

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

October 4, 2016

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: Jeremy Firestone

Commissioners Present: Bob Cronin
Willard Hurd
Frank McIntosh
Alan Silverman
Robert Stozek

Commissioners Absent: District 3 (Vacant)

Staff Present: Maureen Feeney Roser, Planning and Development Director
Mike Fortner, Development Manager

Mr. Alan Silverman called the Planning Commission meeting to order at 7:09 p.m.

1. ELECTION OF PLANNING COMMISSION OFFICERS.

Mr. Silverman: I would like to call to order the City of Newark Planning Commission meeting for Tuesday, October 4, 2016. The first item on our agenda is the election of Planning Commission Officers. The City Code requires that we have election among the Commissioners after, I believe, the 16th of September of every year.

Ms. Maureen Feeney Roser: Yes.

Mr. Silverman: Which is kind of an interesting way of doing it. The Chair will entertain nominations. We have the position of President, Vice President and Secretary to be filled.

Ms. Feeney Roser: Chairman.

Mr. Silverman: Chairman, I'm sorry. I've been watching too much television. Let's start the discussion with the bottom position. Maureen has passed a memo to us dealing with the election of officers and, Maureen, do you want to go through that for us?

Ms. Feeney Roser: Well our Code specifically says that we need to elect a Secretary who does not have to be a member of the Commission. State Code, however, says that it has to be one of the body. So in order to comply with State Code, I would recommend that we elect a Secretary from the Commission and then, that Secretary could do one of two things, the way I see it. One, you can immediately transfer all responsibilities for the secretarial duties to the Planning and Development Department Secretary, which has been done in the past. Or we thought, perhaps, the position could be the one responsible for fielding and suggesting edits to the minutes. I think we do that fairly well so I don't know that there's any need to do that, but we could. The duties of Secretary are best done by a paid City employee who can efficiently turn around the minutes and post things, as necessary. So we do have to elect a Secretary, however, how the Commission wishes to handle those duties is up to the Commission.

Mr. Silverman: Okay, is there any discussion with respect to how we should handle the Secretary position? That position can be more of a symbolic position . . .

Mr. Will Hurd: I guess, in my opinion at least, the Commissioner who gets elected may decide that they either want or don't want to be responsible for managing the minutes and then could decide either to dump the whole package onto Michelle or reserve that piece for himself.

Ms. Feeney Roser: When you say managing minutes, do you mean edits to the minutes?

Mr. Hurd: Yes. What you're sort of talking about. Essentially being the person responsible for not necessarily preparation, but for, sort of, I'm going to say certifying . . . that's not quite the right word . . . but to say we have a draft of the minutes, we have revisions to the minutes, those revisions have been incorporated, and the minutes are complete and submitted to the Commission.

Mr. Silverman: And that would work. The City Code, I believe, taking from memory, does require the Planning Director to be support and administration to the Commission and under the umbrella of the Director would be secretarial support.

Okay, last year, as a reminder, we left the position of Vice Chair unfilled and it was filled on an ad-hoc basis. The consensus was that the most senior member present would take over that position. With that information, I would like to open up the floor for nominations for the position of Chairperson.

Mr. Hurd: I'll nominate Alan [Silverman].

Mr. Frank McIntosh: Second.

Mr. Silverman: Okay, are there any other nominations?

Mr. Bob Stozek: I nominate Jeremy [Firestone].

Mr. Silverman: Okay, any further nominations?

Mr. McIntosh: Does there need to be a second?

Mr. Bruce Herron: No.

Mr. Silverman: We have two nominations for Chair: the present Chair, myself, and Jeremy Firestone.

Ms. Feeney Roser: I guess we should ask if you're willing to serve, if elected. Are you willing to serve?

Mr. Jeremy Firestone: Yes.

Mr. Bob Cronin: Do we have campaign speeches and a debate?

Mr. Silverman: Hearing no further nominations, the nominations for the position of Chairperson are closed. We will move to elections and, if there are no objections, rather than the Secretary [inaudible] the mechanics of it. Do we want to do this by ballot? Or do we want to do it by voice?

Ms. Feeney Roser: A show of hands would probably be best.

Mr. Silverman: Okay.

Mr. Firestone: I'm fine with that.

Mr. Silverman: All those in . . .

Mr. Firestone: Can we make, at least, a two minute statement?

Mr. Silverman: Yes, I have no objections to that.

Mr. Cronin: That would be nice.

Mr. Firestone: My view on this is that this Commission has had, for the last nine years, only two Chairs. This is a citizen voluntary Commission. Change is good and new ideas are good. And it being a voluntary Commission, I don't think that having, effectively, the same person chair year after year is good. I see this as a more democratic body and I think rotating Chairs, and that no one should really sit in the Chair for many years in a row. So it's with that that I was willing to have my name put into nomination. And that's it.

Ms. Feeney Roser: Thank you.

Mr. Silverman: I have to make sure I don't go off into clichés here. In principle I agree with Jeremy that no person should serve for an extended period of time. I have been in this position for a full calendar year and several months prior to that. The prior Chair had been in the position for, I believe, 25 years. With the retirement of the previous Planning Director and the new Planning Director and a change in Council, the Commission had the opportunity to review the direction of the planning [inaudible] in Newark, which coincided with the updated Comprehensive Plan. We put together a Work Program for the first time in years. We went through the arduous task of public review of the Comp Plan [inaudible] public meetings. There were some ideas that had grown out of the Comp Plan. A number of those were reflected in our Work Program. We've already talked about parking and a working committee. This is something that I'd like to have the additional year to bring to completion, to flesh out some of these ideas and complete some of them and see if we want to continue with others. We've got a good working Planning staff who are working with the Commissioners. I'm very comfortable working with them and the Commission members and I would like to do that for at least another year.

Ms. Feeney Roser: Thank you, Alan.

Mr. McIntosh: Is it appropriate to make comments?

Mr. Silverman: Yes.

Mr. McIntosh: While I agree with Commissioner Firestone about length of service in any position, including the City Planning Commission . . . I don't think anything is served by somebody being on the Commission for 10, 20 or 30 years . . . I do think that one year is not nearly enough time to do what somebody set out to do. I've seen Chairman Silverman grow in his role as Chair, from the beginning to today, and grow quite effectively, I think. He does have a lot of things that are moving ahead. No one can deny that he's probably the most prepared Chairman I've ever encountered in my life, including myself, for any particular meeting or subject. One might say over-prepared, Alan, but nevertheless I think you are extraordinarily prepared and for that reason I would support your continued work so that you can complete what you've started out to do.

Mr. Silverman: Thank you. Is there anyone else who would like to comment? No? Okay, a show of hands?

Ms. Feeney Roser: Yes, I think that's probably the easiest way to do it.

Mr. Silverman: Maureen, do you want to take this from here?

Ms. Feeney Roser: All those in favor of . . .

Mr. Herron: Well I think there should be a motion to designate a particular person.

Ms. Feeney Roser: Do it that way?

Mr. Herron: Yes, that would probably be the best way to do it.

Mr. Silverman: To run the election?

Mr. Herron: I think there should be a motion to appoint either candidate as the Chairman of the Planning Commission.

Mr. McIntosh: Didn't we already do that?

Mr. Cronin: We nominated them.

Ms. Feeney Roser: They nominated but they didn't do a motion.

Mr. Herron: Right.

Ms. Feeney Roser: Will, you nominated Alan. Would you like to make that a motion?

Mr. Silverman: I'll make that a motion.

Ms. Feeney Roser: No, Will . . .

Mr. Silverman: I'm sorry.

Mr. Cronin: Well point of order, if you have motions then the first person motion, you vote on that person, does that preclude a second motion for somebody else? I'm a little confused as to how this is going to unfold.

Ms. Feeney Roser: I'll ask Bruce to chime in but it would seem to me that whatever motion goes first, if that person is successful in getting a majority of the votes, then the second one doesn't need to be considered. Is that your take on that, Bruce?

Mr. Herron: Yes.

Ms. Feeney Roser: I don't think we've ever had an election before . . .

Mr. Firestone: It seems a very peculiar way to run an election.

Mr. Hurd: Yeah.

Mr. Firestone: That you would . . .

Mr. Silverman: Make it a motion . . .

Mr. Firestone: Well that you would make it a motion. It's almost a race as to who could make a motion first. I don't know. It just doesn't make logical sense to me that you wouldn't just have a vote.

Mr. Silverman: Let's go back to Robert's Rules and simply have a vote, with all due respect.

Mr. Cronin: I think we should.

Mr. Herron: That's fine.

Mr. McIntosh: I agree.

Mr. Herron: The Code talks about elections, so . . .

Mr. Silverman: All those in favor of Alan Silverman, please raise your hand.

[Secretary's note: Mr. McIntosh and Mr. Silverman voted in favor of Mr. Silverman's nomination.]

Ms. Feeney Roser: Okay.

Mr. Silverman: All those in favor of Jeremy Firestone, please raise your hand.

[Secretary's note: Mr. Cronin, Mr. Firestone, Mr. Hurd and Mr. Stozek voted in favor of Mr. Firestone's nomination.]

Mr. Silverman: Okay. Mr. Firestone, I'll turn the gavel over to you.

[Secretary's note: At this point in the meeting, Mr. Firestone presided over the meeting as Chairman.]

Mr. Firestone: We can just stay in our same seats.

Mr. Silverman: Oh, okay.

Mr. Firestone: Okay. For my first duty I guess we're going to move to the election of a Vice Chairman, or we could continue the procedure that we had last year with the most senior member.

Mr. Hurd: I make a motion that we continue with the policy from last year.

Mr. Firestone: Is there a second?

Mr. Cronin: Second.

Mr. Firestone: Any discussion on the motion? All those in favor, signal by saying Aye. Opposed? Motion carries.

MOTION BY HURD, SECONDED BY CRONIN, THAT IN THE ABSENCE OF THE PLANNING COMMISSION CHAIRMAN, THE POSITION OF PLANNING COMMISSION VICE CHAIRMAN BE FILLED BY THE MOST SENIOR COMMISSIONER IN ATTENDANCE AT THE MEETING, WHO WILL LEAD THE MEETING IN THE CHAIRMAN'S ABSENCE.

VOTE: 5-1

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, STOZEK

NAY: SILVERMAN

ABSENT: DISTRICT 3 (VACANT)

MOTION PASSED

Mr. Firestone: Next we're going to elect a Secretary. Are there any nominations for the office of Secretary? Alan?

Mr. Silverman: I nominate myself.

Mr. Firestone: You nominate yourself?

Mr. Silverman: Yes.

Mr. Firestone: I second that. Is there any discussion? All those in favor, signal by saying Aye. Opposed? Motion carries unanimously.

MOTION BY SILVERMAN, SECONDED BY FIRESTONE, THAT ALAN SILVERMAN BE ELECTED TO THE POSITION OF PLANNING COMMISSION SECRETARY.

VOTE: 6-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, SILVERMAN, STOZEK

NAY: NONE

ABSENT: DISTRICT 3 (VACANT)

MOTION PASSED UNANIMOUSLY

Mr. Firestone: Alan, you may choose, and I don't think you necessarily need to do it right at this moment, but you can choose how you want to . . .

Mr. Silverman: My preference is no change.

Mr. Firestone: To keep the statutory Code?

Mr. Silverman: Yes.

Mr. Firestone: Okay.

Mr. Silverman: So we'll follow the procedures we have in the past with staff providing the secretarial support.

2. THE MINUTES OF THE SEPTEMBER 6, 2016 PLANNING COMMISSION MEETING.

Mr. Firestone: Okay, moving along. The second item on our agenda is the minutes of September 6, 2016 Planning Commission meeting. Are there any corrections, additions or subtractions from those minutes? Michelle, did anyone comment or turn in any corrections or additions?

Ms. Michelle Vispi: No comments.

Mr. Firestone: Okay. Do I have a motion to approve the minutes?

Mr. Silverman: So moved.

Mr. Firestone: Second?

Mr. Hurd: Second.

Mr. Firestone: All in favor, signify by saying Aye. Those opposed, say Nay. Okay, the minutes are approved.

MOTION BY SILVERMAN, SECONDED BY HURD, THAT THE MINUTES OF THE SEPTEMBER 6, 2016 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, SILVERMAN, STOZEK

NAY: NONE

ABSENT: DISTRICT 3 (VACANT)

MOTION PASSED UNANIMOUSLY

3. REVIEW AND CONSIDERATION OF AMENDMENTS TO THE ZONING CODE AS THEY RELATE TO THE SMALL SCALE PRODUCTION OF ALCOHOL AND RELATED ACCESSORY USES. [Withdrawn until a future Planning Commission meeting.]

Mr. Firestone: The third item on our agenda, review and consideration of amendments to the Zoning Code as they relate to the small scale of production of alcohol and related accessory uses. That was withdrawn until a future Planning Commission meeting. Do you want to say anything about that, Maureen?

Ms. Feeney Roser: Yes. We had been very hopeful that we'd get it on this agenda, but we just didn't have the time to do the research and write the report so we're shooting for next month.

Mr. Firestone: Okay. Terrific.

4. REVIEW AND CONSIDERATION OF AMENDMENTS TO THE ZONING CODE AS THEY RELATE TO BOARDING, ROOMING AND BOARDING HOUSES.

Mr. Firestone: So the fourth item on the agenda is review and consideration of amendments to the Zoning Code as they relate to boarding, rooming and lodging houses. Are you going to present the report, Maureen, or is someone else?

Ms. Feeney Roser: Yes, I'll be doing it.

Mr. Firestone: Please do.

Ms. Feeney Roser: Thank you very much, Chairman Firestone.

[Secretary's note: Ms. Feeney Roser proceeded to summarize the Planning and Development Department report on the proposed amendments to the Zoning Code as they relate to boarding, rooming and boarding houses, which reads as follows:]

Recently the Department has fielded a couple of inquiries regarding the possibility of opening boarding houses and rooming houses as permitted uses in certain zoning categories. Specifically, as the Code is currently written, boarding and rooming houses are permitted uses in RM (multi-family – garden apartment) and RA (multi-family dwellings – high rise apartment). They are also defined in Section 32-4. Unfortunately, we have found that there is some confusion concerning what a boarding or rooming house is and under what conditions one would be permitted in those zoning districts. Specifically, the City has consistently interpreted the Code to mean that a boarding or rooming house is one which serves short-term or transient guests, rather than non-transient tenants such as University of Delaware students who are here for a semester, for a school term or for a year. This interpretation is premised on the fact that our zoning-mandated rental permit regulations specifically reference “non-transient” tenants. In other words, if we require rental permits and limit the occupancy of single family homes which are rented out to non-transient tenants, and further limit the occupancy of student homes; but at the same time do not require permits and only limit occupancy of boarding, rooming or lodging houses by lot area, our occupancy limits would have no meaning. In other words, to not be a rental unit (and therefore exempt from rental permit regulations), a rooming or boarding house in a single family dwelling must house transient roomers or boarders, and not non-transient tenants. There has to be a distinction between roomers and boarders and tenants; otherwise every home with tenants could be considered a rooming house. Therefore, the Department's interpretation is that for rooming or boarding houses, the Code contemplates the lodging of transient individuals; that is, those who do not enter into a rental agreement for more than 30 days and who do not intend to live in the home for more than 30 days.

The City Solicitor agrees with this interpretation, but suggested that it might be advisable to update the Code to make it clear that the occupancy permitted in boarding, rooming and lodging houses is of a transient nature. As the Department began to discuss the wording of potential revised definitions of boarding and rooming houses and an additional definition of “transient” to accommodate the Solicitor’s recommendation, we determined that a better approach would be to simply delete rooming, boarding and lodging houses from the list of permitted uses in RM and RA zoning districts entirely. The Department believes the use itself is antiquated, and leaving it in the Code as a confusing allowable use in RM and RA serves no purpose. Were we to delete the permitted use, there would be no need to require definition changes or an associated new definition of the term transient occupancy. Even with the deletion, the taking of transient guests would still be possible because for non-student homes, owners who live in the single family type houses (detached, semi-detached or row and town houses) may take in up to two roomers or boarders without a rental permit.

RECOMMENDATION

Because the term rooming and boarding house is an antiquated use and serves no purpose, and because the use and associated definitions may cause confusion regarding permitted uses in the Code, the Planning and Development Department suggests that **the Planning Commission recommend to City Council the following:**

Delete Section 32-4(a)(11) which reads as follows, “Boarding house: a building or portion thereof arranged or used for sheltering and feeding for compensation of more than three individuals.”

Delete Section 32-4(a)(108) which reads, “Rooming building or rooming house: a building or portion thereof arranged for and containing rooming units.”

Delete Section 32-4(a)(109) which reads, “Rooming unit: One or more rooms for the use of one or more individuals not living as a single housekeeping unit.”

Delete Section 32-11(a)(3) which reads, “Boarding house, rooming house, or lodging house, but excluding all forms of fraternities and/or sororities, and further provided that the minimum lot area for each eight or remainder over the multiple of eight residents, shall be the same as the minimum lot area requirements for each dwelling unit in this district.”

Delete Section 32-12(a)(3) which reads, “Boarding house, rooming house, or lodging house, but excluding all forms of fraternities and/or sororities, and further provided that the minimum lot area for each eight or remainder over the multiple of eight residents, shall be the same as the minimum lot area requirements for each dwelling unit in this district.”

Ms. Feeney Roser: Our recommendation is to delete those Code sections. That completes my summary of the report. I will be happy to answer any questions that the Commission may have for us.

Mr. Firestone: Does any Commissioner have any questions for Maureen?

Mr. Hurd: I do but I’m not quite sure what it is. I’ve got to admit, I’m very confused about what it is that we’re removing or doing. Is this going to make it . . . I mean, do we have rooming houses now? If I wanted to put up a building that had eight rooms in it and took in people for less than a month, it sounds like I could do that anywhere [inaudible] because you’re going to remove the definition. I guess I’m not really quite clear about what we’re . . .

Ms. Feeney Roser: If it’s not listed in the Code as a permitted use, it would not be permitted.

Mr. Hurd: So we're going to say that there's no more rooming houses?

Ms. Feeney Roser: Right. Now this does not apply to group homes that are sanctioned by the State. We do have some of them. We have no rooming houses or boarding houses, which I know of, in the City.

Mr. Hurd: So if you wanted to do transient housing, or you wanted to provide housing for transient tenants, then it would have to be in a house already occupied by an occupant?

Ms. Feeney Roser: Yes, if you wanted to do it without a permit?

Mr. Hurd: Okay, but does that mean then that the rental regulation would then remove the reference to non-transient tenants and just say tenants?

Ms. Feeney Roser: I imagine we would leave that in because that would allow someone to have somebody come and stay with them for a few days, or a month even, and not be subject to rules.

Mr. Firestone: Can you explain why there is, and now it will be even firmer, a distinction between apartments and single family type houses regarding the ability to take in two or more roomers or boarders without a rental permit? Is that because they're already rental units?

Ms. Feeney Roser: Right. That's the intended use as a garden apartment in RM, for example. But we have some homes that are zoned RM that are single family. So it's the intent of the dwelling to be a single family unit and not necessarily an apartment building. Now I wasn't here when we created the regulations for roomers and boarders originally or when the Council first put occupancy limits on single family homes, but those rental permit regulations only apply to single family homes.

Mr. Firestone: And how would this change affect someone who wanted to do Airbnb?

Ms. Feeney Roser: It should not.

Mr. Firestone: It won't change it?

Ms. Feeney Roser: It should not.

Mr. Firestone: And it won't change it for people who are renting an apartment unit and want to do Airbnb?

Ms. Feeney Roser: It should not. Bruce, do you have anything to add to that? It should not. This is a use for a pretty large area and taking in roomers or boarders who only live in rooms. They share a kitchen and things of that sort. It's not really renting an apartment.

Mr. Firestone: Right. But Airbnb has some aspects of taking in transients. Giving them a room to stay in and allowing them into the living room and the kitchen. So I'm just trying to understand. Society seems to be, and we haven't really had a policy in this City per se, but society seems to be moving towards, perhaps, going back towards this notion of boarding houses but in a more modern sense. And so the question is will eliminating this have an effect? Are we making a decision without really thinking through the implications on that kind of social change that society is going through at the moment?

Ms. Feeney Roser: Well if you look at the definitions of boarding house . . . let me back up . . . the other thing to do is what we started out to do, and that was to define boarding and rooming houses as for transient only. And then you would have a list of definitions for transient and things of that sort. If that's what the Commission thinks would be the more appropriate way to approach that, then we can look at that. But what we talked about with the Solicitor

was simply that the term boarding or rooming house refers to something that is a use that we haven't come across and we believe that leaving it in the Code is only going to create confusion and may actually unintentionally allow abuse of the rental permit program. So our thought was to take it out. If you think that it will have a negative impact on Airbnb, which I don't believe that we thought that it would, but if you're concerned about that, we can go back to the drawing board and try it another way.

Mr. McIntosh: Mr. Chairman? Question.

Mr. Firestone: Yes?

Mr. McIntosh: I don't know anything about Airbnb. Maybe if you do book a room with Airbnb [inaudible] people. But what if it's free. I don't know. What this here says they make take up to two roomers or boarders without a rental permit.

Ms. Feeney Roser: Correct.

Mr. Firestone: Right, that would be someone in a single family house. But if I'm, say, renting a four-bedroom apartment and, for whatever reason, we lose a housemate and all of a sudden now we have this extra room and we're now having to pay rent on this extra room in an apartment, under the sharing economy with Airbnb, someone might want to then list it under Airbnb and have transient people come in and out and stay in that room.

Ms. Feeney Roser: In that case, though, Chairman Firestone, wouldn't that be between the owner of the apartment and the person who is renting it?

Mr. Firestone: The landlord obviously can put restrictions on what the tenant can do. I'm just trying to understand whether this Code change would still allow a landlord to allow that behavior. I'm just throwing this stuff out there and just thinking that, and maybe Bruce can help us, if there would be some implication on that. I just think we need to think it through more, and not necessarily that we wouldn't want to go that way, but I just think it needs consideration. That's all. Bruce, I don't know if you have a view on that.

Mr. Herron: I don't know if I can give an opinion tonight on that. Because I don't think we thought of that or considered that.

Ms. Feeney Roser: Well I don't think . . . I mean I knew about Airbnb.

Mr. Herron: Well I know you knew about it but we didn't talk about it.

Ms. Feeney Roser: I didn't think that it was going to have any impact on that. But if you think that it might, we can . . .

Mr. McIntosh: I'm not sure that my question got answered. If I own a house . . . I do own a house . . . and I want to have it as an Airbnb location and I, say, put it on Craig's List or some other place where one puts things like that . . . and somebody says, yes there are four of us coming in to see the Patriots play the Eagles, and we want to be there for a week using Airbnb, or whatever. Well that would be more than two roomers or boarders without a rental permit. And, of course, I would be inclined to rent to them because they're good human beings but this would prevent me from doing it.

Mr. Firestone: I guess I would probably agree that it would limit you to two . . .

Mr. McIntosh: I can only have two of you, sorry. Pick two of the most favorite Patriots fans. But still . . .

Mr. Hurd: It seems to me that that's an area of Code that we're not touching. That currently you can take in up to two roomers or boarders without a rental permit. I guess I'm not understanding the logic that led from needing to define clearly the difference between a renting tenant who needs a permit and a transient tenant who doesn't, to removing the definition as being the most effective solution. Because I'm not quite seeing what the problem is that we're trying to solve.

Ms. Feeney Roser: One, it's confusing. But the second thing was I have a concern that it's something that could make our rental permit regulations ineffective.

Mr. Hurd: Okay, I think I'm not understanding that . . .

Ms. Feeney Roser: Well if you can take in people who are not transient and have them rent a room from you and live in a single family home in a neighborhood, you're effectively having more tenants than your neighbors are allowed to do with a rental permit. We have these regulations for the protection of the neighborhood. For the quality of life issues.

Mr. Hurd: Okay.

Ms. Feeney Roser: And if we don't define very well that this is a transient type of arrangement, then you could end up with a whole bunch of these all over the place very quickly. And so the thought was, you know first of all, we only allow them in two zoning districts – RA and RM – and we never, until this came up, had any occasion to think that it was a use that was still viable. So rather than going through the trouble of adding and changing definitions, which we certainly can do, we thought it might be more expedient to remove the use from the permitted use section of those two zoning districts. That's simply what we did.

Mr. Firestone: Michelle, did anyone sign up for public comment on this issue?

Ms. Vispi: I apologize, let me get that for you.

Mr. Firestone: Thank you.

Mr. Hurd: Are we still in discussion or are we through?

Mr. Firestone: No, I was waiting for Michelle.

Mr. Hurd: Okay. I guess I'm concerned about removing a currently permitted use without, I guess, a good reason for it. I mean I understand it but I think if someone's coming forward to say that they're thinking about doing it that tells me that maybe this is a housing mechanism that has some need. And I know from the rental housing conversations, there are issues about affordable housing for people, and this might be . . . you know, the ability to rent a single room might be a way to provide some of that. But I can understand your concerns that the definitions are vague enough that people might sort of say, I'm a rooming house not a rental house, and therefore my people are here, and you would have to figure out how to police that without . . . you know, does that mean that they have to sign a monthly lease every month but they can stay there for a year, or . . . I don't know if we're on top of that. I guess I'm just not ready to toss it aside without a better understanding of what's the problem that we're trying to solve.

Mr. Firestone: Yes, Alan?

Mr. Silverman: It appears that this is one of the few living arrangements that's not somehow licensed or controlled or regulated in the City. I think that may be the issue. If I want to run a motel, I have to have a business license. If I want to take in . . . if I have a single family home, I can take in so many people without needing a license. If I'm going to go beyond that, there's some kind of licensing and inspection arrangement. But to flip this around, to bring rooming

houses under . . . if you're going to run a boarding house, it has to be licensed, inspected, fire safety, the whole nine yards, or if it's going to be a large operation with more than two people, it needs to have a special use permit. In other words, it's going to be something out of the ordinary. And this would give the neighborhood a chance to comment and see if Council agreed to it. I'm not a real fan of these 'rent a room on Craig's List' kind of things. I wouldn't want the rhythm of my community upset by a University of Delaware home football game and all of a sudden every other house on my street is now taking in 2, 3 or 4 people. That's not part of the use of the neighborhood.

Mr. Firestone: Is there any other Commissioner that wants to speak now or can we get public comment and then if there's other comments from the Commissioners, we can get them.

Mr. Hurd: I think I understand the report.

Mr. Firestone: Okay, then I'd like to call Richard Franta to the microphone please.

Mr. Richard Franta: Thank you, Mr. Chairman. My name is Franta, F-R-A-N-T-A.

Mr. Firestone: Oh, Franta. Okay.

Mr. Franta: I'm a lawyer in Wilmington and I work with the corporate owner . . .

Ms. Feeney Roser: Can you turn the microphone on?

Mr. Herron: I think it's off.

Ms. Feeney Roser: There you go.

Mr. Firestone: My apologies on the name, too.

