

**CITY OF NEWARK
DELAWARE**

**CONSERVATION ADVISORY COMMISSION
MINUTES**

November 14, 2017

MEETING CONVENED: 7:00 p.m. Council Chambers

MEMBERS PRESENT: George Irvine, Ajay Prasad, John Hornor, Bob McDowell, Sheila Smith, John Wessells

ABSENT: Kismet Hazelwood, Jason Kramer, Kass Sheedy

STAFF: Renee Bensley, City Secretary
Tim Filasky, Acting Public Works and Water Resources Director

Mr. Irvine called the meeting to order.

1. APPROVAL OF MINUTES FROM MEETING HELD ON OCTOBER 10, 2017

MOTION BY MR. MCDOWELL, SECONDED BY MR. PRASAD: THAT THE MINUTES FROM THE OCTOBER 10, 2017 MEETING BE APPROVED AS RECEIVED.

MOTION PASSED UNANIMOUSLY.

2. PUBLIC COMMENT

There was no public comment.

3. GUEST: JMT – RODNEY DORM PROJECT UPDATE

Mr. Filasky advised he was there to discuss the Rodney Dorm stormwater project. He stated the City had entered into a contract to purchase the parcel. They planned to repurpose it for a stormwater pond and park. The stormwater pond would help with flooding downstream and relieve pressure in those areas. Mr. Filasky showed an image of the site. He noted the underpass would remain as a connector. He explained that the dorms had originally opened in 1966. At this time, there had only been a small amount of development in the surrounding area. In spring of 2014, Rodney dorms were closed. City staff had identified this site in previous years as a potentially good site for a stormwater pond. Between spring of 2015 and now, staff had done a good deal of due diligence which included cost estimations, planning and phase I and II environmental assessments. These assessments had identified some level of contamination in the groundwater. This had been caused by underground tanks that had since been allegedly removed. Mr. Filasky noted they were not positive that these had actually been removed. At that time, staff started conversations with University of Delaware personnel to purchase the land. In March 2017, City Council voted to enter into the purchase agreement with the University of Delaware.

Mr. Filasky stated JMT had been the City's consultant for the last 4 years on water and wastewater projects. The firm had been put through a rigorous process to become the project manager for this project. JMT had

come out as the clear winner against two other firms. Mr. Filasky assured that they had done a great job so far. In July, the City had held a workshop to collect ideas from the public. After getting everyone's feedback, they had come up with 3 concepts to present in a second workshop in September. Workshop #2 showed concepts with amenities that were proportional to how much it would cost. Workshop #3 had been held in November and had led to the final concept being presented tonight. Mr. Filasky said this was the final stretch of the preliminary phase. The next step would be to take this concept to Council and ask Council to send it to referendum for a vote by the public. This referendum was being planned for late spring or early summer of 2018.

Chris Brendza, JMT, introduced himself and his firm. He advised that his group consisted of stormwater engineers, park planners and public outreach personnel all working on various aspects of this project. On the City side, Public Works, Parks and Recreation and Communication had worked together to bring this project forward. Mr. Brendza stated the buildings on the site needed to be torn down. They had been built in the mid-1960's. The City had entered into a Brownfields agreement with DNREC to do all the environmental testing and remediation for that. Lead paint, asbestos and groundwater had all been tested. The site was very mild for Brownfields. It was not a hazardous site but it did meet the qualification so the City was able to obtain funding for this. Mr. Brendza assured there would be no long-term covenants on the party.

Mr. Brendza displayed a map of the Rodney site and showed the tributary which drained into the site. It was approximately 75 acres and funneled through 2 pipes. He showed the downstream direct impact area. Rain came through the stormwater network to this area and then exited to the City. The purpose of the stormwater pond was to hold the water back and slowly release it over a 2-day period. This would help with flooding. Mr. Brendza stated that when the system got overloaded, the flow could not come through the pipes so it came out of the catch basins. He noted the City had experienced rains that had required them to close South Main Street. This would fix that problem directly. Mr. Brendza advised this was part of the Christina River basin. Any impacts to this basin were beneficial as this was one of the largest basins in Delaware. Another benefit of a stormwater pond was water quality treatment which removed pollutants. This pond would have a 2-day detention time which would allow the pollutants to settle out.

Mr. Brendza explained there were best management practices that would help take the nitrogen phosphorus into plants so it stayed out of the streams and rivers. He showed an example of a BMP which was a floating wetland. This was a way to use that nitrogen phosphorus that came down through the stormwater and directly get it into plants as an uptake. Mr. Brendza stated that education would be a large part of this project. There would be signs to explain to people what they were looking at and what purpose it had. Mr. Brendza noted that safety had come up multiple times during the workshops. The normal pool would be 3-foot and stormwater ponds were designed this way to keep out mosquitos. The 3-foot normal pool would stay that way and, depending on the rain event, it would flood 3 feet higher. After 2-days, it would return to its normal pool level. Mr. Brendza showed the safety beaches on a diagram and stated that someone had to go over 10 feet out to get to the water. There would also be plantings around the pond, similar to the reservoir's design.

Mr. Brendza summarized Workshop #1 which had occurred in July and had resulted in 3 concepts varying in costs and amenities. He showed images of the 3 concepts. These concepts had been presented at Workshop #2. 45 people had attended and most people had felt that concept #2 provided enough park amenities and was something they would come to. After Workshop #2 concluded, the design team at JMT had taken everyone's comments and surveyed further online. They had combined everything into the preferred concept design which was presented at Workshop #3. This concept included 9 points of access to the park and updated parking. Mr. Brendza added that these images and concepts were not set in stone. This was simply to give an idea of what could be constructed.

Mr. Brendza advised they had heard a trend that the recreation side of this project was very important to people. There was a loop trail and multiple playgrounds included in the concept. The goal was to provide 3 different kinds of playgrounds. JMT had contacted different manufacturers for sustainable materials to be used and go with the theme of a natural area. Mr. Brendza showed pictures of landscaping options, pavilion ideas, fishing piers and educational signage. Mr. Prasad asked whether signage like this existed anywhere in Newark parks. Mr. Filasky answered that there was none in City parks but there were some signs regarding rain gardens. Mr. Prasad really liked the ideas.

Mr. Brendza noted that with every project there were fixed and variable costs. The variable costs were the park amenities and the stormwater pond. These could change based on the design. The fixed costs would not change and the City would incur them before any park amenity or pond was built. The first fixed cost was the purchase of the property. This was a negotiated price with the University of Delaware at \$2,100,000. The City had entered into a purchase agreement with the University and put down a \$50,000 deposit. Mr. Brendza explained that the City had the first right of refusal for the next 4 years. This gave the City time to do due diligence. Site demolition was estimated at \$2 million. Most of this was due to the cost of getting rid of the brick, concrete and foundations of the buildings. Site remediation included removing the asbestos and lead. This would be done by professional asbestos contractors that were licensed in the state and would cost about \$800,000. UD was providing a credit of less than \$700,000 toward demolition and remediation for a total of \$4,200,000.

Mr. Hornor asked whether UD would have gotten more from other buyers than they were asking from the City. Mr. Filasky answered that both sides had gotten an appraisal. He was not sure whether this was a bargain. Mr. Hornor was wondering whether this was a good deal and UD could have gotten more money by selling this property as-is with the buildings. Mr. Filasky doubted that anyone would use the buildings for anything. He stated that because Newark was a public entity, they got additional Brownfield funding that a private developer would not get.

Ms. Smith asked whether the plantings would be a majority of native plants. Mr. Brendza said they had not gone that far into the details. Mr. Filasky said the City intended to do as much native planting as possible. He realized that benefit. Ms. Smith asked whether any materials from the buildings were reusable. Mr. Brendza said there were some. The concrete, foundation and cinderblock walls were reusable depending on how it was broken up. The red brick on the outside was not reusable. He assured they were looking into ways to reuse the materials. The \$2 million for demolition was erring on the side of caution. Ms. Smith asked whether the water percolated at all or if it was just a release into the system. Mr. Brendza said it did not percolate. Ms. Smith asked if there would be a lining. Mr. Brendza said that was correct. Ms. Smith asked if the slow release had a positive impact on the banks of the Christina River and that flow. Mr. Brendza responded it would help but this was only a small portion of the drainage area. He advised the flooding impact would help South Main Street and downstream areas in the City. The stormwater pond would also remove nutrients. This may not help with stream bank erosion but it would help with pollutant loading. Mr. Brendza believed the City was under an MS4 permit which was a new set of DNREC regulations that improved the stormwater system and the quality of the water in Newark.

Mr. Hornor asked whether the outflow into the Christina Creek occurred by Silverbrook. Mr. Filasky said that was correct. He explained that eventually it went through STAR campus in a pipe and split. One went through Silverbrook. Mr. Filasky noted this was at the top of the watershed and was a step in the right direction. Mr. Brendza showed all project costs. The stormwater components were for building the pond and rain gardens and totaled approximately \$1,400,000. Park amenities was \$2,500,000 and included the bulk grading

throughout the site, park pavilions, playground and planters. Along with the fixed costs, the preferred concept had a total price of \$8,100,000. The operations and maintenance costs were estimated to be about \$30,000 which was on par with costs for other parks in the area. This project would be funded through a state funding source for water and drinking water projects. Rodney would be an adjustment to the stormwater utility rate. Mr. Hornor asked if that rate went on top of the current stormwater rate that was being implemented. Mr. Brendza stated that was correct. Ms. Smith asked the different between tiers. Mr. Filasky responded it was calculated based on impervious area. Mr. Hornor asked whether the current stormwater fee would handle stormwater issues in other parts of the City. Mr. Filasky answered that was correct. The majority of the capital work was to get rid of the corrugated metal pipes (CMP) that was not lasting.

