

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

FEBRUARY 10, 2025

Those present at 7:00 p.m.:

Presiding:	Deputy Mayor, District 6, Travis McDermott District 1, John Suchanec District 2, Corinth Ford District 4, Dwendolyn Creecy District 5, Jason Lawhorn (<i>Virtual</i>)
Absent:	Mayor Jerry Clifton District 3, Jay Bancroft
Staff Members:	City Manager Tom Coleman City Secretary Tara Schiano City Solicitor Paul Bilodeau Deputy City Secretary Diana Reed Parks & Recreation Director Paula Ennis Planning & Development Director Renee Bensley Planning & Development Deputy Director Jessica Ramos-Velasquez (<i>Virtual</i>) Chief of Community Engagement Officer Jayme Gravell (<i>Virtual</i>) Chief Procurement and Projects Manager Jeff Martindale

1. Mr. McDermott called the meeting to order at 7:02 p.m.

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

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

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

will be no warning given. The consequences for such heinous acts include being immediately removed from the premises or having the offender's microphone disabled for the remainder of the meeting.

(Secretary's Note: Dr. Bancroft arrived at 7:06 p.m.)

Mr. McDermott acknowledged that many audience members were present to discuss the Folk Park Baseball project, which was not on the agenda but received substantial feedback, both in support and opposition. He stated that the majority of the Council agrees this project does not have a path forward. He introduced a potential motion to cease talks with Newark Charter about this project.

Ms. Creecy noted she has done much work on revitalizing the neighborhood in District 4, which also hosts Dickey Park. Dickey Park has an unused baseball field, which was once mentioned as a potential project but did not make any further traction. Therefore, she suggested bringing this project to Dickey Park instead, especially due to the large number of children in the area. She believed the nearby neighbors on Madison Drive would not oppose this idea as they are already used to the noise that would come with a recreational area. She thought a baseball field would help in the efforts to revitalize this part of the City.

Mr. Lawhorn stated he was familiar with this issue because he had been the vice president of the Newark American Little League for 10 years. However, like many other underutilized fields in the City, the Dickey Park baseball field cannot be utilized for this project due to its size. He strongly disagreed with not moving forward with the process as currently planned, as the current plan would allow a meeting on February 12th where all involved parties could speak to this issue. He did not believe the community understood that this issue had been discussed for decades. He did not support the potential motion. He thought the nearby neighbors of Folk Park had raised legitimate concerns that should be heard, but a public conversation needs to take place to do so. He was surprised that the idea of ceasing the discussion on this topic was introduced without prior notice. He noted he was frustrated by the mention that Newark did not have a fair public process about this item. However, ceasing discussion of this topic without notice is doing the same thing. He strongly recommended continuing with the current process as laid out.

Ms. Creecy noted that her suggestion was not set in stone and only served as a potential solution. She did not believe the motion would entirely cease discussing this issue.

Mr. McDermott clarified that his motion was to cease the discussion of using Folk Park for this project specifically and that he could be amenable to another solution. He did not believe there was support for this project in Folk Park. He clarified that his children go to Newark Charter School, and this motion is not meant to be adverse toward the school. He believed the City should be thankful for Newark Charter School's presence in the City, as many issues discussed by City Council are rooted in childhood education. He noted he lives next to Redd Park and would likely have the same concerns as the attending Folk Park neighbors if the same project were proposed in that area. He did not believe the Wednesday meeting should be canceled to allow Newark Charter and the community to discuss ideas about a path forward. However, he did not think Folk Park was the best location for this project.

MOTION BY MR. MCDERMOTT, SECONDED BY MS. FORD: FOR CITY COUNCIL TO DIRECT THE CITY TO CEASE TALKS WITH NEWARK CHARTER ABOUT THE EXPANSION OF FOLK PARK.

MOTION PASSED. VOTE: 5 to 1.

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

Nay – Lawhorn.

Absent – Clifton.

Mr. McDermott believed the meeting on Wednesday should still occur, but it will be up to Newark Charter School to decide if they still wish to attend.

Mr. Lawhorn wondered why the meeting should still occur as Council voted to kill the project without a prior discussion.

Mr. McDermott believed the meeting should be held to explain the issue and investigate other locations or solutions to enter into an agreement.

Mr. Lawhorn believed this was why the meeting should have taken place before Council took action, as the issue has been discussed for 15 years, and this was the first feasible idea. However, Council just directed staff not to move forward. He did not believe there was another location for this field. He

was concerned Council's previous motion was a complete lack of transparency that aligned with the public's last negative feedback.

Mr. McDermott noted the motion had passed, and the City Manager could contact Newark Charter School to determine if they still wanted to move forward with the Wednesday meeting.

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

A. DART Connect Presentation – Planning and Development Director

19:16

Ms. Bensley noted it had been 18 months since the launch of DART Connect Newark, and it has been a "winner" within the City. She introduced the DART team to give this presentation to Council.

Bill Williamson, DART Transit Corporation Planner; David Dooley, DART Transit Corporation Senior Planner; and Cathy Smith, DART Planning Manager, proceeded to give a presentation to Council on DART Connect Newark and updates that have occurred in the 18 months it has been running.

(Presentation: [Attached here](#). The presentation spanned from 19:55 to 31:58.)

The Deputy Mayor opened the table to Council comments.

Ms. Ford was pleased the program has been successful and reported that it has positively impacted the lives of her constituents, especially seniors. However, her suggestions for tweaks and concerns were due to the feedback given by her constituents. One concern is that seniors who make reservations far in advance for transportation to medical appointments are sometimes "bumped" due to other riders making immediate reservations. Another concern was the number of buses, which could be solved with a budget process and will take time. Her final concern was how, sometimes, residents need to go to a specific location and will instead be dropped off at a nearby location, which may be problematic for riders with mobility challenges. However, despite her concerns, she noted that the feedback has been highly positive. She believed it was important for the City to provide this convenience for its residents.

Mr. Suchanec appreciated receiving this report and remarked that it appeared to be successful. He was concerned about wait times and suggested concentrating on it to improve. He agreed with Ms. Ford's concern regarding reservations being bumped due to immediate requests. He noted that despite a dedicated student bus service, there are twice as many student riders as senior riders. He believed student ridership could contribute to this issue and suggested focusing on senior ridership. Additionally, he expected a large demand from seniors to go to Christiana Hospital and suggested expanding its service to that area. He commented that this was a good report and believed DART was moving in the right direction.

Ms. Smith explained that a Microtransit service requires a defined, contained area so there is a level of control over the number of resources and wait times can be managed efficiently. Most micro-transit services are typically offered in a polygon of a 5 – 10-mile radius. However, locations outside that radius can sometimes be established as drop-off-only locations.

Mr. Suchanec clarified that he only wanted DART Connect to consider adding Christiana Hospital as a destination, not other locations such as the Christiana Mall.

Dr. Bancroft commended DART Connect for their work and thanked them for their implementation.

Ms. Creecy agreed with Ms. Ford and thanked her for her work with the seniors in her area. She commented that seeing this program come to light after years of discussion was nice. She noted she works with seniors and could confirm Ms. Ford's concerns about their need to be dropped off at the exact locations they need to go to for treatment or other services. She agreed with Mr. Suchanec regarding expanding the service to Christiana Hospital. She believed adding another bus and extending service hours would help increase business. Still, she cautioned remaining mindful of the hours offered because some individuals using the service for work may need to be at work before the hours of service open.

Mr. Lawhorn commented that the numbers stated in the presentation were impressive, especially compared to the City's previous bus service, which was more costly and had less ridership. He noted Council had previously hoped this plan would be successful and could expand to later hours so residents and surrounding communities could utilize it to visit the downtown area. This idea is tied to Council's ongoing discussion about parking. He asked if there was comparable data from other towns or cities where the program has been offered at later hours that determine the program is being used effectively.

Ms. Smith stated that the only other Microtransit is in Sussex County, which has a high density and more origins and destinations within a centralized area. However, it also operates from 6 a.m. to 8 p.m. She encouraged Council to look at the recent DART Reimagined Transit study. She noted that the Georgetown and Millsboro programs serve as pilot programs. She believed these programs and areas were too different to make an exact comparison. She felt the best way to determine the best times to operate and what adjustments to make is by surveying and through meetings such as this one.

Mr. Lawhorn believed this was a matter of changing behaviors. Many individuals were used to using Uber or Lyft to go downtown. He wondered what it would take to get people to transition from using these services to using DART.

Ms. Smith noted that Uber and Lyft are more flexible and amenable to a rider's schedule. Still, DART is essentially a public Uber or Lyft service, with the one difference being vehicle sharing.

Mr. Lawhorn stated that a 5-minute Uber ride could cost the customer \$20+, but DART is significantly cheaper. However, it is a matter of overcoming the barrier of getting people to utilize that service. He wondered if an extended period of service could do so.

Margaret Webb, DART Paratransit Director, noted she has near-daily meetings with HBSS and would bring up the issue of generalized drop-off locations, such as Newark Shopping Center, when riders want to go for dialysis treatment. There are no virtual bus stops, and riders should be dropped off at individual locations, not generalized ones. DART will pull off to the front door of riders who book trips from their houses.

Ms. Smith added that it is more based on the longitude latitude of the rider's destination or origin.

Ms. Webb acknowledged that wait times are longer because there are two buses in the morning and two in the evening. She has requested a report from HBSS to state how many people are attempting to book a trip only to be told there is not yet anything available, and if that number is high, DART will look into adding another driver or bus. She noted the mention of students using the service, but many students also work and will ride the bus to work or the STAR Campus health facility rather than school. She witnessed this firsthand when using the service herself.

Mr. Suchanec mentioned he once saw his neighbor use this service to go home from ACME and witnessed the driver back up to her door, unload her groceries, and putting them into her house. He believed this was a very positive example of the good this program could do.

Ms. Webb stated these drivers were originally paratransit drivers and are used to helping the customers that use their service, even though it is not required to that extent.

The Deputy Mayor opened the floor to public comment.

Ellen Pollack, 15A Independence Circle, uses this service at least three times a week. She believed the service worked well for her, which the Ucity bus did not. She recalled being told at the meeting at Main Towers that this is not a door-to-door service and that there is a designated bus stop. She was confused as she currently walks to a designated stop to be picked up three times a week. She was concerned about weekend service and asked how the ridership is measured because she believed it is increasing. She noted she did not appreciate being detoured in the middle of a ride due to the addition of another rider and then having to wait an additional amount of time. She believed some things need to be corrected and adjustments should be made, such as supervisors on the buses. She noted that sometimes, she is the only one on the bus, which is inefficient.

Ms. Webb noted that the program started with virtual bus stops, but now, buses should stop in front of riders' homes. She explained that "trip stacking" is when drivers are scheduled to pick up or drop off a rider, but another trip is booked. DART is working with HBSS to determine why this is occurring, as it is not good scheduling.

Ms. Smith believed the parameters of their algorithms and scheduling mechanisms should be investigated. She noted that DART looks to have a minimum of 3 – 5 buses on every van that is in operation.

4. 2. ITEMS NOT ON PUBLISHED AGENDA

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

1:03:07

Valerie George, New Castle County District 5 Councilwoman, noted she was attending due to the overwhelming responses to Newark Charter looking at a potential baseball field in Folk Park. She believed the heavy feedback and attendance indicated the public's concern about this project. She appreciated the allowance of public comment and the different venues for public comments to get these thoughts on record. She appreciated the motion and vote to discontinue looking at Folk Park as an option for this baseball field. She was concerned about a private organization utilizing land for commercial purposes, which she did not believe had the backing of public trust. She did not believe this would be readily available to all residents, a potential equity issue. She did not have any issues with Newark Charter School wanting to expand and believed that have a vibrant sports program, but there are other options. She believed the challenge of finding an appropriate field or land for the baseball field pales compared to finding viable land for affordable housing. She noted that when looking at the GIS mapping for New Castle County, the topography indicates this is in the Christina Watershed, a critical natural area in New Castle County. It goes from almost 90 feet at the top northwest corner to below 170 feet in the southeast corner, over 30 feet of a drop. There is above-ground water flow even with the trees. She noted that we do not know how that landscape change will affect those downstream. She believed this was one of many reasons why Folk Park was not a location for this baseball field. She thanked Council for having an open, transparent meeting and allowing public comment.

5. 2-B. UNIVERSITY

(1) Administration (5 minutes per speaker) (10 minutes): None.

6. 2-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes): None.

7. 2-C. CITY MANAGER (10 minutes): None.

8. 2-D. COUNCIL MEMBERS (5 minutes):

1:03:05

Dr. Bancroft:

- Voiced his excitement to be back from Africa.
- Was pleased to see the public interest and concern for Folk Park.
- Extended his gratefulness to the Eagles for winning the Super Bowl.

Ms. Creecy:

- No further comment.

Mr. Suchanec:

- Was pleased Council majority agreed Folk Park was not a good place for a baseball field. He believed there is a larger issue in using City land for such a purpose. He would be opposed to taking down trees to put up a City ballpark, but he believed it would be an even more favorable business situation to put up a private enterprise when taking down all of those trees. He did not believe that made sense. He wanted to hear more comments about the responsibility to maintain public land and protect the tree canopy.

Ms. Ford:

- Agreed with Mr. Suchanec. She was concerned that the Folk Park project could set a negative precedent for a private entity to use public land paid for exclusively by taxpayers.

Mr. Lawhorn:

- Voiced his disappointment for the previous vote taken by Council. He noted the public process allows all parties to speak and all of the information be shared, but Council voted down the project without even letting that public process take place. He noted that this project has negative factors such as the amount of tree canopy it would reduce. He stated this public process would hear from parents who are upset they have to drive 45 minutes to take their children to practice or that they cannot schedule practice on a field because there are not any available you can play baseball on, or those who have said they have spent 15 years trying to build a field. Before voting on the proposal, he would have liked to hear all the facts. He was disappointed Council brought up this idea without notifying the public, which rendered the Wednesday meeting useless. He noted he was frustrated after reading a news article claiming Newark was not transparent and had no fair process. He claimed Council's opinions have changed drastically from what was said in an executive session about this topic. While he believed Newark had a good Council, he was disappointed the idea was killed before the public process could occur. While noting there were members of the public who would be happy with Council's action, he asked why they were not upset that Council did not go through the public process because of how it could have been if it were

the other way around. He was concerned this action was taken against people who have spent years trying to find a reasonable place for their children to play baseball instead of driving a long distance. He noted he serves on Council because he loves the public process and making a positive change in the community that can be seen. He knew Council hopes to make the best decisions possible for the community, but he did not believe this was being followed by killing this public process.

Mr. McDermott:

- Reiterated that the City should be thankful for Newark Charter School's presence in the community and should not take that for granted, as many communities do not have that level of a public school to support their children. He took issue when people referred to the school as a private entity as it is publicly funded. However, the public does not get to use schools' sports fields whenever they want, which are things the public concedes to ensure their students have appropriate, unabused, and undamaged playing fields. He was not opposed to working with Newark Charter School to form another plan. He reiterated he would have the same issues as the residents in opposition if he were in their shoes. He wanted to work with Newark Charter School and support a partnership with them to find a solution that works.
- Shared that he attended the Newark Historical Society's annual meeting, which was very informative and hosted speakers about the Delaware suffrage movement. He hoped Council would continue to support the Newark Historical Society for the positive work they do.

9. 2-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

1:21:07

Scott Melba, Highfield Drive, thanked Council for the previous motion and vote. He noted the residents in opposition of this proposal organized to come as a group out of respect for Council's time. While they all shared the same concerns, they would each speak to their specific concerns. He noted he and his wife are supporters of Newark Charter School, and their children are either alumni or current students. However, they could not support the proposal to build a sports complex at Folk Park. The Newark Charter School proposal stated that it would benefit both the school and the community, but the proposal would eliminate naturally forested land in a public park paid for by City taxpayers only to be utilized by a single entity and only at their discretion. The forest benefits the community in many ways by mitigating stormwater, snowmelt, and noise pollution from nearby I-95. He stated that the proposal would not have done this and would primarily benefit the students and families involved in the school's baseball and softball programs. He was concerned that the project would negatively impact the neighboring community's quality of life and surrounding environment in perpetuity. He noted Newark Charter School's proposal indicated the school lacks sufficient on-site facilities for their baseball and softball program, but the fields at Folk Park would not be on-site either. He noted that the driving distance from the school to Folk Park is longer than some of the facilities already utilized by the school. He thanked Council for the opportunity to speak tonight. He believed Folk Park is a treasured public space providing environmental benefits, natural beauty, recreational opportunities, and a sense of peace and tranquility to the surrounding neighborhoods. He believed the negative impacts on the community would be far-reaching and long-lasting, and the surrounding neighbors thought the project should not come to fruition at the expense of their community.

Barbara Ward, District 3, stated she spent much time learning smartphone photography at Folk Park, a skill she has utilized for both the Newark Senior Center and Parks & Recreation Department. She noted that she had many conversations with Mr. Coleman and Dr. Bancroft about that park. She believed Folk Park is a gem that has multiple public uses for permanent preservation. She thanked Council for their prior vote. She was concerned that the additional parking proposed by this project would plow over a rare meadow that was not found anywhere else in the city. The parking would still be inadequate if it is added as it would be filled by home games, and the handicap spots (which she would need, as she is handicapped) would be illegally filled in, causing the parents to park on the road. She noted she asked Rep. Cyndie Romer to ask the State to implement no parking signs around that entrance. She welcomed Newark Charter School to play in the park as long as they shared. Additionally, she believed speeding up the wait times for DART Connect Newark would be beneficial. She thanked Council for listening and allowing her the chance to speak.

Kellie Melba, Highfield Drive, thanked Council for their vote and noted she and her husband are strong supporters and are heavily involved with Newark Charter School. However, they were still not supportive of this project. She believed Newark Charter School is a community leader and should not demonstrate to its students that it is acceptable to do what you want regardless of the cost to the environment and the community. She believed this proposal did not make Newark Charter School a good neighbor and would reinforce to the public that it takes resources away from others in order to benefit themselves. She reiterated that these were not her feelings but knew of others in the community who felt that way. She did not support this project and its negative impacts on the forest and community.

Fiona Tresolini, District 3, was concerned the February 12th meeting would have served as a “sales pitch” for the project, and did not believe the surrounding community would be given the same opportunity. While she believed this meeting should still occur, she believed it would originally be a presentation and not a stakeholder meeting. The community is attending this meeting because they did not feel like their voices were heard when they saw this proposal in the newspaper. She agreed with Mr. McDermott that most individuals would oppose this proposal if it were in their own backyards. She believed this proposal conflicted with the municipal code and the responsibilities of public officials and employees. She disagreed with Mr. Lawhorn that there is nowhere else for the baseball field to go as the paper quoted the school saying they would do their project similar to Salesianum, by taking over land and building something. However, Salesianum repaired a pre-existing, dilapidated field, so the situations cannot be compared. She noted that the head of Newark Charter School has stated that there are not many land parcels available, and those available are too expensive. She believed space was available, but the school could not afford it. If they wait and save, they can afford that land when it returns to the market. She noted that the community is not taking something from the school but instead wants to preserve what is in their own backyards.

Richard Hande, Cobblefield Court, noted his main concern was traffic in both the neighborhood and on Welsh Tract Road. He hoped Council read the letter he had submitted. He noted that when Newark Charter School proposed expanding the parking lot, they took over an area that previously had an 8-foot plastic fence that allowed plantings to go. He wondered why this disappeared before realizing Newark Charter School wanted to put a parking lot there. He asked where this had gone. He thanked Council for their vote.

Mike Ingram, Cobblefield Court, noted he was an avid baseball fan but also someone who enjoys hiking, biking, and nature. He stated he preferred nature over baseball. He stated that this park is the “lungs” of the surrounding community. He wanted the City of Newark to ensure these are protected lands, so nobody can build on the “lungs” of the City.

Sheila O’Connell, Cobblefield Court, noted she hails from California and purchased her house in Newark due to the tree cover, wildlife, and Folk Park. She reminded the City’s Sustainability Plan includes goals to increase green space, expand the tree canopy, and improve air quality. She believed eliminating 4 – 5 acres of green space would eliminate the park’s natural beauty and the carbon sink to offset emissions. She noted that eliminating the forest and wetland would eliminate the green space, which would be equal to 30 single-family homes. It would also displace the animals who live in the park. She noted that the surrounding neighbors all have more than one sump pump in their basements because of the runoff from that park. She thanked Council for their motion and hoped another source for the school could be found.

Ron Ohrel, non-resident, spent much time with his family in the park. He thanked Council for their vote. However, he mentioned the issue of eternally having naming rights to a facility like this. He expected the proposal would give naming rights to the highest bidder, which he was concerned about an unsavory business paying a high price to get their name on the park. He thanked The Newark Post for bringing this issue to the community’s attention.

Former State Representative John Kowalko, 14 Kells Avenue, noted he focused on two key initiatives during his tenure as a public servant and activity: insisting on an open and transparent government and preserving the environment. He was disappointed this project – which he viewed as a “giveaway” of public, taxpayer-owned parkland to a private entity – got as far as it did without public approval, knowledge, or participation. He was concerned that the February 12th meeting would only serve as a presentation by Newark Charter School to permit them to disturb the natural habitat of native wildlife and deforest the park, which would lead to tragic consequences such as increased water runoff. He was concerned there had been discussions between the City and the private entity, which did not include the public that owns Folk Park. He believed this issue was more than just building or expanding a baseball field; it was truly about transferring ownership of public parkland to an entity for their private use.

Connie Merlet, District 3, had a vested interest in the status of every park and open space within the State of Delaware. She believed this was a flawed process, and residents have opposed this project since the February 12th meeting was announced, as they need a chance to express their ideas. She believed the residents had been consistently denied this opportunity, and the February 12th meeting would only offer the chance for the staff and school to explain the process and need for the project. She reminded the public are waiting to hear from an open FOIA request in Dover. She noted it is Council’s job to direct staff, policy, and ensure flawed processes do not continue or repeat, as many of the public attended this meeting because they did not know about the project. They were unsure whether Council would attend

the Wednesday meeting and were concerned they would not have the opportunity to speak. She thanked Council for their vote. She noted that she is heavily involved in helping the environment because she wants her children and grandchildren to have a better future. She said that Delaware is a critically endangered ecosystem, and educators should teach their students to do all they can to ensure their best future. She had learned the same thing when she was a child. She believed the school is sending a poor message to their students by allowing acres of trees to be cut down for a baseball field and should not do more damage to the air and take away green space. She noted the mention of what was said in the executive session and asked if that was permissible.

Tracy Dickerson, Highfield Drive, thanked Council for their vote. She did not live within city limits, but this project would still affect her property. She explained the term “NIMBY” refers to “not in my backyard” and reiterated that the individuals who are speaking against this project tonight are not NIMBYs and connected over not being those types of people. She asked for the individuals speaking out this evening not to be labeled as NIMBYs, as they are considerate of others’ feelings and did not want to come across as too angry. Many of the individuals present tonight have lived in this area for a while. When the nearby rehab center was discussed, nobody signed the petition passed around. There was no argument or complaint when that property was rehabbed and purchased by Exceptional Care for Children because they understood the need for that type of facility. The community understood the construction's effects on their backyards and were amenable to it because they accepted everyone of all abilities. However, this project differed from the potential Folk Park project for many reasons. She appreciated Ms. Creecy’s suggestion as they looked for another place for this school to put their field and believed the community would be happy to help them. The community has only reiterated why this project is not a good idea for the area where it has been proposed. She stated that the community would love to be a resource in this effort. She implored Council, staff, and the public not to view the individuals who came to protest this evening as an angry mob that came to shut a project down, as they wanted to help the community move forward.

Peter Saenger, Mimosa Drive, explained he was surprised upon hearing this project was a low-cost option. He believed it had nothing for six acres of forest. He asked if the process of determining this valuation would be explained on Wednesday. He felt the City should value its acreage of forests, specifically the entire ecosystem. He believed then we could know the exact percentage of 6 acres in the City’s tree canopy. He noted this process has not included any conversation about replacement. He noted the governor wanted to plant a tree for every Delawarean, but the City was ready to give up 6 acres for “nothing.” He encouraged the City to determine how many trees they have and how much forest they have and be committed to preserving them. He noted that losing the forest also loses the health benefits of being in the forest, such as decreased blood pressure. He stated that Newark Charter Students are heavily involved and committed to forest rehabilitation efforts in the City and County parks. He was concerned Newark Charter School was not “in touch with one of the best parts of who they are” with this project.

Dr. Amy Roe, District 4, noted in the City Code’s section regarding Ethics in the Personne Rules chapter, it states, “No official or employee shall request to permit the use of city-owned vehicles, equipment, materials, or property for the personal convenience or profit, except when services are available to the public generally and are provided for the use of such official or employee in the conduct of official business as a matter of public policy.” She believed this issue has impacted public trust. She believed the City Council should amend the City Code to clarify that the impact of changes in City land use on neighbors must be prioritized before initiating discussions and contract negotiations. She believed Council should ensure the preservation of tree canopies in parks, and when they cannot be preserved, to ensure it is continuously replaced. She believed the City Code should be amended to prohibit the use of amplified sound systems in City parks and to maintain the quality of life of neighbors who live adjacent to City parks. She believed City parks should be subject to the same amplified sound limitations that the noise ordinance requires of residents. She believed the new installation of stadiums or floodlights should be prohibited in City in city parks due to light pollution's impact on the surrounding neighbors. She asked Council to prohibit the subleasing of City property that is already released to third parties and to prohibit all subleasing of any City property moving forward. She believed no City official or employee should permit City property to be used for profit. She suggested requiring 60 days’ public notice on all City contracts pertaining to land use changes in parks. She implored Council to formally establish a conservation easement on the forest at Folk Park to ensure its enduring preservation.

Jessica Lawhorn, 404 Veneer Drive, noted her property is outside of the City’s limits but receives some services, and she and her family have been residents of Newark for 15 years. She has two daughters who have either previously or currently played for Newark Charter School. She explained the original agenda item was not for the proposal to be voted through, but just to be considered, to say the City will investigate the proposal and see if it is amenable for all parties involved. She believed the article that was

published by The Newark Post made it seem as if this was getting voted on and put through that night. For this reason, she understood residents' concerns about transparency. While they felt it was being pushed through without their input, that was not true. The Wednesday meeting was scheduled in response to the item's removal from the agenda. However, this evening involved an unplanned motion and vote to negate this process. She recalled Mr. McDermott stating there was equal feedback from residents for and against this proposal. She believed Newark Charter School would have attended this meeting to speak on behalf of the project if there had not been a meeting scheduled for Wednesday, but that meeting is now irrelevant as the project was voted down. She believed the residents' legitimate concerns would have been considered and addressed in the democratic process had it not been halted. She believed this should cause frustration in Newark's citizens. She found it disingenuous the City offered this as an option and now has removed it as an option without letting the information session occur. She was concerned that Newark Charter School is being vilified when they are a part of this community and are just as entitled to the use of these parks as anyone else.

Additionally, Ms. Lawhorn was displeased that it had been repeatedly stated it would be owned by Newark Charter as a private entity when it would instead be leased so other entities would have the opportunity to use that area. She noted Folk Park already has a softball field utilized by multiple entities. That field was unusable for Newark Charter last year as a regulation high school field. This meant they needed to drive over 30 minutes away for all of their home games, which posed safety concerns for student drivers and passengers. She noted that the parking issues would not be changed if Folk Park continued to be used by the Newark American Little League and Newark Charter School. She noted the proposal offered parking options. The environmental concerns could be discussed and shared in a non-disingenuous manner. She believed the City fumbled slightly in presenting this information, but it should not be removed from the conversation. She believed misinformation was shared about the park no longer being publicly available. Only a portion of the park would be used, and the park would still be available to be used by the public. She was frustrated this has been viewed as an "us versus them" situation when the school is a part of the community. She understood the concerns about the project but disagreed with removing the conversation before the public meeting on Wednesday.

Chuck Bonadio, 33 Donald Preston Drive, noted he is the current Vice President of the Newark American Little League, the Assistant District Administrator for softball in District 2, the parent of a Newark baseball player, and the parent of a future Newark Charter School softball player. He believed Council mishandled this issue from the beginning. He believed that not informing the residents about what the plans were and making the information "more public" had cast a negative light on Newark Charter School's quest to provide a field for their students. He noted that Newark Charter School plays at Hill Park, a City park. If Council had not voted to discontinue this initiative, the entirety of the Newark Charter School baseball program would have attended the Wednesday meeting. He believed the City only allowed the chance to hear from the opponents of this initiative and not the proponents. He wished this situation was handled differently. He believed the community, City, and school could find a solution that works for everyone. He was concerned that Newark Charter School is being vilified through this process when they are a Newark community member. He was disappointed by Mr. Kowalko's remarks that implied disdain for the Newark Charter community. He hoped that moving forward, the correct information would be shared more publicly with the residents before misinformation spread to the press and the community.

Graham McHugh, Newark Charter School student & baseball player, noted that baseball players usually get on a bus after school to travel for a 10 – 15-minute drive to Weiss Park because they are not allowed to hit on the field vertical to Hill Park. Most of the time, Hill Field is used by the high school, varsity, and JV teams. He noted the baseball students often have to leave 25 minutes early from school to get to baseball games and still have enough time to warm up. He noted Hill Park is currently not in the best shape to play baseball in.

Rachel Defilippis, Julie Lane, noted she lives behind the Hill Field baseball field, which is utilized by the Little League, Newark Charter School, and the public. She noted that this field does not contribute to sound or light pollution issues within the neighborhood and allowing park attendees to park in the street has not caused a significant hindrance. She noted her children attend Newark Charter School, which has had to be creative over the years with the space they have used. She noted the previous mention of how the City is doing a disservice to its residents by allowing this conversation to get this far. To this, she argued that the City has set a bad precedent by not allowing the conversation to continue. She did not believe the City was doing the public any favors by precluding the democratic process from continuing.

Jonathan Fry, Kenworth Avenue, was a junior who plays baseball at Newark Chart School and believed it was a huge disservice not to let this discussion continue at the Wednesday meeting. He noted the school's varsity team practices at Hill Field, which is not a great field for this purpose. He stated the JV baseball team practices at Barksdale, which is even worse. He believed that not allowing Newark Charter

School to better Folk Park by turning the field into a complex where kids can have a safe field to practice is a disservice, as other children and adults can utilize the field. He did not believe it was in good practice not to allow these individuals a chance to voice their opinions about the matter.

Tori Brooks, a non-resident, was the head softball coach at Newark Charter High School. She was disheartened to hear this proposal was shot down without any warning. The softball team, baseball team, parents, alumni, and others planned to attend the Wednesday meeting to give and listen to other people's feedback. She noted that the long travel times for student baseball/softball players are dangerous and take away from their academics, which is the school's first priority. Newark Charter School teaches their students life lessons that things will not always be fair. Still, she was disappointed to find that the students' glimpse of a fair public process was taken away and notified only by either Facebook or a text message. She noted she did not feel a sense of community during her high school experience but felt it when working for Newark Charter High School. She was disappointed for the students who were unaware this idea was shot down at this meeting.

Mr. Lawhorn believed some of the previous comments were inaccurate and supported the need for the Wednesday meeting. To date, Council does not have a proposal to consider; and he believed the process was poorly communicated. The school only provided Council with their potential desire and sketch plan, which did not include a proposal or contract. If Council proceeded with the item tabled at the last meeting, Council would have decided to give the City Manager the ability to negotiate a proposal. That proposal would then have been brought forward for Council's vote, allowing for public comment at that time. He noted that he respected the surrounding neighbors' concerns, stating their opinions should be considered. However, he thought it prudent they also listen to the families who drive 45 minutes for practice. He commended the students who virtually attended this meeting and for sharing their thoughts and concerns.

He explained that when he was involved in the Newark American Little League, there was the prospect for their little league field to be purchased, so a committee was established to determine where the next field should be. They could not find a place due to reasons related to space rather than money. He believes this process is necessary because the City may have discovered new land to put the field through its discussion. Many people will be upset to learn Council voted not to make any further traction. He respected the public's passion and stated why he loved to work on Council and represent the people. He introduced a motion to continue with the process as presented previously.

MOTION BY MR. LAWHORN: TO CONTINUE THE PROCESS AS PREVIOUSLY LAID OUT, HAVE THE MEETING WEDNESDAY NIGHT, AND THEN BRING FORWARD WHATEVER PROPOSAL THERE IS AND VOTE ON IT WITH ALL THE APPROPRIATE INFORMATION.

MOTION DEAD.

Mr. Suchanec clarified Council voted to end the discussion about this project occurring at Folk Park, but they did not vote to cancel the Wednesday meeting.

Mr. McDermott stated the City Manager was given direction to communicate with Newark Charter School and determine a path forward regarding the upcoming meeting on Wednesday.

Mr. Coleman noted that he would meet with Sam Golder tomorrow to see if they could discuss alternatives during the Wednesday meeting. However, there may not be enough time to run a few other options to ground, so that meeting might need to be rescheduled or only name high-level ideas.

Mr. Suchanec wondered why the area's other high school baseball and softball fields were not named as potential options.

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

- A.** Receipt of the January 7, 2025 Planning Commission Meeting Minutes
- B.** Receipt of the November 26, 2024 Diversity and Inclusion Commission Meeting Minutes
- C.** Approval of the January 13, 2025 Council Meeting Minutes
- D.** Approval of the January 27, 2025 Council Meeting Minutes
- F.** ***First Reading – Bill 25-10 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Adopting an Amended Pension Plan for Employees of the City of Newark, Delaware – *Second Reading – February 24, 2025****

2:34:51

Ms. Schiano read the consent agenda into the record.

MOTION BY MS. CREECY, SECONDED BY MS. FORD: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

11. 4. **APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:** None

12. 5. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

13. 6. **SPECIAL DEPARTMENT REPORTS:**

- A. Request to Waive the Landscape Screening Requirement per Landscape Screening and Treatment Code, Article XXV, Sec. 32-87, for 262 South College Avenue, Chabad House for three American Holly Trees – Parks and Recreation Director (10 minutes)

2:36:36

Paula Ennis, Parks & Recreation Director, explained that staff received concerns regarding placing three American Holly trees along the property line at 262 South College Avenue at the Chabad House from an adjacent neighbor. These trees were installed in compliance with both the City landscape code and the approved landscape plan. Given the proximity of these trees to the property line, concerns were raised about potential future issues, such as interference with the adjacent property's fence and sheds as the trees mature. To address this, the Chabad House was approached with a suggestion of relocating the trees, additionally five feet inward on their property. They expressed that moving those trees would not be conducive to what they had planned, but they proposed an alternative solution to have the trees removed. After discussing with the adjacent homeowner, it was agreed to have the trees removed with the understanding that they would be relocated or replanted on City parkland. This resolution aligns with all parties' interests and ensures compliance with the City's landscaping requirements while simultaneously addressing the concerns of the neighboring property owner. However, there is no provision within the City code for staff to waive this provision administratively; hence, this request is being brought forward for the City code for staff to waive this provision administratively, hence this request is being brought forward for Council's consideration.

The Deputy Mayor opened the table to Council comment.

Mr. Suchanec did not believe the City should be the entity responsible for removing these trees.

Ms. Creecy agreed with the tree removal and did not oppose the City being responsible for their removal as long as they are replanted. She believed these trees could be offered to individuals interested in planting them in their yard.

There was no further Council comment.

The Deputy Mayor opened the floor to public comment.

Dr. Amy Roe, District 4, appreciated Ms. Ennis's work to solve this issue. She noted that American Holly is a Delaware State tree that can grow up to 50 feet tall and 20 feet wide or more. She stated she was surprised when she saw several American holly trees planted 2 feet from her property line and 5 feet from her 8-foot-tall fence and 20-foot-long shed. She was concerned she would be crowded with hollies, and the landscaper doing the installation agreed that the selection of American hollies at this location was a bad idea. She was concerned she would have to prune these trees when she is elderly to prevent them from damaging her shed. She was concerned the utility lines above the trees were not considered. She was told by the landscaper and developer that the City directed them to plant the trees there, so she reached out to the City. She noted her backyard extends 3 feet beyond her fence due to an easement in the back of the community's yards dating to when the Improved Order of Redmen used to use the path behind our homes to march and noted their home was on Indian Road. She stated the area has to remain clear, so her fence does not go all the way to the property line. She has a gated fence to access the pollinator garden for native bees and hummingbirds, as she is an avid gardener. However, she did not believe it was appropriate for a development plan not to consider the impact on the neighbors of landscaping that goes through a City approval process. She would have to go through extensive work in

her old age to mitigate this issue or face damage to her property. She noted that she owns two dogs and that American Holly's leaf litter and berries are poisonous to canines. She believed the City should consider such things when approving a development plan. She will be amenable if the Chabad House prefers to relocate these hollies to a City park. She was concerned about the process that landscaping and development plans go through within the City and how to potentially improve it, so the approved species are appropriate for the location and do not cause problems for the neighbors.

Mr. McDermott clarified that the memo specifically states, "for 3 trees."

Ms. Creedy asked if these particular holly trees could be moved to Dickey Park with the tree trail.

Mr. Coleman stated that the plan is to relocate these trees to a City park, but the specific park has not yet been identified.

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

MOTION BY MS. FORD, SECONDED BY MS. CREECY: THAT COUNCIL AGREE TO WAIVE THE LANDSCAPE SCREENING REQUIREMENT PER LANDSCAPE SCREENING AND TREATMENT CODE, ARTICLE XXV, SEC. 32-87 FOR 262 SOUTH COLLEGE AVENUE CHABAD HOUSE FOR THE THREE AMERICAN HOLLY TREES AND REPLANTED ON CITY PARKLAND BY CITY STAFF.

MOTION PASSED. VOTE: 5 to 1.

Aye – Ford, Bancroft, Creedy, Lawhorn, McDermott.

Nay – Suchanec.

Absent – Clifton.

14. 7. **FINANCIAL STATEMENT:** None

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

A. Recommendation on the Award of Invitation to Bid (ITB) No. 25-02 – Forestry and Arboricultural Services (Rebid) – Parks & Recreation Director

2:46:38

Ms. Ennis explained this is for the recommendation on the award of ITB No. 25-02 – Forestry and Arboricultural Services. Tree maintenance and trimming are necessary to promote the overall health and longevity of trees by removing dead or diseased branches, preventing pest infestations such as emerald ash borer and bacterial leaf scorch, enhancing tree structure, mitigating potential safety hazards such as falling limbs, and creek clearances necessary to prevent flooding. Previously, the City used one contractor but is looking to add three contractors through this new contract to allow better scheduling capacity and timely response. The purpose of this ITB was to hire professional support for the maintenance and removal of trees on Newark City properties. The contractor selected through this will provide three years of tree pruning, tree removals, and tree stump removal services at the quoted rates. Davey Tree Experts and Miller's Tree Service have completed several projects for the Parks & Recreation Department. The latter has been the City's tree contractor for the last five years, and Newark staff are also familiar with Treemendous Tree Care's work. Staff are satisfied with all three companies' previous work experience and are confident the contractors can complete the work included in this contract. Funds to cover the anticipated cost of these services are included in the annual Parks & Recreation Department's operating budget.

There was no Council or public comment.

MOTION BY MS. CREECY, SECONDED BY BLANK: THAT MAYOR AND COUNCIL AWARD A CONTRACT FOR THREE YEARS WITH THE OPTION TO ADMINISTRATIVELY RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS STEMMING FROM INVITATION TO BID NO. 25-02 – FORESTRY & ARBORICULTURAL SERVICES TO DAVEY TREE EXPERTS, TREEMENDOUS TREE CARE AND MILLER'S TREE SERVICE AT THE RATES SPECIFIC IN THE STAFF MEMO DATED JANUARY 21, 2025, IN AN AMOUNT NOT TO EXCEED THE APPROVED ANNUAL BUDGET FOR EACH YEAR OF THE CONTRACT.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

16. 9. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**

- A. **Bill 25-04** – An Ordinance Amending Chapter 32, Zoning, Code of the City of Newark, Delaware, By Adding Body Art Establishments as a Use Allowed Within the BB (Central Business District) and BC (General Business) Zoning Districts By Special Use Permit – Planning and Development Director (20 minutes)

2:49:18

Ms. Schiano read the ordinance into the record.

MOTION BY MS. CREECY: FOR SECOND READING AND PUBLIC HEARING.

Ms. Bensley stated that Bill 25-04 would allow body art establishments as an allowable use with a Special Use Permit in the BB Central Business District and BB General Business Zones. After Council's discussion on this topic at the November 11, 2024 meeting, staff crafted a proposal that was brought to the Planning Commission for review at the December 5, 2024 meeting. This proposal included the following elements:

- A minimum distance of 200 feet between this use and a school.
- A permit would be required from the State of Delaware Department of Health and Social Services, and the permit and the health inspection certification had to be displayed in a visible location.
- Establishments could be appointment-only and were not to exceed 15 people or the allowable occupancy for the space, whichever is lower.
- Advertising would be limited to allowable signs in the sign code for businesses with no additional illuminated signs allowed. However, this advertising limitation did have exceptions for informational signs.
- The Special Use Permit would be limited to the applicant only, and a new tenant or a new location for the applicant would have to apply for a new Special Use Permit.

At their meeting, the Planning Commission unanimously recommended that the proposed language move forward with the following modifications: to remove the distance requirement from a school, to remove the appointment-only restriction, and to add a 300-foot distance requirement between body art establishments. Since the changes proposed by the Planning Commission have significant differences from some of the parameters provided by Council on November 11th, staff have prepared the corresponding bill with both options, the original staff recommendation and the Planning Commission recommendation. Amendment 1 in the bill amends the definition section of Chapter 32 and would be the same under either option. Amendments 2 and 3 contain the original staff recommendation. Amendments 4 and 5 contain the Planning Commission recommendation. If Council prefers to go with the staff recommendation, a motion should be made to amend Bill 25-04 to delete Amendments 4 and 5. If Council prefers to go with the Planning Commission's recommendation, a motion should be made to amend the bill to delete Amendments 2 and 3. If Council would like some combination of the two, staff is prepared to provide language on the floor to facilitate any other required amendments.

The Mayor opened the table to Council comment.

Mr. Suchanec stated he was not satisfied with either recommendation. He wanted a distance limitation between businesses of the same type. However, he would be amenable to accepting either recommendation with that amended limitation.

Ms. Ford asked for clarification that if Council wants to adopt Planning & Development staff's original recommendation, which provides that any establishment be by appointment only, they should use the first motion.

Ms. Bensley clarified Council would move to amend Bill 25-04 to delete Amendments 4 and 5 if they were to prefer staff's proposal over the Planning Commission's.

Ms. Ford concurred with Mr. Suchanec in adding a restriction on the proximity of businesses to one another.

Dr. Bancroft noted he did not have a strong opinion about this topic and believed the amendments made sense.

Ms. Creecy stated that 2 in 10 adults under 30 who do not yet have a tattoo will likely get one in the future, meaning the craft is more popular than assumed. She believed a business of this type should be allowed to operate within the City as long as it is properly regulated.

Mr. McDermott agreed with Mr. Suchanec. He supported using the staff's recommendation and adding the 300-foot limitation between businesses.

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

MOTION BY MR. SUCHANEC, SECONDED BY MS CREECY: TO AMEND BILL 25-04 TO ADD TO AMENDMENTS 2 & 3 A SUBSECTION G THAT WOULD READ, "THERE SHALL BE A MINIMUM DISTANCE OF 300 FEET BETWEEN BODY ART ESTABLISHMENTS."

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

MOTION BY MR. SUCHANEC, SECONDED BY DR. BANCROFT: TO AMEND BILL 25-04 TO DELETE AMENDMENTS 4 & 5.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

MOTION BY MS. FORD, SECONDED BY DR. BANCROFT: THAT COUNCIL ADOPT BILL 25-04AS AMENDED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

(ORDINANCE NO. 25-06)

MOTION BY MS. CREECY, SECONDED BY DR. BANCROFT: TO EXTEND THE MEETING.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

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

- A.** Request by Brittanie Lopez on Behalf of B13 Tattoos for a Special Use Permit to allow a Body Art Establishment located at 170 East Main Street – Planning and Development Director (20 minutes)

2:59:50

Ms. Schiano read the Special Use Permit request into the record.

Ms. Bensley explained the Planning and Development Department received a Special Use Permit application and supporting materials on December 13th from Brittanie Lopez, the sole proprietor of B13 Tattoos, for a body art establishment at 170 East Main Street. B13 Tattoos currently operates in Wilmington, Delaware, and Ms. Lopez is seeking a Special Use Permit to move her business to Newark. Consideration of the Special Use Permit was contingent upon adopting Bill 25-04 to allow this application to move forward. The current property proposed for this establishment is zoned BB, and the existing property is a two-story commercial building. B13 Tattoos would operate in Suite #1, located on the lower level of the building. In reviewing this application, the Planning and Development Department noted that

B13 Tattoos corresponded to the land use recommendations in the Comprehensive Development Plan, which calls for commercial and business uses at this location.

She added that the adjoining properties to the east and west also consist of commercial uses and zoning. Staff also believe this plan corresponds to the business diversification goals outlined in Chapter 9 of the Comprehensive Development Plan, which outlines economic development strategies and visions and will provide an attraction to the downtown area that does not currently exist. This business currently complies with the body art establishment regulations set forth by the Delaware Administrative Code at its current location, and the department has received confirmation from Ms. Lopez that the business will continue to comply with the regulations once relocated to Newark. The proposed use will not significantly impact traffic patterns around the property, given the appointment-only nature of the business, and no other departments express concerns or objections to the application. Because the proposed use does not conflict with the land use guidelines in the Comprehensive Development Plan, because it is compatible with the Zoning Code's Special Use Permit criteria, and because the relevant City departments have no objection to the proposal, the Planning & Development Department recommends that City Council approve the Special Use Permit for a body art establishment for B13 tattoos.

The Deputy Mayor opened the table to Council comment.

When entering the suite, Mr. Suchanec asked why the tattooing area was before the waiting area.

Ms. Bensley explained this was due to health department regulations stating that the tattoo area could not have carpet. The area in the plan marked as the waiting area in this layout is carpeted.

Mr. Suchanec asked if there would be any case where somebody would come in and walk through the tattoo area to get to the waiting area.

Brittnie Lopez, B13 Tattoos, explained this would not occur. This is an appointment-only establishment, she is very strict with her guests, and there would be no reason for anybody to be in the waiting room unless they are getting tattooed with the person actively in the middle of their appointment. Any guests in the waiting area are required to have an appointment.

Mr. Suchanec noted that his bias against tattoos was inflicted on his children until they went to college and got tattoos themselves. He was concerned this case would occur for other families but acknowledged it was inevitable.

Mr. Lawhorn remarked he would like to be the first customer at B13 Tattoos in Newark.

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

MOTION BY MS. FORD, SECONDED BY MS. CREECY: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR A BODY ART ESTABLISHMENT FOR B13 LLC AT 170 EAST MAIN STREET WITH THE CONDITIONS OUTLINED IN THE PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATION DATED FEBRUARY 3, 2025.

MOTION PASSED. VOTE: 6 to 0.

MS. FORD VOTED YES FOR THE MOTION BECAUSE THE PROPOSED USE DID NOT AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSON OR PERSONS RESIDING OR WORKING WITHIN THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; WOULD NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS WITHIN THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; AND WOULD NOT BE IN CONFLICT WITH THE PURPOSES OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY.

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

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

DR. BANCROFT VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MS. FORD.

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

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

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

Nay – 0.

Absent – Clifton.

18. 10-B. REQUEST BY ANTHONY HEARD ON BEHALF OF BOOM DOWN TOWING, LLC FOR A SPECIAL USE PERMIT FOR AN ACCESSORY USE WITH IMPACT TO STORE TRANSIENT VEHICLES IN THE REAR OF THE PROPERTY FOR THE BUSINESS LOCATED AT 1164 ELKTON ROAD – PLANNING AND DEVELOPMENT DIRECTOR (20 MINUTES)

3:07:55

Ms. Schiano read the Special Use Permit request into the record.

Ms. Bensley reminded Council that at a previous council meeting, Mr. Anthony Heard approached Council through public comment to speak about his business and that it was not currently permitted on the property on which it was located. Council had asked staff to investigate this issue and see what could be done to make that work. The property is located at 1164 Elkton Road, which is zoned BC. Towing is not currently an allowable use in the BC zoning district. However, this parcel is a perfect property for a place to tow vehicles. She noted the property is located next to the utility substation on the western side and then surrounded by City-owned property otherwise. There are no adjacent neighbors to this property. When looking at the Code, staff did not want to recommend that the property be rezoned to MI, which would be industrial, because the property hosts a former single-family house repurposed as an office for quite some time. Staff elected to go down the path of a Special Use Permit for accessory use with impact.

On December 17th, the applicant filed a Special Use Permit application and supporting materials for Boom Down Towing LLC for accessory use with impact, which would be for the transient storage of towed vehicles. The vehicles would be temporarily stored in the rear yard at 1164 Elkton Road with occasional mechanical work and routine maintenance performed. She reiterated that the property is currently zoned BC. The existing building on the property, a two-story single-family house, will be used as an office for the administrative activities and business management of boom-down towing. In contrast, the rear yard will store vehicles in transit as an accessory used with impact. According to Section 32-19(A)(19) and Section 32-19(B)(19), offices for professional services and administrative activities are allowed by right in the BC zoning district, and accessory uses with impact are allowed via Special Use Permit. In reviewing this application, the department Boom Down Towing does correspond to the land use recommendations in the Comprehensive Development Plan V 2.0, which calls for commercial and business uses at the location. The adjoining properties are zoned for either commercial or light industrial use.

She continued that while this would not be appropriate generally in other BC properties, this particular property is at a location where it would not negatively impact surrounding property owners. The vehicles in the rear yard will be screened from public view by a 6-foot fence on the western side of the building and a 4-foot fence on the eastern side of the building, both of which currently exist. A maximum number of 8 vehicles would be stored on the property at a single time, and the maximum time they would be stored is 5 days. No considerable negative impacts are associated with the proposed screening method or storage length. Given the limited number of vehicles stored, the proposed use will not significantly impact traffic patterns around the property.

Additionally, the towing service only has the owner's vehicle towing vehicles in transit to and from the site, meaning that no additional traffic would be created by owners retrieving vehicles from this location. The department recommends that the Special Use Permit include the conditions that the vehicles not be in disrepair and be parked on a hardened surface behind the building, such as asphalt or concrete. Building permits would be required if a hardened surface needed to be installed.

The Code Enforcement Division notes that if this location becomes open to the public and/or more than an administrative office occupied only by the owner of the business, upgrades for accessibility would be required, and they would need to conform to the most recently adopted building and accessibility codes for the City of Newark. No other departments express any concerns or objections to the application. Because the proposed use does not conflict with the land use guidelines in the Comprehensive Development Plan, because it is compatible with the Zoning Code Special Use Permit criteria, and because the relevant City departments have no objection to the proposal, the department recommends that City Council approve the Special Use Permit for accessory use with impact for Boom Down Towing at 1164 Elkton Road.

The Deputy Mayor opened the table to Council comment.

Dr. Bancroft believed this to be of good use.

Ms. Creecy concurred, noting she was pleased to see more minority-owned businesses in the area.

Mr. Suchanec asked if Mr. Heard tows on behalf of the City and if these cars would be picked up by individuals who have had their vehicles towed away.

Ms. Bensley stated that the Special Use Permit would only be limited to transient towing, and no people would be coming onto the site.

Mr. Suchanec stated his concern would be that there is no room for individuals to park if they are picking up their cars.

Anthony Heard, Boom Down Towing, thanked Council for this opportunity. He noted that most vehicles he tows have been involved in auto collisions. They are going to a yard, so there will not be any traffic from people coming to the property to pick up vehicles. He is essentially assisting these vehicles in making their last trip.

Mr. Lawhorn commented that “Last Trip Towing” would be a good name for a towing company. He commended the Planning & Development staff for their hard work to get a new business running and thriving.

Mr. McDermott asked if any neighboring businesses opposed this Special Use Permit request.

Ms. Schiano responded in the negative.

The Deputy Mayor opened the floor to public comment.

Nikolina Nivokovich, Coverbridge Farms, was the property owner and supported Mr. Heard, hoping his business would do well.

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

Mr. Suchanec voiced his frustration that Council must repeat the same extensive language when voting on Special Use Permits. He asked if they could instead name the specific section of the Code to condense their statements.

Mr. Bilodeau noted Council could instead state, “for the reasons outlined in the Planning & Development Report,” when offering their reasons for their vote.

MOTION BY MS. CREECY, SECONDED BY MR. SUCHANEC: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE ACCESSORY USE WITH IMPACT FOR BOOM DOWN TOWING LLC AT 1164 ELKTON ROAD WITH THE CONDITIONS OUTLINES IN THE PLANNING & DEVELOPMENT DEPARTMENT RECOMMENDATION DATED FEBRUARY 3, 2025.

MOTION PASSED. VOTE: 6 to 0.

MS. CREECY VOTED YES FOR THE MOTION DUE TO THE REASONS OUTLINED IN SEC. 32-78.

DR. BANCROFT VOTED YES FOR THE MOTION DUE TO THE REASONS UNDER THE COMPREHENSIVE DEVELOPMENT PLAN AND THE REASONS STATED BY MS. CREECY.

MR. SUCHANEC VOTED YES FOR THE MOTION DUE TO THE REASONS STATED IN ZONING CODE SEC. 32-78.

MS. FORD VOTED YES FOR THE MOTION DUE TO THE REASONS CITED BY MS. CREECY.

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

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

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

Nay – 0.

Absent – Clifton.

19. 10-C. REQUEST OF DELAWARE AVE, LLC AND DELAWARE AVENUE, LLC FOR THE MINOR SUBDIVISION OF APPROXIMATELY 0.48+/- ACRES LOCATED AT 261 AND 263 SOUTH CHAPEL STREET TO CREATE A THIRD LOT OUT OF THE EXCESS LAND OF THE TWO EXISTING LOTS AND CONSTRUCT A SINGLE-FAMILY DETACHED HOUSE ON THAT LOT – PLANNING AND DEVELOPMENT DIRECTOR (20 MINUTES)

3:21:00

Ms. Schiano read the minor subdivision into the record.

Ms. Bensley explained that this application requests approval of plans to divide two lots into three code-compliant lots and construct one three-bedroom single-family detached house on the new lot. The plan would also build three new three-car driveways on each parcel. There are no discretionary requests as part of this application. This application is also not a request for an accessory dwelling unit. This application creates three code-compliant lots, all with one code-compliant single-family detached house on each lot. While the new lot is created from the excess property, it is a separate lot, not a second unit in the backyard of a lot. This property is on the northwest corner of South Chapel Street and East Park Place. The existing zoning for these two parcels is RD, single-family semi-detached residential. The existing and the proposed single-family detached houses are permitted uses in the RD zoning district. The proposed dimensions for the new lot comply with all of the area regulations of the RD district.

The existing house at 263 South Chapel Street is located closer to the street line along East Park Place, but because it is an existing legal nonconformity and the project does not propose altering that condition in any way, the Planning & Development Department has determined no relief or variance is required, and there is no proposed zoning change. The proposed plan conforms to Comprehensive Development Plan V 2.0 with the existing designation of residential low density, which is included in Planning Section A. The proposed development meets all requirements detailed in Municipal Code Chapter 27, Subdivisions, and Chapter 32, Zoning. The plan, with the detail presented, fully complies with the 2018 International Code Council building codes. As more detailed plans are presented during the lines & grades and building permit review phases, compliance with the 2018 ICC building codes will be verified.

She noted that the proposed use of three-bedroom single-family homes requires two off-street parking spaces per dwelling unit. With three bedrooms in each unit, the project requires six parking spaces. Nine parking spaces are provided in the driveways for the houses. With the addition of a single additional dwelling unit, the proposed development is not expected to significantly impact traffic along South Chapel Street or East Park Place. The project will be subject to transportation improvement district fees for the new unit. A traffic impact study is not anticipated for this project. 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 January 7, 2025, meeting with the suggested recommendation that City Council approve the minor subdivision for 261 & 263 South Chapel Street. The Planning Commission voted 5 to 2 to recommend approval of the minor subdivision. Since the January 7th meeting, the final revision of the subdivision plans addressing all items required before Council's hearing was submitted by the applicant. The version of the plans included Council's packet.

John Tracey, Young Conway, Stargatt & Taylor noted that this is completely compliant with both the City Code and the Comprehensive Development Plan V 2.0. Rezoning, site plan approval, or variances are not necessary. The created lots are slightly larger than the 2 – 3 lots next to the property on East Park Place.

The Deputy Mayor opened the table to Council comment.

Ms. Ford was pleased to see a development for a single house instead of multi-house dwellings.

Mr. Lawhorn asked if the current houses are owner-occupied or rented.

Mr. Tracey clarified they are both student rentals.

Mr. Lawhorn stated his concern was that with this area, these houses would either be phenomenal houses for starter homes and should try to increase the number of owner-occupied homes in this area, or the City should realize that it is a rental area and treat it as such. If this area is to be treated as a rental area, like Benny Street, we should not build single-family homes. The sky view of this area shows houses that would be perfect for young professionals or individuals like him when he bought a house right after returning from the Navy. On the other hand, it could be primarily student rentals. It did

not make sense to him to build houses like this in an area primarily for student rentals. He wondered why the City is not getting more out of this land by adding more beds. He noted that the neighboring residents voiced some concerns about this proposal. He wondered why this house would be “squeezed in” when there is a supply and demand issue of affordable housing.

Ms. Bensley stated there is an issue with this property in that it is currently in a water resource protection area, which limits it to only being able to have the existing amount of impervious coverage on the lots. This is part of why all three houses' driveways are being replaced. She could not speak for the applicant as to whether it would have been more economically feasible to build something larger.

Mr. Bilodeau cautioned to consider only the application for Council’s review tonight, which is for a code-compliant house, and not to wonder what else could be in this location.

Mr. McDermott asked for further clarification about the neighbors’ negative feedback about this project.

Mr. Lawhorn stated he found it in the Planning Commission meeting minutes.

Mr. Tracey noted the applicant talked with both neighbors who shared their concerns with the application after the meeting. There were some concerns about proximity, although the proposed house complies with all setback requirements. This project’s lot size is bigger than the neighbor's lot by two 100ths of an acre. I think his lot's 0.16. Our new lot will be 0.18.

Mr. Bilodeau asked for clarification about a discussion about screening during the Planning Commission meeting.

Mr. Tracey responded in the affirmative but could not recall if the Planning Commission or the neighbors mentioned those concerns. However, this house will have two stories instead of three, consistent with the other 1-story and 2-story houses in that area. The applicant is putting a fence along the common property line as well.

Mr. McDermott noted he always keeps the opinions of adjacent property owners in mind when considering projects of this type. However, this is a Code-compliant project.

Mr. Tracey noted his client is always open to conversations about the project as indicated by his discussions with the neighbors after the Planning Commission’s hearing.

Mr. McDermott noted that rentals primarily populate this area.

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

MOTION BY MS. FORD, SECONDED BY MS. CREECY: THAT CITY COUNCIL APPROVE THE MINOR SUBDIVISION AS SHOWN ON THE MORRIS & RITCHIE ASSOCIATES’ 261-263 SOUTH CHAPEL STREET PLAN DATED DECEMBER 4, 2023 AND REVISED THROUGH JANUARY 28, 2025, WITH THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS OUTLINED IN THE ATTACHED SUBDIVISION AGREEMENT AND RESOLUTION.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

20. Meeting adjourned at 10:36 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh