CITY OF NEWARK
DELAWARE

COUNCIL MEETING MINUTES

MARCH 17, 2025

Those present at 7:00 p.m.:

Presiding:	Mayor Jerry Clifton District 2, Corinth Ford District 3, Jay Bancroft District 4, Dwendolyn Creecy District 5, Jason Lawhorn Deputy Mayor, District 6, Travis McDermott
Absent:	District 1, John Suchanec
Staff Members:	City Manager Tom Coleman City Secretary Tara Schiano City Solicitor Paul Bilodeau Planning & Development Director Renee Bensley Planning & Development Deputy Director Jessica Ramos-Velasquez *(Virtual)* Deputy City Secretary Diana Reed Assistant City Manager – Personnel Devan Hardin Assistant City Manager – Operations *(Virtual)* Chief of Community Engagement Officer Jayme Gravell *(Virtual)* Parking Supervisor Courtney Mulvanity *(Virtual)*

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

2. SILENT MEDITATION & PLEDGE OF ALLEGIANCE

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

Mr. Clifton explained the procedures for the hybrid Microsoft Teams Meeting Platform. When beginning each item, the chair would call on the related staff member to present. Other than for land use applications, when their presentation was complete, he would call on each Council member on the dais for comment. 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.

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT ITEM 4B, AFFORDABLE HOUSING DISCUSSION, FROM THE PLANNING AND DEVELOPMENT DIRECTOR BE REMOVED FROM THE AGENDA.

MOTION PASSED. VOTE: 6 to 0.

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

3. <u>PUBLIC PRESENTATIONS (15-minute limit):</u>

A. General Assembly Update – Lobbyist

4:45

James DeChene of Blue Hen Strategies stated that multiple bills specific to Newark's interests have made some progress. HB-33, which would allow specific marijuana citations to be heard at Alderman's Court, was released from the Senate Committee last week and is on the March 18th Senate agenda. It is expected to pass. HB-34, the University of Delaware (UD) tax bill, was released from House Administration last week. It will be brought to the floor for a vote, but not this week. He understood that there is an ongoing conversation with UD to determine another path forward, but the City is still lobbying for this bill to pass through both the House and the Senate.

He continued by noting that three bills were included as part of a package of energy bills, but most of them do not relate to Newark. However, HB-61 would require any entity taking a vote at PJM to disclose their vote. While the City does not have a vote at PJM, the Delaware Municipal Electric Corporation does. The City will need to rely on DEMEC to navigate its way through that legislation. HB 48, which pertains to rezoning and redesignating certain areas as accessible spaces for individuals with disabilities, is being pursued by the League of Local Governments. Although it has been reintroduced, the bill has not undergone substantial changes since 2024. A bill related to PFAS and PFAS reporting is being introduced by the City of Wilmington delegation, which would be duplicative of actions Newark is already taking or has already taken. Newark will be responsible for providing comments or determining the path forward. These comments will be forwarded to the League of Local Governments and the Senate.

Mr. DeChene noted that the Delaware Economic and Financial Advisory Council (DEFAC) revised its current year fiscal revenue forecast by $27 million and its forecast for next year by $29 million at its meeting today. They have also revised their estimated personal income tax revenue for next year by $50 million. There are also downward revisions in the transportation trust fund. There were a few areas related to expenses and toll collection that fell short of expectations. As a takeaway, federal employees comprise less than 1.5% of the state's workforce, so their firings will not have a significant impact. However, any associated funding that comes in for other programming could affect surrounding industries that rely on federal funding. There will be a negative impact if that funding is withdrawn. DEFAC does not currently expect a recession, but all indicators are trending below what was anticipated at their October and December meetings.

Additionally, the Joint Finance Committee (JFC) is taking a more proactive approach to ensure that it hears any bills with fiscal notes, thereby prioritizing not only the contents of the bills but also the availability of funds to support any bills that are passed. Gov. Matt Meyer is expected to submit a series of "punch list items" he would like to see funded in different areas. This would allow JFC to avoid holding the budget hearings all over again and instead work from their existing document to plug in different numbers for programs more aligned with the governor's priorities. This is expected to come out later in March. Mr. DeChene clarified that he was unsure what other programs besides education are being prioritized by the governor for funding. He noted that it is currently unknown how much money will be allocated to the bond bill this year. He thanked Ms. Ford for making a public comment on behalf of HB-35 to the House Administration last week.

The Mayor opened the floor to council comments.

Ms. Ford asked if a revised version of SB-21 had come out this week.

Mr. DeChene stated it passed unanimously in the Senate and is now in the House Committee this week. He estimated it would be heard on the floor either Thursday, March 20th, or Tuesday, March 25th.

Ms. Ford asked if there were any substantial changes in the revised bill.

Mr. DeChene stated that there were enough substantial changes to make it into a substitute bill, based on feedback from both the plaintiff and defense sides. He was unsure of the details of what had been changed.

Ms. Ford noted that Rep. Ed Osienski had indicated he supported the original version of the bill. Still, Rep. Cyndie Romer was hesitant and needed to do more research before offering her support.

Mr. DeChene believed Rep. Romer is still researching the bill. He thought that the expectation is that legislators are aware of how important the corporate franchise is to the station, both from a reputational and fiscal perspective. He believed the bill was made in Delaware's best interests in keeping and maintaining that brand.

Ms. Ford inquired about the status of SB-5, a bill related to women's health and family planning.

Mr. DeChene stated that this bill had passed the Senate. He did not believe it would be heard in the House Administration this week.

Mr. Lawhorn noted that it is possible the Environmental Protection Agency (EPA) bill could be challenged in a lawsuit and result in the federal standards being lowered. He stressed that his concerns pertained to the fact that the City has to pay an exorbitant amount of money to comply with those regulations without any assistance. He asked if out would be beneficial to make a recommendation to the State for staged implementation.

Mr. Coleman stated that the City has many concerns with the bill as it is currently written. While it appears to create a State-level maximum containment level (MCL) for pleas, it lacks a basis and does not specify what is used to support that level. There are no specifics on sampling. The federal law has a reporting requirement for exceedances that is scheduled to take effect in 2027. This bill would bring it forward early enough so that everyone planning to have their treatment in place before the federal law goes into effect would now have to do duplicative reporting 12–13 months in advance. Newark already reports this in their consumer confidence report. He believed this would cause confusion and undermine trust in the water system, as it would give the public the impression that the City is engaging in dangerous activities with the system. While he believed this bill was well-intended, he was concerned it would cause mistrust in drinking water. This will ultimately leave consumers with the choice of bottled water, which is more expensive but perceived as a safer alternative due to this perception.

Mr. Lawhorn asked why this is a State bill and if it only serves as backup for the federal issue.

Mr. Coleman believed the synopsis correlated to getting the reporting ahead of time. However, it already does so through the Consumer Confidence Report, and many organizations use that data to integrate it into their reporting websites. The public can easily find this information through these means.

Mr. Lawhorn asked if the City is entirely against this bill.

Mr. Coleman believed the City needs a better understanding of this bill's goal. The League of Local Governments met with the Legislative Action Committee this morning, and their goal was to schedule a meeting with Senators Stephanie Hansen and Darius J. Brown to understand the bill's purpose before taking a firm stance against it. The Delaware Rural Water Association (DRWA) has submitted a list of concerns. The League of Local Governments will likely do the same, organizing a meeting to address this issue.

Dr. Bancroft asked what Mr. DeChene's projection was regarding revenue production being down by a few percentage points.

Mr. DeChene stated that the State is at approximately $6.8 billion, and revenue is down by $60 million. There will be additional DEFAC meetings in May and June, and the number introduced in June will serve as the basis for the final revenue package. When the budget is passed, the June number will be used as the 98% appropriation amount.

Dr. Bancroft believed that PJM outreach is essential to clarify the ongoing confusion, and there are multiple bills that require the City's outreach efforts. He believed the City needs to get a handle on local capacity and generation to pursue initiatives like renewable energy, community solar, and scale batteries to curb this issue. He stated HB-21 is the State's "Faustian bargain," and he hoped a solution would be found to keep the State stably funded. He asked Mr. DeChene to remain vigilant of the PFAS bill on behalf of the City and voiced his appreciation for his work.

Ms. Creecy noted the recent discussions about HB-34 and asked if the State is considering redirecting Newark into the payment-in-lieu-of-taxes (PILOT) program.

Mr. DeChene stated that Rep. Romer made it very clear that PILOT involvement is not an option in the House Administration Committee meeting. It was also made clear that the PILOT would not be an answer in the discussions of the PILOT task force. No other towns are interested in having this conversation due to a litany of concerns, such as the fact that there will be clear winners and losers in the existing version if distribution is reopened. He believed that there needs to be another new and different solution to this issue, beyond the PILOT program, as there does not seem to be a way forward in adding Newark as a fourth recipient of PILOT funding.

Ms. Creecy thanked Mr. DeChene for his work, noting that she had sent emails to support him in his lobbying efforts.

Mr. McDermott asked when the bond bill would be funded.

Mr. DeChene stated that the bond bill and grant-in-aid are funded after the budget is completed. There will be a week of budget hearings, followed by another week of bond bill committee meetings before the budget is completed.

Mr. McDermott inquired about what Newark received from the bond bill the previous year.

Mr. Coleman stated that Newark received $2 million, followed by additional funding through the Community Reinvestment Fund for specific projects, such as the rehabilitation of the Newark Historic Train Station. The City also received $2 million from the PILOT program, which was a difference from the previous $450,000. Over the last two to three years, the City has received at least $2 million in bond bill funding for individual projects.

Mr. McDermott stated that this was his concern after hearing that PILOT funding was likely to be no longer an option. He noted that there were supposed to be additional hearings but asked if those meetings would no longer take place.

Mr. DeChene stated that a task force was established for the PILOT program, not official hearings, but there will likely be no further meetings for the task force.

Mr. McDermott believed this was unfortunate because the State now subsidizes Wilmington, Georgetown, and Dover, so taxes only go to those three entities. Every entity pays for it in taxes, but only three receive them. He believed there were other solutions but was disappointed to hear that this initiative would likely not gain further traction.

Mr. DeChene reminded the City that it had previously received $2 million, which was funded by taxpayer dollars.

Mr. McDermott agreed but stated his concerns were related to the bond bill and money deficits.

Mr. Clifton stated he was on the PILOT task force along with Mr. Coleman. He noted the chair was not enthusiastic about Newark being included in the PILOT program, and other County seat mayors shared the same opinion. He said he would also likely not support taking money from another municipality if he were in that position. However, the City of Wilmington receives PILOT money, along with around $25 million from several other funding streams. The PILOT money is a small part of the total amount of money that the City of Wilmington receives from the State of Delaware.

Mr. DeChene agreed that funding has been given to the City of Wilmington in a piecemeal fashion. Additionally, Wilmington also receives funding for services that it no longer provides. This may cause frustration from other municipalities.

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: TO REMOVE ITEM 5-A-2 FROM THE AGENDA.

MOTION PASSED. VOTE: 6 to 0.

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

4. B. THE NEWARK PARTNERSHIP – ALI DEANGELIS

31:44

Ali DeAngelis, Program Director of The Newark Partnership (TNP), gave a presentation to City Council, providing updates on TNP initiatives and projects.

(Presentation: Attached here. The presentation spanned from 31:44 to 36:20.)

The Mayor opened the table to Council comment.

Dr. Bancroft supported the Knowing Newark efforts, as it is a positive way to boost community engagement.

Mr. Lawhorn stated that there have been many discussions about Main Street's long-term health, specifically in the context of The Grove and STAR Campus potentially growing into eventual competition. Due to this concern, he believed there should be efforts to focus on improving Main Street. He asked if TNP had already considered this.

Mr. Coleman stated that TNP is updating the Main Street strategic plan. There is a meeting with TNP on Tuesday, March 18th, to discuss this issue, the goal, and potential action items to achieve that goal. One item of focus is to quickly reset Main Street post-COVID, which TNP is already making efforts towards. He expected the City to receive good information from them soon.

Mr. Lawhorn expected this information to come through one of TNP's future presentations or as a separate agenda item to be discussed by Council.

Mr. Coleman responded in the affirmative.

Mr. Clifton believed Newark Night was one of the most significant events taking place within the city and voiced his disappointment that it no longer occurs. He suggested that TNP explore hosting that event going forward.

Ms. DeAngelis stated she shared Mr. Clifton's sentiment.

Mr. Clifton noted this is a shared opinion in missing Newark Night.

5. 1. FINANCIAL STATEMENT: None

6. 2. APPROVAL OF CONSENT AGENDA (1 minute):

A. Receipt of the February 4, 2025 Planning Commission Meeting Minutes
B. Receipt of the February 2025 Alderman's Report
C. Approval of the Polling Locations for the April 8, 2025 Regular Election

40:21

Ms. Schiano read the consent agenda into the record.

MOTION BY MR. LAWHORN, SECONDED BY DR. BANCROFT: THAT COUNCIL APPROVE THE CONSENT AGENDA.

MOTION PASSED. VOTE: 6 to 0.

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

Ms. Creecy asked why the Aetna Fire Hall on Thorn Lane is not the polling place for District 4, as it is incredibly close in comparison to the church that is being used instead.

Ms. Schiano explained that this approval occurred much later than usual due to difficulty receiving responses from some of the polling locations. She stated that staff could potentially revisit this in the future to investigate better options for polling places.

7. **3.** **RECOMMENDATIONS ON CONTRACTS & BIDS OVER CONSENT AGENDA LIMIT:** None

8 **4.** **SPECIAL DEPARTMENTAL REPORTS:**

A. 2025 Planning Commission Work Plan – Planning and Development Director (60 minutes)

42:17

Will Hurd, Planning Commission Chair, explained this is the adopted 2025 Planning Commission Work Plan. He clarified that all items up to Line 52 are items for which the Planning Commission is taking responsibility, and all items starting from Line 54 are items for which the Planning & Development Department will be responsible. He noted that this work plan is very similar to that of 2024 as many items did not make traction.

The Mayor opened the table to Council comment.

Ms. Ford inquired about the method of disseminating the resident survey.

Renee Bensley, Planning and Development Director, explained that the resident survey is usually sent out by mail. Previously, half of the City's households received the study, and when the survey was renewed five years later, the other half of the City's households received it. This pattern will continue following this year's revision of the survey.

Ms. Ford asked if this is due to the prohibitive costs of sending the survey out to the entire city.

Ms. Bensley responded that this is partially the reason. Another part is to obtain a representative sample of all districts, as certain districts are often overrepresented due to having a higher proportion of year-round permanent residents compared to those with a higher proportion of renters. She noted that District 4 is the most challenging district to obtain the full representative sample due to its high institutional University component. Staff typically aim to collect at least 100 surveys from each district, and if more than 100 are returned, 100 surveys are randomly selected to ensure each district provides an equal weight of feedback. If staff do not receive 100 surveys from a district, they are weighed by a multiplier to make them equal to 100.

Ms. Ford asked if Council would see the survey before it was sent to the residents.

Ms. Bensley stated this is not usually the procedure, as staff typically keeps relatively similar questions to compare the data year-over-year. Most questions pertain to residents' opinions on the services provided by the City, rather than City policies.

Ms. Ford asked when this period would come to an end.

Ms. Bensley stated staff are hoping to send the surveys out before the end of April.

Ms. Ford stated that Council can encourage residents to provide their feedback through their district newsletters.

Ms. Bensley stated that staff want to disperse the surveys before the move-out period to give student single-family home residents the opportunity to respond as well.

Ms. Ford noted that she attended a Planning Commission meeting for a proposed project that will not be going forward, and she observed that none of the Planning Commissioners had visited the residence or area impacted by the project, nor were they familiar with it. She did not want this to happen again.

Mr. Hurd asked if she suggested that the Planning Commission should speak with the neighboring residents before the meeting.

Ms. Ford believed the Planning Commissioners should be aware of the project's impacts on residents and the surrounding area. She stated one commissioner had made a comment that was rather dismissive of the homes residents have worked for all their lives, and she found it rather insulting. She asked the Planning Commission to be more sensitive when discussing these homes.

Mr. Hurd noted that the Planning Commission is limited in their decisions by what is on the public record as presented at the meeting. They can familiarize themselves with the area, but they cannot talk to the surrounding neighbors without it being included in some manner in the public record. If the applicant or residents do not include that information at the public meeting, the Planning Commission cannot consider it.

