

**CITY OF NEWARK  
DELAWARE**

**COUNCIL MEETING MINUTES**

**March 15, 2021**

Those present at 7:00 p.m.:

Presiding: Mayor Jerry Clifton  
Deputy Mayor, James Horning, District 1  
District 2, Sharon Hughes (arrived at 8:02 p.m.)  
District 3, Jay Bancroft  
District 4, Chris Hamilton (arrived at 7:07 p.m.)  
District 5, Jason Lawhorn  
District 6, Travis McDermott

Staff Members: City Manager Tom Coleman  
City Secretary Renee Bensley  
City Solicitor Paul Bilodeau  
Chief Communications Officer Jayme Gravell  
Chief Purchasing and Personnel Officer Jeff Martindale  
Finance Director David Del Grande  
Parks and Recreation Director Joe Spadafino  
Planning and Development Director Mary Ellen Gray  
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

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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. FINANCIAL STATEMENT: (Ending December 31, 2020) (30 minutes)**

**3:30**

Mr. Del Grande informed that over the last three quarters of 2020, through measures taken by Council via the Rate Stabilization Adjustment (RSA) freeze, budgetary freezes by City directors, and the \$2.3 million CARES grant from New Castle County, staff was able to eliminate early deficits and reflect a projected unaudited net surplus of just over \$714,000 for 2020. He reported that the overall revenue was expected to be just under \$87.3 million of the anticipated \$94 million, or \$6.7 million short. Utility sales, 77% of the City's total revenue stream, were down \$5.1 million for the year. Electric, water and sewer utilities all declined in performance due to warmer weather and low volumetric sales due primarily to the coronavirus pandemic and subsequent States of Emergencies (SOE).

Mr. Del Grande reminded that tax revenue was comprised of real estate transfer taxes (RTT), real estate taxes, the lodging tax and the cable tv franchise tax. He explained that although the RTT was down \$306,000 for the year, it had its strongest fourth quarter (\$463,000 collected) since 2015. Real estate

activity continued robustly in early 2021 and staff hoped the trend would continue to recover lost revenue from 2020. He informed that while staff anticipated an increase in defaulted tax payments, the Coronavirus pandemic did not have an immediate impact on property tax collections. Revenue for 2020 trended up due to the carryover the property tax increase levied in 2019, and the addition of new taxable property and improvements added in 2020. He continued that the Lodging Tax and Cable Franchise Fees were both directly impacted by the Coronavirus and fell a collective \$528,000 short of budgetary requirements. 2020 travel restrictions and low enrollment of cable services resulted in a revenue loss, but staff felt the two revenue streams would slowly rebound as the economy recovered.

Mr. Del Grande revealed that the City's other revenue sources were the most volatile over the course of 2020. He noted the anticipated \$10.8 million revenue fell \$921,000 short of its mark but the shortfall was actually \$3.2 million when the \$2.3 million CARES Act grant was excluded. He defined other revenue as the City's fines, permits, business licenses, parking fees, et cetera. He reported that fines, parks and recreation fees, and parking revenue accounted for a collective \$3.2 million loss in 2020: fine revenue was down 49%, parks and recreation fees declined 64%, and parking revenue fell 61%. Staff did not expect some level of normalcy to return until July of 2021 and until then, staff anticipated that fee-driven sources of revenue would fall below normal expectations and so accounted accordingly for low activity in first half of 2021. He reminded that a steady and reliable source of revenue derived from fees for services was critical to maintain low tax rates within the City. He summarized that the City had a collective \$6.7 million loss in revenue.

Mr. Del Grande revealed staff closed the revenue gap with expenditure savings and the largest generated savings was due to the City's decreased need to purchase electric from DEMEC (\$4.4 million) and sewer services from New Castle County (\$904,000), which accounted for \$5.3 million of the \$7.5 million staff used to cover losses. He informed that savings were projected in:

- Materials and Supplies - \$520,000
- Other expenses - \$528,000
- Contractual Services - \$859,000
- Debt Service - \$158,000
- Net Capital Improvements - \$656,000

Mr. Del Grande explained that \$249,000 in COVID-related expenses were incorporated into the expenses and offset by the CARES Act grant. Budget savings were across all departments and various line items. He continued that personnel services showed deficit spending of \$579,000 which reduced savings in other line items although Council approved budget amendments to cover shortages for funding the 27th payroll and the leave payout for Local 3919. He informed the 27th payroll and the Local 3919 SOE leave buy-out payments offset the \$850,000 personnel services surplus created from the City's hiring freeze. To be clear for the report, staff reflected the impact of the budget without showing the use of reserves. In total, the operating budget (combination of revenue versus expense) was positive \$714,961 and the total revenue shortfall of \$6.7 million was offset by the City's \$7.4 million in expenditure savings. The end of December cash balance was \$40.5 million, including \$24.7 million in the City's long-term cash account and \$15.8 million in operating cash, a reduction of \$192,000 from November. Despite decreased electric sales in 2020, the electric regulatory liability carried a credit balance (over-collection) of \$1.7 million. The regulatory liability, which, by design and pursuant to code, was managed through the 2021 RSA and had been discussed at the March 8 Council meeting.

Mr. Del Grande wanted to make Council aware of a budget memo that would be added to a future consent agenda. When staff changed the customer charges for water and sewer, they discussed creating an account to assist residents with financial troubles in paying water and sewer bills, similar to the fund for electric accounts. Staff would submit an amendment in the near future to provide \$5,000 to assist water customers and \$5,000 to assist sewer customers. He revealed that afternoon, the Government Finance Officers Association (GFOA) awarded Newark the Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fiscal year ending December 31, 2019. The report was judged by an impartial panel to meet the high standards of the GFOA's program, which included demonstrating a constructive "spirit of full disclosure" to clearly communicate the City's financial story and motivate residents and stakeholders to read the report. The Certificate of Achievement was the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represented a significant accomplishment for the Accounting team. He thanked Deputy Director Hollander and her team for leading the effort.

The Mayor opened the table to discussion from Council.

Mr. Clifton noted the Accounting team received the award thirteen or fourteen times and Mr. Del Grande believed the team had received at least ten.

Mr. Horning thanked Mr. Del Grande and echoed Mr. Clifton's congratulations to the Finance Team. He agreed the award was well-deserved and gave residents reassurance in the City's finances because the process was so transparent and easy to understand. He thought the expenditure savings spoke to staff's team effort and the discipline within each department and knew residents appreciated the services but were also conscious of price increases that would outpace cost of living increases. He acknowledged the constant challenges throughout the last year, including the sources of aid for which staff had to apply, expense tracking, and advocating and credited the team for its relentless efforts. He referred to previous discussions about other steps UD could take to help with the City's finances and noted that Mr. Clifton and Mr. Coleman helped UD apply for financing at the STAR Campus. He thought the businesses at STAR Campus helped to offset and prove the City's financial forecast in terms of any utility losses. He was pleased with development fees and real estate permits and acknowledged the mixed feelings on development projects but pointed that some properties that did not meet fire code or ADA standards were being redeveloped. He reiterated that the City benefitted from the permits, property tax revenue, and RTT which helped to offset property tax increases. He once again commended the team.

Dr. Bancroft agreed with Mr. Horning's comments and hoped that energy and travel would not have too much inflation. He appreciated the team's efforts in ensuring the City's economics worked.

Mr. Hamilton credited the team for its work and said he was impressed with how the City's improved over four years. He appreciated the funding set aside for lower income residents.

Mr. Lawhorn echoed previous comments and acknowledged the City was in an exceptional position compared to many towns throughout the Country. He appreciated staff's efforts on behalf the residents while maintaining the quality of service. He asked Mr. Del Grande for an estimate on January and February utilities and Mr. Del Grande replied that staff was still working on closing out 2020 but preliminary water numbers showed some positive signs. He reminded that new customer charges were added on January 1 and staff was anxious for the results. Mr. Lawhorn asked if the recently passed federal aid bill would impact the City and Mr. Del Grande repeated that of the \$1.9 trillion American Rescue Plan, \$65 billion went directly to cities, towns and villages on a distribution method based on a CDBG formula. Preliminary estimates indicated that the City would receive \$17 million but staff was still reviewing the numbers and permitted uses and were withholding plans until the Treasury Department issued direction. Mr. Lawhorn assumed that staff was not yet confident with the number and Mr. Del Grande confirmed and reiterated that President Biden had signed the bill on Friday and staff were waiting for the Treasury to provide direct guidance.

Mr. McDermott thanked the team for the effort and shared that he was pleased with Mr. Del Grande's expertise in finance.

Mr. Clifton thanked Mr. Del Grande and the Finance team.

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

Mr. Del Grande thanked the Accounting team and the City's Directors because the City would not be in a such a good position if they had not worked together over the last year.

- 4. 2. **RECOMMENDATIONS ON CONTRACTS & BIDS OVER \$75,000:** None
- 5. 3. **SPECIAL DEPARTMENTAL REPORTS:**
  - A. Recommendation for Insurance Coverage for 2021-2022 and Budget Amendment – Finance Director (30 minutes)

**22:25**

Mr. Horning recused himself on this item due to a potential perceived conflict of interest with his full-time job.

Mr. Del Grande explained the existing coverage for all insurance lines would expire on April 1, 2021 and the City's insurance brokers at Willis Towers Watson conducted a marketing effort on the City's lines of insurance. Willis approached numerous insurance carriers for alternative proposals, but most companies declined to bid on the coverage for various reasons including exposures, terms, or lack of competitive pricing with current providers. As a result of the brokers' efforts, staff secured the policy renewals with the City's existing carriers, with no recommended changes to coverage.

Mr. Del Grande continued that while the City experienced minimal renewal increases from 2016 through 2019, there were increases in 2020 and 2021 and the overall renewal program would increase by \$115,010, or 14.3%. Willis assured staff that the premiums were consistent with what other clients experienced and were not a result of the City's claim activity. He reminded that the City opted to bind only with companies with an AM Best rating of A or better (Excellent and Superior in credit worthiness). He emphasized that Willis Towers Watson's brokerage fee remained unchanged at \$64,575, along with the \$1,000 upfront flat fee for SISCO as the Third-Party Administrator to handle claims under the liability package. He revealed the overall renewal program returned at an annual premium rate of \$922,064.

Mr. Del Grande informed that the recommended renewal premiums exceeded the Operating Budget limit by \$107,566. Staff proposed amending the 2021 Approved Operating Budget by \$107,566 by transferring funds from the City's reserve to balance the estimated expenses with the estimated revenue. Any unused funds would revert to reserves at year end.

The Mayor opened the table to Council comments.

Mr. McDermott asked if Mr. Del Grande was concerned that no other companies chose to bid. Mr. Del Grande explained the main reasons were due to competitive pricing because the City had good rates with the existing insurance companies and the reservoir because some companies shied away from situations where a large body of water was located in the middle of a city. He noted that the claims were favorable, only one auto claim was outstanding across all the City's lines of insurance, and the bid was the best the City could receive. He acknowledged that the insurance companies needed to earn profits and the entire market had premium increases.

Mr. Lawhorn asked Mr. Del Grande if he was comfortable with the bid. Mr. Del Grande confirmed and said that Willis did a great job with vetting the companies in the current market.

Mr. Coleman added that staff received feedback through the process and would review business practices. He noted the cyber renewal increased and the brokers identified areas of improvement which staff were already addressing. He informed staff were considering actions to mitigate future increases and claw back some of the recent increases but acknowledged the uptick in cybercrimes would likely continue.

Mr. Hamilton had no questions and expected rate increases.

Dr. Bancroft agreed that cyber risks were a concern and appreciated staff's efforts. He asked that Council be made aware of any risks changed for the City.

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

MOTION BY MR. LAWHORN, SECONDED BY MR. HAMILTON: THAT COUNCIL AUTHORIZE STAFF TO BIND INSURANCE COVERAGE FOR THE UPCOMING POLICY YEAR PER THE RECOMMENDED LEVELS AND CARRIERS REPORTED ABOVE. I FURTHER MOVE THAT CITY STAFF TRANSFER \$107,566 FROM RESERVES TO BALANCE ESTIMATED EXPENSES WITH THE CITY'S ESTIMATED REVENUES. ANY UNUSED FUNDS WILL REVERT TO RESERVES AT YEAR-END.

