

**ADDENDUM TO
FEBFURARY 12, 2024 COUNCIL AGENDA**

REMOVE from the Agenda:

- 6-B. Resolution No. 24-__:** A Resolution to Request an Amendment to the Newark City Charter, Being Chapter 152 of Volume 48, Laws of Delaware, By Authorizing the City of Newark to Levy and Collect a Tax of No More Than 5% on the Gross Rents or Lease Payments Generated from Leased Premises with a Minimum of 15% of the Tax Revenue Generated Reserved for Affordable Housing Initiatives

/djr

Addendum Posted – February 7, 2024

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING AGENDA**

February 12, 2024 – 6:30 P.M. – Council Chambers

Per the hybrid meeting provisions as provided in 29 *Del. C.* §10006A, City Council will be meeting in person with remote access via Microsoft Teams at the following link: <http://tinyurl.com/City-Council-Meeting02122024>

New to Microsoft Teams? Click on the link above and click on “Continue in this Browser” to enter the meeting.

Public comments may be submitted on the items on the agenda via email to council@newark.de.us by 6:00 p.m. All public comments received will be read into the record at the meeting. Attendees may also alert the City Secretary that they wish to speak at the appropriate time by using the raise hand function in Microsoft Teams during the meeting.

There may be a vote on each and every agenda item set forth herein.

EXECUTIVE SESSION

- A.** Executive Session Pursuant to 29 *Del. C.* §10004 (b)(4) for the purposes of a strategy session, including those involving legal advice or opinion from an attorney-at-law, with respect to potential litigation when an open meeting would have an adverse effect on the litigation position of the public body and discussion of the content of documents, excluded from the definition of “public record” in § 10002 of this title where such discussion may disclose the contents of such documents

SILENT MEDITATION & PLEDGE OF ALLEGIANCE

***1 PUBLIC PRESENTATION: (15-minute limit):**

- A.** General Assembly Update – Lobbyist (10 minutes)
B. [The Newark Partnership](#) – Mark Arehart, Director (Item Linked 2/6/24) (10 minutes)

2. ITEMS NOT ON PUBLISHED AGENDA:

- A.** Elected Officials who represent City of Newark residents or utility customers (2 minutes)
B. University
(1) Administration (5 minutes per speaker) (5 minutes)
(2) Student Body Representative(s) (5 minutes per speaker)
C. City Manager (2 minutes)
D. Council Members (5 minutes)
E. Public (5 minutes per speaker)

PUBLIC COMMENT – Public comment is a time for individuals to speak before Council. Individuals are limited to five minutes each in public comment for items regarding city business not on the published agenda. Individuals are also limited to five minutes per agenda topic for items on the published agenda that are open to public comment with the exception of public presentations which shall have one minute each for public comment. These time limits may be extended by the chair upon the request of a Council member. Individuals wishing to make public comment in either category should sign in on the list provided at the entrance of the Council chamber prior to the start of the meeting. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the chair of the meeting to speak. Thereafter other members of the public may request to be recognized by the chair. Individuals should approach the podium, state their name and information about their residence (address or council district and/or non-City of Newark residents), and commence with their comments. Please be sure to speak into the microphone so your comments are recorded. Once you have completed your comments, please be seated. Please be courteous to those who are speaking during public comment by refraining from commenting from the audience while others are speaking. Council may or may not answer questions during public comment. Public comments may also be submitted on the items on the agenda via email to council@newark.de.us by 6:00 p.m. All public comments received will be read into the record at the meeting.

3. APPROVAL OF CONSENT AGENDA: (1 minute)

- A. [Receipt of Financial Statement – November 30, 2023](#) (Item Linked 2/6/24)
- B. [Receipt of Planning Commission Minutes – January 2, 2024](#) (Item Linked 2/7/24)
- C. [2024 DEMEC Electric Rate Adjustment](#) (Item Linked 2/6/24)
- D. [Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark to Extend the Marketing and Advertising Campaign with Epic Recruiting for a Period of One Year and Approval of a 2024 Operating Budget amendment](#) (Item Linked 2/6/24)
- E. [Recommendation to Waive the Bid Process in Accordance with the City of Newark for the Purchase of a Pickup Truck Based on Utilizing the State of Delaware Contracts for CIP HEQSF \(Streets Division\)](#) (Item Linked 2/6/24)
- F. **First Reading – Bill 24-05 – An Ordinance Amending Chapter 25, Sewers, Code of the City of Newark to Permit Access to Sewer Mains or Other Sewer Systems on Private Property in Exigent Circumstances** (Item Linked 2/6/24) – **Second Reading – February 26, 2024**
- G. **First Reading – Bill 24-06 – An Ordinance Amending Chapter 20A, Section 20A-4, City Council, Code of the City of Newark, Delaware, By Specifying Hours in Which Garbage Collection Resulting in Noise Disturbances is Prohibited in Non-Industrial Zoned Districts** (Item Linked 2/6/24) – **Second Reading – February 26, 2024**
- H. **First Reading – Bill 24-07 – An Ordinance Amending Chapter 30, Water, Code of the City of Newark, Delaware, By Adding Article X, Cross Connection Control Ordinance** (Item Linked 2/6/24) – **Second Reading – February 26, 2024**

CONSENT AGENDA – The Consent Agenda is comprised of proposed ordinances on for First Reading and those items that are considered routine and non-controversial and will be acted upon by a single vote of the Council. There shall be no separate discussion of proposed ordinances on for First Reading. For the remaining items, there will be no separate discussion unless a member of Council requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item at that Council Meeting.

***4. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:** (5 minutes)

- A. [Reappointment of Dean Moore to the District 2 Position on the Election Board for a Term to Expire January 15, 2027](#) (Item Linked 2/6/24)
- B. [Appointment of Margaretann Mueller O'Rourke to the District 1 Position on the Election Board for a Term to Expire January 15, 2027](#) (Item Linked 2/6/24)
- C. [Appointment of James Culley to the District 5 Position on the Election Board for a Term to Expire January 15, 2026](#) (Item Linked 2/6/24)
- D. [Appointment of George Irvine to the District 5 Position on the Conservation Advisory Commission for a Term to Expire March 15, 2027](#) (Item Linked 2/6/24)
- E. [Appointment of Katlyn Culhane-Suluai to the District 2 Position on the Community Development/Revenue Sharing Advisory Committee for a Term to Expire March 15, 2026](#) (Item Linked 2/6/24)

5. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

***6. SPECIAL DEPARTMENTAL REPORTS:**

- A. [Recommendation to Waive the Bid Process to Move the Pension and OPEB Portfolios from Vanguard Advisors, Inc. to Charles Schwab, and Passively Manage the Portfolios using DT Investments Partners, LLC Until a New Investment Advisor and Custodian are Selected](#)(Item Linked 2/6/24) (5 minutes)
- B. **Resolution No. 24-** : [A Resolution to Request an Amendment to the Newark City Charter, Being Chapter 152 of Volume 48, Laws of Delaware, By Authorizing the City of Newark to Levy and Collect a Tax of No More Than 5% on the Gross Rents or Lease Payments Generated from Leased Premises with a Minimum of 15% of the Tax Revenue Generated Reserved for Affordable Housing Initiatives](#) (Item Linked 2/6/24)
- C. **Resolution No. 24-** : [To Request an Amendment to the Newark City Charter, Being Chapter 152 of Volume 48, Laws of Delaware, by Authorizing the City of Newark to Levy and Collect a Tax of up to \\$50 for Full or Part-time Undergraduate or Postgraduate Student, per Semester, at any College or University that Hosts in Person Classes](#)

[Within the City of Newark. This Tax Applies to all Colleges and Universities Including any Organizations that are Considered Subdivisions of the State of Delaware or are Otherwise Tax Exempt.](#) (Item Linked 2/6/24) (30 minutes)

*7. **FINANCIAL STATEMENT:** None

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

A. [Recommendation to Waive the Bid Process in Accordance with the Code of the City of Newark on Utilizing State of Delaware Awarded Contracts for the Purchase of Replacement Police Vehicles](#)(Item Linked 2/6/24) (5 minutes)

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

A. [Bill 24-01 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Modifying the Management Salary Plan and Compensation](#) (Item Linked 2/6/24) (30 minutes 9A&9A1)

1. [Adoption of Management Salary Plan and Compensation](#)(Item Linked 2/6/24)

B. [Bill 24-02 – An Ordinance Amending the Comprehensive Development Plan by Changing the Designation of Property Located at 313 East Main Street](#) (Item Linked 2/6/24)

C. [Bill 24-03 – An Ordinance Amending the Zoning Map of the City of Newark, Delaware, By Rezoning from RD \(One-family Semidetached Residential\) to BB \(Central Business District\) and RM \(Multifamily Residential – Garden Apartments\) 2.88 Acres Located at 313 East Main Street](#) (Item Linked 2/6/24)

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

A. [Request of Newark Housing Authority and MBID of Delaware, LLC for the Major Subdivision with Site Plan Approval and Rezoning of 2.88 +/- Acres to Subdivide the Property into Two Parcels, Demolish the Existing Buildings and Construct a five-story mixed-use building with office or retail space on the first floor and 52 one-bedroom apartments units on floors two through five on the BB parcel and 20 garden apartment units with 54 bedrooms on the RM parcel at the Property Located at 313 East Main Street, 4-15 Independence Circle and 300 and 302 Delaware Circle](#) (Item Linked 2/6/24) **(Agreement and Resolution Attached)(See Items 9B, 9C) (30 minutes 9B, 9C & 10A)**

*OPEN FOR PUBLIC COMMENT

Agenda Posted – February 5, 2024

Modified Agenda Posted – February 7, 2024 (Time Estimates Added)

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)