Ms. Ford stated the Planning Commission can consider information presented at a public hearing.

Mr. Hurd agreed, but if that information was not presented at the public hearing, the Planning Commission could not consider it. He reiterated that they can at least familiarize themselves with the area.

Mr. Lawhorn asked if Mr. Hurd could further explain the Unified Development Code, why the Planning Commission supports it, and how it relates to the Comprehensive Development Plan.

Mr. Hurd stated Planning Commissioner Alan Silverman is spearheading this idea. Mr. Silverman was concerned that information about development and zoning is scattered throughout the Code, making it challenging to locate specific details, such as allowable uses in each district. The Unified Development Code serves as a means to consolidate information that is scattered throughout the Code in a single location, making it easier for people to reference.

Ms. Bensley added that while all of the useful information is located within the Zoning chapter, much of the practical development information is spread out over various chapters. Often, when the City amends the Code, it does not always make changes in all the necessary areas, resulting in conflicts due to the numerous items scattered throughout. The Unified Development Code will enable the City to make changes in a single section, eliminating the need for multiple updates. Additionally, projects presented to Council will not risk missing essential items that must be included as part of the project.

Mr. Lawhorn requested clarification to confirm that it would simplify finding these items in the Code and reduce the administrative burden on staff.

Ms. Bensley responded in the affirmative, adding that it may also help reduce the number of submissions for a single project and assist the public in finding specific information within the Code.

Mr. Lawhorn requested clarification on whether this would involve a process of discussing the topic, its benefits, and the necessary resources to accomplish it.

Ms. Bensley stated that this year's plan only consists of defining the scope of work for the project and getting a price for it.

Mr. Lawhorn noted that he thinks very highly of Mr. Silverman, who served on the Planning Commission before taking his seat on Council and has a passion for this field. He noted he usually supports seriously evaluating Mr. Silverman's ideas for this reason.

Mr. Hurd stated that Mr. Silverman is valuable as Vice Chair because he thoroughly examines the details that the Planning Commission evaluates.

Ms. Creecy thanked Mr. Hurd for his work and believed the Unified Development Code was a great idea to pursue.

Dr. Bancroft thanked Mr. Hurd for the presentation and hoped he found his work fulfilling. He believed staff had a decent plan to move the idea of a Unified Development Code forward slowly. He noted the item about electric vehicles (EVs) and hoped they could be made transport-friendly by not focusing on a certain level of EV chargers. He appreciated the focus on energy initiatives. He believed the Unified Development Code would be helpful for public transparency.

Mr. Hurd stated that Mr. Silverman had some ideas regarding electric vehicles (EVs) due to his previous role in fire safety. While the easiest place to put them would be in parking under a building, that is also the most complex area to fight a fire. If an EV charger catches fire, and multiple of them are in the same place, it could significantly damage the structure. The Planning Commission's work involves evaluating all factors to determine where the City should locate EV charging stations, as well as where developments should be required to implement them as part of their projects.

Mr. McDermott inquired about the outreach process for the Comprehensive Development Plan review.

Ms. Bensley stated that staff are planning to bring on a consultant to assist with the project this year and are currently preparing a high-level scope of work to send to the three vendors approved in the recent contract for municipal planning services. Staff are aiming to release this in April. Once the remaining vendor, who has not yet signed the final agreement, does so, staff will send this out to all three vendors for their proposals. Staff originally asked during their initial pitches for the contract to present their ideas for Comprehensive Development Plan outreach. All had stated that they wanted to meet the October timeline for adoption and start outreach before the summer. The official kickoff of all public outreach events is planned for Newark Community Day. There will be outreach for multiple events throughout the fall, winter, and early spring as staff takes the feedback, drafts the chapters, and presents them to the Planning Commission and Council for review and adoption in October 2026.

Mr. Clifton suggested collecting survey feedback from 20% of the residents on a rotational basis every year, as residents' opinions change, making it easier to identify potential issues. This approach may also be more beneficial to the City's budget.

Ms. Bensley believed that the challenge is obtaining a representative sample from each district that is large enough to be statistically significant, which may potentially be more difficult for districts such as District 4 if staff were to follow Mr. Clifton's suggested route. This is why they favor 5-year intervals, as even districts with a smaller percentage of full-time residents can provide a statistically significant group of responses that carry the same weight and feedback as those from other districts.

Mr. Clifton stated that there is public knowledge that the revisions to the Comprehensive Development Plan are approaching. Still, they are often unaware of the plan's weight and significance, as well as the meaning of specific terms, such as "by-right use." He suggested that the weight, value, and importance of the Comprehensive Development Plan, along with its impact on development in the City, should be included as part of its advertising. He noted that all members of Council have had conversations with their neighbors about these dynamics in the planning process.

Ms. Bensley explained that her goal with this Comprehensive Development Plan is to create a plan and map that reflect not only what is currently within the City, but also what Council and the City envision for the future. Once this is accomplished, her goal is to have the State-mandated rezoning map that matches these items brought forward and adopted by Council, so it can be something that residents can stand behind and voice their wants and needs through the process. Then, when bringing forward a project that reflects future land use and the Zoning category it is assigned to, if all applicable Codes are followed, the applicant can then submit a plan that is right for that point. The following year and seven months will be spent refining this approach and presenting a final product that reflects the desires of Council, the City, and Its residents. She believed the City should not have to force people into Comprehensive Development Plan amendments and rezoning so frequently, and the future land use and Zoning maps should reflect what the City wants to see.

Mr. Coleman stated that he is currently working on a memo discussing what was previously mentioned by Ms. Bensley. He stressed that this is incredibly important to affordable housing and the construction cost of new projects. Staff typically wait for a developer to bring a plan forward. In the theoretical example, if a private developer wanted to buy land from the New Ark United Church of Christ for development, they would sell it based on what the highest best use could be because there is no other BB in the area. BB has been selected for Main Street as the Central Business District, and if it is inappropriate for Main Street, staff need to reinvestigate the zoning to make it suitable, as this signifies a problem. If staff think BB is right, then it should not matter what the plan is because the zone indicates what is allowable for a piece of property. Main Street should be made BB if it is appropriate because it will eliminate the artificial scarcity made through this discretionary zoning process, which will drive up land prices and then, subsequently, construction costs.

Additionally, he believed a discretionary approach also means applicants will be less likely to take risks to bring their projects forward. He noted the costs developers face to bring a project to Council for discretionary approval, and there are also carrying costs associated with the debt they must hold, as they generally have already purchased or are in agreement to purchase the property. Taking 18 months to get to Council for approval means that they will accrue more money in interest-carrying costs on that project, and they may get to that point only for Council to say no because it is a use that they could have been told 18 months previously. The previous Wawa project's applicant brought in 13 representatives due to the high risks associated with that project, which indicates the significant amount of money invested in the project. He believed the earlier the City could do away with discretionary approvals and get more of those things out of the way, like rezoning Main Street to an appropriate zone, the lower the burden will be, the lower the stakes will be for these meetings, and the better the projects coming forward will be.

Ms. Bensley stated she also wishes to better align the density categories within the Zoning Code as part of this process with the Comprehensive Development Plan. She explained that a property with 11 units or fewer is considered residential low-density, while units with more than 11 units are regarded as residential high-density. She believed this is a low threshold to divide by. She stated that this also does not have a nexus with the existing densities allowed by the Zoning Code, so the City should select divisions where zoning categories overlap to prevent additional uncertainty. She provided the example of how RM projects could fall into either low-density or high-density categories, depending on the number of units, which creates a discretionary request with a Comprehensive Development Plan amendment, even if the zoning is correct. She believed that having the Comprehensive Development Plan better align with the Zoning Code, and both items reflecting the vision of Council, the City, and its residents, will further help projects move forward.

Mr. Clifton noted he never fully understood the underlying zoning on UN-zoned properties and would prefer to see it go away as if the University sells property back to the City, he believed the public body should have the authority to determine what goes on that property as the surrounding properties may have changed in the time since the University first acquired the parcel.

Ms. Bensley stated that UN-zoned properties are specific to UD-owned properties, and once UD no longer owns a property, it can no longer be zoned UN. Removing underlying zoning creates a situation where a property can potentially become an orphan parcel with no zoning if Council does not like the buyer’s proposed project for that property and votes it down. Underlying zoning reverts the zoning to what it was before UD acquired it, regardless of whether that is what Council wants it to be. She noted that many parcels within the City are historically zoned in a way that is no longer congruent to the surrounding developments. However, Council will still know what to expect, as they are aware that the parcel was zoned before UD acquired it.

Mr. Clifton stated that it is Council’s purview to review and deny requests for zoning changes and annexations. He did not view this case differently than other situations of rezoning and annexation.

Ms. Bensley stated that if Council denies the annexation, it will still be zoned as it was in New Castle County. If they reject the rezoning, it will remain in the same zone as before and retain the corresponding guidelines. However, if it is zoned UN, it conflicts with the zoning, as a privately owned property cannot be zoned UN, which poses a significant problem.

Mr. Hurd believed there could be a mechanism to revise the underlying Zoning of UN parcels, so they fit the character of the surrounding neighborhood.

Mr. Clifton would be agreeable to this if the character of the surrounding neighborhood had undergone significant changes.

Mr. Hurd stated that any project seeking to change its use must come forward with a Comprehensive Development Plan amendment due to the fractured future land use map, which means the intention of the Comprehensive Development Plan in that area is being interpreted. Redoing the Comprehensive Development Plan now involves a judgment call on whether some of that fracture can be removed. A clear, Comprehensive Development Plan that reflects the City and Council’s vision can mitigate the issues related to a discretionary hearing.

Mr. Clifton supported this idea and appreciated the staff and the Planning Commission for being willing to make these efforts.

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

Ms. Ford believed that the residents do not have enough input or understanding of the Comprehensive Development Plan's impact, which she believed should be changed. She noted Mr. Coleman’s comments about trying to be reasonable and lowering construction costs, but believed these were issues that the developer should handle. She did not believe it is the City’s responsibility to mitigate any problems if the developers have overextended themselves.

Mr. Hurd stated that an initiative being pursued in the discussion of affordable housing is to make it easier for small developers to do work. Small developers are less likely to pay significant, prohibitive costs for small projects. The Unified Development Code will help address this problem because it outlines the details a small developer needs to know when working on a project, and it is not a secret known only to more prominent developers. This will make it easier for small developers to undertake work with smaller funding than more prominent developers at a significantly lower cost. He believed micro-development is where the City needs to make more traction in the discussion of affordable housing.

Ms. Creecy believed it would be more beneficial to digitally send the surveys to District 4 residents, such as via text message because many young District 4 residents prefer to communicate through technology rather than paper.

Ms. Bensley stated that staff are looking to include a QR code on the mailed surveys so individuals can scan and answer it online. However, staff do not want to exclude other people from answering the survey, such as if there are multiple residents in one house and only one person gets the message. The paper survey with a QR Code allows any resident aged 18 and above in the house the ability to respond.

Ms. Creecy stated that younger generations are more likely to respond to a text message than scan a QR code on a piece of paper. She believed that sending out surveys via text would help increase responses in District 4, along with broadcasting information about the study on the City's television station.

Ms. Bensley stated that broadcasting it through the City newsletter or Channel 22 could potentially interfere with the sample being taken for the survey, as staff are sending the surveys to a specific group of households.

Mr. Lawhorn believed the difficulty of this has been understated, as there are many conflicting factors in the process and compromises that must be made. He noted that it took him two years after taking his seat on Council to understand the Comprehensive Development Plan and its associated processes fully. He believed that staff and Council should use this understanding to incorporate public feedback and determine where it can fit into this process. He noted that some individuals do not want the City to change at all, but development is necessary for a city to thrive. He believed this Council and staff did a great job in transforming the BB zoning district and it was a significant improvement. He believed future initiatives in this process would resemble the City's change to the BB zoning district.

Ms. Bensley stated that the outreach methods for the Comprehensive Development Plan would be significantly different and more universal than those of the resident survey.

Mr. Lawhorn stated that there is a lot of compromise and conflict in this process. Council historically does not favor just-by-right projects, as they genuinely want to have control and approve projects that fit their vision for the community. He believed having a clear and concise way to communicate would be very beneficial. He acknowledged the challenges ahead but supported the goals of the Planning and Development Department.

9. 5. <u>ITEMS SUBMITTED FOR PUBLISHED AGENDA:</u>

A. Council Members:

1. Proposal to add Veteran's Day as a City Holiday – Mayor Clifton (15 minutes)

1:25:10

Mr. Clifton believed this should have been recognized for a long time. He commented that he had worked for the late Command Sergeant Major John Conway, father of City employee Brad Conway, whom he considered a great leader and a great human being. He noted that the City Manager had conducted research to find that Newark is one of only two municipalities that does not observe Veterans Day as a City holiday, and he asked for Council's support in adding this to the City's calendar to honor the veterans on the City's staff and Council.

Mr. Coleman clarified that there is currently an error in the City Code, which states that the City allows 13 paid holidays, when in actuality, it should be 12. If Council wants to allow Veterans Day as a City holiday, the Code will not need to be changed. However, if they choose against it, the Code will have to be changed to reflect 12 holidays.

The Mayor opened the table to Council comment.

Mr. McDermott believed this is a standard across most government entities and supported the change.

Ms. Creecy believed this is an overdue change that should be made in honor of Delaware's veterans and her father who served in the Army.

Dr. Bancroft believed Council should take this into budgetary consideration, knowing that it would subtract hours of productivity from City services. However, this impact can be further discussed during the time of budget discussion. He believed this is reasonable but noted that Memorial Day already honors the soldiers of the United States. He also liked the idea of offering a floating holiday instead. However, he supported honoring Delaware's veterans and did not oppose allowing this change.

Mr. Clifton pointed out that Memorial Day celebrates deceased soldiers who were killed in action, while Veterans Day honors any person who has honorably served in the military.

Mr. Lawhorn noted that, with 13 holidays, the City still offers fewer paid holidays compared to the State and New Castle County. He supported this change, wanting to ensure that those who enlist or are already serving are appropriately acknowledged and honored.

Ms. Ford supported this change.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL DESIGNATE VETERAN'S DAY AS AN OFFICIAL CITY PAID HOLIDAY.

MOTION PASSED. VOTE: 6 to 0.

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

10. A-B-3. <u>CONSIDERATION OF RANK CHOICE VOTING – COUNCILMAN BANCROFT (15 MINUTES)</u>
1:32:40

Dr. Bancroft noted a brief Council discussion about rank-choice voting in December. He stated this is an idea that has existed for many years and is now present in 88 municipalities across the country. He explained that with elections featuring more than two candidates, voters rank them on their ballots. This addresses the issue of not being able to fully support a single candidate and a third candidate in an election, potentially siphoning votes from a specific side. He encouraged Council to research this idea further on the Internet, noting that multiple politicians and representatives across the country support ranked-choice voting. His goal in presenting this idea was to initiate the process of creating a code to enable rank-choice voting, noting that the Election Board has stated the cost of doing so may not be prohibitively high. He believed that any cost incurred in implementing this system would pay off in the long run.

The Mayor opened the table to Council comment.

Mr. Lawhorn stated that this idea was discussed by Council five years ago. He found it interesting and worth investigating. However, he explained that Council chose not to pursue the idea further in the past to the belief that it would not significantly affect Newark's elections, given general issues with voter turnout and interest in candidacy. He noted that data show voter turnout in districts with ranked-choice voting is lower than in those without. He believed this was an interesting idea and could be helpful, but he did not want to increase the staff's administrative burden, as they were already handling multiple projects simultaneously. He was unsure of the costs, but he was more concerned about educating the public on the idea and how to participate in it. He currently did not want staff spending time on this.

Mr. Clifton clarified that this would be the work of the Board of Elections and the City Secretary's Office staff, not the Planning and Development Department.

Ms. Ford was open to considering the idea. She was previously under the impression that the Board of Elections would conduct a study and provide a report to Council, which she preferred to see before making a final decision. She noted she has great respect for Maine, which has adopted rank-choice voting. She believed the idea would impact the upcoming election, as well as the previous Mayoral special election, which had multiple candidates. While she hesitated to disrupt the election apparatus, she believed it is clear that the current election system is not serving Newark as well as it should. She noted, as well as the previous Mayoral special election, that she would conduct her own research in the meantime before reviewing a more detailed study.

Mr. McDermott did not have a problem with ranked-choice voting and noted that he had attended two webinars on the topic before. He stated there are multiple advantages and disadvantages to the idea. He would prefer to see how many previous elections in the City would have been impacted by rank-choice voting to determine if it would be worth pursuing. Additionally, it would cost $20,000 to change the voting machines to reflect rank-choice voting, as City elections currently utilize the state's voting machines and are programmed for traditional polls. He wanted to see how many elections would be impacted by rank-choice voting and whether it would be worth $20,000 before fully pursuing it.

Ms. Creecy concurred with Mr. McDermott. She stated that this is a "take it or leave it" situation, where the expense, voter education, and prohibition of activity due to State law need to be weighed against the encouragement of civil campaigning, the elimination of the need for multiple elections, and the determination of the strongest opponent. She wanted to see more data on how it would pertain to and benefit the City of Newark.

Mr. Clifton noted that there were many valid points being raised in favor of ranked-choice voting. He noted that the State of Vermont prides itself on being very independent, as indicated by the fact that it has historically had both Democratic and Republican governors. He was interested in seeing any rank-choice voting studies conducted in Vermont. He noted that multiple City elections would have been impacted by rank-choice voting, such as Former Mayor Polly Sierer's election with seven candidates, his previous special election with four candidates, and John Farrell's District 1 election with four candidates. He would be open to asking the City Secretary and the Board of Elections to provide them with quantifiable data on how rank-choice voting has fared in different municipalities.

The Mayor opened the floor to public comment.

AJ Panichon, District 1, agreed with Dr. Bancroft and believed rank choice voting would be a good idea to pursue. He found it annoying to pick one candidate over the other and felt more choices would be better than less. While it would cost money, he believed it would provide more incentive for the public to vote if they knew that, even if their top candidate did not win, they could still move up in the count. He thanked him for his presentation.

Sheila O'Connell, Cobblefield Court, voiced her support for this idea. She noted that she has experienced it in the past, and it helps voters feel more attuned to who they are voting for, while also seeing more diversity in the results.

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

Ms. Schiano stated she would gather the requested information on previous elections and consult with the Board of Elections. She was unsure if the board had voted on whether they wished to research that, and if there was no consensus from the board to pursue the idea, she would work exclusively to gather the information and follow up with the Department of Elections to see what they could provide.

MOTION BY DR. BANCROFT, SECONDED BY FORD: THAT COUNCIL DIRECT STAFF TO WORK WITH THE ELECTION BOARD TO WORK ON A PROPOSAL THAT MIGHT IMPLEMENT RANK CHOICE VOTING DOWN THE LINE.

MOTION PASSED. VOTE: 5 to 1.

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

Ms. Schiano stated Council could expect this data as soon as the current election is over.

11. A-B-4. CONSIDERATION OF PLACING A MORATORIUM ON LEGISLATION TO PERMIT ACCESSORY DWELLING UNITS (ADU'S) UNTIL THE REVIEW OF RENTAL PERMITS HAS BEEN COMPLETED AND THE DATA PRESENTED TO COUNCIL – COUNCILWOMAN FORD (15 MINUTES)

1:53:20

Ms. Ford noted that the City was about to engage in a great discussion about possible rezoning, inclusions, and changes to the overall Zoning Code. She noted for many of these initiatives, Council often lacks hard statistical data to reference. She, Mr. McDermott, and Mr. Suchanec have all asked for specific data on the number of rental permits within the city's residential areas. She believed this data is imperative to know when making future zoning changes. She proposed that the City not consider any legislation to allow Accessory Dwelling Units (ADUs) until staff has completed its study of the current number of rental permits in residential zones.

The Mayor opened the table to Council comment.

Mr. Lawhorn asked what the specific request is for this proposal.

Ms. Ford stated that the specific request is to get the report containing data on the number of rental permits in residential zones before any discussion or proposed legislation on ADUs.

Mr. Lawhorn did not oppose this request. He believed the City has the rental permit data, but not the data on rental houses without permits.

Mr. Coleman explained that the City is missing a little bit of both. They have been conducting an audit by going from complex to complex and verifying what they need. There are some large complexes without rental permits that staff have been correcting along the way. The new part-time secretary in Code Enforcement has more than paid for her position in what she has found so far. With the transition to EPL, staff expect to have substantial data soon.

Ms. Bensley noted one of the requests to the City's new consultants in the municipal planning contract is to "take the ball and run with it" on what staff have accomplished so far regarding the rental and business license audits. Staff would automatically bill for a permit every year unless the holder specifically called and requested to cancel the license, and at times, that has gone unpaid. These are rental licenses on the books that are not being utilized or being paid. Then, there are houses that the City has reason to believe may be rentals without a license, and staff would like to conduct outreach to get those rentals on the books. While the City may have several rental permits on file, some of these may not be currently in use, and there may be individuals without rental licenses who are not registered in the system.

Mr. Lawhorn asked what the timeline would be before the City could get to that.

Ms. Bensley noted that when the vendors considered for the municipal planning contract presented to staff, some of them were given the option to select another project from the list in the RFP, besides the Comprehensive Development Plan update. Two of these selected the rental and business license audit, which put it within a six-month window to complete all the research requested. Staff are currently finalizing a scope of work to be sent to vendors once all contracts have been signed, in order to obtain pricing. She would estimate this would take around 8 months.

Mr. Lawhorn asked if voting in support of this proposal would disrupt any of the staff's plans, or if it would strictly relate to ADUs.

Mr. Coleman stated that staff have been directed not to further work on ADUs, so there is no work that this proposal can disrupt.

Ms. Ford noted the suggested motion that appears in Council's packet is incorrect. She stated it is for the City not to consider any legislation to allow ADUs until such time the staff has completed its study of current residential rental permits and reported to Council. As indicated by Ms. Bensley, this would be approximately 8 months.

Mr. Lawhorn understood that this is only a vote to confirm what staff have already been directed to do.

Ms. Bensley stated that the only way staff would move to work on something of this nature would be if the State legislature were to mandate them to do so by bill.

Mr. Lawhorn noted he recently attended an affordable housing lunch with many State representatives. Many of them were lobbying for the State to mandate moving toward specific development and zoning initiatives without giving municipalities a choice, as there are many municipalities and local governments that would oppose some of these ideas.

Mr. McDermott found this unfortunate to hear, as the local government is meant to represent the interests of its community through the Comprehensive Development Plan and its vision for what the community should look like. The local government is meant to represent the community, so another larger entity without a significant stake in the city cannot dictate to them. He understood that the City would not be moving forward with the idea of ADUs, and he did not believe allowing them would be appropriate for Newark, given its college population. He supported this because he did not believe the issue would be returning to Council anyway.

Ms. Creecy did not support this proposal. She noted that moratoriums only temporarily prohibit something from taking place, and the State cannot be prohibited from making law. She did not understand the negative perception of ADUs, as they can also be used for affordable housing, and the City has many small areas where ADUs could help address the affordable housing issue. She noted that District 4 has a highly saturated rental market. Still, some homeowners want to pass their homes down to their children while remaining on the same property, thereby maintaining a sense of community. She did not support placing a temporary hold on something that may not hold water if the State mandates it down the line.

Dr. Bancroft agreed with Ms. Creecy. There are many rentals populated by people who live in conjunction with the University and get along with neighboring students. He believed this would be more of an issue in more affluent neighborhoods where residents do not have their peace disturbed. He noted that this is a housing problem, and this could be a way to solve that issue, as long as it is implemented in the right areas. However, he did not oppose placing this moratorium as staff would come back with their report. He hoped this report would be able to be easily accessed by the public. He believed searching for the "missing middle" is a key part of providing affordable housing. He noted that some easily accessible parts of the City's ordinances about this topic have been rendered unenforceable by the State. He said the difference between an ADU and an addition are regulations about what is defined as a "kitchen" in City Code. He appreciated the efforts of both Ms. Ford and Ms. Creecy.

Mr. Clifton noted Mr. Lawhorn's comments and believed the lobbying for these efforts is based on money and increasing density. He was displeased with the idea of the State usurping a home-rule government. He disagreed with multiple State legislators on this issue. He believed that the number of single-family rentals has likely increased substantially since the 1980s and 1990s. If he believed ADUs in Newark would follow the idea stated by Ms. Creecy, he would be more likely to agree with them. However, he has watched multiple residential areas become occupied primarily by students and believed this would instead be the case. He agreed with Dr. Bancroft that some codes are unenforceable, but there are parts of the City that are lowering in quality because of this. He believed that when the City loses a full-time resident to a temporary transitional resident, it also loses the fiber of this community. He believed that one part of the issue with filling the City's committees is that fewer residents are willing to do so. He believed this proposal was a wise decision.

The Mayor opened the floor to public comment.

Glenn Schmalhofer, District 2 & Former Vice President of the Newark Landlord Association of 20 years, believes this is a problem Newark has struggled with for a long time. He believed most of the students to be American. He disagrees with the belief that a resident has more rights than a student. He added that "we" are all in the same country, under the same Constitution. He again reiterated that the problem was the government and that landlords had nothing to do with it. He stated he has been to foreign countries, in hotels, big spring breaks and has witnessed no issues and stressed the issues are local to the states. He believed that is apparent from United States politics and what happens in this country. He believes the current president is trying to correct what has happened for decades. He said that when he attended the University of Delaware, he studied. He believed the foreign students renting his rental units would come to the university to study. He has no issue with them as renters across the board. He added that they take care of the minor maintenance. He believes the country's demise has been intentionally made and that should be addressed.

Opal Palmer, District 2, commented on Mr. Clifton's statement regarding the students being a degradation in the City of Newark. However, she believed UD to be a vital part of the City, and its students' presence within the City needs to be valued. She interpreted these comments as stating residential areas of the City are degraded by the presence of rental properties in those areas. She felt UD to be a vital and fundamental part of the City and if the students are removed from the City, UD will be also. She believed the City should have policies that welcome students instead of viewing them as a degradation to the City. She did not understand Council's separation of the City as a "city without students" and believed the City should embrace the students and view them as a vital part of the City.

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

Ms. Schiano clarified the full motion that should be stated for this vote.

Ms. Ford clarified this proposal only concerns getting the report and the data needed to move forward.

MOTION BY MS. FORD, SECONDED BY MR. MCDERMOTT: THAT THE CITY NOT CONSIDER ANY LEGISLATION TO ALLOW ADUS UNTIL SUCH TIME AS STAFF HAS COMPLETED ITS STUDY OF CURRENT RESIDENTIAL RENTAL PERMITS AND REPORTED ON SAME TO COUNCIL.

MOTION PASSED. VOTE: 5 to 1.

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

12. Meeting adjourned at 9:18 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh