

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

June 6, 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
Tom Fruehstorfer, Planner
Bruce Herron, City Solicitor

Mr. Jeremy Firestone called the Planning Commission meeting to order at 7:06 p.m.

1. CHAIR'S REMARKS.

Mr. Firestone: Okay, we're going to call to order the Planning Commission meeting of June 6, 2017. Welcome to everyone who is here for our first meeting of the summer. Just briefly on Item 1, Chair's remarks, I just wanted to let the public know that at the next meeting, our July meeting, we're going to consider rules of procedure or process that are going to ultimately govern how we act and interact here with the public, so I would encourage you to attend. I'm going to let my member of City Council know and ask him to alert . . . he has a long email list, I know . . . and I would encourage my fellow Commissioners to, as well, communicate with their City Council member and have them communicate with people since this is going to govern how we all act. It affects us all and often people only come to these meetings when they're directly affected by a specific project and they learn not through the newspaper but through word-of-mouth, etc.

2. THE MINUTES OF THE MAY 2, 2017 PLANNING COMMISSION MEETING.

Mr. Firestone: With that, we're going to move to Item 2, which is the minutes of the last Commission meeting of May 2, 2017, and I would ask Commissioner Silverman to take us through that. Thank you.

Mr. Alan Silverman: Okay, the minutes have been posted on the City website. Paper copies have been distributed to the Commissioners. Madam Recording Secretary, have there been any additions or corrections submitted beyond Mr. Cronin's?

Ms. Michelle Vispi: None beyond those.

Mr. Silverman: Okay. For the benefit of the Commissioners, the corrections submitted by Commissioner Cronin are included in a revised version of the minutes that are part of your table packet. I move the minutes be accepted as posted and distributed.

Mr. Firestone: Is there a second?

Mr. Will Hurd: Second.

Mr. Firestone: Any discussion? All those in favor of approving the May minutes, signify by saying Aye. Opposed, say Nay. Motion carries, 6-0.

MOTION BY SILVERMAN, SECONDED BY HURD, THAT THE MINUTES OF THE MAY 2, 2017 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 6-0

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

NAY: NONE

ABSENT: MCINTOSH

MOTION PASSED UNANIMOUSLY

[Secretary's note: Mr. Frank McIntosh was not present in Council Chamber for the vote on the meeting minutes but entered immediately thereafter.]

3. REVIEW AND CONSIDERATION OF A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 83 EAST MAIN STREET TO INSTALL A CELL PHONE ANTENNA TOWER ON TOP OF THE UNIVERSITY OF DELAWARE BOOKSTORE.

Mr. Firestone: That then takes us to Item 3, review and consideration of a special use permit for the property located at 83 East Main Street to install a cell phone antenna tower on top of the University of Delaware bookstore.

I want to make a disclosure. One, I am both a University of Delaware of employee and as part of my job I manage the University's interest in the wind turbine on the Lewes campus and, as part of that business, I engage, or the University engages, but I work with, the lawyers from the law firm Saul Ewing, who is also representing the University in this case, so I will not be taking part in the vote. Please go ahead.

Mr. Tom Fruehstorfer: Good evening. My name is Tom Fruehstorfer and I'm with the Planning Department here at the City, and I will try to keep this quick. You should have all received the report. In addition, I distributed some further information we've gotten from the applicant since the report went out.

The Planning and Development Department received a special use permit application and supporting materials from AT&T Mobility to install a cell phone antenna tower at 83 East Main Street. Under Zoning Code Section 32-18(b)(8), a cell phone antenna tower is permitted on existing buildings and structures with a Council-granted special use permit with conditions. I'm just going to summarize the pertinent conditions. I should also note that, generally, special use permits like this do not come before Planning Commission. This is before Planning Commission because Code requires that uses constructed on parcels greater than one acre are reviewed by both Planning Commission and City Council.

Tower applications should be accompanied by a professional engineer's report containing a technical evaluation of the utilization of existing towers, written certification of compliance with Federal Communications Commission safety standards and copies of all applicable state and federal permits.

The tower must be installed on a building or structure at least three stories in height. Towers shall not extend beyond 22 feet above the highest point of the building or structure. Although it may not have been clear from the drawing, the addition here is only six feet above the highest point of the building.

No interference with existing television, cable television, radio signals or other electronic devices shall be permitted from the tower. If interference occurs, it shall be immediately remedied by the operators of the tower.

The owner of such towers shall give proof to the City that any damages which may incur to surrounding properties or injury which may occur to persons shall be paid by the owner of the tower and/or insurers of the tower.

Zoning Code Section 32-78, Special Use Permits, stipulates that Council may issue a special use permit provided the applicants demonstrate that the proposed use will not affect adversely the health or safety of persons, be detrimental to the public welfare or injurious to property or improvements, or be in conflict with the purposes of the Comprehensive Development Plan.

And in regard to Department comments, Comment 1, when this report was generated, some details were missing from the applicant. The applicant has since provided documentation that the use of existing towers was investigated and found to not be a viable option. In addition, the applicant has provided information on the qualifications of the individuals completing the necessary technical evaluations, and indicates that there are no state or federal permits required for this installation.

In Comment 2 regarding noise from the generator, the applicant has since provided technical data on the proposed generator which will be reviewed by City staff before it is presented to City Council. It should be noted the applicant did respond that the generator is only for use in the event of loss of power and otherwise will only be run for short periods of time required for periodic testing and maintenance. The applicant has indicated this will be comparable to the sound of a vacuum cleaner outside the enclosure on the roof, so sound to the public on the ground should be minimal. I did a quick analysis, I'm not sure if I'm correct in my analysis, but our Code states it has to be a weighted average of 59 at the property line in the middle of the night if there were sound, and I think the 72 decibels for this generator is down to around 30 decibels at the border 150 feet away. So my quick analysis looks like its fine for sound, but we'll look at that close before it goes further.

For Comment 3, Public Works indicates there may be permits required for any obstructions required for the installation.

And finally, Comment 4, the other City operating departments – Electric, Police, and Parks and Recreation – did not express any issues or concerns with this special use permit request. I should note that the Police also verified that they do not expect this should provide any interference with their emergency channels.

In addition, upon further consideration, City staff has decided we should add a further department comment that will be included when this is presented to City Council. That condition is J from the Zoning Code conditions. The owner of such tower shall give proof to the City that damages which may occur to surrounding properties or injury which may occur to persons which damages or injuries are caused by failure of the tower and/or associated structural supports, regardless of whether such failure is the result of human error or an act of God, shall be paid by the owner of the tower and/or insurers of the tower.

So our recommendation is because the proposed special use permit will not conflict with the purposes of the Comprehensive Development Plan V, because the proposed use, with Departmental recommendations, will not be injurious to property or improvements in the surrounding area, and because the use can meet Zoning and Special Use Permit requirements,

the Planning and Development Department recommends that the Planning Commission recommend approval of the 83 East Main Street special use permit for a cell phone antenna tower with departmental conditions.

[Secretary's note: The Planning and Development Department report on the proposed special use permit for the property located at 83 East Main Street reads as follows:]

On April 11, 2017, the Planning and Development Department received a special use permit application and supporting materials from AT&T Mobility to install a cell phone antenna tower at 83 East Main Street. The Planning and Development Department report on the special use permit application follows:

Zoning

Under Zoning Code Section 32-18(b)(8), a cell phone antenna tower is permitted on existing buildings and structures with a Council granted special use permit in an BB district – the applicable zone at this location - with the following conditions:

Tower, broadcasting and telecommunications installed on existing buildings or structures only. Such facilities shall be subject to the following special requirements:

- a. Tower applications shall be accompanied by a professional engineer's report containing the following:
 1. A technical evaluation of the utilization of existing towers for telecommunications or other equipment intended for installation on the proposed tower.
 2. Written certification of compliance with the Federal Communications Commission Safety Standards for exposure to nonionizing electromagnetic radiation.
 3. Copies of all applicable state and federal permits.
- b. The tower must be installed on a building or structure at least three stories in height. Towers shall not extend beyond 22 feet above the highest point of the building or structure. Accessory buildings or facilities for towers located on existing buildings or structures shall be located either in or on top of such buildings or structures.
- c. No artificial light shall be installed upon any such tower unless required by the Federal Aviation Administration. If such light is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.
- d. Unless otherwise required by the Federal Aviation Administration or the Federal Communications Commission, the tower shall be light gray in color.
- e. New telecommunication facilities may be attached to an approved tower without applying for an additional special use permit so long as the new facility is in compliance with the requirements and standards of this section.
- f. No interference with existing television, cable television, radio signals, or other electronic devices shall be permitted from the tower. If interference occurs, it shall be immediately remedied by the operators of the tower.
- g. If a tower is abandoned, unused for two years, or no longer operable, it shall be removed within six months of its abandonment. If a tower is not dismantled as specified in this subsection, the city shall arrange to have the facility dismantled and will assess the landowner all costs associated with the removal of the tower. If the full amount due the city is not paid by the owner, or person in control of the property, or his or her agent, within 90 days of receipt of a bill from the city, the city finance director shall cause a special assessment to be recorded in the municipal lien docket. The recordation of such special assessment shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made.

- h. A tower shall be located so as not to encroach into any established public or private airport approach as established by the Federal Aviation Administration.
- i. That the owner of such tower shall provide proof to the city that the tower has undergone a triennial inspection for structural integrity. Said inspection is to be performed by a certified engineer, or other qualified professional, at the expense of the owner of the tower. If structural deterioration is found to be present, and such deterioration affects the physical stability or aesthetic integrity of the tower, the owner shall be required to correct such deterioration within a time limit to be established by the building department.

In addition, the operator of such tower shall provide annual proof to the city that the tower has undergone field measurements to ensure compliance with all applicable Federal Communication Commission safety standards for exposure to nonionizing electromagnetic radiation. Such field measurements, and submission of the results to the city, shall be conducted upon start up of the facility and annually thereafter; except that every third year, such proof of compliance shall be submitted on behalf of the operator by an independent nonionizing electromagnetic radiation evaluator. All such field measurements, and submission of the results, are to be performed by a certified engineer, or other qualified professional, at the expense of the operator. If such field measurements demonstrate noncompliance with Federal Communication Commission safety standards specified in this section, transmission at the facility shall be suspended until such time as full Federal Communication Commission safety standards compliance is demonstrated to the satisfaction of the city.

- j. The owner of such tower shall give proof to the city that any damages which may occur to surrounding properties or injury which may occur to persons, which damages or injuries are caused by a failure of the tower and/or its associated structural supports, regardless of whether such failure is a result of human error or an act of God, shall be paid by the owner of the tower and/or insurers of the tower.

The proposed installation meets the requirements above.

Special Use Permit

Zoning code Section 32-78, Special Use Permits, stipulates that Council may issue a special use permit provided the applicants demonstrate that the proposed use will not:

- "a. Affect adversely the health or safety of person(s) residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware;
- b. Be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; and
- c. Be in conflict with the purposes of the comprehensive development plan of the city."

As the attached technical report shows, the proposed antennas will not adversely affect the health or safety or the public, nor will it be detrimental to the public welfare or injurious to property. In addition, this proposed installation is not in conflict with the comprehensive development plan.

Departmental Comments

The City departmental comments are as follows:

1. The Planning and Development Department has determined that while the attached AT&T Mobility Site Compliance Report shows the installation meets applicable safety standards, it does not include the qualifications of the individual who completed the report. The applicant should show that the individual is adequately qualified to perform the attached review. In addition, the applicant should provide documentation that utilization of existing towers was investigated, and also provide copies of any applicable state and federal permits as required by City Code.
2. The submittal and supporting documents indicate a new natural gas generator to be installed on the roof. It is unclear what the anticipated noise levels are for the particular generator set and whether the proposed equipment shelter offers any noise attenuation. The applicant's proposed strategy for sound attenuation for the generator set should be provided for review and consideration.
3. The proposed generator will likely require the use of a crane to set on top of the building. If the obstruction of any street, alley, sidewalk, or public way will be required in order to set the generator, the applicant shall submit the appropriate Street Obstruction Permit Application and required fee for approval by Public Works and Water Resources.
4. The other City Operating Departments did not express any issues or concerns with this special use permit request.

Recommendation

Because the proposed special use permit will not conflict with the purposes of the Comprehensive Development Plan V, because the proposed use, with the Departmental recommendations, will not be injurious to property or improvements in the surrounding area, and because the use can meet all Zoning and Special Use Permit requirements, the Planning and Development Department recommends that the Planning Commission recommend approval of the 83 East Main Street special use permit for a cell phone antenna tower with departmental conditions.

