Those present at 6:00 p.m.:

Presiding:                          Mayor Jerry Clifton
District 1, James Horning           
District 2, Sharon Hughes           
District 3, Jen Wallace             
District 4, Chris Hamilton          
District 5, Jason Lawhorn           

Absent:   Deputy Mayor Stu Markham

Staff Members:  City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Chief Communications Officer Jayme Gravell
Assistant to the Manager Jeff Martindale
Finance Director David Del Grande
Planning and Development Director Mary Ellen Gray
Planner II Mike Fortner
Public Works and Water Resources Director Tim Filasky

1. Mr. Clifton called the meeting to order at 6:00 p.m.

2. **EXECUTIVE SESSION**
   
   A. Executive Session pursuant to 29 Del. C. §10004 (b) (9) for the purposes of personnel matters in which the names, competency and abilities of individual employees are discussed, unless the employee requests that such a meeting be open.
   
   B. Executive Session pursuant to 29 Del. C. §10004 (b) (4) for the purposes of strategy sessions, with respect to collective bargaining, but only when an open meeting would have an adverse effect on the bargaining position of the public body.

   MOTION BY MR. HAMILTON, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. § 10004 (B)(9) FOR THE PURPOSES OF PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN; AND THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. § 10004 (B)(4) FOR THE PURPOSES OF STRATEGY SESSIONS, WITH RESPECT TO COLLECTIVE BARGAINING, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING POSITION OF THE PUBLIC BODY.

   Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.
   Nay – 0.
   Absent – Markham.

3. **RETURN TO PUBLIC SESSION**

   Mr. Clifton reported no action needed to be taken for either Executive Session topic.

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

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

5. **ITEMS NOT ON PUBLISHED AGENDA**

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

6. **UNIVERSITY**

   (1) Administration (5 minutes per speaker) (3 minutes)
Caitlin Olsen, University of Delaware Administration, announced UD has created and will open a new Veteran and Military Success Center in the Trabant Center on the second floor. The center will connect veteran and military students and enable them to find resources. It will house the Blue Hen Veteran Student Group as well as the Veteran Services Coordinator. She reported the credit transfer policy has been changed to give credit to veterans for the skills they have mastered in the military. She encouraged people to let veterans know of this addition.

First Generation College Student Day was celebrated on November 8. She reminded everyone that the college application process can be overwhelming for first generation students and connecting on campus can be a challenge. She noted there are groups and programs to support these students.

The last home football game will be on November 16 and will honor veterans throughout the ceremony. Classes will be suspended the week of Thanksgiving with students returning December 2.

Mr. Horning asked the Veterans Success Center was open to the public or limited to UD students. Ms. Olsen said she would ask the Veterans Services Coordinator (Brooks Roth).

Mr. Hamilton asked if the policy allowing Veterans credit for their services and experiences during their military service was mentioned anywhere on the website. Ms. Olsen said it was and she will provide a link to Council. Mr. Clifton said he was glad to see this program offered and thanked UD for their wonderful job with Veterans outreach.

Mr. Horning announced from 6:00-7:30 pm on November 12 there will be a Newark Partnership program at UD Career Services for interns. Ms. Olsen confirmed this.

7. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes) (2 minutes): None

8. 1-C. CITY MANAGER (2 minutes):

Mr. Coleman announced the Rental Workgroup meeting was scheduled for November 14 from 4:00-6:00 pm in Council Chambers. He stated Council members were welcome to attend along with any interested parties from the public. He reminded Council members any feedback they provide would be limited due to FOIA guidelines. Any recommendations decided upon at the meeting will return to Council at the February 3, 2020 meeting. He noted any individual Council comments can be given to him and he will provide them to staff.

He reported Public Works, the Parking team and Planning have been working with the contractor and DelDOT to get more access to more on-street parking during the construction project especially on the weekends. More information will be available at the end of the week.

9. 1-D. COUNCIL MEMBERS (5 minutes):

Mr. Hamilton:
• Noted when he was on Main Street recently he saw plenty of parking in some areas.

Mr. Lawhorn:
• Thanked the Mayor for his Veterans Day efforts and decorations. He wished Mr. Clifton as well as other Veterans a happy Veterans Day.

Mr. Clifton:
• Expressed appreciation for all Veterans and remembered the many Gold Star families that made the ultimate sacrifice. He noted Veterans Day acknowledgements extends to family members as well.

10. 1-E. PUBLIC COMMENT:

John Morgan, District 1, wanted to address the issue of parking in downtown Newark and the impact on the City’s budget. He said he recently encountered Joe Charma at the Deer Park. They discussed the budget and parking issues in downtown Newark. Dr. Morgan emphasized Mr. Charma’s membership on the Downtown Newark Partnership and that he also worked with parking issues in his capacity as a member on the old Newark Business Association. He noted Mr. Charma agreed with his opinion to increase the rate to park in downtown Newark particularly in Lot #1 during the times when it was occupied by mostly UD students from 9:00 am-5:00 pm M-F during the fall and spring semesters. He believed raising the rate to park in Lot #1 during peak times to match UD’s rates at their parking garages would induce
many to park elsewhere. He suggested the City lower the rate to park at off peak times. He would not advocate free parking however except for a few special days. He encouraged City staff to pursue this actively and not hire a consultant for a considerable sum. He believed Mr. Charma can provide information for much less, perhaps a cup of coffee. He urged Council to consider this as it may have a positive impact on the budget and help with the parking issues in downtown Newark.

Jean White, District 1, complimented the diagram in the atrium detailing the Main Street construction schedule. Mr. Coleman stated the diagram was done by DelDOT and their consultant AECOM.

Mr. Clifton reported one of the business owners had detailed conversations with DelDOT over some of the issues near his business and DelDOT has been extremely accommodating.

11. 2. APPROVAL OF CONSENT AGENDA:
A. Approval of Council Meeting Minutes – October 21, 2019
B. Approval of Council Meeting Minutes – October 28, 2019
C. Receipt of Green Building Code Workgroup Minutes – September 24, 2019
D. Receipt of Planning Commission Minutes – October 1, 2019
E. First Reading – Bill 19-31 – An Ordinance Amending Chapter 19, Minors, and Chapter 22, Police Offenses, Code of the City of Newark, Delaware, to Update Alcohol and Marijuana Citations for Individuals Under the Age of 21 to Civil Citations for the First Two Offenses to Match Delaware State Code – Second Reading – November 25, 2019

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 6 to 0.
Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.
Nay – 0.
Absent – Markham

12. 3. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

13. 4. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS: None

14. 5. SPECIAL DEPARTMENT REPORTS:
A. Newark Community Sustainability Plan – Planning and Development (90 minutes)

Mr. Fortner reported the Sustainable Newark Plan started in 2017 with a grant from DNREC. The grant was intended to be used for a collaborative, broad, long-term, integrated sustainability plan for the City. The first step after receipt of the grant was establishing a Steering Committee with Council’s approval. The Committee was made up of City residents, representatives from UD and other community organizations such as the Planning Commission, Bike Delaware, Conservation Advisory Commission (CAC) and others. He noted there were members of City staff included on the committee to integrate all the moving parts. The first task of the committee was to hire a consultant. They hired AECOM, a national consulting company. The team included three consultants. Dave Athey (former Council member and Newark resident) was the lead on the project. Mr. Fortner said the team went above and beyond the expectations. They were originally slated to meet 3-4 times but ended up meeting at least 9 times. The process included extensive research. Mr. Fortner stated they were integral in the creation of goals and action items and the committee members wanted to make this plan special to Newark.

Mr. Fortner stated the nearly two-year process included three Community Days, two drop-in public workshops, and attendance at approximately four CAC meetings. He added during the October 2019 CAC meeting, the Commission reviewed the plan and the CAC provided a recommendation.

Mr. Fortner reported the committee was seeking Council’s approval of the plan and following such, he will detail the implementation strategy if adopted.

Mr. Fortner stated the vision defined what a sustainable community was by meeting the basic needs of the present inhabitants while preserving for future generations the finite resources of the natural environment that are depended upon for survival. This vision parallels the United Nations definition of
sustainability. He added Sustainable Newark was a road map for making Newark a socially fair, economically strong and environmentally healthy place to live, work and play. It was a long-term plan to help the community realize the collective sustainability goals. It also served to encourage robust civic engagement, but always recognized emerging technologies and new ideas. As such it was not the end of the sustainability conversation in Newark but a starting point.

The intent was to have a structured plan and to focus on items the City could have the greatest impact on. As such, four themes were settled on.

**Theme 1**
- Respond to climate change (transitioning to clean energy)
  1. The first goal was to become 100% renewable generation by 2045 with gradual benchmarks to gradually shift to renewable energy with regard to the City’s energy portfolio.
  2. Triple the number of residents participating in the behind the meter solar generation by 2025.
  3. Reduce greenhouse gas (GHG) emission rates to net zero by 2060.
  4. Pilot renewable energy projects such as community solar and other developing renewable energy and energy storage technologies.

**Theme 2**
- Plan and develop (with commitment to sustainable land development and clean transportation)
  1. Develop a town core with complete streets and livable mixed use and infill development.
  2. Support a car free lifestyle or reduced car use.
  3. Transition to clean transportation options and how would there be a network of charging stations, etc.

**Theme 3**
- Build better, waste less (advance to sustainable design to promote healthy, efficient and livable buildings)
  1. There is a Green Building Committee compiling a series of recommendations to update City Code for new buildings and developments and to retrofit old buildings.
  2. Incentives through Efficiency Smart that will save approximately 3,300 megawatt-hours (MWh) of energy over the 3-year contract period.

**Theme 4**
- Preserve nature, reduce impact (by preserving natural resources and reducing waste generation and water usage)
  1. Increasing the tree canopy with the hope of reaching 35% by 2025. This helps by creating more resiliency for flood mitigation among other things.
  2. Reducing waste by reducing the inflow and infiltration as well as decreasing the discharge of fats and oils and greases into wastewater. Lessen the tonnage to the landfills each year by meeting certain benchmarks and goals.
  3. Use less water through smart meters and better education by encouraging zero scaping (landscaping that does not require a lot of water)

Mr. Fortner noted the path forward includes the following:

1. The role of the Conservation Advisory Commission and how they will set the priorities and work with designated City staff.
2. Coordination with Newark Energy Transition (NET), a panel of experts on utilities to give guidance to the CAC.
3. Allocation of funds for contractors.
4. Annual report to Council
5. Update the Plan (no less than every five years)
6. Creation of on-line Dashboard
   a. Accessible on City’s website.
   b. Show real time data on energy usage and renewable power generation, water consumption, etc.
7. Public Engagement
   a. Emphasize the sustainability efforts and opportunities.
   b. Proactive use of the Communications Officer, Newark Post, social media
   c. Expansion of the Sustainable Newark Plan website
   d. Representation at Community events.
The Chair brought the discussion back to the table. Mr. Clifton thanked Mr. Fortner for his concise presentation. He thanked City staff and volunteers in the community for their hard work and dedication.

Mr. Fortner asked Mr. Clifton if Jeremy Firestone, Steering Committee member could speak briefly on the topic.

Jeremy Firestone, District 4, UD Professor of Energy and Climate said he was asked to be on the panel. He believed it to be a great opportunity for the City to show the state leadership on the matter. He believes the plan was well balanced. He added an important step would be to take a greenhouse gas emission inventory as it was important to obtain a baseline. He explained there are currently disincentives to buy electric vehicles because of the high cost of electricity and as such creates some challenges when consideration of City budget issues; but he believed the challenges can be tackled. He added he was a member of the Green Building Code work group and moving forward on this aspect will be an important aspect as well.

Mr. Lawhorn thanked the whole team for their considerable work. He said the proposed plan contains a lot of information and a lot of big ideas combined with some smaller ideas that will be easier to implement. He said overall it was outstanding work and a great plan at a high level. With reference to the bigger ideas that would incur a cost, Mr. Lawhorn confirmed they would return back to Council for closer evaluation. Mr. Fortner explained the plan was a roadmap and any large purchases including policy changes would go to Council. Mr. Lawhorn believed the individual goals are good goals. He added he was not a fan of recs as he does not believe it actually helps the environment. However, if the City wants to create their own Green Energy then he would be in favor and he understands that conversation may come up soon. He agrees it was a complex problem when the City wants to do the right thing and be green but for example if a person has solar panels they receive a tax credit because the way the City enterprise funds contribute to the general funds. He appreciated the committee discussed and recognized the issue and it will need to be addressed in the future. Mr. Lawhorn stated he was very much in favor of Goal 2.2, to improve coordination among the four Newark bus systems by completing and implementing the Newark TriP’s Newark-area Transit Study. He said the proposal to reduce the electric usage by 25% in the next six years in City buildings was a good goal but he was unsure how to get there. He wants to stay informed in the future of how much a goal like this would cost. He noted accurate present day baselines are important for future analysis.

Mr. Horning thanked everyone for the great work and detail in an excellent effort. He wished to relay thanks to Helga Huntley on her passionate efforts as well. He believes the committee was taking the right approach in addressing a multitude of concerns especially when it comes to cost. He said relative to DEMEC and the increase of renewables, would DEMEC be allowed to let someone buy less and will an impact actually be made if DEMEC was sticking with the state regulations? He asked if the NET experts would be volunteers or local residents.

Dave Athey, AECOM and District 4 resident, stated the NET originated from the CAC and was very complex in nature. He added if City staff have that expertise he asked they be included as well, but at this point it will be citizen volunteers. Mr. Clifton said the funds were managed through Mr. Fortner and the Planning Department. Ms. Bensley clarified the CAC has a budget that Council allocates through the budget process. The individual items they approve to spend their budget on do not come back to Council unless it was part of something that was a larger contract of $25,000 or over.

Ms. Wallace thanked the committee and said the City was lucky to have some very talented and educated individuals who are service minded. She believed this project was a step in the right direction and that the City was already undertaking some of these efforts. She believed Newark could be a leader in this regard. She wanted to make sure the CAC was okay with taking on this large endeavor and that they have been a part of this conversation. Mr. Fortner said they are aware of the involvement required of them. Ms. Bensley said the CAC was very enthusiastic about having an active role in the plan. Ms. Wallace said she was disappointed the rest of Council did not agree with her that it should be a priority to move from 17% to 50% RPS standard but in this plan it does state they would reach 35% by 2025. She asked staff to return to Council with a path forward of how this will meet the standard if Council does adopt this plan.

Mr. Hamilton thanked the team that put all the work into the process. Mr. Hamilton asked if residents could keep contributing to the McKees Solar Park. Mr. Coleman said openings are still available. Mr. Hamilton asked if residents could still buy entire panels. Mr. Coleman said full panels were still available. Mr. Del Grande said he believed the panels are $500 but he will verify the price and availability. Mr. Coleman said he has DEMEC putting together some numbers for the upcoming meeting for installing solar panels on the roofs of City buildings. Anything on a larger scale would include an RFP for a third party
to build and the City would enter into a power purchase agreement. Mr. Hamilton suggested partnering with UD as they just built three large buildings on STAR Campus and he did not believe any included solar. Mr. Hamilton suggested putting the charging stations on the outskirts of town and partner with some hotels. Mr. Hamilton asked if there was any possibility of expanding the CAC membership especially in light of the fact of them taking on new responsibilities. Ms. Bensley said they are currently a nine member committee with six district members and three at large members. Mr. Hamilton asked if residents could sign up for additional panels at McKees. Mr. Del Grande said the current program allows for one but there can always be discussions to expand; however, Mr. Del Grande said he has reservations about making the program larger for investment purposes. He added that conversations can always be had to go larger as this was an investment and it was not supposed to be an investment but a way to buy green in the City. Mr. Coleman stated it was confirmed there are two purchases permitted.

Ms. Wallace asked Mr. Del Grande for clarification for the maximum number allowed for panels. Mr. Del Grande will provide Ms. Wallace with the information. He reported it was a ten year administrative process with approximately 100 members and he noted it was a bit tedious with the current process.

Ms. Hughes said she was very impressed at the presentation that highlighted Sustainable Newark especially when considering the amount of detailed work that went into the process. She believed it sets a gold standard in comparison to other municipalities. She asked if there was anything that Council could do to further this process along besides the general actions they were permitted to undertake. Mr. Fortner noted adoption of plan was necessary and as staff comes forward with ordinances, implementing those as well. Mr. Coleman also noted clear feedback from Council going forward will be necessary in the event the plan needs to be revisited or reconfigured. Ms. Hughes asked what priority level staff would place on this proposal. Mr. Coleman stated staff viewed it as a guiding document with individual themes contained within that have varying priorities. He said ultimately the priority will be what Council decides.

Mr. Hamilton said he was not certain this fit into the sustainability plan but he believes the Efficiency Smart program should be included in this process to help people individually by increasing their efficiency. He asked the CAC assist in this process of notifying people of these incentives.

Mr. Clifton said he was not necessarily enamored with 25% by 2025 or even 35% by that date. He noted there was a market for a desire to move forward with a heavier standard. He added by being part of the process that creates the market could be very valuable. Mr. Clifton believed Newark has a responsibility to be financially sustainable to surrounding communities as well. Mr. Clifton said the bus route was discussed and he had asked about securing additional funding. He reported he had a good conversation with Secretary Cohen from DelDOT recently and they discussed the dynamics needed to occur. He believed the bus route to be cumbersome and believed there could be more ridership with a more fluid circular route going through Newark. He suggested expanding the route during the weekend for Newark residential customers as he believes the Unicity bus was a hidden gem that should be capitalized on.

Mr. Clifton opened the discussion to public comment.

Jim Nieg, Northgate Commons, said he was concerned with the focus on electricity. He asked with all the new construction in Newark was there consideration to use electricity as he believed the future was electrification of home heating. He suggested there be incentives for residents to encourage them to install electric systems.

Mr. Clifton returned the discussion to the table.

Ms. Wallace asked staff to make a note about Mr. Nieg’s comments for consideration during the electric study.

**MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: TO ADOPT THE NEWARK COMMUNITY SUSTAINABILITY PLAN.**

**MOTION PASSED. VOTE: 6 to 0.**

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.
Nay – 0.
Absent – Markham.

15. 6. **RECOMMENDATIONS ON CONTRACTS & BIDS:**
A. Recommendation to Amend the Budget to Transfer Funds from the Operating Budget to CIP N1801 (and Change Order for Contract 18-09) for the Finalization of Municipal Center Rear Concrete Deck and Stair Repairs (10 minutes)

1:24:18

Mr. Martindale discussed the construction and completion of the rear concrete deck and stairs along the Apple Road side of the municipal center. As mentioned on August 26 and in an update memo sent on October 14, extra work was needed to complete the CIP in addition to what was approved by Council. Since Council’s recommendation from August 26 was to consult with engineering firms prior to authorizing work, JMT Engineering was brought in to go over the project with staff and confirm that all remaining structural issues were resolved in the round of work. Mr. Martindale noted that with the advanced consulting, Facility and Fleet Maintenance staff were able to prepare for and complete some of the welding work associated with the project which saved the City an estimated $6,700. Funding for the project up to $117,555 was available through CIP N1801 with an additional $20,000 needed to complete the project. Of the $20,000, $10,110.40 would come in the form of a change order to Contract 18-09 which was awarded to Guardian Environmental Services in April 2019.

Mr. Martindale explained that when Facilities Maintenance was part of the Planning Department, CIP B1601, Municipal Building Improvements, was created with specific funding denoted for concrete, deck and stair repairs. Once Facilities was transferred to IT, the project was canceled but $25,000 for the project remained earmarked for the concrete work. Since CIP N1801 was initially funded through bond issuances, the $25,000 returned to the General Reserves for the Maintenance Fund. It was staff’s recommendation that $20,000 be transferred from General Reserves in the Maintenance Fund to CIP N1801 to fully fund the work completed to finalize the concrete deck and stairs.

Mr. Horning was generally critical of contractors performing governmental work and appreciated staff’s choice to bring in JMT to provide a second set of eyes. Mr. Horning did not know if it was possible to highlight contractors for future bids. He acknowledged his inexperience with projects but understood the possibilities of incurring more cost as projects uncovered new issues. He asked if it was possible to reuse the original railings. Mr. Martindale responded that new railings were included in the previously authorized work but were not yet completed. He explained that concrete work was done but the railing would be installed within a few weeks. Mr. Horning thought the idea was to reuse the original railings. Mr. Martindale said the hope was to leave the brick as it was before it was discovered that it was not rooted deeply enough. Mr. Horning felt that taxpayers would appreciate the work done in-house to save expenses. He asked if there were any internal concerns with the original approval versus the increase or if involving JMT helped with validity. Mr. Martindale explained that when the work was done in the 1990s, it was not done as well as anticipated and with the involvement with JMT and staff, the project is anticipated to last for several decades more than the previous project. Mr. Coleman stated there were no concerns that the work requested by the contractor was unnecessary as it was related to improper construction practices when it was first built. The current contractor corrected the issues and Mr. Coleman referred to the work performed in-house by staff which saved a considerable sum. He was confident in the outcome. Mr. Martindale explained it was difficult to anticipate issues with concrete without breaking into it and staff felt capable of anticipating scope changes with non-concrete issues ahead of time.

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: TO APPROVE BUDGET AMENDMENT TO MOVE $20,000 FROM GENERAL RESERVES IN THE MAINTENANCE FUND TO CIP N1801 WITH $10,110.40 DESIGNATED AS A CHANGE ORDER TO CONTRACT 18-09 FOR THE PURPOSE OF FINALIZING THE REPAIR WORK TO THE MUNICIPAL CENTER’S REAR CONCRETE DECK AND STAIRS IN 2019.

MOTION PASSED. VOTE:  6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.

Nay – 0.

Absent – Markham.

16. 6-B. RECOMMENDATION TO AMEND THE BUDGET TO APPROPRIATE FUNDS FROM A DELAWARE VALLEY HEALTH TRUST (DVHT) GRANT AND WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CITY CODE FOR THE PROCUREMENT OF ACTIVE LIFESTYLE EQUIPMENT (10 MINUTES)

01:32:15

Mr. Martindale explained the grant, awarded to the City in December of 2018 and worth $34,384, was designated for healthy workplace or active lifestyle equipment and as such, The Wellness and Employee Engagement Committee opted to use the funding on VARIDESK standing desks as well as updated gym equipment for the Municipal Center’s gym. To date, $6,228 has been spent on VARIDESKS...
which leaves $28,156 of the DVHT grant remaining for the gym equipment. The Committee reached out to Johnson Fitness & Wellness in Pencader for a quote and recommended waiving the bid process in accordance with City code to purchase equipment from Johnson. Mr. Martindale explained that compiling quotes for was time-consuming and with few discounts available for individual equipment purchases, staff felt Johnson was the best option for the City going forward. He described the thirteen pieces of equipment quoted by Johnson had a retail value of approximately $47,000 and Johnson provided $19,000 worth of discounts to bring the quote to roughly $28,000. DVHT pre-approved the use of the grant for approximately $25,000, which left the City responsible for $2,999 of the $47,000 needed to procure the equipment. Mr. Martindale acknowledged Johnson’s assistance in creating the best outcome. He explained the prep work associated with the gym update will come in January and as such, staff recommended appropriating DVHT funds as outlined on the recommendation as well as waiving the bid process to purchase equipment from Johnson Fitness & Wellness.

Ms. Wallace asked what a cage system was, and Mr. Coleman explained it was a squat rack. Mr. Martindale explained it was for weight training as opposed to cardiovascular. Mr. Coleman explained the grant cannot be used for weights but could be used for body weight training. Ms. Wallace asked if the cage was attached to another piece of equipment that would render it unusable should the cage be removed. Mr. Martindale explained that the TRX suspension ropes would connect to the cage and staff hoped it would be covered under the grant because it is a dual use item. The Committee noted that it was important to have more than cardiovascular equipment available. Mr. Coleman explained it as a standard cable machine and Ms. Wallace asked if it would allow for more weight training as opposed to cardiovascular and Mr. Coleman repeated that it would and said the current gym has some similar equipment. He illustrated the current gym had various large obsolete pieces of equipment and staff’s goal was to incorporate more utilitarian machines to encourage a more approachable environment. He explained the equipment removed from the gym would be relocated to the Maintenance Yard as staff currently had no equipment that location and would create a second gym. Mr. Martindale added that staff hoped to have the equipment covered by the grant but could now use the funding for repairs on the old equipment to be used at the Maintenance Yard. Mr. Martindale believed once the DVHT grant expired, it was supposed to renew, and staff could double the gym at the Maintenance Yard or use it for other active lifestyle equipment.

Mr. Horning asked if there were any obligations tied to the grant and Mr. Martindale explained that DVHT was the City’s primary insurance provider and it was beneficial to have a healthy workforce for both entities. Mr. Horning appreciated the fact that it was funded through recruitment and retention and was purchased locally. He asked for an estimate of preparation and Mr. Coleman responded it was staff time for putting together the RFP, the contract documents, and the advertising. He estimated it at fifteen hours. Mr. Martindale noted that anything above $25,000 should be put out for contract and anything under should be put out for three quotes. He did online research to find comparably priced equipment and nothing came close when the discounts were considered. He noted that he did not put in the fifteen hours mentioned by Mr. Coleman.

Mr. Horning asked about the maintenance fees in the outgoing years. Mr. Coleman explained that the City currently had an annual inspection for equipment and felt it would be roughly the same. Mr. Martindale mentioned that with the renewed grant, the ongoing funds could be utilized. Mr. Horning was anxious to support the action because the City was planning on an 8% health insurance premium and it was closer to 5% which saved roughly $100,000 for taxpayers. He asked if the savings was attributable to the Wellness and Employee Engagement Committee’s efforts. Mr. Coleman answered that the renewables were driven by medical expenses and said it was difficult to prove but noted that the expenses were less than anticipated so the renewal cost came in lower.

Mr. Clifton asked about the life expectancy of the equipment and Mr. Martindale responded that it was difficult to gauge because it depended on usage and the equipment was on the lower end. The grant funding allowed for the City to purchase higher quality equipment. Mr. Coleman explained that the equipment currently in the gym was purchased secondhand and was at least eight years old and the new items identified to purchase were commercial grade. Mr. Martindale explained it was meant for repeated mass use and should last several years.

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: TO AMEND THE BUDGET TO APPROPRIATE FUNDS FROM THE DVHT GRANT FOR THE PROCUREMENT OF THE ABOVE FITNESS AND HEALTH EQUIPMENT AS WELL AS WAIVE THE BID PROCESS IN ACCORDANCE WITH THE CITY CODE TO PURCHASE TRAINING EQUIPMENT FROM JOHNSON FITNESS & HEALTH IN NEWARK, DELAWARE, IN THE AMOUNT OF $28,947.

MOTION PASSED. VOTE: 6 to 0.
Mr. Martindale reported this Capital Improvement project has been included the Capital budget for several years but had been pushed back periodically to allow funding of other projects deemed more critical to City operations. However, staff now strongly recommends completing this project in 2019 for three main reasons. The first would be the aesthetic value as it was staff’s opinion the visual look of the room was outdated and made viewing Council meetings via Livestream difficult. He noted removing or updating items will make the room more inviting to the public and to online viewing. The second issue was a space concern as there were certain areas of the room, specifically staff seating and the podium that are organized in an inefficient manner. He added that by expanding the staff seating and building a podium into the counter at the right side of staff seating, there will be a better use of space. The third reason noted a security concern as there were currently no quick escape routes for the public in the main public seating area besides the door to the front lobby. If the exit were blocked for any reason, escape options for the public would be incredibly limited. He said by building a stairwell into the center of the countertop, it would create an additional escape route accessible for the public and would allow Council to exit to the front lobby without climbing over staff along the sidewalk during meetings.

He noted due to the fact that Council meetings were now held four times per month, there was very limited time availability to complete such renovations. Staff recommended moving the project forward to 2019 so the work may be completed during the break during December 2019 rather than waiting until December 2020. He noted this project was shown as being completed in 2019 during last week’s budget presentation, so approving this motion would not impact the 2020 budget as presented during the previous meeting.

The Chair opened the discussion to questions from the table.

Ms. Wallace noted the aesthetics was the least important to her. She asked Mr. Martindale the approximate cost of the aesthetic portion of the project. Mr. Martindale said the aesthetic portion would essentially be moving the murals behind the dais. Mr. Martindale noted the countertops would be changed through the process and would no longer be orange. He mentioned if the countertops are cut to allow for the podium and stairwell, staff believed the countertops may as well be replaced. He noted that staff seating may be pushed out into the floor and noted if the podium was built into the countertop there would be more room on the floor. Ms. Wallace said she was in favor of creating steps as she had concerns about security for the public as well as space for staff. She would like further detail on the cost of replacing the countertops. She believed the orange to be problematic as well as the shininess and the light reflected off the countertop impacts her eyesight; however, that was less of a concern to her. She believed the murals to be stuck in time but have history. She stated she was fine with moving the murals but would like to know what the plan was for the paintings and would like them donated to the Newark History Museum or the Delaware Historical Society or perhaps another location in the building. Mr. Martindale said there had been discussions about moving the murals to another location in the building.

Mr. Hamilton said he believed he voted against it in the past but liked the safety aspect and does not care about the aesthetics. He does not believe the City should be spending a whole lot of money on aesthetics.

Ms. Hughes said she had received more than a few complaints about the recording of the meetings. One of the consistent complaints had been the viewers cannot see the Council members individually because they blend in. She was not certain it was because of the murals but was certain this added to it. She noted she had also received complaints about the sound. She said she was in favor of any improvements to Council chambers, including aesthetic and getting rid of the orange counters.

Mr. Lawhorn asked for clarification on the safety improvements. Mr. Coleman said when the project was originally discussed, the plan was to install a new door through the outer wall but that was considerably more expensive with a quote at about of $45,000. There was some concern with steps as it was an accessibility issue. There could be additional exits considered but he believed that would be more expensive. Mr. Lawhorn said he was for aesthetic improvements and understands staff and Council are being budget conscious, but he believed it was time to make the improvements. He agreed the murals should be removed, but they should be moved to an acceptable location where they can be appreciated.
Mr. Horning agreed with preserving the murals as he had received feedback requesting that be considered. He said he has not received resident feedback on the aesthetics as a negative. Most of the negative feedback he has received was on the Livestream sound and that was received in the past. He believed better seating had been discussed at one point. Mr. Martindale noted that was included in the proposal. Mr. Horning believed that to be a good option as some of the meetings can be long. He has not received much feedback about not approving this as he will get about spending some of this money. He believed the room to be a functional space, but he had concerns about accessibility should the stairs be installed near the dais. He suggested building a ramp. Mr. Coleman said that would be under consideration but noted when the elevator was installed there had been a suggestion to make a ramp, but that added considerable space. Mr. Martindale said a ramp installed on the back wall would have to be 18 feet in length. He noted that had been considered for this project and was feasible but it would be extreme. Mr. Horning asked if the renovations were isolated to the chair improvements and what would the approximate cost be? Mr. Martindale said the estimate included the stairs and countertop improvements all lumped together at approximately $14,000-$15,000 but noted the estimate was based on when this was created in 2017. Staff has held off getting quotes until the project was approved so labor time would not be wasted. Mr. Horning asked if the costs were limited to materials. Mr. Martindale said the project would be a joint effort between staff and contractors. Mr. Martindale said he had spoken to David Greenplate, Facilities Maintenance Superintendent who had spoken with staff carpenters and they were willing to work during the down time in December; however, bringing in outside contractors will help the project get done in the timeframe staff hoped.

Mr. Horning said he was supportive of the chairs and removing the murals so it was easier to see the meeting on the Livestream. He reiterated the aesthetics was not important to him and he not received negative feedback. He believed the second egress to be a bonus.

Mr. Clifton reported there had been a complete overhaul suggested in the 1990s for an approximate cost of $88,000. At that time, he had stated he would support audio, lighting and seats. He noted he had looked at the Livestream and he can understand people are having difficulty seeing Council on the dais during the meetings. He believed the proposed addition of the stairwell was important due to safety issues and he would like to see a second way out of the room. He believed the countertops to be less of a cost. He thought it would be nice to have some earth tones and be less bright. He agreed with Ms. Wallace in that the existing countertops do have glare and he would like to see something with a matte finish. He believed this project to be a long time coming. He believed the chairs to be horrendous. He believed there are a lot of qualifiable reasons to do this project and he agreed the murals need to be preserved somehow.

Ms. Bensley noted part of the reason staff had requested this project to be moved from 2020 to 2019 was due to a timing issue. She noted there were five Mondays in December which provided an extra week to complete the work before meetings have to start back up again. If the project were to wait until December 2020, there would only be two weeks for maintenance staff to complete the renovations where in 2019 there are three weeks.

The Chair opened the discussion to public comment.

John Morgan, District 1, asked about the $1.55 million in real estate transfer tax revenue for 2019 and noted that real estate transfer tax revenue was currently $2 million. He asked what the money was being spent on and was it available to help balance the budget for 2020. Mr. Coleman said that was exactly what was being proposed. He noted when looking at the 2020 proposed budget, there was a line entitled appropriation of prior years’ reserves and $370,000 was being used towards balancing next year’s budget.

Dr. Morgan said he had spent considerable time sitting in the chairs in Council chambers and noted although they are not comfortable, he believed they are adequate. He believed that although there was concern in the past about creating an escape route for Council in the event an angry resident pulled out his firearm and started shooting; he believed that to be an irrational fear. He believed these improvements could be considered if the budget was flush and he would be more accepting. He believed this project to be more of a want rather than a need. He believed it could be harmful to City staff and Council members if there was a perception that in a tight budget situation that $25,000 was being spent on a project that was advertised primarily for aesthetics.

Megan Mullenix, UD Student Government Representative, said she supported the aesthetic change as the current look gives off strong Brady Bunch vibes and improvements would be a welcome change. She asked for consideration be given to acquiring one or two chairs with arms (desk style). She asked if the murals were being replaced as she believed it would be a unique opportunity for the community and UD students to work together on a community project.
Jean White, District 1, said she may be in the minority but she loved the murals. She said she has spent many hours in the chairs as well and she finds them to be acceptable. She said she was very sorry to hear the murals are being removed. She loved everything about them and believe the orange blended in well with the murals. She also believed the vertical wood on the front of the dais added to the whole room very nicely. She would like to review the plans on the proposals. She believes the stairwell was a safety issue.

The Chair returned to discussion to questions from Council.

Ms. Wallace thanked Ms. White for her comments. Ms. Wallace said she liked the murals as well. Ms. Wallace asked what if the timing did not work and she asked if there was a Plan B. She asked what would happen if the process became more complicated. Mr. Martindale said that had been discussed and he noted there would be a functional space even it was not pretty. Ms. Bensley said during the planning process other groups that used the space also had to be considered as well. She said the intent was to have the most the intensive portion of work down during the time when there was no one scheduled to be in the room but to have it usable for groups at the beginning and the end of the project. Ms. Wallace confirmed the only thing that would be changed was the countertops not the front of the dais. Mr. Martindale confirmed this but noted there had been some discussion to paint the wood on the front of the dais.

Mr. Horning asked if the removal of the murals would be only renovations to the wall. Mr. Martindale said it had been discussed, but he did not see this as a need at this time. Mr. Coleman said they had done a pilot of painting the brick in the lobby. Another suggestion was to leave the brick as is and hang something similar in the way of a mural/picture but something that was a solid color. He said he did not suggest painting the brick as it was not easy to be undone. Mr. Horning asked if replacement of the chairs, the addition of the stairs and the removal of the murals would really be a huge cost savings for the total cost of the proposed project. He understood the chairs are uncomfortable but was unsure if there were many complaints about them. He did understand the concern. If the stairs and chairs were done and not the countertops and the bump out with the podium would the cost be narrowed down.

Mr. Martindale said that point the countertop was just a second thought after all the work because that would be the majority of the project. Once the countertop was cut, it may be necessary to replace. Mr. Martindale noted there had been some eliminations from the original project in 2017. Mr. Coleman pointed out the issue with staff sitting on the side was that space was really the ADA accessible route to get back to the dais. Mr. Martindale noted he was trying to be as conservative as possible in the estimates and the hope would be that they would come in well under the budgeted amount.

Mr. Hamilton said he appreciated all the information but was disappointed the cost of the safety portion was not broken out. He believed that would be the only real argument for doing any of this. He did not believe there had been many complaints about the chairs. He did not believe the aesthetics are that important and does not believe it was necessary to see each individual person during the Livestream process. He would hope the decision would not be made to spend $25,000 on this project. He said he would vote no and possibly make an amendment to carve out that safety issue, but he could not even realistically do that because he does not know the cost as it was not included.

MOTION BY MR. LAWHORN, SECONDED BY MS. HUGHES TO APPROVE THE BUDGET AMENDMENT TO MOVE $25,000 DESIGNATED FOR CIP N-1702 FROM 2020 TO 2019 USING THE CITY’S REAL ESTATE TRANSFER TAX REVENUE IN EXCESS OF BUDGETED AMOUNTS FOR 2019.

MOTION BY MR. HORNING, SECONDED BY MS. WALLACE: TO AMEND THE MOTION TO INCLUDE THE STAIRS ADDITION AND THE REMOVAL OF THE MURAL AND TO LIMIT THE FUNDING TO THAT INITIALLY AT THIS TIME.

Mr. Lawhorn asked for clarification of the amendment. Mr. Horning re-read the motion. Ms. Wallace believed they would also have to accept there would be the replacement of the countertops and she noted, once the counter would be cut, replacement would probably be necessary. Mr. Coleman said staff could check and see if there was a way to “dress up” any cut ends of the countertops. Ms. Wallace asked if the stairs can be added without bumping out. Mr. Coleman said the issue was the podium would then be located in front of the stairs. Ms. Bensley noted the hope was also to not lose seating on the floor. Ms. Wallace said she would have liked to have seen a more fleshed out proposal. Mr. Coleman said if Council was okay with the suggestion, if they deemed it not urgent to do the project now and staff fleshed out a design with more accurate pricing and return to Council for discussion and then potentially cancel one of the new meetings and schedule the work for a window during that time to allow staff time to complete the project during 2020.
Mr. Lawhorn said he believed it sounds as if Council would support the safety changes and the countertop cost was relatively insignificant in comparison to that major cost so the other clear item that could potentially be eliminated would be the chairs. He suggested moving forward with the safety features and the countertops since there was the possibility it could be damaged during other work created during the process.

Mr. Clifton asked the dollar cost per chair. Mr. Martindale said in 2017 the project was created with the assumption the chairs would cost $4,500. He reported he can purchase 80-100 chairs for $2,500 currently as long the chair previously discussed was purchased.

Ms. Bensley said the chairs would be something that do not involve construction in the room and she believed it could be problematic with as much as the room was used for meetings to try to piecemeal a project just because there were very few windows of time during the year when the room was not being used. If there were parts of the project that would be not construction related that Council would be more comfortable delaying, that could be changed out without having to stop using this room, then that would be in her opinion, the more preferable option, provided Council wanted to move forward with the project.

After the discussion, Mr. Horning said he would like to remain with his existing amendment as he believed the cost of breaking out the entire countertop was difficult to predict in that how much it would change the cost of the project. He stated he would like to proceed with the stairs and move the podium back and remove the murals and see if the appearance was improved. He said the idea was if the project was done incrementally, public conversation can start and provide feedback on the process.

Ms. Wallace believed one of the reasons Council does not have the information was because of the timing of bringing the project to Council. She does not believe there was any real need to do this project now beyond the timing. She thought Council could decide to do this at a later time and cancel a meeting.

Mr. Clifton called the question on the amendment.

MOTION FAILED. VOTE: 1 TO 5.

Aye – Wallace.
Nay – Clifton, Hamilton, Horning, Hughes, Lawhorn.
Absent – Markham.

MOTION BY MR. HORNING: TO HAVE THE MURALS REMOVED TO IMPROVE THE EXPERIENCE AND EVALUATE THE REST AND OBTAIN MORE OF A COST BREAKOUT AND THEN TABLE THE REST OF THE PLAN AWAITING MORE DETAILED PROPOSAL.

Ms. Bensley stated this was not an amendment to the original motion and the original motion needs to be voted on and if there was a subsequent motion then that would be the correct path forward.

Mr. Clifton called the question on the original motion to approve the proposal as presented by staff.

MOTION FAILED. VOTE: 3 TO 3.

Aye – Clifton, Hughes, Lawhorn.
Absent – Markham.

Mr. Horning thanked staff for trying to get the project done and planning around all the meetings to try and get this done. Mr. Coleman asked for some direction from Council on whether they would like staff to move forward with removing the murals and preparing any designs or to do anything further with the project. Mr. Clifton said he would like to see the murals removed due to the issue with the Livestreaming as he believes residents have a reasonable expectation of clarity when watching their elected officials on Livestream. Mr. Lawhorn and Ms. Wallace stated there was interest from Council coming back with clarity on cost.

MOTION BY MS. WALLACE, SECONDED BY MR. LAWHORN: THAT COUNCIL DIRECT STAFF TO INVESTIGATE REMOVING THE MURALS AND FIND A HOME FOR THEM AND TO ALSO RETURN TO COUNCIL WITH A MORE DETAILED ESTIMATE FOR THE COST OF RENOVATIONS AS DISCUSSED.
MOTION PASSED. VOTE: 5 TO 1.

Aye – Clifton, Horning, Hughes, Lawhorn, Wallace.
Nay – Hamilton.
Absent – Markham

Mr. Martindale reminded Council the project was previously budgeted for 2020 and the reason it was brought before Council was to move the into the 2019 budget. Since the project will now be moved into the 2020 budget, he asked if Council wanted staff to return to them with the same format. Mr. Coleman said none of the costs in the proposed project will trigger the $25,000 threshold but his plan was to still return to Council with the design.

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

A. Bill 19–27 – An Ordinance Amending Chapter 11, Electricity, Code of the City of Newark, Delaware, By Amending the Requirements for Electric Deposit (10 minutes)

Ms. Bensley read the title of Bill 19-27 into the record.

MOTION BY MS. WALLACE, SECONDED BY MR. HAMILTON: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 19-27.

Mr. Del Grande asked for direction from Council on December 9 to modify Section 11-16 of City code pertaining to non-residential electric deposits. After much discussion, Council asked staff to return with recommendations. He stated nothing had changed from the initial proposal.

Mr. Lawhorn asked if it was moving from $100 to $300 to help reclaim costs from renters that do not pay the final bill. Mr. Del Grande confirmed.

Mr. Horning received great feedback on the bill and noted it was geared more towards transient students more than other populations. He asked if the City should increase the deposit even higher. Mr. Del Grande felt going to $300 was a good step because it would eliminate 2/3 current outstanding electric pipeline of the closed accounts. He explained it would take about eighteen months to see changes. Mr. Horning asked for an update at the middle of the next academic year and asked if the collection efforts were on-going with the new company. Mr. Del Grande stated that the City had begun with PRC two weeks prior and was in the initial stages of getting all the accounts set up and the data sent over. Mr. Horning noted the hardship exception for the application fee and asked for the process regarding the deposit. Mr. Del Grande responded that he had the authority to make payment arrangements as necessary on a case by case basis.

Ms. Wallace was critical of making the change because she was concerned it would be more difficult for non-students to move into the City but received positive feedback from residents.

Mr. Hamilton wanted to revisit the issue every year to check the impact.

Ms. Hughes remarked that she was also initially against the deposit because it seemed high but after hearing the amounts of the delinquent accounts, she agreed.

There were no comments from the public.

MOTION BY MR. HAMILTON, SECONDED BY MR. HORNING: TO APPROVE AN ORDINANCE AMENDING CHAPTER 11, ELECTRICITY, CODE OF THE CITY OF NEWARK, DELAWARE, BY AMENDING THE REQUIREMENTS FOR ELECTRIC DEPOSITS.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.
Nay - 0
Absent – Markham

(ORDINANCE NO. 19-27)

19. 8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:
A. Request of Hardbat CrossFit for a Special Use Permit for a Commercial Indoor Recreation Facility Located at 1325 Old Coochs Bridge Road, Suite 201 (15 minutes)

Mr. Clifton advised Council that each vote must be followed with reasons for the vote.

Mr. Fortner read the request into the record. The applicants applied for a special use permit as a commercial indoor recreational facility in a 9,000 square foot area in an existing building for a CrossFit gym. The building currently houses Sobieski Inc. The applicants have received a temporary Certificate of Occupancy pending legislation and the special use permit to operate in the MI zoning district which now permits the type of use. The Planning Department recommended the plan because it does not conflict with the Comprehensive Development Plan V. The Planning Department noted the location is appropriate for the type of facility as it is an industrial park and would be good for area employees. Code Enforcement gave comments for the IBC codes, current fire codes, public works, and handicapped spaces. Since operations began, the City has had no complaints about the facility and staff reiterated it was an appropriate location.

Mr. Fortner explained that because the proposed use does not conflict with the land use guidelines of the CDP V (Secretary’s note: a typo in the handout said CDP IV) because of the proposed use was comparable to the zoning code, special use permit criteria, and because the use would provide additional recreational opportunities for the community, the Planning & Development Department suggested Council approve the special use permit for an indoor commercial recreation facility at 1325 Old Coochs Bridge Road with departmental conditions. Mr. Fortner stated the owner, Derek Batman, was available for questions.

Mr. Batman expressed his enthusiasm and said that his clientele included employees of the industrial park and his company organized corporate wellness programs for Sobieski and was attempting to involve additional local businesses. He hired the athletic trainer and general manager from the University of Delaware and continued to work with interns from its Strength and Conditioning Program.

Mr. Hamilton questioned the legality of the temporary permit. Mr. Bilodeau explained that the permit was legal because Council allowed the use as a special use permit so Council could vote on its permanence. Mr. Bilodeau explained the Department anticipated the zoning change and explained to the applicant that the temporary permit may fail. Mr. Hamilton was not comfortable with the process.

Ms. Hughes stated that in March 2019, the applicants leased 9,000 square feet of the facility and asked if the applicants had been in operation since that date. Mr. Batman answered that he had been fully operational since March 4, 2019. Ms. Hughes asked if there had been issues with neighboring businesses or residents. Mr. Batman answered there were no issues. Ms. Hughes asked about the membership and Mr. Batman replied there were currently 120 members which included children as young as five to adults up to seventy.

Mr. Hamilton asked if the neighbors were notified when the permit was granted. Ms. Gray explained there was no notification process when temporary certificates of occupancy are issued. She noted that the neighbors had been notified for the special use permit. Ms. Bensley commented that neighbors within 500 feet of the property were notified for the current hearing.

Mr. Horning realized the zoning code had been amended but asked why commercial indoor recreation was not initially permitted. He recalled that the zoning was being updated with the times. Ms. Gray confirmed and explained that the code was from the late 1960s or early 1970s. Mr. Horning noted that at the time, commercial indoor recreation was not contemplated, and Ms. Gray confirmed.

MOTION BY MR. HORNING, SECONDED BY MS. WALLACE: TO APPROVE A SPECIAL USE PERMIT AT 1325 OLD COOCHS BRIDGE ROAD TO OPERATE A COMMERCIAL INDOOR RECREATIONAL FACILITY WITH A 9,000 +/- SQUARE FEET CROSSFIT GYM FACILITY WITHIN THE EXISTING BUILDING WITH DEPARTMENTAL CONDITIONS STATED IN THE MEMO FROM STAFF TO COUNCIL DATED NOVEMBER 4, 2019.

Mr. Clifton reminded Council the vote was individual. Mr. Bilodeau explained that the reasons given must address all three sections of the special use permit.

Ms. Wallace voted in favor of the special permit because it would not adversely affect the health or safety of persons residing or working within the City of Newark boundaries or within one mile of the
City of Newark, would not be detrimental to the public welfare, and it would not be in conflict with the purposes of the Comprehensive Development Plan of the City.

Mr. Hamilton voted in favor for the reasons stated by Ms. Wallace.

Ms. Hughes voted in favor for the reasons stated by Ms. Wallace.

Mr. Lawhorn voted in favor for the reasons stated by Ms. Wallace.

Mr. Horning voted in favor for the reasons stated by Ms. Wallace.

Mr. Clifton voted in favor for the reasons stated by Ms. Wallace.

MOTION PASSED. VOTE:  6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.
Nay – 0.
Absent – Markham.

20.  8-B.  REQUEST OF CAMPUS LIFE & STYLE TO RENAME RETREAT AT NEWARK LOCATED AT 501 HAMLET WAY TO THE WAVERLY (RESOLUTION ATTACHED) (5 MINUTES)

Ms. Bensley read the title of the resolution into the record.

Ms. Gray explained the request for renaming the Retreat of Newark to the Waverly. Campus Life & Style had recently purchased the Retreat at Newark and requested the Subdivision be renamed. As required by City code, the resolution has been presented to Council.

Mr. Clifton asked if a representative for the petitioner was in attendance and Santiago Quiroz confirmed. Mr. Clifton asked if he had anything to add and Mr. Quiroz answered that he did not.

John Morgan, District 1, reviewed the record which lead to Council’s approval of the development. He claimed the development was controversial at the time as it was marketed to young professional adults and turned into UD undergraduates. He asked whether the change of the name specifically to The Waverly would help market to professional adults or students and asked if the new owners had taken the name change into consideration. He asked when the project was first approved by Council, there was an oral understanding that the developers of the project would provide their own bus service from the location into town. He noted it lasted for a year and then something was done to get rid of that bus service and some sort of contract was signed with the University which would allow UD students to use the bus service. Dr. Morgan thought that UD was charging $25,000 a year and wondered whether the new owner could speak to the issues about the marketing and the continuation of the bus service.

Mr. Quiroz responded that the existing name was proprietary to the old ownership and must be changed. He explained that The Waverly had been picked by his firm’s CEO and he could not provide reasoning. He stated his firm was a student living business and the marketing efforts were designed for students. He noted that they would rent to professionals but under the format in place. He asked if there was another question. Dr. Morgan asked about the $25,000 bus service and Mr. Clifton explained that it was not relevant and was proprietary to the apartment as a business model and could not be used in decision making.

Mr. Clifton stated the development had been approved on the second meeting in April 2013, the same night that One Easton was approved, and the owners hired a local company to provide cut-away buses which made it clear that students would be residents.

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING: TO APPROVE THE REQUEST OF CAMPUS LIFE & STYLE TO RENAME RETREAT AT NEWARK LOCATED AT 501 HAMLET WAY TO THE WAVERLY.

MOTION PASSED. VOTE:  6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Wallace.
Nay – 0.
Absent – Markham.

(RE решения. 19-II)
21. Meeting adjourned at 10:01 p.m.

Renee K. Bensley, CMC
Director of Legislative Services
City Secretary

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