

**CITY OF NEWARK
DELAWARE
DIVERSITY AND INCLUSION COMMISSION MINUTES**

December 28, 2021

MEETING CONVENED: 7:03 p.m. GoToMeeting

MEMBERS PRESENT: Sasha Aber, Tamesha Garnett, Blaine Hackett, Jacob Higgins,

Absent: Marihelen Barrett, Annalisa Ekbladh Patrick McCloskey

STAFF: Mike Fortner, AICP, City Planner II, Planning & Development Department
Devan Hardin, Chief Human Resources Officer
Nichol Scheld, Administrative Professional I

1. CALL TO ORDER:

The meeting was called to order by Chairman Blaine Hackett, at 7:03 pm.

2. MOMENT OF SILENCE:

The Chair offered a moment of silence.

3. ROLL CALL

In attendance were Sasha Aber, Tamesha Garnett and Blaine Hackett and Jacob Higgins . Absent from the meeting were Marihelen Barrett, Annalisa Ekbladh, Patrick McCloskey. Staff members in attendance were Devan Hardin and Nichol Scheld.

4. APPROVAL OF OCTOBER 26, 2021

MOTION BY: MR. HIGGINS, SECONDED BY MS. ABER: TO ACCEPT THE NOVEMBER 23, 2021 MINUTES AS RECEIVED.

MOTION PASSED. VOTE 4 to 0.

Aye – Aber, Garnett, Hackett, Higgins .

Nay – 0.

Absent – Barrett, Ekbladh, McCloskey.

5. APPROVAL OF AGENDA

MOTION BY: MS. ABER, SECONDED BY MS. GARNETT: TO ACCEPT THE AGENDA AS POSTED.

Aye – Aber, Garnett, Hackett, Higgins .

Nay – 0.

Absent – Barrett, Ekbladh, McCloskey.

6. DISCUSSION ON THE RENTAL HOUSING WORKGROUP AND THEIR RECOMMENDATIONS

Mr. Hackett expressed he had reached out to Ms. Jordan of the Newark Housing Authority, but she was unable to attend the December meeting. He had hopes for her attendance at the January meeting or an upcoming meeting in 2022. Mr. Hackett thanked Mike Fortner for his attendance. Mr. Fortner informed he was ready for any questions the Commission may wish to address. Ms. Aber wanted to share with the Commission that she believed that Mike Fortner was doing a phenomenal job gathering information on one of the other boards that Ms. Aber is a member.

Mr. Hackett expressed he still hoped that the UD students, but noted he was unsure of the actual numbers could be housed closer into the campus to alleviate what he believed to be issues with affordable housing for residents who desired to live in Newark. Mr. Hackett opened the discussion to questions from the other Commission members. Mr. Fortner asked the Commission if it would be helpful to go over some of the recommendations in the report and guide the members through the recommendations. Mr. Hackett agreed. Mr. Fortner reported there were subcommittees and he believed the Commission would be most interested in was the non-student and affordable housing. The other subcommittee, rental subcommittee details ways to ensure that housing is safe. Mr. Fortner wanted to focus on the first subcommittee:

- Non-student and affordable housing.

He stated one of the recommendations is to amend the zoning code to include an inclusionary zoning ordinance requiring new housing development to include affordable housing measures, especially for rental housing. Mr. Fortner reported that zoning law has a history of being discriminatory by encouraging low density housing; for example, requiring that a house has to be on a one-half acre lot. When doing so, a house's affordability is very limited and is at a certain price point to make that a developable lot. He added the community's have used this technique to ensure that only a person of a certain wealth class would be able to move into the community. He stated that frequently this is the dynamics of land use law. He further stated that inclusionary zoning is when a development is built a certain percentage of the housing has to be affordable. It may be a number and it varies (5% or 10%, etc.) but a certain percent can be affordable. Affordable housing would be defined as a below median or 80% below for example and the definition would be attached to what is deemed affordable. That means it is affordable to people at 80% below the area median. Such conditions could be part of an ordinance as well. He added that this legislation will be discussed within the next couple of years. There are also suggestions of if a developer decides not to add a certain percentage of affordable housing they could pay into a fund that the City would have. In turn, the City could use those funds to develop affordable housing or fund other types of housing programs that could either assist people that have low or moderate income or provide additional housing somewhere.

Mr. Hackett asked if there would be any particular area of Newark that would be targeted at this point or in the future? Mr. Fortner stated if the City were to pass an inclusionary zoning area ordinance it would be City wide for residential areas. Therefore, any developments could be required to put that in or pay into a fund. Ms. Aber asked if a developer pays into a fund what would be the stipulations for when and how that fund would be used and who would receive that. Mr. Fortner stated that would be part of the discussion of the ordinance. The fund could be used to cover closing and settlement costs or could be used to target a certain neighborhood that has a high level of rentals where the City would want to encourage home ownership. Mr. Hackett wanted to know what the delay is pursuing this zoning change as he believes this issue is at the forefront now. Mr. Fortner stated it is a very complicated ordinance to develop and will take a lot of community input and it will be controversial as some people will want it. Mr. Hackett believes the

Commission should encourage community input on such topics and be instrumental in organizing town hall discussions on topics such as this. Mr. Fortner added the City may consider a charrette which is an intensive planning process that involves extensive community input. There are several meetings scheduled over the course of a week with community input and will include a lot of publicity. The main focus is the downtown zoning district – BB which is a mixed use of high density zoning and RA – which is generally high rise apartment zoning. Different strategies want to be discussed on how to proceed with downtown housing options.

The Chairman opened the discussion to additional questions from the Commission. Ms. Aber stated she had no questions but commented believed there are a lot of good ideas in the works.

Mr. Fortner discussed the second recommendation, amend the zoning code to allow Accessory Dwelling Units (ADU's) at single-family, owner occupied homes. He informed this is when a single family home builds onto their house and create an additional unit at the house to rent. It would be a fully functioning small apartment, usually for one or two people. The owner occupant would have to live on the premises, which would alleviate a lot of concerns about misbehaviors if they were student rentals. This suggested use would allow affordable housing for a lot of different people, young professionals or individuals in the service industry that make a modest income or even seniors that want to downsize. Sometimes this type of zoning can be very controversial in a community as a lot of people may see the accessory dwelling as part of a single family home. Mr. Hackett asked if there was a demand for this type of housing. Mr. Fortner said only a few types of these dwellings currently exist in the City in a pre-existing scenario. It was removed back in the 1970's in the zoning code. He believed there would be a demand for this type of housing in the City. Mr. Hackett asked if low income or would the Newark Housing Authority be able to acquire some of these dwellings. Mr. Fortner informed it would create opportunities for the Housing Authority and all types of renters to rent these properties. Mr. Fortner said he is not up to speed on the low income housing regulations.

The Chairman opened the discussion to additional questions from the Commission. Ms. Garnett asked if there was funding available for owner occupants looking to convert their homes into ADU's. Mr. Fortner stated with this legislation there would not be any funding, it would be something the owner would have to invest in their own property to create an ADU. It could earn income for that homeowner so it would help alleviate the cost over time. Ms. Aber said in summation that she believed it gave homeowners to convert an existing space and generally doing so would create a smaller apartment that could be rented to whomever they choose and would result in a lower cost apartment that would open up opportunities for people that want to live in a smaller space and can only afford a smaller space that may want to live in a neighborhood. The property owner themselves would have to provide that space as a landlord. Mr. Fortner stressed it would have to be owner occupied. Ms. Aber believes this a great idea as the more available housing options the City makes available the more options people have with different economic backgrounds. Ms. Garnett asked if the report captured the limitations of this proposal. She was concerned how many actual opportunities there would be for an owner occupied home that would qualify ADU's already versus the ones that could turn a home into an ADU capable residence if they had the funding to do so. Mr. Fortner said it would not solve the problem overnight but little by little it may offer opportunities. Ms. Garnett does not believe there is no motivation to do so. Mr. Fortner stated the incentives are the same for any developer that they could earn income that would pay off any loan they paid to build it and also earn extra income. It could make the dwelling more valuable so it would be an investment in their own property and may be an attractive type of housing option for some people. Ms. Aber reminded the Commission that change takes time with the City and by putting this into place it allows (if there is a larger need in the future) for people to take advantage of it. The change may be slow in the next 5-10 years but maybe in 10-20 years there will be a lot of these little apartments and that will create a shift in where people are able to live. Ms. Garnett believes it is a great idea but wants to make sure it moves forward but eliminating as many obstacles as possible. Mr. Fortner asked if a potential suggestion would be for the City to create a low interest loan or perhaps a grant to assist people to build ADU's. Ms. Garnett stated that Mr. Fortner said he did not believe the City would offer any funding.

Ms. Garnett believed a lot of people would not be able to afford to do this and may be the barrier in doing this. Ms. Aber agreed but believed by changing the rules on the books if somebody has a desire to do this and goes to the City right now it is not an option, whereas if this becomes an option they will be able to move forward. Mr. Hackett thinks it would be a great motivator to a resident to rent to a student as they may be able to get more money for someone else. He thinks it is a great idea to help the homeowner, but it wouldn't necessarily bring family's back to Newark. Ms. Garnett said it could benefit veterans, senior citizens, the disabled. Mr. Hackett agreed.

Mr. Hackett thanked Mr. Fortner for his attendance and welcomed him back in the future if the Commission had more questions. Mr. Fortner said he would be glad to help.

7. OLD/NEW BUSINESS

Mr. Hackett asked the Commission members had any old business they wished to discuss.

Mr. asked if the Commission members had any new business they wished to discuss. Ms. Aber asked the group since the primary focus seems to be targeting housing and this is a very large undertaking with multiple outlets (the City, the Newark Housing Authority); since the Commission is meeting once a month. She was wondering what the Commission thinks about the path of their goal and impact meeting once a month. She believes what the group wants to accomplish is very promising but how to actually implement and how effective can they be with the limited number of resources.

Mr. Hackett agreed and stated it is not an easy task email him with any items they wished to be placed on the agenda. He also expressed concern the group has not met with the individuals they are supposed to represent. Mr. Hackett asked how the Commission can address some of these issues in a Town Hall forum. He reiterated that his church is always available. Ms. Aber suggested waiting a little while until COVID subsides a bit. She said it would be good to get people together and the Commission needs to figure out a way to reach people. She believes frequently in Town Hall situations it brings the very vocal people but they are not necessarily the ones that the Commission needs to hear from. She thought perhaps maybe smaller groups in different areas would be better. She thinks the Commission needs to come up with a way to reach people first. Ms. Aber believed a Town Hall meeting should happen after connections are made. Ms. Hardin offered some suggestions of perhaps piggybacking on already scheduled City events, Parks & Recreation events, Community Day, National Night Out or Al Fresco event nights. Ms. Garnett suggested setting up a table at these events. Ms. Hardin also suggested a survey. Ms. Garnett believed getting out in the community is key. Ms. Aber asked what the message would be; is it housing? Is the Commission looking for people that are experiencing issues with not being able to come together as a community.

Mr. Hackett suggested if there was anyone present at the next meeting they would be permitted to speak at 7:45 pm. The town meetings will be postponed until after COVID resolves. Ms. Aber suggested a virtual town meeting and Mr. Hackett concurred after determining some of the public's concerns. Mr. Hackett suggested meeting more than once a month. Ms. Scheld stated she was not sure of the parameters of the board but would assume a regularly scheduled meeting would have to include designated staff time. If it was determined at some point in the near future, if the amount of work suggests adding a second meeting then it can be discussed. Mr. Hackett hoped the Newark Housing Authority could attend the January meeting so after that is determined After discussion, it was decided to reach out to City staff to have a blurb put on the social media page for the public to attend the upcoming meeting to speak under public comment. It was also suggested to move public comment further up in the agenda. Mr. Higgins suggested creating events on social media which the Commission agreed. Mr. Hackett suggested that the Commission may be able to meet more frequently if the topics and time necessitates.

MOTION BY MS. ABER, SECONDED BY MS. GARNETT: TO GIVE RESIDENTS THREE MINUTES TO DISCUSS THEIR CONCERNS OR SUGGESTIONS OF DIVERSITY AND INCLUSION IN THE CITY OF NEWARK, DELAWARE ON THE JANUARY MEETING ONLY.

Aye – Aber, Garnett, Hackett, Higgins .

Nay – 0.

Absent – Barrett, Ekbladh, McCloskey.

8. PUBLIC COMMENT

There was no public comment.

9. DATE OF NEXT MEETING: TUESDAY, JANUARY 25, 2022

Ms. Scheld will reach out to Jayme Gravell, Chief Communications Officer to inquire about putting information on social media about the upcoming meeting.

10. ADJOURNMENT

The meeting adjourned at 8:44 p.m.

Tara Schiano
Deputy City Secretary/Administrative Professional II

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