

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

JUNE 13, 2022

Those present at 6:30 p.m.:

Presiding: Mayor Stu Markham
District 1, John Suchanec
District 2, Corinth Ford
District 3, Jay Bancroft
District 4, Dwendolyn Creecy (arrived: 6:50)
District 5, Jason Lawhorn

Absent: Deputy Mayor, District 6, Travis McDermott

Staff Members: City Manager Tom Coleman
City Solicitor Paul Bilodeau
City Secretary Tara Schiano
Deputy City Secretary Nichol Scheld
Deputy Chief of Police Kevin Feeney
Deputy Planning Director Renee Bensley
Planning and Development Director Mary Ellen Gray
IT Lead Desktop Support Eleanor Vigliotta
Chief Purchasing & Personnel Officer Jeff Martindale
Finance Director David Del Grande
Chief Communications Officer Jayme Gravell
Director of Parks & Recreation Joe Spadafino
Director of Public Works and Water Resources Tim Filasky
Deputy Director of Public Works and Water Resources Ethan Robinson
Parking Supervisor Courtney Mulvanity
Parking Manager Marvin Howard

1. Mr. Markham called the meeting to order at 6:30 p.m.

2. **EXECUTIVE SESSION**

A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) for the purpose of strategy session, including those involving legal advice or opinion from an attorney-at-law, with respect to pending or potential litigation, but only when an open meeting would have an adverse effect on the litigation position of the public body and discussion of the content of documents, excluded from the definition of “public record” in § 10002 of this title where such discussion may disclose the contents of such documents

MOTION BY MR. LAWHORN, SECONDED BY DR. BANCROFT: THAT COUNCIL ENTER EXECUTIVE SESSION PURSUANT TO 29 *DEL. C.* §10004 (B)(4) FOR THE PURPOSE OF STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO PENDING OR POTENTIAL LITIGATION WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE LITIGATION POSITION OF THE PUBLIC BODY AND DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF “PUBLIC RECORD” IN § 10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS.

MOTION PASSED. VOTE 5 TO 0.

Aye – Markham, Suchanec, Ford, Bancroft, Lawhorn.

Nay – 0.

Absent – Creecy, McDermott.

3. **RETURN TO PUBLIC SESSION**

Council exited Executive Session at 7:02 p.m.

NO ACTION NEEDED.

4. SILENT MEDITATION & PLEDGE OF ALLEGIANCE

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

5. 1. ITEMS NOT ON PUBLISHED AGENDA

A. Elected Officials who represent City of Newark residents or utility customers (2 minutes): None

6. 1-B UNIVERSITY

(1) Administration (5 minutes per speaker) (10 minutes):

4:20

Caitlin Olsen, UD Administration, thanked staff for partnering with the University in the U Don't Need It program which helped keep hundreds of items out of landfills. She reminded UD was holding summer sessions so there were still a few students on campus. She informed the University would host its first new student orientation for the upcoming school year on June 21st. She thanked Ethan Robinson for sharing information to assist parents in avoiding the construction sites around the City. She also thanked The Newark Partnership (TNP) for connecting with local restaurants determine openings and promoting the local economy. She then referred to complaints about students loudly passing through residential areas and suggested to add signs declaring that students were in a residential area and to be respectful. She was aware of concerns of sign congestion but knew they were successfully used elsewhere. Mr. Coleman would speak with Public Works regarding her suggestion.

7. 1-B-2. STUDENT BODY REPRESENTATIVE(S) (5 minutes per speaker) (2 minutes): None

8. 1-C. CITY MANAGER (10 minutes):

8:40

Mr. Coleman informed Council that he had attended a meeting with the Mayor, the Newark Police Department (NPD), and Mr. Bilodeau, regarding the various noise issues that had recently surfaced. He reported to Council that he would need to find an acoustics consultant as learning that the issues were more complicated than anticipated. He then moved to electric rates, and informed that he reached out to the Delaware Municipal Electric Corporation (DEMEC) to discuss presenting information on the Indian River Power Plant's Reliability-Must-Run (RMR) order from PJM, at a future Council meeting. He also wanted to discuss the future wholesale power market which looked as though electric costs would increase; potentially by double digit percentages in addition to the costs associated with Indian River. He also stated that DEMEC was planning a presentation at the Joint Council briefing.

Regarding nuisance property ordinances, Mr. Coleman explained that staff would meet later in the week to finalize the dates on when they would present to Council. He also informed that the Mr. Bilodeau had a draft ordinance on COVID-related gathering threshold restrictions that would trigger at 400 concurrent COVID hospitalizations, significantly different than ordinances in place currently. He worked together with the NPD and the City Solicitor to make modifications to the private gathering permit process to address the issue on Cleveland Avenue and other areas with small, unfenced townhouse lots. The issue in was that there could legally be 1,000 people on eight properties, flowing from lot to lot, whereas someone would need a permit when there are 150 people on a single property. Staff was

proposing modifications to allow for gatherings to flow to different properties in a way that would ease the problem of overcrowding.

Mr. Coleman explained that Senate Bill 305, Climate Change Solutions Act, would create a framework for the State to react to climate change following its Climate Action Plan. He continued that that multiple groups opposed the bill including DEMEC, the Delaware League of Local Governments (DLLG), the Delaware Electric Cooperative, and Delmarva. He explained that the opposition was not about the content of the bill but of the short timeline; the bill was submitted with only 12 days left in the legislative session, circumventing the process that had been followed for all other climate bills for the last two years. He revealed that the bill was well aligned with the City's Sustainability Plan and that he was not concerned.

9. 1-D. COUNCIL MEMBERS (5 minutes):

13:37

Mr. Markham:

- Spoke about the difficulties of managing noise levels and appropriate decibel levels with Mr. Coleman, and thanked him for suggesting a consultant
- Believed the DEMEC situation was concerning.
- Informed that the new COVID policy change was his request because he wanted a good policy in place for the future so the City would not have to start from scratch
- Wanted to speak with Council further on the limit of floors allowed within the City until the Charrette was finished. He continued buildings already in the pipeline would not be affected and that he asked for five floors instead of the current three floors.

Mr. Suchanec:

- Supported Mr. Markham's directions to Mr. Coleman

Ms. Creecy:

- Echoed Mr. Suchanec's support of Mr. Markham's suggestion of a 5-floor base
- Received emails from constituents that wanted benches in Hillside Park. Mr. Spadafino informed that benches were on backorder and could not be installed until the project was completed.

Ms. Ford:

- Appreciated Mr. Markham's efforts but wanted a specific height restriction instead of number of floors.
- Hoped some of the developers in the pipeline would be willing to amend existing plans to be in accordance with the Council's vision for the future of the City. She hoped the amendments would allow for more future green spaces.
- Believed continued urbanization of the City to be negative and a factor that would lead to an increase in crime and believed that quality of life for residents should be considered first when thinking of development.
- Spoke to Climate Hub at the UD Center for Policy on Climate Change and the Environment and revealed that Mr. Coleman helped them place sensors around the City to measure heat from different roadways.

Mr. Lawhorn:

- Believed the City should keep the cap on base number of floors at three and thought 5 floors was good for Main Street, but he did not want to subject the rest of the City to the limit. Mr. Markham clarified that his suggestion was for zones BB and RA; the two districts that were part of the Charrette.

Dr. Bancroft:

- Brought up the proposed name change at Terry Lane. Mr. Markham stated that the Traffic Committee would review the change and Mr. Suchanec informed Council that the family requesting the change asked to hold off.
- Liked the idea of the signage in residential areas but cited that Dewey Beach had them and they not work but he was willing to try anything to solve the issue.
- Thanked Mr. Coleman for his work on utilities and nuisance properties
- Agreed with Council revisiting the Planning policies on July 11th
- Echoed Ms. Ford's point on supporting the quality of life of the City's residents

10. 1-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

25:20

Ms. Schiano read a comment from Sasha Aber, District 5 into the record:

Hello Mayor and Councilmembers.

This is Sasha from Home Grown Cafe, as well, am living in District 5. I want to thank Council for transitioning the Alfresco events to Community picnics and beer gardens on Academy Street. I have been at all of the events so far with my daughter, raising money for Aetna Hose, Hook, and Ladder by raffling off rides on their fire trucks. We will be there for two more weeks - I invite everyone to come out and enter to win or to make a donation through her GoFundMe page. In my opinion, these events have been very successful. We are seeing a nice group of people, some the same, some different each week. It is a good mix of adults meeting friends, and families. These events have paired very well with the concert series on the Academy lawn. Other than folks wishing they could bring their beers closer to the music, including sitting on the wall of Academy, which is outside of the designated areas, I haven't heard any complaints. Compliments to our Newark police for politely keeping those with beer inside the drinking zone. I have heard comments that people appreciate having an event that doesn't negatively affect traffic downtown, which was a frequent complaint about alfresco. I would love to see these events continue, expand to take up a little more space on Academy street, as well as have signs out during the week near the City or DelDOT street closure signs letting people know why the street will be closed. We do get asked quite a few times at each event, what is actually happening. Thank you for your time, and for all you do for our City.

11. 2. APPROVAL OF CONSENT AGENDA: (1 minute)

- A. Approval of Council Meeting Minutes – May 16, 2022
- B. Approval of Council Meeting Minutes – May 23, 2022
- C. Receipt of Planning Commission Minutes – May 2, 2022
- D. 2022 Parks and Recreation Budget Amendment for Tree Removal and Creek Maintenance
- E. Recommendation to Waive the Bid Process Purchase in Accordance with the Code of the City of Newark, Delaware on Utilizing State of Delaware Awarded Contracts for the Purchase of Replacement Vehicles
- F. Recommendation to Amend the Approved 2022 Operating Budget by Appropriating Funds from Current Resources to the Facilities Maintenance Contractual Service Account
- G. ***First Reading*** – **Bill 22-12** – An Ordinance Amending Chapter 20, Code of the City of Newark, Delaware, By Removing the “No Right-Turn Restriction” on Eastbound Amstel Avenue onto Southbound Orchard Road and Removing the “No Left-Turn Restriction” on Northbound Orchard Road onto Westbound Amstel Avenue – ***Second Reading*** – **June 27, 2022**

29:25

Ms. Schiano read the consent agenda into the record.

MOTION BY MS. CREECY, SECONDED BY MR. LAWHORN: TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Markham, Suchanec, Ford, Bancroft, Creecy, Lawhorn.

Nay – 0.

Absent – McDermott.

12. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS:

- A. Appointment of William J. Potter as the District 2 Representative on the Board of Ethics for a Term to Expire February 15, 2023 (10 minutes)

31:25

Ms. Ford had known Mr. Potter for five years. He served in the military as an Inspector General in the Army and was well qualified for the position on the Ethics Board. Ms. Ford considered Mr. Potter to be an energetic volunteer and someone who would put 100 percent into anything he did.

Mr. Potter stated his address of 296 Stafford Ave, District 2. He believed he was well suited to give back to the City that he loved. He had asked Councilwoman Ford how he could serve his community and she suggested that he serve on the Board of Ethics.

The Mayor opened the table to Council comment.

Mr. Suchanec appreciated Mr. Potter volunteering for the position.

Dr. Bancroft appreciated that Mr. Potter had stepped up to serve.

Ms. Creecy thanked Mr. Potter for stepping up the plate.

The Mayor opened the floor to public comment.

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

MOTION BY MS. FORD, SECONDED BY MR. LAWHORN: TO APPOINT WILLIAM J. POTTER AS THE DISTRICT 2 REPRESENTATIVE ON THE BOARD OF ETHICS FOR A TERM TO EXPIRE FEBRUARY 15, 2023.

MOTION PASSED. VOTE: 6 TO 0.

Aye – Markham, Suchanec, Ford, Bancroft, Creecy, Lawhorn.

Nay – 0.

Absent – McDermott.

13. 4. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

14. 5. SPECIAL DEPARTMENT REPORTS:

A. Wyoming Road Bicycle Improvements Feasibility Report – Public Works & Water Resources Director (15 minutes)

35:32

Mr. Filasky stated that the City was awarded a grant of \$15,000 from the Delaware Bicycle Council in late 2021. With the goal to make it more comfortable for residents to bike around the town. He introduced Andrea Trabelsi and Jeff Riegner from Rybinski Engineering and clarified that the report was from a feasibility study and was not necessarily hard recommendations. Mr. Markham asked Mr. Filasky if he expected anything from Council, such as an action if they disagreed. Mr. Filasky confirmed but asked Council to pay attention to the budget considerations that would be reintroduced during budget discussions.

Ms. Trabelsi presented a visualization on the bicyclist levels of comfort and stated that their company's focus was on two of the middle groups that made up about 75% of all bicyclists who were interested or willing to ride in traffic but preferred to stay on trails or liked to have protected bike lanes or more trails. She displayed a map of the New Castle County Bike Plan, specifically on Wyoming Road, which showed four distinct segments of the roadway, some of which were not part of the bike route. Segment I, from UD's Main Campus to the South Chapel Street intersection, a wide low volume roadway that had been recommended to stay the same. Mr. Suchanec asked what the black and green markings were in the graphics and Ms. Trabelsi answered they were the crosswalks. She continued that her team recommend an alternative intersection at Wyoming Road and South Chapel where there were protected bike lane transitions, and the southeast corner would have a tighter turn to slow down vehicles. A second alternative was to add a single protected bike lane on each side of the roadway and remove the concrete island. She admitted that the route would be slightly less direct but much more comfortable for bicyclists. In the westbound lane there would be a painted flex post buffer with a 7-foot bike lane that would tighten as the bicyclists approached the turn lane.

Segment II, from South Chapel Street to the Library Avenue intersection, was a longer segment, and it was recommended that a 7-foot bicycle lane with paint and flex posts be installed. The existing curb extension near the Pomeroy Trail would be used for the bike lane with a median, there was also a pass-around lane near the entrance to the UD property and that no longer be available in the proposed roadway. Another alternative was a protected bike lane that would terminate at the Pomeroy Trail where eastbound cyclists would then transition to a shared path. She suggested that bike lanes be pushed back near intersections to be safer.

Segment III, at the intersection of Library Avenue was considered a protected intersection with the recommended 7-foot bike lane with a buffer on each side. Mr. Lawhorn asked how drivers would make the right turn at the intersection and Ms. Trabelsi informed that with the proposed paths, there would no longer be an island and the turn would be slightly sharper, allowing for slower turns and more safety for bicyclists. She continued that the recommendation was to drop the dedicated right turn lane on the southbound side but also stated that more research was needed to be completely comfortable with the choice; a dedicated pedestrian and bicyclist signal was needed for the section as well. Ms. Creecy asked if there would be a shoulder in Alternative A if there was a need for vehicles to pull over. Ms. Trabelsi

pointed that there would no longer be a shoulder but there could be a revision made to the flex post spacing to allow for vehicles to pull into that area.

Segment IV was a protected bicycle lane in each direction with tighter turn lanes; there was the option to have green space in the median. She revealed that the planning level cost estimate for Alternative A was \$1.2 million for the whole corridor, and the greater enhancement cost was estimated to be \$2.5 million and noted that suggestions on how to fund this project included the Transportation Alternatives Program, the Statewide Bike and Ped funding program, and other options included on the presentation. Ms. Trabelsi ended a visualization of The Grove with an improved transportation plan.

The Mayor opened the table to Council comment.

Ms. Ford stated that she was on the roads every day and considered herself a road warrior. She would be grateful to have the bollards separating her from vehicles and believed that with increased gas prices, the City would be seeing more bicyclists. She was delighted with the proposed changes and believed it would be a great change for the City.

Ms. Creecy said that the changes were wonderful but voiced her concern with not having an area for vehicles to turn into if there was an accident or other circumstance.

Mr. Suchanec had an expectation of the plan that did not come to fruition. He expected to see a two-lane bike system on the south side of Wyoming Road, separated from the roadway. He believed that the proposed roadway would be too tight. Ms. Trabelsi answered that her team investigated the arrangement and admitted it was feasible but would need to be explored more and potentially discussed with UD. Mr. Suchanec believed it would better accommodate walkers and bicyclists.

Mr. Lawhorn believed the proposed changes were great and said that he would feel more comfortable with the Alternative B bike lanes separated from the roadway. He liked the suggestion that Mr. Suchanec made but then mentioned the budget considerations and believed that the extra money was worth the separate bike lane. Jeff Riegner, District 1, informed Council that the cost estimates were inclusive of all planning and construction but reiterated that they were rough estimates; and included a 30% contingency for potential inflated costs. Mr. Lawhorn appreciated information and had no further questions.

Dr. Bancroft was in support of the report and believed that he would be even more supportive of adding bike lanes to other roadways as well. He reiterated Ms. Creecy's point of not wanting to have a problem if a vehicle needs to pull over due to a breakdown or accident.

Mr. Markham asked if there would be any changes to the speed limit for vehicles. Mr. Riegner stated that cars could slow down in theory, but there was a lot of discussion on what the speed limit would be in the proposal. Mr. Markham believed there would need to be more education on where the bike lane was part of the crosswalk for it to be successful. He asked if the car count in the area was known. Ms. Trabelsi answered that the average annual daily traffic on the east end was around 15,000-16,000 per day and around 10,000 on the west end. Cleveland Avenue, in comparison, was about 26,000-29,000 cars per day. Mr. Markham asked about the bicycle count per day. Mr. Riegner answered that the DeIDOT program did not count how many bikes went through the area but shared that he saw bicyclists almost every time he was in the area. Mr. Markham was concerned with traffic at the Library Avenue intersection with the removal of the dedicated right lanes. Mr. Riegner pointed that the study further research on this proposed change.

Mr. Suchanec supported Mr. Markham's point on the dedicated turn lane and believed there would be slowdowns and further problems. He asked about bicyclists needing to cross Wyoming Avenue to get to The Grove and if more crossings would be made. Mr. Riegner revealed that there were multiple crossings shown in their visualizations and continued that the crosswalks would be designated with signage. Mr. Suchanec commented that people tended not to honor the right-of-way for bicyclists and pedestrians.

Ms. Ford interjected that even as an established road warrior, she chose not to ride down Kirkwood Highway and went around instead. She continued that she did not see how the right-hand turn lane would be eliminated on Library Avenue and Route 273. Mr. Riegner corrected that it was not on Route 273 but rather the two right turn lanes that had low volume were northbound on Library Avenue and from right to left on Wyoming Road turning right onto Library Avenue.

Mr. Lawhorn commented that once The Grove was complete that it could have a significant impact on the volume of people in the area. He asked about the time scale on the project and suggested that it would be several years. Mr. Riegner indicated his team would have more data on the timeline by the time they get to the project.

Ms. Creecy asked if any tickets would be given for any bike collisions or other problems. Mr. Riegner confirmed.

Mr. Filasky added that the City currently did not have the budget for the project, and it would be added later. Mr. Markham believed that the budget would be tight, and Mr. Riegner reiterated that there were funding suggestions added to the presentation that may be able to assist the City with funding.

Council recessed for five minutes.

15. 5-B DOWNTOWN PARKING STRATEGY IMPLEMENTATION WORKPLAN – PLANNING & DEVELOPMENT DEPARTMENT – (30 MINUTES)

1:14:10

Ms. Gray reminded that the Planning and Development Department presented Phases I and II of the Newark Downtown Parking Plan at the Council meeting on March 7th and based on feedback from that evening, staff created a five-category work plan, dated June 1st. The first of the categories was moving forward to Council, the second was moving forward to Planning Commission with Council action to follow, the third was moving forward to Parking Advisory Committee once it was established and appointed with Council action to follow, the fourth was additional research and implementation time needed, and the fifth was administrative in nature and could be completed by staff without further Council action.

