

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**June 8, 2020**

Those present at 5:45 p.m.:

Presiding: Mayor Jerry Clifton  
District 1, James Horning  
District 2, Sharon Hughes  
District 3, Jen Wallace  
District 4, Chris Hamilton (arrived 5:50 p.m.)  
District 5, Jason Lawhorn (arrived: 5:51 p.m.)  
Deputy Mayor Stu Markham, District 6

Staff Members: City Manager Tom Coleman  
City Secretary Renee Bensley  
City Solicitor Paul Bilodeau  
Assistant to the Manager Jeff Martindale  
Chief Communications Officer Jayme Gravell  
Finance Director David Del Grande  
Planning and Development Director Mary Ellen Gray  
Parking Manager Marvin Howard  
Parking Supervisor Courtney Mulvanity  
Planner II Michael Fortner  
Planner II Tom Fruehstorfer

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1. Mr. Clifton called the meeting to order at 5:45 p.m.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 Del. C. §10004 (b) (2) for the purposes of preliminary discussions on leases of real property.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (2) FOR THE PURPOSES OF PRELIMINARY DISCUSSIONS ON LEASES OF REAL PROPERTY.

MOTION PASSED. VOTE 5 TO 0.

Aye – Clifton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Hamilton, Lawhorn.

3. **RETURN TO PUBLIC SESSION**

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

MOTION BY MR. HORNING, SECONDED BY MR. MARKHAM: THAT COUNCIL AUTHORIZE THE CITY MANAGER TO FINALIZE AND ENTER INTO A NEW LEASE AGREEMENT WITH PARKWAY GRAVEL FOR THE PARKING OFFICE AS OUTLINED IN EXECUTIVE SESSION.

MOTION PASSED. VOTE 7 TO 0.

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

Nay – 0.

Absent – 0.

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):

**4:59**

Caitlin Olsen, UD Administration, shared that UD was still working on fall reopening plans and summer staffing. She revealed that a few researchers were returning to conduct COVID-related or State or Federally sponsored work. She informed Mr. Markham that she was unable to answer his question from last week.

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

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

**7:01**

Mr. Coleman informed Council that staff were watching the national protests and reading about potential police reforms. He shared that staff was reviewing the “8 Can’t Wait” list of recommendations and guidelines with the Police Department to compare against internal policies. He revealed staff would have a formal response available shortly and explained that the City had a progressive Police Force who were already acting on the recommendations. He shared that the City got a letter of recommendation from the NAACP and staff was incorporating the suggestions into a formal response. He noted that staff was also preparing a FAQ section for the City’s Police Department website.

Mr. Coleman shared that the HVAC work at the George Wilson Center was complete and Seiberlich Trane would present their larger project to Council on June 15<sup>th</sup>. The project would replace HVAC, repair roof, and install solar panels on City facilities. He offered to take Councilmembers on a walkthrough of the George Wilson Center to show the completed work.

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

**9:01**

**Mr. Horning:**

- Thanked staff and the Police Department for engaging in “8 Can’t Wait” discussions
- Thanked the Police Department and citizens for participating in the peaceful protests
- Shared the Christina School District Referendum Vote was on June 9<sup>th</sup>

**Ms. Hughes:**

- Thanked staff, Police, and the Mayor for how the protests were handled
- Wanted to know the point of contact for additional planned protests

**Ms. Wallace:**

- Thanked Police for being proactive on the “8 Can’t Wait” campaign
- Wanted the policies shared on the website
- Wanted to know if the procedures were in practice or policy
- Informed that “8 Can’t Wait” was part of Campaign Zero, a data-driven, evidence-based advocacy group and encouraged residents to research the data from Campaign Zero
- Thanked peaceful protesters
- Acknowledged institutional racism in the Country and explained that proactive changes were necessary to make institutional systems more just and fair for everyone

**Mr. Hamilton:**

- Echoed previous comments and reminded about the Referendum vote

**Mr. Lawhorn:**

- Attended the protest on Saturday and estimated 300 peaceful protesters
- Commended Police for providing guidance to protestors and offering water, but acknowledged the situation was difficult for Officers and believed the Police were an example of how to display compassion and support protesters while maintaining order
- Recognized that the tragedies that triggered the protests happened too often
- Viewed the situation as an elected official for the first time and considered it a call to action from all races to support Black Lives Matter
- Wanted to impact long-term changes through making meaningful policy change
- Supported “8 Can’t Wait” and wanted to address it on a Council agenda
- Educated residents on positive actions by Police
- Noted the lack of diversity on Council and Committees, stated the appointed and elected officials did not adequately reflect the City’s diversity, pledged to focus on inclusion in his upcoming appointments and encouraged selection of a minority to fill the Planning Commission’s at-large position
- Hoped residents would educate themselves and vote in the Referendum

Mr. Clifton interjected that the person he selected for the Planning Commission had been in the pipeline for weeks but agreed with Mr. Lawhorn’s statement. He asked Ms. Bensley to share their discussion on diversity.

Ms. Bensley said she reviewed the 2017 Boards and Commissions Review Committee’s recommendation for diversity and intended to submit a proposal to Council at the June 29<sup>th</sup> Council meeting on how to create a strategic effort to help diversify the membership of the City’s boards and commissions. She wanted to complete a demographic survey of the existing boards and commissions to identify a baseline. Then she wanted to reach out to community groups to advertise open opportunities and discuss the potential barriers to participation. The third part of her proposal was the creation of a more formal application process where positions would be posted within a set time and Council would properly vet applicants. She continued that the appointing Councilmember would maintain authority to choose a nominee and said the proposed application process would create broader access. She admitted the current process made it difficult for residents to connect with potential opportunities and left Council to consider their personal networks and could overlook qualified participants. She believed that offering a broader application process would encourage more residents to participate and indicated it was a way for the City to do better. Mr. Clifton thanked Ms. Bensley.

**Mr. Markham:**

- Was pleased to know Council was considering appointments
- Proud that Police were showing where they stood
- Noted there was not diversity in staff senior management and wanted more effort
- Wanted to hire more minorities in the Police Force
- Suggested sending a resolution to the State to influence the need for a high level of certification in the Police Forces and acknowledged the Newark PD had a gold level standard

**Mr. Clifton:**

- Shared that UD was performing COVID testing at the STAR Campus on Friday from 9 am – 1 pm
- Referred to his recent dialogue with residents who thought the murals under the railroad bridge were worn and revealed that Destiny Howell-Conkey was a UD art/art history major with experience in murals volunteered to create diverse designs for the abutments under the bridge. He noted that volunteers offered to fund the new murals and shared that he and Mr. Coleman were enthusiastic.

Mr. Coleman explained his biggest concern was coordinating with CSX for the repairs but noted it was a surmountable issue. He wanted to see if the concrete required repairs before spending funds for the mural.

