or equal to that estimate. There are many errands that typically would warrant a car ride that a person living at this location may find it easier to walk, such as going to the post office, the library, or The Grove. He could not estimate the percentage of this number that would occur, but he believed it would be low.

Mr. McDermott stated this project delivers everything requested by Council, but he was concerned about the neighborhood behind the site. All of Council are looking for affordable housing and the owner has stated he would allot three of the apartments as affordable housing. However, "affordable housing" needs to be clearly defined. He asked how this will be put into the subdivision agreement as well so this will properly occur.

Ms. Bensley explained the current Code definition for affordable housing is 80% of the area median income or below for the expedited review process for a fully affordable project. To remain consistent, she recommended following that definition. To qualify for 80% AMI or below, a single person would need to make \$64,250 or less; a two-person family would need to make \$73,400 or less; and a four-person family would need to make \$91,750 or less.

Mr. McDermott asked if Council would need to add that stipulation into the subdivision agreement to make it effective.

Ms. Bensley explained the City usually includes deed restrictions in the same area as easements. In the subdivision agreement, items 5 & 6 deal with easements. On page #2, she recommended inserting language after number six, between 6 & 7, as the developer agrees to the deed restricting three apartment units within the building to be deemed affordable as defined by City Code Sec. 27-21.1(A)(i). This has to be a voluntary agreement from the developer. She suggested including the second paragraph in section six but substituting easement for deed restriction and then having it reviewed by the City Solicitor.

Mr. McDermott asked for clarification if this is possible through ordinance in the future and without approval from another party as Washington Street is a City road.

Mr. Filasky respondent it would only have to go to the traffic committee.

Mr. Suchanec noted there is a precedent for this initiative due to a no-left-turn restriction onto Rahway Drive when coming out of the school on Casho Mill Road. All traffic in this direction must go through the surrounding community.

Ms. Bensley noted there is also a no-left-turn restriction on Chapel Street when coming out of the Newark Shopping Center.

Mr. McDermott noted that the Council favored development projects that drew students from residential neighborhoods to downtown housing. He believed this project creates a walkable atmosphere while also including affordable housing in the downtown district. He hoped the future restriction of no right-hand turns onto Washington Street would prevent people from traveling through the neighborhood. He stated that this is a "tough" proposal because he understood the concerns of the surrounding neighbors. However, this project reflects what the Council has expressed as their desires for how Main Street should look while also providing new affordable units. He believed this project benefits the City as a whole.

Mr. Clifton thanked the developer for their project, calling it "history" as they are the first to volunteer affordable units. He expressed concern about George Read Village not needing sidewalks per Code and agreed with Mr. McDermott that the Council wanted 5-story buildings, which this project satisfies. He believed it hypocritical not to support another 5-story project after NHA's approval, especially

since this project is by right. Mr. Clifton acknowledged the increase in University students, receiving calls from District 1 residents about students moving into their residential areas, leading to more rentals than owner-occupied homes. He disagreed with the view that these houses are unsuitable for young families and noted rental permits have likely increased from 188 in 1988. He stated these dynamics were not caused by Council or staff, and the area would need to be rezoned, but high acquisition costs on Main Street make single-family homes unlikely.

He continued, traffic is a commonly discussed topic during development projects of this nature, and many similar projects have received negative public feedback due to the height and size of their buildings. However, he did not think these projects caused significant issues, as many residents are young people who prefer walking over driving for environmental and financial reasons. He expressed gratitude to Ms. Bensley and Travis for their discussion on defining affordable housing. He noted that this project is clearly by-right, so it did not make sense to him why the Planning Commission would vote on the first three parts of the project but not the fourth.

Mr. Bilodeau clarified the Planning Commission's votes are merely recommendations to City Council. However, since Council's votes legally approve or deny the project, it would pose serious problems if their votes reflected those of the Planning Commission. If Council approves both the Comprehensive Development Plan amendment and the rezoning, they will have no legal grounds to deny the subdivision agreement.

Mr. Suchanec noted tonight's discussion has accomplished three dilapidated buildings being replaced by three affordable units due to the developer's willingness. He remarked the only thing that would further improve this project would be a rooftop garden.

Mr. Clifton agreed that this project has met all of the Council's requirements while also going beyond them by offering affordable housing. This project meets exactly what Council has asked for. He noted that the City is approaching the 10-year revision of the Comprehensive Development Plan, where the Council will have the opportunity to talk about what they want and where they want it to shape the future of Newark.

Ms. Bensley noted that Item #23 in the subdivision agreement will need to be amended instead of Item #20 to say in the second sentence that this project will be subject to the per-unit fees to be paid into the TID funds that are in effect at the time that they are collected.

Ms. Ford asked if the leases would be structured around the academic year, as many renters do so in order to appeal only to student tenants.

Mr. Tracey stated that the project has not yet reached the stage of structuring leases, but the layout of the units can accommodate more demographics than just students.

Ms. Ford asked if 18-month leases would be offered, as The Grove offered 18-month leases so they would receive young professionals as tenants and not students.

Mr. Tracey reiterated that the project has not yet reached that stage.

Mr. Clifton asked for clarification that all of the amendments will fall under 10A, the major subdivision plan.

Mr. Bilodeau stated that the subdivision agreement will be amended as discussed, this evening.

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT CITY COUNCIL APPROVE THE COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT FOR 339, 341, AND 349 EAST MAIN STREET FROM COMMERCIAL TO MIXED URBAN AS SHOWN IN THE AUGUST 27, 2024 PLANNING & DEVELOPMENT REPORT.

MOTION PASSED. VOTE: 5 to 1.

MS. FORD VOTED NO FOR THE MOTION BECAUSE IT CONFLICTS WITH THE EXISTING PURPOSES OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY AND WOULD BE DETRIMENTAL TO THE SURROUNDING NEIGHBORHOOD AND COMMUNITY.

MR. LAWHORN VOTED YES FOR THE MOTION BECAUSE OF THE INFORMATION PRESENTED IN THE PLANNING & DEVELOPMENT REPORT.

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

MS. CREECY VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. LAWHORN AND THE ADDITION OF AFFORDABLE UNITS.

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

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

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

Nay – Ford.

Absent – Bancroft.

(ORDINANCE NO. 25-01)

23. 9-B. BILL 24-28 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE, BY REZONING FROM BL (BUSINESS LIMITED) TO BB (CENTRAL BUSINESS DISTRICT) 0.712 ACRES LOCATED AT 339, 341, AND 349 EAST MAIN STREET

4:12:58

MOTION BY MS. FORD, SECONDED BY MR. MCDERMOTT: THAT CITY COUNCIL APPROVE THE REZONING OF 339, 341, AND 349 EAST MAIN STREET FROM BL TO BB AS DESCRIBED IN THE AUGUST 27, 2024 PLANNING & DEVELOPMENT REPORT.

MOTION PASSED. VOTE: 7 to 0.

MS. FORD VOTED NO FOR THE MOTION BECAUSE IT CONFLICTS WITH THE DEVELOPMENT PATTERN IN THE NEARBY AREA AND IS DETRIMENTAL TO THE COMMUNITY IMMEDIATELY ADJACENT TO THE PROJECT.

MR. LAWHORN VOTED YES FOR THE MOTION DUE TO THE REASONS STATED IN THE COMPREHENSIVE DEVELOPMENT PLAN AS AMENDED AND THE REASONS SET FORTH IN THE PLANNING & DEVELOPMENT REPORT.

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

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

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

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

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

Nay – 0.

Absent – 0.

(ORDINANCE NO. 25-02)

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

- A. Request of 339 Main Street LLC for the Major Subdivision To Construct a 5-story Mixed Use Building with Retail Space and Parking on the 1st Floor and 32 Three-Bedroom units on the 2nd through 5th Floors at 339, 341, and 349 East Main Street (*Agreement and Resolution Attached*) (*See Items 9A & 9B*)**

4:14:49

MOTION BY MR. MCDERMOTT, SECONDED BY MS. CREECY: TO AMEND THE SUBDIVISION AGREEMENT, ITEM 6, AND ADD LINE, "...DEVELOPER AGREES TO DEDICATE 3 UNITS AS AFFORDABLE UNITS AS DEFINED BY CITY CODE UNDER SECTION 27-21.1(A)(I).

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: TO AMEND THE SUBDIVISION AGREEMENT BY ADDING A PARAGRAPH THAT IS THE SAME AS #2 AND #6, BUT WHERE IT SAYS “EASEMENT,” HAVE THE WORD “DEED RESTRICTIONS.”

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

MOTION BY MR. MCDERMOTT, SECONDED BY MS. CREECY: TO AMEND THE SUBDIVISION AGREEMENT IN NUMBER #23, THE SECOND SENTENCE, TO STATE “THIS PROJECT WILL BE SUBJECT TO A PER-UNIT FEE PAID INTO THE TRANSPORTATION IMPROVEMENT DISTRICT (TID) FUND, AND THE FEE WILL BE AT THE RATE THAT IS IN EFFECT AT THE TIME THAT THEY ARE COLLECTED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

MOTION BY MR. MCDERMOTT, SECONDED BY MS. CREECY: THAT CITY COUNCIL APPROVE THE MAJOR SUBDIVISION AGREEMENT AT 339, 341, AND 349 EAST MAIN STREET AS SHOWN ON THE HILLCREST ASSOCIATED MAJOR SUBDIVISION, REZONING, COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT, AND PARKING WAIVER FOR 339, 341, AND 349 EAST MAIN STREET DATED MARCH 28, 2023, AND REVISED THROUGH OCTOBER 14, 2024 WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS OUTLINED IN THE ATTACHED SUBDIVISION AGREEMENT AND RESOLUTION AS AMENDED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

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

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

25. 9-C. **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 P.M. – POLICE CHIEF (10 MINUTES)**

4:18:50

Mr. Clifton explained this ordinance resulted from a constituent bringing this issue to his attention, particularly during high-travel times. This clogs up that road there when people pull partially out, block it, and so forth.

Mr. Filasky noted the Traffic Committee met on November 19, 2024. Because the Traffic Committee is run through the Police Department, its standard procedure is to send out notices for all the items for everyone in the surrounding area to ensure anyone can have their “day in court.” He noted it does not take many cars to come off or on Rose Street to clog this area.

The Mayor opened the table to Council comment.

Ms. Ford noted she was familiar with this area and believed this to be a good idea.

Mr. Suchanec concurred.

Mr. Clifton suggested putting a sign up to not block that crossing after this goes into effect.

Mr. Filasky explained staff will have to investigate signage because Cleveland Avenue is a DelDOT road, and the City has to ensure compliance. However, as soon as this ordinance is implemented, everything will be signed, which means the officers can start enforcement.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE BILL 25-01 AS PRESENTED.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – Bancroft.

(ORDINANCE NO. 25-03)

26. 9-D. 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 – POLICE CHIEF (10 MINUTES)

4:22:39

Mr. Filasky explained this ordinance resulted from concerns voiced by Mr. Suchanec. This is the only intersection on Old Oak Road without a four-way stop sign. Staff recommend installing these stop signs to make it consistent.

Mr. Suchanec added the lack of a stop sign at this intersection creates a dangerous situation because people would just roll through without stopping.

The Mayor opened the table to Council comment.

Mr. Clifton commented he has always disagreed with the argument that traffic should not be controlled by stop signs.

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

MOTION BY MR. SUCHANEC, SECONDED BY MR. LAWHORN: THAT COUNCIL ADOPT BILL 25-02 AS PROPOSED BY ADDING CHAPTER 20, SECTION 213, SUBSECTION C-17.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

(ORDINANCE NO. 25-04)

27. 9-E. 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 MINQUIL DRIVE – POLICE CHIEF (10 MINUTES)

4:24:42

Mr. Filasky explained this ordinance was a request from a resident of Lenape Lane who witnessed a near-accident involving a school bus. The school bus rolled out onto Minquil Drive because there was no stop sign. However, Minquil Drive is a main road, which means there should instead be stop signs at these intersections at Lenape Lane.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL ADOPT BILL 25-03 AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Bancroft.

(ORDINANCE NO. 25-05)

28. The meeting adjourned at 11:26 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh