

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

June 25, 2018

Those present at 6:15 p.m.:

Presiding: Mayor Polly Sierer
District 1, Mark Morehead
District 3, Jen Wallace
District 4, Chris Hamilton
District 5, Jason Lawhorn
District 6, Stu Markham

Absent: District 2, Jerry Clifton

Staff Members: City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Communications Manager Kelly Bachman
Community Affairs Officer Megan McGuriman
Electric Director Bhadresh Patel
Finance Director David Del Grande
Acting Public Works & Water Resources Directory Tim Filasky
Assistant to the Managers Mark Brainard
Planning & Development Director Mary Ellen Gray
Planner II Mike Fortner

1. Ms. Sierer called the meeting to order at 6:15 p.m.

2. **EXECUTIVE SESSION**

- A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(1) and (9) for the purpose of a discussion of individual citizens' qualifications to hold a job and discussing personnel matters in which the names, competency and abilities of individual employees are discussed.
- B. Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (9) for the purpose of a strategy session 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 discussing personnel matters in which the names, competency and abilities of individual employees are discussed.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: TO ENTER EXECUTIVE SESSION PURSUANT TO TITLE 29, SECTION 10004 FOR TWO ITEMS FOR (B)(1) AND (9) SUBSECTIONS AND FOR ITEMS (B)(4) AND (B)(9) SUBSECTIONS FOR THE PURPOSE OF A DISCUSSION OF INDIVIDUAL CITIZENS' QUALIFICATIONS TO HOLD A JOB AND DISCUSSING PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED AND FOR THE PURPOSE OF A STRATEGY SESSION WITH RESPECT TO PENDING OR POTENTIAL LITIGATION, WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE A MOTION FOR TITLE 29, SECTION 10004 (B)(9) FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Hamilton, Lawhorn, Markham, Morehead, Sierer, Wallace.

Nay – 0.

Absent – Clifton.

Council entered executive session at 6:15 p.m. and exited executive session at 6:55 p.m.

3. **RETURN TO PUBLIC SESSION**

- A. Potential vote regarding candidates for City Manager search
- B. Potential vote regarding an employee on-the-job injury settlement

MOTION BY MR. MOREHEAD, SECONDED BY MS. WALLACE: TO APPROVE THE RESOLUTION AND GLOBAL SETTLEMENT OF THE EMPLOYEE ON-THE-JOB INJURY SETTLEMENT CLAIM AS SET FORTH IN THE ACTING DEPUTY CITY MANAGER'S MEMORANDUM TO COUNCIL DATED JUNE 18, 2018 AND AS OUTLINED IN EXECUTIVE SESSION.

MOTION PASSED. VOTE: 6 to 0.

Aye – Hamilton, Lawhorn, Markham, Morehead, Sierer, Wallace.

Nay – 0.

Absent – Clifton.

Ms. Sierer reported Councilman Clifton and Acting City Manager Tom Coleman would not be present at the meeting.

4. Ms. Sierer asked for a moment of silence and the Pledge of Allegiance.

5. 1. **PUBLIC PRESENTATIONS:** None

6. 2. **ITEMS NOT ON PUBLISHED AGENDA:**

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

7. 2-B. **UNIVERSITY**

(1) Administration

02:00

Caitlin Olsen, UD Government Relations, reported Mandela Washington fellows recently arrived on campus. They were a group of young African leaders hosted by UD's Institute of Global Studies. They would spend the next few weeks learning about civic leadership, public management, business and entrepreneurship so they could start and grow businesses and service their communities back home. UD had been hosting that since 2014 and they loved having them on campus. It was a great program.

She reported new student orientation had started. There would be regular groups on campus pretty much every day throughout the summer. She asked all to be patient with the new Blue Hens and their parents as they figured out the town, crosswalks, etc.

8. 2-B-2. **STUDENT BODY REPRESENTATIVE:** None

9. 2-C. **CITY MANAGER:** None

10. 2-D. **COUNCIL MEMBERS:**

03:00

Mr. Lawhorn:

- Congratulated staff and residents on making it through the referendum. He said it was years of work and he knew staff put in a lot of work with all the public workshops and information. He received many emails from very satisfied citizens. They were happy not just with the turnout of the vote but the outreach program that was done, and all the information and how technical, but understandable, it was. He said the technical staff did a good job and the communication department did a great job as well with the outreach, including the News Journal and all the public workshops. He said it was an outstanding team effort. He hoped these efforts continued in the future with other projects. Although outreach programs could not be done for every issue, it could be utilized particularly when it came to planning and the development of more complex issues that could benefit from collaborating with the communications department more and utilizing that resource.

Mr. Markham:

- Pointed out there were items from the Cleveland Avenue Task Force in process here. One was the lighted Creek View. He hoped staff was going to keep an eye on that and make sure that they did not have any backups from either down the hill or up the hill.
- Reminded all that Annabelle Street was coming up and he wanted an update to see if things improved. He knew a lot of research was done but wanted follow up provided to make sure there was improvement and it truly paid off.
- Noted he had asked for a webpage that said what paving projects were coming that the City knew were coming but they did not know the date. He asked this information be provided as he wanted the projects posted and then dates added when available so there were fewer surprises.

Ms. Wallace:

- Met with the representatives for the Park N' Shop development this past week and wanted to alert residents the matter was returning to Council on July 9. She asked residents who had questions or comments to contact her.
- Heard from a developer representing Royal Farms looking to construct a Royal Farms on the corner of Otts Chapel Road and Elkton Road. She noted they were interested in putting together a work group and that interested parties should contact her. She had requested a public meeting to explain the project to residents.
- Attended a candlelight vigil at UUFN in response to the national situation with what had been going on. She said it was a nice event.
- Attended the Arbour Park civic meeting the weekend of June 23.

Mr. Morehead: None

Mr. Hamilton:

- Happy to see agenda item 3E referencing a lead ban in Newark. He had emailed his constituents about the state ban.
- Noted the Futures Workshop went well and was well attended. He thought such events brought a positive community focus. He thanked Dan Rich and was happy to see UD and the City working together.
- Commented his constituents are happy about the new pedestrian island on Apple Road and noted his appreciation to Public Works for installing this.
- Glad to see that voters turned out for the referendum and he was glad the City's Communication Department echoed that.
- Reported the old Newark Civic Association was starting back up. A meeting was scheduled for July 19 at 7:00 p.m. at St. Thomas Episcopal Church. He asked interested parties to contact him and noted David Culver, Code Enforcement Manager, would be the first guest speaker.

Ms. Sierer: None

11. 2-E. PUBLIC COMMENT:

10:05

Nick Wasileski, District 3, said the Constitution of the State of Delaware Bill of Rights stated that all elections should be free and equal. At the recent referendum as reported in the Newark Post, 31 LLCs had cast votes by a single representative. He said he did not have all the facts, but he did have concerns. If the 31 LLCs were owned by a single beneficial owner, this may be interpreted as an abuse of the one-person, one-vote principle, which was a cornerstone of democracy. If the 31 LLCs were owned by a Newark resident who voted, the total number of votes cast would increase to 32. Multiple votes by one individual deleted the votes of other qualified voters, which he felt very well may be a violation pursuant to the equal protection clause of the 14th amendment. He believed Newark's charter had been misinterpreted. Accordingly, he believed only a corporation owning property in Newark had voting rights as entitled to one vote in a referendum. He noted Newark's Charter was very specific. Only corporations could vote in a referendum. The current language did not permit the inclusion of LLCs, unlike the charter.

Permitting voting rights to phantom business entities ignores the charter's intent in his opinion and he believed this to be bad policy. He believed a limited liability company was not a corporation. In the Delaware Code, Title 6, Chapter 18 described the legal business entity of a limited liability company while Title 8, Chapter 1 described the legal business entity of the corporation. They were different as legislated by the Delaware General Assembly. He said that fortunately, the 31 votes cast did not make a difference in the results of this referendum. He suggested the City could reexamine its charter without the cloud of contested votes. He thought the big question for Council was this: "Would your constituents approve of one person having the legal right to vote 31 times, because this just happened." He believed the City needed to address this issue, because the election was not equal. He respectfully asked to have the current voting rights of LLCs withdrawn. He thought the 31 LLC votes cast in the referendum should be rendered invalid. He believed the City should amend its Charter to allow only a qualified resident to cast a vote in a referendum, which would eliminate future problems of multiple votes. He asked all to read the bottom of page two in his handout describing that a voter was entitled to vote by ownership of two or more parcels of real property that voters shall be entitled to only one vote.

Ms. Wallace thanked Mr. Wasileski for his attendance. She noted Mr. Wasileski had contacted her and she wanted to let him know she had spoken to the City Solicitor about this issue. She noted she would most likely be returning to Council for discussion.

John Morgan, District 1, agreed with Mr. Wasileski. He wanted to speak on an item on the consent agenda for first reading, the proposal to make Amstel Avenue one way eastbound between Orchard Road and South College Avenue. The area was very close to Sharp Lab where he worked. While wholeheartedly supporting the proposal to remove the parking meters along South College Avenue near Morris Library, he believed it would be a serious mistake to install parking meters along the south side of Amstel Road between Orchard Road and South College to make that stretch of the road one way. He thought the impact on traffic had probably been underestimated. He supplied Council with a photograph of Google satellite view of that block. In the middle of the photograph was a large University parking lot with 126 spaces, as he counted, that was pretty much full every working day during the Fall and Spring semesters.

He thought if Amstel Avenue became only eastbound, rather than westbound, many people who parked there and wanted to go home to the western part of Newark, instead of being able to pull out and make a left turn and go along Amstel Avenue towards South Main Street, they would have to make a right turn and circle back around driving through residential neighborhoods, such as Winslow where there have already been complaints about a lot of traffic. Moreover, he believed Amstel Avenue to be a major route for bicyclists who came from central campus and wanted to head westbound home in large areas around District 1. If that became one-way eastbound, those cyclists were either going to be riding illegally against traffic or they would be riding on the sidewalks, which were usually very congested with pedestrians and that was hazardous. So, for these reasons, he really hoped that when Council discussed this matter in several weeks, they would consider this. He would be more supportive of putting in a bike lane along Amstel Avenue, which he thought would help things instead of putting in more metered parking spaces.

Sarah Bucic, Wilmington resident, said she was glad one of the properties at Windy Hills had undergone remediation and that the City was moving on a lead-paint ban on projects going forward. She remained concerned about what would be done if the ordinance was violated based on what occurred in the Windy Hills incident. She believed during the Windy Hills water tower dry abrasive sandblasting project, there was no shutdown even though the contract specified there was supposed to be during a breach of containment. The air monitoring that was paid for was never obtained, even though it was in the contract. While banning the future use of lead paint was great, it would not be enough if there was no follow through with commitments and contracts being made and those being tasked to assignments were not held accountable. At the last meeting she attended, she pointed out that Mr. Coleman had noted to her that the City's intention last year was to address soil contamination as a result of the tower, not just limited to the one property that was remediated. That was in an email last July to her and several other people. At least one additional yard where paint chips were found had yet to be addressed. She asked if the soil results taken on October 6 of this yard had been discussed or reported to the City Council or to that homeowner and asked how they were obtained. Mr. Coleman relayed to her via email last October that there were two additional soil samples taken on the adjacent property and they were being reviewed. Pending those results, those samples would be able to decide future work needed on that neighbor's property. She asked how was it determined that there were no other properties impacted. Being that no one to date had been told to have blood lead tests, she wanted to know if the City Council felt this situation has been handled properly and if they felt satisfied with the results. She asked if they would be satisfied if they were their homes and children and two years later the City was cleaning their yard in full Hazmat gear. As she stated at the last meeting, it was her understanding that Mr. Coleman had recently committed to further soil testing around Windy Hills. She would like him to update Council and those residents how those samples would be obtained and when homeowners could expect results.

Amy Roe, District 4, was still very unhappy and disappointed with Council on their progress with the three action items. She wanted to follow up on commitments Council made to the public and to one another in September 2017 regarding the Windy Hills water tower. There were three action items from that meeting. One was a report on how things went down and what went wrong. That was supposed to be provided by the end of last year. It was now half way through this year. She would like to know what is going on. If there was going to be a commitment to things and commit to the public, then she felt they needed to hold up their end of the bargain. She had not seen that done and she was very disappointed. She was glad to see the second action item, which was changes to be made to the Municipal Code had at least some action happening there. She was concerned about how vague the newly proposed legislation was, but she hoped HB456 would address some of those concerns and make them a moot point.

The third thing that was committed to in September 2017 was to update the contract language that was used by the City so that they were not in situations like not having air monitoring results, not having a shutdown when there was lead going everywhere, all over the neighbor's trampoline and outdoor playground equipment. She wanted to know what the status of this was. She could not believe that nine months later she was still asking these questions. She also wanted to know the status of the contamination at the adjacent properties of Windy Hills. One property was being cleaned up as Ms. Bucic mentioned, but there could be contamination on more than one other property. She asked the status of

this as well. She noted, in addition, she asked if the City through the same type of process and using the same type of contractors contaminated other yards next to other water towers and if there was lead paint contamination in other districts. She thought this was an important question that needed to be resolved.

She noted there was a public hearing that was going to be on July 12 in Dover on dry abrasive blasting regulations for water towers by DNREC at 6:00 pm. She believed this was happening because the City of Newark acted so badly and now the State of Delaware must act and regulate everybody. She certainly hoped the City would participate in that and ask for robust regulations. She provided a fact sheet (entered into the record) on HB456, which was a statewide ban on lead paint on outdoor structures. She hoped the City would support this bill. She thought if anything, Newark had shown why they needed legislation like this so that they were not in the situation in the future like they had at Windy Hills.

She also noted that before she left the podium, she wanted to support everything her dad, Mr. Wasileski said about the referendum in the LLCs voting. She thought if Newark wanted to give LLCs the right to vote in referendums, they needed to ask the General Assembly for permission to do that and not just go upon themselves and reinterpret what corporation meant.

Ms. Wallace asked Dr. Roe and Ms. Bucic to share their comments on the proposed Bill 18-15 with Council. She encouraged them to suggest any improvements they thought could be made. Dr. Roe said she would be happy to do so, but noted she would not be attending that meeting.

Brian Dunigan, District 3, provided photographs depicting what he believed to be public safety issues in the City. The first photo was of solicitors in the street, which he believed happened quite often. The second photo showed folks jumping a fence at Frazier Field. The fence never existed for 100 years, and hundreds of people were still jumping the fence. If they fell and broke their necks, he believed they would be in Lot #3. He referenced the Council minutes of September 13, 2004. He remembered the day as he was at City Hall and asked the then-Police Chief what his position was on the expiration of the ban on assault weapons and the then-Chief said "We don't want it." He noted they would see his comments contained in the minutes. He read the comments: "Brian Dunigan advised Council that in less than five years, the federal ban on assault weapons would expire. He noted that California, Massachusetts, New York, and Hawaii passed laws curbing the use of assault weapons, some of which were more stringent than the federal ban. Mr. Dunigan asked the City to consider a resolution banning assault weapons to provide a safer City." He said he was still asking people speak out who were in power that the people who were 17 years old in Parkland and Texas who were asking grownups to do something like this. He noted cities like Boulder, Colorado and Portland, Oregon had acted.

12. 3. APPROVAL OF CONSENT AGENDA:

- A. Approval of Council Special Meeting Minutes – June 11, 2018
- B. Receipt of Alderman's Report – June 8, 2018
- C. Receipt of Planning Commission Parking Subcommittee Minutes – May 7, 2018
- D. Receipt of real estate tax assessment quarterly supplemental Roll – January 1, 2018 through March 31, 2018
- E. **First Reading – Bill 18-15 – An Ordinance Amending Chapter 7, Building, Code of the City of Newark, Delaware, by Prohibiting the Use of Lead Paint – Second Reading – July 9, 2018**
- F. **First Reading – Bill 18-16 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Making Amstel Avenue One Way Eastbound from Orchard Road to South College Avenue and Removing Parking on South College Avenue – Second Reading – July 9, 2018**
- G. **First Reading – Bill 18-17 – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, by Making Amstel Avenue One Way Eastbound from Orchard Road to South College Avenue and Removing Parking on South College Avenue – Second Reading – July 9, 2018**
- H. **First Reading – Bill 18-18 – An Ordinance Amending Chapter 14A, Floodplains, and Chapter 32, Zoning, Code of the City of Newark, Delaware, By Allowing Minor Structures and Grading in the Special Flood Hazard Area with Administrative Approval – Second Reading – July 23, 2018**

26:37

Ms. Bensley read the consent agenda into the record.

MOTION BY MR. MARKHAM, SECONDED BY MS. WALLACE: TO APPROVE THE CONSENT AGENDA AS RECEIVED.

MOTION PASSED. VOTE: 6 to 0.

Aye – Hamilton, Lawhorn, Markham, Morehead, Sierer, Wallace.

Nay – 0.

Absent – Clifton.

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

14. 5. **APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:** None

15. 6. **SPECIAL DEPARTMENTAL REPORTS:**

A. General Assembly Update and Associated Requests for Council Direction – Lobbyist

28:15

Rick Armitage reported there were four legislative days left. He noted this had been the most difficult year. He noted there were two bills on the House agenda on June 26 as they have revised the agenda. SB235 passed the Senate with one no vote and he did not expect it would have any problems passing the House. SB204, the temporary stop gap measure because of DNREC's stormwater regulations being invalidated by the court, would sunset at the time the state readopted regulations around stormwater management. He noted they were spending the extra \$47.5 million they found in DEFAC last week. The good news was tomorrow they started bill drafting the Grant-In-Aid Bill and he expected to see restoration of almost every entity that was cut last year by 20%. EMS funding, senior centers, all those groups would probably receive the funding they had in past years.

He was unsure what would happen in the future because this statement was going run into the sustainability of the budget that they had, which had grown at 5% in revenues, pretty much had been growing at 3% steadily over the past number of years.

The Hotel Taxing Authority Bill was in the Governor's office. His legal staff was reviewing it, and he believed it would be signed in the next week or two. The City had asked them to sign it as quickly as they could, which allowed Council, if they wanted, to begin the process of considering ordinances that would put things in place here in Newark.

There was another bill for PILOT, SB257. It was a little bit different in that the money increased, but the percentages relatively stayed the same. The other new twist in the bill this year was that, if it were to pass, it required each of the three county seats, plus Newark if they were included, to do a yearly appraisal of the tax-free properties in Newark to base what they were losing in tax revenue, to be able to do the calculations moving forward for the pot of money that would be appropriated at the legislature. It was more complicated and he was unsure it would continue. He had a conversation with the chair of the committee the bill was placed in. She did not know whether leadership was going to allow her to have a hearing around it, but he would tactfully continue to torment her to move that forward if they could get that to happen.

HB260, the Grant-In-Aid Bill, remained in committee in the Senate. The rumor he heard was that because the co-sponsor in the House was Representative Longhurst, that she would play hardball with the Senate, but they were not going to pass the Bond Bill until they passed her bill around the Grant-In-Aid bill. He was not certain if this would happen. The last four days were always an entertaining play.

He reported the sexual harassment bill had been amended. Many of the concerns that larger businesses, as well as Newark's HR group, had in the amount of time associated with training and the specificity of the training, had been changed in the amendment. There would be much better implementation for everyone as it still satisfied the real need for sexual harassment training.

HB403, regarding absentee ballots for municipalities, was still sitting on the House ready desk. He thought it may go onto a consent agenda, but he saw the first one of those published and it was not on the agenda. He would be asking leadership to consider putting it on the consent agenda because he did not think it was controversial.

HB416, the exemption for non-profit pools for property taxes, remained on the House ready list. Because it was a tax bill and involved money, he did not think it would have a chance on a consent agenda. He was not certain if it would move forward or not.

HB480 was introduced on June 22. He had five pages of comments from DEMEC and he received phone call earlier from Jamie Nutter who represented the Delaware Electric Cooperative, that they were quite upset by the parameters associated with the bill. Staff reviewed the bill and the bottom line was

they felt it would really increase costs to Newark's electric customers. He said with Council's permission, he would like to investigate. He believed this did not make sense with four days left to introduce and should be a conversation that was held with every electric provider. He believed if Council was comfortable with him opposing it, he would do so, and if not oppose it, amend it so it became palatable.

Ms. Sierer said she did believe it was a bill jammed in the last minute. Mr. Armitage said that happened every year and it was one of these big deal public policy things that he thought it should have been vetted much sooner in the session.

Mr. Markham said he did not think they could assume it would not go forward. He asked Mr. Armitage to provide further detail. Mr. Armitage was not sure he understood the reasoning. He said when he spoke to Jamie Nutter, he had a conversation with Mr. Mulrooney who was one of the prime sponsors, and it was really a constituent request. Mr. Nutter's conversation with Mr. Mulrooney was that, he was sort of carrying water and maybe did not understand the ramifications of this.

Mr. Markham said this was different than what DEMEC was concerned about, or wanted to do before, which was to limit the carry over credits of money. He said he was not reading that here, so, it was a different bill. Mr. Armitage said the impact was that customers would actually get money back, but it did not really regulate. However, for a solar generator there were almost no parameters on what they were able to generate, but they would get money back because they were adding money into the grid.

Mr. Markham said with net metering, if someone produced too much, it went out in the grid. Most solar producers did not produce enough to have a credit at the end of the year. Mr. Armitage said they would not even have to be using something, they could just set up solar with the idea that they could not do nothing but put it back in the grid. He did not know how tax credits worked and whether or not they could actually make money doing that, but it was one of the concerns that some of the rules associated with that really disappeared in this legislation.

Mr. Del Grande said one of the issues was the fact that, right now they had net metering, which was if they were over generating on their residential solar, that over generation went back to the City and they gave credit on their consecutive bills until that credit was gone. This bill would make the City buy back the power back as it occurred, and also, what that did was provide no restriction on the size of the solar that someone could build on their own property. The City would be obligated to purchase back that power that they really did not need, because solar was generating power back to the City at times when it was not at their demand peak. It was putting a financial burden on the City for that reason. They may not need the power, but they were mandated to purchase it back from the individual. Ultimately, the City was not opposed to the whole concept of this legislation, it was just the matter of fact that none of the utilities in Delaware were consulted at all regarding this legislation and it was pretty substantial. They would like the opportunity to address the issues with Senator McDowell they had regarding the bills.

Mr. Markham did not necessarily agree with the Director's summary of what solar did. This was an annual type thing, not as things were purchased. Mr. Del Grande said the City was required to purchase power at an hourly basis. Mr. Markham asked for confirmation that the City was required to take back any excess. Mr. Del Grande responded the City was buying on the grid and buying the power that Newark needed to operate daily and was purchased on an hourly basis. The rates that they bought power early in the day could vary from the peak times of 7:00 to 9:00 in the morning and 5:00 to 9:00 at night, when everyone came home from work. That time to purchase power cost more. The other item was, they wanted demand charges, which was basically the fixed cost component of the power bill, any solar generated to go towards bringing down the demand charges, which was apples and oranges. A demand charge covered the cost to provide that house power whether it had solar or not. Every home had the lines and everything set up to receive power when it needed it, and those cost components were recouped through the demand charge. This bill would ask for some concessions for that cost.

Mr. Markham asked if this bill was directed at residents because typically corporations and large users had the demand, not residents. Mr. Armitage said he believed it covered both. Mr. Markham said it mentioned "community." Mr. Del Grande said the reference to community was in there, but he did not believe they could treat one group much different than the other, so, he would argue if they were to do one for the residents, commercials would not be far behind. Mr. Markham said he believed it was and it needed more review, but he was not completely understanding what their argument was. He thought that needed to be clear before he went before any Senators. Mr. Armitage said his main argument would be the timing to do something this significant. Mr. Markham totally agreed. However, he said he could not assume that they would not move forward, so, he thought there needed to be a very solid argument to, if they moved forward.

Mr. Armitage said if Council was comfortable with stressing the timing argument, this was what he would focus on, because he absolutely did not understand this. Mr. Del Grande said DEMEC was hot on this one, so the City should follow their lead, if Council was willing for them to do so.

Ms. Wallace said she would support a timing argument. She did not know that she understood the intricacies of this either, but she thought that there was a good intent behind it, and she personally thought there could be a benefit to adding more solar to the mix. She did agree this was something that should not be thought about at the last minute and certainly not without bringing in the electricity providers of the state. The City needed to understand how this could potentially impact them.

Mr. Morehead said this was a very, very complex issue. The fact that it was eluding them in the details was a great example of that. He echoed Messrs. Markham and Del Grande that he would support a timing focus in Mr. Armitage's efforts as it deserved a lot of review, just because it was such a complicated issue. Solar was a good deal for those that had it. The sun kept making energy. Having said that, he believed the City could not abuse the rest of the folks on the grid, and the City's finances, and so forth. So, they deserved to take the parts that were good, and they deserved to suffer with everyone else on the parts that they should.

Ms. Sierer asked if there was any objection for the lobbyist to address it from a timing standpoint. There was no objection.

SB265 changed the authority that the Public Service Commission had to regulate increases in fees that the electric companies charged. It would move the responsibility if the increase was more than 3% to the Department of Natural Resources. Again, the timing was atrocious in doing this, and it set some precedence for why they would continue to have the Public Service Commission in place if they were now going to shift this responsibility to the Department of Natural Resources. Again, he believed timing was the concern as this was a relatively big issue, Public Service Commission, the Standard Energy Utility was also on the list of Senator McDowell, and this was his bill. He hated to pick on him but he did this almost every year in June. He would introduce a relatively complicated energy bill with very little time for people to understand it, and then be angry when people were not able to understand it. Mr. Armitage's discussion with him with Council's approval would be about timing. This was a pretty significant change in public policy that deserved further discussion.

Ms. Wallace asked for further clarification. It was her understanding that Newark did not come under the Public Service Commission so she was not understanding the concern here from a Newark perspective. Mr. Armitage noted the talking points went as follows, "Changing Delmarva's language makes the municipal and cooperative special provisions stand out more as different, not comparable. DEMEC and the Delaware Cooperative opt to freeze the RPS standard, a question of comparability and terms may be raised, potentially giving cause for future legislative action taking away the exemption we have from the Public Service Commission."

SB170, the minimum wage increase, was still on the Senate ready list. That was tied up in a deal, whether or not they changed the taxing and the share of the money that the casinos got between Senator Marshall and Senator Bushweller. He did not know whether that would sort itself out, but the casinos absolutely made a pretty good case that, what they were spending versus what they were taking in, was not sustainable. He suspected there may be some changes there. He did not know that Senator Marshall would get a change in the minimum wage.

Bond bill drafting was completed. The increase to the Municipal Street Aid was to \$6 million, and the Community Transportation Funds were increased to every legislator. Every legislator got at least \$300,000. They also set aside \$5 million as an experimental program. Many legislative districts had more street miles, than other districts. The legislator said everyone was getting the exact same thing, and they were really falling behind trying to do some of the stuff in their districts. The Department of Transportation was going to try to create a list of the needy streets, and address some of those with the \$5 million that they had in a year. He thought this was a good thing. Hopefully the experiment worked and they would, in future years, continue to look at ways to spend that money the best way that they could.

Bill drafting on June 26 for Grant-In-Aid would start at 10:00 a.m., and he believed things would be restored as they had been, and the budget smoothing bill was not going to happen this year.

The Chair opened the floor to public comment.

John Morgan, District 1, asked whether the City had given the lobbyist direction on HB456, the Lead Paint Bill because he believed if they had not already given him direction, Council should give him direction tonight to support that bill.

Mr. Hamilton said he would certainly like to have him support that bill.

Ms. Sierer asked if everyone at the table understood the proposed bill. Mr. Morehead said he did not have the detail in front of him. Mr. Markham said he had not read it and asked if it was longer than the City's proposed bill. Mr. Armitage said he did not have it in his spreadsheet. However, he said it mandated that any outdoor playground equipment could not use lead paint. He believed it started to include markings on highways. Lead paint did not have to be removed that already existed and encapsulation could be done. He believed it would pass as it has widespread support.

Ms. Bensley provided the synopsis from the State Legislature website: "This Act amends Titles 14, 16, 17, 26, and 29 of the Delaware Code to prohibit the use of lead paints on outdoor structures such as bridges, water towers, playground equipment, highways, parking lots, and utility towers and poles, in order to protect public health from the dangers of such paints. More specifically, Section 1 of this Act substantively amends Title 16 to add a new Chapter 30M setting forth the general prohibition of use of lead paints on outdoor structures after specified effective dates. Section 2 of this Act amends Titles 17, 26, and 29 to reference back to the new Title 16 Chapter 30M prohibitions. Section 3 requires the Department of Natural Resources and Environmental Control to develop regulations governing the removal of lead paint from outdoor structures consistent with this Act."

Ms. Wallace believed Council should support it. She noted she had glanced through it, and this was not just water towers, but addressed all outdoor structures which was something that they had discussed previously. She thought it was important that they addressed these additional outdoor structures. They were still using lead based paint on outdoor structures throughout the state. The State of Delaware used lead based paint on outdoor structures, but also, private individuals and private corporations could use them on their equipment. She believed this was an identified problem and thought this should be supported.

Mr. Markham had scanned the bill as well and had a question for Mr. Filasky. He noted it referred to 90 parts per million by weight, and that was not something he had in his background, and whether or not that was appropriate. He asked Mr. Filasky if this fit into what he would expect or recommend if they were running their own law or the engineering regulations. Mr. Filasky said he would have to return to Council with the information. Ms. Wallace believed there was always an opportunity to make something stricter if it needed to be. Ms. Sierer suggested this could be a starting point.

Mr. Hamilton said he believed it would make Delaware the first state in the nation to ban outdoor lead paint. He thought it would be nice to be in front of that movement because it was coming.

Mr. Armitage was aware that DelDOT had not been using lead paint in highway painting for years, and they were the starting point for other agencies in the state to figure out how to do those contracts. Verizon had some concerns about the light poles that they had, and he overheard a conversation between their lobbyist and Dr. Roe, that wherever that impact was going to be, it was going to be minimized for Verizon, but they were able to do the encapsulation rather than have to do anything different.

Ms. Sierer asked for confirmation that there were no objections from the table to supporting this bill. There were none.

16. 7. RECOMMENDATIONS ON CONTRACTS & BIDS:

- A.** Recommendation to Award Contract No. 18-01 – Purchase of 10/12.5 55 Degree Rise/11/2/14 65 Degree Rise Power Transformer

53:21

Mr. Patel provided a brief synopsis of Contract 18-01 and recommended awarding the contract to WEG Transformers USA, LLC of Washington, MO in the amount of \$383,150.00. Further detail was provided on his memorandum of June 5, 2018.

There were no questions or public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: TO AWARD CONTRACT NO. 18-01 – PURCHASE OF 10/12.5 55 DEGREE RISE/11/2/14 65 DEGREE RISE/11/2/14 65 DEGREE RISE POWER TRANSFORMER IN THE AMOUNT OF \$383,150.00

MOTION PASSED. VOTE: 6 to 0.

Aye – Hamilton, Lawhorn, Markham, Morehead, Sierer, Wallace.
Nay – 0.
Absent – Clifton

17. 7-B. RECOMMENDATION TO AWARD CONTRACT NO. 18-03 – PURCHASE OF ONE 35KV OUTDOOR VACUUM SUBSTATION CIRCUIT BREAKER

54:20

Mr. Patel provided a brief synopsis of Contract 18-03 and noted this circuit breaker would add extra protection to the new transformer the City was purchasing and to the reliability of the system as well. He recommended awarding the contract to Siemens Industry, Inc., Wendell, NC in the amount of \$34,247.00. Further detail was provided on his memorandum of June 5, 2018.

There were no questions or public comment.

MOTION BY MR. MARKHAM, SECONDED BY MR. HAMILTON: TO AWARD CONTRACT NO. 18-03 – TO SIEMENS INDUSTRY INC., OF WENDELL, NC IN THE AMOUNT OF \$34,247.00.

MOTION PASSED. VOTE: 6 to 0.

Aye – Hamilton, Lawhorn, Markham, Morehead, Sierer, Wallace.
Nay – 0.
Absent – Clifton

18. 8. FINANCIAL STATEMENT: None

**19. 9. ORDINANCES FOR SECOND READING & PUBLIC HEARING: None.
*(Secretary's Note: Bills 18-11 and 18-12 which were originally advertised for this meeting were postponed to a TBD Council Meeting by request of the applicant.)***

20. 10. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT:

A. Recommendations of the Planning Commission Parking Subcommittee Regarding Parking in the Downtown Area

55:15

Ms. Sierer said she had attended some of the meetings of the committee and the group of volunteers had worked diligently and very hard to come up with the presentation and bring these ideas not only to the Planning Commission to endorse them but also to Council for their review. She noted Frank McIntosh was the chair of the committee and three other speakers from the committee would follow.

Commissioner McIntosh announced that he, Lee Mikles, Will Hurd, and Chris Locke would present. The presentation was titled "A Bold New Future for Newark: A Comprehensive Parking Solution." He reported this was an overview of the strategic findings of the parking subcommittee, the strategic issues that were identified with solutions and a summary of the next steps. The strategic issues included cultural thinking around parking, parking distribution and availability, economics of parking, zoning code revisions, storm water quality, employee parking and private lots not in the City network.

The committee was designed to engage in four areas. They looked first for primary stakeholders. They wanted their deliberations to be transparent, to listen to all the voices, and to discover the problem; if a problem so existed. As it turned out, there were and they did not make that assumption going in. That required the them to explore and ask why. The why took a bit of time. The committee was authorized in May 2017. Three months were put into thinking about what the committee should to do, how to do it and who should be on the committee. During those three months, they recruited the committee people. The first meeting was an introductory meeting in August 2017. There were seven working meetings held, and a public workshop was held to garner additional comments and explain their findings to the public.

He noted they updated their report to the Planning Commission and at its last meeting, they received a unanimous favorable vote to bring the findings to Council. He noted the map on page five is a "mind map." It depicted the complexity of the issue and noted there were a lot of moving parts. The "mind map" was done surrounding the major points of the parking situation in Newark. The intent of the presentation was to unravel this complex situation and give Council what they believed was the path to that bold new future for Newark. The first rule of the committee was to deal with partisanship. To serve, a member had to park their hat at the entryway to the meeting room. Page 7 of the presentation (entered

into the record) listed the members. They included business owners, non-profits, students from UD. There was a development committee member and UD participants. There was the Planning Commission. In addition to that there was people within City government, like the Parking Division, that they invited to the table. The public was included as well to the extent they were involved in the discussions as they were having them, and they had direct input into what the proceedings were. Any member of the public had that opportunity, not as a speaker at the podium, but as a worker at the table. The charge to the committee was examine the issues, generate ideas, and formulate solutions. The proviso was to do this without regards to political affiliation or personal bias.

He reported the people that accepted the challenge were Jordan Abada, University of Delaware Student; Rob Cappiello, Business Manager, United Methodist Church; Mary Ellen Gray, Director of Planning and Development, City of Newark; Mike Fortner, Planner II, City of Newark; William F. Hurd, AIA, Architect and Planning Commissioner; Chris Locke, General Counsel and Partner, Lang Development Group; Frank McIntosh, President, Junior Achievement of Delaware, retired and Chair of Parking Subcommittee and Planning Commissioner; Lee Mikles, Owner, Grain Craft Bar + Kitchen; Richard Rind, Director, Auxiliary Services, University of Delaware and Alan Silverman, County Planner, retired, and Planning Commissioner.

Mr. Mikles said as the committee started to look at the parking issue one of the things they understood was that people perceived parking differently. Perceptions varied greatly based of the time of day, intended use and the time of year. In their experience, there was either not enough parking or too much. Each of them at different times had a different perception of parking. They started to dig into Newark's parking background. There were a wide range of parking requirements that were developed over many years. There are 34 different parking requirements that spelled out how many spots a business required, based on what type of business it was. These requirements were specifically defined for bowling alleys, restaurants and even undertakers. They were complicated and varied greatly. It created a problem when the desired use of the property evolved based on the needs or the changes in the community. A new use could fall under a different parking requirement and this locked these properties into specific uses, regardless of the changing needs of Newark.

The committee tried to back up and take a different approach. They wanted to look at one that reflected what the City was and what the City wanted to become, and one that allowed them to advance. They wanted to step back and say, "What do we want to be to meet the future needs of Newark?" They believed the bottom line was that Newark was more of a city than a town. Newark had a government, a University, a police force, and over 30,000 residents. The City needed to approach parking as if they were a city, because they were more of a city than a town. Overall mobility needed to be addressed, not just the cars of today. The City needed to be made more walkable, more bikeable. Downtown needed to attract people from outside of the area. He asked for everyone to imagine what a congested Main Street might look like if the cars were all parked elsewhere.

Commissioner Hurd said the essential part of the process was to discuss current parking requirements and the role these requirements played with the problems that were identified: cultural thinking about parking; zoning code revisions; and private lots not in the City network. They noted that current parking requirements were based on a suburban model, where cars were the primary mode of transportation. These requirements were designed to provide parking to meet peak demand. This requirement allowed a place for a car at every place it could be and produced an oversupply of parking in dense areas like downtown. They could see the results of these requirements along Main Street with parking and narrow retail fronts with a need to combine lots so required parking could be accommodated. This car-first model created the expectation that there would be available parking everywhere a user wanted to go. These parking lots often sat empty at the end of the day and during school breaks because they were sized for peak demand. These empty spaces could be of use serving other users of the downtown, if the zoning code allowed it.

As noted by one member of the public at their meetings, parking requirements and the constantly expanding parking supply elevated one mode of transportation, which was the car, over all others. One effect of this was that the cost of private car travel, including parking, was rarely visible to the consumer. Only by stepping back and viewing parking in a larger context could all of the other connections be seen and start to make decisions in a holistic way. To support the City's desire to have the downtown become a vibrant place that attracted a variety of visitors, there needed to be a cultural shift away from the existing model that elevated the car, to an emerging model that supported many modes of transportation. The vision in the current Comprehensive Plan sought complete streets, compact and mixed development that supported all transportation options. To support the growth of these other modes of transportation; walking, bicycling, transit, car sharing and ride services, they needed to reevaluate their parking

requirements wherever they provided parking within the downtown area. These changes would prepare them for the future and the new populations that they wanted to live and work in the city.

Mr. Locke said to paraphrase Milton Friedman, the world-renowned economist, free parking was not free. Parking came at a cost not only to the property owner in increased construction expenses and lost revenue, but also came to the city, its taxpayers, and the environment. To the city and the taxpayers, the loss was by a decrease in property taxes and the loss of utility revenue. This was so important to the operating budget of the city. This loss was not a one-time loss but rather a perpetual loss for generations to come. By requiring such a high amount parking, this also had a cost to the environment, by increasing storm water quantity, a decrease in quality and advocating more car pollution instead of cleaner transportation. The loss of tax revenue was staggering as currently a substantial amount of the most valuable real estate in the city was not being used effectively for the benefit of all stakeholders. Parking was not a UD problem, a merchant problem, or a downtown problem. It was a city problem that affected all of its citizens, businesses and visitors.

UD addressed their parking issues by providing over 9,000 spaces throughout the city. They had created their own bus system with over one million riders in the last year, and by constructing not one, but three parking garages over the last 15 years. Private land owners had also provided a tremendous amount of spaces for parking. This came at a substantial cost. These lands were the most valuable pieces of real estate in the city. The lack of development came at a substantial loss in lost taxes and utility revenues. These lands were vitally important to the commercial vibrancy of downtown. A vibrant downtown was not only good for business owners, but also to homeowners in increased real estate values for their homes. Society was changing. When he was in his 20s and early 30s the dream was to have two cars and a McMansion. Being a father of four 20 plus year olds at this point, he could say this was not today's dream. It was his opinion that presently 20-30 year olds were looking to move to areas that were more walkable, bikeable and Uber friendly.

He believed that was why there were increases in people moving to Baltimore, Philadelphia and New York. When looking at the demographics it was almost all 20 and 30-year olds. They were desiring places where they could walk to eat, shop, and have fun. By allowing parking spaces to be used differently, the effect to increase the supply of commercial spaces, making this space available at lower rates, which would attract different retail businesses and attract startup businesses. He had heard for years how residents wanted a grocery store in Downtown Newark. This was economically impossible with the current parking requirement. It just could not be done economically. The current parking regulations dictated the inefficient use of real estate. It had an adverse effect on construction costs, and the type of housing they wanted to try to create in the city. For example, much had been said in the past about the type of residential apartments downtown. However, the current parking regulations put a tremendous and prohibitive cost to smaller apartment units versus larger apartment units.

A typical space was 9' x 18', which was 162 square feet. One space could generate an additional \$2,400 to \$4,800 in additional rental income. This increased the building value, which then increased the tax assessed value. In the last 10 to 15 years, the City he would estimate had lost somewhere between 25-30% in additional property tax revenue, by the current city parking regulations and millions in utility revenue. The cost to the environment was also substantial. Many cities were now revamping their parking regulations to curb the parking lot impact on the environment. Parking spaces became heat islands. Parking lots collected all sorts of pollutions of leaking oils and fluids from cars, and parking lots increased the volume of storm water, which put tremendous stress on storm water management. Conversely, a well-designed development, free from parking regulations, reduced negative effects on the environment.

The current parking regulations invited more drivers to downtown, adding to congestion and air pollution at the expense of other transportation. This presentation was asking a very simple question, "what do we want for the future of our city?" He asked if they wanted a city of asphalt, or a city with beautiful buildings embracing the history of the city for its citizens to engage each other. At the recent UD workshop it showed that citizens wanted a walkable, bikeable city with a vibrant, diverse downtown.

Mr. McIntosh said proposed parking solutions included two views. One would be an immediate solution with existing resources or what were the kinds of things that could happen by doing nothing else. These would include wayfinding, countdown signs, a dynamic fee structure, GIS, an app for smart phones and collaborating with UD on parking solutions.

However, he believed just as important was to pave the way for tomorrow currently. These ideas would include a marketing plan, subscribing to a CAN DO mind set, thinking outside the box, allocating needed resources, and creating innovative and new resources. They had been told by the GIS people they could tell where those spaces were soon. The committee believed it was important to start now on what

they must and could do as they moved down the road. Essential to success was a comprehensive marketing plan. There needed to be an understanding where they were driving this, and when and where these things would layer in. They would not all happen at one time. A solid marketing plan would help them to do that.

There must be a shift in the way they thought about parking in the City to take the City to a better level in allocating needed resources and creating innovative new resources. He wanted to note this was an integrative package. They could not selectively say, "Oh we're going to do this because it is easy, we can do that and put a little check mark there, and everything is good." The quick fixes generally did not solve the problem. These things integrated with each other, and they had been carefully thought out to do that in a way that would help them to perhaps never have to visit this again.

Mr. Mikles said one of the things looked at was, how could they change the demand. There were times there were too many spots, there were times there were not enough. They tried to figure out how could they better use the discreet street parking inventory that they had. The committee had many different viewpoints and perspectives. One of the real positive discussions they had as a group was around the need for affordable parking for employees near businesses. Through the discussion they found out that UD had extra parking capacity in the evenings. This was the same time that the restaurants were at maximum employment and maximum activity. UD created this after-hours parking program. It was a parking option for employees at Newark businesses. These lots were nearby and inexpensive at \$17 a month. The lots were managed by UD. By having employees park in these spots would create a situation where they freed up more spots for visitors to come downtown.

He noted it was important to note that just talking about it did not make it so. This needed to be actively marketed to the local businesses. The business owners needed to buy-in and promote this to the employees. It must be a group effort. He believed there were solutions available if they all worked together regarding business growth. He had long loved Newark during his high school days. He was cruising, the three times he was allowed to cruise down Main Street visiting Gershman's and the State Theater. He earned his engineering degree and MBA, and met the love of his life, his wife of 25 years at UD. He was on the committee out of love for the city and he wanted it to continue to be special for future generations. Three years ago, his business partner, who was also a UD grad, and he fully dove into Newark and opened his restaurant, Grain Craft Bar + Kitchen. He did not have much restaurant experience before that, but they loved Newark and wanted to try and make a go of it.

He noted his restaurant was located on a long bowling alley lot. Behind the restaurant was One Easton Apartments. They had been absolutely delighted how well the restaurant had been received by the community, and they had a desire to expand. One of the biggest requests from their guests was for a banquet room and their chef was requesting a larger kitchen. If they were able to take those two and put it together, and try to expand, they would be able to serve more guests and hire more employees. There would also be increased potential City revenue because of additional taxes and utilities that came because of this. Ideas like this allowed Newark to continue to be that special place for generations to come.

Mr. Locke noted with the current design in the City, the design of a building followed parking regulations when in reality, the design of a building should follow the people. Parking regulations made the City addicted to driving cars to the downtown area, rather than walking to downtown. Everyone had become spoiled when they could not get a space right in front of their favorite coffee shop or eatery. He believed it was imperative to look at parking as a utility, and pricing for parking could not be stagnate. It must be flexible, depending upon supply and demand at any given time. In their time as participants on this committee, they learned the following: they believed the current parking voucher system was flawed and must be revamped. This would benefit the businesses as well as the benefit the City as they believe it would minimize abuse of the voucher system. In their opinion, the voucher had become almost a defacto currency, much like Bitcoin, to be traded accordingly. It was a world he did not know until he sat on the committee. They also learned employees of businesses must park at remote areas, so that the premium parking spaces could be used by customers and visitors. As stated earlier by Mr. Mikles, UD had been instrumental about this program that he talked about and now it was imperative for business owners to really market it to their employees so that the parking pressure by the employees could be alleviated.

They also learned about a tremendous lot called Lot 2 tucked away right across from Lot 1. It was an ideal premier lot being able to reduce the pressure on Lot 1. However, it was currently hamstrung by monthly permits and there was nothing they could do. That process needed to be revamped as well. They believed parking rates must be flexible. Not to pick winner and losers, but rather because basic economic principles of supply and demand should be followed. Currently, UD charged \$2 per hour to park in their garage, but the City charged half of what UD did and City spaces were better and more desirable spaces. This was paradoxical. If the City wanted to induce and reduce a certain population of the City not to use

the best parking spaces then they needed to use the economic model of supply and demand to counter that behavior.

A comparison of parking was like roses on Valentine's Day. It was a classic example of supply and demand. When demand was at its greatest, the prices were highest. The more pressure on the supply of roses, the more the price increased. Parking spaces were no different than roses. Just as the beautiful big roses were the most expensive, so should be the best parking spaces. By being creative with pricing they could balance supply and demand and also put a premium value on the most valuable parking spaces. Those who wanted to walk would be incentivized to park away from the central downtown area. Those who wanted to be very close to downtown would pay for that luxury.

In the end, instituting these changes could make them all happier and, more importantly, competitive with other cities and other external threats to downtown. By using simple supply and demand mottos, it would change people's thinking about parking, manage demand, protect the environment and make the downtown more useful to customers, taxpayers, job seekers and business owners.

Mr. Hurd noted there were short term solutions that they could do today with the existing constraints on the systems. They could use the UD parking lots for some employees, they could do dynamic pricing for some things. But there were longer term solutions that they also needed to consider that would position themselves to really use the parking and the space that they had effectively. If all efforts to provide better information to drivers so they could find available parking and shift some demand to UD locations, the next step in their plan was to address how the zoning code permanently determined parking requirements and how it also restricted the use of dedicated parking.

The committee determined current requirements for parking had a role in some of the strategic issues identified such as the economic cost of parking, lack of available employee parking especially in the evening, storm water issues in private lots that could not be used during times of peak parking demands. Minimum parking requirements were often not based on research or analysis, but rather on what made the municipalities or on political and economic forces that expected convenient and free parking. These requirements became the real limit to appropriate density and a barrier to creating a walkable and sustainable city as well as preventing varied housing opportunities. On page 47 of the presentation, he showed an example of four different uses on the same lot. City Code required the different parking requirements based on the use and as shown on the exhibit, the number of parking spaces varied greatly based on the size of the building that could be built and the effect this had on the street scape. Here again, form followed parking.

To support the City's downtown goals, the committee recommended revising minimum parking requirements for the downtown area. They proposed creating two parking districts in the downtown area: one that encompassed the high-density area along Main Street and Delaware Avenue and the second that contained the medium density area in the surrounding downtown. In the high-density district, they recommend that the zoning code be changed to remove minimum requirements for parking for all uses, residential and commercial and allow the owner to determine how much parking they needed to provide.

For residential uses, this decoupling of parking from bedrooms, shifted the cost of car ownership directly to the renter and removed the subsidy paid by all tenants for the land dedicated to parking. With a well-managed comprehensive parking system in place, there would be many alternative parking locations at a variety of price points a resident could use if they chose not to rent a space at their building.

Without parking requirements, apartment buildings could create public space within or come up to the street much differently than they did now. For commercial uses, removing the minimum parking requirements would allow the ability to either reuse existing buildings that could not currently provide the required parking or redevelop using the full lot providing better stormwater management or rental space for a large variety of uses and of course, find an increase in the tax base. Any excess parking attached to an existing building became available to the market for use by business owners, employees or residents.

Within the medium density areas surrounding the downtown which they felt was in comfortable walking distance to amenities, they recommended setting the off-street parking requirement to be half of the current requirement for shopping centers or one car for every 500 square feet. In conjunction with these changes, they recommended the Code also be revised to allow the management of the previously dedicated parking by private entities to encourage cross access agreements to adjoining parcels. By making these previously private lots available to a wider group of users, they would serve to balance peak demands currently experienced in City lots without the need to construct additional parking.

These solutions had been successfully implemented by many innovative cities that were seeking to create a vibrant and sustainable downtown core. They felt these changes taken together would create a better downtown for all users: residents, students, visitors, employees and business owners. On page 49 of the presentation, they showed a map of cities around the country that had removed or reduced the parking requirements. The green flags were cities that removed their parking minimums completely. Blue flags were places that lowered their minimums and orange flags were cities discussing their parking requirements. It was a trend clearly on the rise.

The remainder of the City would remain with the current parking requirements as those areas lacked the density necessary for shared parking. They recommended providing a mechanism to reduce the required parking if specific amenities were provided to reduce car use, such as bike lockers for businesses, car sharing for residences and ride hailing space for restaurants and bars.

The City's current parking requirements placed parking on prime areas of land downtown and they as a city needed to start thinking about the overall costs of that parking and start to shift any new parking to the edges to allow the center to grow. UD recognized this and had their own transit system to support parking which allowed them to continue to add buildings to their main campus area.

To demonstrate the innovative nature of their proposed solutions, he asked Council consider an example. If restrictions were removed on existing parking to make it available to the market, they now had spaces available at a lower monthly rate for employees than the hourly rate in the City lot. As those frequent users used the alternative parking, they would then have more spaces available in the City lots for visitors and the current shortages at times of peak demand were diminished. But without taking the first step, they could not expect to make more parking available unless they used up more land to build it. Parking lots would still be underused much of the time. Taking together these holistic adjustments to the code and the development of an integrated parking management system would allow the downtown area to grow in a sustainable manner.

Mr. McIntosh expanded on competition. If they did not get ahead of the competition, generally they did not succeed. He compared Main Street Newark to the Christiana Mall. He believed the City could hold the line or put bandages on parking issues. They could pretend the old State Theater was still downtown and the population at the university was 5,000 students, or they could acknowledge that they existed in a competitive environment. The Christiana Mall just underwent a massive overhaul modernizing its structures and its reach. A lot of money went into that thinking. They were winning. If they engaged in competitive thinking, then it never stopped. They just kept thinking about how to make it better. He asked if they wanted the extremely congested Main Street as depicted on slide 55 in the top left or would they want a walkable, less car congested area. People could have just been dropped off from their jitney. Their car was safely parked away or their bike was locked in a stall on Main Street. People were happily strolling with their friends as they moved down Main Street. Maybe they were headed to a restaurant or a shop.

He asked why they needed to do this. UD was very friendly and helpful on this whole discussion around parking. They were a tremendous resource. They however were not waiting for the City to solve their parking problems. They were active in creating their own solutions and how could they blame them. Right around the corner could be the biggest competition ever on the STAR campus. He noted competition was all around them and they were all thinking how they could capitalize on their problems.

He said this was a comprehensive and a bold plan put together to re-engineer Newark, to beat their competition, to keep their position as progressive, friendly, welcoming city, a place to be seen, a place to go. The holistic approach suggested the following. The solutions were intertwined that they had a walkable, bikeable, parkable, eatable, entertainable city to market. They had open-minded government staff and community and they had plans. The plans required time, energy and commitment over time. They would not solve this, it has been here for 30 years, they were not going to solve it tomorrow. But if they were committed to it and they stuck with it and they held to the elements of this plan, it would be solved. It would be solved much sooner than they could ever otherwise imagine.

The committee highlighted the solutions during the presentation and they were located in totality on page 59 of the presentation. They must change the way they think about cultural thinking. They needed an aggressive marketing plan just as their competition was doing. They needed to invest in their plan to the extent that was needed to reach their objectives; which did not mean necessarily raising the tax rate. There were a lot of ways to generate money and they would not necessarily be discussed tonight.

Parking distribution: they must use today's technology to get people to the best place for them to park. The app they were talking about producing would do exactly that. It would bring people from

Elsmere and they would come here as well as people from New Jersey because they knew where to go and what they would get when they were there.

The economics of parking would be created in the parking districts that Mr. Hurd discussed, decoupling parking requirement of residential use and replacing that with viable entities, business entities that were going to add to the tax base.

The zoning codes: they must think about shared parking. The spaces existed. They must ensure they were used instead of sitting dormant when they were needed the most. 300 was the number that they estimated of employees that worked in their businesses downtown at night. Most park in the spaces that customers should be parking in. They needed to address that and move them away. When they did that, they created an obligation to get them from wherever they move them to, to wherever they worked.

Storm water: everybody that watched the news saw lots of floods these days. They had not had that in Newark and they did not want it. They needed to ensure flooding was not part of the picture. They needed to control how much asphalt they put downtown.

Employee parking: they had multiple solutions to address this situation. The combination of offerings would take care of the employee situation and increase their take home pay. These employees were not making a lot of money and then they were paying \$2, \$3, \$4 a night to park their car by the hour.

Shared parking: part of the solution they had already addressed in another place. He hoped Council took this plan as it had been envisioned by the committee and give it to the professionals in the Planning Department to take and put in front of Council the thing that needed to be done, when they needed to be done, how they needed to be done and then to do them. A lot of effort went into this. It was not effort that they should be rewarding, it was the future of Newark. It was not just about parking. It was about a City who looked at its future in a realistic and yet idealistic way that would attract people to come here. This was apparent in all the town that had reinvented themselves across this country. Newark could be one of those towns.

Ms. Sierer said the goal this evening was to develop a motion on whether Council was going to approve the Parking Subcommittee's report addendum and the attachments associated with it in the Council packet. The next step would be that it would go to the Planning Department. She noted they would implement a work plan and come back to Council with those plans. She asked Council to please keep that in mind. She did not think tonight's purpose was to get into the nitty-gritty of specific things, but they did need to have a discussion on moving this forward to the Planning Department to come back to Council with a work plan.

Mr. Hamilton said he attended a couple of the meetings and really appreciated all the work that they put together. He absolutely appreciated the fact that they invited the public in as members and allowed them to speak. He thought that was fantastic and it set a great example for future subcommittees. He loved a lot of the details in the proposal. He loved Mr. McIntosh's humor and believed it makes a good case for verbatim minutes.

Mr. Hamilton said he would love to see a walkable downtown and he wholeheartedly agreed with a lot of the things in this plan. He was unsure about the holistic approach that everything needed to be included because he thought some questions needed to be answered. He recommended not using any references to the power center in marketing techniques.

He asked how Main Street would transform from the congested street to people walking down a much less congested street. One of the things mentioned on here that was left out in the presentation was that they said in the future, the committee believed the parking garage was not vital but they said very important and repeated it twice. That lead him to be cautious that if they eliminated parking requirements it was going to force the City to build a parking garage and that would twist back to costs. He asked what the average costs of parking were in the other towns. They had several members of the public talking about being very upset from going from a \$1 an hour to \$2 an hour. That drew a lot of criticism and he believed Ms. Olsen was quoted in these things as being concerned about that as well.

This all worked. He thought the \$17 a month for the off-street parking was fantastic. He was at that meeting when they were presenting it and he appreciated UD offering it, but he wanted to know if they had asked the employees and told them they were going to be walking four or five blocks at night, after certain hours. There were safety concerns that were brought up but had not heard solutions to those safety concerns.

Spend the day in Newark and the quote was it did not cost much. He would hope competition would take care of it, but in the end if this all drove the City to build a parking garage that was not going to cost much that was going to put potentially taxpayers on the hook for parking. But overall, he really enjoyed a lot of the perspectives and he thought there was an opportunity to increase the tax base and make Newark a lot more walkable and bikeable. He mentioned it in the meeting that he was at that he did not think a parking garage was in Newark's future. Uber was taking care of a lot of those needs. Automated cars that they could park at the edge of the city, not downtown, would be able to just pick a person up when they were done dinner. That was maybe 10, 15 years out, but if they were going to build a parking garage with a 30-year life, there was no sense in building a parking garage if it was going to be taken care of elsewhere. He really appreciated the work the committee had done. There were a lot of different solutions in here.

Ms. Wallace wanted to thank everyone who participated. She said she would be remiss if she did not mention that she had a different reaction than Mr. Hamilton about the public being involved. She thought there should have been members of the public, residents, long-term residents on the committee itself. She thought Mr. Hamilton raised a good point about the employees as well. She said this was a big topic and she could not support this plan as it had been presented in whole moving on to the Planning Department. However, she thought there were some things in there and she agreed that there were some things that they could do right now that they could move forward. She would like to see, depending on what worked out tonight if Council did not approve of this plan moving forward, she would like to see it come back and for Council to focus on those parts which they would like to move forward with. She thought there were some bigger ideas here and this would be a fundamental shift and the residents really had not had enough of an opportunity to be involved in that. There was some great stuff that could be implemented. She had been talking about a parking app since she first decided to run for City Council. She thought that was a no-brainer. The downtown bus route had been tried in the past but she thought maybe the timing was not right and now the timing and other things had changed. There was a lot of good here in this proposal. But, the zoning changes needed further discussion. She was not saying she was opposed to it. She agreed that many of the City's parking requirements were forcing cars in an area that they did not want more cars.

She saw there was this problem and she thought this was an intriguing idea, but she was concerned that they were taking away the responsibility for providing the parking from the business owners and the developers and transferring that to the taxpayers of the City. That was something that they did not talk about was the economics of paying for a parking garage. They could not decouple that conversation from this. She agreed with Mr. Hamilton that changing zoning requirements for acquiring parking downtown would almost without a doubt require a parking garage. She thought the UD suggestion was a great idea and she thought the employees needed to be part of that discussion. She said her daughter used to work down on Main Street and she would have jumped at that opportunity. She said she could not approve this in totality, but she thought there were some intriguing ideas here, and she would like the opportunity for Council if this did not move forward in total tonight to review this and prioritize what it was that they wanted to move forward with right away, then regroup perhaps after they had a new City Manager on some of these larger discussion items.

Mr. Morehead thanked the committee as they did a lot of work. He agreed with Mr. McIntosh this issue had been around for a long time. He disagreed that it could be solved in one sitting. He noted they could make improvements, but this was going to be a constant challenge for them going forward. He believed it was not going to be solved. He suggested setting that expectation aside. He did not understand how the tax base was going to grow when the developments were limited by units per acre now. He had not seen a development yet that had not hit that unit per acre maximum count. He questioned some of the fundamental theorems being put forward. He asked how they were going to approach the peak demand. The committee mentioned current regulations were meant for peak demand and they all agreed they were failing. If they did not approach that issue, he did not know where they were going.

He was excited about the presentation. The reason he was excited about this was that the holistic view that they took came up with many of the same solutions that those on Council not approving of a parking garage were recommending. The committee went down that same list that they developed, and said they had to do all of this. Council funded those 'lot full' signs a couple years ago. Council had been asking for a marketing program saying "do not just let people think that Newark has not got parking." He noted they had a Communications Division. He said they should it to work to solve and address this issue.

He said Council members had been asking for the exact same things that the Committee came up with and he was thrilled about that. He agreed with many of the recommendations. He said he was where he was going to step back and take a profoundly different look at this.

Mr. Morehead said Mr. McIntosh mentioned that parking was a utility. He thought the questions they had to ask themselves were why; what problem were they trying to solve; why were they doing this; was it a money maker for them; was it a service; and philosophically, why were they doing this. The report presented that there was a problem, but it did not say what the problem was. They all had their ideas.

He heard four things said. He heard because Newark was a competitive environment and their future depended on solving their parking problem. He heard they wanted visitors to come downtown. He heard they needed affordable parking for employees and he heard that employees were parking where customers should park. He said to himself, "okay, where did any of this come from as defining the problem?" He recalled a conversation he had with the City Manager specifically about policies regarding the permit lots at \$85 a month. He asked why did they basically give that parking away. It was premium parking. The City Manager said they did not have a policy. Council had never set a policy around that. The City Manager invited Mr. Morehead in an email to ask Council to set a policy and now here they were. He noted there was a great amount of work and it was a great presentation. However, he believed the basics were not in place of what they were trying to do and what the goal was. Until the goal was defined and put their metrics to measurement and try to implement some changes and then they remeasure and re-look. He believed they needed to step back and say what it was, agree and set a direction. They knew they had a problem. He asked what the problem was – the employees, the visitors. He thought the solutions proposed were solid and he said he did not want to get into the weeds on solutions.

Mr. Markham thanked the committee and all the people that participated. He noted good things came out of committees and even if Council chose not to implement them all, they were still good ideas. Certainly, the parking garage was a box in one area way down the road. Granted it had connotations, but they could not ignore it either. He believed the committee put it out there and did not ignore the question. He liked the holistic approach too. He knew a fair amount of the public was involved in the discussions. One of his goals was to avoid this picture of people parked wall to wall and circling. He had been in that traffic and he knew how people felt and what their impression was of the City when they were circling.

He believed this proposal was the Committee's best attempt at a crystal ball and laying out some possible things forward. The way he looked at it they were all ideas and the committee was asking Council to endorse and put some effort behind these ideas and ask for staff to see if something was workable. Anything staff was going to come up with was going to be researched. The committee did not have the ability and staff and the committee was the "idea guys" and he appreciated that. Staff would have to research this and compare it to other cities, the successful ones and the ones that had not been successful. He was certain that places like Seattle have done much different things with parking than they had done here. Anything that came forward with the zoning, the parking outside, that all must come before Council and probably actually come before Planning Commission first for vetting.

He noted the Committee would have a good shot at making sure that was solid before it came to Council. He was sure they would ask the hard questions. He knew these ideas had been contemplated by somebody, but nobody had put them together as a master plan. He appreciated that.

He believes this proposal addressed a lot of issues that he believed they had. He thought Council should listen to a committee that had spent 1,800 pages of minutes. There had been a lot of time, effort, and people time put into this. He thought they should move things forward and see what staff came up with in terms of ideas.

Mr. Lawhorn also wanted to thank the Committee. He thought the diversity of the committee and reaching out and getting people from all different thought processes, different perceptions from all the stakeholders in the process. He thought that was important and how to do good problem solving.

He echoed Mr. Markham's comments. He thought there was a tremendous amount of work done. He thought the most important thing to him was the holistic approach to this. Some of the other Council members talked about that there had been a lot of good ideas, some of them brought forth probably by Council members. One was voted on a few months back that would not work. He believed it was the dynamic parking structure that they recommended and some of the people that were here tonight making this presentation argued against that because they were merchants and that would hurt their employee parking situation, by raising the rates that they would have to pay. The reason he brought it up was because it was a good example and why that idea and the holistic approach was a very good idea that would help to support a solution, but by itself just did not work.

He thought that supported the fact that it needed to be holistic. He echoed Mr. Markham's comments that they needed action. People talking about how parking has been a problem for 25 years or 30 years or forever, whatever number you want to use. The part of it was they were not acting. He

believed the way they acted at this meeting was this was not a final plan, they were recommendations. He thought the concerns some of the other Council members raised were valid, but they should be worked out by staff, by the Planning Department and the rest of the staff, whatever team it took to get the job done. Because they were going to do the work and they were going to do the research to refine this. The committee defined the multiple problems that there were and came up with ideas for potential solutions that were good ones.

He noted even when they started implementing ideas, things failed and did not work but they could not be afraid to step forward, have action, and try to have a solution. The easy thing to do was to talk in circles and say "well that is a good idea" and not do anything. It was hard to make positive change whether it was in a city or a corporation; affecting positive change was the most difficult thing to do. He thought Council members had to be a little bold and push to move forward knowing that it was not going to be perfect, but that they needed to act because it had been a problem and everybody had been talking about and nothing was done. He was very much in favor of getting this into the Planning Department and he urged other Council members to approve the plan to get in so they could start action and refining this.

He recalled a few months ago when merchants showed up to talk about the dynamic parking structure, and he knew that there was the woman from Unique Impressions that spoke to the amount she was spending of several thousand dollars a year in parking for a spot, but the company owned two spots. He asked if that was what the committee was talking about when discussing a permit when a business may own a spot or two and it did not seem like there was any real structure behind how it works or how many spots any given business was allowed to have.

He had spoken to a lot of people in the area where he worked which was North Wilmington and asked them if they visit Newark. He said difficulty in parking came up a lot and the comparative city that was kind of in the middle there was West Chester. Multiple people in different areas told him West Chester had five parking garages and they knew where they were going. It was not just the fact that they had the parking spots available, it was that it was predictable. They knew where they were driving. They knew where they were going. He thought it spoke to the communication piece. He understood the parking garage was a big and a polarizing topic and it may be a part of the plan. That when they started the action, the conversation would be discussed publicly, and they could work that out when they got there. He did not care how many spots were available, if a bunch of people were not coming here, because they said parking was a problem, then it was a problem. He did not care how many spots they counted. It was a competitive problem and he thought it was important that they fix it. He understood it was not perfect and that it needed refinement. He believed Council needed to get it into the hands of staff so that they could start accurately refining.

Ms. Sierer would ditto quite a bit of what Messrs. Lawhorn and Markham said. She viewed this document as a report. She viewed this committee who worked many hours developing a comprehensive slate of ideas that they could bring forward to Council, some of which they were certainly aware of, some of which they were not. She certainly thought that it behooved Council as representing constituents in the community to take a group of volunteers who served on a committee and brought forward ideas in the form of a report; that it behooved Council to move this forward to the Planning Department who could develop a work plan and a time line suggestion on these ideas, when they could do them, how much it would cost, and if they were viable ideas. She felt that for Council to not this forward it was just kicking the can down the road yet again, because they had been talking about parking for many decades. She thought this was a viable option for them to have serious discussion when staff came back to this room to present the ideas, costs, reasons, and data on why they should be working towards any of these ideas. She supported moving it forward.

Ms. Sierer opened the discussion to public comment.

John Morgan, District 1, thanked Mr. McIntosh and the other members of the committee. He said he was able to attend all of the committee's meetings last fall. Unfortunately, because of various conflicts, he was not able to attend any of the meetings from January onward. He felt he was able to express his opinions openly with a lot of good attention being paid by all of the members of the committee. He really appreciated that. He thought Mr. McIntosh did a great job of running the committee and urged everyone to read the verbatim transcripts. They were very educational, and even entertaining in places.

He asked Council to direct their attention to a handout he left up at the dais, which was an excerpt from the minutes of the Boards and Commission Review Committee from January 2017 of which he was the Vice Chair. He noted on the second and third pages there was a comment he made that the City really needed to have not just a parking committee but a transportation, traffic, and parking committee to take a more holistic view of what was going on and that was endorsed by Mark Deshon, chair of BikeNewark.

He agreed with everything that had already been said, that most of the recommendations made a great deal of sense and should be implemented as soon as possible. He suggested some may not need to go through the Planning Department, like having more countdown signs or integrating the information with UD's parking garage information. He thought changing the public perception of parking could include asking the Newark Post to stop printing on its front-page photos of Lot 1 when it was full, which they had now done several times. He believed there should also be photos of Lot 1 when it was only a quarter full to make the point that, yes, there were times when Lot 1 was underutilized and there was plenty of parking available.

The circular bus route sounded like a good idea, but he reminded everybody that about 10 years ago, they had the Newark Trolley, which was pretty much the same thing and it was not viable. Ridership was low, it was not paying for itself, and DART pulled it after just a couple of years. He suggested asking DART to restore the #6 bus service as it would be at no cost to the City and, rather than having the terminus at the Newark transit hub near the Newark Shopping Center, it went all the way down to the municipal building, and then back along Delaware Avenue. He believed that should be very straight forward to do. Especially, since originally a rider was supposed to be able to get off the #6 bus at the transit hub and then get on the trolley, but there was no longer a trolley. He asked there be a conversation with DART about this issue as soon as possible.

He pointed out that the West Chester, PA with their multiple garages charged \$1.50 per hour not \$1.00 and he wondered what the reaction would be from the downtown merchants who claimed charging \$1.50 an hour would drive them out of business.

He was very nervous about the proposal to eliminate off street parking minimums for all the uses. He thought it might make sense to do that for residential uses, because he thought apartment owners could market their buildings to UD students who were not living downtown without an automobile and using some combination of bikes and the campus bus system to get around. He believed that may work. However, he thought if they wanted to bring in people who were going to drive to Newark instead of going to West Chester, they would be driving cars. He shared the concern of Mr. Hamilton and Ms. Wallace that if they completely get rid of the parking minimums for commercial uses, pretty soon merchants were going to be insisting that they must have a parking garage built with some component of taxpayers' expense.

He believed it was very important to force business owners who received parking waivers to adhere to the commitments they made when they got those parking waivers. He was thinking particularly of all the disputes at Trader's Alley. People had mentioned cross access agreements. He asked how did those work. He believed they knew how they would work when considering the experience with Trader's Alley, where the people had been back and forth here before Council and it was a big mess. Therefore, he believed there were some things contained in the proposal that should not be acted upon now, but there were a lot of good ideas and they should move forward with those as quickly as possible.

Brian Dunigan, District 3, said when the State Theater was in existence the quality of life in the City was beautiful back then. A person could retire. There may have been seas of asphalt across from the Deer Park, now there was a parking garage that had four floors of asphalt and Trabant was unused most of the time. He asked why that was and noted that it was because people would not walk even though it was a few hundred steps. He noted another sea of asphalt was the Newark Shopping Center. It seemed to him there were less parking spaces the way they designed that now and asked why that was. He noted they could have put metered spots there. He encouraged Council to put meters anywhere they possibly could. The prime spots of Main Street, when a bank closed, put a meter, and it was specific times, it was night time only. He thought they should try it. People might be confused at first. He said they could review the permits, install meters or get rid of those permits. He asked if UD was going to step up. They had parking lots on Academy Street and Delaware Avenue, right behind the old science building. They had another parking garage over on North College Avenue. It was not a far walk. He thought maybe they should pay for the Burger King. He suggested it could be the best-selling Burger King, build the hugest parking garage ever and solve their problem. He did not think the City should have to do it. He asked when he got to vote on UD's addition of 5,000 more people and where did that vote take place. He had nothing to do with that. If they wanted to be Penn State, he thought they should build another garage, central to Newark, even if they must knock out their own buildings. He believed it was not up to Newark to build a parking garage because they have added 5,000 more students.

He said he was not in favor of raising parking rates necessarily. He saw brand new BMWs with New York license plates and asked if they thought they were really going to care if the rates went up. They would park in Lot 1. That was not happening when the State Theater was still here.

Jean White, District 1, attended most of the meetings of the parking subcommittee. She found them very interesting and lots of different ideas were brought up. She enjoyed them and even spoke a few times. She loved the idea of the countdown signs. When she went down Main Street she always wanted to look and see what it was. She would be happy when they got to the other two at Lots 3 and 4.

She did not appreciate the comments on the State Theater, as one of many people who tried to save and worked to save the State Theater, who researched theaters of that era all around the country that had been saved such as the State Theater in State College, Pennsylvania which now existed for many shows. She did not like the comparison to Christiana Mall. She did not want Newark to be like Christiana Mall, but having a viable town was a good idea.

She asked if the committee saw all the UD students and the residents having fewer vehicles or did they see all of them having the same number of vehicles but just driving less in town and only taking trips elsewhere. She needed to drive downtown and she parked in Lot 3. She did walk, but she felt she needed to drive there first to shop downtown.

Dave Bard said he would be moving a business into Newark. As a native of Newark returning from Wilmington, he wanted to commend everyone for addressing it. He would work with Mr. Markham and Mr. Lawhorn. He said his current business was in Wilmington and 40% of their first question of why somebody did not come to his business was parking. They had metered parking and lots. He said every day his customers came by and gave him any excuse. He thought if they could even pull a couple of excuses away from people, that was much more important. He believed the issue was not going to be solved, but something must be done or it would just continue for another 50 years. Ms. Sierer agreed it was a work in progress.

Michael Corrigan, owner of Days of Knights which has been on Main Street for almost 40 years, said they would love to stay in business for another 40 years, but parking was one of the major problems they had with continuing to be viable. She saw a lot of retail stores and stores rather than restaurants who went out of business and could not continue to be viable because of parking issues. She agreed this had to be addressed. She said there were a lot of good ideas. She had some concerns because they had parking that was a private lot. Part of their lease was that they got a certain number of slots, but it was not enough. It was not enough for any of the restaurants that were around them. She said it caused a severe problem. Having her employees park in a different place was not going to solve her problem. It may solve a few of the restaurants' problems but that was not the key problem. They just needed some place that they could be assured that people could come in and find a place to park. That did not happen most evenings, but particularly on weekend evenings in Newark. She believed if Main Street was to be viable, to be a place that was thriving, this issue needed to be addressed. She thought there must be many ways to make it viable for people who are not within walking or biking distance because part of what kept restaurants and stores viable was bringing outsiders in. She thanked the committee for all the work that they did.

Ms. Sierer returned the discussion to the table.

Ms. Sierer believed part of this process also would be able to answer some of those questions for many. In her view, there would be significant opportunities for public input, business input, developer input, whoever it may be that was investing in the community whether they lived here, worked here, or had a business here. She thought this report would allow Newark to have the Planning Department and related staff be able to come forward and present ideas with detailed information on what this committee worked on. It would be a public meeting and residents would be permitted to participate.

Mr. McIntosh noted as others said, one of Newark's biggest problems was the perception that there was no parking in Newark. He believed that was not the case; it was only true at peak times. This plan alleviated that for the most part. He reminded all the committee put a lot of different ideas in front of Council. They would not be solved without discussion, reviewed and dug into to find the final solutions. He did believe that they could solve this problem. He said over 13 months had been dedicated to the proposal with smart people representing different entities coming up with different ideas. He noted they did not advocate for their own businesses. They advocated for the City of Newark. They followed the rules.

He was not certain a parking garage would be needed. At this point, the committee believed that may be true. However, three years from now maybe that would not be the case. That was no reason not to move forward with this plan. It had nothing to do with it. It must do with taking these little component parts, some of them not so little, and saying "here's a potential landscape of ideas that we can take and do something with." Now some of them might turn out to be not so good, as they thought they were. He wanted everyone to know there was enough here across the board. People, if they believed that they could come here and park and if they could convince them that this was a place that they could come, be

safe, park their car, enjoy their time here, they would come. He believed it was up to them to change the myth into something that became the new reality.

He wanted to stress it was the professionals' job to do this. The City had an excellent Planning group. He encouraged Council to let them do the work that they studied to do. Let them build this out, hack it out. He noted if the proposal could not be supported after more research was done, okay.

Ms. Wallace said she appreciated Mr. Macintosh's comments. She meant no disrespect but any changes to the zoning code did benefit these businesses. They did overwhelmingly benefit the business owners, the developers downtown. She said that was not necessarily a bad thing, but she asked where the balance was. She said more conversations were needed to determine how it would impact the residents, the taxpayers at large. She said she had a problem committing staff to do work that they knew Council was not interested in. She always considered that. She asked staff to put together a work plan with respect to proposed zoning code revisions as they were the sticking point for her. She added she agreed with most everything else moving forward with a return to Council for approval. If that process could be agreed upon, she would be okay with it.

She said there needed to be some more community involvement around the zoning code issues. She was not sure if they should be workshops. She was not comfortable just jumping in the deep end with that without a lot more conversations about that and trying to understand the broader implications of that suggestion. Mr. McIntosh said they were aware of this and added that zoning changes must come through the Planning Commission and would be vetted. Ms. Sierer added they will be part of the recommendation. Ms. Wallace understood but believed they need to be vetted by more than just coming back to the Planning Commission and coming to Council.

Mr. Markham said when reading the proposal, it included the next steps and he believed it really seemed to fit in with what was just talked about, and it said, "Should Council approve the described recommendation, then staff will prepare an implementation work plan with timeline." He believed that was what Ms. Wallace was referring to. Ms. Wallace said that was exactly it and she was referring to her previous comments and saying she thought she would be okay with that.

Mr. Markham said he was not certain where Planning Commissioners Cronin and McNatt stood but he noted five out of the seven Planning Commissioners approved this report.

Mr. Hamilton reiterated he appreciated the committee's efforts. He believed there were a few ghosts in the room that they needed to chat about. He said rather than go full steam as his colleague here mentioned and assigning a task to the Planning Commission and Planning staff, he did think there needed to be a couple of steps back and look at a more holistic issue. That was the reality of having 6,000 more students in Newark. He was not sure what their parking situation was specifically, but if suddenly they approved all this different zoning and they put 6,000 people into this town and they did not have additional parking spots for them, there would be more trouble. With that looming on the horizon he thinks there needs to be a few steps back. There were a lot of things they could implement immediately without a huge impact. He personally would like a little bit more time to look this over. He appreciated the presentation, but he was not willing to give staff at this point a go ahead when some of the things they discussed tonight he would like to have community input and some time to think about how a lot of the moving parts would fit.

Ms. Sierer said she was not interested either in having staff be given the go ahead, but she did think that the work that this report showed was stepping to having staff putting together information and costs, and realities, and data, for them to even have the next conversation. She was not convinced she would vote and be in favor of any of these ideas tonight because she did not have enough information. She did not know it would impact the budget. She did not know how it was going to impact the traffic or somebody walking down the street or somebody biking down the street. She did not have enough information to decide on any of these ideas they had presented tonight. The only way to get enough information was for Council to move this on to the Planning Department and related staff so that they could bring back the information to Council. Staff could come up with a plan. Maybe they had more workshops on any given idea. Council could help that evolve, but if they did not put this into their lap, none of that was going to happen. There would not be a discussion on any of these ideas.

Mr. Hamilton asked why not and why could some of the easier topics not be parceled out. Ms. Sierer said she would not anticipate staff was going come back with all seven bullet points at one shot. She would think they were going to come out with a timeline and a work plan of what they could do when, how much it cost, when they could afford it and the appropriate steps to do all this including what was

step one and most viable and creating a better solution for parking and quicker. She imagined staff would return with all this information and hoped that they would.

For it to come back piecemeal, initially, she thought that was what they had been doing for decades. For them to come back with a work plan and a timeline and what they perceived as what they could achieve, and what it might cost, and why they should be doing it, and pitch their case. Public input could be encouraged and received on these seven bullet points at the end so that they had a picture of what they should be working on, not piecemeal, item by item.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT CITY COUNCIL APPROVE THE PARKING SUBCOMMITTEE REPORT ADDENDUM, COMPREHENSIVE PARKING SYSTEM DATED MAY 28, 2018 AND SUPPORTING DOCUMENTS INCLUDING THE PARKING SUBCOMMITTEE'S REPORT DATED MAY 1, 2018 AND THE PARKING MATRIX POLICY LAYERS DATED MARCH 21, 2018.

Ms. Wallace said if this proposal passed, she would request staff include prioritization as a part of this work plan.

Mr. Markham said he would be amenable to that being an amendment to his motion.

Ms. Sierer said that was a good recommendation and she agreed.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT CITY COUNCIL APPROVE THE PARKING SUBCOMMITTEE REPORT ADDENDUM, COMPREHENSIVE PARKING SYSTEM DATED MAY 28, 2018 AND SUPPORTING DOCUMENTS INCLUDING THE PARKING SUBCOMMITTEE'S REPORT DATED MAY 1, 2018 AND THE PARKING MATRIX POLICY LAYERS DATED MARCH 21, 2018 AND REQUEST STAFF INCLUDE PRIORITIZATION AS PART OF THE WORK PLAN.

MOTION PASSED. VOTE: 5 to 1.

Aye – Hamilton, Lawhorn, Markham, Morehead, Sierer, Wallace.

Nay – Morehead.

Absent – Clifton

21. 11. **ITEMS SUBMITTED FOR PUBLISHED AGENDA:**
 - A. **Council Members:** None
22. 11-B. **Others:** None
23. **Meeting adjourned at 9:52 p.m.**

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

/tas