

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

June 27, 2016

Those present at 6:30 p.m.:

Presiding: Mayor Polly Sierer
District 1, Mark Morehead
District 2, Todd Ruckle (Arrived at 7:06 p.m.)
District 3, Jen Wallace
District 4, Margrit Hadden
District 6, A. Stuart Markham

Absent: District 5, Luke Chapman

Staff Members: City Manager Carol Houck
City Secretary Renee Bensley
City Solicitor Bruce Herron
Communications Manager Kelly Bachman
Community Affairs Officer Megan McNerney
Deputy City Manager Andrew Haines
Facilities Manager David Greenplate
Finance Director David Del Grande
NPD Deputy Chief Mark Farrell
NPD Sergeant Dennis Aniunas
Planning & Development Director Maureen Feeney Roser
Public Works & Water Resources Deputy Director Tim Filasky

EXECUTIVE SESSION

A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) for the purpose of a strategy session with respect to collective bargaining, when an open meeting would have an adverse effect of the bargaining position of the public body – FOP Lodge No. 4 Contract.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT COUNCIL ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF A STRATEGY SESSION WITH RESPECT TO COLLECTIVE BARGAINING, WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT OF THE BARGAINING POSITION OF THE PUBLIC BODY – FOP LODGE NO. 4 CONTRACT

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

RETURN TO PUBLIC SESSION

1. The regular Council meeting began at 7:05 p.m. with a moment of silent meditation and the Pledge of Allegiance. Ms. Sierer noted Mr. Chapman was out of town and would not be in attendance.

2. MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: TO ADD ITEM 6C, NOTICE OF EMERGENCY PURCHASE OF MUNICIPAL BUILDING COOLING TOWER, TO THE AGENDA.

MOTION PASSED UNANIMOUSLY: VOTE: 6 to 0.

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

3. **1.** **PUBLIC PRESENTATIONS:** None

4. **2.** **ITEMS NOT ON PUBLISHED AGENDA**

A. Public

02:37

John Morgan, District 1, referred to the October 23, 1995 Council minutes, which was when the Trader’s Alley project was approved. He had highlighted sections in the minutes he felt were pertinent to the issue and urged all to read those sections. The concerns about improper use of the Trader’s Alley parking lot as expressed by Mr. Edelson recently appeared to be valid in his opinion. Dr. Morgan stated he had been by this lot at various times of the day and the lot was at capacity. He noted City lots were half empty or more. He felt issues arose due to the fact the Traders Alley lot was not a controlled lot (lacking a gate and/or guard) which created the problem. He noted the previously referenced Council minutes stated the developer would provide a gate and/or guard. He also suggested asking people to give testimony under oath at Council meetings as is done in Board of Adjustment meetings.

Joe Charma, interim Chair of Downtown Newark Partnership (“DNP”), wished to comment on the importance of parking in the downtown district. Ms. Sierer asked Mr. Charma to comment on this matter under agenda item 5A4.

Len Schwartz, District 3, commented on municipal broadband. Broadband is currently under study by CTC Technology. There had been questions about the value of such a project and some had opposed the cost of the study. He thought information technology was the most important industry in the United States as the manufacturing industry was no longer a significant source of jobs. He stated five of the top ten largest and wealthiest companies were IT companies. He noted SevOne is a local IT company housed in the STAR campus. He felt the City working together with UD could supply free or low cost broadband to all residents. He said broadband had been classified by the US government as a utility. He believed efforts should be made to engage tech savvy individuals locally.

Margaret Cassling, District 1, wanted to comment about the pending legislation about plastic bags. She wished to express support House Bill 202 and believed it was important for the City to support this measure and institute a fee on plastic bags.

Marleen Oetzel, New Castle resident, wished to express concern the City of Newark may have the Office of Animal Welfare (“OAW”) take over the City’s animal control. Mr. Ruckle stated he had heard Ms. Hetti Brown of OAW state this as well. Ms. Oetzel was very concerned about this possibility. She also expressed concern about Delaware House Bill 427, which stated dogs may not be held potentially dangerous or dangerous for animal control enforcement or for purposes of criminal liability based solely on breed-specific criteria.

5. 2-B. ELECTED OFFICIALS WHO REPRESENT CITY OF NEWARK RESIDENTS OR UTILITY CUSTOMERS: None

6. 2-C. UNIVERSITY
(1) Administration

16:02

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

- Announced Fourth of July fireworks at the UD athletic complex which started at 6:00 p.m. with live music and games prior to the fireworks display. Free parking was available.
- July 9 and July 16 were Discovery Days. As such, there would be a large influx of prospective students to visit the campus and the City of Newark.
- July 27 was the USA basketball showcase at the Bob Carpenter Center. Elena Delle Donne would be there with the USA team. The event started at 5:00 p.m. and was a send-off to the Olympics. Ms. Olsen would follow up with ticket sale information.

7. 2-C-2. STUDENT BODY REPRESENTATIVE: None

8. 2-D. LOBBYIST:

17:34

Mr. Armitage reported things were busy in Dover. He kept staff and Council busy with numerous emails. He reported on June 28, the Joint Finance Committee would meet and cover Grant-In-Aid. One of the items financed last year was PILOT funding. He was not certain they would continue this year. The bill they were hoping to get before the Appropriations Committee was never heard. He wished to compliment Ms. Houck and Ms. Bachman and staff for the presentation drafted. He reported he would be happy to forward the presentation to the legislature. Ms. Sierer agreed and asked Council if there were any objections. There were none.

He reported the Bond Committee would meet on June 29. The City had two requests before the Bond Committee. One was to support the request from White Clay Wild & Scenic for the renovations and upgrades to the Robinson House. The other was Municipal Street Aid (MSA), and he was assured a number of times that looked like it was going to be fine. In addition, \$15,000 was added to each legislator's Community Transportation Funding (CTF). If they were willing to do that, he felt confident saying they would be able to fund Municipal Street Aid; even though they had approximately a \$30 million shortfall to be dealt with in Grant-In-Aid and Bond Bill in cash that they had hoped to shift to both of those budgets.

There has been a lot of discussion about the epilogue language last year that was put in around prevailing wage and the exemption when either CTF or MSA funds were used. That confused everybody throughout the entire year in that the State funds were exempted from prevailing wage but if municipal funds were added to a project it was stated that was not included in the language. There was an hour discussion among the committees to how they will change their language. Staff was directed to put together some wording. Mr. Armitage was not certain what the solution would be or whether it would be a percentage of funds that may be added to CTF or MSA. He asked for Council to permit him to continue to follow up with this matter and push for as much flexibility as possible to make dollars for the City go as far as they can. Prevailing wage makes almost an 18% difference in what it would cost to do a project. Ms. Sierer agreed and asked Council if there were any objections or questions. There were none.

Mr. Armitage stated most of Council were copied on the multiple emails around the code enforcement issue. He believes at this point there would be a meeting July 12 at 1:00 p.m. with the interested stakeholders. He believed the Attorney General's office was very interested in this. They had the same sort of issues statewide with properties. The City's interest in trying to give Code Enforcement staff more authority than they currently have to be able to do things. He was quite surprised when he had a conversation with the Director of Consumer Affairs from the Attorney General's Office. He was very candid that he really had seen this is a significant problem statewide. They would like to join the group, and he will expect participation from the Director of Consumer Affairs.

Ms. Hadden inquired if these were the stakeholders that were specifically referenced in the resolution by Representative Baumbach or a different group of stakeholders. Mr. Armitage replied it was a new stakeholder, the Attorney General's office for the state who felt this was an issue statewide in properties not being properly maintained by landlords throughout the state. Code officials were really having a difficult time trying to manage that. Ms. Houck stated the current stakeholder list should be similar to the previous list and could be provided.

Mr. Armitage concurred, but believed the only new stakeholder would be from the Attorney General's office, as the ACLU was represented. Jim McGiffin who represented a number of tenant groups was going to try and have a representative. Mr. McGiffin reached out to some of the people he represented, and was one of the attorneys in Dover that worked with the Senate. Mr. Armitage provided updates to him so the tenant groups he worked with were aware of what was transpiring. However, no one had really participated at this point. As time progressed, Mr. Armitage would keep all updated.

Mr. Armitage noted that House Bill 200 regarding disability parking was on the House ready list. He was not certain sure when that may happen. There were three legislative days remaining. There were a number of groups that opposed the bill. He believed if the bill passed, the language that was added in the most recent amendment clarified some of the language that there were some concerns with. If the bill passed, staff was confident that they would be able to manage.

He reported House Bill 202, the Plastic Bag bill, sat on the ready list. He was not sure whether that would go into an agenda or not. He noticed on the Council agenda a recommendation from the Conservation Advisory Commission (CAC). He was open to discussion on the matter and noted if a bill had left committee and was on the ready list, it could go on to an agenda at any time in the House. The next step was to pass the House and move to the Senate. There were no committee hearings at this point in time. They were all suspended for the week. If the bill moved from the House to the Senate, the sponsor in the Senate or the committee chair would walk it around to senators to see whether they were willing to put it on to an agenda. Ms. Sierer asked what the likelihood was for that to happen. Mr. Armitage stated it could happen. The feedback he was hearing from the people who opposed it, they believed it was not going to go on to an agenda. The opinion was it would be very difficult to manage with tracking and charging five cents per bag. Fees would have to be collected by stores, then forwarded to the Department of National Resources. It had become very complex. He believed he had suggested to Ms. Houck that the CAC find a bill some place in the country where this really was working. He was uncertain whether the CAC had the time to do the research. His belief was determined by what he was hearing in Dover and that was the bill was not ready yet.

Mr. Markham stated there were four possible amendments for this particular bill. Two were technical and one split up how the money was allocated. Mr. Markham asked which amendments were part of the bill at that point in time. Mr. Armitage stated the amendments were all placed with the bill, none of them had passed. Each amendment would be voted on separately by the House. If the amendment passed then it would become part of the bill. The current bill was the original bill.

Mr. Armitage stated House Bill 283, the project labor agreement bill, was on the ready list. He said there had been too much opposition from the non-union labor community that he did not believe the bill would move at all. The other bill that had been introduced, House Bill 437, mandated in State projects there would be an apprentice program associated with the awarding of the contract. The difficulty was that about half of the trades that might be affected did not have apprenticeship programs. He stated he did not have direction from Council about this particular bill; however he had shared with staff that some of the trades where there is no apprenticeships. Mr. Del Grande suggested when there was not an apprenticeship, in the RFP process, additional points could be awarded to that contractor in the awarding of the contract. Mr. Armitage stated he did speak with the sponsor of the bill and he was receptive to the idea but Mr. Armitage was not sure what would happen. Council direction to Mr. Armitage with House Bill 283 was to talk to the sponsor in opposition as it was currently written. He believed at this point there was so much opposition, the bill would not move. However, the substitute had pared everything out of the other bill other than the apprenticeship programs. Mr. Armitage did not necessarily have a suggestion for Council at this point to what direction to take. He stated he has shared the ideas from Mr. Del Grande but believed it would be very controversial, if it moved forward. Ms. Hadden suggested taking a wait and see approach or a "no" position, but noted it appeared it may move quickly. Even with Mr. Armitage's summary, she felt she did not have enough information to take a firm position on it. Mr. Armitage reported the matter was not on the following day's agenda. It would possibly be on Wednesday. He noted on Thursday night, there would probably be five agendas in the House and probably five in the Senate.

Ms. Hadden asked if the League had taken a position on this. Mr. Armitage stated the League had a position on House Bill 283 and their concern was around the prevailing wage, the additional cost associated with trying to manage what was part of that bill. He stated he had not heard anything either from Mark Lally or Mr. Luft about this bill.

Ms. Sierer asked if there was any direction from staff. Ms. Houck confirmed it would require an apprentice program to be offered, if they had such a thing. Mr. Armitage stated contractors and subcontractors were required independently or through agreements with other organizations to provide craft training for journeymen in apprentice levels through a bona fide program approved by and registered with the state.

Ms. Hadden asked if it applied to companies of any particular size or a small business that may have only three to four employees. Mr. Armitage stated he believed it applied to everyone. Every entity that would be doing something on the State funds would be required to do this. Ms. Hadden suggested it could possibly could exclude smaller businesses from quoting on and getting state monies for projects. Mr. Armitage believed it could make it more difficult for smaller businesses to bid on the projects. Ms. Houck confirmed this would have to be mentioned on the contract bids and it would raise costs if someone was required to provide such a program. Mr. Armitage stated that was the case. Mr. Morehead stated he could not imagine that was something the City would want to do. Not only would it raise costs, but it would take a lot of time and delay. Ms. Hadden stated without the additional clarification she would be inclined not to support it. Mr. Markham would agree due to the degree of ambiguity in how this would get done. Ms. Sierer concurred.

Mr. Haines reported staff had discussed defining large projects for prevailing wage as a \$5 million threshold with the CPI escalator, so any maintenance under \$5 million would be exempt, and anything from over \$5 million would be the concept that could apply. Mr. Armitage did not believe the \$5 million threshold was mentioned in the bill. Mr. Haines agreed but believed it would be of value to be a part of it should the conversation be on the floor to add \$5 million threshold, which Mr. Armitage understood.

Mr. Armitage stated with regard to stormwater there were three bills. Two of the three had moved through. Senate Bill 253 with Senate Amendment 2, essentially managed some of the stormwater and sediment. Mr. Coleman and his staff had copies, Mr. Armitage stated once they finally understood the striking of amendments, the amendments that did pass made sense and they were able to manage.

House Bill 194 with two amendments affected water and sewer laterals kept in place and sediment controls but exempted some of the other requirements in the previous regulations by the department. It benefited the City many contractors trying to do things particularly when they were having

to work through a wooded area. This was where this became an issue in other parts of the state to run some of these lateral lines through forested areas and what was going to be required with was onerous.

House Joint Resolution 11 required the Department of Natural Resources to go back and redo regulations around stormwater water and sediment. The continuing task report was still not complete but these three bills would manage what happened with water and stormwater.

Mr. Armitage stated Council had given him permission to look at the PJM project. Since then the legislature introduced two different resolutions, House Concurrent Resolutions 89 and 92. Resolution 89 passed. It required and somewhat put a hold on the Department of Natural Resources giving PJM any permits to do any of the work. The Public Service Commission had yet to take a position. Mr. Armitage said he had spoken with Pat McCullar and Bob Byrd. Mr. Byrd represented the nuclear power plant in Salem, NJ. They were going to speak and Mr. Armitage said he was available for further assistance. He said there would be more information when the Public Service Commission decided their position on the matter. He was not aware if the federal government would decide they wanted to get engaged in this too. Mr. Markham stated he had recently read they were going to have a second hearing or appeal. Mr. Armitage stated he would imagine Delaware's three federal legislators were doing as much as they were able to do but he had not had a conversation with any of them regarding this matter.

Mr. Armitage noted that one of the other things mentioned earlier by a young lady testifying was House Bill 427 which was related to dogs, dog control, dangerous dogs and whether or not municipalities would be allowed to by breed create an ordinance that says, "This breed we have had enough experience with that this is a dangerous dog and we are not going to allow this dog in our jurisdiction." The Bill was released from committee. He was aware Ms. Hetti Brown had a conversation with the City's animal control officer, but he was not aware of the outcome of the conversation. Ms. Houck reported the conversation did take place in reference to getting clarifications from the City's animal control officer from Ms. Brown in relationship to the bill. It was her understanding that she did not introduce the bill, that it was introduced by lobbyists. Mr. Armitage believed it was introduced by the National Humane Society or the Humane Society of the United States. Ms. Houck stated information was shared with her was that Wilmington tried a breed specific law and they were not successful. Essentially her understanding was that any vicious animal could be dealt with, it did not need to be breed specific. Mr. Armitage concurred and said he was not able to determine whether the City's dog control officer would still go through the Alderman's Court or whether they would go to JP court. Ms. Houck believed that to be the case. Ms. Sierer asked Mr. Armitage where he believed this was headed. Mr. Armitage thought the bill would pass and become law.

Mr. Ruckle wished to thank Mr. Armitage for his work on this. He felt that, unfortunately, there were some extremists that were in charge and they were putting the lives of human beings behind the life of a dog. He believed the legislation stated it was all about protecting the dogs and not protecting children. He believed it was actually a charter change and it was his opinion they were systematically taking municipal rights, because they did not have a dangerous dog problem in Newark because most people did not have those dangerous dog breeds. Newark did not need to make that law, but if they ever did get a problem, he believed the City should have the ability to do this and it was their right. He believed this right was being systematically taken away by a national lobbyist. He believed Council was present to protect the public. He noted Ms. Brown did not mention the City of Newark; she told the legislators on the record that she was handling statewide animal control and did not give any recognition to the City of Newark or the City of Dover. She then said all municipalities were informed about this law, which he felt was not accurate. To his knowledge the City was not made aware of this until today or yesterday. The law was introduced on June 16 when some of the municipalities already went to their first session and were unable to discuss it until now. It cannot be discussed off the record, it had to be discussed in public. If it was discussed with some of the sponsors, there were going to squash it, and hopefully it did not pass. He felt there really needed to be more of a concerted effort protecting the public and not dangerous dogs.

Mr. Morehead believed this should be opposed and wanted Council to direct Mr. Armitage to take a formal approach. Mr. Ruckle concurred. Ms. Hadden needed more clarification on how municipal rights were going to be taken away, since the City had its own animal control function and its own ordinances. She asked if the state law would supersede city ordinances. Mr. Armitage believed state law would take precedence. Ms. Hadden thought the law said that a breed was not dangerous until it committed an act of violence or that any dog, regardless of breed, if it committed an act of violence within certain parameters, it would be labeled as a dangerous dog. Mr. Armitage stated in the City, Donna Vickers is the dog control officer. Other than Newark, the only other municipalities that had their own animal control were Bridgeville and Dover. The rest of it was under the control of the state. They had created constables and had gone through animal control training. They had limited law enforcement powers surrounding the enforcement of a couple of different bills about animals, mostly domestic animals.

Ms. Houck asked Mr. Armitage if he had heard anything about an attempt to try and eliminate the City's animal control officer. He had not heard this and Ms. Vickers stated she did not get that feeling as well. Mr. Armitage did not believe the idea was to close down Newark animal control and he was aware that when Ms. Vickers was on vacation, there was a contract with the State to manage animal control for the City. He was not aware how well this had worked. Ms. Sierer said the operations of the City animal control officer would not change. Mr. Armitage concurred.

Ms. Hadden stated the enforcement of this law would change to JP Court from Alderman's Court and this would be a major change. Mr. Armitage stated the change would be for the dangerous dog law. Stray dogs, dogs without licenses, he believed would still go to Alderman's Court because the City had these ordinances. Mr. Herron stated he was not aware of Ms. Vickers going to the Alderman's Court and seeking a determination that a dog was dangerous. He did not believe the City did that now and if not, he was not aware of it. He did not believe this bill was going to change anything the City did. This was the way he interpreted it. The only thing it would do, as Mr. Ruckle said was, if somewhere down the road Council wanted to enact an ordinance that was breed-specific, they could not do that. He believed that was the only effect this would have on the City. Mr. Armitage said he believed if Ms. Vickers determined a dog was a dangerous dog, to do any enforcement associated with that, she would probably need to go to JP Court rather than to Alderman's Court. Mr. Ruckle concurred.

Mr. Ruckle stated the way the bill was written, only a judge could declare a dog dangerous. Ms. Vickers' assessment – she could not say it was dangerous. It was actually going to be considered like a human being, it was going to go through trial, like a human being. He pointed out that if a dog escaped and chased children twice a year, the dog would not be considered dangerous, which he thought was absurd. He noted that if a stranger chased a child, that person would be arrested. Mr. Armitage stated in lines 43 and 44 of the bill, that was really what it said that chase or pursue a person, including a person on a bicycle, on the street sidewalks or on any public or private property, other than the dog owner's property, in an apparent attitude of attack on two separate occasions, within a 12 month period; and only a judge could declare a dog dangerous. The process started in JP Court, not Alderman's Court. Ms. Houck suggested if anything did occur, the City would want to encourage the matter to be able to go to Alderman's Court.

Mr. Morehead did not believe in breed specific laws and felt it did not make sense. He noted he was the owner of four dogs, and was unaware of the breeds as they were from a dog rescue and it was too difficult to determine the breed. He would like the City to consider maintaining local control so the City could make the rules and enforce them in the City. When it was time to change the rules, the City was able to do so. The City managed this issue over the years and he would like to see the City continue to do so. He stated this would be his reason to ask Mr. Armitage to oppose this.

Mr. Armitage asked if Council wanted opposition or an amendment so that the City retained local control. Ms. Hadden and Mr. Morehead said they would settle for an amendment. Mr. Markham stated he would like further information and would not support it personally. Mr. Armitage suggested speaking with the attorney who wrote the bill to see if there could be an amendment to be returned to Council for approval. Ms. Hadden would like more clarification or finding out if they would be open to an amendment for those municipalities who did have their own animal control functioning units to allow the City to maintain control. She resented the breed specific references and supported more clarification. Mr. Armitage would follow up and return to Council with further information. Mr. Ruckle reiterated his concern about the allowance for two times in twelve months regarding a dog chasing somebody down the street and trying to attack. He felt this had to be eliminated.

Mr. Armitage said the final item, House Bill 418. Mr. Haines evaluated this item and reported at most it was less than \$2,000 which is not very significant but he wanted to mention.

Mr. Markham inquired about the open space status. Mr. Armitage reported two proposals to DNREC to add preservation. If it was fully funded, it was \$9 million for open space and the City piggybacked on that request. He was almost certain given the shortfall in funding, that they would not be fully funded. He was working on the Robinson House funding in the DNREC budget and had shared with chairs and members of the committee.

9. 2-E. CITY MANAGER

52:45

Ms. Houck reported everything was ready for July 4th fireworks and events at the UD stadium area. Mr. Markham asked if the car dealerships could turn off their lights for the people who view from the reservoir. Ms. Houck noted that one dealership said yes and the City was following up with the rest.

10. 2-F. COUNCIL MEMBERS

53:25

Ms. Wallace:

- Reported that she had spoken with Madison Drive residents and they would like more additional plowing in the alleys during snow removal.

Mr. Markham:

- Noted that people watched fireworks at the reservoir for years, even though they were not permitted to do so initially and was glad the area was getting some use.
- Requested that Finance staff reach out to the graduate student who had an editorial in Saturday's paper regarding the RSA to address his concerns about residents being "rewarded" for using more electricity. There were other ways to encourage saving electricity through tiering.

Ms. Hadden:

- Attended the first day of Camp REAL at College Park, noted the kids were having a great time and was happy to see the Parks Department had a lot of volunteers. She thanked the Parks & Recreation Department for planning this event again for these kids as it was important for children to have options for summer fun especially in the City. She noted this department was performing a great service to the community and the citizens more.
- Was not able to attend the recent Rental Needs Assessment meeting because she attended the League of Local Governments meeting in Dover. That meeting covered legislation members of the League were watching in Dover for this legislative session. She noted it was a long and thorough meeting and believed it was really important for members of Council to continue to attend meetings. She suggested reaching out to peers and other municipalities to find out how legislation that was happening in Dover could affect municipalities differently. She believed the presence of the City of Newark at these dinners was appreciated. The agenda finished at that dinner meeting with a short presentation by Joe Farley who worked with the Veterans Administration in Delaware to promote the Mayors' Challenge to End Veterans' Homelessness in Delaware. He gave a great speech about efforts and strides being met in the State of Delaware. He provided a printed card that he handed out for free. She had some and would be handing them out to homeless veterans. The cards had information on all the services they needed in Delaware to re-assimilate into communities. She would obtain more, if needed, and asked all to consider having these cards. She thanked Ms. Sierer for accepting the Mayor's Challenge and noted that she was a great part of the success in this area for placing these veterans into homes.

Mr. Morehead: No comments.

Mr. Ruckle

- Asked if swimming was allowed in the reservoir. Ms. Houck noted the triathlon at the reservoir and that there was open water swimming on Monday evenings. However, the water was not treated.
- Stated he was not for breed specific legislation but more for requiring dogs to be insured, whether it be a rental property or a homeowner. He believed the City had to be vigilant or they were going to lose the power of the local government to legislate locally for the people.
- Visited the new Brazilian Steakhouse and highly recommended it.
- Reported Fountainview would be coming to the City to request a new paraplegic parking spot. He stated it would take a variance and a vote of council. He noted the community was an over 55 community and they really needed this parking spot.
- Felt the nature of the bill regarding the dangerous dog issue was that it would take the power of the police away to declare dog dangerous on the spot. Only a judge could do it. He believed it was going to infringe on the rights of the police and the City's animal control officer.

Ms. Sierer

- Reported there was a ribbon cutting celebration on June 27 at Alder Creek. This was a new property for 56 families who need housing. It was a milestone for federal and state funds and the Newark Housing Authority. She thanked the Newark Housing Authority and the present and past board members.

11. 3. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

12. 4. APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS: None

13. 5. SPECIAL DEPARTMENTAL REPORTS:

A. Special Reports from Manager &- Staff:

- 1. Special Use Permit Review and Point System Protocol – Newark Police Department**

01:02:59

Sergeant Dennis Aniunas, Special Operations Unit, presented the special use permit proposal. The existing Special Use Permit regulations stated to sell alcohol in the City for a restaurant, it was required to have a state alcohol license and a special use permit issued by the City of Newark. The permits, as they related to the sale of alcoholic beverages, may be revoked at any time by a majority of Council. There was a police review relating to minor police offenses, sales and distribution of alcoholic beverages and zoning already in place.

The intent was to institute a process to grant claim to Council if there was a problem with a business within the City of Newark. The goal was not to harass or shut down businesses that were operating within the spirit of the law within the community. The goal was to utilize the current special use permit as a tool to specifically address issues of businesses that became a problem in the City.

Generally what transpired was when businesses started to fail as a restaurant, they started to cater to the college crowd and potential issues could arise relating to selling of alcohol to minors. In addition, NPD partnered with DATE (Delaware Alcohol & Tobacco Enforcement Agency), the agency that issues liquor licenses throughout the State of Delaware, and had a very good working relationship with them. This had been a yearlong process. In February of last year there was a meeting with Mr. Herron, Mr. Bilodeau and many City officials to discuss the viability of this program.

It was the opinion of all it was a potentially good program so they moved forward. He stated he attended a City of Wilmington nuisance property meeting with Lieutenant Diana of DATE. Nuisance properties had nothing to do with alcohol but gave them the idea for the point system he would detail. The City of Wilmington incorporated a point system into city code. He was not proposing Newark do this, however he thought it was an objective, effective way to deal with issues. In March 2015 and February 2016, NPD met with many city managers and police staff and decided to move forward.

The proposed plan of action to be managed within the police department would give them the means and reason to come forward to City Council to suggest the revocation of this permit. It would be a point system on a continuous twelve month cycle that would begin when the first points were assessed to a business. It would be assessed based on the severity of the offence and could result in many things.

First, a letter would go out notifying the business of the infraction and warn that continued violation could result in the revocation of their special use permit. There would be a mandatory meeting with the special operations unit supervisor or city solicitor or representative and the representative of the Planning Department once ten points were accrued over a twelve month cycle. The hope and thought was that at this meeting, any kind of negative behavior that was affecting the City would stop. Depending on the outcome of the meeting, the police could potentially recommend to Council a suspension of the special use permit which would not allow the establishment to serve alcoholic beverages. This primarily applied to restaurants which were predominantly the liquor licenses issued throughout the city of Newark.

A ten point violation would be major violations, such as any acts causing death, any offenses involving deadly weapons or dangerous instruments, drug dealing and riotous activity. These activities would be an immediate red flag 10 point violation with a meeting included. Six point violations would be things such as serious, repeated assaults in the establishment, sexual offenses and alcohol and tobacco commission rules. NPD did compliance checks with DATE, throughout all Newark restaurants and all places that served alcohol. They tested them to make sure they were checking properly for IDs. An underage service to a minor during one of their efforts would institute a six point violation. Another would be any potential management associations with a criminal or gang activity.

Three point violations would be noise violations, disorderly conduct against the public and potential violations against building code, overcrowding, etc. Minor one point violations would be pedestrian issues, blocking ingress/egress. Uber/taxis blocking lanes, anything involving open container, or public urination were minor offenses that would be a one point violation. Additionally, a letter would go out to the owners of businesses.

The Deer Park and Klondike Kate's were exempt from the Special Use Permit. Any other restaurant in the City would fall under the Special Use Permit. Sergeant Aniunas gave examples of past establishments that had presented problems and what was done to solve the problems. Newark Police worked with DATE to show they were not meeting the requirements of the restaurant license. The restaurant license specifically said certain things in terms of how much food they had to sell versus liquor, they could not change the floor plan, etc. The City had no control over that, but the state did.

He stated the goal was to have responsible establishments and if they were not being responsible and not responding to meetings and efforts for NPD to be able to take swifter action than it would normally take to work with DATE. He noted DATE was aware of what NPD hoped to accomplish and were on board with the process.

There were potential issues to consider, including the process of taking action with City property i.e. a City parking lot (behind Grottos) versus a lot owned by an establishment (Grain on Main). Sergeant Aniunas asked Council to consider permitting NPD to monitor and bring any issues to Council if they arise.

Mr. Morehead stated when Council issued a Special Use Permit it was said at the table that it could be withdrawn at any time. However, it would be nice to have a set of guidelines if this became a policy within the department so everyone was aware the process. He believed this was a step forward.

Ms. Wallace stated she generally liked this idea. She stated it was good to have a set of guidelines. She wanted to understand the legality of tying a business's liquor license to activity that they did not necessarily control, such as Uber. She asked if it would be a problem if the City ended up revoking the business's liquor license for 30 days because of the activity they did not cause. Mr. Herron stated this would be an issue the City would have to work through. Under the code as it existed now, Council could revoke the special use permit, and that would be an issue that would have to be dealt with at a hearing before Council. Each case would be considered on its own merits and Council would get legal advice presumably at that time. Mr. Herron hesitated to provide any blanket statements. Ms. Wallace confirmed there was due process in place. Mr. Herron confirmed there was and there would be a hearing before Council before a special use permit could be revoked.

Ms. Hadden asked if this were to be adopted or approved by Council that evening, would there be a business owner outreach contact for those businesses. Sergeant Aniunas stated he thought it would be beneficial to coordinate with the Newark Night Life Partnership which included UD to propose this concept. In addition, follow up with letters to ensure everybody knew this would occur. Ms. Hadden concurred and stated she would like to see the City reach out more than one way. She noted she was a member of the alcohol coalition for the University of Delaware and believed this would go a long way with a lot of the concern that had come up for discussion on this topic. Sergeant Aniunas agreed.

Mr. Ruckle believed it was a good idea to have a plan. He believed a permit had to be revoked. He appreciated the fact it was just a liquor license and the establishment could still serve food. He wanted to ensure that matter was clear.

Mr. Markham asked what action Sergeant Aniunas was requesting from Council this evening. Sergeant Aniunas requested an approval nod from Council. Mr. Markham suggested instituting a fine to cover some of the charges as a significant amount of time went into documenting issues with a particular location. Since the City did not charge for a special use permit, he thought they may want to have a fine at some point in time to help cover some of those costs. Sergeant Aniunas stated if a fine was assessed it became part of City Code, which was not the intent. The direction was to monitor to obtain a set of parameters that would give the police a reason to come to Council and stop any problems.

Ms. Hadden thanked Sergeant Aniunas for the time dedicated. She hoped it would be a possible great solution to a problem that probably was a common problem in a lot of college towns. She did not believe the issue was here just because the college was here.

Ms. Sierer asked about the timeframe of the project. Sergeant Aniunas said they would be meeting with the Newark Nightlife Partnership on August 17. He believed that would be a good time to inform everybody and it would be a good time to start rolling it out in early September when students returned. He did not see much changing in how things were handled until a problem cropped up. Ms. Sierer agreed the education process for the restaurants owners was critical so it did not look as if they were being unjustly approached but were being allowed to assist in the program.

The Chair opened the discussion to public comment.

John Morgan, District 1, commented on Wise Guyz, one of the referenced establishments, and questioned how it got its business license approved. He asked if an establishment would get penalized if a person left the establishment and got a DUI. Sergeant Aniunas stated they would not get penalized at this time under the program. Dr. Morgan disagreed as he thought a DUI was more serious than public urination. He felt more thought should go into determining the thresholds for penalties.

Council agreed the Newark Police Department should proceed with the project.

Ms. Sierer cautioned just because a patron leaves an establishment does not mean they got drunk at that bar.

14. 5-A-2. 2016 EDWARD BYRNE MEMORIAL JUSTICE GRANT APPLICATION REVIEW

01:24:42

Deputy Chief Farrell stated the Edward Byrne Memorial Justice Grant was a grant the City of Newark applied for annually. The City of Newark had been awarded \$21,952.00 through this grant this year to use for targeted enforcement patrol in various areas throughout the city in the downtown business district and areas that the City frequently saw heavy pedestrian traffic. Targeted were order maintenance issues such as alcohol, disorderly conduct, more serious assaults, robberies etc. The amount awarded was based on violent crime data. He noted the amount decreased as violent crime in the City decreased. The money was awarded and the final grant application was submitted upon Council approval. There was some concern in the past regarding some of the wording being potentially viewed as a little disparaging towards the student population. Mr. Morehead had some concerns in this regard and Deputy Chief Farrell had changed the language to reflect some of the comments made by Mr. Morehead. Mr. Morehead believed his comments reflected recognition that a small portion were causing most of the problems.

Deputy Chief Farrall stated the City of Newark was such a vibrant community and it attracted people to the community. Unfortunately some of them wanted to prey upon students and people that were coming to this city to participate in the many activities here.

Ms. Wallace thanked the deputy for his quick reply to her inquiry referencing the selection of communities that would be targeted for the enforcement. He reported the selected areas were flexible and could change from week to week.

The Chair opened the discussion to public comment. There were no public comments.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: TO APPROVE THE NEWARK POLICE DEPARTMENT SUBMISSION OF THE 2016 EDWARD BYRNE MEMORIAL JUSTICE GRANT APPLICATION.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay – 0.

Absent – Chapman

15. 5-A-3. BOARDS AND COMMISSIONS REVIEW COMMITTEE REQUEST FOR COUNCIL DIRECTION REGARDING THE REVIEW OF THE DOWNTOWN NEWARK PARTNERSHIP – CITY SECRETARY/DIRECTOR OF LEGISLATIVE SERVICES

01:28:57

Ms. Bensley reported at the April 26 meeting of the Boards and Commissions Review Committee, the Committee discussed rescheduling Downtown Newark Partnership review. They requested direction from Council regarding how they would like the committee to proceed regarding the review in light of the fact that the Partnership had a consultant do a report on the future of that committee and the review had been delayed at that time. Since then, the Partnership formed a strategic development subcommittee which held its first meeting on June 9. They were in the process of starting their work. At the June 9 DNP board meeting, they requested that Council give direction to the Boards and Commissions Review Committee to continue the postponement of the review of the DNP for six months or until all other committee reviews had been completed, whichever time was shorter. At this point in time, the review committee had completed eight committee reviews, with a ninth committee currently underway. Including the DNP, the committee had four committees left to review. Once those remaining committees have been reviewed, the committee indicated it plans to revisit overarching recommendations that would apply to all committees. Staff supported the request of the DNP board to give the strategic development subcommittee the opportunity to proceed with this work and to delay the Boards and Commissions Review Committee review of the Partnership until all other committee reviews are complete with the maximum postponement of six months. However, the Partnership review should be completed prior to the consideration of overarching recommendations that would apply to all committees, so that information from the Partnership review can be incorporated. In practicality that would give the strategic development subcommittee about three to four months to get their work underway if the Downtown Newark Partnership was the last committee to be considered.

Mr. Morehead asked when the next meeting was scheduled. Ms. Bensley reported the next meeting would be July 13.

Ms. Wallace was not in favor of granting more time. She felt the review from the Boards and Commissions Review Committee could be helpful to the DNP in their process. Whatever the DNP decided, it was only going to be in effect a very short period of time before the Boards and Commissions Review Committee would review their procedures and their new reorganization. She believed it made sense for them to have additional feedback, because it seemed they were struggling somewhat. They had an outside consultant and then they decided not to accept that report. From what she understood they were going through the report to see what may be of use.

Ms. Hadden did not object to giving them additional time having attended one of the meetings and seeing the discussion that went on about the consultants, the consultants' report and having a number of people leave. She thought it was important because they had so many stakeholders in the City that were part of this, whatever structure they came up with be something that they all wanted, because they would still have that review process once they got what they wanted in place. She was sure they would still be able to refer comments from the Boards and Commissions Review Committee.

Mr. Markham was inclined to grant an extension.

Mr. Morehead was not inclined to grant an extension. He believed Ms. Wallace brought up good points that the Boards and Commissions Review Committee had been extremely thorough and more than fairly effective in identifying areas that needed further work and consolidations that could happen. He believed this could only be a benefit. His understanding was that the Boards and Commissions Review Committee had read several hundred pages of information and came fairly prepared to talk about the current situation. He felt the DNP was in a tremendous state of flux. He did not think it make sense for them to try to identify some structure coming out of that, and then have the Boards and Commissions Review Committee immediately try to review the new structure because it had not had any time to percolate. He would look at this as an opportunity to comment about the existing structure and provide input to build a better one, so everybody could come to the table with more information.

Ms. Hadden thought that the Boards and Review Committee looked at things such as training for individuals on these committees. She did not know that at this point it was their charge to actually build a committee. She believed they may need to have a lot of oversight by the City, at some point in their process. She still believed they should give them the extension so that they could work out their issues.

Ms. Sierer stated, as a member of the strategic subcommittee for the DNP, she did believe that they needed more time to work on finding their way and part of that process was this subcommittee reviewing the history, reviewing the consultant's report; developing what they wanted the DNP to look like and what they wanted its functions to be and who they wanted the stakeholders to be and what they wanted the board to look like, what the terms are, etc. To have the Boards and Commissions Review Committee review what was done in the past was not going to be helpful to the group setting a new path forward. She did not see any harm in putting the DNP at the end and reviewing the next three commissions before reviewing the DNP, since they were honoring that. She supported having the DNP go last.

Ms. Bensley stated in providing this postponement, it would put this meeting review in either September or October not in the middle of the summer. This was a committee that had generated a lot of public comment in the last year or two. Summer meetings were typically not as well attended, so this may provide the opportunity for more public participation and public comment if held in fall months.

The Chair opened the discussion to public comment.

John Morgan, District 1 and vice chair of the Boards and Commissions Review Committee, stated it was not their intention to review the DNP this summer. He noted they were going to be trying to finalize the review of the Planning Commission at the next meeting and following would be the Board of Adjustment. He was thinking more in terms of reviewing the DNP in September. He felt the DNP was unlike most other committees as it had a significant financial commitment from the City of Newark which needed to be built into the City's budget each year. That process got underway in the fall and needed to be finalized typically by the end of November. Therefore, he would urge if there were going to be any significant changes in the DNP, it would be appropriate to have them reasonably final, with a little fine tuning still possible by the end of October, as the budget preparation starts in November. He believed it would be appropriate to review the DNP in September. He would urge that the DNP strategic Development Committee meet more frequently than just once a month. He suggested having a workshop on a Saturday with public participation and a good plan could be put together by early September and then be given to the Boards and Commission Review Committee for September's meeting.

Joe Charma, Interim chair of the Downtown Newark Partnership stated he had been a member for 18 years and he thought the Partnership had done a great job of building the downtown. The DNP understood some of the committees had been not as active as others. He indicated that was one reason why they reached out through consultants to get independent third party feedback. Once they received the report the intent was to review the report, vet it carefully and possibly consolidate some committees or reorganize into some other structure as Ms. Sierer mentioned. He felt it would be a waste of time for the Boards and Commissions Review Committee to review the DNP at this juncture. If they reviewed the existing structure they would see the merchants committee did not meet too many times. The DNP was aware of this. He asked Council to give the DNP the time to go through the process properly. He further stated the DNP listened to all ideas. He would like Council to consider giving the DNP time for this process.

Ms. Sierer stated she did not want incorrect time to be given to it, based on the Boards and Commissions Review Committee review in September. So, she respectfully asked the table, that they allow this to go through its process. She thought the DNP was an important part of the City and believed they needed a maximum postponement of six months.

Mr. Gifford stated he felt the Boards and Commissions Review Committee was being viewed almost as a critical group. He stated he was pleased with some of the comments Dr. Morgan and Jo Anne Barnes made. He thought they were very thoughtful in their comments on what the committee was intending to do. He believed that an outside perspective could help. He did not have a stake in which way this went but sometimes outside thoughts might help with the review. He asked for confirmations that there was only one report, which Ms. Sierer provided. Ms. Wallace thanked Mr. Gifford for his comments. She viewed the Boards and Commissions Review Committee as tool for the DNP and helping them restructure. She found Dr. Morgan's comment helpful as well as the comments of other members.

Ms. Marilyn Minster, City business owner and DNP member, noted that she had been on the DNP for 18 years, and she was chair until very recently. The Partnership had been a very effective, well trained, cooperative team over the years. She noted the DNP reached a point where they needed to rethink the mission. The DNP hired a consultant to get some ideas. When the report was received, not all agreed with but they still needed to discuss it. The members of the board need to sit down and discuss what the consultant told them and go from there. She felt the DNP had no internal problems. There needed to be additional volunteers and there was not an organization in town who did not have to work for volunteers. She believed many meetings were needed to solve this complex issue. She agreed with a six month extension. There was an interim chairman interim for six months. Nothing could be done until the budget was solved and they formulated a plan.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: TO ALLOW A SIX MONTH MAXIMUM EXTENSION FOR THE DNP PER THE STAFF RECOMMENDATION.

MOTION PASSED. VOTE: 4 to 2.

Aye – Hadden, Markham, Ruckle, Sierer.

Nay – Morehead, Wallace

Absent – Chapman

16. 5-A-4. REQUEST FOR PROPOSAL (RFP) DISCUSSION: REGARDING THE SOLICITATION OF INTEREST AND PROPOSALS RELATED TO A PUBLIC PRIVATE PARTNERSHIP (P3) FOR THE DEVELOPMENT OF A DOWNTOWN PARKING STRUCTURE – CITY MANAGER

01:49:59

Ms. Houck reported at the previous meeting representatives from the business community were present to talk about the RFP process for a public-private partnership for consideration of a development of a downtown parking structure. Mr. Haines would respond to any questions on the draft or anything in general on this topic. She asked all to keep in mind that issuing an RFP would provide information. It was not the final decision. Many things could assist with information that might come in from this RFP. The City was evaluating many things – parking waivers were being reviewed, the ability to improve pedestrian access and biking on Main Street and the transit considerations that would launch soon in conjunction with DART, the Institute of Public Administration and Unicity.

Ms. Wallace asked for clarification on why the fiscal and traffic impact analysis was part of this RFP. She thought this was a bad idea to rely on those as part of the RFP process to provide the City with that information. Mr. Haines stated the general concept behind this would be the opportunity to see if there was a proposal Council had an interest in based on the comments at the last Council meeting and of staff. The concept would be that there would be an RFP done for interest and they could shape their own projects. It had some basic parameters. It would be a mixed use structure. Someone may want that

to include apartments, some may want that just to be retail with office space. Some may think that could be a hotel. There were a lot of different suggestions. The City provided (in appendix B) the actual footprint so they would know what that was from the design standpoint, and any developers could submit that from a public-private partnership. The developer had to provide some estimations on the fiscal impact and the traffic impact. It was a call for information. Unlike most RFPs in the past where a subcommittee or staff review it from the technical standpoint, this would be those submissions coming before Council, presenting to the body and saying these were the ideas. It would be up for discussion of Council to decide the potential to award an MOU to investigate further the actual specific engineering or the fiscal piece, etc. He believed it could work. This was a draft document that would help facilitate.

Ms. Wallace confirmed it was not the intention of the City to rely on this RFP. Mr. Haines stated should there be a project that struck the interest of Council, this would then be the opportunity to have very specific MOU to specific projects that they had to vet out fiscal impact, traffic impact, etc. Then ultimately what they as a third party would indicate their financial needs and determine if it aligned fiscally with the City would want.

Ms. Wallace stated was unsure of the difference between an MOU and contract and then a limited MOU was mentioned. Mr. Haines stated there were concerns that had been expressed with the previous MOU on a similar parcel about a 36 month time frame a previous Council had awarded. The intent this time was to specifically say it would be a very limited MOU. Mr. Haines stated there could be amendments for clarification; that was why it was presented as a draft.

Ms. Sierer asked if the same process that this RFP was going to allow the City to gather information and potential opportunities for a mixed use parking garage project on this particular property could also incorporate Lot 3. Ms. Houck stated they would be separate proposals but if Council wanted to do both at the same time that was not out of the question and probably made a lot of sense. The goal was to put out a document to get information so Council could determine if they wanted to engage in another MOU. There would not be any decisions made, but finding out whether or not there were opportunities for the community.

Mr. Morehead suggested rather than choosing a single solution to ask people to propose their solution. If they could open it up to parking in general in the city and see if there were some creative ideas that may address the fact that people preferred not to walk more than several blocks. They could actually address more of the businesses in town rather than people in very close proximity. A garage was one very expensive solution in one location. There may be other concepts they were not aware of, such as a valet service or systems that parked cars in towers. This opened up other parking solutions with a more global perspective. He suggested considering the traffic impact of that one location. He noted there had been more information supplied to the City by various consultants that looked at this that stated very clearly that people would not walk a distance. This was an expensive localized solution to a broad based problem that they had and it would make sense to him to open it up further and ask for other ideas.

Mr. Haines stated this inquiry was a challenge of doing a global solution request on properties of which the City could hold title to. This parcel was one with a surety that the City could have that dialogue on. Lot 3 was not that clean. That would engage a discussion of lands that were either privately held or leased. Someone could accept that they were publicly marketing potentially their parcels this may be part of a solution. Ryan German, Newark business owner, previously mentioned the idea of a layer on Lot 3 or on multiple lots. The concept of multiple solutions was an option.

Mr. Morehead said the other perspective was the City was used to developers coming to the City with what they considered to be a great business idea and he was curious if people that built parking garages did not think this was a good or profitable idea for them. Ms. Houck noted that she had previously reported she had people reach out and that was the reason the last RFP was requested. Council at the time was not inclined to have staff put an RFP out. Ms. Houck envisioned the City asking the development community their opinion. After many years, the City had assembled all the properties on Lot 1. Council, at the time, worked to purchase all the land and the City was finally in that position. She asked that Council keep in mind the opportunity may not be a full City resident payment for development of a garage. It may be a lease back. Somebody else builds it for some commercial component and they lease back the parking operation. It would not be accurate to say the City was spending a lot of money to build the garage.

Ms. Sierer viewed this as one possible piece of the puzzle and for land the City has purchased through the years. This was one opportunity for an RFP for a mixed use development. There are other lots in the City that the City did not own that they had somebody contact the City regarding potential parking opportunities. She believed these opportunities would continue to come forward and those would be the

other piece of the puzzle the City would want to review. She felt that ideas had to be reviewed and an RFP had to be put out to get these ideas from developers on what type of project they wanted to pursue.

Ms. Hadden stated allowing the RFP to go out did not mean that she had taken any particular position on this project. She believed it would give her the opportunity to see what ideas there were in the community in the event that Council, presented with this information, should decide to develop or not develop that lot. She believed the City should take advantage of this opportunity to do its due diligence, not have bias, and let this RFP go out there.

Mr. Ruckle stated this issue was a big issue for District 2. Most of his constituents could not walk to Main Street and he received very fervent pleadings from different residents wanting to take advantage of the restaurants and businesses on Main Street. They wanted a parking garage. He had been talking about this for many years. He had taken a lot of the feedback to Council. Most of his feedback was from residents at Washington House who wanted their visitors to be able to come visit on the weekends. The same residents did not want the City to pay for it but rather a private partnership where the City collected a portion of the garage money. It was also proposed to have businesses on top of the garage and there were many great ideas. He was certain there were some local and other investors that were anxious to get into the City. He anticipated when the RFP went out there would be many interested developers.

Ms. Wallace believed the push for a parking garage had been an emotionally driven decision and not necessarily data driven decision. The study the City had done clearly showed that there was not a parking problem with the number of parking spaces available. The parking problem was a perception problem. Even at peak times the City still had spots. They were just not necessarily where people wanted them, or they were not free parking spots, or on the street where people wanted them to be, right in front of where they wanted to go. She did like Mr. Morehead's suggestion and would like to explore some other alternatives. She believed there was a parking issue but did not necessarily think it could be solved by creating a whole bunch of parking spots in one location. She believed they would still be hearing many of the same concerns about parking. There was no parking down at the other end of street. There was no free parking. She had a big concern whether it was public-private partnership or whether the City was footing the bill entirely, parking rates were going to go up. Parking rates in the parking garage would have to go up to pay for the garage, whoever was building it. The past finance director (Dennis McFarland) stated parking rates would have to be raised four times to pay for that particular project. She understood the concerns of the business owners downtown, residents and visitors who had concerns about parking, but believed the City needed to do this in a more thoughtful way. She thought they were deciding the solution to the problem too early.

Mr. Morehead said if the City did not at least match the rates of the Trabant garage then the people who were going to park in the garage were going to work or study at the University. He noted the City needed to charge at least the same, if not more, to encourage them to park on university property. He did not see that it made sense for the people of Newark to fund a garage for the employees and students of the University to fill. Ms. Hadden challenged Mr. Morehead's assessment by stating the City would get income from the garage. Mr. Morehead stated it was not solving the City's parking problem. Mr. Ruckle asked even if it did not cost the City any money. Mr. Morehead stated it was a straight law of supply and demand. If it was less than the Trabant garage, then people would park closer to it.

Mr. Morehead stated it was an option but the City was stipulating that the project had to have a commercial component – a hard garage with a certain footprint. He felt those limitations were not necessarily appropriate to the City's problem. Mr. Haines stated there was a certain footprint to follow and part of the agreement with the Barnes and Noble bookstore. The setback of 60 feet from the dorms was a requirement. Also the BB district from a zoning standpoint had to be mixed use. These were the parameters that the City inherited over the years, so the City would have to live up to those obligations on that footprint.

Ms. Wallace stated that the parking garage is going to increase traffic, if it works and does not fail. That component bothered her. She noted that Council discussed reducing traffic congestion and in the potentially future Comprehensive Plan they talked about reducing traffic congestion as a top priority for residents. They called it a quality of life issue. Main Street was not in her district. She was concerned about it not being equitable for City resources to provide parking for certain businesses but requiring other businesses to provide their own parking. They were not able to develop that land because the City was requiring them to have parking, but they were not saying that to businesses on Main Street. She thought it was something they needed to think about. She asked if this was the City's job to be reducing parking downtown and letting business owners off the hook so to speak. She noted that Council had been giving out parking waivers for years. She did not want to target anybody and certainly did not want them

to feel targeted. However, she felt she had to raise the issue that they had businesses who requested parking waivers that were now asking for a parking garage.

Ms. Hadden stated she had not made her mind up about this garage or any garage on Main Street. Regarding whether or not people received parking waivers in the past, the City of Newark did not fail when a lot of municipalities were failing back in 2008-2010. Some of it was because to keep development going, they utilized parking waivers to encourage development to come to town. Having said that, things had changed. There had been a lot of growth and they did have issues with parking. She felt an occupied Main Street with minimum vacancies benefited everyone that lived in this town. She saw no issue sending this RFP out. It did not mean that they had taken a position. She thought it would bring ideas to the table. She believed it to be very specific and targeted and she personally would like this issue to be decided one way or the other so that Council could move on with other business.

Mr. Ruckle said he and Mr. Morehead discussed in the past the possibility of having one side of parking meters removed, creating less traffic and less people trying to find a spot. This would allow Uber, shuttles or taxis pull up on one side. If the City had multiple garages, that would eliminate more. He said the City could only get a garage in this spot unless a private entity decided to build one, which he believed was going to be in the works soon. He believed it to be a big problem and he had heard that people would rather go to the mall than come to Main Street. He had difficulties when he wanted to go to Iron Hill Brewery at all times of year. When the students leave in the summer time, people decided to come to Main Street resulting in the parking lots being full. He thought there was a point when Newark was going to be a city and was not going to be a town any more.

The Chair opened the discussion to public comment.

Marilyn Minster, Newark Shopping Center, thought the City was destroying its Main Street by not having adequate parking. She stated the parking committee of the DNP and the Planning Department had opened up islands and created more lots. They had used all the land for parking that was available behind the businesses. They had people who came to town to go to the restaurants, could not find a place to park and they went somewhere else out of town. The residents of Newark did not come downtown because it was so inconvenient. Many of the businesses did not have back entrances, which further complicated access. She felt if this continued, Newark was going to lose its shopping district. It would be easier to go to the mall. Newark Shopping Center was now renovated. She worked closely with Atlantic Realty to get tenants and one of the reasons they chose not to come was due to lack of parking in Newark. She supported researching a potential parking garage.

John Morgan District 1, believed Newark Shopping Center was being used by non-shoppers. He thought it interesting when that shopping center was redeveloped, they chose not to build the parking garage at that location. If that had been commercially viable, he believed it probably would have been done. He believed it was a perceived shortage of parking. He reported several weeks ago he visited Lot 1 and counted the number of vacant parking spaces during the dinner hour, between 6:00 p.m. and 8:00 p.m. He believed Katie Gifford made some measurements at earlier times of the day. He supplied copies of this data to Council. On each day in the last two weeks, Lot 1 was half empty or more at the dinner hour. He understood Mr. Ruckle's concern about not being able to park in the parking lot behind Iron Hill Brewery at lunch time, because it was indeed full. He thought it was the fault of the owner who was not adhering to the agreement to control that parking lot 24 hours a day. He commented about the business owners wearing black shirts who came to Council two weeks ago, some of whom had received parking waivers. He reviewed the Code regarding parking waivers. One of the conditions was that the Planning Commission shall consider whether the applicant has demonstrated that the proposed use is not high rate oriented in character or significantly dependent on automobile or truck traffic as a primary means of conducting business. He thought if a business owner came to Council asking the City to construct a parking garage so their customers could park so they could stay in business, he believed that was inconsistent with having applied for a parking waiver. Dr. Morgan reported that Ryan German, business owner, said that he would like to see the City construct two parking garages with a total of 1200 parking spaces. He believed, if Mr. German's comments were followed, it did not make sense to build a parking garage in Lot 1 with only 400 spaces and that the minimum requirement should be 800 parking spaces in a garage to net an additional 600 spaces. He felt they should be prepared to pay for it because he thought they had to charge at least as much as the University, which would be \$2 an hour. He suggested the City do a simple experiment and raise the parking rate in Lot 1 up to \$2 an hour now to see the effect.

Mr. Joe Charma, DNP, said that the City should be involved in downtown parking because the economic health and success of the City was directly related to the health of its downtown district. The downtown district was not only the core area for social and cultural activities but the associated businesses provided needed income to the City in many ways. The downtown businesses provided jobs,

tax revenue, business license fees, revenue from the sale of utility services and revenue from public parking facilities. He wanted to focus on this. Municipal public off-street parking facilities and on street parking meters in the downtown district provided almost \$2.6 million in 2015 to the City, up from \$2.3 million in 2014. He noted if this revenue stream was gone, that was a pretty big hole in the City budget. He believed the parking demand was a result of the downtown businesses. He believed it would seem highly logical and advantageous to the City to promote, improve and expand public parking. This would not only continue to help existing businesses to grow but would provide the opportunity to attract new and diverse businesses which in turn would create more income opportunity for the City. He highly recommended the City consider creating a parking benefit district (PBD), a dedicated ongoing source of local revenue sharing funds set aside for parking improvements and other downtown improvements.

He noted it was well-documented that if businesses improved with better parking management and increased investment, the whole City would benefit from increased business fees, utility sales, real estate taxes, etc., from the downtown area. The PBD would fund visible local public improvements directly where the revenue was raised. Besides parking improvements, these funds could be used for street and sidewalk repairs, maintenance and cleaning, street lighting, public art and other street scape improvements. It would work by saving 51% of the net parking revenue generated from the on-street parking and off-street parking and the PBD stayed in the district and 49% of the net revenue returned back to the City. The PBD could go forward and fund payments and debt service on money borrowed for parking improvements and expansions and other issues that he mentioned in the PBD. Some cities who had benefited from establishing PBDs included Pittsburgh; Portland, Oregon; Austin, Texas; Pasadena, Santa Monica and San Diego, California. He urged Council to consider all this information when making decisions this evening. He read the parking study and on page 20 it noted that in 2020 there would be a 133 to 176 space deficit based on normal growth and development. He believed more development would be occurring. He believed there was a shortage – 2020 was only three years away and it was not advisable to wait until the problem happened before attempting to solve it.

Albert Porach, District 2, believed there was not a parking shortage in Newark. He noted this topic had been discussed for over twenty years and the idea has been to develop a parking garage in Lot 1. On page one of the parking report there was data from Lot 1, which showed the percentage of parking spaces in Lot 1 and the percentage of parking spaces in Lot 4 over the day. He stated in Lot 1 the percentage of parking spaces dropped to 80% over the day in the Haahs report. This report was done on one day in April, 2015. On the second page, he compiled the monthly revenue from Lot 1. He asked to keep in mind that in April it was apparent it was approximately \$50-60K per month running at 80% occupancy at Lot 1 or at 100% occupancy. He stated in June it could be well below the occupancy rate in Lot 1. He believed there was great variability in the parking in Lot 1 and now the City was going to put in an RFP to build a parking garage in Lot 1 in which there was no uniform parking in there without a consistent average. He believed parking in Newark was badly managed. He believed that if the price of \$1.00 per hour in Lot 1 were raised to \$2.00 per hour or even higher to control the use of the lot based on supply and demand, then parking spaces would be freed up that would be able to be allocated to the businesses. He thought there needed to be better management of the existing spaces.

Donna O'Dell Hoke, Unique Impressions, believed it was no surprise that business owners were having a hard time with the parking issue. She stated her business had been in town for almost 30 years; 28 years at 60 North College Avenue and the last year on 61 East Main Street. She had the opportunity for some backlash from her longtime clients. She noted that only 4% of the people that had a complaint internally would actually verbalize it. A long term major client who was a lawn and landscaper told her they would be unable to buy products from her business any longer as it was very difficult to find parking in Newark and they no longer have a lot. Thankfully, he returned as a customer because his service suffered elsewhere. She was now working with the customer which included the option of her delivering his order. Other customers expressed concerns about problematic parking to her as well. Additionally, her employees had a difficult time finding parking. Her part time employees that had to pay for parking were no longer able to spend money at local businesses, such as Dunkin Donuts and Brew Ha Ha. She suggested an employee bus loop perhaps starting at College Square or the Rodney Dickinson area so employee cars could get out of the mix and people that wanted to come to town had a place to park.

Matt Doyle, District 1, stated he had been a resident for 17 years and had always been able to find parking downtown. He understood downtown businesses would like the residents of Newark to foot the bill for an approximately \$15 million parking garage. He believed the Trabant parking garage was underutilized and was located only 0.2 miles or a short four-minute walk from the proposed parking garage. In addition, there was another parking garage and it was only an eight-minute walk from the proposed parking garage which was also poorly utilized. The Newark parking study found that parking was only an issue from approximately 12:00 p.m. to 1:00 p.m. and from 9:00 p.m. to 10:00 p.m. and primarily an issue on Fridays. In the study they discounted the use of Trabant garage because it was too far to walk

and too hard for them to understand how many spaces were actually available at the time. His proposal was to spend \$1,000 for some signs that would direct visitors to the availability of the two parking garages that were already built and underutilized on Main Street and South Main Street. He also suggested talking to the University to suggest they create a joint engineering/urban planning project and utilize students to review these issues and come up with a plan.

Ryan German, Newark business owner, believed if the garage were built at the correct size at the Galleria lot on Lot 1, the price per hour could actually go down. He noted that simple micro economics would state that if more spots were built, they could charge less per hour. One of the reasons why the Trabant garage may not be utilized was that \$2 per hour was too expensive. He asked his employees and students not to park behind his restaurant, Caffe Gelato, and asked them to park at Market East Plaza and walk. It was difficult to ask people to walk a half mile to work. He noted Lot 5 could have a second deck and then determine what price the charge should be per month for people to park. He stated with the Galleria lot it should be built large enough. This could not be the only solution and he felt several were needed right away. Main Street businesses needed this solved now. Caffe Gelato had been open for 16 years. They received a parking waiver for six spots. His business increased dramatically from the first year. There were 50 new restaurants since they opened on Main Street. Panera Bread asked for a parking waiver for 80 spots. He reiterated the City needed to build parking but it had to be done quickly. He thought a garage behind the Galleria would be great with additional projects in Lots 3 and 5. He stated there should be more meters at New, Haines and Center Streets. In addition, he felt the City should add additional blocks perpendicular with meters and designated spaces for Uber cars on Delaware Avenue. He noted they should work with the NPD to determine the best spots for pick up they enforced that.

Steve Fangman, Premier Tire, noted he had a previous business in Trader's Alley and that it was a nightmare for parking there. He stated perception was reality, and perception was there was no parking in Newark for the locals. He was aware of students parking in the Iron Hill Brewery lot. He thought there were interested parties willing to build a parking garage at their own expense such as Angela Tsionas.

Jasmine Hilbert, Newark Resident of 37 years, did not visit downtown Newark and her children had never seen Main Street because parking and traffic were uncontrollable. She had been working in Newark for six months and there were times she came to work and there was no available parking in their lot. There were students with expensive cars and she believed raising the rates would not deter students.

Len Schwartz, District 3, suggested using technology to monitor parking availability in lots was something to explore. He felt it would be inexpensive and would help. He also thought a public-private partnership would not succeed and giving up control of publicly owned property made the City vulnerable.

Dennis Lawson, District 1 and executive director of the Newark Arts Alliance, noted they usually did not have much trouble with parking in Market Plaza East. He reported they experimented with having food truck parties for their organization. At one event they had, 800 people came. In April, they had 2,000 people at a similar event. It was a great success. Initially people were concerned about parking. They asked the owners of the Newark Shopping Center to allow their guests for the food truck parties to park there, and they allowed them to do so. They hoped to make this an annual event. He believed a parking garage may alleviate some issues.

Rob Gifford, District 3, opposed the RFP. He believed the data did not justify increasing parking and noted various deficiencies in the report being used. He did not believe parking was a priority for Newark over stormwater and traffic issues that had not been fixed. He noted that the report from Kirsten Jones of IPA from UD presented to the Planning Commission in May was not included. He thought this report included a lot of good suggestions, including unbundling parking from people's apartments and businesses, reconfiguring lots, etc., which were all viable options with potentially smaller spaces. He believed policy should be considered before the cost of project as there may not be a policy in place. With regard to the public-private partnership, he believed no one truly understands the ramifications and implications. If the documents were looked at more closely, this was a lease back agreement. He would like to know how this was determined and why it was being considered. He stated he had no difficulty finding a spot in Lot 3 daily. He had no difficulties in Lot 1 either. He stated he had always been able to find a parking space including on the 2,000 customer night for the food trucks. He still parked in Lot 3. He did not believe fixing Lot 1 would alleviate the issues that restaurants like Iron Hill encountered.

Jeff Lawrence, District 3, asked if in RFP process was the consideration considered to allow someone to purchase the land and they would build, operate and own the garage themselves. Since that was not considered, he did not believe all options were being considered. He was an avid supporter of business. He would do anything to help business and to get the City out of the businesses' way so that they could prosper. Multiple shop owners got up and talked about how the two biggest problems were

parking and traffic. A garage would increase traffic. Other businesses stated they had done very well since opening. That did not sound like a business that was struggling and needed a City garage to operate. The food truck initiative found a solution on its own. If there was true interest and the City was trying to sell the idea that all options were being considered, he would consider adding into that option selling the lot and allowing somebody to use their own money and liability to build, maintain and operate a garage. He was very uncomfortable with any sort of a private-public partnership.

Joan Generrini, non-Newark resident, stated her neighbors did not want to come to Newark to patronize the restaurants and businesses because there was no parking. There were great businesses in Newark. She was a massage therapist on Chapel Street, where they were fortunate to have a very small lot. She experienced resistance from her clients about parking. However, since there was a new building going up next to her business, she suspected by the fall parking may become an issue. She stated, although people may experience congestion, they would go if they could park.

Mark Manniso, resident, believed Mr. Morehead's comment about an integrated solution and Ms. Wallace's comment on equity were quite on target. He has been a resident since 1968. The parking issue was a major problem. There were a lot of valid points being made, however, they should develop an integrated solution that covered a broader range. He stated parking generated a lot of revenue for the City. Parking was integral for the livelihood of the downtown business and in all the surrounding areas. Growth in and by the City had been great, but this area was lagging. In the prior week, it took him 20 minutes at 11:30 am to find a parking space. He had biked, walked and tried many different options. He believed the points were on target in many ways. Human beings were people of habit and often times lazy. A viable solution was needed that allows a density and capacity to allow the full business district to get what it needed, and he thought that spoke to an integrated solution.

Eric Mayer, Newark resident, noted that his family owned a part of Lot 3. He stated when he was in Newark he parked on Main Street. Lot 3 was difficult to exit. He thought buildings were built over areas that should have remained parking lots.

Joe McCoy, Catherine Rooney's, had seen the growth and expansion. Perception was reality and that was for people outside Newark that it was tough to park. Parking was a very important aspect when people wanted to visit a business district. He used West Chester, PA as a comparison and the student population there was 13,800. In Newark it was 19,500. Total population of West Chester, PA was 18,500 people. In Newark, it was 32,000. There were approximately 60 retail stores in West Chester and Newark had roughly 65. West Chester had 80 restaurants; the City of Newark just above 70. Parking lot garage spaces did not include metered spaces which he thought with a parking garage with that would alleviate congestion by eliminating one side of meters. West Chester, PA had 1,294 parking spaces. The City of Newark had 543. He would like numerous solutions to be considered.

Ms. Hadden asked if in addition to the RFP, if Council should give staff direction to come up with an integrated general parking solution. It did not have to be part of this proposal, but she thought there was a lot to be said for expanding the effort to come up with other solutions at the same time.

Mr. Morehead wanted Council to consider that Lot 1 would be out of commission while that garage was built. He would propose that if the City was going down that road, they plan ahead and put every solution they could think of on the table, for that time while that garage was being built.

Mr. Ruckle stated there was another simple solution. There could be a sign when the gate went up which told a driver how many spots were open. He had seen this in other locations. This was an additional solution. He also would like to see one side of Main Street without meters for Uber, etc.

Mr. Markham stated people in his district indicated they did not come into Newark to enjoy the city. His concern was many solutions could be complicated. He wanted to make sure they could still break out all the options. Previously, the City had an open spot system and it was very ineffective. He believed they had to look at a larger parking facility. Main Street was the heart of the City. He was in agreement with getting more ideas.

Ms. Wallace stated she liked Mr. Gifford's comments about looking at policy and they should be considered. She stated it was possible that the current parking predicament was because of the City's policy of parking management. This should be considered in conjunction with the Comprehensive Plan. She believed many things should be considered before a parking garage was decided upon.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: TO GAIN ADDITIONAL INFORMATION AND PROMOTE A SIDE PROJECT FOR CREATIVE PARKING SOLUTIONS, AND FOR THE SOLICITATION OF

INTEREST AND PROPOSALS RELATED TO A PUBLIC-PRIVATE PARTNERSHIP RFP, FOR THE DEVELOPMENT OF THE DOWNTOWN PARKING STRUCTURE TO BE APPROVED.

MOTION PASSED. VOTE: 4 to 2.

Aye – Hadden, Markham, Ruckle, Sierer.

Nay – Morehead, Wallace

Absent – Chapman

17. 6. RECOMMENDATIONS ON CONTRACTS & BIDS:

C. Notice of Emergency Purchase of Municipal Building Cooling Tower

03:18:59

(Secretary's Note: This item was discussed before items 6-A and 6-B.)

Ms. Houck reported that in accordance with Section 2-24 of the City Code, last week she authorized the purchase of a cooling tower for the Municipal Building and the engagement with the firm. The temporary service was currently in place and would be month-to-month awaiting the new system.

Mr. Greenplate explained on June 6 the Municipal Building cooling tower experienced a broken shaft which caused a catastrophic failure. The unit was 22 years old. A rental unit was procured at a cost of \$2,155 weekly and was up and running in about two days. It took several weeks to get estimates from two different contractors. There were only two suppliers in the area that supplied the cooling towers, Baltimore Aircoil and EVAPCO. The decision was made to go with the EVAPCO unit which was a better design offering better ease of maintenance and more energy efficiency using a lower horsepower motor. The company was also much more responsive to the City.

Ms. Hadden asked if this equipment would come with a maintenance agreement. Mr. Greenplate said the maintenance was handled by whatever maintenance contract the City employed.

Mr. Morehead asked if there were any concerns about the smaller motor handling the load. In Mr. Greenplate's research he learned the design would have the fan on top of the unit as compared to the old unit with the fans below. The water was pumped into the unit and fell down across the coils. As it was doing that it basically turned into rain, separating and breaking up the water flow. The fan up top pulled the water up and through rather than trying to push it through the water, so it allowed a lower horsepower motor to be used.

Mr. Markham asked the final install completion date. Mr. Greenplate replied that DVL was coming out tomorrow to do their final walk through with their submittals. After the City signed off on that, the four weeks began. His understanding was within a week of that coming it would be installed and ready to go. He said it was a push to get to four weeks, both companies wanted to do six and eight weeks. The seven weeks of costs incorporated what already passed.

The Chair opened the discussion to public comment. There were no public comments.

Since this was an emergency repair approved by the City Manager, there was no requirement for a vote by Council.

18. 6-A. RECOMMENDATION TO AWARD CONTRACT NO. 16-07 – 2016 ADA HANDICAP RAMP INSTALLATION PROGRAM

03:24:20

Mr. Filasky presented the recommendation for Contract No. 16-07. Locations were selected around the City that were in need of handicap ramps. This year it was noted that areas outside the front of the Municipal building required upgrades. Fontana Concrete Contractors was selected to complete the work. They handled the City's street improvement contracts in 2008, 2010, 2013 and 2014, were working on the current street improvement program and also did the handicap ramp contract in 2010 and 2014. The firm performed very satisfactorily.

Mr. Markham commented that Community Development Block Grant funding was being used and asked how many years the City was able to continue doing that. Mr. Filasky responded that CDBG money was still being used. The reason there were 51 ramps on this year rather than the typical 30-40 was that staff went back and looked at all the years the money could be used and rolled it up into one to clean it up. After this contract season, they would no longer be able to do that – the CDBG money had to be spent in the year it was appropriated. Mr. Filasky confirmed they would request CDBG funding next year and that the City's ADA Handicap Transition Plan said 20 years. Whether the goal was hit in 20 years was to

be determined and interns were updating the plan this summer. Mr. Markham asked Ms. Houck for an e-mail to state what year the City was on. Mr. Filasky said there was some confusion as to the year.

Ms. Wallace noted that Fontana Concrete's bid was much lower than any others and asked about the quality of the work. Mr. Filasky said the quality was excellent and City inspectors were satisfied with the product and the people they worked with. They had the resources and knew the area which provided greater efficiencies. Ms. Wallace was questioned by a resident as to when the ramps in College Park were scheduled. Mr. Filasky knew it had been discussed but would have to get back to her regarding the timing.

The Chair opened the discussion to public comment. There were no public comments.

MOTION BY MR. MOREHEAD, SECONDED BY MS. HADDEN: TO AWARD CONTRACT NO 16-07 – 2016 ADA HANDICAP RAMP INSTALLATION PROGRAM TO FONTANA CONCRETE CONTRACTORS, INC., FOR THE BID TOTALING \$182,300.50.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay – 0.

Absent – Chapman.

19. 6-B. RECOMMENDATION TO AWARD CONTRACT NO. 16-08 – WATER TANK PAINTING – LOUVIERS

03:29:26

Mr. Filasky presented the recommendation to award Contract No. 16-08. The Louviers water tank was off of Thompson Station Road across from Deerfield Country Club. It was a million gallon elevated storage tank originally constructed in 1989. In previous years it was used as a backup for the downtown pressure zone as well as feeding Paper Mill and Possum Park Roads. An inspection was done in 2014 by Mumford-Bjorkman Associates who identified several safety issues. It did not necessarily need the full containment and full sand blasting that the Windy Hills tank recently had, but it had to be power washed and painted both inside and out. The full inside paint was what the option was, and there was adequate funding in the budget to complete that work.

Mr. Ruckle asked about lead paint and taking soil samples in advance of the work. Mr. Filasky said this tank was not identified in the report to have lead paint. That was why the full containment was not necessary. Mr. Ruckle discussed taking soil samples to show upfront that there was no lead in the soil and if anything happened, the City could show that there were no increases. Mr. Filasky pointed out that the City owned the surrounding property, there was no residential housing.

Ms. Wallace asked about the painting on the inside – Mr. Filasky said it was not the painting on the inside where the water is, it was a ball with a sphere with a cone that came off of it. A person could walk inside of it and see the pipe going up – it was that interior that they added the extra for.

The Chair opened the discussion to public comment. There were no public comments.

MOTION BY MR. MARKHAM, SECONDED BY MR. MOREHEAD: THAT CONTRACT NO. 16-08 FOR THE LOUVIERS WATER TANK PAINTING BE AWARDED TO UTILITY SERVICES CO. INC. IN THE TOTAL AMOUNT OF \$424,000 WITH THE STIPULATION THAT THE UNSATISFACTORY CREW WILL NOT PERFORM THE WORK FOR NEWARK.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay – 0.

Absent – Chapman.

20. 7. FINANCIAL STATEMENT (Ending April 30, 2016):

03:34:35

Mr. Del Grande presented the unaudited Financial Statement for April 2016. The overall year-to-date operating surplus was \$446,000 ahead of the year-to-date budget. In the governmental funds both the revenue and expense variances improved since March. Overall expenses continued to remain under budget, but revenue in the governmental funds was falling shy of expectations.

The revenue shortfall was due primarily to the realty transfer tax. A shortage of \$101,000 was estimated for the year. The RTT had been usually low. He saw improvement in the RTT again for the month of May and hoped for a stronger real estate market over the last half of the year to make up the difference. Court fine revenue was under budget by about \$50,000 behind the same period last fiscal year. It did show some improvement for May and reduced that \$50,000 shortfall to about \$37,000 which he would report on at the next meeting.

Current revenue was boosted in April by the University of Delaware dormitory construction project. This alone added \$246,000 to the permanent revenue line. Total permanent revenue generated through April 30th was \$605,000 for the year, or \$224,000 ahead of the same period last fiscal year.

Enterprise funds were running about even, showing a small \$18,000 budgeted surplus as of this time through April. Spending was well within the budget, particularly across personnel, supplies and architectural services lines. However, the enterprise fund revenues were soft through April into May, and overall revenue was comparable to 2015 but was falling short of projections for 2016.

Staff would continue to monitor electric usage going into the summer. Wholesale rates should get some relief as older, higher priced energy contracts expired and the natural gas market remained depressed which helped keep energy prices down. The electric regulatory asset was now \$448,000 which would hopefully be resolved throughout the remainder of the year. If it was anything other than zero, that would be part of the 2017 rate stabilization adjustment (RSA).

Insurance and maintenance funds continued to perform well and offset some of the negative variance. The cash position was strong. At the end of April, the cash balance was \$29.2 million, which included \$21.5 million in cash reserves and another \$7.7 million in operating cash. As explained in Mr. Del Grande's email last weekend, it was decided not to transfer the cash reserves from Morgan Stanley to PFN until the stock market calmed down from the Brexit issue. It was felt moving funds at this time could be detrimental to the bottom line and all the City's cash accounts including the pension and OPEB.

Mr. Del Grande reported that the City was scheduled to wire its OPEB and pension accounts to the new investment managers today. Had they done that, they would have lost about \$1.8 million, so he was glad the brakes were put on that. Essentially, the money was sitting there for OPEB, the pension and the cash reserves until the market stabilized a little. It was a paper loss as of right now, and they did not want to make it a real loss.

Ms. Hadden and Mr. Ruckle thanked Mr. Del Grande for his diligence in protecting those monies. When Mr. Markham first read Mr. Del Grande's email, he thought the funds were sitting in cash. Mr. Del Grande explained there was \$5.2 million sitting in the Russell 1000 index of which Russell had already started the liquidation process. Fortunately it was started before the mess happened on Friday, so the City did not lose money and that \$5 million was sitting in cash. The remainder of the balance of the pension and the OPEB was still sitting in the accounts they were initially placed in and would sit there until instructing City investment managers to move it to Vanguard and to US Bank through Vanguard.

Mr. Markham expected it would take years to unwind what was going on in the UK and asked how the decision was going to be made to move forward. He did not know if there would be a recovery or not. Mr. Del Grande reported they were working closely with the investment managers to make sure to choose the safest time to move the funds. The main issue was that in order for the transfer to take place, all the pension and OPEB funds had to be liquidated before being transferred into the new accounts. Mr. Markham added that since Council members were the trustees of the Pension Fund, he would have liked them to receive notification before this happened. Mr. Del Grande agreed to do so.

Mr. Markham referred to the statement in the first paragraph on page 1 under Governmental Funds, "The revenue increase through April of \$240,000 is due primarily to intergovernmental revenue..." and asked the amount of the transfer tax received so far and whether it was tracking what was expected. Mr. Del Grande said as of April the taxes were about \$100,000 behind, through May about \$150,000 behind, and \$1.6 million was budgeted for the year. About \$175,000 was brought in through April.

Mr. Markham asked for an update on the Smart Meter analysis for electric and water that had been requested from Mr. Vitola. Ms. Houck thought it should all be finalized within the next week or two.

Mr. Markham asked what the rebate was going to be from the Green Energy Fund for United Methodist Church. Mr. Del Grande would check it out for him.

The Chair opened the discussion to public comment.

John Morgan, District 1, asked for an explanation as to why there was a paper loss and how big it was. Mr. Del Grande reported the majority of the City's funds were invested per the City's investment policy and essentially the majority was on a conservative basis. Due to the unrest in the European market with the EU and Brexit, it caused the S&P and NASDAQ and the DOW all to tank on Friday then again today. Essentially, as long as the funds were residing in the market (which they were) it was not technically a real loss, it was a paper loss. It would not be considered a loss until those funds were withdrawn and liquidated to cash. Since they were still staying there, tomorrow they could go up 1,000 points depending on the market. The City could be even or made whole again, but because of the uncertainty of the market and dealing with employees' pensions and OPEB liabilities, it was best to leave the money sit where it was and let the market stabilize a bit before making a move and sitting a day out of the market. When that happened, it became a real gain or a real loss. Dr. Morgan urged the City to be very conservative with its investments. Mr. Del Grande added that the international market was the most risky out there. The City followed the advice of its investment managers, and they followed the City's investment policy and then we make sure they followed to the letter as to how that happened. Ms. Houck clarified the reason the City was getting ready to move anything was because of the recent pension manager changes – with that, the money was going to change, and it all happened at the same time. Thankfully, Mr. Del Grande was thinking and it was stopped. That was the reason the City was even engaging in it.

MOTION BY MS. HADDEN, SECONDED BY MR. RUCKLE: TO ACCEPT THE FINANCIAL REPORT ENDING APRIL 30, 2016.

MOTION PASSED UNANIMOUSLY. VOTE: 6 TO 0.

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

Nay – 0.

Absent – Chapman.

21. 8. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

A. Bill 15-04 – An Ordinance Amending the Comprehensive Plan by Changing the Designation of Property Located at 21, 27, 39, 45 and 49 Center Street

03:49:10

(Secretary's Note: Items 8A, 8B, 9A, and 9B were discussed simultaneously.)

Jeff Lang, West Park Place, developer, introduced John Mascari, Karins & Associates, Todd Breck, Breckstone Architecture, Chris Locke, Esq. and Dr. Erin Cox.

Mr. Lang provided some history of the project. Meetings started in 2012 with the property owner of the houses on Center Street. The properties were purchased in May 2013 and an initial submission went to Planning in May 2014. The original design was a 30 unit four story structure on the site which they thought was going to be great addition to the community.

The Design Review Committee gave positive support to the project, but the Planning Commission did not. Ms. Feeney Roser's report indicated support for the project but at a reduced size of 22 units and 3,000 feet of commercial space. The developer proposed 30 units and 3,000 feet of commercial. Based on the thoughts of the Planning Commission the building was redesigned to 24 units and 3,000 feet of commercial. The project went back to the Planning Commission in April 2015.

One additional vote was received, but Mr. Lang thought the Planning Commission had some concerns over the NCV overlay district whether they should be making the decision to rezone or support a rezoning of a project that did not necessarily meet the Comprehensive Plan and the idea of the NCV. Ms. Feeney Roser's most recent report stated that NCV was deemed unconstitutional. Mr. Lang felt if the Planning Commission knew that, they would have thought differently as Ms. Feeney Roser actually supported the project through both Planning Commission meetings with a reduced density from the original proposal.

Mr. Lang thought about coming directly back to Council after that Planning Commission meeting with the discussion of the NCV issue. When it became known that Dr. Cox was looking at different options for her business, they got together and reached an agreement to write a contingent agreement for this site assuming it received Council's approval. Mr. Lang noted that Dr. Cox struggled to maintain her business on Main Street in its present location due to parking and traffic. One of her main reasons to relocate was that she had an on-grade facility which would be the small building next to the larger building they proposed. Dr. Cox had an architectural desire for her building, and they came up with a very residential-looking structure for her business. It was on grade and had a parking lot dedicated to it, as part of the larger project next to it, which were two major concerns of Dr. Cox. Her business was in Newark for

over seventy years, and she struggled over the last four or five years trying to think about what the long term location should be and whether she could continue to make it viable at the current location.

With this project Dr. Cox could maintain her business in downtown Newark and accomplish the things she wanted to do as a business owner. Mr. Lang said they took the 24 unit 3,000 square foot building and turned it into a 20 unit building and a 3,000 square foot commercial facility with three apartments, so there were now 23 units and 3,000 feet similar to what the Planning Department supported in 2014 when this process was started through the Planning Commission.

Mr. Lang outlined other variations from the original design which went from four stories to three. The original four story building within the BB district could go upwards of 60 feet. It was now 35 feet at the top of the roof structure. There was also 25% more green space associated with the new design and was better for storm water runoff.

The project did not need a parking waiver and met all the parking requirements of a project downtown. Mr. Lang thought this was a nice blending of a commercial development as well as maintenance of an existing business in the Newark community for years.

Mr. Ruckle asked if there might have been an option for a parking garage. Mr. Lang felt it was premature to discuss that in detail but given the fact that Dr. Cox's business would be moved to this location, they had a contingent sales agreement to purchase her property on Main Street. Therefore, there was a possibility to redevelop that parcel in conjunction with the other parcels available at Lot 3 into some form of a garage. Mr. Ruckle asked if that was something Mr. Lang would be interested in doing for the City. Mr. Lang responded they were very interested in working on a downtown garage.

Ms. Sierer asked whether the building currently occupied by Dr. Cox was historical. Ms. Feeney Roser said it was. Mr. Lang reported they have not done any planning on that site because their agreement started when Dr. Cox's agreement was in place, so there was a period of time to do that. They did some preliminary designs, and their thought would be to keep the front of the building and do something similar to what was done at Catherine Rooney's. If a parking garage was viable, they would entertain that idea.

Ms. Sierer pointed out that the picture showed no parking on one side of Center Street and asked if she went back to the Traffic Committee a second time to request no parking, would that be okay. Mr. Lang said they would actually encourage that.

Ms. Hadden said since that was a historical building, she asked if it would be possible to document the interior for historical reasons before any interior work was done just to maintain the integrity of the records. Mr. Lang said Dr. Cox's office would stay there until her new office was built, and then they would not plan on doing anything with the site until some form of approval was received from Council, but they could definitely do that.

The majority of the emails Ms. Hadden received from area residents were about the two mature trees that would have to come down. Mr. Locke, Lang Development, confirmed a report by Bay Country which showed the trees needed to be removed at this point. He submitted their report for the record. Ms. Hadden thanked Mr. Lang for allowing more green space and for having so much landscaping at that site because even though it was overwhelmingly rental, it still had a neighborhood feel walking down that street. Mr. Lang said they wanted to continue to plant more than required when possible.

Ms. Wallace asked for clarification that this development did not comply with the current Comprehensive Plan, nor did it fit with the potential future Comprehensive Plan. Ms. Feeney Roser explained that the Comprehensive Plan generally followed the zoning of a property, and in this case it was zoned RS which was a single family residential minimum lot of 9,000 square feet with about one to three per acre. That was what was in the Comprehensive Plan now. It would be a change to commercial pedestrian oriented for this area for BB.

Ms. Wallace asked for a definition of low density, what it potentially would be and if this project was low density. Ms. Feeney Roser said this project was not low density. In the current Comp Plan, one to three units per acre would be considered low density. In the revised Comp Plan one to eleven would be proposed to close a gap and would be considered low-medium. High density would be above 11 to 36.

Mr. Markham noted that Ms. Sierer talked about removing parking here, but based on Council's earlier conversation, he asked if parking meters should be considered at this location. Ms. Sierer said she would object to that since it was a one way street.

Mr. Markham was pleased the building was brought down a story. This was a challenging area, and New Center Village was an idea that was long past. He hoped this would deflect some of the noise and light from the University from the rest of the street. He was also glad that Dr. Cox was staying nearby.

The Chair opened the discussion to public comment.

John Morgan, District 1, asked the current number of dwelling units (23) and number of parking spaces needed (61). Mr. Lang confirmed that a number of parking spaces were underneath the building and, in addition, there was the lot off to the side. Dr. Morgan asked for an explanation about the garage doors, thought the building would look nicer if it was completely stone and expressed concern about how far the balconies would project. Mr. Lang responded that the parking was designed to drive in and have parking areas on either side. There were three entrance points with spaces under each entrance point. A lot of the stone details came from Dr. Cox who had an idea of what her building would look like. They used stone on the first floor and stucco above to break up the massing of the stone. The balconies extended four feet away from the building and gave some relief to the mass of the structure.

Dr. Erin Cox, Cox Dental, gave some history of how the project came about. About five years ago parking and traffic started to become a problem. Consideration was given to the cost of renovation which would include handicapped accessibility issues at the office and Code updates to the apartments, keeping the business open, and the traffic and parking problem. She decided this new location was a great location for the patients, looked residential and like part of the town. Mr. Ruckle asked Dr. Cox how she liked the idea of having a parking garage right next to that building for her clients. Dr. Cox agreed traffic was a problem, and she liked the idea of creating more traffic flow down Main Street. She did not know the right solution but thought there were a lot of possibilities presented. She thought that was the frustration of a lot of people downtown, and was talked about for a long time without any sign of change.

Sheila Anderson, District 1, reminded Council that this project was turned down twice by the Planning Commission, because it did not meet the current RS zoning. The proposal tonight still did not meet that criteria. Developers asked for it to be rezoned to BB. Center Street was the only place left in downtown Newark for permanent residents to invest in year-round housing who supported businesses all year long. Based on the architectural drawings, she felt the buildings were oversized with little green space and noted the trees would be gone. She wondered if this project was in the long-term interest of the City with student apartments and commercial space. Ms. Anderson suggested that the developer think out of the box and come up with designs for duplexes, carriage houses, townhouses on a smaller scale. She questioned the need for a Planning Commission if Council voted against their recommendations. She felt Council should have to give sufficient and well-reasoned arguments for not supporting the Planning Commission recommendations. She urged Council not to allow a change in the zoning of this property.

Jean White, Radcliffe Drive, distributed pictures of what was currently on Center Street. She felt Center Street reflected the charm of the older section of town. Its potential demise saddened her as she felt if this plan was approved tonight, it would be the death knell for the rest of the area because the whole area would collapse into Central Business District. She heard some developers wanted this to happen. She reviewed the photos in her hand out and noted that in particular, the second building would take away from the residential feeling of the opposite side of the street. She expressed concern about the stucco design, who would live in the apartments, the increased traffic and whether a project could be done under the New Center Village concept. She offered alternative ideas for the project and felt it should go back to the Planning Commission before being considered by Council.

Chris Stewart, West Branch, asked if people lived in the houses on Center Street and whether this would help with the flow of traffic because Center Street currently had parking on both sides and was a mess. Mr. Locke responded there were 35 homes in the Chapel and Choate Street area. Of those 35 homes, one was owner-occupied and everything else was owned by investors or were rentals. Regarding Ms. Anderson's concerns he referred Council to page 40 of the May 5, 2015 Planning Commission minutes where she requested, "You can drop these 14 ft. on the first floor. Get rid of that commercial aspect, bring this down to three levels, and bring the elevation down. I would like to see it at 16 units, but we get into the money issues. I think that is a valid proposal, though." They listened to Ms. Anderson and did a lot of those things. They brought it down to 15 feet, brought the units down to 20 units on one building and three units on the other. The only commercial aspect was for Dr. Cox, and in the subdivision agreement, they agreed to certain restrictions on the commercial aspects of that property.

Mr. Locke summarized Planning Commission Chairman Silverman's synopsis of the area from the May 5, 2015 minutes: We look at the area of Center, Choate and Chapel Streets as if it was a vibrant single family community, as if this proposal was going to be developed in the middle of the Oaklands or Binns. That area is not a vibrant family community. Those units are coming to the end of their design life. We

talk about family units, what we talk of in that area, they were not family units. They are units being occupied by unrelated individuals. As I understand it, no applications have been made in the last five years for the NCV proposal (he called it the 3C area - Choate, Center, Chapel Streets), involving family occupied housing or the desire to have family occupied housing in this current area of the City. There was plenty of money available, and nothing has been done. The area from his point of view has been severely impacted by the intensive active recreation use of the University particularly with their outdoor stadium lighting. It sounded ironic. This use may be the transition use between the intensive recreation area and whatever is going to develop in the 3C areas. Touching specifically on this site, if this site was proposed in the middle of the 3C area he may have his doubts about it, but it was not. It was on the westerly edge. It was separating an active recreation area of the University and was adjacent to Main Street. It was not in the middle of the activity going on there. He believed that the application substantially complied with the early critiques, even to the point of coming up with a residential density similar to what the City and Council envisioned.

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO APPROVE THE ORDINANCE AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE PROPERTY LOCATED AT 21, 27, 39, 45 AND 49 CENTER STREET.

Ms. Wallace would vote against this because she thought it was in conflict with the purposes of the Comprehensive Development Plan.

Mr. Markham would vote in favor of this because it should not have a negative impact on adjacent and nearby properties and because the rezoning, the major subdivision and special use permit would not have a negative effect.

Ms. Hadden agreed with Mr. Markham and did not feel this would affect adversely the health or welfare of persons residing or working in that area. She did not think it would be detrimental to public welfare and thought it fit with amending the Comprehensive Plan for that area.

While Mr. Morehead would like to support Dr. Cox remaining local, he would not support this because he did not believe it fit the Comprehensive Development Plan.

Mr. Ruckle would support the plan. He did not believe it would have any negative impact on the neighborhood or surrounding areas and believed it would have a positive impact on the public welfare.

Ms. Sierer would vote to support this project for the reasons stated by Mr. Markham and Ms. Hadden.

MOTION PASSED. VOTE: 4 to 2.

Aye – Hadden, Markham, Ruckle, Sierer.

Nay – Morehead, Wallace.

Absent – Chapman.

(ORDINANCE NO. 16-19)

22. 8-B. BILL 15-05 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE, BY REZONING FROM RS (SINGLE FAMILY DETACHED RESIDENTIAL) AND NCV (NEW CENTER VILLAGE TO BB (CENTRAL BUSINESS DISTRICT) 0.846 ACRES LOCATED AT 21, 27, 39, 45 AND 49 CENTER STREET

04:32:06

(Secretary's Note: The public hearing for this item was held under item 8A.)

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: TO AMEND THE ZONING MAP OF THE CITY OF NEWARK BY REZONING FROM RS (SINGLE FAMILY DETACHED RESIDENTIAL) AND NEW CENTER VILLAGE TO BB (CENTRAL BUSINESS DISTRICT) 0.846 ACRES OF 21, 27, 39, 45 AND 49 CENTER STREET.

Mr. Ruckle would support this plan. He believed it would have a great impact on the City and the business district.

As Mr. Morehead previously said, in addition he believed this neighborhood had potential as a neighborhood. He knew folks who would like to live downtown. As odd as that may seem, these houses

were unique and provided a unique opportunity for renovations. If the City precluded that opportunity, it was gone forever.

Ms. Hadden would support the rezoning for reasons previously stated. In her opinion, the New Center Village overlay was a failure and was something that needed to be corrected. She felt this would bring the area more in line with zoning. She believed there was additional BB zoning very close by that it would become part of.

Mr. Markham would support this. He believed that the rezoning would not have a negative impact on adjacent properties or have a negative health effect on the City and that it conformed to the land use guidelines of the Comprehensive Development Plan.

Ms. Wallace would not support the project for reasons previously stated.

Ms. Sierer would support the rezoning for reasons previously stated by Mr. Markham.

MOTION PASSED. VOTE: 4 to 2.

Aye – Hadden, Markham, Ruckle, Sierer.

Nay – Morehead, Wallace.

Absent – Chapman.

(ORDINANCE NO. 16-20)

23. 9. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:

- A.** Request of 21 Center Street Associates, LLC for a Special Use Permit for 23 Apartments in the BB Zone at the Property Located at 21, 27, 29, 45 and 49 Center Street to be Known as the Lofts at Center Street

04:35:42

(Secretary's Note: The public hearing for this item was held under item 8A.)

MOTION BY MR. MARKHAM, SECONDED BY MS. HADDEN: TO APPROVE THE SPECIAL USE PERMIT FOR 23 APARTMENTS IN THE BB ZONE AT THE PROPERTY LOCATED AT 21, 27, 39, 45 AND 49 CENTER STREET TO BE KNOWN AS THE LOFTS AT CENTER STREET.

Ms. Wallace would not support the Special Use Permit because it was in conflict with the Comprehensive Development Plan.

Mr. Markham would support the Special Use Permit for 23 proposed apartments in downtown. He did not believe it would affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use or be detrimental to the public welfare or injurious to property or improvements in the neighborhood or be in conflict with the purposes of the Comprehensive Development Plan of the City.

Ms. Hadden said for the reasons previously stated by Mr. Markham, she would be supporting this. Mr. Morehead would not support the project because he believed it was in conflict with the purposes of the Comprehensive Development Plan.

Mr. Morehead would not support the Special Use Permit because he believed it was in conflict with the purposes of the Comprehensive Development Plan.

Mr. Ruckle would support this. He believed as Mr. Markham stated that it would have a positive effect on the public welfare.

Ms. Sierer would support this as well for reasons stated by Mr. Markham.

MOTION PASSED. VOTE: 4 to 2.

Aye – Hadden, Markham, Ruckle, Sierer.

Nay – Morehead, Wallace.

Absent – Chapman.

24. 9-B. **REQUEST OF 21 CENTER STREET ASSOCIATES, LLC FOR THE MAJOR SUBDIVISION OF 0.846 ACRES LOCATED AT 21, 27, 39, 45 AND 49 CENTER STREET IN ORDER TO DEMOLISH THE EXISTING BUILDINGS ON THE SITE AND CONSTRUCT ONE TWO-STORY MIXED USE BUILDING CONSISTING OF THREE UPPER FLOOR APARTMENTS AND 3,000 SQUARE FEET OF FIRST FLOOR COMMERCIAL OFFICE SPACE AND ONE THREE-STORY RESIDENTIAL BUILDING WITH TWENTY UPPER FLOOR APARTMENTS AND FIRST FLOOR PARKING TO BE KNOWN AS THE LOFTS AT CENTER STREET**

04:39:12

(Secretary's Note: The public hearing for this item was held under item 8A.)

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: THAT THE SUBDIVISION AGREEMENT AND RESOLUTION BE APPROVED AS REQUESTED BY 21 CENTER STREET ASSOCIATES, LLC FOR THE MAJOR SUBDIVISION OF 0.846 ACRES LOCATED AT 21, 27, 39, 45 AND 49 CENTER STREET IN ORDER TO DEMOLISH THE EXISTING BUILDINGS ON THE SITE AND CONSTRUCT ONE TWO-STORY MIXED USE BUILDING CONSISTING OF THREE UPPER FLOOR APARTMENTS AND 3,000 SQUARE FEET OF FIRST FLOOR COMMERCIAL OFFICE SPACE AND ONE THREE-STORY RESIDENTIAL BUILDING WITH TWENTY UPPER FLOOR APARTMENTS AND FIRST FLOOR PARKING TO BE KNOWN AS THE LOFTS AT CENTER STREET

Mr. Herron was not aware whether the applicant agreed with all of the provisions in this proposed subdivision agreement. Mr. Lang confirmed that they would abide by the recommendations.

MOTION PASSED. VOTE: 4 to 2.

Aye – Hadden, Markham, Ruckle, Sierer.

Nay – Morehead, Wallace.

Absent – Chapman.

(RESOLUTION NO. 16-P)

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

A. **Council Members:** None

26. 10-B. **OTHERS:** None

27. 11. **APPROVAL OF CONSENT AGENDA**

04:41:21

Ms. Bensley read the Consent Agenda in its entirety.

- A. Approval of Council Meeting Minutes – June 13, 2016
- B. Receipt of Alderman's Report – June 9, 2016
- C. Receipt of Conservation Advisory Commission 2015 Annual Report
- D. ***First Reading – Bill 16-17 – An Ordinance Amending Chapter 7, Building, Chapter 14, Fire, Chapter 17, Property Maintenance and Chapter 26, Streets, Code of the City of Newark Delaware, By Deleting the Board of Building Appeals, Property Maintenance Appeals Board and Board of Sidewalk Appeals and Creating a New Board of Building, Fire, Property Maintenance and Sidewalk Appeals – *Second Reading – July 11, 2016****

MOTION BY MR. MARKHAM, SECONDED BY MR. RUCKLE: THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

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

Nay – 0.

Absent: Chapman

28. **Meeting adjourned at 11:53 p.m.**

Renee K. Bensley
Director of Legislative Services
City Secretary