

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

April 2, 2019

7:00 p.m.

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

Chairman: Alan Silverman

Commissioners Present: Bob Cronin
Will Hurd
Frank McIntosh
Stacy McNatt
Bob Stozek
Tom Wampler

Commissioners Absent: None

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Paul Bilodeau, City Solicitor

Mr. Alan Silverman called the Planning Commission meeting to order at 7:00 p.m.

1. CHAIR’S REMARKS.

Mr. Silverman: The City of Newark Planning Commission meeting for Tuesday, April 2, 2019 will come to order. I would like to take a few moments with the Chair’s opening remarks and thank the Commissioners for the work that we did across the last two Planning Commission meetings. They were rather intense, and things seemed to go rather smoothly.

Also, this evening, we’ve been notified that Frank McIntosh will be leaving the Commission. This is his last meeting. We’d like to recognize his service. Now, Frank has always pushed for time, condensing things, and we had planning a full half-hour presentation but since you’re leaving, you will get the same three minutes that the public gets as far as our attention and recognizing your contribution to the Planning Commission. No, not quite that bad. Mary Ellen, will you take over, please?

Ms. Mary Ellen Gray: Certainly, I’d be happy to. If we could all perhaps get up from our seats and go in front of the dais, please.

Mr. Frank McIntosh: Is that us?

Mr. Silverman: That’s us.

Ms. Gray: Okay, if we could all just gather around. Thank you. We’ve got to be symmetrical.

Mr. Will Hurd: We don’t do this often.

Ms. Gray: Yes, we don’t do this often but that’s okay.

Mr. Paul Bilodeau: They’re going to crop me out anyway.

Ms. Gray: Mike is going to take some pictures and make sure we're all . . . do we all need to squish in? We just got a tutorial on this camera about five minutes ago, so Mike is going to take a couple of pictures.

So, as you all now, Commissioner Frank McIntosh has resigned his Planning Commissioner position effective after this meeting. Planning Chair Silverman and I would like to take a moment to recognize Frank for his service to the City of Newark. We have a certificate if you could hold it up. Okay . . . hold on, there we go. This Certificate of Appreciation is proudly presented to Frank McIntosh in grateful recognition of five years of dedicated service as a member of the Planning Commission. Your contributions to the Commission helped make the City of Newark a better place to live, work, and play. In addition, we are also grateful for the leadership and resolve you brought as Chair to the Parking Subcommittee. Staff is looking forward to implementing the strategies developed by the Parking Subcommittee and ultimately approved by Council. We will miss you, Frank. And we also got you some Newark swag.

Mr. McIntosh: Swag. Oh, I thought you said sweat.

Ms. Gray: Newark swag. And Jennie assures me if it doesn't fit, you can come back for another size.

Mr. McIntosh: Is it a medium?

Ms. Gray: No, I think it's a large or extra-large. I'm not sure. Jennie helped me pick it out.

Mr. Silverman: Our three minutes is about up.

Mr. McIntosh: I think as a Commissioner I get five minutes.

Ms. Gray: Frank, would you like to take this time to say anything?

Mr. McIntosh: Yeah, I guess so. Well, it has been a privilege to serve with all of you and some of the folks that we've said goodbye to in the past. It's important work that we do, and I think we do it reasonably well. I've been pleased to really kind of understand better what the goings-on of the community is. Most of my work in volunteerism has been in education in the past, so this is really my first public service kind of activity, and I certainly enjoyed every moment of it, just about. So, I thank you all for the service that you brought to the City and continue doing your work. From my perspective, we have a great city and it's going to get greater, and a lot of that's going to be up to the people that are left here. So, do a good job. I'll watch you from afar, but always with interest. So, thanks.

Mr. Silverman: Thank you.

Ms. Gray: Thank you, Frank. Are we going to do one more picture?

Mr. Mike Fortner: Alright, now let's do a group shot.

Mr. McIntosh: Now all of a sudden, he's Mr. Camera.

Mr. Fortner: Alright, one, two, three. One, two three. Thank you.

Mr. Silverman: Notice he reverted to low-tech.

Mr. Bilodeau: Frank, would you like one of these, too?

Mr. McIntosh: Oh geez, yeah.

Ms. Gray: Oh, we could give you a memorial magnifying glass if you'd like.

Mr. McIntosh: A memorial magnifying glass, yeah.

Ms. Gray: It's not emblazoned though.

Mr. McIntosh: What's in the drawer?

Mr. Mark Morehead: That's my drawer.

Ms. Gray: That's your drawer. Does it have your name on it? Just saying.

Mr. Morehead: It's my stuff.

Mr. McIntosh: Is this your drawer?

Mr. Morehead: It is.

Ms. Gray: It's your stuff.

Mr. McIntosh: You need to put better stuff in here.

Ms. Silverman: Frank, now that you've peeked in the drawer, we're going to have to ask you to leave.

Mr. McIntosh: Okay. No, I'm not. I'll leave at 9:00.

2. THE MINUTES OF THE MARCH 5, 2019 PLANNING COMMISSION MEETING.

Mr. Silverman: Moving on to Item 2 on our agenda. The minutes have been posted on the website and they've been distributed to the Commissioners. Madam Secretary, do we have any additions or corrections?

Ms. Michelle Vispi: No.

Mr. Silverman: Okay, are there any additions or corrections from the Commissioners? If there are no objections, the minutes for the March 5, 2019 meeting stand approved.

THE MINUTES OF THE MARCH 5, 2019 PLANNING COMMISSION MEETING ARE APPROVED.

3. DEBRIEF ON FOCUS AREAS STATUS.

Mr. Silverman: Item 3 on our agenda, Focus Areas. Madam Director?

Ms. Gray: Thank you, Mr. Chair. This agenda item will be brief. I just want to take a couple of minutes to update the Planning Commission on this effort.

[Secretary's Note: A link to the Planning and Development Department memorandum for Focus Areas can be found at the end of this document.]

Ms. Gray: Per the discussion of the February 5, 2019 meeting, staff submitted the proposed amendments to the Comprehensive Development Plan V regarding the Focus Areas to the Office of State Planning through their Preliminary Land Use Service for their review. This proposed amendment was an agenda item at the March 27, 2019 Preliminary Land Use Service, otherwise known as PLUS, meeting. They have a monthly meeting to review plans. This proposed amendment was positively received.

By way of background, the Preliminary Land Use Service is, here again, a monthly meeting run by the Office of State Planning and, based on your Memorandum of Understanding that the municipality of the City of Newark specifically has with the Office of State Planning, certain

agenda items are reviewed. In other jurisdictions, many more are reviewed, but given our size, not many items are officially reviewed by the Preliminary Land Use Service. Comp Plan amendments usually aren't officially reviewed. Certainly, a Comp Plan revision is required to be reviewed by them, but we wanted to run this proposed amendment by them, even though it's not required, for their review and input. We thought it would be helpful to have their thoughts on it. And this group is all the state agencies who touch land use and they officially submit their comments after the meeting, about a month after said meeting. So, we are, once we receive those comments, then our plan . . . I'm sorry, did I mention that the plan was positively received, and they were maybe even a little bit excited about it. So, after we receive the official letter, we will schedule the proposed amendment on the next feasible Council agenda for their review and approval. Any questions?

Mr. Silverman: Questions?

Mr. Hurd: I had some comments about the formatting of this new section of the focus areas. Did we have a chance to look at, to see that revised, formatted the way that we had been discussing before it goes to Council?

Ms. Gray: If that's the pleasure of the Commission, sure.

Ms. Hurd: Because I think we can make it a little clearer to understand, making the maps bigger and full-page, and that kind of stuff.

Mr. Silverman: Also, I have a comment with respect to what's on page 129, Draft 2, February 3 of this year. There is still a reference to New Center Village Community.

Ms. Gray: Okay.

Mr. Silverman: My recollection is that we had changed the wording on that to give it a more geographic identifier. Plus, the term village creates an image of a village as opposed to whatever the focus area we'll morph into naturally.

Mr. Hurd: Did we settle on a name or did we just . . . because one option would be to say something like the New and Center Street Community.

Ms. Stacy McNatt: I'm pretty sure that's what we discussed. And there were several comments, I think there were a couple of other comments that I can't remember off the top of my head right now that we discussed at the meeting, I don't know, I guess three meetings ago that don't seem to be incorporated.

Mr. Fortner: Mr. Chairman, this isn't the latest draft.

Ms. Gray: Oh, my apologies. I attached the wrong draft to it. I apologize.

Mr. Fortner: There is purple writing and that would have all been corrected. And I did change it to New Center, Center Street Community. I think it's the New Center Street Community is what it is. So, that's been changed, and we'll email you out the . . .

Mr. Hurd: Okay.

Ms. Gray: My apologies for that. When I sent out the agenda, I attached the previous wording to that. But if it's the pleasure of the Commission to bring it back to the next meeting for a final look-see, then that would be fine.

Mr. Silverman: Please.

Mr. Hurd: I guess, I mean is it permissible if you email us the revised, updated version and if we have no issue with it, does it, I mean could we on the basis of that email decide whether it goes into the agenda or if we have no issue, it can proceed? Or does that count as a vote of the Commission?

Mr. Silverman: I'm going to refer back to our attorney.

Ms. Gray: I'm thinking that would be a discussion and that would have to come back to the Commission.

Mr. Hurd: Okay.

Ms. Gray: Is that . . . would you concur with that, Mr. Bilodeau?

Mr. Bilodeau: That's where I was going.

Ms. Gray: Okay.

Mr. Bilodeau: I think we need to take another look at this as a group.

Ms. Gray: So, we can schedule it for the May Planning Commission meeting.

Mr. Silverman: The Chair recognizes the Councilman.

Mr. Morehead: Mark Morehead, District 1. Did I understand that something has been submitted for the PLUS review already?

Ms. Gray: Yes, for their review. As I indicated, it's not required to go to them for this type of amendment, but we thought it prudent to get their thoughts and input on it first.

Mr. Morehead: My question is, which draft has gone?

Ms. Gray: The draft that Mike corrected.

Mr. Fortner: The correct draft.

Ms. Gray: Yes.

Mr. Silverman: So, the copy we have in the packet is an error, but the draft as approved by the Commission at the last meeting was submitted as part of the PLUS package?

Ms. Gray: Yes, we had made revisions. The draft that was attached as a courtesy to the Planning Commission for tonight's meeting as a refresher was the draft that we had sent out to you all for comment. And then Mike had made the revisions and sent that to PLUS.

Mr. Silverman: So, staff is clear on the desire of the Commission for the next meeting?

Ms. Gray: Yes. So, the discussion is that you would like to see the final draft to comment on before it goes to City Council, and you'll also have the PLUS comments, as well.

Mr. Silverman: That's the consensus of the Commissioners.

Ms. Gray: Okay.

4. REVIEW AND CONSIDERATION OF POTENTIAL CHANGES TO PLANNING COMMISSION RULES OF PROCEDURE.

Mr. Silverman: Okay, moving on to Item 4 on our agenda.

Ms. Gray: Alright, that's me, as well, Mr. Chair. This is the review and consideration of potential changes to the Planning Commission Rules of Procedure.

[Secretary's Note: A link to the Planning and Development Department memorandum regarding potential changes to the Planning Commission Rules of Procedure can be found at the end of this document.]

Ms. Gray: Per the discussion at the February 3 Planning Commission meeting, Planning staff has proposed some suggested changes to the Planning Commission Rules of Procedure for discussion this evening. The suggested changes include adding language regarding the public comment, the discretion of the Chair to allow a longer time limit for public comment, and under additional items, a note that a tied motion is a failed motion, annotate the agenda to discern discussion, action, or informational items, and to move the start time to 6:30 for full agendas, in consultation with the meeting Chair, sorry, with the Planning Commission Chair.

Mr. Silverman: Okay, discussion?

Mr. Hurd: Is the preliminary, your introductory comments part of this, as well?

Mr. Silverman: Yes, it is.

Mr. Hurd: Okay. Bob, do you want to go first?

Mr. Bob Stozek: No, go ahead.

Mr. Hurd: I had some thoughts going on sort of our experience with spending a year or so with this. I think my first one is that I would support changing the public comment to a default of five minutes, with the discretion of the Chair or the Commission to move it back to three, rather than a discretionary extension. I think what I'm seeing is that three minutes doesn't really give enough time. I think five is a better number that we could pull back if we need to when we've got a full house.

Mr. Silverman: Okay, let's just deal with that one particular item, unless I'm breaking your train of thought.

Mr. Hurd: No.

Mr. Silverman: Discussion, Commissioners?

Ms. McNatt: I support the thought. I think we've had that discussion that three minutes is too short and that the five gives someone the opportunity to propose or discuss their full ideas at the podium.

