

**CITY OF NEWARK
DELAWARE**

CITY COUNCIL AND PLANNING COMMISSION JOINT MEETING MINUTES

February 27, 2018

Those present at 7:00 p.m.:

Presiding:	Mayor Polly Sierer
Council present:	Mark Morehead, District 1 Jerry Clifton, District 2 Jennifer Wallace, District 3 Chris Hamilton, District 4 A. Stuart Markham, District 6
Planning Commission present:	Chairman Jeremy Firestone, District 4 Bob Cronin, At-Large Robert L. Stozek, District 1 Willard F. Hurd, District 2 Stacy McNatt, P.E., District 3 Alan Silverman, District 5 Frank McIntosh, District 6
Absent:	Luke Chapman, District 5
Staff Members:	Acting City Manager Tom Coleman City Secretary Renee Bensley City Solicitor Paul Bilodeau Community Affairs Officer Megan McGuriman Planning and Development Director Mary Ellen Gray Planner II Mike Fortner Planner Tom Fruehstorfer

1. Ms. Sierer called the Special Council meeting to order at 7:00 p.m. Ms. Sierer stated the topics for this meeting were the current Comprehensive Plan, current development patterns in the City of Newark and future land uses in the City of Newark. The meeting would consist of a round robin format to be completed by 9:00 p.m. Each member at the table would be given five minutes to speak regarding their thoughts on the listed topics. Planning Commissioners would go first and Council members would follow. Ms. Sierer stressed that it was imperative that everyone stay on topic and germane to the agenda. Ms. Sierer advised that ideas, suggestions and comments from this meeting would be compiled and placed on a future, regularly scheduled City Council meeting for discussion by Council and consensus by Council as to direction to staff.

2. Mr. Firestone hoped that this joint meeting would help move the City forward in a well-structured and sustainable way. Mr. Firestone noted that there had been some areas in the city that had developed over the last two years, including Cleveland Avenue and Benny Street, that had showed developer-driven changes to the Comprehensive Plan. He felt that they needed to step back and think about what areas within the city might be amenable and appropriate to change in the Comprehensive Plan rather than having it driven by single proposals or developers. He did not want the changes to be a domino effect but rather wanted to engage the public more broadly.

Mr. Firestone understood that some changes in the city were being driven by the University of Delaware, which wished to increase its student numbers. He felt that was driving the desire for apartments close to downtown. Mr. Firestone felt that keeping students out of automobiles was a benefit. However, it was something that everyone needed to consider. Mr. Firestone understood that there was frustration on both the Commission and the community that there were not more developments targeted toward non-students. Mr. Firestone shared that he was surprised when he saw the map showing rental units in the city. He had thought they would be concentrated in one portion of the city but they were actually dispersed. He thought this was not a bad thing. Mr. Firestone added that there was also redevelopment to consider such as College Square and the area bordering Main Street.

Mr. Stozek noted that the Comprehensive Development Plan was discussed as being fixed. However, every project that came before the Planning Commission wanted variances, such as setbacks. He felt this was a detriment to the City. Mr. Stozek felt that the City should be more focused on

maintaining these things in the plan. He gave an example of the new apartment buildings on Cleveland Avenue. He had had an issue with this project due to certain zoning restriction violations. He felt that whenever the Planning Commission approved a project, another project came along and wanted those variances plus more. He stressed that they needed to control this. Mr. Stozek thought there should be a statement that the Commission would not constantly change things. He was worried that future development patterns in the city seemed to be geared toward students. He noted there had been discussion about senior housing but he had not seen this come forward yet. He thought it was up to the Commission to push that.

Mr. Stozek shared that one of the reasons he had become a Planning Commissioner was that he had thought that he would do planning for the city. This included setting areas aside for certain uses. He had wanted to build neighborhoods rather than building apartment complexes. Mr. Stozek felt that traffic was killing the city. There was not a traffic study because none of the projects rose to the limit at which DelDOT would do a study. Mr. Stozek felt that they needed to find a way around that. He did not think that building these multiple unit complexes was good for the City in the long run. He wanted to get a grip on how to control this.

Mr. Hurd echoed the concerns of his fellow commissioners. Mr. Hurd felt that a challenge with the Comprehensive Plan was that the density of areas had to translate to physical zoning that matched it within 18 months of the adoption of the Comprehensive Plan. He felt that led to areas such as Benny Street and Cleveland Avenue where there was an area of zoning with a high density next to a lower density. There was no way to say that the whole area could become high density because the lower density areas would then have to become higher-density zoned properties. Mr. Hurd noted they were always reluctant to rezone like that. There were patchwork areas due to this issue. Mr. Hurd shared that he had attended a training session held by the UD Planning Department. Their suggestion was to develop master plans for the areas of concern that the City wanted to rework. This would be an internal City designation that did not rise to the legal level of the Comprehensive Plan. This was a way to designate areas that the Planning Commission wanted to set aside for certain uses such as senior living or year-round residents. He felt it would be easier to approve projects that came before the Commission if they knew whether it matched the intentions of the master plan.

Mr. Hurd was concerned about the Site Plan Approval process. He felt that they needed to find a better name for this that showed it was approving a development that did not conform to the zoning requirements. Mr. Hurd noted that the goal was to present something better than what was normally presented. However, they often were presented projects that had more LEED points and off-street parking. To him, this watered down the intention of the process. Mr. Hurd thought that the master plan could be a good guide in this process as well to state that the project needed to add amenities or features that the City had decided would make that area better. Mr. Hurd felt they needed to decide what the City got in exchange for higher density. This could include a better pedestrian and bicycle transportation network, more trees or parks.

Ms. McNatt shared that she was concerned with some of the same issues as her co-commissioners. Ms. McNatt felt that the city was very geared toward students. She did not see how the Comprehensive Plan was working to find affordable housing geared toward other types of residents. Ms. McNatt noted that developers made promises to try to sway the Planning Commission toward supporting their projects. She felt that the Planning Commission should be enforcing the things that the developers said they would do. She thought it was important that the City follow up so things do not fall through the cracks. Ms. McNatt knew that there was a drainage code and a stormwater requirement and that developers came to the city to get variances for higher density. She thought this was a perfect opportunity to look at potential impact fees or ways to assist the City in repairing the types of infrastructure that were failing.

Mr. Silverman echoed his colleagues' concerns. Mr. Silverman felt the City needed to continue development of its GIS program. He noted that the Planning Commission went into the Comprehensive Planning process with aspirations and ideas but they had little idea of the factual underpinnings of the utilities and services of the town with respect to water flow and capacity, surface water drainage problems and more. Many things could be attached to a GIS plan to produce valuable information. He also felt the Comprehensive Plan was built toward people. Mr. Silverman felt that the Commission had very little information on the community. He recalled that Mr. Firestone had stated how valuable a basic GPS map was of showing the distribution of rental properties in the city. Mr. Silverman stressed that they needed those resources and they needed Council to support it.

Mr. Silverman stated he had come to the realization that the one industry in Newark was education. He felt they needed to realize that and work with it. If one looked at the zoning map, the University absorbed a large portion of the city. The University also had plans for the future that Mr.

Silverman felt should be integrated into the Comprehensive Plan. This included significant things such as tearing down Christiana Towers. Mr. Silverman felt the Commission should have a better understanding of what the University's long-range plans were. His ultimate fear was that they would see the City of Newark's center moved down to the STAR Campus. He feared that Newark, with respect to commercial and other activity, would become a backwater-like university city. Mr. Silverman noted there had been discussion about the zoning code. Mr. Silverman agreed this was something that needed to be looked at and something that Council should take into consideration. Mr. Silverman likened the zoning code to an attic. There were many things stored there that may have been valuable at one time.

Mr. Silverman shared that there was confusion with respect to terminology. For example, townhouses and apartments were two mutually exclusive styles of housing. However, these terminologies were conflated and brought together which became confusing. With regard to the Comprehensive Plan overlays, Mr. Silverman felt there were complications built into their own system. There were not only densities reflected in the zoning code but also densities that were discussed in the Comprehensive Plan that did not necessarily have anything to do with each other. Mr. Silverman felt work needed to be done to reorder how the Commission did things.

Mr. McIntosh stated that he considered the Comprehensive Plan to be a living document. He felt it was something that could change, would change and should change. Mr. McIntosh felt that this was a very robust community of developers that were always thinking about what they could do within the rules of the game to move the City and their company forward. Mr. McIntosh thought this was a positive thing that should be embraced. He felt there needed to be a realization that the Comprehensive Plan was nothing more than a plan that would be changed. Mr. McIntosh felt that to say it could not be changed was a mistake.

Mr. McIntosh noted that the Commission was seeing a lot of repurposing old homes and there was more technology that would enable developers to do this. If they could not be rehabbed, many could be torn down and new homes put up. Mr. McIntosh felt they looked nice, particularly on Cleveland Avenue. He noted the new homes on Cleveland Avenue were right next to homes that were unattractive and some were falling down. He thought safety issues were a concern. Mr. McIntosh felt that the future would be determined by what was done today. They could either put the brakes on and try to go back to a time that had long since passed or they could embrace what the future was telling them. Mr. McIntosh felt that the developers were telling them what the future was. He thought this was what would attract more business and homeowners because it was the place to be. He felt that if the City were rooted in the past, they would not see a bright future. Mr. McIntosh shared that he had spent time in Denver. They had embraced a lot of change and it was now a vibrant 24-hour city. He hoped Newark could move in that direction.

Mr. Cronin agreed with Mr. McIntosh that the Comprehensive Plan was a plan that was subject to change and placed a lot of value on the natural economic market forces. These tended to guide that change in terms of the timing. Mr. Cronin felt some chagrin with a number of investment properties. He felt it seemed to be a pattern where the landlords allowed them to decline, particularly the exterior. They then pointed out that no one wanted to rent the derelict property, so the landlord had to do an improvement. Mr. Cronin liked the improvements and new construction. He found it disconcerting that they had to go through that phase of things being eyesores. He noted this was not all landlords but it was an uncomfortable amount. Mr. Cronin was concerned about a possible decline of the student population. If there was a decline of students, there would be a lot of empty student rentals. He wondered if they could be repurposed. Mr. Cronin pointed out that this was something he considered in floor plans. He did not want floor plans to be for a single purpose.

Mr. Morehead supported much of what had been said but disagreed with some. Mr. Morehead felt that everyone was at this meeting because they loved Newark. He felt the question was how to get everyone's various visions to work together. Mr. Morehead understood that market forces were important. The affordable projects would be the ones developers brought forward to build. However, he had visited many places that did not have zoning. This was not what he wanted. Mr. Morehead believed in market forces within a framework. He believed it was Council and Planning Commission's job to set that framework. Mr. Morehead thought they needed to decide what types of areas should be set aside or nominated for what types of projects. The market could then deal within that framework. Mr. Morehead suggested setting aside parkland, higher density areas and lower density areas. He felt this was valid and important. He felt this was their legacy to the future. Mr. Morehead was concerned that this Comprehensive Development Plan did not have an active, open space component that previous plans had.

Mr. Morehead recalled that Council had discussed instituting a City-level traffic threshold analysis for projects, which he thought was a valid concern. He thought this was something they should explore further. He noted that many of these projects did not meet DeIDOT's threshold but he knew that they

were affecting the city's traffic. Traffic was one of the reasons the City could approve or deny changes to a specific plan. Mr. Morehead echoed what Mr. Stozek had said about an expectation that they actually plan. He gave an example that as tenants moved to more preferable new properties, he wondered what happened to the areas they came from. Mr. Morehead would like to see planning around that. Mr. Morehead went back to the framework idea. He felt they should have a plan.

Mr. Morehead was extremely concerned with the designations of the Comprehensive Plan having to match the zoning within 18 months as he had not seen progress on that with the deadline approaching. He appreciated what Mr. Hurd had said about the Site Plan Approval process. He also thought that Ms. McNatt had made a good point about the diversity that they needed for families. He felt that people both wealthy and not wealthy needed options on where to live. Mr. Morehead understood what Mr. Silverman had said about the STAR Campus possibly becoming the center of town. That made him question whether the new bike bridge was in the right place. He wondered if it should be over the Amtrak tracks.

Mr. Clifton agreed that many projects came along that were tied to a change in the Comprehensive Plan. In his opinion, Council had put a lot of thought into this. However, it was changed to fit the needs at the time. He felt it needed to be far more comprehensive. Mr. Clifton gave an example of Benny Street. He felt that Benny Street was an example new urban planning. It was higher density as close as possible to the core of town so that it was walkable to the intended audience. He thought that this worked very well. Mr. Clifton worried that they were raising a white flag and saying that the developers of apartment complexes were the market force driving this. He thought about repurposing old homes. He was always concerned about what would happen if a dynamic changed and certain zoning districts had to be made attractive to different people. Mr. Clifton felt the parking waivers did not make properties attractive to anyone. He felt that no one would want to live somewhere that they could not park their cars. Parking waivers kept being handed out and he felt this killed repurposing it for just about anyone that was not a student.

Mr. Clifton recalled that in 1999, one of the most controversial issues was the student rental ordinance. This was Council's attempt to try to minimize the spread of student rentals in single-family homes in areas that had been threatened with being overrun by student rentals. Mr. Clifton felt that many ideas former Councilman Thomas Wampler had brought up in the past were now being raised again. Mr. Clifton recalled that the Washington House had been approved which had two parking spaces for every unit. This was workable. Mr. Clifton heard from developers that they could not build that type of housing on Main Street. He thought this was being disingenuous.

Ms. Wallace felt that a steady refrain was that much of what happened in the City was reactive rather than proactive. She felt they were not doing enough planning, by which she meant long-range planning. She was concerned that the city would cease to exist and this would become the University of Delaware dorm complex. She thought this was a very real fear everyone should have. Ms. Wallace stressed that they needed to figure out a way to encourage developers to build something else besides student housing. Ms. Wallace did not see that Newark was attracting new residents or that the city had any place for them to live. She thought this was an obvious thing that they were not talking about. Ms. Wallace did not think this was an insurmountable problem.

Ms. Wallace had concerns about Site Plan Approval in that she did not think it was working the way it was intended. It seemed like an opportunity for some developers to get what they wanted. Ms. Wallace was concerned about differences between the New Castle County Code and the Newark Code that made it so that developers seemed to want to annex into the City of Newark rather than building in the County. She thought the City should understand why that was and consider some changes so there was not such a disparity between them. Ms. Wallace thought the Comprehensive Plan needed to be updated with the latest plans from the University of Delaware. Without them, she felt the Comprehensive Plan was out of date. Ms. Wallace pointed out the master plan idea Mr. Hurd had. Ms. Wallace was very intrigued and wanted to hear more about that. She wondered if this was a potential workaround to some of the City's issues. She also pointed out what Mr. Silverman had said about the Planning Commission needing to understand the infrastructure more holistically in order to make the best decisions. Ms. Wallace took infrastructure very seriously so this concerned her. Ms. Wallace was worried they were building too quickly and they would get to a point where the infrastructure was seriously out of date and the City would not be able to catch up.

Mr. Hamilton noted he had heard talk of the free market many times. Mr. Hamilton was not sure this free market was working as well as some people thought it was. He felt they not only had to understand the infrastructure, they needed to understand how the community worked. He felt they had set up a system where Main Street might as well be a resort town. He felt they were forcing the retailers to earn all their money in seven and a half months. Mr. Hamilton noted many people said that Main Street was thriving but he had heard from those businesses at the last Council meeting who had said that they

could not afford a \$1 increase to parking. Mr. Hamilton wondered why that was. He felt that this was part of the economics that had been forgotten. He pointed out that people came and asked for parking waivers but that granting too many parking waivers would result in the need for a parking garage. This could fall on the City but Mr. Hamilton did not know why they should do it. Mr. Hamilton felt they needed to think further than infrastructure but rather about building a community. Mr. Hamilton felt that communities worked when there was a year-round set of residents that could shop. There was a transient population in Newark and Mr. Hamilton stressed that they needed to find a way to make it work.

