

**CITY OF NEWARK
DELAWARE**

SPECIAL COUNCIL MEETING MINUTES

June 1, 2021

Those present at 6:00 p.m.:

Presiding: Mayor Jerry Clifton
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

1. Mr. Clifton called the Special Council Meeting to order at 6:00 p.m.
2. Mr. Clifton stated the nexus for the meeting was to set the Special Election date and associated filing deadlines to fill the District 1 Council vacancy.
3. Mr. Clifton asked for an amendment to add to the end of the meeting an 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. LAWHORN, SECONDED BY MR. MCDERMOTT: TO ADD EXECUTIVE SESSION A TO THE AGENDA.

Mr. Clifton explained that Council would move into Executive Session and return to Public Session for a potential vote after the discussion for the District 1 seat. Mr. Clifton asked if there were public comments and Ms. Bensley informed that it was Council's option whether to open to public comment but clarified that a vote was required to add the Executive Session to the agenda.

MOTION PASSED. VOTE: 6 to 0.

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

Nay – 0.

4. A. SETTING OF THE SPECIAL ELECTION DATE AND ASSOCIATED FILING DEADLINE TO FILL THE DISTRICT 1 COUNCIL VACANCY

2:35

Ms. Bensley stated the that recommendation was for the Special Election and filing dates for the Council District 1 election due to Councilman Horning's resignation from the District 1 Council seat. She continued that per the Charter, the City was required to have an election within 30 to 60 days after the occurrence of the vacancy to be held in the same manner as closely as possible to a regular election. Since Mr. Horning's resignation was effective on May 25th, the Special Election would be held between June 24th and July 24th. She noted that because July 20th was the latest Tuesday, the day of the week the City normally held elections and was within the 30 to 60-day Special Election window, staff recommended that the Special Election be held on Tuesday, July 20, 2021. She revealed that the Department of Elections confirmed their availability for that date. She continued that in regards for setting the deadline for nominating petitions to be filed, the Charter stated that petitions were to be filed in the City Secretary's Office during normal business hours, no later than the Monday which was between 60 and 66 days before the election. However, since the Special Election was required to be held within 60 days, staff could not comply with the Charter provision for Special Elections. Therefore, staff recommended that Council set the deadline for nominating petitions as 29 days prior to the election, which mirrored the Charter prior to the changes implemented in 2013 and would follow precedent set by the City's last Special Elections in

2013 and 2014. She explained that if Council elected to set the Special Election date as July 20th, the deadline for nominating petitions to be filed on Monday, June 21, 2021. She informed that the City Secretary's Office would begin accepting nominating petitions as of Wednesday, June 2nd, after the dates were set.

The Mayor opened the table to Council comment.

Mr. McDermott had no questions.

Mr. Lawhorn asked for clarification on write-in ballots, whether the City was still under the State of Emergency (SOE) rules, and the status of mail-in voting. Ms. Bensley replied that the City was still under the SOE provisions for elections where absentee ballots affidavits were recommended to be mailed out to all eligible voters in the District and staff would proceed as such. Mr. Lawhorn asked if staff would proactively mail the affidavits and voters could drop off the ballots or mail them in as preferred. Ms. Bensley confirmed and explained that staff was targeting to get the mailings out the week of the filing deadline to ensure that there was a contested race and not waste City resources if there was not.

Ms. Creecy and Dr. Bancroft had no questions.

Ms. Hughes asked if enough time would be left for potential candidate campaigns. Ms. Bensley asked if Ms. Hughes was referring to the window of time for the election and Ms. Hughes confirmed. Ms. Bensley explained that staff had no control over the time because the Charter stated 30 to 60 days, so July 20th was the latest date that fell within the deadline and also on the regular voting day of the week. Ms. Hughes asked how the public would know that District 1 needed a candidate. Ms. Bensley replied that staff issued a press release the previous week regarding the resignation, which included information about how to obtain nominating petitions, and staff would advertise weekly in the Newark Post, beginning on Friday through the filing deadline, and the postings would be on the City's website and in the building, following the meeting, with the dates approved. She expected that because Josh Shannon was online for the meeting, the Newark Post would also issue a story.

Mr. Clifton had no questions.

Ms. Creecy asked if staff received any inquiries since the date was posted. Ms. Bensley replied that one interested individual had inquired but staff made it clear that nominating positions would not be accepted until the day after Council first set the dates and deadlines.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: TO APPROVE SET TUESDAY, JULY 20, 2021 AS THE DATE FOR THE COUNCIL DISTRICT 1 SPECIAL ELECTION AND TO SET THE FILING DEADLINE FOR SAID SPECIAL ELECTION AS MONDAY, JUNE 21, 2021 MOTION PASSED.

MOTION PASSED. VOTE: 6 to 0.

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

5. EXECUTIVE SESSION A

9:20

MOTION BY MR. LAWHORN, SECONDED BY MS. CREECY: 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; AND RETURN TO PUBLIC SESSION; AND A POTENTIAL VOTE REGARDING DIRECTION TO CITY MANAGER.

VOTE: 6 to 0.

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

Council entered Executive Session at 6:11 p.m.

6. RETURN TO PUBLIC SESSION

11:00

Council exited Executive Session at 6:36 p.m.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL GIVE DIRECTION TO THE CITY MANAGER TO ENTER IN A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL #1670 AS DISCUSSED IN EXECUTIVE SESSION.

VOTE: 6 to 0.

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

Mr. Clifton informed the next meeting would be on Monday, June 14, 2021.

7. ADJOURNMENT OF SPECIAL MEETING OF THE CITY COUNCIL

Meeting adjourned at 6:39 p.m.

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

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