

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**November 9, 2015**

Those present at 6:30 p.m.:

Presiding: Mayor Polly Sierer  
District 1, Mark Morehead  
District 2, Todd Ruckle  
District 3, Rob Gifford  
District 4, Margrit Hadden  
District 5, Luke Chapman  
District 6, A. Stuart Markham

Staff Members: City Manager Carol Houck  
City Secretary Renee Bensley  
City Solicitor Bruce Herron  
Community Affairs Officer Ricky Nietubicz  
Deputy City Manager Andrew Haines  
Planning & Development Director Maureen Feeney Roser  
Public Works & Water Resources Director Tom Coleman

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**EXECUTIVE SESSION**

- A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (6) for the purpose of a strategy session involving legal advice from an attorney-at-law regarding potential litigation and the discussion of the content of documents excluded from the definition of “public record” in 29 *Del. C.* §10002 where such discussion may disclose the contents of such documents.

Council entered into Executive Session at 6:30 p.m. and returned to the table at 6:59 p.m. Ms. Sierer advised that Council concluded its Executive Session.

1. The regular Council meeting began at 7:00 p.m. with a moment of silent meditation and the Pledge of Allegiance.

2. 1. **PUBLIC PRESENTATIONS**

- A. Resolution 15-\_\_: Recognizing Butch Simpson For His Work at Newark High School and Contributions to the City of Newark

**01:39**

Council unanimously endorsed the resolution recognizing Coach Simpson for his achievements while serving for many years as head coach of the Newark High School football team and for his positive impact on the lives of thousands of young people during his successful career.

**(RESOLUTION NO. 15-CC)**

3. **10:09**

MOTION BY MR. MOREHEAD, SECONDED BY MR. RUCKLE: THAT ITEM 9-A, REQUEST OF NEWARK COMMUNITY RADIO, INC./STEPHEN WORDEN FOR A SPECIAL USE PERMIT TO OPERATE A FCC AUTHORIZED LOW-POWER FM BROADCAST STATION AS A COMMUNITY RADIO STATION WITHIN THE OWNER-OCCUPIED RESIDENCE LOCATED AT 117 BENT LANE, BE REMOVED FROM THE AGENDA AT THE REQUEST OF THE APPLICANT.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Chapman, Gifford, Hadden, Markham, Morehead, Ruckle, Sierer.  
Nay – 0.

4. **10:35**  
MOTION BY MS. HADDEN, SECONDED BY MR. MOREHEAD: TO MOVE ITEM 8-B, BILL 15-27 – AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, SCHEDULE XVII, BY ALLOWING A RIGHT-TURN ON RED TRAFFIC SIGNAL EXCEPT BETWEEN THE HOURS OF 8:00 A.M. AND 6:00 P.M. MONDAY THROUGH FRIDAY FROM SOUTH COLLEGE AVENUE TO EAST DELAWARE AVENUE TO AFTER 4-A.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Chapman, Gifford, Hadden, Markham, Morehead, Ruckle, Sierer.

Nay – 0.

5. **2. ITEMS NOT ON PUBLISHED AGENDA**  
A. Public

**14:43**

John Morgan, District 1, distributed excerpts from Planning Commission and City Council meetings where the issue of the height of accessory structures was raised.

The first occurred at the 6/2 meeting of the Planning Commission when Mr. Silverman raised the issue about an auto dealership that wanted to put up a high radio antenna. In the same meeting, Mr. Morgan mentioned that if there was no limit on the height of an accessory structure, it would theoretically be possible for somebody to put up a 200' high radio tower in a residential yard.

He raised the issue again in September with the Planning Department and at a Council meeting in which he suggested adding to the City's definition of a no-impact accessory structure the following: The height of a no-impact accessory building or structure shall not exceed the height of the tallest principal building on the same lot. It was decided at that Council meeting on 9/14 not to include such a sentence, but to revisit the issue in the future.

Mr. Morgan provided samples of zoning codes from other areas which have limitations that the height of an accessory structure cannot exceed the height of the tallest principal structure on the same lot. He requested that Council direct the Planning Department to take up this issue again if possible, at its meeting on 12/1.

Mr. Morehead discussed this with Ms. Feeney Roser who thought it was feasible for the Planning Commission to consider this sentence at their December meeting. He asked if it was the will of Council to do so.

Mr. Ruckle pointed out that the City had no restrictions on fence heights. For example, a 200' high fence could be built in Newark if someone chose to do that. A proposed restriction of 6 ½' was rejected, he thought, by everyone on Council other than himself. He said Council had to be consistent on the way they vote.

It was the consensus of Council to move this forward to the Planning Commission.

Jeff Lawrence, District 3, discussed Bill 15-32 (First Reading on the Consent Agenda) which proposed a ban on the open carry of firearms within City buildings. He urged Council to remove this item from the agenda.

Eric Boye, greater Newark, voiced his objection to Bill 15-32.

Martin Nicholson, greater Newark, felt the proposed Bill 15-32 would do nothing to stop himself or anyone else from open carrying their firearm in the Council Chamber.

Helga Huntley, District 1, thanked the Public Works Department for doing an excellent job keeping the pedestrian side of the Casho Mill underpass clean, since she requested they take that over from DelDOT in April.

Larry Laber, District 6, thought that Bill 15-32 needed to spell out the definitions of firearm, ammunition, and component. In recognition of Veterans' Day, he thanked all veterans for their service to our country.

Jean White, Radcliffe Drive, commented about the logo on City vehicles and business cards. She hoped that the current logo including "Committed to Service Excellence" would be on the new refuse trucks. In terms of the business cards, Mrs. White felt it was important to include "Committed to Service Excellence" along with the logo.

Leslie Purcell, District 1, thanked the Public Works Department for work done to the curbs at Old Oak, Barksdale and the Apple Road bridge which improved access at the crosswalk for bicyclists.

**6. 2-B. ELECTED OFFICIALS:**

**36:21**

State Representative Paul Baumbach made the following comments:

- Expressed congratulations and thanks to Coach Simpson for an incredible career.
- Added his support for the appointment of Syd Goldberg to the Election Board.
- Shared his interest in whether the University's partnership with JP Morgan, and JP Morgan establishing a commercial enterprise on the campus would increase the PILOT payment from the University to the City in subsequent years.
- Regarding Bill 15-24, the Country Club rezoning, he found it odd for a zoning change to be proposed over a property owner's objections. He hoped the City would approve this change only if they had a high level of confidence it would meet judicial approval. He suggested Council consider a traffic impact study requirement and a requirement the developer be responsible for mitigating the impact of a project as a pre-condition of acceptance. This change would apply to all future development plans and thus would avoid the appearance of "spot zoning."
- Noted that Bill 15-32 regarding the prohibition of weapons in municipal buildings referred to firearms. Upon reading Mr. Nicholson's comments in an article on this topic, Representative Baumbach agreed the bill would be improved if expanded to cover all weapons and not be limited to firearms. He asked Council to consider such a modification to the bill prior to its full consideration later this month.

Elsmere Council member Edward Zielinski objected to the legislation proposed in Bill 15-32 and spoke extensively on the Second Amendment of the U.S. Constitution.

**7. 2-C. UNIVERSITY**

**(1) Administration: None**

**8. 2-C-2. STUDENT BODY REPRESENTATIVE: None**

**9. 2-D. LOBBYIST: None**

**10. 2-E. CITY MANAGER**

**49:31**

Ms. Houck announced that the next budget hearing would be on 11/30 at 6:00 p.m. Budget Central on the City's website continued to be updated to keep the public informed about the movement in adopting next year's budget. The property tax calculator went up on the website in Budget Central as well. It works well. Ms. Houck expressed appreciation to the IT, Administrative and Finance staff who got this up and ready.

The broadband recommendation was scheduled for discussion at the 11/23 Council meeting.

**11. 2-F. COUNCIL MEMBERS**

**50:43**

**Ms. Hadden:**

- The District 4 meet and greet would be held on 11/12 at Pat's Pizza at 5:00 p.m.
- Veterans' Day ceremonies would be held on 11/11 at the University of Delaware and at the Delaware Memorial Bridge.

**Mr. Chapman:**

- Requested that following the moment of silence at the beginning of Council meetings that Ms. Sierer announce the start of the Pledge of Allegiance.

**Mr. Gifford:**

- Regarding information in the Weekly Report about the RFP for the parking garage, he said that may move forward without Council discussion. He was surprised to be moving ahead with an RFP for this project, especially since it was a priority four (medium) in the capital budget and there were other priorities ahead of it. He still had not received requested parking data from the sensor equipment. He did not believe the report most recently reviewed from the latest parking study was revised and resubmitted to Council. He did not understand the risk of this to taxpayers. He knew there was discussion about a public-private partnership but did not understand what that meant. He suggested that if Council wanted to pursue this, that they discuss the RFP before agreeing to issue it.
- Reflected on Council salaries. He viewed this as a public service and not something where there should be regular pay raises. He toyed with possibly reducing Council salaries since they have not saved anyone much money. He did not want to increase salaries until he saw more success from Council.

**Mr. Markham:**

- Echoed Ms. Hadden's comments on veterans being recognized for their service.
- Requested information on the electric and water study that was recently received. Ms. Houck reported there was not a meeting set yet to go over the draft but she would get the preliminary information to Council.

**Mr. Morehead:**

- Noted the budget could be found on Budget Central on the City's website. A 7.7% increase was proposed. He encouraged the public to let Council know their thoughts.

**Mr. Ruckle:**

- Attended the University of Delaware homecoming which was a good event.
- Regarding limitations on guns in the municipal building, he said District 2 liked the idea of restricting guns but it came back to constitutionality. He asked for an opinion from Mr. Herron on why it would be constitutional for Newark to do this. Mr. Herron would provide information to Council prior to the second reading and public hearing. Mr. Gifford had a specific concern with the definition of "municipal building" because it did get to others' private property. It was one thing to consider something on municipal property, but it was the public property that concerned him the most. He asked Mr. Herron to look into that and would like to see the result of the questions he and Mr. Ruckle posed. Ms. Sierer said she had the same concern as Mr. Gifford and had the same discussion with Mr. Herron, so Council would be looking for some guidance there as well.

Mr. Morehead wondered about pushing the bill forward at this point based on concerns mentioned by numerous people. He saw things that needed definitions that were defined elsewhere in the chapter and not mentioned in the bill or were undefined.

A discussion ensued about changing the 11/23 second reading and public hearing date of Bill 15-32 since Mr. Ruckle would be absent from the meeting. *(Secretary's Note: Council voted to change the date during the Consent Agenda portion of the meeting.)*

**Ms. Sierer:**

- The Mayor's Halloween Fun Run and Walk was successful with over 100 participants. About \$7,000 was raised for the adaptive playground that would be built at the Newark Reservoir. She thanked all of the sponsors and all who came out for the event.

12. 3. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

13. 4. **APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:**  
A. Appointment of Sydney Goldberg to the Election Board to Fill the Vacant At-Large Term to Expire January 15, 2019

**01:04:42**

Ms. Sierer recommended the appointment Syd Goldberg to the board of elections. Mr. Goldberg is a resident of District 1 and resided in the City for 45 years. Mr. Gifford thought he would be a good addition to the election board.

There were no public comments.

MOTION BY MS. SIERER, SECONDED BY MS. HADDEN: THAT SYDNEY GOLDBERG BE APPOINTED TO THE ELECTION BOARD TO FILL THE VACANT AT-LARGE TERM TO EXPIRE JANUARY 15, 2019.

MOTION PASSED UNANIMOUSLY VOTE: 7 to 0.

Aye – Chapman, Gifford, Hadden, Markham, Morehead, Ruckle, Sierer.  
Nay – 0.

14. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:**  
B. **Bill 15-27** – An Ordinance Amending Chapter 20, Motor Vehicles, Schedule XVII, Code of the City of Newark, Delaware, By Allowing a Right-Turn on Red Traffic Signal Except Between the Hours of 8:00 A.M. and 6:00 P.M. Monday Through Friday From South College Avenue to East Delaware Avenue

**01:06:15**

Ms. Bensley read Bill 15-27 by title only.

Mr. Coleman reported that DeIDOT recently made changes on the pedestrian phasing at the intersection of Delaware Avenue and South College Avenue by converting it to a pedestrian-only phase. At one time, pedestrians can cross in any direction they want with no conflicting turning movements. With this change, the overall impact on the level of service for vehicles during the day, Monday through Friday, was an improvement. This would also reduce people making illegal turns during off-peak hours.

Mr. Coleman confirmed in response to Mr. Gifford that the sign was already installed by DeIDOT. Ms. Hadden pointed out that there was a noticeable improvement.

The Chair opened the floor to public comment.

John Morgan, District 1, said there were 2,000 pedestrians crossing at that intersection at the lunch hour which was the peak time when the City thought they needed a parking garage. He requested that the City do a traffic impact study before building a parking garage, as he felt traffic was the controlling issue, not a shortage of parking.

MOTION BY MS. HADDEN, SECONDED BY MR. GIFFORD: THAT BILL NO. 15-27 AMENDING CHAPTER 20, MOTOR VEHICLES, SCHEDULE XVII, BY ALLOWING A RIGHT-TURN ON RED TRAFFIC SIGNAL EXCEPT BETWEEN THE HOURS OF 8:00 A.M. AND 6:00 P.M. MONDAY THROUGH FRIDAY FROM SOUTH COLLEGE AVENUE TO EAST DELAWARE AVENUE BE APPROVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

Aye – Chapman, Gifford, Hadden, Markham, Morehead, Ruckle, Sierer.  
Nay – 0.

**(ORDINANCE NO. 15-22)**

15. 8-A. **BILL 15-24 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE, BY REZONING FROM RS (ONE-FAMILY DETACHED RESIDENTIAL – 9,000 SQUARE FEET MINIMUM LOT SIZE) TO RH (ONE-FAMILY DETACHED RESIDENTIAL – ONE-HALF ACRE MINIMUM LOT SIZE) 120.391 ACRES LOCATED AT 300 WEST MAIN STREET**

**01:12:18**

Ms. Bensley read Bill 15-24 by title only.

Ms. Feeney Roser reported Bill 15-24 would rezone the 120.391 acres of land at 300 West Main Street from RS to RH if approved. This was a Council-initiated rezoning proposal. She explained the Newark Country Club was a large, and from a land use point of view, vacant property containing typical facilities associated with an 18-hole golf course including a variety of tree densities, ponds, drainage swales and wetlands. The club, which was founded on March 1, 1921, also contained a clubhouse, a pool, parking area and that was in the northeast corner of the site near Nottingham Road, and storage and supporting facilities located along the southern portion of the eastern boundary of the site just north of the adjoining First Presbyterian Church property.

In terms of topography, there were varying elevations throughout the property. The site's highest elevations, in general, were along Nottingham Road at the clubhouse and at the central portion of the northern edge of the site bordering the Fairfield subdivision. From these high points, the land drops in elevation towards the east, northeast, west, and southwest, with lower elevations near the pond that adjoins the George Wilson Center at the east end of the property.

The site was currently designated in Comprehensive Development Plan IV as appropriate for low-density, single-family, residential uses as were all properties to the west, north, and south of the property. Low-density, single-family, residential uses were defined in the Comp Plan as areas designated for dwellings occupied by one family, primarily single-family detached with overall densities of 1 to 3 dwelling units per acre. The land use designation also accommodates single-family detached and semi-detached cluster development approved through the site plan approval process which allows a development to take into account, among other things, the natural site features, improved access and circulation patterns, additional open space, recreational areas, and minimizing run-off and sedimentation.

The Comp Plan encourages site plan approval for cluster development, where appropriate, for single-family, low-density residential uses. This Comp Plan use designation is compatible with uses and densities generally permitted in RS, RT, and RH zoning districts. The Country Club itself is zoned RS as is Fairfield to the north and the Oaklands and Nottingham Green neighborhoods to the south. The RT development of West Branch and the RH development of Christianstead were to the northwest of the property. On the east along New London Road, there was a mix of RD, RS, BB, BC, and park land zonings. RS zoning was a residential, single-family dwelling unit zoning which allowed lots of a minimum of 9,000 square feet.

In 2008 there was a proposal to build 271 single-family homes at the site. This development received subdivision approval from Council in 2008 as meeting RS zoning requirements. The project was never built, however, and the subdivision plan for the development known as Country Club Estates was never recorded. The subdivision agreement for this Country Club Estates was also never executed by the previous developer, but it was approved in 2008. In 2012 the update process began for the current Comprehensive Development Plan IV for Comprehensive Development Plan V.

The development of Comp Plan V was taking considerable time, and during the nearly 3 1/2 years of the public process up to this point, there was a lot of concern from the community about large properties in western Newark under pressure for development and what could be done about them. There was a lot of concern about the Country Club in particular because of its size and the perceived impact on the community. Therefore, the first draft of Comp Plan V presented to Council through the recommendation of the Planning Commission proposed that because the Country Club was a significant size and at a location which would impact traffic and environmental quality, arrangements should be made for a collaborative effort with community stakeholders to develop a master plan for the site that identified options, community needs, access, general improvements, needed infrastructure, and the impact of development on the surrounding area.

Notwithstanding this recommendation based on public input, the concern about the potential future development of the Country Club site was a topic of conversation with Council during a series of Comp Plan public workshops held after the Planning Commission public hearing and recommendation of Council to approve the draft of the

Comp Plan. For example, at the workshop held in review of Chapter 10, the land-use chapter, some members of Council requested that the Newark Country Club property be shown as active recreation for future land-use designation to reflect much of what Council, the Planning Commission and staff heard as community concerns throughout the Comp Plan process. An active recreation future land-use designation was much like the Country Club's current or existing land-use designation in the plan.

Although a reasonable request, when staff investigated this option, they found that while active recreation was permitted in many zoning districts, the only zoning category that would permit ONLY recreational uses was PL or parkland zoning. While PL zoning may be appropriate for publicly-owned properties and facilities, zoning previously held lands as a parkland was generally not a desirable zoning classification for private property. Instead, staff presented three options for the Country Club's future land-use designation in Comp Plan V at a Council workshop held on 8/3 to address the community and Council concerns. These options were: (1) to leave the Comp Plan designations as they are, meaning single-family, low-density residential for the site, or (2) to create a new land-use designation to be known as residential estate homes and recreation which would be very large lot homes, or (3) to create a new land-use designation to be known as residential cluster homes and recreation.

Council did not recommend any of these options for the Comp Plan. Instead Council asked that an ordinance be prepared for introduction to consider rezoning the Country Club property from RS to RH zoning. This request does not impact the Comp Plan future land-use destinations because, as noted before, both RS and RT fit into low-density, single-family residential uses. The rezoning ordinance was, therefore, created and placed on the agenda for the 8/10 City Council meeting for first reading. On 9/14, Council referred the proposed rezoning to the Planning Commission for consideration. Thereafter, the Planning and Development Department prepared the required land-use report for the proposed rezoning which indicated that both zoning districts, that is the current RS zoning and the proposed RH zoning, were single-family, detached residential zoning districts and were detailed in the same chapter of the Zoning Code which is Section 32-9, and both districts permit the exact same uses.

The differences between RS and RH zoning districts, therefore, lie not in the permitted or conditional uses, but in the mandatory area requirements for each district. Their requirements for lot size, lot width, setback lines, rear yards and side yards in the proposed RH district are larger than the existing RS district. As a result, the yield of single-family homes under an RH zoned plan would be less than that of an RS plan. While it may be difficult to precisely estimate yield without a subdivision plan to accompany the rezoning request, the department estimated that an RH major subdivision plan might yield approximately 112 half-acre lots with single-family homes on them, while the RS zone plan approved by Council in 2008 yielded 271 homes.

Another difference was the fiscal impact of the developments each zoning district might yield, which without a subdivision plan to accompany the rezoning may be difficult to determine with accuracy. However, to determine the financial impact of the proposed rezoning, the Planning and Development Department estimated both the impact of a 271-unit RS development and a 112-unit RH development on municipal finances for comparison purposes. The estimates were based on the Planning and Development Department's fiscal impact model which projected a development's fiscal impact, that is, the municipal revenues generated less the cost of municipal services provided.

Assuming a 5-year build-out for the project, the model projected net revenues as follows. The more dense RS development would provide a higher net revenue for the City if it were built. The difference between the net revenues shown for the first five years and later years were the result of the initial impacts of real estate transfer tax on the revenues. After the 5-year build-out, a 10% turnover per year was anticipated. These assumptions affect the estimated revenues.

Another difference between the two zoning districts was the traffic generated. The Planning and Development Department reached out to DelDOT to discuss impacts of the potential rezoning from RS to RH on traffic. Without an associated subdivision plan, the

actual traffic impact was difficult to estimate, but agreeing with the logic that the department used to estimate the change in the number of dwelling units from 271 to 112 as a result of the rezoning, DelDOT estimated the impact of 112 units on traffic. DelDOT anticipated an estimated reduction in the average weekday and peak-hour vehicle trips of approximately 55% as a result of the proposed rezoning should it be built out.

Based on these estimates and after reviewing their recommendations for the 2008 Country Club Estates development, DelDOT does not anticipate their recommendations would change substantially as a result of the proposed rezoning. Some of what they had required for the 271-unit development was completed. Specifically, Phase I of the Elkton Road-South Main Street project from Christina Parkway to Delaware Avenue was completed, while the Elkton Road portion from the Maryland line to Route 4 remained to be done. The other 2008 recommendations address standard requirements and long-standing DelDOT areas of concern that remain regardless of zoning. DelDOT indicated that it is up to the City to determine if a traffic-impact study should be required for the development of the site. This option is detailed in the City's subdivision regulations, so the department went on record that any development under any zoning district which would increase the density beyond what currently exists on a property of this size, should be required to prepare and provide a traffic-impact study requiring DelDOT and City review as part of the subdivision review process.

In addition, and as detailed in the report to the Planning Commission, the Planning Department feels that any development of the Newark Country Club site should take into account and to use available site design tools to take advantage of the natural beauty and environmental resources at the site. In other words, the Code-permitted site plan approval process may be beneficial for this site because it would allow for an attractive, appropriately designed development that fit the natural contours, utilized wetlands, placed homes in harmony with proposed open space, took advantage of wooded groves, and maximized open space for the benefit of those who would live at the property and the community in general. Staff believed that this was a special property with significance beyond its borders and the tools available in the City Code should be utilized if possible.

Site plan approval allowed for deviations from the density and area regulations to provide alternatives for new development and redevelopment proposals to encourage variety and flexibility and to provide opportunity for energy-efficient land-use by permitting reasonable variations from the Code and area regulations. Further, the Code indicates that site plan approval shall be based upon distinctiveness and excellence of site design and arrangement including, but not limited to, common open space, unique treatment of parking, outstanding architectural design, association with the natural environment, relationship to the neighborhood and community and energy conservation. Site plan approval was a tool available for site plan development under either the existing RS or the proposed RH zoning. There were differences between the RS zoned plan for site plan approval and an RH one, and that was the density bonus which was permitted.

Specifically the Code allowed four dwelling units per acre with 20% total site set aside for parkland or open space in the RH district, while it allowed for up to eight units per acre with 40% of the site set aside for parkland open space for RS zoning. When applied to the 120-plus gross acre site, site plan approval density bonuses could theoretically result in 577 units in RS zoning districts and 385 units in an RH district. These potential yield figures presented tonight were different than what was calculated and included in the Planning and Development Department report to the Planning Commission on the rezoning. That was because those density figures which were significantly higher did not take into account the land required for open space. These figures accounted for open space requirements for the site plan approval, and Ms. Feeney Roser apologized for any confusion the oversight may have caused in the Planning and Development Department report but thought it was important to point it out and update these density figures associated with site plan approval.

Site plan approval was discretionary. The number of units yielded for the site would depend upon infrastructure capacity, applicable development regulations, and the public approval process which most likely would impact the dwelling unit yield. Site plan approval could provide for dwelling densities beyond what the RS plan without site plan approval

would provide. In addition, site plan approval could facilitate development which adhered to the design guidelines and best practices highlighted in the subdivision regulations, which when taken together indicate that subdivision plans for a site of this size and scope should be based on the following principles: that is that changes to natural topography, soils, and existing vegetation should be minimized, existing stands of trees should be preserved, open space, ponds, and existing vegetation should be integrated as far as possible into the site design, and the context of the development must be recognized. That is, a large major subdivision does not stand alone but impacts the community.

On the other hand, the department believed that if an applicant wished to develop the site without taking advantage of the opportunities in site approval process to create an outstanding residential and/or mixed use development in the subdivision which is inherent in this site, the 112 half-acre lots permitted by the proposed RH zoning would at least preserve more private green space as lawn area, and produce less stress on the available infrastructure than a 271 RS-zoned 9,000 square foot lots.

On behalf of the Subdivision Advisory Committee, the Planning and Development Department suggested that because the rezoning was not in conflict with the land-use recommendations of the current Comprehensive Development Plan IV, because site plan approval may be used to facilitate appropriate development and because the potential negative impact resulting from the development of this site would be limited in as far as possible by a reduced density, that the Planning Commission recommend that Council approve the proposed redesign of the 120+ acre property at 300 West Main Street as shown on Exhibit A of the Bill.

On October 6, 2015, the Planning Commission considered the proposed rezoning and had the required public meeting. At the meeting, the Commission voted unanimously not to approve the rezoning, or rather, voted unanimously against rezoning the property. As required, each Planning Commissioner stated the reasons for their vote which were detailed in the meeting minutes. The Commissioners expressed concern that there was not an associated subdivision plan for consideration with the rezoning, that the property owner had not initiated the rezoning action, that there were no Newark precedents available for their consideration to support rezoning without a plan or without the owner's permission, that the rezoning based on the estimated fiscal analysis would reduce the net revenue generated should the development be built as well as reduce the value of the property and finally, that they heard no support from the community for the rezoning proposal at the meeting.

Additional comments that the Commission would still recommend was that the master planning process proposed in Comprehensive Development Plan V be continued, and they would suggest a collaborative effort should the Country Club decide to redevelop the property. After the Planning Commission meeting, the department prepared the required Council packet and the City Secretary did the required advertising and notification for tonight's public hearing.

Mr. Morehead had no questions at this point. He read everything back to 2008 on this. He would state his opinion when it was time to vote.

Mr. Gifford was skeptical to the approach of rezoning the Country Club from the beginning. He felt any goodwill between the City and the members of the Country Club was eroding and that the collaboration called for in the Comp Plan meetings was missing. He thought there might be a little bit of remaining trust and perhaps some of the members might be convinced there was if Council went in a certain direction tonight. He wanted everyone to think about that in hearing from the public.

The Chair opened the floor to public comment.

Bob Cronin was a member of the Planning Commission but was not speaking in that capacity. He was not at the Planning Commission meeting when they voted and made their recommendation to Council. Mr. Cronin was a realtor by career. He wanted to offer a path forward that could be beneficial to all concerned. He pointed out that the City was currently facing a lawsuit and would have to spend thousands of dollars defending

the lawsuit. He thought the need was not for the golf course itself but for the clubhouse. His suggestion was that the City could loan a million dollars to repair and refurbish the clubhouse. It might not need to be repaid until the property was sold. Interest could be deferred or partially deferred. He suggested having a committee explore this concept and would be willing to serve on such a committee.

Chris Scherf, was a resident of Ridgewood Glen and a member of the Newark Country Club. He was faced with the prospect of funding both sides of litigation and found that to be disastrous. He said the members desperately wanted to preserve the golf course and the green space. He had not heard a good reason for Council to take this rare and unusual action aimed strictly at this private property and noted that the Planning Commission even refused to recommend it.

Shawn Tucker, Esq. represented the Newark Country Club. He said if anyone on Council had a sense of fundamental fairness, they would vote this down tonight. He expressed frustration about how his client was being treated while they faced the loss of millions of dollars of value.

A lot was heard tonight about the public's concern although he had not heard these concerns about traffic and other issues surrounding the Country Club. Perhaps that was heard during the workshops of the draft Comp Plan which was never adopted and could not be considered under State law tonight.

Regarding DeIDOT now being okay and likely okay with the results of the down-zoning in terms of density, DeIDOT was okay with the original density. There were some improvements that needed to be made and some of those were already completed. Of course DeIDOT would be fine with the density and the traffic from this down-zone. They were fine with the current density under the current plan that was approved.

Mr. Tucker stated there were a number of reasons why this should be denied besides the 25 minute presentation that he felt was not advertised on the agenda and was therefore out of order. There was an alleged FOIA violation from 8/3. They have not been able to make an application since then – that is because of that FOIA violation. Council initiated down-zoning was not in the City Code. That process did not exist. Regardless of that, even looking at general zoning standards, the Planning Commission recommended against it for a reason. They understood that, they recognized this was unprecedented. State law allowed something like this when it was part of a comp plan that was adopted for a certain period of months. Ms. Feeney Roser's report relies predominantly on the un-adopted comp plan. The third issue was as a point of order, there was not a specific down-zoning or spot down-zoning provision in the Code. That was pointed out by the Planning Commission. Looking at the factors normally considered, Mr. Tucker referred to the zoning map (exhibit F in the package). The Country Club was zoned RS and all the land contiguous to that property was also zoned RS. To suggest that the current zoning was not consistent with the Comp Plan was to ignore this map. The Planning Commission clearly recognized that and specifically stated the current zoning was already consistent with the Comp Plan. That is why they unanimously recommended against it, because they recognized there was not a legal basis under normal zoning standards. Notwithstanding the FOIA issues and the initiated description given to this down-zoning which is not found in the Code, they recognized that the zoning standards were not followed and therefore recommended denial.

Mr. Tucker said a lot was heard about taking. The Planning Department's report acknowledged a significant reduction in density of more than half. His client currently had a plan for 271 units that was approved by Council. Ms. Feeney Roser was correct that it was not recorded. The Code did not require it to be recorded to have status. That plan was never sunsetted lawfully – his client never received written notice that it was sunsetted, and they did a FOIA submission to obtain the records about the history of this project. His client under Federal and State law enjoyed an investment-backed expectation in that approved plan. Hundreds of thousands of dollars were spent taking that plan through the approval process. In his opinion, that created an expectation that would warrant the payment of the taking under Federal and State law.

For all those reasons, Mr. Tucker asked that Council take a step back from this down-zoning action and recommended that they fully vet with legal Counsel and ask for a legal opinion. Intentional constitutional violations of property rights had consequences in Delaware. There was no reason that this body needed to risk that. He thought all parties could find a way to work together and not ruin the last shred of good faith that may be remaining. The idea that this club belonged to the public as was suggested at one point, was unfounded. This is private property.

Helga Huntley, District 1, said it was rare that the fate of a single parcel became the subject of so much interest and controversy as has happened to the Country Club property. Then again, there were not many plots left within the City limits that had so much potential for a great variety of uses due to the size and the lack of any existing development. While she was not a member of the Country Club, she enjoyed the wide open expanse that the golf course created with the wildlife it supported and the respite from the built-up environment surrounding it. She would like to see as much as possible of the land remain contiguous open area. She shared some of the concerns about traffic impacts. She thought it was appropriate for Council to let these considerations enter the discussion of the Comprehensive Plan for future developments. In some ways, that was the purpose of crafting such a future vision. What was not appropriate was to have that discussion without the parties most affected (in this case the property owners) present.

It was not appropriate to purposefully disguise the intention to discuss the future of this property in the public meeting announcement. It was not appropriate to make zoning decisions unrelated to changes in land use at a meeting on the Comprehensive Development Plan. Contrary to the Planning Director's statement in the 10/30 memo, there was no vote at that meeting regarding the Country Club's future land use. There were no votes on land use at all. Ms. Huntley felt it seemed obvious that the actions taken on 8/3 were also illegal.

On that basis alone, the unethical and probably illegal manner in which tonight's ordinance got on the agenda, she urged Council not to approve it. Approval would constitute an irresponsible redirection of taxpayers' money to fighting unnecessary lawsuits, as well as an irresponsible application of Council's duty to work for and with their constituents through transparent government.

Ms. Huntley also noted that the rezoning would not be in the City's best interest, even if it had been properly introduced. As was laid out in Mr. Morehead's memo for the 10/12 discussion on the Country Club's future, the rezoning had two effects. One, it reduced the number of total plots allowed as a matter of right; and two, it reduced the amount of parkland required under site plan approval. In her view, having houses with bigger backyards did little to nothing for the goal of open space. Broken up space like that cannot meaningfully serve the public or wildlife. Having 20% extra of this large parcel set aside as parkland would make a huge difference, even if it turned out to be ponds and wetland. The land owners made it known they were interested in the development plan following site plan approvals because they offered to commit to not pursuing a by-rights alternative in exchange for the rezoning being put on hold a few weeks ago. From this perspective, the rezoning works directly against the goal of preserving as much undeveloped land as possible. Thus, she urged Council to reject the rezoning.

The Comprehensive Development Plan V draft recommended a process for crafting a master plan for this property that involved a variety of stakeholders. Council must know by now how many stakeholders there were and how many creative ideas were already put forward for compromise between meeting the public's desire for open space and the owner's desire for maximizing the value of their property. She asked what would be gained by preempting the participation of these stakeholders and by dismissing out of hand, without discussion, any potential alternatives.

John Morgan, District 1, endorsed Ms. Huntley's comments. He understood the motivation for the introduction of this ordinance. He read in detail the minutes of the Planning Commission meetings in October and November 2007 at which many residents of Districts 1 and 5 expressed concern about increased traffic from 270 houses going on the Country Club site. He agreed with the comments made by Representative Baumbach

about the City instituting a requirement that any large development had to be accompanied with a traffic impact study.

Mr. Morgan recommend not moving forward with this ordinance tonight based on the FOIA concerns about the 8/3 meeting, the fact that the ordinance was targeted at a single property instead of being something more general across the City and the fact that the Planning Commission unanimously recommended against this down-zoning for several substantial reasons. It seemed to him that if Council approved this tonight it would be gambling with taxpayers' money. He saw it as a 99% chance of losing hundreds of thousands of dollars in legal fees plus several million dollars in damages. He hoped Council would not go that way.

Jeff Lawrence, District 3, heard numbers that the Country Club property could be devalued by as much as \$7 million if this goes through. He wondered how much the Country Club owners would be willing to spend to fight against a devaluation. He guessed that for every dollar the Country Club spent in legal fees, the City would have to spend it as well. From the comments made tonight, he felt that incompetence in how this issue was being managed by the City was what caused the threat of legal fees. He did not suggest that Council vote this down because of the threat of legal fees but rather that the do so because it was the right thing to do.

Donna Means, District 5, commented on the beauty of the Country Club but thought that the City was overstepping its bounds in trying to tell the owner what to do with their property. She reminded City staff how much money was spent on lawsuits already. She believed the owners of the Country Club would push a lawsuit and urged Council to vote against the rezoning proposal.

Dennis Barba, president of Newark Country Club, said their goal was for fairness. They were caught in a situation they never intended to be involved with just by doing a simple matter of research. He was instructed by the Board of Directors to let Council know that yes, they would stand for their rights and would take every legal means possible to protect their rights and their property with regard to this down-zoning.

Michael Gritz, District 1, said if the City desired to keep that land open and had the opportunity to purchase it, then they should do so at a fair value. He believed the property could be preserved.

Tim Boulden, Newark resident and a member of the Newark Country Club lived in Newark for 50 years. He knew that the City grew around Newark Country Club; the City did not put the Country Club in the middle of town. He felt the City needed to come together to save this beautiful property but unfortunately were at odds and that was a bad place to be. While it was unlikely that Council members would support an ordinance or zoning change that would reduce the property values of their homes or for the hundreds of people of the City, at the same time they seemed perfectly willing to do that for hundreds of members of Newark Country Club.

He said the Country Club was a good neighbor and regularly shut down the club to support charitable groups across the state. Members have spent thousands of dollars supporting this beautiful property and should be working together to save it.

This issue would lead to legal bills on both sides. He knew he would be forced to pay his taxes to the City and would also be voluntarily writing checks to the Country Club because he believed that was the right thing to do. He believed this was a time when Newark could work together to resolve this and that everybody knew they needed to do. As a business owner and a former Newark legislator for many years, Mr. Boulden was willing to support the process of building goodwill and moving forward together.

Jackie LeGasse, District 3, knew the problem of property being devalued when a power plant was proposed near her home. She was also a member of the Newark Country Club and was concerned about the possibility of the land being devalued by down-zoning. She asked for no more legal fees and did not want to pay twice for a lawyer like she did with the power plant – one to fight it and one for the City Council.

Jim Shea, District 6, was a member of the Newark Country Club since 2006. It seemed that people would like to see the Country Club stay the way it is for a couple of reasons. One, the traffic was probably minimal compared to any other development that would be there either 112 homes or 271 homes. Like many other golf courses or country clubs, they were having some financial issues. The quickest way to bring the Country Club down to its knees was to devalue the collateral value of the club. They have a debt, so if the debt collateral is reduced, the bank may call the loan in or change the payments and so forth which would bring them to their knees. That would shut the club down and the result would be a developer who sees the value of that land drop drastically going in there and building homes. The other choice was keep the Country Club there and try to work through this period of time where the financials are not exactly what they should be.

Leslie Purcell, District 1, supported working together, possibly through some kind of ad hoc group between the City, Club members and interested residents and neighbors. She suggested finding a creative way to keep it as open space and maintain it for the members that play golf. If the City was involved, maybe there could be some additional way that the public could have access for walking. She would appreciate anybody who wants to work on this because she talked to a lot of people in the neighborhood who would like to see the Country Club stay as open space and appreciate its value.

The Chair brought the discussion back to the table.

Mr. Chapman said he and his wife bought their home in 2009 in Fairfield Crest not far from the Country Club. In 2012 he ran for City Council and knocked on every door in the district - the Country Club was the issue that everybody talked about.

He said as a property owner, the Country Club had the right to develop their land and legally, the City needed to understand that. The community needed to support the club if they want to see it remain as a club and a golf course with open space. He followed through with that support by joining in 2013. When he sought reelection in 2014 and knocked on doors again, it was still the primary thing people talked about.

He reviewed and updated his constituents about the history and said the best thing to do for this property is join the club. Unfortunately, the club has not been as successful as they hoped to be, or as they continue to try to be. He agreed with most of the people in the room that our preference is for the amenity. The success of the business depends on the continued enjoyment of the amenity by all. Interestingly enough, while he was a member there and also a member of Council, over the last three years that Comp Plan V was under construction, the Newark Country Club property came up. He thought that was the meeting about initiating a preference for the Comp Plan V to designate the future land use of that site as recreational.

Within a week, he was at the club for an event and the then president came up to him and said, "I heard about your comments, you need to watch what you say." In thinking about this plea for collaboration, he wondered why there was no conversation during the two years he was both a member of Council and a member of the Country Club. It was mentioned that never before had this much interest been focused in on one property, and he would argue that no individual property had any focus until it was proposed to be changed and then the property owner and everyone else around has an opinion about it. He heard overwhelmingly when he read the minutes from the 2007/2008 proceedings and any minutes from any discussion about this in the last three to four years, what he heard from constituents was that they want Council to be proactive. This was an opportunity to be proactive.

Mr. Chapman agreed a Council initiated rezoning was unprecedented. Something heard here in the Council Chamber in the last two years was it was no longer acceptable for anyone to say it was this way because we have always done it that way. Council called out members of staff and called out one another for that mentality. He was the one that included or initiated the inclusion of the language in Comp Plan V "future land use conversation about a master plan and collaboration". Upon taking office in 2012, one of the first conversations he had with the Planning Director at the time was help him understand what he could do, what Council could do and what the City could do to be

proactive so the Country Club could remain on its site and be successful and the surrounding communities can feel the most minimal negative impact in the event that it was no longer an active golf course or country club and gets developed.

Mr. Chapman preferred not to be extreme on either side. Up until a few months ago, it did not seem like there was an opportunity for Council to be proactive. In a desperate attempt that a conversation was had in vain and after a possible development plan may ever be proposed that the idea of a public conversation. A property owner, once they submitted a plan for development, has a minimum place that they can develop. As reviewed tonight, they can come in for more – the site plan approval process, which tells the City its worst case scenario if people were looking to achieve a lower amount of density. In looking at the map on the first page of not only what was in the presentation, which just happened to be a consolidation of what was in the public record and the packets for Ordinance 15-24. The map showing the property, basically district 5, 1, a little bit of 6, a little bit of Pennsylvania, a little bit of Maryland and the zoning of the neighborhoods around that property. Directly attached or contiguous, he saw RD, BB, BC and RM. RT and RH were not contiguous but directly surrounding with a creek in between. There are other zonings in and around that area, the vast majority of which were some version of low-density residential.

The proposal tonight met the future use requirements set forth in both the current Comprehensive Plan IV as well as any conversations related to a pending Comprehensive Plan V, most importantly, the current plan. The concerns were real on both sides. What he was trying to accomplish and hoping that Council would accomplish in approving this rezoning was an opportunity for there to be a true collaborative conversation where something other than the worst case scenario in the minds of everyone who was not a Country Club member in the surrounding communities as the City heard in 2007 and 2008, to give them an opportunity for some alternative outcome regardless of how any potential redevelopment was ever decided on.

Mr. Morehead said on 10/12, Council had an opportunity to vote on a plan that was negotiated between the lawyers of the City and the Country Club to have a stay of all the litigation and work together. Council did not take that opportunity to be proactive and to reestablish goodwill with the Country Club. Council had that opportunity again tonight and he asked that Council seriously consider the path they were considering embarking on with the taxpayers' money and the potential to affect that goodwill going forward.

**MOTION BY MR. GIFFORD, SECONDED BY MR. MOREHEAD: TO REJECT BILL 15-24.**

Ms. Hadden said this was a difficult issue for her. She listened to both sides. She understood what Mr. Chapman was trying to do. She was not going to vote in favor of rejecting Bill 15-24. She still had concerns that have not been appeased. She had concerns that the feelings and concerns of the surrounding communities in regard to density and character could adversely affect and alter the appeal of living there, not to say that development was bad. Taking into consideration the possibility of reducing the property value of the homes that surround the golf course was on her mind as well. The current Comprehensive Plan IV states "Special conditions regarding development are increasing traffic volumes on Nottingham Road and New London Road, stream valley, water pressure and sewer convenience and while the Newark Country Club site has been approved for development in conformity with the plans, single family residential land use designation, the City hopes to minimize negative impacts from development on the site including through extensive open space at the location." She was compelled to do what she could to protect the integrity of the surrounding communities, to reduce the strain on existing infrastructures. She thought there was a need to address concerns regarding runoff, storm water, and conforming to the current approved Comprehensive Plan IV.

She felt that rezoning to RH which allowed for less density would have less impact on traffic because there would be lower units. She felt rezoning to RH would preserve more green or open space if the area was developed. She thought rezoning to RH would put less stress on utility and road infrastructure. She thought that rezoning to RH could have less impact on storm water and water runoff, but most importantly to her, rezoning

to RH would help to maintain the integrity of the surrounding neighborhoods and in her opinion would reflect Council's desire to maintain the character of those neighborhoods.

Mr. Chapman would be voting to not approve the motion to reject this rezoning ordinance. He had a list of several reasons why but said it before and thought it would be simpler to say that Ms. Hadden effectively described many of those reasons, and he agreed. Those would be the reasons behind his vote to not approve this motion to reject.

Mr. Gifford voted yes to reject this bill because he did not believe Council followed the current Comprehensive Plan that asked for collaboration. He agreed with the Planning Commission and the likelihood of litigation definitely outweighed the benefits of any RH rezoning. So, for those three reasons, he voted yes.

Mr. Markham said he was probably the one and only Councilman who lived through the 2008 Country Club. He remembered that Council meeting. He read the minutes from that time, talked to the previous Planning Director, talked to a real estate attorney that was involved at the time and Council had a memo from a real estate attorney addressing the issues that were brought up by Council about how to either reject or mitigate that particular plan at the time. In that memo, it talked about how to mitigate sewer, water, trees, storm water, and he wanted to recognize that Mr. Chapman was doing his service to his constituents. He listened to them. There were a large number that showed up at that meeting. Unfortunately, he did not see them tonight – he would have liked to have heard from those voices. Mr. Chapman brought to Council different ways to help that have not had traction. At that time there was nothing that put the parts together. Mr. Markham was torn because he knew Mr. Chapman was doing what was in his heart. Mr. Markham would support the motion to reject. He believed there was a collaboration possibility that was spelled out in the future Comprehensive Plan. The Planning Commission overwhelmingly saw this as a negative. He believed the City would win the litigation and had strong counsel. So he believed some of the points brought there were not valid. He also believed there would be a chance for more open space with RS because of the site plan. While it was not a reason legally to vote against the zoning, he hoped the Country Club would be true to their comments and their words to come back to Council with ideas. He would be sorely disappointed and does not wish to be worried about his vote should nothing happen after this point in time. He would support the motion to reject.

Mr. Morehead would be supporting the motion to reject. The proposed Comprehensive Development Plan V draft talked about collaboration. Since this property was routinely recognized as a jewel of the community, he wanted to have more good minds working together on this challenge in order to achieve the best resolution.

Comprehensive Development Plan IV, the current plan, talked about maximizing open space, and both the Planning Director and the former Planning Director consistently wrote about encouraging site plan approval for this property. The difference between the current zoning RS and the proposed zoning RH in that site plan approval process was a difference between 20% of the land and 40% of the land. Counter-intuitively, the current zoning gave us the 40% of the land as open space, whereas the proposed RH would give us only 20% of the land as open space. So, one of his reasons was that maintaining the existing zoning maximized the open space. Both RS and RH meet Comprehensive Plan IV, but in looking at the map, this property was basically surrounded by RS. There were several other zoning categories (Rite Aid Pharmacy), but RS was the predominant zoning around this property. So that was the second reason.

Third reason, he believed the penalty of litigation whether or not the City won, was a very expensive process and also spoke of not working together. Council was supposed to be a representative government and he believed that meant working with constituents. He recognized Mr. Chapman was trying to do a good thing for his constituents. This was one direction to achieve that good thing. He did not think this was the direction to go in and thought the City could achieve that good thing working together. He believed that the potential litigation was outweighed by the benefits of not going down that road. As was detailed for the Planning Commission in the Planning Director's report, the negative economic impact of this switch from RS to RH would be over three quarters of a million dollars in the first five years. Usually Council did not make decisions based on that, but

that was a significant number when looking for other sources of revenue. The Planning Commission unanimously rejected this. They exist to advise as a check for the staff and a check for Council. It was made up of volunteer residents and when they unanimously agree on something, he thought Council would do well to listen.

Since there was no plan, the traffic impact was purely speculative. The City knew it was bringing services, it was already in the CIP to bring electricity this year to that whole area, new electric lines. The City knew that that area was already pumping to the sanitary sewer, so obviously any development would require a new pump, or more pumps. A lot of that work was going to be done anyway. So he did not believe the infrastructure impact possibly other than traffic was a swaying idea.

The other thing is the proposed Comp Plan V did not contemplate needing half acre lots anywhere in town. For those reasons Mr. Morehead would support the proposal to reject the change from RS to RH.

Mr. Ruckle agreed with Mr. Morehead and with Mr. Markham. He did not think this was a taking. He felt the plan submitted in 2008 had sunset and noted another plan for an over-55 community was already submitted. This was all done in good faith by Council when they had the original Comp Plan meeting. He made it clear the Country Club was not singled out as there were two properties discussed. Mr. Ruckle polled many people in District 2 and while they did not have a vested interest in the Country Club, they were concerned about property rights. This was a private club, and they had the right to do what they wanted with their property.

Mr. Ruckle could not understand why this was zoned residential, but it was that way since it was created. He did not think it was Council's duty to change it now. He agreed with Mr. Gifford, and noted that the Planning Commission unanimously voted against this. Based on the preliminary and estimated calculations, he thought it would have an adverse economic impact on the City of Newark. He thought changing it to RH zoning would have a major impact on the finances of the City with the litigation risk.

He suggested working together to come up with a resolution for keeping the open space while making the club financially viable. He could not support public money going to a private club but thought there were other ways to boost membership.

He would support Mr. Gifford, Mr. Morehead and Mr. Markham's decision.

Ms. Sierer, said contrary to what club members may think, the Mayor did vote – per the Charter, she was required to. She did not break ties. She would be voting not in favor of rejecting this proposal for the reasons previously stated by Mr. Chapman and Ms. Hadden.

Question on the Motion was called.

MOTION PASSED. VOTE: 4 to 3.

Aye: Gifford, Markham, Morehead and Ruckle.

Nay: Chapman, Hadden, Sierer.

16. 5. **SPECIAL DEPARTMENTAL REPORTS:**
  - A. Special Reports from Manager & Staff: None
17. 6. **RECOMMENDATIONS ON CONTRACTS & BIDS:** None
18. 7. **FINANCIAL STATEMENT:** None
19. **02:56:08**

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: TO CHANGE THE DATE OF THE SECOND READING AND PUBLIC HEARING FOR BILL 15-32, ITEM 11-H ON THE CONSENT AGENDA, TO THE JANUARY 11, 2016 COUNCIL MEETING.

*(Secretary's Note: Prior to the Motion, Mr. Gifford suggested that Council wait until after the holiday break to consider Bill 15-32 (Consent Agenda item 11-H). For that reason, he suggested pulling it from the Consent Agenda. Ms. Sierer said the other option for a date was January 11, 2016. Mr. Markham suggested with the budget issues and the end of the year that Bill 15-32 be moved to January 11th.)*

MOTION PASSED. VOTE: 6 to 1.

Aye – Gifford, Hadden, Markham, Morehead, Ruckle, Sierer.

Nay – Chapman.

20. 9. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:** None

21. 10. **ITEMS SUBMITTED FOR PUBLISHED AGENDA**

A. **Council Members:** None

22. 10-B. **OTHERS:** None

23. 11. **APPROVAL OF CONSENT AGENDA**

**02:58:32**

Ms. Bensley read the Consent Agenda in its entirety. She reported item 11-A was revised and revisions were highlighted in yellow. The revised copy was being read into the record for approval.

A. Approval of Council Meeting Minutes – October 5, 2015

B. Approval of Council Workshop Minutes – October 7, 2015

C. Approval of Council Workshop Minutes – October 12, 2015

D. Receipt of Alderman's Report – October 21, 2015

E. Receipt of Planning Commission Minutes – September 1, 2015

F. Receipt of Planning Commission Minutes – October 6, 2015

G. Receipt of Planning Commission Minutes – October 20, 2015

H. ***First Reading*** – **Bill 15-32** – An Ordinance Amending Chapter 31, Weapons, Code of the City of Newark, Delaware By Regulating the Possession of Firearms, Ammunition, Components of Firearms and Explosives in Municipal Buildings and Police Stations – ***Second Reading*** – **January 11, 2016**

MOTION BY MS. HADDEN, SECONDED BY MR. MARKHAM: THAT THE CONSENT AGENDA BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY: VOTE: 7 to 0.

Aye – Chapman, Gifford, Hadden, Markham, Morehead, Ruckle, Sierer.

Nay – 0.

24. **Meeting adjourned at 10:00 p.m.**

Renee Bensley  
Director of Legislative Services  
City Secretary