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

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

- A.** Approval of Council Meeting Minutes – May 18, 2020
- B.** Approval of Council Meeting Minutes – May 26, 2020
- C.** Receipt of Planning Commission Minutes – May 5, 2020

- D. Resignation of Peter Drake from the At-Large Position on the Planning Commission
- E. **First Reading – Bill 20-20** – An Ordinance Amending Chapter 7, Building; Chapter 21, Peddlers, Vendors and Solicitors; and Chapter 23, Parades and Public Assemblies; Code of the City of Newark, Delaware, By Repealing the Provisions of Ordinance No. 20-09 – **Second Reading – June 22, 2020**

**29:00**

Ms. Bensley read the consent agenda into the record.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

- 12. 3. **APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:** None
- 13. 4. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None
- 14. 5. **SPECIAL DEPARTMENT REPORTS:** None
- 15. 6. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:** None
- 16. 7. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**
  - A. **Bill 20-08** – An Ordinance Amending the Comprehensive Development Plan by Adding a New Planning Area 7 to Chapter 11: Growth and Annexation (65 minutes)

**30:45**

Mr. Bilodeau explained that item 7A involved an amendment to the Comprehensive Plan which required Council to state the reasons for the votes. He continued that Council could state their reasons, adopt the reasons of co-council or adopt the reasons from the Planning Department’s report. He indicated there were a multitude of reasons Council could choose to amend the Comprehensive Plan such as:

- If the amendment promoted the health, safety, and general welfare of the City;
- If the amendment facilitated the adequate provision of transportation, water, sewage, schools, and parks; or
- If the amendment was a reasonable consideration as to the character of the district and the suitability for particular uses.

Mr. Bilodeau continued that 7A and 7B involved amending the Comprehensive Plan and explained that 7C was a combination of voting where Council could vote to annex property and designate zoning. He stated that when voting on annexation, Council was not required to provide reasons, but zoning votes did require reasons. He stated the one of the zoning reasons could be the zoning was consistent with the amended Comprehensive Plan.

Mr. Bilodeau explained the fourth land use vote that evening was item 8A for the subdivision agreement for Milford Run and did not require specific reasons.

Mr. Clifton thanked Mr. Bilodeau for the guidelines and explained that Council would discuss item 7A independently with a vote after the discussion. Mr. Bilodeau confirmed. Mr. Clifton instructed that Council would discuss item 7B, 7C, and 8A collectively after the vote on item 7A.

Ms. Bensley read the ordinance into the record.

Mr. Fortner said he would outline the proposal, provide Council with a brief rationale for why and how the Planning Area was created, explain the procedures for future annexations, and describe the impact of the surrounding community. He stated Max Walton approached the City about annexing his farm at 751 Paper Mill Road. The City did not have a Planning Area for the property, so staff reviewed the feasibility as per protocol. Staff determined the property was in a good area for potential growth.

Mr. Fortner described the area as north of The Woods at Louviers and The Hunt at Louviers. He revealed the areas that staff felt could be annexed into the City included vacant parcels near William Redd Park and Possum Park Road. He said the proposed Planning Area 7 included five roads and 38 parcels/properties. He noted the addition of the planning area would add a page to the Comprehensive Development Plan and outline the recommended uses (residential low density, parkland, commercial, institutional). He continued that the recommended uses were appropriate because they were like surrounding properties.

Mr. Fortner explained that proposal was considered because staff received a request from 751 Paper Mill Road. Staff investigated the area and determined it was consistent with Delaware's Strategies for State Policies and Spending, appropriate for growth and development, the area was a defined service area for City utilities and was an excellent location for integration and accessibility to City amenities. He then displayed a map indicating the State's priority levels of development. He pointed that the highest priorities for development were near municipalities because it was less cost-efficient to build in rural areas. He described Level 1 priorities as downtown and suburban town development, Level 2 were less dense towns with mixed uses, Level 3 was less dense suburban, and Level 4 were rural and Out of Play farmland designations.

Mr. Fortner then displayed a map illustrating the proposed property and explained it was comprised of urban growth Levels 1-3, preservation and rural Level 4 and Out of Play parkland. He described the property as landlocked and noted it was difficult to provide access for utilities and stressed that residents in the area wanted sewer and water. Staff felt that the property was a natural area for the City to annex and allow residents to take advantage of City services. He pointed that the property was close to a State park, bike lanes, and various shopping centers.

Mr. Fortner explained that Council would have to adopt all or a portion of the proposed Planning Area into the Comp Plan V. He noted that the creation of the planning area did not mean that properties went under zoning changes or were annexed into the City, rather, they were eligible to annex into the City. Staff coordinated with the Office of State Planning Coordination plus review process and received a letter of no objection. He explained that property owners continuous, where part of the parcel shared a border with the municipality, could petition for annexation. He noted that the City only considered annexations upon petition and the City could not initiate annexation. He stated that property owners in the Planning Area were eligible to petition Council for annexation and would receive access to City water, sewer and electricity. He revealed that properties who do not access but are adjacent to annexed properties, could petition for sewer and water utilities. He finished by repeating his earlier comments on staff's determinations.

The Mayor opened the table for discussion.

Mr. Horning asked if the City would benefit from provision of services and property taxes and assumed maintenance and infrastructure concerns could be handled on a case-by-case agreement on the annexation vote if one were proposed. Mr. Fortner confirmed that the agenda item did not annex any properties and said any services provided would be on a case-by-case basis. He explained that staff evaluated each application and repeated that the properties were not required to annex. Mr. Horning asked if buffers for native species and wetland habitats could be included in annexation considerations and Mr. Fortner confirmed. Mr. Horning acknowledged that the annexation and Comp Plan were due for review in 2022 and speculated that Council was addressing the proposal at the request of the petitioner because the City could miss the opportunity presented by the development proposal. Mr. Fortner confirmed and said that when the Department performed the update in 2022, it would be possible to consider adding more developments to Planning Area 7. Mr. Horning appreciated the clarification and asked if there was concern from Councilwoman Diller on how the proposal impacted New Castle County. Mr. Fortner replied he had not heard from Ms. Diller but exchanged emails with Councilwoman Kilpatrick about the farm ordinance. Ms. Gray interjected that as part of any amendment to the Comp Plan, the Planning and Development Department notified the County as per of the process prescribed by the Department of Land Use. Mr. Clifton informed Mr. Fortner the area was in County Councilman Tim Shelton's district.

Ms. Hughes asked if she could comment after hearing the opinions of other Councilmembers and Mr. Clifton confirmed.

Ms. Wallace struggled with the annexation and its implications in the future. She pointed that future annexations could be a drain on City resources and was concerned that new annexation developments created different classes of residents paying the same property taxes but received different levels of services. She wanted to have a fundamental review of what annexation meant for the City. She believed that growth was not necessarily good for growth's sake and wanted to have the discussion as part of the Comp Plan update. She understood there was a development plan attached to Planning Area 7, but she was concentrating on whether annexation was a benefit to the City and whether the Planning Area made sense.

Mr. Hamilton agreed with Ms. Wallace's statements. He shared that many of his constituents studied presentations prior to meetings and revealed he received Mr. Fortner's presentation at 2:41 p.m. that day and Council had an executive session at 5:45 p.m. that evening. He was disappointed that he did not receive the information earlier. He explained that the City did not have to annex for budget purposes and pointed that the proposed Planning Area was next to parkland. He believed that the information should have been available for residents earlier and explained that the City had an obligation. He agreed that individual changes to the Comp Plan were necessary, but he pointed that the proposal was for an annexation and required large public input. He shared that the City could choose to rezone or redo the Comp Plan whenever it wanted. He agreed with Ms. Wallace that the issues were separate, and he believed the public had not gotten the information early enough.

Mr. Lawhorn was comfortable with the recommendations made by the Planning Department and had no questions.

Mr. Markham struggled with the information getting to the public and had voted to delay because of the virtual meetings. He was not expecting a Planning Area of such size and shared that the City held a town hall to address residents' questions. He stated he supported his constituents but also stressed the rule of procedure and law and he had difficulty declaring that a Planning Area was detrimental to the City unless it was a junkyard. He was concerned about the size of the area and planned to propose to reduce the size of the Planning Area to only the projects presented by developers. He acknowledged that the developers followed rules and procedures but explained that there were properties that had not approached the City and understood the Shoppes at Louviers was also not interested. He listed the commercial properties and stated he would propose an amendment to reduce the size when it returned to Council. He suggested the other properties could go through the other process or address the City to become part of the Planning Area.

Ms. Gray circled back to Mr. Hamilton's comments regarding the presentation and explained that Mr. Fortner's email that day did not supply any new information and said it was the same presentation given at the public workshop sponsored by Mr. Markham on May 28<sup>th</sup>. She stressed it was well-advertised and presented. She felt that presentations were meant to compliment the provided information and apologized that Mr. Hamilton felt rushed.

Mr. Clifton understood Ms. Gray's point that the information was publicly published and was also in the Planning Department report but stressed that developers were required to be well-prepared and expected all materials be presented to Council seven days in advance. Ms. Wallace agreed with Mr. Clifton and wanted Mr. Coleman to understand that Council and the public did not know if new information was included in last-minute submittals. She asked that there be policy to submit presentations with notice.

Mr. Clifton stated that Council was discussing adding the area to the Comp Plan and admitted there were extensive meetings in the required review process, especially given that the plan was so large. He pointed that Council made several adjustments because it was impossible to foresee all potentials on the horizon for a Comp Plan and he assumed that was the reason the State allowed for amendments. He asked what areas were added to the Comp Plan since Council last passed the plan in 2016. Mr. Bilodeau replied that he was aware that properties in Covered Bridge Farms were added to Planning Area 6 and a commercial property was added to Planning Area 3 via amendments to the Comp Plan. Mr. Clifton illustrated the proposal that evening was not unusual as Council had amended in the recent past and referred to the Comp Plan as a living document.

Mr. Horning asked if the amendments Mr. Clifton spoke of were already developed prior becoming part of the Comp Plan. Mr. Bilodeau suspected the Covered Bridge properties were amended

to gain access to sewer because of failing septic systems. Ms. Gray confirmed the properties were residential developed properties during the amendments.

The Mayor opened the floor to public comment and instructed the public to alert Ms. Bensley via the GoToMeeting chat function when they wanted to speak. He stated that speakers would be limited to five minutes each and Ms. Bensley would alert commenters when they had 30 seconds left and he would indicate when their time was up. He informed that comments submitted before the meeting would be read into the record first and those who signed up to speak would be recognized after.

Ms. Bensley read a petition:

On Monday, June 8, 2020 the City of Newark Council will vote on an Ordinance Amending the Comprehensive Development Plan by adding a new Planning Area 7 to annex additional land from the County into the City (Bill 20-08) and then immediately vote on annexation, rezoning and major subdivision for 734 Paper Mill Road and 5 and 11 Possum Hollow Road (Bills 20-12 & 20-13). Neighbors in Middle Run Meadow oppose the passing of Bill 20-08.

This is a major expansion to the Comprehensive Plan with only minimal community input. The first reading was held February 4, 2020, yet only one workshop for public comment was held as an afterthought on May 28, 2020 during a pandemic. The current expansion approved in September 2016 offered 47 public meetings with participation of over 400 individuals. For a matter that impacts the entire City of Newark, this has been given little public attention.

The next scheduled review of the expansion plan is in 2022. Why the rush now during challenging economic times? Is this a time to take on more annexation requests and potential annexations? The taxpayer cost has not been fully determined.

We encourage you to vote against expanding Planning Area 7 and Bill 20-08.

Signatories:

Jerry Still, 8 Middle Road  
Diane Taylor, 7 Middle Road  
Matt Higgins, 6 Fir Court  
Paula Higgins, 6 Fir Court  
Rich Higgins, 6 Fir Court  
Anne B. Wenz, 8 Fir Court  
Ipek Raval, 3 Delanco Court  
Pallavi Raval, 3 Delanco Court  
Steve Meadows, 9 Middle Road  
Dawna Meadows, 9 Middle Road  
Jacob Biedermann, 1 Delanco Court  
Heather Reeves, 1 Delanco Court  
Deborah Page, 5 Delanco Court  
John Page, 5 Delanco Court  
Laura Fickes, 2 Delanco Court  
Joshua Fickes, 2 Delanco Court  
Benjamin Fickes, 2 Delanco Court  
Christopher Higgins, 6 Fir Court  
James Kendra, 10 Middle Road  
April Kendra, 10 Middle Road

Ms. Bensley also added that the following comments read into the record were intertwined for both Planning Area 7 and the Milford Run Project. She informed they would also be entered into record for the Milford Run Project where appropriate but would not be reread in their entirety during the second public hearing. She read:

- Reference to Planning Area 7 and the Milford Run Project: Carol Aftosmis, 78 West Park Place, I support this proposal of a small cluster of single-family homes on the property. It is consistent with the other developed areas in the vicinity. Thank you.

- Reference to Planning Area 7 and the proposed Milford Run Development: Vincent and Nancy Baffone: Dear Renee and members of the City of Newark Planning and Development Department and Councilmembers, I am writing today to voice my support for the proposed amendment to the City of Newark Comprehensive Development Plan to add Planning Area 7 to its growth and annexation plan. We grew up living at 21 Stage Road, my mother still lives at 21 Stage Road. Our family home is one of two on Stage Road that backs right up to Possum Hollow Road, with driveway access to Possum Hollow Road. Over the years, New Castle County has added traffic to Possum Hollow Road with various public uses, including Middle Run Park access points and parking areas as well as the Tri-State Bird Rescue. None of these uses have added to the tax base for the County or the Christina School District. They have, however, added to the traffic on this small, one and a half lane road, because they are all located at the very end of Possum Hollow Road. As bicyclists with license plates from Maryland, Pennsylvania, New Jersey venture down Possum Hollow Road to use the many bicycle paths, bicycle course, hiking path, and the Tri-State Bird Rescue, they very often drive into my mom's yard to make way for one another. This annexation and proposed small new single-family development is at the start of Possum Hollow Road. The proposed Milford Run Development has the potential to bring ten new single-family homes and the tax revenue that comes with ten new homes. I believe members of Council and the Planning and Development Department probably hear complaints about the lack of new single-family housing proposals due to the number of townhouse developments built for University of Delaware students. This is a great opportunity to add new single-family housing in the City as well as needed school tax revenue and property tax revenue. The City would also have the chance to extend City water and sewer services that generate revenue for the City, this would have a great positive impact on existing homes on Possum Hollow Road, Vista Drive, Waltmonte Lane, and Stage Road. Most of these homes are 40 years and older and all have private wells and on-site septic systems. To be clear, I am speaking on behalf of my mom, Nancy Baffone, resident of 21 Stage Road, and myself, Vincent D. Baffone, equitable owner of 6 Vista Drive. I appreciate your time and consideration of our comments and ask that they be included in the record.
- Chuck and Natalie Bedford, 11 Longwood Lane, I am a resident of the City of Newark residing at 11 Longwood Lane in The Woods at Louviers. For the Newark City Council meeting on June 8, 2020, I am writing to support the City of Newark's proposal for Planning Area 7 as well as the Milford Run development project. I am supportive of the future annexation plan and the Milford Run development project, as it will bring necessary public infrastructure to the area to give residents access to sewer and water services, and it will also provide much needed single family housing within the City of Newark. I therefore urge the City Council to vote in support of both Planning Area 7 and the Milford Run development project, as it will benefit the City of Newark and the community as a whole.
- Gary and Amy Connell, 114 Briar Lane, Dear City of Newark Council, we write in support of the proposed change to the City's Comprehensive Development Plan and the subdivision proposal for the Ayers property. This change is good for the residents of the City of Newark for many reasons. It will provide additional affordable housing within the City that is designed for single-family homes rather than University students. An additional ten lots will not have a significant increase in traffic for neighboring communities and will be a positive use of this property that has been an eyesore for many years. Please vote in support of this initiative.
- Reference to Planning Area 7 and the Milford Run Annexation and Subdivision: Bill Diienzo, 4 Hillcroft Road. To whom it may concern: My name is Bill Dilenno and I am the home owner of 4 Hillcroft Road, Newark, DE 19711 Windy Hills. This letter is to inform the council that I approve of both the Milford Run annexation and Milford Run subdivision. The subdivision would be an improvement to the property state from the way it is today. I also believe the annexation would be a benefit to the city in the form of increased property values due to the enhancement of the land. Neither pose much risk to the city not pose large disruption to any residents in the area. Please contact me at this e-mail address if you have any questions.
- Paula Higgins, District 6: Dear Secretary to City Council:

I request that you read my letter below as part of the public comments related to Bill-20-08 Ordinance Amending the Comprehensive Development Plan by adding New Planning Area 7 to Chapter 11: Growth and Annexation. My name is Paula Higgins. I reside in District 6. I respectfully request to the Mayor and Councilpersons that you vote "no" to the ordinance amending the Comprehensive Development Plan for adding Planning area 7 to Chapter 11.

As Alice Walker once said, "The most common way people give up their power is by thinking they don't have any." I most certainly have felt powerless in this process since attending the Planning Commission meeting on February 4, 2020, yet I persist because this matter is important. The lack of true public discourse about expanding the city boundaries should concern anyone who believes in the process of government. Tonight's vote is occurring in an unprecedented fashion as it is not a true public hearing given the need to hold this vote virtually. I recognize City business needs to be conducted; however, on a matter that has long term, fiscal impact to our City and budget shortfalls have yet to be determined, you are disenfranchising individuals who do not have access to technology to share with you their opinions about whether or not to extend the potential boundaries of our City. Council did the right thing when they tabled the vote on this bill on March 23rd, 2020, knowing that in the City's preface of "Why We Plan" (ii) "A Comprehensive Plan is not designed to prevent change...Such changes, however, shall not be taken lightly since the Plan reflects the consensus derived from a lengthy process." It is unfortunate that on May 4, 2020 Mayor Clifton made a motion to lift this item from the table in order to vote on this matter tonight. According to the published minutes of the meeting, the Mayor stated, "the potential development of the area was often discussed in the press" (pg.8 of City Council minutes 5/4/20.) The press reports news, it does not allow for dialogue. Furthermore, I am unsure of City solicitor Bilodeau's statement reflected in those same Council meeting minutes which references, "several meetings coming up that would allow for extensive public comment." However, I do appreciate Mr. Bilodeau's recognition that extensive public comment is needed on this matter. A single virtual public workshop on Planning area 7 was held on May 28, 2020. I received notice from the City which was dated May 22, 2020 that this matter had already been placed on tonight's agenda. Clearly, the presumption was made that there would be no substantive changes resulting from a public workshop six days later.

Putting aside the lack of public input and that reliance upon only the Planning Department's recommendation is disingenuous to the idea of a Comprehensive Plan involving all stakeholders, there are many additional reasons to vote "nay" on Bill 20-08. Councilpersons need to look no further than their recent vote on October 28, 2019 regarding 0 Papermill Road when they consider how they will vote about amending the Comprehensive Plan to add Planning Area 7 to extend the City's boundaries. I'm confident that one can see how those very same reasons for unanimously denying annexation to those 13 acres of property on Paper Mill Road, make it clear that with each of the 38 parcels in Planning area 7 that will now potentially request annexation if you vote yes to Bill 20-08, you are exposing the City to the risk of litigation resulting from arbitrariness as those same reasons that you denied annexation apply to the area encompassing Planning Area 7. Additionally, while a fee is paid by a homeowner or developer to apply for annexation, it is unlikely that the City's planning office is prepared for an onslaught of annexation applications that will arise from adding Planning area 7. With the City already having to add Council meetings to the agenda to conduct pending business before Council, why not wait until the Comprehensive Plan's update in 2022 to consider Planning area 7. Waiting does not jeopardize the City in any way; rather it protects the City's interests at a time when the City needs to be fiscally conservative as it applies to employee time and resources.

Lastly, it is clear that the Sustainability Plan, that was adopted by Council in November 2019, was not considered by the Planning Commission in their recommendation to add Planning area 7. The state of Delaware provided to the City a \$80,000 grant to promote sustainability and to disregard this pertinent document would be to waste taxpayer money and an insult to the many individuals who contributed their time to this important cause. One cannot honestly reconcile expanding the City's northern boundaries with the clear tenets of the Sustainability Plan. Thank you all for your service to our city.

- Rich Higgins, District 6. Mr. Fortner has described the benefits to residents but what are the benefits to the City. That should be explained. Why now, why the rush?
- Bob Manning. This email is in support of the Planning Area 7 Ordinance. This change will have no adverse effect on traffic, is good land use planning, has the potential to increase Newark's tax base, and the potential to increase the City's non-student housing stock. Regards, Bob Manning, 112 Aronimink Drive.
- Mary Clare Matsumoto: My Name is Mary Clare Matsumoto. I live in District 6, in Pine Meadow, off of Paper Mill Road. I am asking the council to vote no to amend the

Comprehensive Development Plan by Adding a New Planning are 7, Bill 20-08. My concerns are as follows:

1. In our Sustainable Newark plan which was adopted by city council, under Goal 2.1: "development needs to be structured to promote multimodal transportation choices such as walking, bicycling and transit". The area north of Possum Park Rd does not meet this criteria. It is not safe for walking. There would be no way to connect it to the sidewalk along Paper Mill Road. After leaving Possum Hollow Road, walkers would have to walk in the street and then the parking lot of the strip mall. It would also be difficult to access White Clay Creek State Park. If walkers made it safely to the intersection of Paper Mill and Possum Park, the cross walk goes south on Paper Mill, then across Paper Mill, then north on Paper Mill to access the park. There is a sidewalk on the opposite side of Possum Park Road just south of this area, but it would require crossing Possum Park Road which is very busy.

There are no designated bike lanes when turning right on Possum Park Road. This is a very busy intersection with traffic entering and leaving the strip mall, Walgreens and the Shell station. If a cyclist wanted to ride into Newark down Paper Mill Road, they would have to get into the left hand turn lane.

There are no bus lines going this far north. The nearest bus stop would be on Kirkwood Highway. This would require walking in the shoulder/bike lane of Possum Park Road which is dangerous for both pedestrians and cyclists. There are also cars going north on Possum Park Road that use this shoulder/bike lane to get around cars making left turns.

So we are left with only cars going to and from the development, increasing the difficulty of current residents in getting in and out of their developments, which increases idling of cars while waiting, thereby adding pollution, contributing to global warming.

Did the Planning Commission look at our Sustainable Newark Document when they made this recommendation to City Council to add Planning Area 7, and Bill 20-12 and 20-13 (annexation)?

2. Why should the city increase their available footprint for possible annexation if the city cannot provide the benefits that current Newark residents receive, such as trash, road maintenance and snow removal?
  3. While I am sympathetic to the reasons that the owner of this property wants this land to be in the planning area so that it can be considered for annexation into the city of Newark, I do not see the benefit to current city residents, the neighboring developments and the City of Newark.
- Dean Moore, 44 Hawthorne Avenue, I am a resident of the City of Newark residing at 44 Hawthorne Ave, Newark, DE 19711. For the Newark City Council meeting on June 8, 2020, I am writing to support the City of Newark's proposal for Planning Area 7 as well as the Milford Run development project. I am supportive of the future annexation plan and the Milford Run development project, as it will bring necessary public infrastructure to the area to give residents access to sewer and water services, and it will also provide much needed single family housing within the City of Newark. I therefore urge the City Council to vote in support of both Planning Area 7 and the Milford Run development project, as it will benefit the City of Newark and the community as a whole.
  - Robert Munyan, 209 Hanover Place. Dear Councilmembers, I am communicating via email because it is my understanding that City Council is having virtual meeting on Monday and they are going forward with the meeting without the public. My name is Robert Munyan and I am writing today to express my support of the proposed change to Planning Area 7 for the City's Comprehensive Development Plan. I have been a resident of Newark and the Fairfield community for nearly 30 years. I am confident that the amendment to the Comprehensive Plan will benefit City residents. The change has the potential:
    1. To increase Newark's tax base
    2. To expand the City's non-student housing
    3. To provide the City some control over zoning and land use
    4. Allows public utility services into the area which will provide environmental and ground water benefits.

Please contact me if you have any questions.

- Jill Myers, 11 Nathan Hale Court, I'm unable to attend the June 8 meeting, but am writing in support of the proposal to add Planning Area 7 to the City of Newark.

I am a life long resident of Newark, moved into Fairfield as a child in the 70's, and I currently reside in a townhouse I own in the Cherry Hill Manor development in the City Limits. I am very interested in purchasing and moving into a single family home in Newark, to keep my daughter in her same school, and to stay close by to my parents, who still reside in Fairfield.

A majority of the available housing in Newark is either apartments (not interested) or larger older homes, not suited to my needs. I'm specifically interested in seeing the City include developments like the Milford Run project to balance out and diversify the home ownership options in Newark.

Please consider adding Planning Area 7 and allowing the Milford Run Project to be developed.

- Ed O'Donnell, 103 St. Regis Drive. To the honorable members of the Newark City Council, I would like to go on the record indicating my support of Bill 20-08. I believe the Newark Planning and Development Department Report, dated January 3, 2020 lays out sound and reasonable recommendations for supporting this bill. These recommendations, after considerable deliberations, were also approved by the Newark Planning Commission on February 4, 2020. An important aspect of this bill is the provision of public sewers instead of septic systems to both existing and future developments. This is vital to the protection of ground water quality given the area's close proximity to both Middle Run Natural Area and White Clay State Park. As a resident of Chapel who uses and treasures both of these natural areas, approval of Bill 20-08 would provide additional ground water quality protection to these areas. Thank you for your consideration.
- Sergeant Thomas A. Orzechowski, Good Morning. I live at 742 Paper Mill road right next to the proposed Milford Run subdivision. I will be unable to attend the meeting, therefore I write to express my support for the project. The owners have worked with myself and nearby residents from the beginning and are proposing a project that will improve the area and the neighborhood. Thank you for your time.

Ms. Bensley stated the next comment was submitted in March, so the agenda numbers did not match:

- John and Debbie Page, 5 Delanco Court. Dear Councilmembers and Mayor Clifton. We live in Middle Run Meadow and any changes to property directly from Possum Park Road would directly affect us. We are opposed to items 2G and 2H on the Council agenda for March 23, Bill 20-12 Changing The Designation Of Property Within The Comprehensive Development Master Plan V, and Bill 20-13 Annexing And Zoning To RD 4.47 Acres. We also oppose item 7A Amending the Comprehensive Development Plan by Adding a New Planning Zone 7, Bill 20-08. We believe there will be an additional burden to the existing Newark Services infrastructure, not only by the proposed new development but by the current residents of Stage Road who will expect to be added an additional traffic cars, school buses, et cetera, will make the job of turning left out of neighborhood go from difficult to dangerous. Thank you for your consideration.
- Beth Rumberger has no objection to this growth and annexation on Possum Hollow Road. I own the 1.7 acres across the street from this proposed planning 108 Possum Hollow Road. I do not want my property to be annexed. I would like there to be two ways of accessing this new development by way of Possum Hollow Road and Paper Mill Road.
- Kate Siegel: As the owner of 45 Possum Hollow Road I am in support of the change to the Planning Area 7 and the Milford Run subdivision. It will be a beneficial improvement to the entire area.
- Amy Smith, 20 Sunset Road: Dear Ms. Bensley, please have the following formally entered into the record for the consideration of City Council. I would like to express my concern about the proposal to add Planning Area 7 to the City's Comprehensive Development Plan. At the heart of the plan is Mr. Walton's home farm property on Paper Mill Road, which he would like

to become part of the City of Newark. Mr. Walton has successfully petitioned the City to create a new agricultural zoning category which is unlikely to benefit anyone but him. He has purchased land that will connect his home farm to the City and has filed for annexation and submitted a residential subdivision development plan for that land. The tenor of the virtual public meeting held in May was that this was a done deal. The City will extend a little finger out beyond its current boundaries so that Mr. Walton will get City services for his farm for which, with the new agricultural zoning classification, he will pay a reduced tax rate. The gains for the City are so vague as to suggest they do not exist. Whether Council is in favor of the amendment to the Comprehensive Development Plan and Annexation or not, the optics here are terrible. This is a very important step that the City is being asked to take and we are all still adjusting to the limited access we have to what should be an open public process. I strongly encourage you to slow down this process until citizens can speak publicly and in person. Since the Comprehensive Development Plan is to be reevaluated in 2022, I would ideally like to see any consideration of an amendment delayed until that time.

- Harry and Mary Ellen Sweeney have no objections to this growth and annexation on Possum Hollow Road. We own the 11.8 acres across the street from this proposed planning. We do not want to annex our property at this time. Hopefully Possum Hollow Road will not be the only access to this new development.
- Diane and Patrick Taylor, 7 Middle Road, We live in Middle Run Meadow. As such, any changes to property directly across Possum Park Road could have major affects upon our lives.

Therefore, after careful consideration, we write in opposition to Items 7A, and 7B, 7C, and 8A on the Council's agenda for June 8th. Since these four items are very much related, and the Council implicitly acknowledges the interwoven interests of at least the latter three items by allocating discussion time for all three concurrently, we will address all four below, without specifying exactly to which item we refer.

Before proceeding, however, we do want to make it clear that, in general, we believe strongly in a property owner's right to do with his property what he wishes, provided, of course, that his choices do not unduly affect neighbors nor go contrary to appropriate laws and regulations.

With that said, though, there are four major concerns we have:

1. The Planning and Development Department's relative lack of transparency and haste to approve this major change to the 2016 Plan. That 2016 Plan took over three years of preparation and involved over 400 individuals and 47 meetings. Its outcome actually led to fewer boundary changes (excluding the Newark Reservoir property) than the proposed annexation within the new Planning Area (compare the map on page 161 of the Plan to the proposed annexation area!). Further, the previous Plan fully acknowledged the city-wide impact of its proposals; on the other hand, these three items only belatedly were given a hearing in which almost 40 individuals participated remotely. The 2016 Plan is scheduled for review in less than two years. Approval of these items would present a fait accompli to that upcoming review, with but a small fraction of community input seen with the last Comprehensive Plan.
2. The Planning Department's Model's "flexibility." This is very much related to the first concern. In the May 28th Virtual Meeting even Mr. Walton's attorney acknowledged that he was bit perplexed as to just what the City required for acceptance – higher density versus infrastructure burden? For the extremely small temporary net revenue delineated in the Planning and Development Department's Fiscal Impact Model of approximately \$14,500, and the long-term net revenue of about half that, or \$7,200 [see pp 3-4 of the Planning and Development Department Report of January 3, 2020], it is critical fully to understand the Model under which these net benefits were calculated. Was the City's time and effort to review these proposals included? What about the additional long-term burden on the utilities? To what degree were additional property upgrades considered, even those outside but adjacent to the annexed property? The Model apparently expects a five-year build-out period, but what assurances does the City have that this will in fact happen? If the opposite occurs ---there is no further development after the initial one or two houses, what are the economic impacts? What are the variables accepted in the

Model? In other words, we would request more transparency in this assessment, so we could have the chance for challenge – or acceptance.

3. Precedent for additional zoning and annexations, or petitions to be added to the sewer connections installed in the new development. A key rationale for the development, as expressed by Mr. Walton several times, was the need to own property adjacent to the City in order to receive City services. We are concerned that approval of this annexation opens up a Pandora's Box to many others to request similar City facilities, further burdening them. We have been assured that such requests will go through similar reviews, but when do these stop? And, legally, once one parcel is accepted into the City, do adjacent lots have a stronger position for acceptance?
4. The higher density of the proposed Milford Run development. The Comprehensive Master Plan V (p. 147) avers that for Zoning in Planning Section D, "RS, RT, and RH are appropriate for the recommended uses." These all are at much larger lot sizes than this proposed RD designation (minimum 6,250 sq. ft.) for the Milford Run development. The County currently designates the area NC15, which requires 15,000 square foot lots. Approval of this development thus cuts the current requirement by almost 60% -- and yet all the surrounding areas still retain their current requirements of a minimum of 9,000 square feet (Middle Run Meadow), 15,000 Square feet (most of Possum Hollow) or 21,000 square feet for Stage Road. And the difference is exacerbated by the discrepancies in lot size for Milford Run: two lots are much bigger (23,000 and almost 18,000 sq. ft.) than the remaining eight, the largest of which is just 7,547 sq. ft., a fact acknowledged by Mr. Walton's attorney during the May 28th meeting.

We believe all these concerns can be addressed, thus allowing some form of development to occur. However, until there is a thorough and transparent community-wide dialog (and not just one Virtual Meeting, helpful as that was!) addressing these concerns and the various impacts the annexation and addition of Planning Area 7 would have on the Comprehensive Plan's upcoming review, we urge the Council to postpone decisions on these three agenda items.

Ms. Bensley then acknowledged Barrett Edwards.

Mr. Edwards asked Ms. Bensley if the comments submitted by Jim and Sharon Lisle and David Gray would be read into the record. Ms. Bensley explained that those comments were specific to the Milford Run Development and would be read then. Mr. Edwards thanked Council for the opportunity to provide brief comments. He explained that although discussions were about Planning Area 7, the properties were not actually being annexed. The City was opening the door to the possibility of annexation and he stressed that Council still had full control over annexation. He noted that when the property owners approached the City, Mr. Walton and his mother were only requesting their four parcels be annexed. The City suggested expanding Planning Area 7 to include additional parcels. He explained the property owners did not object and stressed that it was not their request. He revealed that during the PLUS Process was that DelDOT wanted the Planning Area expanded even further. He pointed that the City and DelDOT were interested in adding to the Planning Area and was not the intent of the applicants. He continued that Title 29 of the Delaware Code described the PLUS Process and the plans that the State reviewed. Mr. Edwards quoted "annexations inconsistent with the local jurisdiction's copy of the plan" and argued that the State Code anticipated for amendments to Comprehensive Plans. He recommended that Council approve the application and shared that the Walton family would not object to the Planning Area be reduced to 734 and 751 Paper Mill Road and 5 and 11 Possum Hollow Road. He appreciated the public objections but pointed that there were 14 who contacted the City to show support and another two were online in the chat function. He revealed that public objections were less and concentrated from Middle Run Meadow. He disagreed with the comments concerned with lack of transparency and shared that Mr. Walton reached out to anyone was concerned about the proposal to rectify issues and he and Mr. Walton shared their contact information at the May 28<sup>th</sup> meeting. He stated that no one had contacted him and explained they had tried to be as transparent as possible during the process. He did not feel the process was rushed and pointed to the postponed and rescheduled meetings starting in December. He pointed that the applicant had been patient and cooperative throughout the process. He requested that Planning Area 7 be approved and reduced to the four lots mentioned earlier.

Laura Fickes, 2 Delanco Court, opposed Bill 20-08. She referred to the workshop on May 28<sup>th</sup> for the residents of the northern part of the City. She felt that adding Planning Area 7 affected all taxpayers. She believed that all interested residents were not provided the opportunity to learn about the plan. She

pointed that the last plan offered 47 opportunities to educate over 400 residents and repeated that Planning Area 7 only had a single workshop that she viewed as an afterthought. She asked why there was a rush to approve the plan prior to the Plan Review in 2022. Ms. Fickes explained the economy was different from February and encouraged the City to govern prudently in a fiscally responsible way. She asked why the City was eager to take on additional infrastructure and asked if the City was fiscally prepared for annexation requests if the Planning Area was approved. She stressed that she wanted Mr. Walton to be able to build a home on his family farm and understood he could but that he preferred City services instead of County services. She asked why the Planning Commission ignored the Sustainability Plan if there so much concern about residents' quality of life. She pointed that Mr. Fortner mentioned bike lanes for Paper Mill Road but stressed that the plans also impacted Possum Park Road which did not have bike lanes. She wondered how adding the Plan improved transportation in the community. She referred to the letters from non-residents who wanted to be included in the City. She respected the governance process in the ability that all citizens may be heard. She asked that when considering public comments, Council consider the motivation of all letters and pause when considering adding such a large area. She agreed that adding growth did not equate a positive outcome for the City. She wanted Ms. Wallace's comments about different citizen classes to be examined. She requested that Council decline the proposal and consider the petition submitted by the neighbors in Middle Run Meadow.

Andrew Feldmann, 106 Waltmonte Lane, supported the annexation for Planning Area 7. He felt that the plans would enable essential infrastructure to the properties that fell within the Planning Area. He revealed his property was included in the Planning Area and had been in his family since 1948. He thought it was critical that the area be connected to public water and sewer. He claimed to have poor ground water quality and explained he had to install a \$10,000 water treatment system to make his water potable. He said that without the system, his well water would not be within the EPA limits for pH level, iron, bacteria, and nitrates. He continued that he paid \$100 twice a year to have his water tested by an independent lab to ensure his treatment system worked properly and explained that tests for metals or chemicals would cost over \$1,000. He stated he could cite specific examples of contaminated supply wells in the Newark area. He reiterated the poor water quality and believed that residents with wells in the proposed Planning Area were consuming non-potable water. He highlighted the number of septic systems in the proposed area and noted they were expensive to replace when they inevitably failed, were bad for the environment, and contaminated ground water. He felt it was unfair that he could not take advantage of public water and sewer access located less than ¼ mile away from his home. He pointed that three generations of his family lived in the Newark area and wanted the same access to services as other residents. He saw the annexation as way for residents to benefit from public utilities. He referred to Mr. Fortner's presentation and reiterated that property owners within Planning Area 7 were not required to annex. He supported the Planning Area because it made it easier for residents to annex into City if desired.

Ms. Bensley informed Mr. Clifton that Ed O'Donnell requested in chat to comment and Ms. Bensley reiterated she read his previously submitted comments into the record. Mr. Clifton explained that the comments read into the record would stand and stressed that he had to stay consistent.

The Mayor returned the discussion to the table.

Mr. Horning asked if sewer was available to non-City properties via the Charter change and Ms. Gray confirmed although she needed to confirm with Public Works about location. Mr. Bilodeau added that the County and City both needed to approve the sewer access. Mr. Horning asked if it was possible to provide water and electric outside of City boundaries and Mr. Bilodeau confirmed. Mr. Coleman added that the City could extend water in an area where the City had a Certificate of Public Convenience and Necessity (CPCN) or an area that was not serviced by Artesian. He believed the area in question fell into the City's territory but was not certain. Mr. Horning asked the Planning Department for a response to claims that the proposed annexation was not consistent with the City's Sustainability Plan. Mr. Fortner explained that the Sustainability Plan envisioned the pairing of land use and transportation to create a sustainable lifestyle and continued that staff believed the annexation could develop under the plan. He pointed that there was access to major roads and bike lanes on Paper Mill and explained that Possum Park was not part of the City and so did not yet have sidewalks or bike lanes. He believed it was possible to link the area to the City and added that annexation with good development could turn it into a walkable community connected to the City with access to transit and retail facilities. Mr. Horning asked for the property tax amount for an average parcel in the Planning Area. Ms. Gray explained tax assessments were not done during annexations and were only done when properties were considered for development.

Ms. Hughes asked Mr. Fortner for clarification on bike lanes and sidewalks on Possum Park Road. Mr. Fortner explained that as new developments infilled to the City through annexation, they were obliged to meet City requirements and could develop through the Planning Committee's safe options. Ms. Gray believed it could be a benefit to City residents and Mr. Fortner agreed and reiterated that areas

would be upgraded as the area redeveloped to the City's specifications which included sidewalks and bicycle lanes, where appropriate. Ms. Hughes referred to the comments claiming the plan was rushed and asked Mr. Fortner to explain why residents felt that way. Mr. Fortner replied that the comparisons made were to the entire Comp Plan adoption in 2016 which addressed all aspects of City development including annexation and land uses for 10,000 parcels. Mr. Fortner explained the proposal was for adding a section of land and was not complicated. Staff believed the area was suitable because it was landlocked, could benefit from City services, and was a logical location for development. He explained the proposal was not a Comp Plan and was only an amendment to add the area. He reiterated that the proposal was discussed on a Planning Commission agenda, had a public workshop, and noted that many residents participated. He disagreed that it was a rushed process. Ms. Hughes thought it was important for residents to trust the process.

Ms. Wallace wanted to clarify her earlier comments that spoke to the timeliness of adding a planning area. She was aware that Council made changes to the Comp Plan but believed that fundamental changes had been made in the way that Council addressed annexations. She felt that adding an additional planning area for annexation when the review of the Comp Plan was so near was poor judgement. She pointed that Council frequently discussed the profitability of annexations to the City and she wanted larger conversations before expanding planning areas for additional annexations. She wanted a better understanding how residents and the City benefited from annexations. She did not think it was a suitable time to add a planning area and the potential annexation applications and stress that the development to be discussed later was a separate issue. She wanted clear definition on the City's goals for annexation and repeated that she did not support adding planning area. She thanked the public commenters.

Mr. Hamilton agreed with Ms. Wallace's comments. He asked Mr. Coleman if sewer lines cost \$1 million per mile and Mr. Coleman believed the cost was now \$1.2 million per mile. Mr. Hamilton pointed that Council rejected the O Paper Mill Road project partly based on economics. He noted that the City needed affordable, single-family homes and revealed that single-family homes in the City did not pay for themselves. He stated he was obligated to City residents and had no obligation to anyone outside of the City. He pointed to all the statistics that claimed the annexation did not make fiscal sense and believed the increased tax base would not prove to be profitable in the long term. He explained that density was required to make housing affordable and pondered if density should be built next to a State Park. He repeated that non-dense housing would be a financial burden to the City and stressed that if the area was developed with spaced-out, single-family homes, they would not be affordable. He suggested that the City could either build density and make the development pay for itself or build non-dense homes to the detriment of the City. He viewed annexation without financial gain as a loss for City residents. He repeated that he was not responsible for people outside of the City. He admitted he was open to annexing land that would improve the lives of residents but thought it was unlikely. He revealed that annexation raised the property value of parcels that could be annexed. He did not think staff considered how the area could be annexed affordably or how it would be zoned and wanted experts to comments on whether it was beneficial for a city annex property.

Mr. Coleman thanked Mr. Hamilton for his comments. He clarified the discussion around the types of development projects that were more beneficial versus less and the discussion about second-tier citizens was a concern. He continued that the proposed development plan resolved some apprehensions by providing for private right-of-way and private trash collection, which addressed infrastructure concerns and General Fund operating expenses. He agreed with Ms. Wallace in that it created second-tier citizen commentary but felt it could be mitigated through relaying proper information to purchasers. He stressed that every project did not need to pay for itself but the collective of projects did. Council needed to consider projects and externalities to determine if a proposal should be included in a development mix. He repeated the General Fund concerns were addressed through the agreements. He shared that water and sewer would be publicly maintained and staff was trying to address the issue via rate restructure.

Mr. Lawhorn saw the Comp Plan as the response to how the City ensured financially smart decisions on approving development plans or annexations. He noted the high-density developments downtown for student housing were financially beneficial and believed they afforded the City opportunity to address other issues. He acknowledged there was not enough single-family home stock to fit the demand, so it drove housing prices up which then made affordable housing an issue. He believed it was important to have high-density developments in the right places to balance the financial losses of projects that filled the needs of residents, such as retirement communities. He wanted Council to be smart on how the City developed and relayed that Council approved many student housing development projects that could help balance other projects. He asked the Planning Department if there were issues with Mr. Markham's potential amendment. Ms. Gray replied that the intent was to add the whole area because it was landlocked but would defer Council if it was decided to decrease the size of the area. She repeated that annexation in a planning area was not a definite.

Mr. Markham agreed with Ms. Wallace's arguments. He stressed that his constituents wanted to have lengthy discussions to decide the City's goals for annexations. He thought it possible that his amendment would make things cleaner and less contentious but now believed it confused the issue more.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE PLANNING AREA A AS PRESENTED BY THE PLANNING DEPARTMENT.

Ms. Bensley corrected it was Planning Area 7, not A, and suggested the bill number be included in the motion. Mr. Clifton asked Mr. Markham and Mr. Lawhorn if they withdrew the previous motion and they confirmed.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN BY ADDING A NEW PLANNING AREA A TO CHAPTER 11: GROWTH AND ANNEXATION, BILL 20-08.

Mr. Bilodeau corrected Mr. Markham that it was Planning Area 7, not A.

Mr. Markham corrected "AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN BY ADDING A NEW PLANNING AREA A TO CHAPTER 11: GROWTH AND ANNEXATION, BILL 20-08."

Mr. Clifton recognized the motion and Mr. Lawhorn's second.

Mr. Horning acknowledged the pros and demand for more dense housing and shared that District 1 residents wanted more input in the strategic path for the City. He made the motion to table the discussion because he did not feel that all residents were able to comment on strategic plans because of the pandemic. He would not vote in favor for the ordinance proposal because the proposed amendment is not made with reasonable consideration as to the character of the district, in particular suitability for particular uses.

Ms. Hughes voted yes because it was a reasonable creation of a new planning area and supports the growth and future welfare of the City.

Ms. Wallace thanked Mr. Horning for his comments about the level of public participation. She admitted residents were participating and comments were read into the record but noted that residents could be occupied with serious current events. She did not support the addition of Planning Area 7 to the Comprehensive Development Plan for the reasons stated by Councilman Horning and she thought that adding Planning Area 7 could be detrimental to the economic stability of the City and future residents. She was also concerned with health and safety and environmental concerns.

Mr. Hamilton would not support the addition of Planning Area 7 for the reasons stated by Mr. Horning and Ms. Wallace.

Mr. Lawhorn voted to support the motion for the reasons stated by Councilwoman Hughes.

Mr. Markham would not support Planning Area 7 for the reasons stated by Councilwoman Wallace and Councilman Horning and added that it did not promote the distribution of population and such classification of land uses and distribution of land development and utilizations as built in for adequate provisions for public requirements. He did not believe there were enough public utilities.

Mr. Clifton thought the bill made sense and saw the replacement of home as property enhancement. He recalled that the City annexed properties in Covered Bridge Farms and the Head of Christiana in District 1 to offer public sewer because septic systems were unsafe. He referred to Mr. Feldman's comments and thought there was a qualifiable reason to get the City's immediate neighbors off of septic systems and into established utilities. He pointed to Cecil County's Comprehensive Land Use Plan and stated Rising Sun had the largest density downtown and tapered off into the county. He explained Newark's core was predominantly student housing and the City reacted wisely by having clustered housing. He noted the Planning Area passed State review and referred to the comments made by Ms. Hughes and Mr. Lawhorn that the City had a responsibility to provide a mix of housing that the proposal would have done that. He mentioned that many developments in that area required Comp Land Use Plans to get large developments while the proposal on the table was for eight or ten homes. Mr. Clifton voted to support the bill for the reasons stated by Ms. Hughes and Mr. Lawhorn.

MOTION FAILED. VOTE: 3 to 4.

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

Mr. Clifton explained that because the motion failed, there would not be discussion on items 7B, 7C, and 8A.

17. 7-B. **BILL 20-12 – AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN BY CHANGING THE DESIGNATION OF PROPERTY LOCATED AT 734 PAPER MILL ROAD AND 5 AND 11 POSSUM HOLLOW ROAD (SEE ITEMS 7-C AND 8-A) (65 MINUTES COMBINED FOR 7-B, 7-C AND 8-A)**

*(Secretary's Note: Due to the failure of Bill 20-08, this item was not heard.)*

18. 7-C. **BILL 20-13 – AN ORDINANCE ANNEXING AND ZONING TO RD (SINGLE FAMILY DETACHED RESIDENTIAL) 4.47 ACRES LOCATED AT 734 PAPER MILL ROAD AND 5 AND 11 POSSUM HOLLOW ROAD (SEE ITEMS 7-B AND 8-A)**

*(Secretary's Note: Due to the failure of Bill 20-08, this item was not heard.)*

19. 7-D. **BILL 20-16 – AN ORDINANCE AMENDING CHAPTER 13, FINANCE, REVENUE AND TAXATION, CODE OF THE CITY OF NEWARK, DELAWARE, BY DELETING TAX EXEMPTIONS FOR UNDEVELOPED ANNEXED PROPERTIES AND PROPERTIES IN THE BUSINESS AND INDUSTRIAL DISTRICTS (5 MINUTES)**

**2:47:42**

Ms. Bensley read the Ordinance into the record.

Mr. Del Grande explained the ordinance would officially sunset the provisions contained within Chapter 13, Finance, Revenue and Taxation, Article II, Exemptions and Partial Exemptions from City Real Estate Taxes. He shared there was a moratorium in place for sunsetting the sections of code and was approved by Council during the May 26 meeting.

The Mayor opened the table to discussion from Council.

Mr. Horning thanked staff for their efforts in housekeeping.

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

There were no questions from Council and no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE 20-16 AN ORDINANCE AMENDING CHAPTER 13, FINANCE, REVENUE AND TAXATION.

MOTION PASSED. VOTE: 7 to 0.

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

20. 7-E. **BILL 20-17 – AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE, BY REINSTATING PARKING FEES IN CITY OWNED AND OPERATED PARKING LOTS AND CLARIFYING THE GRACE PERIOD FOR ON-STREET PARKING METERS (10 MINUTES)**

**2:50:02**

Ms. Bensley read the Ordinance into the record.

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

The Mayor opened the table to discussion.

Mr. Markham asked if the bill would return to Council when the grace period needed to change. Mr. Coleman explained that the ordinance was worded so the fifteen-minute grace period automatically

sunset when the Governor removed the final restriction on restaurant occupancy, but Council could opt to repeal with a first and second reading.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: THAT COUNCIL APPROVE BILL 20-17 AS PRESENTED.

Mr. Horning asked if there would be a fifteen-minute grace option on the kiosk and if anything was required of users. Mr. Coleman replied nothing had to be done with the kiosk in the grace period and Enforcement would watch who was not moving.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

**19. 8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:**

- A.** Request of Ward Brothers Holdings, LLC and Albert H. and Grace E. Neal to Demolish Three Existing Homes, Construct a New Private Cul-De-Sac and Subdivide the Existing Three Lots Into Ten Building Lots for Single-Family Homes With Shared Common Areas for Open Space and Stormwater Facilities at the Properties Located at 734 Paper Mill Road and 5 and 11 Possum Hollow Road to Be Known as Milford Run ***(Agreement and Resolution Attached) (See Items 7-B and 7-C)***

*(Secretary's Note: Due to the failure of Bill 20-08, this item was not heard.)*

**20. Meeting adjourned at 9:56 p.m.**

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

/ns