

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

MARCH 10, 2024

Those present at 7:00 p.m.:

Presiding:	Deputy Mayor, District 6, Travis McDermott District 1, John Suchanec District 2, Corinth Ford District 3, Jay Bancroft District 4, Dwendolyn Creecy District 5, Jason Lawhorn
Absent:	Mayor Jerry Clifton
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 (Virtual) Chief of Community Engagement Jayme Gravell (Virtual) Assistant City Manager – Operations Jeff Martindale (Virtual) Finance Director Jill Hollander Parking Manager Marvin Howard (Virtual) Parking Supervisor Courtney Mulvanity Planner II Joshua Solge

1. Mr. McDermott called the meeting to order at 7:00 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 the Council Chamber if they wished to provide public comment. At the appropriate time, the chair would call on them to speak. Although all public comment is welcome and appreciated, Council requests that during meetings with higher attendance, 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.

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

4. 2. ITEMS NOT ON PUBLISHED AGENDA

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

5. 2-B. UNIVERSITY

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

3:07

Ms. Schiano shared comments on Ms. Olsen's behalf: several alternative events are scheduled for students this upcoming St. Patrick's Day. Additionally, UD has increased and coordinated patrols with the Newark Police Department (NPD) and sent out reminders about amnesty and safe rides. The previous two Decision Days have been successful, and the next Decision Day is April 12th, which is expected to bring several thousand visitors to town. As UD is moving to a new conference, upcoming football games will not always be on Saturdays. The Route 1 rivalry game vs. Delaware State University starts the off-season on Thursday, August 28th, and other weekday games include Friday, October 3rd, and Wednesday, October 22nd. The whole football schedule can be found on UD's website. UD's men's basketball team is making history by playing in the Coastal Athletic Association (CAA) tournament after being the lowest-ranked team. They have now made it to the semifinals to play #1 Towson in Washington, D.C., at 6 p.m. The game can be watched on the CBS Sports Network.

6. 2-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes):

5:18

Andrew Carver, UD Student Government Association, introduced himself to Council.

Ms. Ford asked Mr. Carver to communicate to the student population to have a safe St. Patrick's Day. Additionally, she asked him to relay that student bicyclists should wear helmets, refrain from riding on the roads on Main Street, and refrain from riding scooters.

Mr. McDermott shared that he received multiple messages from residents along East Cleveland Avenue about student residents relieving themselves in public. To alleviate that concern, he requested increased police patrols. He asked Mr. Carver to encourage the student population to refrain from doing such. He did not want students to potentially negatively impact their future by getting arrested for something of that nature.

7. 2-C. CITY MANAGER (10 minutes):

9:52

Mr. Coleman noted that staff have contacted the Delaware Department of Transportation (DelDOT) to see when they can finish a project on Christina Parkway that was initially started in the fall. He encouraged any complaints about the project to be forwarded to him, as he will pass it along to DelDOT to encourage them to move the project along soon. Additionally, Planning & Development staff have reached out to all current members of the Parking Advisory Committee, including Ms. Sasha Aber, who is scheduled to be appointed this evening. There will be five members with Ms. Aber's appointment. Only two of the five members have responded, and four are necessary to meet the quorum to hold a meeting. He asked Council to reach out to their respective committee members and encourage them to respond to staff and attend the meeting.

Renee Bensley, Planning & Development Director, added that staff were able to reach two additional members of the Parking Advisory Committee who stated they would complete the survey of dates and times to hold a meeting. She hoped the third outstanding member would soon respond to the message staff left for them.

Mr. Coleman stated there will be two remaining vacancies following Ms. Aber's appointment, and one person has volunteered to be on the committee. A Councilmember with a vacant seat on the committee can contact staff who have a volunteer queued up if they are interested.

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

11:20

Mr. Lawhorn:

- Shared the community pool in Fairfield Crest has a dedicated parking lot used heavily by Pomeroy Connector Trail patrons for most of the year. As such, it is in disrepair, and Mr. Lawhorn suggested including the parking lot in the City's streets program. He believed this could be included as one of the options in the program so it could at least be bid on and offered as an option when Council approves the program. The justification behind its inclusion would be that it is heavily used by those accessing the City's park and trail system. If it is included in the program, bid on, and approved by Council, they can determine both the bid and cost, then evaluate that information with the rest of the streets program.

Mr. Coleman added that it would likely require a complete rehab. Staff estimates that the cost would be around \$65,000, but bids could be higher or lower if the Council directs staff to include it in the contract.

Ms. Ford:

- Supported Mr. Lawhorn's suggestion to include the project in the proposed streets program.

Mr. Suchanec:

- Supported including it in the streets program proposal.
- Stated that he was notified of a situation where a family was turned away from a Main Street restaurant because they were told they were no longer allowed to seat families after 9 p.m., and the establishment was reserved for students. The City Solicitor investigated and reported to him that a public restaurant could not legally serve only college students, as that would be considered discriminatory. The restaurant's legal team agreed with the Solicitor that that would not be permissible. The specific restaurant will now create a policy that 40–50 seats will be reserved for non-students at least until 9 p.m. He believed the City should establish a method to convey the message to other restaurants that they should serve the population upon arrival if they want to encourage more business from residents and visitors on Main Street. He believed the City could work with The Newark Partnership (TNP) to share this message.

Mr. Lawhorn stated he experienced a similar situation where he went out late to a restaurant with his family. He noticed that as some restaurants received more college student customers, they catered their atmospheres to the college students to make it more of a college bar scene. A staff member did not turn his family away but indicated the restaurant was about to receive more college student customers, and they were unsure if Mr. Lawhorn wanted to have dinner with his family there. While he and his family still enjoyed dinner at this restaurant, he understood there are no non-restaurant locations, such as the former Stone Balloon that are solely for college students to go to, as a former Council eliminated the ability to have that. Situations like these point out that the City has created only one type of place for these students to visit: a restaurant. If Council wants to have the ability to focus on more family-driven places, they also must consider that half of Newark's population consists of students. They also need a place to have fun and spend their time, and do not currently have that. He believed Council should address this in the future as it could provide solutions to other problems that the City is currently facing.

Mr. Suchanec shared that the restaurant's legal team had stated that the proper response to that family, who were sitting for a birthday party, would have been to welcome them in, but there was a wait, and the environment was noisy. However, staff told them they were not seating families at this time.

Ms. Creecy:

- Supported talking about Mr. Lawhorn's proposal for the future.
- Asked for clarification from TNP regarding the veteran flag project, as a new project was created to include minorities in the Main Street flags, but she did not notice any minority soldiers included after the flags were replaced.

Dr. Freeman Williams, speaking on behalf of the Friends of School Hill Association (FOSHA), stated that the project's original goal was to identify those who grew up in Newark's historic African-American neighborhood, rather than competing with the City's existing program. This project tied in with the mission of FOSHA to recognize the historical contributions of individuals and stakeholders from this area. FOSHA met with TNP and Major Clifton in 2019 to formalize their organization as a 501 (c) (3), as this effort had begun in 2001. He invited Council to visit the museum at the George Wilson Center (GWC) that focuses on FOSHA's mission of recognition. He noted the purpose was not to be isolationist but to focus

on the contributions and involvement of people specifically from that area. He stated that he spent a considerable amount of time explaining the differences between the two projects to various groups and individuals, including the Diversity & Inclusion Commission, and that there are specific guidelines to be submitted to each program. For example, one of the criteria in FOSHA's project is that a submission must have served in the military while being from this area and does not have to have been killed in action. The efforts of this project are not intended to exclude others, but rather to lift those who meet the project's criteria. The first group of recognized individuals consisted of 47, determined by a fair lottery system. He stated that multiple individuals and representatives from FOSHA have spoken with many about this program to eliminate any possible misunderstandings or misconceptions about the program. This project aims to include and celebrate the entire community, while educating others about the accomplishments of the historic African-American neighborhood in Newark. There are hopes to roll out this program on Memorial Day.

