

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MEETING CONDUCTED REMOTELY
VIA GO-TO-MEETING**

January 5, 2021

7:00 p.m.

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

Chairman: Will Hurd

Commissioners Present: Karl Kadar
Alan Silverman
Tom Wampler
Allison Stine

Commissioners Absent: Stacy McNatt

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

Mr. Will Hurd called the Planning Commission meeting to order at 7:00 p.m.

1. Chair's remarks.

Chairman Hurd: Good Evening everyone and welcome to the January 5, 2021 City of Newark Planning Commission Meeting. This is Will Hurd, Chair of the planning commission. We are following the State and Council directives on remote meetings and holding this meeting to the GoTo Meeting platform. Our goal is to support the participation of everyone in this meeting. Angela Conrad our Administrative Professional is the organizer for this meeting and will be managing the chat and the general meeting logistics. At the beginning of each agenda item I will call on the related staff member or applicant to present first. Once the presentation is complete, I will call on each Commissioner on rotating alphabetical order to offer their comments. If the Commissioner has additional comments, they would like to add afterwards they can unmute themselves and I will call on them to make it clear who is speaking next. Angela will be keeping all of the attendees on mute to prevent background noise and echo. Please try to avoid talking over other people so that everyone listening can hear clearly. In accordance to the Governors declaration on remote meetings everyone giving public comment needs to identify themselves. When we have public comment, we'll first read the record comments received by email prior to the meeting. If members of the public would like to comment on the agenda item during the meeting they should send a message to the chat function with their name, district or address and which agenda item they wish to comment on. The chat window is accessed by clicking on the speech bubble icon on the top bar. For those attendees only connected to the meeting only by their phone and I see at least one, I will call on you separately when it comes time you can press*6 on the keypad to unmute yourself. We can see that you have unmuted, and we can call on you for your comments. If there are any issues during the meeting, we may adjust these guidelines if necessary. The first thing I would like to get the commission's approval to adjust the agenda and move item #5 the 141 East Main Street before the 132 East Main Street Project. John Tracey is also presenting tonight at the county board and needs a little extra time to join us. So, do I have approval? Any disagreements? Okay, by acclamation I will say that we have adjusted the agenda.

I would like to also thank Director Gray for gifting me with my own gavel. It was a totally unexpected and gratefully received gift and I plan to use it every chance I get. Which brings us to item 2.

2. The minutes of the November 3 Planning Commission Meeting.

Chairman Hurd: The minutes of the November 3rd and the December 1st planning commission. The December 1st minutes are still being worked on, but we have before us the November 3rd minutes. Do we have any comments or corrections on the minutes to the commissioner? Alright, I am seeing none. I will say the minutes are approved by acclamation. OK, , hold on, I'm gaveling. I love gaveling.

3. Review and consideration For the Steering Committee for the comprehensive plan 5 review and update.

Mike Fortner: Hi. Good evening Chairman and Planning Commissioners. In your packet you have the report for the Steering Committee which has the members that have so far agreed to be on the committee for your review and hopefully your approval. We still have a University person that we will fill and give you that name, probably at the next meeting. We had our first meeting on December 15th. It was sort of like just an organizational meeting. A PowerPoint presentation that I gave is attached to your report. It was via by GoTo Meetings and there will be minutes to the meeting. There will be transcript meetings just like Planning Commission meetings minutes. Of course, we will have a back log until we have Ann aboard. So, it's going to be a little while before we start getting the minutes all prepped but the meeting was also recorded so we will have that, too. The next meeting is set for January 26th. It will be appoint a chairperson at that meeting or set a chairperson and we will probably go over the first few chapters. I will prepare material for that later this month for the kind of, basically start working through it. There is a committee that you see on the screen right there. Composed of residents, a diverse range of residents from all different kinds of walks of life like in the plan for planning. I think it's a very diverse committee. It has a student representative, a representative from developers, very knowledgeable residents. We do outreach to people that have not, normally, participated in our meetings before are also on this committee. I think it is a very good committee that meets the objectives of the plan for planning that was approved in October. I think that covers everything. Is there any questions that you have or any other discussions?

Chairman Hurd: Thank you. Yeah, no, I was pleased to see several names of people that I didn't recognize. I think you guys, I commend you guys for doing a really good job of reaching out and getting, as we said, people who have not been involved in the process before to be engaged here. I think that is going to be really crucial. Two things on my mind. One is that we had talked about having two Commissioners upon this commission or committee and I wanted to see if there were any volunteers from the body for this role. No, okay. Then I will probably be joining this committee to give you a second person. The other thing is, I think previously we have, because this is a Planning Commission committee, we usually selected the chair ourselves and usually make it a Planning Commissioner. And not to put him on the spot, but Commissioner Kadar has indicated that he would be willing to serve in that role.

Planner Fortner: Ok, good. Thank you, Commissioner Kadar.

Commissioner Karl: I humbly accept.

Chair Hurd: Alright, I guess my only question and this is more of a question to the body unless something be solved here. Just making sure that you have a system or process for determining some varied meeting time or dates. Days so that we can make sure that we are reaching sort of a broader, as broad as possible of the group of the public as we can. But I will leave that to you guys to work out. Alright, going around the horn, Commissioner Kader.

Commissioner Kader: I have no comments other than the meeting is set for the 26th, Did we agree on the time?

Planner Fortner: I might stick with 7:00p.m. for that meeting and that can certainly be an agenda item that we can talk about. Certainly, we will have scheduled workshops and things for outreach, hoping we can do those at different times. And, in terms of business meetings we could do. We can work with the committee, but in terms of the business meeting we had last month you know 7 o'clock is sort of the time when people can make it seems and these members of public that want to join in. The plan for plan does call for having different outreaches, different locations and times. So, we will definitely incorporate that but 7 o'clock -yes.

Chair Hurd: Okay

Commissioner Kadar: Thanks.

Chair Hurd: Thank you. Commissioner Silverman.

Commissioner Silverman: No additional comments.

Chair Hurd: Alright Thank you. Commissioner Stine

Commissioner Stein: Just to wish everybody a happy New Year and no additional comments. Thank you.

Chair Hurd: Alright, Thank you. Commissioner Wamplar.

Commissioner Wamplar: I have no comments either. Thank you.

Chair Hurd: Okay. In that case then action.

Planner Fortner: It is approved. the committee and I will approve the committee. And, if the new members come, we will run this back to the committee too.

Chair Hurd: Alright, I will open this item for any public comments. I have no chats on this. No one unmuting. Alright, we will say that public comment is closed. Alright, so we are back to the table. Feels like we are ready to take a motion to approve these members of the Steering Committee.

Secretary Wampler: Yes, I move that the Planning Commission approve the members of the Planning Development Committee as presented on December, on the document dated December 20, 2020.

Chair Hurd: Awesome. Do I have a second? With the addition of me, correct. Good point.

Commissioner Kader: Second

Chair Hurd: Okay, I have a second. Alright, we will go around the horn.

Commissioner Silverman: Aye.

Commissioner Stine: Aye.

Commissioner Wampler: Aye.

Commissioner Kader: Aye.

Chair Hurd: Aye, as well Alright, excellent. Alright that brings us to the former item #5 let me find 5. This is old business.

5. Review and Consideration of the parking waiver regarding the major subdivision with site plan approvals of permit and parking waiver for the property at 141 & 145 East Main Street and 19 Haines Street.

Chairman Hurd: Just so that we are clear per our guidelines. We are taking this item up from where we left which was after public comment and during commissioner's deliberations. We are only considering the parking waiver portion of the application which was tabled so that the applicant could verify the required parking based on the changes in the density of the building that came about from the site plan approval. So, Director Gray are you leading off?

Director Gray: Chairman Hurd, Mr. Bilodeau is leading off.

Chair Hurd: Thank you. Okay

Solicitor Bilodeau: Good evening everybody. Paul Bilodeau here. Just to kind of recap where we were when we left off at the December meeting. The applicant initially sought site plan review with a density bonus for 94 units. Prior to that we had the hearing where we tabled an application to allow me to issue an opinion on the density bonus. We offered that, as well, to this applicant and the applicant chose to push forward and then during the hearing the applicant voluntarily opted to amend the application to code compliant 60 units. And the Commission voted to approve that plan for 60 units. At that point we started trying to make the vote on the parking waiver and there was some confusion as to as to the numbers and it was a late hour as well. That's where it was mutually agreed upon and voted upon to table the motion and that is where we are picking up tonight. So, I just wanted to give a better description of what happened on December 1st. Those are my comments.

Chair Hurd: Alright, Thank you.

