CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

May 2, 2017

7:00 p.m.

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

Chairman:	Jeremy Firestone
Commissioners Present:	Bob Cronin Will Hurd Frank McIntosh Stacy McNatt Alan Silverman Bob Stozek
Commissioners Absent:	None
Staff Present:	Mary Ellen Gray, Planning and Development Director Mike Fortner, Planner Paul Bilodeau, Deputy City Solicitor

Mr. Jeremy Firestone called the Planning Commission meeting to order at 7:04 p.m.

1. **CHAIR'S REMARKS.**

Mr. Firestone: The Planning Commission meeting for Tuesday, May 2 is called to order. I want to, first, remark that we've actually got a full house here, which it's been a long time since we've had a full house. So that's good for democracy and, I think, good for this Commission.

I want to acknowledge Dave Culver who is not with us tonight, but he did some nice service for the City and for this Commission, filling in on an acting basis, and we're in his debt. So, thank you.

I also want to welcome our new Planning Director, Mary Ellen Gray.

Ms. Mary Ellen Gray: Hello.

Mr. Firestone: We're really excited to have her and to help the Commission and City make the next large leaps and bounds, as we try to have a more sustainable and livable Newark, Delaware. And she comes with a really very interesting set of skills and experience from working at county levels, to being a planning commissioner, herself, in a small town, to doing transportation planning, to doing solid waste management at a county level, to working at the state level on water quality issues and being a consultant for the Environmental Protection Agency. So seeing the federal level, as well. So I think we'll all benefit from her experience and we welcome you.

I also want to acknowledge Paul Bilodeau . . . I hope I got that right . . . who is sitting in for Bruce Herron and will give us some able legal advice as we need it.

Last, I did want to thank Bob Cronin for manning the gavel last month while I was out of town.

With that, I think we've got a relatively short agenda and we should be able to get through it in a reasonably quick fashion. I don't think quite as quick as the record that Mr. Cronin set last month, but . . .

Mr. Frank McIntosh: It was really good.

Mr. Firestone: I'm going to have to miss more meetings. But with that, why don't we move to, we've actually got two sets of minutes so that's going to take us a little longer tonight. Commissioner Silverman.

2. **THE MINUTES OF THE MARCH 21, 2017 PLANNING COMMISSION WORKSHOP AND APRIL 4, 2017 PLANNING COMMISSION MEETING.**

Mr. Alan Silverman: Madame Recording Secretary, do we have any additions or corrections to the minutes that were posted on the City website and mailed to the Commissioners with respect to the recent workshop and our previous Planning Commission meeting?

Ms. Michelle Vispi: No additions, no corrections.

Mr. Silverman: I move that we accept both sets of minutes as distributed.

Mr. Will Hurd: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. Motion carries. Both sets of minutes are approved.

MOTION BY SILVERMAN, SECONDED BY HURD, THAT THE MINUTES OF THE MARCH 21, 2017 PLANNING COMMISSION WORKSHOP AND APRIL 4, 2017 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE
ABSENT: NONE

MOTION PASSED UNANIMOUSLY

3. **DISCUSSION REGARDING NEXT STEPS IN STUDY OF ZONING-MANDATED PARKING REQUIREMENTS FOR DOWNTOWN DEVELOPMENTS AND USES.**

Mr. Firestone: Item 3 is the discussion regarding next steps in the study of zoning-mandated parking requirements for downtown developments and uses. We actually just approved the minutes related to that.

Mike, did you have some remarks that you wanted to make or are you just up there to answer any questions?

Mr. Mike Fortner: Just want to be ready.

Mr. Firestone: Okay. At that workshop, there was sort of a general consensus . . . we weren't in a meeting so we didn't make any firm decisions, and that's what we're here tonight to discuss. There was a general consensus that we might want to form some sort of workgroup. I consulted with the City Solicitor, Bruce Herron, on what we might need to do and he informed me that under Section 2-88 of the Code, the Planning Commission can create sub or working groups by a majority vote, with the concurrence of the City Manager and Planning Director. So there's two subsequent steps that would need to take place. The sub or workgroup, I am told, would be considered a public body even though it's a subgroup, and subject to FOIA and have to have its meetings noticed to the public. I just wanted to let everyone know where we are if we go that route to form a subgroup of a couple of Commissioners who we would then, assuming we get approval from the Planning Director and City Manager, to also figure out who we are going to invite from other agencies and entities, like the University of Delaware. Who might be helpful in helping us better face, on a more regional basis, some of the transportation issues which obviously then impact parking. So if there is any discussion, please go forward.

Ms. Stacy McNatt: So are you saying . . . sorry, this is Stacy . . . are we saying that we should vote on creating a subcommittee, which was part of the recommendation at the meeting?

Mr. Firestone: I'm saying for us to create such a workgroup, we would have to have a formal vote. Someone would have to make a motion and we would have to vote on it and there would have to be majority support and then those other steps would need to take place, as well. So I would certainly also entertain a motion if someone wanted to so move.

Mr. McIntosh: Well I would make the motion.

Ms. McNatt: Well what does the motion say?

Mr. McIntosh: I don't know, I'm keeping it to myself. I'll get back to you. I would move that we create a subgroup of the Planning Commission to study the parking question and that part of that creation would be to invite key stakeholders from the Newark area to participate in the roundtable discussion information gathering group, which would then report back to this body. That's a very long motion, but that's the gist of it. So we could cut it just to I suggest that we have a committee formed to study the parking questions that included key stakeholders. How about that?

Ms. McNatt: I would second that. I think that supports the recommendation of the last meeting. I second it.

Mr. Firestone: Is there any discussion?

Mr. Silverman: Question. Do you have staff available to assign to that committee, both typing, secretarial and research.

Ms. Gray: I'm looking at Mike.

Mr. Fortner: Yes, I would be able to staff that committee and I have some clarification questions, whenever that's appropriate, about the committee. Do you just want Planning Commissioners on the committee or would you like to have some other persons on the committee, as well? Like maybe someone from WILMAPCO or I'm trying to find appropriate people.

Mr. Firestone: I believe that's the intent.

Mr. McIntosh: That's the intent of the committee?

Mr. Fortner: Would you want to approve those members? Should I bring back maybe some people from the DNP Design Committee, for example? I'm just brainstorming right now, but I could . . .

Mr. Silverman: Mr. Chairman, I would prefer to have staff put together a proposal, taking the information that we already discussed in the last meeting with respect to identifying the stakeholders that we believe can contribute and bring that back to us, so we can look at it and review it. You came up with a list of recommendations. I suggest that none of those stakeholders are going to stand up and volunteer any information. They will react to things, particularly in the FOIA setting. So you need to prepare a program for us, taking the ideas that were represented in the hearing, lay out a work outline, come up with a list of stakeholders I think Frank identified last time, particularly the University with their 9,000 parking places, the gentleman who runs the eye care center where he already has an after-hours lease arrangement. We'd like to hear about that kind of thing. We talked about different parking districts and the range on that, including the recommendations that you gave. So if you can come up with a work program or an outline that we can react to, I think it will concentrate our effort.

