CITY OF NEWARK
DELAWARE

COUNCIL MEETING MINUTES

AUGUST 11, 2025

Those present at 5:30 p.m.:

Presiding:	Deputy Mayor, District 2, Corinth Ford District 3, Jay Bancroft District 4, Vacant District 5, Jason Lawhorn District 6, Emile Brown
Absent:	Mayor Travis McDermott District 1, John Suchanec
Staff Members:	City Manager Tom Coleman Deputy City Secretary Diana Reed City Solicitor Paul Bilodeau Planning & Development Director Renee Bensley Planning & Development Deputy Director Jessica Ramos-Velasquez *(Virtual)* Chief of Community Engagement Officer Jayme Gravell *(Virtual)* Assistant City Manager – Operations Jeff Martindale *(Virtual)* Finance Director Jill Hollander Electric Director Bhadresh Patel Public Works & Water Resources Deputy Director Ethan Robinson *(Virtual)* Parking Manager Marvin Howard Parking Supervisor Courtney Mulvanity IT Desktop Support I Jackie Etzweiler Administrative Professional I Jordan Herring

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1. Ms. Ford called the meeting to order at 5:30 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 potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body

B. Executive Session pursuant to 29 *Del. C.* §10004 (b) (9) for the purpose of discussion of personnel matters in which the names, competency and abilities of individual employees are discussed.

MOTION BY MR. BROWN, SECONDED BY DR. BANCROFT: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 *DEL. C.* §10004 (B) (4) AND (9) FOR THE PURPOSE OF STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY, AND FOR THE PURPOSE OF DISCUSSION OF PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED. VOTE 4 TO 0.

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

(Secretary's Note: Mr. McDermott arrived virtually during Executive Session.)

3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:00 p.m.

MOTION BY MR. LAWHORN, SECONDED BY MR. BROWN: TO DIRECT THE CITY MANAGER TO ACT AS DIRECTED IN EXECUTIVE SESSION.

MOTION PASSED. VOTE 5 TO 0.

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

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

Ms. Ford explained the protocol for the hybrid Microsoft Teams meeting platform. For each agenda item, assigned staff will present first. For land use applications, public comments will be invited after the presentation and prior to Council remarks. For all other items, Council will provide comments after the presentation, followed by comments from the public. Councilmembers wishing to provide additional comments should ask the Chair to be recognized. She noted in-person attendees wishing to comment should sign up by utilizing the sign-in sheet near the entrance to Council Chambers, while virtual attendees should use the hand-raising feature on Teams. Microphones will remain muted until the speaker is called upon. Comments are limited to three minutes with no ceding of time. She requested speakers to state their name and Council district or street address prior to commenting. She noted remote Council members will be polled for audible votes, and visual votes would not be accepted. She asked in-person attendees also present on Microsoft Teams to mute their speakers and microphones. Councilmembers at the dais should mute their microphones unless speaking. Public comments must relate to City business or an agenda item. Violations will receive a warning, while repeated violations may result in removal or a muted microphone. However, the City has zero tolerance for hate speech or vulgar language, which will lead to immediate removal or muting of the microphone. She concluded his remarks by thanking all for their cooperation.

She proceeded to ask for a moment of silence and the Pledge of Allegiance.

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: TO REMOVE ITEMS 9A AND 10A FROM THE AGENDA

MOTION PASSED. VOTE 5 TO 0.

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

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

6. 2. **ITEMS NOT ON PUBLISHED AGENDA**
   A. Elected Officials who represent City of Newark residents or utility customers (2 minutes): None

7. 2-B. **UNIVERSITY**
   (1) Administration (5 minutes per speaker) (10 minutes): None

8. 2-B-2. **STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes):** None

9. 2-C. **CITY MANAGER (10 minutes):** None

10. 2-D. **COUNCIL MEMBERS (5 minutes):**
7:42

Ms. Ford:
- No comment.

Dr. Bancroft:

- None.

Mr. Lawhorn:

- None.

Mr. Brown:

- None.

Mr. McDermott:

- Apologized for being unable to attend this meeting in person due to unexpected travel issues and thanked Ms. Ford for chairing the meeting.

11. 2-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

8:30

Christine Therriault-Merkel, District 4, commended the improvements made to Dickey Park. She acknowledged the success of this project was in part due to Former Councilwoman Dwendolyn Creecy's hard work. She requested that the City name the community garden the "Dwendolyn Creecy Community Garden" to honor her service to the community.

Deborah Welch, District 3, noted many City residents are experiencing a substantial increase in taxes due to the New Castle County reassessment, which still has many inequities between residential and non-residential property taxes. Some residents are seeing increases as high as 60%. She explained the State of Delaware is holding an emergency legislative session on August 12th to review bills that can address this issue at the county level. She asked why the City was not making similar emergency efforts to alleviate this problem at the municipal level. She encouraged Council to address the urgency that this issue presents to Newark's residents.

Ms. Ford noted City officials are awaiting the results of the aforementioned legislative session and are preparing to follow the State's lead.

Mr. Coleman explained that when the property tax rate was set for the City, staff rolled back to a one-to-one flat rate across residential and non-residential properties. However, the reassessment unexpectedly resulted in an approximately 16% shift from non-residential towards residential property taxes. This was a result of residential properties appreciating more than non-residential properties since the previous assessment. The City Solicitor believes the City does not need to wait for the outcome of the legislative session. If Council wishes to consider implementing separate residential and non-residential rates, they are able to do so. He noted the City has already issued tax bills, so they would need to issue amended bills, refunds, or supplemental bills, depending on the shift. However, staff need to review the capability of the City's existing software to ensure they can functionally do so. They can then move forward with implementation at the Council's request and schedule a corresponding discussion for a future agenda.

Ms. Ford asked if there are plans to place this item for discussion at a future meeting.

Mr. Coleman clarified he could do so at Council's request. However, it would likely be scheduled for August 25th, as the budget presentation is scheduled for August 18th.

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

- **A.** Receipt of the July 15, 2025 Parking Advisory Committee Meeting Minutes
- **B.** Receipt of the June 2025 Aldermen's Report
- **C.** Approval of the July 14, 2025 Council Meeting Minutes
- **D.** Approval of the July 21, 2025 Council Meeting Minutes
- **E.** Approval of the July 28, 2025 Council Meeting Minutes

14:58

Ms. Reed read the consent agenda into the record.

MOTION BY DR. BANCROFT, SECONDED BY MR. BROWN: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE 5 TO 0.

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

13. 4. <u>APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:</u>

A. Reappointment of Robert Gifford to the District 3 Position on the Parking Advisory Committee for a Term to Expire on October 15, 2026

16:05

Dr. Bancroft noted that Mr. Gifford has been a very active member of the community, with an analytical approach to parking. He appreciates that someone of his caliber is willing to serve on the Parking Advisory Committee.

Robert Gifford, District 3, reminded that he previously served on Council and has lived in the city since 1994. He noted he is currently serving as the Chair of the Parking Advisory Committee and will be presenting to Council on the committee's near-term parking recommendations later this meeting.

The Deputy Mayor opened the table to Council comment.

Mr. Lawhorn thanked Mr. Gifford for his continued service to the city.

There was no public comment.

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: THAT COUNCIL REAPPOINT ROBERT GIFFORD TO THE DISTRICT 3 POSITION ON THE PARKING ADVISORY COMMITTEE FOR A TERM TO EXPIRE ON OCTOBER 15, 2026.

MOTION PASSED. VOTE 5 TO 0.

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

14. 5. <u>ITEMS NOT FINISHED AT PREVIOUS MEETING:</u> None

15. 6. <u>SPECIAL DEPARTMENT REPORTS:</u>

A. Annual Comprehensive Financial Report (ACFR) For the Fiscal Year Ending December 31, 2024 – Finance Director Jill Hollander/CLA (30 minutes)

17:57

Jill Hollander, Finance Director, explained the FY2024 Annual Comprehensive Financial Report (ACFR) was prepared by the Finance Department and audited by CliftonLarsenAllen (CLA), as required by Section 807 of the City Charter. She thanked the Accounting team – Jim Smith, Trevor Miller, Jackie Moore, and Daina Montgomery – for their assistance in completing the ACFR and meeting the June 30th deadline. She explained this year was more challenging than previous years due to staffing challenges and the implementation of new governmental accounting standards. She thanked CLA's team for working diligently to meet the June 30th deadline.

Bill Early, CliftonLarsonAllen (CLA), proceeded to give a presentation to Council sharing their findings.

(Presentation: <u>Attached here</u>. The presentation spanned from 18:53 to 26:07.)

(Secretary's Note: Mr. McDermott left the meeting at 7:19 p.m.)

The Deputy Mayor opened the table to Council comment.

Mr. Brown asked if this presentation effectively meant CLA was giving the City's Accounting team an "A" grade.

Mr. Early explained, as a CPA firm, CLA is not permitted to give grades. However, they can provide an opinion; an unmodified opinion is the highest level they can provide, which has been given to the City.

Mr. Brown stated he would give the City's Accounting team an "A", and thanked CLA for their presentation.

There was no public comment.

18. 6-B. PARKING ADVISORY COMMITTEE NEAR-TERM RECOMMENDATIONS AND REQUEST FOR COUNCIL FEEDBACK – PLANNING & DEVELOPMENT DIRECTOR RENEE BENSLEY (45 MINUTES)

27:46

Renee Bensley, Planning & Development Director, explained the City's Parking Advisory Committee has been meeting since April. She noted the committee's four members are dedicated and convening every scheduled meeting; four is the minimum quorum for this committee, a meeting cannot be held if a single person is absent. She recognized Parking Advisory Committee members Rob Gifford, Sasha Aber, Olivia Brinton, and Christine Therriault-Merkl for their hard work and dedication to this issue. She stated the current members of the commission recognize there to be a problem with parking but approach it with a positive and collaborative spirit and wish to see the issues corrected. She noted that the pictures taken during the signage review in the upcoming presentation were all taken by Chairman Gifford, who had personally gone out into the downtown area to gather them for the committee's discussion. Ms. Brinton led the effort in putting together a parking survey and ensured it received feedback. The committee explored ideas on how to solicit outreach for those items, achieve a good response, and ensure they receive the input the Council is looking for as the process moves forward. She recognized the work done by the committee and believes they are a great group that the City looks forward to adding to in the future.

Rob Gifford, Chair & District 3 representative of the Parking Advisory Committee, gave a presentation to Council regarding the committee's short-term recommendations.

(Presentation: Attached here. The presentation spanned from 30:07 to 48:30.)

The Deputy Mayor opened the table to Council comment.

Mr. Lawhorn thanked and commended the Parking Advisory Committee for their effort, noting this type of effort is what Council wishes to see from all the City's boards, committees and commissions. He agreed to help with the parking survey, believing that gathering feedback from both residents and businesses is important. However, he wondered if this survey could also be extended to people outside of the city's limits, as visitors contribute to the success of the City's businesses. He wondered how former residents of Newark could be reached to encourage them to potentially return with these parking changes. He noted that this would be part of the initiative's marketing efforts; however, he believed these marketing efforts should also highlight that the parking in the City is not as negative as some perceive, as well as the availability of lots that some residents or visitors may not be aware of. He believed determining a way to engage with individuals outside the city would be essential to this effort. He supported the committee's recommendations regarding signage as well as generating a proposed budget. However, he wondered if some of the signs could be removed, believing some (but not all) signs on Main Street are useless in some respects. He believed that signs are sometimes used more than necessary, and that if signs are required in a location, it is likely because a better solution could be engineered. He believed that if the city removed some of its less useful signs, its parking signs might be more effective. However, part of this may require collaboration with DelDOT.

Mr. Coleman clarified the City is responsible for roadside signage. They will generally work with DelDOT for signs on DelDOT roads, but they do have control over them.

Mr. Lawhorn wondered if the committee or the City could discuss a Main Street sign audit. He believed many signs on Main Street, while initially well-intended, are no longer useful or practical and could be removed.

Ms. Bensley noted the committee has discussed how the City can work with non-municipal stakeholders to investigate more uniform signage or better sign placement. While the City can control signs for City-owned lots, there are signs in lots owned by other entities that are not cohesive. The committee has discussed reaching out to those stakeholders to gauge their willingness to collaborate with the committee and better integrate a holistic sign plan.

Mr. Lawhorn supported this idea.

Mr. Gifford believed the committee could analyze this and obtain outside help if necessary.

Mr. Lawhorn supported the idea of a 15-minute courtesy parking period. He believed that an immediate method of implementing it would be for a Parking Ambassador to wait 15 minutes to issue a ticket after they notice a vehicle in violation.

Ms. Bensley noted there is already a similar policy in place, but not for 15 minutes. She noted that what prevented the committee from bringing a full recommendation to implement such a policy, is that they are trying to determine how to safeguard this grace period against abuse. Staff are still working to see how they can implement this in both the app and kiosks.

Mr. Lawhorn noted that multiple years ago, he was initially supportive of increasing parking rates, citing the logic that if an individual comes to Main Street and spends $100 on dinner, they would typically not be impacted whether they paid $3 or $6 for parking. He acknowledged that he was shortsighted regarding Main Street's employees who also need to pay to park. He also recognized that these parking rates have a significant impact on individuals who are spending $12 on lunch. He believes this to be a matter of marketing, and paired with the increased late fee, he felt this to be a blight on Newark and could lead to negative online reviews. He noted there were ideas to remove parking spaces and close Main Street to vehicles during the discussion of Main Street safety improvements; however, this would result in a significant loss of revenue. However, he supported a long-term approach where the City does not rely on parking revenue and makes decisions about what is best for downtown, rather than what is best for the budget.

Mr. Gifford noted the committee has discussed this idea. He believed this to be a similar frustration felt by parking customers. He noted it is technically cheaper to park in UD lots.

Mr. Lawhorn noted that when his son worked on Main Street, he would mention how a significant amount of his paycheck was dedicated to parking at work. He asked if the City was moving forward with a marketing consultant for parking.

Ms. Bensley explained staff are currently working on the request for quotes. They plan to utilize one of their existing consultants approved through the general planning services contract. Staff plan to finalize the draft request, present it to the committee for review, and receive the committee's feedback before it is issued to the consultants.

Mr. Lawhorn noted a 2018 report that included an idea for a large presentation at the beginning of Main Street, which showed parking availability, the amount available, and how to access it. He asked if this was intermixed with this.

Ms. Bensley stated this is part of the marketing portion of this initiative. She asked Council to consider whether they wish for traffic to be directed to the municipal lot or if they wish for traffic to be directed towards any parking lot, regardless of whether the City collects revenue from that lot. Part of this involves examining the locations of various municipal assets to determine if there is a way to better direct people to some of them. Additionally, it is helpful to provide customers with general information about parking locations to improve the ease of access to parking along Main Street.

Mr. Lawhorn believed that if the City is looking to increase revenue, it wants to direct customers to municipal lots. However, if they are looking to improve the downtown experience, they want to direct customers to any parking area. This decision becomes easier when the City does not view parking as a source of revenue.

Ms. Bensley noted there is a significant amount of parking revenue that gets sucked into the general fund every year.

Mr. Lawhorn wished to move away from relying on this revenue, although he was aware that this was not an easy problem to solve, and other alternatives would likely come from residents or fees. He reminded Council has had multiple discussions on how to increase revenue aside from raising taxes; this is difficult because that is what ultimately led to the increase in parking rates. He believed moving away from that mindset would make it easier to resolve these issues. He would support free parking for Main Street employees but wondered how that would technologically be made possible.

Mr. Gifford stated that there may potentially be new technology that will simplify the monthly permit process.

Mr. Lawhorn supported any incentive to participate in the parking survey, believing it could be effectively integrated into marketing efforts.

Ms. Bensley stated the two leading ideas are gift card drawing or parking validation for a certain period.

Mr. Lawhorn believed a parking garage should be another long-term solution to consider. While this may be a controversial solution, it addresses many factors concerning the City's parking. He believed there would be no question of finding parking if there were at least two large parking garages within City limits. He believed this would be an effective solution but wondered where to put them. He noted the City has lost two potential properties to apartment development since the parking subcommittee's recommendations were formed. He asked the Parking Advisory Committee to begin discussing parking garages as another potential solution.

Mr. Gifford believed collecting data would be a step forward in this idea. If the City does not know how its parking is used, it will be difficult to justify the expense of garages or underground parking.

Mr. Lawhorn agreed. He encouraged the committee to discuss this idea as a data-driven solution.

Mr. Gifford assured this idea is already part of the committee's discussions.

Mr. Lawhorn noted the opinion on parking garages and the general feedback of the committee may change as changes occur among Council.

Mr. Gifford noted a UD parking lot is closer than Lot #1 but is half the size of a parking garage. If this area suddenly opens up, the City may not even recoup its investment if it implements a parking garage in Lot #1, because everyone would likely go to the more convenient lot for the "easier" section of Main Street.

Ms. Bensley noted that a parking garage project is listed in the FY2026 Capital Improvement Plan as a placeholder to initiate discussions for future years.

Dr. Bancroft agreed with Mr. Lawhorn. He encouraged supporting the businesses and customers in the downtown area and did not believe parking should be relied on as a revenue stream. He asked how much revenue was brought in from parking.

Ms. Bensley stated parking brought in $3 million in revenue from meters and kiosks. $750,000 was transferred to the general fund.

Dr. Bancroft requested the results of the City's current free parking program on weekends during the off-season.

Ms. Bensley noted that through August 8th, the City is up $27,000 in revenue YTD over the same period last year. Revenue has increased simply by offering free weekends and charging full price during the week.

Mr. Coleman explained that the amount transferred to the general fund each year varies. However, the City historically transfers every penny that is not nailed down. The number is always significant but does change every year.

Dr. Bancroft supported the idea of using monetary incentives to encourage feedback. He believed this would be a positive opportunity to promote community participation, which Council has expressed a desire to do in the past. He thought the app could provide valuable and helpful features as staff continue to tweak the system. He supported technological solutions to reduce customer hassle and endorsed making signage more thematic and straightforward for customers. He supported courtesy parking in any location that would make sense and remarked that he was supportive of many of the committee's recommendations.

Mr. Brown concurred with Dr. Bancroft and Mr. Lawhorn. He agreed with addressing signage, implementing survey incentives, and offering a 15-minute courtesy parking. He asked if there is a significant cost difference between the City's lots and UD lots.

Mr. Gifford stated that if a vehicle is parking for the short term, it is more expensive to park in UD's lots because they increase rapidly. However, it does not exceed a certain amount for 24 hours. Parking in a city lot for 8 hours, for example, would be more expensive due to that fact.

Mr. Brown asked if the City and UD used the same parking app system.

Mr. Gifford confirmed they do.

Ms. Bensley explained that part of the reason the City chose to utilize Passport was that it is UD's provider. However, there is a difference due to how their workforce and student body interact with the app. As some individuals are not on campus 5 days a week. UD has not only sold permits for select lots but has also made many lots available both to permits and hourly parking. She believed a short-term solution could be advertising places where employees can park for less money than in City lots until a long-term solution is discovered. However, this also opens the prime central downtown spots for customers.

Mr. Brown agreed to making the numbers or names of the City's lots more consistent.

Ms. Ford did not have an issue with Items #1 - #4; however, she wondered how the survey would be disseminated, who would collect the data, where it would be stored, and how it would be processed. She supported a massive marketing campaign to change the perception of Newark's downtown parking. She believed a 15-minute courtesy parking period would be easy to program into the City's parking system. She encouraged exploring the possibility of a downtown parking garage and noted the success of Media, PA. She encouraged an individual from either staff or the committee to reach out to officials in Media to gather insight into their success. She supported relief for the employees who work on Main Street, believing it should not cost an individual money to go to work.

Mr. Gifford agreed. However, he noted it may be challenging to get a system to fulfill the exact wishes of its client. However, he believed the City's parking system is effective and that it would ultimately be easy to program once the approach is determined.

Ms. Ford noted her background in information technology and did not anticipate programming a courtesy period to be difficult. She asked if private parking lots are included in Passport.

Ms. Bensley stated that most private lots use different vendors instead of Passport. Many use ParkMobile. There is currently no requirement for private lots to use the same vendor as the City.

Ms. Ford believed it would be beneficial if all entities within the city used the same parking app.

The Deputy Mayor opened the floor to public comment.

Ryan German, Owner of Caffe Gelato, believed there is less parking on Main Street than ever before, despite the increase in vehicles, residents, and UD students. He supported a parking garage, a 15-minute free parking period, and the endeavors to alleviate the expenses of staff parking. He believed that a dynamic model offering free parking for Main Street staff would be beneficial. He believed that virtual signage, allowing individuals to see where they can park, would be helpful to customers. He agreed that the University parking price changes if a substantial amount is available. He suggested offering discounted promotions when there are many open spaces on Main Street during the off-season. He noted this is common practice in the state's beach towns. He agreed that many private lots use different apps and believed the City relies on private lots to absorb Main Street employee parking. He thought it would be beneficial to integrate the private lots into the Passport app, as a revenue-sharing mechanism could be used for the City to help monitor the lots. He noted a UD lot on Academy Street has historically been used for parking on Main Street, which has approximately 60 spaces and is vacant more than 180 days a year. He believed utilizing that lot would provide immediate positive feedback. He suggested asking the new incoming UD President & Administration to open the Academy Street lot to public parking.

Carla Guzzi, Owner of Bing's Bakery and Bing's Bake & Brew, noted she has received feedback from her clientele regarding the complexity of parking just to come in and out of the bakery. She was pleased to hear about the possibility of a 15-minute courtesy period, believing it to be essential for her business. She noted that customers have many choices to shop, many of which do not have the inconvenience of metered parking. She noted that many of her clients are older and not technologically savvy, so business owners and employees often help them with the parking payments. She thanked the Parking staff for their willingness to cooperate with her, as sometimes, when she unloads her vehicles in front of the bakery, her car will be ticketed. She asked the City to keep businesses in mind during these considerations, and for Parking to be open to collaboration with companies during the slow summer months.

Sasha Aber, District 5 Parking Advisory Committee representative and owner of Home Grown Café, thanked the Council and the City for a positive meeting. She believed moving in a positive direction downtown will help to change customer habits. She believed the 15-minute courtesy period would be a great way of doing so. She noted customers slowly began not coming to Main Street due to COVID, the repaving, and then the parking rate increased, but now Council has indicated they will invest back in the downtown area. She appreciated this sentiment, believing it would make the Main Street experience more pleasant. She believed offering discounted or free parking for Main Street employees would be significantly helpful, noting her business has experienced staffing challenges due to parking issues. She noted the Parking Advisory Committee has many ideas and will bring more of them forward to Council in the future.

Ms. Reed read a written public comment into the record.

(Secretary's Note: The attached letter was received from:

- ***Javier Acuna.)***

There was no further public comment.

18. 6-C. RESOLUTION 25-__: A RESOLUTION TO SET THE TAX RATE FOR COLLEGES AND UNIVERSITIES WITHIN THE CITY OF NEWARK FOR THE FALL 2025 SEMESTER AT $50 PER FULL OR PART TIME UNDERGRADUATE OR POSTGRADUATE STUDENT – CITY MANAGER TOM COLEMAN (30 MINUTES)

1:27:28

Mr. Coleman explained the ordinance passed at the previous meeting to establish a tax on colleges and universities required Council to pass a resolution setting the tax rate for the fall 2025 semester. All subsequent semesters will be set as part of the annual budget, similar to how the City sets its property tax rates. This resolution includes the full $50 amount allowable under the Code; he strongly recommended that Council implement this amount. While the Council can set the rate at whatever level it wishes, he cautioned that the City will be facing budget challenges this year. Staff assumed that even if Council implements the full $50, and the University has an enrollment count of 24,000, the City's budget will still be short by approximately $6.7 million. He believed the City would need every bit of revenue it could get.

The Deputy Mayor opened the table to Council comment.

Dr. Bancroft believed it made sense to set the rate at $50.

Mr. Lawhorn asked for clarification this is setting the rate for FY2025.

Mr. Coleman clarified this would be setting the rate for Fall 2025. The City will set the Spring 2026 and Fall 2026 rates as part of the FY2026 budget process.

Mr. Lawhorn requested clarification on whether this revenue will be collected in December.

Mr. Coleman responded in the affirmative. He reiterated his belief that the City will need every penny they can get, as some numbers – including parking – are underperforming for this year.

Mr. Lawhorn explained that he was initially hesitant to implement the full $50, as this was the end of 2025, and he wished to use this tax as an opportunity to initiate collaborative conversations with the University. However, he understood Mr. Coleman's concerns.

Mr. Coleman explained funding in 2025 will be helpful for FY2026 because any excess funding in this year will become capital reserves for 2026. This will make it easier to fund capital projects, as they will not require the use of that year's funds.

Ms. Ford agreed to implement the full $50.

There was no public comment.

MOTION BY DR. BANCROFT, SECONDED BY MR. BROWN: THAT COUNCIL ADOPT THE PROPOSED RESOLUTION SETTING THE TAX RATE FOR COLLEGES AND UNIVERSITIES WITHIN THE CITY OF NEWARK AS PRESENTED.

MOTION PASSED. VOTE 4 TO 0.

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

(RESOLUTION NO. 25-N)

16. 7. FINANCIAL STATEMENT: None

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

A. Recommendation to Approve a Budget Amendment and Waive the Bid Process in Accordance with the Code of the City of Newark for the Purchase of a Pickup Truck and two (2) Forklifts based on Utilize State of Delaware Contracts for CIP EEQSF – Electric Director Bhadresh Patel (10 minutes)

1:33:15

Bhadresh Patel, Electric Director, explained this to be a recommendation to waive the bid requirements and approve a budget amendment to purchase one pickup truck and one forklift. This item's memo initially included two forklifts, but he requested to remove Unit 155 from consideration. Staff received additional bids after the package was submitted and will need more time to evaluate them. He will return to Council for the recommendation for that unit once the review process is complete. Vehicle #129 is a Ford pickup truck that the City's electric technician utilizes to complete meter reading, meter installation, substation troubleshooting, and other customer concerns or requests. The other is Unit #154, a forklift that is utilized at the City's warehouse to move heavy equipment, load/unload small- to medium-sized transformers, and other wires and cables.

The Deputy Mayor opened the table to Council comment.

Dr. Bancroft asked for clarification on how the amounts in the motion would be different than those listed in the memo.

Mr. Lawhorn stated the updated numbers in the motion would be $42,686 and $116,482.

There was no public comment.

MOTION BY MR. LAWHORN, SECONDED BY MR. BROWN: THAT COUNCIL WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK FOR THE PURCHASE OF ONE PICKUP TRUCK FROM THE STATE OF DELAWARE CONTACT NO. GSS23014-VEHICLES FROM WINNER FORD IN THE AMOUNT OF $73,796, ONE FORKLIFT FROM THE STATE OF DELAWARE CONTRACT NO. GSS25945-FORKLIFT FROM HYSTER-YALE MATERIALS HANDLING IN THE AMOUNT OF $42,686 AND APPROVE A BUDGET AMENDMENT FROM 5195106.9623.EEQSF IN THE AMOUNT OF $116,482.

MOTION PASSED. VOTE 4 TO 0.

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

19. 9. ORDINANCES FOR SECOND READING & PUBLIC HEARING: None

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

B. Request of QB Friendship BBQ, Inc. on behalf of Friendship BBQ for a Special Use Permit to Allow a Restaurant with Alcoholic Beverages for Consumption on the Premises at Friendship BBQ located at 230 East Main Street, Unit 205 – Planning & Development Director Renee Bensley (15 minutes)

1:36:43

Ms. Bensley explained this application is for a location in Suite #205 of the Newark Shopping Center. This restaurant is located in the downtown corridor, corresponding to the land use recommendations in Comprehensive Development Plan V 2.0, which calls for mixed urban uses at the site; alcohol service can provide an enhanced dining experience, and restaurants are an everyday mixed urban use in the area. Approval of this Special Use Permit would enable similar operational guidelines to those of other businesses in the area. The Police Department has stated it does not have concerns with the sale of alcoholic beverages for consumption at this restaurant, as the Code Enforcement Division provided the same feedback. No other department or division has expressed concerns or objections to this application. This is an existing business, so they are looking to add alcoholic beverages to their existing menu. She noted that the Council's packet includes the location maps, as well as the cover letter, sample menus, and floor plans from the applicant. She noted that the applicant is not present this evening. If the Council has any questions specifically for the applicant, the Planning & Development Department can postpone this item to schedule another hearing where the applicant is present.

Ms. Ford noted this to be a standard procedure for restaurants and did not see a reason for Council to postpone this hearing.

There was no Council or public comment.

Mr. Bilodeau noted that an ordinance amendment is currently being drafted to implement a period for the abandonment of Special Use Permits. Staff are clarifying the Code because some may argue that it is unclear what happens if a use is abandoned for more than one year. He suggested imposing a condition that if this use is abandoned for more than a year, the Special Use Permit will be lost.

MOTION BY MR. LAWHORN, SECONDED BY MR. BROWN: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR QB FRIENDSHIP BBQ AT 230 EAST MAIN STREET SUITE 205 IN THE NEWARK SHOPPING CENTER AS STATED IN THE JULY 21, 2025 STAFF MEMO, WITH THE ADDED CONDITION THAT IF THE BUSINESS ABANDONS THE USE FOR MORE THAN ONE YEAR, THE PERMIT WILL AUTOMATICALLY BE REVOKED.

MOTION PASSED. VOTE 6 TO 0.

MR. LAWHORN VOTED YES FOR THE MOTION BECAUSE THE PROPOSED USE DOES NOT AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSONS RESIDING OR WORKING WITHIN THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS WITHIN THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; AND WILL NOT BE IN CONFLICT WITH THE PURPOSES OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY. HE MADE THIS FINDING DUE TO THE REASONS OUTLINED IN THE AUGUST 4, 2025 PLANNING & DEVELOPMENT REPORT.

DR. BANCROFT VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. LAWHORN.

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

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

22. 10-C. REQUEST OF FOUNDING BROTHERS, LLC FOR A SPECIAL USE PERMIT TO ALLOW A RESTAURANT WITH ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT FOUNDING BROTHERS – NASHVILLE STYLE RESTAURANT LOCATED AT 168 EAST MAIN STREET – PLANNING & DEVELOPMENT DIRECTOR RENEE BENSLEY (15 MINUTES)

1:41:45

Mr. Bilodeau recommended implementing a similar condition as the previous application to the issuance of this Special Use Permit.

Ms. Bensley explained Planning & Development staff received an application from Founding Enterprise LLC for their new restaurant, Founding Brothers, which will be located at 168 East Main Street. This parcel is zoned BB, a mixed-use zoning district that permits restaurants to serve alcohol with a Special Use Permit. She noted there was a previous deed restriction on this site placed in 2000 as part of the conditions of a Special Use Permit at that time. However, this was lifted by Council in 2014, and at that point a Special Use Permit for a restaurant with alcohol was granted for this space. This was for Arenas, followed by a subsequent restaurant with alcohol service, Two Stone's Pizza. However, this location has been closed for over a year. Similar to the previous request, staff believe this request fits with the Comprehensive Development Plan. They also think the conditions should include that the stipulations of Sec. 32-46.4 of the Code will be required to be followed by the Special Use Permit since alcohol would be served to the patrons of the front patio that exists. Neither the Police Department nor Code Enforcement have any concerns about this request. However, Code Enforcement staff note that the submitted floor plan included in this packet shows two patios – one located at the front of the building and another on the side. The patio on the side of the building has not been constructed, and a permit has not been granted for its construction. Therefore, only the front patio would be included in Council's consideration of this request. No other department has expressed concerns or objections regarding this application. She noted the applicant is present this evening for questions from Council.

There were no Council or public comments.

MOTION BY MR. LAWHORN, SECONDED BY MR. BROWN: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR FOUNDING BROTHER AT 168 EAST MAIN STREET AS STATED IN THE JULY 21, 2025 STAFF MEMO WITH THE CONDITION THAT IF THE USE IS ABANDONED FOR MORE THAN ONE YEAR THAT THE SPECIAL USE PERMIT WOULD BE REVOKED.

MOTION PASSED. VOTE 4 TO 0.

MR. LAWHORN VOTED YES FOR THE MOTION BECAUSE THE PROPOSED USE DOES NOT AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSONS RESIDING OR WORKING WITHIN THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS WITHIN THE CITY OF NEWARK BOUNDARIES OR WITHIN ONE MILE OF THE CITY OF NEWARK BOUNDARIES AND WITHIN THE STATE OF DELAWARE; AND WILL NOT BE IN CONFLICT WITH THE PURPOSES OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY. HE MADE THIS FINDING DUE TO THE REASONS OUTLINED IN THE JULY 21, 2025 PLANNING & DEVELOPMENT DEPARTMENT REPORT.

DR. BANCROFT VOTED YES FOR THE MOTION DUE TO THE REASONS STATED BY MR. LAWHORN.

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

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

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

24. Meeting adjourned at 8:43 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/jh