Mr. Hamilton shared that some people in his district wanted to age in place in Newark. This was a quality of life issue for Mr. Hamilton. These people wanted to move out of their larger homes into something more affordable. Mr. Hamilton felt that no one was listening and these people would have to move out of Newark because of it. He pointed out that these people had voted Council into office to help them solve their problems. He felt that no one was finding the solution to this, including himself. Mr. Hamilton pointed out that Council had the power to rezone yet were reluctant to do it. Mr. Hamilton liked the idea of a master plan. He felt that the Comprehensive Plan was supposed to help them plan for the community's future but they kept changing the zoning one parcel at a time. He did not think this was how it was supposed to work. He thought they were supposed to help guide the growth of the town. Mr. Hamilton was glad that the University was coming onboard and providing information that would help the City. He hoped that relationship would continue to develop into something stronger. He hoped the University meant it when they said they wanted diversity and better quality of life for everyone, not just their students. Mr. Hamilton was not concerned about how a building looked. Quality of life and the purpose of the building meant more to him.

Mr. Markham recalled that he had seen many different strategies for planning over the years. One of the continuous forces had always been UD. Mr. Markham shared that the idea in the past had been to draw people downtown and leave the neighborhoods for residents. There had been some success. Mr. Markham recalled that they had discussed incentivizing people and Mr. Clifton brought up New Center Village. Unfortunately, it had been a failure and no one had wanted to do it. Mr. Markham believed it was illegal now to do overlays. He felt they needed to know what the new strategies were. These included requirements for parking, how to incentivize people legally and where they wanted to draw people.

Mr. Markham noted that promises at the dais would not be enforced unless they were put down in writing. He shared this had always bothered him that something was on the public record but it meant nothing. As a Council, he felt that they needed to make sure that promises made it into the final agreement. Mr. Markham felt an important factor to consider was the value of the development project. He thought they needed to consider whether it was a plus to the city or a cost to the city. Mr. Markham needed ideas. He had seen many ideas over the year but they were not giving the City what it wanted. With regard to 55 and over housing, Mr. Markham said they had tried that but it did not take off. He also thought there were new issues with age restrictions.

Ms. Sierer shared that she thought this was a tremendous time of opportunity. She did not think this was a time to angst about the past but a time to make a path forward. She pointed out that now was a tremendous opportunity more than ever because there was a University administration that was willing to include the City. She felt there would be opportunities to corroborate the University's master plan and Newark's. She thought they needed to take hold of this opportunity and work together on ideas for the community relative to students, faculty and others who lived here. Ms. Sierer knew that there were people at the table and in City staff who were passionate about this and wanted to work on it. Ms. Sierer felt that they needed to take a close look at the zoning code which she thought was outdated in many ways. She thought that they also needed to increase the LEED point program. She felt that the program in place was an easy opportunity. She wanted to set the bar high by increasing the standards. This would improve the community.

Ms. Sierer agreed with Mr. Hurd about developing a master plan for certain areas. Ms. Sierer was very interested in affordable housing, low income housing and 55 and up housing. She noted that other communities did this and there must be a way for Newark to do this. Ms. Sierer felt that development of student housing should be focused in certain areas. Ms. Sierer would be interested in pursuing a development project with no parking provided. She thought that other communities had done this successfully and Newark should have a pilot program to try it. She thought it would alleviate some of the traffic, force walkable and bikeable communities and force the City to do things to provide those types of services. Ms. Sierer was interested in the developers' perspectives on that but she felt it was an avenue the City needed to pursue. Ms. Sierer pointed out that there was inconsistency with rental homes in certain areas of the community. There were some four-bedroom homes with four tenants allowed and some four-bedroom homes with three tenants allowed. She felt this needed to be addressed and needed to be a top priority.

3. Ms. Sierer opened the floor to public comment.

Tom Wampler, 39 East Park Place, shared that he had lived in Newark for over 40 years and was on City Council for 10 years. Mr. Wampler noted there had been a lot of talk about attracting young people, young professionals, families, retirees and non-students to live in town. He felt this was a time when people wanted to move into town where they could walk to services and ride their bikes. He pointed out that as student areas expanded, the properties in those areas became expensive as they were now very lucrative and commercialized. This was excluding the very people they wanted to include because the houses were now too expensive. Mr. Wampler shared that he had heard from many families that they would love to move to the City of Newark but it was too expensive. Mr. Wampler quibbled with the premise that if the University was interested in adding students but not adding housing, it became the obligation of the City of Newark to provide that housing. He thought this was wrong. He thought the government of the City of Newark's responsibility was to do what was right for the City and the citizens of Newark. He felt too many people were talking about establishing new priorities. Mr. Wampler thought the priority for decades had been to build housing but the things being discussed tonight would not happen until residents became the number one priority.

Howard Smith, East Park Place, stated he was a resident and member of the Design Committee. Mr. Smith had been attending Council and Planning Commission meetings for about 10 years and had heard many times that they did not like spot rezoning. Mr. Smith thought that was because Newark consisted of many small properties. He had also heard that the City wanted to encourage families and a walkable community. He suggested an idea about transferring development rights. This would allow single-family homes to get a financial credit by selling the development rights to developers who wanted to develop higher density close to the University.

Helga Huntley, District 1, started by saying that she was excited that this workshop was happening. She had been hoping that all these groups would get together and discuss deeper issues around planning for the City. She did not see that happening during the discussions about the Comprehensive Plan but hoped this workshop would help lead into the next Comprehensive Plan update. Ms. Huntley felt that the Comprehensive Plan as it stood was more a description of where the City was rather than where it wanted to be. She thought it was a valuable exercise to discuss what the City's challenges were, what the opportunities were and how they could address those. She agreed with everyone who had said the Comprehensive Plan had to be somewhat flexible and they had to be able to accommodate changes that were not anticipated. She did feel there should be substance to it and it should not just be a document that no one looked at.

Ms. Huntley felt that it was very important that they go through the planning process so they knew the City's priorities and how to react to changes that were experienced. She suggested that though what they were planning may not always be what they see, it was important to set those priorities and come up with reasons why they wanted things to be the way they were putting them into the plan. Ms. Huntley recalled that a comment had been made that with the abundance of variances in development plans, it was hard to understand what the zoning requirements and Comprehensive Plan really meant.

4. Ms. Sierer returned discussion to the table for final comments from Council and the Planning Commission.

Mr. Hamilton appreciated everyone being there. Mr. Hamilton felt that the idea of transferable development rights was something they needed to think about. He felt there were a lot of bright minds working on this including at the University. He recalled that he had attended the Smart Cities Symposium. Mr. Hamilton agreed they had to have a plan that was better than the current Comprehensive Plan. It would take cooperation and would be painful in his opinion. Mr. Hamilton recalled that he had voted against the Benny Street proposal and had told the developer that Mr. Hamilton wished the development was proposed three months later. He had wanted to have a discussion like this before voting for that proposal. Mr. Hamilton shared that he served the residents. He reiterated that this was a quality of life issue for him. He understood there were many new ideas coming in such as automated cars and public transportation options. He wanted to make sure this plan looked more toward the future and incorporated those new ideas. He also wanted it to recognize that Newark did have an aging population and more than just students. Mr. Hamilton repeated that the majority of the population in Newark was students and that the University was planning to increase. Mr. Hamilton noted that if students wanted to vote, they could decide who became council members. He wanted to focus on making Newark a better place for the permanent residents. He wanted to make the point that they were being outnumbered and the University was a business. He hoped they were a benevolent business toward the City.

Ms. Wallace felt it was important to think about next steps from this meeting. She would like to see staff come back to Council with a rundown of the ideas that had come out of this meeting as clear priorities. She recalled these had included the zoning code, affordable housing, diversity in housing rentals

and more. She clarified she did not expect staff to solve those problems. Ms. Wallace felt that Council needed training on new solutions to these issues. She thought there may be a need for more meetings such as this one. Staff could present possible solutions and ideas to Council and the Planning Commission.

Mr. Clifton agreed that the first priority of Council had to be the residents. He stated that the University was the business of Newark. Mr. Clifton feared that if developers thought they could get a higher density project through, other areas would drop. He thought that the one document from the Comprehensive Plan was useless and was too broad. Mr. Clifton thought they could see clear areas that were becoming student rental areas that directly surrounded the University. He feared for the old Newark area. He felt they needed to focus more on specific areas and figure out how they could preserve them for full-time, year-round residents. He recalled they had discussed 55 and over communities. He believed this worked for Fountainview because of the proximity to the Senior Center and because it was on the path of the UniCity bus. Mr. Clifton thought the UniCity bus was a gem that many people did not use. He hoped that the hours of the bus could be extended. Mr. Clifton recalled a question had been raised about the legality of over 55 communities. He noted that Newark's over 55 community was all over 55. There was no 20% exception based on a Supreme Court ruling that said a state, county or municipal authority could reduce that 20% or eliminate. Newark had eliminated it and Mr. Clifton thought that was a wise move. He felt it was too hard to control that 20%. Mr. Clifton noted that Fountainview was selling very well but he knew that other areas were not selling as well. He felt that these were the people that patronized the stores. He thought this was an important tool. Mr. Clifton wanted to look at individual neighborhoods in a more microscopic way.

Mr. Morehead wished to comment on the idea of developers helping to rebuild some of the City's infrastructure. Mr. Morehead was deeply concerned that they presented the appearance of a "pay to play". He shared that a local developer had said to him many years ago that there should be an impact fee per unit. The developer had known it would be very unpopular with his peers but that it was important for the City's finances. Mr. Morehead felt that if they did something like an impact fee rather than developers fixing infrastructure, that would keep it more clean. Mr. Morehead asked that this idea be considered. Mr. Morehead recalled they had heard the theme of more planning and better planning. He agreed with that. He also recalled the theme of variances. He remembered that he had been taught variances belonged when there was something unique about the lot and not otherwise. He went back to that. Mr. Morehead felt they had been free with variances and felt that this was causing concerns. Mr. Morehead wondered why they were giving variances then complaining about it. Mr. Morehead stated another theme was talking about concepts and how to fix things. He proposed that some concepts were specific to their situation. He felt that the things that worked in New York City did not necessarily work in Newark. Not every idea was a good idea for where they wanted their community to go. This was based on having an understanding of the plan and on planning well.

Mr. Cronin felt that this was a constant challenge to find the wisdom to do what was best for the community. He was grateful that everyone was here to help them be wiser going forward. He thought it was helpful to have conversations like this to foster a greater understanding of what collective wisdom there was.

Mr. McIntosh noted that Ms. Huntley had commented there should be an excellent plan. He felt this was very important and he could not agree more. He also recalled that she had said having an excellent plan did not mean it would work the same way it was put together. It did give a framework. Mr. McIntosh stated that in one of the Planning Commission's meetings, there was a group of homes in the downtown area with many people that did not want the development to go through. Those homes were designated for single-family occupancy. Mr. McIntosh had asked who was living in the homes and the answer had been mostly no one. Mr. McIntosh felt that if they wanted to provide the opportunity for people to live in the downtown area, planning and resources needed to go in that direction. Developers knew that if they built housing for students, students would go to that housing. Mr. McIntosh felt that if they wanted developers to build 55 and over communities or family homes, the plan had to consider that. In the process of considering that, it needed to be incentivized. Mr. McIntosh advised that developers and people involved needed to be brought to the table. He used the Parking Committee as an example of an effort with representatives of all stakeholders. Mr. McIntosh noted that there used to be five-year plans but it was difficult to predict five years ahead. He cautioned trying to look too far into the future and thinking that everything would get done. Mr. McIntosh felt that many developers would back Ms. Sierer's idea about no parking buildings.

Mr. Silverman was very pleased to see Council's enthusiasm on dealing with planning. However, he felt it would take a major change in thinking. Mr. Silverman agreed that Newark was a different case. Normally, they would look at how other college towns of the same population handled problems. Mr. Silverman felt that Newark was a distorted market with a single employer and a young, transient population. He felt it would take different thinking. That thinking would also extend to how Council had

done things in the past. He pointed out that Council did not seek annexations, they waited for people to come forward. Council did not do omnibus zoning, as New Castle County did. This meant taking a single area covering large neighborhoods and saying it all would be median density residential, for example. Mr. Silverman liked the concept of the master area plan. He felt it would give them opportunities to take small areas and test out ideas. He liked the participation in the Parking Subcommittee with respect to the University. He felt it was not “us and them” but rather trying to figure out how can Newark deal with its problems. He hoped this would become contagious and extend into the land development process.

Ms. McNatt liked the idea of being proactive rather than reactive and of continuing these types of meetings. She felt it was important to come together and discuss the vision they all were looking for. She thought many of the themes had been common around the table and everyone had the same goal of bettering the City.

Mr. Hurd felt that in previous years, Planning Commission had a limited area of authority. If Council had not said specifically what they wanted, the Planning Commission approved things. This had been a difficult position for the Planning Commission in Mr. Hurd’s opinion. Mr. Hurd felt that they had waited for Council direction and had not received it in a clear sense. He felt this opportunity was very valuable and should continue. Mr. Hurd noted that everyone came together with a different set of skills and opinions to the Parking Subcommittee and it was being pulled together to make a goal that would serve everyone. He thought that idea could be brought to this level with Council and Planning Commission. Mr. Hurd agreed that there needed to be a set framework to work within. He was a believer that one of government’s roles was to adjust the market to where it wants it using the tools that the government had. This included zoning, density bonuses or whatever was available.

Mr. Firestone stated they were going to tackle the LEED certification. It had been a problem for him that it was solely focused on design and landscaping, not on energy efficiency or solar panels. He would like to move in that direction. Mr. Firestone agreed with the Commission being visionary rather than reactive. He thought there should be a plan showing where they wanted to go, possibly different than the Comprehensive Plan. He hoped that they would have an opportunity with the new City Manager to seize on the ideas that had been discussed. Mr. Firestone was not as concerned about over 55 housing as he was about over 25 housing. He felt there was a problem that started with the 25-30-year old people that may want to come and live in Newark but could not afford it. Mr. Firestone thought the University should start going year-round. This would fix the issue of the community being active only seven and a half months out of the year. He pointed out there was a large physical plant that the University owned that was not used much during the summer. He felt it was not sustainable or economical. He thought this would be a win for the University, the faculty and the City. He felt something needed to be done to make Newark more livable. Mr. Firestone would start with getting the parked cars off College Avenue. He thought this was incredibly dangerous. He felt they needed to make it easier to bike. Mr. Firestone felt they needed to find a way to make sure Main Street was not a thruway. There were too many cars driving through. He suggested working with the State and DelDOT to come up with a solution. Mr. Firestone encouraged the members of City Council to attend a Planning Commission meeting.

Ms. Sierer encouraged staff to reach out to the University of Delaware and IPA program to collaborate with them to set up training for the Planning Commission and Council. She thought they would be receptive to doing a Planning 101 or 102 class. Ms. Sierer found it heartening that there was an open discussion at this meeting. She looked forward to a compilation of the ideas coming back to Council on a future agenda for discussion. She thought it would be wise to come up with a timeline and goals. She suggested picking three goals to work on.

Howard Smith wished to add that he had been on the Board of Adjustment briefly and felt that, if he had been able to, he would have been stricter with the variances. He had been told by the City Solicitor that they needed to follow the Kwik Check standard. These were four questions that he felt came down to whether or not a variance harmed anyone. Mr. Smith thought this was abusing the zoning code. Mr. Smith noted everyone said they needed to plan for the future better and be more proactive. He felt that was what the Comprehensive Plan was. He thought the plan had been dismissed. He recalled that there had been many public meetings and presentations to pass this plan. Mr. Smith thought this should be the framework.

5. The meeting adjourned at 8:46 p.m.

Renee K. Bensley, CMC
Director of Legislative Services
City Secretary

/sjc