

**CITY OF NEWARK
DELAWARE**

COUNCIL MEETING MINUTES

May 11, 2020

Those present at 7:00 p.m.:

Presiding: Mayor Jerry Clifton
District 1, James Horning
District 2, Sharon Hughes
District 3, Jen Wallace
District 4, Chris Hamilton
District 5, Jason Lawhorn
Deputy Mayor Stu Markham, District 6

Staff Members: City Manager Tom Coleman
City Secretary Renee Bensley
City Solicitor Paul Bilodeau
Assistant to the Manager Jeff Martindale
Chief Communications Officer Jayme Gravell
Finance Director David Del Grande
Parks and Recreation Director Joe Spadafino
Planning and Development Director Mary Ellen Gray
Parking Manager Marvin Howard
Parking Supervisor Courtney Mulvanity
Planner II Tom Fruehstorfer
Public Works and Water Resources Director Tim Filasky
Public Works and Water Resources Deputy Director Ethan Robinson

1. Mr. Clifton called the meeting to order at 7:00 p.m.
2. **SILENT MEDITATION & PLEDGE OF ALLEGIANCE**
Mr. Clifton asked for a moment of silence and the Pledge of Allegiance.

Mr. Clifton explained the procedures for the GoToMeeting Platform. He stated that at the beginning of each item, he would call on the related staff member to present and, once the presentation was complete, he would call on each Councilmember in order of district number to offer their comments. If a Councilmember had additional comments to add later, they should signal Ms. Bensley through the GoToMeeting chat function. Members of the public wishing to comment should also signal Ms. Bensley through the chat function with their name, district or address, and the agenda item on which they would like to comment. He noted that for participants logged in by phone, names would only appear as Caller One, Caller Two, et cetera, so it was imperative that the participants inform Council of their identities. He stated that all lines would be muted until individuals were called to speak. All speakers were required to identify themselves prior to speaking and, in compliance with the executive order on teleconference meetings by Governor Carney, votes would be taken by roll call. He continued that it may be necessary to adjust the guidelines if any issues arose during the meeting. He reminded that all lines should be muted until called upon to speak.

3.
 1. **ITEMS NOT ON PUBLISHED AGENDA**
 - A. Elected Officials who represent City of Newark residents or utility customers (2 minutes): None
4.
 - 1-B. **UNIVERSITY**
 - (1) Administration (5 minutes per speaker) (3 minutes):

2:40

Caitlin Olsen, UD Administration, reluctantly informed Council that the UDon't Need It moveout sale was canceled and all objects would be disposed of to protect volunteers and staff. She explained that UD staff was still gathering information about which students still had personal items in the dorms and would first welcome Delawareans to reclaim their belongings. She stated the students would be given a two-hour period, enforced by UDPD, and after they finished, UD staff would begin to consider Phase III

for out of state students. UD staff wanted to have a solid plan and noted that hotels were not open for out of state visitors to collect their belongings. She said she would share the Phase III plan when available.

Following the Governor's timeline, UD staff was tracking June 1 as the start of reactivation of campus, meaning it would first be open to research facilities. She noted that administration would still work from home and there were no in-person summer classes. She shared that the President intended to hold an online graduation ceremony on May 30 at 11 am and target an in-person celebration when it was safe for participants and the City. He hoped to have a decision on the fall semester by mid-July. She shared the decision would be based on testing and controls and task force teams had eight weeks to determine how to phase-in for the fall. She noted it would give City staff enough time to plan.

Ms. Olsen described the options for the fall opening. The first was a regular opening on August 28 with reduced social interactions across campus. The second option was a delay to October 1st but meant that classes would go through the holiday season without a winter session. She continued that contingency plans included a hybrid option with some in-person classes. She indicated there could be 700 fewer freshman in the fall than expected, admitted the upper-class numbers were unavailable, and suggested more students could opt for in-state universities to be closer to home but noted it was difficult to predict. Ms. Olsen estimated UD's loss to be \$50 million for 2020 and could also lose \$40 million for fiscal year 2021. She would forward information that Council could share with constituents.

Mr. Horning, Ms. Wallace, Mr. Lawhorn and Ms. Hughes thanked Ms. Olsen for the presentation.

Mr. Hamilton asked Ms. Olsen what feedback UD was getting from off-campus rentals because students could be stuck in leases without being able to attend classes. Ms. Olsen replied that the President's and Provost's biggest concerns were health and safety. She shared UD had spoken to the Landlord Association and were passing information as soon as possible. She believed that the June 1st turnover still stood and noted UD was concentrated on basing its decisions on safety.

Mr. Markham asked to verify UD loss for 2020 was \$50 million and 2021 was projected to lose \$40 million and Ms. Olsen confirmed. He asked if the hybrid reference meant more online learning and Ms. Olsen replied it depended on if the format of the class was suitable for distance learning with the number of students taken into consideration. Mr. Markham pointed that UD going to hybrid learning would affect the local economics and wanted to keep an eye going forward. Ms. Olsen believed the President's goal was to return to a traditional student model on August 28th and hoped to have all safety parameters in place. Mr. Markham asked if UD was making contingencies for masks and sanitation and Ms. Olsen confirmed. He referred to the State's request that all visitors quarantine for 14 days and asked if UD considered that in their plans but did not expect Ms. Olsen to have the answer yet.

Mr. Horning asked that Ms. Olsen reach out to the City for assistance in reopening safely.

Mr. Clifton shared that he worked with the Newark Landlord Association to determine a plan that would keep students from crossing paths during moves and explained there were sanitation procedures and would be orchestrated so that the same elevators would not be used. Mr. Clifton shared that the NLA had received pushback from some parents about leases but explained it was a private contract separate from UD. He noted that there were clauses with the larger property owners that called for litigation if enough people backed out of leases. Mr. Clifton did not think it was an easy process to get out of a lease and believed the NLA's move-in plan was safe and effective.

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

6. **1-C. CITY MANAGER (2 minutes):**

23:00

Mr. Coleman informed Council that Representatives Baumbach and Osienski asked if the City would provide a letter of support for HCR 81 which was the continuing resolution supporting the Secretary of Transportation in efforts to expand regional rail between Delaware, Pennsylvania, and Maryland, including the Northeast Corridor connection between Maryland and Delaware. Mr. Coleman believed it aligned with Council's vision but did not want to write the letter without support.

Mr. Coleman wanted to discuss restoring parking rates in the campus districts and lots around June 1 to coincide with UD's Phase I. Staff recommended keeping metered spaces on Main Street between Chapel and The Green free for 15 minutes maximum for curbside pickup until restaurants reopened.

Mr. Clifton asked if Council should give direction on the continuing resolution and Mr. Coleman confirmed. Mr. Clifton thought it was reasonable and opened the table to comment.

Council was unanimous in supporting the action.

Ms. Bensley stated that Mr. Armitage was available to share the resolution with Council and he read it into the record.

Mr. Clifton opened the table to discussion about the parking issue from Mr. Coleman.

Mr. Horning asked Mr. Coleman to repeat the recommendation and Mr. Coleman stated that staff would reactivate pay parking for meters outside of the central business district and parking lots would return to regular pay configuration. Mr. Horning asked if pay meters before Chapel Street would be activated and Mr. Coleman confirmed unless Council decided otherwise. Mr. Horning was hesitant in case businesses near the area were still doing curbside pickup and Mr. Coleman stated staff only recently began discussions that afternoon and believed it was possible that an ordinance change was required but would further investigate. Mr. Horning supported further investigation.

Ms. Hughes asked why the City had a 15-minute parking window and Mr. Coleman repeated the 15-minute free maximum parking allowance was to facilitate curbside pickup for downtown restaurants. Ms. Hughes asked which meters were free and Mr. Coleman answered that all on-street meters were free.

Ms. Wallace agreed with Mr. Horning's comments that more details were necessary. She was concerned that employees would parking in the free spaces instead of the in the lots.

Mr. Coleman explained that when the ordinance was proposed, the intent was to have a free parking 15-minute maximum allowed so the vehicles could not be parked for more than 15-minutes and the lots would remain pay lots. Ms. Wallace noted it had to be enforceable and Mr. Coleman agreed. Mr. Coleman pointed that since lot became free, cars have been parked for an extensive period.

Mr. Hamilton asked how the curbside pickup parking window evolved into totally free parking. Mr. Coleman had Ms. Bensley pull the ordinance and he realized he misread it and no changes were needed for the parking meters, only the lots. He wanted to reword the section for indicate a 15-minute parking maximum. Mr. Hamilton asked why cars could remain in lots. Mr. Coleman replied that when the lots were closed, the enforcement personnel were furloughed, and it was not an issue because there was ample parking available. Staff would begin reminding car owners to move vehicles.

Mr. Lawhorn agreed with the proposal and suggested staff be thoughtful of downtown restaurants and businesses that were suffering.

Mr. Markham recalled the ordinance allowed for 15-minute curbside pickup and if it took longer than 15-minutes, customers were required to use the lots. Mr. Coleman confirmed the intent but noted the ordinance was written differently. Mr. Markham asked if it was the new goal and Mr. Coleman confirmed. Mr. Markham stated it would return to Council and the City Secretary needed a two week notice and explained if it was introduced for first reading on May 26th, the second reading could be scheduled for June 8th. Mr. Markham noted it was past the target, but Mr. Coleman explained on-street meters would be pay and UD had indicated a phased reopening. Mr. Markham asked if the kiosks would be ready and Mr. Coleman confirmed. Mr. Markham expected a draft ordinance beforehand with the ability to discuss on June 8th and Ms. Bensley clarified that it would not be a draft ordinance but rather the ordinance for first reading would be on the May 26th agenda and the ordinance would then be presented to Council June 8th for approval.

Mr. Clifton had technical difficulties and Ms. Bensley asked Ms. Hughes for additional comments. Ms. Hughes asked how the parking timeframe would be enforced and realized it had been answered by Mr. Hamilton.

Ms. Bensley shared that Deputy Mayor Markham would preside due to Mr. Clifton's technical difficulties.

7. 1-D. COUNCIL MEMBERS (5 minutes):

43:32

Mr. Horning:

- Shared that the Christina School District Capital and Operating Referendum was scheduled for June 9 and noted the district was sponsoring virtual town halls on May 28th at 6:30 p.m. and information was available on social media
- Indicated public feeder schools were important to families relocating to the City

Ms. Hughes:

- Noted old growth trees along Capitol Trail were starting to buckle and asked if it was possible for the City to be proactive in determining dangerous trees
- Explained the Lumbrook Park was full of litter from the wind and hoped staff would be able to clean it up

Mr. Coleman confirmed staff could assess trees on City property on Capitol Trail and create a plan for removal but did not think the City could force residents to remove trees on private property. He noted the City could transfer financial liability if dangerous trees were identified, documented, and the owners were advised in writing. He said he would investigate. Mr. Markham cautioned against removing old growth trees. Ms. Hughes said that most trees would be on private property and asked if the owners would be charged for removed or if the City would help. Mr. Coleman explained Council could chose to provide the service for at cost the City but would otherwise fall to the property owner. Mr. Bilodeau interjected that tree law stated that if the property owner was advised about dead or diseased trees and the tree then fell and caused damage, the property owner was responsible.

Mr. Clifton returned to the meeting and recognized Ms. Wallace.

Ms. Wallace:

- Asked how soon Council could address the election on an agenda

Ms. Bensley updated that when the Governor released the updated modifications, staff contacted the Department of Elections to determine available dates because it took six to seven weeks to advertise and to allow for voter registration deadlines. She had not gotten a response from the Department of Elections regarding potential dates because the City was considering July but with the Presidential primary and the School Board elections also taking place in July, there was a slim chance of availability. She shared that she requested three dates in July and early August and asked the Election Board to gauge availability for the same dates. She planned to have an update for Council on May 26th. Ms. Wallace asked if Council needed to decide to move forward with mail-in ballot options. Ms. Bensley explained that in order to be able to do a complete mail-in ballot, there would need to be a waiver of State Code Provisions for polling places and voting machines to be used and the governor had not waived the provision in any of the modifications and there did not seem to be an intent to do so. Council would need to decide to push for as much of an absentee ballot as possible and to decide to consolidate or have multiple polling places. She revealed there was a mailing of absentee affidavits to all registered voters in District 3 and District 5 prior the cancelation of the last election. There was an 80% response for a typical turnout but since the election was canceled, staff assumed some voters did not respond. Council would be asked on May 26th if another broad-based mailing was necessary to encourage absentee ballots for the election, recognizing that those who already responded would get ballots.

Mr. Hamilton:

- Hoped the City would share more of the Governor's updates on the website

Mr. Coleman explained the City's website had a coronavirus page link on the welcome page but was reluctant to copy and paste the exact language of the SOE modifications because it was complicated. He noted the Governor provided a page with aggregate information and thought it would be more efficient to link that page.

Mr. Lawhorn:

- Asked residents to research the School Board referendum and noted if the referendum failed, it would be very damaging. He encouraged residents to research and make an informed decision

Mr. Markham:

- Pointed the Governor's order was strict with social distancing and thought there could be challenges to holding an election.

Ms. Bensley referred to the limitation of ten people in polling places and explained it included voters and poll workers. She explained Council would need to consider whether to consolidate polling places to save on the number of workers overall or if it would be better to split up the polling places as usual and have fewer staffers to process more voters at a time. She did not expect a heavy turnout, but the issue would be put to Council for consideration on May 26th.

- Shared the Planning Department would have a public workshop on May 28th regarding Planning

Area 7 about annexing areas north of Possum Park Road into District 6. He explained it was a GoToMeeting with a presentation by the property owner to follow.

- Noted the progress of Main Street construction and thought it was a great time to check for ADA. Mr. Coleman said he would speak to Code Enforcement.
- Informed the Chancery Court made a ruling on the Property Tax Assessments throughout the State and the current processes were considered unconstitutional, but it was unknown if the ruling meant reassessments or tax changes. Requested a point person to track the information.

Mr. Horning agreed with Mr. Markham to monitor the court ruling. He suggested staff could learn about the school board's referendum format to apply to the election.

Mr. Clifton:

- Referred to the court ruling and pointed that the Pennsylvania model was unique where the buildings were taxed separately from the property.
- Suggested an outdoor restaurant event to aid local restaurants on either City or hopefully UD property. He hoped staff could have to the conversation with UD representatives.

8. 1-E. PUBLIC COMMENT (5 minutes per speaker) (10 minutes):

1:10:08

Ms. Bensley read Faith Stark's public comment into the record:

"This weekend, I went out to Main Street with my mask to do some essential errands. I opted to walk because the weather was gorgeous. As someone who is considered a higher risk, I was alarmed at the number of people not wearing masked. I saw groups of students on some of the side streets having parties, though smaller than the pre-COVID ones.

People's behavior is endangering others. The sidewalks on Main Street are too narrow to physically distance, and with the Main Street construction ending soon we won't even have a blocked off area to walk in the street. Newark could keep cones up to reserve a parking lane for curbside pickups/pedestrian passing area use.

The students gathering for weekend parties are then shopping in the same drug stores and supermarkets as the rest of us. I didn't see any police presence downtown dealing with the groups of students or asking people out to wear masks. This problem will continue to get worse as the weather gets nicer unless Newark enforces physical distancing rules.

Thanks for your help to keep us safe during this frightening time."

There were no additional public comments and the Mayor returned the discussion to the table.

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

- A. Approval of Council Meeting Minutes – April 27, 2020
- B. Receipt of Planning Commission Minutes – April 7, 2020

1:11:30

Ms. Bensley read the consent agenda into the record.

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

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

10. 3. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS: None

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

12. 5. SPECIAL DEPARTMENT REPORTS:

- A. General Assembly Update and Associated Requests for Council Direction – Lobbyist (15 Minutes)

1:12:34

Rick Armitage, Armitage DeChene & Associates, shared that DEFAC would meet again on Monday and explained there would be no tax revenue coming to the State until July 15th. He pointed to the huge uncertainty regarding the revenue but believed the Transportation Trust Fund afforded Newark the opportunity for better information to learn about Municipal Street Aid. He informed that the General Assembly Committee would be in session soon and shared that the Speaker of the House believed they would meet virtually toward the end of June to put budgets together and to address any necessary legislation for elections or to assist businesses.

Mr. Horning noted League of Local Government's lobbying for local funding and asked if Newark should push for funding from the Federal Delegation. He said he would support the action if Mr. Armitage suggested. Mr. Armitage shared that he and Mr. DeChene had conversations with the Senators and the House member indicating the funds would be helpful to the City. He said that citizens were becoming concerned with how much the Federal government was spending and the impact on the deficit. Mr. Horning asked if the Redding Consortium or any legislation on public school funding would come prior to the Christina School District Referendum vote. Mr. Armitage stated that Mr. DeChene was a member of the Consortium and noted the lack of funding as an issue.

Ms. Hughes noted funding was crucial to smaller municipalities and appreciated the actions of the lobbyists.

Mr. Lawhorn asked if Delaware's Federal representatives supported the distribution of aid funds to all municipalities and asked if there was another bill for the issue or if it was intended for the CARES Act fund. Mr. Lawhorn also asked if the bill would be amended or updated to allow for lost revenue. Mr. Armitage confirmed the delegation was supportive in finding more funds for aiding smaller municipalities which included the County. He participated in a call with the County Executive discussing how to distribute the money and noted that if the expenses incurred by the City were directly related to the virus, the City could request reimbursement but admitted it could not be used for lost revenue. Mr. Armitage noted two different discussions in Washington; the first was around a stimulus package related to hospitals and smaller jurisdictions that had been severely impacted fiscally by the virus and the second was regarding stimulus money for infrastructure. He was unsure how the discussions would pan out, but they were proof of understanding the loss of revenue. Mr. Lawhorn asked if there was discussion to amend the CARES Act and asked if there was a way to form a lobbyist group for university towns. Mr. Armitage revealed the National Association of State Land Grant Universities lobbied at the Federal level but was not sure if UD was engaged. Ms. Olsen added that the APLU was lobbying and keeping UD informed but stated that she would reach out to the Federal staff to investigate the language regarding municipalities and share the response.

Mr. Markham assumed the Federal government could be concerned about debt but noted that debt was related to inflation and the City had no inflation because the debt was to itself. He thought it was wise to support the cities and states because of widespread unemployment. He noted one of the concerns was to bail out the states for bad fiscal policy, especially in retirement, but believed Newark to be more responsible in that area. He wanted Mr. Armitage to argue that it was unfair to punish all cities and states because of a few irresponsible entities. Mr. Armitage agreed there was strength in the Local and National League of Cities and agreed that mayors of larger cities had larger delegations and more clout. He noted that longevity was a benefit and one Delaware senator had a strong voice because he had served so long. Mr. Markham felt a Federal bill would be the best answer.

Mr. Markham asked if the legislature would return to virtual sessions in June and Mr. Armitage replied he got that impression from the Speaker who said that if the building was opened, the only people to enter Legislative Hall would be members and staff. He shared they were trying to have the Bond Committee and the Joint Finance Committee meet to put together a budget and would vote as a general assembly. Mr. Armitage explained that members of the leadership were concerned about age and underlying health conditions and wanted to limit exposure. They wanted to create a way for the public to participate and comment. Mr. Markham asked if the caucuses would be open and Mr. Armitage replied no and said the caucus meetings were now virtual. Mr. Markham noted it was easier to lobby ahead of time than after and Mr. Armitage agreed. The legislature acknowledged it would have to readjust any budget it passed because the revenue was estimated. Mr. Markham asked Mr. Armitage to listen for discussions around the assessments. Mr. Armitage recalled the last numbers he heard for the cost of reassessment was \$25 million and he was unsure of its accuracy.

Mr. Clifton shared he was trying to speak to the mayor of State College because of the similarities between the municipalities and would share what he learned. He continued that he was a board member of the Delaware League of Local Government and the League took a vote to begin a massive lobbying campaign and committed to \$6,100 to try to get revenue replacement for CARES IV. The fear was that

poorly managed cities could use the money to fill pension funding gaps other revenue gaps. He shared that Carl Luft had multiple conferences with Senators Carper and Coons and Representative Blunt-Rochester and assured Council that between the Delaware League and the National League of Cities, there was a lot of effort to secure funds. Mr. Clifton asked if Mr. Armitage would be willing to follow the reassessment and report his findings to Council. Mr. Armitage and Mr. DeChene agreed.

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

13. 5-B. FY2020 BUDGET AMENDMENT TO ALLOCATE REVENUE AND EXPENDITURES FOR ADDITIONAL CDBG FUNDS ALLOCATED TO THE CITY OF NEWARK – PLANNING AND DEVELOPMENT DIRECTOR (30 MINUTES)

1:34:22

Ms. Gray presented the amendment to the Community Development Block Grant Program (CDBG) CARES Act funds. The purpose of the discussion was to have Council review and approve the anticipated appropriations from HUD through the County. She explained that the CARES Act carved out CDBG funds to target low- and moderate-income residents affected by COVID-19. She explained that Newark was allotted \$168,781.68 from the \$1.4 million granted to the County through the CARES Act but it was undecided as how the money could be spent. She explained that whenever an allotment of money was granted, CDBG had a public hearing process with public notice but noted part of the process was waived due to the expediency of getting the funds out quickly. She stated CDBG still held a public meeting to provide notice of the amendment and continued that the County would present the draft amendment to HUD that week who would then review and provide guidance.

Ms. Gray continued the County requested the City target the percentages needed for assistance to homeless persons, homeless prevention, and services to address the physical health needs of residents impacted by COVID-19. She explained that staff was looking for Council to approve the amendment which would create a placeholder in the budget for when the funds became available. She explained that there were three areas the City could apply the funds, the first was subsistence payments which included efforts to prevent homelessness through assistance to for rent utilities and mortgage payments. Staff estimated 70% or \$118,000 would serve up to 78 households for up to 1500 payments for no longer than 3 months. The second category was hotel/motel vouchers to provide shelter for homeless populations with an estimated allocation of 20% and would provide 10-16 people 20-30 nights in a hotel or motel for \$100 per household. The third category was for efforts to provide health related supportive services for residents experiencing or at risk of homelessness. Staff reserved 10% for providing porta-potties and retrofitting UniCity busses to meet CDC guidelines for COVID-19.

Staff requested that Council approve the appropriation of \$168,782 in additional CDBG funding to fund center 1191194-8813, CDBG - CARES, in the 2020 operating budget as described in the May 4, 2020 memo to Council.

Mr. Horning wanted to ensure those who received funds were from the City and asked if it was possible to use funds for mobile in-home testing. He suggested that the Mayor and City Manager push the issue in the meetings with the Governor. Ms. Gray explained that because the program was Federal, residents seeking assistance would be required to apply and provide documentation. She explained leeway would be given in the third category but any funds given to individuals would need documentation.

Ms. Hughes asked how the County determined how much the City received. Ms. Gray explained the City was considered a sub-grantee of the County for the CDBG Program and would investigate how the amount was determined but shared that she was pleasantly surprised with the amount. Ms. Hughes asked if there were 168 homeless people in the City and Ms. Gray explained the number indicated how many people could be helped and was not the population. Ms. Hughes asked how many homeless the City had, and Ms. Gray replied a count was done every year but did not have the total available.

Mr. Hamilton asked who would use the vouchers and how staff estimated 10-16 people per night for 20-30 nights. Ms. Gray repeated it was an estimate and Mr. Hamilton asked what was included under the umbrella of shelter. He asked how the hotels were chosen and if social distance practices were in place. Ms. Gray explained programs were already in place and the funds were intended to partner with existing programs. She continued that the State contracted with the Red Roof and Baymont Inns to aid with temporary help and supply support staff. The funds were not meant to be exclusive and were part of the current larger effort. Mr. Coleman interjected that the County coordinated with the State to house positive cases at the Baymont and Mr. Hamilton asked if the City was contacted about the selections. Mr. Coleman replied that the decision was made by the County and State. He stated that the Red Roof Inn originally had one COVID-19-positive case and after two weeks, there have not been confirmed positive cases. He continued that the Baymont was selected by the County without the City's consent but through

an agreement with the owner. Mr. Hamilton hoped the allocations were for Newark residents and would hold his questions. Mr. Coleman pointed that the funds were separate from the CARES Act funds and was for retrofitting the UniCity buses.

Mr. Lawhorn asked if the paperwork required would ensure the funds went to Newark residents and Ms. Gray confirmed. Mr. Lawhorn asked if staff was keeping track of all COVID-19 related expenses with the expectation of reimbursement and Mr. Coleman confirmed.

Mr. Markham believed the issues would be around management and implementation and hoped to have influence over providing funding to the Red Roof Inn. He wanted to make sure that students who were considered residents but were not independent of their parents would not qualify for aid. Ms. Gray explained that staff did not yet know the requirements but the intention for the meeting that evening was to put a placeholder in the budget for when the funding was granted.

Mr. Clifton received feedback from residents as to how the City was handling the homeless population and he believed that between the City, the Empowerment Center, Calvary Baptist, and Newark Methodist, the homeless population was well identified. He indicated the State was concerned with how far the virus could travel through the vulnerable homeless population given the lack of and access to healthcare. Mr. Clifton stressed it was not a permanent solution and was designed last through the main push of the virus. He shared the State had a new program that did not require vouchers and had housing, transportation, vocational, coaching, and health components all monitored by State staff. He pointed that the Federal government was interested in the program model. He said that the State's intent was to get residents into long-term programs and confessed that the City's temporary action was a necessary band-aid. He stated that participants in the State's program were required to participate in all components. He finished by saying it was important for the homeless population to shelter in place to stop the spread of the virus.

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

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE APPROPRIATION OF \$168,782 IN ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING TO FUND CENTER 11911194-8813 CDBG-CARES IN THE 2020 OPERATING BUDGET AS DESCRIBED IN THE MAY 11, 2020 MEMO TO COUNCIL.

Mr. Hamilton asked for discussion and commented the he was hesitant when given last minute information. He wondered how staff would track who was served by the program. Mr. Clifton asked Ms. Gray if a tracking program was in place as required by the Federal government. Ms. Gray explained that staff was required to have copious notes and documentation for CDBG programs but was happy to share the process with Council once staff got direction from the County.

Ms. Bensley pointed that Council was running an hour behind schedule.

MOTION PASSED. VOTE: 7 to 0.

Aye – Clifton, Hamilton, Horning, Hughes, Lawhorn, Markham, Wallace.
Nay – 0.
Absent – 0.

14. 5-C. DISCUSSION AND DIRECTION TO STAFF REGARDING THE POTENTIAL DELETION OF SECTIONS 13-11 THROUGH 13-15 OF CITY CODE REGARDING TAX EXEMPTIONS FOR UNDEVELOPED ANNEXED PROPERTIES AND PROPERTIES IN THE BUSINESS AND INDUSTRIAL DISTRICTS – FINANCE DIRECTOR (25 MINUTES)

2:11:00

Mr. Del Grande shared that staff reviewed City Code to determine if portions were still relevant and found Chapter 13 (Finance, Revenue and Taxation), Article II (Exemptions and Partial Exemptions from City Real Estate Taxes) Sections 13-11 through 13-15 had not been reviewed for some time and staff believed that these sections of Code were no longer relevant.

Mr. Del Grande explained Chapter 13, Section 13-11 was adopted by Ordinance 76-26, and amended via Ordinance 79-30. The section of code provided tax exemptions for undeveloped property annexed into the City and per this provision, a qualified property owner could apply to have their property taxes frozen at the County rate until the property was developed. The landowner would be partially

exempt for up to five years or until the owner obtained a building permit. He shared that this section of code had not been used since its creation in 1976.

Mr. Del Grande continued that Chapter 13, Section 13-12 provided support to determine the time limitation on partial exemptions granted under Section 13-11, and staff requested to sunset the section. He continued that Chapter 13, Section 13-13 provided support to define “undeveloped land” as defined in Section 13-11. Staff maintained that undeveloped land was accounted for within the assessed value of the property by New Castle County and was amended as the property was developed. Staff requested to sunset the language.

Mr. Del Grande stated that Chapter 13, Section 13-14 was adopted in 1977, amended in 1979 and provided tax exemptions associated with development in industrial zoned areas of the City such as general industrial (MI), limited manufacturing (ML), or manufacturing office research (MOR). Mr. Del Grande shared there were currently no properties receiving the exemption.

Chapter 13, Section 13-15 was adopted in 1988 and allowed for tax exemptions associated with development in commercially zoned areas bounded by Elkton Road, Delaware Avenue, Library Avenue, and the CSX railroad. The area primarily covered Main Street and the north side of Delaware Avenue, and was referred to as the City’s Economic Development Tax Incentive Program. Mr. Del Grande said thirteen tax parcels currently received the exemption and explained that the parcels would not be impacted by the sunset of the incentive program and would still receive the exemption under the code provisions.

Mr. Del Grande explained that current Code read in 13-15 that any new and renovated buildings in the downtown area that applied for the exemption paid significantly less City property tax for the first ten years: 0% in year one and increasing 10% each year after. He explained that property taxes were essential to fund police services, City streets and other general fund services required by the commercial establishments. Development projects for the City’s industrial zoned areas referenced in 13-14 would also pay reduced property taxes for a decade which pushed the tax burden to City residents. Utility sales existed, but the tax revenue loss compounded with tax assessments locked at the 1983 assessment levels tasked other taxable City parcels with making up the difference.

Staff believed the sections of City Code presented were outdated. The demand for commercial development on Main Street and the north side of Delaware Avenue, along with the development of the industrial-zoned areas would continue without the obsolete tax exemption programs contained in Code. Mr. Del Grande noted that last year, a large construction project on Main Street waived their right to the exemption which indicated the project did not depend on the City’s tax exemption program. Staff wanted to reintroduce legislation on a future agenda to sunset sections 13-11 through 13-15 of Chapter 13 of the City Code as discussed. In addition, staff requested a moratorium to be placed on Sections 13-11 through 13-15 of chapter 13 until the second reading of the proposed ordinance was brought to Council for consideration.

Mr. Horning appreciated that staff was reviewing code and asked why the developer chose to waive the exemption on Main Street. Mr. Del Grande replied the hotel on Main Street agreed to waive tax exemption as part of submittal to the City. Mr. Horning noted that Chapter 13, 13-15(b) included a revised section for tax exemption on maintaining historical commercial structures.

Ms. Hughes asked Mr. Del Grande to repeat the portion about the moratorium and Mr. Del Grande said that staff asked Council to consider a moratorium and, if Council agreed to move forward, staff would return with legislation. Otherwise, the City had the potential to receive applications prior to passing the ordinance. Ms. Hughes asked if the Code was designed in the 1970s to encourage development and Mr. Del Grande confirmed. Ms. Hughes supported the changes.

Ms. Wallace thanked staff for the presentation and agreed it was an opportunity to update code. She asked Mr. Bilodeau if Council needed to present a motion to initiate a moratorium. Mr. Bilodeau suggested the moratorium be presented in a resolution and Ms. Wallace asked if Council could pass a resolution that evening and if Mr. Bilodeau believed it was noticed properly. Mr. Bilodeau noted the moratorium was not mentioned in the memo and suggested addressing it on a future agenda.

Mr. Hamilton thanked Mr. Del Grande and staff for the presentation.

Mr. Markham asked if staff was done reviewing Code and Mr. Del Grande replied they were still investigating and would forward issues to the City Manager. Mr. Markham supported the housekeeping measures.

Mr. Clifton stated the Council needed a vote to direct the City Manager to move forward with the proposal and to return with the required resolution for the moratorium.

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

MOTION BY MR. HORNING, SECONDED BY MR. HAMILTON: THAT COUNCIL DIRECT THE CITY MANAGER TO MOVE FORWARD WITH THE PROPOSAL AS OUTLINED IN THE MEMORANDUM AND RETURN WITH LEGISLATION FOR THE MORATORIUM AND DELETIONS OF THE CODE SECTIONS AS PROPOSED.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

15. 6. RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:

- A.** Recommendation to Ratify Agreement Between AFSCME Local #1670 and the City of Newark for the Term of January 1, 2020 to December 31, 2024 (10 minutes)

2:26:30

Mr. Coleman explained that staff finalized the successor agreement for the AFSCME Local #1670 Union Contract and there were no substantive changes from the outline previously provided to Council.

Mr. Horning believed the contract was negotiated in good faith and supported the agreement.

Mr. Markham asked if it would be made public as soon as it was passed and Mr. Coleman replied after it was passed and signed, so within one or two days.

Mr. Clifton supported the agreement thanked Local #1670 and the City Manager for their efforts.

Mr. Coleman clarified that it could take longer to get signatures from the AFSCME attorneys due to COVID-19 but said it would be public as soon as possible.

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

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE AGREEMENT.

MOTION PASSED. VOTE: 7 to 0.

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

Nay – 0.

Absent – 0.

16. 6-B. RECOMMENDATION TO AWARD CONTRACT NO. 20-01 – MUNICIPAL PARKING LOT #1 EXPANSION PROJECT – DIRECTOR OF PUBLIC WORKS AND WATER RESOURCES (15 MINUTES)

2:29:37

Mr. Filasky explained that Council approved the project in July 2019 with the intent to finish in 2019. He noted staff did remove the stone parking spaces and felt it was enough to get through Main Street Construction. He noted the kiosks and app were key in getting the Parking Division up and running. He continued that A-Del, the contractor working on Main Street, was ready to begin the project and staff felt it was the best time to move forward given UD's phased approach. He also pointed that since the City was not collecting parking fees, the lot could be closed without users losing a paying spot and the contractors would have access to the full lot without using a phased approach or the City losing parking revenue. He revealed that Lot 7 on Haines Street was currently available for overflow parking.

Mr. Filasky stated the parking addition was partially funded by parking waiver reserves and included repaving Lot 1, the addition of 45 spaces, ADA upgrades and lighting upgrades.

The Mayor opened the discussion to questions from the table.

Ms. Wallace asked if the plan expanded the number of spaces currently available on the gravel and Mr. Filasky replied that the upgrade would provide an additional ten spots on the gravel area. Ms. Wallace asked if staff's priority changed on the project and Mr. Filasky that it had not and repeated the reasons staff wanted to move forward.

Mr. Lawhorn asked how staff determined revenue generated per parking spot and Mr. Coleman replied it was more than \$2,000 per space. Mr. Lawhorn thought it was wise to use the downtime to create a revenue-generating improvement. Mr. Coleman amended his comment and stated it was \$3,385 per space.

Mr. Lawhorn asked Mr. Del Grande if he was confident to spend the money and Mr. Del Grande confirmed that it was a good time for the project.

Mr. Clifton believed the striping would offer a more effective use of the lot and noted that that bid was for \$229,000 but the CIP called for \$315,000. He asked Mr. Del Grande what staff would with the leftover funds and Mr. Filasky informed the CIP included the demolition and planned preparation and so the \$85,000 was already spent.

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

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL AWARD CONTRACT NO. 20-01 TO A-DEL CONSTRUCTION CO., INC. IN THE AMOUNT OF \$229,787.

MOTION PASSED. VOTE: 6 to 1.

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

Nay – Wallace.

Absent – 0.

17. 7. **ORDINANCES FOR SECOND READING & PUBLIC HEARING:** None

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

- A. Request of Lang Development Group For the Major Subdivision of 7.653 Acres in Order to Divide the Single Parcel Into Two Parcels Separating the Existing Condominium Buildings From the Vacant Portion of the Parcel and Construct Twenty-Four (24) Three-Bedroom Townhouse Apartment Units at the Property Located at 1 North Twin Lakes Boulevard (***Agreement and Resolution Attached***) (60 minutes)

2:42:31

Ms. Bensley read the request into the record.

Ms. Gray stated the proposal replaced the previously approved but unbuilt subdivision plan of 12 units. She said the property currently included two condominiums buildings on the proposed 2.404-acre Lot 1. The proposed 5.249-acre Lot 2 was generally vacant with a pond, storm water management area, and an existing clubhouse on the south edge of the property that would remain unchanged. The existing zoning was RM and the use of condominiums and the proposed garden apartments were allowed uses with RM zoning. She stated the proposed density was seven units per acre for the currently developed portion on Lot 1 and the density of the proposed new construction on Lot 2 was five per acre and shared that the plan conformed with Comp Plan V. Ms. Gray revealed that while the applicant was required to pay \$700 per unit as a cash in lieu of open space per the Planning and Development report, staff had determined the project did provide the required open space and the payment would not be required.

Ms. Gray stated the proposed development met all requirements detailed in City Code Chapter 27, Subdivisions, and Planning and Development staff recommended approval of the subdivision because the plan was compliant with the City Code, should not a negative impact on adjacent and nearby properties, and because the proposed use did not conflict with the development pattern in the nearby area. She noted Planning Commission voted 6-1 on March 3 to recommend Council approve the project.

Mr. Clifton indicated that Councilmembers had received correspondence about the project and asked Mr. Bilodeau his opinion on Council's purview and decision. Mr. Bilodeau noted that the application was code complaint and explained the issue was that the condominium association (CA) wanted to subdivide the property and develop with the townhouse development. He stated a question for the developers was whether the CA had the approval from its membership. He noted the property's history

with the CA and the adjacent homeowner's association (HOA) and thought that Council could consider the issues but hesitated to deny the application based upon past issues because they did not directly deal with the HOA. He said that Council could consider the previous complaints with any requirements tasked to the developer to make sure they complied with future requirements.

Mr. Clifton invited Mr. Locke and Mr. Lang to present and Mr. Lang described the current layout of the property using an aerial photograph. He continued that the original project called for eleven condominium buildings with eight units per building for a total of 88 units, and a clubhouse amenity space. The project was approved in 2005 and Mr. Lang and some associates were brought in to help with the concept. By 2007, two buildings were built with eight units each as well as the clubhouse with a fitness center. After the housing boom, in 2008-2009 the group was approached by Cornell Homes who wanted to construct townhouse units. The property was sold to Cornell Homes and who sold them to the existing property owners and the groups entered into an HOA and CA agreement to manage the joint assets of the two communities. In 2012, the group returned to Council and changed the big house units to townhouse duplexes with single garages.

Mr. Lang continued describing the original plan and explained the townhouse side was operated by the HOA and shared the assets of the clubhouse, some common area space, and the pumphouse. The current approval for the site was six groups of duplexes for twelve units but was initially approved for 16 units. Mr. Lang believed the units were too large for the market and proposed to do 24 townhouse style apartment units with an 800 square foot footprint, three bedrooms, one and a half baths, one garage and one parking space.

Mr. Lang noted the project scope was to divide the parcel into two lots with the existing zoning. He continued that the plan met the zoning criteria as stated by Ms. Gray and had 4.5 units per acre and were well below the permitted density in the RM zone. He specified that it was a market-rate project and not a student project and indicated he had a variety of professionals and families living in the units his firm presently operated for the condo association. He described the competition as Christina Mills and Stonegate. Mr. Lang believed the project was a benefit to the community because it provided a quality housing option, was close to the charter school, provided new tax revenue and additional utility revenue.

Mr. Horning understood the original project had a swimming pool but was removed in a revision and Mr. Locke confirmed. Mr. Horning asked if a playground was built towards the condos and Mr. Locke said it was towards the townhouses and was a common amenity. Mr. Horning asked how the clubhouse was maintained and Mr. Locke replied there was a shared agreement between the two associations but it was currently offline due to vandalism issues although there was a plan to move forward. Mr. Horning asked if a City-monitored camera was helpful. Mr. Locke revealed there were multiple vandalism issues and was looking at installing cameras and working with City Police. Mr. Horning asked if the walkway would be completed and Mr. Locke confirmed. Mr. Horning asked if the responsibilities for the shared sewer were in the Subdivision Agreement and Mr. Locke confirmed there was an agreement but it would be brought up to City standards. He hoped to reach an agreement with the City to take over maintenance if it was brought up to City standards. Mr. Horning asked if the CA had approval of its members for the proposal and Mr. Bilodeau agreed it was a valid question. Mr. Locke replied that because the CA rules would not be changed, it was not necessary to have CA members approve the subdivision. He clarified that 15 of the 16 members approved and he would reach out to the remaining member.

Ms. Hughes asked if all the condos were sold and Mr. Locke replied that they were all rented with a waiting list. Ms. Hughes asked if they were all rentals and Mr. Locke confirmed that they were owned by individuals but were rented out. Ms. Hughes was surprised they were all rentals given the amount of work involved in purchasing a condo and Mr. Locke confirmed as it pertained to Fannie Mae and Freddie Mac financing but explained the project was impacted during the 2008 financial crisis. He continued that of 16 units, 14 were owned by Mr. Lang and his partner, one was owned by Mr. Locke's mother, and the last by another individual. Ms. Hughes asked if Mr. Lang would continue to own and rent the properties and Mr. Lang confirmed. Ms. Hughes asked if the 24 projected units were owner-occupied and Mr. Lang replied they would be rentals.

Ms. Wallace agreed there was a need for the project and appreciated the smaller units. She was pleased to learn the pump situation would be addressed and wanted to better understand the agreement with the HOA to upgrade the pump. Mr. Lang replied that the issue was addressed in the subdivision agreement and stated the pump would be upgraded to City standards. Ms. Wallace asked for the cost breakdown and Mr. Lang replied the developers would pay for the pump and explained the subdivision agreement did not bind the HOA but rather the developer. Ms. Wallace asked how the City would ensure the amenities would be brought online in a timely manner and Ms. Gray explained it was part of the project and construction improvement plan and were required for final sign off. Ms. Wallace was

concerned that construction of the amenities would languish and asked what the City would do to prioritize completion. Ms. Gray replied that the City had limited authority but noted the amenities had to be complete before the project was turned over to the HOA but understood the roads were not completed until a set percentage of the development was completed. Mr. Robinson interjected that Chapter 27 of the Municipal Code indicated only 50% of the certificates of occupancy could be issued until the subdivision site amenities were addressed and said he would find the exact provision. Mr. Locke added that both projects had the same builder and his firm was brought into assist. He stated that his projects would be done to the City's standards and specs. Mr. Lang added that they would build the entire project and then get the certificate of occupancy and complete all the items because they were responsible as the owner. Mr. Lang explained the project would be owned and built by the same entity at the same time. He explained why piecemeal projects took longer and revealed the City would not accept dedicated roads until all the construction traffic was complete. He estimated the project would be complete in between 12 and 18 months after waiting for 15 years. Ms. Wallace asked if the units would be rented as they were completed, and Mr. Lang explained they would be rented at one time. Ms. Wallace asked Mr. Robinson for the provision and he replied it was Section 27-22(c)(9)a and stated no certificate of occupancy would be issued until all site improvement and amenities were installed but noted there was a provision for the City Manager to grant 50% certificate of occupancies in advance.

Ms. Wallace suggested staff could update the code to increase the occupancy limit or provide additional incentives to encourage developers to complete amenities earlier.

Mr. Hamilton asked if the intent was to bring the pump up to City standards and then have the City take over. Mr. Locke replied that was an option they had discussed but was not required in the subdivision agreement. Mr. Hamilton asked Mr. Coleman why the City would take over pump operations and the roads. Mr. Coleman replied that the roads in the neighborhood were public and Mr. Robinson explained the townhome roads were public but the section in question was intended to be privately owned. Mr. Hamilton wanted to make sure taxpayers were not requested to support private endeavors and the City was not agreeing to additional expenses.

Mr. Lawhorn supported the project as an appeal to professionals and downsizing seniors. He saw the HOA issue as a separate situation to the project as far as Council was voting that evening. He read the Planning Department's report that referenced the pump station issues and thought the owners were in a better place because the developer would bring it up to City standards per engineer recommendations.

Mr. Markham asked how the townhouses compared to the Cornell units. Mr. Lang replied the Cornell units were three-stories at 2,700 square feet and the condominiums would be two-stories and 1,500 square feet and were more affordable to rent at \$1400-\$1600 per month. Mr. Markham noted the development was car-centric and Mr. Locke noted there was an Elkton Road bus stop and Suburban Plaza was a mile away. Mr. Lang added that DelDOT improvements would allow for biking. Mr. Locke felt the area would be a great opportunity for employees on STAR campus. Mr. Markham asked Ms. Gray if there were outstanding issues that were not addressed in the subdivision agreement and Ms. Gray said no.

Mr. Clifton noted the trash pickup was private but asked for clarification on the road. Mr. Lang replied it was a private road and would be maintained by the CA and the developers. Mr. Clifton asked if water and sewer maintenance and upgrades would also fall to the developers and Mr. Lang confirmed. Mr. Clifton revealed he had been involved in the project for a while and recalled it was intended to be a 55+ community at one point. He asked if it was possible to issue a bond for the amenities to call prior to the issuance of the certificate of occupancy (CO). Mr. Bilodeau did not see a need for a bond and referred to Mr. Lang's comments that the developers would complete everything before seeking a CO. Mr. Clifton asked if it was in Code and Mr. Bilodeau confirmed that if one property had 24 apartments, all units must be completed before issuing a permit. Mr. Clifton asked if the apartments could be issued one CO at a time and Mr. Bilodeau did not believe the developers would request one CO at a time and Mr. Locke concurred. Mr. Clifton asked if the law allowed the developers to get one CO at a time and Mr. Bilodeau said he needed to double check the provision but did not think it was possible because the development was one property with 24 units. Mr. Locke concurred and Mr. Lang stated they were not fee-simple parcels and were one large parcel. Mr. Clifton referred to page D1 of the presentation and recalled that the open area by the fire hydrant was originally intended for the pool and asked what would be there instead. Mr. Locke replied that the pool was originally slated to go behind the clubhouse and the playground was built at the townhouse side between the houses and the charter high school. Mr. Lang said the playground was not included in the original project because it was intended to be an age-restricted development and was built when the townhouses were approved for Cornell. Mr. Clifton wanted to verify the density data comparison of page F1 that called for 10% lot coverage and Mr. Locke confirmed. Mr. Clifton commented that 25% lot coverage was typical for RM apartments and believed that younger families did not view themselves as homeowners right away and led more transient lives than previous generations.

Ms. Hughes disagreed with Mr. Clifton's view that young families saw themselves as transient and believed the City lacked owner-occupied housing. She believed it was important for young families to own homes to become part of the community. She was concerned about the comments from the developers about the 2008 economic downturn and asked if there was a plan should the same downturn happen in a few months. Mr. Locke admitted the future was unpredictable but noted the rental markets were always stronger in economic downturns than owner-occupant. Ms. Hughes pointed at the high number of requests for rent and mortgage aid and asked the average tenant lease in the existing homes. Mr. Locke replied three to four years and explained the renters made the development their community.

Ms. Wallace asked how it was determined whether a project had a bond and Mr. Bilodeau replied that bonds could be required with phased-in occupancies. Ms. Wallace said it was not mandated and Mr. Bilodeau pointed that Section 27-22 of City Code indicated a bond may be required. Ms. Wallace suggested there was opportunity for the process to be clarified.

The Mayor opened the floor to public comment.

Ms. Bensley read a statement from Becki Fogerty, 813 S. Twin Lakes Boulevard:

"I am writing to submit some written comments during the public hearing regarding the development project of 1 N. Twin Lakes Blvd. As an owner in the neighboring community of The Greene at Twin Lakes, I have some concerns about this project:

- I worry that adding additional rental units in our neighborhood is going to drive down my property value.
- Our HOA does not permit a certain percentage of rentals in our neighborhood, which is difficult to enforce, and now it seems like we'll be oversaturated with rental opportunities in a small area.
- We are within 2 miles of at least 7 already established apartment/rental communities - West Creek Village, Stonegate, Apts at Iron Ridge, Waverly, Oak Tree, etc. - do we really need more rentals in this location?
- Parking is challenging for residents currently, so parking will be an increasing problem if we have to share the 2 small overflow lots (which hold about 15 cars total) with a new set of rental units. The factory parking lot and the school parking lots are private property with "No Trespassing" signs so visitors and guests can't park there. It's also about a 7-minute walk from those lots to our neighborhood, and Edwards Drive does not have streetlights.
- The potential of 72 non-related, likely non-resident adults living a stone's throw from my backyard is a little scary. I worry about an increase in foot traffic, trash, and car noise coming in and out of Edwards Drive.
- I am also concerned with the amount of traffic coming in and out of the neighborhood, particularly during times the Newark Charter Jr/Senior High School is in session, with additional potential of 72 cars coming in/out.
- I understand there have been some issues between our HOA and the builder, specifically about turning over the clubhouse and some maintenance. I don't have a lot of faith or goodwill built up, so it feels like things may only be resolved because of the application to build.
- The construction is also going to deeply impact my ability to enjoy my backyard for some time, which is a large part of why I purchased here. Not many people enjoy construction projects in their neighborhood, this project will be basically in my backyard.

Thank you for the opportunity to share my concerns and I look forward to hearing about the outcome."

Ms. Bensley then read a comment from Alan E. Schweizer, Jr., of 1101 Millstone Drive:

"My wife Robin and I own the only condo unit at Twin Lakes not controlled by the Developer (306 N. Twin Lakes Blvd). We are greatly concerned that this proposed subdivision requires our approval as unit owners. The Developer stated at the Planning Commission hearing on 3/3/20 that we would have to be involved in this in response to a question from Ms. McNatt (bottom of pg. 10, top of pg. 11). The latest plans show new townhouses on The Great Circle (open space with cut grass and gazebo). If the Developer's issue is that the currently approved units are too large for the market simply make each smaller. There is no need to increase the number of approved units. They are proposing 6 on The Great Circle and 2 shoe horned between the 2 buildings of 8 units each. There have been issues with this project since 2008. Today the weeds on the property are 4-5' tall (see photo D-3). Someone has dumped construction debris on the

lot. There are 2 unlicensed vehicles on the property - one last tagged on 1995. The sewage pump issue needs to be finally resolved after years of problems and it appears will be undersized for the extra units proposed. We pay our condo fees monthly yet found out that Twin Lakes owes \$58,000 to NCC/Schools and earlier this year owed over \$17,000 to Newark (assume it is now paid in full or we wouldn't be having this meeting). Additionally We have been unable to secure annual budgets, vendor payment lists/invoices, etc. Have received no notification of the Annual Meeting for several years. Even though the condo fee covers the Clubhouse it remains locked and can not get a key. Parking is already an issue from the existing townhouse side as today there were 6 cars parked at the Clubhouse which is not in use. The walking trails promised numerous times for 12 YEARS have yet to be installed. The topcoat of asphalt is still not done. I can't think off any other project in the City that has had so many problems for so many years. Why has the City permitted this to go on? Thank you."

There were no other public comments and the Mayor returned the discussion to the table.

Ms. Wallace asked if Mr. Locke or Mr. Lang wanted to address any of the comments or questions from the public comments. Mr. Locke referred to Mr. Schweizer's comments and stated they were not made aware of any of his concerns before 3 PM that day even though he was in their office multiple times over the last six months. Mr. Locke understood that Mr. Schweizer had a key to the clubhouse and Mr. Locke was shocked that Mr. Schweizer never addressed any of his concerns given the number of times they spoke over the months. Mr. Locke thought it was interesting that Mr. Schweizer waited until the Council meeting to complain and explained that the condo financials were open to any member who requested and stressed that Mr. Schweizer was granted access each time he requested.

Mr. Locke acknowledged Ms. Fogerty's concerns but believed he and Mr. Lang had a good working relationship with the HOA president. He noted that the Planning Commission approved the project with a vote of 6-1. He noted one of the yea votes was from Stacy McNatt, the former president of the HOA.

Ms. Wallace asked Mr. Locke to address Mr. Schweizer's issue of untagged cars and the weeds. Mr. Locke replied that the weeds were in the vacant lot that was maintained and revealed that one of the untagged cars belonged to himself and he was not aware of the second. He stated he would move the car if it was an issue. Ms. Wallace was aware of the parking situation and asked if there was planned overflow parking with the expansion. Mr. Locke said part of the challenge with the townhouse side was that there was no on-street parking in the community and suspected illegal renting contributed to the issue. Mr. Locke believed there was ample parking for two cars per townhouse and stated the condominium lease provision would allow a maximum of two cars for each tenant, one in the garage and one in the driveway, with clubhouse parking for visitors. Ms. Wallace cautioned future Councils on amending projects.

Mr. Clifton asked for a vote and Mr. Horning interrupted to ask if Mr. Schweizer's comments about taxes owed to the City were accurate. Mr. Locke replied they were accurate as pertained to the County but believed the City was current. He explained they were currently resolving the issue with the HOA. Mr. Horning asked staff if the Council the vote would be impacted if the developers were in arrears with the City. Mr. Locke interjected that the developers would not be given a building permit if they owed or until they paid taxes on the property. Mr. Horning believed that the issue of weeds could be handled through normal Code Enforcement of City staff and Mr. Bilodeau confirmed. Mr. Locke stated they had not received any notice of violations.

MOTION BY MR. MARKHAM, SECONDED BY MR. LAWHORN: THAT COUNCIL APPROVE THE MAJOR SUBDIVISION PLAN AT 1 NORTH TWIN LAKES.

MOTION PASSED. VOTE: 6 to 1.

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

Nay – Hughes.

Absent – 0.

(RESOLUTION NO. 20-C)

19. Meeting adjourned at 11:09 p.m.

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

/ns