MOTION PASSED. VOTE: 5 to 0.

Aye – McDermott, Lawhorn, Hamilton, Bancroft, Clifton.

Nay – 0.

Abstain – Horning.

Absent – Hughes.

**6. 3-B. RODNEY PROJECT PARKING RECOMMENDATION – PARKS AND RECREATION DIRECTOR/CITY MANAGER (45 MINUTES)**

**31:17**

Mr. Spadafino stated that in preparation for the opening of the Rodney Park Project, currently scheduled for summer 2021, Council requested that staff complete a parking review. Staff found that due to the distance between Rodney Park, the central business district, numerous UD lecture halls, as well as the limited parking on Forest Lane and within the park, the City should preemptively act to solve what would likely become a difficult parking scenario. He revealed that Rodney Park would have no more than 32 spaces if all of Forest Lane was included.

The Mayor opened the table to Council comment.

Mr. Hamilton appreciated the suggestions and assumed that students would attempt to find free parking wherever available. He wanted to make sure that the parks were for residents. He thanked staff for creating a plan.

Dr. Bancroft agreed that parking should be addressed before it became an issue and thought the plan would be successful.

Mr. Horning reiterated Mr. Hamilton's comments and received feedback from District 1 residents that the discussion should have been considered more in the planning stage. His concern was that the park was for all City residents and he did not want any to be turned away for lack of parking. He did not know how many spaces were at Rittenhouse Park, but said he had no issues finding a spot. He thought the concern with Rodney was who would use the parking spaces without visiting the park. He appreciated the recommendations and understood that Forest Lane was metered when the dorms existed and there was no appropriate place to park on Hillside Road so visitors would likely park on Dallam. He learned from Mr. Coleman that a crosswalk was scheduled for Dallam, similar to the one at Sypherd Drive and the Oaklands Pool, which would be helpful for vehicles with residential permits. He believed Forest Lane residents wanted six spaces to remain open for Residential Zone H so that anyone with an appropriate permit could use the spots. He hoped that Oaklands residents would walk to the park instead of driving and noted Mr. Coleman indicated staff could monitor the spaces and amend accordingly. He received positive feedback on limiting the time to two hours and suggested a form of paid parking that began after an hour in order to dissuade students for using the spaces for classes. He received positive comments on the suggestion that kiosks would be used at the park so there was a potential for additional paid City parking after dark. He suggested a trial run during the summer before the students returned in the fall. He reiterated that permitted residents had two spots per home as well as guest passes so the intent was for residents and their guests to be allowed to use the initial six reserved spots at the beginning of Forest Lane and the rest would be for the park access. He thought it was in the City's best interest to investigate opportunities with the Rail Yard and Oaklands Pool where there were extra spaces subject to their easements. He admitted he was unsure to what extent the Oaklands could take revenue for parking as a 501(c)3.

Mr. Lawhorn stated the parking lot had 12 spaces and there were another 20 spaces on Forest Lane and Mr. Spadafino confirmed. Mr. Lawhorn asked if Mr. Horning proposed that six spaces on Forest Lane be saved for residential use so there would be 26 spaces available for the park and Mr. Horning confirmed. Mr. Lawhorn asked if the homes on Forest Lane had driveways, and Mr. Spadafino confirmed. Mr. Lawhorn supported Mr. Horning's proposal because each house had its own parking and additional secured spaces, but he wanted staff to monitor the situation. He wondered how the park would impact parking at Oaklands and the apartments, and if there was opportunity for the City to use the spaces. He wanted to staff to investigate and determine if there were opportunities in the off-season and concerns during on-season. Mr. Spadafino shared that staff scheduled a meeting with Oaklands to discuss parking opportunities. Mr. Lawhorn understood the concerns about students using the spaces for class and the general lack of parking. He did not support the two-hour parking limit and preferred to have a first come, first serve approach where staff could respond if necessary. He would not pushback if other Council supported the two-hour limit and reiterated that staff could adjust if necessary. He acknowledged the time limit could dissuade the students who parked to stay on campus all day, but he was once a student who parked where he could and hoped for the best. He noted that the Newark Shopping Center successfully monitored its lot and towed people who parked but were not patrons. He asked if staff evaluated the option and Mr. Spadafino replied that there would be difficulties monitoring the lot, especially if it was crowded. Mr. Lawhorn admitted towing was a harsh but effective consequence with the potential for disaster if the wrong car was towed. He supported Mr. Horning's proposal to reserve six spots for the residents and thought charging at night was a possible solution but preferred not to do anything upfront to determine if signage was necessary. He did not want to charge if there were lighted trails at night but if the park was totally closed and became a downtown service lot, he would support paid parking.

Mr. Coleman interjected that the two-hour limit only mattered from September 1<sup>st</sup> through May 31<sup>st</sup> on Monday through Friday. He assumed the park would be busiest during summer and weekends so Council could direct staff to return with an ordinance that restricted parking to two hours Monday through Friday from September 1<sup>st</sup> to May 31<sup>st</sup>.

Mr. McDermott supported the two-hour time limit on Monday through Friday. He did not want Forest Lane residents to lose guest parking, so he supported Mr. Horning's recommendation to reserve six spots. He asked if the design of the park allowed for easy monitoring and assumed it would be obvious which visitors were students going to class.

Mr. Clifton was open to supporting the possible amendments but recalled there was a group home along Forest Lane with four driveway spaces which was used by its staff.

The Mayor opened the floor to public comment.

Ms. Bensley explained the public comment submitted referenced a person who did not submit comments and noted that she would read the entire comment, but Council and staff might not have all of the context.

Sheila Anderson, District 1, wrote: I concur with Mr. Stozek's comments, however, now that the parking issue is being raised again, in my opinion, I think the best solution is to have Forest Lane turned into public parking with meters (so students don't take advantage of the situation) installed and monitored. There are only three residential homes on that street and the owners have other parking options in Zone H should they be needed. The time to create new spaces has passed. Having lived two blocks from this area for 47 years, I think it is safe to say that after the initial novelty subsides this will not be an issue as Rodney Park is in a rather remote area and not familiar to many City residents.

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

Mr. Hamilton was a member of the Oaklands swim club and was familiar with the easements between the parties. He noted the City would not be able to secure a parking agreement at the site in the off-season and explained the easement was for use during the pool's open season, so the pool had use of its lot and what used to be Dickinson dorms. After the pool season ended, the Dickinson dorms had use of the pool's lot. He did not think either party would agree to share the spots and stated that the topic was discussed extensively when he served as a board member for the pool. He wanted to save staff time.

Mr. Clifton was disturbed that a non-profit could not install parking meters to generate income.

MOTION BY MR. HORNING, SECONDED BY MR. HAMILTON: THAT COUNCIL DIRECT STAFF TO PREPARE A RESOLUTION TO ELIMINATE THE SPECIAL RESIDENTIAL PARKING RESTRICTIONS ON FOREST LANE TO ALLOW THE AREA TO BE USED AS PARKING FOR RODNEY PARK.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL AMEND THE MOTION TO SET ASIDE SIX SPACES AT THE BEGINNING OF FOREST LANE FOR SPECIAL RESIDENTIAL ZONE H PERMIT PARKING.

AMENDMENT PASSED. VOTE: 6 to 0.

Aye – Horning, Bancroft, Hamilton, Lawhorn, McDermott, Clifton.  
Nay – 0.  
Absent – Hughes.

MOTION PASSED AS AMENDED. VOTE: 6 to 0.

Aye – Horning, Bancroft, Hamilton, Lawhorn, McDermott, Clifton.  
Nay – 0.  
Absent – Hughes.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: THAT COUNCIL DIRECT STAFF TO PREPARE AN ORDINANCE TO ESTABLISH TWO-HOUR PARKING RESTRICTIONS IN RODNEY PARK ALONG FOREST LANE.

MOTION BY MR. HORNING, SECONDED BY MR. LAWHORN: TO ADD TO THE END OF THE SECOND MOTION "MONDAY THROUGH FRIDAY, SEPTEMBER 1<sup>ST</sup> TO MAY 31<sup>ST</sup>."

AMENDMENT PASSED. VOTE: 6 to 0.

Aye – Horning, Bancroft, Hamilton, Lawhorn, McDermott, Clifton.  
Nay – 0.  
Absent – Hughes.

MOTION PASSED AS AMENDED. VOTE: 6 to 0.

Aye – Horning, Bancroft, Hamilton, Lawhorn, McDermott, Clifton.

Nay – 0.  
Absent – Hughes.

Mr. Clifton thanked Mr. Spadafino and staff. He emphasized that ordinances were living documents and could be adjusted if necessary.

**7. 3-C. DISCUSSION AND DIRECTION TO STAFF REGARDING PROCESS CHANGES IN SCHEDULING LAND USE PROJECT COUNCIL HEARINGS – CITY SECRETARY (45 MINUTES)**

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**57:46**

Ms. Bensley informed that in 2021, Mr. Coleman and selected staff from the Legislative, Planning and Development, and Public Works and Water Resources Departments began meeting to discuss potential process improvements for reviewing land use applications and identified changes that could be easily be implemented between Planning Commission consideration and the Council public hearing. She continued that in August 2019, Council expanded its number of meetings and initiated time limitations on meeting agendas and restrictions of what items could be heard for each agenda. As a result, land use applications could be heard on the second and fourth Mondays with a two hour and twenty-minute block of time for each meeting, after factoring out standard agenda items. Staff were concerned that there would be a backlog of plans but were also faced with providing estimates for items as directed by Council. She explained that Council did not want to hold lengthy meetings to debate multiple large projects on the same night, so staff began scheduling items out to ensure the Code standards of considering a project within a reasonable amount of time were met. She revealed that the intent backfired and created the impression of agenda scarcity so agenda times were now scheduled three months out for land development projects that had not yet had Planning Commission hearings. The scheduling created a last-minute scramble when it was determined that projects were not prepared for the Planning Commission and there were openings on Council agendas. She added that the scenario also created an artificially compressed timeline to get projects to Council, so projects were advertised for public hearing before receiving the final post-Planning Commission subdivision plans and subdivision agreements were drafted and in the review process. The result was advertised projects were being pulled, abbreviated review and negotiation time for the developer and staff for subdivision agreements, and delays in delivering agenda packets.

Staff proposed divorcing the Council scheduling process from the Planning Commission scheduling process. Ms. Bensley explained that when a project was ready for the Planning Commission, she met with Ms. Gray to review Council's schedule and slot the project based on when the Planning Commission would hold the hearing. In separating the processes, staff could consider scheduling Council hearings on project applications once the final plans were received from the developer with all required edits prior to Council consideration. To avoid additional versions of plan submissions, staff would be instructed not to request additional changes prior to that Council hearing that could be completed during the Construction Improvement Plan process if the project was approved. Once the final plans were received, staff intended to schedule the project application hearing a minimum of seven weeks after submission, pending agenda time availability. Doing so would provide adequate time for drafting, review and negotiation of the subdivision agreement as outlined in the submitted memo.

Ms. Bensley continued that it was essential for the final plans to be received from the developer before the process started because staff could not accurately draft or review the subdivision agreement without them, which resulted in wasting an already limited resource in staff time. Additionally, the proposed timeline included more review and negotiation time so neither side would be rushed through the process and would have the opportunity to gather necessary input from multiple stakeholders. The intent was to reduce floor amendments needed for agreements so the copy for public review would be closer to the version that was adopted. The timeline also gave the Planning Commission adequate time to draft and approve minutes at their next meeting to be submitted to Council as part of the supporting project documentation and for the Planning and Development Department to compile the completed Council packets for public hearings. The Legislative Department would be able to finalize Council packets earlier, ensuring that the packet for the next week's meeting was completed and posted prior to the Council meeting scheduled for that evening. The City Solicitor previously opined that scheduling development projects following a similar timeline would meet the standard of "within a reasonable time". It was staff's intent to honor the Council hearing dates that were currently committed to development projects through the April Planning Commission meeting. The process would be implemented beginning with projects that were not scheduled for a Council hearing at this time.