Director Gray: Ok, and now I will pick it up from there. Chairman Hurd as Solicitor Bilodeau summarized the parking waiver analysis went back to the Planning Commission and to reiterate, the Planning Commission recommended approval of this development of 60 two-bedroom units. This is after the applicant agreed to reduce the number of apartment units to 60 units. Upon analysis the Planning and Development staff revised recommended approval of the Planning Commission to reduce the number of units from 94 which was the original proposal to 60. It was determined that a parking waiver for this project is not needed. The applicant submitted a revised parking waiver as indicated in the enclosed packet titled *Parking Waiver Justification* that was dated December 29th. That is for 52 parking spaces with a shared parking arrangement of a parking garage with the applicant in the City where the applicant would provide upwards of 181 spaces to be utilized by patrons of the City in a public parking situation. The Planning and Development Department staff discussed, regarding this parking waiver is that staff concurs with the applicants approach as we had stated in the November 24th report regarding parking waiver in general, regarding decoupling parking for the students and discouraging on-site parking of vehicles, a provision of ample and convenient indoor bike parking facility, as well as, the applicants perspective that given the projects central location within the City of Newark and walkability. This location provides to future students that cars are not imperative for residents to navigate the City. For the staff is also supportive and in favor of their proposed shared parking arrangement where the City will manage the parking and a portion of the parking spaces will be available to the public. It is helpful to highlight that these parking concepts and approach are encompassed in the recommendations of the parking subcommittee that was adopted by Council on March 26, 2019. As indicated in the enclosed parking waiver justification the applicant is seeking the additional 52 parking spaces based on the ultimate allowable density in the BB district with the 15% bonus allowed under this site plan approval provision that Solicitor Bilodeau had indicated and it is attached to your packet. However, the parking waiver code section 32-45(b)((1) indicates and I quote, " The off street parking standards in section 32-45(a) may be reduced or waived for any permitted use in section BB 32-18 requiring a certificate of occupancy with the approval of the Planning Commission" end quote. The code here in general indicates that a parking waiver is tied with a project as a whole and can only be sought when the proposed

parking number is less than what the code requires. Therefore, to allow for a parking waiver when none is required does not align with the code. Staff notes that the review of the parking waiver request is under the purview of section 32-45(b) of the code and per this section specifically, subsection 2, in reviewing the parking waiver application the Planning Commissions shall consider the following: Whether the applicant has demonstrated that the proposed use does not conflict with the purposes of the comprehensive development of the City. Whether the applicant has demonstrated that the proposed use confirms to and is in harmony with the character and development pattern of the Central Business District. Whether the applicant has demonstrated that the proposed use is not highway oriented in character or significantly dependent on the automobile or traffic as a primary means of conducting business. If the proposed use will not adversely affect the health or safety of persons residing or working in the vicinity or will be detrimental to the public welfare or injurious to property or improvements in the vicinity. The Planning Commission may also consider the availability of off-street parking facilities and the availability of nearby adjacent parking facilities within 500 feet that may be shared by the applicant and an existing or proposed use. In considering the subsection the Planning Commission may require that the applicant submit an appropriate deed restriction satisfactory to the City that ensures that either the continued validation of and/or the continued use of shared parking spaces in connection with uses and structures they serve. And finally, the Planning Commission shall consider the advice and recommendation of the Planning Director. So that is the framework, if you will, of the decision of the how the Planning Commission should look at a parking waiver. In conclusion of my presentation here, the Planning and Development Department does not recommend in favor of the 52-space waiver. Rather it is just recommending that the Planning Commissioner approve the development of a shared use parking agreement for the language described in the December 31, 2020 memo in your packet. Should the Planning Commission wish to grant the 52-space parking waiver then an alternative motion is included in this same memo, an alternative motion for the Planning Commission. This includes Solicitor Bilodeau direction that increased density of this project from 60 units to 88 units will require another action by the Planning Commission and City Council. Chairman Hurd, that concludes my presentation. Thank you.

Chairman Hurd: Alright, thank you so much. Alright, we will move to Mr. Alan Hill, the applicant to walk us through there parking waiver justification memo. We are not hearing you Alan. Alan you need to unmute your – other button.

Director Gray: In the meanwhile, Angie, could you please pull up the PowerPoint presentation from Alan. Thank you.

Alan Hill: I am sorry about that. I could not figure out how to unmute myself. Pretty much sums up the day so... As you know I am Alan Hill with Hillcrest Associates. I am presenting tonight on behalf of my client, Main Street Acquisitions LLC. They are actually not with me this evening. If you could move to the next slide, please Angela. Thank you. Alright, so, I am sure that you will all recall that I was here last month – you do, with this project and the commission acted on the application, the special use permit and the major subdivision plan with site plan approval. But we ask for the parking waiver application to be tabled at that time as there was confusion with regards with the need and the actual number of parking spaces that we would be asking for with the waiver. Next slide please. By way of reintroduction to the project you can see on this City of Newark parking map the approximate location is shown to East side of Haines Street between East Main Street and Delaware Ave. Identified the City Parking Lot #7. The reason it is identified as City Parking Lot at this time is because the City approached my client to ask if they could use the lot for City parking during the Main Street improvement which my client graciously agreed to. We believe that this is an ideal location for consideration of a parking waiver and the coupling of the parking with its central location within the City of Newark. The natural local ability of this location provides with access by walking or biking to countless amenities which negates the residents needs to have on-site parking. Also, by decoupling the parking from the uses this will allow the parking spaces that are required for the commercial spaces to be made available for public use bringing the much needed parking that the downtown businesses have been pleading for. Since the last meeting we have been working with the Planning Department to determine

the amount of parking spaces parking waivers should be for. This is because of the recommendation from the Planning Commission was for 60 units. Sixty units simply does not require a parking waiver. However, it is my understanding that to de-couple the parking from the building, a parking waiver is required. Another of the ongoing discussions we've been having with the City is to do with the shared parking agreement. And currently, we don't have an outlined agreement with the City. So, as part of this application I am not able to commit my client in any way to the shared parking agreement. I believe both parties are working in good faith to reach an agreement, but ultimately, it is my client's intention and desire that the parking waiver should be approved so that over 200 parking spaces could be made available for downtown public parking. Preferably as part of a shared parking agreement but it could be operated independently. Also, since the last meeting the City Solicitor has clarified in a memo to the Planning Commission that a 15% density bonus is allowable with site plan approval. This density bonus is not an agenda item, so I am not looking for a determination on this and whatever the Planning Commission determines from this parking waiver application it doesn't affect the recommendations from last month. However, with this density bonus in mind, I offer the calculation used to develop the number of spaces requested for the waiver. Next slide, please. Our growth tract area of 1.52 acres has an allowable density of 50 units per acre with two-bedroom units which would yield 76 dwelling units. The site plan approval process permits the density bonus of 15% thus creating a maximum number of units for the parcel of the 88 two-bedroom units. We use the 88 two-bedroom unit calculation as this would create the greatest number of parking spaces that could be required. Next slide, please. The purposed plan requires 97 parking spaces for the commercial portion of the proposal. The ultimate maximum possible parking spaces required for 88 two-bedroom apartments would be 176 parking spaces for a total of 273 parking spaces. The proposal presented last month included a parking garage with 221 parking spaces which would then require a waiver of 52 parking spaces for, the ultimate density that could be proposed by site on approval. If granted up to 52 spaces will be taken from the spaces proposed for the residential portion of the project, reducing the spaces available to residential tenants while providing a minimum of 101 parking spaces that will be available for public parking with the potential of over 200 spaces available for public parking. Next slide, please. So finally, to sum up, we are not requesting the Planning Commission amend in any way the previous recommendations. Just to vote on a residential parking waiver of up to 52 parking spaces for the residential portion of this project which will allow the applicant to decouple from the parking requirements for the building and thus allow the commercial buildings, the commercial parking to be used by the public. In the return for the waiver the applicant is willing to make available to the public a minimum of 101 commercial parking spaces proposed by the application and work in good faith with the City to create a shared parking arrangement. Again, at this time there has not been an outline created for the arrangement only a willingness and a commitment from both sides to try and complete what would be a groundbreaking moment for the City and Main Street businesses. The bottom line is here with or without the shared parking arrangement the proposed waiver would ensure a minimum of 101 parking spaces that would be made available to the public and businesses in downtown Newark with a potential of over 200 parking spaces available. At this point I will hand back to Chairman Hurd and make myself available for any questions.

Chairman Hurd: Alright, Thank you. So, you bring up a good point. The point that was sticking for me as well which was, I was believing that we were needing a waiver to release the parking spaces that were dedicated by the code to be available for general use. But help me out here with this Director Gray and Solicitor Bilodeau. My understanding and from the conversation that is not in fact what the code requires. Because there are at least two instances of parking lots that are providing spaces required for a business that are also charging for that parking. So, they have now made it, you know, essentially it's available, but the owner has more control over it. Can you help me out here Director Gray am I in the right direction?

Director Gray: Yes, Chairman Hurd you are in the right direction.

Chairman Hurd: Okay. So, to my mind, at least, and check me on this Solicitor Bilodeau. I don't believe that the parking waiver is required to release any of the parking spaces to be available to

City managed. I think it's enough to say that you have by code adequate spaces for the density that you've proposed. But we are going to have the City manage it and part of the management is going to be while a resident has a parking pass that allows them to park and that is part of the management plan. And that people that frequent the business will have to pay or it's not like it's not that the code says that the parking has to be free. I think that what it is. It's just the parking has to be available. Is what I am sort of trying to get around to.

Paul Bilodeau: That is my understanding in past that where there has been adequate number of spaces and there has been some sort of decoupling there was no need for a parking waiver in the past.

Chairman Hurd: okay.

Paul Bilodeau: I will add, as well, that the decision on the parking waiver of Planning Commission tonight can be appealed to the Commission or to the Council if the applicant doesn't like the decision and the applicant can seek a ruling from the Council on the parking waiver. I think it's clear that the waiver being sought tonight is being basically based upon them eventually getting additional density but that's not going to happen tonight. So, I'll just add that.

Chairman Hurd: okay, thank you. Alright, we will start with Commissioner Stine.

Commissioner Stein: I just want to make sure that I am clear. There is no waiver required for this project in 60 two-bedroom units, correct?

Paul Bilodeau: Correct.

Commissioner Stine: When it says on approval the 52-space parking waiver granting the parking waiver does not grant increased density from 60-88 that this will require another action by the planning commission, or this would require another action. So, are we being put on notice that that this is the intent and if we grant the waiver – I don't mean they, I don't mean to be disrespectful- the developer is going to come back looking for 88 units?

Paul Bilodeau: There is a disagreement right now as to the legalities here. I opined earlier a couple of weeks ago, that once I heard that the applicant who was now interested in getting more density to this product adding more units that it was my position that if they wanted to do that they needed to start back again with the Planning Commission. They feel just as strongly that no, they can go to the Council at their hearing and get the additional density at that time. So that there is a difference of opinion as to whether it is going to come back to Planning Commission or not.

Commissioner Stine: Alright, that's all that I have. Thank you.

Chairman Hurd: Thank you. Commissioner Wampler.

Commissioner Wampler: Thank you. Yes, I have, well for me it's simple. I have a couple of concerns about this whole project, but we recommended approval of the project on the condition that it would be limited to 60 apartments with two bedrooms each. A total of 240 residents. And as we approved it does not need a parking waiver and so I have a lot of trouble supporting the parking waiver. There are a couple of things that really bother me about it. At that meeting people had a lot of objections to the building as presented because they felt that it was too tall and too massive given the scale of Main Street. And the decision was that 30 of the apartments would be removed from the project but that the building would not be made any smaller. So, we approved it with the 60 and now they are proposing that they get a parking waiver for 88 apartments. Something about this just doesn't sit right with me. I think that all aside looking as it is the parking waiver goes with the project as recommended or as approved. We recommended it for a total of 60 apartments and they have the parking that they need so I am in no way in favor of granting a parking waiver.

Chairman Hurd: Alright, thank you. Commissioner Kadar.

Commissioner Kadar: While I am extremely happy this project will lead to additional parking spaces downtown, particularly given what is going on in the next project we will discuss where parking spaces are being eliminated. I think that is a wonderful thing, but I am with Tom on this one. We agreed to a building and I will remind everyone that I was not particularly happy with the design or size of this building. Like Tom, do not really feel like it fits in with Main Street. None the less, we were giving them the approval to build the building with 60 units and with 60 units a parking waiver is not required and now we are asking to approve a parking waiver because maybe they'll increase it to 88. I have a real issue with that. I would not vote to approve the parking waiver at this point. We want to keep it at 60 units.

Chairman Hurd: Alright, Thank you. Commissioner Silverman.

Commissioner Silverman: Is part of the justification for coming back with a parking waiver involve with the negotiations with the city and the City operating the parking facility, Mr. Hill?

Alan Hill: Somewhat. We were informed by the City that we had to come back with a parking waiver to complete the process of what we started last month. We made an amendment down from 87 parking spaces down to 52 just as a justification for the waiver. The waiver we want to separate the waiver from the shared parking agreement. We want to make the spaces available. We were under the impression that we needed a waiver. Also, for the decoupling. So, I guess that was, I guess, a misunderstanding on our part of the decoupling based on what Director Gray and Mr. Bilodeau pointed out tonight. We were told by the City that we needed to come back with a waiver request to complete the application from a month ago.

Commissioner Silverman: Hmm, okay. So, it appears the City is driving your additional application for the parking waiver.

Alan Hill: That is my understanding is that we were asked to bring this waiver back in just to complete the process.

Chairman Silverman: Okay, Mr. Chairman, I have no other comments.

Chairman Hurd: okay. I just say that I concur with the Department. Granting a waiver when one isn't required by the code in the units. I think, clearly, there needs to be some conversation between Director Gray and the Parking Department perhaps about waivers and decoupling because they may be under the same impression that I was under that is that you need the waiver to kind of remove it from the project and put it in the open space to manage. That just may be something, so, I am sorry that you are getting the run around on that. I think I am in an agreement that we have to look at the parking that's required by the project that has been presented and whether, to, my mind, the parking waiver is for when you cannot provide the parking that the code requires for the project that is presented. I think we seen clearly that there is adequate parking by code for the project. Sorry I lost my thought. Okay, we have been around. Any final thoughts, questions, discussions?

Commissioner Kadar: Just to be clear on this. A project was submitted for an excess of 60 units last week or last month, excuse me.

Chairman Hurd: Right

Commissioner Kadar: And, we have by agreement reduced that to 60. The builder agreed to reduce it to 60 and therefore we approved the project with 60 units. The 60 units do not require a parking waiver. Is that correct?

Chairman Hurd: That is how I am being told.

Chairman Kadar: based on that the request for a parking waiver is kind of a moot point. Why are we requesting a waiver for something that doesn't require a waiver? I think we need to clear this up.

Chairman Hurd: I guess we are saying we are pressing a waiver. We are considering the last item outstanding from the application last month was the parking waiver application. Which at the time I believe they did require because they had higher units and they had more density and they had higher parking requirements.

Commissioner Kadar: Agreed

Chairman Hurd: so, we are simply considering the revised calculations presented by the applicant based on the project as we reviewed it. So, I wouldn't say that we are pushing the application or pushing the issue we are just considering so we can close out this item and move the approval along.

Director Gray: Mr. Chair this is Director Gray if I could also, add to that. Yes, we are closing out a tabled agenda item that they requested the Planning Commission to table this item wanted it back. And, also, there were comments included in the tabled when this was tabled that they also wanted to have a discussion regarding the shared parking and further discussion regarding the shared parking arrangement and how the whole parking would work. So, I saw this as the shared parking and the parking waiver being tied because of those comments at the last when this item was tabled. That is why we are having this discussion this evening.

Chairman Hurd: Okay. Certainly, I am in favor of this shared parking agreement, I think. It makes a lot of sense. I truly do hope that the applicant and the City can work out the agreement that makes it effective. Okay.

Solicitor Bilodeau: I will just add one more for Mr. Kadar reason why to vote, it's like I said, the appeal process so that if the applicant is correct when they go to the Council they can seek additional density at that time Council can consider the appeal of the denial of the parking waiver so that this doesn't have to come back to the planning commission again. So, from an efficiency standpoint it might be better to proceed that way.

Chairman Hurd: Okay.

Commissioner Kadar: Thanks Paul. I am clearer on that.

Solicitor Bilodeau: Thanks.

Chairman Hurd: Okay, any other Commissioner comments or questions?

Commissioner Wampler: In moving forward, I think we have recommendations for two motions, and I think they should be voted on separately. One of them concerns the development of the shared use agreement which I think, well, we will see who is in favor of that and who's not. But I think that is separate of the actual approval of the 52-space parking waiver. I thought we should have a separate motion and a separate vote on each of those two suggestions if that is what you are looking for.

Chairman Hurd: It kind of makes sense. Because, right, one is about the recommendation about the approval of the subdivision plan and the other one is the request for the parking waiver.

Commissioner Wampler: Right, I think we owe the applicant a straight vote on that.

Hurd: Right, Rather than

Commissioner Wampler: My personal preference would be that that would be separate from voting on the shared agreement.

Chairman Hurd: Mr. Hill.

Alan Hill: I think the first motion that Mr. Wampler is talking about would be making it an amendment to the motion made last week and to my belief it is closed. Because that was voted and closed. So, I think the only vote you can take is on the second item and that would be, the way you are talking, would be to decline it. Decline the parking waiver.

Chairman Hurd: Okay.

Alan Hill: So, we can cancel that.

Chairman Hurd: Searching my memory and I can turn around and try to grab last month's thing was recommendation for the shared parking part of our approval last month?

Commissioner Stine: Yeah, that's why I am waving my hand. I do not have last month's packet with me, but I thought that a shared parking arrangement was part of the initial approval of the project.

Chairman Hurd: I am grabbing the packet. I am glad I didn't. not that one, not that one. There it is. So, there was item C about. So here is the thing, this is the motion that we didn't vote on because it says – I am just quoting from last month, "Because this should not have a negative impact on the adjacent and nearby properties and because the proposed plan does not conflict with the development pattern of the nearby area recommend approval of the 84 space parking waiver for 141 East Main Street with the following conditions. Those conditions being that applicant shall work with staff on a shared parking arrangement". So, I believe that was the item that was tabled. So, I believe we are back to the language around shared parking. I know that we discussed it in great detail. But I am not seeing that that was a motion that was made or voted on.

Alan Hill: If I may, that is what we tabled.

Chairman Hurd: Right.

Planner Fruehstorfer: if I could interject, this is Tom Fruehstorfer, a planner. The plan last month was to have a subdivision agreement and a parking waiver. So, the condition that we are talking about in our first alternative here was going to be part of that parking waiver. Since the applicant reduced the density and the parking waiver is not required, that condition is still out there. So, in discussion it was discussed that a condition would be part of it, but the condition last month was part of the parking waiver vote and not the subdivision vote. So, through the the whole discussion everyone assumed the parking agreement would be part of the subdivision, but it would just be captured in the parking waiver but now we do not have a parking waiver. Possibly, so that's how we got where we are.

Chairman Hurd: right, and that is a good point because the language did shift slightly between the two because this month's motion, recommended motion is about following conditions to the recommendation of approval of the subdivision plan. Which Mr. Hill is correct, basically we have approved that plan? That item is closed.

Paul Bilodeau: I'll all that the agenda item tonight just talks about a parking waiver and doesn't talk about a shared parking agreement.

Chairman Hurd: Alright. Alright. So, my one concern is that by not making the shared use agreement as part of our approval because I think in our conversation that was something that

we wanted to have happen. Do we have a mechanism to ensure that the process continues forward? Do you see what I am trying to get at Mr. Bilodeau?

Solicitor Bilodeau: I do, I do Mr. Chairman. Possibly the motion could be in two I guess it's got to be in the positive vote to recommend the parking waiver 52 units with a shared parking arrangement. And then if that's denied then that will be what's appealed to the Council.

Alan Hill: I am sorry to keep interrupting. Because we do not have an outline on the shared parking agreement, it makes it very difficult to know what you're making my client agree to. If that the right reason. Obviously, we would like to do the shared parking agreement. It makes sense for everybody involved. But because there is no outline for it yet and we have been, we have been reaching out to the City since the last meeting multiple times. We've just haven't been able to get anything sorted out. We like the idea of, I like the idea your making a vote obviously like Mr. Bilodeau said in the positive but we have to tie the parking waiver a good faith attempt getting the shared parking agreement to work as opposed to locking us in because we do not know what we are being locked into and you don't know what your being locked into. I think that has to have some wiggle room for both sides for want of a better term. I need a little wiggle room please.

Chairman Hurd: I am not comfortable saying that the shared parking agreement is part of the parking waiver approval because what I am hearing, at least, is that there is not a lot of support for the parking waiver but there is support for the shared parking plan. So, I do not want to tie them because they are sort of separate things in that sense.

Alan Hill: Mr. Chairman, do you want to divide the motion as was suggested by Mr. Wampler?

Chairman Hurd: So, the challenge is Mr. Hill pointed out and I am not sure if Mr. Bilodeau has a response directed to this. The way the motion is written in this month's report ties the shared parking agreement to approval of the subdivision plan, but we have already approved the subdivision plan.

Director Gray: If I could interject, Mr. Chair. This is Director Gray. This is just a suggested motion. You could change the motion. This is merely a suggestion.

Chairman Hurd: okay

Commissioner Wampler: This is Tom Wampler, I have a quick question. If in fact, the parking waiver was denied is there still an interest in having the shared use agreement if there is we, I think we can make a motion not to amend the wording of something we already voted on but we that we recommend that City Council direct the city to develop a shared use parking agreement with the applicant.

Chairman Hurd: right

Commissioner Wampler: Regardless of whether the independent or regardless of how we vote on the waiver.

Chairman Hurd: I like that better because it just becomes a recommendation from the planning commission that there be a shared use agreement negotiated if possible but doesn't it tie to previously approved and closed items. Or to future items.

Paul Bilodeau: I am fine with that.

Commissioner Wampler: I would use the wording that is on page 3. I think I would get rid of the 2nd sentence that says "The agreement is expected to be completed by the 2nd quarter of 2021 and prior to the issue in the building permit". Unless people think it seems a little restrictive to me and just say that we recommend that the City develop a shared use agreement and then go

on to say the Management agrees that it is expected to management of the parking and then all the way to the end. But if people want to leave that 2nd sentence in.

Chairman Hurd: Why don't you read it out and we will see if we need to make amendments to it.

Commissioner Wampler: I would move the Planning Commission recommend that the City Council direct the city to develop a shared use agreement for the parking garage. The management agreement with the City is expected to include management of the parking, enforcement, installation of the City's parking system that comprises the two-tiered parking and kiosk system, a camera lighting system, maintenance of the camera and lighting system, striping, and the T2 hardware and software system and city management of parking permitted for apartment use.

Chairman Hurd: Okay, do I have a second?

Commissioner Kadar: I will second.

Chairman Hurd: Okay, do we have any amendments to the motion? Discussion of the motion?

Commissioner Stine: Mr. Hill, I am not sure of what we are voting on here because I thought I heard Mr. Hill saying that he is not going to obligate or commit his client to a shared parking agreement. It's kind of sounds like that is what we are still attempting to do.

Chairman Hurd: So, I'll say that Wampler. The thing here is that we are recommending the Council direct the City, and only the City, to develop an agreement. We cannot direct the applicant to do anything.

Commissioner Stine: May I ask if your client is interested into entering into such an agreement with the City if you don't get the parking waiver, because, I know last month it was late and everybody was tired and we were all a little cranky but if I am not mistaken you did say at the last meeting, and I don't want to put words in your mouth and I wish I had the exact minutes but I thought you said that parking would be off the table if your client wasn't given the density that they were asking for. So, now are we not only reducing the number of units down to 60 but also denying the parking waiver. Does your client have an appetite to enter into an agreement with the city still?

Mr. Hill: Not really. I mean there is no benefit to enter into an agreement without a parking waiver or any density created or anything along those lines. They really don't have much interest in entering into an agreement. I mean, I have to say, that we have reached out to the City multiple times since the last meeting. We have not had warm and fuzzy response feeling back. Everybody says they want this but, I know everybody is busy with the holidays and everything, but we have not been getting a really positive feedback from this and the client is getting, quite frankly, a little bit fed up with the process. So, the waiver keeps his interest in it but without the waiver, and I cannot speak 100% for him, I don't believe he has much interest but that wouldn't make a change to Mr. Wampler's motion because that is just directing the Council to direct the City to work with us to create an agreement. My client, I believe, can walk away from that at any point. It's just a direction to the City and the Council. But, to guarantee the spaces and the possibility of an access, my thoughts are that the waiver should be at least granted even if it is not needed. It allows us to reduce down the spaces that presented to the apartments part of the process even make those available if you have the waiver in there. So it has multiple effects on the project. Even if it stands at 60 units. Which is beneficial for the City and the clients to have the parking waiver in there but it doesn't seem like you are really interested in the parking waiver, but you are more interested in the shared use agreement. But, if those get tied together, I think my client is okay with that.

Commissioner Stine: I appreciate your honesty on that because I heard you say that last time and I appreciate your consistency on that position and I completely understand that. The reason

I bring it up is because my next question is: if there was an appetite for granting this waiver because it was tied to a shared parking arrangement with the City, could this Commission grant an approval with that contingency. That you must enter into a mutually agreeable shared parking agreement because, quite frankly, I don't think I would have voted "Yes" on this project last month because I do not really love the building, to be perfectly honest. But, the benefit of the parking to the City, I would have a hard time voting against 101-200 spaces of additional parking to the City businesses. So, I am a bit conflicted here.

Mr. Hill: I understand exactly your confliction. The problem that we have is that we can only say that we will do our best working with the City because we do not have an outline and to give you an outrageous example of concern, and it can work both ways. If we are forced to have an agreement, the agreement could say, that my client is responsible for building the parking spaces, striping, the machines, everything else and then paying the City \$5000 a month to have them manage the parking and get no return on the investment. That, quite frankly, is never going to happen. So, that extreme example that I don't think the City looks at it that way, but that is the potential that could open up by saying that we will have to enter into a shared parking agreement because, the negotiations just haven't got that far. As far as dollars and cents and who manages what, who is responsible for what? It just too early in the negotiations to force my client into a parking agreement that he doesn't know what he is agreeing into. I hate to say that because I want the project to, from all different levels, because if I didn't want it to work, I wouldn't be doing it. I think it's a massive benefit for the City with the parking. So, we want to do whatever we can to make it happen and make it work and all those things. The word "will or shall" is something that I kind of have to push back on. I hope you understand that.

Commissioner Stine: Absolutely. If this parking waiver was not approved this evening, did not get a positive recommendation from this Commission, is your intention then to appeal it to Council? Is there still an opportunity for us to do, really what we should be doing, which is not approving a waiver that's not needed. Does that give you additional time to work with the City to bring this up again to the Council on appeal and perhaps reach an agreement at that level?

Mr. Hill: It does. If you were to deny the parking waiver, I believe it gives us 30 days to appeal the decision. Then, the ideal from that point, that the appeal would be tied into whenever we go to City Council for the rest of the project. That would be the ideal thing on that. Hopefully, in that time, we have all of these "if, but, and maybes", I think is the phrase, figured out. Then, Council can do what council does. And listen to all the discussions and weigh their recommendations and go from there.

Commissioner Stine: Thank you, Mr. Hill. Thank you.

Chairman Hurd: Okay, any further discussion on the motion.

Commissioner Silverman: Can we have re-reading of the motion, please?

Hurd: Absolutely. Secretary Wampler.

Commissioner Wampler: The motion is that the Planning Commission recommend to City Council that they direct the City to develop a shared use agreement for the parking garage. The management agreement with the City is expected to include management of the parking and enforcement, installation of the City's parking system that comprises the T2 parking and kiosk parking system, and the camera and lighting system, maintenance of the camera and lighting system, striping, and the T2 hardware and software system, and City manage the parking permitted for apartment use.

Chairman Hurd: Okay, so that is the motion before us. The discussion I haven't have, I do not have any amendments to the motion. We will move to the vote.

Commissioner Wampler: this is just making a recommendation to City Council?

Chairman Hurd: Yes

Commissioner Wampler: And it does not imply any obligations on the part of the applicant. I think it's a good idea and I vote yes.

Chairman Hurd: Okay, Commissioner Kadar.

Commissioner Kadar: I vote Aye.

Chairman Hurd: Commissioner Silverman.

Commissioner Silverman: Aye.

Hurd: Commissioner Stine.

Commissioner Stine: Aye.

Chairman Hurd: I vote "Aye", as well. Especially for the reasons stated by Commissioner Wampler. Alright, now the 2nd motion. Which is on the parking waiver request.

Commissioner Wampler: I am just going use the short recommendation that is on page 4, which I think is very straight forward. I move that the planning commission approve the 52-space parking waiver. Granting the 52-space parking waiver does not grant increased density of this project from 60 units to 88 units. This will require another action required by the Planning Commission and City Council.

Chairman Hurd: Thank you. Do I have a second?

Commissioner Silverman: I'll second.

Chairman Hurd: Any discussion on the motion? Alright, I see none. We will move to the vote. Commissioner Kadar.

Commissioner Kadar: Aye.

Chairman Hurd: Commissioner Silverman.

Commissioner Silverman: I vote Aye.

Chairman Hurd: Commissioner Stine.

Solicitor Bilodeau: Your voting in favor of the parking waiver? This is a positive motion. I just want to make sure everybody knows that.

Commissioner Kadar: Yes, that is what my vote was. Even know it is not technically required.

Solicitor Bilodeau: Okay.

Chairman Hurd: Okay, thank you Solicitor Mr. Bilodeau. Commissioner Stine.

Commissioner Stine: I am going to vote "Aye" and hope that in good faith you can negotiate a shared parking agreement with the City.

Chairman Hurd: Okay, Commissioner Wampler.

Commissioner Wampler: I vote, "No".

Chairman Hurd: Alright, and I vote, “No”, as well for the reasons stated in the Department report. Alright. Closed that item.

Mr. Hill: Thank you for your time and consideration.

Chairman Hurd: And thank you Mr. Hill for your assistance during this process.

Director Gray: Chairman Hurd, A point of order. So what was the vote on that?

Chairman Hurd: it was 4 to 1.

Director Gray: So, the motion passed?

Solicitor Bilodeau: No, it was 3 to 2

Chairman Hurd: No, it was 3 to 2. Sorry I was reading the wrong one.

Commissioner Kadar: The Chairman and Tom Wampler voted, “NO”.

Chairman Hurd: Correct. Alright.

Commissioner Wampler: Mr. Chairman.

Chairman Hurd: Yes.

Commissioner Silverman: Just to comment on our previous activity. As a Commissioner, I am not interested into entering into contract agreements and negotiations that are part of City activities. Particularly for areas we have no authority or responsibility for namely specifications on parking arrangements. I think our duties are limited to just the ordinance itself and in the future, I would not like to see these things come before us again.

Chairman Hurd: Okay.

Commissioner Silverman: Our activities should be that simply that a shared parking agreement should be entered into not the specifications of it.

Chairman Hurd: Oh, I got you. For the details of it. Okay.

Commissioner Silverman: That is not part of our purview.

Chairman Hurd: Okay, noted. Alright, I see Mr. Tracey has joined us.

Mr. Tracey: Good evening, Mr. Chairman.

4. Review and Consideration of a major subdivision with site plan approval. Special use permit and parking waiver for the property at 132-138 East Main Street.

Chairman Hurd: Alright, we are now taking up #4 which is old business from last month. Our review and consideration of a major subdivision with site plan approval. Special use permit and parking waiver for the property at 132 – 138 East Main Street. Again, I will note we are taking this item up where we left, which was after public comment during the Commission’s deliberation because there was a question on the interpretation of the code. We sought out from the Solicitor an opinion which we have received and is part of this packet. So, I believe, Director Gray we are starting with Solicitor Bilodeau’s statement? Or are you taking it up first?

Director Gray: Chairman Hurd, Director Gray here. I am taking it up first.

Chairman Hurd: Okay.

Director Gray: Solicitor Bilodeau, do you have any comments that you would like to add? Before we get started.

Solicitor Bilodeau: Not really. I think you can handle it.

Director Gray: Thank you Solicitor Bilodeau. Good evening, once again this is Director Gray. This is for 132-136 Main Street. I just have a couple of comments and this is a reiteration and summary of memo dated that was in your packet from staff. Major subdivision with special use permit and parking waiver for 132-136 East Main Street was presented to the Planning Commission at December 1st 2020 meeting. During the discussion questions arose including allowing apartments on the ground floor in the “BB” zoning district and the interpretation of allowable apartment unit density while utilizing site plan approval process. The application was tabled by the Planning Commission so the city Solicitor could investigate the questions. City Solicitor has since ruled that through the site plan approval process a request for apartments on the ground floor in the “BB” zoning district is allowed and a request for an increase density is allowed but shall be limited to 15%. The Solicitor’s memo with this ruling was sent out to all via email on December 10, 2020 and was included in your Planning Commission packet. The project presented tonight has the following changes: purposed 1st floor apartments has been removed and replaced primarily by commercial, office and retail space. The apartments on floors 2-5 will now be made up of 15 two-bedroom apartments, 9 4-bedroom apartments, and 4 six-bedroom apartments. The parking waiver has been adjusted to reflect the change in parking requirements. The applicant has submitted further information for consideration in this application including a list of purposed changes, a new project description letter, a new parking waiver request letter, and a letter addressing public work subdivision advisory committee comments. These documents were included in your Planning Commission packet, as well. The Planning and Development staff has the following comments and these proposed changes: regarding the removal of the purposed 1st floor apartments and replacement by primarily commercial office and retail space, staff notes the comments on the November 24th Planning and Development staff report on page 6. Which indicates that this area is already behind commercial space fronting on Main Street, that the current commercial space on this property is being replaced by the proposed project with new commercial space. That this proposed revision is further adding to commercial office and retail space to the current downtown inventory. Based on these comments, the November 24th Planning Development Staff report, staff recommends approval of this proposed revision. Regarding the proposed change in the number of units, the unit density waiver by site plan approval and the unit configuration, staff notes that this a reduction in the overall number of units proposed from 33 in the original proposal to 28 units. For the proposed waiver of site plan approval of 4 units and a change to the unit configuration for a total of 90 bedrooms from 92 bedrooms. Staff notes that the original proposal included 19 two-bedroom apartments, 2 Three-bedroom apartments, and 12 Four-bedroom apartments for a total of 92 bedrooms. Staff also, notes, that while the overall unit configuration has shifted over half of the units are still two-bedroom units, the density has been reduced to the original proposal and the number of bedrooms has been reduced by 2. Based on these comments and the November 24th Planning and Development staff report, staff recommends approval of this purposed revision. Staff also, notes that the density one of the variances that is being requested under the site plan approval provision, per section 32-97 of the code which provides for “alternatives for new developments and redevelopment proposals to encourage variety and flexibility and to provide the opportunity for energy efficient land use by permitting reasonable variations from the use and area regulations”. The Planning Commission will need to consider the requested area regulation exceptions as well as the standard of distinctiveness and excellence in site design as outlined in section 32-97 and the developers site plan approval submission. Finally, the parking waiver request is being increased from 66 to 67 due to the change in the unit’s configuration. As I just described and further described in your packet. The Planning and Development Department staff concurs with the applicant’s approach of decoupling parking, discouraging on-site parking of vehicles, as well as, discouraging the use of vehicles in favor of alternate means of transit in the downtown area. Further this approach is encompassed in the recommendation of the parking subcommittee and adopted by Council on March 26, 2019. Staff recommends approval of this parking waiver with a condition that the lease agreement shall be 99-years. Staff notes, that the

review of the parking waiver request is under the purview of section 32-45 being the code and per subsection 2 which I articulated in the last presentation and I will not go back over that. But that provides the framework. Because of that, staff recommends approval and I turn it back to Chairman Hurd. Thank you.

Chairman Hurd: Alright, Thank you. So, I just want to make sure we are all clear about the memo which is that from Solicitor Bilodeau that we do have the ability to approve ground floor apartments and increase density. I guess I just want to be aware that there is a memo from members of the development community that may have been sent to some of you today. Outside of our usual channels that disputes this opinion. The Planning Commission isn't the place to adjudicate this interpretation. We have to really be able to rely on the Solicitors opinions to do our work. We can't do our work if we come to the table trying to make a decision about which interpretation is correct. That is the role of the Solicitor. I think he did a very thorough job. So, I would say his opinion is not open to comment or further interpretation in this body at this moment. So, I will say that we had long conversations about the building overall, its design and such. I will open the floor to the applicant and ask to just sort of stay focused on the changes, which I do think Director Gray has kind of covered but just your take on them. So, that then we can kind of move sort of quickly to the discussion to of the project itself. Mr. Tracey.

Mr. Tracey: Thank you, Mr. Chairman. And, again, I appreciate the Commissions indulgence with my conflict in front of another body at the exact same time, zoom makes is easier but I still can't be in two places at once.

Chairman Hurd: But isn't it great that you didn't have to drive?

Mr. Tracey: I have made that drive before. So, yes, no land speed records were broken. As you alluded to Mr. Hurd, we spent a very long time discussing this project at the December meeting, so I don't intend to go over those items again. I think it is also worth noting that what the public would see from the exterior really isn't going to significantly change at all with the proposed revisions. There may be some windows moving to address new bedroom locations but the same architecture and all is being employed so I am not going to rehash that as well. There have been several changes, which Ms. Gray alluded to and I am just going to go over those. Hopefully fairly quickly. The first regards for the 1st floor apartments is you will recall the plan had 2 apartments on the first floor. These apartments were not infringing upon commercial frontage on Main Street but were instead located at the rear of the building facing the parking lot. We thought this was a nice amenity for folks that may have some ADA difficulty. While I recognize the elevators would handle that 1st floor living is obviously would be a benefit. That being said and noting that the City solicitor has concluded that 1st floor apartments are something that could be sought during this site plan approval process, we have, as Ms. Gray noted, removed those 2 apartments from the project so there are no 1st floor living arrangements now. That space, as she indicated, will be for a mix of commercial, office, and retail space, as well as, the amenities that we have shown you previously for the apartments. I think that is the answer to the first question. The second issue was on the density bonus. You will recall, our original plan was 33 units over a code permitted of 25. There was some discussion of whether or not this was a permissible element of site plan. The City Solicitor has reviewed the matter and issued his opinion and we have revised our project in accordance with his opinion, so we are seeking 15% or less of the density bonus with the new unit total as Ms. Gray noted of 28 units. The memo that was previously submitted to the board has a breakdown of those units that rs. Gray was mentioning. Again, as I noted, the architectural is remaining the same as we discussed at the last meeting and we showed at the last meeting. The design materials remain the same. None of that is being changed by this proposal. As Ms. Gray noted, we have previously requested 4 items of relief through site plan approval. We have eliminated the 1st floor apartments which eliminates that request and we reduced the density request that had been previously sought. We are now seeking 3 avenues of relief. The other 2 being the set back issues that we discussed at the last meeting. We went through the site plan criteria at the last meeting so I will not go through that again, except to note Commissioner Hurd that you had referenced the City's new energy code. As you noted, we are subject to the LEED standards for site plan approval because of the date on this plan was

submitted and we exceed that minimum level though such items as an electric car charging station, storm water management system on a site that was previously untreated for both quantity and quality and by adding infrastructure to the building to accommodate the use of solar panels. We are, however taking you up on your suggestion and we are exploring whether we can meet the new energy code. That's something that we will have an answer on before we get to council, but we believe there is a good possibility that we will be able to meet that new standard. One of the things we're looking at is not just adding the infrastructure for that but adding the solar panels, as well. There are cost aspects and the like that go into that. Finally, the parking waiver, as Ms. Gray noted, has increased by one spot. We are taking a conservative approach to parking. We are parking the building as if it is going to be fully occupied by commercial uses, so as to avoid to come back if we had a lower number and then it turns out to be a different use. It is possible that we're asking for more than we need but we are being conservative by assuming the building 1st floor will be utilized completely by retail uses. Talking specifically about the impacts of the parking waiver. One thing that I wanted to note is that there was discussion about the loss spaces in Lot #4. One needs to remember that those spaces are not on City owned land, but my client's land and the City has had the benefit of the uses of those spaces for little or no rent for decades. That being said, while we are adjusting the parking spots that are available through this plan, the remaining space will be given to the city at no charge for an extended period of time. In addition, there were some discussion about the design of the parking lot. We met and consulted with the City Parking Department, Public Works, and the Fire Marshall, and the design of the parking behind our building. We had presented a few designs that created a few extra parking spots but the design that we chose that you see on the slide in front of you was the one that the City in particular, the Fire Department and Public Works folks wanted to see. They thought it provided the best traffic flow and emergency access throughout the lot. We will be making changes not only on our property, but on the property adjacent to us to fully implement the design that you see on this slide so that the parking lot will function in perpetuity. There was some discussion about whether the removal of the 1st floor living spaces on the property would have created any additional parking opportunities. The answer to that, really, was no because of the way the parking lot was laid out. There was also a desire from the Fire Marshall and Public Works, prior conversations to avoid column situations that would be needed to support the building above that area. In reality it wouldn't have created much, if any, additional parking. As Ms. Gray noted, the parking will be decoupled from the building such that new tenants to the building will not be given a parking space. This lot will be wholly and completely under of the control of the City and my understanding their loath to issue passes for this lot. Instead directing folks to different lots that these passes around the downtown area. To the extent, however, that visitors to the building or even tenants were utilizing these spaces, the city will be compensated at the full hourly rate for those uses. We did discuss that there currently 8 passes that are held by commercial tenants under their lease for employees. These passes, again to reiterate, do not or guarantee the spot for the holder they simply allow the use of the space free of charge, if one is available. They are not transferrable and, as I noted at last meeting, they will be evaluated in the next lease negotiations with each of the tenants. As the City suggested, we will also discuss with these tenants the possibility of moving some of these passes to a different lot. I think that is it in summarizing the changes. Again, I think the changes that we made, the evidence is continued desire to work with and positively respond to any comments that we receive from the City. We have adjusted our plan accordingly to do that.

Chairman Hurd: Alright, thank you very much. We will begin a round with Commissioner Silverman.

Commissioner Silverman: I have a question for Mr. Tracy. The Directors report on page 2 references a 99-year lease agreement. Has that been entered into by your client?

Mr. Tracey: It hasn't been entered into, as of yet, but we do not object to it.

Commissioner Silverman: Okay, that was my question. Thank you.

Chairman Hurd: Alright, Commissioner Stine.

Commissioner Stine: Thank you. Just to be clear, what is on the screen is not the revised plan? Correct?

Mr. Tracey: It is not the revised layout of the interior of the building. The footprint of the building is the same. The parking is the same but that inside is being redesigned and I think we did submit the plan to the City to now show that is both common space for the apartments, as well as, additional commercial office retails.

Commissioner Stine: Okay, great. I just wanted to make sure. Thank you.

Mr. Tracey: Thank you.

Chairman Hurd: Okay, Commissioner Wampler.

Commissioner Wampler: Thank you. I have a couple of items that I am confused about that I would like to get cleared up. In our original package, the document dated April 14, 2020 on page 10. There is an assessment of the parking spaces and on the next page, on page 11. It says "reviewed in this matter this project requires 159 spaces has 31 grandfathered spaces so that the parking waiver required is 128 spaces. That is significantly different from what we are looking at. So, could somebody rectify this for me?

Mr. Tracey: I will give you my comments to that Mr. Wampler than Ms. Gray can comment. There were additional revisions that needs be because of existing waivers that existed on the property for under prior agreements that had been entered into over the years and that is how the new number, the number that is before you now, was arrived at by taking those into consideration.

Commissioner Wampler: Okay, and one of the things that we are looking at is the front setback that should be 20 feet and we are looking at 12 feet instead. Do we know what the current set back of the buildings that are there that are going to be torn down? What is the current setback of those existing buildings? Do we know that?

Mr. Tracey: I think I saw Julien Pellegrini on the meeting. He's our civil engineer so he can answer. What I can tell you Mr. Wampler is, I believe we are further back from the sidewalk than the current building.

Commissioner Wampler: Okay, I thought, maybe, the request for the setback was to have the new building start where the old buildings are. They are no closer than the current building and it may, in fact, be further back.

Mr. Tracey: Correct. Yes, and I think the variances are related to the height of the building which is stepped back once you get to that upper floor.

Commissioner Wampler: Okay, thanks. That clears up my questions.

Chairman Hurd: Okay, Mr. Kadar.

Commissioner Kadar: All of the questions that I had, have already been asked by other Commissioners. I am happy to see that the 2 apartments on the ground floor are going to go. As far as the parking waivers are concerned, we will cross our fingers and hope that the project across the street yields additional parking spaces to compensate. I know that's not going to be dictatated but we will see. I am good. Thank you.

Chairman Hurd: Okay, I will just add, I also appreciate the applicant listening to our concerns and addressing those within the context of the opinion rendered by the Solicitor. And coming back, and basically, using the tabling time for good effort. Alright, do we have any further comments or questions from the Commissioners before we move to the motion. Okay.

Commissioner Wampler: Will, do we need public comment?

Chairman Hurd: No, again, so this item was tabled after public comment on the project. Because we basically couldn't move to the motion and approve the density without the opinion. So, we stopped at that point and that is the point at which we are picking up.

Commissioner Wampler: With regard to the motion, do we want one motion that would cover the special use, not the special use, but the subdivision, and also the parking waiver. Do we want separate motions?

Chairman Hurd: Mr. Bilodeau?

Solicitor Bilodeau: We would want separate motions. One for the project, one for the special use permit and one for the waiver.

Chairman Hurd: Now, I will correct you on that. The special use permit is not our purview because we are less than an acre.

Solicitor Bilodeau: Okay.

Hurd: so, the motion is included in the packet for completeness and for the Councils edification, but it is very clearly marked on mine that its not for Planning Commission.

Commissioner Wampler: Okay, so we are ready for the first motion.

Chairman Hurd: Right. Which is why we haven't had any discussion about the special use permit. Okay, Take it away, Secretary Wampler.

Commissioner Wampler: Okay, I move that the Planning Commission recommend approval for the 132-136 East Main Street major subdivision and site plan approval plan as shown on the Pelsa company site plan approval special needs permit and major subdivision plan dated August 5, 2019 and revised on December 15, 2020 with the subdivision advisory committee conditions that was described in the November 24, 2020 Planning and Developing report and with the revisions.

Chairman Hurd: Director Gray, do we need a clarification of what revisions they are? Are they the applicant's revisions that you are referring to?

Director Gray: Yes, those are the applicant's revisions as submitted. Yes, Chairman Hurd.

Chairman Hurd: Because I was checking and it looks like those changes: the number of units, and such, has been reflected on the site plan that was submitted to us, that we are referencing. Okay. Should we restate that Secretary Wampler just to say with the applicants submitted revisions? Is that clear enough?

Commissioner Wampler: I reread the whole thing. Do you want me to read into it that "specific revisions which are that the number of units and the illumination? No, I think it is clear from the.

Chairman Hurd: I think it is clear.

Commissioner Wampler: Yes.

Commissioner Silverman: Mr. Chairman?

Chairman Hurd: Yes, Mr. Silverman.

Commissioner Silverman: I believe that those revisions are reflected in the December 28th report from Director Gray.

Chairman Hurd: Correct, which isn't referenced in this. We could reference the report.

Commissioner Silverman: I would like to see him reference the report.

Chairman Hurd: Absolutely.

Commissioner Wampler: Okay, so I will add at the end the revisions documented in the Director's, what was the date again?

Commissioner Silverman: The Directors December – let me flip my page here.

Chairman Hurd: it was December 28th.

Commissioner Silverman: December 28th report to the Planning Commission.

Commissioner Wampler: Okay, I will restate my motion.

Chairman Hurd: Absolutely, thank you.

Commissioner Wampler: I move that the Planning Commission recommend that City Council approval the 132-136 East Main Street major subdivision with site plan approval plan, as shown on the Pelsa Company site plan approval special needs permit and major subdivision plan dated August 5, 2019 and revised December 15, 2020 with subdivision advisory committee conditions as described in the November 24, 2020 Planning and Development report and with revisions documented in the Director's Report of December 28, 2020.

Chairman Hurd: Thank you. Do we have a 2nd?

Commissioner Silverman: I'll second that.

Chairman Hurd: Okay, any discussion on the motion? Alright, see none. We will move to the vote. Commissioner Stine.

Commissioner Stine: Aye.

Chairman Hurd: Thank you. Commissioner Wampler.

Commissioner Wampler: I vote aye.

Chairman Hurd: Thank you. Commissioner Kadar.

Commissioner Kadar: I vote aye.

Chairman Hurd: Commissioner Silverman.

Commissioner Silverman: Relying on the City Solicitors opinion on this particular property and the fact that it's a redevelopment of a rather unusual lot circumstance, I vote aye.

Chairman Hurd: Thank you. I concur with the statement of Commissioner Silverman and vote aye. Motion passes. Alright that takes us to the parking waiver motion.

Commissioner Wampler: I move that the Planning Commission approve the 67 spaced parking waiver for 132-138 East Main Street with the condition that the lease agreement for parking should be 99 years.

Chairman Hurd: Okay, thank you. Do we have 2nd?

Commissioner Kadar: I will second.

Chairman Hurd: Thank you. Any discussion on the motion? Alright, I see none. We will move to the vote. Commissioner Wampler.

Commissioner Wampler: I vote yes.

Chairman Hurd: Thank you. Commissioner Kadar.

Commissioner Kadar: Aye.

Chairman Hurd: Commissioner Silverman.

Commissioner Silverman: Aye.

Chairman Hurd: Commissioner Stine.

Commissioner Stine: Aye.

Chairman Hurd: And I vote aye, as well for the reasons stated in the Planning Director's Report. Alright.

Mr. Tracey: Thank you very much.

Chairman Hurd: Motion passed.

Chairman Hurd. Alright, thank you very much for joining us.

Mr. Tracey: Have a good evening.

Chairman Hurd: Alright. Safe drive.

Mr. Tracey: I have stairs to negotiate.

6. Discussion of Planning Commissions: Rules of Procedure

Chairman Hurd: That is my favorite online meeting joke - Drive safe. Anyway, we are moving now to item #6. Discussion of Planning Commissions: Rules of Procedure. This is mostly for me so, I will lead off the discussion. This is, quite honestly, based on our experience last month. When we tried to fit too much meeting into the meeting that we had. What I am trying to do here is to give the Planning Department procedures that they can follow consistently. That applicants are aware of and that everyone is basically clear on. So, that when we are programming the agenda, we don't put too much in there. That gives an adequate amount of time. But to kind of do that we have to start to layout some ground rules about how we build an agenda. In that process, I came to the realization that what we were really developing was the "Rules and Procedures" document is about how do we run a meeting. No, how do we run our meetings, specifically. The by-laws is kind of like how we run the Commission. What are the rules and responsibility of the Commission? We have put How to do motions into the by-laws because we were kind of developing those and that seemed like a thing that we wanted to cover. But in this process, I realized that the process of motions is really a meeting specific set of instructions and language. That's why you will see that chunk moved over, as well as, the language about amending the agendas really belongs in the "Rules and Procedures" because that is something we do in the meeting as opposed to when we are building the agenda. That is just the background. I will open the floor to add to the discussion. Starting with Commissioner Kadar.

Commissioner Kadar: I laud your attempt to try to control the meeting time. I looked over this and I have really no comments. Nice piece of work and let's hope that we can stick to some of these timings. I look at a major subdivision with site plan approval, special use permit required, parking waiver requested and we are talking about a 1 1/2 hour discussion which leaves about

30 minutes for the hellos, how are you, and have a good day - let's move on. So, I am willing to give it a shot. It is a great attempt. I hope that it helps keep these meetings to 2 hours. Although, I have been to some City Council Meetings that have gone to like 1:00 to 2:00a.m. which is ridiculous. Hopefully it won't come to that. Thanks for your effort.

Chairman Hurd: Commissioner . Silverman.

Commissioner Silverman: Commissioner Kadar reflected my comments and I am in agreement with what we are doing here. It is a living document and if we need to modify it, we will.

Chairman Hurd: Okay. Commissioner Stine.

Commissioner Stine: Just without having to go through word for word, were the items that were taken out of the by-laws and moved to the procedural part of the document, they taken verbatim. Just cut and moved over. No changes made at all to the language other than I see other language that has been inserted into the by-law. Correct?

Chairman Hurd: Correct.

Commissioner Stine: I am seeing things in red that are both being inserted and being removed.

Chairman Hurd: Yes.

Commissioner Stine: Okay, it's great. Thank you.

Chairman Hurd: Okay, Commissioner Wampler.

Commissioner Wampler: Yes, I agreed with everything that you've done there. Particular moving part of that motion. That makes a lot of sense and I am in favor of this.

Chairman Hurd: Okay, thank you all. The one thing that I noted, under the adoption of by-laws the document that I was working from didn't have the last two items which is about amending the by-laws and the sole work product. I seem to recall that the PDF I had of them had those approved. I feel like those were in a previous version that we had approved. If we follow those rules, we will need to present that this month and approve them next. I think this falls under the submitting proposed amendments section. Then next month we would come back next month and review it. I am willing to say that we could edit that section and just propose amendments and approve them in the same day. I honestly can't remember why we put a month between things. Unless I was taking language from someone else's by-laws. I would welcome any discussion or conversation on that item in terms of approval.

Commissioner Silverman: Weren't those provisions in there to allow public comment?

Chairman Hurd: Oh, that could be.

Commissioner Silverman: And staff comment.

Chairman Hurd: Okay, then that makes sense to but a gap between them. I will open the floor to any public comment on the rules and procedures or the by-laws. Anything? Alright, I do not see anyone so closing public comment and bringing back to the dias. Alright, I take your point Commissioner Silverman. We could certainly say that we reviewed them, we've had comment, and they will come back next month for formal approval.

Commissioner Silverman: I guess we could make an exception to the rules but unfortunately the rules haven't been approved yet. So, we are stuck.

Director Gray: Chairman Hurd this is Director Gray. I see the harm in waiting another meeting.

Chairman Hurd: Okay.

Commissioner Wampler: I agree with that. I think we should put the approval on the agenda for next meeting.

Chairman Hurd: Okay. That is fine with me. In which case there is no action to be taken tonight on these. Having had our discussion. It will come back to us next month for approval. Thank you. That takes us to item 7, Review and Discussion of Planning Commission Submission Deadlines.

7. Review and Discussion of Planning Commission Submission Deadlines

Hurd: Alright, Director Gray.

Director Gray: Thank you, Chairman Hurd. Let me pull that up. I have 85 windows open. Okay. I think Angie has put it up on the screen. We have purposed adding some additional language and I understand when we sent the packet out, I thought the red line version went out. I apologize that it didn't go out in red line. Angie, could you scroll down? Hopefully this version has it in red line. Okay, great. We thought it would be helpful to articulate that because we have had some applications of late from some applicants. I think this will be helpful to communicate that applications are only ready to go the Planning Commission when all of the comments from the subdivision advisory committee have been addressed. It's not a one-step process, in that, an applicant submits an application and the subdivision Advisory Committee reviews the plan. You get a SAC letter and then, you we get it back with the questions answers and it is ready to go to Planning Commission. In rare cases that occurs, that is a rare case. We've had applicants along the way be a little but baffled by that. Like, "I'm ready to go". Well, "No you're not". You're only ready to go when all of the comments have been addressed. When all the comments have been addressed that means that it meets code and all of the team members in the SAC, ther comments have been addressed. Meaning that there are some things that are outside of code that still need to be addressed before it goes to the Planning Commission. I thought this would be helpful to add that language in there.

Chairman Hurd: Okay. Thank you. I will just throw out one thing, which I just noted. So, this is the difference between my document and that one. You had in the paper copy, you talked about the Planning Commission meeting dates are depended on availability and guided by the Planning Commissions rules and procedure. But it is, in fact, the by-laws that state the dates of the meetings for the commission.

Director Gray: So, we need to change that. We need to say that the Planning Commissions meeting dates are depended upon availability.

Chairman Hurd: Right.

Director Gray: Per the discussion we just had.

Chairman Hurd: Right.

Director Gray: Even if an application is ready to go we had that situation this month. If an application is ready to go, if the agenda is already full, then that application has to be pushed forward to another future agenda item. So, the language needs to be changed from the agenda and guided by the planning commissions by-laws.

Chairman Hurd: Yeah.

Director Gray: Okay, I can change the Commission by-laws. I will change that. Got it.

Chairman Hurd: Commissioner Stine.

Commissioner Stine: the document that I have stops where it says, going down beyond the red changes. Which are fine and I have no issues with. Although, I do not understand the word “further” after the word appendices. I don’t understand the use the word “further”. Where mine ends, it says, “Contact PWWR in the project application meeting scheduled prior to submission. That is still there, right? Projects may be considered as scheduled if the required state review is not complete prior to Planning Commission Meeting. So, is this per Planning Commission rules of procedure new language?

Chairman Hurd: Looks to be, actually.

Commissioner Stine: Okay, so per “Planning Commission Rules of Procedure” is that where you are referring to changing that to by-laws?

Chairman Hurd: No, it was at the end of the red section.

Commissioner Stine: Okay.

Chairman Hurd: I think that the language at the end, I thought we had, Did you just pull the language in from the “rules and procedures” for that last bit, Director Gray? Or has that been there?

Director Gray: Yes, I pulled that in. That is new.

Commissioner Stine: Do we need to change it there as well, Chairman Hurd? That is my question. It refers to the rules of procedure.

Director Gray: All that is down there.

Chairman Hurd: No

Director Gray: I apologize. That was there.

Chairman Hurd: Just quickly checking.

Commissioner Stine: on the version that I have, it’s the last full sentence is not on this version that was in the packet.

Chairman Hurd: that is correct. I don’t have that either. That language does come from the “rules of procedures”. It comes in the section of public comment. It was written to push back on applicants who occasionally would bring us stuff the day of the meeting. And, drop a thing in front of us and want this considered, too. We are like, no. It is the week prior.

Commissioner Stine: I just wanted to make sure that you didn’t need to change it that “Rules of Procedures” in the additional language in the by-laws.

Chairman Hurd: That one is correct. That one is also, new language. Yes.

Commissioner Stine: Okay, other than the word “further” it looks great.

Chairman Hurd: Are you suggesting removing the word “further”?

Commissioner Stine: I think so. It is a tad confusing. Further projects.

Chairman Hurd: I think you are right. I think projects only. I like that. Alright, Commissioner Wampler.

Commissioner Wampler: I am fine with all of this.

Chairman Hurd: Okay, Commissioner Kadar.

Commissioner Kadar: I am good. No comments.

Chairman Hurd: Alright, Commissioner Silverman.

Commissioner Silverman: I have a question for the Director, Mary Ellen.

Commissioner Silverman: in the past when we have not had a piece of paper in front of us. We have had a verbal assurance that it has something from the state that it's been approved. Is that still considered good enough? Or do we have to have absolutely everything in hand before we can move?

Director Gray: We rely, regarding the State approvals, it is usually in the purview of the public works and resources Department. We rely on their judgement regarding that because there are some approvals that that a lot longer to get in writing than others. Like a letter of objection from DelDot for example. Sometimes that is just not going to happen before it gets to Planning Commission. The Public Works staff is in contact with that department at DelDot and they are assured that the project is going to get a letter of no objections, for example. So, they are comfortable moving forward and signing off on it going to Planning Commission. They usually had that in their SAC comment. Stating that a letter of no objection will be submitted here shortly.

Commissioner Silverman: Okay, this directed to Mr. Bilodeau. By putting this verbiage in here of final revisions, we are not setting ourselves up for circumstance where the promissory things where we have to rely on other departments. Yes, we are waiting for the letter of no objection. If someone wanted to come in and be a spoiler for an applicant, they can say, "show us a letter" are we putting ourselves in that circumstance?

Solicitor Bilodeau: Where is the word, "final" Commissioner?

Commissioner Silverman: It the heading, "Final Revisions and Responses to Advisory Committee Comments". And there is a date, there is a date. Go back up to the top, Angela. There we go. For example, the final for the March meeting. The final drop dead date is January 4th. Am I reading this correctly?

Chairman Hurd: No, January 4th is the final for the February meeting.

Commissioner Silverman: Oh, okay. If that letter that has been promised, public works is satisfied that it is coming for no objection, but it is not in hand. Is that a problem for the applicant if somebody really wants to cause them problems?

Chairman Hurd: I guess, I interpret this as these are applicant submitted documents. So, these would be final revisions of the applicant's documents in response to the SAC comments. Not related to state approvals.

Commissioner Silverman: Okay, just so we are clear on that.

Solicitor Bilodeau: Thank you, Commissioner and Chairman. That is exactly what I was going to say. We could put that at final revisions for the applicants documents. You want to include that in that heading. Just to make it clear.

Commissioner Silverman: I am harking back to the mess with the power plant on the STAR site. Where that shuttlecock was lobbed back and forth a number of times.

Solicitor Bilodeau: it is always to have a badminton reference.

Chairman Hurd: Okay, any further comments or questions? Alright, I will open the floor to public comment on the Planning Commission submission deadlines. Seeing none. Closing public comment. I am bringing it back to the table. I think with a small few edits, I think we are looking the document again, like with the by-laws, this is something that we can approve to help support the Planning Department to operate in a consistent manner. So that there is a defined process and guidelines. Which will just make everybody's life easier because there is not questions about what is enough or when is it done. It is here, this is what's it's done and this is when it is ready to go. Alright, any final questions or thoughts? Alright, Secretary Wampler.

Commissioner Wampler: Yes, I move that the Planning Commission approve the proposed line revision the 2021 Planning Commission submission deadlines as outlined in Director's Gray December 29, 2020 and revised during the Commission Meeting of January 5, 2021.

Chairman Hurd: thank you, do I have a second?

Commissioner Silverman: I will second.

Chairman Hurd: Thank you. Any discussion of the motion.

Commissioner Silverman: Yes, when the final draft comes out, we need to have very clearly an approval date on the bottom. So, everybody has the same document.

Chairman Hurd: Okay, the date of approval. Anything else? Alright, moving to the vote. Commissioner Wampler.

Commissioner Wampler: Aye.

Chairman Hurd: Commissioner Kadar.

Commissioner Kadar: Aye.

Chairman Hurd: Commissioner Silverman.

Commissioner Silverman: Aye.

Chairman Hurd: Commissioner Stine.

Commissioner Stine: Aye.

Chairman Hurd: and I am Aye, as well. Approved. I am going to take the Chairs prerogative to extend our meeting to 9:30p.m. so that we can close up the last few items of our agenda. We will start with the informational items which would be today consistent with the Planning Director's Report.

Director Gray: This is Director Gray. I do not have a Director's report this evening, sir.

Chairman Hurd: Oh, okay.

Director Gray: So, I will pass on that. I apologize, I did not prepare one this evening. I hang my head.

Chairman Hurd: Okay. Any new business for discussion by the Planning Commissioners? Okay, we are moving on the general public comment. I will just sort of generally note, as noted in our rules of procedures. General public comment is for commentary on items not on the agenda but are related to the work of the Planning Commission. I have one person signed up which is Chris Locke. Chris you have 5 minutes. Chris are you there?

Commissioner Silverman: I see that Mr. Locke is still signed in.

Chairman Hurd: I see that he is signed in, but I don't hear him. Mr. Locke are you prepared for comment? He just sent me a note saying he is trying to comment. Chris if you are having trouble signing in with your computer you can dial in with your phone.

Commissioner Silverman: Mr. Chairman, do you have the phone number for him if he can hear us.

Chairman Hurd: I certainly can read that out. It is 872-240-3311. The access code is 166197893.

Commissioner Silverman: I believe Mr. Locke originally signed in with us. So, he has been waiting the entire evening.

Chairman Hurd: the phone # is It is 872-240-3311 and the access code is 166197893. When you are on the phone you press *66 to unmute the line. Commissioner Stine: They need to use the # sign after.

Chairman Hurd: Is that you, Chris?

Chris Locke: It is me. Can you hear me?

Hurd: We can hear you.

Chris Locke: Okay. Thanks so much, I appreciate your patience. I do not know what is wrong with my computer.

Chairman Hurd: I don't know either but that is part of making sure that we have adequate comment and connection to the public.

Chris Locke: Exactly. Mr. Chairman, thank you for this time. My first comment would be that I wished public comment was in the beginning of the meeting rather than the end of the meeting. But I will say what I need to say and be done with it. Though I recognize the City Solicitor's opinion in the operation of the Planning Commission, it does not mean that the opinion can't be debated in the halls of public discussion. When the items were tabled from the last meeting, Robert's Rules states that when the item is tabled it can be opened to the public for further discussion. Especially if the public issue that was tabled wants to speak about the issue which caused the tabling in the first place. This is a plethora of issues have been debated by this governing body in the past. Members of the Commission has the right to hear alternative views when deliberating the issues before them. The refusal to allow us, and us being a litany of developers here in the City of Newark. Matt Dutt, Jeff Lang, myself, John Mascari from Karins and Associates, Kevin Mayhew, Angela Tsionas, and Mark Ziegler. Combined have over 200 years of development experience here in the city. The refusal to allow us the right to debate is very unfortunate and it denies a robust conversation about this gigantic opinion that the City Solicitor gave to all of you. Which will fundamentally change development in the City and the downtown area. It will throw the code and the Board of Adjustment to the trash heap of history. I hope in the future we can have this debate so that we can truly see what is in the best interest of the City. And I thank you all for your time and again, I apologize for the inconvenience that I have caused you.

Chairman Hurd: No worries. Alright, thank you. I don't usually comment the public, but I want to just note. We are not specifically follow Roberts Rules of Order here. We follow the rules and procedures that we have adopted. I want to make sure that is clear to the general public and all. Is there anyone else wishing to speak in the general public comment time? Alright, seeing none. Closing that. Seeing no objections, I will say that we can be moved acclamation. We are in adjournment. Thank you everyone.

ajourned at 11:00 p.m.