The June 1st memo ordered the implementation of the recommendations as described in the Newark Downtown Parking Plan Phase II was presented to Council on March 7th. In addition, Ms. Gray stated that staff were looking for Council feedback on two of the recommendations and requested there be a discussion after her presentation. The implementation plan would have first reading on June 27th and a second reading on July 11th on three items. The first was to reestablish the Parking Advisory Committee, and staff recommended following a structure like the recently established Diversity and Inclusion Commission where the Mayor and Council recommended a member with each being an At-Large member with a connection to the downtown area. The second item was to centralize parking management and administration. She shared there were several outdated code references to the payment of parking. The third was the storage of vehicles on public streets and changing the Code regarding long term storage of vehicles from the current 36 hours to 24 hours. She proposed a first reading on June 27th, with a second reading on July 11th, regarding a Residential Parking Permit Program with procedures to create and expand residential parking permit zones. For the second category, Ms. Gray was looking at July 5th for the Planning Commission and then subsequent consideration by Council for other recommendations including off street parking requirements, wherein Chapter 32 she wished to simplify and unify the downtown and residential parking requirements, unbundle the costs of residential rent and condo fees from parking fees, update current parking fee in lieu of payment language and cost, and codify parking management requirements. The category was one that staff would like feedback on for revisions.

The Phase II report, as well as the Charrette, proposed that commercial revisions would be four parking spaces per 1000 square feet and one parking space for up to three bedrooms for residential; over three bedrooms would have two parking spaces. She reminded there was discussion by some Council members at the Charrette for the potential to eliminate all parking requirements downtown. Additionally, the parking strategy recommended to eliminate all parking requirements for downtown as well as revise parking requirements outside of downtown to be half of the current regulations; staff requested feedback as to whether Council want to bring a revision to include the regulations for BB as well as all the zoning codes outside of downtown. She also wanted to present the desired requirements for parking lots to the Planning Commission on August 2nd with subsequent Council consideration. She noted the timeline was contingent on the Planning Commission issuing a recommendation on the off-street parking requirement amendments at the July meeting. The third category was the parking rates and zones which needed additional research from staff to determine financial impact and technological impact. Staff also believed that consideration of various parking rate scenarios could benefit from Parking Advisory Committee input and would continue to research the effects of various changes as the Parking Advisory Committee had constituted and appointed by Council if they could appoint a quorum of members for the Committee by the fourth quarter of 2022. The fourth category would include changes to fine structure for violations; staff was waiting on the approval of House Bill 244 to move forward with the fine structure for violations due to potential changes. The fourth category would also include the Residential Parking Permit Program and the concept of flex passes for residential parking permit visitor passes, but staff believed the concept needed further vetting to determine suitability. The third item of the fourth category was the concept of

implementing an administrative fee structure for the residential parking permit program. Phase II of the Newark Downtown Parking Plan recommended implementing an administrative fee structure for the non-existent residential parking permit program to help recover the approximately \$83,000 cost to run the program. Staff requested feedback on whether there was interest in pursuing an administrative fee. Staff was also investigating potential ideas for eliminating on street passes for developments that had off street parking or on streets where on-street parking was limited. The fifth category would be implemented on August 1st and would be enforcement and expansion on license plate recognition technology. She explained that current license plate recognition was only used downtown but staff was looking to use it City-wide, prior to the next UD academic year. Another item in the category was investigating the residential parking permit program and the recommended changes to permit renewal, specifically transitioning to digital permitting. The last item in the category was modifying the parking enterprise fund.

The Mayor opened the table to Council comment.

Mr. Markham asked if staff was looking for feedback on the specific items instead of the entire plan. Ms. Gray confirmed staff was looking for feedback on specific items as well as Council concerns. Mr. Markham wished to address staff's concerns first and then follow with other questions. He asked about the feedback for commercial parking and on what page of the report it was. Ms. Gray stated page 20 and continued that the recommendation was for four parking spaces per 1000 square feet for commercial and one parking space for up to three bedrooms and two parking spaces after three bedrooms for residential. Another option was for no requirements for parking downtown. She shared the intent behind the change was to match a realistic requirement more closely for the present because the current requirements were more suited to previous uses of the area. She noted that Wilmington had removed its parking requirements because they were outdated and the cost for parking had driven up the cost of housing. Additionally, it was believed that the market decided how much parking was needed in an area.

Ms. Creecy asked if the Planning Department was looking to have developers tell the City how much parking was needed. Ms. Gray confirmed and repeated staff's request for direction from Council. Mr. Coleman revealed the issue was not only that developers determined need, but that banks inform the developer of stipulations required to receive loans.

Mr. Lawhorn agreed with the Subcommittee's new proposal for residential parking restrictions and asked for the current requirements for commercial properties. Ms. Gray said that the policies varied and could change from business to business; the recommendation would simplify the Code. Mr. Lawhorn asked if the recommendation came from a specific industry standard. Ms. Gray confirmed that it came from the Parking Subcommittee as an effort to simplify the Code. Mr. Lawhorn agreed to implement and revise as the City progressed. He clarified his point saying that he liked the idea of not having a ton of parking build that might not even be used. He was supportive of the fee structure changes the Committee suggested.

Ms. Ford asked if the residential fee structure was a program already in place. Ms. Gray stated that there was not. Ms. Ford agreed to staff's proposal but did not want to see fees for parking on full time residents or homeowners. Ms. Ford maintained that it was better to reduce the amount of parking required because it would reduce the number of cars people decided to bring to the City.

Dr. Bancroft believed the changes provided a good template for beneficial development for the City. He wanted to keep things simple and agreed with the changes proposed. He supported the fee structure decisions but was not particular about the actual structure. He was concerned about data when using the license plate reader.

Mr. Suchanec agreed there should be a fee structure in place to recoup the costs incurred while administering parking fees but maintained the impact on homeowners should be minimized. He was also in favor of removing residential parking requirements in the City's downtown because it might encourage college students to not bring vehicles and instead walk or bicycle around. He agreed with the Committee's suggestion for commercial parking requirements. He wished to have the whole City's parking simplified. He believed the City's parking model should more resemble a suburban model than an urban one.

Ms. Creecy informed that Madison Drive was a mix of urban/suburban parking and thought the Planning Department should bring parking proposals for all the City's parking areas. She also agreed with the parking changes brought forward by the Charrette and believed the zoning for commercial and residential should be changed. She felt that the developers should oversee how much parking was needed for their uses and agreed with Mr. Lawhorn in preferring more density in housing than in parking lots. She reiterated her belief of the need for restructuring the parking in the City and asked for clarification on the downtown parking changes extending to the rest of the City.

Mr. Markham was fine with the four parking spaces per 1000 square feet but struggled with the change to no parking requirements. He knew how much work had gone into the proposed changes and ultimately was in favor of them. He supported the proposed parking fee structure but wanted to know more about any legal issues the City may face.

The Mayor opened the floor to public comment.

John Morgan, District 1, stated he had several comments about the changes. He believed the City should take the process very slowly, because once the City relaxed the requirements, it would be a legacy for many years to come. He disagreed with eliminating parking requirements downtown because he believed it did not make sense to eliminate them just downtown and eliminating them City-wide would be absurd in his opinion. He continued that a parking garage could not pay for itself which meant a subsidy would be required of residents which he felt was wrong. He pointed out that the philosophy of "letting the market decide" was completely inconsistent with the public-private partnership which would involve a subsidy from taxpayers. He found a conflicting philosophy in the ideas. He agreed with Mr. Markham's point on discriminatory treatment of renters and believed the City would lose money and wondered why UD students brought cars into the City. He found that most rental car companies would not rent a car to anyone who was under 21 years of age. It was possible for students to own a car or have their parents buy them a car, but it was undoubtedly one of the reasons why so many UD undergraduates had a car in Newark; to go home easily on the weekends. He believed UD needed to have better bus service between the downtown area and the shopping centers and asked Council to consider no parking requirements for a grocery store in the downtown area that would be intended to serve people who did not own cars.

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

Mr. Lawhorn stated that his only issue was parking rates and zones; he wished to see the City move forward with the ideas faster and did not believe Council should wait for another committee. He wanted to implement the changes and then have the committee evaluate the changes later. He was supportive of all the other proposals.

Ms. Ford asked for more concrete proposals at the next reading as well as information on what requirements were already in place in the areas. She believed that the City should not leave it to the developers to decide how much parking they would need.

Dr. Bancroft echoed Mr. Lawhorn's comments that the City should expedite the changes and that having a grocery store downtown would be an interesting development.

Mr. Suchanec reiterated his belief that the City should fast track the proposed changes and asked if the cost and time estimates in the report were accurate given the current climate. Mr. Coleman confirmed that he and Ms. Gray believed everything in the report was appropriate and current.

Ms. Creecy had no further comments.

Mr. Markham introduced a suggestion from Mr. McDermott that he believed parking fees could be increased by \$10 before the passing of House Bill 244. Mr. Markham spoke about flex passes and parking permits. He wanted special consideration on discouraging counterfeiting or fraudulent use of passes. He also stated that he wished to not penalize people of lesser means. He then wondered about the process of removing a parking area. He also wanted to make sure that when people move, they do not keep the parking pass for where they were before. His last comment was on dark sky lighting, saying he wanted the City to adopt this concept of City lighting that do not light up the sky or shine into residential houses.

16. 6. FINANCIAL STATEMENT: None

17. 7. RECOMMENDATIONS ON CONTRACTS & BIDS OVER CONSENT AGENDA LIMIT:
A. FY2022 Budget Amendments for Funding of Municipal Lot #7 and Credit Card Fees (20 minutes)

2:14:32

Mr. Del Grande requested a budget amendment in the amount of \$195,000 to fund the shortfall within the parking division. The City was temporarily leasing the parking lot located at 141-145 East Main Street from Newark Acquisition Company for \$5,000 a month on a month-to-month basis until the property owner commenced construction on their development project, initially thought to begin this

month when the budget was created last fall. The City only budgeted to lease the space, Lot #7, through the end of May. He requested for \$35,000 to extend the lease through the end of the year. Staff believed that the parking lot would continue to be profitable to the City and provide patrons parking in the downtown district. Staff also requested an additional \$160,000 to cover credit card processing fees for the division. The City was currently seeing double the amount of transactions than the same time last year and, with UD increasing enrollment for the 2022-2023 academic year, staff suggested doubling the previous estimate of credit card processing fees from \$160,000 to \$320,000. Since the City no longer had parking meters, all parking activity was paid through credit cards. In 2021, the City expended \$203,000 in merchant fees and fell short at the end of last year on the line; funding would come from the increased revenue from the return of normal parking activity to the City's streets and lots.

The Mayor opened the table to Council comment.

Ms. Creecy asked about the contract the City had for Lot #7. Mr. Del Grande stated the City paid \$5,000 a month. Ms. Creecy then asked about the credit card fees totaling \$160,000. Mr. Del Grande answered that the \$160,000 was for the fees of all the City's lots; the two totals were two different issues but bundled for consideration.

Dr. Bancroft commented that it was too bad that the City had to pay such high credit card fees.

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. LAWHORN, SECONDED BY DR. BANCROFT: THAT COUNCIL APPROVE THE BUDGET AMENDMENTS FOR \$35,000 FOR THE CONTINUED LEASING OF MUNICIPAL LOT #7 AND FOR \$160,000 FOR THE INCREASE IN DAILY PARKING CREDIT CARD PROCESSING FEES, FOR A TOTAL OF \$195,000. FUNDING IS TO BE PROVIDED FROM THE CITY'S NET CURRENT RESOURCES.

MOTION PASSED. VOTE: 6 to 0.

Aye – Markham, Suchanec, Ford, Bancroft, Creecy, Lawhorn.

Nay – 0.

Absent – McDermott.

18. 8. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None
19. 9. **RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING AND DEVELOPMENT DEPARTMENT:** None
20. Meeting adjourned at 9:31 p.m.

Tara Schiano
Director of Legislative Services
City Secretary

/pm