Mr. Fruehstorfer: Are there any questions for me before the applicant makes a brief presentation?

Ms. McNatt: I do. I have one question.

Mr. Fruehstorfer: Go ahead.

Ms. McNatt: And I'm not clear on this. Does the City Code require the documentation have to signed and sealed by a Delaware professional engineer?

Mr. Fruehstorfer: No. Anyone else?

Mr. Stozek: Yes. Somewhere, and I can't find it, but in the original documents, I guess, there was not . . . the credentials or something was missing relative to the engineer . . .

Mr. Fruehstorfer: And that should be in the packet that you received . . . that I gave you today.

Mr. Stozek: That's in this packet?

Mr. Fruehstorfer: Yes.

Mr. Silverman: The Code specifically talks about the owner of the tower, the operator of the tower. Who is the owner of the tower in this case?

Mr. Fruehstorfer: AT&T Mobility, but the applicant can verify that when they come up?

Mr. Silverman: And who is the operator of the tower?

Mr. Fruehstorfer: I assume that would also be AT&T.

Mr. Silverman: And does this particular binding permit continue with a change in ownership or change in land owner?

Mr. Fruehstorfer: A special use permit, generally, goes with the property.

Mr. Silverman: Okay, so if this site is sold or the operator of the tower changes?

Mr. Fruehstorfer: It will still have a special use permit for a cell phone antenna.

Mr. Silverman: Okay, thank you.

Unidentified Speaker: I have a question. Do I wait until after?

Mr. Firestone: There will be an opportunity for public comment. Thank you.

Unidentified Speaker: Thank you.

Mr. Fruehstorfer: Okay, if there are no further questions for me, I'd like to introduce Richard Forsten, who will speak for AT&T Mobility.

Mr. Richard Forsten: Good evening, Mr. Chairman and members of the Planning Commission. My name is Richard Forsten and I am the attorney here tonight on behalf of AT&T Mobility, the applicant. The actual property owner of the building . . . we're going on the roof of the University bookstore, so the University is the actual property owner. With me tonight I have a team from AT&T Mobility in case you have any technical questions that I can't answer. We have Mr. Tom Zolna, who is our location specialist, Brock Riffel, who is our radio frequency engineer, and Jeff Nagorny, one of our professional engineers.

I know your agenda is short and you've already heard from Mr. Fruehstorfer so I'm going to try to be as brief as I can. I don't want to spend a lot of time repeating what you've already heard, but I do want to start with a simple observation. It's probably apparent to you all but it always seems to come up at these type of hearings, and that is simply this: AT&T wouldn't be here tonight if there wasn't a need for this tower. It takes time. It takes money. People have to do the drawings and go through the drill. They have to hire a lawyer and pay a lawyer, and they don't like paying me, although I try not to take that personally. But the fact is that self-service and the need for self-service continues to grow exponentially. Cisco Systems, which is one of the largest IT companies in the world, is projecting that just over the next five years, the demand for data and wireless capacity is going to increase sevenfold. You know, when you think about it, the iPhone was only released for sale to the public in June 2007. So we've only had smartphones for ten years and yet, now, it's the phone of choice, not only for probably everybody here, but for all the kids . . . and I call them kids because I'm getting old . . . but all the kids at the University. You know, they're walking up and down Main Street with their cell phones and want to watch TV shows now on cell phones, and access the internet and have video chats and text messaging and SnapChats, and all that sort of stuff. So the demand for cell services is ever-increasing and that's why we're here.

If you actually look at Tab 4 on the material that we handed out tonight, you'll see on the second page of that, a plot showing coverage in the Newark area, and there's green and kind of an orange, red and yellow, and that shows coverage provided by certain towers. But then you'll see there's kind of this white area right in the heart of downtown Newark and that's kind of a little valley where there's just not enough capacity right now for there to be what's considered

reliable coverage. So if you flip to the next page, you can see that with the proposed tower, there will be plenty of capacity for folks in the area. And so those two maps are why we're here. As I say, we wouldn't be here if there wasn't a need for this service.

One of the things I also wanted to kind of emphasize is that we really are . . . and the University put AT&T through its paces . . . this is going to blend in completely. The front of the bookstore is all brick. If you can see it from Main Street, there's the Opera House on the left, there's the old Christina School District building that was preserved on the right, but kind of back through the two of those is the new structure that was built. And there already is a penthouse there that has HVAC and other stuff in it. We're simply going to extend that six feet. And we're not actually using brick because brick is not good for cell phone service, so we're using this composite material but you can see that it is going to be painted and sculpted, so to speak, so that it matches the existing brick that's already there. The cell transmitters will be completely behind this material, so you won't see any cell phone equipment. You won't even know it's there. The only thing that you might notice is that if you're standing on Main Street and looking at the tower that, once this is in place, that tower will be six feet higher than it is today. But, otherwise, it will be completely blended in to appear as the tower does now. And I suspect most people won't even notice that it's any higher.

There will be an emergency power generator also located on the roof, although it will be located towards the back of the roof, away from Main Street. It is going to be in an enclosed steel structure that will be painted to match the siding that is on the back of the bookstore. And, as was already mentioned, the noise level for that is rated at 74 decibels and a vacuum cleaner in your house is about 70 decibels. But, again, you're up on the roof, you're 150 feet from East Main Street, so you're a good distance away from anything. And, as was said, the purpose of this generator is to provide service when there's no power. So, other than periodic testing once every six weeks or so to make sure it still runs, it's ideally never going to be on. There was a period of time when generators weren't always included with cell towers. After Hurricane Sandy, all cell tower facilities now come with emergency generators.

And so at this point I think you've probably heard more than you wanted to hear and I will sit down and shut up. Thank you for your time, but if you do have any questions, that's why I'm here and that's why we brought this team. We're happy to address any questions or concerns you may have. Thank you.

Mr. Hurd: I guess I'll . . . go ahead.

Mr. Stozek: Oh, okay. Well you've answered my one question about the generator, assuming you get the sound levels in, like you said, Tom. The only other question . . . I guess I have two questions. One is relative to the height of the structure, and I just want to make sure that we're 100% legal here. Because what it says on the first page of the document is the tower shall not extend beyond 22 feet above the highest point of the building or structure. The bookstore building is 50 feet and the top of this stealth tower I think you called it, is 81 feet. But there's already a structure there that houses, what, HVAC equipment or something?

Mr. Forsten: Yes.

Mr. Stozek: So you're going six feet above that.

Mr. Forsten: Yes, it's 75 feet in height now, so we're going six feet above 75 feet.

Mr. Stozek: Is that within the Code, I guess? I realize we're only adding six feet, but this other structure is above the top of the building.

Mr. Fruehstorfer: I would consider the stair tower to be part of the building. The highest . . . so it definitely says the highest part of the building or structure, and that's part of the building or structure.

Mr. Stozek: Okay.

Mr. Fruehstorfer: So it's six foot above the parapet, so it would be ten foot if you didn't count the parapet. If you just counted the top of the structure and not counting the parapet.

Mr. Stozek: Right.

Mr. Fruehstorfer: Then it's ten foot, so it still meets that requirement.

Mr. Stozek: Yes, my concern was just the drawing on the elevation. Basically it points to the roof of the building and calls that the existing building. So if you technically look at that, then you're going up 30 feet above that. I just want to make sure we're legal with what we're doing.

Mr. Fruehstorfer: I'd say the highest point of the existing building or structure includes that tower. That's my interpretation, at least.

Mr. Stozek: Okay.

Mr. Forsten: I will chide our architect for mislabeling that.

Mr. Hurd: Two things. One, just a note that when you're covering the applicable building codes and standards, you have the codes for Newark incorrect. You have 2009. Newark is now 2012.

Mr. Forsten: Okay.

Mr. Hurd: So for both Building Code and Fire Code, you will want to make that change.

Mr. Forsten: We will do that.

Mr. Hurd: My comment is more of an architectural nature, and it's a question of why you're proposed enclosure isn't actually following the outline of the tower.

Mr. Forsten: That I can't tell you off the top of my head. Tom, you were involved in discussions with the University. Do you know why we don't follow the exact outline of the tower?

Mr. Hurd: And my concern, really, is that that's going to highlight the fact that you've added something to the top of this tower, which you're spending a great deal of effort to try to not look like you're adding something to the top of the tower.

Mr. Forsten: Come up to the microphone, Tom.

Mr. Firestone: Can you please identify yourself for the record?

Mr. Tom Zolna: Sure. Tom Zolna. I am a subcontractor for AT&T, and my understanding is it's going to follow the brick structure at the top.

Mr. Hurd: Okay. It just concerns me that there's two errors of that sort in the documents that we're being given here, referring to both the codes and what seems to be intended to be constructed as opposed to what we're looking at.

Mr. Stozek: Right. I mean what this drawing shows is like a trapezoid on top of the building, rather than a rectangle. So is it a trapezoid or is it a rectangle?

Mr. Zolna: I believe what that shows is the . . . the trapezoid is where we attach the antennas.

Mr. Hurd: No, that's identified as the outline of the enclosure.

Mr. Fruehstorfer: My understanding is that it follows the outline of the brick and that what you're seeing is just the structure.

Mr. Hurd: But that's not how the drawing is showing it or identified at all.

Mr. Stozek: So you're saying it's going to be a rectangle?

Mr. Forsten: Whatever the existing brick is at the very top of the tower is what we intend to follow. It may be that, although you can't tell from here, once you get up to a certain height, it isn't a monolith all the way up. But if it is, then that's what we'll follow.

Mr. Hurd: Okay. Thank you.

Ms. McNatt: I'm stuck on the specific definition of structure in the Code. And I know it says it can be 22 feet above a structure or building, so I'd like some help understanding how the HVAC enclosure, I guess, is what this will be attached to that's on top of the building, is considered a structure, based upon the definition of structure in the Code.

Mr. Fruehstorfer: So our Code has heights allowed for buildings and then allows certain things to be exempt from that height and go above. The stair tower is not one of those things. As this building is approved, the stair tower is part of the existing structure, part of the building.

Mr. Hurd: There may be some confusion. Is it just stair tower and then roof and then parapet for the tower part of the building? Or is there equipment on the top of the stair tower? Because I think someone had said there was an HVAC enclosure at the top of the stair tower, which I don't believe it is. I believe it's brick all the way up.

Mr. Fruehstorfer: The brick goes all the way up now.

Mr. Hurd: Right.

Mr. Fruehstorfer: And I would consider anything that's there now to be part of the structure.

Mr. Stozek: What is in that structure? I guess that's the question.

Mr. Fruehstorfer: I don't know. There's a four foot parapet above it. On the outside there is an existing four foot parapet above, but I don't know what's inside of it.

Ms. McNatt: I think that makes me more confused. The definition of a structure in the Code says specifically any object constructed, erected or attached to a fixed ground location. So I'm confused at what the housing that currently exists there. What is that?

Mr. Silverman: It appears to be a free-standing stair tower . . .

Ms. McNatt: A stair tower.

Mr. Silverman: With its own footing and foundation.

Mr. Fruehstorfer: It's all part of the . . . it's all attached . . . it's all part of the existing structure and building.

Mr. Silverman: But it's external to the . . . it physically sits external to the main building.

Ms. McNatt: It's not internal to the center of the building? It's on the side of the building?

Mr. Silverman: No. It's on the side of the building.

Mr. Hurd: But it is a part of it because it [inaudible] the doors and things.

Mr. Fruehstorfer: But it's on the edge of it.

Mr. Hurd: Yes.

Ms. McNatt: Okay, so it's like a stairwell.

Mr. Fruehstorfer: It's on the side of the building facing Main Street.

Mr. Silverman: An external stair tower.

Mr. Fruehstorfer: But it's part of the building.

Ms. McNatt: That's helpful.

Mr. Fruehstorfer: I mean if you walk out of the building . . . you're in the building and you step into the stair tower, go up the stairs and step out of the stair tower into the second floor. It's part of the building. Part of the structure.

Mr. Silverman: And it has its own footing, foundation and exterior walls.

Ms. McNatt: Got it. Thank you for clarifying. Now I'm better.

Mr. Hurd: My recollection from when the bookstore was being approved was a lot of that height is architectural expression. It's not functional above the roof.

Mr. Silverman: I have several questions. With respect to the question on the parapet enclosure, it would appear that the irregular side of the enclosure is facing the roof of the building. That what would be visible from the street, from the alleyway . . .

Mr. Hurd: No, because if you look at the walking pads on the roof are on the bottom of the drawing, and then you're looking at the tower, and that's north. That's the Main Street side.

