

**CITY OF NEWARK
DELAWARE**

SPECIAL COUNCIL MEETING MINUTES

October 20, 2014

Those present at 7:00 p.m.:

Presiding:	Mayor Polly Sierer District 1, Mark Morehead District 3, Rob Gifford District 4, Margrit Hadden District 5, Luke Chapman District 6, A. Stuart Markham
Absent:	District 2, Todd Ruckle
Staff Members:	City Manager Carol Houck City Secretary Renee Bensley Planning & Development Director Maureen Feeney Roser Development Supervisor Michael Fortner

1. The special Council meeting began at 7:00 p.m. in the Council chamber.
2. Ms. Sierer gave an overview of the format of the meeting for the evening. Mr. Fortner introduced the Planning Commissioners that were in attendance: Chairman Alan Silverman and Edgar Johnson and gave an overview of process leading up to the Planning Commission approval and presentation of the Comprehensive Plan to Council for its consideration. This included the desire for the Comprehensive Plan to be a living dynamic document to allow for new information to be considered and lead to amendments in the future and allow for proactive planning.
3. Mr. Fortner reviewed the preface and Chapter 1 (Introduction) of the plan. Ms. Sierer opened the floor to Council for questions regarding the preface and Chapter 1.

Mr. Morehead asked a question regarding a reference in the preface, requested that Mr. Fortner consider adding Council to the "blueprint" paragraph and asked for clarification on the meaning when it is stated that a project meets the Comprehensive Plan. Mr. Fortner stated that it means that a project does not conflict with a specific provision of the Comprehensive Plan and there may be a citation where it is encouraged. Mr. Morehead asked if the whole plan has the force of law. Mr. Fortner stated that the maps and the text of the maps have the force of law and the rest of the plan is to guide development, but stated that further clarification may be needed from the City Solicitor. Mr. Silverman stated that based on court precedent, the entire comprehensive plan has the force of law and agreed that further clarification from the City Solicitor was needed.

Ms. Sierer opened the floor to public comment for questions on the preface and Chapter 1.

Catherine Ciferni, District 2, requested a reference guide for the public to follow as the plan was being discussed. (*Secretary's Note: The Comprehensive Plan V draft chapters can be found here: <http://www.cityofnewarkde.us/index.aspx?nid=854>.)*)

Anne Maring, District 1, asked for an update on questions she had previously submitted.

Amy Roe, District 4, referenced the TDC Board of Adjustment hearing in relationship to the question of whether the comprehensive plan has the force of law. She also felt that the history in the document is not appropriate if the comprehensive plan does have the force of law.

4. Mr. Fortner reviewed Chapter 2 (Community Profile) of the plan which included population demographics, and Chapter 3 (Vision) which included the vision of a healthy and active community, a sustainable community and an inclusive community, as well as a preview of strategic issues for future chapters. Ms. Sierer opened the floor to comments from Council.

Mr. Gifford asked about the choice of the photo of the University in Chapter 2, a clarification on whether the University population was included in the charts, commented on the paragraph regarding market forces in relationship to economic growth, asked for a reference for the asterisk in table 2-7 and the picture on page 28. Mr. Fortner welcomed any edits that were submitted to him to be included in the plan. Mr. Silverman commented on the issue of people who work in the City and reside elsewhere and the categorization of race in the Census data.

Mr. Morehead and Mr. Gifford spoke about the wording of the last paragraph of page 17 and its implications if every word has the force of law. Mr. Fortner and Mr. Silverman commented regarding the intent of the plan versus literal interpretation.

Mr. Morehead made several comments regarding editorial corrections and commented about the age demographics, including the increasing aging population, the opportunity to use the data to set up ways to serve those residents and reaching out to those residents to include their views, and the slow rate of growth cited. Mr. Fortner clarified the shifting of the aging population within the data versus the University-aged demographics which stay as a group, but change as individuals graduate and leave with new students coming to town and the remarks on growth.

Mr. Markham asked if there was evidence of people staying or if that was an assumption, if there was per capita income without college students and if there was any trending information available in respect with the rest of the state. Mr. Fortner stated the evidence was only anecdotal regarding people staying, pointed out the household vs. family income statistics with family income having income statistics without including college students and that he did not have trending information at this time. Mr. Silverman added comments regarding the data being gathered and possible recommendations.

Ms. Sierer asked for questions from Council on Chapter 3. Mr. Morehead asked for clarification on the SWOT analysis definitions, asked if there were recommendations from the state the plan length, asked what impediments there were for fair housing, and asked about the state's *Strategies for State Policies and Spending* that is referenced. Mr. Fortner stated that the state has required sections and guidelines and that the State Office of Planning could provide guidance and that the fair housing comments were intended to encourage review and evaluation, not to point out specific impediments.

Mr. Markham commented that the City comments about access to good schools, but has little influence over the school system. Mr. Fortner stated that is was the opinion of the Planning Commission and members of the public that it should be included and that the City can make a friendlier environment for schools and children and are a big part of the quality of life. Mr. Silverman stated this issue of school location is part of the state template. Mr. Morehead asked if it would be possible to help the school system via development fees. Mr. Fortner stated it would need more research.

Mr. Gifford commented on formatting issues and questioned the need to have separate bullets for fair housing and affordable housing. Mr. Fortner stated that they were related but different and provided examples.

Mr. Morehead commented that he felt infrastructure maintenance should be included in the Newark's vision section and commented on how poor infrastructure affects fair housing issues. Mr. Fortner cautioned that was more of a strategic issue rather than a vision category, but that the strategic issues are items to be addressed within the vision categories and that older housing stock, which often has lower income residents, often sees some of the worst flooding and infrastructure issues.

Ms. Sierer opened the floor to public comment for questions on Chapters 2 and 3.

Anne Maring, District 1, expressed concern with Chapter 2 not being an overall profile of the community and needing to include businesses, reiterated her comments regarding Newark residents leaving to start families and the need to attract families, commented on the University population housing statistics, the consideration of Newark as a hometown before being a college town, inclusion of Delaware Population Consortium information, identifying the poverty population in the City and planning for them, believed the City can do a lot for schools, felt the vision points needed more clarity, and would like to see more regarding government transparency. She distributed a handout to Council.

Catherine Ciferni, District 2, commented on the City's ability to support schools from the outside and be welcoming to children, families and youth and make Newark more inclusive in a comprehensive, global way.

Amy Roe, District 4, read from the Delaware Code regarding the legal standing of and information required to be included in the comprehensive plan.

Jeff Lawrence, District 3, questioned the need for emphasis on establishing sustainable sources for funding a stormwater utility within the comprehensive plan over focusing on other types of infrastructure. Mr. Fortner stated that one of the major issues that came up in the development of the plan is how to address the funding of infrastructure improvements, however, the method of allocating that money is up to Council. Mr. Chapman stated that since it is a significant high dollar problem that needs focus, he believes it has a place in the plan. Ms. Sierer stated that sustainable funding is key as repair is a five to ten year plan. Mr. Silverman commented that the mapping technology for all utilities and infrastructure is part of the Capital Improvement Plan and commented on the successes in other cities in using that technology.

Helga Huntley, District 1, commented on the aging demographics and that the City has the opportunity not to be bound by demographic trends within land use decisions and encouraged the vision of being inclusive across all age groups.

Carol McKelvey, District 4, disagreed with the use of the University picture in Chapter 2 and wanted the vision of the partnership between the City and the University included in the comprehensive plan.

Ms. Huntley was recognized and spoke on the history of the building in the photo, Memorial Hall, as it was named to remember citizens of Newark who died in World War I and was the library to connect the women's college and the men's college. She thought it was a nice symbol of inclusion. Mr. Morehead requested Ms. Huntley's summary be included in the plan.

Mr. Morehead asked about the length of time that the plan covers. Mr. Fortner stated and Ms. Feeney Roser and Mr. Silverman confirmed that the plan has to be reviewed every five years and revised every ten years, but that the plan is for this version of the comprehensive plan to be a living, revisable document and gave examples.

Jen Wallace, District 3, disagreed with an "ad hoc changing of the comp plan" and felt there is a benefit to having a long range view and sticking with that. Mr. Fortner agreed that ad hoc changes should not be made, but if new information became available, it should be incorporated in to the living document considering the effect on other chapters.

Amy Roe, District 4, read the section of the Delaware Code regarding the timeline for review requirements.

Catherine Ciferni, District 2, commented on the racial demographic breakdown and the need for planning for the influx of diverse cultures.

5. Mr. Fortner reviewed Chapter 4 (Public Utilities & Infrastructure) of the plan, which included maintaining the water, wastewater, stormwater and electric utility infrastructure and reviewed the plan goals and action items.

Mr. Morehead commented on the difficulties of the City in supplying water, expressed a desire to be better informed about the issue, and spoke about the importance of water. Mr. Markham spoke about the requirements of sharing water resources with United Water. Ms. Houck stated that it was reviewed as part of the 1999 water plan.

Mr. Gifford asked if the information was accurate if it was from 1999 and Mr. Fortner and Ms. Houck stated that it was. Mr. Gifford made addition comments on formatting. Mr. Silverman stated that the Capital Improvement Program is directly related to the comprehensive plan and the action items help guide that program.

Mr. Morehead asked if the action items were meant to be related to the immediate goals. Mr. Fortner said yes. Mr. Morehead did not agree with the inclusion of Goal 2 and Action Item 4 if that was the case. Mr. Silverman and Mr. Fortner commented on ways the plan could be changed to accommodate the concern.

Mr. Gifford asked if the University still had a former landfill. Ms. Houck stated that was the City's transfer station area and is still in the process of being closed. Mr. Gifford asked about the remediation of the Cleveland Heights. Ms. Houck stated that there is a portion of the Housing Authority property that is on a former landfill that is still being remediated and that there is nothing in the coming year's CIP for the project, but that staff can double check on the status of the project. Mr. Gifford asked additional questions regarding the location of the landfill on Cleveland Avenue. Mr. Morehead asked about future CIPs. Mr. Markham stated that DNREC would only offer brownfield funding if the City were not responsible for the damage and that since the landfill was the City's, the City would be responsible.

Mr. Gifford asked if trash pickup could be separated into its own section. Mr. Markham stated recycling also could be included. Mr. Gifford asked if it should be specified that electricity is purchased through DEMEC versus on the wholesale market. Ms. Houck said that could be clarified. Mr. Gifford stated that he thought there were more than two distribution circuits and asked for it to be reviewed. He asked about the University revenue for electric being included, which Ms. Houck said would be checked.

Mr. Chapman asked for clarity on the amount of the electric revenues from the University and expressed a desire to find sustainable funding sources if the University reduces their electricity intake and the risk impact on relying so much of the City's income on one utility and one user.

Mr. Markham asked for inclusion of the City's untaxed property. Mr. Markham and Mr. Morehead made comments on editorial corrections.

Ms. Sierer opened the floor to public comment for questions on Chapter 4.

Anne Maring, District 1, felt the plan did not get to the root cause of flooding issues including weak planning, overdevelopment and zoning problems; raised issues regarding the water supply questions in relationship to the planned community garden; suggested the incorporation of native plant into landscaping to conserve water; and would like to see more statistics on electricity usage/revenue and untaxed property.

Amy Roe, District 4, commented on Goal 1 and wanted it to be more inclusive of groups affected by infrastructure improvements; commented on Action Item 6 and asked for referenced documents to be appended or linked for public review.

Brett Zingarelli, District 4, wanted to see stronger wording to prevent the City from exceeding its water allocation in the future.

Helga Huntley, District 1, asked what the consequences are when the water allocation is exceeded. Ms. Sierer said that the City would follow up on that question.

Leslie Purcell, District 1, asked if there was a timeframe for the investigation of the contamination in the Columbia well field and when that should be done, if the statistics on water use included the University, if there needed to be better education on wasting water

for residents and students, and how the water and sewage numbers are determined. It was stated that there are other items in sewage besides water causing there to be higher sewage volumes than reflected in water usage. Mr. Silverman stated that additionally some groundwater is pulled into the sewer system through leaks. Ms. Purcell asked about the environmental remediation at the Alder Creek site and if the City has liability for that. Mr. Markham stated that some of the topsoil is being removed and two feet of new topsoil is being added; additionally, the McKees site was tested for methane and there was none.

6. Ms. Sierer asked if Council would like to continue or set a date for a next meeting. It was the consensus of Council to end the discussion and set a date for the next meeting. Council discussed potential dates for the next Comprehensive Plan meeting. Ms. Sierer asked Ms. Bensley about the upcoming schedule for Council. Ms. Bensley stated that December 1 and 15 were open, but may be needed for meetings related to the budget.

Mr. Chapman indicated he would like to see Council meetings start earlier to continue working on the Comprehensive Plan. Mr. Gifford did not want the meetings to start earlier in case an executive session is needed.

Discussion among Council continued on possible alternatives and available dates. It was the consensus of Council that the next Comprehensive Plan workshop would be on Monday, December 15th at 6:00 p.m. (*Secretary's Note: The December 15th meeting has since been cancelled.*)

Mr. Gifford asked if Council members could provide comments ahead of time. Mr. Fortner stated that written responses could then be prepared in advance, which would be helpful. Ms. Houck asked Council to consider having Council send Mr. Fortner comments on one chapter per week so Council could give feedback before the December meeting.

Ms. Feeney Roser asked about follow up for the comments made tonight. Ms. Houck stated that the changes made could be reviewed at the beginning of the next meeting.

7. Meeting adjourned at 9:35 p.m.

Renee K. Bensley
Director of Legislative Services
City Secretary