CITY OF NEWARK
DELAWARE

COUNCIL WORKSHOP MEETING MINUTES

May 18, 2015

Those present at 6:00 p.m.:

Presiding:	Mayor Polly Sierer District 1, Mark Morehead District 2, Todd Ruckle District 3, Rob Gifford District 5, Luke Chapman District 6, A. Stuart Markham
Absent:	District 4, Margrit Hadden
Staff Members:	City Manager Carol Houck City Solicitor Bruce Herron Deputy City Secretary Alice Van Veen Planning and Development Director Maureen Feeney Roser Development Supervisor Michael Fortner Planning Commission Chairman Alan Silverman

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1. The special Council meeting began at 6:03 p.m. in the Council chamber.

2. Ms. Sierer gave an overview of the format of the meeting for the evening and opened the floor to Council for comments on Chapter 11 (Annexation) and Chapter 12 (Implementation).

Chapter 11

Mr. Markham stated the property located on Possum Park Road (abuts to Ridgewood Glen) is contiguous to the City and should not be omitted. It needs to be mentioned, as it is not listed as an area. The City has a disincentive to report it because if it is annexed into the City, the City will have to pay the state $3.4 million dollars. This property was connected to the Reservoir matter.

Mr. Morehead asked if it will be stated in Plan Area 1 that the City is actively pursuing annexation. Mr. Fortner stated the City does not actively pursue annexation. However, if the property were to redevelop then the City would be open to this process. If the property is “an island within the City” then it would make sense to annex the property. Ms. Feeney Roser stated there was a possibility of annexing a potential property without electric service, but then selective City services are not provided to these properties. Ms. Houck stated the Police Department has expressed interest in annexation certain properties. Additionally, she reported there had already been conversations with the property owner so the City can continue with outreach to Delmarva and the property owner and report back to Mayor and Council.

Mr. Ruckle stated it was his opinion that the City needed to be more proactive and attempt to get neighborhoods that the City wants included (Chapel Hill, Chapel Woods, etc.). He further stated he had been approached by a resident that wants to be included in the City. Mr. Ruckle stated he would like to actively pursue annexation of this property. Mr. Fortner stated the property owner has to petition the City to annex. Mr. Fortner stated it would be difficult to annex properties that are already developed as the disincentives are very strong to do so (i.e. buy out the utilities). Mr. Ruckle asked if the City could buy them out. Ms. Houck stated it would be very costly, especially in larger developments such as Nonantum Mills. Mr. Ruckle stated he had talked with Mr. Coleman, Director of Public Works and Water Resources and Mr. Coleman indicated all the City had to do was remove the pump station. Mr. Coleman stated it was his opinion that the County may want to turn this property over to the City as it very expensive for County. Mayor Sierer stated further discussion can occur but this was not the forum.

Mr. Gifford confirmed Chapter 11 was still out with the proofreader. Mr. Fortner stated the chapter had been proofread by the editor. However, Mr. Fortner had not made any content revisions. Mr. Gifford stated in the first two pages of the planning areas there is discussion of more than six planning areas (14 tracts). Mr. Gifford asked how it been decreased to six planning areas. Mr. Fortner stated it was based on feasibility of possible annexations in those areas within the next 5-10 years. Mr. Gifford stated he would like this explanation to be included in the plan.

Mr. Gifford stated in the fourth paragraph, first page (157) he would like the word "roadblock" to be changed to "a complicating factor" or something similar, or even the whole paragraph deleted.

Mr. Silverman stated it was his opinion it was a Council policy that the City does not pursue annexations. Mr. Gifford stated he was aware of this, however he was asking if the City always has a protest every time a property owner tries to annex into the City. Ms. Feeney Roser stated it has happened, but not always. Mr. Gifford also suggested the first sentence of the next paragraph be adjusted as well. He continued with the last sentence before Planned Goals and Action Items on page 161 and suggested the wording be softened as it sounds as if the City is planning to annex the land.

Mr. Gifford felt that Strategic Issues should be changed from an action to an issue. Mr. Gifford stated strategic issues should be a fact rather than having an action oriented directive. He would rather have the action be a statement of fact with the presentation of a goal related to that fact. It was his opinion while looking at the chapters a strategic issue is very similar to a goal and he would prefer them to be strategic issues.

Mr. Gifford noted the first item under our strategic issues. It read "coordinate expansion of city's municipal boundaries with relevant county and state agencies." It could read "the expansion of the city's boundaries is not a unilateral decision but relies on coordination with state and county authorities." This way it is presented as an issue not as an action to coordinate. Coordinating could be a "goal." Mr. Gifford stated it would be a small challenge to Council to review the strategic issues as a group and how they coincide with the vision and the goals and the action items that appear in each chapter.

Mr. Fortner stated the strategic issues were derived from the Planning Commission. It was Mr. Fortner's opinion that the strategic issues begin with an action plan. Mr. Gifford stated he will share additional wording suggestions with Mr. Fortner later. Mr. Fortner will provide the disc with the track changes.

Mr. Morehead stated in Plan Goals and Action Items (growth and annexation), the first sentence states "promote orderly growth." Mr. Morehead stated he is having difficulty understanding what is being done due to the fact that on page 157 in the third paragraph it says "the City cannot initiate annexation." Mr. Morehead stated he does not get a sense of what is trying to be relayed and asked on what is the concept based and is it a policy or a law. He would like the answer to be referenced in this area of the Plan.

Mr. Herron, City Solicitor stated the answer is contained in the Charter. "Council shall have the power to annex whenever requested to do so by the owners of 2/3 or more the area." Mr. Morehead stated that does not prohibit the City from presenting to owners why it may be in their best interest to annex and have 2/3 of the owners request annexation. One concern Mr. Morehead has in District 1; there are a fair amount of annexed land owners who wanted to "come into the City" for sewer service, however they are forced to sign a document stating they do not get additional services from the City (i.e. trash) yet they pay taxes. He felt this was possibly a questionable position doing this. Mr. Morehead also said he was concerned with the goals stated in the Plan to promote orderly growth, because in his opinion he doesn't feel that it is the City's policy.

Mr. Fortner stated the policy of annexation has been very conservative over the past 10-20 years where the City had few annexations. Most have been small annexations in areas that are adjacent to the City. Mr. Fortner stated there are is not a lot of expansion going outward from the City. He stated "islands" located in the City are prime parcels to annex and make the most sense. Moving out of the City there are limited areas where

the City can grow and expand. The last major parcel was the Army Reserve Base, however being contiguous to the City it made sense.

Mr. Markham suggested changing the phrase to read “ensure orderly growth” rather than “promoting orderly growth.” All concurred and Mr. Fortner noted the change.

3. Ms. Sierer opened the floor to public comment on Chapter 11.

Ms. Helga Huntley, District 1, commented on the fact that it was said that “Council” could look at the different versions. Ms. Huntley would like to suggest the most current version be made available to the public on the website. The website contains the older version the Comprehensive Development Plan. Mr. Fortner stated they will be made available when completed. Ms. Huntley felt there was a fundamental misunderstanding as to what a Strategic Issue is. The definition is “a critical challenge affecting an organization.” It is not an action nor a goal. Therefore, she is in agreement with Mr. Gifford when he requested changing and/or reorganizing the section detailing Strategic Issues. She believed it was important to acknowledge there are difficulties ahead for the City and to identify how they should be dealt with. Ms. Huntley also stated she agreed with Mr. Gifford’s suggestion to remove the section where it referenced “City Council being a roadblock” and believed the City should remain neutral on the annexation issue. The process can be described but opinions left out. She also suggested including the description of and chronological requirements for the annexation process.

It was Ms. Huntley’s opinion that it is the appropriate venue to discuss the policy for potential future annexations. It was her opinion the City can make a policy and suggest direction for annexations and she believes it belongs in the Plan. Also, Ms. Huntley suggested the three maps contained on page 159 be redone using the same software programs rather than different.

Ms. Huntley said in regard to the descriptions from the Strategies for State Policies and Spending, levels 1 and 2 are described but levels 3 and 4 are grouped together. She stated it would be helpful to differentiate between 3 and 4. Ms. Huntley stated with regard to the classification of “out of play” on page 161 is designated for Newark’s parks, open space, and water ways. She asked why all of Newark’s parks and open space are not labeled as “out of play” areas on the accompanying map, to which Mr. Fortner stated the map was provided by the State and he was not aware of the issue.

It was Ms. Huntley’s opinion that labeling certain areas as “areas of concern” is not the right term. She suggested “planning areas,” a term referenced as well that may be more suitable. She stated that in each of the planning areas identified individually on page 163 onward, the maps should be have clearly delineated boundaries. She found numbers 4 and 5 were missing parts of boundary. The individual maps do not seem to completely encompass what is mapped out on the overview map on page 162. For example, planning area 5 looks larger in the overview map than in the detailed map on page 167. There should consistency and clarity. Ms. Huntley felt it would be useful when planning areas for potential annexation to consider the advantages and disadvantages to annexation.

Mr. Markham requested that Curtis Mill be added to the off limits at this point in time as it only shows the retention ponds. Mr. Fortner will notify the State to make the update. Ms. Houck stated the City has a newly completed parks map that may be useful.

Mr. Gifford stated he would like to know the difference between level 3 and 4. He also likes the re-wording of “planning area” versus “areas of concern.”

Ms. Sierer stated that the discussion of Chapter 11 has concluded and opened the floor to Council comments on Chapter 12.

4. **<u>Chapter 12</u>**

Mr. Gifford asked if the Plan been to the proofreader and all action items have been updated. Mr. Fortner stated the action items had not necessarily been completely updated. Mr. Gifford stated he would like to see the final document. Mr. Gifford confirmed the final plan will be good for ten years but will be reviewed at five years and should be

reviewed annually as well. Mr. Fortner stated it is intended to be a living document. Mr. Gifford stated he would like an area in the plan that shows progress over time.

Ms. Sierer stated it was her opinion that it is important that we have the history kept as well.

Mr. Morehead stated he is pleased the action items will be revisited. On page 173, where it states, “to implement the master plan for the Curtis Mill Park Site and Old Paper Mill Road Park property.” He stated it is a Council decision at some point in the future based on budget. He is concerned with the word “implement” and putting that in this document as a specific item. If it were to say “continue to improve our parks,” or continue to “evaluate and develop parkland” or something similar, Mr. Morehead stated he would see it as a measurable action item, but to say specifically this park should do this is not advisable. Ms. Houck suggested the word “monitor” and noted that at some point, part of process may have to be redone as the current people that were part of the data collecting may no longer be residents. Mr. Morehead stated the desires and the needs of the community may change and felt that he would not want to tie Council’s hands at this point in time to the Master Plan as it stands. The same conversation has been had with regard to the parking garage and other similar statements.

Mr. Markham did not have a problem with the wording but disagreed stating the input was City wide and was quite extensive. Mr. Chapman stated it is an active items section and if words are removed that inference action – why would they be called action items? He further stated there is nothing wrong with having a plan that may or may not come to fruition and he takes no issue with the wording. Ms. Feeney Roser suggested changing the word to facilitate. Mr. Gifford stated there is a prior section that states “it will be implemented according to the desire of Council.” It could be changed to this or something similar in tone.

Mr. Silverman stated when dealing with potential recreation areas often the checklist the state uses when looking at potential funding is whether the site is identified on the Comprehensive Plan. Mr. Morehead asked all the City parks are not listed on the Comprehensive Plan to be included thereby making them available for state funding.

Mr. Gifford noted on page 170, the first bullet item, at the end of the sentence reading “impact our neighboring jurisdiction west of the Mason Dixon line” and requested it be changed to “impact them” (or our neighboring jurisdiction).

Mr. Gifford noted the paragraph that starts with “Comprehensive Development Plans are neither a straitjacket nor an exact blueprint into the future” was changed in another chapter and felt the wording should remain consistent. He noted two additional minor changes.

Mr. Morehead noted in the fourth bullet, the full name of the fire company is Aetna Hose Hook and Ladder and that all references should be changed to reflect the full name.

5. Ms. Sierer opened the floor to public comment on Chapter 12.

Ms. Helga Huntley, District 1, felt that like the Comprehensive Plan, the Strategic Plan also is supposed to be a living document and that living documents have a big downfall. The point of the Plan is to give people a guideline of what to expect. If it is a living document and can be changed any time, then the community cannot count on what is supposed to happen. She is in agreement with frequent review. She felt the City should be careful about the phrasing of action items and that they should be broadly phrased to leave the City the freedom to act according to priorities and choices at the time.

Mayor Sierer stated public comment of Chapter 12 had concluded and returned the discussion to the table.

Mr. Ruckle recognized Mr. Fortner and Ms. Feeney Roser for their work on this project.

Mr. Gifford stated he agreed with Ms. Huntley about the living document concept and felt the Comprehensive Plan should not be a living document. He noted that he likes the idea of action items being broad.

Ms. Sierer stated discussion on Chapter 12 have concluded.

6. Ms. Sierer noted that Mayor and Council need to determine the path forward. Ms. Sierer said Chapters 1-6 have been edited and proofed and were provided to Council at the beginning of the meeting. Mr. Fortner stated that he will make the changes noted and will send the revised draft chapters as they become ready to Mayor and Council.

Ms. Sierer stated Mr. Fortner had indicated to her that the remaining chapters will be to Mayor and Council by June 8. Chapters 1-12 will then be reviewed for editing and comments. A meeting would be scheduled on June 29 to review the final draft. If Mr. Fortner is unable to provide the chapters to Mayor and Council by June 8, then the next meeting would be August 3.

Council requested the revised chapters be sent in Word format, which Mr. Fortner confirmed he would do. Mr. Gifford asked if the state required a unified document for final submission, which Mr. Fortner stated they did not.

Ms. Sierer asked all the chapters be put on a flash drive and submitted to Mayor and Council, which Mr. Fortner stated flash drives with all the chapters in both Word and PDF format would be submitted to Mayor and Council on June 8 for the June 29 meeting and confirmed that if they are not able to be submitted to Mayor and Council by June 8, then the meeting will be the latter date of August 3.

Mr. Gifford asked how to proceed if content issues are found prior to the June 29 meeting. It was noted that any content issues should be discussed publicly and grammatical or spelling corrections should be submitted to Mr. Fortner directly.

The next meeting is scheduled for Monday, June 29, 2015 at 6:00 p.m.

7. Meeting adjourned at 7:31 p.m.

Alice Van Veen
Deputy City Secretary

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