

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

March 7, 2022

Those present at 7:01 p.m.:

Presiding: Mayor Jerry Clifton
District 1, John Suchanec
District 2, Corinth Ford
District 3, Jay Bancroft
District 4, Dwendolyn Creecy
District 5, Jason Lawhorn
Deputy Mayor, District 6, Travis McDermott

Staff Members: City Manager Tom Coleman
City Secretary Tara Schiano
City Solicitor Paul Bilodeau
Deputy Planning Director Renee Bensley
Planning and Development Director Mary Ellen Gray
Planner II Michael Fortner
Parking Manager Marvin Howard
Parking Supervisor Courtney Mulvanity
Finance Director David Del Grande
Electric Director Bhadresh Patel

1. Mr. Clifton called the meeting to order at 7:01 p.m.

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

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

Mr. Clifton explained the procedures for the hybrid Microsoft Teams Meeting Platform. He stated that at the beginning of each item, he would call on the related staff member to present and, once the presentation was complete, he would call on each Councilmember to offer their comments. If a Councilmember had additional comments to add later, they should signal the Chair to be recognized again after all members had the opportunity to speak. If members of the public wanted to offer comment and were attending in person, they should sign the sign-in sheet near the entrance to the Council Chamber to be called on to speak at the appropriate time. Members of the public attending virtually 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 name, address or district, and the agenda item on which they would like to comment. He stated that all lines would be muted until individuals were called to speak, at that point, the speakers' microphone would be enabled, and they would need to unmute themselves in order to comment. He emphasized that public comments were limited to five minutes per person and all speakers were required to identify themselves prior to speaking. Comments in Microsoft Teams chat would not be considered part of the public record for the meeting unless they were read into the record as part of the public comment. He asked that all attendees keep cameras off until called on to speak.

Mr. Clifton asked that paper rustling be kept to a minimum because the microphones were sensitive and added that the discussion for the boards and commissions applications was originally slated for the Organizational Meeting, but staff found time on the March 28th agenda. The issue would be discussed on March 28th.

3. 1. **FINANCIAL STATEMENT:** None

4. 2. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER CONSENT AGENDA LIMIT:** None

5. 3. **SPECIAL DEPARTMENTAL REPORTS:**

A. Discussion and Direction to Staff Regarding Parking Subcommittee Recommendations – Planning and Development Director (60 minutes)

Ms. Gray introduced Brian Bartholomew and Sarah Knox, members of the consultant team from Kimley Horn and Associates, who would make a presentation on tasks included in the Kimley Horn contract for Phase I and Phase II. She explained that in 2016, the Planning Commission and Planning Department staff began the process of reviewing parking capacity and demand, off-street parking requirements, parking waiver legislation, and parking management strategies to develop recommendations for Code amendments. The process began with a Parking Study on June 7, 2016 that was conducted with the assistance of a graduate intern of the University of Delaware's Institute for Public Administration, which reviewed the City's current parking waiver program, researched zoning regulations from other similar municipalities, and provided a series of policy options for City officials to consider based on best practices and national trends. The City of Newark Planning Commission also hosted two well attended Public Workshops on September 19, 2016 and on March 21, 2017. On May 2, 2017, the Planning Commission appointed a Parking Subcommittee to continue to examine the challenges, develop ideas, and formulate solutions related to parking in the ever-changing City's central core and develop strategies based on best planning principles. The Parking Subcommittee was comprised of a diverse group of participants, with representatives from city government, the Planning Commission, downtown businesses and nonprofits, developers, residents, and students. The Parking Subcommittee began meeting monthly in August 2017 and held seven meetings through March 2018. The meetings were open to the public and had active participation. A final public workshop was held on May 7, 2018, to garner additional comments and explain the Subcommittee's findings to the public. The Subcommittee composed a report and presentation that was presented to the Planning Commission on May 8, 2018 and City Council on June 25, 2018. The report focused on seven strategic issues that included parking distribution availability at certain times of the day, cultural thinking around parking, zoning code issues (suburban versus urban parking standards), stormwater issues, employee parking, independent private lots not part of the City parking networks, and economics of parking.

Ms. Gray continued that at the regularly scheduled Council meeting on June 25, 2018, City Council requested that City staff perform a technical review of the Parking Subcommittee's findings and seven strategic initiatives and present an implementation plan to include prioritizations, cost-analysis, and timeline. Planning staff conducted a technical analysis of the Parking Subcommittee findings and compiled a workplan that included a prioritized implementation plan, cost-analysis, and timeline. The report, titled *A Bold New Future for Newark: A Comprehensive Parking Solution*, and workplan titled *Parking Policy Matrix: Timeline and Costs*, was presented to the Planning Commission on December 5, 2018 and City Council on March 26, 2019 for their review and comment, where it was approved by Council. She noted the matrix was included in the Council packet and described the seven strategic issues recommended by the Parking Subcommittee, implementation schedule and cost, and the hiring of a consultant to take on the specific tasks for the seven strategic issues described Phase I and Phase II. The consultant tasks included development of a parking marketing strategy for wayfinding and promotion of parking options and changing public perception of parking, research of and public outreach on parking related to City Code, review of the City Code to identify impediments to create parking solutions, and make recommendations to revise City Code related to the creation of parking districts, Code-mandated parking requirements, decoupling parking requirements from multi-family residential units, and a dynamic fee structure of municipal parking rates.

Ms. Gray explained that the onset of the COVID pandemic impacted the implementation of the work plan tasks identified to be taken on by Kimley Horn which ultimately caused a delay for all tasks in Phase I and Phase II. The impacts included the lack of staff resources and challenges to public engagement which in turn caused staff to delay the distribution of the Phase I document in favor of working on the recommendations included in Phase II and presenting them at the same time to Council. She explained that the Phase I document described the project background, stakeholder input on downtown parking, and a review of the applicable parking related zoning Codes. The Phase II document provided recommended changes to the applicable parking related Codes and telecommunications on parking management and financial mechanisms. She informed that staff sought Council direction on the number of recommendations in Phase II. Upon receiving the recommendations, staff would return to Council with an implementation work plan which would include the timing of the balance of the implementation of the tasks described in the parking policy matrix not covered by Kimley Horn contract.

Ms. Gray introduced Sarah Knox of Kimley Horn. Ms. Knox, a professional engineer, and parking practitioner with Kimley Horn, was pleased to have participated in the project and introduced her colleague, Brian Bartholomew, the senior parking consultant who had been a parking planner and administrator for over 36 years. Ms. Knox explained that the consultants' goal was to review parking policy and management practices to identify opportunities for improvement. Upon following the recommendations of the Parking Subcommittee, the technical review was performed in two phases which would be discussed throughout the presentation. She continued that the purpose of Phase I was to identify language within the Code of Ordinances that impeded the ability to address initiatives identified by the Downtown Newark Parking Subcommittee and Planning Commission, identified impacts to parking

management, parking operations, parking enforcement and adjudication, and presented opportunities for modernization. She explained that the team reviewed Code with City staff to identify shortfalls and opportunities for improvement while adhering to the recommendations from the Parking Subcommittee's report. The team also explored City Code language to determine how it was being interpreted and administered, sought input from stakeholders, City staff, and the parking public through a public workshop where consultants explained the process to obtain input. Stakeholder engagement incorporated outreach to The Newark Partnership (TNP), church representatives, developers and property owners, UD Parking and Public Safety staff, UD Student Organization Leadership, and parking enforcement, maintenance, and customer service staff.

Ms. Knox informed that the public workshop was held on February 25, 2020, and displayed the informational supplement provided for attendants to learn about the process updates and objectives. The discussion included parking operations, policy, and technology, and gathered substantial feedback to move forward into the recommendations. The consultants then took the feedback to identify opportunities to modernize City Code with the following topics:

- Unbundling parking for residential developments
- Developing parking districts
- Adopting parking maximums versus minimums
- Using private-sector agreements for shared-parking opportunities
- Adopting curbside management policies for Transportation Network Companies (TNC)
- Accommodating bicycles and micro-mobility services
- Enhancing walkability when possible

Ms. Knox explained that Phase II of the study turned the Code review into recommendations. The first was the reformation of a Downtown Parking Committee; she reminded that the Committee did not currently exist but had been established by the Downtown Newark Partnership (DNP) but was discontinued when the DNP was discontinued. She continued that the Parking Committee would be appointed by the Mayor and approved by City Council with the option for staggered reappointment every three years which would ensure that the Committee had proper representation across stakeholders and the community. She revealed that current City Code stated that City Council shall retain final authority concerning public parking policy, rates, enforcement, and adjudication and the consultants recommended to change all references to "approval by the City Council" to "approval by the City Manager" with the re-establishment of the Parking Advisory Committee. She maintained that the decisions would be fully vetted through the Parking Committee and the City Manager prior to being brought to City Council and emphasized that the recommendation streamlined the parking process and depoliticized the day-to-day decision making.

Ms. Knox continued that the consultants reviewed centralized parking management and administration and noted there were currently several Codes that referenced the lead and responsible agency as either the Police Department, Planning Department, Director of Public Works, or Code Enforcement and included:

- Section 2-97.1 – Parcel pick-up zones (references Building Code Enforcement Division)
- Section 20-119 – Temporary no-parking restrictions (references Chief of Police)
- Section 20-228 – Application for Exemption (references Police Department)
- Section 20-231 – Renewal of permit (references Police Department)

Ms. Knox explained that while numerous divisions of City staff were recognized in the City's parking-related Codes, the active responsibilities presented fell under Planning and Development's Parking Division. She informed that the parking management structure should be centrally codified under the Planning and Development Department. She confirmed that the current 36-hour parking limit addressed the need to prohibit long-term parking and storage on public streets but suggested that the enforcement of the Code could be more efficient if the parking period was reduced from 36 hours to 24 hours; the change would not apply to the residential permit program. She informed that there was currently no language governing the use of License Plate Recognition technology (LPR) and the team recommended to adopt LPR enforcement for all areas of the City to streamline operation and improve efficiency of the enforcement process.

Ms. Knox then proceeded to fines for violations and suggested that the fine structure could be improved to increase collections and reduce the volume of appeals by increasing the administrative fee from \$7.50 to \$15.00, including a positive incentive for early payment while keeping and modifying the disincentive to late payment, and extending the period from when the fine is doubled for late payment from the current 30 days to 60 days with an incremental fee structure. She shared that current on- and off-street parking fees were fixed between \$1.00 and \$1.25 per hour depending on location which were

low compared to hourly rates at UD which supported the argument that UD faculty, staff, students, and/or visitors were using the City's facilities as a lower cost alternative. The recommendations were to increase the on-street hourly rates by \$0.50 per hour, to \$1.50 to \$1.75 per hour depending on the location and reduce the first hour off-street parking rate to \$0.50 and introduce graduated rates in the off-street lots from \$0.50 for the first hour, \$1.00 for the second, and \$2.00 for each additional hour. She emphasized that the on-street parking should be priced at a premium compared to off-street to induce turnovers and confirmed that reducing the rates for the first two hours of the off-street locations would make the lots more attractive and reduce circulation of vehicles in search of on-street spaces.

Ms. Knox stated there were no defined metrics in the Residential Parking Permit Program (RPPP) used to evaluate the need for a permit district nor was there a size of the requested residential parking permit area nor the number of households needed to initiate the request. She added that there were no references to property zoning or land use type and Residential Permit Parking Districts (RPPD) could include commercial, industrial, single-family, and multi-family uses. She confirmed that review and approval by the Traffic Committee and City Manager were required in order to create a district, but Council could override the approval. She explained that the current lack of metrics created for establishing a district created vulnerabilities the program where one group of residents could be allowed to prohibit another group from parking their vehicles on public streets in front of their homes. Code currently stated that residential permit applications shall be submitted to the Police Department but in reality, the Planning and Development Department were responsible for processing the applications. The consultants recommended to first adopt metrics, procedures, and approvals in an amended RPPP ordinance to create a more structured set of guidelines for introducing a new district, amending an existing district, or removing an existing district. They also suggested eliminating the City Council override option and shifting responsibility from the Police Department to the Planning and Development Department so that by the time the RPPP district reached City Council, the Traffic Committee and City Manager would have given consensus and it would have gone through a new set of procedures and qualification metrics. She confirmed that with the increased vetting from the present measures, delegating the decision making to the appointed parking professionals could further streamline the process.

Ms. Knox then presented the suggested design requirements for parking lots and revealed there were no current references to design requirements for parking lot setbacks, landscaping and screening, lighting, signage, pavement markings, or guidelines for parking access and revenue control systems. She added that the City desired for all publicly accessible parking facilities, whether publicly or privately owned/operated, to function in a uniform manner for consistency. Standards for the design requirements would ensure that the parking user's experience was fair and consistent between all of the facilities. The recommendations included adopting standards for parking lot circulation, drainage, pavement design, setback requirements, landscaping and screening, lighting, and parking access and revenue control systems. She emphasized that existing lots would not be expected to immediately update facilities to the new standards, but redevelopment of an existing lot or creation of a new lot would need to adhere to the standards.

Ms. Knox then presented the zoning and off-street parking requirement recommendations. The first was to simplify and unify the downtown commercial parking requirements which would adjust the creation of a parking district to capture the shared uses of the downtown development in a single, simplified manner rather than the current individualized ratios for each type of commercial use. The team suggested to unbundle the cost of residential rent/condo fees from parking fees for downtown residential parking requirements as a common practice to disincentivize parking. Another recommendation was to dedicate all parking fee-in-lieu payments to a specific fund to use exclusively for parking facility improvements and associated improvements to manage parking. She informed that current fees were significantly less than the industry standard for the cost per space, especially for structured parking so the team recommended that the minimal fees that were collected be set aside to offset the public parking facility costs. She revealed that by codifying shared parking and parking management plan requirements, developer-built parking would be required to share some portion of the parking for public use at the appropriate times based on demand of the land-use; it would be summarized in a Parking Management Plan and submitted to the City for review to outline the proposed approach for parking management and shared parking. She noted that in addition to parking fee-in-lieu contributions, all parking revenues could feed a Parking Enterprise Fund to target a more revenue neutral parking program. She continued with additional points related to funding alternatives and revealed that special tax and/or development districts were not currently applicable given the minimum current population requirement of 35,000 but suggested that it be considered for future funding alternatives. She explained that revenue bonds were only applicable if an enterprise fund was present and added that cost of parking should be carried by the user through revenue bonds rather than the residential community and taxes through general obligation bonds. She reiterated that in-lieu parking fees should be set aside in the enterprise fund to specifically offset development and demand rather than other regulatory improvements.

The Mayor opened the table to Council comment.

Mr. McDermott asked for clarification regarding the discussion and Mr. Clifton explained that Council was to provide the City Manager with directions on desired items or the entire package. Mr. McDermott noted the recommendation to use the LPR throughout the entire City. Mr. Coleman revealed that the staff did not currently run the RPPD through LPR although it had been a recommendation to previous Council who chose to remain with the hard tag process. Mr. McDermott stated the LPR would include implementing the residential tags into the database and Mr. Coleman confirmed. Mr. McDermott stated that he no personal experience with a RPPD and asked for clarification. Mr. Coleman replied that parking on the street was forbidden unless a person had a residential parking permit; each house received two permits and two visitor passes. Mr. McDermott asked for clarification on the ability for residents to affect the ability of other residents to park in the RPPD. Mr. Mulvanity explained that RPPD could be brought before the Traffic Committee by a certain percentage of residents who wanted to establish an RPPD, the Traffic Committee would vote, and then the question would be brought before Council. He explained that residents could choose to pursue an RPPD because people outside of the neighborhood could be parking on the streets. Mr. Coleman continued that theoretically, one resident could have six cars parked out front and the neighbors could choose to seek an RPPD and have the resident limited to two on-street and two visitor allowances.

Mr. McDermott asked for further details on unbundling the cost of residential parking. Ms. Gray replied that the current practice was that parking was included in a rental rate so unbundling would indicate a set rent rate and parking would be an additional rate added to the rent. Mr. McDermott asked if the City had the ability to control the process and how it would be implemented. Ms. Gray explained that staff would make the unbundling a part of the subdivision agreement with the development. Mr. McDermott detailed any future subdivisions, not existing developments. Ms. Gray confirmed and informed that staff made recommendations to more recent developments, but it was not a Code requirement. Mr. McDermott asked for the benefit and Ms. Gray replied that unbundling would disincentivize someone from bringing their car to the City and noted it was targeted to student housing. The thought was that if an apartment had an available parking space included in the rent, then tenants would bring their cars so paying an additional charge for a spot would deter them. Mr. Coleman further explained that unbundling would theoretically reduce rents and the landlord would make up the difference through renting out parking.

Mr. McDermott referred to the recommendation to unify the design of all parking lots and asked if staff would regulate the unity through submitted plans for future lots. Ms. Gray confirmed and added that staff also thought to potentially require additional signage to clarify where people were parking. Mr. McDermott asked for more detail on the Parking Enterprise Fund. Mr. Bartholomew revealed that there were several ways to structure parking departments, but the consultants usually recommended either a Parking Authority or a Parking Enterprise Fund. He continued that all of the revenue generated by the Fund would return to a set aside fund for the Parking Agency; no money was ever received in the General Fund. The objective was to create a user-supported parking program so that no cost associated with parking fell onto taxpayers by adjusting rates, ensuring that the Parking Enterprise Fund was operating efficiently by using the proper technology to control costs, and making long- and short-term planning decisions for the City. He noted an Enterprise Fund usually had a Parking Director because the consultants discovered that it was best practice to have one dedicated individual responsible for the day-to-day long-term planning operations. Mr. Coleman informed that the City had an Enterprise Fund, but the money did not stay in the fund because staff transferred money out and submitted the parking fines to the Alderman's Court which then went to the General Fund; the fund did not capture all of the revenues but did capture all of the expenses. He likened the Enterprise Fund to the water utility and electric utility.

Mr. McDermott appreciated the report and supported most of the suggestions but did not want to raise the rates to the point where visitors might be dissuaded from coming to town. Alternatively, the issue of UD students seeking less expensive City parking was not a concern of his because as long as the City was receiving revenue for the spot, he saw no issue. He visited Main Street three times a week and absent Winter Fest, Homecoming, or another large event, it was rare that he could not find a parking spot. He admitted it was possible that a person might not be able to get a preferred spot in front of their destination but pointed that the issue was part of City living. He maintained that any car using a City lot was generating the City revenue, so he did not want to chase students out of the spots if they were providing income to the City. He agreed that Main Street parking was a premium so raising rates in the Main Street zone was sensible to incentivize turnover for the prime spots.

Mr. McDermott asked for clarification on a situation where a person parked in a lot and then moved to Main Street. Mr. Mulvanity explained that Parking Ambassadors were able to see any payments made on a license plate. He confirmed that there were times where the Ambassadors could see where a person paid for a less expensive zone or had a different time limit to bypass certain rules in the zone where

they actually parked. He explained that Main Street was a two-hour time limit zone so someone could hypothetically pay the Lot #1 zone, which had no time limit, but then actually park on Main Street. If the Ambassadors detected misuse, they could either cite the driver or issue a warning, but, because Ambassadors were able to view the payment history for the license plates, they generally issued a warning first and then a citation for repeat offenders. Mr. McDermott asked if it was an issue of enforcement and Mr. Mulvanity confirmed and reiterated that Ambassadors would generally issue a warning in case the incorrect zoning was an accident. He noted that Lot #1 and Lot #3 had the same rules and rates, so the Ambassadors did not generally regulate between the two. Mr. McDermott supported raising the rates on Main Street to incentivize the turnover and push cars to the less expensive lots, but he did not see the benefit because a used spot generated revenue.

Mr. McDermott supported raising the fine to \$30 and asked if the base rates for other fines would be impacted such as handicapped parking violation or fire lane violation. Mr. Mulvanity replied that the particular discussion was towards unpaid parking fines, but the base rate increase would change how the rest of the process worked once the 30-day limit was exceeded. He suggested reviewing all citations. Mr. McDermott asked if the discussion was to raise the base fine and Mr. Mulvanity clarified that the issue was raising the base fine for non-payment in a payment zone. Mr. McDermott supported the suggestions.

Mr. McDermott clarified that another suggestion was to increase the amount of time where people would be allowed to not pay a fine before a penalty occurred, from 30 to 60 days. Mr. Mulvanity confirmed. Mr. McDermott supported the suggestion in order to incentivize people to pay their fines and asked if reminders were sent. Mr. Mulvanity replied that Alderman's Court generally sent a reminder to the registered address at the DMV to the unpaid license plate.

Mr. McDermott referred to his comments at the last City Council meeting where he suggested offering free parking for 15 or 20 minutes at metered spots. He asked if the current software was capable of adding the feature to allow people the opportunity to briefly park. Mr. Mulvanity confirmed that it was possible with the Parking Passport application and the T2 multi-space meters, but staff's biggest issue was that there was no way to determine a start time for the parking session. Mr. McDermott thought that if the application allowed the option, the user would still have to choose it in the system but would not have the chance to increase the time. He continued that a person could not use the 20-minute window and then stay for two hours because they would have to leave after 20 minutes or be ticketed. Mr. Mulvanity would investigate and assumed there was an option where the free session was permissible only once a day. Mr. McDermott supported the option for people making brief stops to pick up food or coffee. He suggested there be a program to allow residents a set amount of free parking per year where residents would submit their tag to the City to be entered into the LPR software and log their time on the Passport application. He did not consider it a huge expense but noted it was benefit for the residents and for the City because residents would be more involved downtown. He asked for Council feedback.

Mr. Lawhorn supported regenerating the Subcommittee and appointments. He asked if the objectives would be continuous improvement and monitoring parking health. Mr. Mulvanity replied that the Subcommittee would be concerned with all parking issues. He reminded that there was a similar committee under the DNP and the group would discuss rates, business parking concerns, citation values and improving local events. Mr. Lawhorn asked if the Subcommittee would be similar to other City committees that brought improvement recommendations to Council and Ms. Gray confirmed. She added that another value of a Subcommittee would be implementing other aspects of the Parking Subcommittee recommendations such as working with private landowners with private park lots to incorporate them into a unified system and negotiating with UD on obtaining satellite parking for downtown employees who worked at night. Mr. Lawhorn supported the suggestions and also supported centralizing parking management into Planning. He asked how much was happening outside of Planning and Ms. Gray replied that staff was currently correcting Code. Mr. Lawhorn asked for clarification on decreasing from 36 hours to 24 hours maximum. Mr. Mulvanity credited Kimley Horn for their suggestion to address staff challenges with time limit issues which was when a resident complained that a vehicle was parked outside their home for a day or two. The current practice was to alert Parking Enforcement who would place a digital tire mark and wait 36 hours to issue a citation. By reducing the period to 24 hours, the change essentially decreased from two days to one day which sped up a resolution to the situation. Mr. Lawhorn agreed that the move was practical, and he was in support.

Mr. Lawhorn continued that he supported LPRs in both situations and also supported the fine increase from \$20 to \$30; he asked for clarification on the late structure. Mr. Mulvanity recalled that the intent was to double the fine at 60 days but there was an in-between rate. Mr. Lawhorn noted the current practice was to double the fine at 30 days and Mr. Mulvanity confirmed the current base fine was \$20 and doubled to \$40 at 30 days with a \$7.50 administration fee to cover the City's cost of reaching out to the Department of Motor Vehicles and mailing the notice. The proposed recommendation was to elongate the grace period from 30 days to 45 days before fines doubled with a \$15 administrative fee. Mr. Lawhorn

supported the increases as well as the residential permit changes and creating metrics to monitor, and parking lot design requirements.

Mr. Lawhorn asked what changes were proposed for the Enterprise Fund. Mr. Coleman explained that everything would go into the Enterprise Fund and staff would recognize the transfer out; it was not possible to cut it off completely on day one because the General Fund relied on the parking fine revenue. Currently, it was not recognized as an interfund transfer because it went straight to the General Fund. Mr. Lawhorn stated there was nothing to prevent Council from applying extra revenue to the General Fund and Mr. Coleman confirmed and explained the practice was better in accounting from where the money came. Mr. Lawhorn asked for Mr. Del Grande's insight. Mr. Del Grande reminded that staff served at the will of Council and confirmed that it was the proper place to put the funds. Mr. Lawhorn supported the language on the public-private partnerships. He agreed with Mr. McDermott that he never had an issue finding a parking spot but admitted that he lived in the City his whole life and only learned about other available parking lots when he became a Councilmember. He credited the City for providing wayfinding signs and staff made it easier to access the lots. He was unclear if further improvements would be made. Ms. Gray explained that once Council chose to proceed with various recommendations and staff began implementation, there would be marketing of the overall changes and how visitors could park downtown to dissuade the notion that there was no available parking. Mr. Lawhorn agreed that education was the most critical aspect and asked if the ADA recommendation was to increase the fine for those who parked illegally in a handicapped spot. Mr. Mulvanity informed that the current handicap fine was \$100, and staff believed the fine was lax. He thought the base amount should be reviewed and compared to similar fines throughout the State but pointed that staff's biggest issue was with repeat offenders and what could be done with people who continually parked in handicapped spaces even after multiple citations. He continued that the recommendation across the board was to review all citations but raise ADA fines. Mr. Lawhorn was in support.

Mr. Lawhorn was fine with ceding Council control on residential parking but thought that changing fees and rate structures was a larger issue. He was fully confident in staff's ability to manage the endeavor now but was concerned about future Council and future staff relations. He confirmed that it was possible for a future City Manager to raise the rates to an unreasonable level that would trigger Council involvement and assumed it would probably be fine; if the rest of Council supported the measure, he would as well. He explained that an argument against raising rates with original Parking Committee was that fulltime employees who worked on Main Street paid a little over \$2,000 a year for parking but doubling the rate was unreasonable with their salaries. He asked if there were any suggestions to accommodate downtown employees. Ms. Gray revealed that parking permits in permit lots were less expensive overall but there was a limited amount. The implementation plan included a suggestion to work with UD to potentially lease some parking spaces on a satellite basis; the Parking Subcommittee suggested extending Ucity or similar transit option to allow employees to park further away from downtown and get shuttled back to their automobiles. She continued that one member of the Parking Subcommittee had his employees park at UD lots at night and either walked with them or drove them back to their cars at the end of the shift but noted that the idea was to have a parking provision for downtown employees and an accommodation to get the employees to their cars. She confirmed that there were multiple options to consider. Mr. Lawhorn wanted to be conscious of employees' needs if rates were to be increased.

Mr. Lawhorn asked that Council be provided with how the changes would impact the current parking revenue and asked if it would be a requirement to decouple rent from parking. Ms. Gray confirmed that it would be required in Code. Mr. Lawhorn asked if decoupling would impact any of the number in how parking spaces related to units or restaurant count. Ms. Gray replied that the concept for decoupling parking would be for residential parking, not commercial; the intent was to incentivize renters from parking their cars outside of the downtown area. She gave the example that if 100 parking spaces were decoupled in a development downtown for the year, the move could potentially free up the parking spaces for others to use. Mr. Lawhorn understood the concept and asked if there would be any changes to the parking requirements related to new developments. Ms. Gray noted there was a recommendation in the report to revise the requirements for commercial development to a shopping center standard, which would be four parking spaces per 1,000 square feet, and the recommendation for residential was to require one parking space for up to two bedrooms and anything above two bedrooms would require two parking spaces versus the current requirement of two parking spaces for up to three bedrooms. Mr. Lawhorn was in support.

Mr. Lawhorn asked if off-street parking lot fees would increase from \$0.50 for first hour, \$1 for the second, and \$2 for each additional and Ms. Gray confirmed. Mr. Lawhorn asked if the driver was to encourage turnover but getting to \$2 put the City even with UD's rates so that students would not be incentivized to park long term in the lots. Ms. Gray confirmed. Mr. Lawhorn asked if the lots had a 24-hour maximum and Ms. Gray replied that the City's lot maximum was 72 hours. Mr. Lawhorn was in support and noted that on-street would be \$1.50 across the board; he asked why the rate would be

decreased instead of matching UD's \$2 rates. Mr. Coleman replied that the increase was \$0.50 so the charge would be \$1.50 in the University zones and \$1.75 on Main Street. Mr. Lawhorn asked if there was a sensitivity to price increase to match the \$2 UD rate and Mr. Bartholomew explained that the consultants wanted a parity between rates. One of the reasons the team identified reduction in the initial off-street hourly rate was to absorb some of the demand from on-street. He reminded that one of the roles of on-street parking was that it should be priced significantly higher than that of off-street in order to accommodate long-term storage in off-street facilities. The recommendation for the City, based on location, was to get parity with UD rates. He noted that a rate structure adopted today by many communities was on-street tiered pricing where the time limits were removed but the fee structure was tiered to allow users to pick their point of acceptance of parking rates. Mr. Lawhorn was inclined to support the measure and logic. Mr. Coleman interjected that UD rates decreased the longer a person parked. Ms. Gray confirmed and shared that Mr. Mulvanity believed there was also a maximum. Mr. Coleman believed that it was the same price to park for 8 hours as it was for 24. Mr. Lawhorn supported the recommendation as proposed as well as a 15-minute free period, especially if rates would be raised.

Mr. Lawhorn assumed there would be a significant increase in parking revenue if the recommendations were approved and proposed to have free parking every Sunday to address concerns from the churches. He asked how the City would be financially impacted given the benefits presented by the report. He maintained that his suggestion would eliminate the issues with parishioners receiving tickets while attending church. Ms. Gray informed Mr. Lawhorn that parking was currently free for downtown on Sundays from 7 am to 1 pm. Mr. Lawhorn confirmed and reiterated that he was suggesting the free parking be permitted all day; he asked from where church concerns were generated if the City already supplied free parking on Sundays. Mr. Mulvanity was unsure if there were church services outside of the free window and reiterated that visitors could park on-street after 6 am on Sundays and not pay until 1 pm. Mr. Coleman recalled that the complaint was regarding Saturday night service. Mr. Lawhorn explained that his suggestion was a benefit to increase to a longer period time that would also serve as a marketing message to tell people to visit Newark on Sundays.

Ms. Ford opposed giving up Council control on residential parking because residents should always be able to seek relief from any perceived inequitable situation from their Councilperson. She also did not generally favor raising current rates because she wanted to entice people visit the City; she wanted to maintain status quo for a while. She wanted the kiosks to be used to encourage people to patronize the City's restaurants and businesses on days or evenings when business was light. She agreed with Mr. McDermott that residents should receive a certain amount of free parking which could be solved by providing residents a pin that could be fed into the kiosk system that was tied to a certain dollar amount. She supported decoupling and believed an extra fee for parking might dissuade students from bringing a car to the City. She wanted parking lots of a certain size to have provisions for pedestrian walkways to allow safe passage from vehicles to the stores. She strongly advocated for the downtown circular bus route as part of the solution to parking problems because the City needed to provide better public transportation.

Dr. Bancroft supported continuing the Parking Committee and thought it was good for handling events and continuity planning. He acknowledged the amount of work that went into the report and did not totally support free Sundays, but the mornings were fine. He also supported a tiered structure to disincentivize long-term parking and understood the City would generate more revenue. In general, he agreed with the blue portions of the presentation. He supported a 15-minute free window to allow people to quickly patronize downtown and considered accommodating employee long-term parking as good planning. He thought the Enterprise Fund was sensible as was decoupling. He also thought supporting the bus system was a good idea. He had concerns about data security with LPRs and 5G but trusted that staff would investigate. He understood that parking lot lighting was necessary to help people feel comfortable; he suggested the expense of the lights should be counter balanced.

Ms. Creecy noted that most of her questions had been asked and answered. She credited the team for their presentation and asked if RPPP would focus on Main Street. Mr. Mulvanity replied that the RPP was off Main Street and in residential neighborhoods. She thanked Mr. Mulvanity for attending her neighborhood meeting to address parking concerns and explained that the problem in her district and within the College Park area was that many constituents were unable to find parking spaces when they returned home from work because they were only allowed to park on one side of the street. She suggested that the area could be changed to residential parking. Mr. Mulvanity confirmed that Ms. Creecy's suggestion was the appropriate start to how the RPP process began as stated in the presentation. He added that staff was working towards making the process easier and decreasing loopholes to avoid abuse. She explained that she often had to walk in the dark because the street was full and reminded that Madison Drive included student rentals, halfway homes, and housing authority properties. She emphasized the need for residential parking in the area. She asked if there was a way for the City to work with Uber and DoorDash to pay a base fee for temporary parking. Mr. Mulvanity confirmed that staff

could reach out but was unsure what the solution would be. He explained that a benefit of the Passport applications was that once the information was entered, paying for parking happened quickly so staff generally asked Uber and Lyft drivers to pay the small fee in the Passport app to allow 12-minute parking. Ms. Creecy shared that staff would be surprised at how broke some drivers were and asked that staff reach out on their behalf.

Mr. Suchanec suggested that there be an Uber/taxi stand and Ms. Creecy confirmed. Mr. Mulvanity noted that some drivers often underestimated the time that it took for the order to be completed. Mr. Suchanec suggested that staff allow grace in the delivery zones on Main Street. He disagreed with the statement that the lowest prices offered a competitive advantage and recalled that an hour in a UD garage was \$3, Lot #4 was \$1, and on-street was \$1.25, and the break was after 3.5 hours and up to 24 hours, UD was at \$11, and the City was at \$9. He supported fixing the disparity and did not think it was in the City's best interest to be the lowest price in town. He wanted to compete because if he was a UD student or staff member, he would choose to park in a City lot which meant that there was a spot that the City was not making available to people who should be brought to the downtown. He supported reintroducing the Parking Advisory Committee but did not support removing Council from the process. He pointed that the report stated the Committee would be established to advise Council but then suggested that Council be taken out of the process later on. He suggested that staff consider the different roles because Council was present for strategic purposes and to advise improvement on policy and plans. He assumed the City Manager and staff existed in a tactical role to be empowered to deal with the management, maintenance, enforcement, adjudication, and accounting of the process. He emphasized there was a clear distinction of separation of duty and Council needed to remain engaged in the process as well as in the residential argument. He continued that RPPs were adjacent to the University and were not intended to keep neighbors from parking in front of one another's houses; it was stop students from using free parking. As a result, the City gradually increased residential parking to solve the issue. He referred to the intent to remove the City Manager because of the unnecessary political component; he argued that Council was apolitical and represented the residents. He supported keeping Council engaged in all of the processes. He did not support long grace periods for fine payment but did support the Parking Enterprise Fund. He supported reducing time on the streets and asked if it applied to residential streets because a car on his street had been parking there for two months. Mr. Mulvanity confirmed it would be specifically for residential streets that were not already part of the RPPP. Mr. Suchanec supported decoupling parking from rent and asked for clarification on the term "right size". Mr. Bartholomew replied that right sizing was related to the ratios required for parking and the consultants were tasked with reviewing parking maximums versus minimums. He admitted the team did not perform a formal supply/demand analysis but did investigate the off-street inventory owned and/or operated by the City. Because the inventory was limited, the consultants felt it was best to allow the developers to develop parking based on the land uses and ratios currently in Code and remain with parking minimums to build a small portion of excess parking with the project. The intent was to promote shared use parking instead of adopting parking maximums so that the private sector would be involved and open empty spaces to the public to monetize the opportunity. Mr. Suchanec asked if developers would build spaces to accommodate their plans but also include additional spaces for the public and Mr. Bartholomew confirmed. Mr. Suchanec supported the move but believed that there would be a challenge to control access and revenues; he wanted some assurance that the parking application would be compatible with the private lots. Mr. Bartholomew explained that the concern was addressed in the public/private development agreements as well as identifying any fees that would accompany transient style parking. Ms. Gray added that the recently approved development at 141 East Main Street had a subdivision agreement with a separate lease agreement on how shared parking would be managed. Mr. Suchanec asked if staff wanted to include a requirement that the private lots be compatible with the City's payment system. Ms. Gray confirmed that the agreement would require shared use and the articulation of the shared use and how it was manifested, be it by the City, the developer using the City's technology, or using their own technology. Staff's preference was to use the City's system. Mr. Bartholomew added that the issue was one of the reasons the consultants made the formal recommendations for standards for parking garages and surface lots. Mr. Suchanec suggested adjusting rates to coincide with the peak times when residents came downtown. He would consider free parking after 8 pm for diners, a common practice down-state, and a discount after 8 pm on Saturday nights and on Sunday afternoons and evenings.

Mr. Clifton asked if the formation of the Downtown Parking Committee would be appointed by recommendation of the Mayor. Mr. Coleman confirmed, and Mr. Clifton voiced his displeasure because he felt that a holistic approach to the parking situation should include representation from all districts and include a vote as with any other committee. He recalled previous discussion on parking fee rates and believed the system allowed for a sliding scale, for which he emphasized a need. He agreed with Mr. Suchanec that there needed to be an incentive to turnover which was critical. He also agreed with the concept of a very reduced Sunday rate and noted there was plenty of parking on Sunday evening which he hoped would bring people downtown. He did not support relinquishing Council control with RPPP. He wanted downtown parking to be one zone on the streets and one zone in the lots and did not understand

the need for multiple zones. He wholeheartedly agreed with the ADA issue and thanked the consultants for addressing the concern. He was unsure if a dollar value could be entered into the Passport application to give residents some parking over the course of the year on a request basis. He noted that the City ran a bus route all day long and believed it had become more effective. He asked where the City stood with Secretary Cohen's suggestion of a government Uber and asked Ms. Gray to reach out to DeIDOT for an update. Ms. Gray revealed that staff had been working closely with DeIDOT on the micro-transit option and the City was on deck for participating in a pilot program, but DeIDOT opted for a different choice. The second option was to apply for a federal grant for micro-transit and the temporary planners spearheaded the effort. Part of the requirement was that the City partner with DeIDOT on utilizing their application for the rideshare service but, at the last minute, DeIDOT was unable to continue. Staff then met with UD to investigate some National Science Federation funding to partner with them to utilize a rideshare service starting on STAR Campus with the possibility to extend service to the rest of the City. She explained that another option was to seek funding through the bond program for the City to have its own program through a partnership with DeIDOT; staff was also looking into other federal funds. Mr. Clifton suggested reaching out to representatives from Boulder, Colorado, to learn about their system. Ms. Gray confirmed that there were a number of entities throughout the country who utilized the model and noted that staff felt the model was a good fit for Newark to supplement the current Unicity program and ultimately utilize the three para-transit style buses the City recently received from DeIDOT as the bus. She maintained that the City had capacity on the bus side but needed funding to run the micro-transit. Mr. Clifton thought the model would eliminate the need for parking and Ms. Gray confirmed.

Mr. Clifton understood that many students would opt to purchase a parking space but wondered what would happen if the dynamics changed and non-students rented apartments; they would need cars. He revealed the more Council saw parking waivers without an offset for the availability of parking, the larger the opportunity to create an underground parking situation. He noted there were multiple cars parked at homes that exceeded the number of residents which created an unsightly City. He continued that 60 days was too long for fines and wanted to send the message that the City was welcoming but people needed to play by the rules. He would personally leave the parking limit at 36 hours because he and his wife often used his car while Ms. Clifton's car sat for days at a time.

Ms. Creedy asked how the funds from the Enterprise Fund would be used in parking. Ms. Gray reiterated that the proposal was to utilize all of the parking revenue to support parking staff and improvements downtown. Ms. Creedy asked if the improvements would be to the parking lots and Ms. Gray confirmed; Ms. Creedy confessed that she was still confused. Mr. Coleman added that staff used some of the funding from a fund that accumulated from parking waivers to purchase the entrance to Lot #1 and to pave a portion of Lot #1 that used to have two houses.

The Mayor opened the floor to public comment.

There was no public comment, and the Mayor returned the discussion to the table.

Ms. Gray asked that staff compare notes and return with a summary of the recommendations and in what order they would be implemented.

Mr. Lawhorn asked if staff was still considering dynamic rates. Mr. Bartholomew emphasized that parking should always follow a business-like model and preferred to use the term "complimentary parking" versus "free" because there was a cost to supplying parking: street striping, snow removal, meter replacement, meter repair, and parking enforcement. He maintained that there was always a cost to the municipality for providing parking. He explained that there were two methods for dynamic rates: convenience pricing and dynamic rates. Dynamic rates were basically tiered pricing with no posted time limit so the longer a person parking, the higher the hourly rate became. Convenience parking was the same as purchasing a ticket at any venue where the preferred spaces were more expensive than others. He revealed that either choice could be adopted but he believed that the convenience pricing was more applicable. Mr. Clifton interjected that Friday and Saturday night parking had more value than Wednesday and Thursday nights. Mr. Lawhorn credited Mr. Bartholomew for the explanation and said he did not have a preference either way. Mr. Bartholomew shared there was on drawback to having different prices at different times of the day or week which could be confusing for infrequent visitors and was a common complaint from communities with dynamic parking. Mr. Lawhorn was not concerned with an increase but agree there was a difference between free and paid parking. He supported the geographic parking and liked the concept of Friday and Saturday night but agreed it could be confusing. He generally supported the recommendations and would likely agree with the recommendations from the experts.

6. 3-B. 2022 REVENUE STABILIZATION ADJUSTMENT – FINANCE DIRECTOR (30 MINUTES)

1:56:30

Mr. Del Grande explained that the Revenue Stabilization Adjustment (RSA), was a component of the City's electric rate, and must be reset effective March 15, 2022 to reflect the City's cost of electric. The RSA was comprised of three main components: the wholesale cost of purchased power, the cost of the past year's electric expenses, and the adjustment needed for the City to meet its budgeted operating margins. The aforementioned led to an overall credit of \$903,700 available to be returned to customers in some format and included the 6.91% rate increase the City received from Delaware Municipal Electric Corporation on January 1st.

Mr. Del Grande informed that for 2022, staff requested to use \$25,000 of the RSA to cover the cost of a hot oil cleaning for two transformers. The most recent transformer inspection and oil sample report showed that two of the large substation transformers (East Main Substation and Wyoming Substation) had degraded oil qualities and required Hot Oil Cleaning. A hot oil clean removed harmful compounds from the oil and the paper insulation and stopped the unwanted, accelerated aging process, thereby extending life. He revealed that the East Main transformer was 46 years old, and the Wyoming Road transformer was 34 years old and replacing the units would cost about \$800,000 each.

Staff also deducted \$50,000 to fund the shortfall for the replacement of a Digger Derrick/Pole Truck (#104), which was discussed and approved by Council on February 14, 2022. From the gross amount of \$903,700, staff deducted \$75,000 and asked to return the remaining \$828,700 directly to the electric customers. In regard to the RSA rate, staff proposed to provide an RSA credit of \$0.00293 per kWh, or just under three tenths of one penny. The rate would refund \$828,700 over the next twelve months by generating a credit of \$2.93 for every 1,000-kWh used. When staff compared the proposed rate to the current RSA rate, they saw a reduced credit of \$1.25 for every 1000 kWh used. Mr. Del Grande noted that credits of such size would eventually be eliminated by design, and the RSA would reset to zero once an electric rate study was completed, likely in 2022.

The Mayor opened the table to Council comment.

Ms. Creecy supported the move and had no questions.

Mr. Suchanec asked if it was allowable to use the funds for other purposes before it was returned to customers and Mr. Del Grande confirmed it was common practice.

Dr. Bancroft and Ms. Ford had no questions.

Mr. Lawhorn asked if the transformers should be replaced because they were nearing the end of their useful lives. Mr. Coleman replied that the transformers did not need to be replaced yet but would in the future. Mr. Patel confirmed that the transformers did not need to be immediately replaced and they had a few more years of life left. He maintained that the hot oil clean was necessary and staff did not sense any gas or damage in the transformers; a few thousand dollars in maintenance would add a few more years to the life spans. Mr. Lawhorn explained that he asked the question because the RSA might disappear in the future with the electric study and wondered if it would be wise to put some of the money away for the eventual purchase. Mr. Coleman noted the rate studies were good for five years and took into account any projects in the five-year capital projects.

Mr. McDermott had no questions.

Mr. Clifton asked how the second substation on the STAR Campus was progressing. Mr. Coleman replied that the capacity study was complete and there was now a feeder-level analysis. He shared that the new substation needed to be active by 2026. Mr. Clifton asked for the financial status because he last heard it was \$18 million and Mr. Coleman confirmed that was the current estimate, but it had not been updated since COVID. Mr. Patel explained that in 2022, staff would perform the engineering and feasibility studies for the substation which would provide an idea on actual costs for the entire project. Mr. Del Grande noted there was \$3.1 million set aside in cash reserve toward the substation. Mr. Clifton was pleased with the amount given the pandemic.

Mr. Lawhorn asked if the plan was still for the rate study to fund half through rates and the other through a loan. Mr. Coleman confirmed.

The Mayor opened the floor to public comment.

There was no public comment, and the Mayor returned the discussion to the table.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE 2022 GROSS AVAILABLE REVENUE STABILIZATION ADJUSTMENT OF \$903,700; AND APPROVE THE

USE OF \$25,000 TO BE MOVED TO THE 2022 APPROVED OPERATING BUDGET FOR THE CLEANING OF TWO TRANSFORMERS; AND APPROVE THE 2022 NET AVAILABLE REVENUE STABILIZATION BALANCE OF \$828,700; AND ADOPT THE RSA RATE OF -\$0.00293 PER KWH, WHICH IS A CREDIT ON THE MONTHLY ELECTRIC BILL, EFFECTIVE MARCH 15, 2022.

MOTION PASSED. VOTE 7 TO 0.

Aye – Bancroft, Creecy, McDermott, Lawhorn, Suchanec, Ford, Clifton.
Nay – 0.

7. **4. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

A. Council Members: None

8. **4-B. OTHERS:** None

9. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 Del. C. §10004 (b) (9) for the purpose of discussion of personnel matters in which the names, competency and abilities of individual employees are discussed

2:05:17

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 DEL. C. §10004 (B) (9) FOR THE PURPOSE OF DISCUSSION OF PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED

MOTION PASSED. VOTE 7 TO 0.

Aye – Ford, Lawhorn, McDermott, Bancroft, Creecy, Suchanec, Clifton.
Nay – 0.

3. **RETURN TO PUBLIC SESSION**

A. Potential vote on City Manager compensation

Council exited Executive Session at 9:41 p.m.

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL SET THE CITY MANAGER'S SALARY AT \$168,000 ANNUALLY.

MOTION PASSED. VOTE 7 TO 0.

Aye – McDermott, Lawhorn, Ford, Bancroft, Creecy, Suchanec, Clifton.
Nay – 0.

Mr. Clifton thanked Mr. Coleman for doing a super job.

9. **Meeting adjourned at 9:42 p.m.**

Tara Schiano
Director of Legislative Services
City Secretary

/ns