Mr. Silverman: Okay, I'm referring to the overall site plan drawing, #1, and looking at the stair tower. On the side of the drawing it says General Notes. If you look toward the center at proposed AT&T stealth antenna enclosure.

Mr. Hurd: The wall that's not flush with the outside wall is the Main Street side. It's reflected in the site of the rooftop plan and the enlarged plan.

Mr. Silverman: Okay, I just wanted to make sure I was reading this correctly. With respect to the generator, it is natural gas fueled?

Mr. Forsten: Yes.

Mr. Silverman: Okay, so there will be no diesel storage or flammable liquid storage tanks involved?

Mr. Forsten: Correct.

Mr. Silverman: Okay. By way of disclosure, I am an active member and committee chair and past director of the Aetna Hose Hook & Ladder Fire Company which is located across the street, and I will be dealing with general questions as opposed to the impact on that particular site.

One of the things that we have done with our generator, which sits at the street level, that is exercised every Sunday when it is very quiet in Newark, is we use a hospital standard silencer. That's exactly what it's called. It's part of a generator package. You can stand on Academy Street and barely hear the generator running. I would suggest that the applicant may want to look into something of that standard as opposed to dealing with how many decibels measured

from where. We've been down this road before as a Commission. And that does meet a certain spec and certain standard, and it's literally very visible and can be heard in operation, a silencer meeting that standard.

There's a requirement in the Code that there be regular reporting of both physical facility inspection and, I believe, every three years a reporting of the actual radiation that comes off the tower. Right now this tower is being designed around a theoretical radiation distance meeting standards, but like architectural plans with a house, until everything comes together and it's operating where you can walk through it, you don't know exactly what's there. So we're going to see a three year test period between the time that the tower is built and the first one of these requirements about what's actually happening with respect to the electro-radiation from this particular tower. That's just an observation for the record.

Mr. Forsten: I understand and agree. This obviously isn't the first tower that AT&T has done in Newark, so we're very familiar, I think, with the types of reports that need to be done and that sort of thing.

Mr. Silverman: And if I'm reading the plans correctly, from a visual point of view, as shown in the antenna plan in our packet, there is nothing projecting beyond the proposed parapet cover that you showed us, correct?

Mr. Forsten: Correct.

Mr. Silverman: So there is no tower as we might see a tower other places . . .

Mr. Forsten: No, all you'll see is what you would think is brick but it's really this composite material.

Mr. Silverman: Okay. So then I'm also looking at the drawing and the twelve units that are on the roof are basically cone-shaped structures that are going to be hidden below this parapet wall.

Mr. Forsten: They will be below the parapet wall, right behind the composite material, as shown.

Mr. Silverman: And, as I asked in my earlier question when the report was done from the director, the University owns the site?

Mr. Forsten: Yes.

Mr. Silverman: The University owns the structure?

Mr. Forsten: Correct.

Mr. Silverman: Okay. AT&T will own the apparatus that's on the roof?

Mr. Forsten: Correct.

Mr. Silverman: Okay. I would like to see that that is very clearly mentioned in the subdivision agreement that is filed by the City Secretary, so if there is an issue with this tower in the future, that there's a very clear path from a City inspector to who is ultimately responsible.

Mr. Fruehstorfer: This won't have a subdivision agreement but that's why I mentioned that the Department wants to add the J. The J will be another comment that we'll add. It won't actually be part of a subdivision agreement but it will be part of the comments that are included in the recommendation.

Mr. Silverman: Okay, good. Because one of the things I observed during my time on the Commission, inspections and agreements tend to get lost within the City and sometimes they're very difficult to ferret out from the time a plan is approved or an action of Council and ten or fifteen years down the road. Thank you.

Mr. Forsten: And for the record, to the extent that it matters, the University and AT&T have an agreement, just like the University has agreements with other cell providers on other locations on the University campus. And that agreement is pretty specific that AT&T is on the hook if anything goes wrong.

Mr. Silverman: Okay.

Mr. Forsten: The University wouldn't just be doing this if that were not the case.

Mr. Silverman: Except the University often declares its sovereignty when things go not in its favor.

Mr. Forsten: Oh, I know. I understand your point there. Yes, certainly.

Mr. Firestone: Are there any other questions from Commissioners?

Ms. McNatt: I do have one clarification. On the colored picture you were referencing in Section 4, where you were comparing the . . .

Mr. Forsten: Before and after?

Ms. McNatt: Without coverage and then the pink is the AT&T coverage.

Mr. Forsten: Yes?

Ms. McNatt: I'm assuming the other colors are representing other providers that are not AT&T, is that correct?

Mr. Forsten: No.

Ms. McNatt: No?

Mr. Forsten: They represent the coverage from other towers that AT&T is on. This is all about AT&T customers.

Ms. McNatt: So these colors represent other AT&T locations?

Mr. Forsten: Yes. So if you look, you'll see we're on one tower at Nonantum Mills.

Ms. McNatt: Yes.

Mr. Forsten: We're on another tower and then we're on the UD Morris Library. And then this kind of fills the gap to pick up Main Street.

Ms. McNatt: Thank you for clarifying. I was just . . . we just got this so I wasn't too sure.

Mr. Forsten: No, that's fine.

Mr. Stozek: In one of the documents it was talking about this location, that this was the best location for the service you want to provide. I'm just curious, what was the second best location?

Mr. Forsten: You know, I'm not even sure there was a second best location that was available. I mean one of the things is you have to find . . . there were no other towers that we could go on in the area. I know that.

Mr. Stozek: Okay.

Mr. Forsten: And then it's a question of looking at different rooftops, but this was, I think, the best rooftop and this is the one where we found a willing landlord.

Mr. Stozek: And since it wasn't mentioned . . . since the Planning Department didn't mention it, I presume that the City is not going to have any financial benefit from this. Is that correct?

Mr. Forsten: I don't know how to answer that question.

Mr. Stozek: Well I presume since it's on University property, it's probably that way. They may have financial benefit, but we won't.

Mr. Firestone: Anything from anyone else?

Mr. Cronin: Just one observation and one question. In your Section 4, what you show as Nonantum Mills, to me it seems like it's on top of one of the Christiana Towers on north campus. It's nowhere near what we know as Nonantum Mills in terms of a subdivision with that name in Newark. So I'm curious about that name, not that it needed to be changed, but just for future reference going before Council. You might want to check on that.

Mr. Forsten: Alright, we will do that.

Mr. Cronin: And, secondly, it says Copyright 2013 AT&T Intellectual Property. I'm not an intellectual property attorney but did they set up a copyright four years ago and just drop things into it? Is that how it works?

Mr. Forsten: I don't . . .

Mr. Cronin: I mean you're an attorney. I'm hoping to get some guidance here.

Mr. Forsten: Well I don't know why it has that particular reference on it other than it's probably the software package that they used to generate the plots.

Mr. Cronin: It's not like they've been contemplating this for four years now.

Mr. Forsten: Oh, no. No.

Mr. Cronin: Okay. Just curious. Again, maybe going forward to Council, you might just want to look into that perhaps.

Mr. Forsten: I've been taking notes. I'm going to make notes when I get into the office tomorrow.

Mr. Cronin: That's all.

Mr. Forsten: I appreciate the question.

Mr. Firestone: Commissioner McIntosh?

Mr. McIntosh: I think all my questions have been answered.

Mr. Firestone: Anything else from any Commissioner at this time? We'll now take public comment. If you could please come up to the microphone and identify yourself for the record.

Ms. Joy Scott: My name is Joy Scott. I live at 113 East Main Street. One, I'm really happy that AT&T is putting a tower up because I'm a long-term AT&T customer and I get really bad cell reception. The only questions that were not really answered for me is about the generator. I love the idea of soundproofing it. That would be great. My question is, when will the generator be run for testing purposes? For instance, will it be run in the middle of the night or during the day? Because there are people . . . and the sight line issue . . . there are people who live at that sight line. So when you say that no one on Main Street will see it, that's fine. But people who live up where I am and where people above me live, may see it from the way I'm understanding what your drawings say. So I think the noise from the generator would be my biggest concern, from what I've heard. And my other question is, if all of this is approved, when would it be put up there? Because I read in the stuff today that it could be a little bit of a disruption during the day, or whenever, to get the generator and everything up there, for closing the street and construction, and I just wondered when that would start? If it will start in the summer or in the fall? Next year? Two years from now? Do we have any ideas about that? Thank you.

Mr. Firestone: Thank you. Are there any other members of the public who would like to comment? Yes, Mrs. White?

Ms. Jean White: Jean White, District 1. Let me just see here. I just have some clarification questions. What is the purpose of the natural gas generator? I'll just ask my questions one-by-one. And let me just see. The six feet above the current parapet, around there. That's not covered over at the top? That's sort of . . . if you could stand up and look over it, you would see the apparatus for the cell phone tower, presumably. But right at the six foot level, I didn't know if that is also where materials, you know, generators and things for HVAC are already. So are these sort of stacked on top of it, or not? Let me just see here. It was talked about and you all have a map that shows the coverage. Does that mean that there is not coverage now from all the other cell phone towers around? AT&T and others as well. You talk about a dead space. Is that dead space projected for the future, or is that a dead space for all carriers from cell phone situations, or just AT&T? And let me see, the last question, I wondered if the lawyer for the applicant could comment a little bit on the non-ionization retro-magnetic radiation. I see that there are all of these rules up there, with things up in the top. Which sounds that they have to be posted, that things have to be . . . I'm talking about any kinds of dangers. Actually I never think about this when I look at cell phone towers. Thank you.

Mr. Firestone: Thank you. Are there any other members from the public who would like to be heard? Yes?

Mr. Don Dennis: My name is Don Dennis and I'm just listening to the conversation, and the young lady mentioned that a point of reference with respect to what the height of a tower might be was interpreted by the builders of the tower to be above existing structure. That means if you can exponentially increase it, there is no base line for reference. I think, probably, ground level might be a better reference for how high something is. Thank you.

Mr. Firestone: Thank you. Does anyone else wish to be heard? Okay, Tom, are you able to illuminate on any of the issues that have been raised by the public, specifically from the first woman who is the neighbor.

Mr. Fruehstorfer: I think most of those questions might be best answered by the applicant, dates and . . .

Mr. Forsten: Thank you, members of the Planning Commission. I think I have most of the questions written down here.

Question, when will the natural gas generator be tested? I don't know that we've picked a time yet. It's not going to be in the middle of the night because who wants to get up in the middle of the night to go and run a test like that. So my guess is it will probably be during the morning,

perhaps on the weekends. We will look into getting a hospital silencer, although, as I say, the noise levels that are projected based on the specs for the equipment are relatively modest even at the generator itself, and when you get to the property line even more so.

When will it be put up? Well, there's still a little bit of process to go through. We have to go to City Council. We have to go and get building permits approved. But the plan here is to do this as quickly as we can. Presuming that you all give us a favorable recommendation for City Council, I think we could be on the agenda for the end of June, and so we're probably looking at getting permits, hopefully, in July and trying to start construction later this summer before everybody gets back and Newark gets more crowded. There was a comment in the Planning Department report that we're probably going to need a crane to get the generator up on the roof. That's probably true, but we'll follow all the applicable rules and regulations in order to do the construction.

Someone asked what's the purpose of the natural gas generator? It's for those times when power is lost so that service can be maintained. And as I say, since Hurricane Sandy, no tower gets constructed these days without a back-up generator.

The parapet is not covered. It's not going to be covered. It will be open so that if you were in Google Earth looking down at this facility, you would see down to where the cell equipment is.

Is there not coverage now? What about other carriers? The map that we showed . . . there is coverage. I don't want anybody to think that that white area meant you couldn't get your cell phone on at all, but what AT&T deals with is what's called reliable coverage. Because, you know, calls can get dropped depending on where you are and depending on what the demand is. Now if there are 100 kids all on their phone or 10 kids all on their phone, that deals with demand. So what AT&T is always trying to provide is reliable coverage. And there are studies and statistics that they go through to analyze whether something is reliable or not. What we did hear from Ms. Scott . . . we're happy to hear that she is an AT&T customer. We're not happy to hear her describe her current reception as bad. But that just demonstrates why we are doing this project. And, as I said at the outset, we wouldn't be here if we didn't think there was a need for it.

There was a question about electro-magnetic radiation. I think now the courts and the regulations are pretty clear, as are the studies, that these are not issues with cell towers, especially when they're so high up in the air. But we did provide a study that showed we met all of the applicable standards and regulations, and we'll do the follow-up reports as Mr. Silverman indicated. So I don't think that should be an issue that prevents a recommendation here.

I think I've hit all of the questions. If I missed something, I apologize, but those are the questions that I wrote down. Thank you.

Mr. Firestone: Are there any additional questions of the applicant or staff from the Commissioners? Okay, Chair would entertain a motion.

Mr. Silverman: I move that we concur with the recommendation of the Planning Department as shown on page 4 of their report dated May 30, 2017.

Mr. Firestone: Is there a second?

Mr. McIntosh: Second.

Mr. Firestone: Any discussion?

Mr. Hurd: I would like to propose an amendment to that. That the tower enclosure follow the perimeter of the building tower that it's being built on.

Mr. Silverman: I'll second that.

Mr. Firestone: I'll take it as a friendly amendment. Any further discussion on the motion? Okay. Yes?

Mr. Silverman: I'd like just to say I support this application. I believe in today's world that the communication provided by this particular service is intertwined with the economic development of our community. Everything as mundane as somebody pre-ordering their pick-up food on Main Street on their cell phone, to hopefully, eventually, when the Parking Committee gets done, when you come into Newark, you'll be able to look at your cell phone and see where there are available parking meters. So this is the technology of the future. The applicant has represented that this is some of the newer end technology. It's not the old-time barbecue grill on the post type tower that we're used to seeing with the public safety and other commercial operations. The zoning is appropriate for the area by virtue of the bookstore being in place. And this special use permit is a permitted use within that particular zoning district. I believe the site development plan drawings have been shown to meet the subdivision and development requirements, illustrating what the applicant is going to do. I commend them for using a tower arrangement that will be virtually invisible once the tower is in place. And with respect to the radiation from the tower, the applicant is meeting all the required laws and has demonstrated the willingness to follow-up to make sure that the operation of the tower complies with the current standards. So I'm voting in favor of this project.

Mr. Firestone: Any other discussion or comments? Okay. Those in favor of the motion as amended to approve the cell tower, signify by saying Aye. Those opposed, say Nay. And, as noted, I am abstaining, but the motion carries. Thank you.

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

THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 83 EAST MAIN STREET FOR A CELL PHONE ANTENNA TOWER, AS SHOWN ON THE VELOCITEL PLAN DATED JANUARY 10, 2017, WITH DEPARTMENTAL CONDITIONS, AND WITH THE ADDED CONDITION THAT:

A. THE TOWER ENCLOSURE FOLLOW THE PERIMETER OF THE BUILDING TOWER ON WHICH IT IS BEING BUILT.

VOTE: 6-0

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

NAY: NONE

ABSENT: NONE

ABSTAIN: FIRESTONE

MOTION PASSED

4. DISCUSSION REGARDING THE 2018-2020 CAPITAL IMPROVEMENTS PROGRAM BUDGET PROCESS.

Mr. Firestone: We're not going to move to Agenda Item 4, discussion regarding the 2018-2020 Capital Improvements Program budget process, and I would turn this over to Mary Ellen.

Ms. Gray: Thank you, Chairman Firestone. I'd like to introduce David Del Grande, our Finance Director, to talk about the 2018 budgeting process and the CIP. I understand last year that there were some concerns and questions regarding the Planning Commission's . . . when the Planning Commission received information. So we're trying to get ahead of the curve and

inform you all of the process and how you can be involved in it. David, thank you. David graciously agreed to come to our Planning Commission meeting. Thank you.

Mr. David Del Grande: Good evening everyone. David Del Grande, Finance Director. This is my first year with the City and last year was my first year going through the budget process, so we had a lot to learn from the experience. We've done things the way we've always done and we saw some opportunities to make some changes through that process, one of which was getting information to Council and Planning Commission in a timely manner and information in a way that made sense and was logical and met the needs of the Commission and Council.

So back on May 22, I proposed a schedule to Council, which they approved and is on the website, and it was forwarded to the Planning Commission back on May 30. We started moving forward with departmental budget hearings, which is something we have not done in the past. So beginning on July 31, we'll have separate budget hearings for the departments to come and the directors to speak directly to Council to update Council on their budget requests for 2018, which includes the Op Ex and the CIP. So, through those hearings, the first one on the 31st of July, the second one on August 16, and the next on August 21, that will get us a first look at the budgets with Council members up to that point. So when we come back on September 6, we'll have a consolidated budget based upon input from both directors and Council, which we will then present on September 6. On September 13 we'll have . . . I'm sorry, I misread my own information . . . September 6 would be Finance and Information Technology. Then we'll actually have another budget hearing on September 13. It's not until the Financial Workshop on September 18. I apologize for that. These bifocals are killing me. I'm getting too old these days. So September 18 will be our first Financial Workshop, and at that point we'll be coming to Council with a consolidated budget with the input from Council from the previous departmental budget hearings and with the directors' input.

So after that review, we will be coming to the Planning Commission two weeks early this year, on Tuesday, October 3, for approval for the CIP. And after we review the CIP with the Planning Commission, we will come back to Council on November 6 for our first budget hearing. And hopefully we won't need the second one or the third one. Everything will go perfectly smooth after that.

Our intention is to provide the budget in a way that hasn't been seen before, essentially, all the way at the granular level, down to the lowest detail, showing the differences between years and showing two or three prior years of actuals to go along with that budget information on the operating side. And moving to the capital side, we've already submitted a draft of a three year CIP, which the City Charter requires us to provide a five year CIP, so we're working on years 4 and 5. But, as you know, we've always historically had issues with financing the CIP in its entirety, so it's been quite a challenge.

Our goal is to have some bond funding or perhaps some state revolving loan scenarios in our budget. Definitely state revolving loan for 2018. The stormwater projects, in particular, the Rodney project, will have a state revolving loan tied to it, which will be in a referendum that we're hoping to come out to the public probably in April or May of next year to vote. So that has a big chunk of the CIP in it. The rest of it is essentially funding it through our equipment reserves, through our cash reserves and through current revenue, which is essentially the fees that we charge today, being tax, sewer, water and so forth.

So if you all have any questions, I would be happy to answer them.

Mr. Firestone: Mr. Stozek.

Mr. Stozek: Yes, since I was in the process last year, I guess one of my biggest concerns was that we got the booklet was 150 pages, or 150 projects or whatever, and then when we had the meeting with the Planning Commission, I had a number of questions that either I couldn't get an answer to or I only got partial answers to.

Mr. Del Grande: Okay.

Mr. Stozek: And I realize that, you know, maybe some time you need to go back and get an answer to those things. Do you know when we would get the CIP booklet prior to our meeting on October 3?

Mr. Del Grande: My goal is two weeks prior to the meeting and historically we have been giving it one week prior to the meeting. But if we can get them back to you as soon as we possibly can, we will. So at least two weeks prior.

Mr. Stozek: Yes, so the meeting on September 18, which is a financial workshop, that's going to be open to the public?

Mr. Del Grande: All these meetings are open to the public, yes.

Mr. Stozek: And that's going to be going over everything or just the operating budget?

Mr. Del Grande: It will be everything.

Mr. Stozek: I guess what I would ask if we can, if the Planning Commission can get a copy of the booklet prior to that meeting because, I mean, I would commit to going to that meeting and hearing the information. And I really would suggest, from last year, that other Commissioners attend that financial workshop as well to hear the information, so you can get some questions together in your head prior to the Planning Commission meeting. It would be a big help.

Mr. Del Grande: Sure.

Mr. Stozek: I don't want to try to throw another meeting in here.

Mr. Del Grande: No, I appreciate that.

Mr. Stozek: To say let's have two meetings of the Planning Commission. Okay?

Mr. Del Grande: I appreciate that.

Mr. Hurd: I guess to follow that, Dave, would you expect there to be much changes to the booklet between that budget meeting on the 18th and our meeting on the 3rd?

Mr. Del Grande: I would like to say no.

Mr. Hurd: Okay.

Mr. Del Grande: I would like to say it's going to be identical. There could be some changes. I don't know right now off the top of my head if that's going to be the case or not.

Mr. Hurd: But nothing that's going to take, say, more than a week.

Mr. Del Grande: The only thing I could envision possibly changing is some edits. From my experience in going through the last budget cycle, we've had some word correcting changes and a couple of dollars here and there, or a late grant that came in that we wanted to note. But nothing significant.

Mr. Hurd: That's my concern. If that meeting generated a substantial amount of changes, that delays our receiving the booklet in time for the meeting and then it sort of cascades.

Mr. Del Grande: Sure. Or we could always move the date of the meeting if Commission would like. If it definitely becomes a problem.

Mr. Firestone: I've got a question for you, Bruce. If, let's say four of us end up going to this meeting, or more, does it have to get noticed in advance as a Commission meeting in addition to whatever else it gets noticed as?

Mr. Bruce Herron: Which meeting?

Mr. Firestone: If we were to go to the financial workshop.

Mr. Herron: Well, if you go and you just simply observe, then no, it would not have to get noticed as a Planning Commission meeting. If you discuss public matters among yourselves and four of you are present, then there's a problem.

Mr. Firestone: Thank you.

Mr. Stozek: Clarification. If we go, if there's a period in that meeting where it's open to public questions, are you saying we can't ask questions?

Mr. Herron: No.

Mr. Silverman: No.

Mr. Herron: No, I'm not saying that.

Mr. Stozek: Oh, okay.

Mr. McIntosh: I'm glad you clarified the no.

Ms. McNatt: We just can't talk to each other. We have to sit on opposite quadrants of the room.

Mr. Del Grande: You just can't go up four together.

Mr. Silverman: Mr. Chair, may I ask the attorney a question?

Mr. Firestone: Sure.

Mr. Silverman: I agree with Mr. Stozek in that if we have observations or questions, it's a good time to work through them. In fairness to the Finance Department and the City Manager, if we have substantive questions from the planning point of view, how do we communicate those questions to the Finance Director except at the public meeting? I would rather, if there's a way to do it, if we have questions, submit them to the City Manager for the Finance Director, so those questions can be prepared and answered at our meeting, so we're not doing as we did last year and throwing out questions that we never hear about.

Mr. Stozek: Right.

Mr. Silverman: What do we do in that case?

Mr. Herron: There would be nothing to prohibit you from submitting a question to staff in advance.

Mr. Silverman: Okay. So individually . . .

Mr. Herron: Yes.

Mr. Silverman: As individual Commissioners, we could submit our questions to the Director of Planning?

Mr. Herron: Yes.

Mr. Silverman: And the director, in turn, could pass those on if she chooses.

Mr. Herron: Yes.

Mr. Silverman: Okay.

Mr. Herron: Yes, the problem would arise if those questions were copied to all members of the Planning Commission and then other members chimed in and commented on them. Then you'd have an electronic meeting issue.

Mr. Silverman: Understood.

Mr. Herron: If you just have a question, just submit it to staff. You can do that.

Mr. Silverman: Understood, thank you.

Mr. Firestone: It may be useful, I think, for the City to review the discussion that took place here last year, because it may anticipate some of the same questions that we might have at this coming fall.

Mr. Del Grande: Definitely.

Mr. Firestone: It also might be useful if some of the individuals from various departments could be here for our meeting on October 3 . . .

Mr. Del Grande: Absolutely, yes.

Mr. Firestone: So that if we do have questions, they're more easily answerable at that meeting and we can certainly put you all near the front of the agenda so we don't keep a bunch of City employees here late.

Mr. Del Grande: Thank you.

Mr. Firestone: Any other questions or comments? Would anyone from the public like to comment on this item? Okay, thank you for your time this evening.

Mr. Del Grande: Thank you very much.

5. DISCUSSION REGARDING THE RENTAL HOUSING NEEDS ASSESSMENT STUDY PHASE TWO FINDINGS.

Mr. Firestone: That then takes us to Item 5, discussion regarding the Rental Housing Needs Assessment Study Phase Two findings. Mike, are you going to take us through this?

[Secretary's note: During the course of the presentation, Mr. Fortner referred to a PowerPoint presentation being displayed for the benefit of the Commission, Director and public.]

Mr. Mike Fortner: Certainly. Thank you. You have a memo and a list of the recommendations from Urban Partners. They made a presentation to Council in late March. Council asked that staff review all of the recommendations in the Phase Two report and then give a recommendation on priorities and additional comments. So we're taking this to the Planning Commission. We're asking you to review this. We won't make a final recommendation today. I'm just going to give a quick presentation and take down your comments, and then we'll come back in the July meeting on the 5th and we'll ask for a recommendation of priority . . . however you'd like to communicate with Council.

Just a real quick summary of Phase One. They came up with a total of 20,550 total enrollment at the University of Delaware. There has been an approximate 1% increase annually despite trying not to expand, just normal attrition. They've been growing about 1% a year. They break out 16,871 undergrads, graduate students 3,679, and then they break out the dorms. You have 43% living in the dorms, 9% living with relatives and 48% living off-campus. For total units, they calculated the units at 5,224. The vacancy was 2.9%, which they found to be extremely low. A normal community would have around 10%. Rental non-students, they calculated at 1,471 non-students. And we have approximately 3,603 student rentals in Newark. That breaks down to about 2,000 for undergrads and about 1,603 for full-time grad students. They tend to have fewer people per unit so they take up more units with grad students.

This is what the housing picture looks like according to Urban Partners. You have in the green and blue and a little bit of the orange, about 75% of our housing goes to students . . . this is rental homes . . . goes to students or grad students or ELI students. Then you have about 9% that's designated for below market rate affordability, like senior places and Section 8. Then you have the remaining market rate. These are non-student rentals that are market rate. Approximately 16% of our rental housing supply goes to market rate non-students.

So they asked does Newark have enough rental housing. To maintain the current housing availability while accommodating projected modest growth of 1%, the community needs to add approximately 50 new rental homes per year. That's with 1% growth. Basically 183 new students each year additional.

The second part is if Newark desires to increase its population for market rate non-student housing . . . it's about 4% of our population . . . they need to go beyond the 50 units required to meet that student demand.

And then it feels that we have 453 affordable rental units currently available and we would need to do things . . . if we feel we wanted to increase that . . . we would need to do things to provide more housing.

So the Phase Two topics were additional rental housing for the market rate non-student community, additional rental housing availability for low-and-moderate income households, looking for potential neighborhoods where the market could shift to non-student renters or owner-occupants, current policies of concentrating student rental housing as close to campus as possible, and best practices for rental housing code enforcement.

So [Urban Partners] came up with these four recommendations: expand the number of blocks that are exempt from the student home ordinances, incentivize the shift to non-student renters and owner-occupants in targeted neighborhoods, leverage existing resources and opportunities to develop additional affordable rental homes, and create incentives for landlords to participate in regularly scheduled property inspections.

As we go into your sheet, each recommendation has some bullets. When you're looking at that . . . I'm sorry, let me get my glasses out . . . each recommendation has some sub-recommendations. And so the first column is the recommendation, the second column is kind of a review of what it would take to implement. We came up with three categories: short-term, medium-term, and long-term. Short-term would be a relatively easy ordinance change. Medium-term would be a more complicated ordinance changes sort of like the accessory use thing where we might have two or three meetings trying to get the best language. And then long-term would be something that would be more complicated and might have other players involved. Working with the University or property owners, involved in a longer process.

The first recommendation is expand the number of blocks that are exempt under the student home ordinance. There was a review of the streets listed that were primarily rentals and already heavily student. So one of the recommendations was to allow these streets to be exempt streets. They wouldn't fall under our student home ordinance anymore. That means

any rental there could rent to students. It wouldn't fall under our home ordinance. So that was one recommendation.

In addition to that, part two recommended that . . . right now for new rentals you can have up to three, but households that were grandfathered have up to four people living there. They recommended that on all exempt streets just allowing four. The benefit of that is that it's easier to track and it makes more sense. You have a house and the house right next to it. One house has four and the other is only allowed three. It doesn't make sense to people on the outside, and it would increase the allowable students on places that are already pretty heavily student-oriented anyway.

The second recommendation is to incentivize the shift to non-student renters and owner-occupants in targeted neighborhoods. This is, for example, relaunching the POOH program or something similar to incentivize the conversion. This is sort of an open question right now. The POOH program had a few foreclosures and it's an open question right now whether this is a good use of our City resources to incentivize this type of program. And so the consultants recommended we do programs like this. We're looking at revising the POOH program to address some of the issues we had on that. But we're looking to maybe re-tool it and also considering target areas rather than city-wide. And so we're interested in a recommendation of whether this should be something that the City actively engages in these types of programs or maybe this is something we don't engage in.

2C is the City may incentivize development of rental units for smaller households like downtown one-bedrooms limited to two unrelated. This would encourage more families. We do that to a large extent. We have policies that encourage smaller units and two unrelated individuals. You have people volunteering to deed restrict it but maybe policies that would incentivize doing that more.

So the third recommendation is to leverage existing resources and opportunities to develop additional affordable rental housing. That's really the Newark Housing Authority. They may use up to 20% of their vouchers for project based assistance . . . they have 42 vouchers . . . but they have about 100 of their Section 8 vouchers that they can't utilize. They have trouble meeting the market rate. And so the idea in this is to find incentives to be able to kind of close the gap. So they recommend a series of them. Basically what the Section 8 can do is \$1,350 and that is about \$250 less than the market rate would allow. So there are different kind of financial incentives, everything from real estate tax abatements, do some increment financing. I put these down as long-term. There would be some significant tinkering with our taxing ordinances.

Finally we have create incentives for landlords to participate in regularly scheduled property inspections. What they're saying is for all new rental permits . . . people that come in for a rental for the first time . . . they would be required to add language to the Code that would say that the house should be open for inspections. For all existing ones, they recommend offering a 5-year discount if they add that language to their lease agreement, and C is consider offering landlords some extra benefits. Basically creating a gold star program where landlords could get a certification and they would be advertised as a gold star. This would give reassurances to families that these are landlords that are active and progressive about getting their inspections and they can have a sense that there's a certain quality there, as opposed to landlords that don't do that. And finally, D is allowing self-certification of rental properties, and they give an example of Sacramento. But if there are no violations existing on the property, the owner can be provided with a self-certification checklist that can be completed as part of an annual inspection. So they essentially do their own [inspection], and the City would do a random check of approximately 10%. If there is a violation on one of the random inspections, then it goes back on the continuing inspection program at a higher cost and then the landlords agree to add language to the lease requiring access for property inspections.

And those were the recommendations from the report. Again, we're looking for feedback on the things . . . maybe an indication of prioritization. It could be high/low or not at all. Or high/medium/low. And some of these we might not want to do, and maybe we don't pursue that. Others might be essential and we want to focus on these first, and others can wait. So we can take down your comments and have discussion. You'll have another month to review and then we would come up with a final recommendation for next month's meeting.

Mr. Firestone: Okay, thank you. Any comments or questions from any Commissioners?

Mr. Cronin: Mr. Chairman. Mike, on slide #9, if you can go back to that, the bottom item, 3B.

Mr. Fortner: 3B, yes?

Mr. Cronin: Is that something that's . . .

Mr. Fortner: Oh, I'm sorry. I overlooked that. That's a big one. That's converting Dickinson Hall into affordable senior apartments was one of the recommendations. That would be a long-term goal. That would require a lot of coordination with the University of Delaware on the sale. It would require zoning changes.

Mr. Cronin: That was the idea from the study?

Mr. Fortner: Well it came out of the study but the steering committee worked with that. So it was the steering committee and the consultants' recommendation on that.

Mr. Cronin: Another question, Mr. Chairman. I guess the summary point from the study is anticipating 50 more rental units per year. Do we have any projections as to how many years this might continue at that level? I'm thinking of the demographics. The people that do the study, they already know what the birth rate has been for the previous 10-18 years when they're looking at college students. Are they kind of factoring this in at all in terms of impact? And how many years out is this 50 units a year likely to run before it might change to 60 or 40, or something else? Any thought on that?

Mr. Fortner: Certainly. Well it's true that they were just looking at the past trends and projecting the trend continuing, if it did. We would need approximately 50 units per year to keep pace with that growth in the University continued to grow at this 1%. If they didn't grow at 1% . . . they grew slower or faster . . . it could adjust. They calculated about 3.8 average undergrad per unit in their calculation. Now, keep in mind, the 50 units is just to keep pace. So if we approved more than 50 units or we continue to approve more than what was required to keep pace with the University, that would mean more units that would be available for market rate for non-students or for affordable types of housing. And so it wouldn't necessarily mean an over-supply if we approved more than 50. It's if we want to have more market rate housing for people that are not college students, we would need to grow more than 50 units a year. Or if it slowed down or the University enrollment decreased, then those units would convert to market rate for non-students.

Mr. Cronin: Did any of their thought process consider floor plan, square footage or so much of what is student-oriented housing that if, for some reason, it no longer becomes a student used house, what the product is there, how attractive is it going to be for young families, seniors, whatever, in terms of the layout. They seem to be a common area in the middle with some fairly small space for cooking, eating and seating area, and then on the periphery are bedrooms, bathrooms . . . private bathrooms or two-and-two, or whatever. But is there any thought given to, I guess, those aren't really a good floor plan for one day if the use is beyond student use.

Mr. Fortner: There was no specific recommendation on that. I don't remember that being discussed too much. We do, during our approval process, and when you look at units, they

show you that sometimes when you have a six-bedroom unit, someone doesn't want a six-bedroom house, most likely, but they often make these units so that walls can be removed and you can convert two small rooms into a master suite, and these kinds of accommodations can usually be made in there. Developers can talk more about their kind of thinking on that. But, you know, a lot of times most of the townhome types of designs can probably be retrofitted to more of a family need, if it converted to that.

Mr. Stozek: Mike, in this projection did you take into account the assumption that the University is mostly likely not going to be building any more housing. So any increase in their enrollment is going to have to be going into housing provided within the City. So is that where this 50 number comes from, or was that just ratio'd up?

Mr. Fortner: Well the 50 is housing unit however. It doesn't matter if they're dorms or not.

Mr. Stozek: Okay.

Mr. Fortner: But the report does recognize that the University hasn't built additional housing. They've built new housing but it usually comes up bedroom neutral.

Mr. Stozek: It's fewer rooms.

Mr. Fortner: There's zero gain. It acknowledges that and so it pretty much leaves the burden on the development community for the increase.

Mr. Stozek: And I'll just remind you of the comment about Dickinson. Dickinson is a concrete block building with no air-conditioning.

Mr. Fortner: Yes. And you were in the meetings, I mean we discussed how big of a problem that would be. That would be a difficult conversion. I mean maybe if the building is torn down and then a new building is put in its place.

Mr. Stozek: I think that would be cheaper in the long run.

Mr. Fortner: But there are programs that are for retrofitting. I guess there's funding available for retrofitting.

Mr. Firestone: Do you have figures on the number of units that have been added per year for like the last six or seven years? There was a discussion in the Phase One report and it talked about some of it. But in the Phase Two report there really wasn't this sort of clear how many units have been added. Because it certainly seems in the last five or six years that we've been adding, on average, more than 50 per year. And so are we now out ahead of the curve from where we were five years ago? And do we anticipate that some of the older buildings which are a little further from the core are going to be freed up [inaudible]?

Mr. Fortner: Those numbers I don't have but those are easy to get. We had a huge year and then it started to trickle down. Now it's really starting to slow down recently. But we have some interesting stuff, maybe, coming down the pipeline. But a lot of that, is sometimes tearing down old stuff and building new stuff. So those kinds of numbers are easy to get. Now you asked about if we are exceeding the 50, then on the report what they're saying is its helping increase the supply for market rate non-student housing because we're exceeding the demand in growth. And, yes, the consultants anticipate that housing on more of the outskirts would be more likely to convert from student rentals to non-student rentals. Students seem to have the desire to live closer to campus, so places that are closer to campus are usually the first to go, and then people that delay getting their housing for next year have to move farther and farther out.

Mr. Firestone: It also didn't seem to me that there had been, really, any discussion with the University. I know the University and the new president has talked about his vision is ultimately to expand the graduate school population, not the undergraduate school population, by about 1,000. I don't know over what period of years but that kind of information really needs to be worked into the assessment along with, as I said, a much better understanding of how the housing stock has increased for students over the last five or six years. I just really wasn't able, from what I saw here, to get a clear picture of where we are and where we need to go on that front.

Mr. Fortner: Sure. It's true that they've, for a while now . . . this was discussed and considered . . . is that they have been talking about increasing grad students. And that's been a policy, I think, for a while, about increasing grad students and not so much undergrads. I've heard that from the University for years. And so if they increased it by 1,000 for grad students, for example, grad students tend to not want to live in the 6-8 people per unit. So smaller units would be better suited for them. And so the market could reflect that. But these 1,000 grad students or 1,000 undergrads, they still want a place to live and they need units and bedrooms. So grad student housing, I think they calculated is close to two per unit and undergrads were like 3.9 per unit.

Mr. Firestone: I was glad to see that there is some attention to affordable housing. You know we have . . . it's relatively, compared to a lot of areas where you could live, inexpensive to own a home in this community, but it's very expensive to rent. And so if you're not a homeowner and you're not a student with someone else paying your rent, it's hard for people on fixed incomes or people who don't have professional jobs and who have lower salaries to be able to live in this community. And so I really am pleased that we're acknowledging that that's a potential issue and I think it's certainly something that needs greater attention because, certainly, the students with their ever-increasing ability to pay rents, are really driving up the cost of rentals in our city.

Mr. Stozek: It would be interesting to have a discussion with the University because I know when the original plans for the STAR Campus came out, it was envisioned to have a village down there of graduate students with stores and whatever. A little village, essentially. And then when the second plan came out, I think that all disappeared. But it would be nice if the University provided an answer to some of these housing problems. I'd just like to throw that out tonight.

Mr. Hurd: And, Mike, I have a question about sort of what is your sense of the market. Because one of the questions that it seems we're sort of working around here is when do we hit market saturation and maybe is there an ideal, in that sense, percentage of rentals to homes that we should be aiming for and we should be tracking so that we don't go too far on one side and have to pull back?

Mr. Fortner: Well the report doesn't give a final saturation point.

Mr. Hurd: I was sort of talking to you as the planner, in that sense.

Mr. Fortner: There are lots of indicators that can show saturation. One is, you know, currently people . . . in October you have to search for your housing for next year and housing units are booking, especially the higher demand places around the campus. And those are closing out usually in October sometimes. And people are sometimes even lining up for some of the more desirable housing. And so that's where your demand is. When you see those kinds of waiting lists and landlords being able to control top-dollar and getting those kinds of prices, and there's a vacancy rate of 2.9% city-wide . . . and in the report it was saying that was because The Retreat wasn't fully occupied at that time because they had opened late, and they predicted it was going down to about 1.9%. So those are the kinds of things when you see low vacancy rates, high prices, and people waiting in line reserving houses for next year, a year in advance, those are all indications that we're nowhere close to saturation. When you see places cutting

their rents and people waiting until April to figure out where they're going to live, that's when there is saturation. But, you know . . . so that's the best you can do. The market . . . if student demand shrinks or if we approve units that surpass the student demand growth, then ideally there are units that can be available to other people. Prices would moderate. I mean the basic rule of economic supply and demand. And so the higher the supply and the supply outpaces demand and price is lower, so those are your indicators.

Mr. McIntosh: I'm curious, it seems when we talk about the vacancy rate, etcetera, and then we look at all the new housing that comes through here, and we have not seen a lot of new housing applications. At least I don't think we have. We had one meeting where we didn't have any, if I recall. So that seems to be . . . it's counterintuitive to me, anyway. Put it that way. If I were a developer and I saw 2.9%, maybe 1.9% vacancy, I would look at that as an opportunity. And yet it doesn't seem like that's the case. So do you have any . . . do they know something that we don't know?

Mr. Fortner: Well I think that there is . . . well I think right now, and this is just me, developers are going through . . . even ones that are promoting owner-occupied housing . . . they've had a lot of trouble getting through. And there are a lot of things about Comp Plan amendment changes. So I don't know. You'd have to ask the developers what they're thinking. But I think that they see a tough environment right now. And there's a lot of perception in the community that we already have too many rentals and we can't possibly need more student rentals. It's a hard perception with the community members that come to Council meetings.

Mr. McIntosh: Well I think that may all be true but we're here making decisions about allowing for this and the people who are most likely to profit from it are not building. Or they don't seem to be building, let's put it that way. So that doesn't make sense to me. From an entrepreneurial standpoint, from any kind of business standpoint, it doesn't make sense.

Mr. Silverman: Mr. Chairman?

Mr. Firestone: Yes.

Mr. Silverman: I said part of my piece last week when I asked . . . or last time we met . . . to have this presented. This Rental Housing Needs Study represents a very, very, very limited resource for me to use as a Planning Commissioner and with a planning background. It's much too general. There's no hard data. I don't know where the clusters of rental housing are. There are no scatter diagrams. I don't know the ratio between owner-occupied and renter-occupied, small footprint renter, or large number of unit renter. As Mr. Cronin will tell you, location, location, location is the key. Tell me a 2.9% vacancy rate . . . I bet there are certain places on campus that have a 0% vacancy rate and probably have a waiting list for the next number of years, versus someplace like The Retreat, which is out on the perimeter, that may be sitting there with 10, 20 or 30% vacancy rate, I speculate. So we can't take some of the information that's generalized in this report and, as Frank says, apply it to a real world. We have a proposal sitting here in front of us without more information. And I don't think this report does it. This report was put together through the City Council to meet certain constituency needs. I don't think it meets my needs for the planning process.

On specifics, slide #2 that lists student enrollment, I don't know whether this number includes the ELI students or not.

Mr. Fortner: It does.

Mr. Silverman: Those 2,000 or 2,500 stealth University foreign students sometimes appear and sometimes they don't. You know that's a population that also needs to be housed. I see these proposals as being a fruit salad. As a Planning Commissioner, I'm not interested in an award program for having a neat housing unit. I am interested in what do we need in the way of percentage of below market rate units to accommodate the unknown demand for those units.

We have no information on that, where we can make some substantive recommendations such as X% of all new housing units within these particular districts must be market rate units.

We heard testimony over the past months from students who come into the area who are graduate students who are teaching, and they're looking for a particular kind of housing. As was suggested, they don't want to live in the communal arrangement. They're looking for a standard rental type townhouse. The University distorts the housing market here. I believe that's a given. I mean I don't know any other housing market in Delaware, with the exception of the beach, that starts renting at \$500 a bedroom per month, regardless of configuration. And single family housing renting for \$2,000 or \$2,500 a month. I'm not so sure we're doing the balance of the Newark residents a favor with the proposal on opening up some of the streets with the three and four students and looking at zoning that way, because I'm very concerned with impact of automobile parking and activity on some of those streets. I think that's something we should look at carefully.

And finally, I made the comment that this report is fruit salad to me. By my way of thinking, I need this report culled in sections. Recommended Comp Plan changes. Recommended zoning changes. Recommended land development changes. And as far as the number of inspections and open and closed and awards, that's City Council's responsibility. I don't need to see that from a planning point of view. So this documentation, this presentation, really needs to be culled down into ordinance type action items by major category that we can put our heads around and really take it and be able to use some of it on a day-to-day basis in our planning.

Mr. Fortner: If you don't mind, this is the sheet right here where I tried to do a little staff reporting on this and general stuff. Obviously, just to give you an idea, we do go over what kind of Zoning Code changes would need to be taken although we don't actually write the ordinance at this point. But, you know, just a prioritization of what's important and what's not. Some things will need in-depth ordinances and other things would be fairly simple. We're just trying to get the priorities. I think that's what we should focus on first.

Mr. Silverman: There are things I think we can legitimately endorse as a Commission that's within our purview, and other things that are normal business of City Council.

Mr. Fortner: Okay.

Ms. McNatt: To follow that, I just have some minor questions.

Mr. Fortner: Sure.

Ms. McNatt: On slide #5, I think it's the fourth bullet, it's say current policy of concentrating student rental housing as close to campus as possible. How is that being done in the City? What's the current policy and how do you try to do that?

Mr. Fortner: There's not a specific policy. There was . . . in downtown around the campus, the market has driven it when some sort of rental units are available and it's close to campus, those tend to be the highest demand, so developers see that. And so you have a lot of areas like where Will lives that are single family houses. A lot of developers would like to put more density there because those would be very easy access to the students. Up north around New Center Village there are a lot of requests to be able to make that a higher density, and even farther along Cleveland Avenue where the student rentals there have been very successful. And so the market kind of has dictated a lot of that because that seems to be where the student demand wants to be. So we have given thought about where likely students are going to want to live, and so it's easy to look at the town and kind of figure out what's been successful. So around Cleveland Avenue and north of that has been very successful. Again, on the west side of town where we developed on South Main Street. And, of course, the original place that we developed was Main Street with a lot of the apartments and the redevelopment

of Main Street. And a lot has gone to student rentals and, essentially, all of those buildings have been very successful with student rentals, or rentals in general.

Mr. Firestone: So the short answer is there isn't a policy. It's the market.

Mr. Fortner: The policy, if there was one, was not so much . . . I don't know if there's a written policy but that we would create rentals, allow apartments, and progressively pursue those as an answer to student rentals in single family homes. Getting them out of single family homes. And you increase the supply of these . . . students tend to want to live in these areas close to campus. Originally it was downtown and spread through South Main Street and it spread through other certain neighborhoods around where there is perhaps an older housing stock that's not transferring. And then by having it set up as student apartments it's pulled people, hopefully, out of the neighborhoods with the single family houses. So we wanted to see less demand and less pressure, as it was noted how it's fairly affordable to own a home in Newark but it's difficult to rent. So you flip that around if you're a landlord. It's easy to buy a home. You can buy a home cheaply and then you can put students in there for a lot of money and it's more than you could get for a modest income family. And so that's been the pressure that we've had in Newark. And so this proliferation of apartments and approving these apartments in downtown and in areas around campus have been a key thing that we've promoted. So around the campus . . .

Ms. McNatt: So I guess this leads into my second question, sort of. This affects me personally. I live in a small community, not close to campus. It's a 60 unit community and 12% of the units in there are rentals. Of those 12%, a majority of them are students which are not, from my understanding, tracked and identified. It's not clear to the City how that information is obtained, so I'm not sure when you say in this document and you come up with these numbers, I'm pretty sure that some of these number aren't showing all that's going on in the City. So I'd like to know, to follow-up on some of Commissioner Silverman's comments, where these numbers are coming from and how this information is gathered. How does the City know not just those apartments that are managed by apartment developers or companies, but single family homeowners that have now become landlords to student renters that are more than four unrelated people in a unit that shouldn't be two unrelated. But how is that documented? And I think there's a large portion of this that's missing. And to my shock that 40% of the students at UD . . . 49% of them actually . . . are off-campus. So I'm thinking there's a whole section on top of this 49% that's not being captured and incorporated into this document, from my personal experience.

Mr. Fortner: Obviously there are estimates and some extrapolations but the consultants were very thorough in going through this. The neighborhood . . . are you in Barksdale Estates or . . .

Ms. McNatt: I live in Twin Lakes. It's a townhouse community right next to Newark Charter High School.

Mr. Fortner: Okay.

Ms. McNatt: And I'm at the outer limits of the City's limits and there are a lot of . . .

Mr. Fortner: So you see a lot of college rentals over there?

Ms. McNatt: A lot. A lot of units. A lot of renters, more than is permitted. All of them own a car and drive one or have two cars. High class cars, I would say. But my point is that I don't know that, just my example, there could be other areas in the City that are just like mine that are not computed, in that bubble of those off-campus units aren't being computed.

Mr. Fortner: There was a lot of discussion with Code Enforcement officers and we are aware overcrowding, certainly, is an issue. There are places, I mean you're technically allowed three unrelated in a student rental unit and there could be more unrelateds in there, and there are

people operating perhaps illegally. Perhaps there are people that have rentals that don't have rental permits. So there is an underground thing that was somewhat calculated but you can never get a perfect picture of what's happening illegally. It's one of the most difficult things for rental inspectors is . . . I mean they literally do scope out homes when they get reports that maybe there are too many kids living there and they have to go scope it out. It's a very difficult thing.

Mr. Firestone: I think at this point, I'd like to see if anyone from the public would like to be heard on rental housing needs. Yes, please step forward and, again, identify yourself for the record. Thank you.

Ms. Joy Scott: Joy Scott, 113 East Main Street. I'm going to keep this really brief but my biggest concern . . . for one I'm very surprised if only 48%, or whatever it was, are off-campus. As a parent of someone who went through the University of Delaware and has graduated, my understanding was if you're not a freshman, you don't live on campus. You just don't, unless you were too stupid to find a place in September or October and you wind up in a dorm like my son did for his second year. They just don't want to live there because the dorms at the University of Delaware, I'm sorry, are not what they are at a lot of other colleges, which have branched out to dorms which are designed as apartments. They have their own kitchens. They have separate bedrooms. And the kids are fine living there. It's like these apartments that we are building here.

My biggest concern with what was discussed tonight is the concept of Newark, downtown Newark obviously. I lived in Pike Creek, whole other story. I now live in downtown and it sounds to me now like Newark is run by students. The market value of everything in downtown Newark is based on what students will pay . . . or their parents will pay . . . and nothing else matters. Nothing else is every considered in Newark. We're losing retail unless it can cater to what the students want, and there is no discussion about keeping Newark as a city unto itself. It's here to service the students. That was never my concept of what Newark was, and it makes me very sad as a resident, but it makes me sad just to see what's happening. And this is my personal opinion. I want it for the record that I speak only for myself, not for the Washington House as a community. I'm told that sometimes if we speak, everybody assumes that we're speaking for the whole community. I am not. I am speaking solely for myself. It just makes me sad that all the decisions that I hear both tonight and in City Council meetings . . . and I'm new but I'm getting caught up . . . seem to be based on what the students wants. And, you're right. I have a nephew who tried to rent something in Newark and he's married. He called saying this is a great price, and they'd say that's per room. That's per bedroom. And you can't have it because you're married and you can't have two people in the bedroom. So you and your wife can have separate bedrooms and you pay \$1,000. But that's not how they even advertise them. They advertise them as \$500. That's for the bedroom. So the more kids they can cram into these units, the higher rent they can get. How can we ever compete with single families or grad students that want to have . . . you can say they'll take down the walls. That's never going to happen. You know it and I know it. So let's not pretend that somebody who has six-bedroom apartments is somehow planning someday down the road to take some of the walls down and make a nice family apartment. That's not going to happen. And I, personally, would like to see the Planning Commission, at least, start to think in terms of what Newark can be as a place for seniors or low-income housing or families or grad students that don't want to be in these little crammed in apartments. Thank you.

Mr. Firestone: Thank you.

Ms. Carol McKelvey: My name is Carol McKelvey. I'm in District 4. I have two points, and I'd like to really direct the focus to what Commissioner Hurd said, that policy-wise it would be good to have a sense of what percentage we wanted to have non-student residency and then student residency. Because there is a perception, I think, in the community that we're getting out of balance. That our city doesn't have the right proportion of people who are not students, and there are a lot of things that are driving people who are residents away.

The second thing I'd like to have in the record is that Commissioner Silverman said there was no data here and every time I've heard any report from Urban Partners, it's what occurs to me, too. Where's the data? Because if there's data, I can make my own conclusions. I have conclusions here but no data. You give me some data, I can give you some conclusions. And it makes me wonder about the veracity of this report. I mean, I have a lack of trust that it's accurate, which is what Commissioner McNatt was saying. I don't feel like it could be trusted because I don't see any data. But if you have the data, you can see things. And what we have are conclusions that they've made and it's not enough for me.

Mr. Firestone: Anyone else?

Mr. Jim Jones: Hi, there. My name is Jim Jones. I guess I can just say I live in District 3 and get away with that, although in other towns they might actually want a real street address. I'm in 5 I'm told by the person in District 5. Okay, up there in Fairfield Crest in any case. [inaudible] discussion, way too many things to talk about so I'll just give you a couple of real short ones here.

First of all in the list of proposals over there, all the stuff that was kind of under #1 there that had to do with taking some neighborhoods and making them exempt from the current student home ordinance, I look at that and then I look at the stuff all under #2, which was about trying to encourage homeownership, and I think that those two probably work against each other. The main reason I believe was the one that Mr. Firestone gave . . . one of you guys said it already . . . which is if I own a rental property, I can get more money by putting students in there than I can by putting anybody else in there. And so once you've made a neighborhood exempt from the student home ordinance, you can pretty much guarantee that it's going to get students and nobody else is going to get in there. Having said that then, I would ask . . . just a couple of thoughts for the Planning Commission to take forward. And I apologize, as I said, I lived in Newark for 20 years, moved away for 25 and just moved back. So I'm not real good on what you've just done in the last few years but, on the other hand, we've got a lot of this in West Chester, the town I just moved from, so I recognize this discussion.

Number two on my list here would be to think about if you haven't already quantified this, to try to figure out what's the difference in the cost to the municipality of a student rental from any other kind of rental. I'm thinking in terms of volume of trash pick-up, number of police calls, fire calls, and whatever else there might be. On that topic, and I'm going to support something that you said in response to a couple of the questions up here, and this was a question about trying to quantify these numbers . . .

Mr. Firestone: Excuse me, when you said 'you,' you were referring to Mike?

Mr. Jones: To this gentleman.

Mr. Fortner: Mike Fortner.

Mr. Firestone: Just for the record.

Mr. Jones: I don't know any of the names. Okay. What is his name, so I know?

Mr. Fortner: Mike.

Mr. Jones: Mike? Can I call you that?

Mr. Fortner: Yes.

Mr. Jones: Okay. You can call me Jim then, too, if you want. But in any case, I actually have an undergraduate degree from the University of Delaware mathematics and one of the things I really liked a lot was the math modeling part of it, and that's what we're talking about. It's not

counting, you know, jelly beans in bowls, it's trying to go and estimate based on the indicators you can find. So good luck on figuring out the relative costs to the municipality, but from my experience in West Chester, it's very different.

The third thing is just, again, would be an idea of when you talk about approvals for the University of Delaware, and I heard you say that they've done the same thing here that West Chester University did up in my old town, which is they replace beds but they don't increase them. Our zoning ordinances up there required that, alright? And there was discussion . . . it's still in the discussion stage at this point . . . whether you can require, not the replacement of beds one-by-one, but the maintenance of a specific ratio. If they currently house, we'll say, 50% of their students on campus and they're going to expand by 1%, then the next approval, next project that comes along should go and restore that balance. I don't know if that's legal here in Delaware, but that's something to think about if it is.

The final thing is just a quick anecdote here. I've been trying to explore this town and figure out what all has happened in the last 25 years. Quite a bit. And, by and large, I'm very happy about it. I think you guys have all done a good job. I was walking down the alley behind College Park the other day and started talking to somebody who was just walking along who lives there, as well. I said, wow, you know a long time ago I used to come over here all the time because my girlfriend and her roommates all lived over here. And he said, well you know there's not really that many students over here. And I said, what? College Park was where you went when you got off of campus way back when. And he said they've all moved up to the center of town. Where, of course, you guys know what kind of housing has been built up there and what kind of money it takes to live there. But one of the things apparently it has done is it has made College Park accessible to people with lower income than it was once upon a time. And, for me, that seems like a good outcome. Thank you.

Mr. Firestone: Thank you. And welcome home.

Mr. Jones: I'm glad to be here.

Mr. Firestone: Would anyone else like to be heard? The gentleman in the back.

Mr. Kevin Mayhew: I'm Kevin Mayhew. I'm the president of the Newark Landlord Association. I also served on this committee with these consultants and worked a long time in coming up with some of this stuff. I also worked with City staff for six months, trying to come up with a new way to get into some of these rentals with inspectors. We came up with an idea of third party inspectors. I don't know if anybody followed that, but it was a long journey. We spent a lot of time. City staff was behind it. The Landlord Association was behind it. City Council voted no. So, unbelievable to us. But I have come up with something that I think helps the whole situation better than what the consultants came up with and I'll share this with you. I have a couple of these copies but where that missed the mark . . . do I have to wait until I get back to speak or am I loud enough?

Mr. Fortner: Yes, you do need to speak into the mike.

Mr. Mayhew: What all these City inspectors do, and I've been doing this 20-some years, every time I walk through the house with a City inspector, we look at the same stuff, he leaves and what we miss is educating the tenant. And that's what we need to do. You know, we can go through that house on one day out of the year and make sure all the smoke detectors work, make sure that there's no leaky faucets, but if we're not educating that tenant to look at these items also, they're not going to know what to look for. So this checklist would be something that I would walk through every unit with when the tenant moves in, and have them go through it with me. I'll show them where to look underneath the sink for leaks. I'll show them how to replace the battery. I'll show them all these items on here and make sure they know who is responsible for cutting the grass . . . because that's a big one . . . and get them to sign this. I will sign it, and they will keep a copy and I will keep a copy. It would be there. If the City needs it,

they could call up the tenant and request it. This way, they're getting educated on how to behave in a house, what to take care of and what to look for. And that's what's been missing out of this whole piece is the educational piece of these inspections. So that's item #1.

I could sit here for a half-hour tonight on this topic. I am near and dear to it but I don't want to spend a half-hour. I just did 17 move-ins today.

Mr. Firestone: Just to let you know, we generally limit people to around three minutes.

Mr. Mayhew: Okay, I don't know if I can get done in three minutes but a couple of points here. The president actually said he wants to increase enrollment by 1,000 for undergrads over four years. And he did it this year. I don't know if you guys know the number but it came in that they had 4,295 deposits for this year. Their target two years ago was 3,800 freshmen. They surpassed that a couple years by mistake. This year they went above and they plan on doing that for four years in a row to get 1,000 more undergrads. So just to clear that up.

I'll jump topics here, what I wrote down. Someone said that we didn't have a lot of graphs and stuff. Well I worked with that committee and I came up with this neat map that you might understand this, Mr. Silverman. All the red areas . . .

Mr. Fortner: Just take the mike. Just take it.

Mr. Mayhew: All the red areas are the student exempt streets. So Stacy had asked what policy do you have and Mike forgot to mention that the student home policy is what's guiding landlords where to buy. If they want to rent to students, they're going to go to a student exempt street because that's where they can still get a student permit, we'll call it, for three tenants or four tenants. Now that is so willy-nilly, that three or four thing, it's crazy. Here is a street that I bought a house on, on Church Street. It is a student exempt street. It's right behind the Deer Park, as close as you can get to the college campus, but it is not zoned RM, so I'm abiding by a three person limit on that street. And if you look at that street, there are only twelve houses and you get everything on that street. This Planning Commission approved Mr. Heitzenroder's project at the Elks' Lodge for five tenants in two duplexes. Other houses have grandfathered in four, and the other houses that were there for a while have three. So totally illogical to have bedrooms on that street not being used because you have an ordinance that says its RD, it's got to be three. So I did my own work, and I only have one copy of this because it's 17 pages long, of all the houses in student exempt streets that have a restriction of three tenants. There's 137 bedrooms being unused, legally, because it's restricted to three. Now guess what. The landlords that don't care of the tenants that don't care about that will put a fourth in there. And what's that doing is they're not going to allow a City inspector in. So part of the whole problem of City inspectors not getting in is because you have streets that should be four, that the neighbor is four, and a kid sees that and says I'm just going to put four in, and then they're going to say I don't want an inspector because they don't want someone to see that. So we can clear up a lot of issues with a four blanket policy on student exempt streets. That's where Council decided years ago where we wanted to put the students, where it's best, close to the circle, and they identified those streets. Now we want to add some streets. The committee says let's add some streets. These streets are still in that circle and, to his point, I don't think they're ever converting back. They're going the other way. They're over 70%, now, student rentals, and even higher on some of these streets, so they're not going to get converted back. The housing stock is not the quality that a family wants to rent it. I know, I've been buying up a lot of those houses on New London Road and the houses, it's unbelievable what they were built, condition-wise, 80 years ago. Families aren't buying those to re-inhabit.

So that's a lot of the points, quickly done. I will talk with anyone offline if anybody wants to call me or email me. Do you guys have any questions?

Mr. Firestone: We're just taking public comment, so it's not a question and answer.

Mr. Mayhew: Okay. Alright, thanks.

Mr. Firestone: Ms. White.

Ms. White: Hearing that, I've almost forgotten what I was going to say. Jean White, District 1. Let me just see here. Just to review, for me, the student home ordinance. As I understand that, that is limited to three students if it is a non-exempt street. And the student homes have to be so far apart. Is it ten units apart, or is it three? I'm forgetting. So many sections apart. In other words, if it's not on the same street.

Ms. Fortner: Yes.

Ms. White: Okay.

Mr. Fortner: Yes, there are different zones so it's based on the lot width . . .

Ms. White: The lot width, right.

Unidentified Speaker: Ten.

Mr. Fortner: Ten.

Ms. White: It's ten.

Unidentified Speaker: Ten.

Ms. White: I thought it was ten, so they can't be next to each other.

Mr. Firestone: Excuse me. Excuse me. Thank you.

Ms. White: And let me just see here . . . so I think that Kevin Mayhew has touched on this; I'm not sure I absorbed it . . . of the current exempt streets, the grandfathered ones allow four students per home and the ones that came a little bit later allow three.

Mr. Fortner: Yes.

Ms. White: And I was wondering what the percentage of those two . . . in other words, how many are the four and how many are the three? He talked about the ones with empty bedrooms but is it like 50/50, or is it 30/70? I'm just trying to understand what that would be?

Mr. Firestone: That would be some additional data that they can bring forward . . .

Ms. White: Okay, but I think that would be interesting and if, in fact, this is a good thing to do to make them all equal . . . apparently some are three and some are four . . . so you have to look back to see when it was approved, to see which it was. That might be a way of increasing possible rooms for students without even adding apartment houses except in more streets.

In terms of the recommendation of I think it was nine streets that could be now exempted in addition, do the people . . . there are some owner-occupants, at least on a couple that I know, I haven't polled them all . . . can people who live on such a street who have an owner-occupied house object to this? In others words, I presume it would come before our City Council or before you, and some owner-occupants, even if they're in the minority, might not want this to be totally an exempt street. So that's a question I have. How a current owner-occupant person could object. Okay, where am I? Let me just see here. Sorry.

I think that this is maybe been touched on, but one of the problems or issues that comes about by concentrating students downtown, which is a good thing . . . you know, they walk to classes, they walk to shops . . . but it seems to be blocking out other non-student renters, either single

or couples or whatever, who would actually like that, too. Other than the Washington House, I think it's really blocking out other . . . I actually know of a couple of people who fit into that category . . . who can't find a place to rent but they would like to live downtown. But they don't fit into this student and can't pay these high rents.

And the final thing, I think it was mentioned by somebody here on Commission, about does the City know where the rentals are and how many are in them. But I thought that every, whether it's a landlord or whether it's a private person who owns it . . . I guess that could be a landlord . . . they have to get a rental permit. So I would think that the City Building Department or Code Enforcement would know . . . they have to get a rental permit and they have to pay for it . . . would know where all those were. And it seems to me if it's an owner-occupant, they can rent, I believe, up to two others without getting the rental permit. But if they go to three, they have to get a rental permit. Is that correct, Mike?

Mr. Fortner: Well if you're an owner-occupant, you're allowed to take up to two boarders.

Ms. White: Two boarders, okay.

Mr. Fortner: So there's no getting a rental permit and get three boarders.

Ms. White: But I thought if it went up to three, you had to register with the City to do that.

Mr. Fortner: No, an owner-occupant is allowed up to two boarders.

Ms. White: I thought you could rent up to three with . . .

Mr. Fortner: No . . .

Ms. White: Okay, we'll move off of that. That's not what we're talking about tonight. That's just some of my thoughts. Thank you.

Mr. Firestone: Thank you. Is there anyone else who hasn't addressed the Commission and would like to be hard on this issue? Okay. Would any other Commissioners like to be heard or do we think that the Planning Department has enough guidance from us and the public?

Mr. Hurd: Well I have a few things because I haven't had a chance to speak yet. One thing that came up earlier, I'm pretty sure, we talked about the City policy about concentrating students downtown. And I would say the changes to the BB zoning that encourage apartments over commercial and parking was a push towards doing that exact thing. It could develop apartment buildings in the downtown core. So I think that was a big push for concentration.

One comment, on item 1A. This keeps showing up. It's Lovett Avenue, not Lowell. It was wrong in the report and it's been wrong ever since. I'm touchy just because it's my street.

I think adding onto Commission Silverman's point, part of what I would be looking for as we make recommendations is to be sure that the things that we're trying to achieve have data that we can track against them. So, for instance, if we're saying that we want to expand exempt streets to bring student rentals out of existing neighborhoods, I would like to see a report that shows the change, the percent change year-to-year of student homes in those neighborhoods. Because if that number doesn't go down, then the policy wasn't effective. But I think some of the other ones here that we're looking to do, you know we can see if we're actually making that positive change that we're looking for. I think that's it. Thank you.

Mr. Firestone: Any other comments from any Commissioner?

Mr. McIntosh: We'll we've had a couple of people buy houses in our neighborhood and they sent their kids to live there. I just thought I'd throw that out there.

Mr. Fortner: Yes, they don't even need a rental permit for that situation.

Mr. McIntosh: That's exactly right.

Mr. Fortner: I don't see that as much. I used to see that a lot, but I've seen less of that.

Mr. McIntosh: That's . . .

Mr. Firestone: Anyone else?

Mr. McIntosh: Sorry.

Mr. Firestone: That's okay. Okay. Thank you and we'll look forward to you sharpening your pencil and coming back with a revision.

6. UPDATE ON THE PARKING SUBCOMMITTEE.

Mr. Firestone: Item 6 . . .

Mr. Don Dennis: Request for the Commission. How does one introduce a topic which wasn't a concern tonight for a future meeting? Can that be done just by a statement?

Mr. Firestone: We'll discuss that when we get to Item 7. I know you're on the sign-in sheet but, in general, there's, at this point in time, the Commission doesn't have a general public comment period like there is in City Council. I would encourage you to come next month when we're discussing rules of procedure. But, at this point, we don't really have that opportunity, and I did notice that you had indicated that you wanted to be heard on floodplains. But, again, we don't have general public comment.

So we're at Item 6, update on the Parking Subcommittee. Frank, do you want to give us an update?

Mr. McIntosh: Yes. You all received this at your seats and hopefully you had a chance to read it. We kept it pretty simple. We want to put together a team that includes somebody from the development community, the University of Delaware, University of Delaware students, downtown merchants, and non-profits who conduct downtown business. And there may be others and I'd be happy to hear what that might be.

We are not looking to bring in organizations like WILMAPCO or someone, except as we might want them to report or talk to us about things that they know that we don't know. But, as a functioning member of the sub-group here, the Parking Subcommittee, we want the people who are most affected by it to have the opportunity to talk to it.

We've given ourselves a six month window but I would hope that we could do this quicker than that, and we will be scheduling meetings as we are able to develop people to fill these roles, which we will be doing forthwith. And once we have those people identified, we will put a meeting schedule together and we will publish that through Mary Ellen's office and get it out to you, and we'll be meeting monthly once that occurs.

Mr. Firestone: Okay. Any comment from any Commissioner? Yes, Commissioner Silverman.

Mr. Silverman: Frank, a point of clarification. On your bullet list of participants, the third item down, University of Delaware student. When we had talked earlier, I had suggested that we specifically have a representative from the student commuter association.

Mr. McIntosh: That's who we're targeting.

Mr. Silverman: Okay. I didn't know whether you were going to go over to a student resident who brings a car in the city. I didn't know how you'd find that.

Mr. McIntosh: No, with an organization, that's what we're looking for . . . and it was specifically that one.

Mr. Silverman: Okay.

Mr. McIntosh: Do you know anybody over there?

Mr. Silverman: No.

Mr. McIntosh: Sure, that's real helpful. Does anybody know anybody over there? Well when we get the University of Delaware person, we'll get them to help us. What was that again?

Mr. Silverman: I used to know it as the student commuter association.

Mr. McIntosh: Okay.

Mr. Silverman: And they were people who simply did not live on campus. They drove to school every day.

Mr. McIntosh: Got it. Alright.

Mr. Firestone: Anyone else?

Mr. Cronin: Yes. Frank, one more thought on this. You said no WILMAPCO, but with the possibility that perhaps parking could be [inaudible] to some sort of a shuttle or trolley circuit, or something like that . . .

Mr. McIntosh: We plan on calling them and asking them if they'd come and talk to us.

Mr. Cronin: But just not be on the committee?

Mr. McIntosh: Yes.

Mr. Cronin: Okay.

Mr. McIntosh: I mean, we want to capture resources but not to make a big, giant committee. You'd be better focused.

Mr. Stozek: Frank, I'll just mention, I plan to go to the City Council meeting on Monday and assuming there's a representative from the University there, I'll ask them if they can recommend somebody.

Mr. McIntosh: That would be great. And maybe they know something else. Another organization that would be . . . but that seems like a pretty good one.

Mr. Firestone: Is there any member of the public that would like to comment on either the participants or the schedule that was laid out? I'd like just to ask you to confine any comments to those small topics as we've been covering this and debating this and discussing the details at the last meeting.

Mr. McIntosh: Before you do that, one of the considerations is that we will be looking at having daytime meetings as opposed to evening meetings.

Mr. Firestone: So would anyone like to be heard, including on the issue of daytime versus evening meetings?

Mr. McIntosh: That's why I threw it out there.

Mr. Firestone: Okay. Thank you for the update on the Parking Subcommittee.

7. NEW BUSINESS.

Mr. Firestone: So now we're at new business and, as I said, at this point we don't really have a public comment period, so I would personally suggest that you get in touch with whoever is your representative on the Commission and have a discussion with that person regarding your issue. And, certainly, you could bring it up to your City Council member, as well. But this was a very timely intervention given that we're going to be thinking about rules of procedure and it's given us something to think about. And so I thank you.

Mr. Cronin: Mr. Chairman?

Mr. Firestone: Yes.

Mr. Cronin: Knowing that we have that topic coming up and in light of the fact that the gentleman came here this evening and spent, you know, the whole evening with us, if he has a suggestion for a new business item for a future meeting, could we not give him three minutes and see what he might want to say?

Mr. Firestone: If there's no objection, I'm okay with that.

[Secretary's note: The Commissioners indicated they had no objection.]

Mr. Firestone: You can come up and briefly, in three minutes, explain your floodplain issue that you'd like us to consider.

Mr. Dennis: I had heard at a recent meeting regarding that topic, floodplain, that the City was considering, for instance, alleviating constriction on Barksdale by putting in a duct under that bridge. I don't know who said that. Anyway, I thought maybe that would be a topic that was under consideration. And then, of course, extrapolating from that, it suggests that there is a problem which could be alleviated by remedial construction. And I just wanted to suggest that there are several reports from FEMA dating from 2009 making a positive statement that overdevelopment and underuse of drainage systems has resulted in an increase in the floodplain. Now the recent meeting simply stated that they had used different techniques to assess the floodplain. Well I've lived there since 1965 in a given area and my assessment is how far up the road does the creek come? Not hydrostatic pressures. So I just wanted . . . so the Planning Commission, I wonder if they're thinking about any of those little remedial things, which might alleviate the problem per se. Like draining the increased volume in the Christina River by dredging it out. Which was done, by the way, about ten years ago. Straightening, because the City has a 20 foot ordinance, I believe, on either side of the existing bed, so they could very well widen and deepen it and accommodate the increased flow due to extensive overdevelopment. Thank you.

Mr. Firestone: Thank you. If you could please identify yourself for the record because you didn't . . .

Mr. Dennis: Don Dennis.

Mr. Firestone: And your district?

Mr. Dennis: I don't know. I live on Kenilworth.

Mr. Firestone: You're in District 1.

Mr. Dennis: District 1. That sounds better. Thank you.

Mr. Firestone: Thank you. Does any Commissioner have any thoughts on new business? Things we might discuss at future meetings?

Mr. Stozek: Yes, I'd like to suggest . . . let me back up. Several months ago we had a proposal here for a development on Cleveland Avenue which, subsequently, was turned down by Council. And at this meeting there were numerous comments made that since all the housing in that area bounded by New London, Cleveland, Herman's Meat Market and someplace on the north, North Street, I guess . . . it's all single family housing now. In reality, the vast majority of it is student rental anyway. But what happened with the Council was they ran up against the technicalities of the Zoning Code, various building codes and the Comprehensive Plan. And that's basically why they turned it down. I guess my suggestion is we have some discussion about how do we move forward with that area, in particular, and maybe there are other areas, of getting it rezoned for something either that would be commensurate with student housing . . . we all seemed to think that made a lot of sense for a student housing area . . . but after other discussions tonight, maybe we would want to look at other kinds of housing. Maybe senior housing in an area. How would we rezone that area to accommodate some of those things if we came up with a plan? So I'd just like to have a discussion of what is available, how we would go about that, and are there any precedents for it in the City.

Mr. Silverman: I concur.

Mr. Firestone: Anyone else?

Ms. McNatt: I have a different sort of related topic to the next month's meeting. Is it typical that the Commission gets packets of information regarding an item on the agenda at the meeting?

Mr. Firestone: You're talking about like this update that we got from Saul Ewing?

Ms. McNatt: No, the . . . yes, yes, which appeared to address, I guess, some of the concerns and comments that were brought up. So does that typically happen? That new information is provided at the meeting?

Mr. Stozek: It does happen. To me, it happens too often.

Mr. Silverman: It happens.

Mr. Stozek: Especially when a project is being presented. A lot of time we'll get last minute updates. Drawings and such.

Mr. Silverman: Let's put it this way, it has in the past. There's been no cut-off for submitting responses to be in our packet.

Mr. McNatt: Can we evaluate in the potential future discussions of how to . . . I'm new to this Commission, so I can see if this was more than this amount, if it was 50 or 100 pages or more on a large project, who has adequate time sitting here during the meeting to assess and review the information that could be potentially important to the discussion and the potential vote, etc. I see it as a concern.

Mr. Firestone: I think we could ask Mary Ellen to consider how that might be addressed in the context of the rules of procedure.

Mr. Silverman: Yes.

Ms. McNatt: Okay. Thank you.

Mr. Firestone: Anyone else? I would then entertain a motion to adjourn.

Mr. McIntosh: So moved.

Mr. Cronin: Second.

Mr. Firestone: All in favor, signify by saying Aye. Opposed, say Nay. Meeting is 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 9:28 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Alan Silverman". The ink is dark and the signature is fluid.

Alan Silverman
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary