

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

September 14, 2020

Those present at 7:00 p.m.:

Presiding: Mayor Jerry Clifton
Deputy Mayor, James Horning, District 1
District 2, Sharon Hughes
District 3, Jay Bancroft
District 5, Jason Lawhorn
District 6, Travis McDermott

Absent: District 4, Chris Hamilton

Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Chief Communications Officer Jayme Gravell
Chief Human Resources Officer Devan Hardin
Chief Personnel and Purchasing Officer Jeff Martindale
Clerk of the Court Terri Conover
Electric Director Bhadresh Patel
Finance Director David Del Grande
NPD Captain Michael Van Campen
Planning and Development Director Mary Ellen Gray
Code Enforcement Officer Tim Poole
Planner II Michael Fortner
Public Works and Water Resources Director Tim Filasky

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

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

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

Mr. Clifton explained the procedures for the GoToMeeting Platform. He stated that at the beginning of each item, he would call on the related staff member to present and, once the presentation was complete, he would call on each Councilmember in order of district number to offer their comments. If a Councilmember had additional comments to add later, they should signal Ms. Bensley through the GoToMeeting chat function. Members of the public wishing to comment should also signal Ms. Bensley through the chat function with their name, district or address, and the agenda item on which they would like to comment. He noted that for participants logged in by phone, names would only appear as Caller One, Caller Two, et cetera, so it was imperative that the participants inform Council of their identities. He stated that all lines would be muted until individuals were called to speak. All speakers were required to identify themselves prior to speaking and, in compliance with the executive order on teleconference meetings by Governor Carney, votes would be taken by roll call. He continued that it may be necessary to adjust the guidelines if any issues arose during the meeting. He reminded that all lines should be muted until called upon to speak.

3. 1. **ITEMS NOT ON PUBLISHED AGENDA**

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

4. 1-B. **UNIVERSITY**

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

3:00

Evan Park, UD Administration, had no new business but said he shared the City Council Ordinance for Public gatherings and spoke to UD's Chief of Police, Patrick Ogden, and Student Life who supported the ordinance.

Mr. Clifton appreciated the University's support and informed that Councilmember Hamilton was not joining the meeting.

The Mayor opened the table to questions from Council.

Mr. Horning appreciated UD's cooperation.

Dr. Bancroft had no questions.

Ms. Bensley informed that Mr. Lawhorn had technical difficulties but had no questions.

Mr. McDermott had no questions.

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

5:31

Savannah Sipes, UD Graduate Student Government Secretary (GSG), shared that the GSG met last week with all senators who represented every department and informed all committee meetings would begin over the next two weeks. She intended to invite Council to join a Diversity Committee meeting and explained the GSG was working with the League of Woman Voters to send an email blast to the student body to encourage voter registration and solicit for poll workers.

6. 1-C. CITY MANAGER (10 minutes):

7:00

Mr. Coleman informed Council that staff embedded the Department of Public Health's (DPH) data for Newark into the City's COVID-19 page on the website so residents could see data specific to the municipal boundary instead of just zip codes. Staff also embedded UD's data along the City's data to centralize information. He was encouraged that the City's numbers were leveling out and UD had few cases over the last few days. He shared that the City averaged 16:100,000 cases and was better than the State as a whole. He informed Main Street Alfresco would start on Wednesday and would continue every week until October 28th with no rain dates. Staff estimated the event would cost \$2,500-\$3,000 each week net of extra parking revenue so the total cost for the remainder of the program was estimated at \$21,000. He shared that staff was investigating additional utility revenues from various restaurants and explained there was an increase in utility revenue downtown during the event which would help reduce some costs. He stressed that keeping the City's businesses in operation was a long-term return on investment and revealed staff was meeting twice a week with DPH, Newark Police, UD, UDPD, and epidemiologists to discuss issues and enforcement in town to stay ahead of issues.

There were no Council comments and the Mayor invited Representative Baumbach to speak.

Representative Baumbach thanked the City for their efforts and said he enjoyed working in concert with partners of the business community, UD, and State and City governments to address issues. He especially thanked Mayor Clifton and City Manager Coleman for helping with the Chabad Jewish Center to make sure they were approved to meet outdoors in certain circumstances. He was pleased to work with a group who tried to move in the same direction.

Mr. Clifton thanked Mr. Baumbach for his comments.

7. 1-D. COUNCIL MEMBERS (5 minutes):

10:31

Mr. McDermott:

- Asked Mr. Coleman if staff investigated changes to the permitting process for social gatherings and if staff received requests for a special permit in reference to social gathering limits. Mr. Coleman confirmed staff pared back requirements based on Council feedback and announced the application was posted on the website. He also confirmed several permits had been approved, mostly for previously planned events. He explained the permitting process requested a seven-day notice, but some events were pre-planned, and staff made extra efforts to quickly process the applications.
- Asked if the events had taken place and assumed there had been no issues and Mr. Coleman replied he was not aware of any issues at permitted events.

Ms. Hughes:

- Asked Mr. Coleman if the twice-weekly meetings he mentioned were for COVID and Mr. Coleman confirmed.

- Asked if there was an uptick in gatherings that did not fall within the set parameters and if citations were issued. Mr. Coleman confirmed some parties were broken up under the ordinance but were decreasing in size. He noted one party had 20 attendees and another had 30 which resulted in referrals to UD. He believed the message was out and people were responding appropriately.

Mr. Horning:

- Asked if staff was reminding the community to wear masks on Main Street. Mr. Coleman confirmed staff supplied Parking Ambassadors with masks to offer to individuals on Main Street.

Mr. Clifton:

- Shared he met with a restaurant owner and challenged the restaurant community to create a dynamic event that only Newark could host.
- Wanted to start the new year with another avenue for the restaurant community to engage with a new clientele base.

8. 1-E. **PUBLIC COMMENT (5 minutes per speaker) (10 minutes):** None

9. 2. **APPROVAL OF CONSENT AGENDA: (1 minute)**

- A. Approval of Council Meeting Minutes – August 17, 2020
- B. Approval of Council Meeting Minutes – August 24, 2020
- C. Approval of Council Meeting Minutes – August 31, 2020
- D. Receipt of Planning Commission Minutes – August 4, 2020
- E. Approval of Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark for the Purchase and Installation of Automatic License Plate Readers
- F. Approval of Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark to Hire Power Delivery Solutions (PDS) to Perform the Make Ready Work
- G. ***First Reading – Bill 20-27 – An Ordinance Amending Chapter 22, Police Offenses, and Chapter 23, Parades and Public Assemblies, Code of the City of Newark, Delaware to Extend the Provisions of Emergency Ordinance No. 20-06 – *Second Reading – September 28, 2020****

17:50

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 6 to 0.

Aye – Bancroft, Clifton, Horning, Hughes, Lawhorn, McDermott.

Nay – 0.

Absent – Hamilton.

10. 3. **APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:** None

11. 4. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

12. 5. **SPECIAL DEPARTMENT REPORTS:**

- A. FY2021 Legislative Department Budget Presentation – City Secretary (30 minutes)

19:30

Ms. Bensley presented the proposed Legislative Department Budget. She explained the Legislative Department was comprised of City Council, the City Secretary and the City Solicitor. Ms. Bensley explained she was responsible for City Council, maintaining custody of the City Seal, boards and commissions, elections, FOIA compliance, and City records. She continued that the City Solicitor was appointed by City Council and cooperated with the Deputy City Solicitor to take care of legal opinions for the City, representation of the City, legal research, and Alderman’s Court Prosecution. She explained the Department provided clerical, administrative, research and staff support to City Council, the appointed boards, commissions and committees, and the City Solicitor and Deputy City Solicitor as well as electronic and paper document management for the City. The Department was led by Ms. Bensley, who was appointed by City Council, and informed that she also served as the City Treasurer and the FOIA Coordinator. She continued that the Department was typically staffed by eight team members, three full-time and one part-time (currently vacant) in the main Legislative office and three full-time and one part-time in the Records Division. The Department’s main objective was to serve as the liaisons between

citizens and City Council, and prepared Council agendas, scheduled public meetings, advertised and provided public notification of hearings, and tried to connect as many citizens to as much information as possible. She explained the Department handled the appointments, reappointments, and resignations for all committees but specifically staffed the Board of Adjustment, the Conservation Advisory Commission, Election Board and other boards on an as needed basis. The Department also coordinated the City's elections in concert with the Election Board which could range from managing absentee ballots, preparing polling places, to ensuring voter registration lists were updated, working with candidates and the Department of Elections, and to ensure the City conducted a fair, safe, and accessible election for all registered voters in Newark.

Ms. Bensley reiterated that she was also FOIA Coordinator and explained FOIA had two parts: open meetings and open documents. The Department was responsible for ensuring that the public could have access to both and noted the office was the keeper of the City's permanent records. She informed the Records Division was processing approximately 9 million pages of records housed within the City. Records determined what documents the City was required to keep and digitized them and determined what to destroy as a duplicate or as a document that had met its retention schedule. She said the Department also worked with the New Castle County Recorder of Deeds to ensure all documents were recorded and ready as needed. She stated the City Secretary served as the Complaint Officer charged with resolving cable television issues covered by the City's franchise agreements with providers. The Department also staffed the City Solicitor and the Deputy City Solicitor and researched, drafted documents, prepared case files for prosecution and Alderman's Court, and provided full clerical support to the Solicitor and Deputy Solicitor.

Ms. Bensley listed the Department's key accomplishments for 2020:

- Successfully executed the first City election conducted by over 80% absentee voting and matched turnout over the last Council election for the districts
- Facilitated the continued functioning of City government during COVID-19 via the implementation of virtual meetings with assistance from IT and Finance
- Anticipated staffing 65 Council and committee meetings in 2020, including 42 Council meetings, 7 Board of Adjustment meetings, 10 Conservation Advisory Commission meetings and 6 Election Board meetings, including agendas, minutes, website postings, legal notices (where applicable), and agenda packets (where applicable)
- Began the implementation of the Boards and Commissions Diversity Initiative to increase outreach to Newark citizens to inform them of opportunities to participate as members of the City's boards and commissions and reported some positions had multiple applicants which she interpreted as progress
- Processed 96 FOIA requests as of August 25, 2020
- Completed training for all departments on TCM as part of the Records Division Strategic Plan rollout
- Scanned 267,060 pages as of August 25, 2020 with the entire Records Division staff working remotely
- By December 31, 2020, electronic Council packets would be implemented, and recodification would be completed

Ms. Bensley then shared the Department's 2021 goals:

- Successful execution of the 2021 Council elections with the requisite preparations for enhanced absentee balloting if required by COVID-19
- Create a plan for increased accessibility for public meetings to provide for additional remote access for the public after COVID-19 restrictions are lifted in compliance with SS 1 to SB 243 to offer hybrid participation and accommodations for individuals who could not attend meetings
- Create a plan for the expansion of the electronic packet program for standing boards and commissions in advance of the FY2022 budget process
- Create a strategic plan for the implementation and cost of public portals to access the City's scanned records in advance of the FY2022 budget process, pushed from 2021
- Surpass the benchmark of 2,500,000 pages scanned
- Continue promoting accessibility and transparency for the citizens of Newark to the records of the City and the legislative process

Ms. Bensley moved to the Executive Summary and explained the small increase in wages was for the contractually obligated step increases and advancements. She educated the part-time wages, which

included Mayor and Council salaries and the two part-time positions, had a reduction of nearly \$22,000 because the Department's vacant position was unfunded for 2020 and 2021. She informed the vacant part-time position would not be deleted from the Department because staff could investigate a potential budget amendment pending better revenues or reevaluating for funding in 2022. She explained other wages decreased by \$2,000 due a reduction in overtime based on the numbers tracked so far this year and there were also small increases in service, award, and sick pay. She noted the \$1,200 reduction in benefits could shift after Finance refined estimates for the final budget which could result in a greater decrease and stated overall personnel services reflected a 1.77% decrease. She indicated the decrease of 50% in materials and supplies was due to a reduction in IT supplies of \$1,500 because staff changed the model for the electronic Council packet devices. She explained staff originally planned for a stipend but decided to provide City devices to Council with the understanding they would be replaced every three years. After speaking with the IT Infrastructure Manager and, since the devices were purchased in 2020 through partial funding from the City and CARES Act funds, staff would need to refresh the devices in three years. She continued that the office supplies line decreased based on the historical use over recent years and the decrease in miscellaneous supplies was for office renovations that were on hold because of COVID.

Ms. Bensley continued that staff requested a small increase in election supplies to offset any additional costs for increased absentee ballot mailing if necessary. The first decrease in contractual services was for the City Solicitor for \$25,000 where staff and the Solicitor agreed it was feasible with the caveat that if a big case hit, the Department would return to Council with a budget amendment. The second was a \$50,000 decrease in legal and consulting services line based on historical data over three years where it was discovered the Department had significantly lower legal costs from the outside and staff believed the cut could be made without impacting services for the City. She informed the presented insurance coverage increases would decrease substantially because the allocation for the workers comp insurance would be changed for the Department because it was a small staff base who primarily conducted desk work. She cautioned the amount could be in the City budget somewhere because the overall cost of the premiums would remain the same but would be allocated to separate part of the budget, and reiterated Department would not have the \$21,000 increase currently presented. She continued that other smaller increases were for IT contractual to cover the final cost for the electronic packet software and an increase for the codification of ordinances line, and \$2,000 in an increase for election expenses. Based on calculations from Finance, the Department anticipated a 9% reduction in depreciation. Overall other expenditures had a significant decrease because the Department eliminated all out-of-state training and travel for Council and staff in 2021 for a line total of \$2,500. The Department also reduced the mileage and small business expenses line by \$1,000 through elimination of out-of-state meeting travel. Ms. Bensley informed she served as the current president of the Delaware Municipal Clerks Association and was obligated to attend both the Regional and National Conferences and the DMCA agreed to pay for her attendance to both events. Interdepartmental charges were calculations determined by Finance as far as the share of what the Department used and contributed to different areas in the City. For example, the Records Division was allocated to other departments as part of the formula and as such, the Department received funds from other departments while also paying funds to IT, mailroom and postage, and electric. She reported an overall 6% reduction to the budget before the additional insurance changes were incorporated. She explained the Department had six full-time positions listed because one Records position was paid for by Utilities as the employee specifically worked with documents from electric and public works, so the salary and benefits were allocated to the utility budgets. There was also one funded part-time, one unfunded part-time and the seven Mayor and Council positions included in the budget. She welcomed questions and comments from Council.

Mr. Clifton commended Ms. Bensley and her team for making Newark proud for being proactive with conducting the election in the proper way. He publicly thanked her for the work and for providing an example to what was possible.

The Mayor opened the table to discussion from Council.

Mr. Lawhorn had no questions and echoed the Mayor's comments on the election.

Mr. McDermott and Dr. Bancroft had no questions and thanked Ms. Bensley for the presentation.

Ms. Hughes had no questions but said Council appreciated Ms. Bensley.

Mr. Horning echoed previous comments and thanked the Director for the presentation and for her Department's ability to preserve open government and transparency in the City throughout the pandemic and quarantine. He shared that Nick Wasileski, Delaware Coalition for Open Government, published an editorial in the Delaware State News using Newark as a model for other municipalities and

cities for open government and public participation in virtual meetings. He interpreted the comment as high praise for the City. He supported the cut of \$70,000 in forecasted legal expenses and asked if the lobbyist allocation would remain the same amount and Ms. Bensley confirmed. She informed the City was coming up to the end of the contract for the current lobbyists and had an RFP out to collect applications but would stay at the current amount of the proposed budget. Mr. Horning asked if special Council events for \$10,000 was for the National League of Cities annual event and Ms. Bensley stated it was the employee appreciation event Mayor and Council held once a year. Mr. Horning thanked her for the presentation.

Mr. Clifton had no questions.

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

13. 5-B. FY2021 JUDICIAL DEPARTMENT BUDGET PRESENTATION – CLERK OF THE COURT (15 MINUTES)

40:45

Ms. Conover presented the 2021 Operating Budget for the Judicial Department. She explained Judicial Department was headed by the Alderman and Deputy Alderman (part-time employees) who supervised the Clerk of the Court with two full-time employees, and four part-time employees, including two secretaries and two bailiffs. She informed the Alderman's Court had jurisdiction over all traffic, criminal misdemeanors, and parking violations in the City limits of Newark, including building and animal code violations. Court was in session three times a week on Tuesdays, Wednesdays and either Thursdays or Fridays. She noted the Deputy City Prosecutor attended Thursdays with private attorneys, and public defenders. She reiterated there were seven staff and two judges for an employee count of nine.

Ms. Conover reported the Department filed a total of 14,312 cases in the Alderman's Court in 2019 and declared the Department's key accomplishment as working remotely. She pointed that the Department differed from the State Court and she followed the JP Court's model to keep staff safe. Staff worked remotely beginning the second week in March and reopened on June 29th. Court sessions were held three times a week and staff welcomed walk-ins for *capias* payments, non-guilty pleas, transcripts, and probation before judgment (PBJ). She thought the process was going smoothly and noted staff kept capacity down by only allowing four individuals in the courtroom at a time. She commended the bailiffs for their assistance in maintaining social distancing. She stated the Department's goals would remain the same by continuing timely submissions, continuing PBJs, and maintaining safety standards in court.

Ms. Conover reported an overall increase in personnel services of 13% due to step increases, advancements, and the increase in benefits. She stated part-time wages increased because the bailiffs were working at the same time with one in the atrium taking temperatures and informing City staff of visitors. She noted materials and supplies decreased in 2021 because the 2020 budget was amended in March to include a new kiosk for court and the front atrium and was no longer included in the request for 2021 funding. She explained the increases in contractual services as changes in insurance coverage and reported an overall increase in the total operating expenses of 11.83% and reiterated it was mainly due to personnel services.

The Mayor opened the table to discussion from Council.

Mr. Horning commended the Department's efforts in keeping the criminal process moving as best as possible and stressed the importance of due process and the Constitutional right of a speedy trial. He asked if the increase in part-time wages for the bailiffs could be reimbursable as a CARES Act expense. Mr. Coleman believed some funds from CARES could be contributed for having the bailiffs working in the atrium but explained the CARES Act could only be used for reimbursement for expenses incurred through the end of 2020 unless the Federal government passed a modification or another stimulus for 2021. He noted there was funding available through DEMA for the Federal Disaster Declaration and if the declaration was in place, eligible items could be submitted for 75% reimbursement.

Ms. Hughes and Dr. Bancroft had no questions.

Mr. Lawhorn asked if the judicial staff could raise fees without Council approval to compensate for natural increases or if they were determined by Council. Ms. Conover explained each ticket fell within a by-line of a minimum \$25 fine to a maximum \$100 fine, depending on the charge. She noted the fine was at the judge's discretion and staff could only adjust *capias* fees, currently \$15, and said staff also charged for payment plans which she thought were high enough. She reiterated that fees and ticket costs had guidelines with a minimum and maximum that the judges could impose. Mr. Lawhorn assumed that staff could make increases when needed and Ms. Conover confirmed it was possible with certain fees. Mr. Coleman interjected that court security fees were set by Council in ordinance and would need to be

adjusted over time with inflation and other costs. He suggested discussing increasing the fee to cover the 25% extra cost associated with the bailiffs if there was not a CARES Act for 2021. Ms. Conover revealed the fee was \$10 per ticket and confirmed staff could work with the amount. Mr. Lawhorn noted the \$840,000 for parking fees and asked if it was from parking tickets and separate from revenue. Ms. Conover confirmed it was for parking tickets. Mr. Lawhorn asked how the number could be impacted with the new kiosks and parking app. Ms. Conover deferred to Mr. Howard and explained she dealt with issues where the app did not work. Mr. Lawhorn clarified the he was concerned if the number would drop since the app reminded users when to pay and Ms. Conover believed it was difficult to estimate given the decrease in parking revenue during the COVID shutdown when the City did not ticket.

Mr. McDermott had no questions.

Mr. Clifton complimented Mr. Lawhorn's insight and asked the City Solicitor and City Secretary if the City could add a CPI escalator into code for fees, so Council did not have to manually increase fees to adjust for cost of living. Mr. Bilodeau explained there were various components for court fees because there was a fine and then court costs with the Victim's Compensation Fund and the Security Fund. He noted some were mandated by the State while the Security Fund was mandated through City ordinance. He believed it was possible to include a CPI for any fees the City controlled and reiterated that many fees were not set by the City. Mr. Clifton wanted staff to consider the suggestion for future discussion.

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

Mr. Clifton thanked Ms. Conover for the presentation and her team for their efforts.

14. 5-C. RESOLUTION NO. 20-__ : A RESOLUTION TO SUBMIT A REQUEST FOR A DRINKING WATER MATCHING PLANNING GRANT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE THE DOWNTOWN PRESSURE ZONE – WATER TANK SITING STUDY (10 MINUTES)

59:24

Ms. Bensley read the resolution into the record.

Mr. Filasky explained the matching planning grant was already approved by the Water Infrastructure Advisory Council and was waiting for the resolution to pass to finalize the paperwork. He indicated the resolution was a continuation of the \$2.25 million Water Tank Maintenance Project that encompassed most of the water tanks in the downtown pressure zone and was part of a project that would have roughly \$625,000 in loan forgiveness at its conclusion through the State Revolving Loan Fund. He clarified three tanks needed to be stripped down of the existing lead paint, repainted, and repaired. Staff had cost estimates that escalated as the years progressed and decided to consider other options for replacing the tanks versus repainting and repair. He noted if the tanks were replaced, the old tanks would need to be demolished. He explained the City's tanks had standpipes so there was water from the ground up instead of an elevated tank which was on stilts with water in the top section. He continued that the City only used 10 – 15 feet of water at the top of the tanks and the lower levels became stale if the mixer was out of order. He admitted the tanks worked but there were better methods that staff wanted to consider before spending \$2.5 million, and wanted to site an elevated tank that would make a better use of the water and provide better fire flow, protection, and water quality characteristics to the downtown pressure zone. He indicated a main goal of the planning grade was to create a dynamic water model for the system because the City currently had a static water model that showed a snapshot in time where the dynamic model gave staff the ability to model changing inputs over time. He continued that the dynamic model would allow staff to add variable frequency drives, demand curves, and tank levels.

Mr. Filasky continued that half of the grant was for the development of the model which would be beneficial for the future, regardless if staff moved forward with the tank relocation. He noted if the relocation was not the City's best fit and the project did not move forward, staff would not spend \$30,000 of the grant and City funds. He shared after staff ran the dynamic model to test, there was a stop/go and staff would receive cost estimates. He repeated the City would save \$30,000 if the project did not move forward but pointed the City would have a model to use for the future.

The Mayor opened the table to discussion from Council.

Mr. McDermott asked if the request was for an analysis to determine if the City wanted to demolish the tanks and install a new water tank at a different location and Mr. Filasky confirmed.

Mr. Lawhorn, Dr. Bancroft, and Ms. Hughes had no questions.

Mr. Horning thanked Mr. Filasky for the presentation and appreciated the matching grant, overall better performance, and reduction in future maintenance. He asked if the elevation of the new tank would be like Windy Hills and Mr. Filasky replied it would be near the current elevation although there would be ground elevation changes so the height of the tower could not be yet determined. Mr. Horning asked if the public would be notified to provide input and hoped it would blend in and Mr. Filasky confirmed and was confident staff could complete an acceptable design.

Mr. Clifton understood the towers affected downtown and western Newark and asked if the City had a ground level tank outside City limits. Mr. Filasky asked for clarification and Mr. Coleman interjected Mr. Clifton was referring to the two tanks at South Well Field that were removed. Mr. Filasky informed that a new tank would be built as a replacement and would be a ground-mounted tank. Mr. Clifton was pleased and thanked Mr. Filasky.

The Mayor opened the floor to public comment.

Ms. Bensley had two questions from Allison Stine:

1. Would the current tanks on Main and Dallam be abandoned and relocated?
2. Does ground mounted mean they would be lower?

Mr. Filasky confirmed they would be abandoned until the new system was in place and then removed. He explained the new tank would look higher because it would not be directly on the ground, rather mounted on the ground with a skinnier piece that would go into a bowl that would hold the water like the Louviers tank.

Ms. Bensley said that Ms. Stine asked if it would be in the same location and Mr. Filasky said it would not and explained part of the evaluation was to assess different locations. He asked that Ms. Stine reach out to him with further questions.

There were no further public comments and the Mayor returned the discussion to the table.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE RESOLUTION AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye –Bancroft, Clifton, Horning, Hughes, Lawhorn, McDermott.

Nay – 0.

Absent – Hamilton.

(RESOLUTION NO. 20-I)

15. 6. **FINANCIAL STATEMENT:** None

16. 7. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:** None

17. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**

- A. **Bill 20-24** – An Ordinance Amending Chapter 7, Building, and Chapter 32, Zoning, Code of the City of Newark, Delaware, By Updating Green Building Code Requirements (45 minutes)

1:10:50

Ms. Bensley read the ordinance into the record.

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

Ms. Gray explained the Planning Commission formed a Green Building Code Work Group in August 2018 to review the current energy code and the 2018 International Energy Conservation Code (IECC) to make recommendations on proposed changes. The Work Group was a cross section of stakeholders to ensure critical viewpoints were represented and were listed in the memo provided in the presentation. She acknowledged the members present at the meeting: Reid Rowlands, Sustainable Products Supplier and member of the Design Review Committee; Tim Poole, Code Enforcement Officer; and Will Hurd, Planning Commissioner Chair and Work Group Chair. She stated all meetings were open to the public, meeting agendas were posted in accordance with FOIA, and staff created a website where all meeting

materials were available. The group met monthly from November 2018 to December 2019, held a public workshop in February 2020 to ascertain comments on a draft ordinance, held a follow-up meeting in February to discuss workshop outcomes, and hosted another meeting June to discuss outcomes and recommendations for the Planning Commission meeting where the ordinance was presented in April with a unanimous recommendation for approval, and a Council meeting where the ordinance was presented for general discussion and input on May 4th. She thanked the Work Group for their time and expertise and credited the group's knowledge and dedication with making Newark a better place to live, work, and play.

Mr. Hurd explained the amendments to the code were the sustainable goals of the City made into actions and were tangible changes that would produce buildings that used less energy and provided healthier environments for the occupants. He noted the group tried to make each credit effective, prudent, and fair and to ensure the efforts were distributed across energy, materials, and environment. He added that he presented the final draft of the amendments to the Conservation Advisory Commission and received their full support.

Mr. Clifton thanked Ms. Gray, Mr. Hurd, and the entire workgroup for their endeavors.

The Mayor opened the table to discussion from Council.

Mr. Lawhorn commended the group for their work and was pleased to see actions put into place.

Mr. McDermott had no questions.

Mr. Horning echoed the comments from Ms. Gray and Mr. Hurd on the Work Group's passion for the project. He asked if there were any major changes from the Council presentation in May. Mr. Hurd shared the Work Group received comments ultraviolet duct cleaning from Mr. Markham and incorporated them as an adjunct credit to duct filtration. He explained the developer could earn a credit for duct filtration and could then include a UV disinfectant element. The Workgroup offered a credit for multiple interior HVAC zones and noted there was support for effectively zoned buildings because they tended to use less energy due to better control over heating and cooling. The Work Group shifted the credit rating for photovoltaics and explained for the first 15 kW of install capacity on a commercial building, the developer earned four points out of a possible ten and each subsequent 5 kW earned an additional point, up to a total of 6 points, so 45 kW earned the developer 10 points. He referred to Mr. Horning's past comment of cost versus credit balance and said the Work Group wanted to encourage installation and reward the developers for the initial effort and each increment thereafter. Mr. Horning explained his comment was from feedback from a District 1 constituent and he was curious how other suggestions filtered through. He appreciated the summary.

Mr. Clifton had no further questions and appreciated the collaborative effort that went into the project.

The Mayor opened the floor to public comment.

Ms. Bensley shared a comment from Green Building United, with members Bahareh van Boekhold, Anne Kirby, Sarita Sen, Terry Wasdyke, Kristen Brubaker, Amy Cornelius, Chandra Nilekani, Nora Lober, Joe Charma, and Howard Smith:

"Green Building United supports the passage of Bill 20-24 – An Ordinance Amending Chapter 7, Building, and Chapter 32, Zoning, Code of the City of Newark, Delaware, By Updating Green Building Code Requirements. Green Building United (GBU), a 501(c)(3) nonprofit organization and chapter of the U.S. Green Building Council, is committed to the promotion of sustainable building in Greater Philadelphia, the Lehigh Valley and Delaware. Through education and advocacy, GBU aims to create a sustainable, healthy and resilient built environment for all. Our community is made up of architects, engineers, policy makers and advocates, landscape architects, marketing and communications professionals, developers, contractors, building managers, building operators, government workers, and more. This issue is of particular interest to GBU, as our community is instrumental in how buildings and communities are designed, built, and operated in our region.

The State of Delaware is a leader in the region with its recent adoption of the 2018 International Energy Conservation Code. GBU is excited to support the City of Newark to build on this leadership by proposing a stretch code to enhance these improved minimum building requirements.

We applaud the work of the Green Building Working Code Group in proposing a green building stretch code that, using the 2018 International Codes as its basis, encourages projects to further improve upon energy conservation, resource conservation, and indoor environmental quality. What's more, projects alternatively have the ability to follow and certify to above code building standards to demonstrate compliance with the green building code.

The benefits of the green building code are numerous:

- In the life cycle of a building, the most cost-effective time to ensure efficient energy usage and avoid unnecessary cost is in the initial design and construction phase. Utility cost savings from a more efficient building accrue over the building's lifespan.
- More energy efficient buildings save consumers money on utility bills and reduce the environmental impact from energy use in the built environment thanks to improved envelope and equipment performance.
- Buildings that are built using climate-appropriate building materials and construction practices are also more resilient to the impacts of climate change.
- Improved ventilation and the use of superior materials contributes to better indoor environmental quality. The importance of a safe and healthy indoor environments in our homes is even more pronounced in the midst of the COVID-19 global pandemic as we spend the vast majority of our time indoors.
- Guidance on exceeding minimum building standards helps chart Delaware's path toward its zero net energy capable goal for all new residential construction by 2025 and all new commercial construction by 2030. It is also consistent with the goals and values of the City of Newark's Sustainability Plan to promote sustainable design and energy conservation to help address the source and impacts of climate change.

GBU supports the passage of Bill 20-24 to continue Newark's leadership in efficient, healthy, and climate resilient buildings. We would be happy to address any additional questions about our testimony.

Sincerely, The Delaware Community of Green Building United"

Ms. Bensley introduced Bryan Cordova, District 3. Mr. Cordova stated he was a second-year physical therapy student at UD, senator of the program for the grad college and member of the Sustainability Committee and Diversity Committee. He was impressed with the City's initiative and various parts of the plan, including the Council's plans to exceed the State's goals. He asked if the requirements applied to current construction or if they took effect later, who reviewed the projects ensure the credits were fulfilled, and who could speak to UD's Sustainability Committee. He looked forward to meeting with the Mayor regarding the Diversity Committee.

Mr. Clifton noted the agendas were public and posted weekly and encouraged Mr. Cordova make it routine to review them. Mr. Hurd understood that the 2018 IECC was currently enacted in code with the previous amendments with the 25 points selected from a shortened list of LEED credits. After the bill was approved, it would become the effective code for the City and projects submitted after would be required to comply with the newly adopted amendments. He explained the projects were reviewed by the Code Enforcement Group and was a factor considered by the Work Group when determining language and credit selection. The Work Group wanted to ensure the credits could be evaluated at the point of design by staff when reviewing the documents or could be substantiated by documentation submitted by the applicant. He noted the process differed from LEED, which had post-occupancy credits that required later observation. He stated Code had up to the point of the Certificate of Occupancy to have the credits documented and supported. He offered to speak to the Sustainability Group himself.

Reid Rowlands thanked the members of the Work Group for indulging him on preaching the benefits of Passive House Certification and building design. He reiterated the Work Group considered the realistic aspect of each point and whether it was constructible, had cost increases, and if the points were worth the cost and the benefits to human health. He revealed he lived in the Passive House community and saw the bill as a step towards the goal of zero energy buildings and hoped it passed.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE BILL 20-24 AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Bancroft, Clifton, Horning, Hughes, Lawhorn, McDermott.
Nay – 0.
Absent – Hamilton.

(ORDINANCE NO. 20-19)

- 18. 8-B. BILL 20-25 – AN ORDINANCE AMENDING THE AMENDED PENSION PLAN FOR EMPLOYEES OF THE CITY OF NEWARK, DELAWARE, BY MODIFYING THE BENEFITS RECEIVED BY FRATERNAL ORDER OF POLICE EMPLOYEES TO MORE CLOSELY MATCH THOSE OF THE STATE’S COUNTY AND MUNICIPAL POLICE AND FIREFIGHTER’S PENSION PLAN (10 MINUTES)**
-

1:32:41

Ms. Bensley read the ordinance into the record.

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

Ms. Hardin explained during the last negotiations, the Fraternal Order of Police (FOP) asked if both parties could agree to make amendments to the existing pension language to incorporate the State’s pension and benefits. There were several joint-meetings with the FOP Negotiations Team, City Manager, Finance Director, and then-Acting Chief Human Resources Officer Mark Farrall, and once the amendments were drafted, the revisions were reviewed by the FOP membership, the City Solicitor, and Scott Porter, the City’s Consulting Actuary from Milliman. She indicated they reviewed and clarified the language to get the Police to their desired pension. She noted the group also clarified the language with AFSCME because it was referred to as one union when there were now two with two different contracts.

The Mayor opened the table to comments from Council.

Mr. Horning thanked Ms. Hardin, Mr. Bilodeau, and Mr. Porter for the work on the project, and thanked the FOP and its union members for coming to the table in good faith after understanding the transition to the State’s plan would have cost millions of dollars.

Ms. Hughes, Dr. Bancroft, Mr. Lawhorn, Mr. McDermott and Mr. Clifton had no questions and thanked the group for their work.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT COUNCIL APPROVE THE BILL 20-25 AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Bancroft, Clifton, Horning, Hughes, Lawhorn, McDermott.
Nay – 0.
Absent – Hamilton

(ORDINANCE NO. 20-20)

- 19. 9. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:**
- A.** Request of UnLocke the Light Foundation/Sean’s House for a Special Use Permit for a Professional Office in a Residential Dwelling at the Property Located at 136 West Main Street (30 minutes)

1:37:56

Ms. Bensley read the request for a Special Use Permit into the record.

Mr. Fortner explained that Sean’s House was described in the report and the accompanying application and informed Chris Locke, the founder, would be available for comment after the presentation. He continued that when granting a Special Use Permit, Council was to consider Section 32-78, listed on page 1 and 2 of the report. He stated the property was zoned RS, one family detached residential, and under RS zoning, a professional office in a single family home was permitted with a special use permit granted by Council with the provisions under Section 32-9(b)(3), on page 2 of the report. He

noted the Department comments on page 3 and revealed the report was distributed to all applicable departments, including the Police, and none had concerns with the application, and all offered support. He admitted there was concern in the Planning and Development Department and City Solicitor that the proposed application did not meet some specific provisions of Section 32-9(b)(3) so the Department explored other paths to the use, including changing the zoning to a commercial use, which would have required a Comp Plan amendment, had significant issues, and would have been a more permanent change to the single family character of the neighborhood. He informed the mission of Sean's House was to provide services to clients struggling with mental health issues such as depression, anxiety, and suicide prevention. Given the property's location with its proximity to UD campus and other student housing, the Department and the City Solicitor believed that Council could consider the application for a special use permit with the criteria under Section 32-78 with "reasonable accommodations made under the Americans with Disabilities Act" for Section 32-9(b)(3).

The Department recommended that Council approve the special use permit, that the permit be contingent on the uses described in the application under exhibits A and C of the report, any changes in the use or if Sean's House vacated the premises at 136 West Main Street, the special use permit would expire and the use would return to a single-family residential dwelling. Mr. Fortner continued because the proposed special use permit did not conflict with the purposes of the Comprehensive Development Plan V, because the proposed use would not be injurious to property or improvements in the surrounding area, because the use met all zoning and special use permit requirements with reasonable accommodations under the ADA, the Department recommended that Council approve the special use permit for the UnLocke the Light Foundation to operate a professional office within a residential dwelling as described in exhibits A and C of the report, at 136 West Main Street with the conditions under Department comments.

Chris Locke thanked Council for their time and explained he was part of the Lang Development Group and had a business on Main Street for 31 years. He spoke that evening as a father of seven children and explained that Sean was his third child. Mr. Locke described Sean a typical kid who was a wonderful son, brother, and friend. Sean was a leader and tremendous athlete, a three-time academic All-American, had played in March Madness, and was captain of the men's University of Delaware basketball team. Sean graduated with many awards from the University and secured a job with the Buccini/Pollin Group in Wilmington. Mr. Locke was proud of Sean, as he was of all his children, and looked forward to Sean's future but had no idea it would be so short and end two years after his college graduation. Mr. Locke said he was close with his son and they talked about everything and spoke nearly every day, but Sean never revealed his battle with depression. Sean suffered in silence until July 18, 2018, when the disease ravaged his brain so much that his brain attacked him. It was no different than when a heart attacked with heart disease or blood cells attacked with cancer. Depression was like any other disease and was indiscriminate; it did not care what one looked like, how much one made, or how successful one appeared to be.

After the Lockes lost Sean, their lives were forever changed. They wandered aimlessly and sometimes still do. All the family was wounded for the rest of their lives and Mr. Locke knew it was not what Sean wanted but explained it was the collateral damage of suicide and the wretchedness of depression. The Lockes discovered the way to combat the disease was to remove its most powerful tools: darkness, guilt, and silence. The family created SL24: UnLocke the Light in response to fight the disease with the most powerful tools by having open, honest conversations about mental illness and removing the stigma around it. He continued that there were three pillars to SL24. The first was education and Mr. Locke explained the organization already spoke to 9,000 high school students throughout Delaware, Maryland, and Pennsylvania, about mental health, mental illness, and suicide prevention. He admitted the conversations were tough but necessary. The organization assisted people by helping young adults and their parents get the necessary aid through a network of therapists and psychologists. The final pillar was support and Mr. Locke explained Sean's House was a safe haven where young adults, aged 14-24, could get help and discover the right path to mental health well-being. He thought it could be as simple as an individual dropping by for a cookie and a brief chat about a bothersome issue or suggested it could be by utilizing the Peer 24 Support Program, designed with the aid of the Mental Health Association in Delaware, UD College of Health Science, the Nursing School, and the Psychology Department, where young adults could speak to peers with similar experiences. He gave the example that a 19 year-old with an eating disorder would be paired with a peer who dealt with the same issue, or a student athlete who had difficulty dealing with the stress of being a student athlete would be paired with a student athlete peer specialist who could provide insight. He added that Sean's House had doctorate students who could help young adults dealing with a mental health crisis. He informed that assessments would be done to determine the appropriate medical help at that exact time and that all services provided at Sean's House would be provided free of charge due to the amazing generosity of supporters in Newark, throughout the State, and around the Country, and all of the businesses that supported the endeavor. Mr. Locke stressed that the organization did not want an individual to go without help because of affordability. He was

grateful for the Planning Department's recommendation and the neighbors throughout Newark who wrote letters of support for Sean's House. He believed there was no greater time than the present to open Sean's House.

Mr. Locke revealed his son was one of 48,000 people who died by suicide in 2018. In August, the CDC released a report that over 25% of young adults had planned a suicide in the last 30 days. He informed that on Friday, the CDC released a report on suicides of young adults, aged 10 to 24, and the data was distressing. First, suicide among young adults, ages 10-24, increased by 57.4% from 2009-2018. In 2018, nearly 20,000 young adults died from suicide, the second most leading cause of death in people aged 10-25. The expected suicide rate in 2019 was over 50,000. The CDC was concerned about the effect that COVID would have on suicide rates in 2020 and in the years to come. Mr. Locke found it most distressing was that 42% of all suicides in 2018 occurred in the age group of 14-24. It was the family's hope and prayer that Sean's House would play a role in reducing the statistics by creating an atmosphere so that getting, needing, or wondering about help could be as easy as walking through the doors.

Two years ago, Mr. Locke never thought he would be speaking to Council about the heartache that Sean's family and friends endured, he did not think he would be speaking about Sean's House at 136 West Main Street, where his son resided for three years in college. Sean loved every minute and welcomed everyone who walked through the front door with a big smile and hug; he was always happy to have visitors. With the help of so many people and businesses in the community and UD, the organization was poised to begin a revolutionary act to help young adults suffering from mental health issues. He finished with what guided the journey of SL24 and what Sean's life was all about:

"Lord, make me an instrument of your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. And where there is darkness, light. Where there is sadness, joy. Granted, I may not seek to be consoled as to console, to be understood as to understand."

Mr. Locke asked everyone to help end the darkness of mental illness and turn on the light at Sean's House.

Mr. Clifton thanked Mr. Locke and opened the table to discussion from Council.

Mr. Lawhorn thanked Mr. Locke and understood it was not easy but hoped that it resulted in a positive outcome for the City and community. He credited the Planning Department for developing a solution to protect the house long-term for the City and creating a place to move forward for a cause that could truly help the community. He shared that he did not have an understanding of mental health issues and how they evolved or who they impacted and believed the series of events provided enlightenment. He acknowledged he never met Sean prior to his death and had just run for Council. Mr. Lawhorn met Mr. Locke as the Economic Chair of the Downtown Newark Partnership. After being elected, the tragedy occurred, and Mr. Lawhorn attended the funeral to pay his respects. He left truly devastated because it was eye-opening that a young, successful man battled depression that put him in a place where he felt he had to take his own life. When Mr. Lawhorn stood in the room and looked at all the pictures, he felt as if he were looking at his own family. He had two sons, 12- and 15- years old, and it scared him as a parent who tried to do all the right things to protect and raise his family and wondered how to uncover depression and what actions should be taken. He hoped that Sean's house was an answer. He hoped his sons realized they now had a place to get help. He acknowledged that COVID limited children's interactions and understood the statistics that indicated the impacts to mental health which made the resource even more important for the community. He agreed the statistics were frightening on how young adults dealt with stress and how they were driven to terrible outcomes due to mental health and the associated stress. He was happy to see that something positive could stem from something so tragic. He commended the Locke family and all of their supporters and was happy the resource would be available for the community. He fully supported the special use and hoped Council followed suit.

Mr. McDermott thanked Mr. Locke for sharing his family's story and felt the more society spoke about issues, the easier they would be to handle. He stated the issue was personal for him and he could not believe there were not facilities already available. He could only imagine how difficult it was for Mr. Locke to come forward. He revealed that the LGBTQ+ community was disproportionately affected by mental health issues and suicide. He offered Mr. Locke his full support.

Mr. Horning thanked Mr. Locke for the presentation and believed the Planning Department's report thoroughly covered all the legalities and technicalities. He thought accommodation under the ADA was appropriate and that having a place like Sean's House in the community was important because it helped erase the stigma of mental health and mental illness because the individuals were part of the

community and needed to be embraced. He shared that he lost three cousins in the age group and found the actions of Mr. Locke, his family, and friends, to be inspiring. He thought the town had a parental duty to the students on campus and he would feel more reassured sending his children to college knowing a resource like Sean's House was available. He agreed it was a warm place to seek assistance before problems escalated and revealed that he had been to the Delaware Psychiatric Center and Rockford Center to help loved ones. He felt Sean's House was more welcoming and understood early intervention was critical. He had no concerns with the project and felt it was a beautiful legacy for a beautiful life.

Ms. Hughes admitted the topic was an emotional issue and that many people could relate to and empathize with the Lockes at the horror of burying their child. She commented that parents were often the last to know if a child was suffering from depression. Ms. Hughes noted the property was owned by Lang and asked if it was a student rental and Mr. Locke clarified that the property was not a Lang Development property but was owned by 136 West Main Street, LLC, and Mr. Lang was one of the owners. Ms. Hughes asked if Mr. Brown was also an owner and Mr. Locke confirmed. Ms. Hughes asked when students last occupied the home. Mr. Locke replied that Sean lived in the home from 2013-2016 and other students occupied the home from 2016 until May 2020. Ms. Hughes noted the area was residential and asked how many homes surrounded the property. Mr. Locke explained West Main Street went from the railroad tracks to Hillside Avenue, so the entire street was either commercial businesses or rental homes except for the purple house, which was owned by the daughter of the original owner of 136 West Main Street. Ms. Hughes referred to Mr. Lawhorn's comments that there were no facilities in the City for mental health assistance for young adults. Mr. Lawhorn believed there were none. Mr. Locke confirmed the project was unique and there was nothing like it in the country. He continued that Brown University had a similar facility from which the foundation adopted best practices. He reiterated the facility would be free of charge and admitted there was a counseling center at UD for students but there was nothing available for the high school age group. He revealed the counseling center was overwhelmed with over 2,000 students in any given school year with over 10,000 appointments and was limited to only allowing five visits per individual. He stressed that Sean's House would provide an alternative to help UD students. Ms. Hughes asked if the service were free of charge and Mr. Locke confirmed. Ms. Hughes asked if the foundation would hire staff and Mr. Locke explained the peer support group and doctorate students were volunteers but any expense of the house would be paid through the generosity of SL24 supporters. He continued that the organization was not even two years old, but the family was amazed how people from the local community and the country contributed support. He stated SL24 held an event at the 76ers Field House on short notice, with the goal of raising \$30,000, but ended up having over 3,000 visitors who raised over \$200,000. Ms. Hughes believed the support made an overwhelming statement and Mr. Locke confirmed and said nearly 4,000 people attended Sean's viewing. He was approached by many parents who felt that if it could happen to Sean, it could happen to any kid. After hearing the same comment multiple times, the Lockes felt that Sean's legacy could be to help other kids. He referred to Ms. Hughes previous comment and said that in Sean's case, everyone was the last to know because his son never opened up to anyone about the struggles he endured because he felt that he could not speak to anyone. As an athlete, Sean felt he could not show signs of weakness, and he viewed his illness as a sign of weakness.

Mr. Locke reiterated Sean's House offered space where kids could talk to one another and professionals could assist in securing assistance so kids would not find themselves in Sean's position. He proclaimed that suicide was a brief moment in one's life where despair was so overwhelming that the individual felt that life was not worth living. The Lockes hoped that Sean's House could show young adults there were options and alternatives, they just needed to get to the light to get out of the darkness. Ms. Hughes added that many young adults took their lives when they were successful and it was beyond heartbreaking and left the family with so many questions and guilt, she sympathized with the Locke family. She supported the permit and wished the family well as they honored their son.

Dr. Bancroft had no comments.

Mr. Clifton revealed that he lost one of his closest friends to suicide nearly 18 years ago and the call he received from his friend's wife to break the news was one of the worst in his life. He did not first understand what she meant when she said, "Chris left us." He appreciated Mr. Locke and Council for their thoughts on the issue. He claimed that in 21 years, he never made a vote as important as the one that evening.

The Mayor opened the floor to public comment.

Ms. Bensley noted there were several written submissions and read the following comments into the record:

Pat Fogg, District 1:

“Please share this email with City Council expressing my strong support for the approval of the Special Use Permit for Sean’s House. Suicides among young people have reached epic proportions across the country. A facility of this type in a college town with so many young people is vitally important. Approval of Sean’s House will be a fitting tribute to Sean Locke’s memory. Sincerely, Pat Fogg.”

Kevin Heitzenroder, 271 Beverly Road:

“As a City of Newark resident, I would like to offer my support for the proposed Sean’s House to be located at 136 West Main Street. Mental illness is a real issue for teens and I think this would be a great addition to the Newark community. Thank you for your consideration.”

Emma Grey:

“My name is Emma Grey and I am a board member on the SL24: UnLocke the Light foundation. I am writing you to ask for your support in allowing Sean’s House to receive a special permit from the city of Newark. Sean’s House will not just provide mental health resources to young adults struggling with anxiety and depression, it will prevent suicides and save lives. I am a graduate of the University of Delaware Class of 2016, and I can whole heartedly say that if there was a place like Sean’s House for my friend Sean and many others to go, they may still be here with us today. My classmates and I would have utilized Sean’s House and felt supported by the school in all aspects of life if it had been at UD during my time. I urge you to support this house and provide it with a special permit so that it can begin to bring good to the students at UD and the city of Newark. In scary times like these, it will be great for young adults to know that they always have a safe haven at Sean’s House. Thank you for your time and feel free to contact me if you have any further questions. Stay safe. Emma Grey, Registered Nurse, Thomas Jefferson University Hospital, University of Delaware Class of 2016.”

Eric Conrad:

“I am writing you today as a resident of Newark and on behalf of Seans House and the good I believe it will do for our community. I had the pleasure of knowing Sean and countless other youth in the City of Newark as a coach and neighbor. The struggles of our youth are real and to have a place that they could go to seek help and answers is a great need and service. I fully support this effort and hope Newark does as well. Please support the needs of this organization as they move forward to help the community.”

Joe Cicero, 261 W. Main Street:

“Good morning. I write to support the special use permit for Sean’s House. I am a Newark resident, and live fairly close to Sean’s House at 261 W. Main Street. I believe the community is in great need of an organization to assist with mental health and suicide prevention. Providing such services to the youth of our community is paramount to increase the health of the community and decrease the rate of suicide and depression. I sincerely believe that Sean’s House will be a beacon of light to the local community. Thank you.”

Tim Boulden:

“I am writing in support of the special use permit for the operations of Sean's House at 136 West Main Street. The services Sean's House will provide are needed for adolescents and young adults in Newark.”

Charles and Mary Hughes, 603 Cambridge Drive:

“This is a letter in support of the zoning approval required to help bring the positive potential of Sean’s House closer to reality. We are 30-year residents of Newark. We have raised our family here and long ago embraced the wonderful environment available in a college town. The balance between city and college needs will always be a balancing act for our community. But, regardless of how the scales of the balance tip, we find ourselves “all in” for Newark. Our affection for Newark borders on unconditional.

The potential to bring forward Sean’s House to our community is really very special. The opportunity to help our community offer viable, regular, and important mental health services to young people is without question important. The unique nature of Sean’s House is that it includes a very simple visible reminder that there is no stigma to seeking mental health support.

Sean's House appears just like a normal campus dwelling (a bit nicer than some!). This sends a strong message about how our community values mental health support. By its location and design it will in essence "say to all", about mental health, "Getting help, needing help and wondering about help, is as easy as visiting a neighbor." What a unique approach and what a positive potential to help our community address this important health need.

Few in our community, college or city, can say they have not been impacted by the pain associated with mental illness. Too often help for mental illness requires acceptance, overcoming myths and eliminating misplaced blame. When a support facility can present, as Sean's House will, as a location which is friendly and nonjudgmental, the potential for real life change and positive growth increases. In short, the friendly home/apartment-like steps leading into Sean's House might become the most important life saving steps taken in a young person's life!

Please approve zoning requirements for this impactful and sensitive project. The results will go beyond complementing our great city. It will be a regular reminder that we, in Newark, hold a core value that supports the mental well-being of our community members—no stigma attached! Sincerely, Charles and Mary Hughes"

LeAnne Noval:

"Good Morning, Hope you're doing well. As a Newark resident, I would like to show my support for the use of Sean's House at 136 W Main St. I recently relocated to the City of Newark and purchased my first home a few months ago. One of the reasons I chose to live in this great City was due to its sense of comfort, caring and charm. I love living in a community that cares about each other.

Now more than ever, a place like Sean's House is needed. A place where young people can go to feel comforted, seek assistance and ultimately get the help required to live a long happy life. I've had the unfortunate experience of dealing with suicide multiple times throughout my time at the University of Delaware and now my adult life. Our community needs a place like Sean's House. I'm hopeful City Council approves the special use permit for Sean's House at 136 W Main. If you have any questions or I can be of any assistance, please contact me."

Shannon Cicero, 261 West Main Street:

"I am a resident of Newark and am writing in support of the special use permit for Sean's House at 136 West Main Street. Sean's House will be an invaluable resource and a beacon of hope for the young people in our community. I am certain of the positive impact that Sean's House will have on young people suffering from depression and other mental health issues. I have experienced the death by suicide of my best friend in high school, and truly wish she had a place like Sean's House in which to turn. I urge city council to approve the special use permit for Sean's House. Thank you."

Nina Warren:

"My name is Nina Warren and it is with great pleasure that I write this letter, on behalf of my mother and my family, to show our outpouring support, for Sean's House, at 136 West Main Street, in Newark DE. For what it has become, what it will do for our community and for the reason it has transformed back into a place that will help people; hopefully, for years to come.

My family has a long history with 136 West Main. My mother, Carol Peters (who currently resides at 144 West Main St), grew up in the house and my grandfather, Dr. Arthur Mencher, had his practice and lived there, until he passed away, in 1998. My husband, son and I, lived there, shortly after my grandfather passed away until 2012. That was when we sold the house to Chris Locke and Jeff Lang.

My grandfather was a General Practitioner, for over 50 years, in Newark. He started his practice in his home, at 136 W. Main St. Caring for generations of Newarkers, right in his living room and study. Once the practice outgrew that space, he purchased and moved to the house next door, where he continued practicing medicine, until 1984, selling the practice to Dr. Gary Beste. I know that my grandfather would be so happy, knowing that his home will be open again, to those in need of a safe haven for young adults experiencing thoughts of suicide and who have mental illness, and need to talk to someone and find comfort. There is no better time for a place like Sean's House, in our state, that currently lacks help for those with mental illness. We need to let these young adults know that it's okay to talk about their feelings and thoughts. We need more awareness out there in our communities so that those suffering, no longer have to, in silence and that Sean Locke's life and challenges, can help others overcome theirs.

Our family, like Chris Locke's, has also experienced suicide. My brother-in-law, David Warren, took his life at the age of 47, leaving behind a wife, 2 children, and many unanswered questions. Mental illness was the ultimate cause and the fact that he never addressed that because of the stigma it would have created, also played a factor.

I think that Chris and the foundation he started, SL24: UnLocke The Light, is the true meaning of taking lemons and making lemonade. But now he is taking it one step further, with Sean's House. So that parents like him, brothers and sisters like my husband and I, and family members all over our state, don't have to continue mourning the loss of their loved ones, to mental illness and suicide.

I hope that my letter will help the city's Planning and Development Department, realize the value of Sean's House, and approve the special use permit: Professional office in a residential dwelling, submitted by the foundation, so that Sean's House can provide assistance to those in need and promote mental health and address depression and anxiety to the young adults in our community. Thank you for your time. Kind regards."

Dr. Laurie B. Hanich, PhD., Professor of Educational Psychology, Department of Educational Foundations:

"I hope this note finds you well. It is my understanding that on Monday September 14th, City Council will vote on allowing a special use permit for the operations of Sean's House at 136 W. Main Street. Please accept this email as a note of my support and endorsement of this proposal.

The creation of Sean's House addresses a significant need in our community, particularly among our college population. According to data from the American Psychological Association (APA), mental health problems are on the rise among adolescents and young adults and rates of mood disorders and suicide-related outcomes have increased significantly over the last decade. Many college students are living away from home for the first time and may not have access to services or understand the significance of their mental distress. They also may find themselves experiencing loneliness and isolation as a result of being separated from family and close friends.

Creating a community mental health center such as Sean's House provides essential mental health care by allowing a vulnerable population access to trusted local providers in a safe and familiar environment. Moreover, operations in this setting will help build a sense of community—not just for those at Sean's House, but also those in the broader UD and Newark community. I wholeheartedly encourage the Council to vote in favor of this permit. The small effect of this action may have long lasting consequences for so many."

Joe Charma, District 1:

"As a longtime resident of District 1 and more importantly, as a personal friend of the Locke family, I shared their grief and tremendous loss, I am compelled to whole heartily to support the vital mission of the foundation to provide help for those most vulnerable persons in need of counselling at place where they feel safe and free from the social stigmas associated with depression and mental illness. A place where they can speak about their anxieties, fears, and depression and realize that they are not alone; that they are loved and cared for; that their life is so very important. Sean's House will be a beacon of hope and asset for our community. In closing, with the provisions stated in the Special Use Permit, I recommend that City Council approve Agenda Item 9A."

There were no further comments and the Mayor returned the discussion to the table.

Mr. Clifton thanked the participants, members of the public for their comments, and to Council.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT COUNCIL APPROVE THE SPECIAL USE PERMIT APPLICATION FROM UNLOCKE THE LIGHT FOUNDATION FOR A PROFESSIONAL OFFICE IN A RESIDENTIAL DWELLING AT THE PROPERTY LOCATED AT 136 WEST MAIN STREET.

Mr. Lawhorn supported the motion because it did 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; would not be detrimental to the public welfare or injurious to the 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 it would not be in conflict with the purposes of the comprehensive development plan of the City.

Mr. Horning asked if Council needed a second motion to adopt the Department's recommendation that the special use permit be contingent on the application exhibits. Mr. Bilodeau confirmed the condition should be in that motion that the conditions were adopted, and that Council was granting the accommodations. Ms. Bensley interjected that if Mr. Lawhorn read the recommendation that was included in the packet, then the conditions were included. Ms. Bensley suggested the motion be withdrawn for procedural clarity.

Mr. Clifton asked if Councilmembers Lawhorn and McDermott wished to withdraw their motions and they confirmed.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FROM UNLOCKE THE LIGHT FOUNDATION TO OPERATE A PROFESSIONAL OFFICE WITHIN A RESIDENTIAL DWELLING, AS DESCRIBED IN EXHIBIT A AND EXHIBIT C OF THIS REPORT, AT THE PROPERTY LOCATED AT 136 WEST MAIN STREET, WITH CONDITIONS UNDER DEPARTMENTAL COMMENTS.

Mr. Lawhorn supported the motion because it did 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; would not be detrimental to the public welfare or injurious to the 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 it would not be in conflict with the purposes of the Comprehensive Development Plan of the City.

Mr. Horning supported the special use permit for the reasons stated by Mr. Lawhorn and because it would enable a great person to continue to be a loving presence in the community.

Ms. Hughes offered her personal support to the Mr. Locke. She supported the motion based on the comments stated by Councilman Lawhorn.

Dr. Bancroft supported the special use permit for the reasons stated by previous Council, for the compatibility with the existing boundary codes and the Comprehensive Development Plan and noted the intergenerational and non-denominational nature of the interaction and support in the community.

Mr. McDermott supported the motion based upon the comments stated by Mr. Lawhorn.

Mr. Clifton supported the motion based upon the reasons stated by Mr. Lawhorn.

MOTION PASSED. VOTE: 6 to 0.

Aye – Bancroft, Clifton, Horning, Hughes, Lawhorn, McDermott.

Nay – 0.

Absent – Hamilton

Mr. Clifton acknowledged it was a great moment for mental health in the City of Newark and thanked Mr. Locke. Mr. Locke thanked Mayor, Council, and City staff.

20. Meeting adjourned at 9:29 p.m.

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

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