Mr. Franta: It's alright. It's my handwriting. I represent the corporate owner of a property in Newark in the RM-zoned . . . it's 34 Continental Avenue. And, in light of your question, a quick history of that property. It was acquired by the Newark Housing Ministry in 1985, transferred to an entity called Homeward Bound, Inc. in 1999 and was established as a shelter for families with children. And over the years it operated both as an emergency shelter as well as longer-term, one year and plus, housing. In 2001 the house next door was acquired and the two houses were joined together, practically gutted and rehabbed, and the lot line eliminated. Homeward Bound operated the property, then gave it to Connections, Inc., which continued to operate the shelter for another year. As funding became scarce for Connections, Inc., they changed the type of resident to pregnant inmates and inmates who had recently given birth, assuming they were all female inmates. Connections then sold the property to my client in 2013, and they continue to lease the property to Connections until 7/1/2017, at which point my client is looking for another entity to utilize the property as a rooming house. So it was acquired, it was rehabbed, there was investment in it and it's operating successfully as, basically, a rooming house. The term group home is used, but I don't find that in the Code as a defined term. And it was not just what is now being described as transient people. It was up to a year sometimes for some of these people and, obviously if they've got pregnant inmates, they're not saying you get 30 days because then they'd have to pick a trimester that they'd want that 30 days to be in, etc.

So this is an established use, lawfully and continuously maintained under the Code without real problems as far as I know from the City. It's filled a need. And I would just like to have the Commission be cognizant of this fact, that this is a use that has been developed and successfully used for years in reliance on the Zoning Code that was there. You can change the Zoning Code, but there would have to be some thought given to how these owners are not divested of their property rights that they have in the property. Thank you. That's all that I wanted to say.

Mr. Firestone: Thank you. That was very helpful. Is there anyone else here today that would like to make any comment on this issue? Please do. And please state your name for the record.

Ms. Jean White: Okay, Jean White. He doesn't have to answer but I was interested if where he's talking about on Continental Avenue is still for pregnant prisoners, but I can learn that later. It has come up about bed and breakfasts and I presume everybody knows there was added to the Code, when Roy Lopata was Planning Director, a specific use of bed and breakfast. To my knowledge there never was a bed and breakfast that was then established in the City of Newark. There is one right outside of town but it is not in. But when that was established, there were particular rules that had to do with how long somebody could stay in that bed and breakfast, and this seemed to have come up with you and it wasn't apparent if everybody knew that or not. But I just was saying that.

But at any rate, when I saw this and read about it in the report, I was actually a bit perplexed or confused and started thinking about a boarding house and a rooming house. And a boarding house, when I looked it up in the dictionary, is a place, usually a home, at which board, meaning food, is established. Sometimes board is provided for pay and sometimes lodging, as well. And a rooming house is a lodging house. But in thinking about rooming houses, I seem to have been aware in my distant past of a rooming house, perhaps it was in Bloomington and perhaps it was someplace else I had lived, which was a house that had 8, 10, 12 rooms and oftentimes they might be single men, but they might not be, who stayed in there. They each had a room and maybe there was a bathroom down the hall. I don't know if they each had a bathroom. And maybe there was a communal kitchen, or not. Or maybe I read this in novels of the distant past or something. But anyway, so my view of a rooming house would be a place with many rooms and individuals that lived in those rooms but didn't individually have bathrooms and so on and so forth. So I am aware of what the gentleman talked about, Homeward Bound. And I always called it Emmaus House. In fact, my daughter volunteered there when she was in Scouts, when it was Emmaus House. And so I had visited there back then, but not now. So I don't know how the gentleman's, or let's say the location on, I believe it's Continental Drive, if I remember right, is governed now and whether that is considered a State-certified place. But I was thinking that maybe somebody else would want to have a rooming house and it would not just be three bedrooms and two could be rented out, but if you had a third you had to get, the owner of the property, who was living there, would have to get a rental permit. But somebody either living in the so-called rooming house, or renting it, say if you have 8 or 10 rooms, then it seems to me this has to be thought out very well. And I still, in the back of my mind, have this clarity definition of a rooming house. And if somebody wanted to do that, independent of the gentleman here, which I still don't fully understand what is being presented, but let's say someplace else, and you're going to have maybe 10 separate people, or 10 separate family or individual groups, then how do you handle that in the Code? And it doesn't seem, in reading the description that I tried to understand, that it's really basically talking about an individual owner who could rent out a room. So these are not very concise questions that I've given you but that's my thoughts. Thank you.

Mr. Firestone: Thank you very much. Is there anyone else who would like to address the Commission? Okay. Is there any further discussion by any of the Commissioners?

Mr. Hurd: I guess I'm going to ask Maureen if she could address the question about group homes and where that . . .

Ms. Feeney Roser: State-sanctioned group homes are exempt from our zoning requirements.

Mr. Hurd: Okay.

Ms. Feeney Roser: And I know that when Connections went from being a homeless shelter to the Great Expectations program, which is the pregnant inmate or near postpartum inmate, we looked at that very carefully to make sure that it met the Code, was State-sanctioned, and we

allowed it as exempt from the Zoning Code. It's not clear, I don't believe that Mr. Franta's new tenants or new use would be a State-sanctioned group home. It would be a boarding house, as proposed, so it's a bit different entity. All the legal aspects of that particular case I'm not sure about, but I do know that it's not happened before and I think that it does cause confusion and could invite some abuse of the system, not from Mr. Franta's clients of course, but others who may see that and decide that they would like to be a group home, as well, when really what they're doing is student housing.

Mr. Stozek: I guess throughout this circuitous discussion here wasn't there a question about the legality [inaudible].

Mr. Herron: I don't think I specifically said. I would need to go back and research. It was just in reference to the Airbnb discussion. I just made the point that Maureen and I hadn't talked about that.

Mr. Stozek: Is that a question that needs to be answered before we [inaudible]? It seems to be an open question.

Ms. Feeney Roser: We could look at it. I did not look at this, deleting this from the Code, as affecting Airbnb. And once we get into that, we may find that we need to have a business license or a no-impact home license, or something, for them. But we were looking at this specifically as the use as a boarding house, not as something that an owner would bring in other folks, more than two.

Mr. Firestone: I've got one further question about the State-sanctioned group homes. Is that exemption in the City Code or is that a State law that would preempt any City regulation?

Ms. Feeney Roser: State.

Mr. Herron: The latter. It's a State law that specifically provides that if it's classified as a group home under State law, it shall be considered a permitted single family use for all municipalities.

Mr. Firestone: Okay, thank you.

Mr. Stozek: But as a [inaudible] Commission, you don't know of any boarding houses in the City at this time, even any in the recent past, like 15 years or so?

Ms. Feeney Roser: Not that I know of. I remember . . . when I was in college here, I worked at the Malt Shoppe, if anybody remembers where that was, where the Galleria is now, and there were, next door above the Deluxe Luncheonette, rooms that people rented. But that's the last that I knew of. And I went to Code Enforcement and they didn't know of any either.

Mr. Firestone: How are fraternities and sororities classified?

Ms. Feeney Roser: They're not permitted as part of boarding or rooming houses. It specifically excludes them and they are also defined in the Code so this could not be, even if it were a boarding house, could not be a sorority or fraternity.

Mr. Firestone: Thank you. Any other comments?

Mr. Cronin: How about the Internationale House on Courtney Street?

Ms. Feeney Roser: That's University property. The University is exempt from zoning.

Mr. Cronin: Okay.

Ms. Feeney Roser: That's my understanding.

Mr. Firestone: Any other comments from any Commissioner?

Mr. McIntosh: I don't know if this is germane or not but didn't MBNA build some large group homes off of Paper Mill Road as part of their facilities up there?

Ms. Feeney Roser: They may have, Frank.

Mr. McIntosh: I think they did. And they had kids living there, I'm pretty sure. Now whether or not that still exists today under Bank of America, I don't know, but they did.

Ms. Feeney Roser: We have several group homes throughout the City for folks that need care or monitoring.

Mr. McIntosh: Yes, that was pretty much it. And it was close enough to the facility they were working at [inaudible].

Mr. Firestone: Does the Commission want to entertain a motion?

Ms. Feeney Roser: Is it something that the Commission would like to see us go back and . . . I mean, I would need some direction other than just looking into Airbnb.

Mr. Stozek: Yeah, I was going to say Airbnb is a growing industry out there and I'm not sure we know all the forms that it takes. And I think we need to understand because people see that as a way of using their property, whether it's one or two rooms or a whole house. I think we need to understand how this [inaudible].

Ms. Feeney Roser: Okay.

Mr. Hurd: Yeah, I think my sense here is that we may want to actually, instead of deleting the definitions for boarding house or rooming house, tighten it up. Because what I'm seeing here is that you're saying that a rooming building or house is a building or portion thereof arranged for contained room units. And I can see that that's partly the issue. That you could say my single family house has three bedrooms and that's the rooming house part and I live in the other part. But if we say, you know, the whole building has to be, essentially, a rooming house . . . you can't have an owner-occupant kind of thing . . . that tightens it up, I think, a little more. So it still keeps the single family home with an owner-occupant and a few boarders alone, and it says, we're talking about the special case of a building built specifically for, essentially, single occupancy. And then what I think is we need to get into an understanding of how to license and issue a rental permit for that. And whether that means it's a special use or it's a permitted use, but it's got rental requirements, I'm not sure. But I do think that there is a need for that kind of month-to-month living arrangement, possibly without the limitation of after 30 days you have to get out. But to say basically you're on a month-to-month rental as opposed to an annual rental and make that distinction to allow for that, sort of, in between use from a group home for people who aren't suitable . . . well group home isn't the right thing but . . .

Mr. Silverman: A sheltered environment.

Mr. Hurd: A sheltered environment, but it's any kind of single room occupancy use, and that could be veterans, it could be homeless, it could be people returning . . . not necessarily halfway houses . . . but those environments where people need a room for appropriate . . . and I don't think we've got a mechanism to support that, at the moment. So I don't know if I have much in the way of . . . I guess my direction would be to bring this back where we can look at, you know, maybe with better information about rooming houses and boarding houses and, sort of, their uses in the area. And maybe some opinions from the people who handle rental licenses about if someone wanted to put up a, you know, propose an 8-unit boarding house, how would you license it? How would you manage that?

Ms. Feeney Roser: That's our department, too. So that's fine.

Mr. Hurd: Because maybe we can be more stringent, because it's a new thing, about inspections and being able to get in and inspect because you're not renting the whole house, you're renting the room. Is that clear enough for you?

Ms. Feeney Roser: Yes. I think, we'll come back. It may not be next month but we'll come back with something and we can kick it around some more.

Mr. Firestone: Alan?

Mr. Silverman: Mr. Chairman, there's another element in here. Ms. White was, I believe, very accurate in her description of rooming houses and boarding houses and lodging houses. They're a kind of . . . they were transitional shelters in eras where people were either in married households or they were unmarried, or they were just newly married couples. One of the common characteristics was if communal food was not provided, then the person had to seek food elsewhere. There was no cooking on the premises. The other common element, which I think would have to play into whatever we do here, is there was usually an owner on premises or a manager or supervisor on premises. In other words, this was not an unsupervised building. There was somebody who was, I'm just going to say, in charge, at this point. And the two working elements are communal. Communal cooking. Communal bathing. At least in the time period when these definitions were generated. So it was that in between a free-standing habitable living in an apartment and what we would think of as a family residential unit.

Ms. Feeney Roser: So you want us to come back? Do we need a motion for that? To come back? Or you just gave us direction to come back? Okay, we'll come back. You can't keep me away.

5. COMMISSION DISCUSSION REGARDING 2016 ANNUAL REPORT AND 2017 WORK PLAN.

Mr. Firestone: Okay. The last item on the agenda is the 2016 Annual Report and 2017 Work Plan. Alan, is this draft yours or was this drafted by Maureen?

Ms. Feeney Roser: I drafted it and sent it to Alan for review and comment before I put it in the form that you see.

Mr. Silverman: Mr. Chairman, at the previous meeting I asked the Commissioners to get any ideas or comments they would like to Maureen to be included in this draft.

Mr. Firestone: Okay, Maureen, do you want to summarize the draft Work Plan for us?

Ms. Feeney Roser: Yes, I was going to say the Annual Report sort of speaks for itself. What I did, really, was take last year's Work Plan and see where we were on it, and then thought about what kinds of things that we might want to consider. I will also tell you that at the time that I was working on this draft plan, I was very hopeful that we would get an additional planning position for my department to, sort of, help us keep up. As you know, we have Mike who is full-time planning, Tom, who half of his job is planning, and I manage divisions and do land use planning, too. So we don't have a lot of spare time. But I thought that this was something that we would be able to manage, and I still do. I just am not sure how much more we could take on in addition to this though.

Be that as it may, the first item was review and consideration of land development projects which, by Code, we need to do and we would attach the schedule that it's your packet tonight. We would also want to continue to work on the parking study that we started. I think that the workshop that we did was really good. You'll have those minutes at your next meeting. And what I'd also like to do is add to it a discussion of how you want to proceed from there on a

future agenda to see what we'd like to do next on that. Last year you wanted to consider amendments to the Zoning Code about how plans are submitted and associated fees. We are working on the fees. You will get that by the end of the year. But we really haven't talked much about what are the different requirements that the Commission would like to see. I know that Will had some ideas about that, so I put that back in there again. And then amendments to the Code would be necessary to implement it. In our last year's Work Plan was the Transportation Improvement District, or Districts, depending on how that falls out with DelDOT. We were waiting on the Comp Plan approval, which finally got approved by Council, so that would be an appropriate work item for us. And then we had talked a lot about transportation planning and I thought that perhaps it might not be a bad idea just to do sort of an informational training session for ourselves about how DelDOT reviews projects, how WILMAPCO functions and how projects are filtered through there. Just to give us an idea. So that was more of a training session idea that I thought might be helpful. And then, as we talked about last year, to keep the Comp Plan up-to-date and to keep us on track, we should do a regular evaluation of where we are and update it as necessary so it continues to be a dynamic and useful document. And then I added training sessions again because, hopefully, the IPA will continue to offer them.

So they were the suggestions and I sent it off to Alan. I don't know whether you have anything to say about it, Alan, as you were acting as the Chairman at the time that we worked on the draft.

Mr. Silverman: With respect to bringing WILMAPCO and DelDOT, virtually every proposal that comes before our group has the issue of traffic movement and transportation, to the point where some Commissioners were complaining they would not approve anything until traffic was squared away. And I'm saying that's not viable because, unfortunately, the City of Newark does not control its traffic [inaudible]. We have State roads that are both State maintained and State supervised. The signalization is State maintained, State supervised and State [inaudible]. And it turns out the State has very little to do with making demands in the sense that they must get in line with WILMAPCO recommendations. And WILMAPCO recommendations go through DelDOT. And then DelDOT creates the priorities and we find the City is competing head-on-head with every incorporated place in the State. So there's no way we can pressure the State of Delaware into improving our traffic flow with respect to just even traffic signals without getting in line behind a whole lot of other people. And we need to understand that process for ourselves so the public understands that the crazy way it works in Delaware [inaudible] gridlock and then somebody in Dover will take notice and monies will be appropriated on a priority basis. But we need to understand how others control the transportation in Newark.

With respect to the Comp Plan update, we've already gotten some key facts and thoughts, from both the public and among ourselves, on the notion of densities specified within the Comp Plan. We have an adjustment to make based on State court decisions with respect to overlay districts. That needs to be modified. There has been some interest in taking a look at the Center Street, Choate Street, Chapel Street area again with respect to the Comp Plan calling that predominantly single family residential when, in reality, virtually every house in there is an income producing property owned by people who do not live on site and some who may not even live in the area. So those are some of the kinds of things that, on this update information in the Comp Plan, we would have the opportunity to bring back for discussion.

I think the parking speaks for itself. There was a lot of misinformation and pressure-group-driven direction running around and I'd like to think that our last workshop kind of brought together a lot of information and gave everyone a level playing field with the facts that we see. And one of the things that was talked about with respect to the Zoning Code and regulations was specifically looking at going with a better definition of parking ratio requirements. If we looked at our downtown area with a shopping center standard, we had one parking [inaudible]. If we looked at bits and pieces based on bits and pieces, we had a substantially different parking [inaudible].

Mr. Firestone: Bob or Frank, do you have any thoughts?

Mr. McIntosh: Well I wouldn't want to see anything added.

Mr. Cronin: I may have missed it. Was there an Attachment A to this?

Ms. Feeney Roser: Yes, there was, in your packet, on Item 1, that is the attachment. It's just the schedule.

Mr. Cronin: Oh.

Ms. Feeney Roser: You know, when we talked about Item 1 for the election of officers, attached to it was the submission deadline calendar.

Mr. Cronin: Got it.

Ms. Feeney Roser: That sheet will be attached to the work plan, if it's approved.

Mr. Firestone: Any thoughts over here?

Mr. Hurd: I also concur that we don't want to add anything to the Work Plan. The carryover [inaudible]. I just want to make one comment on the first page about membership. It's my understanding . . . this is more of a clarification . . . but my understanding is that the Commissioners are not actually appointed by the Council members. Council members recommend someone to the Commission, who is then voted on by the Council. So I don't know if we need to make that clear in our discussion about membership.

Ms. Feeney Roser: So you want to say that six Commissioners are nominated by City Council members from the districts that they represent and voted on by Council?

Mr. Hurd: Isn't that how it happens?

Ms. Feeney Roser: That's technically correct.

Mr. Hurd: The district's Council person nominates someone and the Council votes. It just makes it sound like my Council person simply says Will Hurd is my member and there's no discussion or vote anything, which we know is not how it happens.

Mr. Silverman: Well actually the Council person recommends a candidate and the Council as a whole approves the candidate.

Mr. Hurd: Right. It just makes sense since that's the way it is in the Code.

Ms. Feeney Roser: Yes, I can take care of that.

Mr. Cronin: And, of course, not to overlook that the mayor has an at-large appointment, too.

Mr. Hurd: Yes. It's mentioned that the mayor appoints someone as well.

Ms. Feeney Roser: But that's also with Council approval.

Mr. Firestone: Alan?

Mr. Silverman: Just one final comment. This is the second Planning Commission annual work program and planning report that has been formally submitted to Council by the Commission. It's something that just kind of got lost over time. And I think it serves us well to show Council what we've been doing during the year as a group, and it is the opportunity of the Commissioners to bring out information and ideas that come from the public, as well as the

Commissioners, with respect to making recommendations on modifications to the Code. So that's why it's a good idea to continue the Annual Report and Work Plan.

Mr. Hurd: Can I add just one thing? We had talked last year about quarterly reporting on the Work Plan but I don't see that mentioned in this document. Do we want to put that back in as part of our process?

Ms. Feeney Roser: It's up to the Commission. I'm happy to add it if you think that's what you want in there.

Mr. Stozek: I think we should add the quarterly report, just to keep us [inaudible]. It doesn't have to be an hour-long presentation.

Ms. Feeney Roser: Okay.

Mr. Firestone: Let me just make a couple of remarks. One, I would agree, and thank you Alan for getting us back on coming up with a work plan. I think that's been quite useful. I concur that we had a really strong workshop on parking capacity and that's well worth our continued attention. I do have a question about how much progress we can make on transportation, at least in the near term given that we're going to have a new governor and new cabinet secretaries. I think an informational session would be valuable but I'm not quite sure that the next 6-8 months is going to be the most fruitful to make any substantive progress given that we're going to have a new governor coming in. I do want to commend the Planning Department on getting Comp Plan V through. Really a major achievement. I have things that I would like to see us do but I will defer if people think we've got too much on our plate. I think we can continue to make progress on definitions to get rid of ambiguities. Maybe to get rid of antiquated provisions so that when we do have meetings, our meetings are more concise and effective and we're not spending as much time on things that we might be able to eliminate. And I think the same goes for perhaps tightening up our procedures some, which would allow us to run our meetings and conduct the same business but do so with a conclusion at an earlier hour. But I think this Work Plan is generally in good shape and concur with the other Commissioners.

Mr. Hurd: Actually, I would support adding developing Commission procedures because I know that's something we've been talking about off-and-on over the last year or so. And I think it may be time to move into a formal thing. That would be a valuable addition.

Mr. Silverman: I think we're going to see that as a recommendation from the Boards and Commissions Review Board more formally. Documented and memorialized procedures.

Ms. Feeney Roser: Yes, I would say that's probably going to be very clear when they have their recommendation to Council that they'd like to see us do that. So we can certainly add that. I know I've added the quarterly reporting. Is there anything you'd like to take out? I know you talked about the informational session. Is that something that we should take out or leave in?

Mr. Hurd: I think I'd leave it in and I've leave the TID item because there may be the possibility of starting on that. Or at least starting the conversations or getting the ball rolling even if the new Secretary might have opinions about it. I don't think I want to drop it for a year and pick it up again.

