

**CITY OF NEWARK
DELAWARE**

COUNCIL ORGANIZATIONAL MEETING MINUTES

April 22, 2021

Those present at 6:00 p.m.:

Presiding:	Mayor Jerry Clifton District 1, James Horning District 2, Sharon Hughes District 4, Dwendolyn Creecy (after swearing-in) District 5, Jason Lawhorn District 6, Travis McDermott
Absent:	District 3, Jay Bancroft
Staff Members:	City Manager Tom Coleman City Secretary Renee Bensley City Solicitor Paul Bilodeau

1. Mr. Clifton called the meeting to order at 6:00 p.m.

2. **RECEIPT OF CERTIFICATION BY ELECTION BOARD OF COUNCIL MEMBERS**

0:08

The following letter, dated April 15, 2021, was submitted by the Election Board:

Honorable Mayor and Members of City Council:

We, the Election Board of the City of Newark, hereby certify that there being only one candidate for Council Member in Election Districts One, Two and Four, we declare the following candidates elected for a two-year term to end in April of 2023; said candidates are entitled to assume office without formal election pursuant to Section 10-19 of the Code of the City of Newark and 15 Del. C. Section 7555(j):

James J. Horning	Council Member, District One
Sharon Hughes	Council Member, District Two
Dwendolyn Creecy	Council Member, District Four

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: TO ACCEPT THE ELECTION RESULTS AS CERTIFIED BY THE ELECTION BOARD OF THE CITY OF NEWARK.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

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

Nay – 0.

Absent – Bancroft.

3. **OATH OF OFFICE GIVEN TO COUNCIL MEMBERS** (Charter – Section 1102)

1:12

City Secretary Renee Bensley administered the Oath of Office to Councilmembers Horning, Hughes, and Creecy.

4. **ELECTION OF DEPUTY MAYOR** (Charter – Section 310)

4:32

MOTION BY MS. HUGHES, SECONDED BY MR. LAWHORN: TO APPOINT COUNCILMEMBER JAMES HORNING AS DEPUTY MAYOR.

MOTION PASSED. VOTE: 5 to 0.

Aye – McDermott, Lawhorn, Creecy, Hughes, Clifton.

Nay – 0.

Abstain – Horning.
Absent – Bancroft.

5. ELECTION OF OFFICERS

City Treasurer (One Year Term) – By Election (Charter – Section 702.2) – Renee K. Bensley

5:37

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: TO ELECT RENEE BENSLEY AS CITY TREASURER FOR A ONE YEAR TERM.

MOTION PASSED. VOTE: 6 to 0.

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

6. RULES OF PROCEDURE (Charter – Section 311)

Resolution No. 20-__: Rules of Procedure For the 2021-2022 Council Year (Presented)

6:24

Mr. Lawhorn credited staff for the difficult task of predicting the length of the Council meetings but noted that the estimates helped to keep the meetings in check. He thought that some of the additional meetings were helpful but wanted to improve Council's ability to prioritize. He wanted to limit the number of meetings while still being productive and worked with staff develop a plan by going through each month to determine City business and trim for efficiency. He explained that many of the meetings would repeat what was discussed the year before, particularly the budget season. His proposal would reduce meetings to two in the summer, with the exception of August, where there would be two regular meetings and the budget overview process would begin. The changes would allow staff to maintain the mandated notification requirements. He noted that March was a busy month as it was prior to the election and there was only one meeting in April, so he tried to find a balance towards remaining efficient and improving prioritization.

Mr. Lawhorn congratulated re- and newly elected Councilmembers but was concerned that the races were unopposed. He spoke to residents about potentially running for office but found that many were not interested in holding office and he frequently heard that residents were uninterested in meeting four times a month and considered the commitment a high burden. He understood that the intent in holding four meetings a month was to allow the public greater opportunity for outreach and discussion but discovered the opposite was true as residents found the number of meetings to be too frequent. He attempted to optimize his proposal and included the suggestion to add items to the Consent Agenda where Council would maintain the ability to pull items for further discussion, but staff would still provide Council with the information. He continued that in months where there were more than two meetings, the end time could be changed from 9:00 p.m. to 10:00 p.m. so that full meetings could be cancelled but time could be added where necessary. He preferred spending an extra hour at a meeting over holding another meeting on a different night for the sake of quality of life. He requested Council feedback.

Mr. Clifton opened the table to Council comments.

Mr. Horning appreciated Mr. Lawhorn's efforts and thoughts invested in the proposal. He agreed that many of the suggestions made sense when he considered the meetings and how the time was spent. He noted there were not many Council questions on the spending proposals or resolutions that followed contracts that Council had already awarded. He supported moving items to the Consent Agenda and shared that his constituents agreed that weekly meetings were too demanding, and participants did not want to dedicate so much time for Council meetings. He believed residents were disengaged because topics of interest were spread out over three meetings, so Council was losing the opportunity for public comment. He reiterated that moving items to the Consent Agenda would decrease the need to vote on items that did not require discussion. He thought the biggest difference with Mr. Lawhorn's proposal and staff's suggestion was threshold of \$75,000, as proposed by staff, to \$125,000, as proposed by Mr. Lawhorn, and reminded that any items could be removed for additional discussion. He asked if staff had any concerns with Mr. Lawhorn's proposal as it was slightly more aggressive and indicated he would support either proposal. He thought decreasing meeting frequency was an overall improvement.

Ms. Hughes reviewed both proposals and was absolutely committed to holding four meetings because she felt the frequency had significantly improved the dialogue between staff and Council as well as the interactions between Government and the City. She was pleased that meetings no longer ran past midnight and said that she no longer heard complaints from constituents regarding late meetings. She agreed that there were times when it was possible that a full meeting was unnecessary, but she did not think early dismissals happened often enough to alter the meeting frequency. She believed that residents paid attention

to topics that impacted their lives directly and did not consider issues in other districts. She believed any changes to the meeting schedule would be detrimental to any progress Council had made because constituents were accustomed to the meetings and she had not heard any complaints. She did not think that the issue was overwhelmingly negative but admitted there could be some slight improvements. She indicated that Mr. Lawhorn's and staff's proposals were similar but thought that staff's proposal was best for all.

Ms. Creecy partially agreed with Ms. Hughes. She thought the constituents could review the recording and minutes after the meeting instead of having to watch the meeting into the night but was unsure if they were available immediately. She agreed with Mr. Lawhorn's suggestion of increasing the meeting times twice a month but leaned more towards staff's recommendations.

Mr. McDermott explained that when he began his term, he expected a great amount of work but quickly discovered the appointment was much more effort than he ever anticipated. He argued that the commitment extended beyond the meeting times and said that if Councilmembers were to truly invest in the position, it became a full-time job. He continued that Council was also requested to attend meetings for outside entities including, but not limited to, the Christina School Board, Rank the Vote, Planning Workshops, and the Planning Commission. He emphasized that he wanted to participate more fully in Planning Commission meetings but was unable because he had a full-time job and shared custody of his two children who were heavily involved in sports. He felt that Council had too many meetings and he was concerned with his work/life balance. He had not heard any feedback on how often his constituents preferred meetings and said his preference was strictly from the viewpoint of his capability to effectively perform his duties. He argued that if it was Council's preference to be truly diversified, then it needed to consider all demographics, including working parents. He felt the amount of work required by a Councilmember was a deterrent and supported reducing the number of meetings. He preferred to extend a session as necessary to free up an evening for personal commitments. He asked for staff's response to Mr. Lawhorn's proposal and whether it was feasible.

Ms. Bensley confirmed that she spoke extensively with Mr. Lawhorn while the proposals were developed and admitted they were developed from two different perspectives. She informed that there had been 97 hours allocated for agendas based on the timeframe produced with the meeting limitations but Council had spent over 103 hours on meetings. She was initially concerned that if the meetings were decreased and Council did not alter how it conducted business, then meetings would last substantially longer. She continued that Mr. Lawhorn was of the perspective that if time was available, it would be filled, and if there was less time, then Council would prioritize better, comments would be shortened, or staff could streamline the meetings to fit within the time constraints. She emphasized that staff heard Council's concerns but wanted to consider a more graduated approach to reduce the meeting schedule. Staff investigated the breakdown of meetings held in 2020 to determine shortages and overages and what precipitated the results. She admitted that staff did not compare estimated times and real times for each meeting but strongly believed that the meetings that ran long either discussed the budget or development projects.

Ms. Bensley continued that staff's proposal was to decrease to three meetings for June and July to allow for a summer break. She noted that the current schedule called for six of the twelve months to have three or fewer meetings but based on the holiday schedule, the election, and end of year break, at least eight months would have three meetings or fewer. Out of the remaining months, three with the additional meetings were scheduled during the budget season and were a constant, and the fourth was in March, which was right before the election and typically had a full agenda because of the three-week break in April. She added that depending on how many of the recommendations to move items to the Consent Agenda were taken up by Council, staff was committed to determining how well the move would work towards streamlining the meetings, discovering if time was conserved to the point of not having meetings, and condensing the schedule further where possible. She reminded that a meeting was canceled in November because Council approved the budget earlier, a meeting was canceled in January for an extended winter break because the City had less business at that time, and staff was committed to investigating where other reductions were possible as the workflow allowed. She was concerned that Council was new and, aside from Mayor Clifton, had served three years or less and had not experienced the meetings prior to the changes made. She respected Mr. Lawhorn's proposal for attempting to address some of the concerns, specifically around scheduling special meetings only on Mondays and continuing to work to maintain time limits on the meetings so they did not run late. She was concerned that if fewer meetings were held but still required the same amount of work and the process was not streamlined, then the meetings would inevitably be longer. She cautioned that the longer meetings were more difficult for staff and Council for quality of life standards as far as productivity in the subsequent workdays. She confirmed that even with the streamlining in place, staff would still work to produce the same amount of material, but it would just be allocated differently in the meetings. She explained that if an item was moved to the Consent Agenda, staff would still perform the same work in preparations, including compiling packet materials. Staff's general perspective was to determine Council's comfort level with streamlining and moving items to the Consent Agenda as well as the cancellation

of the additional meetings in the summer to allow for a slight break. Staff would collect data over the year to determine if streamlining efforts were working and if there was additional bandwidth to use for a more permanent change in the meeting schedule for the following year. Staff would also commit to condensing meetings when possible and make recommendations to Council to create additional space by cancelling meetings when appropriate. She believed the main difference between the two proposals was that Mr. Lawhorn's proposal canceled meetings upfront to add more meetings when needed, and staff's proposal was to keep a reduced but similar schedule to what was currently in place and cancel meetings when possible.

Mr. McDermott supported staff's recommended motions for streamlining and moving items to the Consent Agenda but wanted a larger reduction in meetings than the two proposed by staff. He felt that if there was more time in the meeting, then comments tended to last longer.

Mr. Coleman reminded that Ms. Bensley indicated there were 103 hours of actual meeting time but explained that the figure was net of the meetings that went short. It seemed that the meetings only went over by six hours for the entire year but if the meetings that went under were removed, the meetings exceeded more than six hours. He was concerned about eliminating too many meetings and reiterated that the meetings actually exceeded more than six hours. He noted that if staff canceled meetings for a lack of items, then the cancellations did not count towards the reductions. He added that Mr. Lawhorn's number for the Consent Agenda purchase threshold of \$125,000 was essentially what staff was proposing. Instead of setting \$75,000 for the Consent Agenda, staff proposed setting the limit of \$50,000 over the bid threshold because Council currently had to propose any purchase of \$25,000 or greater. Staff intended to return with a code amendment to raise the threshold from \$25,000 to \$75,000 which would result in the same threshold as Mr. Lawhorn's proposal. He noted the procedure was different, but the result was the same.

Ms. Hughes asked how many projects were active. Mr. Clifton explained that a few years ago, Council directed the City Manager to list the projects that residents, developers, or Council brought forth and the list had 128 projects. Mr. Coleman confirmed the number was in the well into the triple digits and would balloon with the recent \$17 million in Federal funding. Staff would return with a list of potential projects and ideas at the first meeting in May for feedback. He was hesitant to use the current backlog to estimate the future backlog because the City would have funding to tackle projects and initiatives until 2024.

Mr. Clifton agreed and stated that he was fortunate to have the flexibility and time that he had during COVID and spoke to Mr. Horning several times a week regarding various concerns. He agreed that the commitment was time-consuming and reminded the public that Council was compensated \$7,000 for the year and included any events that Council attended on behalf of the City. He explained that he joined Council in 1997, after losing in 1995 by three votes, and was the first contested race for his predecessor. In 1997, Mr. Clifton had no opponent as a freshman. In 1999, he had a contestant but had no challenges to his seat in 2001, 2003, 2007, 2009, 2011, and 2013. He informed that residents recognized the amount of preparation necessary to properly execute the duties and explained he pushed for four meetings a month because he had been in Council meetings until 2:15 a.m. numerous times. He recalled many positive online comments when the meeting schedule was changed and emphasized that Council owed residents more efficient meetings. He commended Council for the last two budget seasons and stated that Finance Director Del Grande commented that because Council had passed the budget in one night, Mr. Del Grande was free to work on other initiatives. He asked Ms. Bensley about the procedure for discussing topics past 10:00 p.m. and Ms. Bensley replied that under the current rules, if an item was started before 10:00 p.m., the item would be completed and Council could have a motion to extend the meeting to address the remainder of the agenda. He cautioned that public pushback would be horrible if large development plans began at 9:45 p.m. He understood the County Board of Adjustment increased their meetings to twice per month. When he began his time on Council, the meetings began at 8:00 p.m. but Council received so much pushback that it was changed to 7:30 p.m. and was then moved to 7:00 p.m. to accommodate the workload. He agreed that much of overage was self-imposed by impassioned discussions and questions but argued it was a matter of self-control. He supported staff's recommendation to cancel meetings if the agenda was light and credited staff's efforts for estimating time frames. He trusted staff implicitly and reiterated his support for staff's proposal and reminded that the schedule could be changed at any point, not just during organizational meetings.

Mr. Lawhorn acknowledged the meeting for the hotel went past 1:00 a.m. but noted that Council also heard three development projects in addition to the regularly scheduled meeting that evening. He credited staff for subsequently acting to include time estimates for agenda items and believed the estimates were the root cause for why meetings did not go longer but the negative was whether the work necessary was being completed. He admitted he had not heard any complaints that Council was not performing as expected but added that caveat that there were 128 projects. He did not think it was possible to finish the projects within the year and argued that Council needed to prioritize for the sake of efficiency. He was a proponent of the Strategic Plan and prioritization because decisions were necessary in order to complete projects. He noted the Parking Subcommittee was implemented four years ago and the majority of their

recommendations had not yet started. He was open to compromise but admitted he had a fear of the ability to find and keep Councilmembers.

Mr. Clifton agreed but shared that he often heard comments that the compensation was insufficient, and residents did not want to commit to the preparatory work. He believed that residents who did not want to run for office would find a reason not to run and he considered public service a calling. He recalled suggestions from former Councilmember Jennifer Wallace that the Planning Commission should be a paid board, but he wondered where the cycle would end. He did not think it was feasible to curtail every objection. He felt that Ms. Bensley's proposal was the compromise and noted it was Council's responsibility to approve an agenda so a meeting could be canceled for lack of agenda items. He admitted that all Councilmembers spoke to Caitlin Olsen of UD because it was important to the residents and explained that there would be ongoing conversations for the public good that would undoubtedly extend the meeting. He believed that the only parties interesting in considering a development project late in the meeting were developers and he emphasized that the only factor to consider was public participation.

Ms. Creecy understood Mr. Lawhorn's and Mr. McDermott's arguments regarding time but thought that categorizing projects would help to consolidate time.

Mr. Clifton added that he received calls from developers who requested to be part of a Council agenda while they neglected to respond to the Planning Department. He emphasized that a developer's failure to plan did not translate to an emergency on Council's part. He credited Director Gray and staff for being impartial to all developers because the developers wanted to spend money in the town which increased the tax base. He emphasized that Council and staff needed to remain impartial to everyone.

MOTION BY MS. HUGHES, SECONDED BY MR. HORNING: THAT COUNCIL AMEND PAGE TWO OF THE RULES OF PROCEDURES RESOLUTION BY INCLUDING THE STAFF RECOMMENDATIONS FOR ADDITIONS TO THE CONSENT AGENDA.

Mr. Lawhorn requested clarification on the motion. Ms. Bensley explained that motion would be to add the items listed under the "Items that could be moved to the Consent Agenda" header to the Consent Agenda within the Rules of Procedure Resolution.

MOTION PASSED. VOTE: 6 to 0.

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

MOTION BY MS. HUGHES, SECONDED BY MR. HORNING: THAT COUNCIL AMEND PAGE ONE OF THE RULES OF PROCEDURES RESOLUTION BY INSERTING 'THE FIRST MONDAYS IN JUNE AND JULY' BETWEEN ' ... IN APRIL,' AND 'THE THIRD ...'."

Mr. Lawhorn requested clarification. Ms. Bensley replied that the motion would reduce the number of meetings in June and July to three meetings from four, and the months that would have four meetings would be March, May (if Memorial Day did not fall on a regular week) August, October, and November. The remaining months would have three or fewer.

MOTION PASSED. VOTE: 5 to 1.

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

MOTION BY MS. HUGHES, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE RESOLUTION AS AMENDED.

MOTION PASSED. VOTE: 6 to 0.

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

(RESOLUTION NO. 21-H)

7. **ADJOURNMENT OF ORGANIZATIONAL MEETING**

Meeting adjourned at 7:00 p.m.

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