

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

MARCH 24, 2025

Those present at 6:47 p.m.:

Presiding:	Mayor Jerry Clifton District 1, John Suchanec District 3, Jay Bancroft District 5, Jason Lawhorn
Absent:	District 2, Corinth Ford District 4, Dwendolyn Creecy Deputy Mayor, District 6, Travis McDermott
Staff Members:	City Manager Tom Coleman City Secretary Tara Schiano City Solicitor Paul Bilodeau Deputy City Secretary Diana Reed Assistant City Manager – Personnel Devan Hardin Assistant City Manager – Operations Jeff Martindale Parks & Recreation Director Paula Ennis <i>(Virtual)</i> Planning & Development Deputy Director Jessica Ramos-Velasquez Public Works & Water Resources Deputy Director Ethan Robinson <i>(Virtual)</i> Chief of Community Engagement Officer Jayme Gravell <i>(Virtual)</i> Chief of Police Mark Farrall Finance Director Jill Hollander Parking Supervisor Courtney Mulvanity <i>(Virtual)</i> Senior Planner Michael Fortner

1. Mr. Clifton called the meeting to order at 6:47 p.m.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) for the purpose of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.

MOTION BY MR. LAWHORN, SECONDED BY DR. BANCROFT: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 *DEL. C.* §10004 (B) (4) FOR THE PURPOSE OF STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY.

MOTION PASSED. VOTE 4 TO 0.

Aye – Clifton, Suchanec, Bancroft, Lawhorn.

Nay – 0.

Absent – Ford, Creecy, McDermott.

(Secretary's Note: Ms. Ford arrived at 6:52 p.m. Mr. McDermott arrived at 7 p.m.)

3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:02 p.m.

4. SILENT MEDITATION & PLEDGE OF ALLEGIANCE

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

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: TO REMOVE ITEM 6A FROM THE AGENDA.

MOTION PASSED. VOTE 6 TO 0.

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

Nay – 0.

Absent – Creecy.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: TO ADD ITEM 6B TO THE AGENDA.

MOTION PASSED. VOTE 6 TO 0.

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

Nay – 0.

Absent – Creecy.

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.

5. PRESENTATION OF VFW AWARDS FOR POLICE OFFICER, FIREFIGHTER, AND EMT OF THE YEAR

6:25

Mr. Clifton was excited about this presentation as he believed the city has the most incredible first responders. He announced Commander Jim Greenplate to present the awards.

Commander Jim Greenplate stated the Veterans of Foreign Wars of the U.S. has several annual programs to honor community members, such as the Voice of Democracy (a high school essay contest), Patriot's Pen (a junior high essay contest), Teacher of the Year, Girl Scout of the Year, and public safety awards for police officers, firefighters, and EMTs. He presented awards to Newark policeman Sgt. Gregory Micolucci, Fireman Ethan Revell, and EMT Ann Donato (who was not in attendance). Additionally, he

presented the VFW National Law Enforcement Award to Sgt. Micolucci for his highly professional and exemplary service to the nation. He stated Sgt. Micolucci is an exceptional example of all who wear the badge and reflect the proud ideals and high standards of the VFW. He remarked Sgt. Micolucci is the first Newark police officer to win this award in Delaware. Sgt. Micolucci will be considered for the national award.

Mr. Clifton thanked the VFW and the commander for recognizing the first responders. He clarified he is the chaplain at the VFW and was honored to recognize Sgt. Micolucci, whom he has known for the latter's entire career, at his final Council meeting. He thanked Sgt. Micolucci for his service to the City and hoped his work will be recognized at the national level. He thanked the EMTs, firefighters, and police officers for the job they do.

Mark Farrall, Chief of Police, explained Sgt. Micolucci received this award for initiating a 2020 investigation of a 1988 sexual assault of a minor. After countless interviews with witnesses and suspects, he was able to charge the offender, who was sentenced to 126 years in jail. Additionally, he noted that many police officers and first responders were in attendance and announced that they would take the opportunity to honor Mr. Clifton for his service. He presented Mr. Clifton with a plaque reading, "In grateful appreciation for your steadfast support of the Newark Police Department. Your leadership and dedication to public safety have made a lasting impact on our community." He thanked Mr. Clifton for all he has done for the City of Newark.

Mr. Clifton stated he would cherish this gift and noted he was biased towards the outstanding work done by the NPD. He stated that he was honored to work alongside and support the Newark police. He thanked the officers for their support and stated that he would still see them around town, even though he would no longer be on Council.

Ms. Schiano read a proclamation honoring Mayor Clifton into the record.

(Proclamation: [Attached here.](#))

Mr. Clifton noted that he has always acted in the best interest of the City and the community. He believed he would always be known as a pandemic mayor as he guided Newark through such a challenging time. He thanked his wife, children, and grandchildren for their support throughout his years of service. He believed the residents of Newark are the "luckiest people" due to the great City staff. He stated that he has worked with some of the most decent and honorable community public servants through his multiple terms on Council.

6. 1. **PUBLIC PRESENTATION: (15-minute limit):** None
7. 2. **ITEMS NOT ON PUBLISHED AGENDA**
 - A. Elected Officials who represent City of Newark residents or utility customers (2 minutes): None
8. 2-B. **UNIVERSITY**
 - (1) Administration (5 minutes per speaker) (10 minutes):

25:22

Caitlin Olsen, University of Delaware (UD) Administration, stated she would still speak with Mr. Clifton post-retirement. She noted that students are currently on spring break but will return this coming weekend. Classes resume on Monday, March 31st. She shared that the SPARC Symposium will take place on April 9th from 4 p.m. to 7 p.m. at the Tower at STAR Campus, where graduate students will have the opportunity to speak about science to the public. Additionally, the UD's Board of Trustees held a special meeting on March 18th, which can be viewed online along with the previous meetings. This meeting provided an update on the changing and challenging national landscape for higher education institutions, rising costs, and concerns about federal funding. Another board meeting will be held at 3 p.m. on May 13th.

Additionally, she shared UD has worked closely with the Delaware Department of Education in previous years to create new and sustainable pipelines for students to become trained K-12 educators that teach in Delaware. It is vital to ensure that these students stay with the university so they can explore the path to becoming educators. Recently, the UD College of Education collaborated with the Department of Education to award grants to high school students for a children's literature competition. The four different category winners were awarded four-year scholarships to study education at UD. The UD College of Health also works toward developing the workforce pipeline with its nursing, education, and social work students. UD is also working on various certification and non-degree programs for professionals

interested in teaching, offering hands-on experiences through field placements and implementing teacher residencies throughout the state. The UD Center for Excellence in Equity and Teacher Preparation provides support services across 28 undergraduate and graduate programs that collaborate with local school districts. The UD Teachers of Tomorrow is another pipeline program, and the Teacher Residency Program addresses teacher shortages by preparing students to make a lasting impact, placing them in schools before others have the opportunity. While UD may “get in trouble” for having out-of-state students attend, it helps the state if these students stay in Delaware to teach.

The Mayor opened the table to Council comment.

Mr. Lawhorn noted that his nephew was accepted to UD and plans to study to become a history teacher. He was excited to hear about UD’s education programs, as they will help his nephew stay in Delaware to teach after he graduates.

9. 2-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes): None

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

31:48

Mr. Coleman thanked Mr. Clifton for the great work he has done for the City. He noted that utility bills have been sent to the public and will now be more readable and easier to understand than before. Additionally, as winter has ended, construction season has begun. Contractors will be paving on Waterworks Lane, at the Academy Street and East Park Place intersection, as well as on Ray Street and Rose Street, this week.

11. 2-D. COUNCIL MEMBERS (5 minutes):

32:40

Mr. McDermott:

- No comment.

Dr. Bancroft:

- Thanked Mr. Clifton for his service and stated it was a pleasure to work with him.
- Encouraged the public to participate in the upcoming election.
- Noted he would be away through April.

Mr. Suchanec:

- Offered a correction to the previous minutes, where he mentioned that residents were turned away from a restaurant after being informed they were no longer seating families. The minutes read 9 p.m., but he stated they should read 7 p.m.

Ms. Ford:

- Stated it has been an absolute pleasure to work with Mr. Clifton.
- Shared a personal story of her experience with Sgt. Micolucci, where he went above and beyond with work with her and Deputy Attorney General Matt Foley to discuss and make improvements to the Red Roof Inn, which has been a site of many violent crimes within her district. While she would prefer the inn to be done away with entirely, the situation has drastically improved due to Sgt. Micolucci’s dedication and determination.
- Asked for update on the City’s speed camera program as they have not yet been deployed on the streets.

Mr. Coleman stated the City has entered a contract with vendor Elovate, but the State level has encountered an obstacle despite the vendor’s assertion. For the City to implement the cameras, it must sign an agreement with the Delaware Department of Transportation (DelDOT) for every street participating in the program. However, the State will not authorize any new contracts until the issues with the court system and violation processing are resolved. There is no indication when this will occur, and the progress being made is slow. There is a significant lead time on the delivery of the cameras, so the City is currently within that window – likely within 60 days. In the meantime, the City is working with Elovate to configure all their processes. When the cameras arrive and the State is ready, the City will only need to finalize the agreements, pass a local enabling ordinance drafted by the City Solicitor, and send it to the State for their approval. The Chief of Police has already completed all the necessary paperwork for the different streets.

Ms. Ford asked if she could reach out to Rep. Ed Osienski about this matter to apply pressure.

Mr. Coleman responded in the affirmative but noted that the State already has strong motivation to work on this, as violations are typically resolved within the system after 180 days. As thousands of tickets are being processed a day, this means the State is effectively losing revenue from the camera due to this issue.

Ms. Ford noted that springtime is approaching, so drag racing on city streets will likely increase.

Mr. Lawhorn:

- Congratulated Mr. Clifton on his retirement and expressed how great it was to work with him for the past 7 years.

Mr. Clifton:

- Stated he was distraught over the narrow selection the City had made for purchasing the cameras. This was only exacerbated by the camera placed on I-95, where only 8% of violators received tickets and only 3% paid them. He believed this was not a good image for the State's program, and the process is proving to be more painful than expected.

12. 2-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

39:40

Helga Huntley, District 1 and Chair of the Conversation Advisory Commission (CAC), noted that the CAC has forwarded its annual report and latest recommendation to Council, both of which are included on tonight's consent agenda. She requested notification when Council would discuss the recommendation so she or another CAC member could present their reasoning and address any potential questions. Additionally, the CAC would also like to see the electric rate study when it is available. Speaking as a private citizen, while she was pleased the "side of conservation won" during the situation surrounding Folk Park, she was unhappy with how the entire situation transpired. She was disappointed that, despite a public meeting being prepared in response to public outcry about not receiving notice of the project, Council made a decision that prevented the meeting from happening. She believed this was unfair because it did not allow all sides to provide their input. She encouraged Council to be mindful of offering every side a fair opportunity to express their views. She also noted she lives in Woodmere, and her property backs up to the Upper Christina Conservation area, which has many tall and dead ash trees. She was concerned about the safety of those using this trail. She noted that these trees had been recently marked with red paint and hoped that was a sign that this issue would be addressed. She stated she had heard about funding issues from the Parks & Recreation Department and hoped Council would allocate money toward addressing this concern. She thanked Mr. Clifton for his service, stating she was appreciative of all the work he and Council have done for Newark.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT COUNCIL REQUEST CITY STAFF TO PUT CONSENT AGENDA ITEM 3D ON A FUTURE AGENDA.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

Mr. Clifton noted that he received a text from a resident stating that a tree had fallen on his house, prompting staff to identify other trees that could pose similar issues.

Mr. Coleman stated that he looked at the historical tree budget following a conversation today and noted that the tree budget in 2020 was \$60,000, in comparison to this year's \$300,000. Staff are going around and trying to remove trees from the ground when they are near a trail or property.

Chris Locke, District 1, quoted General Colin Powell as saying, "Leadership is solving problems; the day soldiers stop bringing you their problems is the day you have stopped leading them." He honored Mr. Clifton by saying that for 30 years, he has never stopped leading the City, both as a Councilmember and as a Mayor. He stated that any citizen could go to Mr. Clifton, whose leadership would always work to solve problems. He believed Mr. Clifton exemplifies "sweat, determination, and hard work," as stated in another quote by General Powell. He believed that Mr. Clifton has made Newark a better place, and his hard work is evident throughout all his years of public service. He believed that Mr. Clifton's honesty, integrity, and devotion to doing good for his fellow citizens were what one wants from a public servant. He has known Mr. Clifton for 30 years, during which they have experienced both the best and worst of times, sometimes agreeing and at other times vehemently disagreeing. Despite disagreements, Mr. Clifton was willing to listen. He recounted Mr. Clifton's support at his son's funeral, telling him that he was strong and never to lose faith, which he believed was an example of a man that cares for his neighbors.

The empathy Mr. Clifton showed that day was turned into action when he made sure Sean's House became a reality. He stated Sean's House would not be part of Newark without Mr. Clifton. He was honored to call him a friend and wish him a healthy and peaceful retirement.

Mr. Clifton quoted, "When the Devil whispers in your ear 'you cannot withstand the storm,' you whisper back, 'I am the storm.'"

Mr. Coleman shared an update on the tree issue, stating that State Parks Superintendent Herb White was marking the trees today, and the contractor will be out within the week.

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

- A.** Approval of the March 10, 2025 Council Meeting Minutes
- B.** Receipt of the Conservation Advisory Commission 2024 Annual Report
- C.** Receipt of the Conservation Advisory Commission January 14, 2025 Meeting Minutes
- D.** Receipt of Conservation Advisory Commission Recommendation that Substantial Park Projects are Presented to the CAC prior to a City Council Discussion
- E.** ***First Reading – Bill 25-13 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Establishing a Pilot for Free Parking on Saturdays and Sundays During the Summer Season – *Second Reading* – April 28, 2025***

51:00

Ms. Schiano read the consent agenda into the record.

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

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

14. 4. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS: None

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

16. 6. SPECIAL DEPARTMENT REPORTS:

- B.** A Request on Behalf of the Newark American Little League to Waive the Permit Fees Associated with the Remodel of the Bleachers at 101 Veterans Drive – Deputy Director of Planning & Development (5 minutes)

52:55

Jessica Ramos-Velasquez, Planning & Development Deputy Director, shared this is a request for a fee waiver of the permit fees associated with remodeling the bleachers and dugouts at 101 Veteran Drive. Bob Mark and Daryl Doerr were in attendance on behalf of the application. The current application was filed on March 10th. The total fees are currently \$718.10. The project's goal is to be completed before the April 12th opening day; hence, the urgency for this item to be placed on tonight's agenda.

Mr. Clifton stated that he and Mr. Lawhorn requested this. When the Little League reached out to him, he thought about how the Council desires for Newark to be a family-friendly town and how the Little League is an organization or activity that young families look for. He additionally noted the Little League does not make hundreds of thousands of dollars.

The Mayor opened the table to Council comment.

Mr. Lawhorn concurred with Mr. Clifton. He added he did not want to set a precedent where every nonprofit believes they can ask for a fee waiver. However, he believed Little League was justified in doing so due to the value it brings relative to other activities within the community, such as more expensive horse riding or dance lessons that run for a shorter duration. When he was on the board of the Little League, it only cost a \$150 flat fee to play from March to July, or potentially August, about 3 or 4 nights a week. For individuals who cannot afford \$150, the Little League will provide them with grants to play and has been known to scout for children in these situations specifically. He believed this is a tremendous organization. Additionally, Little League helps foster community building, such as through

parents engaging in conversation with one another during games and practices. He noted that he has attended graduation ceremonies for children he coached when they were 12 years old. He would prefer to allow the Little League to keep the money it generates so it can continue giving it back to the community.

Ms. Ford supported this proposal.

Mr. Suchanec stated he has fond memories of when his four grandchildren played on the Little League field. He wondered if there was an appetite to waive all fees, except for the Fire Service Assistance Fund, due to the City also making efforts to support Aetna Hose, Hook and Ladder.

Mr. Clifton believed Council should schedule a broader conversation about that idea on a future agenda.

Mr. McDermott concurred with Mr. Lawhorn.

Dr. Bancroft stated this is a nonprofit that Council can certainly support but believed they should create a rubric or criteria to keep things fair with the other nonprofits. He wondered what other nonprofits would think about this request, which made him hesitant. He believed this was a reasonable proposal but wondered if Mr. Lawhorn should recuse himself from this vote.

Mr. Clifton asked if Mr. Lawhorn was currently serving on the board of the Newark Little League.

Mr. Lawhorn stated he was not.

Mr. Clifton believed this request was highly justified.

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

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: THAT COUNCIL WAIVE THE PERMIT FEES IN THE AMOUNT OF \$718.10 FOR PERMITS ASSOCIATED WITH NEWARK AMERICAN'S REMODEL OF DUGOUTS AND BLEACHERS AT 101 VETERAN DRIVE.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

17. 7. **FINANCIAL STATEMENT:** None

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

A. Recommendation for Insurance Coverage 2025 – 2026 – Finance Director (20 minutes)

1:00:20

Jill Hollander, Finance Director, stated the City's existing coverage for all insurance lines expires on April 1st, 2025. The City worked with its broker, USI Insurance Services, to renew the current lines of coverage with its existing insurance providers, Chubb and Travelers. This year, the City did not undertake a full marketing effort, as this process is lengthy and yields limited benefits and should only be performed every 3–5 years to secure the most competitive rates. For the 2025–2026 insurance period, staff are recommending lines of coverage that align with the City's property valuations and cover areas of exposure. The renewals for all lines, in addition to the broker fee total, are just under \$1.3 million and reflect an increase of 10.5%, or \$115,000 more than in the previous fiscal year. However, this is \$77,000 below what was anticipated by staff when estimating the 2025 budget.

There was no Council or public comment.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE RECOMMENDATION FOR INSURANCE COVERAGE AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

19. 8-B. RECOMMENDATION TO WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR A TWO-YEAR EXTENSION TO ENGINEERING AND PROJECT MANAGEMENT SERVICES PROVIDED UNDER REQUEST FOR PROPOSAL NO. 21-01 – ASSISTANT CITY MANAGER – OPERATIONS (15 MINUTES)

1:02:45

Jeff Martindale, Assistant City Manager – Operations, stated that this is a bid waiver request for a two-year contract extension for engineering and project management consultants, Johnson, Mirmiran & Thompson (JMT) and Pennoni Associates. These two firms were selected as the City’s consultants in 2021 through a competitive bidding process that included 11 applicants. Both JMT and Pennoni have worked with the City on and off for the better part of two decades. While this bid waive will not guarantee that the consultants are the only options available as the City plans to go to bid for specific upcoming projects, there is practicality in going through another formal bid process now and potentially switching vendors with the vast number of American Rescue Plan Act (ARPA) funded projects that JMT and Pennoni are currently working on for the City. They have worked on approximately 20 projects funded through ARPA since 2021, and nearly half of those projects are still ongoing.

There was no Council or public comment.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT CITY COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK TO ENACT TWO-YEAR CONTRACT EXTENSIONS WITH JOHNSON, MIRMIRAN & THOMPSON AND PENNONI ASSOCIATES STEMMING FROM REQUEST FOR PROPOSAL NO. 21-01 FOR ENGINEERING AND PROJECT MANAGEMENT SERVICES.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

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

- A. Bill 25-11** – An Ordinance Amending Chapter 27, Subdivisions, Code of the City of Newark, Delaware, By Adding Definitions and Updating Addressing Standards for Buildings in the City of Newark – Planning & Development Deputy Director (10 minutes)

1:05:15

Ms. Schiano read the ordinance into the record.

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

Ms. Ramos-Velasquez explained that this is an amendment to Chapter 27, which adds definitions and updates the addressing standard for buildings within the City of Newark. The amendment will provide the Addressing Committee with even more defined guidelines when assigning addresses to future projects in the city. Since the 2023 amendment, applicants have approached the department to address things at will when it comes to not having definitions, and staff do not have an argument. The department began working on a standard, which was approved in November 2023 by Council. This issue arose due to concerns from the addressing committee itself regarding applicants submitting their recommendations directly to the post office for approval, thereby bypassing the City and later causing confusion with first responders. Since the adoption of Ordinance 24-01, some additional issues have been raised. The Planning Commission made two minor grammatical edits on November 5, 2024. They have also requested two amendments, which are not part of the scope of this item but will be addressed in a future amendment – namely, the naming of committees in the addressing definitions, as they currently stand in Chapter 27. In addition, like any code in development, it will continually evolve and require updates. When the addressing committee met just this past March, we noted that Figure 1 in the addressing standard amendment was incorrect in its orientation concerning the City. This explains the secondary memo in Council’s packet, which changes the figure in directions from odd and even. This has been made with the unanimous recommendation of all members on the addressing committee.

The Mayor opened the table to Council comment.

Mr. McDermott requested clarification to confirm that an amendment still needs to be approved this evening.

Mr. Ramos-Velasquez clarified Council only needs to amend Figure 1. The two Planning Commission amendments will be presented at a later meeting.

Mr. Suchanec asked for clarification that this will only affect new construction and that existing buildings will not be renumbered.

Ms. Ramos-Velasquez responded in the affirmative.

Ms. Ford asked if Aetna has a representative on the Addressing Committee.

Ms. Ramos-Velasquez responded in the affirmative.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MS. FORD: THAT COUNCIL AMEND BILL 25-11 TO SUBSTITUTE THE REVISED FIGURE 1 AS OUTLINED IN THE STAFF MEMO DATED MARCH 17, 2025.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE BILL 25-11 AS AMENDED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

(ORDINANCE NO. 25-13)

21. 9-B. BILL 15-12 – AN ORDINANCE AMENDING CHAPTER 32, ZONING, CODE OF THE CITY OF NEWARK, DELAWARE, BY AMENDING DEFINITIONS AND ADDING HOSPITALS AS A BY-RIGHT USE WITHIN THE BB (CENTRAL BUSINESS DISTRICT) AND BC (GENERAL BUSINESS) ZONING DISTRICTS – PLANNING & DEVELOPMENT DEPUTY DIRECTOR (20 MINUTES)

1:11:00

Ms. Schiano read the ordinance into the record.

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

Mike Fortner, Senior Planner, thanked Mr. Clifton for his service and remarked he has enjoyed working with him. He proceeded to give a presentation to Council regarding this proposed ordinance.

(Presentation: [Attached here](#). The presentation spanned from 1:11:36 to 1:17:53.)

The Mayor opened the table to Council comment.

Dr. Bancroft noted STAR Campus has a clinic and asked if this would generally come before Council, and the other projects would be by-right.

Mr. Fortner stated that a clinic would be defined in the Code as a hospital. This would be a single-classification hospital. If a new hospital were to be built outside of the BB or BC zoning districts, it would come before Council for a Special Use Permit, unless it were in another district that allows hospitals by right.

Mr. Lawhorn asked if these would still have to follow the regulations of the BB Zoning Code.

Mr. Fortner responded in the affirmative.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE BILL 25-12 AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

(ORDINANCE NO. 25-14)

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

- A.** Request of Newark Main Street Acquisition Co, LLC for Amendment of the Major Subdivision of 141 East Main Street to Remove the Requirement for Individual Water Meters for Each Unit and Allow for Consolidated Meters on the Property – Planning & Development Deputy Director (15 minutes)

1:19:48

Ms. Ramos-Velasquez explained that the applicant is requesting a change to Item 22D of the subdivision agreement to reduce the number of water meters required for the proposed apartments. At the time of the major subdivision's approval, the City required each apartment to be individually metered. The applicant has requested permission to meter the apartment units collectively as a single service. This agreement includes the installation of a total of 5 water meters and a double-check detector assembly for the fire line servicing the building. The size of the meter shall be determined by the Public Works & Water Resources (PWWR) Department by the developer and engineer.

Mr. Coleman added that the applicant submitted this proposal after he pointed them in this direction. Approximately 14–15 years ago, the PWWR Department began requiring individual meters for apartments. The thought process at the time was that it would “future-proof” the City for potential condominium conversions, should any of these units be converted to condominiums, and it would allow landlords to bill their clients or tenants for water. However, no developments of this nature have been transformed, nor are they close to being converted to condominiums. Many landlords do not bill their tenants for water, which significantly drives up construction costs, in turn increasing rental costs for applicants. He noted that last year, when the City and Council were considering different fees, one item that arose was a fee based on the number of meters, which would drive up costs for developers. These fees and costs would get rolled into the rent, and all the meters in an apartment building would need to be individually maintained. Every year, the City also needs to conduct changeovers as tenants move in and out, all of whom may or may not pay their bills. Then, the City will need to do water disconnects. Long-term, it will save the City significant headaches and workload from student move-in and move-out while also saving the City money. He believed, however, that if a condominium building is built, individual meters should still be required, as water service accounts are in the name of the owner, and each condominium is individually owned. This differs from an apartment complex, where the name remains in the ownership of the entire building.

The Mayor opened the table to Council comment.

Ms. Ford noted she never saw a water bill when she lived in apartments in Manhattan. She stated she was surprised to find the City demanded individual water meters.

Mr. Coleman explained that builders in Artesian's territory are prohibited explicitly in their tariff from requesting more than one meter for an apartment building. Newark is technically an anomaly in New Castle County for this reason.

Ms. Ford asked if this would be the new standard for new projects of this nature.

Mr. Coleman affirmed this would be the new standard.

Mr. Lawhorn stated that staff will bring a slate of updates to Code, as there are a few State Code changes and backflow prevention issues that need to be incorporated anyway.

Mr. Suchanec inquired whether this would also apply to the retail stores located on the first floor of the complex.

Mr. Coleman stated those stores will have their meters in this instance.

Mr. McDermott noted a previous issue with a hotel where they failed to pay their water bill, resulting in the City having to shut off water to the entire building. He asked how this process would be executed.

Mr. Coleman explained that Lang Development Group would pay the water bill for this building. Even if the individual tenant does not pay their bill, Lang Development Group will still cover the cost of the whole building.

Mr. McDermott was concerned of a potential situation where a landlord does not pay the water bill. He did not want tenants who are still paying their bills to go without water.

Mr. Coleman stated the City can place a lien on the property for unpaid water bills, and they could discuss this if such a situation arises. If there is a unique situation where a landlord goes bankrupt, but tenants still reside in the building, the City can include this on the tax bill.

Mr. McDermott noted he did not have a problem with this proposal but was unsure of the process if the landlord stops spaying.

Mr. Coleman affirmed that a lien could be placed on the property, which could either be transferred to the tax bill or the City could take the property to tax sales.

Mr. Clifton explained that when Fountainview was built, they had meters with readers in the hall. As those meters decayed, they had to find a new method. While no complexes have converted to condominiums as of the current time, he wanted to ensure that when the piping is installed in these systems, they have a cutout and connections that, if the ownership were to change and the system were to revert to a meter, could be easily converted.

Mr. Coleman believed this might pose a challenge because the City requires the meters to be in a centralized meter bank, which means each unit must be individually piped with a home run pipe that connects directly from that unit to the meter bank. Otherwise, it would have to go down in each unit. When plumbing a typical apartment building, they will do a “party wall,” so the pipe will go up into the different units. Most of the cost savings would be negated as the plumbing process would remain the same. Another issue the City encountered with individual metering requirements is the concern that, over time, some plumbers hooking new connections to the building will connect to already existing pipes, which are already serving one unit. It will become hard to track to ensure nobody is taking water in the middle.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT CHANGING THE NUMBER OF WATER METERS TO BE PROVIDED FOR THE PROJECT AT 141 EAST MAIN STREET AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Creecy.

23. Meeting adjourned at 8:31 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh