

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES**

APRIL 28, 2025

Those present at 7:00 p.m.:

Presiding:	Mayor Travis McDermott District 1, John Suchanec Deputy Mayor, District 2, Corinth Ford District 5, Jason Lawhorn District 6, <i>Vacant</i>
Absent:	District 3, Jay Bancroft District 4, Dwendolyn Creecy
Staff Members:	Planning & Development Director Renee Bensley City Secretary Tara Schiano City Solicitor Paul Bilodeau Deputy City Secretary Diana Reed Chief of Community Engagement Officer Jayme Gravel <i>(Virtual)</i> Assistant City Manager – Operations Jeff Martindale <i>(Virtual)</i> Assistant City Manager – Personnel Devan Hardin Planning & Development Deputy Director Jessica Ramos-Velasquez <i>(Virtual)</i> Public Works & Water Resources Director Tim Filasky <i>(Virtual)</i> Public Works & Water Resources Deputy Director Ethan Robinson <i>(Virtual)</i> Parking Supervisor Courtney Mulvanity IT Desktop Support I Jackie Etzweiler

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

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

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

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

3. 1. PUBLIC PRESENTATION: (15-minute limit):
A. DEMEC – Scott Lynch

3:15

Scott Lynch, Delaware Municipal Electric Corporation (DEMEC), invited Council to the DEMEC annual joint council briefing. It will take place at DEMEC's administrative offices in Smyrna on Tuesday, June 3rd, from 5 p.m. to 7 p.m. He believed this to serve as a great networking opportunity for multiple communities and to hear legislative and regulatory updates from DEMEC CEO and President Kimberly Schlichting. He added DEMEC has been tracking 16 proposed energy- and municipal electric utility-related pieces of legislation. Ms. Schlichting will provide an update on federal regulatory impacts that will also impact energy costs.

4. 1-B. LOBBYIST – JAMES DECHENE

4:30

James DeChene, Blue Hen Strategies, commended DEMEC for its work in tracking the 16 pieces of legislation. He noted Mr. Coleman works closely with DEMEC to get feedback on these bills after Mr. DeChene sends them to him. He noted DEMEC participates in every energy stakeholder meeting held by Sen. Stephanie Hansen.

He noted the General Assembly will be back in session on Tuesday, April 29th. There are multiple bills slated for consideration. The first is the accessory dwelling unit (ADU) bill, which was reintroduced by Sen. Ron Huxtable with multiple minor changes. Mr. DeChene wished to receive guidance from Council on this bill. Some of the changes include the ability to put in regulations prohibiting a homeowner from having an ADU and renting out both the house and the ADU. He believed there is some control over having these ADUs adhere to Council-implemented regulations, so it matches the character of the surrounding neighborhood or community. However, it would still be allowed by right. He noted that there have not been any other significant changes to the bill. He added that an affordable housing task force had been created and had met over the previous few months. The task force issued a report which included many recommendations for housing-related bills. The previously established ADU bill was introduced prior to this report, but Sen. Huxtable is also working on another series of affordable housing-related bills. These bills have not yet been introduced, but Mr. DeChene will forward their drafts to Council when they become available.

Mr. DeChene continued, noting there have been two bills introduced that pertain to rentals. The first would provide a way for previously evicted individuals to have their record expunged after a set number of years; to help that person or family can rent again in the future without the eviction record following their record forever. This is very similar to measures taken for criminal record expungements. The second bill will allow an evicted tenant to stay in their unit if they pay what they owe before the formal date of eviction.

The Mayor opened the table to Council comment.

Ms. Ford noted HB-114 is a bill to amend the Delaware law regarding scooters, adding definitions and categorizing low-speed and high-speed scooters. She contacted Rep. Cyndie Romer, asking for the definitions of low- and high-speed scooters. This bill will treat any scooter with a maximum speed of 20 miles per hour or lower the same as a bicycle and allow them the same access to bike lanes and bikeways. It is unclear how the legislation will address high-speed scooters, but it could potentially be difficult to enforce. Currently, all electric scooters are illegal. While she understood the advantages they offer individuals, due to the cost and carbon footprint of using cars, she believed them to be a problem in Newark due to the potential for accidents to occur. She believed it would be beneficial for this law to pass and to treat these low-speed scooters the same as bicycles, to which riders can be ticketed for riding them on sidewalks. Currently, they are present all around the city despite being illegal. She noted the law also requires scooter riders below the age of 18 to wear helmets. She wished to hear feedback from other Councilmembers on this bill.

(Secretary's Note: Ms. Creecy arrived at 7:16 p.m.)

Mr. DeChene noted that all low-speed scooters being manufactured after January 1, 2026, need to have a prominent label that identifies them as such. This bill also provides jurisdiction to the municipalities who can still prohibit the use of scooters in certain areas and adopt additional restrictions. He noted the provision regarding helmets triggers the Delaware motorcycle law. However, the bill does not provide how to identify a low-speed or high-speed scooter, but usually, low-speed scooters have standing riders. There is no provision for how to track low-speed scooters purchased before January 1st, 2026.

Ms. Ford asked staff to track HB-77, introduced by Rep. Eric Morrison. She noted the bill requires members of a school board to receive formal training for items such as the Freedom of Information Act (FOIA), meeting conduct best practices, and rules of order. She believed the recent issues involving the Christina School Board indicate that their meetings have been "out of control." She believed Council should track this legislation, as they want to encourage families to settle and raise their children in Newark. She believed it would be difficult to do so if the Christina School District did not resolve these issues.

Mr. DeChene agreed to add HB-77 to his tracking list.

Ms. Ford noted her opinion on the ADU legislation has not changed, specifically regarding ADUs that are disconnected from the main structure on the property. While an individual could do what they want with their property and put a unit in their backyard, that may negatively affect the surrounding neighbors and properties. She did not believe these situations would be compatible with Newark's neighborhoods. She believed connected ADUs to be another issue and wished to hear the rest of Council's opinions.

Mr. Lawhorn noted there are many low-speed scooters around Newark and believed they did not cause many problems. He believed it made sense for them to be allowed if they move at low speeds and travel in a bike lane, especially within a college town.

Mr. DeChene clarified a low-speed scooter cannot travel more than 19 mph.

Mr. Lawhorn appreciated that this bill allows municipalities to add their own regulations for scooters if the State's guidelines are followed. However, he noted Council has repeatedly indicated they do not want to allow ADUs in Newark. He noted the State has held many seminars and meetings regarding affordable housing. When he attended one, he stated the "theme" was that every town has its regulations, but their localized regulations could prevent growth. The meeting implied that the State needs to take over and allow what local governments will not, so affordable housing can be addressed at a State level. Affordable housing is a major issue that has been discussed extensively by Council. The lack of affordable housing supply is an issue that stretches across the city, state, and country, but it is especially worse in Newark. He believed there to be places within the city where ADUs could potentially be feasible, and Council could create certain zoning districts to allow them, so they do not create the situations described by Ms. Ford. The City does not want these situations in its residential neighborhoods. However, as the City continues to grow, it may focus on those areas being rental districts, and in those areas, ADUs could potentially be feasible. He was hoping to find a compromise with the State, as Newark wants to have control due to their unique situation. He believed Newark needs more housing, as they do not have enough for the number of people within the city or who want to live within the city. This, in turn, drives up the prices of rentals and properties for sale.

Mr. DeChene stated he would investigate the timing of the other bills from the Affordable Housing Task Force recommendation list, along with how they "crowd up" against issues like ADUs and municipalities maintaining their control over local zoning.

Mr. Lawhorn asked if Council should dedicate a meeting to discussing what the State wishes to do in contrast to Council's position on those initiatives.

Ms. Bensley stated the primary reason behind the postponement of the March 17th discussion was that staff knew of the incoming report and that it could affect different things if they conflict with the City's recommendations. Staff are monitoring what bills have been moving forward and will bring that discussion back to Council. She noted there are currently over 70 recommendations, and Council do not typically prefer to include an extensive number of considerations within the same discussion item. Knowing this, staff hope this list will be filtered down to what recommendations are moving into bills before bringing them to Council. She welcomed direction from Council on whether they wish for staff to

bring something forward regarding the current list of recommendations or if they wish to wait and bring only what is being introduced as a bill.

Mr. Lawhorn believed this made sense. He noted he was concerned about the potential scenario where a bill is introduced at the tail end of the legislative session and is quickly passed through without Council being aware of it. He believed the only solution to this problem is for Council to speak with the City's legislative representatives. He recommended staff to do so and return any feedback to Council as soon as.

Ms. Bensley stated Mr. DeChene is usually very quick to share new bills with staff as they are introduced. She noted Mr. Coleman had sent Council a copy of the Affordable Housing Task Force's final report, which includes their objectives, recommendations, and what potential items may come forward.

Mr. Lawhorn stated Council has discussed this matter enough for staff to have a good understanding of their stance on many of these issues. He believed staff would be able to quickly identify items that go against Council's wishes. He believed the strategy of addressing these items is reasonable because Council does not have the bandwidth to review 70 different topics at once. Council members and staff can also talk to their State representatives about these issues.

Ms. Ford asked for Mr. Lawhorn's opinion on HB-77.

Mr. Lawhorn agreed that the training should occur, but did not believe the current issues with the Christina School District are solely due to a lack of training. He believed they chose to create the issues they are currently facing by disregarding legal counsel's recommendations. He struggled with allowing a higher-level governing body to dictate what a lower-level governing body should do, but he would not oppose it if Council supported it. He believed it to be a voter's job to pay attention to current issues and believed a perfect way to do so would be to attend the April 29th school board candidate forum.

Mr. Suchanec stated during the recent District 1 election; he campaigned noting his stance against allowing ADUs. He did not believe ADU's would be a viable answer to affordable housing in a university community. He considered scooters to be like bicycles and believed they should follow the same rules of the road. He did not wish to provide an opinion regarding HB-77 as he believed the school board must solve their own issues. While he did not believe the State should "come down heavy" on school boards, he believed they need to improve.

Ms. Creecy believed ADUs could be a solution to affordable housing for both lower-income families and students. She believed a person owning their property should be able to do what they wish with it, and a State mandate would give Council control. She believed certain areas could be zoned for this purpose, as well as other possibilities such as tiny homes. She believed a solution needs to be uncovered as soon as possible because rent continues to increase. She noted both students and non-students who work in Newark find it difficult to live within the city due to the lack of affordable housing. She was willing to speak to the City's State representatives to see if there is a way to maneuver the ADU legislation so that it fits Newark's needs. She concurred with Mr. Suchanec regarding the scooter bill and HB-77.

Mr. Lawhorn clarified that his previous negative comments regarding the school board were only about specific individuals and not the entire board, as he believed there are members of the school board who do an outstanding job.

Mr. McDermott believed ADUs can have a place, but did not believe it to be in Newark. He believed they would be exploited in the neighborhood communities due to the city's unique situation. Many full-time residents do not support allowing ADUs. While he would support cases for in-law suites, he believed it to be problematic for any bill to usurp control from municipalities to manage their zoning without knowing the community's unique situation. He would oppose any bill which does this and wondered if the League of Local Governments would do the same. He noted he read the Affordable Housing Task Force's report and believed there are ways the City can incorporate some of the recommendations into the Comprehensive Development Plan. He agreed with Mr. Lawhorn that there are areas within the city that consist primarily of rentals, where some of these ideas could fit. However, he would oppose any type of blanket ruling allowing anyone to build an apartment within their backyard. The City struggles to enforce issues relating to owner-occupied properties, such as how many non-related individuals can live in a residence due to laws requiring consent or a warrant to inspect the inside of the home. He had the same opinion regarding ADUs. He believed the scooter legislation made sense, and did not believe he had enough information to provide input on HB-77.

Ms. Ford clarified HB-77 states the school board needs to run their meetings in compliance with FOIA and Robert's Rules of Order.

Mr. McDermott was surprised they do not have to abide by FOIA currently and originally believed they were required to do so under federal law. He believed the school board should be conducting itself appropriately.

5. 2. ITEMS NOT ON PUBLISHED AGENDA

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

6. 2-B. UNIVERSITY

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

38:58

Caitlin Olsen, UD Administration, stated community members are welcome to enjoy the campus and encouraged them to look for community events on the University's website. She noted seniors are conducting their recitals and performances, many of which are open to the public, individuals who are interested can register to attend online. She noted the Joseph R. Biden, Jr. School of Public Policy & Administration is hosting their Media and Democracy Summit on May 5th & 6th. In addition, UD's Center for Disability Studies has an amazing program named the Delaware Association Assistive Technology Institute (DAATI), where people with disabilities can learn about and test different devices that could help them in their everyday life. Participants can borrow or rent devices until their insurance is approved. She stated would forward information about the program to Council via email.

The Mayor opened the table to Council comment.

Ms. Creecy was excited to receive information on the DAATI as she works with disabled individuals who could benefit from such technology.

7. 2-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes):

42:19

Patricia Maloney, UD Student Government Association (SGA), extended the SGA's congratulations to all recently elected officials on Council and stated the SGA has nothing to report.

8. 2-C. CITY MANAGER (10 minutes): None.

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

43:07

Ms. Creecy:

- Expressed a heartfelt apology to her constituency for the events occurring on March 28th. She understood this situation's impact on her community and regretted any distress or disappointment it caused. She asked for understanding and patience as she works through the details of this situation and prepares a more comprehensive statement to clarify what unfolded.

Mr. Suchanec:

- No comment.

Mr. Lawhorn:

- No comment.

Ms. Ford:

- Noted the 55+ community of Whitechapel has two parts to the community. The front portion consists of condos, while the back portion has an assisted living facility. The entrance and right-of-way are used by both parts of the community. When the subdivision agreement was first created, it was agreed they would share responsibility for maintaining the roads and the stormwater system, but those records were either lost or were never included in the subdivision agreement. Similar situations can unfold in Fountainview and other 55+ communities where homeowner associations find themselves burdened with these maintenance costs and the potential need to go to court to get the assisted living facility to pay their share. She recommended passing or formulating an ordinance to require, in any situation where there are shared maintenance costs for roads or storm drain systems, that the exact formula for that cost share be spelled out in the subdivision agreement.

Mr. Bilodeau affirmed Ms. Ford accurately described the situation. He noted the 1997 agreement stated the community and facility would share maintenance responsibilities, which brought forth the question of what “shared responsibility” means, such as proportional use. Because it was not spelled out, there may need to be litigation if the community and facility cannot reach an agreement. He recommends it be detailed in every agreement which includes shared maintenance responsibility moving forward.

Ms. Ford asked if Mr. Bilodeau could create the language for a proposed ordinance which addresses this.

Mr. Bilodeau responded in the affirmative.

Mr. McDermott noted Council has reviewed multiple developments in which the streets are to be privately maintained rather than maintained by the City. Still, there are issues when HOA dues are not paid, or the association becomes defunct. This leads to disrepair and deterioration, requiring the need to replace the entire road increasing the cost to repair the damage which impact the HOA’s ability to afford the responsibility in long term. This will be something Council should keep in mind in the future. He was unsure if an ordinance would be necessary to combat this. He believed when creating provisions for the subdivision agreement, Council can require that shared maintenance responsibility be enumerated in the subdivision agreement. He asked Mr. Bilodeau if Council has the authority to do so.

Mr. Bilodeau stated Council has the authority to create provisions related to the project in question as part of the subdivision agreement.

Ms. Bensley noted a model used in her neighborhood, if the HOA became defunct or did not have the money, the City could come in and pave, then bill the homeowners. Following this scenario, the City then billed the homeowners over a period of five years to recoup those funds. This could be an option to move forward through deed restrictions.

Mr. McDermott believed this to be the best path forward.

Ms. Bensley stated the City can usually get better pricing for projects like this because of the bid process and repairing streets in bulk.

Mr. Lawhorn agreed with Ms. Bensley. He believed it would be useful to have a mechanism to trigger this process, otherwise it would rely on Council. The current Council is savvy in these situations, but a newer Council in the future may not have the same experience. He wondered if there could be something which would trigger the Planning & Development Department and Code Enforcement Division indicating the minimum requirements when defining the HOA’s responsibility.

There was a consensus among Council to task the City Solicitor in researching this topic.

Mr. McDermott:

- Encouraged the community to attend the Christina school board candidate forum scheduled for Tuesday, April 19th. An individual only needs to be a U.S. citizen living within the school district to vote in this election, and they do not need to be a registered voter.

10. 2-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes): None

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

- A.** Receipt of the March 2025 Alderman’s Report
- B.** Receipt of Recommendation from the Conservation Advisory Commission Requesting Council to Include on the Planning & Development Department’s Priority List to Collaborate with the CAC on Sustainable Development

54:00

Ms. Schiano read the consent agenda into the record.

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

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.
Absent – Bancroft.

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

- A.** Appointment of Olivia Brinton as the At-Large Representative on the Parking Advisory Committee for a Term to Expire on October 15, 2026

54:37

Ms. Olivia Brinton introduced herself and expressed her interest in the vacant position on the Parking Advisory Committee.

Mr. McDermott thanked Ms. Brinton for volunteering, noting she owns both The Peach Blossom Eatery and Little Goat Coffee Roasting Co. He noted anecdotally that the parking lot across the street from Little Goat Coffee Roasting Co. is being redeveloped, so he could not find a place to park during his last visit. He understood the reason behind Ms. Brinton’s willingness to serve, noting his wish for this to be his at-large appointment to the committee.

There was no Council or public comment.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPOINT OLIVIA BRINTON AS THE AT-LARGE REPRESENTATIVE ON THE PARKING ADVISORY COMMITTEE FOR A TERM TO EXPIRE ON OCTOBER 15, 2026.

MOTION PASSED. VOTE 5 TO 0.

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

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

14. 6. SPECIAL DEPARTMENT REPORTS:

- A.** Recommendation for the District 6 Special Election and Filing Date – City Secretary (5 minutes)

57:11

Ms. Schiano noted with the election of Travis McDermott as Mayor, the District 6 Council seat is now vacant. The City is required to hold a special election to fill this vacancy. In reviewing possible dates, to give both staff and potential candidates time, the date has been tentatively set for Tuesday, July 15th. The Delaware Department of Elections will also be available to assist with this election. If Council agrees to move forward with the July 15th date, nominating petitions will be available starting Tuesday, April 29th.

The Mayor opened the table to Council comment.

Mr. Lawhorn noted the election needs to be held between 60 – 90 days of the vacancy and asked which day number the election would fall.

Ms. Schiano stated this would be Day 89.

Mr. Suchanec supported this proposal, noting he went through the same process when he was first elected back to Council. He did not believe there would be significant participation due to summer vacations and weather but believed this was the best time to hold it.

Ms. Schiano explained the July 4th vacation period was one of the reasons why the election was pushed as far out as possible. Additionally, the City is pursuing ideas to advertise the election in more ways than usual, such as inserts within the electric bills.

The Mayor opened the floor to public comment.

Rev. Blaine Hackett, St. John Church, asked which areas of the City are covered by District 6.

Mr. McDermott explained District 6 consists of the north side of Main Street, Paper Mill Road, Possum Park Road, the Shoppes at Louviers, Eleanor’s Way, Nancy Lane, and the Hunt at Louviers. It stretches to Deer Park Tavern, then curves back up West Main Street and back down Cleveland Avenue towards Paper Mill Road.

Ms. Schiano offered to send Rev. Hackett a map and detailed information to answer his question.

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

MOTION BY MS. CREECY, SECONDED BY MR. LAWHORN: TO SET TUESDAY, JULY 15, 2025, AS THE DATE FOR THE DISTRICT 6 SPECIAL ELECTION, AND TO SET THE FILING DEADLINE FOR SAID SPECIAL ELECTION AS MONDAY, JUNE 2, 2025.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Bancroft.

15. 8-B. 2025-2027 COLLECTIVE BARGAINING AGREEMENT; AFSCME LOCAL #1670 – ASSISTANT CITY MANAGER – PERSONNEL (5 MINUTES)

1:01:50

Devan Hardin, Assistant City Manager – Personnel, noted the memo received by Council regarding the ratification of the American Federation of State, County, and Municipal Employees (AFSCME) Local #1670 contract. The City and the union negotiated a contract in good faith, and she, along with AFSCME President Bob Hoke were available to answer questions.

The Mayor opened the table to Council comment.

Mr. Suchanec thanked both the City and the union for their efforts.

Ms. Creecy concurred.

There was no public comment.

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: TO APPROVE THE 2025-2027 COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME LOCAL #1670 AND THE CITY.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Bancroft.

16. 7. FINANCIAL STATEMENT: None

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

- A.** Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark for the Purchase of Contractual Temporary Staffing Services

1:03:33

Ms. Hardin noted the memo which was forwarded to Council regarding the City's temporary staffing service agency. The previously contracted agency encountered financial issues. Therefore, the City has been investigating other options. Assistant City Manager – Operations, Jeff Martindale assisted her in gathering some of the agencies contained in the State Contract that could be utilized by the City. These are the results of that review, which are now being brought to Council for consideration and approval.

The Mayor opened the table to Council comment.

Ms. Creecy asked what this temporary agency would be utilized for.

Ms. Hardin gave examples of an employee who is out on long-term medical leave, a vacancy that is experiencing trouble being filled in a backlogged department, or summers when the City cannot acquire enough seasonal workers. While the need for temporary services is not constant, it is beneficial to have these contracts and assurances that there will be coverage if needed.

There was no public comment.

MOTION BY MR. LAWHORN, SECONDED BY MS. CREECY: THAT CITY COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK TO PROCURE AS-NEEDED TEMPORARY STAFFING SERVICES FROM ALL PRO PLACEMENT SERVICES, EXPRESS EMPLOYMENT PROFESSIONALS, BUSINESS INTERFACE STAFFING SOLUTIONS, DELMARVA TEMPORARY STAFFING, AND PREMIER STAFFING SOURCE UTILIZING DELAWARE STATE CONTRACT GSS21112-TEMP_EMPL.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Bancroft.

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

- A. 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 Sunday During the Summer Season – Planning and Development Director (15 minutes)

1:06:23

Ms. Schiano read the ordinance into the record.

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

Ms. Bensley explained Bill 25-13 is the result of the March 10th discussion regarding the summer pilot for free parking on weekends within the city, including the potential time frame. Staff prepared four options based on this discussion, in the form of amendments: Amendment 1 being June 16th – August 15th, which is the existing time frame for discounted rates and would provide a net increase of \$40,095 over the same period in 2024; Amendment 2 being the entire months of June and July due to the desire for marketing simplicity and would provide a net increase of \$3,255 over the same period in 2024; Amendment 3 being July 1st – August 31st, which would provide a net loss of \$6,305 over the same period in 2024; and Amendment 4 being July 1st – July 31st, which would provide a net gain of \$25,863 estimated over the same period in 2024.

She further noted staff have concerns regarding the inclusion of the entire month of August, as it could be logistically problematic during the move-in period at the end of the month. She noted Council would need to amend to eliminate all the amendments they do not want and then vote on the bill as amended to approve the bill with their selected option.

She continued noting Council’s request on March 10th requesting a marketing plan for parking. The City executed their final contract on April 10th for the approved planning consultants. Staff are working with them to provide proposals for both a parking-specific marketing campaign and a more general downtown marketing campaign. These will be brought to Council for consideration before the end of the second quarter.

The Mayor opened the table to Council comment.

Mr. Lawhorn asked if August 15th would occur before the logistical issues caused by student move-in.

Ms. Bensley responded in the affirmative.

Mr. Lawhorn noted this would not be a rounded month, which was what Council had preferred for marketing. He asked what events the period beginning June 1st would include.

Ms. Bensley explained June 1st would include Alumni Weekend, high school graduations, and Father’s Day weekend. In addition, because many landlords are turning over their units from May 31st to June 1st, the City would lose the revenue normally received during those times. However, it would not be as much of a logistical challenge, because the private sector move-out period tends to be more staggered over the summer compared to the end of August, where the university moves everyone in at the same time. There are many ancillary issues with that period due to so many of the units being close to Main Street.

Mr. Lawhorn noted he only strongly opposed including the end of August within the pilot. He was amenable to the other options if other Councilmembers had stronger feelings, but noted he preferred beginning on June 1st. He wished there was an option to include June 1st – August 15th but would default to June 1st – July 31st. He estimated the revenue would likely go into the red during the June 1st – August 15th period if the pilot were run for that length of time.

Ms. Bensley stated the existing period for discount rates shows the large jump in revenue is due to the offset of having regular pricing during the weeks instead of doing the discounts. This means the City is getting extra revenue during those periods to offset the revenue being lost for the discounted period. The offset does not occur from June 1st – June 15th and August 16th – August 31st, as the prices would be regular anyway. She estimated this would generate less than \$40,000 but more than \$3,000. Therefore, it would generate less revenue while also not accomplishing the goal of having a clearer period to market.

Mr. Lawhorn preferred June 1st to August 15th from a scientific standpoint but understood the marketing approach of June 1st to July 31st. He would be amenable to June 1st to July 31st but would also support creating a fifth option of June 1st – August 15th.

Ms. Ford stated she would be amenable to June 1st – August 15th but would otherwise prefer to stick with June 16th – August 15th in Amendment 1.

Ms. Creecy stated she would be amenable to June 1st – August 15th, as well, but preferred Amendment 2.

Mr. Suchanec believed the choice was dependent on Council's goal for parking. He believed they should choose the option where they lose the least amount of money if the goal is revenue, which would be Amendment 1. They should choose the longest period if the goal is to benefit the residents. They should include the entire summer if the goal is to provide an amenity for businesses to attract people downtown. He preferred keeping the program simple for residents to understand, which he did not believe the June 16th – August 15th period accomplished. He would be amenable to Amendment 1, but preferred Amendment 4 as there would still be a significant gain while offering an easy period to understand and market.

Ms. Bensley reminded at least four Council members need to agree on one option to pass this ordinance.

Mr. McDermott hoped this would be the last time that Council needed to deliberate on this topic, and that the Parking Advisory Committee could bring recommendations and a long-term strategy for Council to implement for the next 3 -5 years. He supported June 1st – August 15th, as his goal was to make it a benefit for the residents and businesses downtown.

Ms. Bensley stated she was unsure how much offering free parking from June 1st – 15th would benefit the local businesses because they typically experience higher traffic during that period anyway with the multiple events and holiday during that time.

Mr. McDermott understood this and believed it would make sense to select Amendment 1 for this summer, which has been the standard discount period for the last few years. Next year, Council can move forward with a more definitive strategy.

There was no public comment.

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT COUNCIL AMEND BILL 25-13 BY DELETING AMENDMENTS 2, 3, AND 4.

MOTION PASSED. VOTE 5 TO 0.

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

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE BILL 25-13 AS AMENDED.

MOTION PASSED. VOTE 5 TO 0.

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

(ORDINANCE NO. 25-15)

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

- A.** Request by Tsionas Management, dba Continental Court, LLC and University Commons II, for the Amendment of the Major Subdivision Agreement of 65 S. Chapel Street to Remove the Requirement for Individual Water Meters for Each Unit and Allow for Consolidated Meters on the Property – Planning and Development Director **(10A, 10B, 10C, 10D, & 10E to be discussed simultaneously for 20 minutes)**
- B.** Request by Creek View Road Associates for the Amendment of the Major Subdivision of 500 Creek View Road to Remove the Requirement for Individual Water Meters for Each Unit and Allow for Consolidated Meters on the Property – Planning & Development Director
- C.** Request by Old Barksdale Road Associates for the Amendment of the Major Subdivision of 532 Old Barksdale Road to Remove the Requirement for Individual Water Meters for Each Unit and Allow for Consolidated Meters on the Property – Planning and Development Director
- D.** Request by Lang Development for the Amendment of the Major Subdivision of 30 S. Chapel Street to Remove the Requirement for Individual Water Meters for Each Unit and Allow for Consolidated Meters on the Property – Planning and Development Director
- E.** Request by Lang Development for the Amendment of the Major Subdivision of 25 N. Chapel Street to Remove the Requirement for Individual Water Meters for Each Unit and Allow for Consolidated Meters on the Property – Planning and Development Director

1:19:56

Mr. McDermott noted items 10A, 10B, 10C, 10D, and 10E would be discussed simultaneously, but would need separate votes. They are all requests for the same amendment, but for different properties and owners.

Ms. Schiano read the requests into the record.

Ms. Bensley explained each of the five requests are included in the Council packet and are all to the same as the previously approved request for 141 Main Street to allow for consolidated water meters for residential units, and not requiring units to be individually metered.

The Mayor opened the table to Council comment.

Ms. Creecy asked Ms. Bensley to explain the difference between having individual meters versus consolidating them.

Ms. Bensley explained the City previously only required a single meter for all residential rental units. However, they decided it would be easier to bill individually, and allow future condo conversion, so they required individual water meters to be installed in new developments. However, the property owner was getting a bill for each unit instead of one bill for all units. This created billing and payment inefficiencies, as they needed to pay each account and did not provide any real value in accomplishing it. Developers have expressed concerns that it costs approximately \$5,000 per unit to complete the additional plumbing in addition to the extra cost for the meters. If the City did not find value, it was a large expense being added to the cost of construction, which makes it more difficult to offer affordable housing. She noted these changes only apply to residential meters. Commercial units will still need to be individually metered. In addition, a backflow meter is required for each building to identify any issues with the fire suppression system lines. This is an area where staff believe they could reduce expenses for the development community and take action regarding affordable housing.

Mr. Suchanec asked if conditions could be put in these subdivision agreements.

Ms. Bensley clarified the subdivision agreements have already been adopted, and these are only amendments to the existing agreements.

Mr. Suchanec asked if conditions can be implemented in subdivision agreement amendments.

Ms. Bensley explained they can be implemented on the specific topic discussed in the amendment.

Mr. Suchanec believed the City should be able to require a certain percentage of the units in these developments be affordable. While he wanted to tie affordability to this initiative, he did not believe it to be possible. The developers are saving significant money with these amended provisions. He understood the reason why meters were set up like this, was because it was expected that these units would convert to condos, which would require individual meters. However, it was unlikely these units would convert to condos anytime soon. While he believed this was the right action to take and did not oppose it, he noted the usual arguments from developers against providing affordable housing are that it costs too much to do so. Here, Council is reducing the costs of the development. He believed future practices should be used as a “negotiating chip” when encouraging developers to make a percentage of their units affordable.

Ms. Bensley stated this change will not preclude a future conversion to condos. There are condos in the city that are single-metered, and the condo association bills the water proportionally to the owners. Staff are investigating what parts of the approval process, which costs a significant amount of money, are value-added, as their current logic is that they should not be going forward with practices that do not add value. Staff do not want to ask developers to spend additional money on construction costs if they are trying to get units down to a reasonable market rate.

Mr. Suchanec believed if Council reduces the cost of development, such as through this change, there should be some justification for requiring affordable units in the development. He reiterated that a common argument provided by the developer against including affordable housing is the current construction expenses and the need to maintain the market value. Here, Council has made it less expensive to construct the project, and they should be able to state that the money they do not have to spend is justification for rendering a certain number of units affordable. He believed this should be a rebuttal against that argument.

Ms. Bensley stated \$5,000 per unit would be \$500,000 for a 100-unit development, which is part of the reason why these developers are not common throughout Newark. For the 33-unit building, this would be about \$165,000.

Mr. Suchanec stated the City is saving developers money regardless, while also making it easier for themselves from accountability, meter reading, and meter maintenance standpoints. He did not see a reason against supporting these changes. He reiterated the developers’ arguments against affordable housing should soften with these changes.

Ms. Bensley noted staff are looking at additional code requirements which could provide additional savings where they can have affordable housing offsets.

Mr. Bilodeau stated this is a project-by-project provision, as it is hard to impose these conditions on by-right projects. However, if it is something where they need to go through site plan review on the project, one of the conditions or criteria is affordable housing.

Mr. Lawhorn believed this would lower the cost of building housing. However, the cost of building a development directly relates to housing affordability. He noted a District 5 case study where a project on New London Road cost around \$85,000 to get to Council in 2019, but if introduced in 2025, the same project would cost \$225,000. This has also factored into Council’s decisions, such as the implementation of the Aetna fee and utility impact fees. He noted the State reports the cost of housing and associated regulations drive up the cost of construction. This change helps to improve housing affordability by making it more affordable to build housing, which he supported.

Ms. Ford believed the current process was a waste of money. She did not believe the affordable housing issue to be relevant to these proposals, and that it also serves as cost savings for the City.

There was no public comment.

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT CHANGING THE NUMBER OF WATER METERS TO BE PROVIDED FOR THE PROJECT AT 65 SOUTH CHAPEL STREET AS PRESENTED.

MOTION PASSED. VOTE: 5 to 0.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. SUCHANEC: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT CHANGING THE NUMBER OF WATER METERS TO BE PROVIDED FOR THE PROJECT AT 500 CREEK VIEW ROAD AS PRESENTED.

MOTION PASSED. VOTE: 5 to 0.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. SUCHANEC: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT CHANGING THE NUMBER OF WATER METERS TO BE PROVIDED FOR THE PROJECT AT 532 OLD BARKSDALE ROAD AS PRESENTED.

MOTION PASSED. VOTE: 5 to 0.

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

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT CHANGING THE NUMBER OF WATER METERS TO BE PROVIDED FOR THE PROJECT AT 30 SOUTH CHAPEL STREET AS PRESENTED.

MOTION PASSED. VOTE: 5 to 0.

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

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: THAT COUNCIL APPROVE THE SUBDIVISION AGREEMENT AMENDMENT CHANGING THE NUMBER OF WATER METERS TO BE PROVIDED FOR THE PROJECT AT 25 NORTH CHAPEL STREET AS PRESENTED.

MOTION PASSED. VOTE: 5 to 0.

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

20. Meeting adjourned at 8:39 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh