

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

August 12, 2019

Those present at 7:00 p.m.:

Presiding: Mayor Jerry Clifton
Deputy Mayor Stu Markham
District 1, James Horning
District 2, Sharon Hughes
District 3, Jen Wallace
District 4, Chris Hamilton

Absent: District 5, Jason Lawhorn

Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Chief Communications Officer Kevin Liedel
Assistant to the Manager Jeff Martindale
Electric Director Bhadresh Patel
Finance Director David Del Grande
Deputy Finance Director Jill Hollander
Parks and Recreation Director Joe Spadafino
Planning and Development Director Mary Ellen Gray
Parking Manager Marvin Howard
Parking Supervisor Courtney Mulvanity
Public Works and Water Resources Director Tim Filasky

1. Mr. Clifton called the meeting to order at 7:00 p.m.

2. **SILENT MEDITATION & PLEDGE OF ALLEGIANCE**

Mr. Clifton asked for a moment of silence and the Pledge of Allegiance.

3. 1. **ITEMS NOT ON PUBLISHED AGENDA**

A. Elected Officials who represent City of Newark residents or utility customers:
None

4. 1-B. **UNIVERSITY**

(1) Administration: None

5. 1-B-2. **STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker):** None

6. 1-C. **CITY MANAGER (3 minutes):**

1:19

Mr. Coleman thanked all involved in the planning and execution of National Night Out and the Battle of the Bars events from last week. He noted they both went very well and were both good events for the Police Department.

7. 1-D. **COUNCIL MEMBERS (10 minutes):**

1:45

Mr. Horning:

- Noted the public workshop on the Rodney Stormwater Project updates will be held on August 21st from 4:00 p.m. to 7:00 p.m. in Council Chambers. He thanked the City for providing this information as he saw the information on the Nextdoor app that a lot of neighbors follow. All are welcome to attend.

Mr. Hamilton:

- Asked if the Police Athletic League was having an event on August 17th as he could not find the information on the City website. He requested the information to be highlighted on the website. He saw

the event information two weeks ago but could not include it in his newsletter since he was unable to find it. Mr. Clifton informed all the event is at Dickey Park at 4:00 p.m.

- Reminded all that student move in dates are August 24th and 25th.

Mr. Markham:

- Reported he was notified by City of Newark visitors that they were very impressed with the changes in the City, the housing stock and felt the City would be in great shape after the completion of the construction work currently happening on Main Street. He said it was nice to hear those compliments from visitors to the City.

Mr. Clifton:

- Introduced the new Principal for the Newark Charter School, Dr. Frank Newton.
- Regarding having a Diversity Committee – he requested ideas from Council on stakeholders in the City that would be appropriate to have on the committee. He noted it could be an ad hoc or codified committee. He asked that Council contact him via email, letter, or text, etc. He said he would like to move forward with this in Fall of 2019.
- Referenced The Eyes Have It – a system to report issues that are identified around the City of Newark. He told all that this was an initiative that was mentioned by a previous administration. He wanted to incentivize employees to report issues in the City of Newark they see such as Quality of Life issues. This would allow the City to be able to react to the reported issues before being informed by neighbors. He hoped that the City can move forward on this initiative. He stated it would be another level of eyes in the street to make Newark an even greater place to live.

8. 1-E. PUBLIC COMMENT (5 minutes per speaker) (15 minutes):

07:45

Brian Anderson, District 5, thanked Messrs. Clifton and Lawhorn for the assistance in addressing all his concerns about City trees. He proposed for review an ordinance to create a conservation trust fund. He read the following draft ordinance into the record.

“The City will establish a landscape preservation trust fund for the sole purpose of the Ordinances to further enhance a supplement to the City’s efforts to preserve the mature plantings. The Landscape Preservation Trust Fund will be administered by the City Manager in consultation with the Mayor. All funds in the trust are to be used for preservation and not to be reprogrammed for other purposes. At the discretion of the City Manager, the trust fund may be used to assist property owners to remove trees and/or plants to be replanted on public property such as Parks and Recreation areas or other public facilities within the City. The trust fund will be funded by a one-time assessment on all New Construction projects within the City limits including public and private projects. The assessment shall be set at 2.5% of construction costs including land acquisitions, site preparation and development and physical facility construction. In those instances where a developer preserves existing mature trees, the 2.5% assessment may be waived at the discretion of the City Manager in consultation with the Mayor and City Council. The City Manager in concert with the Mayor and City Council will pursue all avenues to maximize the trust fund’s impact including the encouragement of public/private conservation projects in the development and funding of innovative model projects. Further, the City Manager will seek supplemental funds and assistance from national and local foundations and individuals in support of Conservation projects. Funds from the trust fund may be used to enhance landscape conservation in concert with such organizations as the National Resources Defense Fund, the Nature Conservancy, the Delaware Center for Horticulture and the ExxonMobil, Templeton, Dupont and Gates foundations.”

He noted the document was distributed and he expressed confidence the City Solicitor could integrate appropriate language into it. He encouraged Council to consider this effort. He presented pictures from the Barksdale site. He believes the Barksdale site pictures clearly indicated the need for preservation. At the beginning of the apartment complex, the trees are beautiful. Inside the campus, he notes there are “wonderful old trees.” He noted in his experience as a realtor both in New York and metropolitan Washington, there is an incentive to remove trees. He described the incentive details to all. He said that the funds used to maintain mature trees would far outweigh the negative impact raised by some.

Mr. Clifton thanked Mr. Anderson for the well thought out proposal. He said at 2.5% of construction cost, the City should be able to replicate Central Park. He stated that he loved the idea. Mr. Anderson said he hoped that City Council would consider the proposal. Mr. Clifton noted Mr. Spadafino would be interested in the proposal and asked that a copy of the request be forwarded to him.

9. 2. APPROVAL OF CONSENT AGENDA:

- A.** Approval of Council Meeting Minutes – July 22, 2019

- B. Receipt of Planning Commission Meeting Minutes –June 4, 2019
- C. **First Reading – Bill 19-21** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, Regarding Locations of Meetings of City Public Bodies – **Second Reading – August 26, 2019**
- D. **First Reading – Bill 19-22** – An Ordinance Amending Chapter 25, Sewers, Code of the City of Newark, Delaware, By Expanding the Sanitary Sewer Service Territorial Limitation – **Second Reading – August 26, 2019**

14:18

Ms. Bensley read the consent agenda into the record.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

10. 3. **APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:** None

11. 4. **ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

12. 5. **SPECIAL DEPARTMENT REPORTS:**

A. 2018 Comprehensive Annual Financial Report – CliftonLarsenAllen

15:16

Mr. Del Grande submitted the 2018 Comprehensive Annual Financial Report to City Council. (*Secretary's Note: Copy entered into the record.*) The Report is published to comply with provisions of §807 of the City Charter. It is also intended to provide financial data to tax and utility payers, bond holders, federal and state agencies, and the financial community at large. He announced that the financial statements have been audited by CliftonLarsenAllen, LLP, an independent firm of Certified Public Accountants. He said CLA has provided an unmodified opinion which is the preferred outcome of an independent audit for the financial statements for the year ended 2018. He thanked Ms. Hollander and the Accounting team for leading the preparation of the financial statements along with the operational work that is performed on a daily basis. In attendance was Bill Early, Principal and Alex Lobeck, Manager of CliftonLarsenAllen.

Bill Early, Jr., CPA, Principal, CliftonLarsenAllen LLP, thanked Mr. Del Grande, Ms. Hollander and all City employees that he worked with while completing the audit. He said it was a very vigorous process on site that he estimated was four weeks between preliminary and final field work. He noted that the work performed by City employees was not their daily requirements but was in addition and he appreciated their hard work and dedication during the process. Mr. Early gave a brief detailed synopsis of their approach which was spelled out in their presentation.

Mr. Early reported the auditor's opinion was unmodified (also known as a clean opinion). He was happy to note due to City's staff hard work in cleaning up prior internal control weaknesses his firm had noted previously, there were no material weaknesses or significant deficiencies noted in their report on internal controls they were required to issue. He noted it was a credit to the Finance Department and staff in general that when his firm brought concerns to the table they were addressed.

Ms. Alex Lobeck, CPA, Manager reported there were no significant issues discussed with management prior to the firm's retention as the auditors. The firm was informed by management the City made no consultations with other accountants as to the application of GAAP or GASB. She noted that management was responsible for the selection and use of the appropriate accounting policies and those policies are detailed in Note 1 of the financial statements. There was one new accounting standard implemented in the current year – GASB 75 which is Accounting and Financial Reporting for post-employment benefit plans other than pension plans (noted as recording of the OPEB liability on the financial statements).

She reported there are judgments and estimates that management used in the preparation of the financial statements and those include depreciation of capital assets, pension liability assumptions, other post-employment benefit liability assumptions and liability for self-insurance claims and allowance for accounts. They have concluded management had a reasonable basis for these significant judgements and estimates that impacted the financial statements. She noted there no particularly sensitive financial

statement disclosures and they noted no significant difficulties encountered during the audit. None of the statements detected as a result of the audit and corrected by management were material either individually or in the aggregate to the financial statements taken as a whole and there were no audit adjustments required. She reported that management signed a representation letter for the auditing firm before they issued their opinion and there were no disagreements with management on financial accounting and reporting matters, auditing procedures or other matters.

Mr. Early noted they did implement the OPEB standard this year as this had been discussed for many years and he reported the next big one approaching is GASB 87 and that would impact the City so they were currently working with City senior staff to determine ways to implement this. This would impact leases and change what used to be operating leases and making them all capital. Currently real estate that was being rented was not listed on the balance sheet as a liability if it was an operating lease; but in the future (in three years' time) that liability would need to be included on the financial statement.

The Chair opened the discussion to questions from the table.

Mr. Markham thanked Mr. Del Grande and Ms. Hollander and their staff for all of their hard work and noted he did not believe he had seen an audit where there was absolutely no negative feedback.

Messrs. Hamilton and Horning and Mses. Hughes and Wallace congratulated the Finance staff and thanked Mr. Early and Ms. Lobeck for their presentation.

Mr. Clifton asked what an AA2 rating was. Mr. Del Grande said there were several rating agencies such as Moody's and Standard and Poor's that denoted bond ratings. The AA2 rating is the third from the best. The rating meant that the City of Newark is a low risk to investors when they go to the bond market and means the City is able to pay back what they borrow. Mr. Clifton thanked the Finance team and noted that in his opinion they were the gold standard and all their hard work was well appreciated.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: THAT COUNCIL APPROVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED DECEMBER 31, 2018.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

13. 5-B. RECOMMENDATION TO AMEND PARKS AND RECREATION BUDGET FOR BLOOM ENERGY SPONSORSHIP OF THE SPRING CONCERT SERIES AND COMMUNITY DAY – PARKS AND RECREATION DIRECTOR

31:23

Mr. Spadafino stated each year Parks and Recreation sent out a sponsorship package throughout the City. This year, Bloom Energy stepped up with a large sponsorship of \$10,000. As a result, City staff would like to amend the original budget and recommend Council approve this budget amendment to record the additional revenue and related additional expenses as noted on the memorandum.

The Chair opened the discussion to questions from the table.

Mr. Hamilton asked what the additional expenses were. Mr. Spadafino replied that new banners were being purchased for Community Day to post around town. The cost of the performers for the Spring Concert Series would come out of the funding as well and additional Community Day supplies including contractual services for Community Day such as the sound system, portable restrooms and other fees associated with such.

Mr. Markham confirmed this was just in response to a mail solicitation. Mr. Spadafino confirmed this and noted there were smaller amounts for sponsorships as well each year from different businesses. However, since this was a \$10,000 donation, Mr. Spadafino thought it wise to do a budget adjustment. He added that Bloom Energy has been a good sponsor as they help out with a number of events throughout the year, but this was the largest donation to date.

Mr. Clifton asked if there was a representative from Bloom present. Mr. Spadafino said there was not a representative present.

There was no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING: THAT COUNCIL AMEND THE PARKS AND RECREATION BUDGET BY INCREASING THE REVENUE AND EXPENSE ACCOUNTS AS OUTLINED IN THE MEMORANDUM DATED JULY 16, 2019.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

14. 5-C. RESOLUTION NO. 19-__ : A RESOLUTION SUPPORTING THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) IN WORKING WITH CSX CORPORATION TO INCREASE SAFETY AND MAINTAIN VEHICULAR AND PEDESTRIAN PASSAGE AT THE CASHO MILL ROAD UNDERPASS

35:13

Ms. Bensley read the proposed Resolution into the record by title.

Mr. Horning reminded all that at the July 22nd meeting, Council convened to discuss the direction the City wanted to take with regard to CSX's request of DelDOT to close the underpass. He noted prior to the Council meeting he reached out to CSX by telephone to make the connection and get his thoughts prior to the meeting. After receiving clearance from CSX, the representative called Mr. Horning back on Friday, July 26th. Mr. Horning said he was pleased to report that from the phone call that CSX reiterated their desire to sit down with the proper people to review any data and issues and have continued discussions with DelDOT. Mr. Horning said he came away from the call relieved and encouraged. He stated he hopes he is not disappointed in that regard.

There were no further comments from the table and no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. HAMILTON: THAT COUNCIL ADOPT RESOLUTION SUPPORTING THE DELAWARE DEPARTMENT OF TRANSPORTATION IN WORKING WITH CSX CORPORATION TO INCREASE SAFETY AND MAINTAIN VEHICULAR AND PEDESTRIAN PASSAGE AT THE CASHO MILL ROAD UNDERGRADE CROSSING.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

(RESOLUTION NO. 19-U)

15. 6. RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:
A. Update on the Cost of the Maintenance Yard's Building #3 Demolition (10 minutes)

39:02

Mr. Martindale presented the recommendation for the retroactive approval of a cost increase for the demolition at Building #3 at the Phillips Avenue maintenance yard in the Spring of 2019. He noted Capital Improvement Plan and Contract No. 18-06 were created to demolish the old Building #3 which had become a danger to the City employees and build a new work area at the yard. He continued that Council awarded Marty's Contracting the demolition contract on November 5, 2018 for \$28,950.00. Marty's Contracting also offered to lay 4 inches of stone as a base on the demolition site for \$8,000.00 which the City opted to do in-house instead for a cost of approximately \$5,000.00. He noted shortly after taking his position with the City in June he became aware that the demolition work completed by Marty's Contracting included the optional stonework for an additional \$8,000.00. As such, the City was billed \$36,950.00 which had been left outstanding since the demolition. He believes this is likely due to the miscommunication between the City and Marty's Contracting which largely stems from the vacancy left in Mr. Martindale's position after his predecessor left. He noted this was something he would make a conscious effort of tracking moving forward. He recommended Council retroactively approve the price increase of \$8,000.00 and stonework which would be funded through the Capital Improvement Plan.

The Chair opened the discussion to questions from the table.

Mr. Clifton asked if Council had a copy of the winning bid when this came to Council originally. Mr. Coleman said he did not believe so.

Mr. Hamilton was unclear how the contractor decided they would do the work that the City had decided to do themselves. Mr. Coleman believed when the decision was made to do it with City personnel, it was not relayed to the staff that was supposed to do the job that was also managing the project. This was one of the final things that Mr. Brainard had done while he was in the role before his departure. It was not relayed to staff because he was not here to do so essentially. The field crews believed Council had approved the project in totality and the City was opting to do it themselves. Then the crews were busy and realized they did not have the time to do it, so they asked the contractor to do it since they believed it was approved, and it was not.

Mr. Hamilton said he had not seen this happen before and he hoped it was not a regular occurrence. Mr. Martindale said he hoped to be with the City a while and he catch these things moving forward.

Mr. Markham had not seen anything like this happen in the 13 years he had been on Council and he also noted during the time the contractor was completing this portion of the project, City staff was working as well but on other projects, so it was not a complete waste of resources.

Ms. Wallace concurred with the rest of Council, appreciated staff's openness and willingness to address things moving forward and she understood things happened.

Mr. Horning agreed with his colleagues' comments and believed the City did not want to take out an internal mistake out on a contractor with whom they had a relationship.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. CLIFTON: THAT COUNCIL APPROVE A PAYMENT INCREASE TO MARTY'S CONTRACTING FOR THE BUILDING #3 DEMOLITIONS AT THE PHILLIPS AVENUE MAINTENANCE YARD COMPLETED IN MAY 2019 FROM \$28,950.00 TO INCREASE TO \$36,950.00, A TOTAL INCREASE OF \$8,000.00.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

16. 7. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

- A. Bill 19-17 – An Ordinance Annexing and Zoning to RH (Single Family Detached Residential) 7.4 Acres Located at 1089 and 1091 Elkton Road (*Agreement Attached*)**

46:02

(Secretary's Note: The public hearings for items 7-A and 7-B were held together at this time.)

Mr. Clifton asked Mr. Bilodeau if 7A and 7B could be discussed together. Mr. Bilodeau said there is no problem with discussing them together, but the votes should be separate.

Ms. Bensley read the titles of Bills 19-17 and 19-18 into the record.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: THAT THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILLS 19-17 AND 19-18.

Ms. Gray stated the applicant was requesting an annexation and rezoning for 7.40 acres at 1089 and 1091 Elkton Road. Additionally, they requested rezoning from MOR to RH for two other small parcels which were 0.54 and 0.07 acres respectively. Those two parcels were located within the City limits and part of 1089 Elkton Road address. Following the Subdivision Advisory Committee review of the proposal, the Planning and Development Department suggested the Planning Commission recommend approval of the annexation and the rezoning of the two parcels. The Planning Commission recommended approval by a vote of 6-0 of the annexation and rezoning request at their meeting held on June 4, 2019.

The Chair opened the discussion to questions from the table.

Mr. Horning stated two of his children are currently enrolled at Newark Charter School but he did not believe this would require him to recuse himself from this matter and vote as he did not believe this to be a conflict of interest.

Mr. Markham commented that currently the property was surrounded by manufacturing. Ms. Gray confirmed such on the south side and the on the northeast side, it is zoned RH. Mr. Markham said he believed at one point in time, the state complained of loss of manufacturing. As such, he asked if any comments had been received about such. Ms. Gray responded that this particular project did not go to Preliminary Land Use Service (PLUS) for comment since it was already part of the annexation plan and the City's Comprehensive Plan. Mr. Markham asked if the property would become tax exempt. Ms. Gray confirmed this.

Mr. Hamilton echoed Mr. Horning's comments except he has one child at Newark Charter School. He asked how much revenue would be lost in taxes. Mr. Coleman indicated there would not be any loss in revenue as the parcel is currently not in the City.

Ms. Hughes agreed with the proposal as it was straight forward and clear with the City not losing anything.

There was no public comment.

Mr. Clifton wanted to make an observation when understanding zoning law, the RH zoning allows for schools in the RH zone. To look at what an underlying zoning would do, he noted they did not have to look any further than what happened at the Newark Country Club. He wondered if underlying zoning was something that needed to be addressed going forward to preclude a future country club-like situation.

MOTION BY MS. WALLACE, SECONDED BY MR. HAMILTON: THAT COUNCIL ADOPT BILL 19-17, AN ORDINANCE ANNEXING AND ZONING TO RH SINGLE FAMILY DETACHED RESIDENTIAL 7.4 ACRES LOCATED AT 1089 AND 1091 ELKTON ROAD.

Ms. Wallace said she would be voting in favor because she did not believe this annexation conflicted with the Comprehensive Development Plan and she did not believe it would have a negative impact upon the adjoining properties.

Mr. Horning said he would be voting in favor of this proposal for the reasons stated by Ms. Wallace and the provisions of the annexation agreement.

Mr. Markham said he would be voting in favor of this proposal based on the reasons previously stated by Ms. Wallace.

Mr. Hamilton said he would be voting in favor of this for the reasons previously stated by Ms. Wallace.

Ms. Hughes said she would be voting in favor of it based on the comments of Ms. Wallace.

Mr. Clifton said he would be voting favorably as well for the reasons so stated by Ms. Wallace.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

(ORDINANCE NO. 19-18)

17. 7-B. **BILL 19-18 – AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE, BY REZONING FROM MOR (MANUFACTURING/OFFICE/RESEARCH) TO RH (SINGLE FAMILY DETACHED RESIDENTIAL) 0.61 ACRES LOCATED AT 0 ELKTON ROAD (SEE ITEM 7-A)**

57:28

(Secretary's Note: The public hearing for this item was held under item #16.)

MOTION BY MS. WALLACE, SECONDED BY MR. MARKHAM: THAT COUNCIL ADOPT BILL 19-18 AMENDING THE ZONING MAP OF THE CITY OF NEWARK, DELAWARE BY REZONING FROM MOR MANUFACTURING OFFICE RESEARCH TO RH SINGLE FAMILY DETACHED RESIDENTIAL 0.61 ACRES LOCATED AT 0 ELKTON ROAD.

Ms. Wallace said she would be supporting this rezoning for reasons outlined in the Planning and Development Report from May 28, 2019.

Mr. Horning said he would be voting in favor of this rezoning for reasons stated by Ms. Wallace.

Mr. Markham said he would be voting in favor of this based on the reasons stated by Ms. Wallace.

Mr. Hamilton said he would be voting in favor of this for the reasons stated by Ms. Wallace.

Ms. Hughes said she would be voting in favor of this based on the comments by Ms. Wallace.

Mr. Clifton said he would be voting in favor of this for reasons stated by Ms. Wallace.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

(ORDINANCE NO. 19-19)

18. 7-C. BILL 19–19 – AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, CODE OF THE CITY OF NEWARK, DELAWARE, BY CREATING AN EXEMPTION TO THE ALCOHOL PROHIBITION IN CITY PARKS FOR SPECIAL EVENTS AS APPROVED BY CITY COUNCIL

59:06

Ms. Bensley read Bill 19-19 into the record by title.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: THIS BE THE SECOND READING AND PUBLIC HEARING FOR BILL 19-19.

Mr. Coleman stated the proposed ordinance eliminates the strict prohibition on alcohol in parks specific to creating a special events exemption to allow special events in parks that involve alcohol with Council approval. The concept originated in 2016 after visiting the Victory Beer Garden in Longwood Gardens. It returned to the forefront as part of the Main Street construction project and included discussions on ways to help the Main Street businesses with special events and promotion of their businesses. He noted that outdoor beer gardens since 2016 have become fairly popular and there a good local examples. The thought is doing an event off of Main Street would give the Main Street businesses an opportunity to have an event not in the construction zone that people may be more willing to visit than driving downtown and draw people to an event that may not otherwise come to an event or come to downtown. The bonus is the ability to raise money for the Parks & Recreation Department specifically their scholarships funds and the parks maintenance fund.

He noted the goal for the event was not similar to a backyard party on Chapel Street, but rather a family-oriented event. He said significant thought went into this proposal before bringing to Council. There noted there are many ways to control the event through the setup process, what type of food is served, where the event is held and the time of the day of the event. Mr. Coleman reported he feels confident of the proposal because there are many successful examples nearby.

The type of event staff hopes most to emulate is the City of Philadelphia’s “Parks on Tap.” The event is laid back with patrons providing their own chairs. It is child friendly, pet friendly and provides activities for children. It can be described as a traveling beer garden moving from park to park, spending one weekend in each park then moving to another location. It is a public/private partnership and raises funds for their parks department as well. The event also provides weekly music. The program has been successfully in place since 2016 serving both food and alcohol. Another successful local example is Constitution Yards in Wilmington also in place since 2016. This is slightly different than Parks on Tap as it is a fixed location and is located on the Wilmington Riverfront utilizing a private operator on public land; somewhat of a public/private partnership and is family and pet friendly as well. Food and drink service are available with outdoor games. Mr. Coleman noted this is a bit more intensive than what City staff envisions with the proposed Parks on Draft in Newark.

He added the Victory Beer Garden is what came to mind as a comparison as it is in a park like setting; but is a private operator on private land. It is different in structure but similar in design to what Newark hopes to emulate. Mr. Coleman also mentioned the Kennett Creamery as an example as well.

Mr. Coleman said the goals of the Parks on Draft program is to highlight Newark's parks systems and promote Newark's businesses. The hope is to have businesses that would want to partner with the City and ideally partner with other businesses on Main Street or Newark in general (long term) to provide a venue where they can interact with Newark residents. The proposal would suggest a Thursday-Sunday during the summer months and would move around the parks system and target young families and young professionals and other laid back patrons.

Mr. Coleman said Mr. Clifton put him in touch with Bill Sullivan from the Courtyard Marriott because Mr. Sullivan expressed interest in this concept. During a phone call with Mr. Sullivan it was suggested to involve the UD's Business School or similar groups to bring in a student to assist the City is running and setup of the program and additional logistics. There was also the suggestion to coordinate with the Newark Partnership as this event fits into their mission quite well.

Mr. Coleman stated, before asking Council to approve a full-fledged summer series of events, staff thought it most appropriate to do a pilot event. The goal is to do it before student move-in which would require the event to be held this upcoming weekend. This event would be Thursday-Sunday and the City would partner with Grain. He noted Grain on Main restaurant has a great track record with responsible serving and good food and drink and seemed like a great partner for the City's pilot event. Empowered Yoga and Rainbow Records, two Main Street businesses will participate in the event as well. Olan Thomas Park has been selected for the location since it is a very visible park with available parking nearby. Residential neighbors are limited in the area so there should not be any disturbances with the proposed event, even though that is not anticipated.

Mr. Coleman stated that currently alcohol is prohibited in all Newark parks under any circumstances. The proposed Bill, 19-19 would allow the creation of a special event exemption, which Council would have to approve specifically in order for it to occur.

Mr. Coleman and Mr. Clifton said Mr. Lee Mikles, one of the owners of Grain on Main was present to answer any questions.

Mr. Clifton opened the discussion to questions from the table.

Mr. Horning thanked the staff and Mayor for thinking outside the box with proposing new ideas to help support Main Street businesses especially during the Main Street rehabilitation. He asked how the newly suggested restrictions on allowing dogs in Delaware restaurants affect these events being pet friendly. Lee Mikles, one of the owners of Grain on Main, stated it would not be an issue that is going to be pushed any further than they have, and it will not be perceived as a new issue. He is not certain it would necessarily apply as the event is proposed to be held in a park. Mr. Coleman added the Code requires all pets to be on a leash as well.

Mr. Horning said he had received one resident concern regarding when the Code is changed it may be difficult to return back. He believes in addressing this concern would be the caveat there would have to approval for these events on an individual basis by Council. He also confirmed any alcohol consumed at the event would have to be purchased at the event. Mr. Mikles confirmed this. Mr. Horning asked if the quick turnaround for the event would prove an issue. Mr. Coleman said everything has been organized except the advertising. All permits from the state were received and insurance is in place. It will not be advertised until Council chooses whether to approve the event to have alcohol. Mr. Coleman noted there is a race hosted by Fusion Fitness partnering with Klondike Kate's scheduled at Olan Thomas Park for the first night of the event.

Mr. Horning confirmed the event had been properly noticed and there suggested there may be some concern about the event promoting alcohol or alcohol problems within the City, but he noted given the fact this is a one time trial and he believes this is the way to go. He believes there may be a segment of the Newark community that may see this as a real step change based on some of the feedback he has received. He believes that is a good reason to make sure it is well controlled and that the City do a good job with regulating it for safety reasons and ensure people have a good time. Mr. Coleman agreed and noted he and Mr. Mikles are well aware of this. He reported that Mr. Martindale had contacted the City of Philadelphia Park's Department to see how their events have gone. Philadelphia reported they have had no major issues with their events during the four or so years they have had these events.

Ms. Wallace thanked Mr. Mikles for being at the meeting and offering to be the first vendor in the proposed events. Ms. Wallace asked what control measures will be used at this pilot event. She asked if there were any requirements from the Alcohol Beverage Control (ABC) Mr. Mikles said they had received a gathering license from the ABC and with that they are transporting Grain's license over to this as well.

Therefore, they are responsible as well. Servers will be checking ID's and there will be wrist bands the individual will get at the ID checkpoint which is at the same point where they are purchasing the alcohol. Ms. Wallace asked if there will be a fence enclosure at the event. Mr. Mikles said they have forwarded their proposed fenced in area to the ABC and they will be working together with them to ensure compliance as this is a Delaware requirement.

Ms. Wallace asked moving forward if they envisioned this would be how it works with a partnership with whoever the vendor is to transfer their license to them so they would be on the hook so to speak. Mr. Coleman confirmed this. She asked how the restaurants would be chosen and once chosen if they did a less than adequate job would they keep track of that. Mr. Coleman said these issues will all be researched and decided upon during the winter. His initial thought was to limit the partners to those establishments who have not had any alcohol violations at their Newark location in the last 12-24 months to ensure the City is partnering with responsible operators. They would be responsible for providing all services including bouncers, servers, licensing and insurance. The City would provide the location and provide a shipping container and bathrooms and a low stage for their use. At the end of the event, monies collected will then have expenses subtracted and it will be split. The portion that goes to the City goes to the two designated charities. He added that the ABC requires if there is an offsite event that they have to be partnered with specifically with a 501(c)3. Newark is a governmental non-profit which does not count. Therefore, a third charity had to be included, which is the Ronnie Williams Foundation. The Newark charity is the Parks Maintenance Special Revenue Fund which goes towards parks enhancements and the James Hall Scholarship Fund which raises money for scholarships to make parks and recreation opportunities available to everyone regardless of their income.

Ms. Wallace asked if there will be police staff and parks and recreation staff at the event. Mr. Coleman stated ideally staff will all come from the sponsored vendor. He did state at this event there will be an officer there. He added that Philadelphia does not have officers at their events, but essentially bouncers to secure the event. Ms. Wallace confirmed the goal is to raise money for various 501(c)3's mentioned but minimally it should be revenue neutral. Mr. Coleman confirmed this. Ms. Wallace asked if the event can be limited to just beer and wine. Mr. Coleman said initially the thought was to include some mocktail options. He added that Council can limit it to whatever they choose. He said that may ultimately limit what vendors want to partner with the City but he does not believe it would limit vendors wanting to partner with the City. Ms. Wallace believes the way the ordinance is written, that it is unclear and appears that non-City events could be held as well as long as they were approved by Council. Mr. Coleman said they did not get that specific but the plan would be as part as the process set up for event approval, this would be limited to a Newark location in order to be a primary sponsor for the event. However, if the City wanted to partner with a vendor outside the City (Midnight Oil) he believes they would not be disqualified. However, the goal is to promote Newark businesses. His initial thought for the selection process, City businesses would "weight" higher than non-Newark businesses. Ms. Wallace said she believes it sounds like this event is a pilot and then staff will return and de-brief Council. Mr. Coleman confirmed. Ms. Wallace noted she likes that Mr. Coleman and staff have already been proactively forward thinking on this matter.

Mr. Markham stated he looks at this similar to a Special Use Permit that Council that Council controls and they could grant something like this today by changing the law. This, however, just allows it to be presented to Council moving forward. In light of the fact that Constitution Yards had complaints from neighbors and they had to deal with some issues that he does not recall all the details, he asked if City staff reviewed those issues. Mr. Coleman said they did not speak specifically to Constitution Yards about issues they may have had because the City's proposed concept does not match what Constitution Yards is. He noted the end time of this event is set currently at 8:00 p.m., with the music ending then as well with people clearing out at that time. He reminded all 8:00 p.m. is one hour before the noise ordinance kicks in and he believes all patrons will be cleared out before 9:00 p.m. He does not anticipate encountering any noise issues. In addition, the location of the park does not have any neighbors in close proximity. Mr. Markham reminded all that sound does travel. Mr. Coleman noted there will be an officer there at this event and any issues can be addressed then including noise.

Mr. Markham suggested asking The Wood Fired Pizza Shop as they are right next door to the park as he believes they have felt somewhat snubbed with the Main Street/Downtown Newark Partnership events. Mr. Mikles will reach out to them. He suggested considering a secondary food vendor as well. Mr. Mikles noted that just for the trial purposes it was really speed of action in getting this event together quickly. He also noted they are not certain about attendance at this first event; but will certainly consider multiple food vendors in the future should the demand warrant it. Mr. Markham believes adequate parking is a challenge with this site. He asked if there is a location available for Ride Share pickup. Mr. Spadafino said parking is currently available at Old Paper Mill Road Park and Curtis Mill Park. There is also

limited parking available at Kershaw Park as well. He also added there are also additional areas that will be discussed, but they will keep in mind a Ride Share option.

Mr. Hamilton appreciates creativity and he believes this event is going to turn out well once the wrinkles are ironed out. He suggested using a 24 month time span for violations when considering letting vendors participate as he believes that is more of an encouragement. He expressed concern about people that may have had a drink or two walking across the pedestrian bridge. As such, he echoed Mr. Markham's encouragement of Ride Sharing. He also suggested asking The Wood Fired Pizza Shop to participate. He also expressed concern about the process of asking businesses to participate and who would be the individuals in charge of that. He also asked if fraternities would qualify to hold an event at a park. Mr. Coleman said they would not qualify as it would have to be a restaurant with a physical location of an actual business that has a track record of serving alcohol for at least the period there would be a requirement in place. He also reiterated these details will be fleshed out in the future. He anticipates putting together an application with a scoring sheet so businesses know what the City is looking for. Mr. Coleman noted he and Mr. Spadafino have reviewed many of the parks already and noted several things go into the decision making process of whether the location will be adequate. Is there power? Is there shade? Is there water available and is it near a major trail. He noted all such things will be considered going forward. He expressed concern about making these events at locations that have to be driven to. He would much rather have such events located at or near the trail system, for example. He also reiterated the goal is to not compete with existing City events. Mr. Hamilton also suggested using the local craft breweries for a local "craft brew festival in the future events and may even encourage local businesses to relocate their businesses to the City.

Ms. Hughes confirmed if someone that did not have a clean 24 month alcohol record would be considered for these events. Mr. Coleman noted they could not be the primary concessionaire who is responsible for providing the alcohol permit and security related to alcohol sales. Ms. Hughes understands the desire is to reach a part of the population who would find these events very inviting but she feels it comes across as being a mandatory alcohol event. She believes an event can be successful and promote the business and people would still come even if there was not alcohol served. She also asked in the event should a vendor go a little too far with the alcohol what would the liability be to the City, if any. Mr. Coleman said if the event does not have alcohol this process does not need to occur as they can be done through the special event permitting process. In response to Ms. Hughes' inquiry about any potential City liability, Mr. Coleman stated as part of the special event permit, the City is listed as additional insured on their concessionaire's insurance policy. He had asked Mr. Bilodeau to offer his legal opinion on whether the City would be exempt through the Municipal Tort Claims Act but the City does have insurance coverage under the concessionaire with indemnity so in other words, the City is covered. Mr. Bilodeau stated the Municipal Tort Claim Act is very limited circumstances when the City does have liability. The fact that the City is an additional insured on the event sponsor's event and whoever is regulating the sale of alcohol is very good.

Ms. Hughes said it sounds like a good event and could bring a lot of new interest and could be a lot of fun. She asked how the City is proposing to prevent people from doing BYOB. She would assume if someone views someone that is inebriated there is a plan in place. Mr. Mikles said the same protocol if a patron was inebriated in their restaurant and if they needed to leave the premises, they would be asked to leave and if the police needed to call they would do so. He also reported the beer being used will not be \$2.00 beers but rather craft beers and the food is not typical bar food. The artists are acoustic and more attractive to a family and not so interesting to a different patron.

Mr. Clifton believes these events will appeal to a more upscale crowd and it is up to the City to show how to do it the right way. Council will maintain control and if it does not work, it will not continue. He hopes such events can attract the 25-45 year old patrol. He sees this as a mechanism to encourage that age group to move into the City.

The Chair opened the discussion to public comment.

Matt Mossman, Country Hills resident, voiced his support. As a Newark resident, he said the City is home to him. However, as a 26 year old he recognizes that people his age may not feel there are adequate opportunities currently within the City for socialization. He believes these events would encourage community interaction.

Jean White, District 1, said she is highly opposed to changing the Code to allow alcohol in the City parks for beer garden like events. She believes family friendly events to encourage neighbor interaction can happen without alcohol. She suggested utilizing food trucks and concerts and she would consider this to be a more family friendly event. She believes alcohol has its place and she does support the places it

is in such as Newark's restaurants and bars where they are closely regulated by the ABC. She noted that raising money for Parks & Recreation is a good purpose but does not to be done this way. She believes once alcohol is permitted it will never change back. She also believes it is happening too quickly and thinks less than adequate discussions have taken place. In addition, she believes additional discussions have taken place. She added she has met with both Mr. Coleman and Mr. Spadafino and she appreciated the time they each separately gave her in explaining the proposal. She believes this is not the time to expand the venues for alcohol in the City and certainly at City parks. She asked Council to consider this strongly and vote against this proposal or require a sunset after two years.

Mr. Clifton returned the discussion to the table.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: THAT COUNCIL ADOPT BILL 19-19 AND AUTHORIZE A SPECIAL EVENT AS OUTLINED IN THE ATTACHED MEMORANDUM OF AUGUST 15-18, 2019.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0.

Absent – Lawhorn

(ORDINANCE NO. 19-20)

19. 7-D. **BILL 19–20 – AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE, BY REMOVING NO PARKING RESTRICTIONS ON PORTIONS OF HAINES STREET, LOVETT AVENUE AND CENTER STREET, MAKING PORTIONS OF NORTH CHAPEL STREET NO PARKING, REQUIRING HEAD-IN PARKING IN OFF-STREET PARKING LOTS, SETTING OFF-STREET PARKING LOT METER RATES, LIMITING FREE HANDICAPPED PARKING TO ON-STREET PARKING AND UPDATING LANGUAGE REGARDING PARKING METER HOLIDAYS (SEE ITEM 7-D-1)**

01:58:27

(Secretary's Note: The public hearings for items 7-D and 7-D-1 were held together at this time.)

Mr. Clifton asked Mr. Bilodeau for clarification of Bill 19-20 being separate from the resolution as far as vote. Mr. Bilodeau confirmed same.

Ms. Bensley read Bill 19-20 and the resolution into the record by title.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: FOR SECOND READING AND PUBLIC HEARING.

Mr. Coleman reported there was an article on this topic that caused some confusion and he wanted to clarify. He said staff discussion a proposal to convert to the multispacer kiosks and expand the metered parking areas on April 29 and May 13, 2019. On May 13th staff received approval to move forward with the purpose multi-space kiosks for both on-street and municipal lots as outlined in the project notes for capital project V1905. He noted essentially that was the on-street parking spaces on Haines, Lovett, Center, North Chapel and Main Street from Washington-street to Chapel. Also, lots 2, behind Snap Pizza, Lot 3 which is the lot that will have the Hyatt Hotel bisecting it and Lot 6 which is on Delaware Avenue and is currently meters. Year 2020 includes the remainder of Main Street and the remaining lots that would be converted, which Lot 1 and Lot 4. In accordance with the plan, staff has purchased all the kiosks scheduled to be installed in the 2019 phase and they have since been delivered and are in the City's warehouse waiting for installation along with LPR system used to perform enforcement operations as discussed on May 13.

He noted during the discussion, staff indicated there would Code changes necessary to complete the conversion because the parking meter areas and rates are mentioned directly in Code. During Code changes, it became clear that the conversion to meters within the lots would require a few additional changes due to the difference in rate structure between the lots and on-street meters. The lots currently do not have codified and are set by the City Manager, whereas the meters are individually referred to in Code and also set on a different rate. On-street meters are \$0.25 cents for 12 minutes and the lots are \$1.00 per hour. The Code needs to be adjusted to allow for both rate structures at meters in parallel. So essentially, the City Manager would not have unilateral control over the rates in the lots, rather it would come to Council like the other meters. These Code changes are what will be discussed this evening. He noted there were some concerns raised about the operations. One concern was the driver would receive

a ticket if they returned late to their vehicle. Staff realizes this is something that is a change. Ways to mitigate this were through the implementation of parking smart phone application. Some use ParkMobile application. In UD's garages, they use the Passport parking application which is similar. The City is proposing to use the Passport application so anyone can that comes to Newark can have one application on their phone and park in any facilities. If a person paid by app, the driver would get a text message fifteen minutes prior to when the payment expires and could extend time on the application with just the cost of the additional time. If a driver pays at one of the kiosks in the lot, the driver can add time at any one of the kiosks in town. The goal is to eventually convert the University district so, Amstel and Academy Streets and Kent Way and all of the on-street meters will go to these kiosks. The goal is not to write more tickets but to make it easier for people to pay for parking.

He added there is concern about losing time if the driver overestimates how long you are going to be parked, which is a change. Currently if a driver parks in a lot and stays one hour and one minute they pay for two hours. The new system would mean the driver has to make an estimate on how long they will stay but as long as they are within an hour, they will pay about the same under the old system.

Mr. Coleman noted the article indicated there was a \$20 fine for backing into a parking space. However, that fine is not in Code and there will be a discussion about this during this meeting. There have been questions about the ten minute grace period. The grace period will be removed but only because there is no gate keeping in the lot. One item that was no mentioned in the article was the ability for the City to run rate specials. The City wants to reaffirm they are interested in economic development especially Main Street during the construction project. With the kiosks and the LPR system, the City has the ability to run rates specials. Currently, that is not an easy option as someone would have to go around to every single meter and program in a new rate. With the new program, modifications can be pushed out at the same time. Newark utility customers get one hour free per week and register the plate number with the City and the first hour is free. Parking validation is still available with this system. Staff feels ultimately this is an improvement in service level.

Mr. Coleman noted during the use of the aerial photography, they believe approximately 10-15% of people back in and are most frequently pick up trucks. He said he understands it is easier to back in when driving a pick-up truck and is a legitimate issue for those who back in. However, staff feels the trade off in functionality for the vast majority that pull head in outweighs the cost.

Mr. Mulvanity reported there are eight proposed ordinance changes and two resolutions that coincide with the proposed changes. He announced the first amendment being discussed is the removal of no parking from the west side of Haines Street from Delaware Avenue to Lovett Avenue for the purposes of public parking. With that would be a resolution for removal of the special residential parking from the east side of Haines from Delaware Avenue to Lovett. Currently, Haines Street which is two way and would remain so with the ordinance change. Currently, special residential parking on the east side of the road for public parking would be moved to the other side of the road where there is more available parking and eliminating the special resident parking district from Lovett Avenue to Delaware Avenue. He wanted to reiterate that the people currently receive residential parking would continue to get it, but they would be requested to park in another part of the district. The closest street is on Continental. At its peak last year, there were 40 parkers on Haines Street and Continental but there were 44 parking spots on Continental alone so staff believes there should not be an issue with finding spots on Continental. The walking distance is not very long. This would allow the placement of four to five kiosks for public parking and that would be a big help during the major phase of the Main Street rehabilitation.

Mr. Mulvanity stated the second amendment is on Lovett Avenue from Academy Street to Haines Street. It is currently no parking on both sides with appropriate signage. The proposal is to keep it a two way road but to allow parking on the north side of the road, which opens up 13 parking spaces.

The third amendment would be removal of no parking from the east side of Center Street north of the Lot 4 entrance and exit to New Street for purposes of public parking. It is currently two way and on the west side of the road there is no parking. There is parking on the eastern portion of the road. It is special residential parking permits only. The proposal is to extend the parking that is currently on the southern portion of Center Street all the way up to Center. This would enable people to park on the north side of New Street which yields 16 parking spaces. Staff believes in addition to the fourth amendment change making North Chapel Street special residential parking that should be enough for the permit holders in that area. Mr. Coleman added the houses on North Chapel Street would not have access to special residential parking (as they currently do not have access to permit parking) as rear parking behind the house on Chapel Street should suffice.

The fourth amendment applies to the second resolution which is the addition of the special residential parking on the west side of North Chapel Street.

Mr. Mulvanity added that even though the Center Street amendment was an elimination of special residential parking, it did not require a resolution because by eliminating the no parking, it eliminated special residential parking.

The remaining amendments are not location based. The fifth amendment incorporates the addition of the language that ensured vehicles parked within the City parking lots have their rear license plates facing the lane of travel in preparation for the LPR system. He expressed concern for the parking enforcement officers walking in-between vehicles as he believes it creates a safety hazard as well.

The sixth amendment is the addition of language that ensures that off-street parking lots that become kiosks or metered stay \$1.00 per 60 minutes after the current off-street parking lot equipment is removed. The intent is to not to charge people more as currently on-street parking is more expensive than the lots.

The seventh amendment is the addition of language that ensured on-street handicapped parking stayed complimentary and that off-street handicapped parking continues to stay at cost. The intent here is to keep things the same. Currently, in off-street parking lots, handicapped parking is paid for by the patron but on-street is the driver has a handicapped placard or plate it is no charge parking for the time limit on the meter. The intent is to keep the rules the same way and have a further discussion down the road if ADA rules change based on the Main Street improvements.

The eighth and the final amendment is the language change that makes it clear that the City Manager would notify Council on complimentary parking days and give them 14 days' notice of such.

The Chair opened the discussion to questions from the table.

Mr. Horning thanked the City Manager and Mr. Mulvanity for addressing the questions in the Newark Post article. He reiterated this is not an intent by the City to generate income but rather a way to account for the lost parking and give the residents and visitors a convenient place to park close to downtown Main Street businesses in that area. He noted this proposal was a recommendation from the Parking subcommittee that did a comprehensive review of what works in other cities. He suggested when patrons estimate how long they are going to park and may overestimate there may be a way to get some type of parking refund from the kiosk or something similar. If the functionality is there, that may be an option. Based on feedback he received, and in the letter from AAA, it was noted that backing in to park can be safer than heading in. He did receive additional comments from residents about forcing a driver to park head in. He is not certain that should be included in Code. He believes the idea of fining someone \$20 seems steep to him, at least initially and he suggested a warning ticket at least once to see how this goes. He suggested in the midst of this transitional period to offer some flexibility and would show the residents the same. He believes that Lot 3 can benefit from the kiosk option as well when the lot is split in half to avoid having to add another ticket booth. He believes the same holds true to Lot 2. He thinks further discussion is warranted on whether to keep Lot 1 with the current system and also the lot behind Klondike Kate's. Mr. Mulvanity confirmed this is on schedule for 2020 and was approved on May 13th.

Mr. Horning inquired whether there is a way to allow for residents in the nearby residential district that may soon have meters to allow those residents after a certain time whether it be 6:00 pm or 8:00 pm it would no longer be a metered system to park free of charge. He expressed concern about the safety of young women having to walk greater distances to their home if they choose to. Mr. Mulvanity said the system is not in place yet and suggested if they were to apply a permitting system for that area that would allow residents to park at the meters and they would be on a permit list, that may be a feasible option. The LPR would essentially read the person's plate and indicate they are permitted to be there. He believes it would hinder the bottom line when trying to create available parking spaces during the Main Street rehab project. He suggested once the system is in place, looking at this option further down the road. Mr. Horning reiterated his suggestion to allow free parking for anyone from 8:00 p.m. (example) to 6:00 a.m. Mr. Coleman said his only concern would be the driver would have to be out of there by 6:00 a.m. and he is not certain that is realistic. Mr. Mulvanity mentioned the parking lot right across the street from this area offers has night and weekend passes for low cost.

Ms. Wallace thanked Mr. Coleman for his overview at the beginning of the discussion. She believes there will have to be a lot of proactive communication around these parking changes. She believes the uniform kiosk system while different offers some new benefits. She reminded all these features were discussed prior as well. She mentioned the loading zone on Center Street and asked if that

would remain. Mr. Mulvanity responded it would remain and the signage would remain with additional tools if needed in the future. Ms. Wallace also asked for clear signage so patrons would know they would be able to park in the loading zone after hours when they were permitted to do so. She shares some of the same concerns about requiring head in parking. She is not comfortable with telling people they cannot park in a way that feels the safest for them, their vehicle and their family. She appreciates the concerns about staff going in-between cars. However, during the process of change there will be some trade-offs. She said if Council does go that direction she suggested considering other things that can be done; perhaps providing a section in some of the lots where it is back in parking only. If Council does choose this way, she wants a robust warning system in place because she believes changing the behavior is better than penalizing people. She is not certain she agrees with the head in parking only. She clarified there would only be handicapped parking on the street. Mr. Coleman said currently under City Code in metered parking if a driver has a handicapped hang tag they may park anywhere without paying. The proposal on the table is if a driver is in a lot the driver needs to be in one of the lots because on-street there are not designated handicapped spots. Ms. Wallace said she is a proponent of bringing the parking rates under the control of Council. She would like to see the parking times return to 30-minute increments for the lots (\$0.50 cents for 30 minutes). She is curious to see how the rest of Council feels. She reported she has had many residents reach out to her when the minimum parking time was changed to one hour. She believes the Main Street businesses may appreciate this as well, especially the ones that are not restaurants. She wants to encourage people to come to Newark to use the local quick stop businesses (UPS store for example).

Ms. Wallace stated she is hesitant about the Haines Street amendment. She understands the City trying to address the problem that we may have but she is concerned about taking away residential street parking and making people paying for it. She wonders if people will walk that distance and would it actually address the problem that currently exists. Mr. Mulvanity said the idea was based on that location, staff was trying to get UD students by moving the traffic out of Lot 1, 3, and 4 by allowing them an alternative location to park. There would be more parking for patrons to go to the businesses of Main Street. Mr. Coleman said the Ms. Bensley reminded him the direct mail notices were sent to all the affected property owners in the special residential parking district and there was only call from a resident that lives on Haines Street. Upon discussion with the resident, she understood why this was occurring and although she did not love it, she understood. Mr. Coleman added this is being done with the assumption that people will move and ultimately if staff realizes this is not being done, then discussions can be had to consider allowing permit holders to park in the area free of charge; then after the Main Street project these solar kiosks can be moved and relocate them to the UD district. Nothing is etched in stone. Ms. Wallace asked how many spaces this will provide. Mr. Mulvanity confirmed it was 40+.

Mr. Markham asked staff if parking is 24 hours in the lot. Mr. Coleman said parking is charged 24 hours a day and manned 24 hours a day. Mr. Markham was curious to know if it is cost effective after 1:00 a.m. or 2:00 a.m. Mr. Mulvanity reported in the past when the parking attendants left at 2:00 a.m., vehicles already parked in the lot would leave the lot. He believes they were often times employees. Mr. Coleman noted the caveat with the prepayment system this problem goes away. Mr. Markham said he would not support amendment 5 as he believes there are safe areas for parking enforcement to walk. In addition, he reminded all that people are constantly walking in those lots getting in and out of cars and walking across the lots.

Mr. Markham said he disagrees with the City Manager about the leeway time. The idea was to allow a patron ten minutes to go into the post office, or pick up a prescription, etc., and was not just to allow people to circle the lot to find a spot. Currently there is nothing in the City that allows this if they go to no grace period. He believes Lots 2, 3 and 6 are for the kiosk this year. This was confirmed by staff. Mr. Markham says this makes sense. He asked if Council approved going to the kiosk in Lot 1 and 4 or would that come up in 2020. Mr. Coleman said Council waived the bid process to approve the purchase of all the kiosks in 2019 and 2020. That said, the kiosk in Lot 1 was damaged and the insurance money is available to repair the system, which is an option to hold over until the funding is available in 2020. Mr. Markham said for the time being, he would like Lots 1 and 4 to stay because he believes the advantage of having this spread out is to get feedback. Additionally, he knows people who do not want to use an app and have to keep checking their phone or run the risk of missing a text and end up getting a fine because they lost track of time. He would really like to see how things go and see what is popular and what the feedback is and decide based on that. He would keep two non-pre-paid lots.

Mr. Hamilton asked how much it would be to park on Lovett Avenue. Mr. Mulvanity said it is \$1.25 per hour in 12 minute increments. Mr. Hamilton said it has always been his understanding that Haines and Lovett Streets was specifically used by UD students. Currently he believes they are parking in Lot 1 taking the spots away from the businesses. He thought he proposed that the Lovett and Haines Streets would the same cost as Lot 1. The reason for that was because if a student needs parking for six

hours a day that is considerable. He would like to have both the streets specifically during the reconstruction program and make them cheaper. He is okay with giving for backing in but he does like having several spots available for backing in.

Ms. Hughes said as a resident and a Council member she finds the many options slightly challenging. She said the biggest complaints she hears from visitors to Main Street is the difficulty in parking. She said the rate structure bothers her and agrees with Ms. Wallace the time increments should be shortened to enable for those shorter trips. She asked how many kiosks are going to be on Main Street. Mr. Mulvanity said the multi-phase plan includes from Main Street from Washington-street to North Chapel and will be eight or nine kiosks. Mr. Coleman added there would be 23 kiosks additional in 2020 and are placed about a foot off of the curb in a similar location to the current parking meters. They will take up significantly less space than the existing meters. She asked when the meters were last replaced. Mr. Mulvanity said in 2013 the smart meters were replaced but are already replacing end of life, with a current payoff of eighteen months. She believes the rate system and options should be a bit more simplistic. She agrees with Mr. Markham on his opinions on Lots 1 and 4.

Mr. Clifton thinks the overarching concern heard is the ten minute grace period. He thinks in this type of system he wholeheartedly agrees with Ms. Wallace and lowering it to 30 minute increments. He is not a fan of keeping some lots under the old system as this could be confusing. He believes that modifications can be made if this does not work as planned.

Mr. Clifton opened the discussion to public comment.

Ken Grant, AAA and District 2 resident, provided a letter from AAA expressing concerns on several issues. He said it is encouraging to hear there is a parking app being considered. He mentioned the Parkmobile app allows for increments of fifteen minutes. He reported the City of Wilmington has very old meters in place now and suggested reaching out to Wilmington to sell the old City meters to them.

Frank Newton, Chapel Street Theater, voiced concerns with the Chapel Street proposal. He noted they own 27 North Chapel Street and part of the house at 25 North Chapel Street. They have spaces in their lot and have added handicapped party with a 159 seat theater and not enough parking for their patrons. They are thrilled with the reconstruction but will be glad when it is over. Getting their patrons to and from the theater are a concern to them. They have added some handicapped and other accessible spaces in the back but then displaces their volunteers. He said often times volunteers and cast members would park along Chapel Street where there are open spots so they are not residential use. If they are switched that, these people will be displaced which puts people walking late at night far away from the theater and will discourage many of their volunteers. Mr. Markham suggested offering residential parking permits for places along North Chapel Street. Mr. Coleman is not sure how this would be handled. He noted there have been an additional 15 residential parking spots created on New Street in that zone. Thirteen spots will be taken away from Center Street and 12 will be added to North Chapel Street. If the change was not made to the special residential district on North Chapel Street, we would still be better off than two or three ago years. He would need a better understanding of the Chapel Street Theater and their operations to know how many permits they would actually need. Mr. Newton mentioned they would need two or three permits. Mr. Coleman said if Council provided direction to give two or three permits available and also with the approval of the City Solicitor to see if it would be available under current Code. Mr. Bilodeau said he would need to research this. Mr. Coleman said the concern would be making changes that would be considered substantive and whether or not they can be done on the floor during the meeting. The parking rate for Lovett Avenue and Haines Street was chosen because the rate can be lowered but it cannot be increased. Staff did not receive clear direction to go to \$1.00 but they chose to go with \$1.25 so Council could reduce the amount if they so desired. The change to go to 30 minute increments should be allowed. Mr. Bilodeau confirmed this.

Gabriel Baldini, on behalf of his family who owns three of the six parcels on Center Street (including the apartment at 24 Center Street), reported they currently have 12 parking permits. He stated the concern is if those permits are taken away or moved it would displace the students that are currently living there. He asked if there would be enough parking if the parking was moved to New Street and North Chapel Street. He asked if it would be considered to make the parking meters on North Chapel Street rather than Center Street it would appear there could be more meter spots as a result and that may solve the problem. Mr. Coleman said the reason the parking meters were not considered on North Chapel was because the parking lane width on North Chapel Street is quite narrow and there were safety concerns. The additional consideration was the belief that residents on Choate Street are more likely to park over there and people will shift over. Mr. Baldini asked if there would be any concern with the residential parking on North Chapel even if it was not meter spots. Mr. Coleman further noted the meter turnover and metered spots will be higher so there will be more people coming and going. Mr. Baldini asked if

there would be enough spots on the reopening of New Street for everyone to be able to park there. He believes Choate Street is very occupied to his knowledge.

Mr. Mulvanity replied there were enough spots and there are currently not any guest passes in that zone and with that number being reduced it is essentially the residents living in the zone versus that have nothing to park in that zone at all and the City being diligent in making sure the people are not there are ticket to curb the negative behavior where they are parking on a street they used to park on and try to get free parking. Since it is a residential zone they will kept out essentially to allow the people that have a special residential parking permit. There is enough parking there for them but when people try to start parking illegally that is when enforcement plays a role.

The discussion was returned to the table and Mr. Clifton asked if there was anyone that would like to recommend any amendments to the ordinance.

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: TO REMOVE AMENDMENT NUMBER FIVE.

MOTION PASSED. VOTE: 4 to 2.

Aye – Horning, Hughes, Markham, Wallace.

Nay – Clifton, Hamilton

Absent – Lawhorn

MOTION BY MS. WALLACE, SECONDED BY MR. HORNING TO MODIFY AMENDMENT 6, ITEM B TO CHANGE \$1.00 PER 60 MINUTES TO \$0.50 CENTS PER 30 MINUTES.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0

Absent – Lawhorn

MOTION BY MR. HAMILTON, SECONDED BY MR. HORNING: TO MODIFY AMENDMENT 6 BY ADDING ITEM C TO READ \$0.25 FOR 15 MINUTES BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. FOR ON-STREET PARKING METERS LOCATED ON LOVETT AVENUE AND HAINES STREET SOUTH OF DELAWARE AVENUE.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0

Absent – Lawhorn

Mr. Markham confirmed there is nothing that specifies a lot must be converted. Mr. Coleman noted nothing was removed because with these amendments there would still be lots that have the gate system as it currently is. Mr. Coleman said after this staff would look for direction on what Council would like done with Lot 1 in the interim.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: TO APPROVE THE AMENDMENTS FOR BILL 19-20 AMENDING CHAPTER 20, MOTOR VEHICLES, CODE OF THE CITY OF NEWARK, DELAWARE.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0

Absent – Lawhorn

(ORDINANCE NO. 19-21)

MOTION BY MR. MARKHAM, SECONDED BY MR. HORNING: THAT DIRECTION BE GIVEN TO THE CITY MANAGER TO NOT CONVERT LOT 1 AND LOT 4 AT THIS TIME.

Mr. Coleman would interpret the motion to do the install as intended originally (in 2020).

Ms. Wallace noted the kiosk equipment was already purchased to make the necessary repairs which would total nearly \$11,000 in addition to the \$400,000 already paid for the kiosks. Mr. Coleman reported all the kiosks had not been purchased. The only kiosks purchased that were intended initially to be installed in 2019 and Lot 1 was not one of them. The initial plan was to repurpose the kiosks from Lovett Avenue into Lot 1 initially while using the insurance money to order the new kiosks as the wait time is 8 weeks. The kiosks from Lovett Avenue would be relocated to Lot 1 and then put the kiosks on Lovett. The kiosks were \$8,000 on the last order per Mr. Mulvanity and he is not certain the \$8,000 would still apply for a few more kiosks.

Mr. Coleman noted it is more expensive to convert presently but less expensive overall and would save about \$11,000 long term. He also noted during the long term, initially when it was planned to do the conversion currently it was driven by the fact there was the anticipation to have Lot 1 repaved before the students arrived. It took much longer to transfer the deed than anticipated so as of this morning, it has been proposed to do the Lot 1 expansion differently than as of week. The current plan is to demolish the buildings and install stone and put the base hot mix in, extend the islands down and stripe it. Next spring break or summer, the mill and paving will be done on the whole lot. Therefore, when they believed all the lot work was going to be done currently, they could take the gate equipment and get three new parking spaces. Since it will be a phased approach, the gate will remain and tackle that when the mill and paving is done in the spring. There may be a slight additional cost due to digging and different equipment but it will be less than had they milled and paved and gone back and done that later.

Mr. Horning asked how the half hour increment change will affect the grace period. Mr. Coleman said he does not believe there will be a grace period with this system. Mr. Mulvanity said there was an inherent grace period with it because the way enforcement worked is someone would drive around and they would ping the vehicle and then a person on foot would respond to the ping. However, much time it took for that to happen influenced that. Mr. Coleman noted if Council wanted to give direction to not write a ticket until ten minutes after it had been pinged by the LPR that would be a possibly. Mr. Markham believes that is a different question than is on the table currently.

Mr. Markham believes the kiosks to be standard and they can be repurposed to other locations if needed. Mr. Coleman and Mr. Mulvanity confirmed this.

Mr. Hamilton asked when Lot 1 will happen. Mr. Coleman said Lot 1 would happen in 2020. Lot 4 will be held off no matter what. Lot 1 would be done now using the insurance money. However, if Council gives direction they would wait to do that until the rest of 2020 project, which is Lot 4 and the western half of Main Street, west of Chapel.

Mr. Coleman reported the booth has been put back on the foundation and it is occupied again. No decision would be made on Lot 4 until they know what is happening with the Danneman hotel project. Mr. Hamilton would prefer to do it now. Mr. Coleman stated they would repurpose kiosks intended for Lovett Avenue into Lot 1 and do it now. Lovett Avenue would then be delayed until the new equipment would be received which would be eight to ten weeks.

MOTION FAILED. VOTE: 3 to 3.

Aye – Horning, Hughes, Markham

Nay – Clifton, Hamilton, Wallace

Absent – Lawhorn

Mr. Coleman confirmed staff will be moving forward with Lot 1 at this time.

- 20. 7-D-1. RESOLUTION NO. 19-__ : A RESOLUTION DESIGNATING THE WEST SIDE OF NORTH CHAPEL STREET FROM NEW STREET TO 385 FEET NORTH OF EAST MAIN STREET AS A SPECIAL RESIDENTIAL PARKING DISTRICT AND REMOVING THE SPECIAL RESIDENTIAL PARKING DISTRICT ON THE EAST SIDE OF HAINES STREET FROM DELAWARE AVENUE TO LOVETT AVENUE (SEE ITEM 7-D)**
-

03:32:40

(Secretary's Note: The public hearing for this item was held under item #19.)

Mr. Bilodeau provide an answer to a previous question regarding the residential parking permits. He noted under City Code, the individual would need to be a resident in that district to get a residential parking permit. Mr. Clifton would recommend giving some relief if there was a way to put the verbiage that would give flexibility to non-profits operating in the community. This would be a conversation for another time.

MOTION BY MS. WALLACE, SECONDED BY MR. CLIFTON: TO APPROVE THE RESOLUTION DESIGNATING THE WEST SIDE OF NORTH CHAPEL STREET FROM NEW STREET TO 385 NORTH OF EAST MAIN STREET AS A SPECIAL RESIDENTIAL PARKING DISTRICT AND REMOVING THE SPECIAL RESIDENTIAL PARKING DISTRICT ON THE EAST SIDE OF HAINES STREET FROM EAST DELAWARE AVENUE TO LOVETT AVENUE.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0

Absent – Lawhorn

(RESOLUTION NO. 19-V)

21. 8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:

- A.** Request of The Galman Group to Rename Studio Green Apartments Located at 91 Thorn Lane to Thorn Flats (*Resolution Attached*)

03:35:00

Ms. Schiano read the resolution into the record by title.

The Chair opened the discussion to questions from the table.

Mr. Horning reported approximately 5 years ago his previous firm worked for The Galman Group as a third party administrator for their insurance. He handled two cases as a defense attorney for The Galman regarding two different properties in North Wilmington. He does not believe this would be a conflict of interest or recusal from this matter on his part.

There was no public comment.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: TO APPROVE THE RESOLUTION RENAMING STUDIO GREEN APARTMENTS LOCATED AT 91 THORN LANE TO THORN FLATS.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0

Absent – Lawhorn

(RESOLUTION NO. 19-X)

22. 8-B. REQUEST OF THE GALMAN GROUP TO RENAME PARK PLACE APARTMENTS LOCATED AT 650 LEHIGH ROAD TO LEHIGH FLATS (*RESOLUTION ATTACHED*)

03:37:00

Ms. Schiano read the resolution into the record by title.

There were no questions from the table and no public comment.

MOTION BY MS. WALLACE, SECONDED BY MR. HAMILTON: TO APPROVE THE RESOLUTION RENAMING PARK PLACE APARTMENTS LOCATED AT 650 LEHIGH ROAD TO LEHIGH FLATS.

MOTION PASSED. VOTE: 6 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Markham, Wallace.

Nay – 0

Absent – Lawhorn

(RESOLUTION NO. 19-Y)

23. Meeting adjourned at 10:38 p.m.

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

/tas