Mr. Fortner: So one of the roles of the committee would be to interview, in a roundtable setting, some of these people?

Mr. Silverman: Oh, yes.

Mr. Fortner: But there's also just the committee make-up.

Mr. McIntosh: Well if I could address that. I think when I said key stakeholders, I mean the University. I mean the development community. I mean . . .

Mr. Silverman: The downtown business partnership.

Mr. McIntosh: The downtown business partnership. I mean students, right? They have a big stake in this.

Mr. Silverman: There's a student commuter association which we might want to bring on.

Mr. McIntosh: So those are the kinds of people. I am more interested in hearing from them than from WILMAPCO or whoever.

Mr. Fortner: Yes, I get that. I'm talking about just the actual committee membership.

Mr. McIntosh: Those are the members that I . . .

Mr. Fortner: So you want them all to be members?

Mr. McIntosh: Yes, that would be my view.

Mr. Silverman: So there's buy-in.

Mr. McIntosh: Well the whole concept behind this . . . and I'm the one who brought it up . . . the whole concept behind it is to understand what unique issues and problems, and good things, that these various groups face when they're trying to park their cars or have their customers park their cars, or students. Whoever it may be. What is it that causes them joy and what causes them sorrow, right? And then how can we bring that together as something like yellow mellow.

Mr. Fortner: Okay.

Mr. Firestone: My recollection is that there was also a concern that we could not solve parking without also looking at the regional transportation issues. And that they go somewhat hand-in-hand given our rather anemic public transit. And if we can improve that, then that's part of the solution, or potential solution, to parking.

Mr. Fortner: Mr. Chairman, there is a committee actively working on that right now. It's a transit study. It has all the key players involved in that. First they're looking at the Unicity and then they're looking at how the rest of the network builds in. It's in its early phases right now and there will be a lot of public outreach on that over the summer. So it will be something that can go along congruent with what we're doing with the parking regulations.

Mr. McIntosh: Is there somebody from that group that could represent that group's findings and discussion points?

Mr. Fortner: Yes. There are several City staff on that, including myself and the entire Planning Department. The City Manager has been on that committee, along with Public Works. And then you have people from DART who run all the buses are there.

Mr. McIntosh: So, I mean, but we don't need any football teams here, right? We need a small group that we can have discussion with, and serious discussion, about what the issues are. And to the extent that we can hold that group to a relatively small number yet, at the same time, cover all our bases, then that would be the most desirable thing that we could do.

Mr. Silverman: Frank, there could be a core group here and those resources called in as needed.

Mr. McIntosh: That's entirely true. Instead of being on the committee, they could be somebody that is an invited guest to come and speak.

Mr. Fortner: Well I think that's probably a good approach to have a smaller core group. Like, for example, the Simon Eye owner, we would probably just need an interview with this person. That person probably doesn't want to be on the committee. Students, we could get a grad student somewhere, but I don't know if that's really representative . . .

Mr. McIntosh: Get a grad student.

Mr. Fortner: Yes, but I don't know how representative . . . I mean, students are such a diverse population, it's hard to . . .

Mr. Silverman: Are you familiar with the University student commuter association?

Mr. Fortner: No, and that's something I could . . .

Mr. Silverman: These are people who drive in and out of the City every day.

Mr. Fortner: Okay.

Mr. Silverman: Whoever chairs that or whoever is the head of it would have a pretty good idea of what some of the issues were.

Mr. Fortner: Okay.

Mr. McIntosh: There's just a lot that we can learn and to the . . . I would have to say, not that I have anything against FOIA but . . . well that's not true, I actually have a lot against FOIA but that's really not the point here. I think that we would have a better chance of getting to core issues if it were not a public meeting. Because some people will, maybe from the University, maybe from the development community, might be reluctant to speak out loud in that forum, but would be willing to say well you know if you did this or you did that, so that it wasn't casting them in whatever light they think it might cast them. But regardless of whether that's the case or not, I still think it's worthwhile to do it and then try to get their trust and share the really important information that they have. You could get it from them if you're talking to them one-on-one.

Mr. Fortner: The University?

Mr. McIntosh: Anybody. You can get anybody to tell you what's going on if you can just talk to them.

Mr. Fortner: Well I had some conversations with developers since the meeting because I was disappointed in how they didn't talk as much and share as much as I think they could. So I have had some one-on-one meetings with developers. One thing that . . . and I don't think he'll mind me telling . . . but Hal Prettyman said he should have got up and said this at the meeting but he didn't. But he was talking about the University and he used to be on the Town and Gown Committee. There was a lot of frustration in that group and he was frustrated in that group because they had University representatives there but he never felt like they would say things like what can the University do, and they would go away and it would never go up because the University of such a huge bureaucracy. And he never thought he was getting anywhere. To make a long story short, he came to the realization later from some of his other business transactions that the way the University works, they're not going to send the president or the vice provost to the meeting and be on our committee. They might send some officials there but they're going to have to check this all through the chain. He found the most effective way is to develop what you want from the University and you communicate that to the University after you've developed what you want. And then that goes up through their chain and they'll either say no to all of it or a part of it, or agree to all of it. He found that to be the effective approach. And as we are setting up this committee, it's just sort of a realization that we're not going to have a University there as a presence that's going to make decisions. It's very unlikely. But the committee could come up with an action and decide what they want to do and then we communicate that to the University.

Mr. McIntosh: I don't know how this would play out under these circumstances, but one of the developers who I spoke with after the meeting said that he knew exactly who at the University we needed to talk to and he could get him in that room. And we could get, you know, the information that we need from him. So, you know, I don't think he was blowing steam. I think he was just saying what is probably true. And the circumstances you describe, I'm sure, are quite true. And what we're trying to do, or what I would try to do, is to circumvent them so that, for the good of the whole, we're then able to acquire the information that we need to have a public discussion about it and come to conclusions that will help the City now and into the future. And whatever way that we can do that best is probably the way we need to go. I really do think that somebody has got to get the courage to stand up and start talking about what they can do, what they're capable of doing, and what they're willing to do. When we know that, then we can get at the issues that are in front of us. Otherwise we're just going to keep spinning wheels and we will get nowhere. It's been discussed, I think we determined it went back to the horse and carriage days at the last meeting. And it just . . . the parking problem in Newark, I'm talking about . . . and so we're not going to solve that unless we really get at the core problems. We've been solving symptoms over the years and the symptoms work for a week or two weeks, or a month or a year, and then the problem still exists and it bubbles up, and now you've got a problem again because you never solved the problem.

Mr. Bob Stozek: Mike, do you know, I'm thinking back probably two years ago now, there was a lot of discussion in Council about the old Town and Gown Committee and how ineffective it was. And there was some discussion about trying to reconstitute that in a different format so there would at least be a continuing dialog with the University. Do you know of anything going on relative to that?

Mr. Fortner: I don't, but I remember that conversation. I think it was an initiative that the Mayor would have . . .

Mr. Stozek: Right.

Mr. Fortner: And I'm not sure how it panned out, but I haven't been involved in any meetings or discussion about it.

Mr. Silverman: Mr. Chairman? I'd like to suggest that there is a very different attitude at the University than you've dealt with in the past. Mr. Brangman, who used to be in charge of development, has spoken before this body. He's also been a town commissioner and a town mayor. He understands what we're dealing with. He is the go-to guy at the University and I would believe if he were approached, he would participate or have someone representing him participate.

Mr. Fortner: Okay, thank you.

Mr. Firestone: Yes, I would agree that he's the person you would want. Whether you're going to be able to get Alan, I think, is not clear.

Mr. McIntosh: Well you're not going to get him unless you ask him. That I can tell you.

Mr. Firestone: He's an upstanding guy.

Mr. Silverman: Yes.

Mr. McIntosh: Well then let's let him prove it.

Mr. Silverman: That was before your time on the Commission.

Mr. McIntosh: There's a lot before my time on the Commission.

Mr. Firestone: One thing that wasn't in your motion and we haven't really discussed is how many Commissioners would be on this body. I think that's a quite important determination. I'm a little concerned if we get up to more than two that that group of three is a pretty large block and could be reaching agreements on this sort of outside committee and then coming back to the Commission. So I'm somewhat inclined towards two, but I have an open mind on it.

Mr. Stozek: Yes, I agree, especially from the standpoint that I was on the housing subcommittee or whatever, and the two Planning Commissioners couldn't always make all the meetings but at least one of them was there. So I think we need to make sure there's somebody from the Planning Commission who is going to be at the meetings. So I think two is the right number. You don't want more than that. Then you're controlling the meeting.

Mr. Hurd: I think I'm in agreement. I'm starting to see this working group is a lot like the technical advisory group that we had for the Rental Housing. It's a group of people with knowledge about the problem looking at a problem, as opposed to trying to necessarily solve it. But trying to pull that information out. I think if we keep that as the goal also, that would keep us from being a decision-making body. And just sort of say we need to get our heads around the problem and possible solutions that we can then be looking at.

Mr. Silverman: It's an overused phrase, but it's truly fact-finding. And as a group if we find we need more information in a particular area, we can ask to reach out again.

Mr. McIntosh: Well I think two is a wonderful number. That's a song.

Mr. Stozek: One is a lonely number.

Mr. McIntosh: One is a lonely number, yes. But I think, too, it makes sense to me, I mean I don't view this as anybody going up and trying to make decisions, so three, I don't know what power three people has over two, except it's one more body. But I don't see this as a decision-making body. I see it as a group of people that are going to share information and we'll bring the information back to us, and we use it in a way that benefits the citizens.

Mr. Silverman: I'll call the question.

Mr. Firestone: I'd first like to see if anyone from the public wants to be heard on this issue. And if you could please identify yourself for the record.

Ms. Carol McKelvey: My name is Carol McKelvey. I'm in District 4. This is really a question. How does any of this fit in with this parking garage that was sent out for a look-see and then they sent in lots of plans. I think they had five plans. How does this fit in with that?

Mr. Fortner: It doesn't. The parking garage issue is with Council, and they're making their own decision. The primary focus of this is to review our Zoning Code regulations and to make adjustments to our parking regulations that we feel are appropriate. And we're also reviewing programs like the parking waiver program.

Mr. Firestone: Would anyone else like to be heard? Okay. I guess to clarify your motion then it's to request that the Planning Director and the . . .

Mr. Silverman: City Manager.

Mr. Firestone: The City Manager . . .

Mr. McIntosh: Approve a committee.

Mr. Firestone: Approve the creation of a working group, a fact-finding working group, that would include two members of the Planning Commission and we would request staff to come back at the next Planning Commission meeting with a proposed list of additional people that would be on that working group. Is that a fair summary of where we're at, Frank?

Mr. McIntosh: Yes. Do you want to, just for clarification, do you want to have this body vote on who is on that committee or not, or does that matter?

Mr. Firestone: I would ask Counsel, but I would guess that if we vote yes, then we could either vote now or we could wait to see if the body is approved by these other individuals who have to . . .

Mr. McIntosh: I just see another month going by, that's all. Another month and another month. And before long, it will be Christmas, and we won't have a present to deliver to anyone.

Mr. Bilodeau: Well to answer your question, you could let staff decide who is going to flesh out this committee. That could be part of the motion. Or you could decide in another month when they come back with the names. Whichever way. If you want to save time, you could just delegate the members of the committee that staff chooses to add. That could be part of the motion.

Mr. Firestone: If we approve the motion, can we alternatively then have nominations and a vote tonight? If that's what we choose to do.

Mr. Bilodeau: You could but you don't know who you're going to be nominating, do you? The members of the public.

Mr. Fortner: Just Planning Commissioners, right?

Ms. McNatt: Question. Can we make a list of recommended stakeholders? For example, we've mentioned a developer, a downtown partnership person, a student organization from UD, City staff, public transportation group, and two Planning Commissioners.

Mr. Fortner: Right.

Ms. McNatt: If we let the City pick someone from those groups, could we do it that way? Because we know we want someone from those types of groups. I think we mentioned this list of people. And let them pick it. I don't know if that's possible.

Mr. Firestone: Mr. Cronin?

Mr. Cronin: Yes, I suggest that we . . . this subcommittee is to serve a purpose and at the will of the Planning Commission, in my eyes. So I think we should authorize to set up the committee, which would be the first motion. I suggest having two Commissioners determined tonight to be on the committee, which might be a second motion. Designate who they are, volunteers or otherwise. Let those two meet with the City Planning Department to come up with a list of recommended people and then maybe we should give it some guidance as to whether it's a body of six, a body of eight, a body of ten, or whatever, as being optimum, and let them, with the two members of the Commission so designated, have the authority to go ahead and do the ask for a number of people to get the committee going and get it established.

Mr. McIntosh: Was that a motion?

Mr. Cronin: No, the motion is on the floor, I think, to set up . . . the first motion was to set up the committee. Then it was kind of modified with two Commissioners. So we ought to get a second, I think, on the modification if we're going to modify the first motion. And then I think get the two Commissioners so designated, let them meet with the Planning Department people and flesh it out. But maybe give them some guidance as to how many people, whether it's 5, 6, 7, 8, or 9. And if we feel there are certain key people that should be there, or certain organizations, I think we should suggest those strongly to the two Commissioners as kind of the guidance from the Planning Commission and let them work with it. If they can get people from those entities, great. If they can't, use their wisdom, with the Planning Department folks, to get somebody else. But I don't think you want to have something set up where the City Manager and/or the Planning Department approves the subcommittee membership, because the subcommittee is really serving at the will of the Planning Commission, and to give us input, guidance, and perspective. Therefore we need to, I guess, not abdicate control of the composition of the committee to other folks.

Mr. Firestone: I think it would be my preference that the department not select the Commissioners.

Mr. Silverman: Yes.

Mr. Firestone: It seems inconsistent with the set-up in the Code . . .

Mr. Cronin: That's what I was saying.

Mr. Silverman: Yes.

Mr. Firestone: Where the staff is of service to the Commission. I would agree that the Commissioners should decide whom among us would serve on the working group.

Mr. Silverman: Mr. Chairman, can we ask the move and the second person to withdraw their motions and we can re-craft this? The element is requesting authorization from the City Manager and the Director of Planning for the creation of a subcommittee to deal with agenda Item 3, parking, and then, as a separate action, you, as Chair, give a charge to that committee. And I agree that selection of who is on the committee should be up to the subcommittee. They may find as they get into this that there are other resources that they discover. Does that make sense?

Mr. Firestone: I don't think we should decide who should be on the committee . . .

Mr. Silverman: Agreed.

Mr. Firestone: Tonight. And what we may want to, I think at the next meeting, after whoever two individuals are, meet with the Planning staff and come back to us, and then we have an initial list. I mean I would like them to have some flexibility to change over time as new issues arise. I don't think they should be set in stone.

Mr. Silverman: I think we're all talking the same thing. Two Commissioners. Charge them with dealing with the issue. There is a flavor of how we want to go. Let them select the people who are going to be on their working group as resource people. We can all, as Commissioners and staff, make recommendations. It will be up to staff to manage contacting those people and manage setting up the working groups. Does that make sense?

Mr. Bilodeau: Yes it makes sense. We probably need to just clean this up and maybe withdraw the previous motions, like you said, and start over and have the motion you just stated be the official motion. Because we have a few different motions and amendments, I think, on the floor.

Mr. Silverman: Right.

Mr. Bilodeau: We need to kind of start over from scratch with what the final one is.

Mr. McIntosh: I'll remove my . . . whatever one does to take it back.

Mr. Firestone: Withdrawing.

Mr. Silverman: You're withdrawing.

Mr. McIntosh: Is it like penance or something? Maybe not. Okay. It's gone. I never said a thing.

Ms. McNatt: Do I have to remove my second?

Mr. McIntosh: Yes, you have to take that back, too.

Ms. McNatt: Yes, I remove my second.

Mr. Silverman: Okay. So, Frank, we're going to, per the Code, request that a working subcommittee of the Planning Commission be established through a request to the City Manager and Director of Planning for the purposes of carrying out agenda Item 3 dealing with the study of zoning-mandated parking requirements for downtown developments and uses.

Mr. McIntosh: And should there be something in there . . . because I think there's enough information in the discussion of past meetings of the parking commission as to who it is that we want in there.

Mr. Silverman: Yes.

Mr. McIntosh: Use that and ask for guidance, right?

Mr. Silverman: We could. But I agree with Jeremy that this is our working group and the work should be a product of the Commission and the Commissioners, as opposed to the City Planning Director and the City Manager.

Mr. McIntosh: I agree with that as well, so I don't have a problem with any of that.

Mr. Silverman: Because we may go places that are going to make people uncomfortable.

Mr. McIntosh: So I think this, whoever is sitting on that group, leading that group from this group, there's more than ample information in the minutes and the discussions of the two meetings that we've had on parking, and the meeting that we had last month to determine which groups we want to have represented on this. And we could always add somebody, right?

Mr. Silverman: Yes.

Mr. McIntosh: It's not . . . I'm just trying to get to some past talk into action. And the sooner we can get to that, we are better off. So your motion is fine with me. But I think maybe you can include . . . put a semi-colon or something in there . . . add using the past discussions as the guidance for which groups are going to be represented.

Mr. Silverman: Okay.

Mr. McIntosh: That was well-stated, wasn't it?

Mr. Firestone: Yes. Would you accept his friendly amendment?

Mr. Silverman: Yes. Stacy, do you want to second that?

Ms. McNatt: I will second that. The motion.

Mr. Hurd: I have a question.

Mr. Firestone: Yes.

Mr. Hurd: I thought from those discussions we had that the motion was also going to include appointing two members from the Commission and charging them with developing . . . is that going to be part of this or that a secondary motion?

Mr. Firestone: You could move to amend the motion.

Mr. Hurd: Okay. I move to amend because then we can put it all in one box would be easier. So amend the motion to say that the Commission will appoint two members to serve on this committee to work with the Planning Department staff to develop a list of members to come back to the Planning Commission for approval.

Mr. Silverman: I won't support that. I don't want them to have to come back to us. If we're going to charge them and give them responsibility, they've got direction. The Chair will give them direction. Let them go do their thing.

Mr. Firestone: Let's find out if there's a second first, before we debate it. Is there a second?

Mr. Stozek: Second.

Mr. Firestone: Now we can have discussion on the motion . . .

Mr. Hurd: On the amendment?

Mr. Firestone: The amendment to the motion. I like the idea of coming back to the next meeting with the initial list, as well.

Mr. Hurd: I would say that it's a list of people who have agreed to serve. It's not a list of people whose name we're going to pick from.

Mr. Silverman: Okay.

Mr. Hurd: So we've had the conversations with the department. We've reached out to the University. We've said here is the composition of the working group.

Mr. Silverman: I'll support that. As long as it's the complete list. The recommendations of the working group.

Mr. Hurd: Right. Yes.

Mr. Silverman: We aren't going to pick and choose. It's not necessary.

Mr. Hurd: No. We wouldn't be, like, okay now let's figure out who we want slide into those slots.

Mr. Firestone: Is there any . . . did you accept that as a friendly amendment?

Mr. Silverman: Yes.

Mr. Firestone: So then we're just onto one motion. In short, the motion to set up the workgroup.

Mr. McIntosh: It sounds like a short story to me.

Mr. Firestone: Is there any further discussion? Does someone want to call the question?

Mr. Silverman: I'll call the question.

Mr. Firestone: Okay. All in favor of the motion to create the working group subject to concurrence by the City Manager and the Planning Director, signify by saying Aye. Opposed, say Nay. Okay, the motion carries.

MOTION BY SILVERMAN, SECONDED BY MCNATT THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO THE CITY MANAGER AND THE PLANNING AND DEVELOPMENT DIRECTOR:

THAT THE CITY MANAGER AND THE PLANNING AND DEVELOPMENT DIRECTOR APPROVE THE FORMATION OF A PLANNING COMMISSION SUBCOMMITTEE FOR THE PURPOSES OF CARRYING OUT THE STUDY OF ZONING-MANDATED PARKING REQUIREMENTS FOR DOWNTOWN DEVELOPMENTS AND USES.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE
ABSENT: NONE

MOTION PASSED UNANIMOUSLY

Mr. Firestone: Okay, does anyone wish to make a motion regarding the selection of the two representatives from this body?

Mr. Cronin: Mr. Chairman, I suggest we ask for volunteers first.

Mr. Firestone: Are there any individuals . . .

Mr. Hurd: I will volunteer.

[Secretary's note: Mr. McIntosh gestured that he would volunteer.]

Mr. Firestone: We have two volunteers, or do we have more than two volunteers? Then I move by acclimation that we accept the volunteers, Will Hurd and Frank McIntosh, to serve on the working group. All in favor? Is there any discussion?

Mr. Bilodeau: Is there a second?

Mr. Firestone: Is there a second?

Ms. McNatt: I'll second.

Mr. Silverman: Call the question.

Mr. Firestone: All those in favor, signify by saying Aye. Opposed? Motion carries.