Mr. Silverman: Okay, I see heads nodding. Consensus on this?

Mr. Stozek: I agree.

Mr. Silverman: Okay. Regularly five minutes with the discretion of the Chair to pull it back to three depending on the demands of the meeting. Okay, your next item?

Ms. Gray: I want to make sure I get the language correct, if I may please take a moment . . .

Mr. Bob Cronin: Before the language, one suggestion. Instead of five back to three, five back to not less than three. If you wanted to go to four, given what's on the agenda, why not?

Mr. Silverman: Okay.

Mr. Cronin: Okay? It doesn't have to five to three, it could be five to not less than three.

Mr. Silverman: Okay.

Ms. McNatt: And I don't think it has to just be done at the beginning of the meeting. I think it can be done before any agenda item. I think that's what you were describing.

Mr. Hurd: Oh, yeah, that's true. We could do that. That would make sense because I think some agenda items could warrant a longer period and some, you know, larger, some applications we'd want to keep it short and keep it moving, and we might need to say for this one, it's three, and for this one it's five. I don't want to get too confusing, but I think you're right. I think that an item-by-item decision would make sense to me.

Mr. Silverman: Madam Director, do you have that?

Ms. Gray: So, I have the . . . okay, so each person providing oral comments shall be allotted five minutes per person unless a shorter time limit is permitted by the Chair. Unless a shorter time limit is . . .

Mr. Hurd: Proposed?

Ms. Gray: Is . . .

Mr. Cronin: Is determined by the Chair.

Ms. Gray: Is determined. Okay, thank you.

Mr. Cronin: You said each person. I think it's each member of the public, isn't it, that's speaking?

Mr. Hurd: Yes.

Mr. Cronin: Not the person being Commissioners, but each member of the public.

Ms. McNatt: It's under the section called Public Comment, so I don't know if that matters or not.

Ms. Gray: So, on the second line you wanted to leave it, so it would just read, each person providing oral comment shall be allotted five minutes per person unless a shorter time limit is determined by the Chair.

Mr. Cronin: Not less than three minutes.

Mr. Hurd: Yeah, good point.

Ms. Gray: Shall be allotted what?

Mr. Cronin: Not less than three minutes. The Chair can't go below three.

Ms. Gray: Okay, I'm confused. So, each person providing oral comments shall be allotted five minutes per person unless a shorter time limit is . . .

Ms. McNatt: Of not less than three minutes.

Ms. Gray: Thank you.

Mr. Silverman: Of not less than three minutes.

Ms. Gray: Okay. Thank you.

Mr. Silverman: Your next item, Will?

Mr. Hurd: We've got in here that the Chair may add public comment to the end of the agenda and I think that we've seen, at least it seems that we've discussed back and forth, I wouldn't mind, I mean I would support a standing agenda item at the end of public comment.

Mr. Silverman: I think we've morphed into that so maybe we just need to eliminate that provision.

Mr. Hurd: Okay.

Ms. Gray: I'm sorry, what provision are we eliminating?

Mr. Hurd: So, under Additional Items it says the Chair may add public comment specific to the work to the end of the agenda. I would rather see that as a standing agenda item than as a discretionary item.

Mr. Silverman: We have added that.

Mr. Hurd: Okay, then I think we can strike that whole sentence then.

Ms. Gray: So, we're striking #1 under Additional Items?

Mr. Hurd: But leaving the section on public comment is limited to, you know, five minutes per person.

Ms. Gray: So, I got that but we're eliminating under Additional Items, #1, those two sentences, the Chair . . .

Mr. Hurd: Just the first sentence.

Ms. Gray: But then it doesn't make sense if you're just saying public comment is limited to three minutes per person.

Mr. Hurd: Well, it makes sense in some ways because there isn't any other spot in this document where it talks about the time limit for public comment.

Ms. Gray: Well, we just changed it to five minutes under Public Comment.

Mr. Hurd: Oh, okay, I'm good. Okay.

Ms. McNatt: That needs to change to five minutes.

Mr. Hurd: So, it would still be under . . . well then that falls under the section for Public Comment.

Mr. Silverman: Public comment.

Mr. Hurd: Yeah, so we're striking all of #1. I'm sorry.

Ms. Gray: Thank you.

Mr. Hurd: I had a question, Commissioner comments, doesn't that kind of fall under the area of New Business, where we would bring up items that we wish to discuss in the future? Or were we thinking that Commissioner comments is a separate kind of item?

Ms. Gray: I believe the discussion regarding the Chair may add Commissioners' comments to the end of the agenda was relating to any item not on the agenda.

Mr. Hurd: That would be new business then. We can't just go adding agenda items.

Ms. Gray: Correct.

Mr. Hurd: So, I think the way we've got it now where we've got New Business and Public Comment as standing items, I don't know if we need #2 anymore.

Mr. Silverman: Remember this is more than a year old . . .

Mr. Hurd: No, I understand that.

Mr. Silverman: So, we've morphed into a lot of these. We formalized them.

Ms. Gray: Okay, so we're deleting that?

Mr. Hurd: Well, that's my suggestion. I'm not . . . you can look around the table and see if that works.

Mr. Silverman: Consensus on the proposal on those deletions with respect to the Chair having discretion on public comment and your last statement.

Mr. Hurd: The Commissioner comments would be part of the New Business agenda item.

Mr. Silverman: Yes.

Ms. McNatt: Do we have to say that anywhere or is it understood?

Ms. Gray: It's not specifically listed on our agenda right now.

Ms. McNatt: So, do we have to add it, or do we have to include it in this document to make sure that it remains on the process?

Mr. Silverman: Is it easier to include it as part of the agenda, kind of paralleling what City Council does?

Ms. McNatt: Are you asking me?

Mr. Silverman: No, that's just an open question.

Ms. McNatt: Oh.

Mr. Hurd: I don't know. I mean I don't know if we should have a section here, and I mean I'm not trying to rewrite this whole thing, but do we want to have a section of, essentially, the standard agenda items that we carry with us from meeting to meeting so that we have that sort of institutional memory in here. Or do we just go by the last agenda and just say, you know . . . do you see what I'm saying?

Mr. Silverman: Do you want to hold that for your recommendations on an annotated agenda?

Mr. Hurd: No, because it's not really part of that. It's saying, you know, we have a standard agenda format which would be Chair's remarks, approval of the minutes, items for consideration by the Commission, new business, informational items, and public comment. So, it's sort of we have three in the beginning and three at the end that are sort of fixed and in the middle is everything else. So, it may be useful if we're going to have these sorts of rules to take that kind of outline, put it into the document and just go our standard agenda format is this, so that we get it documented.

Mr. Silverman: I see some heads bobbing. Mr. Cronin?

Mr. Cronin: Yes, Mr. Chairman. I think if we're going to have a public comment option at the end of the meeting, I think it's appropriate to follow that with any Commissioners' comments.

Ms. McNatt: You mean like add an extra . . .

Mr. Cronin: Yeah, an extra agenda item.

Ms. McNatt: A final . . .

Mr. Silverman: Okay, so we're standardizing the agenda to include Commissioner comments?

Mr. Hurd: Okay.

Ms. McNatt: That's fine. I mean I think that's a reasonable . . .

Mr. Silverman: Consensus on that?

Mr. Tom Wampler: Your comments that it would parallel what Council does was the way that I was reading it. There are frequently times when I think people who are on a body notice something they want to bring up to peoples' attention that may not be pertinent to any of the items on the agenda, and if there's a time when people sitting here can introduce something for consideration that's not on the agenda, I think that's useful.

Mr. Silverman: I think you just hit on a key point and I'm looking over at our legal counsel. Items of consideration but not for discussion since they have not been advertised, correct?

Mr. Bilodeau: Right, you can't have discussion on it.

Ms. Gray: Right, which was the . . .

Mr. Silverman: So, we all understand that?

Mr. Hurd: Yes.

Ms. McNatt: But I like Commissioner Hurd's idea of providing a standard agenda outline that we consistently follow so that anybody besides us knows what to do in the future.

Mr. Silverman: Okay, we'll ask the staff to work on that piece.

Mr. Hurd: I'm going to skip over the one on ties for a moment just because I think that's going to be a longer conversation. I'm in agreement on item 4 because I was the one who suggested it. But I would probably change the words. If you're going to say discussion and action, I would say information as opposed to informational, just to keep the sort of tense of the words the same. And then I would say I would not be in support of moving the start time earlier. One, I think it's slightly inconvenient and, two, I think we did hear some public comment that said jumping that time around when everyone has been sort of conditioned for it being a particular time. If anything, we would maybe have a, it would be the Chair's discretion to essentially warn the Commission ahead of time and say this one might go to 9:30 easy. Just sort of be prepared for it to go a little longer as opposed to try to pull back the start time.

Mr. Silverman: Yeah, it's on the list because that's one of the ideas that was thrown out.

Mr. Hurd: Yeah.

Mr. Silverman: And the Commissioners, have you had time to consider the 6:30 start. Is there any other discussion on that?

Ms. McNatt: I support what Commissioner Hurd stated because we heard public comment that said don't change it.

Mr. Stozek: Yeah, I agree with Will.

Mr. Silverman: And I agree. Public comment was opposed. So, let's delete that recommendation on page 3, #5.

Ms. Gray: And, Mr. Chair, could we go back? Commissioner Hurd, when you were talking about, can you please review the informational versus information tense. Where are you on that?

Mr. Hurd: So, when I'm reading this I see discussion, action, and information as sort active verbs or active things as opposed to informational which I think sits as a different . . . it's not tense, that's not the right word but . . .

Ms. Gray: Okay, got it.

Mr. Silverman: Cleaning up the language.

Ms. Gray: Thank you.

Mr. Hurd: It's not the right word there. Not the right format.

Mr. Silverman: Okay, so should we go back to the . . .

Mr. Hurd: Issue of ties?

Mr. Silverman: Yes.

Ms. McNatt: Yeah.

Mr. Hurd: Yeah.

Mr. Silverman: Referring to page 3, Additional Items, item #3.

Ms. McNatt: Well, my question is, is that something we have to say or is this not standard in any body that goes to a tie?

Mr. Wampler: I thought it was standard.

Ms. McNatt: I thought so, too, so why do we . . .

Mr. Hurd: [inaudible]

Ms. McNatt: I don't know the answer to that.

Mr. Silverman: We deliberately chose not to adopt Robert's Rules, all 600 pages of them. Robert's Rules is very specific on a tie. There seems to be a consensus and I'll ask for a legal comment on this, but generally speaking, a tie is a failed vote.

Mr. Bilodeau: The motion fails if it's a tie vote.

Mr. Silverman: Okay.

Ms. McNatt: Even outside of Robert's Rules.

Mr. Silverman: Generally, outside of Robert's Rules.

Mr. Hurd: Yeah, what I saw in my brief trying to figure out sort of how other people do this and I did find one court opinion on this that essentially said, and it doesn't quite fit us, but because, the wording of the code around it was that the commission now has to basically, a recommendation is a majority vote, for instance a recommendation for it. So, if it's not a majority vote, therefore it's a tie, it's not a recommendation either way. What they sort of say is that, you know, a tie means, basically the item can be approved, it can fail, or it can be no recommendation with a tie, is one interpretation. And the other is to say essentially no recommendation means it failed.

Mr. Silverman: I lean toward the no recommendation.

Mr. Hurd: Well, I do too for a few. I think that our previous situation where we ran into this was a situation where we had a sequential set of recommendations. So, we had a rezoning followed by a Comp Plan amendment followed by a, I think it was probably site plan approval. And in that case, the Comp Plan amendment depended on the rezoning and site plan approval depended on the Comp Plan amendment. And when the rezoning tied, essentially there's no recommendation to move forward and we had to stop it at that point. I think we stopped it at that point because we were uncertain about whether that was what we should be doing. So, I think in those situations where it is a sequential set of recommendations that, you know, because without the approval on the zoning, the Comp Plan amendment didn't make sense. But I think there's like last month's, we had three individual, essentially, items. We had a site plan approval, we had a parking waiver, and we had a special use permit. And I think in that situation we can consider all three of those individually because they weren't dependent on the other. So, in that case you could say there's no recommendation on the first two, the first one and the last one, and we had a majority vote on the middle one. And that, I think, could move forward and not say that it's a failed vote. To my mind, I don't see it as easy as just saying a tie is a fail. I see it as saying for certain items, a tie can't move forward and for other items a tie can move forward.

Ms. Gray: Mr. Chair? Commissioner Hurd, I don't believe that if the motion fails, that it doesn't move forward. It just would move forward with a failed motion. It doesn't mean just because it, in my mind and I'll defer to our solicitor here if I'm going far afield, but the Planning Commission in the City of Newark makes recommendations to Council. And if a motion fails, that doesn't mean you can't move on and there's three motions you're looking at for a land development, it doesn't mean you don't move on to the next two and make a recommendation on that. It just means that that particular recommendation, or perhaps all three, would fail and so it would move forward with a failed motion.

Ms. McNatt: Wouldn't that just be moving forward with a negative recommendation?

Ms. Gray: I think we're getting caught up in nomenclature. This is nomenclature that I defer to legal counsel that we understand we should be using instead of saying it's tied or failed.

Mr. Bilodeau: I would say that you say the motion failed and I think kind of implicit in that is if you had, we don't do negative motions, but if there was a motion to deny it, that would've failed too by the same vote. So, you say the motion has failed but I think implicit in that is that it's a neutral recommendation. I don't think you say that the Planning Commission is against this application.

Mr. Silverman: And one of the things we do, we include with our statement the vote count. You know, something that fails 6-0 is much different in my mind than something that you described as neutral is 3-3 and the Commission is split.

Mr. Bilodeau: Now, if it was a Council vote on an application that was a 3-3 vote, then the application would fail because there they're making a decision on the application.

Mr. Silverman: As opposed to our recommendation.

Mr. Bilodeau: As opposed to a recommendation.

Mr. Silverman: Okay.

Mr. Hurd: So, I guess my concern still, and maybe I'm just not seeing the whole picture on this, but in the one case we had where we had the rezoning going to the Comp Plan amendment, my recollection, and to me at least looking at it now, there would be confusion in my mind if the rezoning essentially tied. So, we're saying the approval for the rezoning failed. As I'm now considering the Comp Plan amendment, what zoning am I considering that Comp Plan amendment under? Because in my mind you'd have to have the approval of the rezoning to say it went from RM to RA, say.

Mr. Bilodeau: Actually, you'd have a vote on the Comp Plan first.

Ms. Gray: But Commissioner Hurd, you're making a recommendation so it's not a, as with Council, you're not making a final vote. So, if you recommend that, you're recommending not rezoning or if the first vote is for a Comp Plan, you'd recommend no for that.

Mr. Silverman: It's the difference between Council's legislative authority and our recommendation, our recommending authority.

Ms. Gray: Yes.

Mr. Hurd: Okay, then maybe in my mind if we ever end up in that spot again, we may have to make it clear in our motion what zoning we are foreseeing . . . because I'm pretty sure it was a rezoning before a Comp Plan amendment in that issue, that situation.

Ms. McNatt: This meeting?

Mr. Hurd: No, no, it was like last year. It was before . . .

Ms. Gray: It was before me.

Mr. Hurd: It was before we started having Paul, it was why we started having Paul here.

Ms. Gray: Right, so that was before me. That was farther back than last year.

Mr. Hurd: Yeah, because then you have to sort of go am I voting for this Comp Plan amendment with this zoning being one of them or the other one in my mind, because you might say, yes, if this is an RA-zoned property, I approve this amendment. If it's still the RM property, I don't.

Ms. McNatt: Can you change the language just to say a positive recommendation requires a majority vote from the Planning Commission?

Mr. Silverman: Well we either recommend for or against.

Ms. McNatt: Correct, so you have to . . .

Mr. Stozek: They all have some connotation.

Ms. McNatt: Right, so you have to say, in my thought process, to be a positive recommendation, you have to have a majority vote. We don't have to use the word failed, we just have to say, in my thought process, if there's not a majority vote, it's not a positive recommendation. If it's going to go forward anyway, right, to Council, they'll just know that it was either a tie or less than a tie.

Ms. Gray: I'm looking to Counsel here. It's my understanding that the language to be used is motion fails. So, I'd be happy to see if that other change would be acceptable. We can certainly add language in there that a majority vote is required for a positive recommendation and should the motion end in a tie, then the motion fails.

Mr. Hurd: Most of our motions are generally, the recommendations that come to us are positive generally. So, our motions are generally for approval of the . . .

Ms. McNatt: Recommendation . . .

Mr. Hurd: I mean I like saying and I know others have said this too, that a positive approval requires a majority vote.

Ms. Gray: Okay.

Mr. Hurd: And so, once you say that, then you say that means ties don't count. Ties don't have a positive approval because they're not a majority.

Mr. Silverman: Counsel, can that be implied or inferred, whichever is the . . .

Mr. Bilodeau: I think we might as well just put it in there.

Mr. Hurd: Might as well say it? Okay.

Mr. Bilodeau: Just say it right after the negative, or a tie vote is motion fails but you need a majority on a motion for something for a positive recommendation. Might as well put it all in there.

Mr. Silverman: Let's give Mary Ellen a moment to capture that.

Ms. Gray: I've already got it. A positive recommendation requires a majority vote. In the event the Planning Commission motions ends in a tie, the motion fails.

Mr. Silverman: Okay.

Ms. Gray: Great. Thank you. Oh, we have public comment.

Mr. Silverman: Is there a problem taking questions from the floor to help clarify this?

Ms. McNatt: It's an agenda item. He has the ability to speak, correct? Public comment.

Mr. Silverman: Yes. Please identify yourself.

Mr. Michael Hoffman: That was my question. Michael Hoffman, member of the public, Silverside Road, Wilmington. The only reconsideration of the Planning Commission, if you are going to take the affirmative step at adding a majority requirement, I would recommend that you identify a majority of what. So, if it is a majority of a quorum or a majority of the body, otherwise it's going to lead to some ambiguity in terms of what the majority is for.

Mr. Silverman: Well we have to have a quorum in order to make a recommendation. We have to have a quorum in order to hold a meeting and make a recommendation.

Mr. Hurd: Right, but he's right. Because if we said a majority of the body, that means four votes is required for approval. If there are five of us here, three votes are a majority of the quorum, which is different, which is not four.

Mr. Silverman: Point taken.

Mr. Hurd: I would go with majority of the quorum.

Mr. Silverman: Frank?

Mr. McIntosh: May I make a comment because I really prepared for this and then I had to leave. Excuse me, I stole my son-in-law's keys, so he wants to go home with his kids tonight, so I said okay. Anyway, I too was concerned about the word failure in there. I called a friend of mine who happens to be an attorney, and a pretty good one, and asked him what his opinion on this was. And he said exactly what has been said. And so, it does fail by not getting a majority. And he also said that you could put clarifying language in your constitution, if you will, in the way that, which we're doing right now. So, as much as I didn't like his answer, which often happens with me and him, I just thought I'd pass that along. And then after that I realized that, you know, there's nothing you can do about it so just go ahead.

Mr. Silverman: Okay.

Ms. McNatt: Ms. White wants to . . .

Mr. Silverman: Ms. White?

Ms. Jean White: Jean White, District 1. First of all, I'm clarifying that you decided not to move, allow the meetings to be at 6:30. Is that right?

Mr. Silverman: That's correct. We are striking that.

Ms. White: And in terms of your most recent discussion on this, I agree with what the City Solicitor and the Planning Director said that a tie vote fails. But of course, this body is advisory, so it can go on. I mean I can think of a couple of cases where the situation before the Planning Commission was 2-4 so basically it failed, four against and two for, but it still moved on to Council and then was approved by Council. So, whether it fails by a tie vote or fails by a majority vote, it still can move on to Council and Council can do what they do there.

Mr. Silverman: Good point. It's consistent.

Ms. White: Consistent, right. And I think it's also important to be consistent with what Council does, which is a tie vote would fail. And this is a minor thing, it's very minor, but under Additional Items, the Chair may add public comment specific to the work of the Planning Commission to the end of the agenda. Well, basically everything on the agenda is work of the Planning Commission, so this could have been read, although I know you don't mean it that way, that all public comment, not just for each individual item, be put at the end. And so, I was wondering if you could say the Chair may add general public comment or something like that. Just to show that we're talking about other things than just, you now, item 1, 2, 3, 4 on the agenda. I don't know if anybody understands what I'm trying to say.

Ms. McNatt: I think we recommended to remove all of #1, correct?

Mr. Hurd: We did.

Ms. White: Because under Additional, #1 . . .

Mr. Hurd: We removed the discretionary nature of adding public comment and just made it a standing agenda item.

Ms. White: Something so that it's not talking about the public comment for, you know, all the other things that are on the agenda.

Mr. Silverman: As we've evolved in changing the agenda, we're striking that and making it a standard part of the agenda.

Ms. White: Okay. Okay, so you're putting something about . . . okay, thank you.

Ms. McNatt: Did we decide if we're doing a majority of the quorum?

Ms. Gray: The language I have is a positive recommendation requires a majority vote of the quorum. In the event the Planning Commission vote ends in a tie, the motion fails.

Ms. McNatt: Thank you.

Ms. Gray: You're welcome.

Mr. Hurd: And are we putting this in Item 8 under the Legal Authority because that's essentially where we were talking about making recommendations?

Ms. Gray: I had it under Additional Items, but do you want to move it?

Mr. Hurd: It seems to make sense to put it in the item that talks about making, the one that talks about the recommendations and parking waivers unless it needs, I mean I don't know if it needs its own . . .

Ms. McNatt: I don't know either way. As long as it's in there.

Mr. Hurd: Yeah. But we do need to make sure that we talk about the vote for recommendations and the vote for the parking waivers because parking waivers especially we're going to need to be clear about approvals and majority and rejections and a tie or less.

Mr. Silverman: Do the Commissioners understand the subtlety that's here? The parking waiver is one of the, I believe is the only thing in Code where we have absolute authority that does not appear before Council, so it needs to be handled very carefully. It's not a recommendation, it's actually a quasi-legislative decision.

Mr. Hurd: Right.

Mr. Silverman: Okay, is there any more discussion?

Mr. Bilodeau: I just wanted to make sure, I just got a question that Mr. Cronin answered, but for instance tonight we've got all seven Commissioners, so we're a quorum tonight of seven. When we say a majority of the quorum, then tonight it would be four. I mean this quorum needs a minimum of four, so . . .

Mr. Hurd: Do we need to say members present?

Mr. Wampler: I think we do because my understanding is that because we are seven members, we can't have a meeting with fewer than four, but if a quorum is four and there are seven here, and it's a majority of the quorum, that would mean that things could pass with three votes.

Mr. Bilodeau: Right.

Mr. Wampler: And that's not what we intend, I don't think.

Mr. Silverman: That's correct.

Mr. Hurd: Yes.

Mr. Wampler: It should be of members present, not of the quorum.

Ms. Gray: How about, yeah, a majority vote of the members present?

Mr. Wampler: Yeah.

Ms. Gray: Thank you.

Mr. Silverman: That was brought up and I think just got lost in getting into the final draft.

Mr. Hurd: Yeah, well when I said quorum, I meant the quorum as in the members attending. But you're right that a quorum is a defined number.

Mr. Silverman: It is persons present. Any other thoughts from the Commissioners?

Mr. Stozek: I had one other question for clarification. On the front page, #2, it says the proponent will be allotted 15 minutes for the presentation. And then #3 says the Commission may ask questions of the proponent or the staff. Do they have to hold the questions until the presentation is over or can they ask questions during the presentation?

Mr. Silverman: Okay, that's one of the things that I want to discuss under a format and that may be a very good segue. Are we finished with the document labeled pages 1 through 3, titled April 1, 2019?

Mr. Hurd: The only thing I'll add, just because Item 4 under Additional Items, since this was something I added I wanted to be sure that people understood what the intention of that, of flagging the different agenda items was. The point of it is just because it's come up before, there are items that we're considering at the table or discussing that aren't actually for approval and don't have associated public comment like staff reports or some things. And so, the point of this was to show which things were under discussion, which things are for action, you know, votes of approval and such, and which things are simply informational items that we're kind of receiving. We may be asking some general questions about them but it's not an open item for public comment because it's an internal or informational item.

Mr. Silverman: So, these would be actual headings that would appear on the agenda?

Mr. Hurd: Yes, the other board I'm on that does this, it's attached to the end of the agenda item.

Ms. Gray: Right, it's in italics or something, or parentheses.

Mr. Hurd: Right. So, like the debrief on focus area status could have been flagged as like an informational item with staff simply saying we presented this to the PLUS committee, it's come back and we're going to keep moving on. We could ask a couple of questions like this doesn't look like the one we approved and then it's sort of an informational one. What we're doing here is a discussion, and then we have an application for site plan approval, that's an action item.

Mr. Silverman: Okay, moving into the area where Mr. Stozek had a question, I drafted what I'm going to give to the group for discussion which I believe may give some direction and shape to our hearings where there may be a contentious item or very complicated item before us. We kind of field tested this as a group and I took the lead on that with the last two public hearings we had, laying out and reflecting the ground rules that are in our Rules of Procedure. I've gotten some positive feedback from applicants and other professionals. I have not heard anything negative in the sense of laying out how to get from point A to point B, the expectations of the applicant, the participation of the public, and the Planning Commission members.

[Secretary's Note: A link to Planning Commission Chairman Silverman's document regarding an introductory statement to Planning Commission meetings can be found at the end of this document.]

Mr. Silverman: With respect to Mr. Stozek's question, before the two major meetings that we had, we often had the Planning Commissioners ask questions of the Director when the Director gave her report, ask questions of the applicant. We had the public speak in a different order and there was a lot of give-and-take back and forth. Given the complexity of the previous two meetings, I deviated from that and what I've done is I've reflected what I think has worked out to be fairly profitable from both the Commission's time, the applicant's time, and public participation, a profitable way to move through particularly public questioning. And the key here was having the Director make an introductory presentation, the applicant make their presentation, the public make their comments with respect to the presentation, and then having interaction between the Commissioners and the applicant in dealing with the Director's report and public comment, and then any questions that we the Commissioners may have. So, the Commissioners have the benefit of hearing the public comments to include or explore in our questioning. There is, on line 17, there was a question that came up with respect to street address. There was some discussion as to how that might be handled with respect to privacy issues and some issues that have been raised by the public, and I'd like to add after the word address or council district as something that was discussed. Also, this was reviewed by our attorney and with respect to page 2, line 37, we added at our attorney's recommendation, to this draft, the Commission may table or postpone its decision or recommendations until the next Planning Commission hearing in the following month. That gets to some of the discussion we've had at the table before that if the Commissioners are requesting a significant piece of information or maybe the applicant in response to questions from the Commissioners or questions raised by the public wants to bring forth additional information, that we have the ability to table our decision until the next meeting.

Now, this statement as it's drafted would be read by the Chair at the beginning of the meeting as the introduction to the meeting, just kind of laying out everything.

Ms. McNatt: Every meeting?

Mr. Silverman: No, it would not be read at every meeting, where it's appropriate. For example, tonight this would serve no purpose. If we were dealing with a simple annexation for the purpose of connecting to the City sewer, this would serve no purpose. But something as complex as the Green Mansion or some of the Benny Street projects or the 321 Hillside Road that we will be seeing in the future, where there have been public meetings beforehand, a lot of publicity and a lot of interest, members of the public are here, some for the first time, this would give them an idea of expectations.

Ms. McNatt: Does this get added to the Rules of Procedure?

Mr. Silverman: That's one of the things I wanted to ask. This may be an addition to the Rules of Procedure. In talking with the Director, this may become part of the website dealing with the Planning Commission, so the information is out there. It's particularly valuable for the public to give them an idea of how they fit into the process.

Ms. McNatt: There are some things that need to be revised in the body.

Mr. Silverman: That's fine. This is, sometimes I have trouble with drafts where I'll read through what I think it says because I've been through it, only all the words aren't there. So, please work on this with respect to clarity.

Mr. McIntosh: Mr. Chairman?

Mr. Silverman: Yes.

Mr. McIntosh: I would recommend instead of reading this that you have it posted and have copies available and that you could make that statement at the beginning of the meeting.

Mr. Silverman: But does that tell someone who is here for the first time . . .

Mr. McIntosh: Well, it would if they read it.

Mr. Silverman: I'm not necessarily making that expectation.

Mr. McIntosh: Well, then they would find out when they got to the podium if they didn't read it.

Mr. Silverman: Okay.

Mr. McIntosh: I'm just saying that's a lot of words and most people are going to know what to do. It just seems to me that you can have this available like we have other material over here and that you suggest that everybody have a copy of that, and that they take a look at it. Particularly if it's a potentially contentious meeting. That's just a suggestion.

Mr. Silverman: Discussion? I, personally, think it has value and sets the tone.

Mr. Hurd: Yeah, I'm okay with reading this prior to, I mean basically it's part of the Chair's remarks, essentially, in terms of timing.

Mr. Silverman: That's correct.

Mr. Hurd: And I think it has, it's useful, especially if we're going to be modifying it, the things that the Chair has discretion over, if we're going to be modifying any of those things, this is the opportunity to talk about which things we're changing. Like, for instance, you could say in the interest of time, we're removing the item about where the Commission asks questions of the proponent or staff and we're moving that to the end. And then everybody would kind of understand that that step has been moved or we're eliminating that and leaving all the questions until the end. It's the time to say what's the time limit. Is it going to be 5 or 3 or 4 or something? But I'm in favor of basically giving the Chair some discretion on when this gets read. But I think reading it gets it to everybody and I think it gives it a little more importance than just sort of a Rules of Procedure paper that they picked up or maybe didn't pick up. This is sort of setting the ground rules, especially when we get a full house of people who rarely come.

I did have a couple of questions between this and our Rules of Procedure. We've got two different points defined as when the hearing is closed. In the introduction it's when all the testimony is done, and we've rendered the decision, it's closed. In our Rules, the hearing is closed when everyone had had an opportunity to speak, which I assume is public comment, although maybe we should clarify that. But it's prior to Commissioners' deliberation.

Mr. Silverman: Actually, the hearing is closed when the gavel comes down and the gavel comes down after the vote.

Mr. Hurd: So, we should update our Rules then.

Mr. Silverman: Yes, because to close a hearing after public comment, that means we haven't taken a vote.

Mr. Hurd: Right.

Mr. Silverman: So, that's something we need to correct.

Mr. Hurd: Yeah.

Mr. Silverman: Mary Ellen, are you with us on that? You have to go back to the previous . . .

Mr. Hurd: So, I think item 5 under Legal Authority, you should probably say when all members of the public have had an opportunity to speak, we usually say we bring it back to the dais or bring it back to the table, but some phrase there that says we are ending the public comment or bringing it back to the table and then . . .

Ms. Gray: Well I . . .

Mr. Hurd: The Commissioners at that point start asking questions and deliberating and such.

Mr. Silverman: We use the word hearing on page, there's no page number . . .

Ms. Gray: Right, #5 under Legal Authority.

Mr. Hurd: Yeah.

Ms. Gray: I believe the intent of that item that reads, when everyone has had an opportunity to speak, the hearing on the item is closed, I believe the intent . . .

Mr. Silverman: Discussion on the item is closed.

Ms. Gray: I believe the intent of that is that the public comment on the hearing, on the item, will be closed.

Mr. Hurd: That's fine. I mean as long as we, I think we should take the word hearing out of there and replace it with . . .

Ms. Gray: Public comment.

Mr. Hurd: Public comment is closed or something like that, but then put that hearing closed item, or do we need . . .

Mr. McIntosh: Mr. Chairman?

Mr. Silverman: Yes?

Mr. McIntosh: In your introduction on line 13 you say there is an expectation of civility and decorum.

Mr. Silverman: Yes.

Mr. McIntosh: In the Rules of Procedure it says all parties to hearings, their counsel, and members of the public shall conduct themselves in a civil manner. It goes on to talk about audience demonstration, applause, cheering, blah blah blah. So, clearly in the Rules of Procedure this is aimed at people appearing before the Commission. Yours is a little bit fuzzy on that but maybe it's purposefully done. It seems to me that everyone that's involved should be held accountable to civility and decorum.

Mr. Silverman: Frank, take me back to the paragraph number you're referring to under Public Comment.

Ms. Gray: Number 7.

Mr. McIntosh: It's #7.

Mr. Silverman: Okay, because it says all parties to the hearing, their counsel, and members of the public. Who is not included?

Mr. McIntosh: Well, I think it's vague. All parties to the hearings. It seems to be all of the language here points at the audience. There should be no audience demonstration, applause, cheering, displaying of signs, blah blah blah, disruptive conduct may be cause to throw you in jail or something, I don't know, including removal . . . that's all there.

Mr. Silverman: We could drop out the audience and just say there shall be no demonstration.

Mr. McIntosh: Well, I think it's . . .

Mr. Silverman: I mean if the applicant's attorney wants to wear a t-shirt . . .

Mr. McIntosh: I couldn't care less about that. I'm talking about civility and decorum, and I'm talking about that that should be practiced by everyone that's in the room, whether they're Commissioners or not.

Mr. Silverman: Discussion?

Ms. McNatt: Do you want the comments on things that need to change, as well?

Mr. Silverman: Within the Rules of Procedure?

Ms. McNatt: This document?

Mr. Silverman: Let's deal with Frank's issue first.

Mr. Hurd: I guess I would say I agree with Frank I'm just not sure how to make the statement broader.

Mr. McIntosh: Well, if you used Alan's statement that there's an expectation of civility and decorum by all present in the room, you know, if you say everyone that's present in the room, then you've captured everyone.

Mr. Hurd: Right.

Mr. McIntosh: In this where it says all parties to hearings, it's really defining people that are in the audience that are coming before the Commission. So, I think that if you say all members of the Commission and public are held to civility and decorum, or something to that effect. I don't want to wordsmith it.

Ms. McNatt: Can you just say all persons present?

Mr. Cronin: All persons present.

Mr. McIntosh: That would work.

Ms. Gray: I'll add it to both the opening statement and to the Rules of Procedure.

Mr. Hurd: I think the opening statement covers it in the general sense unless Frank thinks that it, I mean, I think that if we say an expectation of civility, maybe say civility by all members, by everyone present. Maybe that's the way to add that.

Mr. McIntosh: I just think it's, we should hold ourselves to the same standard that we expect from the audience. Maybe that's the . . .

Mr. Silverman: Point well taken.

Mr. McIntosh: You know, it's not like in Washington where you can get your own health plan, you know? Sorry about that, but I think you know what my point is. And I'd be happy with all present or something like that.

Mr. Silverman: Okay.

Ms. McNatt: In line 31, the word Director of Planning is missing an L.

Mr. Silverman: Yes.

Ms. McNatt: I don't know what she's panning.

Mr. Silverman: When you get old and wear bifocals, things like that happen.

Ms. McNatt: And then line 34, if we're going to change it to five minutes as the standard, we should revise line 34 to say five minutes or reference the language we suggested . . .

Mr. Hurd: Right, because it's possible it could be shorter.

Ms. McNatt: But no less than three.

Mr. Silverman: How about just saying shall be subject to a time limit?

Mr. Hurd: Sure.

Ms. Gray: Where is this?

Mr. Silverman: Line 34.

Ms. Gray: Okay.

Mr. Silverman: Those members of the public wishing to speak shall be subject to a time limit.

Ms. Gray: Okay.

Mr. Hurd: I guess the last thing that I had seen some discussion about is the issue of sworn or affirmed testimony. Have we gotten any direction or leanings on that?

Mr. Silverman: Some background on that. As a semi-academic researcher, I steal from everybody. And this came out of an introductory statement used by another planning commission within the state and I just carried it forward. My thought was, for whatever reason, the Board of Adjustment swears in their people who are testifying, and we don't. And I just put that in there because another Planning Commission from another jurisdiction swears in and I didn't know whether there was any value to it or not.

Mr. Hurd: I guess my first question is, who do we, are we swearing in just the applicant or their representative, or does it include the public for comments?

Mr. Bilodeau: Well, the Board of Adjustment, they swear everybody in. If you go up to the podium, unless you're an attorney, they make you swear in.

Mr. Wampler: But I think most of the public come to give an opinion and I don't know that you can swear to an opinion. I would leave it out.

Mr. Hurd: I mean I would say that I think a number of people that have stood up and they've got documents or they've got, you know, they're talking about facts and figures or other details about the project or their neighborhood or traffic or something. So, I can see some value in

making them essentially affirm that that's accurate. I don't know how to phrase it but, in some way, to say that what they're presenting is accurate and truthful, as far as they know.

Ms. McNatt: Not to go crazy on it, but most people presenting the projects or the information are either typically engineers, architects, or lawyers, and they're already sworn or affirmed by the body that they represent, that they have their licensure under. So, they have to be honest and ethical and all of those things. So, I don't know, does that matter? Do we have to then swear them in again or affirm that they're going to tell the truth? I don't know. I don't think it's necessary in my opinion.

Mr. Silverman: I put that in there and I'm leaning toward it not being necessary. If anything, I don't want it to have a chilling effect on somebody who says, well I don't have the exact counted number of trucks that are on my street, but I'd like to talk about the heavy truck traffic and how this is going to contribute to more truck traffic. So, do we have a consensus to just eliminate the whole idea of sworn testimony?

Mr. Stozek: Yeah.

Mr. Silverman: Okay, we do. Let's drop it out of the draft. Any other thoughts or ideas?

Mr. Stozek: Yeah, I go back to my original question that started this discussion. Now that we've changed the order, okay, and so the applicant gives a 15-minute presentation, the public can speak for up to five minutes . . .

Mr. Silverman: Right.

Mr. Stozek: Then it says the Commissioners may then comment and deliberate. To me, deliberate means to talk amongst ourselves. At no point have we said when Commissioners can question the applicant.

Mr. Silverman: Let's put that in there. And my recommendation is after the applicant makes their presentation, after the public raises their questions, then we can. That way we aren't intimidating the public.

Mr. Stozek: I mean it probably doesn't happen that often, but there are times during the presentation by the applicant when something isn't clear, and it would be nice to be able to ask them to clarify that before they go on with the rest of their 15 minutes, and then the public, and then we speak. By then, the thought could be gone.

Mr. Hurd: If I could, I think we should be clear that this opening statement doesn't create a new set of Rules of Procedure.

Mr. Silverman: Correct.

Mr. Hurd: Because the Rules of Procedure already say more explicitly, may continue to ask questions of the applicant, staff, or member of the public who has made public comment. I think this is just sort of short-handing to say the public is going to have their comment time and then the Commissioners will be commenting and deliberating and discussing. I don't know if we need to elaborate in this statement all the things that are in the Rules of Procedure. Unless you think people are going to be confused as to why we're asking questions and . . .

Mr. Stozek: But I would like to have the questions put in here. Besides comment and deliberate, also question.

Mr. Silverman: Please, what wording would you like to add and in what sequence?

Mr. Stozek: Well, the Commissioners may then comment, question, and deliberate.

Mr. Silverman: Okay.

Ms. Gray: What line are you on?

Mr. Stozek: Thirty-six.

Mr. Silverman: What line is it?

Mr. Stozek: Thirty-six.

Ms. Gray: Thank you. May comment, question . . .

Mr. Stozek: And deliberate.

Ms. Gray: Thank you. Got it.

Mr. Hurd: You could probably even take the may out and just say will then comment, question, and deliberate. But now we're slicing and dicing.

Ms. Gray: Yes, you are. I'll make the change.

Mr. Silverman: This is in draft form. Ms. White, would you like to comment?

Ms. White: Jean White, District 1. I was, toward the end of your discussion, nicely given a copy of what you're looking at. I, frankly, could not see what was wrong with the original, other than the three minutes, which I didn't like at the time. So, five minutes is fine. It seems to me it's clearer and, for example, one of the things that has been discussed is that the Commission could ask questions of the proponent and the staff before the public comment. That is very useful to the public and also if there's a question of clarity or a question that I have, I think that's good to be able to do at that time. When everyone has a chance to speak and then the Commissioners may continue to ask questions of the applicant, staff, or member of the public who has made public comments. It seems to me that the Commission should be allowed to do it both times. In general, you have limited it very much. You haven't abused your privilege of doing it. But I think it is useful both to the public and to you, yourselves, to be able to question the applicant or question the Planning Director as far as what something means before you go on and get everything there. So, that's one thing.

Now on this new one, originally it was, sorry about this, let me find it, okay, those providing oral comment shall publicly state their name and address or City Council district. Here it is you may give your name and, if you choose, your address. Okay, you don't have to choose to put your address, but you should have to put your district, I think. I think that's important for the minutes when they come out.

Mr. Silverman: What line is that?

Ms. White: On yours it is line 17. And it's already been brought up in line 36 that the Commissioners can comment and deliberate but not ask questions, but I think that the questions should be allowed to be done as it was on the original. I don't know what was so wrong about the original one. It seemed to me it was pretty good, actually. And then going on to, let me see here, I have to find it, this is line 8, other individuals wishing to speak spontaneously may then do so only when recognized. Well, basically those who signed in are called first and those in the public after those who have been called from the sign-in can speak. And it isn't specifically spontaneously, as is oftentimes with myself. I want to wait to see what others have said first and then I might discard some of the things I might say and might word them so I'm not repeating something. So, I think you could just say other individuals wishing to speak after that may then do so, when recognized by the Chair, and not just only, and so on. You know, they might not be spontaneous. Sometimes one prepares one's remarks but then

truncates them or modifies them hearing both what the applicant says and also what other speakers who have signed up have said. Anyway, it's unclear to me why you're changing so many things from the original, which I thought was very good. I think it's probably good to take out can be removed by an officer of the Newark Police Department, which sounds pretty draconian, but you know . . .

Mr. Silverman: With respect to that section of decorum, I believe that's taken right out of the Council's procedures. So, all I was doing was paralleling . . .

Ms. White: Okay.

Mr. Silverman: How Council wrote it.

Ms. White: Okay, I think they changed it. They originally had the police and then there were some objections, so they took it out. But when it originally came out, it had all that police stuff. I guess that's about it, but I thought this was pretty good originally and I think that those of you on the Commission should be allowed to have clarification questions early, before, and those are actually helpful to the public, too. Thank you.

Mr. Silverman: An observation on that and the reason why I looked at the order of questioning. The applicant comes in with an idea. They come in with a 15-minute time limit. They have a process in their mind. They have touchpoints that they want to get through. It's been my observation that when we start asking questions, we kill that rhythm and ideas may get dropped because in the interest of time, they don't have the full measure of their allotted 15 minutes to go through all of the items that they want to bring forward. So, it can end up where the Commissioners asking questions can totally disrupt a presentation.

Ms. White: Okay, well, the way I understood it reading this thing, the proponent has 15 minutes so he can talk completely without being interrupted. And it's only after that that you would ask a question, not during it.

Mr. Silverman: Mr. Stozek is suggesting that I be able to stop you right here and say, now tell me that again.

Ms. White: No.

Mr. Silverman: Or, I don't understand your wording. Is that what you mean?

Mr. Stozek: Yeah.

Ms. White: Okay, on the original, the proponent has 15 minutes and goes on and does his whole 15 minutes.

Mr. Silverman: That's correct.

Ms. White: Okay, and that's #2 on the original. Number 3, the Commission may ask questions of the proponent or staff. I see that as happening after the 15 minutes, not . . .

Mr. Silverman: That was the intent.

Ms. White: Okay.

Ms. McNatt: We're not changing the original . . .

Mr. Silverman: No.

Ms. McNatt: The public hearing Rules of Procedure. This is like a prelogue. What do you call that?

Mr. Hurd: A prologue.

Ms. McNatt: A prologue. Sorry.

Mr. Hurd: This is . . .

Ms. McNatt: This is just a prologue before a specific project is discussed.

Ms. White: Okay.

Ms. McNatt: It doesn't happen every time.

Mr. Hurd: And I'll just add that the, at least the last two times we've done it, we've removed the Commissioners asking questions in the interest of time basically so that we have the report, the presentation, public comment, and then we come back to the table, just to keep the process moving.

Ms. White: Okay, I may have misunderstood it because I just was very nicely given this, and I thought this was a whole substitute.

Mr. Silverman: No.

Mr. Hurd: It's sort of a summary for people who haven't been here before.

Ms. White: As far as the swearing in of say the applicant, I am not taking any opinion on that one way or the other, but there was a person who attends a lot of City Council meetings who had looked up and was concerned that when The Retreat came before City Council, that the applicant said that this would be for young professionals and it would not be for students, but then not only did it get filled with students, but they marketed it that way. It wasn't like it just happened. They marketed it. And I think that the particular person who came to those meetings said that if they had been sworn to this, they could have been held to it more. I'm not speaking for that person, I'm just remembering that discussion earlier. Thank you.

Mr. Silverman: Councilman?

Mr. Morehead: Mark Morehead, District 1. I understand that you're talking about the Planning Rules of Procedure as well as the prologue document, and I have two questions, or two comments. I guess one question. In the Rules of Procedure, the Commission asks questions of the proponent first and then the public comment is after. In the prologue document, it seems to be the other way around.

Mr. Silverman: That's correct.

Mr. Morehead: Okay, and I'm curious which one you prefer. And I think what I hear you saying is you prefer to have the Commissioners ask questions later so that would mean that on page 1 of the original Rules of Procedure that item 3 and item 4 should be reversed.

Mr. Hurd: I think, again, we go back to that at least at the last two meetings we've eliminated Item 3 in the interest of time . . .

Mr. Morehead: Sure.

Mr. Hurd: So, we maybe just need to clarify that item 3 can be put aside at the discretion of the Chair or at the vote of the Commission . . .

Mr. Morehead: Okay, I see what you're saying.

Ms. McNatt: It says may.

Mr. Morehead: And it jumps to 7, or 6 and 7. Okay, I get it. And then I will echo Mrs. White's comments that it could be useful to have sworn testimony from at least the proponent because the proponent is not always a lawyer. The proponent sometimes is just the developer. I shouldn't say just. The proponent is sometimes the developer . . .

Mr. Hurd: Right.

Mr. Morehead: Who is not sworn to anything and it would be useful to know that they are always speaking the truth to us. So, just a thought. Thank you.

Mr. Silverman: Counsel, is that a valid approach?

Mr. Bilodeau: Yeah, that would be. At the Board of Adjustment, the only ones that aren't sworn are attorneys. Everyone else is sworn at those proceedings. But there's no, if you look at the Title 22 in the Delaware Code and it talks about Planning Commissions, there's no requirement one way or the other that witnesses are sworn. There's none in our Code either. So, we would be, I think we could do that if we wanted to. We could have the applicant, if the applicant presenter is a lay-person or they have their engineers here that all of a sudden get called up to the podium to answer a question about stormwater management, then they could be sworn. It would be whoever is representing the applicant. Because I know Stacy is going to be asking a lot of questions about stormwater management.

Ms. McNatt: I always do.

Ms. Gray: Mr. Chair, if I may add, if in any future Planning Commission meetings, the Planning Commission is concerned about a particular issue or statement that the applicant is making, then I would highly recommend that that be part of the conditions of approval.

Mr. Hurd: I was actually going to say that I have two thoughts and one is, when we start to do this more, to put things that they are saying that they're going to do into the subdivision agreement. Which, as I understand it . . .

Ms. Gray: Yes.

Mr. Hurd: Is the legally binding document.

Ms. Gray: Yes.

Mr. Hurd: So, that may be that they say, you said you're going to market this only to young professionals. The problem is I think some things like that statement couldn't be put into the subdivision agreement as it probably violates Fair Housing laws and other things. So, they may need to find a middle, that actually doesn't solve that problem, so never mind.

Ms. Gray: Right.

Mr. Hurd: But I think it's something to think about to say if there are items that we hear the applicant discussing and saying we're going to do this, then it's contingent on us to say, alright, that gets added to the subdivision agreement . . .

Ms. Gray: Yes.

Mr. Hurd: And now it's a legally binding statement instead of going, well you gave testimony two years ago that you were going to do this thing and you didn't.

Mr. Silverman: Actually, the subdivision agreement is much stronger.

Mr. Hurd: Yeah.

Ms. Gray: So, part of your recommendation would be a condition of approval that whatever it is that, and it would certainly have to be by consensus, be part of the recommended conditions of approval. And then that would be carried forward to Council and recommended to be part of the subdivision agreement.

Mr. Hurd: The other thing I'd add, because I think we can, we're sort of, not waiving but explain it, I think that when we're considering parking waivers, I think sworn testimony then would be valuable because there isn't any other binding document. And I know that John Morgan has brought this up that, you know, we gave parking waivers to someone who said they were going to, you know, I think he talked a lot about the Trader's Alley lot, we're going to control that lot and then they didn't. And in that case, because we have that approval authority, I think we can say if this is what you said you're going to do for us to grant you the waiver, then you need to do the thing.

Ms. Gray: And, here again, that needs to be part of, here again, I highly recommend that that be part of the conditions of approval specifically for a parking waiver. That parking waiver is based on these conditions.

Mr. Hurd: Right. I think in those particular cases when we're discussing parking waivers, I think that sworn testimony puts the applicant on notice that they are stating, that they're going to legally bind themselves to those agreements that they just made.

Ms. Gray: Correct, but if I may add, in order to be helpful and to get on the record, I highly recommend that whatever that issue is, is a condition of approval because that is enforceable.

Mr. Silverman: Yes. Directly by the City. It doesn't require court action and the rest of it.

Ms. Gray: Correct.

Mr. Silverman: Okay.

Ms. McNatt: Does Council carry through our recommendations or can they drop our recommendations?

Ms. Gray: They can drop your recommendations, but it is carried forward with your recommendations.

Mr. Silverman: Mr. Hoffman?

Mr. Hoffman: Good evening. Michael Hoffman, and I want to be cautious. I'm just here as a member of the public so I don't want to get into any sort of legal opinion. The only thing I would offer is a general observation. You typically see sworn testimony in an evidentiary standard. So, the Board of Adjustment sits in a quasi-judicial capacity, so it takes evidence, which is why there is typically sworn testimony. If you're talking about binding nature, it's typically seen in the form of a condition tied to the decision, for what that's worth.

Mr. Silverman: Thank you, Citizen Hoffman.

Mr. Hoffman: Thank you.

Mr. Hurd: I think that that goes back to, because parking waivers is our one quasi-judicial area, so by that same token, we could adopt some of the rules to the Board of Appeals, or Board of Adjustment, sorry.

Mr. Silverman: In the interest of moving on, can we just leave the sworn testimony for another time?

Mr. Hurd: Okay.

Mr. Silverman: Madam Director, you had a suggestion as to how we might proceed.

Ms. Gray: Yes. I suggest that we, that staff make the recommended changes per the discussion this evening and include the revised final document as of April 2 to the Commission and it would be an action item for the next meeting, and there would be a short discussion in that it would almost be like a consent agenda item in that it would be presented and it would only be not voted on if there were issues or concerns or changes. So, it would kind of be like the meeting minutes. If everything is good, then vote yes and it becomes the Rules of Procedure. If not, then we certainly can make whatever changes are appropriate.

Mr. Silverman: Consensus on that?

Ms. McNatt: Sounds great. I agree.

Mr. Silverman: Okay, well, we'll move in that direction. You have a consensus.

Ms. Gray: Great, thank you.

5. REVIEW AND CONSIDERATION OF POTENTIAL CHANGES TO PLANNING COMMISSION SUBMISSION DEADLINE SCHEDULE.

Mr. Silverman: Okay, moving on to the next item on our agenda.

Ms. Gray: Thank you, sir. Let me get my notes. Okay, this should be a brief discussion. Given the current level of, this agenda item is review and consideration of potential changes to the Planning Commission Submission Deadline Schedule. Given the current level of development and proposed development in the City of Newark and our current resources, I am revising the submission dates for land use plans to the Planning and Development Department and adding a new category called Final Revisions in Response to Subdivision Advisory Committee Comments and seek your concurrence.

[Secretary's Note: A link to the Planning and Development Department memorandum regarding potential changes to the Planning Commission Submission Deadline Schedule can be found at the end of this document.]

As indicated in the attachment dated April 2, the initial submission deadline for all land use submissions is being extended from 68 and 89 days to 120 days. In addition, an additional category is being added for final revisions in response to Subdivision Advisory Committee comments for all land use projects to the first Friday of the previous month prior to the meeting. As indicated on the schedule, this Commission schedule is dependent upon the complete application from the application, payment of review fees, submission of the stormwater assessment study, and a meeting scheduled with the Public Works and Water Resources Department and are projects that are ready to go the Planning Commission for final revisions and response to the Subdivision Advisory comments. So, I included a recommended motion in the memo, as well.

Mr. Hurd: Thank you.

Ms. Gray: Mr. Chair? Mr. Vice Chair?

Mr. Hurd: Any discussion?

Ms. McNatt: I don't understand, why is the word, when you say a waiver is being extended from 68 and 89 days to 120 days. What does that mean when you say a waiver is being extended? Can you explain that please?

Mr. Hurd: It might just be the formatting. It looks like it's, to me it seems like rezoning, annexation, minor subdivision, major subdivision, and parking . . .

Ms. McNatt: Oh, and parking waiver.

Mr. Hurd: Waiver is being extended.

Ms. McNatt: Oh, sorry.

Ms. Gray: Thank you.

Mr. Hurd: It broke funny on the line.

Ms. Gray: Justification.

Mr. Hurd: Full justification, right.

Ms. McNatt: So, what it's doing is giving you more time.

Ms. Gray: Yes, and the applicants who are submitting plans notice that there would be additional time requirements.

Ms. McNatt: Is the 120 days, is that enough time to get, do you have to respond back to them in that timeframe, by that length of time with some . . . is there a requirement to give them some type of written response?

Ms. Gray: Well, by Code, we have timelines in our Code to, for review and submission of the Subdivision Advisory Committee comments. This is from the initial submission when an applicant is submitting a full application with the expectation of going to the Planning Commission. And when an applicant submits an application, we haven't yet reviewed the plan or submitted the Subdivision Advisory Committee comments. Every plan is different. Some are more complicated than others. And as I indicated in my opening remarks, we take, well actually I didn't get this far, we take plans in and we review them in the order in which they're received. So, if we receive five plans, all within a period of, subsequent, a short period of time, if you will, and since we don't have, we only have limited staff, it takes us quite some time to get through that. So, I want to enable, by having this additional time, it gives the applicant the expectation that there will be additional time required.

Mr. Hurd: So, if I understand this, if someone submits their initial submission by April 8, they're expecting to be on the August agenda. Is that how this is working?

Ms. Gray: Correct, that's how it's been working so far. And we . . .

Mr. Hurd: I mean I'm good with the new dates, but the idea is that you're giving them 120 days from initial submission to Planning Commission review.

Ms. Gray: To potentially going in front of the Planning Commission, yes. Because sometimes things happen as they have and we don't receive the information in time or the plan is complicated and requires a number of SAC comments which, to get the application ready for submission to Planning Commission. So, this isn't saying necessarily just as it has been before it got revised that if you submit two months before a Planning Commission that you're guaranteed to be on that Planning Commission. It's just an expectation with the assumption that the plan is ready to go to Planning Commission by that time.

Mr. Hurd: So, that 120 days would include one SAC meeting and comments? Is that the intention? Basically, if they come back for a second round of Subdivision Advisory Committee review, does that extend their timeframe? Does that make sense?

Ms. Gray: Yes, it does, but this timeframe is dependent upon when we receive a revision, that that revision is ready to go to Planning Commission. Am I making myself clear on that, Commissioner?

Mr. Hurd: I think so. I mean I just want to make sure and maybe this is partly outside the realm of it, but it seems like there are points in the time where that 120 days is going to get extended . . .

Ms. Gray: Yes.

Mr. Hurd: Because, for example, there are a significant number of SAC comments and they came back with a second submission in response to it and they weren't fully addressed and so now they have to come back for a third submission and that's going to bump it out past the 120 days.

Ms. Gray: Yes, that has occurred now with the current timelines. Yes.

Mr. Hurd: And that's written in, that's codified in certain other places about that 120 days does not guarantee review, it's just . . .

Ms. Gray: Well, to be clear, this is not Code. None of this is Code. This submission deadline I inherited when I got here, and it has been part of the Work Plan, the Planning Commission Work Plan, and posted on the website. So, applicants refer to this submission deadline to say, you know, could I be ready to go in two months if the application is complete. And then my response is always if the application is complete and ready to go, you could be.

Mr. Hurd: Right.

Ms. Gray: So, this is just a guideline and that language is included down in that paragraph that this is required, this is dependent upon that everything is ready to go.

Mr. Hurd: Right, and actually now that I'm talking, I'm looking at it and going, obviously within those initial submissions and such, we may go back and forth but as we have the last column of final revisions in response to the comments . . .

Ms. Gray: Yes.

Mr. Hurd: So, if they don't hit that deadline . . .

Ms. Gray: Yes.

Mr. Hurd: They're not going to get into the meeting.

Ms. Gray: Yes, sir.

Mr. Hurd: Thank you.

Ms. Gray: You're welcome.

Ms. McNatt: I want to know if we're ready to make a motion.

Mr. Hurd: Sure.

Ms. McNatt: No?

Mr. Hurd: It makes sense to me. I mean you have a lot of stuff on your plate and you need time.

Mr. Silverman: I have just one other question for the Director.

Ms. Gray: Yes, sir?

Mr. Silverman: Could this be abused to push off making a decision?

Ms. Gray: Abused by staff?

Mr. Silverman: Anyone. I've got 180 days or I've got 120 days to get back to you, see you then.

Ms. Gray: Well, here again, this is dependent, as the language indicates, these are just guidelines. These are guidelines and it's dependent upon whether we receive, whether the submission that we receive is ready to go. It meets Code and has addressed all the previous comments.

Mr. Silverman: Okay, so there's nothing in here that obligates the staff to meet this deadline?

Ms. Gray: Correct.

Mr. Silverman: Okay. Motion?

Ms. McNatt: I'm going to change it slightly only to add a couple of words, so tell me if anybody has thoughts on it. I concur with the Planning Director's changes to the revised submission deadlines for the Planning Commission for 2019, as revised today, April 2, 2019. Does that make sense?

Mr. Silverman: Yes, as shown in the March 27 document.

Ms. McNatt: Yes, as shown in the March 27, 2019 document provided tonight.

Mr. Silverman: Second?

Mr. Hurd: Second.

Mr. Silverman: Okay, any discussion? Hearing none, all those in favor, signify by saying Aye. All in opposition, Nay. Motion carries.

Ms. Gray: Thank you.

MOTION BY MCNATT, SECONDED BY HURD THAT THE PLANNING COMMISSION CONCUR WITH THE PLANNING AND DEVELOPMENT DIRECTOR'S CHANGES TO THE PLANNING COMMISSION SUBMISSION DEADLINES FOR 2019 AS REVISED ON APRIL 2, 2019 AND AS SHOWN IN THE PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM DATED MARCH 27, 2019.

VOTE: 7-0

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

NAY: NONE

MOTION PASSED

6. DISCUSSION OF NEW USES FOR RM AND RA ZONING DISTRICTS.

Mr. Silverman: Moving on to Item 6 in our agenda.

Ms. Gray: This will be a short introduction. By way of background, this topic was first discussed in the August 7, 2018 Planning Commission meeting and follow-up discussion in the January 2, 2019 Planning Commission meeting. So, as indicated in the enclosed documents, the plan for

this proposal is to bring to Council, for general discussion, the main concepts of this proposed plan and then if there is a favorable recommendation, then we would bring it to a public workshop and then we would bring it back to Planning Commission for language.

[Secretary's Note: Links to the Planning and Development Department memorandum and report regarding potential new uses for the RM and RA zoning districts can be found at the end of this document.]

Ms. Gray: The concept that was described in the first framework we discussed last year was that we would first add a new zoning district to RM and RA. Excuse me, add a new zoning district. And then we brought it back to staff and we thought about it with the comments, and then staff thought it would be more appropriate to add a new use to the RM and RA zoning, and we're calling the use urban apartments. The Planning Commission at the August 7 meeting had also wanted to see specific language. So, we put it in zoning language format but at the meeting tonight I don't want us to spend time wordsmithing, just to get the general concepts of is this the direction that Planning Commission recommends going and, in addition, we have had some discussion with the City Manager and a couple of Council people who had also thought about, because we originally put in there about incorporate a neighborhood business component. That's more in a BLR zoning district right now. So, we don't have that in this version but certainly we will be considering adding that back in.

So, Mike has just put some slides up just to have the language available for the public and for us to see it on the big wall there, on the language. So, Mike, did you have anything to add to that?

Mr. Fortner: No, not really. This is the definition. We'll include that in the definition and then we get into two slides . . . I'm sorry those are so small, but you have it in your text . . . but this is just the ordinance. The ordinances for the RM and the RA are mostly the same, so we just have that on two slides to get it all on there.

Ms. McNatt: Can you describe . . . are we allowed to ask questions? Are you done?

Mr. Fortner: Yes, ma'am.

Ms. McNatt: So, can you just describe or give me the differences just for information purposes right now between garden apartments and urban apartments? Because garden apartments are allowed in RM and RA, correct?

Mr. Fortner: That's correct, yeah.

Ms. McNatt: So, what are the differences between garden apartments and urban apartments?

Mr. Fortner: Certainly. An urban apartment, I'm sorry, a garden apartment says in the Code is either something approved under site plan approval or with conditions that are set forth in the Code under Section A. It's generally a by-right if you follow the section, the requirements under Section A or you do it as a site plan approval. And so, the Code gives you those two options. This is under B already, so it is discretionary. That means it's a special use permit just like site plan approval would be except it gives more of a direction of different kinds of things that we're trying to incentivize that would fit into a walkable community, kind of a more urban, grid-like kind of pattern and with density. There are some different incentives, density bonuses we give for different types of housing or smaller bedrooms that encourages like 1- and 2-bedroom apartments. It would encourage reduction in minimum parking requirements to get those kinds of things we're looking for especially close to campus where we had different priorities for the urban design there.

Ms. Gray: And, if I could add to that, Mike . . .

Mr. Fortner: Yeah.

Ms. Gray: The purpose as we had indicated back at the August meeting was to promote, and I should have provided some background on this and I apologize, promote mixed higher-density predominantly multi-family residential uses comprising of 1- and 2-bedroom small units with distinctive and exceptional architecture and design on smaller lots. This use will encourage the redevelopment of existing neighborhoods currently containing predominantly single-family rental properties on lots of varying size and any non-residential uses should either support the neighborhood and have no-to-minimal impact on the immediate surrounding area. So, the intent is to have this go with the Focus Areas. And, certainly, it could be available to areas outside the Focus Areas.

Mr. Hurd: And I don't want to presume on Commissioner McNatt's question, but I think part of it is physically, what's a garden apartment different from, you now, physically, what's a garden apartment considered?

Mr. Fortner: Well, one important difference is that garden apartment, and it's written in your thing, but it has to be three or more units for a multi-family. So, it's a collection of multi-family buildings is a garden apartment.

Mr. Hurd: Garden apartments, are they the ones that have single entrances as opposed to a common entrance?

Mr. Fortner: You might be thinking of more Building Code kinds of definitions. This is the Zoning Code and it doesn't classify those types of things. In terms of its form, it can look like any of those.

Mr. Silverman: This has always confused me. A garden apartment to me is what's on Thorn Lane, partial, in the ground, single entrance, designed to get around the four-story building code with respect to construction. But, as Mike says, the City has chosen a non-structural definition of garden apartment.

Mr. Hurd: Okay.

Mr. Fortner: So, one important difference in this regulation . . .

Ms. Gray: If I could, it might be helpful to read into the record what the definition of a garden apartment is.

Mr. Fortner: Go ahead, please.

Ms. Gray: It's a group of multi-family dwellings up to and including three stories in height, designed for rental or condominium ownership of the individual housekeeping units, having common open spaces and designed in accordance with the special requirements for such dwellings set forth in Article IV, Section 32-11 and Section 32-13.1 of this chapter. So, an example of garden apartments is what was approved on Benny Street, on 36, and Campus Walk II. So, those were classified as garden apartments.

Mr. Fortner: And an important distinction there is when it says a collection of multi-family, it's three or more dwellings. So, one benefit of the garden apartments, I'm sorry, the urban apartments are that it allows a duplex. So, some of these smaller lots that they're trying to get could better fall under this category. Of course, it's a minimum of 10,000 square feet but it accommodates some of these smaller lots that are trying to do multi-family in areas where we want to encourage multi-family.

Ms. McNatt: Could there, I'm sorry, could there be potential certain developers who want to use this, or will use this on larger lots just to gain density in areas where maybe density is not appropriate, or because with a special use permit you don't have to do that?

Mr. Fortner: Well, it is under Part B so that means it's a special use permit. That means it has the discretion of the Planning Commission and Council. And so, they can't go with it by-right. So, if they want to go forward with a plan like this, they have to show that this is the right development for the neighborhood and you have the discretion to turn it down if you don't feel it's appropriate.

Ms. Gray: And it's also limited, as proposed, to 16 dwelling units per acre, which is the current under RM, and I think for RA it's what's currently allowed in RA.

Mr. Hurd: Well, it's 16 and up to 24 with bonuses.

Ms. Gray: Yes, with bonuses.

Ms. McNatt: So, that's another question. So, would this be mostly better suited as a, because garden apartments are allowed in RA, so would this be mostly better suited in RA as an option, or RA only? Not in RM, and keep garden apartments only in RM?

Ms. Gray: Well, one of the issues this is trying to address, as Mike indicated, is the redevelopment of smaller lots. In RM you need a minimum of one acre.

Mr. Hurd: So yeah, I'm thinking Benny Street, especially . . .

Ms. Gray: Yes.

Mr. Hurd: With all those tiny, little lots.

Ms. McNatt: And off the top of my head, what's Cleveland Avenue? Like, I'm just thinking . . .

Mr. Hurd: The same kind of thing.

Ms. McNatt: They're RMs?

Mr. Fortner: It's mostly RM.

Ms. Gray: Yes, mostly RM, yes.

Ms. McNatt: So, this would . . .

Mr. Hurd: So, this makes it easier for someone to say, take one lot or two and develop it rather than try to collect like four lots . . .

Ms. Gray: Yes, sir.

Mr. Hurd: And possibly less site plan approval required.

Ms. Gray: Yes.

Mr. Hurd: I'm in general favor of this and will take your comment to heart and not try to wordsmith this.

Ms. Gray: Thank you.

Ms. McNatt: Not yet.

Mr. Hurd: I just want to point out one thing that when you talk about urban apartments, it talks about common open space and in the definition, it says there is no minimum open area, which feels contradictory to me to say that there's common but not open. So, just something to note there.

Ms. Gray: Okay.

Mr. Hurd: I would love to, but I think I will just suggest that we can hold off until it comes back to us but for the parking this might be the time to start talking about maximum parking.

Ms. McNatt: Or cross use, cross access . . .

Mr. Hurd: Well, for the, either cross access but for the development itself because, as we've seen or at least we know, most of these smaller properties are within, you know, walking distance to downtown area and the campus, so I would almost want to flip this and say it's a maximum parking of two per unit, keeping the language about decoupling but not setting a minimum.

Ms. Gray: That was in one of our drafts. We went around and around about that.

Mr. Hurd: Well, I will support it. I would support a maximum.

Ms. Gray: So, support a . . . what do we have in there? We have a minimum, yeah, okay. So . . .

Mr. Fortner: It's a minimum but we have all kinds of waiver suggestions.

Ms. Gray: Right so . . .

Mr. Hurd: I'm just saying we could be a little bold and flip it and say maximum of two per unit, they're decoupled, and so with a maximum, they can go less-than. We're not saying you have to, you don't have to prove to us to go less-than, you can just say I'm going to supply only one car per unit or something. And I guess in general language, and this may be picking up from other things, and this is sort of back to the open area, you talk about lot coverage that the structure is going to occupy the entire lot, which isn't entirely accurate because there are side yard and rear yard setbacks. So, do you mean allowable building area it can occupy?

Ms. Gray: That language is taken from the BB zone with the understanding that there are other Code requirements that would require setbacks such as for, you would need three feet if you have windows on the side of the building. You might need ten feet for other, if a building is open. You would need setbacks for sidewalks. So . . .

Mr. Silverman: It's at least seven feet for sidewalks.

Ms. Gray: Seven feet . . . so, we're taking that from the BB zone.

Mr. Hurd: And the BB zone has this language that says it may occupy the entire lot?

Ms. Gray: I can double check right now. But that's the intent, that there wouldn't be any, in this provision of the Code, setback requirements. But the setback requirements would be established by other Building Code requirements.

Mr. Silverman: For example, fire separations.

Mr. Hurd: And I only bring it up because you have rear and side yard setbacks specified here for this and I would strongly support putting a front yard setback in, even if it's a short one. I think RM is like, I can't remember exactly what RM's setback is, but I would say we maybe not push it all the way to 20, but I would say we want some minimum off the street to allow for sidewalks and some circulation. It's not like BB where you can come right to the sidewalk. I think we want to give it a little space.

Mr. Silverman: Keep in mind, we've learned with the old Pride of the Elks site that DOT, on the streets they control, now require a 3-foot snow plow strip behind the curb and then the City is

going to require a 7-foot sidewalk, so we're already 10 feet from the curb before anything can happen.

Mr. Hurd: Is the City actually requiring 7-feet, because we've seen some projects come with 4- or 5-foot sidewalks?

Mr. Silverman: I believe the new standard is handicap-accessible and I think it's 7 feet.

Ms. Gray: I'd have to look that up. That's a Public Works requirement so we'd need to . . .

Mr. Hurd: As density increases, the width increases, but I think there's a minimum of . . . I'm just saying I would like to have a front setback back in here, even if it's a shorter one. But I don't want to go too deep into this because we're going to get more comments.

Mr. Silverman: And we have, Frank, we have five minutes left.

Mr. McIntosh: Go for it.

Mr. Silverman: We need to work through this.

Mr. Hurd: And then my last thing is I would concur with the departmental comments about we need a better definition for workforce housing . . .

Ms. Gray: Okay.

Mr. Hurd: And the criteria we can use. And then this kind of goes to the Rental Housing subcommittee that's coming along, too, it's an opportunity to start creating a mechanism for verification. If we're going to give someone a bonus for senior housing, then we need a mechanism for determining that they actually did rent 10% of units for senior housing.

Mr. Silverman: And I'd just like to make sure that my ears heard correctly that the non-residential business uses will be included in the final document.

Mr. Hurd: Oh yeah, I would support that.

Ms. Gray: Yeah.

Mr. Silverman: Okay, we're doing some typing here. Do we have a consensus that the staff should move forward with the draft that they've proposed?

Mr. Hurd: Is this open for public comment?

Ms. Gray: I think we . . . that's you, Mr. Chair.

Mr. Hurd: I'm just asking.

Mr. Silverman: Ms. White, would you like to comment?

Ms. White: I'll try to make it short. Jean White, District 1. I haven't totally had a chance to study this and get my mind around it, but I have a couple of questions. First, has this type of ordinance been done in any other town or city and if it has, how did it work out? That's question #1. Two, if they put 10% for senior housing or workforce housing, to me 10% isn't enough, it should be 40% or 50%, you know. If you put 10%, would 10% of seniors or 10% of workforce people want to be with the other 90% or whatever of students? In other words, to me that's not enough of a, you know, so you build a building and you have 10% are senior housing. Would they even want to be in a building that's all other college students? I don't even understand this. Let me just see here. And I wondered why there was to be no windows on the side looking out for the common space. I can see maybe not on the first floor, but why

on the upper floors there would be no windows on that side? That's a question I had because it was down there someplace in the proposed ordinance. And also, I had a question which I think has been mentioned that if a building can cover 100% of the ground but we're supposedly looking out on common space and there'd be another building with the same requirements, where is this common space that they're all going to share coming from? That's my questions. Than you.

Mr. Silverman: We've made the assumption that common space has to be beyond the perimeter wall. There's nothing that says there can't be a common courtyard within the structure.

Mr. Hurd: True. And that actually was a question I had. So, on page 3 at the top, item 5 it says a density bonus, potential density bonus would be granted with the additional inclusion of architectural design features that promote privacy and crime prevention features that include but are not limited to windowless walls overlooking the common open space of adjacent properties, private courtyards, etc. The windowless walls confuse me and I'm not understanding the . . .

Mr. Silverman: I can answer that.

Mr. Hurd: Okay.

Mr. Silverman: It's very common that in certain circumstances the windows of adjoining buildings cause people to join into the activity and frivolity that may be going on in the courtyard in the other building below them. That's one of the reasons why that's in some of the codes. I know, it sounds strange.

Mr. Hurd: It does, so we may need that . . .

Mr. Silverman: That comes out of the law enforcement recommendation for land-use planning.

Mr. Hurd: Okay. We might need a better explanation on that when it comes back around.

Ms. Gray: Okay.

Mr. Morehead: Real quickly, there's a density bonus in the definition, item 4, A4, for shared amenities. Stormwater management, a 10% bonus. That's just a given. That happens all the time.

Ms. McNatt: This is going to come back to us . . .

Mr. Silverman: Yeah.

Ms. Gray: Oh, absolutely. Yeah.

Mr. Hurd: Mr. Councilperson, that's for contiguous properties. So, I think that's if you're sharing across properties, as opposed to just on your property.

Ms. McNatt: I'm not about giving a stormwater bonus. I'm about people doing more and addressing drainage problems.

Mr. Silverman: So, where are we in your process?

Ms. Gray: The next step is staff would, certainly with these meeting minutes, prepare a memo to Council with the main tenets, including this language and the comments from the Planning Commission, obviously the verbatim meeting minutes, for discussion there on, a similar discussion to what we just had of, you know, these are the main tenets and see if there is a

desire to move forward with a public workshop and ask for additional comments. And certainly, then we would bring it back to Planning Commission depending upon those comments whether we would bring it back in final form, ready to go with a zoning ordinance or for more discussion.

Mr. Silverman: Okay, so that public workshop would be a Council public workshop or a Commission public workshop? Would they direct it back to us?

Ms. Gray: I was just thinking the Planning Department would have a public workshop on the proposed, on this proposal. And certainly if the Planning Commission would prefer to see it in language but not have it be a zoning, see it like this, like in zoning ordinance language and not have it be an action item, that would, if that's the pleasure of the Commission to talk about it first before we advertise it as an official zoning ordinance, that's the pleasure of the Commission.

Mr. Silverman: Okay, where would you like to go, Commissioners?

Mr. Hurd: That makes sense. Get some comments from Council, have a workshop, and then so we're not doing all this work and trying to fit it into a meeting.

Ms. Gray: Okay.

Mr. Silverman: Okay, so the consensus is that we ask the Department to move ahead as described?

Ms. Gray: Do you want the meeting of the Planning Commission to be on the actual zoning ordinance, like advertised as a zoning ordinance, or have the zoning ordinance be just a discussion item and then the next meeting be the zoning ordinance?

Ms. McNatt: I would prefer another discussion item after it goes to public comment and goes to Council, so we can then pick it apart. Wordsmith it.

Ms. Gray: That would be the time for wordsmithing.

Mr. Hurd: Yes.

Ms. Gray: Okay, fair enough.

Mr. Silverman: So, we'll see it as a discussion item.

Ms. Gray: Okay. Very good. Thank you.

7. DISCUSSION OF PROPOSED REVISIONS FOR THE SITE PLAN APPROVAL CODE PROVISION. [WITHDRAWN UNTIL A FUTURE PLANNING COMMISSION MEETING.]

[Secretary's Note: Agenda Item 7, discussion of proposed revisions for the site plan approval code provision, was withdrawn until a future Planning Commission meeting.]

8. CENSUS UPDATE.

Mr. Silverman: Okay, moving on to the next item on the agenda.

Ms. Gray: It's 9:05.

Mr. Silverman: It's five minutes after 9, shall we move onto the census? It won't take very long, Mike?

Mr. Fortner: As long as you want. I can be short and be quick. I have a long version, a short version . . .

Mr. Silverman: Short version.

Ms. Gray: Yeah, if I could just briefly introduce this agenda item. This is just a Planning Commission update on the upcoming 2020 Census. Mike Fortner is heading up the census effort for the City of Newark and he's kindly put together a brief presentation at my request to update the Planning Commission and, ultimately, the City Council on what the census is and how the City of Newark fits in. And, also by way of background, the City of Newark is a member of the Delaware Population Consortium, which is an informal cooperative organization that includes state, county, and local governments that work year-round to produce and share an annual common set of population and household projections for the State of Delaware, and I'm the chair this year so we also are full-on with the census, so we are embedded in the whole census effort. So, just in case anyone had an issue with that or a concern. Mike?

Mr. Silverman: My comment, people think, the census is conducted at the municipal and the county level. The state has nothing to do with it. So, it's extremely important for municipalities to participate.

Ms. Gray: And the state is participating in this effort through the Delaware Population Consortium and through efforts such as Mike is going to describe.

[Secretary's Note: During his presentation, Mr. Fortner referred to a PowerPoint presentation being displayed for the benefit of the Commission and the public. Links to the Planning and Development Department memorandum and presentation regarding the 2020 Census can be found at the end of this document.]

Mr. Fortner: Yeah, and they have a complete count committee, as well. Okay, you can go ahead and turn that off. That was a good introduction. I'm going to go over kind of the importance and how the City is collaborating with our partners on the census. But why is it important? It helps ensure a fair representation of all levels of government through redistricting. It also impacts the funding the City will receive over the next decade, by forecasting our transportation needs, and also it's part of \$800 billion annually in federal funds throughout the United States. The census provides the most reliable and complete data for research, decision making, and planning for both the public and the private sectors.

Let's go over the timelines. There's kind of three parts. There's the process of getting ready for the census, what we do during the census, and then kind of the post-count. First of all, what we've done so far, the census day is April 1, 2020, and what we've done so far is we've participated in the LUCA review. That's the Local Update of Census Addresses. We participated in that which is where they share their database with it and we review all the addresses to try to ensure that it's as correct as possible. We've also created what's called the Boundaries and Annexation Survey. We participated in that. So, these are very large efforts that we participated in and they rely on local government. Later, oh wait, what did I do with the laser? Where's the laser? There we go. So, also coming up later this year is called the New Residential Construction program. This is where, and actually we're pretty well prepared for this because we've been doing so many housing studies, and I think this will be pretty simple for us. But they want to know all the new construction and make sure their records are up-to-date, and also things that will be demolished by April 1, 2020. And so, the Census Bureau relies on local government's help with that. Around August and September, they'll start doing infield canvassing, and that's where they'll drive through, they go through about 30% of the addresses looking for sort of the harder stuff to find, trying to document areas in Newark to update their addresses and make sure it's as accurate as possible. And then around November, that's where they start hiring, they'll be hiring a total of 500,000 enumerators nationwide. These are people that go around and knock on doors and try to get as accurate a count as possible. Now they'll start doing the hiring and municipalities can help with helping them hire. One of the challenges

is that we're at full employment and they're going to have to hire a lot of people. College students sometimes get to be enumerators and can be candidates for hire.

So, around February or April, they will start doing enumeration of group homes in college towns. So, in April they'll actually come to Newark because it's a college town and start identifying the group homes, college areas, student housing, dorms, the challenge will be there. And then in March you will get a postcard. Now, the census takes place, the count is a count of all people at their usual residence, the place where they live and sleep the most. People without a usual residence are counted where they are on or around April 1, 2020. And so, about, well what they'll count is the homeowners, renters, household members in one residence. Temporary residents, multi-home owners, that's where they are at their usual time. Snowbirds, it's where they consider their usual residence, residents in group facilities, active military personnel, and college and school students. So, college students are counted in Newark. They're residents of Newark and so if you were at boarding school, like high school boarding school, they're actually counted at their primary residence. So, that's something that affects Newark is that we count the college students as part of our population. And also, I highlighted non-citizens. We have a lot of international community here and they're actually counted as Newark residents. All those in the ELI program are to be counted as our residents, as well.

So, what happens is around March, well first, the census long form that they used to have, that's no longer in existence. They did away with that and they replaced that with the American Communities Survey, which is a five-year process rolling, so there's no longer a long form. So, everyone receives a short form. A new thing this year is you used to receive a paper copy. This year about 80% of the homes are going to receive, around March, a postcard telling you how to do this online. So, most of the responses are going to be online responses or phone responses. This is the first census that they've done that. About 20% will just get the paper questionnaire and those are in areas where they don't think it's likely that they're going to have internet service there. And you'll receive about, each household will get about four of these over the course of the process. If you don't respond, they'll send you another postcard. And on the fourth time if you don't respond, they'll actually send you the paper questionnaire.

And so nationwide, about 80% of the households that receive this census by mail, the questionnaire, complete it and mail it back. So, there's about 20% that don't do that and that's where the enumerators come in. These are the people that actually go and knock on the door and identify the houses that have not turned in their survey yet and try to find out, get an accurate count of what's in that household. And so, this is not evenly distributed, the count. So, this is a list of the hard-to-count population, which are children under 5 years old, which I'm not sure why that's hard, racial and ethnic minorities, and I've highlighted non-English speakers, immigrants, renters and residents who move a lot, alternative or overcrowded housing units, publicly inaccessible multi-family units, and some other types, and then young mobile adults. Those are all highlighted because basically I've seen this list include college students, but these are kind of the lists where you add all those together, you get a college student in a lot of cases. Or you have a lot of international students, non-English speakers that are here in the English Language Institute. And these represent your hard-to-count populations.

And so, they made a map called Response Outreach Area Mapper and they call it ROAM. You can go online at these two websites and you'll notice this is northern New Castle County and you'll notice our area here. We have some dark red here and some kind of yellowish-gold here. Actually, you can't distinguish the difference between the color but this district, that census tract is 10502, I'm sorry, that's a 1, and it has a 63% return rate. I'm sorry, that's 258 so they have about 40% that don't return their surveys, the mail-in surveys. So, the enumerators have to go try to find out the other 40%. And so, that's our main college area. Just above it is a little bit better at 63.9% mail-in. And some of the surrounding neighborhoods also have fairly low but they're in the 70s and 73s, like the Oaklands and Nottingham and that's the Bins, and then a little bit on the east side of town. And all this in white here, they've had over 73% response

rate. In general, single-family houses are the easiest to find and so they always have higher response rates. So, the challenge is getting the enumerators to our hard-to-count populations.

So, once the census, and like I said, they give you about three, each mailing, they give you three mailings, and then they get into the non-response follow-ups. That's where the enumerators come in. That's the door-to-door door knocking. This will start in around April for the college towns. And so, that goes from that period of May to July. Local governments and cities will participate in that, as well, helping these enumerators identify where the housing is, fill in the holes that they see, and so we work closely with the census employees at that point. The whole idea is that by December 31, that's when the census report is due to the President. So, the President will receive it then and in March it goes to Congress and gets released to the states. And that's where they start to do their redistricting in the early spring. You have the Bureau begins releasing details of the population characteristics and data. So, around spring of 2021, we will start to see and, again, they do it piecemeal sometimes in releasing the numbers. There's also a period where if there are mistakes, once we get those, we can contest it, but hopefully we won't have to go there.

These are just a little bit about the City's participation. So, the City of Newark collaboration, we participate in the Local Update of Census Addresses, that's the LUCA, the Boundary and Annexation Survey, and New Construction Program. The same part, we develop a communications link with the regional Census Bureau. That was on the first map there. So, we're in this green. As you can see from that, Philadelphia is our main hub and they're in charge of all the states there, which includes Delaware. So, we will collaborate with them and we also will collaborate with a University coordinator and also with county and state officials. We'll work within the state and county's Complete Count Campaigns and will assist the Census officials in identifying the hard-to-count areas and then assist them in finding enumerators, possibly college students are good candidates for that. And then, third, we run, they ask us to run social media and other communications channels to amplify the Census Bureau's communications campaign. So, they run a multi-million-dollar campaign and what we do is we add on to that through our social media and our communication touchpoints and we can amplify that is what they ask us to do. And then we could put things like alerts in utility bills which we are likely to do. Also, since this is the first year they're doing it on the computer, we can host computer kiosks where we can have them at City Hall or other gatherings and we could assist people because all it is, is just an internet . . . but we can help them with that, too. Also, in student areas it can be helpful. A lot of these we will work with our other local officials and the Census staff to develop a campaign.

And that's it quick. Now if you want to get, I have a census form here but that's only if you really want to get geeky about it, and everyone is saying no. It's interesting but not that interesting. Alright, so that's it.

Mr. Silverman: Okay, thank you very much, Michael.

9. NEW BUSINESS.

Mr. Silverman: Item #9, any new business?

10. INFORMATIONAL ITEMS.

- a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS**
- b. PLANNING AND DEVELOPMENT DEPARTMENT LAND USE PROJECT TRACKING MATRIX**
- c. ATLANTA ZONING UPDATE ADDRESSES PARKING, ADUS, MISSING MIDDLE HOUSING – CNU.ORG**
- d. NH SUPREME COURT HOLD PLANNING BOARD UNREASONABLY DENIED APPLICATION FOR SITE PLAN APPROVAL – LAW OF THE LAND.WORDPRESS.COM**

Mr. Silverman: Item 10 on our agenda, I'd like to bring to your attention the informational items.

11. PUBLIC COMMENT

Mr. Silverman: Item 11, is there any general public comment?

Ms. Gray: After Ms. White, I just had ten seconds of updates on issues that we're working on and outcomes.

Mr. Silverman: Ms. White, do you have any . . .

Ms. White: I'll make it quick. Jean White, District 1. These are just my feelings. What is being done by the City and the Planning Department to protect the character of our historic Main Street with over 10, maybe 13, buildings on the National Register and furthermore, have buildings of comparable sizes, 3-4 stories? Something could have been done two years ago but now it is too late. With a 7-story hotel coming right on Main Street, just even that, but in addition, taking off 55% of a building that was all on the National Register, to do anything now would be like closing the barn door after the horse has left. We have Appendix XIII, which talks about on our Main Street area that buildings should be of comparable size. Apparently, that doesn't hold any weight compared to for every level of housing you get an extra story. Apparently, that Appendix XIII holds no weight. Maybe it should be taken out of the Code. At any rate, does anybody care anymore, or is there anything left to care about anymore? These are my feelings.

Mr. Silverman: Thank you. Madam Director?

Ms. Gray: Just very briefly, the, I lost my place, my apologies. The three land-use plans that were heard at the March 25, 2019 Council meeting – 924 Barksdale, College Square, and the hotel on 92-96 East Main Street – all were approved. The staff work plan for the Parking Subcommittee strategy was approved by Council on March 26, and staff is working on an RFP for a consultant for the parking ordinance and for the marketing plan in relationship to the work plan. The first Traffic Impact District committee meeting is scheduled for May 8 from 1:30 to 3:30. The consultant is AECOM. They're just helping us out with that. We're looking to schedule the first Rental Work Group meeting in the last week of April, and the consultant that is helping us out is JMT. Council also had a meeting regarding the student rentals on March 27, and the information that was discussed is on the website. That is all.

Mr. Silverman: Okay, if there is no objection, we will stand adjourned.

There being no further business, the April 2, 2019 Planning Commission meeting adjourned at 9:20 p.m.

Respectfully submitted,
Frank McIntosh
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Planning and Development Department memorandum \(Focus Areas\)](#)

Exhibit B: [Planning and Development Department memorandum \(Rules of Procedure\)](#)

Exhibit C: [Planning Commission Chairman Silverman hand-out \(Rules of Procedure\)](#)

Exhibit D: [Planning and Development Department memorandum \(Submission Deadline Schedule\)](#)

Exhibit E: [Planning and Development Department report \(RM and RA Zoning Districts\)](#)

Exhibit F: [Planning and Development Department memorandum \(Census Update\)](#)

Exhibit G: [Planning and Development Department presentation \(Census Update\)](#)