Dr. Bancroft:

- Noted Council recently reviewed an extensive parking review and understood skepticism that it was once again being discussed. He hoped any potential issues noted tonight could be fixed with a "light touch."
- Stated there would be a public discussion of the Folk Park dog park proposal on Wednesday, March 12th, and encouraged the public to attend.
- Reminded he would be leading a discussion about ranked-choice voting at the next Council meeting on March 17th. A
- Advocated for HB-34, which allows Newark to curb the financial struggle stemming from UD owning 40% of the City's land.
- Reminded residents have until the end of March to make appeals regarding the current reassessment. He encouraged any residents with questions to contact County Councilwoman Valerie George for more information.
- Noted the recent discussion about Delmarva energy prices. He believed Sen. Stephanie Hansen and the General Assembly were addressing the gap in understanding needs and capacity and determining potential long-term problems with stable electricity in Delaware.
- Believed it would be a good idea to directly workshop with TNP to support jobs and businesses within the City.
- Believed Mr. Lawhorn's proposal seemed reasonable but advised to remain cognizant that this is a private lot and other private spots could use similar help.

Mr. McDermott:

- Provided an update on the project to renew the cracked and faded mural at Library and Cleveland Avenue, which was started two years ago and has been slow to move due to negotiations with CSX. After nudging them for their cooperation, CSX asked the City to pay \$140,000 to access the property and did not include other costs, such as painting. The City did not agree to pay this money and will work with DelDOT to structurally look at this project. Ms. Ford is currently on a committee to get the project's artist rendering and community feedback. He hoped this project would move further soon.
- Supported Mr. Lawhorn's suggestion to include the Fairfield Crest community pool parking lot in the streets program proposal.

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

36:36

Mary Owens, 109 W. Cobblefield Court, wanted to speak on the potential dog park in Folk Memorial Park. She stated that the Friends of Folk Memorial Park is a community coalition dedicated to preserving and enhancing the park, as it is utilized for many recreational and personal activities. She noted that in 2025, the City proposed two potential ideas for new uses in Folk Park: a baseball field for Newark Charter School and a dog park, funded by donations from Dash-In. She stated that the Friends of Folk Memorial Park appreciated the City's attempt to engage with the community about the dog park at the meeting on March 12th. Still, they would prefer that a more holistic approach be taken to the park's development, as they are the park's stakeholders and want to share their vision with the City on what uses could be the most valuable. They suggest the City directly partner with the community to determine how the park is currently used and learn about their improvement idea through a Community Visioning Session involving input from residents, stakeholders, community leaders, and the City. She noted that some individuals have identified a list of needs for improved bicycle and pedestrian access, as well as research-based natural habitat conservation. They would prefer the City to develop a comprehensive plan for Folk Memorial Park to guide decisions about appropriate uses, infrastructure improvements, and enhancement. They also encouraged the City to enhance the online map and guide to parks by incorporating historical and ecological value in addition to recreational opportunities. The Friends of Folk

Memorial Park can provide photographs showcasing the park’s diversity of flora and fauna. They look forward to working with the City on any future efforts related to the park.

Fiona Tresolini, 107 W. Cobblefield Court, noted she and her family have lived in Newark and enjoyed its many Parks & Recreation attractions since 1997. I would first like to say that we've lived in Newark since 1997. She stated that every individual member of Newark’s diverse community has their priorities and passions they want to pursue. However, she noted she had recently learned about negative comments made about Parks & Recreation Director Paula Ennis. She communicated that she and her family value the service Ms. Ennis has provided to the City for over two decades. She remarked that Ms. Ennis’s dedication and tireless efforts earned her position. She was confident Ms. Ennis would continue to elevate the department and thanked her for her efforts. Additionally, she noted the recent discussions around Folk Park and stated she was part of the park’s original planning. She wondered by Dash-In chose to donate a dog park to Folk Park specifically and if they were open to discussing with residents to determine if Folk Park would be a good location for this dog park. She hoped they would consider what the residents and visitors of that park would wish for. She appreciated that the Wednesday meeting is being offered as an option and hoped Chief of Community Engagement Jayme Gravell would attend and be a part of these communications.

Barbara, District 3, was part of the Friends of Folk Memorial Park as she lived next to the park. She stated that the park fosters a brilliant mix of density and structure of life within a protected habitat and attracts a rich mix of wildlife while offering many recreational activities. There have been three workshops around botanizing with photography. She agreed that the City should develop a comprehensive plan for the park and support its staff. She noted that the park’s natural flora had been damaged by aggressive mowing, and she encouraged the City to designate the park as a regional demonstration site. She urged the City to protect the watershed of the Christina River, as the forest and meadows reduce flooding by absorbing water with their soil. However, dog parks consist of only grass. She believed nearby dog parks could be utilized, or a dog park could be developed in different areas, such as Handloff Park. She hoped the public would experience Folk Park the same way as the Friends of Folk Memorial Park by looking at the photographs on their website. She believed getting a certified wildlife habitat sign and hosting educational programs within the park would be a good idea.

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

- A.** Approval of the February 24, 2025 Council Meeting Minutes
- B.** Receipt of the January 28, 2025, Diversity and Inclusion Commission Meeting Minutes
- C.** Receipt of the Diversity and Inclusion Commission 2024 Annual Report
- D.** Diversity and Inclusion Commission Recommendation Regarding Expansion of the Veteran Flag Criteria
- E.** Diversity and Inclusion Commission Recommendation Regarding a Diversity and Inclusion Festival
- F.** Appointment of Gilbert Nichols as the District 1 Representative on the Parking Advisory Committee for a Term to Expire October 15, 2025 (incorrect expiration date listed as October 15, 2026, on the February 24, 2025 agenda)

5:15

Ms. Schiano read the consent agenda into the record.

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: 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:

- A.** Appointment of Sasha Aber as the District 5 Representative on the Parking Advisory Committee for a Term to Expire on October 15, 2026

51:46

Mr. Lawhorn noted that the City has struggled to fill the Parking Advisory Committee, and Ms. Aber has a unique background that could benefit the committee. She is a long-term business owner on Main Street and has been actively involved in collaborating with other business owners and sharing her

ideas with the City. She applied to the committee so she could provide her ideas for more in-depth discussions about improving parking downtown.

Sasha Aber, Fairfield, noted she owns Home Grown Café on Main Street, has lived in Newark for over four decades, and loves the downtown area. This was her way of volunteering to help fix the parking issue. Some of her ideas included decreasing hourly costs, providing “run-in” spots for customers, hosting employee parking areas, improving lot location communication, and addressing ticketing issues. She believed that more locals should come downtown and take advantage of the many good amenities the downtown area has to offer. She believed that as more people come downtown, a wider variety of businesses would be established on Main Street. She was looking forward to Council’s support and suggestions.

There was no Council or public comment.

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: THAT COUNCIL APPOINT SASHA ABER AS THE DISTRICT 5 REPRESENTATIVE ON THE PARKING ADVISORY COMMITTEE FOR A TERM TO EXPIRE ON OCTOBER 15, 2026.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

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

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

A. Presentation on 2024-2025 Free Parking Pilot and Direction to Staff on Summer Parking Incentives and Path Forward on Parking Discussions

55:00

Ms. Bensley stated that this item serves to discuss the 2024-025 free parking pilot program and get staff direction on the summer parking initiatives and parking discussions overall. She noted Council’s packet includes a memo reviewing this past winter’s parking pilot, following Council’s approval of Bill 24-31, which provided free parking Sunday – Tuesday from December 16, 2024, to January 21, 2025 and maintained peak rates for the remainder of the week. This followed a presentation on August 19, 2024, which included a pilot for winter and summer rate changes, as well as subsequent feedback from business owners about what they would like to see. At the time of the ordinance adoption, staff pledged to bring information on the pilot back to Council along with data to assist with future decisions on the path forward.

She noted that for the same period in 2023–2024, the Parking Division generated just under \$140,000 with the previous discounted parking rate structure. This served as the benchmark staff used to compare the options and determine the revenue impact of free parking options for this year. Staff originally predicted that by offering free parking on Sundays and Tuesdays, and keeping peak rates in place for the other four days of the week, the City would see parking revenue of just under \$158,000, a net increase of approximately \$18,000. However, this did not prove to be accurate. Instead of the predicted increase in revenue, staff saw an overall decline of just under \$19,000: \$8,600 for the Passport app and about \$10,100 for the kiosks.

She continued that staff noted in their review of this data that there appeared to be a shift effect occurring due to the free parking days, specifically on Wednesdays and Saturdays. Staff believed that people aware of the promotion may opt to come on Tuesday instead of Wednesday and on Sunday instead of Saturday. Otherwise, fewer people are coming downtown, which would be counterintuitive, given the free parking. Additionally, staff noted a persistent overall decrease of 15%–25% compared to the extrapolation used for estimation. The same issue was identified when the City changed its rates from \$1 to \$2 per hour, contributing to the 2023 parking revenue shortage. When staff performed the estimated calculations, a 10% decrease was considered for day-to-day operations, which was insufficient to cover the gap. The inclement weather was a more significant factor this year. Temperatures and wind were extremely harsh, and some January snowfall resulted in lower year-over-year revenue. Typically, based on the parking staff’s experience, rain is not necessarily a bad thing. Still, snow creates steep revenue declines, and wind is a significant deterrent for people coming out, which leads to declines in those for-pleasure excursions to Newark.

Ms. Bensley noted that staff scaled back enforcement during this time so visitors did not feel tricked into coming downtown to be cited or booted. This could have had an impact by the end of the program, as when people figured out enforcement had decreased, the City saw reductions in daily revenues. In citation appeals, it was explained that some of the cited individuals were under the impression that there was free parking during the holidays. This information could have come from the program's marketing, press coverage, or social media, which would also directly impact daily revenues. If people think parking is free, they will not pay for it. Many customers were also confused by the Sunday – Tuesday scheduling, especially with the holidays and the partial Restaurant Week involved. Patrons were also concerned that they should not need a calendar to determine which days offer free parking and that many Main Street restaurants are closed on Monday and/or Tuesday, so those businesses didn't see a benefit in increased traffic. The decision to change the days of the week that would be free for the pilot shortly before it began also hurt the staff's ability to market the free parking incentive properly. Staff only had about six days from when Council decided to when the promotion started, which did not provide enough time to get the word out. There was also confusion about Restaurant Week being free on Sunday through Tuesday instead of the entire week. Then, an error in coding for the extended free parking period during Restaurant Week left parking payment options active for part of Sunday and Monday, January 20th and 21st, which led to some customers paying even when they were not required to do so. Staff made this correction when they were notified of this problem.

She stated that although the City missed its target financial goal, staff believe the program's concept was successful. Businesses provided feedback that it got people talking, and they saw increases in patronage. There is an incentive for businesses to inform the City that free parking is beneficial, providing reasons to offer it again. However, with that said, it seemed genuine that businesses that were clear about the program and attempted to communicate this to their customers saw increases over the parking period. Surveys were distributed to every business on Main Street three times, along with additional emails from the TNP to businesses on their mailing list. Despite these efforts, only three businesses responded with feedback.

Ms. Bensley stated that the Council needs to consider the need for earlier and more frequent communication. Staff need ample time to take the lead on messaging to incentivize, increase patronage, and reduce customer confusion. Some ideas provided during this period included regular social media blasts, encouraging businesses to take a more active role in communications, and doing more paid or free media with the News Journal, the Review, and The Newark Post through either articles or advertising, keeping that going through the whole program, incentivizing the participation of businesses by awarding some restaurant highlight from the City accounts if they promote the program on their accounts, and simplification of the program in general so that the communications are clear. Additionally, staff believe the free parking concept is still viable; however, Sunday to Tuesday was not an optimal period. Customers stated this was confusing and wanted to know why the City did not make it easier to understand. Many businesses on Main Street are closed on Mondays and Tuesdays because these days typically generate less revenue, allowing them to use these days as a form of rest for their staff. While open businesses saw an increase in patronage on those days, there was a minor draw for people who otherwise would like to visit downtown, and fewer options will impact patronage.

She stated that staff believes Council should consider implementing a simple, easy-to-market incentive for the off-season. She had suggested Towny Tuesdays, which the staff rejected, stating that Sundays were too slow. However, for free weekends, businesses are open, and it is easy to remember and communicate. Free weekdays during the off-season primarily benefit construction workers, who are often present for a 9-to 10-hour shift and bring heavier equipment into parking lots, causing more wear and tear. During the pilot period, Saturdays were a lighter day, which staff believed was due to the shifting of folks to go down Sundays instead. It will likely make a better financial partner with Sundays, and scaling it down to just two days instead of three days would also help reduce the economic impact on City revenue.

In reviewing the financial impact of free weekend parking for the upcoming summer season, which currently runs in Code from June 16th – August 15th, the City made a little under \$209,000 in 2024 with reduced rate parking, keeping peak rates, removing weekend revenue, and estimating a more conservative increase on days when the City is charging to reflect experience. It is estimated to be just under \$249,000 during the corresponding period in 2025, about a \$40,000 increase. Due to Council break in April, staff are asking for Council direction this evening in how they would like to move forward with any changes in parking incentives over the summer months. This would give staff the ability to have a first reading on March 24th, a second reading on April 28th when Council returns after the election, and then seven full weeks to prepare and market the new program in hopes that the summer program would be more successful than the winter program was. Staff recommends piloting free weekends through the summer to get additional data before deciding on a permanent program. This would allow for a comparison regarding anticipated increases or decreases in revenue as well as provide an opportunity for

the Parking Advisory Committee to become established and weigh in on any changes to the potential permanent program prior to Council's final decision.

The Deputy Mayor opened the table to Council comment.

Mr. Suchanec inquired whether any costs were associated with the revenue projections provided by staff and whether there would be a reduction of the expenses due to ambassadors not manning the lots or streets.

Ms. Bensley clarified that staff would be scheduled as they would still cite fire lanes, handicapped spaces, and other offenses. The only thing they would not cite would be unpaid and expired meter parking.

Mr. Suchanec was interested in using a simple method for this program and asked Ms. Bensley what that would be.

Ms. Bensley stated that this would be to offer free weekends in the summer.

Mr. Suchanec agreed with this idea but believed offering this program from June 16th to August 15th would be confusing to residents. He thought it should be provided only through July and August to remain simplistic and easy to understand. He believed a potential idea to investigate could be offering free parking on weekdays from 9 p.m. to 9 a.m., Sundays free year-round, and Saturdays free off-peak. He wanted to see a cost-benefit feasibility study rather than an estimation.

Ms. Bensley clarified that staff were specifically seeking direction regarding the summer months. The next part of this presentation aligns with the more extensive parking discussion requested by Council. Staff are implementing the ideas Council provided, along with the associated fiscal impact, as discussed during that meeting. This is a time-sensitive initiative because if a decision is not made on this topic tonight, staff will not have anything to pilot in the summer, and the rates will remain at the reduced levels offered in previous summers. However, she would need the Council's decision tonight to codify any test the Council wants to run.

Mr. Suchanec supported the idea of offering free parking on Saturdays & Sundays.

Ms. Ford believed input from residents needed to be solicited as much as input from businesses, as they are the people that the City is trying to encourage to come downtown. She suggested surveying the residents to get their feedback on what they would like to see. She believed free weekends during the summer made sense but agreed with Mr. Suchanec in simplifying the period to include August and July.

Ms. Bensley stated that allowing free weekends during the entirety of August would mean the loss of some of the City's highest revenue weekends, including move-in weekends. This loss would have a significantly more substantial fiscal impact than what this presentation shared.

Ms. Ford understood but believed it would be easier for the public to understand if offered through July and August.

Mr. Lawhorn believed a hasty execution could cause some of this confusion. He noted that part of what the City wants to do through this initiative is to encourage residents to come downtown, but many people who have lived there for years will not do so, citing that parking is a mess. He believed the public perception needed to be changed. He noted that there are many items suggested by the Parking Subcommittee that still need to be addressed, but this can be discussed further in the upcoming Council conversation. He supported free weekends but hesitated to offer this program through the end of August due to the loss of revenue on Move-In Weekend. However, he understood the simplicity of doing so. He asked if Ms. Bensley had specific statistics on the revenue generated during move-in weekend.

Ms. Bensley stated that, although she did not have the numbers on hand, move-in weekend is generally one of the top three highest revenue weekends of the year. This specific formulation of the period offers free parking due to Alumni Weekend at the beginning of June and Move-In Weekend at the end of August. Both weekends are when the City generates some of its highest revenue of the year.

Mr. Lawhorn noted he would only be concerned about the City's budget as it has been approved, expecting the revenue to be accrued from those weekends. They must consider what will happen if the revenue from those weekends is not collected. He believed it would be beneficial to discuss this now, ahead of the 2026 budget process. He requested an estimate of the revenue that would be lost if free parking was offered on those weekends.

Courtney Mulvanity, Parking Supervisor, explained that the City generates approximately \$125,000 per month during the summer, which will be affected by the days chosen. On any given day, the Parking Division generates anywhere from \$8,000 to \$12,000, depending on the weather conditions.

Ms. Bensley clarified that it would be for each day of the weekend.

Mr. Lawhorn estimated that would be around \$50,000 - \$100,000 for the weekends. He believed Council would need to figure out where that extra money would come from, such as pulling it from reserves.

Mr. Coleman stated that multiple restaurateurs have told him their limit on the busiest weekends is based on the number of people who can sit at tables. Doing that may not help businesses if they cannot attract more people to the door and get them seated.

Mr. Lawhorn stated that this would effectively give away free parking and give up that revenue for nothing. Free parking would not harm the restaurants, but this discussion aims to determine whether the City should absorb that cost so that the other weekends are more straightforward to market.

Ms. Bensley stated that for Move-In Weekend, the City wants the continued turnover that comes with a parking payment simply because people will sit and park at one location all day to help move in a student. This will not benefit the businesses as a parking spot that their customer can use is taken by someone else who is not patronizing their business. While she understood the desire for simplicity, there are other problematic effects that free parking on that weekend could cause besides revenue loss.

Mr. Lawhorn appreciated the simplicity but did not believe it was worth the revenue loss. He thought this could be discussed again in the 2026 budget if Council wants to pursue it.

Ms. Bensley stated that this will need to be brought back as an ordinance so that staff can return with those numbers and the Council can review them before making the final decision.

Mr. Lawhorn believed that offering free parking on weekends after Alumni Weekend, up until Move-In Weekend, was reasonable.

Ms. Creecy concurred with Mr. Lawhorn. She wondered if flyers could be distributed to residents to provide them with more information about the program, as some residents do not use technology as their primary source of information.

Ms. Bensley stated that multiple forms of communication can be used with more than six days' lead time.

Dr. Bancroft believed June 15th – August 15th was a reasonable time period.

Mr. McDermott agreed. He believed a negative article about downtown parking in The News Journal also affected the City's parking and trends during this period. He agreed with Mr. Lawhorn that allowing free parking on weekends throughout August might create a significant problem for the City. He supported the original dates proposed for this pilot.

Ms. Bensley noted those are the dates that are already codified for discounted parking.

Mr. Lawhorn asked for clarification on the current status of the discounted parking.

Ms. Bensley stated that full-price parking was offered on regular days, and free parking was offered in place of discounted parking on all seven days of the week. She continued onto the next item of her presentation, where staff wanted to get feedback from Council regarding how they would prefer to see their discussion integrated with the Parking Advisory Committee. City staff are in the process of scheduling the committee's initial meeting. Staff have received three responses out of the five individuals asked, which included 12 different options for meeting times. All three responses indicated that they could meet on two of those 12 dates. If one more person can attend any of those three dates, the committee will be able to meet the quorum and hold its initial meeting. However, part of the Parking Advisory Committee's charge overlaps with what Council has been asking to talk about. This has led staff to inquire whether they can hold a meeting with the committee on these dates and whether the Council would prefer the committee to have the discussion first and bring them a recommendation. Staff do not want to create a situation where Council is giving a set of input that is taking away from the Parking Advisory

Committee, as this was encountered during the discussion of parking rates. Staff wanted the Parking Advisory Committee to discuss this topic, but Council took ownership of that themselves and moved forward. This caused the committee members at that time to lose enthusiasm, as they were not meeting and did not have a tangible project to work on. Ms. Bensley was looking for feedback to see if the Council wanted to hear the committee's recommendations first if they are able to meet or if the Council wanted to discuss parking without hearing the committee's recommendations prior.

The Deputy Mayor opened the table to Council comment.

Ms. Creedy preferred having a discussion among Council to give the Parking Advisory Committee a directive.

Ms. Bensley stated staff would bring the committee the same kind of discussion they planned to get to Council on May 19th. This question pertains to more if Council want to hear their opinions as part of the discussion, or if Council want to have the discussion themselves, and other work can be determined for the Parking Advisory Committee. She explained the committee will not likely have an opinion to share with Council by May 19th as the first two meetings for the committee will serve as orientation. This means Council's discussion would have to take place in the summer if they wanted to include input from the Parking Advisory Committee.

Ms. Creedy stated she would rather Council have the discussion first on May 19th.

Dr. Bancroft believed this should be discussed by Council as soon as possible to adequately prepare for the summer.

Ms. Bensley clarified that the summer plans were a separate topic that was not included in the rest of this discussion.

Mr. McDermott noted this would be the discussion pertaining to a larger comprehensive plan for the City's parking future. This discussion is about whether Council wants to make the ultimate decision, or if they want to hear input from the committee beforehand. He noted that the committee's purpose is to formulate ideas as a working group and present them to Council. He noted Mr. Lawhorn is the only member on Council who has done thorough research on this topic, as he has reviewed the parking subcommittee notes. He believed the committee hosts representatives of the businesses, residents and community at large who will bring ideas to Council, who then can decide what ideas they want to move forward with implementing. This is the point behind the committee's existence.

Ms. Creedy agreed but noted that the committee members are not experts specifically in parking. Because of this, they may need a directive from the Council, which has ample experience in dealing with this issue.

The Deputy Mayor opened a poll for Council to determine which method they preferred.

Ms. Creedy favored Council having a discussion first and giving a directive to the committee.

Dr. Bancroft favored hearing the opinions of the Parking Advisory Committee first.

Mr. Lawhorn believed both points were valid. He believed Council has already been provided with and discussed multiple ideas, such as those in the parking subcommittee report. Some of those committee's recommendations have been followed while others have not. He knew there were ideas in the report that he wanted to see move forward, and he wanted to bring those ideas to a Council discussion. He believed parallel discussions between Council and the Parking Advisory Committee could help generate and improve the latter's process, to see what they agree on, what they disagree on, and what ideas they could bring to the table. He noted he wants to see the division improve their marketing efforts to investigate a potential parking garage and does not want to wait on another committee's recommendations before bringing those ideas to the table. He noted the discussion of parking will never cease among future Councils, so he preferred not to wait as this process will be forever ongoing. He noted different places such as STAR Campus and The Grove will be growing threats to Main Street, and he wanted to address this potential issue sooner rather than later.

Ms. Ford stated the summer plan was just agreed upon by Council. She believed the committee's purpose is to work on these issues, and Council has chosen their appointees because they are stakeholders with experience in the community. However, she believed it would be discouraging to not allow the committee the opportunity to provide their input before Council makes a decision. While she understood

that this issue has not moved in two years, she believed all of the input that Council can get would be beneficial. She supported allowing the committee to provide their opinions first before having the comprehensive parking discussion in the summer.

Mr. Suchanec stated that this was why he voted to form the committee in the first place. He wanted their input included in the discussion among Council.

Mr. McDermott understood Mr. Lawhorn's concerns. However, he believed the committee would only be wasting time if they were discussing different topics than Council, only for Council to move forward without getting their input. He favored allowing the committee to provide their input and then having the discussion in the summer. He wondered if the City could use their current public relations vendor to highlight and undo all of the current negative public perceptions about parking. This way, this piece will be handled by the time Council gets recommendations and a path forward.

Ms. Bensley stated that public relations is included in the scope of the municipal planning services contract previously approved by the Council. Staff can submit a potential scope of work to the three approved firms and then receive pricing estimates on what that would cost.

Mr. McDermott stated that this would be beneficial even if it just highlighted the parking lot locations, free parking days, and other such things. Information from the Parking Advisory Committee can then be incorporated into that public relations plan.

Ms. Bensley noted this question is contingent on being able to set up a time where the committee can meet with the provided dates, and the dates submitted run through the end of April. If they are unable to hold a meeting, staff will bring the discussion to Council and continue to move forward, but they wanted to give the Parking Advisory Committee an opportunity to be part of that discussion.

Mr. Suchanec asked why staff could not include a provision stating that the committee would meet at the same time every month.

Ms. Bensley responded she could do so, but a meeting cannot be held unless four members attend.

Mr. Suchanec believed staff should then pursue finding members that would be able to attend at those times, as he has heard from many people who want to be on the committee. He believed potential members of the committee should not take the role if they cannot meet the obligation of meeting at the same time every month.

Ms. Bensley stated that this will be one of the items on the kickoff meeting's agenda: picking a set day and time each month to hold a meeting. However, the committee needs to get together first to make that decision.

Dr. Bancroft believed some information from Council to the committee could motivate its members. He anticipated the discussion of a parking garage would arise again in this initiative.

The Deputy Mayor opened the floor to public comment.

Gilbert Nichols, District 1, believed an ideal situation would be for Council to form a group of three and share ideas with the Parking Advisory Committee. He noted he was unclear on what Council's specific parking wishes were while listening to this conversation, such as to support City finances or local businesses. He did not believe this was the right forum to have this discussion, and did not believe the Parking Advisory Committee would meet by themselves and determine what is important to discuss. He did not believe traction would be made until he had a face-to-face discussion about parking priorities. He noted the mention of keeping things simplistic, and stated that despite the hiring of public relations experts, the public will not pay attention unless it is simple to understand. He believed a face-to-face discussion firstly would be beneficial. Hence, the Parking Advisory Committee will know what Council wants to accomplish and refrain from bringing ideas to the table that Council is already aware of.

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

Mr. McDermott asked if Ms. Bensley received satisfactory directions from Council.

Ms. Bensley stated there was an even split among Councilmembers—Mr. Lawhorn, Dr. Bancroft, and Ms. Creecy believed Council should have the discussion first, while Ms. Ford, Mr. Suchanec, and Mr.

McDermott believed the Parking Advisory Committee should provide input first. Staff would follow the previous direction to bring it to Council.

Mr. Lawhorn suggested having a focused discussion on only marketing between Council to determine how they want to move forward. This will give Council a starting piece to work with. Then, they can wait to have the more extensive discussion about lot management, parking garages, and other topics of that nature until after the Parking Advisory Committee has a chance to establish their ideas and provide input.

Mr. McDermott agreed.

Mr. Suchanec suggested working with the committee to give them direction on their expectations in parallel to staff working on bringing the parking study to Council.

Ms. Bensley stated that staff should be able to follow Mr. McDermott's suggestion of reaching out to their awarded consultants and have that information ready when they decide on the final summer parking ordinance at the end of April. This will give Council an idea on what they would be looking at as a scope of work and the approximate budget. Then, Council can decide at that point along with the decision on free parking during the summer. If Council want staff to move forward with retaining an individual on the outside for specifically marketing downtown, that would enable staff to do so with the free parking and move those things at the same time while allowing the Parking Advisory Committee to provide input on other parking-related items.

There was a consensus among Council to move forward with this process.

14. 6-B. 2025 REVENUE STABILIZATION ADJUSTMENT (RSA) – FINANCE DIRECTOR (30 MINUTES)

1:42:40

Jill Hollander, Finance Director, explained the Revenue Stabilization Adjustment (RSA) is a component of the City's electric rate and must be reset effective March 15th to reflect the City's cost of electricity. The RSA comprises three main components: the wholesale price of power purchased, the cost of the past year's electric expenses, and the adjustment needed for the City to meet its budgeted operating margins. The RSA process is also used to allocate funds to other electric projects critical to the City's infrastructure. This year, staff request to retain \$730,000 not used in the 2024 operating budget for debt service payments for the second substation and transfer this amount to the substation reserve. Doing so will increase the reserve to \$4.6 million and will be used to offset the future cost of the new substation. The 2025 proposed RSA rate changes the existing rate of 1.741 cents to 1.79 cents per kilowatt hour. For an average household using 1,000 kilowatts per hour per month, this proposed change would be an increase of 3 tenths of 1%, which equates to 54 cents per month and 6.48 cents per year.

The Deputy Mayor opened the table to Council comment.

Mr. Lawhorn noted that in the past, the RSA was often a credit, but now it is an increase. The City is already living within an RSA increase, and the specific numbers were a smaller increase to that add-on for the RSA. He believed this is a positive credit to both the Finance and Electric Departments, and Newark residents are in an enviable position, as indicated by all the current issues going on with Delmarva Power. He commended the staff for these efforts.

Ms. Ford agreed with Mr. Lawhorn. She noted she often meets with senior citizens at the Newark Senior Center, some of whom are under Delmarva Power at Windy Hills. She showed her electric bill to these citizens to show them she paid \$88 for the last month, which is considered very reasonable. She believed the City's electric service was a bargain.

Mr. Suchanec noted that RSA adjustments often fluctuate between increasing and decreasing, and this is a period when they are increasing. He asked for clarification that if a resident consumes 1,000 kWh in a month, it will cost them about 50 cents more a month.

Ms. Hollander responded in the affirmative.

Dr. Bancroft concurred with Ms. Ford.

Mr. McDermott thanked Ms. Hollander for the presentation and welcomed her into her position as Finance Director.

There was no public comment.

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: THAT COUNCIL APPROVE THE 2025 RSA AND SUBSTATION RESERVE BUDGET TRANSFER AS RECOMMENDED BY STAFF IN THE FEBRUARY 28, 2025 RSA MEMO.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

15. 7. **FINANCIAL STATEMENT:** None

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

- A. Recommendation to Amend the Approved 2024-2025 Capital Improvement Program Budget for CIP K1203 – Old Paper Mill Road Park Improvements – Parks and Recreation Director (10 minutes)

1:48:40

Paula Ennis, Parks and Recreation Director, explained that this was initially approved in the 2023 - 2027 CIP program. The City has contracted Johnson, Miriam & Thompson (JMT) to provide planning, engineering, design, construction, management, and inspection services for various projects, including the Old Paper Mill Road Park improvement project. In Fall 2024, the City awarded the contract to Grass Busters and JMT to support the City during the construction phase by providing construction support services. An estimate for these services was inadvertently omitted in 2024 and only identified in January 2025. JMT has since provided a quote of \$68,724 to cover the necessary construction support services, which include monthly progress meetings, submittal reviews, and construction oversight. Staff are requesting a budget amendment of \$68,724 for the Old Paper Mill Road CIP project to be funded from the CIP hard surface improvements program. Approval of this budget amendment will allow the project to proceed smoothly with the necessary construction support.

There was no Council or public comment.

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT MAYOR AND COUNCIL APPROVE A BUDGET AMENDMENT TO THE APPROVED 2024-2028 CAPITAL IMPROVEMENT PROGRAM AS PRESENTED IN THE STAFF MEMO DATED FEBRUARY 24, 2025.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

17. 9. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None

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

- A. Request of VARS Property Managers for a Special Use Permit to Allow Grading in the Floodplain Affecting Area Greater Than 5,000 Square Feet at 1105 Elkton Road – Planning and Development Director ***(60 minutes for items 10A, 10B, 10C & 10D Combined)***
- B. Request of VARS Property Managers for a Special Use Permit to Allow a Retail Food Store Greater than 5,000 Square Feet at 1105 Elkton Road
- C. Request of VARS Property Managers for a Special Use Permit to Allow an Automobile Service Station at 1105 Elkton Road
- D. Request of VARS Property Managers for a Minor Subdivision of Approximately 5.87 +/- to Demolish the Existing Commercial Buildings and Construct an Approximately 5,585 square foot Retail Food Store with Gas Pumps at 1105 Elkton Road

1:51:40

Ms. Schiano noted that the LLC's name had changed, so it is now Otts Chapel Associates LLC. She read the Special Use Permit requests and subdivision into the record.

Ms. Bensley explained that this land use application for the property located at 1105 Elkton Road is for a minor subdivision to construct a convenience store with gas pumps and demolish the existing commercial buildings. As this project was submitted on November 9, 2022, it was reviewed under the BC Zoning Code before the new BC zoning requirements adopted by Council on February 13, 2023, specifically regarding gas stations. This parcel is located on the south corner of Elkton Road and Otts Chapel Road. The proposed plan conforms to the existing land use designation indicated in Comprehensive Development Plan V 2.0. 1105 Elkton Road is included in Planning Section E of the Comprehensive Development Plan, which currently designates commercial for most of the parcel and park/open space for a southwest portion of the lot along the West Branch Christina River.

She continued, consistent with the bicycle and pedestrian-friendly aspirations of Chapter 6, Transportation, of the Comprehensive Development Plan, the project proposes a sidewalk providing access from the site of the Elkton Road shared used path that is separated from motor vehicle traffic to give pedestrians and cyclists a better way to access the site. The existing zoning for this parcel is BC – General Business. The northeastern half of the property is fully developed and currently occupied by several commercial buildings associated with the former garden center that occupied the site and a surface parking lot. Trees mainly cover the southwestern half of the lot. In addition to the BC Zoning, nearly the entire site is located within the special flood hazard area zoning because it is within the FEMA 100-year floodplain.

Ms. Bensley noted that the proposed uses are permitted in BC with Special Use Permits. The proposed development has been determined to require three Special Use Permits to be approved by City Council. The convenience store with gas pumps has been determined to comprise two uses under the former Code: a retail food store greater than 5,000 square feet, and an automobile service station. Each of these uses and grading in the floodplain affecting an area greater than 5,000 square feet requires its own Special Use Permit. The developer has agreed to install an oil and water separator on the site as a condition of the Special Use Permit approvals for the automobile service station and grading in the floodplain. This separator's specifications and location will require approval from the Public Works & Water Resources (PWWR) Department during the review of the construction improvement plans. The proposed development required approval of a Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency (FEMA) with community concurrence from the City of Newark, New Castle County, and Cecil County. The CLOMR specifies the alterations required and conditions to be met to revise FEMA's 100-year flood map. If approved by City Council, the development would proceed with construction. However, no certificate of occupancy or completion will be issued until the conditions of the CLOMR are met, and FEMA has issued a final letter of map revision (LOMR). She noted that the applicant cannot receive a final LOMR until construction is completed, so the applicant cannot provide it to City Council for prior project consideration.

She continued by stating that the proposed development meets all requirements detailed in Chapter 27, Subdivisions, and Chapter 32, Zoning, with the Special Use Permits required. Regarding traffic, both Elkton Road and Otts Chapel Road are State roads. On November 3, 2022, DelDOT accepted a traffic impact study completed by JMT on January 23, 2019, and updated on November 3, 2022. Based on the size of the retail food store and the number of pumps proposed, the traffic study estimated that 5,532 daily trips would be generated by the development and prescribed certain items to be included in the site design. On March 23, 2023, DelDOT issued a letter of no objection to recordation for the proposed site plan. No objection to recordation does not constitute an endorsement of the project or authorize the commencement of any construction. Responsibility for the ultimate approval of the project rests with the City. The proposed retail food store requires 38 parking spaces, and 67 spaces are provided. Three of the provided spaces will be ADA spaces. There will be parking for eight bicycles located on site. In addition, your subdivision agreement outlines that seven spots will be made EV charger-ready at the time of construction. When or if the applicant can secure a third-party vendor to install Level 3 charging stations, those will be installed. A public meeting had been held by the applicant in the earlier stages of the project with the prior Councilmember for District 3, during the process for the initial annexation application.

Ms. Bensley stated that this project went to the Planning Commission on August 15, 2023, but there was a delay in bringing this proposal to Council due to the delays with FEMA. The Planning voted 5-0 to recommend City Council approve the minor subdivision and three Special Use Permits. Since the August 2023 Planning Commission meeting, changes to the plan were not permitted to move forward to Council until the applicant secured the CLOMR from FEMA. The applicant finally did so in December 2024. The applicant has satisfied all of the prior-to-Council conditions of approval, and those outstanding tasks have been addressed to staff satisfaction. The outstanding conditions of approval are required as part of the subdivision agreement. The subdivision plans referenced in the August 8, 2023, Planning & Development report submitted to Council were initially submitted on November 9, 2022. Three revisions were submitted through July 31, 2023. After the August 15, 2023 meeting, additional revisions were

submitted on January 15, 2025 and February 6, 2025 to address those required before City Council. Both staff and the Planning Commission recommend that Council issue approval for the minor subdivision and three Special Use Permits.

Shawn Tucker, Barnes & Thornburg, LLP, gave Council a presentation on the project.

(Presentation: [Attached here](#). The presentation spanned from 2:00:40 to 2:30:37.)

The Deputy Mayor opened the floor to public comment.

Ms. Schiano read two public comments into the record.

(Secretary's Note: The following public comments were received from:

- [Amelia Wyant, Sentinel Self Storage.](#)
- [Maurice Dawkins, President & Chief Executive Officer of American Spirit Federal Credit Union.](#)
- [Steve Hegedus, Professor of Electrical Computer Engineering for the Institute of Energy Conversion at the University of Delaware.](#)
- [Sheila O'Connell, Cobblefield Court.](#))

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

Dr. Bancroft stated Council advocates for the community and must weigh multiple costs and benefits of this project. They need to consider the impacts on residents, the tight economy, erratic management of natural resources, and the countries that provide oil to the United States. He advised the City to manage its resources well. Wawa is considered a top contender for this business type, and this store will be very convenient for commuters, but competition may struggle when this is developed. He believed this store would negatively affect property values. He noted a previous comment was that a minimum of EV chargers had to be bought for a single development, and some developers were not interested in purchasing any due to that medium. He hoped the market and capacity would support EV chargers in this location. He believed there was a risk of building in the floodplain, which may not improve flooding in nearby areas such as Persimmons Creek. He believed the Special Use Permit process helped Council judge these applications properly. He believed this project is counterproductive toward the City's need to incentivize reducing carbon emissions indicated within Chapters 12 and 27 of the Comprehensive Development Plan.

However, he believed this project has done much to meet the City's requirements and Council's preferences, including tree planting and bike racks. He believed the City's southern area will see increased bike traffic as the district is improved. He wanted the City to get out of the "fossil fuel zone" if possible. This project also helps to curb speeding, which is prevalent along Otts Chapel Road. He appreciated the inclusion of a water and oil separator as it will help to reduce the pollutants that could escape the property. However, he noted the amount of trash and crime generated by convenience stores. However, he did not expect the garbage generation to get much worse in this area with the addition of this site. He believed it is a good idea to encourage commerce within the City, and the City receives an electric customer, but they do not get any of those taxes. However, he cautioned about voting on specific projects simply to replace an existing but dilapidated property. He noted that the CLOMR does not endorse the project, and DelDOT's floodplain problem has not stopped it. He believed there would be a loss of ecological services due to the floodplain filling but welcomed the new jobs this establishment would bring.

Mr. Lawhorn stated he would miss the former business on this property but believed this project would improve the area. He noted that Council does not get to pick and choose what goes on each property. He noted that this property is in close proximity to another Wawa and asked why Wawa, as a business, will sometimes condense multiple of its locations in a single area.

Chris Hoffman, Wawa, stated that this follows the micro-market and will often provide convenience to drivers in both directions. For example, southbound drivers can quickly stop at the nearby Maryland store, but northbound drivers must take multiple turns to access it. This effort can be enough to curb drivers from going to the store. This location will provide a store for the northbound drivers that is less difficult to get in and out of.

Mr. Lawhorn appreciated the safety factor of this project, as Newark Charter High School is very close by, and the students will often cross the intersection to go to the nearby Wawa. He noted this often concerns him as the students are often in a rush and possibly distracted. He asked how the City can ensure this location is actively following up with its vendors to install EV charging stations.

Mr. Hoffman explained that the difficulty is due to Wawa's many partners trying to build a contiguous charging network. While they want to provide service to customers traveling on any road in any direction, they do not want to double or triple their investment in a specific corner. They also do not want to wait for a good opportunity for another one that may be a little better. Additionally, this site has been under development since 2020. It is long enough for any of these partners to tie themselves to Wawa on an investment to put these chargers in, which can well exceed \$1 million. It puts these partners in a spot where they must give up any opportunity. If a partner is working on this project, another opportunity could come up sooner that they do not want to miss by committing to it. It is difficult for these partners to commit until they have a better idea of when the location will open, as they want to implement their chargers as soon as possible.

Mr. Lawhorn asked if EV chargers are profitable for Wawa.

Mr. Hoffman responded in the affirmative. 200 out of Wawa's 1,100+ stores, with an average of 9 chargers per store. Wawa views this as a growth market they wish to be a part of, but the expense means that they rely on third-party vendors to provide that service for them.

Mr. Lawhorn stated that this issue is a "chicken-egg" situation where people will not buy electric cars because they need the infrastructure to support them. Still, businesses will not build the infrastructure because of the ratio of gas to electric cars. Council wonders how to reconcile this problem because only 1% of Delaware vehicles are electric. He wanted to know how the City can ensure this applicant follows through with their promise to build EV chargers.

Mr. Hoffman added that these partner companies want to build their network out, so it is hard to relay the exact process of how Wawa will follow up. However, a good number of factors within the project must be done to get the site approved. Once the partners are confident this store will open, they will be willing to commit to this location. He reiterated that it is hard to get a commitment until they can provide a projected opening date.

Mr. Tucker noted that the subdivision agreement explicitly states the developer agrees to install a minimum of seven electric EV-ready parking spaces at the time of construction, with level three EV charging stations to be installed at the site if and when a third-party vendor is engaged for installation. If the City cannot provide electric capacity for Level 3 EV charging stations at that time, the vendor submits building permit applications for the EV charging installation. The developer should not be required to install the EV charging stations until a third-party vendor has engaged and adequate electric capacity is available. He believed the City could provide electric capacity, so it would come down to the third party, which he assured Wawa is in negotiations with. He also believed the City has a method of enforcing this if they found out the applicant was acting in bad faith and not honoring that agreement.

Mr. Lawhorn stated that the applicant provided a lot of evidence that they are doing everything by City Code and the FEMA requirements that will improve the site. If there is a flood, they can change how this is done by lifting the site and building out the ponding area. He guessed it was probably dry most of the time.

Ms. Creedy asked when the applicant would take ownership of the property.

Mr. Tucker explained that once a plan is approved, it enters an appeal period known as a 60-day statute of repose. As long as no appeal is filed within that period, he estimated the ownership would be taken in mid-summer.

Ms. Creedy explained she had asked for communication purposes just to ensure the owner could be contacted in the event of any issues. She believed this would have been convenient for her during COVID. She was concerned about the City's carbon footprint. She asked how many partners could be utilized for the EV charging stations.

Mr. Tucker stated there are six total, but Wawa has indicated there are four with whom they have prearranged business agreements. If one denies, they start going down their list of vendors to determine who will provide the chargers. There are active negotiations with one of those vendors currently. He

stated there is extra parking on the site as well, so there is a possibility there may be more than seven charges.

Ms. Creedy asked if these 7 charging spaces would reduce the 30 spaces already present on the property.

Mr. Tucker stated they would be an addition. The code requires 38 parking spaces, but the applicant is providing 67.

Ms. Creedy believed it was positive to fill the floodplain and bring it up to the bar because if this Wawa moved to another location, that floodplain would still be covered. She believed the left turning lane was a great idea because she often gets frustrated with how many turns, she has to take to access Elkton Road Wawa when coming out of Lincoln Drive. She noted she was concerned about whether the City would have adequate electric capacity for these EV chargers.

Ms. Bensley noted that Electric Director Bhadresh Patel has indicated that the current capacity could accommodate the minimum of Level 3 EV charging spaces. Depending on how many more will be added, they will need to have a discussion to see if they are asking for the maximum Level 3 charger or a smaller Level 3 charger and determine how much the grid could accommodate

Ms. Creedy asked for clarification that 39 trees will be added as part of the project.

Mr. Tucker stated that the project includes 35 shade trees, 13 evergreens, 5 flowering trees, and other additional plantings, for a total of 57 trees and 99 shrubs.

Ms. Creedy noted the mention of a survey offered to the surrounding neighbors which only received positive feedback. She asked if the applicant had heard from any of those who submitted letters to Dr. Bancroft about the project.

Mr. Tucker responded in the negative; the applicant did not hear this feedback until tonight's hearing. He noted the applicant heard interest from the president of Academy Hills and had asked former Councilwoman Jen Wallace to keep the area within relatively close proximity. He noted one or two individuals who were a mile out were interested in participating in a working group for this project. He stated the applicant respected the individuals mentioned by Dr. Bancroft, and he would have shared information with them if they attended in person that evening. He gave the example of how Wawa representatives have shared to Council that there has not been a single incident with the gasoline tanks, as they are double-walled and brined to be able to detect any leaks immediately by setting off an alarm.

Ms. Ford believed it would be beneficial to ensure Mr. Patel is present when Council discusses any projects involving EV chargers. She believed the City needs an overall statement or policy from Mr. Patel explaining capacity. She asked what has changed since the previous Wawa project on 896 to allow the capacity of these charges, as it was stated during that project's hearing that there was not adequate capacity to power all of the EV chargers in that area.

Mr. Coleman explained that this project is on a different circuit than the 896 Wawa project. The 896 circuit is very limited, but there is capacity elsewhere to handle loads. This circuit should handle the load of these seven chargers just fine. Staff will have better data once these EV chargers are logged onto the system. Currently, they are using industry standards and will be able to discern what can be done once they have real data.

Ms. Ford noted that the Elkton Road bike route runs through this project and ends on Otts Chapel Road. She recalled plans to continue on that path beyond Otts Chapel Road.

Mr. Coleman stated that this bikeway is supposed to go to the Wawa at Fletchwood Road.

Ms. Ford stated she had already crossed over to the Wawa on Fletchwood Road. She asked how the plans to extend the bikeway with that location are being coordinated.

Mr. Coleman did not believe there would be any conflict. He asked if the bikeway currently ends at Otts Chapel Road.

Ms. Ford responded in the affirmative. She noted that it would run across Wawa's entrance; cars turning left will turn across the bike path.

Christopher Duke, Beckham-Morgan Group, noted there is an “on-the-road bike path that transitions to an off-alignment shared use path.” The shared use path will be continued along the site frontage. While something needs to pick it up on the other side, DelDOT did not require it.

Ms. Ford asked for clarification that there are no turning points across the shared-use path, but no cars are turning into the Wawa across that.

Mr. Duke explained that vehicles would cross over, but there is signage for bikes to stop and yield to vehicles turning in. The signage both tells the bikes to stop and warns them of the traffic. A pedestrian path leading to the store connects to the shared-use path fronting Elkton Road and the sidewalk fronting Otts Chapel Road.

Ms. Ford asked for clarification that the bikes would stop for the cars rather than cars stopping for bikes. So, the bikes are going, and they have straight, normally they would have right away, and you are suggesting that they would have to stop for the cars rather than the cars stopping for the bikes?

Mr. Duke stated DelDOT requires this.

Ms. Ford noted there are security patrols at the Wawa on 896, an area considered to be more problematic than this one. However, there will be cameras at this location, but not security controls.

Mr. Tucker stated that the cameras are part of the development agreement and run 24/7. The 24/7 operation helps to reduce loitering in the area. He was unsure if Wawa will have any established roaming security in the parking lot, other than the staff monitoring the location.

Mr. Suchanec noted he was first concerned about turning traffic off of Otts Chapel from the west. He asked if there were any statistics on the queueing time and if it should be considered a potential problem.

Mr. Duke explained that the study with DelDOT analyzed this for both level of service and queue length. The level of service at that time was C, which is considered healthy. While he could not remember the estimated time for the queue length, the turn lane is specifically designed to be that length so it can accommodate or exceed the number of queued vehicles. It also provides adequate distance to access the turn lane and slow down to a stop.

Mr. Suchanec noted that if a left-hand turn is made onto Apple Road from South Main Street, that turn lane can queue up into the traffic lane. He wondered if a similar situation was anticipated for this location.

Mr. Duke responded that this was anticipated, hence the long length of the turn lane. This is to block queue spillover, where the queued vehicles spill and block the adjacent turn lane. This turn lane is long enough to accommodate the number of anticipated vehicles and allow them to access the lane without it being blocked.

Mr. Suchanec believed this was a good feature and thanked the developer for including it. He noted he was a big advocate for not filling in floodplains. He asked where the new floodplain would be in comparison to the current floodplain.

Mr. Duke pointed out the current floodplain in the presentation, noting that it encompasses everything inside the selected area.

Mr. Suchanec asked if this could not be implemented without filling in the floodplain.

Mr. Duke believed nothing could be developed without filling in the floodplain.

Mr. Tucker noted that this is why there are many outdated structures that hug a floodplain, as nothing new can be built without raising the floodplain. This is a prevalent issue in New Castle County, as they cannot be developed without some significant variance.

Mr. Suchanec asked if the building would no longer be classified as within the floodplain with this project.

Mr. Tucker responded that it would not be, due to the elevation height.

Mr. Suchanec noted he previously opposed a resident putting a swimming pool in their backyard because it would be within the floodplain, and the resident had to go through many channels to satisfy FEMA to do that. He asked if the applicant was sure they complied with FEMA for this project.

Mr. Tucker noted that this has been compliant with FEMA after lengthy discussions between FEMA and Mr. Duke's firm. They had to be satisfied that, at the end of the day, the capacity of the floodplain would not be reduced. The site is being designed with the fill and this dry basin to make up for the exact amount of fill being put in. He noted that the applicant is not aware of any large flood that has occurred as it would have swept this away along with the vehicles. This is the risk of building within a floodplain.

Mr. Suchanec noted he would have voted no on this Special Use Permit due to his personal beliefs, but he would not be concerned if FEMA and the City are satisfied with this proposal. He asked if the same process is used to provide EV chargers and gas pumps.

Mr. Hoffman clarified that Wawa purchases the equipment and owns the gas pumps. They do not have to go through a third party. EV charging stations are much different as both the equipment and connecting to the grid are very expensive.

Mr. Suchanec asked if the charging station vendor could just as easily remove charging stations as they implemented them if the business is insufficient.

Mr. Hoffman did not believe this could happen.

Mr. Suchanec was concerned that this project controls everything about the location except the gas pumps. A third party could as easily take them out as they put them in, and the City cannot hold Wawa accountable for that.

Mr. Hoffman stated Wawa has 200 locations with EV charging stations, and they have never been taken back. These vendors are very interested in building out the network to allow individuals with electric vehicles the same convenience as gas-powered vehicles, where they can access a fueling station anywhere they go.

Mr. Suchanec noted his concern was if the City has to invest in upgrading its infrastructure to provide power to these seven charging stations because they believe it will get some revenue back, and then they do not stay. He hoped Council would realize that this was new ground, and it may be a challenge to provide power to these stations without knowing if they would permanently remain. He was pleased that this project had improved the pedestrian and bike crossing at the intersection of Otts Chapel Road. He asked for clarification that DelDOT is working with the applicant to change the timing of traffic lights to allow for pedestrians and bikes to safely cross that intersection.

Mr. Tucker responded in the affirmative.

Mr. Suchanec asked if there were any plans to continue the bike path to the nearby high school.

Mr. Coleman explained that this bike path stretches across the bridge and all the way to Fletchwood Road.

Mr. Suchanec understood, believing there would be heavy bike traffic in this area from high school students going back and forth. He reiterated his concern about what guarantees Wawa will have from the EV manufacturer that those chargers will remain.

Mr. Tucker noted that Wawa faces the same dilemma. At one time, they believed there would be a federal mandate, but now it is unsure if that will occur. He did not believe the General Assembly has changed their opinion on the State mandate. However, Wawa does not make their own EV charging stations – car manufacturers do. One would believe it would be within their best interest to provide these chargers, but that is beyond Wawa or the City's control. He noted they are trying to make the best out of this difficult situation and hoped technology would further evolve to mitigate this issue.

Mr. Suchanec believed the City's Code should be amended to prohibit developers or individuals from filling or building in a floodplain.

Mr. McDermott noted Council frequently discusses how they want more charging stations, but now they are concerned about their ability to supply the charging stations. He noted there was a recent

Senate hearing revolving around the concern that the State does not have enough power to feed its entirety anymore, and it may not be able to meet the EV charging station mandates previously passed. He noted he has been on Council for five years and has never seen DelDOT, in a project, state the traffic will be too much and not to permit it. He supported the project plans.

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR GRADING IN THE FLOODPLAIN IMPACTING GREATER THAN 5,000 SQUARE FEET AT 1105 ELKTON ROAD WITH CONDITIONS AS OUTLINED IN THE SUBDIVISION AGREEMENT INCLUDED IN THE MARCH 3, 2025 COUNCIL PACKET.

MOTION PASSED. VOTE: 5 to 1.

DR. BANCROFT VOTED NO FOR THE MOTION BECAUSE IT WILL ADVERSELY AFFECT THE HEALTH AND SAFETY OF RESIDENTS WORKING WITHIN THE CITY OF NEWARK AND THE BOUNDARIES WITHIN ONE MILE OF THE CITY OF NEWARK AND THE BOUNDARIES WITHIN THE STATE OF DELAWARE AND FOR THE RESIDENTS UP THE STREET IN MARYLAND WHICH ARE A BLOCK AWAY OVER AT THAT WAWA; IT WILL ALSO BE DETRIMENTAL AND INJURIOUS TO PROPERTY IMPROVEMENTS WITHIN THE CITY OF NEWARK BOUNDARIES AND WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; CONVENIENCE STORES DO CAUSE SOME TRASH, THERE IS A TON OF THEM AROUND, IT WILL PROBABLY KILL SOME OTHER STORE, AND HE DID NOT BELIEVE IT TO BE A GREAT IDEA TO BUILD IN THE FLOODPLAIN AND DESTROY ECOLOGICAL HABITAT; AND HE BELIEVED IT IS IN CONFLICT WITH THE COMPREHENSIVE DEVELOPMENT PLAN IF YOU LOOK AT THE GREEN SPACE ADVISORIES IN CHAPTERS 12 AND 27.

MR. LAWHORN 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. HE MADE THIS FINDING DUE TO THE REASONS OUTLINED IN THE AUGUST 8, 2023 PLANNING AND DEVELOPMENT DEPARTMENT REPORT.

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

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

MR. SUCHANEC 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.

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

Nay – Bancroft.

Absent – Clifton.

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE AUTOMOBILE SERVICE STATION AT 1105 ELKTON ROAD WITH THE CONDITIONS AS OUTLINED IN THE SUBDIVISION AGREEMENT INCLUDED IN THE MARCH 3, 2025 COUNCIL PACKET.

MOTION PASSED. VOTE: 5 to 1.

DR. BANCROFT VOTED NO FOR THE MOTION BECAUSE IT WILL BE ADVERSE TO THE HEALTH OF PEOPLE NEARBY AND WITHIN THE REST OF THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; WILL BE DETRIMENTAL TO THE WELFARE AND INJURIOUS TO THE PUBLIC AND PROPERTY PRICES; AND WILL BE IN CONFLICT WITH THE COMPREHENSIVE DEVELOPMENT PLAN.

MR. LAWHORN 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 WILL NOT BE IN CONFLICT WITH THE PURPOSES OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY. HE MADE THIS FINDING DUE TO THE REASONS OUTLINED IN THE AUGUST 8, 2023 PLANNING AND DEVELOPMENT DEPARTMENT REPORT.

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

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

MR. SUCHANEC 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.

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

Nay – Bancroft.

Absent – Clifton.

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE RETAIL STORE GREATER THAN 5,000 SQUARE FEET AT 1105 ELKTON ROAD WITH THE CONDITIONS AS OUTLINED IN THE SUBDIVISION AGREEMENT IN THE MARCH 3, 2025 COUNCIL PACKET.

MOTION PASSED. VOTE: 6 to 0.

DR. BANCROFT VOTED YES FOR THE MOTION DUE TO THE REASONS STATED IN THE PLANNING COMMISSION’S PACKET AND BECAUSE HE DID NOT BELIEVE IT WOULD CONFLICT WITH THE COMPREHENSIVE DEVELOPMENT PLAN.

MR. LAWHORN VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY DR. BANCROFT AND ALSO BECAUSE IT WOULD 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.

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

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

MR. SUCHANEC 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.

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

Nay – 0.

Absent – Clifton.

MOTION BY DR. BANCROFT, SECONDED BY MS. CREECY: THAT CITY COUNCIL APPROVE THE MINOR SUBDIVISION AT 1105 ELKTON ROAD AS SHOWN IN THE BECKER MORGAN GROUP’S CONVENIENCE STORE WITH GAS MINOR SUBDIVISION AND SPECIAL USE PERMITS PLAN DATED NOVEMBER 9, 2021 AND REVISED THROUGH FEBRUARY 4, 2025 AND INCLUDING THE SUBDIVISION ADVISORY COMMITTEE CONDITIONS AS OUTLINED IN HE ATTACHED SUBDIVISION AGREEMENT AND RESOLUTION.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Clifton.

19. Meeting adjourned at 10:30 p.m.

/jh

Tara Schiano
Director of Legislative Services
City Secretary