

New Castle City Planning Commission Meeting
Minutes
1 Municipal Boulevard, New Castle, DE
October 23, 2023 – 6:30 p.m.

Members Present: Margo Reign, Acting Chair
Kristin Zumar
Tamara Stoner
Timothy Gibbs
Cynthia Batty

Absent: Brie Rivera
Keaira Faña-Ruiz
Vera Worthy

Also Present: Christopher Rogers, City Planner

Ms. Reign called the meeting to order at 6:58 p.m. (*Stenographer's Note: The meeting being called to order was delayed until a quorum was present.*) The assembly stood for the Pledge of Allegiance. Roll call followed and a quorum to conduct business was declared.

Minutes

August 28, 2023

A motion to approve the Minutes of the August 28, 2023, meeting as presented was made by Mr. Gibbs. The motion was seconded by Ms. Stoner. The motion was carried with a vote of 4 in favor and 1 abstention (Ms. Zumar).

September 25, 2023 Regular Meeting

A motion to approve the September 25 regular meeting minutes as amended was made by Mr. Gibbs. The motion was seconded by Ms. Zumar and unanimously carried.

September 25, 2023 Public Hearing

A motion to approve the September 25, 2023 Public Hearing minutes as presented was made by Ms. Batty. The motion was seconded by Ms. Stoner and unanimously carried.

Public Comment

Phil Gross – 1301 13th Street

Mr. Gross thanked the Commissioners for their work on the Planning Commission.

Mr. Gross asked that the Planning Commission suggest to City Council that a moratorium be placed on building; nothing that flooding and traffic are still issues. He said that City Council took out the traffic light at 6th Street which will create a bigger log-jam; adding that traffic is channeled into the city by vehicles seeking a short-cut and 1,000 new units have been added along Rt. 9. He also noted that the evacuation routes flood.

Regarding affordable housing, Mr. Gross noted that the developer stated they would exceed prices at The Garrison and the project was still approved.

Mr. Gross stated that the Commission consistently contradicts what it decides on, including the visuals of a project being submitted. He noted that those visuals are helpful to the Commission and to the public. He asked that the Commission be consistent and be more unified in relation to residents and not the developer.

Appointment of Chair and Vice-Chair

Ms. Zumar nominated Ms. Reign as Chair of the Planning Commission. There being no additional nominations Ms. Reign closed the nominations and Ms. Reign was appointed as Chair by unanimous vote.

Mr. Gibbs nominated Ms. Batty as Vice-Chair of the Planning commission. There being no additional nominations Ms. Reign closed the nominations and Ms. Batty was appointed as Vice-Chair by unanimous vote.

Ms. Reign will contact Ms. Johnson in the City Office for a listing of all Commissioners' addresses, phone numbers, and term dates.

Discussion of rental vs home ownership, affordable housing, and trends

Mr. Rogers stated that he reached out to Karen Horton, AICP, Principal Planner at the Delaware State Housing Authority (DSHA). Ms. Horton also makes PLUS comments on development projects on behalf of DSHA. Ms. Horton agreed to work with Mr. Rogers to draft a presentation on housing needs, rentals vs home ownership, and the Downtown Development Program (DDD) for a future Planning Commission meeting. Mr. Rogers suggested that the presentation be made at a meeting when the Commission is not discussing any major projects.

Mr. Rogers have a broad overview of the DDD. Ms. Batty asked if the Commissioners can add topics that Ms. Horton can speak to, specifically how the Commission can work with the State to incent the creation of affordable housing. She added that if affordable housing is created, there must also be a plan for how to maintain it.

Ms. Zumar noted that there was a program in southern Delaware in which she thought the State partnered with the developer for eco-and environmentally-friendly housing that included help with extremely low-interest loans and zero-interest down-payment loans that did not have to be paid back until the house was sold that specifically targeted lower-income buyers. Ms. Zumar asked if Ms. Horton could include this in her presentation.

Ms. Batty opined that the DSHA 2023 Housing Needs Assessment indicates that the area median income is not supporting people buying a home under the current circumstances. She stated that she is interested in Ms. Horton's perspective on what the City can do to focus on creating an environment where people are able to walk to medical care, etc.; and what the Planning Commission can do to encourage a different way of thinking.

Ms. Reign added that it would be good to know what the Planning Commission is legally allowed to do. Mr. Rogers stated that the City Solicitor and he would be able to provide that answer. He added that the primary role of the Planning Commission is to develop a Comprehensive Plan that guides land use policy and zoning. Mr. Rogers went on to give a more in-depth explanation of the Planning Commission's role and what State Law requires.

Ms. Zumar noted that there is a concern of not only offering affordable housing but how the increase in the City's population will impact public services and ensure that those services are adequate to serve the community; and expressed her hope that it will not be necessary to outsource some public services because the City has grown too large. She expressed her concern with over-population within the City and opined that some of that could be resolved with developments of townhouses instead of apartments. Ms. Batty noted that property and other taxes would offset the need to outsource. Ms. Zumar reiterated that over-population and fast-growth is a concern; noting that growth should be mindful and for the good of the City in general.

Mr. Rogers noted that the impact of public services is within the scope of the Planning Commission.

The Commissioners asked if Ms. Horton would be able to provide the raw data on the Housing Needs Assessment. Ms. Batty referenced a Harvard study that she found very interesting.

Ms. Stoner concurred that having advance information will help the Commissioners make the necessary recommendations, look at projects holistically, and have a true path forward so they are not trying to over-populate the City or mismanage emergency services.

Mr. Rogers noted that having data about the specific demographics of housing trends, affordability, housing types, and needs, etc., is useful in dealing with Comprehensive Plan type issues. He added that it is also useful, to the extent that the data is clear, when making a recommendation when there is a discretionary matter before the Commission; however, most of the time matters before the Commission will be "by-Code" or "not-by-Code".

Mr. Rogers opined that most of what the Commissioners were discussing appeared to be very good conversations to have in advance of the 5-year Comprehensive Plan Review. During discussion, the Commissioners concurred that it would be helpful to review the 2020 Comprehensive Plan by chapter.

Mr. Gibbs stated he would share a link to the Delaware Population Consortium data, that talks about where the population is, was, and where it will go. Mr. Rogers noted that WILMAPCO works with the Consortium to disaggregate the State and County data into Transportation Analysis Zones (TAZ); and opined that population and housing projections may be on the WILMAPCO website.

In response to a question from Ms. Zumar regarding protocol, Mr. Rogers suggested that the Commissioners first reach out to the Chair, who, in turn, can contact the City Office with

requests to City Staff. He also recommended that data sharing be controlled, and that the Commissioners should first share reports and resources with the Chair, who, in turn, will discuss the data sources with Mr. Rogers. If it is deemed necessary, Mr. Rogers will reach out to the City Solicitor for clarification and/or direction regarding sharing the information. Mr. Gibbs opined that the Commissioners are charged with researching and that the inability to share vetted data is an over-reach of the City. Mr. Rogers reiterated that Commissioners should be careful about the types of data being shared and why it is being shared; and that he is not suggesting that the Commissioners' independence is being tamped down. After discussion it was agreed that at this time Mr. Rogers' recommendation as stated above will be utilized regarding data sharing.

Ms. Batty asked the Chair for permission to review Ms. Horton's presentation prior to it being given in person to the Commission to ensure that it is concise and to the point, and that technology is worked out. Ms. Reign asked that all Commissioners' questions and suggestions for the content of Ms. Horton's presentation be forwarded to her by November 9th in order to have Mr. Rogers forward them on to Ms. Horton by November 10th.

Ms. Zumar suggested that the start time of the November Planning Commission meeting be changed to 7:00 p.m. to allow all Commissioners to be present at the start of the meeting. During discussion it was noted that there is nothing in the Code dictating attendance at Board/Commission meetings. Mr. Rogers noted that Planning Commission members are appointed by City Council and in order to remove a member, City Council is required to have a Public Hearing. In response to a question from Ms. Zumar, Councilperson Souder noted that City Council had no formal consideration of changing the rules regarding attendance. Councilperson Souder noted her understanding that the rules for the Planning Commission are different than those for all other Boards and Commissions because Planning is under State Law.

A motion to change the start time for the November 27th Planning Commission meeting was made by Ms. Zumar. The motion was seconded by Mr. Gibbs and was unanimously carried.

Comments from Commissioners

Ms. Batty

Ms. Batty noted that she is the Planning Commission Liaison to HAC, and gave a report of the October Historic Area Commission (HAC) meeting.

Ms. Batty stated that she has other ideas about what the Planning Commission could be doing with the HAC; noting that she would like to see things done differently and will be working with Tera Hayward-Olivas on that, according to the rules that must be followed.

Ms. Zumar

Ms. Zumar asked if the Planning Commission is supposed to have representation on the Sea Level Rise Task Force, which is now a standing Flood Resiliency Committee. Councilperson Souder noted that having a Planning Commission Liaison on the Flood Resiliency Committee was not written into the Resolution. In response to a question from Ms. Zumar, Mr. Rogers stated that the Planning Commission can request that the Flood Resiliency Committee make

periodic presentations to keep the Commissioners up-to-date on its status; noting that getting those updates will assist the Commissioners as they complete the 5-year Comprehensive Plan Review from a land use perspective. Ms. Zumar suggested that the Planning Commission reach out to the other Boards and Commissions to ensure that it is aligning with the work each of them is doing. Mr. Rogers concurred that is important in determining if the 2020 Comprehensive Plan is still relevant.

(Stenographer's Note: There was a one-minute break in the video feed at 8:06 p.m.)

In response to a question from Ms. Reign, Mr. Rogers opined that there is no prohibition in the State Law that says the Planning Commission can only make small changes to the Comprehensive Plan during the 5-year Review.

In response to a question from Ms. Stoner, Mr. Rogers opined that the Planning Commission needs to be aware of what the other Boards and Commissions are doing and suggested that over the next year-and-a-half items can be added to the Agenda that will help inform the Commissioners of things that could or should be changed during the 5-year Review.

Mr. Rogers noted that the Comprehensive Plan is a policy document that provides background information and makes recommendations regarding land use; and gave a brief explanation of how the Planning Commission will utilize the data to determine impacts on potential future land use. Ms. Batty stated that before the next meeting she would review the Comprehensive Plan and suggest some chapters to review as a group

There being no further business to discuss, Ms. Reign called for a motion to adjourn.

A motion to adjourn was made by Ms. Zumar, seconded by Mr. Gibbs and unanimously carried, and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer