

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

June 13, 2016

Those present at 6:15 p.m.:

Presiding: Mayor Polly Sierer
Deputy Mayor A. Stuart Markham (arrived 6:20 p.m.)
District 1, Mark Morehead
District 2, Todd Ruckle
District 3, Jen Wallace
District 4, Margrit Hadden
District 5, Luke Chapman

Staff Members: Deputy City Manager Andrew Haines
City Secretary Renee Bensley
City Solicitor Bruce Herron
Planning & Development Director Maureen Feeney Roser
Code Enforcement Manager Dave Culver

EXECUTIVE SESSION

A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(9) for the purpose of the discussion of personnel matters in which the names, competency and abilities of individual employees are discussed – City Secretary.

MOTION BY MR. MOREHEAD, SECONDED BY MS. HADDEN: THAT COUNCIL ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF THE DISCUSSION OF PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED – CITY SECRETARY.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Hadden, Morehead, Ruckle, Sierer, Wallace.

Nay – 0.

Absent – Markham.

RETURN TO PUBLIC SESSION

1. The regular Council meeting began at 7:03 p.m. with a moment of silent meditation and the Pledge of Allegiance. Ms. Sierer asked those present to remember the victims and family members of the mass shooting in Orlando, Florida.

2. 1. PUBLIC PRESENTATIONS:

A. Resolution No. 16-__: Retirement of John Potts, Captain

01:34

Captain Potts was unanimously recognized by Council for serving the citizens of Newark since September 6, 1978 when he started his career as a Police Officer with the Newark Police Department. Captain Potts retired from City employment as of May 13, 2016 as the longest serving Police Officer in the history of the City of Newark and received numerous commendations and awards during his career in the Department.

(RESOLUTION NO. 16-N)

3. 2. ITEMS NOT ON PUBLISHED AGENDA

A. Public

07:02

Mark Edelson, Iron Hill Brewery and Restaurant, was one of the owners and founders. Iron Hill was celebrating its 20th anniversary since opening their first location on Main Street in Newark. Since 1996 they grew to over 12 restaurants with 1,200+ employees in the Philadelphia region. Mr. Edelson was present to address parking concerns that threatened not only Iron Hill but all Main Street businesses.

Of their 12 facilities, six were located in Main Streets very similar to Newark. When they opened in Newark, Main Streets throughout the region were still recovering from the decimation of the modern shopping mall craze of the 70's and 80's that put an end to a lot of the Main Streets. In Newark at that time, probably about 20% of store fronts had vacancies. That was not the case today. Over the last 20 years, a tremendous resurgence of Main Streets everywhere was seen, including Newark. The City did a tremendous job attracting businesses to downtown that today was thriving with very little vacancy. However, the issue of parking was a can that continued to get kicked down the road year after year.

Over the last 20 years, no meaningful parking was added. Revenues declined as the number of people getting into Newark to support businesses had not kept up with the businesses that were thriving. Employee issues resulted as the ability to find parking was increasingly more difficult, and turnover increased as a result. No new surface parking lots were available, so the only solution was parking structures. In West Chester, Media and Phoenixville, Pennsylvania, their solution was parking structures.

The City of Newark recognized this, and that was why there was land allocated on which a parking garage could be built. Government had a responsibility to facilitate projects that helped business communities grow. A thriving business community meant an overall thriving community with a bigger tax base and higher property values.

Iron Hill was at crossroads in Newark. With their latest lease renewal approaching, they were left with weighing the decision to continue doing business in Newark, or looking for other options outside of Newark proper in New Castle County. Continuing to kick the can down the road gave a signal that they could not look forward to the City supporting improved parking in the business district.

John Morgan, District 1, referenced Comprehensive Plans IV and V which came up at the 6/7 Planning Commission meeting. There was confusion about whether a proposed project with 10.14 units per acre would comply with the Comp Plans which referred to amounts of up to 10 units per acre and whether rounding was appropriate. He thought this should be addressed when revising Comprehensive Plan V.

Dr. Morgan addressed the definition of low density housing areas. On his handout in the area off Barksdale Road it was proposed to build the Barksdale Green subdivision with 10.14 housing units per acre adjacent to Casho Mill Station at the corner of Barksdale and Casho Mill Roads, where they had about seven units per acre and Cherry Hill Manor where there were about 10.3 units per acre. Under Comp Plan IV which was still in effect, these were called medium densities which he thought was appropriate.

In the current version of Comp Plan V, medium density was eliminated, and there was only low density. The excerpts of Comp Plans IV and V had the definition of low density which would include single family detached and semi-detached row or townhomes with densities of 10 or fewer dwelling units per acre which he thought was quite high. In a few Google searches, definitions of low density housing were typically one to five units per acre. Therefore when revising Comp Plan V, aside from eliminating the gaps between these numbers which were confusing, it would be appropriate to retain the concept of medium density as something like 5 to 10 or 6 to 12 dwelling units per acre and have that intermediate between low density and high density.

Mr. Morehead noted that Dr. Morgan talked to him about this issue, and it was hard to absorb on the first take. There were two issues at hand here. The first issue was what was being proposed in the new Comp Plan talked about numbers up to 10 and then from 11-36, and there was that complete gap. So it should be up to 10 including 10, and then more than 10 or up to 11 and more than. It was a simple correction to make to remove any ambiguity. The other thing Dr. Morgan referred to was the old plan had one to three for low density, then four to 10, and then 10 to 36. Then the new plan talked about straight up to ten was low, and 11 to 36 was high. The question was whether the City wanted to have either low or high with no medium.

Mr. Morehead asked that Council contemplate this when they got back to working on the Comp Plan. Ms. Feeney Roser said Dr. Morgan spoke to the Planning and Development Department about his concerns and suggestions, and they would be prepared to bring that back to Council when the Comp Plan was brought back. She noted it was the state's suggestion to do away with the three categories of residential since they thought only residential was necessary as a designation for land use instead of low, medium and high. The City compromised and went with low/high. It could be revisited, but it was the zoning that determined the number of units per acre, so that was why they suggested calling it residential. Ms. Feeney Roser stated that would also stop so many amendments coming to Council.

Ms. Sierer asked if that would correct the gap between the 10 and 11. Ms. Feeney Roser said no, Dr. Morgan was correct - we say 4 to 10 and then 11 to 14, so without rounding, it created a problem. That issue could be addressed as well.

Mr. Chapman thought the bigger issue was the long amount of time it was taking to get Comp Plan V approved by Council. He stressed the need to get the plan back in front of Council and get it approved to provide clarity to people doing business in the City of Newark. Half of the debate at the Planning Commission meeting was which rules should be followed and which version of the Comp Plan should be used.

Ms. Hadden asked how many individuals in the audience wearing "Got Parking" t-shirts were business owners on Main Street – all those present indicated they were.

Ryan German, owner of Caffé Gelato and Market East Plaza, said parking was an issue. The business owners were there because they cared about the well-being of Newark and the community and certainly of their businesses. However, he was at the point now when someone asked him what his biggest competition was, he replied it was parking. If he had an event scheduled with 200 people, he asked how there would be adequate parking for those in attendance to patronize the retail businesses on Main Street. Retail was important to Main Street, and flexible parking was essential for everyone. Businesses were trying to advertise and make Newark a dining destination, and when new projects were being developed and Main Street was growing, they needed to invite more Delawareans to eat on Main Street.

At Market East Plaza which he bought 12 years ago, Mr. German said they sold 30 parking spaces a month to University students, and they get calls now asking to do the same. They were unable to rent any spaces now because they were at or above capacity on a daily basis. As he drove down Main Street this evening and looked at Market East Plaza, they were full. The popular restaurant, Grain, was next door now, and they were using Market East's parking. Newark Shopping Center was full, Iron Hill was full, Lot 4 was full and all the lots on Main Street and the metered parking was full.

Mr. German offered some stopgap measures that could be done immediately: 1) Petition DeIDOT and work with the City and the University to add parking meters to Delaware Avenue along with the proposed bike lane – that would shift them all over about 10 feet; 2) In Lot 4 remove all the dumpsters and have one trash compactor and one recycle compactor to add 10 parking spots; 3) State "No building behind Iron Hill Brewery on top of the existing parking lot because that was counted as parking."

He felt a parking garage was needed to grow Newark. When Lot 3 was approved with the modular parking unit and it went all the way through and was about to break ground, there was concern about the structural integrity of the building. Building stopped. Mr. German suggested using steel and going up one story. One story could be done quickly in all of the lots, and if there was a property owner or a different project that came along, that story could be taken out. He believed the best solution would be more than one parking garage. At the very least one was needed, but he thought 1,200 additional parking spaces were required. He hoped this could be accomplished within the next 12 to 18 months.

Mark Manniso, District 1, was the owner of an office building and an ad agency in Kelway Plaza. As a consumer, a citizen and a business owner, some of the key issues he saw in parking impacted everyone. Whenever he traveled on Main Street, this issue of more and more difficulty finding parking kept coming up. This year and for the last four or five years he oversaw a benefit dinner where many people told him how hard it was to find parking and they would not come. This would become more critical with older folks who needed to find closer parking to the different eateries and venues on Main Street. He was reaching out to the City as a small business owner and asking what the business community could do to try to help make this a viable issue everyone can fix.

Mike Rivera, Iron Hill Brewery and a life-long Delawarean, saw the City grow and thrive. It was clear Newark progressed in many ways and that made the parking situation more glaring since the same problem existed for a long period of time. Mr. Rivera valued the connections developed between Iron Hill and the City of Newark. Like a vast majority of restaurants in this town, he said they strive to maintain a strong relationship with the City by participating in City-wide events and supporting local charities and non-profit organizations. He felt they succeeded in becoming an integral part of the community.

Over the past year, Mr. Rivera observed a significant drop in traffic and a similar dip in sales, particularly during lunch time. The overall feedback received from guests was they did not believe they could come into town, find parking, and get back to work on time, so they avoided Main Street. Clearly that impacted all of the surrounding businesses. The situation may be somewhat mitigated by the free public parking lot behind Iron Hill, but that was usually full well before the business was able to feel the

impact. They budgeted a certain amount for validation of guest parking, but it only fulfilled the needs of so many. The lack of public parking was an additional strain on employees. Mr. Rivera heard from many restaurant owners over the past month that they had a hard time with staff retention and maintaining good staffing levels. Working in town was not worth the trouble when employees were not making enough during a shift to cover their parking expenses.

During his time in other locations Mr. Rivera noticed similar parking woes. In each situation the local government was able to work as a team to alleviate the issues and, as a result, business thrived. A popular philosophy in restaurant management was that a guest complaint was actually a gift, a sign that a customer cared enough to allow an opportunity to remedy a situation. He encouraged Council to take tonight's comments as such a gift.

Carol McKelvey, District 4, announced that the "Parking Study Phase 1 Final Report" was available which she obtained at the planning session. She thought it contained helpful information.

Kevin Mayhew, owner of Campus Edge, District 2, knew parking was a problem five years ago when the owners of the Campus Edge project dreamed of a parking garage behind Iron Hill restaurant. When they presented it to the Planning Commission, a handful of residents who did not understand there was a parking issue objected, and the Planning Commission did not vote in favor of it. They did not proceed in front of Council with that project, took away the parking garage and went back to a three story building. He wished they had pushed forward because it would have alleviated a lot of Iron Hill restaurant's problems. Mr. Mayhew agreed with Mr. German's comments. He thought more than one parking structure would be helpful, especially further down Main Street. Tenants were always asking where their friends and family could park when they came to visit. Although two parking spots were provided per tenant, there was no guest parking. He thought Council should move forward with a request for proposal for parking structures downtown.

Bob Stozek, District 1, believed there was a parking problem in the City but did not know how bad it was. He cautioned that the issue should be looked comprehensively with traffic control and Unicity buses to move people around town. He felt putting in parking garages would make traffic problems worse.

4. 2-B. **ELECTED OFFICIALS WHO REPRESENT CITY OF NEWARK RESIDENTS OR UTILITY CUSTOMERS:** None

5. 2-C. **UNIVERSITY**
(1) Administration

32:12

Caitlin Olson, University of Delaware, made the following comments:

- Thanked the Newark team for their help with UDon't Need It?
- Alumni weekend was successful with over 6,000 attendees and 60 events held, a number of which were family friendly. As promised, the music was turned off at 10:57 p.m. Ms. Hadden noted there was very little impact from noise in District 4. Mr. Morehead asked if there were any complaints about parking. Ms. Olsen was not aware of any – she would talk to the alumni relations team for their comments. Ms. Sierer asked if Ms. Olsen could share any feedback from their survey regarding parking. Mr. Ruckle asked if all the lots were open since the students were gone. Ms. Olsen replied that a number of people stayed on Laird Campus and that lot was open for parking. Some families, though, came from around town, so they could be asked where they were going and where they were parking.
- Also that weekend, UD's new president, Dr. Dennis Assanis, arrived and preparations were underway to get events scheduled so everyone could meet him.

6. 2-C-2. **STUDENT BODY REPRESENTATIVE:** None

7. 2-D. **LOBBYIST:**

35:28

Mr. Armitage reported there were nine legislative days left in Dover, and it was busy. In the past week or so he sent staff a number of different bills to vet. They covered insurance, human resources, election issues, zoning, and stormwater management. There were several other bills being watched throughout their session around stormwater management and fresh water.

House Bill No. 283, the public labor agreement bills had an amendment that went onto that bill last week. Mr. Coleman was trying to determine what the impact of that might be in projects where the

state sent money to Newark, particularly in Municipal Street Aid. There may be some other projects in the future where the City would need to evaluate what that cost may be going forward.

Senate Bill No. 253, stormwater management and runoff passed the Senate last week. He thought it was unanimous, but amendments were added to it. Essentially, the second amendment that went onto the bill became the bill. Staff was evaluating the impact because it applied to one acre parcels or less.

House Joint Resolution was another bill around stormwater management that required the state and Department of Natural Resources to go back and start from scratch in what they were doing around stormwater management. At that committee hearing the stack of paper associated with those regulations was more than 1,000 pages, so that was all up in the air again. It would continue to move very quickly.

The other thing that happened in Dover was that 80% of the legislation was passed in June even though it may have been sitting around from last year. Mr. Armitage was keeping staff busy and copying Council and would use e-mail as necessary to get direction for any major issues.

Other items on the watch list:

Code Inspection – A draft document was received, so the City could start to suggest some edits to that and send it back to the affected community. Representative Baumbach would like to have a meeting 7/12. Mr. Armitage was sure there would be a resolution before the legislature before adjournment that everyone could live with.

House Bill 200, disability parking – An amendment was added to the bill last week. Newark was still able to manage if that bill passed. The amendment took some of the things that the affected communities were objecting to and some of the associated costs around that bill. His sense was that many of the entities in Kent and Sussex Counties as well as New Castle County Chamber would oppose the bill, so he was not sure what the sponsor would do with it moving forward.

The Bond Committee started meeting on Wednesday morning. There were two issues so far that he was watching and advocating for – municipal street aid, which he thought remained fine. The revenue projections and the Transportation Trust Fund would support it going forward. The other rumor was around the realty transfer tax. Mr. Armitage spoke with County Executive Tom Gordon who had a direct conversation with the governor. The governor assured Mr. Gordon that, even though that was the rumor, it would not happen this year. That did not mean it would not be on the table again next year.

The state was trying to figure out how to balance what they wanted to do with the revenues available. When the governor suggested his budget back in December, the revenue picture was stronger than now. About \$44 million was lost in projected revenue plus there was an additional \$30 plus million in expenses they had not anticipated, so they had a \$75 million gap to deal with in the operations budget. They knew there would be less money moving forward into the bond bill as well as into the grant in aid bills. It remained to be seen how that would finally sort itself out.

Mr. Armitage asked for direction or at least Council's approval to get more information about the PJM line. He heard several stories about how PJM decided on the accepted bid package. He thought there was a 500 kV transmission line that was one of the proposals that their staff suggested they accept. The cost was probably \$500 million. That was spread across the 17 states that were part of the group. What they ended up accepting was a 240 kV line that only impacted Delaware and New Jersey and had a huge impact in Delaware since the state would bear almost 90% of the cost. That trickled down to Delmarva and Newark's electric bills. He would like to spend more time talking to DEMEC President Pat McCullar and Dave Bonar, Public Advocate for the Public Service Commission. He did not know what the solution would be going forward – some of it had to be at the federal level. Mr. Armitage thought it would be helpful to know how this came to fruition and why Delaware was absorbing so much of the cost.

Ms. Sierer thought it would be wise to get all the information they could for the stakeholders involved. Council members concurred. Ms. Wallace thought there were some discrepancies in the amount as well, whether it was 90% or not as she thought PJM had said it was different.

Mr. Armitage said one complication was that one of the bids came out of the Salem Nuclear Plant. Because that was where some of it was being generated, engineering costs were much less because they were doing it in contrast to an outside contractor. Just the federal regulations associated with using the nuclear power generator made everything dual feeds so the price doubled for everything, but the engineering costs would be absorbed by Salem which in some ways was a plus. There was a lot more to learn about it but he did not want to do anything without Council's approval.

Mr. Markham said he would start with DEMEC to get their side of the story. His understanding was it started at one number and increased to another number and as Ms. Wallace mentioned, PJM disputed it. Mr. Markham was not sure where we stood legally because they were turned down (he thought) at the federal level at least once.

Mr. Armitage wanted Council's permission to be able to do that, so he would start with Mr. McCullar, but he thought there were a number of others who could help the City get better information if they could find a solution that reduced the cost for Delawareans. Mr. Markham asked where our local legislators stood on this because all he read were comments from the PSC and the Governor's office. He had not seen anything from the legislators. Mr. Armitage thought they did a resolution that went to PJM and to the federal delegation asking for some assistance in how this unfolded and what the cost was going to be to Delawareans.

Mr. Armitage reported on the PILOT program. There was a committee hearing for appropriations later this week, but Newark's bill was not on that. At least the City was ready to do its presentation.

Mr. Markham asked whether we contacted the members of the Bond Committee on PILOT because he knew when we went down there a couple years ago we had a few friends but not enough. Mr. Armitage responded that we have spoken to Joint Finance about it. They already closed the budget, so he did not know if the money would be available. He said PILOT was funded through the grant-in-aid program and they had not drafted that one yet, but given the \$75 million hole they had, he knew they would reduce the money to grant-in-aid. Mr. Markham recommended looking back to see which legislators were positive towards Newark's inclusion in PILOT in the past, but noted Newark would need support from other members from another major city.

Mr. Armitage referred to the bond bill and said he sent the resolution passed at the last meeting to the committee, so the Chairs and Senator Sokola was aware of that. It was \$250 million in DNREC's maintenance budget to at least begin that project.

Mr. Markham referenced the Texas lawsuit against Delaware over escheat funding - from what he read it had a long way to go but could put a serious hurt on state funding. Mr. Armitage said escheats were \$545 million dollars of the \$4 billion dollar state budget. There was the Texas suit around the MoneyGram checks and there was another suit in progress that was a different issue. The last conversation Mr. Armitage heard among the lobbying core was that the long term impact in the state's budget if they lost all of it was at least \$1 billion in revenue. That was 25% of annual expenditures. It was not the first time the issue came up and was one of the reasons the state continued to be cautious about that because it was one of those categories of revenues that given a court case could be lost in a day.

8. 2-E. CITY MANAGER:

51:01

Mr. Haines complimented Ms. McNerney and other staff members including Public Works and Parks and Rec staff who worked at New Night Downtown on Saturday. It turned out to be a great event.

9. 2-F. COUNCIL MEMBERS

51:40

Mr. Ruckle:

- Reported that DeIDOT agreed to a double left turn at Woodlawn/Old Capitol Trail following a meeting with them and Representative Osienski several weeks ago. Porter Chevrolet owned the land to the railroad tracks and that section of the park. They were looking to donate that area to the City who would then be able to cut trees down to improve visibility there. The reason the light could not be extended was it would cause traffic to back up on Kirkwood Highway. This would allow 10 cars to get out in the morning. Right now only three cars could get out legally within the time period.
- Was moved by all the folks in attendance to discuss parking issues downtown. His district wanted this for the last three years. He would like to get some support from other Council members to direct staff to get this rolling. They were looking for a private partnership and did not want to spend the money if there were other folks that would do it.
- Was receiving comments about the Windy Hills water tower looking boring since it was just painted white. Constituents wanted to know when the City's name would be added to it. Mr. Haines said staff was waiting to have the discussion on 6/30 about the logo and the website redevelopment. There would be an open house to start that dialogue. He said the water tower would not stay blank.

Mr. Morehead:

- Attended the DeIDOT public forum regarding Cleveland Avenue. This was a long term project and would take a number of years. Public input was requested, and Lieutenant Nelson from the Newark Police

Department was the contact. At this time, all ideas were on the table. State law required complete streets being pedestrian, bicycle lane and cars as well as public transportation and how that could be done on Cleveland Avenue through its full length was a very difficult situation. There were ideas about putting a bike path behind some of the buildings rather than in front.

Ms. Hadden:

- Talked about the deadly shooting in Orlando over the weekend. It brought home that it could happen anywhere, even in the City of Newark. This shooting made her realize that everyone should live each day as if it was their last without fear but with vigilance. She also recognized the first responders for putting themselves in harm's way every day. Because of their commitment to serve and protect us, we could enjoy the quality of our lives. She valued and appreciated everything the officers did.

Mr. Chapman

- Asked when the Comprehensive Plan would come in front of Council again. Ms. Feeney Roser explained it was a moving target waiting for the PLUS letter from the state. DNREC promised it any day, and she expected it to be done by the second meeting in July. There were some other things to look at in the meantime.
- Mr. Chapman was glad to hear from business owners along Main Street in addition to the restaurateurs. He agreed it was time to take care of the parking situation and would like Council to re-address it this year.
- Mr. Chapman raised an issue about updating the Council Chamber. He suggested having the murals archived or displayed somewhere else. He asked if anyone else wanted to have a conversation about updating the room.

Ms. Sierer believed staff was taking a look at upgrading the Chambers. She said staff was projecting it out to 2017 and beyond. One concern for her was the need to walk down from the dais to the floor when presenting resolutions.

Mr. Morehead asked about researching the meaning of the murals. In response, the City Secretary's office provided Ms. Sierer with a booklet from 1955 detailing the history of the murals by artist Leo Laskaris. She said it was something to be cognizant of when considering Council Chamber updates.

Mr. Haines reported that staff was looking at several options for updating the Council Chambers that were purely aesthetic and could be done in the short term. If it was Council's direction, they could take down and preserve the murals and find a home for them in the community. He knew Ms. Bachman looked at the room from an aesthetics and photography standpoint. Mr. Morehead and Ms. Sierer raised the issue of security and felt an exit strategy from the dais should be strongly considered.

Jean White, Radcliffe Drive, was concerned that public input was not considered before giving staff direction, and there were people who had strong feelings regarding the murals. Ms. Sierer pointed out that Council was not giving any direction to staff to proceed with changes. Mr. Markham did not see this as a burning project since any plans to update the Council Chamber would be budgeted for 2017.

Karie Simmons, Newark Post reporter, suggested that local mural artist Catherine Czerwinski be considered to do a mural for the Council Chamber.

Ms. Wallace

- Regarding the Council Chamber discussion, she was more concerned about improving function than she was about aesthetics. In response to Ms. White, she thought this should be on an agenda to receive public input and additional suggestions that would make the room better for them as well.
- Attended the Cleveland Avenue Improvement Subcommittee along with other Council members.
- Attended FOIA training through the University of Delaware IPA in Dover, which was helpful and informative.
- Held her first community meeting at Café 67 in the Newark Co-op. She would be experimenting with locations and times to determine the biggest turnout.
- Attended to various constituent concerns and thanked the Police Department for their help with some minor issues in her neighborhood.
- Raised a question about the Comp Plan. Her understanding of the process was that any changes would have to go back to the Planning Commission. Ms. Feeney Roser explained that was dictated by how substantial the changes might be.
- Noted the public meeting about the website changes scheduled on 6/30 was not posted on the City's calendar. Ms. Bachman reported there would be presentations at 4:30 and 6:30 p.m. in the Council Chamber with the opportunity for public comment after each of the presentations.

Mr. Markham

- Regarding the Cleveland Avenue task force, one thing that would happen was simulations of the changes to the different intersections to see how they affect on traffic and other places. There may or may not be improvements at certain intersections based on what was done.
- On the parking, he encouraged business owners for years to come out and talk to Council since about half of Main Street was in his district. He was glad they came out tonight to have the discussion. He heard comments from other business people who said they were basically taking business away from each other since they could not get enough people into the City due to the parking.
- Thought there would have been a better turnout at New Night Downtown if severe weather was not forecasted. He would like to hear an estimate of the attendance. He saw something about 8,000 but hoped it was higher than that.
- Also requested the results of tonnage diverted from UDon't Need It? It was nice to drive down Cleveland Avenue during that time and not see sofas and chairs and all sorts of things hanging out. There were still a few places, but nothing like it was before You Don't Need It?
- In the Administrative Weekly Report, there was a discussion from DEMEC about the PJM auction and how the numbers were lower this year. He would like to find out the financial impact (at least in the short term), and it still sounded like that was an abnormal occurrence based on how low it was.
- Questioned the lower tipping fees which he thought that would be a positive financially. If there was something being done right that was contributing to that such as more recycling, he would like to get that word out and encourage more people to do so. He was all for the City keeping its money rather than sending it to other places.

Ms. Sierer

- Attended a Court of Honor ceremony at Boy Scout Troop 56. She spoke to the group about citizenship. Troop 56 had a lot of Eagle Scouts and did a lot of projects in the Newark area. They were a very active group in the Newark community and the City should be very pleased with all their efforts.
- Spent a day with Code Enforcement and thanked Mr. Culver for putting together a great planned-out day. She attended the staff meeting in the morning and then shadowed Mr. Straub while he inspected various homes and rental units. She spent the afternoon with Mr. Kiesel on new construction inspections and actually inspected some of the projects in town and at the University of Delaware. She learned a great deal about what Code Enforcement encountered every day and the time commitment it took inspectors to get their jobs done.

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

11. 4. **APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:** None

12. 5. **SPECIAL DEPARTMENTAL REPORTS:**
A. Special Reports from Manager & Staff: None

13. 6. **RECOMMENDATIONS ON CONTRACTS & BIDS:** None

14. 7. **FINANCIAL STATEMENT:**

15. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None

16. 9. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:**
A. Request of Lang Development Group, LLC to Amend the Approved Major Subdivision Agreement for the Project Located at 60 North College Avenue in Order to Substitute a New Exhibit A Which Removes the Garage Doors in the Parking Area from the Approved Elevations

01:20:28

Chris Locke, Esq., represented Lang Development and presented the request to make an architectural change to the building at 60 N. College Avenue. Council approved the project in August 2015 with garages, for the building. The intention at that time was to have private individual garages for each of the residential tenants.

Unfortunately, the Code required having two points of egress, the garage counting as one, and then a second which was hard to do. Since it was not a residential garage there could not be another point of egress. In discussions with the Planning and Code Enforcement Departments, they came up with an idea. The idea originally was to have one massive parking area with the garage doors, but in thinking about the mechanism and the management of that, there were some pitfalls, most importantly, safety. Having

that large of a structure with all those enclosed garage doors made it prime for attacks of the residential tenants. There were lots of places people could hide, and they saw some real problems with that.

Another problem they recognized with the garage doors was that they would allow tenants to enjoy the sizeable garage with perhaps large social gatherings which no one would ever know about. Following discussions with the various departments, it was decided to request Council's approval to remove the garage doors from the building as it stood now. The Police Department endorsed the request.

Mr. Markham asked staff why this was not caught before. Ms. Feeney Roser explained it was not until after approval that it came to staff's attention that the intent was to have individual garage doors. When the plan came in and was reviewed, there were not two means of egress. In order to create two, there was the change to the structure of the building itself. Mr. Markham thought we talked about the garage doors. Ms. Feeney Roser said the garage doors were discussed and that was why they were back to request that they be removed. Mr. Markham said he would just like to avoid this in the future. Mr. Feeney Roser said Council did ask if there would be operational garage doors, and the answer was yes at the time that they thought they were going to be able to do that. Mr. Markham said his point was more about the second egress. Mr. Locke thought it was the uniqueness in what they were trying to do with the garage doors that they were giving everybody an individual parking space and individual parking garages. He did not think anybody was really thinking about the two points of egress until they started getting into the weeds of the project. Mr. Markham said it was just when he saw Code would not allow it made him think of the review process. Ms. Feeney Roser noted it came up during the building permit review.

Ms. Hadden referred to the letter from the City of Newark dated 5/16, the Subdivision Advisory Committee had a comment that they did not have a problem with removing the doors as long as the interior walls were not removed. She asked if that was still going to remain. Mr. Locke said yes, and he assumed what they meant by the interior walls was not the interior walls of the individual parking spaces because that would defeat the whole purpose, but they were talking about the interior walls that would be there once the garage doors were removed.

Mr. Ruckle was just trying to get the visual of what this would look like, so they were going to be anybody could park anywhere kind of thing underneath the structure. Mr. Locke said there would still be assigned parking spaces for each individual unit. It would be very similar to the 132 E. Delaware property. Dealing with this review process, it was not the Building Department's process. They came up with a good alternative, and they developer just started thinking about the management issues.

Ms. Wallace thought she understood the process and that the fact that there was not an egress was discovered when the plans were submitted for the building permit which comes after Council approval for the project, which Ms. Feeney Roser confirmed.

Mr. Morehead asked what the second egress was now or did removing the door remove that requirement. Mr. Culver stated that once the door was removed, the second egress was not needed, so the design during the building phase was to create these garage areas that were about 3,000 square feet. When they had a space that was enclosed for 3,000 square feet, they needed the second means of egress. When they redesigned the building, instead of having individual garages, they put in interior walls, which the City asked to remain which were already built. That was still separated into a 3,000-square-foot area, but two means of egress were not needed once the door was removed. That was all open egress.

Mr. Morehead questioned 3,000 square feet of garage. Mr. Culver said the garage area instead of individual garages was for the utility grouping under the building classifications. They were created so that the area was 3,000 square feet, so they would only need the second means of egress doors for each 3,000-square-foot garage area. They had four that were designed beneath the building, so they would need to add four more egress doors throughout the building for those garage areas. With the removal of the doors, that also removed the need for that second means of egress. Each of the doors was now an egress area. Mr. Morehead said there were doors from the 3,000-square-foot internal areas into the open garages now. Mr. Culver confirmed that was correct.

Mr. Morehead was just curious about what happened to the two means of egress requirement at that point, so it was not actually for the garages. It was for the interior rooms behind the garages.

The Chair opened the discussion to public comment.

John Morgan, District 1, said he was pleased that this project was self-sufficient in parking and did not require any kind of parking waivers.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT THE AMENDMENT OF THE APPROVED MAJOR SUBDIVISION AGREEMENT FOR THE PROJECT LOCATED AT 60 NORTH COLLEGE AVENUE IN ORDER TO SUBSTITUTE A NEW EXHIBIT A WHICH REMOVES THE GARAGE DOORS IN THE PARKING AREA FROM THE APPROVED ELEVATIONS BE APPROVED.

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

(RESOLUTION NO. 16-O)

17. 10. **ITEMS SUBMITTED FOR PUBLISHED AGENDA**
A. Council Members: None

18. 10-B. **OTHERS:** None

19. 11. **APPROVAL OF CONSENT AGENDA**

01:29:49

Ms. Bensley read the Consent Agenda in its entirety. She noted that a correction was submitted for Item 11A on page 31 to the vote. A replacement page was sent to Council on Friday and was on the dais this evening. Additionally, for Item 11G, there were corrections submitted to the list of attendees for the Court of Assessment Appeals minutes. A revised version was sent to Council on Friday and was on the dais this evening.

- A. Approval of Council Meeting Minutes – May 9, 2016
- B. Approval of Council Meeting Minutes – May 23, 2016
- C. Receipt of Alderman’s Report – May 31, 2016
- D. Receipt of Planning Commission Minutes – May 3, 2016
- E. Resignation of Reid Rowlands, Cari Rogers and Nancy Targett from the Downtown Newark Partnership
- F. ***First Reading – Bill 16-16 – An Ordinance Annexing and Zoning to RH (Single Family Detached Residential – One Half Acre) a 5.43 Acre Parcel Located at 0 Darien Road – Second Reading – July 11, 2016***
- G. Approval of Court of Assessment Appeals Minutes – May 23, 2016

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

MOTION PASSED UNANIMOUSLY. VOTE: 7 to 0.

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

19. **Meeting adjourned at 8:30 p.m.**

Renee K. Bensley
Director of Legislative Services
City Secretary