

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

July 13, 2020

Those present at 6:30 p.m.:

Presiding: Mayor Jerry Clifton
District 1, James Horning
District 2, Sharon Hughes
District 3, Jen Wallace
District 4, Chris Hamilton
District 5, Jason Lawhorn
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
Code Enforcement Officer Tim Poole
Planner II Michael Fortner

1. Mr. Clifton called the meeting to order at 6:30 p.m.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 Del. C. §10004 (b) (4) for the purpose strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to pending litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body.

MOTION BY MR. HORNING, SECONDED BY MR. MARKHAM: THAT COUNCIL ADD EXECUTIVE SESSION A TO THE AGENDA.

MOTION PASSED. VOTE 7 TO 0.

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

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (4) FOR THE PURPOSE STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY.

MOTION PASSED. VOTE 7 TO 0.

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

3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:00 p.m. No action was required.

4. SILENT MEDITATION & PLEDGE OF ALLEGIANCE

2:11

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

Mr. Clifton stated that Council needed to add item 2F First Reading – Bill 20-22 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Reinstating Parking Fees for On-Street Parking Meters – Second Reading – August 10, 2020 to the Consent Agenda.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: THAT COUNCIL ADD ITEM 2F FIRST READING – BILL 20-22 – AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE, BY REINSTATING PARKING FEES FOR ON-STREET PARKING METERS – SECOND READING – AUGUST 10, 2020 TO THE CONSENT AGENDA.

Ms. Wallace requested discussion and asked if the addition was advertised. Mr. Clifton replied it was advertised on July 8th as an addendum. Ms. Bensley added the addendum was posted July 8th in the Municipal Building and on the City website and explained that the second reading would be advertised in the newspaper for August 10th. Ms. Wallace asked if Council was within the requirements and Ms. Bensley confirmed.

MOTION PASSED. VOTE 7 TO 0.

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

Nay – 0.

Absent – 0.

Mr. Clifton explained that item 7A, Emergency Bill No. 20-05 – An Emergency Ordinance Concerning COVID-19 Precautionary Measures needed to be added to the agenda. He admitted that there were concerns on the timing of the item and other issues from the business community. He would meet with businesses on Wednesday morning to address apprehensions. He noted it was up to individual vote by Council but stressed the importance of having the discussion.

MOTION BY MR. HAMILTON, SECONDED BY MS. WALLACE: THAT COUNCIL ADD ITEM 7A EMERGENCY BILL NO. 20-05 – AN EMERGENCY ORDINANCE CONCERNING COVID-19 PRECAUTIONARY MEASURES.

MOTION FAILED. VOTE 2 TO 5.

Aye – Hamilton, Wallace.

Nay – Clifton, Horning, Hughes, Lawhorn, Markham.

Absent – 0.

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):

9:16

Caitlin Olsen, UD Administration, updated that the 2020 Commencement was postponed until spring of 2021. If it was safe, UD planned to hold commencement near alumni weekend while the tents

were still up. She reported that the Ivy Leagues canceled fall sports and said she would share news from the CAA Division regarding the sports fall guidelines. She understood the decision would impact businesses and would share as soon as possible. She acknowledged the concerns about community safety and the return of the students and stated administration was taking the situation seriously. She wanted to make sure UD and the City were in lockstep to keep the communities safe and declared that UD would prioritize communication, protocols, and stressed that students were expected to behave accordingly on and off campus.

The Mayor opened the table to discussion.

Ms. Hughes was pleased the commencement was rescheduled and thanked Ms. Olsen for the update. She admitted she was concerned about returning students.

Ms. Wallace thanked Ms. Olsen for her efforts and hoped to stay in contact as a resident.

Mr. Hamilton acknowledged numerous rumors and noted UD staff was in a difficult position. He thanked Ms. Olsen for her update and asked that Council be kept aware of any rising situations. Ms. Olsen ensured there would be a community page on UD's COVID website to inform residents of any plans and updates.

Mr. Markham asked where UD fell with the lawsuit brought by Harvard and another school. Ms. Olsen informed Mr. Markham that the marching band had a schedule and replied that UD had not yet joined the lawsuit but was working on programming and that the Provost's Office and the Office of International Students were determining the best way to move forward. She noted that the students required housing and access to support and confirmed that UD was making sure students could be present. Mr. Markham asked if the ELI Department would be kept intact and Ms. Olsen replied that she had not heard otherwise. He thanked Ms. Olsen for her efforts.

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

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

18:40

Mr. Coleman informed Council that he and the Mayor had a scheduled meeting with Ms. Olsen, UD's VP of Student Life, and the Dean of Students the following afternoon to discuss UD's plans, coronavirus-related issues and improving communication. He apologized on behalf of staff for any delays in services, especially in the field for tasks done by members of the AFSME union. He asked for patience and assured that projects would be addressed.

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

20:10

Mr. Horning:

- Thanked PWWR Department for being proactive on the last tropical storm.
- Thanked Mr. Markham and Ms. Wallace for their services and wished them luck for the future.

Ms. Hughes:

- Wished Mr. Markham and Ms. Wallace the best in future endeavors.
- Declared that Mr. Markham and Ms. Wallace were great assets to the City and Council.
- Received resident overwhelmingly positive comments on the City's handling of COVID.

Ms. Wallace:

- Thanked fellow Councilmembers.
- Was honored to serve her constituents.
- Enjoyed working with the City Manager and City Secretary and appreciated their professionalism.
- Felt the City was well taken care of by staff.
- Would be involved as a resident.
- Admitted there was a learning curve for Councilmembers.
- Hoped to return or serve the City in another capacity.
- Disappointed that Council failed to vote to add the emergency ordinance to the agenda.

Mr. Hamilton:

- Commended Mr. Markham and Ms. Wallace for their dignified demeanors.
- Thought they represented their constituents well.

Mr. Lawhorn:

- Thanked Mr. Markham and Ms. Wallace for their years of service.
- Credited them for helping him through his first term as a Councilperson.
- Believed that City staff was tremendous, and the residents were in good hands.
- Wished Mr. Markham and Ms. Wallace the best for their futures.
- Thought COVID-19 concerns were valid.
- Admitted some beach restaurants acted irresponsibly.
- Noted the State's increased testing helped manage the cases.
- Stressed the importance of following guidelines and educating the public on safety measures.
- Was eager to learn of UD's plan so the City could craft a response.
- Wanted to consider dealing with the situation over the long-term.

Mr. Markham:

- Thanked present and past Council in shaping his service.
- Credited constituents for their support and research.
- Tried to make the most responsible decisions with the information provided.
- Wanted Council to be proud of its achievements.
- Praised Mr. Coleman and Ms. Bensley for their talents.
- Celebrated Newark for its vibrance.
- Appreciated Mr. Clifton's mentorship.

Mr. Clifton:

- Deeply appreciated Ms. Wallace's thoughtfulness and thoroughness.
- Believed Ms. Wallace served her community extremely well.
- Appreciated her research and wished her well.
- Appreciated Mr. Markham's approach and insight.
- Had the utmost respect for both Councilmembers.
- Agreed with Mr. Markham that past and present Council were decent, honorable and moral people.
- Shared that a resident of Casho Mill suggested a light for the underpass.
- Revealed that Asha and Gerald Hunter, owners of Studio H, Beauty and Barber Salon, LLC, in Wilmington, were relocating their business to 1013 South College Avenue and would be opened just after Labor Day.

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

41:13

Ms. Bensley read a comment from Brian Anderson, District 5, into the record:

"For your information, I have spoken with the mayor, and due to circumstances beyond my control, I may not be available Monday to address the city council, because of a doctor's appointment out of town.

Below are my comments which I would appreciate you reading to the council:

Mayor Clifton and members of the council, I would like to begin by thanking the mayor for his EXTRAORDINARY LEADERSHIP during this COVID crisis.

I bring to the council's attention the issue of the building at 20 Country Club Drive at Fairfield apartments. This building represents an aesthetic, health, safety, and environmental concern. It suffered a catastrophic fire about ten months ago and nothing has been done to repair the structure. Currently, the roof is exposed to the elements, as there is no tarp covering the roof, causing mold that may well infect the adjoining building at 18 Country Club Drive. Some of the windows are boarded up, but not all. This also represents a legal liability for the city of Newark, if for instance a child or squatter is injured. I encourage the city to impose appropriate code review on this property. I also was distressed to learn that, as it stands now, there is every indication that the property will not be repaired until 2022.

This is a very serious issue affecting the neighborhood. Having just renovated the shopping center, we are now faced with another dangerous eyesore.

Thank you for your attention to this matter. Sincerely, Brian K. Anderson MPA"

Mr. Clifton agreed with Mr. Anderson and asked that Ms. Gray and Mr. Coleman investigate. He added that the foundation could be damaged if the structure was left open to the elements.

Mr. Lawhorn added that he spoke with the property owner and shared that Mr. Anderson was not the only resident concerned with the state of the building. Mr. Lawhorn explained there were issues with the insurance company that were resolved in March. He continued that the time to complete drawings extended longer than initially planned but the owner claimed to be in the permitting process and hoped to have renovations complete by the end of the year.

Thomas Powers, District 3, wanted to address trash left outside of receptacles and the enforcement of City Codes. He shared that he moved into the vicinity of Lehigh Flats in July 2006 and began drawing attention to trash issues in July 2006. He noted the dumpster was removed in 2015 after years of filing complaints but was returned last year. He asked that Council consider Section 16-4, Preparation of Refuse and Commercial Refuse, that all loose refuse, except yard waste, shall be wrapped, bundled, bagged or otherwise contained before being placed in approved containers to prevent spillage and littering when collected and all refuse containers shall be securely closed when placed for collection. He continued that the State of Delaware Code, Title 16, Health and Safety Regulatory Provisions Concerning Public Health stated in part, it shall be unlawful for any person or persons to dump, deposit, or leave or cause to permit the dumping, depositing, placing, throwing, or leaving of litter on public or private property of this State or any waters in the State, and continued that the Department of Health and Social Services may, at any time, determine if the disposal of any garbage is conducted in such a way as to constitute a nuisance or a menace to public health. He said the code listed monetary fines and explained should the monetary fines not be enough, code suggested imprisonment of not more than 90 days in jail. He repeated there were City and State codes that forbade depositing trash outside of containers and that required the lids to be closed. He was advised by non-emergency Police that the issue was a code violation and not a police matter. He shared that he received a phone call from an officer and an email from Stephanie Peterson, Code Enforcement Manager, that day and hoped that the situation would be remedied. He stressed that the issue was one of individual responsibility to prevent activities that were to the detriment of the public good. He indicated the current situation of incorrect masking and participating in public activities while ill were also problems of individual responsibility to the detriment of the public good. He said it was the City's responsibilities to enforce the codes of the City, but the City was not administering fines. He rejected the view that it was solely the responsibility of Code Enforcement to fine residents and believed the Police were also capable of giving fines. He suggested that staff ticketing on Main Street be repurposed to write tickets for litterbugs. He wanted the issue to be addressed between Council and City Management.

There were no additional public comments and the discussion was returned to the table.

11. 2. **APPROVAL OF CONSENT AGENDA: (1 minute)**
 - A. Approval of Council Meeting Minutes – June 15, 2020
 - B. Approval of Council Meeting Minutes – June 22, 2020
 - C. Approval of Council Meeting Minutes – June 29, 2020
 - D. Receipt of Planning Commission Minutes – June 2, 2020
 - E. **First Reading – Bill 20-21 – An Ordinance Amending Chapter 25, Sewers, Code of the City of Newark, Delaware, By Setting the Out of Town Rate for City Sewer Service and Clarifying the Effective Date of County Sewer Rate Changes – Second Reading – August 10, 2020**
 - F. **First Reading – Bill 20-22 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Reinstating Parking Fees for On-Street Parking Meters – Second Reading – August 10, 2020**

50:32

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

Absent – Horning.

12. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:

- A.** Appointment of Freeman Williams to the District 5 Position on the Community Development/Revenue Sharing Advisory Committee for a Term to Expire March 15, 2023 (5 minutes)

53:01

Mr. Lawhorn appointed Dr. Freeman Williams to the District 5 Position on the Community Development/Revenue Sharing Advisory Committee. He thanked Ms. Wilcox for her service and shared her feedback appreciating her colleagues and the opportunity to learn about the City.

Mr. Lawhorn stressed Dr. Williams's extensive public work history as School District Superintendent, Principal, President of the NAACP Newark Chapter, The Newark Partnership Board and Vice President of the State of Delaware NAACP. He noted that he was working with Dr. Williams in various other service organizations throughout the City and was excited with Dr. Williams volunteered to serve. He looked forward to the potential collaborations for the Committee with because of Dr. Williams's vast network of relationships throughout the community. Mr. Lawhorn thanked Dr. Williams for volunteering his time and effort.

Mr. Horning also had the pleasure of working with Dr. Williams at various City events and thought he was a great fit for the role. He supported the nomination.

Ms. Bensley explained that Dr. Williams's position was the last outstanding Boards and Commissions application completed under the previous process, any new applications would go through the process approved at the June 29th meeting.

Mr. Lawhorn added that there was significant outreach for the position starting in December when Ms. Wilcox informed that she would be stepping down, which included multiple newsletters and a town hall he held in January. He stressed that it was a well-advertised and recruited position.

Ms. Hughes supported the nomination and was impressed with Dr. Williams's passion for civic engagement.

Ms. Wallace thanked Dr. Williams for his willingness to serve.

Mr. Hamilton appreciated volunteers for serving the City and thanked Dr. Williams.

Mr. Lawhorn was eager to begin work with Dr. Williams.

Mr. Markham echoed previous comments and thanked Dr. Williams for lending his knowledge and considerable talents.

Mr. Clifton thanked Dr. Williams for his efforts and noted the number of positions he held in the community.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: TO APPOINTMENT OF FREEMAN WILLIAMS TO THE DISTRICT 5 POSITION ON THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE FOR A TERM TO EXPIRE MARCH 15, 2023.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

13. 4. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

14. 5. SPECIAL DEPARTMENT REPORTS:

- A.** General Assembly Update and Associated Requests for Council Direction – Lobbyist (20 minutes)

1:00:31

Rick Armitage remarked that it had been a pleasure working with Mr. Markham and Ms. Wallace and both would be missed. He hoped that both would continue to work on behalf of the City.

Mr. Armitage reported that the three Legislature money bills spoken of by James DeChene on June 29th were all signed. Mr. Armitage briefed that Newark would receive \$400,000 Grant-in-Aid in lieu of PILOT funding and a portion of the \$6 million in Municipal Street Aid (MSA). He explained the MSA funding was determined by a formula-driven model but was unsure of the amount Newark would receive. He understood that each State Legislator would receive \$300,000 in Community Transportation Funds and noted that the local legislators had often paired to ensure more work would be done with funds provided. He shared that Unicity funding was \$143,000 for the year but noted the Secretary of Transportation had new ideas to address transportation issues in Newark and would announce them at a later date. He said he updated the table of Legislation and sent the final copy to Council and staff that day and requested Ms. Bensley post the information on the lobbyist page to share with the community.

Mr. DeChene thanked Mr. Markham and Ms. Wallace for their service to the community. He expected the bills that did not gain traction in 2020 would be reintroduced when and if the Legislature returned to normal order in January. He anticipated new participants in Dover to help make bills, such as minimum wage and recreational cannabis, a reality. He hoped for an updated, less convoluted RPS bill with an increased amount regardless if the community solar piece was still included. He believed that the return of HB200, the Clean Water Bill, would be a priority item for the General Assembly and thought the funding mechanism was completed prior to the COVID pandemic. He confessed that much of the legislation would be determined by the State's budgetary outlook for 2021. He shared that DEFAC would meet again in September to shore up the approved June budget and would create more definitive calculations in December which would dictate the Governor's recommended 2021 Budget. He hoped then to have a clearer picture on funding opportunities for projects promoted by legislators. He reiterated that he anticipated the bills presented on the finalized table would return in 2021.

Mr. Coleman asked if there had been discussion on whether the Legislature was realistically considering reconvening between now and the start of the next session to address issues related to the pandemic. Mr. DeChene replied he did not expect the Legislature to reconvene unless there was a catastrophic event but admitted it was possible to have a special session in the fall to address nominations. Mr. Armitage concurred.

Mr. Horning thanked the lobbyists for the presentation and their efforts in pushing for the PILOT Grant-in-Aid. He believed the lobbyists contributed positively to the City's relationship with the Governor's office. He understood the Governor was confident in how Newark chose to proceed with the return of the students. He was in touch with Representative Baumbach and Senator Sokola who were willing to give the City local control to tailor a solution specific to the City. He asked if there was an update on the Redding Consortium. Mr. DeChene informed the next full meeting for the Consortium was on August 13th with an Educator Workgroup meeting on July 21st. He stated there was a new workgroup focused on the social determinates for student success with the first meeting scheduled for July 23rd and shared the Funding Workgroup Subcommittee hoped to meet before August 13th. Mr. Horning asked if there was any direction from the Governor on K-12 education with COVID concerns and Mr. DeChene replied that the Governor planned to hold a press conference to announce three plans: returning to normal operations, hybrid model, and fully on-line. He explained all determinations would be based on the number of positive cases. He stated the conference started at 1:45 p.m. the following day and would be streamed on Facebook. Mr. Horning asked if there was any information on Federal relief for municipalities and Mr. DeChene replied no and explained Congress would meet the next week for two weeks and then break for August recess. He heard talk of increasing funding for testing but there was no information on utilizing the funding for municipal uses or lost revenue. Mr. Armitage added that all three members of the Federal delegation were aware of the issues with the CARES Act and said that he spoke to the State Director for Senator Coons who anticipated it would take some time before a resolution.

Ms. Hughes echoed Mr. Horning questions and asked if the 1:45 p.m. Facebook stream was under the Governor's Facebook account. Mr. DeChene replied it would be streamed through the Governor's page as well as DHSS and the video link would be published to the State's Coronavirus page after it aired. Ms. Hughes asked the school plans were being decided the next day or if it was just up for discussion. Mr. DeChene understood it was to outline the possible plans. Ms. Hughes asked which direction he thought the Governor would take and Mr. DeChene said he did not know.

Ms. Wallace echoed the previous comments made by Council and informed that the Los Angeles School system announced that classes would not resume in the fall. She thanked the lobbyists for their efforts and commended their willingness to change their reporting style. She encouraged Council to expect and encourage the same level of attention in the future.

Mr. Hamilton thanked the lobbyists for their efforts.

Mr. Markham thanked Mr. Armitage for his efforts over the years. He believed if the State wanted to move forward with the RPS with participation from DEMEC cities then the State needed to create alternate funding. He stressed that Newark was enthusiastic about renewable energy but faced the issue of how to fund the City and suggested the lobbyists initiate the conversation.

Mr. Clifton had no questions and thanked the lobbyists for their due diligence.

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

15. 5-B. RENTAL HOUSING WORK GROUP FEEDBACK – PLANNING AND DEVELOPMENT DEPARTMENT (30 MINUTES)

1:21:20

Ms. Gray presented the revisions to the recommendations of the Rental Work Group (RWG), the Prioritization Matrix, and the workplan for the recommendations. She thanked the members of the RWG and recognized those participating in the meeting: Marguerite Ashley, Michele Kain, Kevin Mayhew, Tina Jackson, Dr. Freeman Williams, Mike Fortner, Tim Poole, Elizabeth McCollum, Alisha Lorber, and Sarah Diehl.

Ms. Gray continued that the RWG presented the draft recommendations to Council on February 3rd, 2020 for input and direction and returned to Council on May 18th, 2020, where Council directed to:

- Change recommendation 2.5 to consider reducing rental permit late fees from 25% to around 5% like other permit late fees
- Change priority ranking of 1.1 from N/A to medium
- Change priority ranking of 1.2 from N/A to high

Ms. Gray explained the changes were incorporated into the final draft of the Newark Rental Housing Work Group Report dated July 13, 2020 and indicated as “tracked changes” on pages 15, 18, 23, and 25. She continued that the revisions were included in the Housing Workgroup Priority Matrix and Workplan which included timeframes for each recommendation and was based on the revised 2020 budget and the expected shortfall for 2021. She explained that recommendations made the previous week by Ms. Hughes and Mr. Hamilton regarding policy changes for low-income housing, including senior housing, were included in the report.

The Mayor opened the table to discussions from Council.

Mr. Horning commended the collaboration. He asked if JMT was used as a consultant because current staff was unable to handle the workload and it was counter-productive to hire and then lay-off workers after the project finished. Ms. Gray confirmed and stressed that JMT also researched nationwide ordinances and completed the lion’s share of the report. Mr. Horning thought it was helpful because JMT discovered ordinances from other areas to incorporate into the City and shared comments from a District 1 constituent who stated that Ms. Gray was as great leader who was open to code changes. He wanted add language to indicate key partners, including the Newark Landlord Association in 1.2 and 1.3, were stakeholders in the solution and wanted them to be involved moving forward.

Ms. Hughes commended Ms. Gray for the presentation.

Ms. Wallace had no questions and echoed Mr. Horning’s comments.

Mr. Hamilton thanked the group for the work and for incorporating the Affordable Housing changes. He asked if staff could provide hard numbers for the permit changes in section 2.5 and if they were enough of a deterrent. Mr. Coleman replied the 5% late fee stemmed from an ordinance establishing a default late fee for items that did not have late fees specified in Code. Staff proposed and Council adopted a set late fee of 5% for immediate lateness with an accrued interest of 1.5% per month thereafter. Mr. Hamilton asked if the 5% was enough deterrent and Mr. Gray confirmed because she did not think there was an issue of late-payment rental permits. Mr. Hamilton thanked staff and noted that Council could revisit the issue if it was not effective.

Mr. Lawhorn thanked the Committee for their work and looked forward to the implementations.

Mr. Markham was pleased to see the action move forward and stressed that notice was available to the public.

Mr. Clifton noted he was as strong proponent nuisance property ordinances and reviewed one provided by State College, Pennsylvania. He appreciated all the work completed by the Committee and noted it was a collaborative effort. He explained he had friends who wintered in Florida, north of Orlando, and owned a manufactured home on property owned by the municipal authority. He saw city codes as the linchpin to stopping Affordable Housing with the argument trending towards home values. He believed if the City was going to get serious about providing Affordable Housing, then it needed to consider options and look to other towns for possible solutions. He suggested staff research how Winter Garden, Florida, handled Affordable Housing. He continued that he live-streamed a meeting with Eric Thompson, the mayor of Elsmere, and shared that the town had a unique nuisance property ordinance that staff may want to consider upon Counsel approval. He thanked the Committee for their work.

The Mayor opened the floor to public comment.

Ms. Bensley shared a comment submitted by Kevin Mayhew that stated the Newark Landlord Association was happy to participate in future discussions. Mr. Clifton expressed his appreciation for the Association's activity.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. HAMILTON: THAT COUNCIL APPROVE THE RENTAL HOUSING WORKGROUP CHANGES TO THE RECOMMENDATIONS AS DESCRIBED IN THE JULY 6, 2020 MEMO TO COUNCIL, APPROVE THE FINAL DRAFT OF THE NEWARK RENTAL HOUSING WORKGROUP REPORT DATED JULY 13, 2020, AND THE REVISED PRIORITIZATION MATRIX AND WORKPLAN DATED JULY 13, 2020 DATED JULY 13, 2020.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

Mr. Clifton thanked the Committee for their excellent work.

16. 5-C. POTENTIAL FUTURE FOR MAIN STREET DINING EVENTS – CITY MANAGER (30 MINUTES)

1:42:28

Mr. Coleman explained the agenda item was to discuss potential future Main Street Dining Events, like the "Welcome Back to Main Street" event held at the end of June. He continued that he received very positive feedback and wanted to speak to Council about holding more events through the summer or through the fall months. Staff held discussions with DeIDOT and Public Works around DeIDOT's willingness to continue supporting the event and Mr. Coleman shared that DeIDOT had no concerns with the City holding events through the end of the summer with the ability to reevaluate once UD reconvened and traffic picked up. He did not anticipate issues with continuing holding events into the fall and said that DeIDOT suggested moving events to weekends or earlier in the week.

Mr. Coleman explained he wanted to get feedback from each Councilmember on whether there was support to hold additional events, the frequency of potential events, the duration of the event season, if the City would continue to allow free parking (staff recommended paid parking), and another general considerations or Council requests.

The Mayor opened the table to discussion from Council.

Mr. Horning remained sensitive to the cost of holding the event. He said he was open to additional events elsewhere in the City to allow other local entities to participate. He thanked DeIDOT for the partnership and appreciated the detailed memo highlighting suggestions for the future. He thought social distancing was a key concern and pointed that if visitors were eating, they could not wear masks. He admitted that with the return of UD students, the City was in a position of trust with the rest of the State and stressed maintaining COVID precautions. He supported holding events as frequently as staff thought it could be successful and did not hear feedback regarding traffic. He was not sure if the event brought enough people to warrant free parking and suggested that free parking be offered during the weekends when the students were not occupying the lots or after 5:00 p.m. on weeknights.

Ms. Hughes thought the event was a huge success and received positive feedback. She supported holding additional events because it showcased Main Street and gave visitors the chance to experience local businesses differently. She thought it was a unique way of reintroducing Main Street and thought

future events could appeal to more visitors. She did not have an opinion on the parking issue and suggested a \$5 cover for visitors to participate. She wanted the events to be held on weekends and thought it was a great way to spend a Friday or Saturday.

Ms. Wallace disagreed and thought the City acted too quickly with reopening the City and holding public events. She understood the financial concerns of the businesses and the desire for normalcy but reiterated the seriousness of the virus. She pointed to the virus spikes in isolated portions of the State and across the Country and was concerned the City sent the wrong message by planning events with large groups of people interacting. She did not think that social distancing was being followed and the City had the moral responsibility to help contain the disease. She stressed the severity of the disease and its lingering health concerns and said that she read that COVID was now considered a vascular disease. She repeated that she felt the City acted too quickly by encouraging public gatherings and wanted to be careful. She thought it was hypocritical to continue planning public events when the City limited private gatherings for students. She asked that Council carefully consider moving forward. She shared that she fully supported post-COVID events where Main Street would close to pedestrians and repeated that she did not think it was appropriate in the current crisis. She did not support free parking for future events because of the City's financial crisis.

Mr. Hamilton noted that social distancing was not practiced at the bars and two of the restaurants he visited and maintained his concern. He felt the event was an overall success and did not support free parking. He was happy with the outdoor portion but thought bars needed to better monitor occupancy for social distancing. He was open to holding another event but was concerned about the indoor portion. He wanted the City to recoup losses and repeated there should not be free parking.

Mr. Lawhorn thanked Mr. Coleman for the report and declared he had also received a massive amount of positive feedback from visitors and those who were unable to participate hoped to do so in the future. He spoke to business owners, Newark Police, and ABC Police, and admitted there were some instances where business owners encountered a learning curve but were not serious. He believed future events would run more smoothly with practice. He suggested that the City or ABC post a bulleted list for restaurants to determine where alcohol was allowed. He agreed with Mr. Horning that the events should be held as frequently as success allowed and suggested two per month during the summer. He wanted to consider the City's population with returning students and weigh the need for events by local businesses against desire from the community. He would support more events if UD went 100% online or had diminished in-person attendance. He wanted to continue communications with business owners who indicated weeknights were best because weekends were already performing. If the events were scheduled for weekends, he wanted to have two nights versus one, like the Parks on Draft event. He noted that COVID concerns were real and stressed they should not be underestimated. He pointed that the City already had an event and revealed Newark had one of the lowest infection rates in the State and thought the numbers demonstrated the City's ability to safely host future events. He referred to comments in the Newark Post about the lack of social distancing during Parks on Draft and shared that he was in attendance on two different evenings and found that unmasked participants were in social groups and separated from other parties. He stressed that attendants were socially distanced within their groups. He believed the low infection rates mean most residents were taking the situation seriously but admitted students were a different group and wanted to educate and enforce rules to keep the community safe. He wanted to continue monitoring data and to redirect the City if the situation worsened. He thought it was possible to have public events while maintaining safety measures and supported holding two events in August and more in the fall pending safety concerns and public interest. He agreed that parking should not be free and said that the event not only helped local businesses, it also helped the City with its budget shortfall. He enjoyed the music aspect of the event and understood how visitors sitting close to the band at Caffé Gelato may have thought it too loud. He reiterated it was a great event and was supportive of future events if safety was a consideration.

Mr. Markham thought the event was positive and agreed that more people would be attracted to the area in the future for the novelty of closing Main Street. He stressed that masks be required and said he attended the Parks on Draft event on Sunday and agreed with Mr. Lawhorn's assessment that people were socially distanced in groups and abided by mask guidelines when purchasing beer. He wanted to charge for parking to help cover the cost of the events and wanted to open the invitation to other businesses in the City to participate. He supported hosting the event frequently and wanted to have two events in August but was undecided for the rest of the year because of the uncertainty with the student population.

Mr. Clifton supported a bi-weekly event through the third week of August. He viewed the event as the City's CARES Act towards the restaurant community because Main Street construction coupled with the pandemic were a double hit. He found the event to be hugely successful and had the opportunity visit

the restaurants and speak with residents. He noted the residents he was able to speak to were supportive of holding the event monthly or bi-weekly and were open to attending the next summer. He also shared that the restaurants did not want to hold the events on weekends, even during the summer, because weekends were typically busier. He pointed that other regional towns held similar events during the week and thought it would be helpful to follow suit. He referred to Mr. Hamilton's comments about bar occupancy and assured it would continue to be a topic of discussion and agreed with the observations. He stressed that staff was not intending to hold a Newark Night-type festival but shared that some visitors were discouraged that non-restaurant businesses were not involved. He hoped that some businesses would remain open for the next event but admitted there were regulatory issues with allowable occupancy for patrons. He shared feedback that parking ambassadors should provide Main Street visitors with masks and agreed the suggestion was beneficial. He believed that the groups at Parks on Draft had attended together with the intent to socially distance from other groups. He stressed that he only witnessed safe crowds at restaurants with limited outdoor seating during the Welcome Back event and believed visitors wanted to be outside where it was safer. He agreed that the City should charge for parking to attend the event and acknowledged the concerns with returning students and non-resident visitors. He noted that if there was a spike in Newark cases, it would be too late to respond, and the City could only be reactionary. He believed the City could and should continue to hold safe events – two in August and one in September.

Mr. Clifton asked if Mr. Coleman was satisfied with the guidance and Mr. Coleman confirmed and explained that if staff decided to designate the events for Wednesday, there was the opportunity for a rain date on Thursday. He shared that staff would alternate weeks starting from July 22nd to August 20th to accommodate the frequency. He repeated Council's consensus to charge for parking, to reevaluate with the return of students, and to work with parking ambassadors to provide masks. He explained the \$8,000 amount was high and staff estimated it would be lower, especially with the addition of paid parking. He continued that parking staff helped direct traffic during the last event and would be assigned to regular duties for future events. He explained that Park staff attended the ribbon cutting event and would not attend future events as employees. He reported that Police requested an additional officer for future events. He admitted that some of the savings from the Park staff would be washed by the Police Officer, but he estimated the overall cost would be substantially lower.

The Mayor opened the floor to public comment.

Ms. Bensley said that Ryan German, Caffe Gelato, requested that Mayor and Council approve more Thursday night Main Street events and recommended they events carrying on through good weather in the fall.

Ms. Bensley shared that Sasha Aber, Homegrown Café, asked that the events not be held on weekends as it would hurt sales and restaurants needed help during weeknights.

(Secretary's Note: Carl Georigi, Taverna Restaurant, had technical difficulties and joined during agenda Item 6A. Mr. Clifton allowed him to comment.) Mr. Georigi thanked Council and staff for the event and appreciated that the restaurant managers' ideas were considered. He specifically thanked Mr. Coleman and his team for organizing and thought it was a safe, happy event. He shared that his guests offered positive praise and commended City staff for organizing it in only twelve days. He agreed that twice a month would work for the summer season and suggested the first and third Wednesday or first and third Thursday to build a consistent schedule so visitors could incorporate the events into their social calendars. He suggested the event run from Memorial Day through the end of September and pointed that most events during that time would not include students and would help businesses on Main Street during the slow season. He reiterated his support for twice a month, from Memorial Day through September, to satisfy concerns and issues regarding students. He also agreed that free parking was unnecessary and thought the fee was a nominal for visitors to enjoy such a special evening. He believed the added tax revenue from increased business would help to offset additional costs for the City to host the event. He admitted that Taverna had a minor misstep with improperly roped-off tables in the street and explained that he was on-site that evening to address the issue. He stated that he directly spoke with Newark Police and the State Officer from Delaware Alcohol and Tobacco Enforcement, who were incredibly agreeable, and helped set up a barrier within ten minutes to resolve the issue. He suggested staff create an aerial map to indicate available parking during the event and thought it could be posted on the websites and social media for the City and participating restaurants. Mr. Georigi once again thanked City and staff for hosting and for having the chance to bring people together in a safe way.

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

17. 6. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:**

- A. Recommendation to Award RFP No. 19-01 – Prequalification & Selection of ESCO for Energy Savings Performance Contracting of HVAC Upgrades (20 minutes)

2:27:09

Mr. Martindale presented to further discuss the Seiberlich Trane Energy Savings Performance Contract and seek final approval for the remainder of the ESCO Project to be completed. He shared that based on Council's feedback from the discussion with Trane in June, the SREC valuation used to determine financing was reduced from \$40 to \$7.50 and would create a more conservative estimate for the measure. He added that an expansion of the McKee's Solar Field was added to the project which would generate an additional 200-400 kilowatts for the total solar project. He pointed that the Verizon ECM noted in the memo was dropped from the scope that day after further discussion between the City and Trane teams and expected the cost and savings for the total project would be reduced. He shared that the City would make an interest-only payment in 2021 while the project was still in the construction phase and would further reduce the repayment cost on the City. He continued that additional funding opportunities were still be considered through Efficiency Smart and the CAC and he would be addressing the funding with the CAC the next day. He stated the changes would drive the total loan amount lower than noted in the memo and reiterated that the point of ESCO Projects in general was to have the cost match savings. While the price of the project was approximately \$11 million or lower, the amount would match savings, SRECs, and other contributions which would make the project mostly cost neutral to the City over the term of the loan. Mr. Martindale introduced Doug Edwards, Trane Project Manager, to answer technical questions.

The Mayor opened the table to discussion from Council.

Mr. Horning thanked Mr. Martindale for the presentation and recalled meetings held in Mr. Del Grande's office when the inside temperature was 80 degrees during the winter. He asked if the audit fee was necessary in case the City did not move forward and assumed if the City chose Trane, the fee would be waived. Mr. Martindale replied that staff began working with Trane in September of 2019 and the fee was a break cost for the completed work, of which a substantial portion was completed. Mr. Horning pointed to the contractual structure and claimed he wanted to understand as far as due diligence for tax payers, and asked if it was possible for the City to get to a point like the Emerson Bike Bridge where there would be something in the terms where the City would owe a certain amount of money for the work invested, and said that was how he understood the audit fee, that it was for work done, quantum meruit, but as far as anything in the terms that the City should be aware of. Mr. Martindale asked for clarification on Mr. Horning's question and if the question was about the \$35,000 audit fee in the first section. Mr. Horning continued that he understood the City was getting grant funding but asked if the City needed to be aware of any hidden costs. Mr. Edwards explained the audit fee was included in the general structure because there was a funding commitment to do the engineering and scope development necessary to get beyond initial assumptions and to develop detailed construction plans, scopes of work, and develop designs so that everything brought forward at that point had certainty. He continued that the contract was Trane's commitment to completing the work at a fixed price which was why it was presented simultaneously with the financing, because there was an understanding that the financing was the funding for the project and the contractually-guaranteed savings must be cohesive. Mr. Horning noted there was a penalty for Trane if the projected cost savings were not met and asked Mr. Martindale if the request for funding from the CAC on July 14th was still pending. Mr. Martindale replied the regularly scheduled CAC meeting was the following day and he would have more information shortly.

Mr. Lawhorn asked if the reservoir mentioned with some of the solar addition. Mr. Martindale explained it was the field was east and adjacent to the reservoir and noted the City was not allowed to install solar directly on the reservoir. Mr. Coleman interjected that if one were ascending the reservoir ramp and looked east, there was a wooded area at the bottom of the ravine and a meadow on the far east side of the woods. Mr. Martindale informed the drawings for the solar at the reservoir were in the presentation given on June 15th.

Mr. Markham commended the funding efforts. He wanted future Council to remember that money banked into projects would not return.

Mr. Clifton praised Mr. Martindale for the thorough presentation and appreciated his consistent dependability and attention to detail. Mr. Clifton used Smart Meters as an example and explained that when Council changed, requests from previous Council frequently got lost in the shuffle. He asked Mr. Edwards if there was a mechanism that Trane could use to prove the savings. Mr. Edwards confirmed that it was Trane's common practice and would be happy to return yearly to report to Council. Mr. Clifton appreciated the suggestion and noted it was important to show residents how projects worked.

The Mayor opened the floor to public comment.

Ms. Bensley read a comment from Andrew O'Donnell, District 3, into the record:

"Council,

I'm sorry for submitting this after the 6:00 p.m. deadline, but just wanted to add that I strongly support item 6A - Recommendation to Award RFP No. 19-01 – Prequalification & Selection of ESCO for Energy Savings Performance Contracting of HVAC Upgrades.

This is great news for our city's finances, the comfort of the staff, and for reducing CO2 emissions in combating Climate Change. Please accept this proposal and look for more ways to do projects like this in the future. Thank you."

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

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL AWARD THE ENERGY SAVINGS PERFORMANCE CONTRACT ASSOCIATED WITH RFP 19-01 TO SEIBERLICH TRANE ENERGY SERVICES IN THE AMOUNT NOT TO EXCEED \$9,732,608 AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A 20-YEAR FINANCING LOAN WITH BANK OF AMERICA AT A RATE OF 2.345% (NOT TO EXCEED \$10,868,106.17 TOTAL IN REPAYMENTS INCLUDING INTEREST) FOR THE PURPOSE OF FINANCING THE ABOVE NOTED ESPC PROJECT.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

18. 6-B. RECOMMENDATION TO AWARD RFP NO. 20-01 – MUNICIPAL PLANNING SERVICES FOR THE CITY OF NEWARK (15 MINUTES)

2:43:45

Ms. Gray explained that during the 2020 Budget Discussions, in lieu of adding an additional Planner position, Council appropriated funding for consultants to provide resources in the Planning and Development Department. The consultants would assist with plan review, building permit review, project tracking, project, committee and technical support, administrative tasks, policy research ordinance development, and code enforcement, including plan review inspection, fire and code compliance. She explained the contract was modeled after the successful PWWR Engineering Services professional services RFP (16-06) and stated staff felt the top three firms had skills that would benefit the City.

Ms. Gray noted that land use development activity in the City had not lessened during the pandemic and the need for additional resources for assistance with the aforementioned tasks was strong. She shared that in addition to the projects listed on the Department's website, staff continued to field inquiries regarding potential development and redevelopment in Newark. She noted that permit activity briefly dropped in March and April but now reflected the permit activity of the same time in 2019. She continued that the need for additional resources to assist with the Transportation Improvement District and Rental Housing Workgroup implementation remained and admitted the resource needed to be balanced with reduced revenues for the current budget and the anticipated revenue shortfall for the 2021 budget.

Ms. Gray informed that RFP 20-01 was per established bid processes and staff received proposals from six firms which were viewed and ranked by the Review Committee. She explained that \$75,000 was earmarked in the 2020 Budget Consultant Fees to cover the service costs but could be reduced to \$25,000 for the year given the budget shortfalls and the delay in presenting the RFP to Council.

Ms. Gray stated that the agreements would be in place in late August/early September 2020 if approved by Council. She shared that the vendors understood the uncertainty of the budget situation due to the pandemic and staff recommended an agreement to that effect. The proposed contract was for an initial two-year period with the option for two one-year renewals by mutual consent for a total contract length of no more than four years. Work under the proposed contract would be based on resource need and funds allocated by Council in 2021, 2022, and 2023.

The Mayor opened the table to discussion.

Mr. Horning thanked Ms. Gray for the presentation and thought the tasks would add to the quality of life in Newark.

There were no additional questions from Council.

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

MOTION BY MR. HORNING, SECONDED BY MR. HAMILTON: THAT COUNCIL AWARD (1) AECOM, (2) JOHNSON MIRMIRAN AND THOMPSON, AND (3) REMINGTON VERNICK AND BEACH (THE FIRST, SECOND, AND THIRD-RANKED FIRMS, RESPECTIVELY) FOR THE PROVISION OF PLANNING PROFESSIONAL SERVICES IN ACCORDANCE WITH RFP NO. 20-01. THE CONTRACTS WOULD BE FOR A TWO-YEAR PERIOD WITH THE OPTION FOR TWO, ONE-YEAR RENEWALS, BY MUTUAL CONSENT, FOR A TOTAL CONTRACT LENGTH OF NO MORE THAN 4 YEARS.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

19. 7. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None.

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

- A. Request of Domenick and Karen Sicilia for a Special Use Permit to Construct a Deck in the FEMA Designated Special Flood Hazard Area at the Residential Unit Located at 925 Rahway Drive (15 minutes)

2:53:41

Mr. Fortner explained the floodplain was shown in Exhibits A and B in the agenda packet and noted the floodplain was regulated by Chapter 14(a), Floodplains, and Chapter 32, Zoning. He stated the report listed the purposes of the regulation and the criteria for Council to consider a special use permit in the Special Flood Hazard Area and said the project was reviewed by Planning, Public Works, and Code Enforcement. He described the bottom of the proposed deck would be over 6 feet above the base flood elevation and would be supported by secured posts. He shared that the uncovered deck met all requirements of the RD zoning district and would not impede the flow of flood waters, would not increase the water surface elevation of the flood plain, and would not cause danger to life and property at, above, or below the flood plain. The Planning and Development Department recommended that Council approve the special use permit for the uncovered deck, as requested, at 925 Rahway Drive because the proposed special use permit would not conflict with the purposes of the Comprehensive Development Plan V, because the proposed structure would not be injurious to property or improvements in the surrounding area, and because the use met all zoning and special use permit requirements.

Mr. Clifton asked the applicants for comments. Mr. Sicilia explained that he and his wife purchased the home in the early 1980s and loved the house and neighborhood. He shared that his son now occupied the home and listed the improvements done by the family. He stated that he and his wife wanted to further improve the property with the deck and stressed that he would never endanger his neighbors in any way. He explained that the floodplain came to the driveway when they first bought the property but with developments over the years, the floodplain now moved to the back of the house. He admitted in the 40-year duration of owning the home, he never had flooding issues. He requested the special use permit so the builder could complete construction before the price of materials increased any further.

The Mayor opened the discussion to the table.

Mr. Horning had no concerns and wanted to hear public comment.

Ms. Hughes was interested in hearing any objections and thought the project was straightforward.

There were no additional questions from Council.

The Mayor opened the floor to public comment.

Ms. Bensley shared a comment from Charlotte Short, District 1:

“We received a notice for a public hearing for a special use permit at the next Council meeting for 925 Rahway Drive to add a deck to the house, we are in full support of this. They have been doing major improvements to the house and property.”

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

Mr. Clifton reminded that the vote required separate votes and reasons for or against the proposal.

MOTION BY MR. HORNING, SECONDED BY MR. HAMILTON: THAT COUNCIL APPROVE THE SPECIAL USE PERMIT TO CONSTRUCT A DECK IN THE FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA AT THE RESIDENTIAL UNIT LOCATED AT 925 RAHWAY DRIVE.

Mr. Horning echoed the comment made by Ms. Short and thought the Sicilia family were conscientious neighbors who improved the property. He voted in favor of the special use permit because it would not adversely affect the health or safety of persons residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware, it would not be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries, or within one mile of the City of Newark Boundaries or within the State of Delaware, and it would not be in conflict with the purposes of the Comprehensive Development Plan of the City, nor would it conflict with zoning requirements.

Ms. Hughes, Ms. Wallace, Mr. Hamilton, Mr. Lawhorn, Mr. Markham, and Mr. Clifton supported the special use permit for the reasons as stated by Mr. Horning.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

Mr. Clifton reminded the meeting was the last until the organizational meeting scheduled for Thursday, August 6th and the next regularly scheduled Council meeting on Monday, August 10th would include new Council. He wished Mr. Markham and Ms. Wallace the best and thanked them for their service.

21. Meeting adjourned at 10:01 p.m.

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

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