MOTION BY FIRESTONE, SECONDED BY MCNATT THAT COMMISSIONERS FRANK MCINTOSH AND WILL HURD BE DESIGNATED AS THE PLANNING COMMISSIONERS TO SERVE ON THE PARKING REQUIREMENTS SUBCOMMITTEE.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE
ABSENT: NONE

MOTION PASSED UNANIMOUSLY

Mr. Cronin: Mr. Chairman.

Mr. Firestone: Yes?

Mr. Cronin: I'd like to offer a follow-up motion with the two volunteers. Of course thanking them for volunteering, I'd like to move that Frank McIntosh be the Chair of the committee.

Mr. Hurd: Second.

Mr. Cronin: I did consult with him and he said he would accept that position.

Mr. Silverman: Call the question.

Mr. Firestone: All those in favor of Frank McIntosh chairing that committee, signify by saying Aye. Opposed, say Nay. Motion carries.

MOTION BY CRONIN, SECONDED BY HURD THAT COMMISSIONER FRANK MCINTOSH BE DESIGNATED AS CHAIR OF THE PARKING REQUIREMENTS SUBCOMMITTEE.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE
ABSENT: NONE

MOTION PASSED UNANIMOUSLY

Mr. Firestone: Thank you both, and thank you, especially, Frank.

Mr. Hurd: This way, Frank, you'll know we'll get out on time.

Mr. McIntosh: We'll exceed expectations.

Mr. Silverman: And, Frank, you're going to get the same medallion that the parking enforcement people get.

4. **QUARTERLY REPORT ON PLANNING COMMISSION 10/1/16 – 9/30/17 WORK PLAN.**

Mr. Firestone: Okay. That then takes us to Item 4, the quarterly report on the Planning Commission 10/1/16 – 9/30/17 Work Plan. It's actually the quarterly report update #2 covering the period from January through March 2017, if my math is correct. Mary Ellen?

Ms. Gray: Oh, okay.

Mr. Firestone: Do you want to summarize the quarterly report shortly and then we'll see if there are any questions from the Commissioners.

Ms. Gray: Sure. Okay, I'm just looking to see whether there are any updates. So this is a quarterly report. Okay. Very good. So for the review and consideration of land development projects, there was just one meeting in the quarter where you recommended approval for the rezoning of 139 East Chestnut Hill Road. And that has subsequently approved by City Council at the last City Council meeting.

I think we covered #2, which is the parking capacity and parking study. I think we covered that.

The amendments to the Subdivision and Zoning Code, it looks like there were some updates to that. In January staff reviewed proposed amendments to Chapters 27 and Chapter 32 and Council unanimously approved the amendments at their March meeting related to updating references to the former position of building inspector and clarifying conditions for subdivision approval. And then in February a recommendation was made to City Council regarding proposed amendments relating to the wireless infrastructure code. And that was tabled, excuse me, withdrawn at the last City Council meeting and that was due to the, it was my understanding that the Planning Commission had made some recommended changes to the ordinance and those recommended changes did not make it into the packet to City Council. So it was withdrawn for that meeting and it is now on the Council . . . I don't have a calendar in front of me . . . June meeting. The first or second meeting in June. I'll have to get back to you on the exact date. I did not ascertain that date and I apologize for that. So that's coming back and moving forward.

We're looking to move forward on the Transportation Improvement District for the City of Newark. Mike and I touched base on that today, and we're still looking to move that forward.

The informational session with WILMAPCO and DelDOT we have tentative scheduled for the June 6 Planning Commission meeting and we're still looking to outreach and work with DelDOT regarding that session.

The procedural guidelines, I understand that was discussed at the last meeting in February . . . excuse me, two meetings ago, and there has been some draft rules of procedure that have been submitted and we are looking for a future date for further discussion and public comment on those.

We are still working on item #7, review of the Comp Plan to see if there are any amendments necessary, and we will be looking to schedule an annual review in the third quarter for the Comp Plan and its accomplishments so far.

And we're looking at the quarterly report of the Work Plan, and we do not have any training sessions scheduled for this quarter.

Mr. Firestone: Thank you, and particularly given that you weren't here for any of it.

Ms. Gray: I wasn't here for any of it. I was here at the City Council meeting, so I heard the wireless discussion.

Mr. Firestone: So we did learn a little bit about that. Are there any questions of the Planning Director?

Mr. Hurd: I have maybe just one. The revised wireless amendment, are you saying we'll see that in June as well, or Council is going to see it in June?

Ms. Gray: No, Council is going to see it in June. It moved forward with the Planning Commission recommendation and it was just a procedural staff error that occurred so we have to go back and re-advertise it, do a first reading and a second reading. That's just the reason why it got pushed back to June.

Mr. Hurd: Okay, so it's got the revisions that we discussed so that means it's not coming back to us for review?

Ms. Gray: Yes, the . . . you all recommended revisions. The revisions were made but the version that went to City Council did not have those revisions.

Mr. Hurd: Okay.

Ms. Gray: And that was discovered rather late in the process so we weren't able to pull it back. So it has been resubmitted with the recommended changes from the Planning Commission.

Mr. Firestone: This document, even with the revisions that we've made, it only has a 60 day life anyway because there were a whole host of problems with it. The Planning Department staff indicated there was some urgency to get some rules in place . . .

Ms. Gray: Yes.

Mr. Firestone: But the intention still was for the staff to come back to the Commission with a revised set of rules . . .

Ms. Gray: Okay.

Mr. Firestone: That dealt with a lot of the issues that were discussed that evening.

Ms. Gray: Okay.

Mr. Firestone: Do you know where that stands, Mary Ellen? Or maybe, Mike, you might have a better sense.

Mr. Fortner: No, I'm sorry, I don't have a better sense of where it is. They're moving forward to Council and I guess we'll wait to see what their action is. If they send it back, they'll send it back, or what. I haven't done any further work. Dave Culver would be the one heading that. So I'm not sure what he's doing.

Mr. Firestone: Well it's just that we had a recommendation that they were going to expire after 60 days.

Ms. Gray: Okay.

Mr. Firestone: If that's, in fact, going to happen, then we're going to . . . if they're approved at the beginning of June, then by the beginning of August they're no longer going to be in place.

Ms. Gray: Okay.

Mr. Firestone: So it would seem if stay on top of it, we're going to need to bring that forth at the next Commission meeting in June so that we can get a good set and get it back up to the City Council, so that by August they can put in place the rules that will work long-term for the City.

Mr. Hurd: Mr. Chairman, does it make sense to wait to see if Council makes any changes to the regulations themselves before we reexamine them, which puts us in July. Or do we want to just look at what the draft that we sent them was . . .

Mr. Stozek: Can I make another . . . ask another question. Mike, maybe I'm conflating things, but wasn't there a representative from Verizon at the Council meeting that basically had issues that they weren't allowed to comment on these changes, and that's one of the things that sent them back for review. They wanted some input and suggestions.

Ms. Gray: No. That's not my understanding. My understanding is, as I said, that the . . . because I heard the representative from Verizon's comments thanking the Council for withdrawing it. That was her perspective and I'm not going to argue with that. But the reality is that the wrong version went forward. And certainly the representative from Verizon did have questions and they have submitted some questions in writing to the City, and those questions have been answered in writing to Verizon. And I think AT&T is also joined in. So discussion continues.

Mr. Firestone: If we act on those in July, when would the City be able to approve a new set of rules? I'm just trying to deal with the 60 day expiration.

Ms. Gray: Okay.

Mr. Firestone: If they approve them in June . . .

Ms. Gray: Right?

Mr. Firestone: And we approve a new set in July, can they approve a set in August?

Ms. Gray: I would defer to Counsel on this.

Mr. Firestone: From a timing perspective, is that too short?

Ms. Gray: I would punt that to Counsel.

Mr. McIntosh: That's you.

Mr. Bilodeau: Thank you. I was wondering if it was . . . how you were spelling Counsel. So the 60 day . . . I'm not following. I missed the discussion before on this. On the 60 day expiration period, what's that all about? I'm sorry.

Mr. Firestone: The rules as they came before the Commission were a total jumble and the Commission didn't like them at all and thought they needed substantial revisions in a whole bunch of ways. Staff implored us to nonetheless approve them because they were concerned about having the absence of rules. So you can sort of think of these as emergency rules that were going to be in place. And so what we agreed to do was to approve the rules subject to them expiring within 60 days, with the direction back to staff to go and work with the law firm and what-have-you, and come back to us and address all of the concerns that were addressed by the Commissioners and the members of the public who commented, and come up with a clean draft, which we would then act on at a meeting and then send that up to Council. So these rules, as it says in the Work Plan, came with the recommendation that they would expire after 60 days. So my question is, if we wait until July to consider the rules, and we approve them at that meeting, can the City Council then act on them by early August? It's a timing issue, and I don't know the timing rules of City Council.

Mr. Fortner: So it would need a first reading and second reading, probably, right?

Mr. Silverman: And advertising.

Mr. Fortner: So you're on the first Tuesday . . .

Mr. Hurd: Mr. Chairman, should we maybe make a recommendation to Council to extend that to a 90 day window? That may be the simplest solution because I'm thinking that if there are representatives from telecommunication firms who are coming to these meetings to review the rules, and they make substantial comments or there are other revisions made by Council at the table, I think we need to see those as part of the document before we make other changes.

Mr. Firestone: I've got a question for Counsel. The Work Plan was noticed, publicly noticed, but nothing specifically related to an issue related to extending the expiration time period from 60 to 90 days. The question is, can we act or not?

Mr. Bilodeau: So the 60 days . . . when does the 60 days run out right now?

Mr. Firestone: Sixty days after whenever City Council approves.

Mr. Bilodeau: Okay. So the 60 days for the emergency rules, they're in effect until . . . when is that 60 days? Has Council not approved the emergency rules?

Mr. Firestone: They have not approved the emergency rules.

Mr. Bilodeau: Okay, thank you. The 60 days hasn't started to run yet.

Mr. Firestone: Correct. Presumably if they approve it in early June, it will start to run. And so the question is then whether we could wait until July so we have the insight on what Council does and then get the rules back up to City Council for approval within the 60 day period.

Mr. Bilodeau: Okay.

Mr. Firestone: So then Commissioner Hurd suggested, maybe we could extend it from 60 to 90 days. So then my question to you was that wasn't specifically on our written agenda. Can we do that or not, legally?

Mr. Bilodeau: I think we can amend the agenda for that to add, to change it to basically a recommendation for 90 days as opposed to 60 days in this circumstance since we're dealing with notice and things like that. I don't see a problem with requesting a change to 90 days.

Mr. Firestone: Okay.

Mr. Hurd: I guess I see it sort of as a direction to the Director to say when you present this to Council, you could say because of the timing and the need to come back to Planning Commission and such, we'd like to extend it to 90 days instead of 60. I don't know if that makes a difference in the voting of it but it might've come up anyway in conversation about the 60 day window.

Mr. Firestone: The Chair would entertain a motion.

Mr. Hurd: Okay. I move that we direct the Director to request from Council to extend the 60 day expiration date to 90 days on the telecommunications rules.

Mr. Silverman: As proposed.

Mr. Hurd: As what?

Mr. Silverman: The rules as proposed.

Mr. Hurd: As proposed, yes.

Mr. Firestone: Is there a second?

Mr. McIntosh: Second.

Mr. Firestone: Mrs. White, would you like to be heard on this issue?

Mrs. Jean White: No, it's all yours.

Mr. Firestone: Is there any discussion?

Mr. Silverman: Yes, I have one question. We were led to believe there was a sense of urgency that there was a so many day window that City Council had to act or this whole thing would turn into mush and the City would be exposed to whatever involved the federal communications act. What happened to all that? Didn't somebody inform Council that they're under the gun, not us? That the City might be in jeopardy.

Ms. Gray: I am not aware of that discussion. What I am aware of is that it was a point of order in that they couldn't hear the ordinance because they had an ordinance that did not have . . . the ordinance was recommended to move forward with changes from the Planning Commission.

Mr. Silverman: Let me flip my question around.

Ms. Gray: Okay.

Mr. Silverman: Is this effort still valid or did we lose that window of opportunity for the City to do whatever it had to do to comply with the federal communications law, per the law firm they hired to write this thing? Or is that gone?

Ms. Gray: I don't know the answer to that. I do know that it wasn't able to be heard. I don't know if that's a moot point or not. I don't know. I'm coming into this, you know, a little late.

Mr. Silverman: Understood. That's a rhetorical question.

Ms. Gray: Very good. And if I may, Mr. Chair, AT&T and Verizon did request a meeting with staff and the City Manager, which will be occurring tomorrow to share thoughts.

Mr. Silverman: Another rhetorical question. Why didn't they come before the Planning Commission in the public arena so this could be heard at least twice? Here and then Council.

Mr. Firestone: I mean that's a rhetorical question, too.

Ms. Gray: Yes, I don't know.

Mr. Firestone: My memory of this is not that it was a FCC issue, it had to do with the concern of the City that Verizon and AT&T were going to do something in easements . . .

Mr. Silverman: Yes.

Mr. Firestone: Prior to such time that the City had rules to regulate that conduct. I guess it was a sense of urgency but I guess Verizon and AT&T have agreed to forbear while the City works on its rules. I don't know that it's necessarily become any less of a fire. But the City does have to comply with its own laws in getting things forward. So even if it isn't something that's urgent, its hands were presumably tied.

Mr. Silverman: Yes, if I were Machiavellian, I'd say this is something that the other party has already worked out with the Public Service Commission. The City had a window to act. The City was sandbagged. The City didn't act. And so the City lost the opportunity. So I don't know where this is going.

Mr. Firestone: Is there anyone else who wants to be heard on the motion?

Mr. McIntosh: Yes, I call the question.

Mr. Firestone: Okay. All those in favor of the Commission recommending that the Planning Director convey to City Council that we recommend the ordinance expire 90 days after approval by Council rather than 60 days, please signify by saying Aye. All opposed say Nay. The motion carries.

MOTION BY HURD, SECONDED BY MCINTOSH, THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL EXTEND THE EXPIRATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS ORDINANCE FROM 60 DAYS TO 90 DAYS.

VOTE: 7-0

AYE:	CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY:	NONE
ABSENT:	NONE

MOTION PASSED UNANIMOUSLY

Mr. Firestone: Is there any other discussion regarding the Work Plan update #2?

Mr. Stozek: I don't have a specific question about the plan but when did we put together this work plan? Does anybody remember?

Mr. Hurd: Wasn't it October?

Mr. Firestone: Probably October.

Mr. Silverman: We're required to present it in October. It was put together in September.

Mr. Stozek: Maybe we should just wait for October. What my thought is, I think we came up with a list of 16 or 18 things of which nine or ten were picked as that's what the department could work on. And I think at some point, either now or we wait until October, I think we need to review that list again to see if there are additional items and maybe to reorder the priority of items.

Mr. Firestone: I would agree at the next meeting that probably makes some sense. I mean we've obviously been going through, the department has been going through some transition and so we had a period where some of those items weren't moving forward and certainly we have to give Mary Ellen adequate time to get up to speed on the issues and we can't just expect that we're going to continue as we had planned in the fall.

Mr. Silverman: It may change with the new City Manager, too, who may have different priorities with respect to what Planning is going to do and what we're going to do.

Mr. McIntosh: I don't know that it matters but I thought that we actually got that down to about four or five working items.

Mr. Stozek: It was more than that.

Mr. Hurd: Mr. Chair?

Mr. Firestone: Yes.

Mr. Hurd: Item 7, the review of the Comp Plan V . . . the Planning Department recommends that we schedule this for the third quarter and June would be the last meeting of the third quarter. Are we ready to look at this in June or do we need to think about this as a fourth quarter item?

Mr. Firestone: I would say at this point we probably have to think about it as a fourth quarter item given what has transpired over the last three or four months with the Planning Department.

Mr. Silverman: Mr. Chairman, on that . . . and this is kind of along with the last item on our agenda . . . we all received copies of the Rental Marketing Needs Assessment for the City of Newark final edition. I understand this has been adopted by City Council. Has it?

Mr. Firestone: Let's finish with the Work Plan.

Mr. Silverman: It refers to the Work Plan.

Mr. Firestone: Okay.

Mr. Silverman: Well go ahead and finish with the Work Plan.

Mr. Firestone: Is this a Work Plan item?

Mr. Silverman: Yes.

Mr. Firestone: Okay, then go ahead.

Ms. McNatt: Which item?

Mr. Silverman: Seven. The need for updated information and/or amendments, I'd like to ask the staff to take the conclusions that are found in the . . . if it's adopted by City Council . . . Rental Market Needs Survey and reflect them in the Comprehensive Plan update that we're going to do in the fourth quarter. For example, showing the need for at least 50 new rental units at market rate in our community. The impact that below market rate has. Work this into the housing section. It represents much new information that we looked at over the last several years.

Ms. McNatt: Question on that point is I have questions on this rental document. So I don't know how to handle that.

Mr. Fortner: Mr. Chairman? They haven't adopted the plan. What they are going to look at is staff is going through and itemizing all of the recommendations and putting it in a work plan of what it would take to implement. Council is going to decide what things they think are high priorities, what things are lower priorities, or things they might not even consider. So that's been the step that Council directed staff to do is to put together this sort of, basically a work plan for it.

Mr. Firestone: If you would like us to discuss it, then you should raise it during New Business and then it would be . . .

Ms. McNatt: I will but if this is being brought up now, I wanted to . . .

Mr. Firestone: And then the department will decide whether to add it to the agenda.

Mr. Silverman: Well belay my discussion on this, let's move on.

Mr. Firestone: My only comment would be related to Item 6, the Procedural Guidelines which, again, understandably there has been a delay in moving forward, but we put some time into them and I would hope that perhaps by the July meeting we could have a proposal from the staff based on what's been submitted and the discussion that took place back in the February meeting, to come up with a proposal and we would have a discussion.

Ms. Gray: And that would be for the July meeting?

Mr. Firestone: Yes, for the July meeting.

Ms. Gray: Okay.

Mr. Firestone: It's an important document and I don't want you to rush and obviously there's going to be some consultation with Counsel, etc.

Ms. Gray: Very good.

Mr. Firestone: Is there any other discussion on the Work Plan?

5. **NEW BUSINESS**

Mr. Firestone: Okay, that takes us to New Business, Item 5, and I just want to clarify since we have new people here that new business is . . . Commissioners can bring up items for potential future consideration. It is not an opening to bring forward an issue at this meeting and have a substantive discussion on it and a vote. These are the kind of things we would like to consider at future meetings. Again, because we're required under open meetings to provide notice and the opportunity for people to show up and be heard on these items.

Mr. Silverman: Then we need to drop New Business because it has a very specific meaning and just go with Items for Future Consideration so it's very clear. New Business has a very specific meaning. It says we can discuss new business, as opposed to offering work items, comments from Commissioners, or however we want to phrase it.

Mr. Firestone: Well, I mean, again, we don't have rules so that's part of the problem that we're operating under.

Mr. Silverman: Yes.

Mr. Firestone: When I suggested it be added, it was to, as I said, to deal with a situation where, before, to get any kind of discussion on these items, there was email traffic between Commissioners and we learned that that wasn't an acceptable procedure.

Mr. Silverman: Understood.

Mr. Firestone: So this was an opportunity to bring out those kind of items but to do it in front of the public and to then have those, if it was determined, that they would then get incorporated, eventually, into the next meeting or the meeting after.

Mr. Silverman: So call it Commissioners' Remarks.

Mr. Firestone: Well right now we're just going to call it New Business since it's on there as New Business.

Mr. Silverman: Okay.

Mr. Cronin: Mr. Chair?

Mr. Firestone: And hopefully when we come up with rules, we'll come up with the terminology and clarity on that issue. With that in mind, does anyone have anything they would like to get off their chest?

Mr. Cronin: If it would help, for the point of clarification, this Rental Housing Needs Assessment Study was in our packet referenced at Commissioner's request at the March 7 meeting, so it has been progressing forward as an item, a topic, since March 7, so I think if we wanted to discuss any aspect of it tonight, now that we have it, I think it's okay to do so.

Mr. Firestone: But it's not on the agenda.

Mr. Cronin: It's still new business.

Mr. Firestone: What?

Mr. Cronin: It's still new business. You don't know what the discussion is going to be yet until it occurs. If in the judgement of the Chair you think something is of such magnitude that it needs to be deferred, you should, I would think, opine at the time that's the case. But the points of discussion we may have are just points of discussion. Observations. Questions.

Mr. Firestone: I'll, again, turn to our Counsel and ask for his advice.

Mr. Bilodeau: I would say that the items for future consideration, new business, the way the Chair is suggesting that it be handled is the proper way. If it's something that is new that the public was not aware of and hasn't had the opportunity to be here to participate with it, it shouldn't be discussed at length other than to discuss whether it should be discussed at another meeting.

Mr. Fortner: Mr. Chairman?

Mr. Firestone: Yes.

Mr. Fortner: I would be happy to put together a presentation for the June meeting where I'd go through all the recommendations of Phase Two and answer questions. Or if you email your questions, I could have phone calls with you, or I could have them in my presentation, if you'd like.

Ms. McNatt: I would feel better if there was some type of presentation on the information. I mean I do have questions about this document and what it's providing, or what it's trying to say versus what is still left unsaid. So I'd like something or somehow present it so we can provide appropriate comments or questions at that hearing. Or you can include them in the presentation so we can talk about them.

Mr. Fortner: I could meet with you or have a phone call with you, too, or something like that.

Ms. McNatt: Your mike's not on.

Mr. Fortner: So I could meet with you, we could have a phone call, or we can meet if the other Planning Commissioners aren't interested in that, or, like I said, I'm preparing a work plan for Council and they're supposed to give me kind of prioritization was the idea of that. It's just a series of recommendations that this consulting firm came up with. It's just approaches, best practices and so some of it Council might be interested in and want us to proceed on, and they'll tell staff to proceed on this. And other things they might say we don't really want to do that.

Mr. Silverman: For clarification, this work was done totally independent of any work that was done on the Comp Plan update, correct?

Mr. Fortner: Yes.

Mr. Silverman: The Planning Commission was not involved in the RFP nor were we given the opportunities to express what we thought should be in this document.

Mr. Fortner: Well you had two Planning Commissioners on the committee. I don't remember all the details but the RFP was created, I don't think, with the Planning Commission, but two Planning Commissioners were on there and you guys were involved with putting it in the Comp Plan that this type of report . . . it came out of the comprehensive planning process that we should have a study on the rental housing needs. It was born from that. The RFP, I don't remember all the details, but other than we had two Planning Commissioners and you guys discussed . . . you guys appointed the Planning Commissioners.

Mr. Silverman: But they were brought in late in the process. If I recall, Part One was already completed.

Mr. Fortner: No, you were in Part One.

Mr. Stozek: We were in Part One and Two.

Mr. Silverman: Okay.

Mr. Hurd: I wouldn't say we did a lot of directing. I mean it was more . . . it was a technical committee that the Urban Partners came to us and said here's where we are, here's the questions we have, they asked some questions, got some answers, and then they went away.

Mr. Fortner: Were you involved in Part One? Or was it Part Two? I thought maybe Part One was completed and then you got into Part Two. I'm sorry, what was that?

Mr. Hurd: I was in Part Two.

Mr. Fortner: Just in Part Two. Okay. So Part One, the Planning Commission was not involved on that committee if I remember correctly. And then on Part Two, Council decided to appoint two Planning Commissioners.

Ms. McNatt: Can I ask a silly question?

Mr. Silverman: No silly questions.

Ms. McNatt: Is there potential . . . hold on, let me rephrase my question . . . is it possible when Phase Two was done that even though the Commissioner members that were there weren't able to bring the information back, and that's what happened? And the reason I'm bringing that up is because when we get to the point where we're doing the work plan for the zoning parking requirements, I don't want that issue to be missed as well. I think we kind of talked about it but I see a disconnect that could happen. I don't know if I'm allowed to bring that up right now, but could that happen?

Mr. Fortner: Well the parking is much more directed by the Planning Commission . . . .

Ms. McNatt: Planning Commissioners.

Mr. Fortner: Than the Rental Housing Needs Assessment was, certainly. Because that was actually a Council appointed committee, where this would be actually your own appointed committee. So you would have more oversight on that, certainly. As much as you want. I mean it is your committee.

Mr. Silverman: The Rental Market Needs Study was a child of the City Council. We were not involved.

Ms. McNatt: I'm trying to make sure we . . .

Mr. Fortner: And so when the consulting firm presented, they presented to Council. They didn't come here and present because they were working for Council.

Ms. McNatt: Thank you for clarifying.

Mr. Fortner: Okay.

Mr. Firestone: Does anyone else wish to be heard?

Mr. Cronin: Yes, Mr. Chairman, I have a question, I guess, pertaining to the study findings that, Mike, maybe you could respond to. They talk about a recommendation going forward with the POOH Program, Promoting Owner Occupancy of Homes.

Mr. Fortner: Yes.

Mr. Cronin: And I think I saw in the posted agenda for City Council next Monday an action to delete the entire program.

Mr. Fortner: Yes.

Mr. Cronin: Can you comment on that as to what's, I mean I'm curious as to what the thinking is about deleting it in light of the fact that they recommended some modifications on this, and I'd kind of like to know what your thoughts are.

Mr. Fortner: Well they did write that report before the proceedings of trying to eliminate the program. The program . . . they would like to reform the POOH Program by deleting it from <u>Code</u> first and then add, get Council's direction on what kind of program they would like and then we would revise it. The POOH Program had three foreclosures on it. There are lots of issues with, if you want me to get into this, about doing a $30,000 loan that's deferred as long as they're the owner. You never know when that money is coming back. So the Finance Director and the City staff would feel more comfortable with a monthly payback loan. So they're considering different proposals. It's in <u>Code</u>, so we have to eliminate the language in <u>Code</u> and then replace it with a new program with specifications from direction of Council, but it could be deferred for a year and then there's a monthly payback and then eventually creating a revolving fund with it. But the way the program is set up now, like I said, it goes out there, $30,000. That's a lot of money out there. You have foreclosures. It has a repayment scheme that's a little bit difficult to enforce. And so there's a lot of problems with administering it. So we're asking Council to eliminate the program from our <u>Code</u> and then we will replace it with a new program. Because Council, I believe, loves those kinds of programs and it's been a strong component of the City policy that encourages homeownership, and so we want to continue some sort of program.

Mr. Cronin: Thank you.

Mr. Firestone: Anyone else? Okay, I'll accept a motion to adjourn.

Mr. McIntosh: So moved.

Mr. Firestone: Is there a second?

Ms. McNatt: Hold on. Can I ask a question? Sorry. I think Mike offered to do a presentation at the next meeting. Did we to agree that? Do we want to see it?

Mr. Firestone: We don't get to vote on these kind of items or agree to them. What we can do is put out ideas and then the Planning Department will . . .

Ms. McNatt: Alright, I like the idea to have them present something.

Mr. Silverman: Since it's not on the agenda, we can't discuss it.

Ms. McNatt: Okay.

Mr. Firestone: I understood that you requested that that happen. But we can't vote on it. I'm sorry. Is there a second on the motion to adjourn?

Mr. Cronin: Second.

Mr. Firestone: All those in favor of adjourning, signify by saying Aye. Opposed, nay. We're adjourned.

MOTION BY MCINTOSH, SECONDED BY CRONIN, THAT THE PLANNING COMMISSION MEETING BE ADJOURNED.

VOTE: 7-0

AYE:	CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY:	NONE
ABSENT:	NONE

MOTION PASSED UNANIMOUSLY

There being no further business, the Planning Commission meeting adjourned at 8:28 p.m.

Respectfully submitted,

Alan Silverman

Alan Silverman
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary