

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MEETING CONDUCTED IN PERSON AND REMOTELY
VIA MICROSOFT TEAMS

OCTOBER 18, 2022
7:00 P.M.

Present at the 7:00 P.M. Meeting:

Commissioners Present:

Chairman: Willard Hurd, AIA
Vice-Chair: Alan Silverman
Secretary: Karl Kadar
Chris Williamson
Allison Stine
Scott Bradley

Staff Present:

Paul Bilodeau, City Solicitor
Renee Bensley, Director of Planning and Development
Tom Coleman, City Manager
David DelGrande, Director of Finance
Katie Dinsmore, Administrative Professional I

Chair Hurd called the Commission to order at 7:00 P.M.

Chair Hurd: Good evening everyone and welcome to the October 18th, 2022, City of Newark Planning Commission meeting. This is Will Hurd, chair of the Planning Commission. We are conducting this hybrid meeting through the Microsoft Teams platform with some additional add ons to bridge some of the technical issues we're having at the moment. I would like to provide some guidelines for the meeting structure so that everyone is able to participate. Katie Dinsmore, the department's administrative professional will be managing the chat and general meeting logistics. At the beginning of each item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each commissioner in rotating alphabetical order for questions of the staff or presenter. If a commissioner has additional questions, they would like to add later they should ask the Chair to be recognized again after all the members have had the opportunity to speak. For items open to public comment, we will then read into the record comments received prior to the meeting, followed by open public comment. If members of the public would like to comment on an item and are attending in person, they should sign up on the sheet at the entrance so we can get your name spelled correctly for the minutes. and you will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment, they should use the hand raising function in Microsoft Teams to signal the meeting organizer that they would like to speak or message the meeting organizer through the chat function with their name, district or address, and the agenda item on which they would like to comment. All lines will be muted, and cameras disabled until individuals are called on to speak. At that point, a speaker's microphone and camera will be enabled and they can turn on their cameras and unmute themselves to give their comments. All speakers must identify themselves prior to speaking. All the comments are limited to 5 minutes per person and must pertain to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record of the meeting unless they are requested to be read into the record. We follow public comment with further questions and discussion from the commissioners and then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote for appropriate votes. If there are any issues during the meeting, then we will adjust these guidelines if necessary. The City of Newark strives to make our public meetings accessible. While the city is committed to this access pursuant to 29 Delaware Code 100006A,

58 technological failure does not affect the validity of these meetings nor the validity of any action taken in
59 these meetings. And that brings me to item 1, chair's remarks.

60 **1. Chair's remarks**

61 Chair Hurd: I'd like to welcome Scott Bradley to the commission as a representative of District 3.

62 Commissioner Bradley: Thank you, it's a pleasure to be here.

63 Chair Hurd: Yes, and the reappointment of Dr. Chris Williamson to the At-Large position. And to also thank
64 Stacy McNatt for her several years of service, we will miss her, and we hope that, well she moved right? I
65 heard she was...

66 Director Bensley: Yes, she's now on the Community Development/Revenue Sharing Advisory Committee.

67 Chair Hurd: Right, and that's a good place to be too. Alright, I also want to note that this meeting will be
68 covering the items from the October 4th meeting following the Capital Improvement Plan presentation.

69 **2. Election of Officers**

70 Chair Hurd: That takes us to item 2, election of officers which we do every October. And we'll start with
71 nominations for Chair.

72 Commissioner Silverman: Mr. Chairman, I'd like to nominate Will Hurd as Chair.

73 Chair Hurd: Thank you, do we have any other nominations? Ok, seeing none we will take a vote.
74 Commissioner Bradley?

75 Commissioner Bradley: Aye.

76 Chair Hurd: Commissioner Kadar?

77 Commissioner Kadar: I vote for Will.

78 Chair Hurd: Ok, Commissioner Silverman?

79 Commissioner Silverman: Aye, Will Hurd.

80 Chair Hurd: Thank you, Commissioner Stine?

81 Commissioner Stine: Aye.

82 Chair Hurd: Thank you, and Commissioner Williamson?

83 Commissioner Williamson: Aye assuming he's interested and willing?

84 Chair Hurd: Yeah, I'll do it again. Alright we'll now open the floor to nominations for Vice Chair? And I
85 would like to nominate Commissioner Silverman for the position of Vice Chair. Do we have any other
86 nominations? Can I do this by acclamation, or do we each have to vote?

87 Solicitor Bilodeau: I think we can do it by acclamation.

88 Chair Hurd: Seeing no objections, Commissioner Silverman is elected vice-chair by acclamation. And now
89 we'll take nominations for Secretary, and I would like to nominate Commissioner Kadar to continue as
90 secretary. Any other nominations? Alright by acclamation Commissioner Kadar is elected as secretary.
91 Thank you everyone.

92 **3. Minutes from the August 2nd, 2022, Planning Commission meeting, and the August 25th Joint**
93 **City Council and Planning Commission meeting**

94 Chair Hurd: Alright that takes us to item 3, minutes. We have two sets of minutes to review or approve.
95 The minutes of August 2nd Planning Commission meeting and the minutes of the August 25th joint Planning
96 Commission and Council meeting. Commissioner Silverman and myself have already submitted notes; are
97 there any further edits or corrections to the minutes? No, ok seeing none by acclamation the minutes are
98 approved.

99 **4. Review of the 2023-2027 Capital Improvement Plan**

100 Chair Hurd: That takes us to item 4, the big deal. Review of the 2023-2027 Capital Improvement Plan. Just
101 because we're a little short on time, I know you've got a big section of achievements for each of the

102 divisions. I don't want to omit them I just want to keep them focused to Capital Plan items if we can mostly
103 and highlighted ones.

104 Mr. Coleman: Agreed, we're on the same page. Would you like me to begin?

105 Director Del Grande: Yes.

106 Mr. Coleman: Thank you, recently reaffirmed Commissioner Hurd. Thank you for hosting us this evening,
107 Dave and I are happy to be here tonight to share the highlights of our recommended 2023-2027 Capital
108 Improvement Program. The departments worked to identify the needs of our community and feel that
109 the 5-year capital program presented this evening meets those needs while balancing the fiscal
110 constraints of the city. We again have access to the American Rescue Plan funding this year and there's
111 potential for significant additional funding via the bipartisan infrastructure law though that's through
112 competitive applications.

113 The plan you'll see tonight attempts to find a balance between spending ARPA funds while
114 reserving funds as leveraging funds for additional potential grant funding from the state or the feds. To
115 the extent possible, the CIP will serve as our guide for the next 5 years. Each of our department directors
116 with a project in the CIP budget should be online this evening to answer project specific questions. If they
117 are not, I will do my best to do that on their behalf. We also added information on departmental
118 accomplishments to give you an idea of what we've been doing over the last year, and we'll provide an
119 update on the large energy efficiency performance contract that's in the facilities budget. Since we had
120 to move the BB/RA discussion on to this agenda we're going to move pretty quickly. But I wanted to
121 include the achievement information in the presentation just so you're aware of what we've been
122 spending our time on. And if I don't cover something on the slide that you'd like more information on
123 please don't hesitate to ask. Next slide please.

124 So, this slide covers the charge of the Planning Commission with respect to the capital budget and
125 the pertinent sections are bolded. Ultimately the Planning Commission has a responsibility to review the
126 recommended CIP then advise Council on expenditures for capital projects that refer to a matter covered
127 by the Comp Plan or the official map of the city. Our Comp plan is pretty broad so you can find a connection
128 to pretty much every project in the Capital Program if you want. Next slide please.

129 So, in developing the Capital program our departments begin by reviewing the projects that were
130 previously approved or were already underway from previous programs. We confirm completion levels
131 and discuss modifications that may become necessary as we progress further into them. We also have an
132 eye towards out-year projects identifying new needs and confirming those needs. The capital program
133 presented aligns with the visual element noted on these slides. It's the city's belief that a healthy, active,
134 sustainable, and inclusive community resonates with all who are committed to Newark's continued
135 success. So, I'll skip the rest and move on to the next slide.

136 There we go. Sorry about that. So, the successful referendum and now federal support has been
137 key to the city's ability to meet our Capital spending requirements; in the past years, we've used our
138 reserves and current revenue to fund long term projects and all of our projects were competing to the
139 same dollar which resulted in the delay of many projects especially large ones that were repeatedly
140 pushed out into later years. Deferring maintenance on our facilities and utility infrastructure often results
141 in higher future expenses as infrastructure continues to deteriorate. It can also lead to lower levels of
142 service for our customers due to more frequent service interruptions. So, this chart just gives an overview
143 of the various funding sources we have. Blue being either external or non-cash and then the green being
144 revenue that generates here at the city with our residents. If we could go to the next slide.

145 So, as we mentioned previously, I'm going to move fairly quickly over the accomplishments slides
146 but feel free to ask questions on anything that's here or not here that you're interested in specifically. I'm
147 sure you're well aware of the work the Planning Department's been doing but the biggest items again are
148 covered here. The changes to our zoning code, the parking subcommittee, let's skip forward on the slide.

149 Director Bensley: Tom we're getting some comments, they're having a hard time hearing you.

150 Mr. Coleman: Sorry I'll try to get closer to the microphone. So, completing the five-year review on the
151 Comp plan, continuing work on the TID and Rental Housing workgroup recommendations and they've also
152 prepared a nuisance property ordinance that will be on for first reading this Monday. And these updates
153 to the property maintenance code which would go into effect early 2023. Next slide please.

154 Alright the Electric department won first place nationally for the Safety Award of excellence
155 among public power utilities in our size category. So that's first place in the country for electric utilities in
156 our size. We also won a similar award for exceptional reliability both of these awards are a testament to
157 their professionalism and continued forces on safety and reliability. Next slide please. Buidling on the
158 reliability focus they've implemented an outage management system that will soon have a customer
159 facing portal where customers can access and get real time updates on outages and anticipated
160 restoration times. They have also continued work on our remote monitoring and control system also
161 referred to as SCADA. Next slide please.

162 Parks department – biggest over the last 12 months was likely the completion of Hillside Park, even if that
163 was towards the end of '21. Beyond that they've continued work on the Old Paper Mill Park design and
164 construction documenters and completed several smaller projects across the city. We were once again
165 able to have large public events this year and that's after a few COVID years when we went without so
166 that's nice to be getting back to normal. Next slide please.

167 Public Works continued their infrastructure focus replacing and rehabilitating pipelines across the
168 city and kicking off our valve exercising program. So, with that one we have somewhere around 25 to 28
169 hundred valves in the water system and each one of those of those valves needs to be operated regularly
170 otherwise they seize and won't work when you need them. So, they were able to get about two thirds
171 done this year well ahead of schedule and the rest next year. And to my knowledge this is the first time
172 that this has been done in the city, ever. So, a very big deal, we anticipated a lot more breaks than we got
173 operating them. So, they're off to a great start. Our fleet maintenance team has been particularly hit hard
174 by the pandemic and the subsequent supply shortages. It's led to longer lead times for replacement and
175 parts which increases vehicle downtime. We've had to move forward in times with some equipment
176 purchases because some large vehicle lead times are now in the 18-to-20-month range. So, it takes a really
177 long time to get vehicles and they're almost twice as expensive as they were two years ago. Next slide
178 please.

179 Public Works has continued paving streets and working on the stormwater system improvements
180 to not only maintain what we have, but also to include water quality through the stormwater retrofit of
181 an existing pond into a more functional submerged gravel wetland. And that was the first one that we've
182 done in the city, and they were able to get that done this year.

183 IT was another area where we made good progress knocking off some older projects that have
184 been delayed or expanded like our security camera system, replacement of our customer portal for utility
185 billing and the utilization of a Newark smartphone app that will soon be available. This app with function
186 as a quick access portal for the most commonly accessed function on our City website like bill pay, report
187 a concern and soon the electric management outage system, news and other areas. Next slide please.

188 Our GIS team received a special achievement in GIS award from ESRI – that's the international GIS
189 software company leading company in the world for GIS. They were recognized at the National
190 Conference by the CEO of the company and that was awarded to us for encouraging the use of GIS to
191 streamline daily operations throughout our departments. It's a great demonstration of peer recognition
192 for the extremely strong GIS team we have here at the city and considering that we were using paper
193 maps almost exclusively and paper processes only 8 years ago, this is a pretty dramatic transformation
194 and modernization of our record keeping and data collection methods and will pay dividends every year
195 into the future. We've begun treating our information like an asset and keeping it for future employees
196 after we leave. Next slide. And Dave onto you.

197 Director Del Grande: Thank you Tom, so this slide represents the proposed 2023 to 2027 Capital
198 Improvement Program which has been presented to Council in our departmental budget hearings back, I
199 guess back far as August. When we look at the CIP program over the next 5-year period, our Capital plan
200 totals \$109.4 million dollars. As you see our plan in frontloaded in '23 and '24 primarily due to the \$7.7
201 million in ARPA projects that must be expended or encumbered by the end of 2024. We also have a new
202 substation included in our budget which is just under \$28 million dollars in '23 and '24 and, due to the
203 availability to funds in the out years, our CIP will undoubtedly change in 24 and onward. So, the requested
204 total CIP for 2023 is just under \$33.8 million dollars. Next slide please.

205 The City uses a variety of sources to fund our capital projects. For next year, \$4 million dollars or
206 12% of the CIP will be funded through City funds. Over the 5-year plan that number rises to \$30.8 million
207 dollars or 28.1%. Our reliance on the State Revolving Loan program, the American Rescue Plan Act, and
208 other grant funding helps us fund our much-needed, capital projects which keeps the burden on our

209 residents as low as possible over the next year and year after that. We have \$11.5 million dollars in ARPA
210 funds budgeted for use in 2023 and 2024. Next slide please.

211 This slide represents 80% of our '23 CIP and 14 of our largest capital projects which collectively
212 total \$26.9 million dollars. 91% of the funding for these projects are coming from grants, the State
213 Revolving Loan program, ARPA, state funding or conduit financing with only 9% or \$2.3 million dollars
214 coming out of the City's capital reserves or current resources in '23. Next slide please.

215 So here we're looking at a list of projects for our facilities maintenance division; there were three
216 new projects added to the CIP and we're also using \$2.4 million dollars in state bond bill funding received
217 this year for energy savings projects and security upgrades to the field of operations complex for starters.

218 Our '23 projects for facilities includes the George Wilson Center; we also have a project for the
219 Municipal center right here at City Hall. And, also, we have the field operations complex, the admin
220 building and wash bay next year down at the field operations complex. Next slide.

221 So here we're looking at some pictures of the George Wilson Center on top of some of the items
222 I'd previously mentioned. We're also looking to repair a faulty drainage system and correct some chipped
223 railings and repair some of the areas around the George Wilson Center. So, this actually looks like a pretty
224 good picture but believe it or not when you're up close you can see the decay and the crumbling building
225 there. Next slide please.

226 Speaking of a crumbling building, we're getting here to City Hall. As you can see the building looks
227 a bit weathered. Years of maintenance deferrals and so much needed updates including the City Council
228 chambers we're sitting in, are included in the '23 budgets. We are using ARPA funding to pay for some of
229 the work that is needed in this building. Next slide please.

230 So, our energy savings round two, project number N2203 this chart is breaking down those funds.
231 So, we are intending to use that \$2.4 million in grant funds that we received from the state, or the state
232 awarded to us this past July to do some of the projects that are here. So, our goal is to make our city
233 building more energy efficient completing some long much needed projects that have been on our list for
234 years, but we have not had the funding to complete. So, things such as roof repairs, window replacements,
235 HVAC upgrades, and carpeting. Next slide please.

236 So here are the revenue streams that are funding our capital program in '23. 83% of our funding
237 for the '23 programs are from non-city resources which total \$27.9 million dollars out of the \$33.8 that
238 we are requesting. Electric which is generally funded via electric utilities current revenue and reserves did
239 change a bit for next year. Due to the size of the new substation project, we will be debt financing \$12
240 million dollars of that project in 2023. The other funds in electrical are about \$521,000 dollars in
241 anticipated grants that we will be pursuing to provide more electric charging stations throughout the city.
242 Here this chart is showing a breakdown of our funding sources. The majority of the money you see is
243 coming from other financing sources, primarily the \$12 million dollars of that is the conduit debt we'll be
244 going through DEMEC for the substation, that's the main driver for that \$12.4 million. We also have
245 current resources which is the current revenue coming from the City that being taxes, fees, and utility fees
246 that we charge. The smaller number of 7% is the State Revolving Loan program, that \$2.3 million dollars
247 is more of the wind down of the 2018 referendum projects as we've gotten to the final stage of those
248 projects. Next slide please.

249 So, most years our utilities do drive our capital spending; this year's not much different. 83% or
250 \$28 million dollars of the gross capital spending is marked for water, sewer, stormwater, streets, and our
251 electric projects. These projects themselves are not glamorous, they are not pretty, but they are the
252 backbone of the city and often go unnoticed until an issue arises. The infrastructure projects in our CIP
253 keep most unforeseen problems from occurring making our utilities reliable and efficient for our
254 customers. Next slide please.

255 Mr. Coleman: Alright so everyone should be fairly familiar with the projects in the CIP that were sent out
256 ahead of time, so I'll move through these relatively quickly. The projects on this table represent those that
257 have been identified as priority 1 projects by the respective department directors. By definition, priority
258 1 projects are currently underway or have grant funding that is specifically for this project and can't be
259 used for anything else. The individual CIP sheets will provide further detail as to the funding sources for
260 each project. Funding for all priority 1 projects totals \$4.2 million in 2023. Just over \$3 million of that is
261 going towards our water and sewer main rehabilitation projects which makes sense because these are
262 two of our largest infrastructure asset categories city wide.

This slide summarizes all equipment sinking fund spending across each separate fund. As you can see, we have 15 separate sinking fund accounts where we track spending. We are proposing to replace equipment valued at just under a half a million dollars in 2022. Sorry just over. The lion's share of this is in the electric fund where we've seen dramatic cost increases for vehicles. This is a good time to remind the Commission how the vehicle sinking fund works. Each piece of equipment is tracked separately with an amount of money deposited over the expected life of the asset equal to its original purchase price. What that means is that when that equipment needs to be replaced and there's not enough in the sinking fund to cover the replacement due to rising equipment costs. So, if it costs \$100,000 to buy it initially, over let's say 5 years we'll put \$20,000 away each year. At the end of 5 years, we've got \$100,000 we can use to buy a replacement. But by then it costs \$120,000 so we've got to use \$20,000 of current resources to make up the difference. When we push a vehicle from the year it was originally set to be replaced, we save money in the near term by avoiding one year's depreciation expense. So, in that example I provided if we take that vehicle that we intended to replace after 5 years and replace it after 6 years we save one \$20,000-dollar payment that year minus whatever additional costs come from vehicles getting more expensive so this year it was 8.7% you know if you're just looking at the CPI this year. So that being said to make it into the current year for replacement each piece of equipment is evaluated by our mechanics with a report provided by the Public Works Director with review from the prospective department directors and vehicles that can be retained for another year are generally only pushed one year in the CIP at a time. So, if we review a vehicle, you'll notice that 2024 has kind of a bow wave that we've been pushing forward, but once we get to 2024, we'll probably recognize that some of those vehicles are good to go until 2025 so we'll slide them again. So, there will always be a lump one year out in the CIP just because we don't want to assume that a vehicle's going to make it 2 or 3 years when it may not if something major happens. Next slide please, one more, right there.

So, priority 2 projects are the highest priority of projects that are new this year, have not been started, or do not have project specific grant funding. I've just said that many of these do not have grant funding, but they do have ARPA funding but since it's good through 2024 we didn't move these to priority 1. So, we can use that ARPA funding generally how we see fit for different projects, so we didn't want to put that in priority one because it can be misleading because we can use that money for other things if we want. Funding for all priority 2 projects totals \$23.3 million in 2023 and many of these are specifically the types of projects that would have fallen victim to being bumped out in the future years because we were cash financing at the time. But due to the referendum and ARPA funding we can now keep them moving. We have two particularly large projects in this priority level, one is new, and one is old, the new one is W2206 which will address the merging contaminants at the South Wellfield Water Treatment Plant, specifically PFOS and PFOA. They are forever chemicals that have been detected in low levels in our drinking water but high enough that we want to remove them ahead of future regulation. The old one is the new substation for electric utilities that will serve the southern half of the city and STAR Campus and allow us to grow our electric load in the city but also allow us to more easily perform maintenance at our primary substation which the only point of service to the city. Some of our equipment at that location is aging and it is risky to take old transformers out of service and dump a bunch of loads onto new equipment. So, getting that substation should get second point of feed so should something happen at one of the two we can run off the other one. Next slide please.

Priority three projects are of medium-high priority where the department directors determine that the City would be taking a calculated risk with the deferment of the project. We have \$2.5 million dollars of priority three projects in this year's budget. Some of these like the George Wilson Center master plan are budgeted for using grant funding with the expectation that we will be successful with the grant application, but we have not been successful yet, that's why they're not a priority 1 project for example. We did apply this year in 2022 for this project in particular but were unsuccessful but were given the impression that we might be successful in the future so it's still in the budget and we're going to try again in 2023. If we don't receive a grant for this project, we'll slide it to 2024 and then try again. Next slide please.

So, priority 4 projects are considered needs, but they are projects where there's not considerable risk from deferring the project. We have \$3.1 million dollars in priority 4 projects in this year's budget N2203, it's in here as priority 4 but that's an error it really should have been priority 1. This was the project that they mentioned earlier where we received bond bill funding that's specific for this type of work so we can't use that money for other things, so I do apologize for that. Next slide please.

And lastly priority 5 projects are ones that can easily start in year 2 or later of the CIP if desired we have \$130,000 of priority 5 projects in this year's budget. The one new one is K2303 and that's tree

320 pit installations on Main Street. Anyone who's been up and down Main Street can probably see that our
321 trees haven't been very successful in getting established. The pits we have are very small so we can only
322 put little trees in them, and the college kids like to break them off. So, our plan is to basically replace one
323 a year if we can with a much larger tree pit that allows us to put in a larger tree and over time, we will
324 eventually work our way down the road and swap those out with trees we hope will actually last. So next
325 slide.

326 And that wraps up our presentation, I do apologize for the technical issues we had that caused us
327 to double up on this meeting. But we're happy to answer any questions you have about specific projects
328 or process, really anything related to the Capital budget. Thank you.

329 Chair Hurd: Alright thank you very much, always informative. We will begin with Commissioner Bradley.

330 Commissioner Bradley: Putting me right on the spot the first night.

331 Chair Hurd: That's all it is.

332 Commissioner Bradley: Based on what I've seen and what I've reviewed I don't have any questions
333 chairman.

334 Chair Hurd: Ok, thank you. Commissioner Kadar?

335 Commissioner Kadar: Quick question. Can you explain the difference between maintenance and capital
336 improvement? I mean I can, but I want to hear what your definition is.

337 Mr. Coleman: Ok, so admittedly there is a lot of overlap, a lot of the capital improvement work really is
338 maintenance but it's maintenance of something that's large enough that it is generally handled in the
339 capital budget. So, I believe our guidance is \$20,000 dollars or an expected life of three years. So, if
340 theoretically you could you know under that if you had a server or something that was \$20,000, you'll see
341 it land in the capital budget but mostly it's going to be infrastructure related items, IT stuff doesn't last.

342 Commissioner Kadar: Ok so your cutoff point is about \$20,000 dollars and significantly extending the life
343 of the investment would be 3 years?

344 Mr. Coleman: At minimum.

345 Commissioner Kadar: So, when you have things like repair roof you fully expect that those repairs are
346 going to one, cost more than \$20,000 dollars and will in fact extend the life so we don't have to deal with
347 that for another 3 years.

348 Mr. Coleman: Correct.

349 Commissioner Kadar: Alright, that's fine. And let's see there was one other. From a funding perspective,
350 you've indicated that the American Rescue Plan was going to contribute about \$7.2 million dollars in the
351 coming fiscal year and then drop down to \$4.2 million. And then disappear completely. That's about 21
352 percent of your funding next year, correct? So, you also indicated that other financial sources this year in
353 2023 of \$12.4 million are then going to increase to \$16.2 million after the resource plan act funds
354 deteriorate by \$3 million dollars. How confident are you that you're going to get that \$16.2 million?

355 Mr. Coleman: So, before I answer that question let me jump back to the roof repair. Repair's really not
356 the right word; it's really replacement.

357 Commissioner Kadar: Yeah, that's what really got my attention, the fact that repairs aren't generally
358 capital improvements, they can't be.

359 Mr. Coleman: Yeah, it's a tear off, so back to your question at hand. The other funding source is conduit
360 financing debt through Delaware Municipal Electric Corporation. So, we have a few options when it comes
361 to borrowing. So, we can take on debt directly ourselves via the referendum process or we can go through
362 with a third party and financing. So DEMEC in this instance is going to take on the debt themselves and
363 then they'll invoice us as part of our monthly utility bill that we pay them for wholesale power, they'll
364 invoice us. And the reason we're looking to do that is their credit rating is pretty similar to ours and they're
365 going to bundle a few other projects, so it won't be just us going to the market. The bond market ourselves
366 for a \$28-million-dollar project, it's going to be us and Middletown and Seaford, and I think there's a few
367 others. There's three or four different municipalities that have big projects lumped into this. So, we're
368 pretty confident in that.

369 Commissioner Kadar: Ok. So, 21% of your financial resources disappearing within two years is a pretty big
370 deal.

371 Mr. Coleman: It is, and admittedly absent that funding we wouldn't be doing as much as we are. So, we've
372 enlarged some projects. I mean the timing was pretty fortuitous for us especially with the emerging
373 contaminant issue because absent that ARPA funding that would be pretty painful to do ourselves. So just
374 so you're aware, the total project cost, we've already ordered the carbon units – we ordered them this
375 year, we used ARPA funding to purchase them now, or at least write the purchase order, but we got a
376 little over \$1.6 million dollars from the state that's a 100% principal forgiveness so we will likely either
377 have to have a referendum or look for a charter amendment that would exempt 100% principal
378 forgiveness from the referendum requirement because you would have to have a referendum to borrow
379 \$0 dollars so we're looking at some different ways to handle that. So, at the South Wellfield a little over
380 \$4 million dollars total project cost. If we end up having the same situation at the Curtis Water Treatment
381 Plant, it's going to be probably around \$10 million dollars and then all of our neighboring utilities are
382 facing the same thing, so Leolia Water used to be United Water Delaware as probably what most people
383 remember it by. They're looking at a \$43-million-dollar price tag for their project that's down the line in
384 the next 12 to 16 months. And it will have an ongoing operational cost of about \$6 million dollars a year
385 for them. Ours is going to be lower than that but they only have a \$30-million-dollar budget annually. So,
386 this emerging contaminant issue is going to be very expensive for water utilities to deal with. So, the fact
387 that we had this ARPA funding available for us to get it done is very good.

388 Commissioner Kadar: Thank you.

389 Chair Hurd: Ok, thank you. Commissioner Silverman?

390 Commissioner Silverman: I'd like to go to page 24, electrical item 1502. If I have the right page and I've
391 read across correctly, then it's \$120,000 dollars a year for underground electric utility on the STAR
392 Campus?

393 Mr. Coleman: Yes, so that project is the funding source if I recall correctly is other funding sources. So,
394 when we do a project for a customer at STAR, we have money budgeted there but the funding source
395 actually comes from the applicant. So, for example when Chemours came and built their facility there, we
396 have to order all of the equipment because you can't order it as a customer only electric utilities can order
397 those things. So, we have to have money budgeted as a line item. There's no actual funding associated
398 with it until someone comes with a project and they pass.

399 Commissioner Silverman: So, then it is directly reimbursable by the applicant and part of their
400 construction costs?

401 Mr. Coleman: Yes, that's a more concise way of saying it.

402 Commissioner Silverman: Ok, thank you. And now that we're compliant on our bike lanes, particularly on
403 Delaware Avenue there was discussion several years ago in the Capital budget that the City was going to
404 have to purchase special equipment to deal with snow removal behind the curbs. Is that still the game
405 plan or did the redesign of the road surface allow City plows to just plow as if it were an ordinary street?

406 Mr. Coleman: So right now, we think we can plow it with our existing equipment, we have a V plow that
407 we can adjust, it can be a V, it can plow left or right so we're fairly confident we can do it with that piece
408 of equipment and if that doesn't work then we're going to supplement with basically a power broom and
409 use that to clean up the difference. One of the big positive changes of that project if you followed the
410 design over the years, it was originally supposed to have plastic flexible delineator posts between the bike
411 lane and the travel lane. Really in the 11th hour, DelDOT changed the design to include a curb which made
412 our lives much easier from a maintenance perspective, so we're very happy with that change.

413 Commissioner Silverman: Thank you, that's the end of my questions.

414 Chair Hurd: Thank you. Commissioner Stine?

415 Commissioner Stine: Thank you and thank you for making this so easy to follow along and understand. I'm
416 just wondering if somewhere in here, last year or the year before there was replacement or potential
417 replacement or relocation of the water towers? Is that still in here somewhere? I didn't see those words
418 specifically.

419 Mr. Coleman: Yes. So, I think that it is underway – let me see if I can find it. So, I believe that's under
420 W8605 Water Tank Maintenance.

421 Commissioner Stine: And that's on page number? What number are you on there?

422 Mr. Coleman: It's page 85. So, in addition to this, we received a grant to look at siting a new tank that may
 423 allow us to eliminate some of our existing tanks. So, if you're familiar with or if you paid close attention –
 424 which many of you have had no reason to– a lot of our water towers are standpipes where it's just a
 425 cylinder; relatively inexpensive to build but most of the water in the tank is just there to hold the water
 426 up where you need it, up high and it doesn't move, it doesn't turn over and it causes some issues with
 427 water age, and you lose your chlorine residual in the tank. We've had to deal with that at the New London
 428 tanks – if you're going up New London Road you go past Evergreen on the right on the left there's a two-
 429 million-gallon standpipe. And you'll notice there's a new black building out front, and that's for us to inject
 430 additional chlorine to address the residual chlorine issue that's created for us. We have three other
 431 standpipes like that, two across from the country club that we'd love to get rid of and then one in Arbour
 432 Park that we're not going to be able to get rid of. So Public Works is working on it, they've received grant
 433 funding to do a design to see if we can eliminate those two tanks and replace them with a tank somewhere
 434 else. And I thought there was a different sheet than this, is Tim on?

435 Chair Hurd: I think I saw one about the new water tank.

436 Mr. Coleman: Yeah, there's one missing

437 Ms. Dinsmore: In the chat he gave the same number.

438 Mr. Coleman: He gave the same number? Ok.

439 Commissioner Stine: So, the W8605 is the same project?

440 Mr. Coleman: Yeah. So, it would come out of here.

441 Commissioner Stine: Ok, I think that's it. Thank you.

442 Chair Hurd: Commissioner Williamson?

443 Commissioner Williamson: Yes, thank you, it's an easy CIP to follow so thank you for that. I've seen worse,
 444 been through worse. I did have a few questions, and these are not meant to start a long tangent or
 445 conversation, partly it's just awareness and having the city manager here. Given that a large part of the
 446 budget is the electric system and utility, and all related what's the city's target for reserves? Usually like
 447 15% of the budget or some percentage.

448 Mr. Coleman: So, I'm going to phone a friend for that, but I believe it's 61 days?

449 Director Del Grande: Yeah, our reserve number depends on utility. We float between a 61- and 90-day
 450 operating reserve which is a little on the light side of today's best practices. We should be closer to 120
 451 or 150.

452 Commissioner Williamson: And that's for the utility. Then what about the rest of the city budget?

453 Director Del Grande: Yes, depending on utility it's still about 60 to 90 days.

454 Commissioner Williamson: Ok, with the various software programs that the City uses, is there embedded
 455 in there somewhere energy management that tracks real time heating and cooling in your building?

456 Mr. Coleman: So, we do. We have a new building automation system in City Hall and the Police station
 457 that went in as part of our energy service contract 1 that we just completed. The grant funding that we
 458 received in the state bond bill we had that little list of 15 or so projects that we're going to be part of the
 459 \$2.3 million that we got. That is going to include expanding the building automation system to the George
 460 Wilson Center so we can control that and to the Parks Building at the Field and Operations complex as we
 461 modernize that system as well.

462 Commissioner Williamson: Great. With inflation roaring along unfortunately, how does that factor into
 463 your – you can only do so much knowing inflation's out there and all of these numbers are likely to change.

464 Mr. Coleman: Yeah, inflation has been particularly challenging to predict on the utility infrastructure side.
 465 So, some examples, and we didn't include them in this presentation but in our Council presentation we
 466 did. Where Public Works took an invoice that we received from Dover Plumbing last year and we looked
 467 at one from this year and we matched up items to look at how things had gone up. And most items were
 468 up anywhere from 25 to 60 percent in one year for anything from a basic copper fitting to a fire hydrant
 469 so pretty much across the board was 25 to 60 percent increases. On the electrical side our electric line

470 trucks are up. We were paying maybe \$150,000 to \$160,000 for one two years ago one that we haven't
471 received yet and now we're above \$300,000 so they've really rocketed up, and there's no guarantee that
472 we'll actually get it for the price that we bought it. About 4 or 5 months before it was delivered, we were
473 told, hey it's going to be \$20,000 more and if you don't like it you can order from someone else or get
474 back in line so, it's a rough situation. Transformers are even worse. There's a transformer shortage
475 worldwide right now it's especially acute in the U.S. because the U.S. has very high efficiency standards
476 and they have to use a very specific type of steel it's called grain-oriented steel in the transformers in
477 order to be able to hit the efficiency numbers that they need and there's only one facility in the country
478 that was making it last time we checked. So, our transformers are up 900% in costs so really shocking price
479 increases for some things. And the lead time for the 900% increase transformers I think you could get it
480 in 36 weeks. If you were able to wait a year it was only 500% more than you paid the year before. So,
481 some of our development projects have seen some dramatic price increases. Fortunately, the City, since
482 we're an integrated review process, you're working with an electric utility right at the beginning, so we
483 tell our developers as they come in, hey order this stuff now so it's ready when you go to build. Elsewhere
484 in the county where the development process is separate from the utility process we've heard horror
485 stories really, in Delmarva territory in the co-op where they're just not doing the connections, you're not
486 getting a transformer. They've had houses that have had to run off of a generator to get the certificate of
487 occupancy because there's no transformers to get for the building. So, we're able to plan those things out
488 a little earlier in the process fortunately. Real quick, there is a new project it's on page 59, W2302 New
489 Elevated Water Storage tank. I thought there was one in there. Back to you.

490 Commissioner Williamson: No, I'm glad, I had the same question. My last question and you know when
491 residents volunteer for these commissions sometimes they have a favorite issue, and we allow ourselves
492 to ask it every now and again. Mine is undergrounding the downtown utilities, and it's probably been
493 discussed before, it's probably been looked at and it's not in the CIP. And I bring it up not necessarily to
494 get a long history now but our next item where we talk about gradually increasing the density downtown,
495 higher buildings more electric load. How long until the power pole system doesn't work so well because
496 you're putting more and more load on that system if that's even an issue and I'm not necessarily looking
497 for a complete answer right now I just want to put that out there as a wish topic maybe sometime.

498 Mr. Coleman: Yeah, I don't want to speak to the available load capacity because I don't know that off the
499 top of my head. But I do know in the past when we've looked at that I think the last time they priced it
500 out it was probably almost 20 years ago at this point and it was \$17 million dollars to do Chapel to College,
501 that segment. And since there's so much existing stuff already in the roadway, they looked to move it a
502 little bit out of the road behind the buildings just because you'd need to have a number of vaults in the
503 road and there's all sorts of existing stuff and it would just make it very difficult. I don't know how feasible
504 it would be long term, and I share your concerns, I like when you can have actual trees and you don't have
505 to cut a hole around the power lines. I would also love to do it, but it will be very expensive.

506 Commissioner Williamson: Thank you. I have no other questions.

507 Chair Hurd: Thank you. A quick question, comment I guess it is, page 199 for the municipal center master
508 plan, I'm just curious who named the color schemes because they are hilarious.

509 Mr. Coleman: His name is Jeff if you couldn't figure that out.

510 Chair Hurd: Is that why there's one called "The Jeffery"?

511 Mr. Coleman: Yes, that would be why.

512 Chair Hurd: Cool. And the other one is just, and I know this is one that's been discussed a little bit at
513 Council, and I think it's sort of the future but the Newark Train Station. I know of course it's going to be
514 expensive to renovate that because it's an old building and that's what it is. I'm just going to say that
515 personally I think it would be a missed opportunity if the City didn't hold onto that and do something with
516 it. And I understand at some point with the budget going up and everything is costing more, and you look
517 at that and wonder can we put money into a building that doesn't have that value, I understand. But I
518 think that's something that the City should certainly consider. Maybe taking the hit for it, or finding
519 funding sources, or doing something creative to make that happen.

520 Mr. Coleman: So, if I may explain our position on that a little better?

521 Chair Hurd: Absolutely.

522 Mr. Coleman: I think it may have been lost in translation. I don't think staff, staff was not promoting selling
523 it, we were just saying if you're not going to fix it you need to get rid of it because it's going to fall apart.
524 So, it's more of we need to act one way or the other and do it decisively. I think our preference would be
525 to put it into the next capital referendum and just say look this is what it's going to cost to fix this building
526 and if we want to keep it, we need to do it.

527 Chair Hurd: Right, you'd need support for it, makes sense. Alright, thank you. We'll now move to public
528 comment. Katie, do we have any submitted public comments? Ok. Do we have anyone present who
529 wishes to give comment on the Capital Improvement Plan? Is there anyone online that wishes to give
530 comments on the Capital Improvement Plan? Ok, hearing none, we'll close public comment. I'll take it
531 from the tone of the questions that we don't have any further comments on things in the Capital
532 Improvement Plan. So, Mr. Secretary, can we move to the motion?

533 Commissioner Kadar: I move that [the Planning Commission recommends that City Council approves the](#)
534 [2023 to 2027 Capital Improvement Program as presented to the Planning Commission on October 18th,](#)
535 [2022.](#)

536 Chair Hurd: Thank you do I have a second?

537 Commissioner Stine: Second.

538 Chair Hurd: Thank you. Any discussion to the motion? Alright seeing none we'll move to the vote.
539 Commissioner Kadar?

540 Commissioner Kadar: Aye.

541 Chair Hurd: Commissioner Silverman?

542 Commissioner Silverman: Aye.

543 Chair Hurd: Thank you, Commissioner Williamson, oh sorry Commissioner Stine.

544 Commissioner Stine: Aye.

545 Chair Hurd: Commissioner Williamson?

546 Commissioner Williamson: Aye.

547 Chair Hurd: And Commissioner Bradley?

548 Commissioner Bradley: Aye.

549 Chair Hurd: Thank you, and I am aye as well. Motion passes.

550 Mr. Coleman: Thank you.

551 Chair Hurd: A little past our estimated time but that's ok.

552 **5. Review and consideration of text amendments to the BB and RA zoning code and related**
553 **amendments to Chapter 27 Appendices II and XIII**

554 Chair Hurd: That takes us to item 5, Review and consideration of text amendments to the BB and RA
555 zoning code and related amendments to Chapter 27 Appendices II and XIII. Using roman numerals, ok. My
556 plan is to take this exhibit by exhibit so we're just not trying to go over the whole thing repeatedly. Thank
557 you, gentlemen, good job. So, we will start with first staff for their presentation.

558 Director Bensley: Alright good evening, everyone. For the record, I am Renee Bensley, Director of Planning
559 and Development. Thank you to members of the Planning Commission and members of our community
560 for taking the time to be here with us this evening as we move to the final step towards changes to the
561 BB and RA zoning code and to the related architectural and parking guidelines in the subdivision
562 regulations. As noted in the September 27th, 2022, staff memo which is linked to the agenda for this
563 meeting online, this is the third round of the review process in which Planning Commission will be
564 reviewing the final draft code language this evening submitted to them from our consultant AECOM and
565 providing a recommendation to Council prior to Council's consideration and adoption of the final
566 ordinance implementing the code changes. Changes made to the draft code language from the August
567 25th joint Planning Commission and Council meeting include in Appendix II, the addition of specific
568 applicable zones to the location of surface parking on the lot as changes being considered in this process
569 may not be appropriate for every city zoning category; deletion of the proposed standards for parking

570 garages as they would be subject to the city subdivision regulations and, therefore, the design standards
571 of Appendix XIII. And then within Appendix XIII, change references from design guidelines to design
572 standards to reflect the feedback that this section should be more stringent; extend the applicability of
573 this section to include East Delaware Avenue from South Main Street to Library Avenue and add to New
574 Street; added details regarding the existing buildings required to be included in the submitted renderings;
575 update the interpretation subsection to emphasize the design standards aspect and to make options for
576 both site plan approval and Board of Adjustment variances clearer. However, when reviewing the
577 language between the consultant and staff, there is concern that by being too prescriptive the City is
578 setting up a system where even the most minute deviations are requiring site plan approval or variances.
579 Therefore, additional alternative language has been crafted as an option for consideration. We've also
580 updated the location reference in the building orientation and entrances, removed the term "wall
581 mounted" in relation to required equipment to be screened. Removal of the minimum size standard for
582 plazas and courtyards; we've had an addition of public safety design standards for plazas and courtyards
583 and alternative language has been provided for discussion purposes. Within Section 32-12, which is the
584 RA district, we made only minor typographical and section lettering changes. And in Section 32-18, BB
585 district, we added lobby as an allowable use for the ground floor of apartments and updated the height
586 to 65 feet to reflect concerns regarding building height being comparable to RA. If Planning Commission
587 is in agreement with the final version of the code language that's presented, the recommended motion
588 in the packet item can be put forward. If the Planning Commission would like to make recommendations
589 for amendments to the text, we stand ready to assist in crafting those as well. Once Planning Commission
590 has made their final recommendation this item will be forwarded to Council for public hearing and a vote.
591 We look forward to continuing the discussion this evening and I now turn this over to Chris Rogers, our
592 consultant from AECOM to provide any comments prior to the decision.

593 Chair Hurd: Thank you.

594 Mr. Rogers: Thank you Director Bensley, this is Chris Rogers from AECOM, Mr. Chairman I'm not sure how
595 you wanted to go over this?

596 Chair Hurd: I guess if there's anything sort of from of your end that's fundamentally different from, I know
597 Director Bensley has reviewed the changes, I guess anything that you want to add to those changes from
598 your perspective? Because we were all, except for Mr. Bradley, were at the combined meeting, so we
599 have some familiarity with the material and such.

600 Mr. Rogers: By exhibit or where I want to start?

601 Chair Hurd: Where you want to start, let's just say that.

602 Mr. Rogers: I think she gave a great overview; I'm particularly interested to get your feedback on the
603 interpretation language for the design standards, guidelines, however you want to put it. The Director is
604 correct in the way she characterized our discussions. You know, coming out of the joint workshop, we
605 were directed to make them more prescriptive, make them clearly mandatory and have the only off ramp
606 be site plan approval but we also added the provisions to apply for a variance. I think that had to be in
607 there and we didn't discuss that in the workshop.

608 Director Bensley: Chris, could you bring your microphone a little closer? Folks online are having trouble
609 hearing you.

610 Mr. Rogers: Closer? We were directed after the joint workshop to make the design standard guidelines
611 prescriptive standards with the only off ramp being site plan approval. Staff added another off ramp of
612 applying for a variance which we thought had to be in there because a variance is a variance to any
613 provision of the zoning ordinance. We thought that was a little too prescriptive for the nature of the
614 requirement. We want to avoid a flood of site plan approval requests and or variance requests for a
615 building that doesn't have an offset every 50 feet but every 52 feet as an example. So, our experience
616 with design standards is that they're typically guidelines and you're always balancing the prescriptiveness
617 versus the creativity and flexibility. So, we had tried to write it that way to begin with but were directed
618 to make it more prescriptive and in doing so we had concerns, and we have that alternative ways of
619 interpreting the code for your consideration. I believe that alternative language, I'm referring to page 2 of
620 5 of exhibit B, alternative language 1. Director, I believe that was more or less our original approach? That
621 was presented at the joint workshop. Alternative language 2 is language that we've used in the past that
622 when we've created design guidelines when we try to distinguish between those standards/guidelines
623 that were more intended to be mandatory and less flexible and those are some of the more important
624 guidelines I don't think we tried to pick out what would be the "shalls" versus the "should" for the

625 purposes of this meeting but that's the intent, that we would dig into this a little more and decide what
626 should be a shall, where there would be a little bit of flexibility unless choices are provided in the
627 statements themselves and should which implies a little bit more flexibility. I know that gets away from
628 the prescriptive direction that we were provided at the workshop, but we wanted to put it out there for
629 your consideration.

630 Another thing that we tweaked a little bit was the height in the BB. We went from, I'm not sure
631 why we got off tangent thinking that the buildings, the floors were 13.3 feet during the workshop, but 80
632 divided by 7 is not 13.3. So, we went off on some erroneous tangent, however in speaking amongst staff
633 we thought that 5 stories at 65 feet was an appropriate combination of height and stories, it allows a little
634 bit more height for a first-floor retail commercial use or service use that may have more need for a little
635 more higher ceiling. So, I think we addressed the comments that were made during the, well tried to
636 address the comments made during the joint workshop. What's left on the table really is if you want
637 discussion about the alternative language. Also, I don't have it in here, but it may be in a comment. We
638 did add language for the design of the plazas that they would have to adhere to...shoot.

639 Chair Hurd: Yeah, line 148 on page 4 of 5.

640 Mr. Rogers: That they would have to adhere to the security and resilience protective security guidelines
641 for crime prevention through environmental design. We made a specific reference to the ISO standard,
642 and I was not personally familiar with those. But in looking at them and I soon realized that it wasn't just
643 one, two, three things that you needed to check off on a checklist, but that it is a holistic approach to
644 designing open spaces in public plazas. So instead of trying to be very prescriptive, you have to adhere to
645 the whole of the guidelines. I think I'll just stop for now and open it up to questions and discussion.

646 Chair Hurd: Alright.

647 Commissioner Williamson: Mr. Chair if I may? Just to follow up on the whole discussion about standards
648 versus guidelines. So, I've seen, and this is just a suggestion to consider and maybe you already did.
649 Another way of doing it is calling them objective and subjective standards. And the objective standards
650 are the ones you really want, and you make them numeric, but you give the Planning Director or the
651 Planning Commission if it's going to the Planning Commission anyway something like plus or minus 10%
652 administrative leeway. You know you're substantially conforming to the objective standard. But give
653 yourself a little bit so you're not arguing over half of, you know 6 inches out of 50 feet, you know that kind
654 of thing you know like you said common sense. And then the subjective standards which you might call
655 guidelines are the ones you might be willing to give up for affordable housing, or some other reasons and
656 I bring that up, and I hate to bring this up, but in California – we know that sometimes the federal
657 government sometimes follows the California precedents and objective standards were specifically called
658 out by a state legislature saying if you've got it codified as an objective, no one can claim it's causing
659 affordability problems on your construction and you have to waive it, it must be called out as objective.
660 And use that word and it must be numeric ideally or a list, that kind of thing. If it's a subjective standard
661 almost anyone can say this is reducing the affordability of 5% or 50% of the units that are affordable, and
662 we don't have to do it and we basically just have to say that, and your standard is gone. Now will the feds
663 ever do that or with fed money. Maybe, I don't know. Anyways, that's just a suggestion another way to
664 perhaps, the subjective and objective standards and what you really need are prescriptive with the shalls
665 and shoulds but give yourself some wiggle room. That's my suggestion.

666 Chair Hurd: Ok, thank you.

667 Commissioner Bradley: I've never worked with that type of an approach. Are you saying that there's an
668 overall points system for the objective standards or are you saying there's a variation allowed in a 50 foot.

669 Commissioner Williamson: So, let's say you have an objective setback of 20 feet and the Planning Director
670 can make it plus or minus 2 feet and you're still conforming. You don't have to file for a variance, you
671 don't have to etcetera. So, it just gives you some wiggle room for what common sense tweaks should be
672 based on the site or something like that without having to go through the extra steps. If you want and it
673 wouldn't have to apply to all of them of course, maybe just some certain ones. But the point is to make it
674 objective it's got to have ideally, it's a number like x number of these or something or you're picking from
675 a list but if somebody can substitute something that the planning director finds substantially consistent
676 you know that avenue could be a third off ramp, a small off ramp.

677 Commissioner Bradley: Now at the risk of sounding argumentative, I mean I could see those applying to
678 the overall bulk standards where you have a numeric setback, you have a numeric height. That you would

679 allow the administrative approval of a slight variance of those but the types of guidelines and standards
680 that we're talking about are less numeric than they are...bays shall be distinguished with offsets, there's
681 not a lot of numeric standards in these.

682 Commissioner Williamson: They could be non-numeric so long as they're clear, right, and just carefully
683 written.

684 Chair Hurd: Alright, I appreciate the perspective. So why don't we move to exhibit A, design requirements
685 for parking lots because that hopefully will be a relatively short conversation. So, I will start with
686 Commissioner Kadar.

687 Commissioner Kadar: I have no comment.

688 Chair Hurd: Alright then, Commissioner Silverman?

689 Commissioner Silverman: I would like to see references in Appendix A to other sections of the city code,
690 the applicable sections of the city code, superficially landscaping, stormwater management, cross access
691 agreements in parking lots, shared entries, that kind of thing.

692 Director Bensley: Commissioner Silverman, we actually have a, this is Director Bensley, we have a larger
693 revamp of the design requirements for parking lots that's going to be coming to you in December based
694 on comments from the Kimley-Horn Downtown Newark Parking Plan report. And the items you cited are
695 part of that.

696 Commissioner Silverman: Ok, thank you.

697 Chair Hurd: Ok.

698 Commissioner Silverman: And with respect to line 40, page 2 of 3, how does the consultant look at credit
699 for handling say two-wheel vehicles, motorcycles, scooters, some jurisdictions count that as 5 parking
700 spaces in the physical geography that would be a single car parking space. And credit for ride shares,
701 pickup and other thinking. The parking designs appear to be strictly single or four wheeled vehicles, let's
702 put it that way.

703 Mr. Rogers: Ok, yes, I do not think we've addressed that here as part of these additional standards.

704 Chair Hurd: And looking at this, this all seems to be original text.

705 Mr. Rogers: Yes, we only added the track change version and from that we eliminated some since the joint
706 workshop. So, we did not dive into you know those types of issues in these standards.

707 Commissioner Silverman: We have circumstances where a motorcycle for example will take up a single
708 parking space and it doesn't have to.

709 Chair Hurd: Right. Director Bensley is that something that could be part of this larger parking lot?

710 Director Bensley: I can definitely bring that back to working group that's working on that now to see if it
711 can be incorporated.

712 Chair Hurd: Because it might fall into the same category as the number of bicycle parking spaces per
713 there's a ratio of cars, maybe there's a ratio of motorcycle that we could incorporate. Ok.

714 Commissioner Silverman: That's my comments, thank you.

715 Chair Hurd: Thank you. Commissioner Stine?

716 Commissioner Stine: I have no comments, just to point out to Commissioner Silverman, that the cross-
717 access easements language was added, right on page 2 of 3, line 36, I think that's the language that the
718 Commissioner is looking for. And beyond that I have no questions about Exhibit A.

719 Chair Hurd: Ok. Commissioner Williamson?

720 Commissioner Williamson: Yes, just on line 39, the small d, is that just a mistake? There's nothing there.

721 Director Bensley: Yes.

722 Commissioner Williamson: Ok so that will renumber, e becomes d. Ok.

723 Chair Hurd: Yes. Alright, Commissioner Bradley?

724 Commissioner Bradley: I have no questions or comments.

725 Chair Hurd: Ok, do we have any public comment submitted on exhibit A? Ok, does anyone here from the
726 public wish to speak on exhibit A, parking lot standards, or design requirements I mean. Oh, yes? You'll
727 need to come to the microphone.

728 Mrs. Hart: Instead of putting parking lots in various buildings, why can't there be one parking lot in
729 Newark? And then we won't have to worry about all these different things. Is there a reason that we
730 can't?

731 Chair Hurd: Can I ask you just to identify yourself for the record?

732 Mrs. Hart: Oh, Frances Hart.

733 Chair Hurd: Ok, thank you. So, I did serve on the parking subcommittee. One of the challenges of that, like
734 a single parking garage or parking facility is the distance. People would be reluctant to walk the distance
735 if you have a single lot or a single building to walk down to the other end from Chapel if you have it say
736 close to College. What we were trying to work against was the fact that we had in the code that every
737 single building had to have its own parking lot and that's a lot of parking and a lot of surface area. We're
738 trying to, our goal was to try to get something that brought some of that together so we could say "ok,
739 we could have a couple of larger City lots maybe there'd be a way to make some of those private lots
740 partially public or available by changing the parking standards." And by consolidating them or even
741 allowing some of that area to be redeveloped into a building which honestly can treat stormwater better
742 than a parking lot can. So, you can deal with the runoff and such. So, I would say it's a long-term goal to
743 make the parking a little more rational. But the challenge is a lot of that parking is in private hands and so
744 there's not as much that the City can do to say "take that parking lot away, put one here" you know we
745 have to kind of work within the code to make that work.

746 Mrs. Hart: It just seems like when the developer knows that he can have a parking lot then he asks for
747 more stories in the building too.

748 Chair Hurd: Right. So, if we cut down, we have to sort of balance you know how much building and how
749 much parking is on a parcel. And what we're looking for. You could end up with a very suburban, which is
750 what we have a very suburban look which is a lot of parking for a tiny building. You want to find a balance,
751 because we are a city and more sort of urban that we can have more remote parking with people walking
752 to various areas.

753 Mrs. Hart: What about say if you have two or three city parking lots and then have a city bus?

754 Chair Hurd: That has been brought up so yeah, the parking committee was looking at shuttles as a kind of
755 way and I'll try not to go off on too much of a tangent, because this is just about design requirements but
756 one of the biggest challenges is where do the employees of Main Street businesses park? Because right
757 now they park in essentially public lots with public rates. Which isn't really appropriate. We want to park
758 them slightly remotely so that we have more customer available spaces and at a cheaper rate because
759 they're going to park there all day and all night. But, if they're in a remote lot how do you get them to that
760 remote lot safely? You know say you work at a bar, the owner of the Grain was on our committee, so he
761 had a lot of examples. He was like, ok the Grain shuts down at 2:00. My employees now have to get to
762 that parking lot and they're not walking because it's three blocks away so they're not going to parking lot
763 unless we provide, say there's a shuttle service or something to get them to and from. So that's a very
764 integrated and kind of cohesive set of solutions that we're trying to put together. Because you can't make
765 those remote parking lots available to monthly renters until you remove the requirements that all that
766 parking go to the building then it's like, it's very sort of complicated but I think we're starting to untangle
767 it.

768 Mrs. Hart: But if say the developers are putting a parking garage say on the 2nd floor or 1st floor, they will
769 also charge more than the City would charge right?

770 Chair Hurd: Possibly yes.

771 Mrs. Hart: So, you're not really eliminating. There's parking and maybe closer but it's still more costly than
772 what the City would do.

773 Chair Hurd: Right, that's, there's an economic factor to parking that we don't have time to get into, but
774 sometimes private lots will provide parking at a different rate than the City because they have a different
775 focus. And some people will say sure I'll park here because it's closer to other things than the City lot and

776 I'll pay the premium. And if they don't want to pay the premium, there are other options. So having a
777 wider range of pricing options is actually very good to have because that balances your load, it gives
778 people who are willing to pay it, and people who want to park cheaper park somewhere else, you're not
779 forcing everyone to pay the same rate.

780 Mrs. Hart: So, you think that there still will be parking as part of the buildings?

781 Chair Hurd: Yes, I think buildings will still provide parking. I think what we're sort of working through and
782 other things we're working on is how much parking are we going to require them to provide and how
783 much parking would they choose to provide. So, if we shift that, then it's a little more on the developer
784 to go, well I think I'm going to need this much parking to be able to rent these apartments or to use this
785 commercial space. I know I need to provide this much space. And the economics will play more into that.

786 Mrs. Hart: But will the City allow more height is what I'm asking.

787 Chair Hurd: So, the current amendments to the code have removed the bonus densities for providing
788 parking under the building as part of the one story that you would get. So that's coming out, that had
789 been in there for a long time.

790 Mrs. Hart: So, they will not be able to add?

791 Chair Hurd: Right.

792 Mrs. Hart: Will 5 stories be the limit them?

793 Chair Hurd: Well, you'll have to stick around and find out, we haven't gotten to that section yet.

794 Mrs. Hart: Ok.

795 Chair Hurd: Thank you. Alright, anyone else from the public wishing to comment on design requirements
796 for parking lots? Anyone online? Ok, we're going to close public comment on Exhibit A only, not on all
797 things. I'm going to say that we'll do the motions at the very end, we'll work our way through this and see
798 where we are at the very end. Are there any further comments on Exhibit A, Design Requirements for
799 Parking Lots before we move to Exhibit B? Ok, let's move to Exhibit B, Design Standards for Downtown
800 Properties. I think we've kind of covered the initial comments, so why don't I start with Commissioner
801 Stine.

802 Commissioner Stine: I have no comments or questions on Exhibit B.

803 Chair Hurd: Alright, Commissioner Williamson?

804 Solicitor Bilodeau: Excuse me Mr. Chair do we need everyone to kind of chime in on which of the
805 alternatives for the interpretation?

806 Chair Hurd: I was going to get to that after we dealt with sort of language stuff initially.

807 Solicitor Bilodeau: Ok.

808 Chair Hurd: But yes, we do have to dig into that. Thank you.

809 Commissioner Williamson: Well, I just my earlier comment and I realize it's a little late in the game to try
810 and inject language, different language at this point. I guess I have two...

811 Chair Hurd: Yeah, I'll circle back on that one, I think. Commissioner Bradley?

812 Commissioner Bradley: I have no questions or comments on Exhibit B.

813 Chair Hurd: Ok, Commissioner Kadar?

814 Commissioner Kadar: Yeah, I'd like to get some clarification since I'm the secretary and I'm going to have
815 to make the motion for what we accept and what we don't accept. There are three interpretations starting
816 with line 53 and ending on 88. 89 and 90 are just comments. From the city's perspective, the Planning
817 Department's perspective, which of those Alternatives do you prefer? Your input.

818 Director Bensley: I'll be the penguin off the iceberg here. So, I would say that, like Chris mentioned in his
819 presentation, we do have some real concerns about how this is going to be applied and looking toward
820 alternative language 2, I think that gives us a little more, it gives applicants a little more flexibility in being
821 able to not come in with the exact same building every single time. I think one of the concerns right now
822 with the way things seem to be headed is that you're going to see building after building that looks exactly

823 the same because they're going to go through this and there's going to be a checklist and they're going to
824 say ok I've got this, this, this, and this, please approve it. And we're going to lose creativity in development.
825 And I think there are some standards that should be applied as more rigorous standards if those are things
826 we feel are important and should be in every development, but there are others, to use Commissioner
827 Williamson's terms, more subjective standards that we're not necessarily looking for, you know, we're
828 not looking to turn into a, I'm losing the term right now but one of those kinds of post war cookie cutter
829 –

830 Chair Hurd: Levittown

831 Director Bensley: Levittown, yes, areas that we may be in danger of falling into if we're saying everybody's
832 got to turn the same thing in every time.

833 Commissioner Kadar: Ok, that's excellent because I happen to agree with you. That's all.

834 Solicitor Bilodeau: So, Renee, I just had a question. So alternative language to the insertion of 65. Does
835 the language on where it starts on line 73 to 84 or 85 is that part of alternative too?

836 Director Bensley: Yes.

837 Solicitor Bilodeau: Ok, thank you I just wanted to make sure.

838 Commissioner Kadar: What were those numbers alternative to? I counted to line 88, eliminating 89 and
839 90 and eliminating 53 through 65, correct?

840 Director Bensley: Yes, correct.

841 Mr. Rogers: With that there would be an exercise to create some should because they're all shalls.

842 Chair Hurd: Yeah, we're going to get to that. Do you have any comment on the language other than that?

843 Commissioner Kadar: No that's my only comment, thank you.

844 Chair Hurd: Ok, Commissioner Silverman any comments or questions on the language not relating to the
845 standards and guidelines that we're discussing?

846 Commissioner Silverman: I support the line 65, alternative 2 suggestion.

847 Chair Hurd: Alright I had some actual comments on the text. Line 44, 45, 46, 47, 48, and 49 are all kind of
848 saying the same thing so am I misreading that or is that? Because I think items one and two could be
849 combined to say, "color scale elevations for all sides of the buildings visible from the (inaudible) and
850 showing all existing buildings adjacent to the proposed development." We could combine those two.
851 Number 3 says contextual color scale elevations so it uses the word contextual but that talks about the
852 adjacent buildings.

853 Director Bensley: So, I think the intention behind this being called out the way it is, is these are our
854 frequently commented items on development submissions and rendering submissions. So, we were
855 looking to be very clear about what the expectations are of what rendering should look like and what
856 elevations should look like when they are submitted for Planning Commission and Council and create
857 almost a checklist of what we should be looking for.

858 Chair Hurd: Ok, so do you see those as possibly three separate drawings? Elevations of the buildings,
859 elevations showing the adjacent buildings, and when you say contextual do you mean that as more like
860 those perspective renderings? Because one and two is covered in three, or three covers one and two.

861 Director Bensley: So in looking at the types of submissions we're getting, three was added because we are
862 not always getting it, or I should say that the elevations and renderings that we get at times are not put
863 in from kind of for lack of a better term like a Google street view kind of deal where you see what it would
864 look like from the street and that is something that we've gotten feedback on in the past, so we were
865 looking to have that as part of the submission package.

866 Chair Hurd: Ok, that's fine so long as there's a reason. And then I know this has been coming up but on
867 line 134, my apologies is the one instance of the word "must" which I think since we last looked over that
868 should become a "shall" for the moment let's just say. Alright, so we loop back to the question of
869 standards versus guidelines and standards. Yes?

870 Commissioner Bradley: Excuse me Chairman Hurd, can I ask something about line 46? Color scale
871 elevations?

872 Chair Hurd: Yes.

873 Commissioner Bradley: Is this in practical terms are you asking for the project that's being applied for to
874 look at the buildings on either side and get scaled dimensions?

875 Chair Hurd: Yes, they are often lacking.

876 Commissioner Bradley: I think it's a great idea but how do you handle privacy. If my building's next to
877 yours, are you allowed to come over to my building and take measurements for your project?

878 Chair Hurd: There are ways to do it without being too intrusive. You can take photos and scale them; you
879 can use Google street view and implement models into it.

880 Commissioner Bradley: But they're not specifically talking about going out and taking true as built
881 drawings.

882 Chair Hurd: Correct, right.

883 Mr. Rogers: And I would envision, I'm not sure where these would come in your land development
884 process, but you know concept and preliminaries, it's not intended to be a specific survey of adjacent
885 buildings.

886 Chair Hurd: No. What it's to address is that we often get projects that are like here's the building, we go
887 ok, well the building next to it is either very small or is of a particular size and your building is this big and
888 you haven't shown us that. You're lacking the context of this new project that's like it's in the middle of a
889 field and no it's not. It's one of my particular bugaboos so I appreciate that is in there.

890 Commissioner Williamson: Mr. Chair, if I may piggyback on one of your comments on line 78 is another
891 occurrence of the word "must" all projects must include these elements, just to point this about. And in
892 general, if I may on line 70 in the middle of the paragraph the architectural design preferences, the City's
893 architectural design preferences. But that kind of changes the tone and says well these are preferences
894 not requirements. Is that sort of sending a mixed message when everything after that has "shall" in it
895 almost informally.

896 Director Bensley: So that's what we're looking to change.

897 Chair Hurd: Alright well.

898 Commissioner Williamson: Well, the word itself, the word preference maybe it should be requirements?
899 Or standards?

900 Director Bensley: Well I would say that alternative language 2 is intended to loosen that stricter shall, so
901 it's to give a little more flexibility and discretion than the road we were headed down so, that alternative
902 language 2 is written to provide some flexibility, some limited feasibility to where we are not getting
903 ourselves into a situation where either we are producing cookie cutter buildings or we're overburdening
904 this system for minor variances either through the Board of Adjustment or site plan approval.

905 Commissioner Williamson: Right. If I may just clarify then, from there on after you get through that
906 alternative language and you get into line 91, Architectural design standards, almost everything in there
907 has "shall"

908 Director Bensley: So that's the discussion now, what should change with that. What should be shalls and
909 what should be should.

910 Commissioner Williamson: Oh, from line 91 on more or less?

911 Chair Hurd: Yes, so why don't we start with you Commissioner Williamson. What is your preference for
912 these standards and or guidelines?

913 Commissioner Williamson: Well, I'll agree the alternative language 2 is the longer intent language. I just
914 want to get it correct. I wonder if there ought to be a sentence that says something to the effect of if it's
915 not a shall it's a should you know something...or

916 Chair Hurd: Well line 73 does that. If we change the title to these standards and guidelines line 73 says
917 "standards use the word shall and guidelines use the word should"

918 Commissioner Williamson: Ok, so help me out here. On line 91, Architectural design standards, it doesn't
919 say guidelines. Is there something else that's the guidelines or is this it? 91 to the end?

920 Director Bensley: So, I think the purpose of the discussion currently is to determine whether Planning
 921 Commission wants to see that additional flexibility and, if you do, then where do you want to see that and
 922 it would be amended accordingly to reflect that.

923 Commissioner Williamson: So, for example, just for example, line 91 could say Architectural design
 924 standards and guidelines. And then as you go through it's the shalls and should.

925 Mr. Rogers: Yes, that's a good pickup it should say design standards slash guidelines.

926 Commissioner Williamson: Ok, because I was thinking there was another document that's guidelines
 927 because these are all standards the way they're written right now.

928 Mr. Rogers: They're standards and guidelines. Or guidelines.

929 Commissioner Williamson: Ok.

930 Chair Hurd: So, you're in favor of language 2.

931 Commissioner Williamson: Two and then carry that through to line 91 and make the appropriate changes.

932 Chair Hurd: So, let's first see if we can come to some agreement on this. So, Commissioner Bradley?

933 Commissioner Bradley: As far as alternative language 2?

934 Chair Hurd: Yes, versus 1 versus the base. Ok. Commissioner Kadar, we're not voting so much as we're
 935 trying to pick the road we're walking down.

936 Commissioner Kadar: I'm trying to figure out a way to include the word must in there to take care of the
 937 shall and the should stuff and then at the same time talk about deleting some lines and so forth.

938 Chair Hurd: Ok, but you're in favor of alternative language 2?

939 Commissioner Kadar: Yes, I am, yes.

940 Chair Hurd: Ok. Commissioner Silverman? Oh, you did express your preference on this already didn't you.

941 Commissioner Silverman: Yeah, I'm in favor of alternative language to line 65 and Will, I'd like to take you
 942 back to line 43 and perhaps you can explain something to me. In standard elevations from an architectural
 943 design point of view, I think some of the American heroic illustrations that we get as exhibits before the
 944 Commission really put a building out of proportion. I'd like to see those exhibits be from shoulder high
 945 pedestrian on the street, what does the building look like from that context, I'm not sure if that's possible
 946 to put into words.

947 Director Bensley: So, I think that's our intent in looking at starting at line 48, in subsection (C)(3). Where
 948 it's visible from the sidewalks and public areas including parking lots. So, looking at more of a Google
 949 street view style visual at that point.

950 Commissioner Silverman: How do we make that clear in our language? For example, with the-

951 Director Bensley: I think we make that clear in our dialogues with the developers. I think if we try to
 952 wordsmith this into the code it's going to, we're going to potentially eliminate things that we want to see
 953 unintentionally or make it so restrictive that we're not going to be, or they're not going to be able to
 954 produce it.

955 Commissioner Silverman: Oh, I understand that. And the reason I brought this up was I have an entirely
 956 different very positive perspective on the Green Mansion seeing it go up and standing on the corner or
 957 standing down the block and looking at the setback and everything then looking at the original drawings
 958 that were submitted.

959 Chair Hurd: Ok, Commissioner Stine, where do you fall on our alternative language choices?

960 Commissioner Stine: Thank you. So, I like the use of alternative language 2. I guess I'm a little confused
 961 by, so I'll give an example, line 121. Smoked, opaque, or blacked glass in windows viewable from a public
 962 street it prohibited. Are we saying that if we adopt alternative language 2 that's our preferred, we prefer
 963 that way and go ahead and submit it and someone may approve it?

964 Chair Hurd: No, what I think we're saying is and I don't know the repeat and I'm not sure we'll have to do
 965 it here, but we'd be going through most of these lines and going is that something that should or is that
 966 something we would prefer.

967 Commissioner Stine: Right is that what you're suggesting what we do here? That we go line by line and
 968 say this is a shall and this is a should?

969 Chair Hurd: Well, that's the only way to revise the language because otherwise if everything is shalls then
 970 it's a standard, the only way to put some flexibility in is to say which of the things that we would prefer it
 971 have this appearance or such and which are the things that we're like alright that's crucial. Which is going
 972 to be a large task since we have two other things to do.

973 Commissioner Silverman: Mr. Chairman?

974 Chair Hurd: Yes, Commissioner Silverman?

975 Commissioner Silverman: Mr. Chair if I might put that into context. That's the type of thing that the crime
 976 prevention through planning policing addresses is street visibility both into structures and by the people
 977 who are in the structures looking out. So, it creates tunnels, it doesn't create oversight of visual spaces
 978 even on your front sidewalk.

979 Commissioner Stine: Right thank you for that. I'm actually just using that as an example of if we loosen
 980 the guidelines by adopting alternative language 2, are we then saying all of these things are just loosely
 981 suggestions?

982 Chair Hurd: No, well no. Question, Director Bensley, as you may have gathered the task of trying to go
 983 through each line of this and get the Commission's opinion and feel is going to be kind of large. Is the
 984 timing such that we could kind of approve the adoption of the alternative language that we want
 985 standards and guidelines, send it back to staff for you to work through what you think would be a first
 986 pass of what would be a standard and what should be a guidelines and we can revisit it in November?
 987 Basically, can this come separately from the other work we're doing.

988 Director Bensley: I think so, I mean we have put a placeholder on the November agenda in case the
 989 conversation wasn't finished tonight so I think that's something we could definitely accommodate and
 990 based on the timing on when your meeting falls, in November we could still keep our timeline for Council
 991 and not have issues with that.

992 Commissioner Stine: I think that would be really helpful for me, I think it would be easier for everyone to
 993 wrap their head around specifics. My concern is that if we say, if we adopt alternative language 2 which I
 994 still think is the right path, and a developer proposes a project, just as a weird example, that has reflective
 995 windows and staff says well we have some flexibility here in the code to because it's a guideline and it
 996 makes it all the way to this body and this body says well no we don't want the use of reflective glass in
 997 buildings and we deny the project. Not deny, we don't deny projects, but say we don't make a
 998 recommendation a favorable recommendation based on something that we've given staff the ability to
 999 be flexible.

1000 Chair Hurd: Correct.

1001 Commissioner Stine: I think that would just be confusing for the developers.

1002 Commissioner Williamson: Mr. Chair, may I direct a question to our counselor. Is it possible, if we did this
 1003 through staff, can the Commissioners when they receive their packets, if they wish to or if they ask them
 1004 to, send back kind of the markup showing which ones they agree with and which ones they don't, and
 1005 staff tabulates it? And that way we can eliminate all the ones where we all agree. It would make it more
 1006 efficient but if that's not legit then...

1007 Solicitor Bilodeau: That's kind of like conducting a vote outside of a meeting.

1008 Director Bensley: Not necessarily. I mean we've done that for, that's what we did with the Council
 1009 prioritization list, we got everyone to give their feedback, we tabulated it and then brought it back for
 1010 discussion, so no decisions were made in advance. We just had the information compiled to present.

1011 Solicitor Bilodeau: If it's ready to present, then that's fine. But I thought you were talking about sharing
 1012 everyone's preferences.

1013 Chair Hurd: No, no. I like that approach because I think that otherwise we're going to have to have a
 1014 conversation like everyone kind of read their opinions and that was going to take as much time as the
 1015 other stuff.

1016 Director Bensley: So, I will say to get that out to you all in time for the November 1st, meeting we would
1017 need all of your feedback by end of day Friday. Does that work for everybody?

1018 Chair Hurd: Ok.

1019 Commissioner Bradley: So, we're going to be sending out (inaudible) the should and shalls on (inaudible)

1020 Chair Hurd: So, what they're going to do is they're, if I can try to interpret, they're going to send out some
1021 format of all these items with basically shall or should. You get to decide, I think this one should be shall,
1022 this one should be should. And then they're going to take our opinions on each of those items and tabulate
1023 it and say look 5 people said should, one person says shall.

1024 Commissioner Kadar: Might I make a suggestion?

1025 Chair Hurd: Absolutely.

1026 Commissioner Kadar: I've been listening to this conversation and essentially what you're asking the
1027 Planning Department to do is to go back to the document and essentially do what's already written in the
1028 second alternative. Now if we could just modify that second alternative, we'll delete the lines and all of
1029 that stuff to make sure that the second language is put in there and then expand line 73 to read "the
1030 standards below use the words 'shall' or 'must' while the guidelines use the word 'should'" and then it
1031 goes on to explain that shoulds, shalls, and musts and all that are fine and that's left open to interpreting.
1032 I don't see why we need to go back and specifically look at every should and shall when we've already
1033 talked about a way to deal with it.

1034 Director Bensley: But I think the point is that there are no shoulds right now.

1035 Chair Hurd: Right. This document only says shall.

1036 Commissioner Kadar: So, we're going to be changing the document from mandatory to let's talk about it.

1037 Director Bensley: That is what we're looking for feedback on, it's what do you want to keep as a standard
1038 and what do you want to change to a guideline in the existing document.

1039 Commissioner Stine: And quite frankly that is my concern that your opinion will be so different than our
1040 opinion of a project and one of the things that we heard from the developers that were here and present
1041 at our joint meeting was that they just want clarification. They don't really want, I'm sure they would love
1042 to have the flexibility, but they want to know what it is they need to put forward. They said that a number
1043 of times, that they want clarification, and my concern is that if we just make it, this is kind of what we
1044 want to see but bring it on and we'll consider it is not giving the developers a direction or staff.

1045 Chair Hurd: Right. I'll just add for that concern, I was involved in the drafting of the revisions to the
1046 architectural design guidelines for the Downtown Newark Partnership district effort. That was in 2010, I
1047 think it was. My research at the time was that most cities don't do a standard standard, this is what you
1048 must do because they're too cookie cutter, they're too homogenous, and basically every city struggles
1049 with how do I maintain the tone and the feeling of my downtown which is unique and special? How do I
1050 draft a way that says make it like and similar and good and reflective of the others in a way I can actually
1051 enforce. So, every time you go at this, there's going to be a sort of balancing of you know you might want
1052 to say look, we're pretty sure we don't want reflective glass, that can just be right out. But building bays,
1053 and you're right if you say it's a guideline and they come up with something that's not the realm of it's
1054 there but it's not, it's subjective, but we can't necessarily reject it because of their subjective
1055 interpretation versus ours. So, it is a challenge. I absolutely agree.

1056 Commissioner Stine: Ok, so going back to your original question, I would support the alternative language
1057 2, and if we could see a document by Friday that would be great. We can just get some consensus on what
1058 should be a should and...

1059 Chair Hurd: So, what the staff is going to do is to send you essentially a list of these items and ask each of
1060 us which we think is a requirement, which we think is a guideline. Then they'll tabulate that so when we
1061 get to our meeting or when you get your packet for the meeting it's going to say you know, smoked
1062 reflective opaque glass everyone says should be prohibited. And so, we can go ok, so we can know where
1063 the flavor or temperature is.

1064 Commissioner Kadar: Mr. Chairman do you honestly believe that we're all going to think the same way?

1065 Chair Hurd: Absolutely not.

1066 Commissioner Kadar: And then what is going to go down on the recommendation for our next review?
 1067 We had three of these and two of those. We're headed for another major discussion on November 1st.

1068 Chair Hurd: Yeah. I would agree with that too.

1069 Commissioner Kadar: I don't think we're all going to agree on every one of them.

1070 Chair Hurd: Well, I don't know another way to do this except to I mean the staff and consultant have
 1071 already done the heavy lifting job of bringing in existent design guidelines that would have been drafted
 1072 and trying to put something together.

1073 Commissioner Kadar: But once again, the process that we follow on all of the things that we deal with
 1074 here in the Planning Commission is generally we get a recommendation from the Planning and
 1075 Development Department, so I would be very happy if the Planning and Development Department would
 1076 go through the language and then they can change the should and the shalls and then we can talk about
 1077 it on November 1st. I don't think you're going to accomplish anything by asking us to submit some stuff
 1078 and then get total mass confusion when it comes in. Just a thought.

1079 Mr. Rogers: I'll defer to the wishes of the Commission, but I would, if we come back in November and
 1080 have three shalls and two shoulds, that's a half hour conversation right there. Renee and I have been over
 1081 these numerous times, and I think we as staff could go through it fairly quickly and come up with our
 1082 thoughts on the shoulds and the shalls and get that back to you.

1083 Chair Hurd: Does that meet with the (inaudible)?

1084 Mr. Rogers: You may not be happy; I mean there still may be disagreement but...

1085 Chair Hurd: Yeah.

1086 Commissioner Williamson: Mr. Chair, now with more input, given with what that brings to the table is
 1087 your long experience with projects as they come in and what're discussed and what happens in the real
 1088 world and what should be a should and what should be a shall from that point of view. Everyone's sort of
 1089 coming from their own background and the processing of the permits and the interaction with the public
 1090 and the developers is the part of this that staff has the best handle on and maybe that's a good place to
 1091 start.

1092 Chair Hurd: Well, staff seems confident that will definitely be easier to pull off.

1093 Solicitor Bilodeau: Renee, the document, once you put together your recommendations, I just ask that
 1094 you maybe put in bold the words shall and should wherever you change them or must so we can note and
 1095 focus in on that.

1096 Director Bensley: Bold, underlined, italicized, larger font whatever's necessary, we'll make it work.

1097 Chair Hurd: Ok, alright so we'll be removing Exhibit B from any motion of the documents of the stuff for
 1098 tonight. Ok.

1099 Solicitor Bilodeau: Did you want to ask for any public comment?

1100 Chair Hurd: Yes, thank you so much, I'm so sorry. Do we have any public comment submitted? Ok, did
 1101 you wish to speak on the design, the architectural?

1102 Mrs. Hart: No, just the height.

1103 Chair Hurd: Just the height, ok well that's our next thing. Does anyone online wish to speak on Exhibit B,
 1104 architectural design standards and/or guidelines? Alright seeing none, we'll close public comment and
 1105 remand Exhibit B back to staff. Ok, Exhibit C proposed revisions to Section 32-12, RA districts which is
 1106 multifamily dwellings and high-rise apartments. And I will, does staff have anything to add?

1107 Director Bensley: Just largely the same as what was presented on August 25th with the exception of some
 1108 minor typo and section numbering and lettering corrections.

1109 Chair Hurd: Alright, so let's begin with Commissioner Bradley.

1110 Commissioner Bradley: First meeting (inaudible)

1111 Chair Hurd: So, let me know if you need to be brought up to speed.

1112 Commissioner Bradley: Yes please. No, I've read through everything, and I didn't see anything that really
 1113 stood out to me, I want to say at this point I have no comments.

1114 Chair Hurd: Ok. Commissioner Kadar.

1115 Commissioner Kadar: Yeah, I've looked through this as well and its incorporated comments from our last
 1116 review in here, so I'm fine with it as is.

1117 Chair Hurd: Alright, Commissioner Silverman? Commissioner Silverman, any comments or questions on
 1118 Exhibit C, RA district? Ok, I'll jump skip over him then come back. Commissioner Stine?

1119 Commissioner Stine: Can you explain line 159? Can you just put that in layman's terms. So, the interior lot
 1120 line is 8 feet, right? Minimum 8 feet, so what is the setback on the street for a corner lot?

1121 Chair Hurd: What I've seen before at least in my district, corner lots you have two street setbacks.

1122 Commissioner Stine: Two front setbacks, right? Yeah.

1123 Chair Hurd: Two front setbacks. I don't quite know why that language doesn't say street yard.

1124 Commissioner Stine: Does that remedy that problem? I've owned a corner lot and it's been a problem.

1125 Chair Hurd: It does not.

1126 Mr. Rogers: I thought we stole the language from the applicable other section in the ordinance that allows
 1127 that dwelling type. But having said that...

1128 Chair Hurd: We don't have a definition for a duplex in the code.

1129 Mr. Rogers: I don't think you; you had a definition for duplex, but I don't think there was any other
 1130 provision that spoke to providing it.

1131 Commissioner Bradley: If it's a corner lot, then it's going to depend on where the house places (inaudible).

1132 Commissioner Stine: Yes, but with this I think, and I don't know are we giving corner lots two front
 1133 setbacks? Because they're hard to build on.

1134 Chair Hurd: It is.

1135 Commissioner Bradley: In my experience, front setbacks always have a front setback on the road so if
 1136 you've got an intersection of two roads (inaudible)

1137 Commissioner Stine: So that'll be the hardship.

1138 Chair Hurd: Again, it possibly could yeah. But I'm pretty sure, because I looked this up for my house,
 1139 because I'm on a corner, that I have to meet two front setbacks.

1140 Commissioner Bradley: That's the way it is in New Castle County.

1141 Chair Hurd: Alright.

1142 Commissioner Stine: Are we fixing that problem with this language? Or was this just language that we
 1143 added?

1144 Chair Hurd: No, this just continues that. This says a corner lot, the side yard facing the street is a street
 1145 setback. Or what they call the building setback line. But I think that that's, and we can check that,
 1146 consistent with the existing code other than...

1147 Mr. Rogers: Yeah, I don't have my hard copy code, but I would be interested to see what Section 32-10
 1148 says regarding semi-detached.

1149 Chair Hurd: Alright, Director Bensley's going to look that up. Any other questions or comments?

1150 Commissioner Stine: No, it just appears again on line 284.

1151 Chair Hurd: Right. But that same language is used on 284 so. Director Bensley, you said you had the
 1152 language.

1153 Director Bensley: Yes, so in looking at the side yard setbacks in the RD district, which is Semidetached, this
 1154 language mirrors the language in that section.

1155 Chair Hurd: Ok, but we're not creating any new loopholes.

1156 Director Bensley: No. Just keeping the same ones.

1157 Chair Hurd: Or issues. Ok.

1158 Mr. Rogers: So, I don't, the fact that the duplex is all new language here there is no other provision in
1159 code...

1160 Chair Hurd: We're using the same corner lot conditions. Alright thank you, Commissioner Silverman
1161 welcome back.

1162 Commissioner Silverman: I have no additional comments.

1163 Chair Hurd: Ok thank you. Commissioner Williamson?

1164 Commissioner Williamson: One comment on line 143, I think you don't want the comma after duplex. It
1165 just says duplex dwelling. People might read that as duplex, then another use, dwelling.

1166 Chair Hurd: Good point. Ok, I had a question looking at items 20 and 21. What is the difference in staff's
1167 mind between a one family semi-detached dwelling and a duplex dwelling?

1168 Mr. Rogers: It should be in the definitions. And in my mind, it's always a duplex is on one lot, you know
1169 dwellings for two families, whatever that typical language is.

1170 Chair Hurd: Ok, so no dividing lot line.

1171 Mr. Rogers: That's always what's in my head but I don't have the definitions here in front of me, but I'm
1172 hoping the definitions reflect-

1173 Chair Hurd: Ok I think I sort of looked it up, but I wasn't able to figure that one out.

1174 Commissioner Silverman: Mr. Chairman?

1175 Chair Hurd: Yes, Commissioner Silverman?

1176 Commissioner Silverman: Along that line do we distinguish between a duplex and a multi-plex? Where
1177 we're using some of the census and building code definitions, each dwelling unit goes down to a
1178 foundation? Where we could have a duplex that would face the rear property line, a duplex that would
1179 face the front property line, with a common party wall?

1180 Chair Hurd: Ok.

1181 Commissioner Silverman: We tend to think of the Newark historical model of duplexes being side to side.
1182 I think a lot of configurations are available for that and I hope we aren't limiting those.

1183 Chair Hurd: I don't think we are but that was, so then my next comment on item 22, I think that should
1184 say one family attached dwelling? Where we're talking about townhouses and rowhouses?

1185 Mr. Rogers: What line again Mr. Chairman?

1186 Chair Hurd: Line 162, Item 22.

1187 Director Bensley: So, if I could just back up to cover some of the questions that have come up so far.

1188 Chair Hurd: Sure, absolutely.

1189 Director Bensley: So, in our definitions one family semidetached is defined. Dwelling is a dwelling designed
1190 for and occupied by a single family having one party wall and one side yard per permitted zoning law. So,
1191 each one would have to be on a different lot. Where duplex is a detached dwelling designed for and
1192 occupied by two families living together independently of each other. So that would be on the same lot.
1193 For multiplexes, our multifamily dwelling definition is a building arranged or intended or designed to be
1194 occupied by three or more families living independently of each other. So that would cover triplexes,
1195 quadplexes, any three or more units that would be together would be covered under that multifamily
1196 dwelling definition.

1197 Chair Hurd: Ok.

1198 Director Bensley: And then dwelling row or group is a building consisting of a series of three or more non-
1199 communicating one family sections having one common wall between each two adjacent sections. That's
1200 when you start to get into the rowhomes.

1201 Chair Hurd: So, for line 162, do we need to have a different title there? Because it says one family dwelling
1202 such as townhouses and row houses when we don't really have (inaudible). Shouldn't that say one family
1203 attached dwelling?

1204 Mr. Rogers: That's the intent but you know I don't think it would hurt to put it in there. I think such as gets
1205 you there, but it leaves it a little open to interpretation.

1206 Chair Hurd: Where is there a definition from our definitions that we want to use?

1207 Director Bensley: So, the reference to Section 32-13 for RR district that is, the RR district is titled row or
1208 townhouses. So that's how RR is defined in the section that's referenced here.

1209 Chair Hurd: Ok, so they are defined as attached dwellings? Do we want to put the word attached in there
1210 to let people know that we're talking about you know attached things. Because otherwise it looks like a
1211 single-family dwelling, which I don't think we've actually gotten here. Well sort of with the semidetached,
1212 I guess. That just popped out at me and I'm just trying to get some clarification as to like did it get missed
1213 or is it ok the way it is with the definition.

1214 Mr. Rogers: It only refers to townhouses and rowhouses which are attached houses, so I don't think it
1215 hurts to put it in there so there's no room for confusion. That a single family detached is somehow.

1216 Chair Hurd: A single family detached is not in here. So that's, right? I'm not wrong about that.

1217 Director Bensley: You are not, and I think the intention behind this was to start to have a zoning district
1218 where we start to dip our toe into an expanded inclusionary zoning type area. So, to get more of the, to
1219 have a district where these things are less siloed and there's more possibility.

1220 Chair Hurd: Right, so pulling some things out of RD, some things out of RR, got it. I understand thank you.
1221 Alright.

1222 Commissioner Silverman: Mr. Chairman, if I could just interrupt you, I have a signal that just came up 5
1223 minutes left in your meeting?

1224 Director Bensley: That's only if we turn it off.

1225 Commissioner Silverman: Ok, thank you.

1226 Chair Hurd: Alright that was it from me for specific comments on the language. I'll open it to public
1227 comment, is there any public comment on Exhibit C, RA districts? No, ok is there anyone here from the
1228 public that would like to speak on this topic? Ok, anyone online? Ok, we close public comment on Exhibit
1229 C. Yes?

1230 Commissioner Kadar: Just for clarification, did you have some specific language that you wanted to change
1231 in Exhibit C?

1232 Chair Hurd: I wanted to add the word "attached" after one family on line 162.

1233 Commissioner Kadar: So, one family attached dwelling, got it thank you.

1234 Chair Hurd: Right, thank you that was my only thing. Any further comments or questions?

1235 Commissioner Silverman: Mr. Chairman I had to leave for a moment, did we extend the meeting at 9:00?

1236 Chair Hurd: I'm about to do that.

1237 Commissioner Silverman: Thank you.

1238 Chair Hurd: This is why he's a good vice chair. I'm going to exert the Chair's prerogative to extend the
1239 meeting to 9:30. Alright so that takes care of Exhibit C. Now Exhibit D, proposed revisions to Section 32-
1240 18, BB districts. Why don't we start with Commissioner Kadar.

1241 Commissioner Kadar: I have no comments.

1242 Chair Hurd: Ok, Commissioner Silverman?

1243 Commissioner Silverman: I have no comments.

1244 Chair Hurd: Ok, Commissioner Stine?

1245 Commissioner Stine: Nothing from me, thank you.

1246 Chair Hurd: Alright, Commissioner Williamson?

1247 Commissioner Williamson: No comments thank you.

1248 Chair Hurd: Ok, Commissioner Bradley?

1249 Commissioner Bradley: I have no comments.

1250 Chair Hurd: Ok, thank you. I had two questions that I had sent you earlier Renee but I'm not sure if I got
 1251 an email back? Line 39 I think that word site should be side. It says "minimum lot on one site shall be 218
 1252 feet" I agree.

1253 Mr. Rogers: That's existing language we didn't touch, it's a typo.

1254 Chair Hurd: Ok, and the other one that I think is also in the existing language but line 139. So "35 feet or
 1255 three stories shall have a 15-foot setback requirement subject to the revisions of Article XXV which is
 1256 Landscaping" Now Article XXV is brought up in item 6, Rear Yards, but I didn't know how that applied to
 1257 setbacks. Whether that's just a hang over as well?

1258 Director Bensley: We didn't change that language, so we'd have to go back to the original ordinance to
 1259 see if there was a typo or something.

1260 Chair Hurd: Ok. So, I'm just going to throw out that sort of jumped out at me. Because it doesn't talk about
 1261 it in item A when we're talking about the portions of the low having a setback and such. So, I was expecting
 1262 that to be like one of the other things where it talks about height, subject to provisions about intent,
 1263 aerals, and other things that have exceptions so I thought this would be the same.

1264 Commissioner Williamson: Mr. Chairman? Well one could read that as saying if you have a setback in the
 1265 fourth floor and you have an outdoor patio that counts as landscaping.

1266 Chair Hurd: Oh right, so then it could be in the setback.

1267 Commissioner Williamson: Yes, even though it's elevated, maybe.

1268 Mr. Rogers: I saw your comment in the email chain. It could mean that A is an end that and the zero front
 1269 setback is subject to street trees per Article XXV that is trying to encompass really, it's really addressing A.
 1270 But since A and B are ends then both are subject in article, there's nothing in Article XXV that's unique
 1271 anything above 35 feet. So at least it's getting street trees in A.

1272 Chair Hurd: Ok. And the last thing I'm going to bring up, which is the can of worms, but a small can of
 1273 worms. There was raised at the joint meeting that the possibility of site plan approval could grant you a
 1274 bonus floor so if that is in fact true, I feel that we need to have language in the building setback lines to
 1275 address any portion of the building above the 5th story. However, it might come about with a further
 1276 setback. Because I will say the concerns I've been hearing from Council and others is that they don't want
 1277 the tall, intrusive buildings I think the way to address that is to keep the setback for higher and higher
 1278 portions of the building. What I don't want to create, and I think Solicitor Bilodeau had brought this up, is
 1279 that if we put in language that says portions of the building above the 5 stories now there's a possibility
 1280 of saying well, I could have a portion of the building above 5 stories. So, I don't know chicken and egg
 1281 wise, which way we are and where we go on that.

1282 Director Bensley: So, my thought on that would be that if anything above 5 stories is site plan approval
 1283 and they're going to have to, I think when you're talking about an additional story, you're talking about a
 1284 pretty big ask right now. So, I think part of that would likely be conditioned on that there be a setback.

1285 Chair Hurd: Ok, I like that thought. Ok. So, we don't add it here, we keep it as the way it's written, 5 stories
 1286 that's the top that's the end and if they feel they can make an argument for 6 stories then they have to
 1287 come in with lots of. Ok. That addresses my concern. Because it had come up and it was kind of discussed
 1288 but it didn't really get resolved and this is the first time that we're looking at that language post that
 1289 meeting. Alright, is there any submitted public comment? Anyone from the public who wishes to speak
 1290 on Exhibit D, the BB district zoning? You're good? Ok. Anyone online? Well maybe because we haven't
 1291 made...

1292 Director Bensley: So, we do have one person online who would like to comment.

1293 Chair Hurd: Oh, ok.

1294 Director Bensley: Melanie Milburn Townsend?

1295 Chair Hurd: Are you able to? Melanie, we have lost our Administrative Professional briefly but...

1296 Director Bensley: You should be able to unmute yourself now.

1297 Mrs. Milburn: Ok, can you hear me?

1298 Chair Hurd: Yes.

1299 Mrs. Milburn: Ok my name is Melanie Townsend Milburn; I live in Stafford. And I am not sure if I heard
 1300 you right but are you saying that there is going to be a limitation on the height to 5 stories with potentially
 1301 an occasional exception for one more story above that?

1302 Chair Hurd: So, the code as amended right now says the maximum height is 5 stories or 65 feet. What had
 1303 come up in previous discussions is that site plan approval does have provisions for bonus height and
 1304 because of the way we round things you get you know 20% which is 0.8 and that rounds to 1, 15% thank
 1305 you. But that would be through the discretionary site plan approval process, which has a lot of restrictions
 1306 and conditions and the ability for us to say no to a project if we don't feel that what's being asked for is
 1307 being balanced by what's being given. So, I wouldn't say that there's going to be lots of exceptions to it,
 1308 it's going to be, someone has to make a strong argument for it.

1309 Mrs. Milburn: Ok, so I think that is settling a little bit, so thank you.

1310 Chair Hurd: Is that all you have?

1311 Mrs. Milburn: Yes thanks.

1312 Commissioner Williamson: Mr. Chair just to follow up if there is a 6th floor, does it go to Council for
 1313 approval or?

1314 Chair Hurd: It goes through us, but it does go to Council but because it's discretionary site plan approval
 1315 they can reject it. Even if everything else is code compliant.

1316 Commissioner Williamson: So ultimately, it's up to Council.

1317 Chair Hurd: Ultimately yes. Ma'am if you wanted to.

1318 Mrs. Hart: So, are you saying that if it is more than 5 stories say 6 or 7 it has to be moved back, did you
 1319 say that or am I misinterpreting?

1320 Chair Hurd: You're not, I suggested that. Director Bensley has pointed out that the only way to do that is
 1321 through the discretionary site plan approval process so knowing currently how Council feels about tops
 1322 of buildings over 5 stories I sort of agree that hypothetically if someone were to come to us with a building
 1323 that had a 6th story, they would be wise to make sure that it was well set back and screened and didn't
 1324 contribute to a feeling of excessive height if they were seeking to get it approved because I think if they
 1325 came in with something that went 3, 5 then went to 6, Council would say no. So that's conjecture but
 1326 that's why we would have the discretionary site plan approval process is because it gives us some flexibility
 1327 on projects, but it also gives us the ability to, or Council I should say, to approve it with more discretionary
 1328 ability to approve or reject a project then they do if it's a code submitted project.

1329 Mrs. Hart: But would it have to be built back a certain number of feet?

1330 Chair Hurd: So, it wouldn't have to be in the, because the code doesn't say it has to be, but the discretion
 1331 would say that 6th story needs to be setback or we're not approving the project and in that particular
 1332 section of the code we can say that.

1333 Mrs. Hart: Ok thank you.

1334 Chair Hurd: Ok any further public comment? Ok we're going to close public comment. Ok, any final
 1335 comments or anything for the Commission before we move to the motion? Ok. Mr. Secretary?

1336 Commissioner Kadar: Alright let's hope this works. I move that **the Planning Commission recommend**
 1337 **that Council adopt the proposed changes to Chapter 27, Appendix II, Design Requirements for Parking**
 1338 **Lots, Chapter 32, Section 32-12, RA districts, multifamily dwellings, high-rise apartments, with the**
 1339 **addition to line 162 of the following "one family attached dwelling..." and Chapter 32, Section 32-18,**
 1340 **BB districts, central business district as presented in exhibits A, C, and D in the memo to Planning**
 1341 **Commission dated September 27th, 2022.**

1342 Chair Hurd: Thank you, do I have a second?

1343 Commissioner Bradley: Second.

1344 Chair Hurd: Thank you. Any discussion to the motion? Alright seeing none we'll move to the vote.

1345 Commissioner Silverman?

1346 Commissioner Silverman: I vote aye.

1347 Chair Hurd: Thank you, Commissioner Stine?

1348 Commissioner Stine: I vote aye.

1349 Chair Hurd: Thank you, Commissioner Williamson?

1350 Commissioner Williamson: I vote aye please.

1351 Chair Hurd: Alright, Commissioner Bradley?

1352 Commissioner Bradley: Aye.

1353 Chair Hurd: Thank you. Commissioner Kadar?

1354 Commissioner Kadar: Aye.

1355 Chair Hurd: And I am aye as well, motion passes 6 to 0. Ok. Thank you.

1356 **6. Informational Items**

1357 Chair Hurd: That takes us to item 6, informational items. Let's start with the Planning Director's report.

1358 Director Bensley: Ok, it's been a while since we've gathered at a regular meeting, so it's a little lengthy

1359 but I'll make it as quick as I can. So, in talking about our agenda, so the last time we met regularly, and I

1360 gave a report was August 2nd, so I'm going to update you since then. Council meetings: August 8th, they

1361 approved the Comprehensive Development Plan 2.0, the Office of State Planning informed us that they

1362 are considering it a Comprehensive Development Plan update not a new plan, so the new plan is effective

1363 as of August 8th. We do not have to wait for additional PLUS review or governor signature. August 15th,

1364 we started with our budget process which I'll elaborate more on as I go through. August 22nd, we had a

1365 discussion regarding 30 South Chapel Street. Council removed those plans from the agenda and had a

1366 discussion with the applicant about what they would like to see. While there was not clear direction from

1367 Council coming out of that meeting, the applicant did meet with Planning staff to review, and updated

1368 concept that they are working on for submittal. I have been told that the night that the BB district changes

1369 are approved, I will be handed a stack of plans for the project to take with me at the end of the night so

1370 they will be first in line under the new standards. The August 25th joint Planning Commission and Council

1371 meeting, you guys know what happened there. August 29th, we had our departmental budget hearing for

1372 2023, September 26th we had a discussion on revamping parking fines and getting direction from Council

1373 to revamp the parking fine structure to where instead of an initial fine where if you pay late, you get

1374 penalties and additional fees added on, we will be revamping our structure to have a higher base fine but

1375 to provide a 50% discount if it is paid within 15 days. So that ordinance is going to first reading this

1376 upcoming Monday, October 24th and second reading on November 14th. We also had a request for an

1377 annexation amendment for 4 Georgian Circle at that meeting; they did adopt that amendment waiving

1378 the sewer requirement for 4 Georgian Circle until such time that City sewer is extended into the front of

1379 their property, but they did maintain the requirement to hook up to City water. There was at that time

1380 potentially to be a discussion on height bonuses in the BB zone with an affordable housing component

1381 but that was removed from the agenda, so we did not discuss that. And the first reading for the 25 North

1382 Chapel Street was also that night. October 3rd was the Council financial workshop where you know Council

1383 kind of comes together with all the budget requests and we say this is how much revenue we're

1384 anticipating, here's the anticipated expenses, here's the delta in between, how do you want to fill it? So,

1385 Council had that discussion, a lot of it from their direction is going to be coming from Planning and

1386 Development because they are talking about raising parking fees and parking fines and subdivision fees,

1387 and rental permit fees all of which are part of our department. The Council financial workshop was

1388 supposed to be October 3rd but was delayed to October 10th due to technical difficulties so that I did not

1389 change. October 17th, which was last night we presented to Council, you may have seen it in the Newark

1390 Post this morning, a plan in conjunction with DART to potentially offer a microtransit service in the City of

1391 Newark to replace the Unicity bus service. So we got relatively positive feedback about that last night so

1392 we're going to be moving forward with the public hearing and input process on that. We are looking to

1393 move that forward with a July 1 launch date after we get through all the comment period and refine

everything and look to move forward. Looking forward for Council meetings, October 24th we have the North Chapel Street project which is the second reading for the rezoning, major subdivision by site plan approval, and special use permit. We also have the first reading for our nuisance property ordinance as well as the first reading for our parking fine changes. There is also the joint Planning Commission and Council meeting scheduled for November 3rd which is the review of the proposed Transportation Improvement District. And we are currently waiting to schedule the 1119 South College Avenue project which is the hotel that's going to be built on the site where the Red Roof Inn is currently. We got the ok from Public Works yesterday on the materials they submitted that had to be reviewed prior to Council, so this should be scheduled fairly soon. Other happenings, BB and RA zoning changes, you guys know where that is so no more to be said about that. Downtown parking strategy implementation, I went over the parking fines portion of it so that ordinance is coming forward. Senior Planner Mike Fortner has been working with representatives from our various departments for the parking lot design requirement changes from the Kimley-Horn report and that item should be on your December Planning Commission Agenda, we were looking at November but since we weren't sure how BB and RA was going to go, we thought we would give that a little room to breathe which seemed to be the right decision. Discussion about parking rates has been included in the 2023 budget discussions, we did receive direction at the financial workshop to consider increases higher than what was recommended and we're meeting internally tomorrow to finalize a revised recommendation for the November budget hearing. Property maintenance code updates and nuisance property ordinance, the staff worked with all of the departments to review the nuisance properties ordinances. Issues regarding incorporation of police offenses and associate reporting issues have been worked out and we are scheduled for first reading at the October 24th Council meeting as I mentioned previously. We are also scheduled to meet with the Newark Landlords Association to get their feedback on the ordinance and we will provide a supplemental memo to Council with their feedback. Comprehensive Plan V project's officially complete so yay for that. Our next Planning Commission meeting is November 1st and there's as I mentioned a joint Planning Commission and Council meeting on November 3rd. Looking at plan reviews submitted since our last meeting, 44 Corbit Street, an administrative subdivision, to move approximately 180 square feet of 44 Corbit Street to 81 New London Road was submitted and is out for comments with staff. 29 West Park Place is another administrative subdivision that's come in to combine 29 West Park Place with an adjacent land locked parcel that's also out for comments. 532 Old Barksdale Road turned in their 3rd submission and they have been scheduled for the November 1st Planning Commission meeting. Existing project updates, you guys heard about 30 South Chapel, 25 North Chapel, and 1119 South College Avenue. The 339, 341, and 349 East Main Street as well as 65 South Chapel Street have been put on hold as they were offered to be scheduled for Planning Commission and they have asked to wait. So, we will see where that falls. 1115 South College Avenue which is the Friendly's site, the SAC comments are in for that sketch plan and a letter will be going out soon for that. 55 Benny Street which is a pack of townhouse style apartments also has SAC comments in and a letter will be going out soon. Submissions that are still in our queue for review are 249 East Main Street which we're pretty close to having all comments on that, and then 178, 182, and 186 South Main Street and 528 Old Barksdale Road, is also in our queue, waiting on a response for the applicant. We have SAC letters out for 244 Kells Avenue, 515 Capitol Trail, and 1025 and 1033 Barksdale Road. And then just a couple of staffing updates, you all may have guessed but since our last full Planning Commission meeting, I'm now the permanent Director of Planning and Development so hooray for that. The first round of interviews for the new Deputy Director of Planning and Development was on October 10th and we will be scheduling a second round of interviews. Mike Fortner has been promoted to Senior Planner effective August 29th. With the creation of this position, there's now a three-tier career ladder for planners in our department to provide opportunities for growth and advancement and last but certainly not least welcome to Scott Bradley now representing District 3. So that's my update.

Chair Hurd: Thank you. Was there anything you wanted to say about, I guess the quarterly report covers much of what you've covered so we don't need to discuss that.

7. New Business

Chair Hurd: So briefly as we're pushing 9:30 here is there any new business that the commissioners would like to bring forward for consideration on a future agenda? No, ok.

Commissioner Williamson: Mr. Chair just picking up on my one topic, the city manager talked about the undergrounding over 20 years ago so just an idea, at some point, who knows there might be grant money, there might be other reasons to revisit that.

Chair Hurd: Yeah, I think certainly a feasibility study, or something would need to be done.

1450 Commissioner Williamson: Yeah.

1451 **8. General Public Comment**

1452 Chair Hurd: Ok that takes us to general public comment for any items not on the agenda but related to
1453 the work of the Planning Commission, anything submitted? Anyone online wishing to give general public
1454 comment. Alright seeing none we'll close general public comment, and that brings us to the end of the
1455 agenda and that closes the meeting.

1456 **Chair Hurd adjourned the meeting at 9:31 PM.**

1457 Respectfully submitted,

1458

1459

1460 Karl Kadar, Secretary

1461 As transcribed by Katie Dinsmore

1462 Planning and Development Department Administrative Professional I