Ms. Feeney Roser: Right. And it is in the Comp Plan that we will do it. So I have everything that's in there, continue the quarterly reporting and add developing Commission procedural guidelines. What's your pleasure? Shall I make these changes and bring it back next month for a vote, or are you comfortable that the Chairman and I will take your comments and insert them and get it through?

Mr. Silverman: The Code gives us a deadline. It's supposed to be submitted in October and I have no problem with the Chair working with the Director on it.

Mr. Hurd: No problem. Do you need a motion on that?

Ms. Feeney Roser: Yes, please.

Mr. Hurd: I move that we accept the Work Plan with the amendments and changes as discussed to be submitted to Council once finalized.

Mr. Firestone: Is there a second?

Mr. Stozek: Second.

Mr. Firestone: Is there any discussion?

Mr. McIntosh: Yes. I'd like to get a sense of just how much time and effort those last two things we added, after saying we weren't going to add anything, will take. We did say we weren't going to add anything and we just went ahead and added two more things. And that makes nine items on our Work Plan for next year, which is probably four or five too many. So, you know, I'm against adding two more unless we take two out. If you want to take two out, I'm happy with that.

Mr. Firestone: Alan?

Mr. Silverman: With respect to the work items, is your concern the availability of staff time or the availability of Commission time?

Mr. McIntosh: Both. All. I mean we will decide if we have too much on the plate that some things will just not get done. We won't say that but we'll do that, because that's what happens. There's only so much time and there's only so much effort that can be put in. The staff of the Planning Department is really limited and then all of us are volunteers who have other lives besides the Planning Commission. There's only so much that you can do and do effectively. So I would rather do the work that is in front of us effectively and do it well, as opposed to just having a scorecard and checking things off. It doesn't make sense to me.

Mr. Firestone: Alan?

Mr. Silverman: I look at this more as a desire to list the things that could be done and should be done that goes to Council. This doesn't bind us in any way to complete all those things. We just see these as things that need to be worked on.

Mr. McIntosh: Well a work plan to me is a work plan. And if I gave that to one of my employees and we worked together and came up with a work plan, my expectation is that the items on that work plan would be completed and I would be looking at it on a regular basis to be sure that it was being completed. That's all. I don't see it as a wish list. I see it as what you're committing to doing in the next 12 months. That's all. It's easy to sit around the table and say we'll do all these things and then we come up short, and I don't like that. I like to do the things we say we're going to do. So that's just my opinion. If you all want to do something different, go ahead.

Mr. Firestone: Any other Commissioners want to express a view on this? Okay. Did we have a motion?

Mr. Hurd: I did make a motion.

Mr. Firestone: And we had a second. Is there any further discussion?

Mr. Cronin: Maybe it would be useful to change the terminology from work plan to work-something-else, as in goals or hoped-for goals, or something that allows more leeway than a commitment.

Ms. Feeney Roser: Make it Work Plan Goals?

Mr. Cronin: It's all in wording, I think. I think Frank's points are valid and maybe we should just change the wording a little bit and keep all the topics.

Mr. Silverman: How about if we use the terminology that the Code requires?

Mr. Cronin: What is that?

Mr. Silverman: I'd have to look that up but it's very specific wording in the Code.

Ms. Feeney Roser: I don't have that chapter with me.

Mr. Cronin: If the Code calls for terminology, perhaps we ought to certainly be aware of that.

Mr. Herron: I think it is Work Plan in the Code.

Ms. Feeney Roser: It's Work Plan. That's where it came from.

Mr. McIntosh: Well I'm against calling it a wish list.

Mr. Hurd: Yes.

Mr. Silverman: I didn't say it was a wish list.

Mr. McIntosh: I didn't say you did. I'm just saying I'm against that.

Mr. Silverman: Okay.

Ms. Feeney Roser: I could say that the Commission would like to work on the following items during the upcoming year and then start with Item 1.

Mr. McIntosh: At some level.

Ms. Feeney Roser: At some level.

Mr. McIntosh: Very low level.

Mr. Silverman: You could always preface it given time and resources. City Council may want to fund a consultant to do some of these, or hire another staffer. You know, that's up to them.

Ms. Feeney Roser: It's not in the proposed budget, so that's not going to happen.

Mr. Hurd: Some of these items may not require the full Commission in the initial stages of this. So some of the . . . I mean things like the procedures could be done by a sub-committee or such. So I don't perceive looking at this and saying we need everybody to show up at an additional meeting every month to focus on these items. I think some of them are going to poke along with people engaged as they can. And then it comes to the Commission when they're ready.

Mr. McIntosh: Do keep in mind I'm less concerned about us than I am about the Planning Department, which is woefully understaffed. It is woefully understaffed to take on the tasks that are in front of them on a year-to-year basis. And we're going to sit here and say let's just revisit that and the other thing, but somebody is going to have to do that spade work and it's

going to fall on people who are already overworked. Now because they're really good people they'll say okay I can do it, you know.

Mr. Stozek: I think if we're going to have a quarterly report, that's the vehicle that we need to come back and say, based on the pace that we're going and what we're accomplishing, we see a problem with accomplishing Item 7 and 8 this year, and we adjust it. I think we ought to set lofty goals at least in the beginning.

Mr. Firestone: Any further discussion? Okay. All those in favor of the motion to approve the Work Plan with the changes and with the understanding that Maureen and I will work out the exact language, signify by saying Aye. Opposed? The Ayes have it.

MOTION BY HURD, SECONDED BY STOZEK, THAT THE COMMISSION APPROVE AND SUBMIT TO CITY COUNCIL THE 2016 ANNUAL REPORT AND 2017 WORK PLAN, AS AMENDED.

VOTE: 5-1

AYE: CRONIN, FIRESTONE, HURD, SILVERMAN, STOZEK

NAY: MCINTOSH

ABSENT: DISTRICT 3 (VACANT)

MOTION PASSED

Mr. Firestone: That was the last item on our agenda and if there's no objection . . .

Mr. Stozek: One question. I believe we're meeting in two weeks to go over the Capital Improvements Program?

Ms. Feeney Roser: Yes, that is scheduled for the 18th.

Mr. Stozek: When do you anticipate us getting the packets?

Ms. Feeney Roser: They will be delivered to you on the Tuesday prior, just like your Planning Commission packet is.

Mr. Stozek: Okay. If it was coming on Thursday, I wasn't going to be here.

Ms. Feeney Roser: No, I had a meeting with the Finance Department this morning because they just had their Council workshop last night so I was afraid that they weren't going to be able to make the packet deadline, and they said that should not be a problem for the CIP. They're working on both the CIP and Operating budgets at the same time.

Mr. McIntosh: And we are meeting at 7 or 6?

Ms. Vispi: Seven.

Ms. Feeney Roser: Seven.

Mr. Firestone: Okay, again, if there's not any objections, we stand adjourned.

Ms. Feeney Roser: Thank you all very much.

There being no further business, the Planning Commission meeting adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Alan Silverman". The signature is written in a cursive, flowing style.

Alan Silverman
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary