

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**May 17, 2021**

Those present at 6:00 p.m.:

Presiding: Mayor Jerry Clifton  
Deputy Mayor, James Horning, District 1  
District 2, Sharon Hughes  
District 3, Jay Bancroft  
District 4, Dwendolyn Creecy  
District 5, Jason Lawhorn  
District 6, Travis McDermott

Staff Members: City Manager Tom Coleman  
City Secretary Renee Bensley  
City Solicitor Paul Bilodeau  
Chief Communications Officer Jayme Gravell  
Chief Human Resources Officer Devan Hardin  
Chief Purchasing and Personnel Officer Jeff Martindale  
Finance Director David Del Grande  
Deputy Finance Director Jill Hollander  
Parks and Recreation Deputy Director Paula Ennis  
Planning and Development Director Mary Ellen Gray  
Parking Manager Marvin Howard  
Parking Supervisor Courtney Mulvanity  
Public Works and Water Resources Director Tim Filasky  
Public Works and Water Resources Deputy Director Ethan Robinson  
Public Works and Water Resources Supervisor Daniel Zebley

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

2. **EXECUTIVE SESSION**

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

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

MOTION PASSED. VOTE 6 TO 0.

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

Nay – 0.

Absent – Hughes.

Mr. Clifton informed there was an addition to the agenda for a potential vote regarding direction to the City Manager upon the return to public session.

MOTION BY MR. LAWHORN, SECONDED BY MR. HORNING: THAT COUNCIL ADD THE POTENTIAL VOTE TO THE AGENDA.

MOTION PASSED. VOTE 6 TO 0.

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

Council entered Executive Session at 6:08 p.m.

**3. RETURN TO PUBLIC SESSION**

**A.** Potential vote regarding direction to City Manager.

**5:31**

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

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL DIRECT THE CITY MANAGER TO TAKE ACTION AS DISCUSSED WITH REGARDS TO AFSCME LOCAL #1670 IN EXECUTIVE SESSION.

MOTION PASSED. VOTE 7 TO 0.

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

MOTION BY MR. HORNING, SECONDED BY MR. MCDERMOTT: THAT COUNCIL ADD EXECUTIVE SESSION ITEM B AND RETURN TO PUBLIC SESSION VOTE B FOR A POTENTIAL VOTE REGARDING DIRECTION TO THE CITY SOLICITOR.

Mr. Clifton stated the Executive Session would be pursuant to 29 *Del. C.* §10004 (b) (4) and (6) for the purpose of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body and the discussion of the content of documents, excluded from the definition of “public record” in §10002 of this title where such discussion may disclose the contents of such documents.

MOTION PASSED. VOTE 7 TO 0.

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

**4. SILENT MEDITATION & PLEDGE OF ALLEGIANCE**

**9:44**

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. FINANCIAL STATEMENT: None**

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

**A.** Recommendation to Approve Contract No. 21-06 – Street Improvement Plan (15 minutes)

**11:52**

Mr. Filasky reminded Council that staff did not complete any street work in 2020 due to staffing levels and budget uncertainties but informed that it was permissible to carry Community Transportation Funds (CTF) and Municipal Street Aid (MSA) for up to three years to allow the City to complete a bigger project and take advantage of the economies of scale. He reiterated that although no projects were

completed, the City did not lose funding. He thanked Senator Sokola and Representative Baumbach for their continued support on the projects and for understanding the importance of functional roadways with necessary funding.

Mr. Filasky noted that Fairfield Park was for paving the entire roadway and parking lot for the park. He explained that the project would allow easier access to the community gardens. He continued that through the subdivision process, staff secured funding from the developer of 321 Hillside (The Rail Yard) to repave Hillside Road. He pointed to the provided list and shared that staff recommended including Option 1 (Caldwell Place – Delaware Circle to End) and Option 2 (Forest Lane – Hillside Road to End) based on current funding levels. He acknowledged that staff was addressing the backlog and promised that streets would be addressed accordingly.

The Mayor opened the table to Council comments.

Mr. Lawhorn had no questions.

Mr. McDermott asked why the process was piecemealed within neighborhoods. Mr. Filasky replied that staff performed analyses of the roads and explained that not all of the roads in a neighborhood were paved at the same time or by the same contractor. He explained that if all of the work was done in one district, another district could feel slighted if its roads were in a similar condition. Given the City's size, it was not necessary for a contractor to demobilize and completely remobilize elsewhere, so staff tried to ensure that all districts were served equally. He continued that staff preferred to work its way out of a neighborhood by beginning in the far reaches and then following up the next year to build out. Mr. Coleman added that staff performed two different levels of restoration: 2-inch mill and 3-½-inch mill. He explained that the 3-½-inch mill was usually accompanied by curb repair and possibly undercut where staff would go deeper. He informed that if staff could catch a road when it was at the 2-inch mill level, it was relatively inexpensive but once it degraded beyond 2-inch, there was not much difference in cost. He ensured that staff tried to catch as many roads as possible in the 2-inch mill area to keep costs down and save money long term.

Ms. Creecy reminded staff of her previous request to address the utility road on Madison Avenue and said that she appreciated the repairs because it made it easier for utility trucks and constituents to avoid harm to themselves and vehicles.

Dr. Bancroft asked how the list was determined. Mr. Filasky replied that staff investigated the analysis and also considered if the water or sewer lines under the road were set for replacement or if Delmarva Power had an upcoming project that required gas line maintenance. He emphasized that a benefit of merging departments was the assurance that staff considered all aspects and noted that the water replacement at East Park Place was not yet completed so the roads would not be paved until the water project was finished. He hoped that the water would be finished within the year so Council could consider how to divert traffic off of Park Place for repaving. He added that another consideration was if Representatives or Senators in the area were contributing funds because the funds would be directed within their respective districts.

Ms. Hughes had no questions.

Mr. Horning asked if there was a plan to wait for Hillside Road until the new housing construction was completed. Mr. Filasky confirmed that the plan was to ensure that the construction was complete, and that the Rodney Project was substantially completed before crews began paving in order to avoid heavy trucks using the new paving. Mr. Horning asked if the situation was the same with Forest Lane and Mr. Filasky confirmed and pointed that staff was working on the curbs and sidewalks as previously approved by Council.

Mr. Clifton asked if CTF was increased by \$2 million statewide and Ms. Bensley deferred to the lobbyist who would be presenting item 3A.

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

MOTION BY DR. BANCROFT, SECONDED BY MR. MCDERMOTT: THAT COUNCIL AWARD CONTRACT NO. 21-06 – 2021 ANNUAL STREET PROGRAM TO THE LOWEST QUALIFIED BIDDER, GRASSBUSTERS LANDSCAPING, INC, FOR THE BASE BID ALONG WITH OPTIONS 1 AND 2, IN THE AMOUNT OF \$1,458,444.00.

MOTION PASSED. VOTE 6 to 0.

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

Nay – 0.

Absent – Horning.

**7. 2-B. RECOMMENDATION TO APPROVE RFP NO. 21-01 – ON-CALL ENGINEERING SERVICES AND PROJECT MANAGEMENT (30 MINUTES)**

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**26:14**

Mr. Filasky informed that the contract was extremely important and one of the most painstaking processes to complete; staff hoped to do it every four years rather than anytime sooner because it was invaluable to the engineering and design project management side. He reminded that the Public Works and Water Resources Department was responsible for multiple capital projects and hired contractual engineers and engineering consultants to assist the Department with every facet from water and sewer concepts, sewer cleaning, water and wastewater design, treatment plant design, et cetera. He continued that one of the most visual projects over the last four years was the Rodney Project and having JMT Consultants on board (approved by Council separately) was valuable from both a design standpoint and a construction management standpoint, as well as for keeping the books and records necessary for using of the State Revolving Loan Fund. He emphasized that the consultants were abreast of every municipality around the State and sought grant funding opportunities to reduce the amount of money that came from the City's coffers. He commended the consultants for their efforts over the last eight years and considered the City to be fortunate.

Mr. Filasky explained to new Councilmembers that Council approved the on-call engineering contracts and for each different task that staff had, and the firms provided a task order. Staff then evaluated the task order to ensure accuracy and that the price was appropriate and affordable based on the City's budget. The process saved staff the time of returning to Council each and every time and also saved the engineering firms time because staff did not have to solicit quotes from various firms for each project. He maintained that staff performed the process because they were confident with the quality of work from the firm and its ability to work with the City to complete quality projects in a timely fashion. He continued that staff would request proposals, firms would submit them, and, in a separate envelope, the firms would submit costs and pricing sheets. He emphasized that the process was based on qualifications because staff wanted the City to have the best engineering consultants available and then considering pricing secondary. He reiterated that staff received a task order for each and every task, and for larger capital projects or any project that met the purchasing thresholds, staff would return to Council for the entire project during the course of the budget process for the Capital Improvement Program (CIP). He ensured that the process was not a blank check and included many checks and balances to make sure that staff utilized the services properly and that they were cost effective for the City.

Mr. Filasky informed that JMT had served as the City's consultant for the past eight years with two four-year contracts, so staff wanted to secure their services for another four years. He credited JMT for doing an excellent job on previous projects and noted staff had great relationships with the team in the office as well as the field. He continued that JMT worked with the field staff to ensure that there was no redundancy on cleaning projects and JMT made sure that their design would work with the field staff in operations and maintenance. He reiterated that JMT did not disappoint with presentations and had been before Council numerous times, including with the Rodney project. He noted the second choice was Pennoni Associates, who had consulted the City for eight years prior to the last contract and had returned with a stellar presentation and a Request for Proposal (RFP) package. He noted that several team members worked on the Curtis Plant, some water main restorations, and helped start the City on stormwater utility discussions in 2013-2015. Staff was happy to recommend the firms and looked forward to starting the projects that had been on hold over the last year during COVID.

The Mayor opened the table to Council discussion.

Mr. Horning appreciate the background information and clarified that JMT and Pennoni were the two engineering firms currently used by the City. Mr. Filasky replied that JMT was the current firm and the City used Pennoni in the past. Mr. Horning asked if there was a synergy of having two firms and Mr. Filasky confirmed that staff preferred having two options because the contracts revealed strengths and weaknesses. As a result, staff tailored which projects to give to each firm and solicited proposals from each for large projects. Mr. Horning added that JMT was a great help with communications regarding the Rodney Project and the Oaklands Pool, dust monitoring, and data tracking. He shared that District 1 residents were pleased with the data presented.

Ms. Hughes had no questions and thought the process was the best path forward.

Dr. Bancroft thanked staff.

Ms. Creecy thanked staff for the presentation and was pleased that projects were tailored.

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

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

Mr. Filasky clarified that staff tailored the process around the PWWR Department but emphasized that the engineering firms were not limited to municipal engineering and included other departments such as structural and electrical engineering, and planning services. He continued that other City departments utilized the contract based on need to complete various projects. During the RFP process, staff requested supplemental information to ensure that the firms could handle potential situations required by other City departments. He reiterated that the contract was well utilized over the course of four years.

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

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL AWARD RFP 21-01 TO JOHNSON MIRMIRAN AND THOMPSON (JMT) AND PENNONI ASSOCIATES, THE HIGHEST RANKED FIRMS, FOR THE PROVISION OF ENGINEERING SERVICES AND PROJECT MANAGEMENT RELATED TO CITY OF NEWARK PROJECTS.

MOTION PASSED. VOTE 7 to 0.

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

Nay – 0.

**8. 3. SPECIAL DEPARTMENTAL REPORTS:**

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

**39:15**

Rick Armitage and James DeChene, Armitage DeChene & Associates, presented the update. Mr. Armitage informed that the Governor recommended \$6 million in Municipal Street Aid as requested by the Department of Transportation in the Bond Hearing presentation but given the recently released numbers from the Delaware Economic and Financial Advisory Council (DEFAC), he felt there was a strong likelihood that the appropriation would increase. He reminded that three years ago, the appropriation was \$10 million, and last June, DEFAC crafted its budget on estimates for fiscal year 2021 and assumptions for 2022. In that timeframe, the revenue forecast increased by \$1.3 billion so the State had a cash influx and he believed the Legislature would be challenged by the ability to use the funds wisely on one-time expenditures and not building recurring costs into a budget that would present future issues. He reminded that the Governor presented an executive order that Mr. Armitage considered “budget smoothing” and DEFAC recommended that \$315 million be set aside of the projected revenues going forward to be put into the fund, in addition to the rainy-day fund. He provided Council and staff a detailed recount of DEFAC’s actions that day and said he was encouraged by the numbers. He noted that there were indicators that inflation would play a factor on the national level and informed that the Federal supplied the State with almost \$900 million. He emphasized that the State needed to closely consider how to spend the funding and the City needed to evaluate how to spend the \$17 million from the American Recovery Act.

Mr. Armitage informed that the Bond Committee held hearings with the State agencies and the lobbyists were working with the Bond Committee to change the epilogue language around the reservoir to remove the restrictions so that if the lands near Possum Park Road and Route 2 were annexed into the City, the City would no longer have to repay the \$3.4 million that was granted as part of the purchase price of the lands. He was still waiting for a response from DNREC’s Deputy Secretary acknowledging understanding that the City was not requesting forgiveness for some of the loan money that came out of DNREC’s funds and that they did not need further clarification to change the epilogue language.

Mr. Armitage shared that there was epilogue language in the DNREC section of the Bond Bill for 40 acres reserved on River Road in New Castle for a Police practice range and a driving course range but there had not been funding in the past to secure the project. He indicated the current revenue forecast could trigger a revival for serious consideration for using the funding for struggling departments to obtain sufficient range time in the County. He added the Bond Bill also included funds to refresh laptop computers in Police Department cars throughout the State and \$6 million recommended to refresh 800 megahertz. He reminded that Mr. Martindale recently addressed newly passed Maryland legislation to bring MARC trains into Newark. Mr. Armitage recalled his time as a UD representative and shared that one issue presented during the discussions was that Norfolk Southern Working Railyard would have been

close to the City's train station and that MARC did not have enough train cars to add onto its routes to come north. He was sure situations had changed in the ensuing decade and said that he and Mr. DeChene had a meeting scheduled with Mr. Martindale to discuss how to help bring the initiative to fruition.

Mr. Armitage stated that he provided Council with the updated table of bills and issues that the lobbyists were monitoring and would only discuss those bill that had changed. HB88, which would abolish the Training Wage, passed the House and moved onto the Senate's Labor Committee with a scheduled hearing on May 19<sup>th</sup>. Substitute 1 for HB93 was introduced and would create a separate committee to oversee the grant-in-aid process. He reminded that the last time the bill was introduced, the Majority Leader in the House was a prime sponsor and the bill still did not move forward. He was unsure if membership or the Legislature had changed enough for the bill to gather supporting votes but confirmed the lobbyists would monitor the situation as it was a City interest because the PILOT funds over past years had been appropriated in the Grant-in-Aid Committee. The lobbyists vetted HB146, which mandated that municipalities use the State Election rolls for registered voters, and explained that in some municipal jurisdictions, there were individuals who owned property and were allowed to vote so there would be a separate category for those municipalities. He reminded that Newark already used the State's election process for its voters. HB154 created a new protected class for political party affiliation and came out of Committee but he expected an amendment to create less angst for employers throughout the State. SB1 was introduced and was a family and medical leave policy bill that mandated family and medical leave for every employer in the State. He explained that Newark would be impacted by some union contracts and would include a shared expense between the employees and the employer. The bill was 19 pages long and would likely have a Committee hearing in 2021 but the rumors among the lobbying community were that it would not be voted upon the current session. SB15, Minimum Wage, moved out of the Labor Committee in the House and was currently under consideration by House Appropriations. He explained that any bill with a fiscal note this year would not likely move out of House Appropriations until June. He continued that SB15 would have a minimal impact to the City and was mostly directed towards part-time summer employment positions. He informed that SB94, which changed virtual meetings after the State of Emergency (SOE) ended per the Governor, took an amendment. He noted that Ms. Bensley participated in discussions with the sponsor and shared that she was content with the changes that were made through the amendment and the City would monitor the bill as it progressed. SB134 was introduced but could be rewritten and banned restaurant use of polystyrene containers and plastic straws. The initial bill's effective date would have been January 1, 2021 and would likely present significant impact to the City's restaurant community. SB127 was economic development legislation that would combine grants and loans and focus on attempting to create infrastructure in existing industrial sites, such as brownfields, or in a new site. The intent was to be able to recruit industry into an area where much of the infrastructure was already in place so there would not be a delay for the industry or the tenant.

The Mayor opened the table to Council comments.

Mr. Lawhorn received feedback from some residents regarding the School Board term limits and explained the House Bill reduced term limits from five years to four years. He personally supported the bill and asked if the lobbyists had direction or if Council was interested in providing direction. Mr. Armitage informed that he and Mr. DeChene were not currently watching the bill and would investigate. Mr. Lawhorn believed Representative Baumbach was the sponsor, reiterated that he received feedback from residents to support the bill, and asked that there be Council direction to support the bill. Mr. Lawhorn referred to comments that the State received funding and did not want to use it for long-term expenses to avoid including projects in the budget that would require payment in future years. He asked how much of the funding ended up going towards education, how much was going towards the Redding Consortium, and why the State did not devote the funding to the education system. Mr. DeChene replied that Substitute 1 for HB92, Representative Baumbach's bill related to the term limits of schoolboard members, was out of the Education Committee and awaiting a House vote. He confirmed that the Governor invested \$60 million in one-time funding in last year's budget when there was unexpected funding after the deficit of \$300 million and the following year had a 16% revenue growth rate. As a result, the Governor put \$60 million into education to be paid out at \$20 million per year. He informed there was also an increase in bond capital improvement funding for school buildouts. He assumed that if there was another push and if there were other projects or programs that could benefit from one-time funding, the Governor would do so again. He understood that the Governor was invested in State-wide broadband development to address high-speed internet access issues in Wilmington and the western parts of Kent and Sussex Counties. In the first round of Federal stimulus funds, a significant portion was put into broad band development that was one-time funding but provided long-term impact on education. Except for opportunity funding requests from Redding for capital improvements, Mr. DeChene had not witnessed specific requests for education and believed long-term funding questions were regarding reassessment, its generated funding, and the opportunities for investment to be made using reassessment money versus the State continually allocating money. He anticipated education-related programs and other issues given

the State's \$400 million, in addition to the \$1 billion the State received from ARPA. He reiterated that one-time funding had been used for education and he anticipated more going forward.

Mr. Clifton agreed that education was a hot button issue and supported a four-year term.

Ms. Creecy asked if SB15 was the Minimum Wage Bill currently in the House Appropriations and would not come up until June 1<sup>st</sup>. Mr. Armitage confirmed that the Speaker asked for any money bills to be held in the Appropriations Committee until June because the Committee was waiting for the DEFAC numbers. Because the numbers were very positive, the General Assembly would meet in regular session over the next three days, and beginning next Tuesday, the Joint Finance Committee would begin marking up the budget. DEFAC would next meet on June 18<sup>th</sup> to issue final numbers to help draft the budget which would be when the Bond Committee began work and the Joint Finance Committee would begin to craft the Grant-in-Aid budget. He informed that 34% of the State's budget went to public education and the percentage went to 40% with the addition of higher education.

Mr. Horning expressed support for the shorter-term limits for the School Board members. He recalled that City Code prohibited AirBNB and Mr. Armitage confirmed there was a current City ordinance that prohibited AirBNBs.

Dr. Bancroft supported limiting the length of the terms and requested clarification. He also supported broadband, appreciated any environmental angles on the bills, and wanted to further discuss the Police range.

Mr. Clifton asked for the specific location of the Police range on River Road. Mr. Armitage recalled that the current lease for the range near the National Guard Range was set to expire and the street address was 1205 River Road. Mr. Clifton understood it was the next parcel and in the same area. He reiterated his support for the project and emphasized the need for a well-trained Police Department.

Ms. Hughes reiterated Mr. Clifton's statement and fully supported a shooting range for the City.

Mr. Lawhorn interjected that he believed the current Police force received the lowest priority in some of the firing ranges was because other organizations had contracts providing rights. He wanted to consider partial funding to guarantee the Newark Police would have an opportunity. Mr. Clifton assumed that when the range on River Road was built, the City provided the lighting and electrical work with the arrangement that it would be cohabitated by Newark, Wilmington, and New Castle County. He noted that all of the forces were likely one third larger than when the range was first built and now had more stringent training requirements. He learned from the National Guard that every year, an agency of responsibility was required to sign, and Wilmington signed and managed to prioritize it. He continued that all of the agencies were larger and required more training time.

Mr. Armitage agreed to add Substitute 1 for HB92, which limited the number of year a school board member could serve, to the list of items the lobbyists supported.

**9. 3-B. RECOMMENDATION TO APPROVE A LEASE AGREEMENT WITH DANNEMAN & DANNEMAN LLC FOR USE OF PORTIONS OF THREE PARCELS FOR LOT #4 – CITY MANAGER (20 MINUTES)**

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**1:05:47**

Mr. Coleman explained that the recommendation was for Municipal Parking Lot #4 where the City owned parcels on the west and east sides of the lot but three parcels in the middle at 134, 136, and 140 East Main were leased. He continued that the existing lease was on an annual renewal term and the lot owner exercised his right under the contract to negotiate new terms, so staff worked with the parcel owners over the last few months to negotiate a successor lease, as previously presented to Council. Staff recommended that Council authorize that the City enter into the updated lease agreement as previously discussed.

The Mayor opened the table to Council comments.

There were no questions from Council.

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

MOTION BY MR. LAWHORN, SECONDED BY MS. CREECY: THAT COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE OWNERS OF 134, 136, AND 140 EAST MAIN STREET AS OUTLINED IN EXECUTIVE SESSION.

MOTION PASSED. VOTE 7 to 0.

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

**10. 3-C. RECOMMENDATION TO APPROVE THE FUNDING OF THE VACANT PART-TIME ADMINISTRATIVE PROFESSIONAL I POSITION IN THE LEGISLATIVE DEPARTMENT – CITY SECRETARY (15 MINUTES)**

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**1:09:39**

Ms. Bensley explained that in April 2020, the Legislative Department’s part time Secretary position became vacant due to resignation and was not refilled as part of the cost-saving measures due to revenue losses sustained as part of the COVID-19 pandemic. During the FY2021 budget process, the position remained in the budget but was left unfunded due to the unpredictability of the revenue forecast. The position served as the front face of the office to answer the telephone and greet walk-in customers, and also served as the momentum to maintain records by assisting with the Council packet process, processing lien certificates, serving as back-up to the full-time Administrative Professional I for legal work, processing direct mail notifications for Council and Board of Adjustment hearings, maintaining the absentee ballot program, other City elections work, and other general office administrative tasks. She acknowledged that while staff continued operations in spite of the vacancy, the task redistribution forced higher paid employees to backfill tasks not reflective of their assigned pay grade and forced higher level projects to the backburner for lack of staff bandwidth. She informed that with the cancellation of the 2021 Council election, staff accepting compensatory time in lieu of cash, and reduced staff during continued virtual Council meetings, an opportunity was created for budget savings to cover the cost of filling the part-time position in the Department for the last six months of the year.

Ms. Bensley met with the Chief Human Resources Officer and the City Manager to review other recent part-time positions and responsibilities of the proposed position. The group determined to submit the request that Council fund the position as an upgraded part-time Administrative Professional I position at 27.5 hours per week beginning on July 6, 2021. Staff requested the that the position be funded in the near term versus waiting for the FY2022 budget process because the Department would be staffing one or two City-wide elections next year (Mayoral and potential referendum) and would have extra election-related work in 2021 with the decennial redistricting process. By funding the position for the second half of 2021, the Department could hire and train the new staff member prior to the events. The new hire at the entry level hour rate would cost \$15,833 for 2021 for both salary and non-salary expenses, including unemployment, FICA, and Medicare. The money could be taken from existing Legislative Department lines and would be included in the normal budgeting process for FY2022 and beyond. She informed that while the funding did not require a Council-approved budget amendment since funds were requested from other areas of the department’s budget, staff brought the issue forward as part of the pledge during FY2021 budget process to have all unfunded positions reviewed by Council before filling them.

The Mayor opened the table to questions from Council.

Mr. McDermott asked if the funding estimate for the position in FY2022 would be \$31,000 and Ms. Bensley confirmed.

Mr. Lawhorn had no questions.

Ms. Creecy asked if the position would be posted publicly and Ms. Bensley informed that all positions were publicly posted for an open application period per the union contract.

Dr. Bancroft supported the proposal.

Ms. Hughes asked how many hours per week were required and Ms. Bensley repeated 27.5 hours with occasional additional time with elections. Ms. Hughes asked if the position offered benefits. Ms. Bensley replied that the position would accrue paid vacation and holidays but had no other benefits.

Mr. Horning appreciated the explanations.

Mr. Clifton also appreciated the questions and witnessed the increased amount of work handled by the Department compared to a decade prior. He thought the request was well-justified.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. MCDERMOTT: THAT COUNCIL APPROVE THE FUNDING OF THE VACANT PART-TIME ADMINISTRATIVE PROFESSIONAL I POSITION IN THE LEGISLATIVE DEPARTMENT EFFECTIVE JULY 6, 2021 FROM EXISTING LEGISLATIVE DEPARTMENT FUNDS FOR THE 2021 FISCAL YEAR.

MOTION PASSED. VOTE 7 to 0.

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

**11. 4. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

**A.** Council Members: None

**12. 4-B. OTHERS:**

**1.** The Newark Partnership Update – TNP Executive Director (20 minutes)

**1:16:47**

Leann Moore, TNP Executive Director, presented a brief overview of TNP, its origins, and its current status. Ms. Moore explained that TNP’s mission was crafted from the transition plan from The Downtown Newark Partnership (DNP) to the existing TNP. She continued that the biggest distinction was that TNP would be inclusive of the entire community and utilize the innovative people and places throughout the community to enrich the City’s overall prosperity and improve the quality of life for everyone. She reminded that DNP performed its goal of revitalizing Main Street and creating a vibrant downtown atmosphere but there was some concern that the DNP only focused on Main Street and South Main Street, and did not concentrate on Cleveland Avenue, Haines Street, or the shopping centers. She explained that two different consulting reports (prior to the sunset of the DNP) recommended a new organization as a replacement and a transition team was created from existing DNP members and other members of the community. In 2017, she was introduced to lead the transition process and create a strategic plan which could be found on TNP’s website.

Ms. Moore noted two major differences between the DNP and TNP. The first was that TNP was situated outside the City government as a 501(c)3 nonprofit and was prohibited from lobbying, advocating or taking positions on legislation or elections, and existed solely as a resource and community coalition. The other difference was that TNP was City-wide and, although there were programs that focused specifically on the downtown as it was recognized that Main Street, South Main Street, Cleveland Avenue, and their side streets had slightly different needs and cultures. She reassured that TNP focused broadly on the City. She explained TNP was funded from various organizations and had institutional sponsors and members from the City. She shared that Chemours recently sponsored TNP for \$50,000 a year for three years through Chemours’ Innovations Program where TNP would focus on sustainability, a pillar of its partnership. She continued that institutional founding members, Bloom and Gore, donated yearly and TNP received smaller grants from area organizations including Friends of Fusion, the Newark Area Welfare Committee, and the Delaware Alliance for Nonprofit Advancement (DANA). She informed that she was the only full-time employee associated with TNP and for two years prior to her hire, TNP was run through volunteers or from in-kind donations via UD staff time. She explained that she worked at UD prior to TNP and performed day-to-day tasks for TNP which equated to 20%-30% of her time at the University. As a full-time, dedicated employee, TNP now had the bandwidth and the ability to achieve more and she anticipated bigger programming and more availability as TNP emerged from COVID-19.

Ms. Moore explained that TNP’s audiences were established through the transition plan: businesses, nonprofits, and individuals (residents, students, anyone with an investment in the City). TNP had roughly 160 different members and were ready start a membership drive prior to COVID but the campaign push was put on hold until summer 2021. She explained that TNP had various programming and committees dedicated to each audience category and shared that the most recognizable series was Knowing Newark, a monthly program from the Civic Engagement Committee to highlight hidden gems throughout the City which became virtual during the pandemic. Prior to the shutdown, the Community Conversation Series from the Newark Futures Workshops was an in-person event, including panels and robust roundtable discussions where the brainstorming would be collected and shared with decision makers. TNP hoped to relaunch the series in the fall pending COVID restrictions. She noted that the conversations were currently held through an online platform once per quarter and reiterated that TNP hoped to increase the frequency pending COVID restrictions. She informed that TNP was launching the Sustainable Newark Initiative in spring/summer 2021 and explained the program received funding from Chemours. She described TNP as the convener for various corporations and entities that were interested in sustainability which included environmental sustainability, greenhouse gases, economic recovery and development, social justice issues, equity, and inclusion. She announced the first coalition meeting would be held on Thursday and more programs would be introduced in June and July through the initiative.

Ms. Moore informed that a pillar of TNP was Economic Enhancement and its goals for the remainder of 2021 were:

1. Host two networking events
2. Launch a virtual mapping of commercial space in Newark to track vacancy and landlord information
3. Redraft and publish Red Tape Tips, which covered frequently asked questions and processes for new businesses
4. Research best practices for diversifying businesses in a university town
5. Work to “activate vacant storefronts” through artwork or education pieces in the windows

Ms. Moore then presented TNP’s Nonprofit Enhancement goals:

1. Create a platform for sharing resources for funding and partnership opportunities and best practices
2. Update Newark Nonprofit Resource Guide
3. Offer on-demand proofreading/grant proposal review
4. Launch an online, Newark-specific job and volunteer board
5. Host the third annual School Supply Drive to benefit local schoolteachers
6. Host a family Trunk-or-Treat

Ms. Moore presented the goals for the Civic Engagement Committee, which was typically made up of general residents and students:

1. Continue planning monthly Knowing Newark events
2. Expand Diversity of TNP & Committee, including race, ethnicity, religion, and underrepresented areas within the City
3. Host a Volunteer Fair- partner with Nonprofit Enhancement Committee
4. Host a Resource Fair- partner with United Way (September 11<sup>th</sup> at the Newark Senior Center)
5. Partner with UD Community Engagement Initiative and/or Newark Morning Rotary to start a mentoring program to partner high school and university students with residents or business professionals within the City (slated for Fall 2021)

Ms. Moore noted that TNP had a successful year despite COVID with increasing membership numbers and continuing programs in a virtual format. She shared that six board members would have expired terms in June but all six expressed interest in continuing their positions. She confirmed that TNP would have a strategic plan by the end of the year and many more opportunities for public engagement by the fall. She emphasized that Council was welcomed to engage with TNP and that TNP would launch the strategic planning process at the September board meeting. She noted that the board would vote on the FY2022 budget (July 1, 2021 through June 30, 2022) in June and welcomed participation.

Mr. Clifton thanked Ms. Moore and informed that would attend the meeting the following evening. He explained that he and Mr. Coleman were board members by title and looked forward to the discussion.

The Mayor opened the table to Council comments.

Mr. Horning congratulated Ms. Moore and appreciated her enthusiasm. He previously worked with Valerie Lane in the early stages of COVID to share information on curb-side pick-up. He viewed TNP as a playing a critical role in the quality of life for Newark citizens, especially for those who were interested in nonprofits and special initiatives. He asked that Economic Enhancement Committee consider ways to use the American Recovery Act funding to provide incentives for business to come to the City and fill vacant commercial properties.

Ms. Hughes thanked Ms. Moore for the presentation and wanted to become more involved to better support TNP’s efforts. She asked Ms. Moore what Council could do to show support. Ms. Moore replied that Council’s input would be welcome during strategic planning and she hoped to meet with each Council person to learn different perspectives.

Dr. Bancroft congratulated Ms. Moore and hoped for her success in integrating the local Rotary and commerce sector with UD and local nonprofits. He appreciated the idea of an environmentally sustainable Newark and looked forward to how the strategic plan played out.

Ms. Creecy congratulated Ms. Moore on her role and asked if TNP had a newsletter and Ms. Moore confirmed one was issued every Thursday. Ms. Creecy asked when the meeting would begin the next day and Ms. Moore replied that the meeting would begin at 6:30 p.m. and promised to forward the link to Ms. Creecy. Ms. Creecy asked how to join TNP and Ms. Moore replied that individuals could join online at [thenewarkpartnership.org](http://thenewarkpartnership.org) for a \$15 fee. Ms. Creecy supported the networking events and appreciated that TNP would focus on vacant storefronts.

Mr. Lawhorn congratulated Ms. Moore on her role and asked if TNP was restricted on how to spend the \$50,000 from Chemours. Ms. Moore replied that TNP created a proposal, which was approved for \$50,000, and outlined what TNP defined as sustainability. She explained the focus for year one would be environment and equity, specifically around coalescing the various groups working on sustainability and encouraging them to work together. Through the funding, TNP also intended to pilot STEM education support at Newark High and local elementary and middle schools. She continued that TNP was free to use the funding as long as a progress report was provided at the end of the year to illustrate what was done in relation to what was proposed. Mr. Lawhorn acknowledged that TNP was in its infancy and the current activities would determine its future and reiterated Mr. Horning's suggestion for TNP to help facilitate how to use ARPA funding beyond the current events. He wanted TNP to determine the barriers entrepreneurs faced and then share them with Council. He noted an instance where an individual opened a baseball training facility within City limits and learned shortly after opening that it was not permitted per City Code. The City recognized that the section of Code was written in the 1970s and the language was rewritten to allow sensible uses. He wanted TNP to communicate with the business and nonprofit communities so that Council could receive input on how to improve the City. He wanted TNP to be successful and for the City to be financially vested in the organization and suggested there could be an opportunity for TNP to remove some burden from City staff to address initiatives that were limited by staff bandwidth.

Mr. McDermott met with Ms. Moore the previous month and provided her with appropriate feedback. He expressed interest on Ms. Moore regularly updating and appearing before Council. Ms. Bensley informed that staff scheduled a more regular presentation from TNP on the third Monday of each month.

Mr. Clifton supported the attempt to activate vacant storefronts through artwork or education and noted that one interested person had already reached out to Jayme Gravell. He thought the initiative would go a long way in presenting the City as a community. He informed that the formerly vacant Catherine Rooney's restaurant was now called Hamilton's on Main and was owned by successful restaurateurs from the Washington DC area who owned two other restaurants. He shared that the same property owner was attempting get a different mix of retail in the City. He encouraged Food Truck Fridays and explained that every Wednesday night, a food truck provided a different food genre in his neighborhood to great success. He believed that various neighborhoods and parks would welcome food truck events. Mr. Clifton and Mr. Coleman both felt that Council participation in TNP was important and considered it a legitimate professional organization so much that the City would pay the membership fees for each Councilmember. Ms. Hughes shared that she had joined during the meeting. Mr. Clifton encouraged all residents to either join or observe TNP's impact.

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

Ms. Moore asked that Ms. Bensley share the meeting link with Council.

### **13. EXECUTIVE SESSION**

- B.** Executive Session pursuant to 29 *Del. C.* §10004 (b) (4) and (6) for the purpose of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body and the discussion of the content of documents, excluded from the definition of "public record" in §10002 of this title where such discussion may disclose the contents of such documents.

**1:53:21**

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 *DEL. C.* §10004 (B) (4) AND (6) FOR THE PURPOSE OF STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY AND THE DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF

“PUBLIC RECORD” IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS.

MOTION PASSED. VOTE 7 TO 0.

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

**14. RETURN TO PUBLIC SESSION**

**B.** Potential vote regarding direction to City Solicitor.

**1:55:02**

Council exited Executive Session at 10:12 p.m.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT THE JUNE 14, 2021 COUNCIL MEETING AGENDA INCLUDE UNDER “ITEMS NOT FINISHED AT PREVIOUS MEETING” A MOTION TO REOPEN PROCEEDINGS ON NEWARK MAIN STREET ACQUISITION COMPANY LLC’S APPLICATION FOR MAJOR SUBDIVISION REVIEW WITH SITE PLAN APPROVAL AND, IF A MOTION TO REOPEN WAS APPROVED, THAT COUNCIL SEEK FURTHER CLARIFICATION FROM THE DEVELOPER ON QUESTIONS THEY MAY HAVE AND IMMEDIATELY RECONDUCT ITS VOTE, FURTHERMORE, IF COUNCIL APPROVED NEWARK MAIN STREET ACQUISITION COMPANY LLC’S APPLICATION FOR MAJOR SUBDIVISION REVIEW WITH SITE PLAN APPROVAL THAT COUNCIL THEN VOTE ON NEWARK MAIN STREET ACQUISITION COMPANY LLC’S APPLICATION FOR A SPECIAL USE PERMIT FOR 80 APARTMENTS.

MOTION PASSED. VOTE 7 to 0.

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

**15. Meeting adjourned at 10:14 p.m.**

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

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