The Mayor opened the table to Council comment.

Mr. Hamilton was open to new processes to help the workflow.

Mr. Lawhorn supported process changes and asked for clarification on how staff scheduled projects between the Planning Commission and Council. Ms. Bensley replied that it depended on the components of the project and explained the change would add about two weeks to projects that needed first and second readings for items that required an ordinance, such as a Comp Plan Amendment or rezoning. She emphasized that the timeline would not start until the developer submitted final plans. She informed that the process would take longer for major subdivisions or major subdivision and special use permits. She revealed that staff scheduled the subdivisions based on advertising timelines and explained the Green Mansion project was on the Planning Commission's February 2<sup>nd</sup> agenda. The earliest that staff could get the project on a second or fourth Council agenda, while meeting advertising requirements, was March 8<sup>th</sup> or just under five weeks. The proposed changes would push the timeline back by a minimum of two or three weeks based on final plan submission. Mr. Lawhorn asked if staff was reserving the Council meeting on the first week and Mr. Coleman confirmed the seven-week schedule was fixed but the biggest change was that the seven-week timer did not start until the developers submitted all of the plans. He believed the proposed changes would impact last minute submittals the most because some developers waited until the advertising deadline to deliver plans to staff which was problematic. He indicated the proposed changes would create an incentive for developers to submit all documentation in a coherent, complete package quickly, so staff did not have to deal with submittals in a last-minute rush. Mr. Lawhorn asked if there were other triggers throughout the negotiation process that could push the deadline further and Mr. Coleman replied that the biggest issue was the subdivision agreement negotiation. Mr. Coleman continued that if staff and the developers could not come to a mutually agreeable resolution on a subdivision agreement, then staff would present a recommended subdivision agreement to Council with potential revisions based on the developer's requests so Council could decide whether or not to amend the subdivision agreement with the developer's requests from the floor. Ms. Bensley added that these types of changes had been previously provided to Council. Mr. Lawhorn supported the proposed process changes and thought staff would have the opportunity to make the process more efficient.

Mr. McDermott asked if it was possible that the only entity who could have a problem with the process changes would be developers who submitted documentation at the last minute and Ms. Bensley confirmed. Mr. McDermott asked if Mr. Bilodeau felt that the timeline was within a reasonable time as the standard dictated and Mr. Bilodeau confirmed it was not unreasonable.

Mr. Horning appreciated Mr. McDermott highlighting the legal standard on the timing where Council heard the projects and assumed it was not understood by the general public. He confirmed the current process was inefficient for staff who were trying to get to the point where both parties had more review negotiation and had the opportunity to gather input from multiple stakeholders. He thanked Ms. Bensley and staff for the proposal and encouraged further considerations for improvement.

Ms. Hughes supported the change as necessary to support a better flow through Council for staff. She thought the changes would also encourage developers to submit projects earlier and change long-term behavior.

Dr. Bancroft thanked staff for the presentation and thought the changes were a great improvement and stated that any unintended consequences could be handled.

Mr. Clifton supported the changes and agreed that some developers pushed back when trying to submit documentation at the last minute. He thanked Ms. Bensley and staff for holding the line and he thought the development community understood that the information included in the Council packet was what would be presented. He added that the public had the expectation that the information provided seven days in advance of the meeting was accurate so they could make an informed decision without last minute changes.

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

MOTION BY MR. MCDERMOTT, SECONDED BY MR. LAWHORN: THAT COUNCIL SUPPORT THE ADMINISTRATIVE PROCESS CHANGES TO BE IMPLEMENTED FOR THE SCHEDULING PROCESS FOR LAND DEVELOPMENT PROJECTS FOR COUNCIL PUBLIC HEARING AS OUTLINED IN THE MARCH 5, 2021 MEMO FROM STAFF.

MOTION PASSED. VOTE: 7 to 0.

Aye – Hamilton, Bancroft, Hughes, Horning, McDermott, Lawhorn, Clifton  
Nay – 0.

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

A. Council Members: None

1. Potential Items for Future Meeting Discussion – Council Members (15 minutes)

9. 4-B. OTHERS: None

10. Meeting adjourned at 8:18 p.m.

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

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