

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

January 10, 2022

Those present at 6:00 p.m.:

Presiding: Mayor Jerry Clifton
District 1, John Suchanec
District 2, Corinth Ford (arrived at 6:12 p.m.)
District 3, Jay Bancroft
District 4, Dwendolyn Creecy (arrived at 7:03 p.m.)
District 5, Jason Lawhorn
Deputy Mayor, District 6, Travis McDermott

Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Chief Communications Officer Jayme Gravell
Chief Human Resources Director Devan Hardin
Chief Purchasing and Personnel Officer Jeff Martindale
Finance Director David Del Grande
NPD Deputy Chief Mark Farrall
NPD Lieutenant Chris Jones
Parks and Recreation Director Joe Spadafino
Planning and Development Director Mary Ellen Gray
Planner II Tom Fruehstorfer
Public Works and Water Resources Deputy Director Ethan Robinson

1. Mr. Clifton called the meeting to order at 6:00 p.m. and asked for a motion remove Executive Session A from the agenda.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) and (9) for the purpose of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body and personnel matters in which the names, competency and abilities of individual employees are discussed.

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

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Ford, Creecy.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (9) FOR THE PURPOSE OF PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED. VOTE 5 TO 0.

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

Nay – 0.

Absent – Ford, Creecy.

3. RETURN TO PUBLIC SESSION

1:56

Council exited Executive Session at 7:05 p.m.

Mr. Clifton apologized for the delay and informed that Agenda Item A was removed, and Council had been in Executive Session for the last hour. Council would reconvene into Executive Session at the conclusion of the regular agenda.

4. 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.

5. 1. ITEMS NOT ON PUBLISHED AGENDA

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

6. 1-B. UNIVERSITY

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

5:14

Evan Park, UD Administration, announced that UD resumed in-person classes for the first week of winter session that day. He shared that there were new guidelines for COVID so those who tested positive or were exposed would exceed the CDC recommended guidelines and remain in isolation for 7 days for those who were asymptomatic and 10 days for symptomatic cases. He noted the Governor had issued a new mask mandate which would be enforced on campus and in campus buildings. He spoke to Representative Baumbach and other members throughout the State to clarify any misinformation on how the University was handling the situation.

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

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

8. 1-C. CITY MANAGER (10 minutes):

7:25

Mr. Coleman referred to the City's gathering restriction ordinance in place during the State of Emergency. He explained that with the Governor redeclaring a State of Emergency, the City's ordinance was technically back in place. He requested feedback on whether Council wanted the City to enforce the current ordinance, edit the thresholds, or repeal it.

Mr. Clifton asked that all members offer an opinion.

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

8:35

Mr. McDermott:

- Wanted to review and revise the gathering ordinance as needed with current data; he did not think it should be enforced until it was reexamined.

- Wanted to determine if Council would direct the City Manager and staff to amend an ordinance. He explained that he was approached by a business owner who moved his location to the Shoppes of Louviers, which was zoned BB. The owner wanted to create microbrews and serve a small amount of alcohol in their shop. He noted that the shopping center was already home to Skipjack's, which served alcohol, and a wine store; it was not a matter of being able to sell alcohol, it was an issue of the ability to brew their own alcohol and sell it. He spoke to Mr. Coleman and considered it a simple ordinance change to allow the brewing of beer in the zone. He reminded the request still required a Special Use Permit in order to brew and sell alcohol and would still come before Council. He thought it was logical to have the option so brewers could seek a Special Use Permit to facilitate their business. He reiterated that he wanted feedback from Council as to whether they would support giving direction to the City Manager to make the change to the BB zone. In speaking with Mr. Coleman regarding the current rezoning process, he learned the request was a suggested recommendation, but he wanted to address the issue sooner rather than later.
- Reminded that a year ago, there was a discussion regarding creating a nuisance property ordinance and requested an update and timeline for Council.

Mr. Coleman informed that staff would handle the nuisance property ordinance with a two-phase approach. Phase 1 was to create a probationary process for Chapter 16 of City Code for Refuse Violations where, under the process, once a notice of violation was received for tall grass or trash, the owner would be put on notice for 18 months. During the notification period, the inspector would be able to use their discretion to choose the best method to address the location on a case-by-case basis ranging from issuing a final notice or citation, to hiring a contractor to clean-up the property or cut the grass immediately and bill the property owner cost plus 50%. He explained that it took longer for staff to move forward without the probation process and revealed that the goal was to have the ordinance in place for the 2022 growing season but that it would require an ordinance before Council. He explained that Phase 2 was a more expansive program that would be set up similar to the current Special Use Permit process in place for restaurants that served alcohol. Staff would establish a point system for all residential properties, both rentals and owner-occupied, with different values assigned for all of the violations or categories of violations, and, once a certain number of points was reached, an additional civil citation would be triggered as well as a mandatory meeting with the Newark Police Department and the Code Division. He continued that multiple civil citations over a two- or three-year period could trigger a revocation or suspension or rental permit, similar to the Special Use Permit process for bars. He revealed the initiative required a formal ordinance in order to be established and would be closely intertwined with the International Property Maintenance Code update, which staff planned to do at the same time, likely in 2023. He reminded that it was still early in the process, but Phase 1 was logical and could be done quickly.

Mr. Coleman confirmed that Mr. McDermott's initial comments regarding the microbrewery were accurate, and staff the request would be a relatively simple fix because there was already an idea of what needed to be changed: a text-based change to the zoning code. He reminded it would also have to go to the Planning Commission and Council and reconfirmed it would be an easy endeavor.

Mr. Lawhorn:

- Supported Mr. McDermott's suggestion, not only for the specific business but for the BB district as a whole. Mr. Lawhorn said the business used to be in his district and he considered the owners to be a responsible business and an asset to the area; he would also support the measure specific to the business.
- Wanted any current 2020 restrictions eliminated and have a discussion based on new data for appropriate action. He was unsure if the two-year-old restrictions in place were the correct approach to the current situation.
- Explained that HB244 was targeted at reducing the impact of fines and removing drivers' licenses as punishment for the inability to pay fines for misdemeanors and other violations. He recalled that Council thought the spirit of the bill was positive but informed that since the discussion, the bill had been significantly amended. He shared that one of the perceived negatives in the bill from the legislators as reported by the lobbyists was that while the bill proposed eliminating fines and fees, revenue streams would be interrupted for certain organizations, including AETNA Fire Company. He believed the issues had since been resolved and he wanted to review the final bill because the Court was concerned that provisions which gave judges the ability to create payment plans were eliminated. He emphasized that details needed to be reviewed and proposed that when staff obtained the final bill, they provide Council with recommendations so Council could discuss a resolution to support the bill.

Mr. Clifton asked if Mr. Lawhorn was referring to SB244, not HB244. Mr. Armitage confirmed that it was HB244. Mr. Clifton asked if Mr. Armitage had any idea when the final bill would be drafted. Mr. Armitage replied that the bill's primary sponsor was Representative Lynn and it had been assigned to the Judiciary Committee. He continued that Rep. Lynn had not scheduled a hearing on the bill that week and

Mr. Armitage was unsure how soon it would move forward, but the lobbyists would not push in either direction without knowing further details.

Ms. Bensley added that the State's website indicated that the bill had been released from the Judiciary Committee on its merits in June. She asked if it would return to the Committee with the new amendments or if it would move straight to the floor since it had already been released from Committee. Mr. Armitage realized he had read the fiscal note and thought the bill was still in Committee. He replied that the bill would not have to go back with the amendments.

Mr. Clifton asked if it was safe to assume that there could be a direction to the City Secretary to add the discussion to the next agenda after the bill became publicly available. Mr. Armitage informed that the bill had been reassigned to House Appropriations because of the fiscal note associated. He explained that there were different costs to some of the agencies such as the Trust Bond, DeIDOT, or the municipalities and their own courts, and reiterated that the bill was in Appropriations, and he did not know when it would be addressed. Mr. Clifton believed that Council wanted to vote on a solid resolution that was as it would be presented to the House and full body in Dover. Mr. Lawhorn agreed and continued that once Council had a full understanding of what the bill included, and staff had a chance to review, he wanted to discuss whether Council should pass a resolution of support. Mr. Clifton asked Ms. Bensley if Council could give direction that evening that once the bill was available and reviewed by staff, then address it on the next closest agenda. Ms. Bensley confirmed.

Mr. Armitage interjected and explained that a continuing unknown factor was whether the House would adopt the amendment because once it was on an agenda, the amendment would be presented on the floor, and it was unknown if it would be adopted. Mr. Clifton understood but he wanted the bill to be closer to what the House was considering.

Mr. Lawhorn understood the situation was fluid and asked if it was possible for Council to include the amendment in its resolution in order to send a message to Dover. He reiterated that staff needed to first review the bill, make recommendations, and then present to Council who would then pass a resolution as proposed for amendments.

Mr. Clifton asked Mr. McDermott if he supported Mr. Lawhorn's request. Mr. McDermott found the House Bill to be messy but supported City staff investigating and bringing it forward to Council for further discussion.

Ms. Creecy:

- Agreed that COVID restrictions needed to be reviewed and revised.
- Supported Mr. McDermott's request to amend the BB zoning but wanted to know everything involved.
- Agreed that HB244 had many facets but she did support the bill if the Fire Department was not affected. She wanted to further investigate and asked for the issue be addressed on a future agenda.
- Asked if it would be possible to get a letter from Council to support St. John's Cemetery and its funding with Delaware Health and Social Services. She informed that there was a request that Council provide a letter to agree to allow the cemetery to receive more funding to handle the issues from 2021.

Mr. Coleman informed Ms. Creecy that he planned on attending the meeting where DHSS would review the cemetery's application and he believed there was adequate support from earlier Council discussion that he could make the position on behalf of the City.

Ms. Bensley informed Council that she had been corresponding with Representative Baumbach on the issue at Ms. Creecy's request. She clarified that the letter would be in support of matching funds for St. John's Go Fund Me fundraiser for the South Main Street cemetery repairs. She explained that there would be no additional cost to the City, but DHSS asked if the City supported the application, as such, the letter would be in support of the application for matching funds for the Go Fund Me to help make repairs for the vandalism at St. John's.

Mr. McDermott and Mr. Lawhorn supported Ms. Creecy's request.

Dr. Bancroft:

- Supported investigating HB244 and wanted to make a good faith effort to determine how the City spent the stimulus money effectively. He thought the next few years would be interesting regarding decisions on large funding and returning the economy to a more sustainable level.
- Appreciated Mr. Coleman's work on the nuisance property ordinance and supported its prioritization.

- Supported Ms. Creecy's request.
- Wanted to commemorate E.L. Wilson and shared there had been a Gun Violence Victims Meeting on January 6th. He also wanted to commemorate all of the deaths from COVID and cautioned that the hospitals were filling up and elective surgeries were likely to be delayed.
- Supported the BB zoning amendment.
- Supported redacting the current COVID emergency ordinance and reacting appropriately in the future.

Ms. Ford:

- Did not support rescinding restrictions on group meetings.
- Supported the BB zoning amendment.
- Wanted further discussion on HB244.
- Supported Ms. Creecy's request.

Mr. Suchanec:

- Supported Ms. Creecy's request.
- Supported the BB zoning change and asked if the microbrewery on Main Street was BB. Mr. Coleman replied that the Main Street brewery was zoned General Commercial. Mr. Suchanec asked if the question was specific to BB and Mr. Coleman confirmed.
- Supported any measures for the nuisance property ordinance.
- Wanted to be as strict as possible for the gathering ordinance and wanted any rewrite to include strict measures. He noted that Governor reinstated the indoor mask mandate.

Mr. Clifton:

- Shared that Cacciatore at the Shoppes at Louviers had a beer and wine license so the request was not unusual for the area. He fully supported changing the Code to make allowances for the brewery.
- Fully supported bringing HB244 back in a resolution. He thought much of the way business was currently done was not logical; it did not make sense to pull someone's license and still expect a person to pay their fines.
- Supported Ms. Creecy's request for a letter of support.
- Understood that some members of the community would not necessarily like that Council would review the gathering ordinance, but he fully supported the review. While on a call with the Governor that day, he learned that there were 484 hospitalizations at the height of the 2020 pandemic and there were currently 780 hospitalizations. Mr. Clifton felt that the number of ICU cases was more telling versus general hospitalizations. He wanted to keep the City's ordinance current with the available science. He reiterated his support for a review of the ordinance.
- Shared that one of the open positions in the upcoming April elections was the position for Mayor. He continued that throughout his career, he spent nearly 21 years in the military, and it was easy to know when to retire because of the age limitation. He was honored to serve in the military, particularly with the Delaware Army National Guard and the positions he had. He loved his career in the military as much as loved his current career with 22 years on Council. He never thought that he would serve as a Mayor after losing by three votes in 1995, when he assumed the District 2 position in 1997, through the write-in vote of 2005, leaving Council for his eye surgery, and then returning to service when the District voted him back into office. He was equally honored to serve the people of Newark, with numerous iterations of City Council, staff, and the employees running the City. He hoped that the people of Newark understood that whether Council agreed or disagreed, all Councilmembers had the best intentions for the City. He credited Mr. Coleman, Ms. Bensley, and Mr. Bilodeau, all of the directors and employees for diligently and honorably serving the people of Newark. He felt that the City was blessed to have the staff it did. He revealed that he would not be seeking re-election in the April elections and the seat would be open. He appreciated the support he received and knew that not everyone in the public agreed with all of his decisions or what Council did as a body, but he truly believed that the best interests of the City were in the hearts of each and every Councilmember. He informed that his last public meeting would be March 28th and he looked forward to working with his successor to keep continuity and ensure that the transition was seamless.

Mr. Lawhorn thanked Mr. Clifton for his two decades of service on Council. Mr. Lawhorn had only served for four years and found the work rewarding but a challenge. He was impressed that Mr. Clifton committed so much time to the City. He personally thanked Mr. Clifton for his mentorship during Mr. Lawhorn's first year on Council. Mr. Lawhorn announced that he was running for re-election for the District 5 seat and noted that while he only had four years of experience on Council, he would be the most senior member. He reiterated his thanks for Mr. Clifton's years of service and mentorship.

Mr. Clifton thanked Mr. Lawhorn for the comments and shared that he also appreciated Mr. Lawhorn and although they often counterbalanced one another, everything worked out in the end.

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

44:33

Ms. Bensley introduced Dennis Lawson, District 1. Mr. Lawson lived in District 1 with his wife and daughter in the Elan neighborhood, behind the Country Place Townhouses, off of Barksdale Road. He wanted to show his support for the Newark Bypass which was a road that would extend the Christina Parkway through Suburban Plaza to Barksdale Road. He first learned of it from an August Newark Post article and was unaware the idea had history because he was not a native Delawarean. When he read the article, his first reaction was that the bypass would be an easy way to get to Acme and other stores in Suburban Plaza. He thought that the failed proposal from years ago was a missed opportunity.

Mr. Lawson believed some of the advantages would be for people in his neighborhood to get to Suburban Plaza and the rest of Elkton Road. He explained that his neighbors had to either drive under the Casho Mill Bridge or go down Barksdale to Apple Road. In theory, if the road was extended with sidewalks and bike lanes, residents could access Suburban Plaza without cars. He felt the biggest advantage to the entire community would be alleviation of the pressure from Casho Mill and, with the Newark Bypass, there would only be a handful of residents who would continue to drive under the bridge because most others would use the bypass. He repeated that he first heard the idea in August and informed that while he was a homeowner directly in the area that would be affected by the project, he and his wife completely supported it. He hoped that Council would investigate and consider the project, and that the Newark Bypass would finally come to fruition.

Mr. Clifton appreciated Mr. Lawson's comments and informed that in 1962, there was an idea about building a beltway around the entire City and part of the problem with WILMAPCO, the agency that oversaw multi-jurisdictional projects, was that Maryland wanted income tax reciprocity with Delaware and Delaware refused.

Ms. Bensley then introduced Dr. John Morgan from District 1. Dr. Morgan began that when CSX was discussing the Casho Mill underpass under the train line, a main reason was a supposed low volume of traffic, which he thought was not correct. He wanted to recognize that if the Newark Bypass was built, it might make it easier for CSX to completely close the underpass, which he thought would be an unwanted consequence for some and require careful investigation.

Dr. Morgan felt that the most urgent issue requiring focus was the enormous surge of COVID infections on the UD campus community. He reported that over 1,000 cases were recorded in the recent week from over 6,000 tests. The positivity rate was higher than 10%. He assumed the number would decrease in the current week and cautioned awareness because the drop would likely be because few people were required to be tested. He revealed that UD required everyone who would be on campus in the winter session to get tested the previous week, but he believed the only people currently required to get tested by UD were unvaccinated students and employees. He expected only a hundred cases that week but noted the number did not offer a good measure of how many would be infected. He did not think it would make sense for the City to lower the restrictions in place earlier in 2021 when UD had actually increased restrictions for interactions on campus property where students were not supposed to do anything unmasked unless they were in their own bedrooms. He noted that students were not allowed to eat in common areas unmasked and shared that as a faculty member, he would be required to wear a mask in the spring semester although he was able to lecture without a mask in the fall semester as long as he maintained a safe distance from his students. He believed the City should continue to enforce the restrictions that were in place in 2021 and, in light of the much higher numbers, consider making further restrictions on parties in private residences. He admitted it was a different issue from what was happening in the restaurants that Governor Carney's orders might cover and continued that what was happening in southern Delaware was not very relevant in Newark. He believed the actual rate of infections in the City was the priority data that Council should investigate.

Dr. Morgan then commented on the information posted about the members of the City's Boards and Commissions on the City's website. He shared that the information included names, street addresses, and the district. He believed it was less information than what used to be posted which had included phone numbers or email addresses. He understood the concerns regarding safety of the City's Boards and Commissions members but said that if he were concerned about his safety, the last thing he would want posted on the City's website was his home address and preferred to have a phone number or email address. He suggested that the City consider providing a City email address to be used for City business to any interested member of the City's Boards and Commissions. He indicated that he might have further comments to make about the appointing process for Boards and Commissions members.

Mr. Clifton asked Ms. Bensley if the upcoming discussion would include aspects of the information that the City would publish. Ms. Bensley replied that the discussion had not yet been scheduled but would take place before the end of the first quarter.

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

- 11. 2. APPROVAL OF CONSENT AGENDA: (1 minute)**
- A.** Approval of Council Meeting Minutes – December 6, 2021
 - B.** Approval of Council Meeting Minutes – December 13, 2021
 - C.** Receipt of Alderman’s Report – December 7, 2021
 - D.** Approval of Capital Budget Amendment for Project K2205 – George Wilson Center School Hill History Display
 - E.** Approval of Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark to Utilize State of Delaware Awarded Contracts for the Purchase of Police Handguns, Handgun Accessories, Holsters and Ammunition

54:42

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

- 12. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:**
- A.** Appointment of Scott Bradley as an At-Large Appointment on the Board of Adjustment for a Four-Year Term to Expire September 15, 2025 (5 minutes)

56:02

Mr. Clifton reminded that Mr. Bradley served on the Reapportionment Committee and had backgrounds as a member of the business community and as a builder. He confirmed that Mr. Bradley was well familiar with the building trades and understood the nuances. He was impressed with Mr. Bradley’s background and wanted to nominate him for the Board.

The Mayor opened the table to Council comment.

Mr. Suchanec reviewed Mr. Bradley’s application and had no questions.

Ms. Ford had no questions.

Dr. Bancroft thanked Mr. Bradley for his service and had no questions.

Ms. Creecy had no questions.

Mr. Lawhorn had no questions and thanked Mr. Moore for his long service to the Board. He continued that for there was a benefit to having technical knowledge for the Board and was pleased that Mr. Bradley was bringing his experience to the table.

Mr. Clifton thanked Mr. Lawhorn for his comments regarding Mr. Moore.

Mr. McDermott had no questions.

The Mayor opened the floor to public comment.

Ms. Bensley introduced Dr. John Morgan, District 1. Dr. Morgan saw the notice of the proposed appointment on the agenda a week prior and did not recognize Mr. Bradley’s name, so he filed a FOIA request for his application materials. That morning, he received a copy of the two-page form without a bio, he also performed an internet search for Mr. Bradley and discovered much information on his LinkedIn page which seemed appropriate and explained his background and qualifications. He asked if Mr. Bradley would have had any objection to posting on the City’s website, along with his application, the information that he posted on his LinkedIn account.

Mr. Clifton said that Mr. Bradley could answer the question if he chose but there was no requirement that he do so.

Mr. Bradley could not recall the last time he was on his LinkedIn page but stood by whatever was included. Dr. Morgan was surprised to learn that Mr. Bradley's LinkedIn was not up-to-date and would feel more comfortable with a fairly complete bio with current information.

Mr. Clifton informed Dr. Morgan that public comment would not devolve into a debate with candidates.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: TO APPOINT SCOTT BRADLEY AS AN AT-LARGE APPOINTMENT ON THE BOARD OF ADJUSTMENT FOR A FOUR-YEAR TERM TO EXPIRE SEPTEMBER 15, 2025.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

13. 3-B. REAPPOINTMENT OF NIKKI LANE AS A MAYORAL APPOINTMENT ON THE NEWARK HOUSING AUTHORITY FOR A THREE-YEAR TERM TO EXPIRE JANUARY 15, 2025 (5 MINUTES)

1:02:51

Mr. Clifton informed that although there would be separate discussions, Ms. Lane would also be nominated for the Newark Housing Authority (NHA) Representative for the Community Development and Revenue Sharing Advisory Committee (CDRSAC). He continued that Ms. Lane was extremely active in the NHA and CDBG (Community Development Block Grant) and he appreciated her efforts and tireless work over the years.

The Mayor opened the table to Council comment.

Mr. McDermott had no questions.

Mr. Lawhorn thanked Ms. Lane for her service.

Ms. Creecy worked with Ms. Lane on some housing matters with the NHA and appreciated the services Ms. Lane provided. She admitted she had slight reservations that were not public matter.

Dr. Bancroft thanked Ms. Lane for her willingness to serve and had no questions.

Ms. Ford had no questions.

Mr. Suchanec found Ms. Lane to be qualified for reappointment and had no questions.

The Mayor opened the floor to public comment.

Ms. Bensley introduced Dr. John Morgan, District 1. Dr. Morgan noted that the item was a reappointment and a few a years ago, Ms. Lane went through the usual process of submitting an application that was posted on the City's website. He imagined she would have no problem doing so again if that was still the City's process. He had no further comments or questions.

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

MOTION BY MR. LAWHORN, SECONDED BY MS. FORD: TO REAPPOINT NIKKI LANE AS MAYORAL APPOINTMENT ON THE NEWARK HOUSING AUTHORITY FOR A THREE-YEAR TERM TO EXPIRE JANUARY 15, 2025.

MOTION PASSED. VOTE: 6 to 1.

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

Nay – Creecy.

14. 3-C. REAPPOINTMENT OF NIKKI LANE AS THE NEWARK HOUSING AUTHORITY REPRESENTATIVE ON THE COMMUNITY DEVELOPMENT AND REVENUE SHARING ADVISORY COMMITTEE FOR A THREE-YEAR TERM TO EXPIRE MARCH 15, 2025

1:07:42

Mr. Clifton felt that the City was fortunate to have someone with Ms. Lane's background on the Committee and also that the City managed its own CDBG with committed members who wanted to be equitable in their distribution. He believed the task was difficult, as witnessed in December when Council approved the CDBG Budget that would come up later in the year.

The Mayor opened the table to Council comment.

Mr. Suchanec asked if there was any occasion where Ms. Lane had to recuse herself due to conflict of interest between the two committees. Ms. Lane replied no, not during the review of CDBG, but she made it very clear that she was the NHA's representative and could provide an overview or answer questions during meetings where NHA requests were reviewed. Mr. Suchanec asked if she had to follow up with a vote and Ms. Lane replied that the Committee did not vote.

Ms. Bensley explained that the position on the Community Development Revenue Sharing Advisory Committee was specifically for an NHA representative so any appointee would be from the NHA and have many of the same potential questions about conflicts that Ms. Lane had.

Ms. Ford and Dr. Bancroft had no questions.

Ms. Creecy referred to Ms. Lane's application where she replied to which of her personal or professional skills would enhance the Committee. Ms. Creecy asked Ms. Lane to elaborate on her response of "analysis and assessment". Ms. Lane asked to which Committee Ms. Creecy was referring and Ms. Creecy replied Block Grant. Ms. Lane explained that she worked with the public on a daily basis through housing and there were obviously wrap-around services that community residents also required. She felt that her day-to-day operations with tenants and their needs equipped her with the ability to analyze and assess. Ms. Creecy asked Ms. Lane to elaborate on her ability to work with co-commissioners. Ms. Lane asked Ms. Creecy to repeat the question. Ms. Creecy read the question from the application and Ms. Lane replied that because she was up for reappointment, she clearly worked on CDBG and Revenue Sharing in the past on behalf of the City, and had to collaborate with others reviewing the information to create an assessment on which funding would be given to which organization. She felt that her past role of participation and collaboration in CDBG would speak for itself. Ms. Creecy asked if Ms. Lane would be willing to bring all commissioners at hand if there was ever an issue. Ms. Lane asked if Ms. Creecy was asking about the NHA and Ms. Creecy confirmed. Ms. Lane replied that initially, Ms. Creecy said she was asking about CDBG and Revenue Sharing and asked if she was now asking about the NHA. Ms. Creecy confirmed.

Mr. Clifton interjected and clarified that the current discussion should be about CDBG because the NHA reappointment had already passed. Ms. Creecy said she wanted to know both and reserved her questions.

Mr. Lawhorn and Mr. McDermott had no questions.

The Mayor opened the floor to public comment.

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

Ms. Creecy added that she was witness to a situation involving the NHA where particular commissioners were not included in certain circumstances. She apologized and did not want to prolong the meeting. Mr. Clifton understood.

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: TO REAPPOINT NIKKI LANE AS THE NEWARK HOUSING AUTHORITY REPRESENTATIVE ON THE COMMUNITY DEVELOPMENT AND REVENUE SHARING ADVISORY COMMITTEE FOR A THREE-YEAR TERM TO EXPIRE MARCH 15, 2025.

MOTION PASSED. VOTE: 6 to 1.

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

Nay – Creecy.

Mr. Clifton thanked Ms. Lane for her efforts on behalf of the City.

15. 3-D. REAPPOINTMENT OF TIMOTHY ENGLISH TO THE DISTRICT 3 POSITION ON THE ELECTION BOARD FOR A THREE-YEAR TERM TO EXPIRE JANUARY 15, 2025 (5 MINUTES)

1:17:27

Dr. Bancroft explained that the reappointment was straightforward and there was a fair amount of detail in the description. He appreciated Mr. English's willingness to serve. He shared that he also worked at Winterthur, and he appreciated Mr. English's efforts.

The Mayor opened the table to Council comment.

Ms. Creecy, Mr. Lawhorn, Mr. McDermott, Mr. Suchanec, Ms. Ford, and Mr. Clifton had no questions.

The Mayor opened the floor to public comment.

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

MOTION BY DR. BANCROFT, SECONDED BY MR. LAWHORN: TO REAPPOINT TIMOTHY ENGLISH TO THE DISTRICT 3 POSITION ON THE ELECTION BOARD FOR A THREE-YEAR TERM TO EXPIRE JANUARY 15, 2025.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Mr. Clifton thanked Mr. English for his service.

16. 3-E. REAPPOINTMENT OF DAVID REDLAWSK TO THE DISTRICT 6 POSITION ON THE ELECTION BOARD FOR A THREE-YEAR TERM TO EXPIRE JANUARY 15, 2025 (5 MINUTES)

1:19:48

Mr. McDermott explained that Mr. Redlawsk was seeking reappointment the Election Board but was unable to participate in the meeting due to circumstances out of his control. He continued that Mr. Redlawsk was a professor at UD with a doctorate and master's degree and was certainly qualified for the position. He noted that Mr. Redlawsk willingly served on the Board for the last term and hoped all had been able to review the detailed biography.

The Mayor opened the table to Council comment.

Mr. Lawhorn, Ms. Creecy, Dr. Bancroft, Ms. Ford, and Mr. Suchanec had no questions.

Mr. Clifton shared that he had gotten to know Mr. Redlawsk and believed that he had more time in government than himself. He credited Mr. Redlawsk with being a great person with a great character and he supported the reappointment.

The Mayor opened the floor to public comment.

Ms. Bensley introduced Dr. John Morgan, District 1. Dr. Morgan shared that he slightly knew Mr. Redlawsk because they were both faculty at UD. He spoke with Mr. Redlawsk a few times on social occasions and found him to be well qualified for the position. He wanted to emphasize that when he read the Delaware Code for the Board of Elections when he served as the vice chair of the Boards and Commissions Review Committee, he noticed that members of the Board of Elections were forbidden from engaging in any sort of partisan political activity, which is why he himself would never put his name forward to be a member. He quoted a requirement from Section 75-51, Subsection J, "municipalities shall post the names and contact information for its Board of Elections in the City Town Hall or in the building where the municipal government meets and on the municipality's website, if it has one." He continued that current practice for the City of Newark was to post the names of the members of the Board of Elections together with their street addresses, which would enable ordinary citizens to contact the members using US mail, which took about three days each way. He thought it would be better if the City provided email addresses for the members of the Board of Elections and possibly other boards and commissions to expedite communications.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MS. FORD: TO REAPPOINT DAVID REDLAWSK TO THE DISTRICT 6 POSITION ON THE ELECTION BOARD FOR A THREE-YEAR TERM TO EXPIRE JANUARY 15, 2025.

MOTION PASSED. VOTE: 7 to 0.

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

Mr. Clifton was pleased that Mr. Redlawsk would continue his service on the Election Board.

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

18. 5. **SPECIAL DEPARTMENT REPORTS:**

A. General Assembly Update – Lobbyist (20 minutes)

1:25:08

Mr. Armitage wanted to quickly review happenings in the Delaware Economic & Financial Council (DEFAC) meeting on December 21st. He shared there was almost \$1 billion in adjusted revenue between Fiscal Year (FY) 2022 and 2023. Increases for 2022 were projected to be \$411 million and \$408 million in 2023 and the Governor would base his operating budget on the amounts. Given the additional unexpected funding, there would likely be a lot of money shifted to the Bond Bill in addition to the money that would be appropriated on behalf of Delaware for the American Rescue Plan (ARPA). He clarified that there would be much funding over the next two years, in addition to the Federal money, to put towards capital projects. He continued that the Transportation Trust Fund, the money used to support Municipal Street Aid, remained the same between the October and December projections at \$575 million but would increase by \$24 million in FY2023. DEFAC would next meet on March 21st.

The Mayor opened the table to Council comments.

Mr. Suchanec asked that the information be made available after the meeting. Mr. Armitage would forward the information. Mr. Suchanec had no questions and thought the situation was good news.

Ms. Ford had no questions.

Dr. Bancroft thanked Mr. Armitage for the quick report and had no questions.

Ms. Creecy also wanted to see the numbers.

Mr. Lawhorn felt that there was extra money every year and agreed it was a wise to fund the capital projects and infrastructure. He asked if there was ever discussion around lowering taxes or returning the money to taxpayers. Mr. Armitage confirmed the issue was often discussed but then became a partisan issue. He reiterated that the argument happened that some of the money should be returned to taxpayers, particularly when the numbers were staggering as in the recent revenue projections. Mr. Lawhorn recalled similar conversations with ARPA money in Newark and it was logical to not fund the money into ongoing expenses when it was unexpected money. He felt like there was unexpected money every year and found himself thinking of ways to save residents money. Mr. Armitage reminded that it had not been that long since there was an \$800 million deficit in the operating budget, within the past ten years. He shared that by Executive Order, the Governor required the Legislature to set money aside for a second Rainy Day Fund, with anticipation of a downturn, to help replace some of the lost revenue. Mr. Lawhorn agreed it was a broad topic and thanked Mr. Armitage.

Mr. McDermott and Mr. Clifton had no questions.

Mr. Clifton recalled the days when no one knew what was happening week to week. Mr. Armitage agreed that there had been some tumultuous times and explained that his discussion had three parts. He reminded of Council's discussion in December regarding priorities the lobbyists should investigate:

- Airbnb and lodging tax – no direction from Council to move forward
- Gross receipt tax on rentals – Council wanted more exploration for staff and possible Charter change
- Homestead Tax Credit – Council generally supported but included discussion on how to manage with income thresholds and property value thresholds
- More subdivision requirements with DelDOT on how municipalities were treated – Council directed to work with the League and move the issue forward in a coordinated way

- Qualified immunity – Council wanted lobbyists to continue to support; there was no new legislation introduced that would eliminate it but reminded that Representative Baumbach said the introduction was still possible.
- Police Compensation Recruitment and Retention – Mr. Armitage explained that HB148 was out of Committee. If a person was hired by the State Police within two years of a completing mandatory training, it would move to a four-year period. The changes to the yearly rate for reimbursement to the municipality would be \$40,000 for the first year following training, \$30,000 for the second, \$20,000 for third, and \$10,000 for fourth. He believed Council wanted the lobbyists to support the initiative.
- Body Worn Camera Programs – it was still unknown what the Police Chiefs Council would recommend to the State. He reminded there was there was an appropriation of \$5 million and he assumed the State would support the storage, which might be the most expensive part of the whole program.
- Municipal Street Aid – the lobbyists would work with the League to try to increase the funds. He reminded there was an excess of funding so there was a possibility that the City could receive money that would exceed previous levels
- PILOT Program – work with Senator Sokola and Representative Baumbach to try to codify the City’s participation in the program.
- Natural Gas Franchise Fee – the City Manager indicated more research was necessary and would also require a Charter change
- Broadband Franchise Fee – Federal restrictions could prohibit action

Mr. Armitage asked how Council wanted to proceed.

The Mayor opened the table to Council comments.

Dr. Bancroft was fine with the current list and shared that he was for investigating Qualified Immunity if there were reasonable changes.

The Mayor opened the floor to public comment.

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

Mr. Armitage explained that he had two more items of discussion. He explained that the Charter change that the lobbyists were working with Representative Baumbach on had been introduced as HB268 and would be in House Administration the next day. The lobbyists forwarded information to the Committee members along with the resolution City Council passed in December requesting that the bill be moved forward. He spoke with Committee Chair and expressed the City’s desire to move forward, and he believed there was willingness on her part for it to move out of Committee without objection. He believed that Ms. Bensley would be available for questions during the discussion with the Committee and he predicted it would move forward without any real objection.

Mr. Armitage revealed that another bill that was under discussion but had yet to emerge as an introduced piece of legislation was a tax cap on how much a municipality could increase property taxes. In conjunction with the City Manager and other staff, the lobbyists sent information to the sponsor who was circulating a draft for comments. He explained that the League’s Executive Committee, or the committee that dealt with legislation, would discuss the issue the next day. He believed that there would be additional feedback that came from other municipalities and concerns that the legislation might generate. He explained that the lobbyists were not currently opposing the bill but were expressing concerns.

Mr. Clifton asked Mr. Armitage to submit an outline prior to presenting to Council so that members could have an idea of where the conversation was going. Mr. Armitage apologized and would do so moving forward.

Mr. Clifton asked if Council wanted to push harder to be part of PILOT instead of PILOT lite. He understood that the \$400,000 per year was a benefit but thought there was a case to be made for new Council that the City had 46% untaxed property, but the County seats were in PILOT with generally less percentage of untaxed properties. He wanted to push harder for the issue. Mr. Armitage was happy to do so and reminded that Representative Baumbach said he was willing to meet with Senator Sokola to

explore the potential. He noted it had been four years since the bill had been introduced and he believed they were willing to try again. Mr. Clifton credited the City's representatives for doing a tremendous job.

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

19. 5-B. RESOLUTION NO. 22-__ : A RESOLUTION TO REQUEST AMENDMENTS TO THE NEWARK CITY CHARTER, BEING CHAPTER 152 OF VOLUME 48, LAWS OF DELAWARE, BY CHANGING THE AGE TO SERVE AS COUNCIL MEMBER TO 21 AND BY CHANGING THE AGE TO SERVE AS MAYOR TO 24 (20 MINUTES)

1:41:38

Ms. Ford explained that the proposal was to raise the required age for a Councilperson from 18 to 21 and the age required for Mayor from 18 to 24. She continued that the initiative aligned with other urban municipalities near Newark: Elsmere required 25 for Council and 30 for Mayor, and Wilmington required 25 for both Mayor and Council. She informed that raising the age limit would ensure that the candidates would have some practical experience and a combination of practical experience and hopefully higher education or vocational training before sitting on Council. She reminded that people were not permitted to drink alcohol until 21 and wondered how a person could possibly make decisions that impacted the lives of residents in the community if they could not handle alcohol. She believed the issue was one of common sense and noted that Article 1 of the Constitution set limits on the requirements for the age for the House of Representatives and Senate; a representative to the State House had to be 24, and the State Senate required an age of 27. She reiterated that the matter was one of common sense and she was surprised that it had not been raised before. She assumed that there were also community members who would comment, and she had been speaking with her constituents who expressed support for the proposal.

Mr. Clifton asked Ms. Bensley for further comment and she had none. Mr. Clifton then asked Mr. Bilodeau for further comments. Mr. Bilodeau added that the proposed Charter amendment would not affect the upcoming election in April because, if the amendment was passed by the Legislature, it would likely take place after the time period for the candidates to declare.

The Mayor opened the table to Council comment.

Mr. Suchanec said that the record indicated that he did not see the necessity for the amendment because the voters in the community were wise enough to know who would be a qualified representative.

Dr. Bancroft agreed with Mr. Suchanec and did not want the University to be unnecessarily excluded. He felt there was a schism and hoped students would offer comment. He added that he also thought the age limit for alcohol consumption should be lowered to 18 because 18-year-olds were old enough to fight in wars. He agreed 21 seemed reasonable for an adult but he did not want to legalize it.

Ms. Creecy agreed with Ms. Ford and thought there was a particular maturity that accompanied the position. She maintained that she was not claiming that some 18-year-olds did not have advanced wisdom, but it would make the situation more concrete and uniform for Mayoral and Council positions.

Mr. Lawhorn agreed with Mr. Suchanec and Dr. Bancroft but understood the logic concerning the probability that an 18-year-old would have the requirements to meet the needs of the voters. He agreed it was a tall order but not impossible. He reminded that his predecessor's predecessor was Ezra Temko, who was 22 years old when he was elected. After Mr. Temko served, Councilman Chapman served for six years and when Mr. Lawhorn canvassed for his election, community members still spoke about their affection for Mr. Temko, his great performance, the changes he brought to the City, and his communicative skills. He acknowledged that Mr. Temko was 22 and met the proposed guidelines but believed that it demonstrated that Mr. Temko was exceptional as a Councilperson at a very young age, and he did not think it would be far reach to think that someone of his ilk could have served a few years earlier. He agreed with Mr. Suchanec that the situation was different in a Presidential or State Election, but Newark was a small and intimate enough town that there should be plenty of access to the candidates' capabilities and qualifications. While rare and unlikely, it was possible that a 19- or 20-year-old could meet the needs and be a better candidate than a 30-, 40-, or 50-year-old so he hated to exclude them from the opportunity. He added that a younger candidate could lose an election but still offer great ideas or different perspectives to the forefront that would challenge an incumbent to defend their position. He believed that even in a loss, a candidate could be helpful. He noted there were way too many uncontested elections over the last few years especially and he felt that having contested elections forced candidates to state their cases and focuses. He hated to close the pool from which the community could choose. He

agreed with Dr. Bancroft that if the government could send a person to war, the person should be able to participate directly in the government. He preferred that the current guidelines remain but did respect Ms. Ford's position; he wanted to leave the decision to the voters.

Mr. McDermott agreed with Mr. Lawhorn, Mr. Suchanec, and Dr. Bancroft, and wanted the decision to remain with the voters on who was qualified for office.

Mr. Clifton heard comments from both sides and clarified that Ezra Temko was raised in Newark and owned a home in Fairfield at 22 years old; he was committed to the City. He continued that Kevin Vonck, who once represented District 6, rented his home but had spent substantial time in the City. Mr. Clifton shared that he joined the military himself at 18 but was prevented from any position that would qualify him to become company commander. He explained that the design was purposeful because he would not have had the necessary life or military experiences. He appreciated Council comments and accepted that Steve Jobs and Bill Gates had developed their companies at fairly young ages but felt that discussions regarding a \$100 million budget, which would direct the lives of 250 employees sorely needed by the City, required experience. He reminded that all of Council had undergone a learning curve and he had been involved in the political community for a few decades before he ran for Council so there was still a learning curve under the best of circumstances for qualifiable reasons. He emphasized that his position on the issue had absolutely nothing to do with the University of Delaware or their students; his position was one of practicality although he still respected Council's direction.

The Mayor opened the floor to public comment.

Ms. Bensley informed that there were two written public comments submitted and another person signed up to speak. She read a comment from Dr. Helga Huntley, District 1, into the record:

"Dear Members of City Council:

I noted on the agenda for the upcoming meeting a proposal to raise the minimum age of candidates to serve in our city government, and I would like to submit the following comments for your consideration.

City Secretary Bensley helpfully collected information about customary age restrictions in other municipalities across the state. It is notable that, with the exception of Elsmere and Wilmington, no other jurisdiction requires the mayor to be older than 21 years of age. It is also notable that only roughly half of the listed cities set a minimum age for council members above 18 years. In other words, Newark's current law is consistent with practices elsewhere.

However, the demographics of Newark skew younger compared to other cities in the state. In fact, about 30% of adults in Newark are between the ages of 18 and 21 (based on the 2000 census, as reported here: <https://www.infoplease.com/us/census/delaware/newark/demographic-statistics>). That means raising the minimum age to 21 will exclude almost a third of potential candidates. I find this inappropriate.

I agree with Councilman Lawhorn's comments at the December 13 meeting that most young candidates likely lack the experience voters are looking for, but that it should be left up to the voters to make that choice. There certainly are young people who could make fine candidates. For example, until recently the Conservation Advisory Commission had a young member under the age of 21 who served admirably as the Mayor's appointee, with much dedication and useful insights. She had no interest in running for City Council and has since moved out of state, but it demonstrates that there are capable young adults in Newark.

Lastly, there is at least an impression that this is an underhanded attempt by sitting council members to eliminate potential competition, especially since the proposal came from a member who only recently had to run against a young opponent. As far as I can tell, no clear alternative reason has been stated why the age of candidates for city council is suddenly a concern that needs to be addressed. I would prefer it if my city did not engage in such undemocratic practices. Thank you for your consideration."

Ms. Bensley then read a comment from Donna Hitchner, District 1, into the record:

"No one under the age of 30 is mature enough to serve in a position of authority, especially given that UD is considered a "party school." The citizens of Newark offer enough due to the students' immaturity. We don't need them also in positions of authority."

Ms. Bensley introduced Dr. John Morgan, District 1. Dr. Morgan believed the issue was complex and he appreciated the different points of view. He thought it was clear that there was no majority on Council for raising the minimum age but there were issues that needed consideration. He endorsed the comment made by Mr. Clifton that although age might not be the issue, experience of living in the City was relevant. He suggested a possible Charter change could be to increase the length of continued residency in the City from one year to two or three years. He wanted to respond to a comment made by in the chat that was sent by everyone where Dr. Bancroft wrote "I believed the problem is addressed by competitive elections." Dr. Morgan thought the statement was correct in theory and said that when very young people ran against older people, usually the older, more experienced people won by a clear margin. He postured that the following situation was a possibility:

There could be a very inexperienced young person and very experienced older person who both ran, then the experienced older person developed health problems and had to drop out. Under the City's current Charter, the inexperienced person automatically became a Councilmember without there ever having been an election.

Dr. Morgan saw the hypothetical situation as a problem and thought the City should get away from not holding an election if there was only one candidate on the ballot. He preferred a simple yes or no on whether the citizens wanted the person as their Councilmember and if the answer was no, the seat should be unfilled, and the City should then hold a special election. He thought the money that the City spent on holding elections, which was not more than \$2,000 per District per election, was money well spent. He thought it would be a good idea to have a confirmatory ballot if only one candidate stood for office.

Mr. Clifton introduced Christina Jackson, District 2. Ms. Jackson listened to all of the comments and explained that when she came into the meeting, she initially believed that the age requirements should at least be in line with County Council and was unsure why the City would have different age requirements. She knew the amount of work that went into serving as a Councilperson. She explained that Mr. Clifton had been her Councilperson for 19 years and she could not imagine anyone putting the time and commitment to any greater degree than Mr. Clifton had while he was her Councilperson. She shared that Mr. Clifton went to every neighborhood meeting, helped start a Civic Association and attended every month to share information, listened to his constituents, and took the ideas back to Council. She explained that he represented a large group of people and kept in touch which took a lot of time and energy. She continued that the argument was that an 18-year-old, a high school student, had the time, energy, and understanding. She said that maybe such a unique person existed, and it was possible to get ideas from them, but she maintained that an election where a candidate did not understand what they were even running for and did not want to engage in the community, cost the City time and money. She doubted \$2,000 was the correct amount and thought that there were many ways to engage young people; the Christina School Board, just added a high school on the school board as contributory member. She pointed that the City had many committees that could engage information and she served on committees where UD students participated and representatives from the University also participated in Council meetings in some way.

Ms. Jackson wanted Council to consider the proposal and understood that it was bold for a new Councilperson to propose it, but she lived in District 2 and had never met the other candidate. She continued it was not the first time the person tried to run; they had backed out in the past and refused debate. She experienced what it was like to have someone who was not ready to take on the position. She pointed to the life experience that Mr. Clifton brought to the table as Council and Mayor and believed that his wealth of knowledge was priceless and important to represent a City District for the numerous decisions that got made. She explained that if a person called Mr. Clifton with concerns, he represented his constituents on Council, and she appreciated all of his efforts. She said that when she sought a Councilperson, she looked for what she had because it was the best.

Mr. Clifton thanked Ms. Jackson for her kind comments and asked for the age on County Council. Ms. Jackson believed it was 21 years old. Mr. Clifton asked if she knew the age for President of Council and she believed it was 24. Ms. Jackson thought the numbers were low but wanted to at least be in line with them.

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

Ms. Creecy referred to the comments about uncontested races and revealed that she ran in an uncontested race but had also campaigned for a year and four months. She met with her constituents and listened to their concerns. She also brought her experience of serving on Council in Upper Darby, Pennsylvania for four years, serving as Judge of Elections, and when she moved to the City, she did not

want to get into politics. She wanted to concentrate on community activities and helping neighborhood children along with Bruce Harvey and others. She maintained that when running in an uncontested race, one had to consider the person that was running uncontested and whether they had the devotion to the job. She continued that it was not about running by oneself, rather it was whether the person cared about the community in which they lived; she lived in her community for 15 years before running for office. She begged for reconsideration that there was nothing competitive in an uncontested race; she was challenged repeatedly until the day she was elected. She maintained that she was open to conversation, comments, and resolve. She asked to please consider the person running uncontested and get to know them because it would change minds.

Mr. Clifton recalled meeting with Ms. Creecy in Dickey Park the summer before and discussing her running. He noted that Mr. Bilodeau also reminded him that the Charter change required six out of seven votes as an affirmative. He asked if there were any other comments from Council.

Mr. Lawhorn wanted to make it clear that his comment had no reflection on any person who ran in an uncontested election, he was indicating that there had been many in the past and he believed the system worked better when there were contested elections. His comment was no reflection on any individual who ran uncontested or of their ability to serve, or on any reflection on their effort or amount of work they did.

MOTION BY MS. CREECY, SECONDED BY MS. FORD: THAT COUNCIL APPROVE A RESOLUTION TO REQUEST AMENDMENTS TO THE NEWARK CITY CHARTER, BEING CHAPTER 152 OF VOLUME 48, LAWS OF DELAWARE, BY CHANGING THE AGE TO SERVE AS COUNCIL MEMBER TO 21 AND BY CHANGING THE AGE TO SERVE AS MAYOR TO 24.

MOTION FAILED VOTE: 3 to 4.

Aye – Ford, Creecy, Clifton.

Nay – Bancroft, Lawhorn, McDermott, Suchanec.

Mr. Suchanec asked if Ms. Ford would consider bringing the issue back to Council with a yay or nay vote and increased City residency requirements as suggested by Dr. Morgan. Mr. Clifton asked Mr. Bilodeau to give opinion. Mr. Bilodeau said he would need to investigate the residency requirement and thought the requirement was currently within limits but making it two or three times longer dabbled with the possibility that requirement would be unconstitutional. Holding an election where one person ran and the residents could vote against the person required a Charter amendment, and he emphasized the need to closely investigate whether a legal system could be devised where the residents could vote down an uncontested candidate.

Mr. Clifton asked if Ms. Ford had any issue with the Council request that the suggestions be investigated. Ms. Ford was willing to consider the residency and thought the city of Little Elk had a residency requirement of two years. She claimed that Dr. Morgan's comments were well taken but the problem with an unopposed race was that the City had many unopposed elections because it was difficult to get candidates to run in the districts. She asked for next steps if a candidate who was willing to serve was voted down. Mr. Clifton thought it was appropriate for the Solicitor to investigate.

20. 5-C. RESOLUTION NO. 22-__ : A RESOLUTION WAIVING THE SALES PROCEDURES FOR THE DISPOSITION OF CITY PROPERTY AND APPROVING THE TERMS AND CONDITIONS OF SALE OF 0.06 ACRES OF CITY PROPERTY LOCATED AT 26 ANNABELLE STREET (PARCEL NO. 18-014.00-294) (20 MINUTES)

2:14:44

Mr. Bilodeau reminded that on August 23, 2021, Council adopted a resolution to vacate Lawson Street, which was more of a paper street in the City. The street was vacated and declared the City's property. City Code included procedures for when Council considered the sale of surplus property, one of which was Section 2-161. The section included a public bidding process for the sale of surplus property but under Section 2-162, the procedures could be waived under certain circumstances. The question was whether Council would waive the public bidding process to allow the sale of the surplus property; the processes would be waived if the property was zoned residential and contained less than 10,000 square feet, if the property was estimated by the City Manager or City Solicitor to be valued at less than \$20,000, if the property was proposed to be sold to a contiguous owner, and if Council found it was in the interest of the public or best served by the waiver of the sales procedures. He explained that the Lawson Street parcel was approximately 2,800 square feet and fit the requirement, an appraiser valued the lot at \$15,000, Frogtown LLC was the contiguous owner that also owned two residentially zoned properties on either side of the parcel who agreed to buy if Council approved the purchase of the property for \$15,453

(appraised value plus the cost of the appraisal and recording of the deed for the parcel). He continued that the City Manager and City Solicitor estimated that the value of the property was less than \$20,000 and accordingly requested waiving the public bidding procedures to allow the sale of the City parcel to Frogtown LLC for \$15,453 to best serve the interest of the public.

The Mayor opened the table to Council comment.

Mr. McDermott had no questions and shared that the owners of the contiguous properties approached him to request vacation of the property a while ago. Realistically, if the City did go through the bid process, it was unlikely that anyone else would bid on the property because it would have no value to anyone other than the owner on either side of the property.

Mr. Lawhorn thought the request was logical and had no questions.

Ms. Creecy had no questions.

Dr. Bancroft thought the request was reasonable for a unique situation.

Ms. Ford asked if it was known what the potential buyer would do with the property. Mr. Bilodeau replied it was unknown but noted that all three properties would have the same zoning designation. Ms. Ford asked for the zoning designation. Mr. Bilodeau replied it was zoned Garden Apartments for 16 units per acre maximum.

Mr. Suchanec had no questions and thought the request was logical.

Mr. Clifton had no issues with the request and thought it was logical. He believed there were a few other properties that did not make sense for the City to own.

The Mayor opened the floor to public comment.

Melanie Milburn, District 2, asked if the purchase would become another apartment building with the three properties combined. Mr. Clifton explained that the petitioner could reply if they were in attendance but there was no way at the immediate moment for Council to know what the owner would do with it. He reminded that the property was on Annabelle Street, behind Newark Toyota, and if the owner was not present that evening, there could no answer.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL ADOPT THE ATTACHED RESOLUTION WAIVING THE SALES PROCEDURES FOR THE DISPOSITION OF CITY PROPERTY IN ACCORDANCE WITH THE CODE OF THE CITY OF NEWARK AND APPROVING THE TERMS AND CONDITIONS OF THE SALE OF 0.06 ACRES OF CITY PROPERTY LOCATED AT 26 ANNABELLE STREET (PARCEL #18-014.00-294).

MOTION PASSED. VOTE: 6 to 1.

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

Nay – Ford.

(RESOLUTION NO. 22-A)

- 21. 6. **FINANCIAL STATEMENT:** None
- 22. 7. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:** None
- 23. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**
 - A. **Bill 21-39** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Updating the Pension Committee Membership (10 minutes for Items 8-A and 8-A-1 combined)

2:23:28

Ms. Bensley read the ordinance into the record.

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

Mr. Clifton explained that the items would be presented in conjunction by Ms. Hardin.

Ms. Hardin noted that the Pension Committee recently reviewed City Code as it pertained to the membership of the Committee and noticed it had been several years since the last, so the committee requested one to ensure accuracy. The most obvious change was the replacement of the “Deputy City Manager” title with “Chief Human Resources Officer” which replaced the former in 2018. Additionally, there were housekeeping items such as the designation of AFSCME 3919 and 1670 as two separate unions (sharing one vote). The amended language needed to effectuate that the change was developed by the City Manager, Finance Director, and Chief Human Resources Officer, in consultation with the Pension Committee. Once the amendments were drafted, they were reviewed by the full Committee and a vote was made to go to Council for consideration and approval. The attached ordinance presented the highlights, the deletions, and additions to the Code, as well as language clean up.

The Mayor opened the table to Council comment.

Mr. Suchanec and Ms. Ford had no questions.

Dr. Bancroft noticed that on page 16, there were no investments in cryptocurrency, and thought the high-yield target seemed high. He pointed that the allocation on page 17 should be moved to International Developed Equity. He thought they were pretty big mistakes to have in the document and thought it was a regular working person’s index CTF allocation scheme and he did not think it was counter cyclic.

Ms. Creecy, Mr. Lawhorn, Mr. McDermott, and Mr. Clifton had no questions.

The Mayor opened the floor to public comment.

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

MOTION BY MR. LAWSON, SECONDED BY MS. CREECY: THAT COUNCIL APPROVE BILL NO. 21-39 AS PRESENTED.

MOTION PASSED. VOTE: 7 TO 0.

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

(ORDINANCE NO. 22-01)

24. 8-A-1. RECOMMENDATION TO AMEND THE INVESTMENT POLICY STATEMENT (IPS) FOR THE CITY’S PENSION PLAN

2:28:30

(Secretary’s Note: The discussion for this agenda item was held under Item #23.)

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT COUNCIL RECOMMENDED AMENDMENTS TO THE IPS AS VOTED ON BY THE PENSION COMMITTEE.

MOTION PASSED. VOTE: 7 TO 0.

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

25. 9. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:

- A. Request of South College Property Associates, LLC for the Amendment of the Minor Subdivision Agreement for 1.698 +/- Acres Located at 318 South College Avenue to Amend the Deed Restriction Requiring the Developer Preserve the Remaining Portions of the Original “Press of Kells” Building’s Façade and Battlement Roof Line in Order to Remove a Small Portion of the Preserved Area to Enable Americans with Disabilities Act Accessibility Compliance and to Provide Clarification Regarding the Portions of the Building That Are Not Part of the Original “Press of Kells” Building for Potential Demolition (**Agreement and Resolution Attached**) (45 minutes)

2:29:27

Ms. Gray stated that a rezoning and minor subdivision plan for the property known as the Jewish Federation of Delaware, Inc. (318 South College Avenue) was approved by City Council on July 11, 2005. The plan included dividing the RS zoned parcel into two parcels and rezoning the northeast corner portion of the property bordering South College Ave and West Park Place to BL (business limited) to allow a fitness center. The subdivision agreement included restrictions, one of which required the creation of a deed restriction to preserve the remaining portions of the “Press of Kells” building façade and battlement roof lines. She noted that the original subdivision documents were attached to the presentation as Exhibit B.

Ms. Gray continued that the applicants wanted to redevelop the site and requested an amendment to the minor subdivision in order to allow removal of a small portion of the required preserved area of about 4 feet high and 20 feet long. She informed that the location of the wall to be demolished was not delineated in the submission to staff, but staff understood when writing the report that the wall to be demolished was the section of wall to the south of the curved entry way. She noted that the applicants provided clarification regarding the portions of the building that they believed were not part of the original “Press of Kells.” She pointed that while the submission provided a description of the applicants’ goals, it did not provide any significant documentation of their claims of what the original “Press of Kells” included so staff was unable to verify the determination. She understood that the applicants intended to present the information at the City Council meeting and noted that on the fourth page of the submission, as well as in the applicants’ presentation included in the Council packet, showed an old photo of the structure from approximately the corner of West Park Place and South College Avenue. She explained the battlement roofline shown in the photo no longer existed, but the applicants indicated they intended to restore the roofline.

Ms. Gray informed that the subdivision amendment request to alter the deed restriction was not a new development plan. The applicants provided renderings of a potential proposed structure which was not a development plan to construct the structure being presented. Altering the deed restriction to allow demolition of a wall would not hold the applicants to any of the battlement roofline restoration or conformance to the submitted renderings of the new structure unless conditions were included with the deed restriction revision. She revealed that staff recommendation for the project was not part of the subdivision agreement, so if it was Council’s wish to include the recommendation, a motion was required.

Staff recommended to replace “(i) to preserve the remaining portion of the original ‘Press of Kells’ building’s facade and battlement roof lines” in the Declaration of Restrictions dated February 15, with a new subsection: “(i) to preserve the remaining portion of the original ‘Press of Kells’ building’s facade and battlement roof lines with the exception of the 20-foot section on the south of the building to the left of the curved entryway with the following conditions:

- (1) The battlement roofline will be restored to its original form on the east side of the existing building fronting South College Avenue.
- (2) Demolition Permits for any of the ‘Press of Kells’ structure will not be approved until building permit plans are submitted for the new construction. If the submitted plans do not substantially conform to the renderings presented by the applicant in their December 20, 2021 the plan will be required to be presented to City Council for their approval.”

Mr. Clifton then introduced Chris Locke and Jeff Lang on behalf of Lang Development. Mr. Lang explained that the request was originally scheduled for a November meeting where the applicants considered requesting to demolish the entire structure. They then learned of the building’s historical significance by Alex Toth and Robert Barnes, who authored book about Edward Johnson, the man who also built Mr. Lang’s home at 29 West Park Place. As a result, applicants began considering the significance of the historic Press of Kells building and chose to instead request a slight clarification to the original subdivision from 2006. He informed that the building was located at the corner of South College and West Park Place and had been the YWCA for many years but was sold to the Jewish Community Center in the early 2000’s. Lang Development Group purchased the property in 2005, performed some interior renovations, and leased it to a swim club, fitness center, and health salon for nearly 10 years. When the tenants left, UD approached the developers to use the building for the English Language Institute. He explained that although UD used the building for the English Language Institute, over the last five to seven years, it suffered from a tremendous amount of function obsolescence given its age, structure, and how it was piecemealed together over the last century, so the intent was to repurpose. He revealed the building had a tremendous amount of bearing roof lines, mechanical issues associated with the layout, and functionality so the applicants began considering how to reuse the property given its importance to the community and its prime location. He shared that the applicants had recently been approached by his own doctor’s medical group, who would potentially move a large office into the building, as well as other professional organizations to potentially relocate their offices. He repeated that the original thought was

to demolish the whole building, but the applicants reconsidered and were before Council that evening to clarify the deed restriction, which existed due to the original redevelopment in 2006.

Mr. Lang then displayed a photo of the building's original appearance. He informed that the building was built by Edward Johnson who had a printing operation downtown. UD was interested in the downtown property, so Mr. Johnson sold the location and used the proceeds to construct a more modern print shop. Mr. Lang described the choice as revolutionary idea because the building was more suburban versus industrial, which made the appearance more house-like with an open-air feel. When the project was originally approved in 2005/2006, the discussion was to maintain the original portion of the building which was why the applicants were confused when they met with the Planning Department to discuss potential redevelopment plans. The applicants met with Mr. Coleman and Ms. Gray and encountered a 20-foot wall to the left side of the rounded turret, which was determined, after the on-site review, to be part of the original façade. He then displayed a proposed rendering and indicated that the intent was to keep the white portion on the building and reminded that per Code, the applicants were not required to seek a development approval for the building because it was zoned correctly. He continued that because of the deed restriction, the applicants needed clarification from Council to modify the building because of the 20-foot section. He explained that the section was the rounded portion of the white area to the front of the yellow area towards the parking lot in the rendition. He reiterated that the existing wall was a portion of the original building which, if the applicants demolished the building, would be torn down for a new building. He continued that in theory, the applicants could likely keep the wall but due to the elevation changes and ADA concerns, would likely knock the wall down to construct a new wall and structure behind the original building.

Mr. Lang reiterated that the applicants were not seeking approval for a new building because they were permitted to build per Code. He shared that the footprint of the proposed building was smaller than the existing footprint which was a benefit for the site design. He displayed another slide and described the area in question as a rounded section that was part of the white area. He explained that the rendering was how the building would blend with the current structure; the new building would be tucked behind and compliment the old building. He noted that the current building had stucco materials in the two pitched roof areas.

Mr. Lang continued that the property was a very important corner and the applicants believed that preserving the building on the front of the site would be a benefit to the community. He reiterated that the meeting was one for information and wanted to make sure that Council was aware of the applicants' intentions so that perceptions were not negative.

Mr. Clifton requested that the City Solicitor offer an opinion. Mr. Bilodeau reiterated that the vote that evening was strictly for Council to consider amending the deed restrictions that were placed on the building in 2006, it was not for a subdivision plan or redevelopment. He repeated the vote was to revisit the deed restrictions placed in 2006 and whether it was appropriate to amend them.

The Mayor opened the table to Council comment.

Dr. Bancroft complimented the presentation and had no questions or objections. He thought the plan was reasonable.

Ms. Ford was glad that the historic landmark was being preserved and thought the request was reasonable.

Mr. Suchanec asked about restoring the roof to the original form. Mr. Lang referred to the presented photograph and explained that the middle portion of the building was replaced by a stucco portion and the battlement roofline was removed; the applicants were discussing returning the roofline to the original architecture. Mr. Suchanec asked if the picture was from South College and if the façade would face South College and Mr. Lang confirmed. Mr. Suchanec asked if the restoration would be using similar materials to the original construction. Mr. Lang explained the middle of the white area was a wall that was two stories high, and Mr. Locke asked to display the architectural rendering. Mr. Lang explained that the picture to the left showed the original entrance to the building and the current building had a ramp with a fire escape. The plan was to remove the fire escape and tear down the ramp to rebuild the steps and redo the stone portion of the building. Mr. Locke explained that the applicants wanted to clarify that the rendering showed stone on the two sides of the main entrance and the original design was stucco. He reiterated that the two wing portions of the building would remain stucco, but the main entrance would be returned to its previous grandeur as built by Mr. Johnson. Mr. Suchanec interpreted the request, aside from taking the wall down, as preserving and enhancing the historic aspects of the property. Mr. Locke confirmed. Mr. Lang explained that the intent stemmed from reading the book and learning of

Edward Johnson's historical significance, meeting with Mr. Toth and Mr. Barnes, as well as with their own research.

Mr. Locke complimented Mr. Barnes for his book on Mr. Johnson and noted that Mr. Toth, a student at Newark Charter, presented Mr. Locke with a copy. Both he and Mr. Lang unknowingly read the same book over the weekend and came to the same conclusion that the building had unique features and added value to the community. As a result, the applicants had a different plan than in November. Mr. Locke explained that after speaking with Mr. Toth, the applicants wanted to petition the State to have a historical marker placed on the building recognizing Mr. Johnson and his contributions to the community. Mr. Locke described Mr. Johnson as a renaissance man and considered the Press of Kells to be truly revolutionary in regard to work environment. Mr. Locke continued that Mr. Johnson was a true leader of the community in his actions for the City, University, and State Legislature, who died at a young age from effects of the Spanish Flu, which was apropos considering current events. Mr. Locke saw value in their efforts but also understood that there was an economic viability to all buildings. He believed that the building would be brought back to life and return as a focal point on South College.

Mr. Suchanec asked if the wall was an exterior wall or part of the foundation of the original building. Mr. Lang replied that it was a portion of the exterior wall of the larger print shop area that was now covered by some of the additional extensive renovations. Mr. Lang confirmed that the stone matched other parts of the building and assumed that it was part of the original print shop building. Mr. Suchanec assumed that the material could be reused in the construction and Mr. Lang confirmed. Mr. Suchanec noted that the stone from Mr. Lang's house was a match and Mr. Lang explained that when Mr. Johnson built the house, he used the same stone but blended in a rust stone as well. He shared that the fireplace in the Press and the one in his home were almost exactly the same and were significant historical pieces. Mr. Suchanec informed that many people were concerned about the Green Mansion and the fact that the preserved part was exposed and possibly deteriorating; he hoped that the timing of the construction of the Press would not jeopardize the historical parts. Mr. Locke thanked Mr. Suchanec for the comment and emphasized that the developers had taken steps to preserve the interior of the building and would spend a considerable amount of money to revitalize the portion of the Green Mansion in question. Originally, the portion was going to be a shell and not connected to the hotel but was now planned to be connected and include hotel rooms. He emphasized that a building that had been unused for years would soon be brought back to life and be a focal point to the hotel. He shared that City officials had visited the site and confirmed that the building was structurally sound, and all necessary steps were taken. Mr. Suchanec appreciated the information.

Mr. McDermott had no questions and confirmed that engineers had been to the Green Mansion, and all was in order. He had no questions about the Press of Kells.

Mr. Lawhorn had no questions and was excited about the project. He appreciated the history lesson and agreed that the building was appealing but was covered by overlaying construction. He hoped the applicants were able to bring the building back to life and agreed it was prominent location in the City. He asked Ms. Gray if the correct procedure was to the new subsection into the motion and Ms. Gray confirmed. Mr. Lawhorn asked if the applicants were amenable. Mr. Locke referred to the stipulations in i-2 and reminded that the rendering shown that evening displayed sections of the two wing buildings as stone, but they would remain stucco. Mr. Lang suggested that the language be changed to say, "if the submitted plans for the new portion of the building do not substantially conform to the renderings" because the applicants were already agreeing in i-1 to restore the battlement rooflines to the middle portion of the building. He wanted to avoid confusion so that the submitted design used stucco where the original building had. He reiterated that the agreement would be to reintroduce stone to the middle portion of the building with the battlement roofline and then construct a new building similar to the building on the left side of the old building. He referred to the presented picture and noted there was stone on the first floor and another material on the second floor to offset the stone.

Mr. Lawhorn asked Ms. Gray if the changes made sense and Ms. Gray confirmed. Mr. Lawhorn clarified that Council would make an adjustment to the recommended motion in i-2 and Mr. Lang interjected "if the submitted plans for the new portion of the building do not substantially conform". Mr. Lawhorn asked if the addition was "the new portion of the building" and Mr. Locke confirmed. Ms. Gray asked for clarification regarding "do not substantially conform". Mr. Locke and Lang replied, "to the renderings". Ms. Gray preferred to include "to the renderings presented" because staff wanted clarity. Mr. Lawhorn suggested language that the second sentence in i-2 would read "if the submitted plans to the new portion of the building do not substantially conform to the renderings presented by the applicant" and so on. Mr. Locke confirmed that the applicants were satisfied, and Ms. Gray also agreed. Mr. Bilodeau interjected and asked Mr. Lawhorn to read his suggested edits. Mr. Lawhorn read: "demolition permits for any of the Press of Kells structure will not be approved until building permit plans are submitted for

new construction. If the submitted plans to the new portion of the building do not substantially conform to the renderings presented” and so on as listed. Mr. Lawhorn explained the edit was to add “to the new portion of the building” between “plans” and “do”.

Ms. Creecy thanked Mr. Locke and Mr. Lang for their research and shared that she received concerns from her constituents about the plans. She appreciated the fact that the applicants came forward to share their intent to rebuild a historical site versus demolition.

Mr. Clifton had no questions.

The Mayor opened the floor to public comment.

Ms. Bensley informed that she had two submitted comments and one signed up to speak. She read a comment from Katherine Sheedy, 365 South College Avenue, into the record:

“I am writing to comment on the action referenced above. I have lived within one-half block of 318 since 1978. I was very opposed to the previously proposed action to demolish the existing building, including the Press of Kells portion. Given the revision to maintain the Press of Kells portion of the building, I can support approval of the action. However, it is extremely important that the restrictions that have been placed on the development by the Planning Department be strictly enforced. In addition, the information provided does not detail the proposed use of the development. I encourage Council to require the developer to include some use that would be an amenity to benefit local residents. The things that come to mind are a coffee shop, bookstore, fitness center, library branch, etc. Thank you.”

Ms. Bensley then read a comment from Connie Merlet and John Kowalko, 14 Kells Ave, into the record:

“Dear members of Council, we are property owners within 500 feet of a request for a subdivision amendment from South College Property Associates. Thank you for sending us the announcement of a request for this amendment and giving us the chance to add our thoughts. No, we don’t agree that an amendment should be approved allowing this developer to basically destroy the Press of Kells. When he bought the property, he knew of the restriction. That was apparently okay with him then. Now he wants to tear down another historic Newark property.

Our house is 92 years old. When we bought the property, it had gone back and forth as an owner/renter residence for all of its life. It was a mess when we bought it. We painstakingly remade the trim throughout the house to match the original trim, we renewed the stair banister, tore out and redid the fireplace mantel, tore up the floors to uncover and re-stain original wood flooring, among other improvements. That is called restoration. What the present owner of the Press of Kell’s has proposed is neither restoration nor preservation. He will destroy what is left of the old building. We know this because we know what he did to the green mansion. It is not a building but a green slab on Main St. We consider it a Newark embarrassment.

This is not a minor change, despite the oft used term in both the letter from the City Secretary and the Public Hearing Notice. Preserving a building and keeping some facades are opposite agreements. We are sure one of the reasons the owner has for destroying the building is that the building is in disrepair. But why is that? As the owner, why has he not kept up the building? Hundred-year-old buildings are not difficult to preserve. They are well built. We know. We live in one. The Press of Kell’s building is a good building. And has some remarkable architecture both inside and out. For those of you who have only marveled at the building from the outside you should see the huge stone fireplace in one of the rooms. We have seen the building over the last 30 years and find it disheartening what the current owner has allowed to happen.

The Press of Kell’s building is a local landmark and should be elevated for its history, no matter its use. Our street was named after the building and one of the houses on the street- perhaps the original house?- used the leftover stone and was originally lived in by the architect. It is also a marvel in Newark. We need to preserve the unique aspects of our town. There are no modern buildings on South College, Kells Ave, or Park Place. A new building will not fit in, and will lower the neighborhood standards.

Why should the present owner of 318 South College, who has allowed not only this property but several others in town to fall into disrepair be allowed to destroy another landmark? All of us know other buildings like this in our city, mostly on Main St, which no longer looks at all like a main street of a city founded in 1694, and much of that has to do with the company owning 318 South College. The modus operandi for this property owner seems to be- buy an old property, let it sit and fall into terrible disrepair,

then tell the city it is unfixable so he can tear it down and replace it with something that is totally unseemly for the neighborhood. Surely you know this. We have subdivision agreements for a reason. Vote no on granting this amendment. Thank you.”

Ms. Bensley then introduced Alex Toth. Mr. Toth, District 3, was a junior at Newark Charter High School and chair of the Group Save Old Newark. He shared that he spent a number of months researching the building and wanted to supply Council with background on the building and preservation. He explained that the Press of Kells was an important historic site for Newark, from 1916 to 1940, it also served as the home of the Newark Post at the same time as being home to the Press of Kells. The Kells press was truly one of the highest quality book printers in the region, which was truly unique for what was a town of less than 2,000 people at the time. It was founded by Edward Johnson who also founded the Newark Post and wrote most of it during the early years. Mr. Johnson served in the Delaware House of Representatives as Secretary of State for Delaware, advocated for the women’s college at the University, was chair of the committee to fundraise for and build Memorial Hall, was a vocal proponent of the arts and crafts movement, and all before he died at 48. Mr. Toth described Mr. Johnson as having a huge impact on Delaware and the City. Preserving the building offered the opportunity to preserve his legacy for the future to share the story of a man who could easily be considered one of Newark’s greatest citizens.

Mr. Toth informed that the original building was constructed between 1915 and 1916 and was a unique example of arts and crafts architecture when it opened. In 1916, the building had a footprint of approximately 5,670 square feet, totaling about 6,300 square feet of usable space split between four sections, the central tower, office, and workers’ lounge. He noted that regardless of what was preserved and restored, section four was included as part of the 20-foot wall. He continued that the applicants’ proposal that evening was to present sections 1, 2, and 3, approximately 2,400 square feet of the original 1916 footprint. He revealed there were ongoing discussions to determine whether the remaining 3,300 square feet, the workshop, could also be preserved but acknowledged there were issues with ADA requirements. He informed that Lang Development exceeded the City requirements for preservation on the building when it came to deed requirements, given that they were preserving more than just the façade with the great potential for work to be done in sections 1, 2, and 3. He shared that there were a number of resources to help restore the building to its original arts and craft design, including the Edward and Louise Johnson Collection, a collection on loan to himself from the Pencader Heritage Museum, a number of photos of documents that offer key information on the building as well as a number of photographs of the interior and exterior of the building throughout the years.

Mr. Toth revealed that the building was modeled after another in upstate New York, which was extremely well-preserved and was also a documented historical landmark; the owners could be contacted for information. He added that Mr. Johnson’s home was built next door and bore remarkable similarities to the Press building. He continued that there were many techniques that could be done to preserve or restore the building, such as rebuilding the stone façade on the central tower, refinishing the original floors, rebuilding side parts of the mantle, restoring the original wall paneling in the book display case, which somehow survived over 106 years, the overall opening up of larger rooms which had been split by drywall, and the potential of rebuilding two stone entryway pillars which were originally at the corner of South College and West Park. He continued that the Press of Kells could be a shining example of historic preservation for the City. He informed that he was compiling research to complete an application for a Delaware Historic Landmark through the Delaware Public Archives with support from Lang Development. He continued that Save Old Newark already documented a number of parts of the building and hoped to continue to do so through the process; more historic photos of the building would be posted on the group’s social media pages. He believed that the project would start to honor Edward Johnson’s legacy and he welcomed the opportunity to continue a conversation with City Hall about how else to recognize the prominent Newarker.

Mr. Clifton thanked Mr. Toth for the historical data.

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

Dr. Bancroft appreciated the effort for preservation and admitted he was quite ignorant of it. He appreciated the idea of preservation and shared that he was recently in Charleston where the town made huge business success from tourism-related preservation. He appreciated the interest in the community.

Mr. Locke commended Mr. Toth and Mr. Barnes for their assistance with the project. He referred to Mr. Toth’s remarks and was amazed that he was a junior in high school. Mr. Locke credited Mr. Toth for educating him on Mr. Johnson’s legacy and found that Mr. Toth’s passion for Newark history and Mr. Johnson was contagious. He continued that it was very rare for young citizens to speak so eloquently at a Council meeting and revealed that he and Mr. Toth originally met as adversaries. He clarified that Mr.

Toth was very reasonable but spoke against a Lang project previously. Because of his passion, Mr. Locke reached out and now enjoyed working with him. Mr. Locke also met his parents. He believed that the City should be very proud of Mr. Toth who he predicted would eventually be a leader in the community. He looked forward to working with him on the proposed and upcoming projects.

Mr. Clifton thanked Mr. Locke and said that he sincerely hoped that Mr. Toth made his home in Newark. He informed that there was no need for a motion and a second in the case to amend the motion. Ms. Bensley explained that Council had to first do the amendment to delete the language in the current agreement to replace with the recommended language. She asked Mr. Lawhorn if it would be appropriate for her to offer a recommended motion for the amendment and then Council could proceed. Mr. Lawhorn confirmed.

MOTION BY MR. LAWHORN, SECONDED BY DR. BANCROFT: THAT COUNCIL AMEND THE SUBDIVISION AGREEMENT AMENDMENT, SECTION 9, AND THE RESOLUTION, SECTION G, TO REPLACE ITEM A, AS LISTED, WITH THE FOLLOWING LANGUAGE: TO PRESERVE THE REMAINING PORTION OF THE ORIGINAL PRESS OF KELLS BUILDING'S FAÇADE AND BATTLEMENT ROOFLINES WITH THE EXCEPTION OF THE 20 FOOT SECTION ON THE SOUTH OF THE BUILDING TO THE LEFT OF THE CURVED ENTRY WAY WITH THE FOLLOWING CONDITIONS:

1. THE BATTLEMENT ROOFLINE WILL BE RESTORED TO ITS ORIGINAL FORM ON THE EAST SIDE OF THE EXISTING BUILDING FRONTING SOUTH COLLEGE AVENUE
2. DEMOLITION PERMITS FOR ANY OF THE PRESS OF KELLS STRUCTURE WILL NOT BE APPROVED UNTIL BUILDING PERMIT PLANS ARE SUBMITTED FOR THE NEW CONSTRUCTION. IF THE SUBMITTED PLANS FOR THE NEW PORTION OF THE BUILDING DO NOT SUBSTANTIALLY CONFORM TO THE RENDERINGS PRESENTED BY THE APPLICANT IN THEIR DECEMBER 20, 2021 PACKET, THE PLAN WILL BE REQUIRED TO BE PRESENTED TO CITY COUNCIL FOR THEIR APPROVAL.

MOTION PASSED. VOTE 7 TO 0.

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

MOTION BY MR. LAWHORN, SECONDED BY DR. BANCROFT: THAT COUNCIL APPROVE THE MOTION AS AMENDED.

MOTION PASSED. VOTE 7 TO 0.

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

(RESOLUTION NO. 22-B)

Mr. Clifton noted that it was 10:22 p.m. and Council needed to resume Executive Session but needed a motion to extend the meeting.

Ms. Creecy interjected that she was very sorry that Mr. Clifton was not running for office again and thought he was amazing and hands-on. She thanked him for every accomplishment he made with the City and with confiding and believing in her.

MOTION BY MS. CREECY, SECONDED BY MR. LAWHORN: THAT COUNCIL EXTEND THE MEETING.

MOTION PASSED. VOTE 6 TO 1.

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

Mr. Clifton announced a five-minute recess prior to resuming Executive Session. Council entered Executive Session at 10:32 p.m.

26. RETURN FROM EXECUTIVE SESSION

3:22:04

Council exited Executive Session at 11:40 p.m.

Mr. Clifton reported that no further action was necessary.

27. Meeting adjourned at 11:40 p.m.

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

/ns