Mr. Brendza summarized the steps that had been taken thus far. He advised that currently JMT was finalizing the selected concept and making changes based on feedback. It would be presented to Council on December 11, 2017. Staff was asking Council to vote to put the project out for referendum based on the information presented and the estimated cost. This way it would be voted on by everyone in the City. This referendum would occur in spring 2018. Mr. Hornor asked what happened if Council voted no. Mr. Filasky noted that the City had several years to finalize the purchase. However, staff did want to get this project started and not lose momentum. If the budget was not passed, it may need to be continued but staff hoped to have it voted on by December 11. Mr. Hornor asked whether Mr. Filasky thought Council had a positive view of this. Mr. Filasky thought it was positive to the Councilmembers that were directly affected by this issue. Mr. Filasky thought people in other areas needed to understand that this affected the whole city's water. Mr. Brendza stated the City's communications team would be putting together a strong public outreach initiative for this.

Mr. Prasad asked when the project would be started if all the votes were positive. Mr. Brendza said they hoped to do the environmental remediation in the fall of 2018 assuming a positive referendum vote in the spring. If that was done in time, demolition would be started in winter of 2018 so that Oaklands Pool would not be impacted. They did not want to be starting the demolition in pool season. The demolition costs included dust mitigation and protection. Mr. Prasad asked if the underpass would be accessible during this work. Mr. Brendza answered it would be accessible for most of the project but there could be some critical phasing where it would need to be closed for safety issues.

Mr. McDowell asked whether this stormwater pond was designed so it would catch the sediment and periodically need to be dredged out. Mr. Brendza answered it would need to be done about every 5 years. Mr. McDowell pointed out this would reduce the sediment load on the stream. Mr. Filasky said that was right and they planned to do some water samples during rainstorms. At the end of the project, some post samples could be taken to get a benchmark. Mr. McDowell suggested adding that to the dashboard. Ms. Smith asked what concerns the public had other than the cost. Mr. Brendza answered that the concern in the beginning had been why this project was needed. Other concerns had been surrounding park amenities and how it would affect the neighborhood. Some safety concerns had been raised as well. Mr. Brendza thought the main concern overall was the need. Mr. Filasky added that one of the concerns was whether UD was paying their fair share. It was worth noting that the stormwater fee was set up as it was to capture the University properties. The University paid 30-35% of the stormwater utility fee so they would be paying a good portion of the cost of the project.

Mr. Irvine asked what the terms of the payment were. Mr. Brendza answered that this was a 20-year loan with the State Revolving Fund. Mr. Irvine asked what the referendum was for if the money was coming from the State. He asked if it was just for approval to borrow. Mr. Filasky said the Charter required a referendum to borrow. Mr. Irvine asked if the paths around the park would be impervious. Mr. Brendza answered that they were currently shown as a mix of concrete and asphalt. He noted that could be changed but they needed

to consider maintenance costs as well. Mr. Irvine suggested that fresh gravel was not a bad surface to run on and was not harmful to dogs' paws. Mr. Irvine asked whether the lighting could be solar-powered. Mr. Filasky noted that Mr. Brendza had mentioned the recirculating pump. There was a company in Newark that made a pump that was solar-powered and he assured that they would look at that company. Mr. Irvine recalled that Stu Markham had come to the CAC to talk about LED security lighting. Mr. Irvine thought that installing LED lights from the start would make more sense than going back later and replacing them. Mr. Brendza said that lighting for the walkways and trails was included in the cost estimate. Mr. Irvine asked what the cost of the flooding event would be if they did not have this. Mr. Filasky stated it was not the catastrophic flooding but a localized flooding. If this project did not exist and someone else bought this site, they would not be required to fix stormwater problems but only to not make them worse. Therefore, the City would have to look further upstream to purchase land or homes elsewhere.

Mr. Irvine asked what happened if there was more than a 6-inch rainfall. Mr. Filasky said that had been taken into account. A 6-inch rainfall was what the City could control. He explained that there was safe conveyance for large storms. There would still be a rush of water but some would be contained in the pond and they could control where they wanted it to go. Mr. Irvine pointed out that by safely conveying it they would reduce the cost to the City. Mr. Irvine thought this should be used as an example of why this cost was minimal compared to the costs otherwise. Mr. Irvine also pointed out that probability was increasing that the planet would get wetter. Mr. McDowell agreed that if someone else purchased this site and cause more impervious area, the stormwater problem would get worse.

Ms. Smith asked if there would be a rain garden demonstration for this. She wondered how much of the flooding was just the topography versus the impervious surface that surrounded this 75-acre area. Mr. Filasky answered that the watershed that would drain to the Rodney pond was pretty typical of a 1960s subdivision. He said there would be a rain garden or bioretention area and have educational signage. Part of the stormwater utility included design help to reduce stormwater on residents' lots. He explained he was willing to work with homeowners to install their own rain gardens to help the situation downstream. He noted they could come down at look at the garden in Rodney on a larger scale while planning. Mr. Filasky said that elevation did play into this issue. He advised that impervious area was the biggest cause.

Mr. Wessells asked when this project would be finished if all went well. Mr. Brendza said it would be near the end of 2019. Mr. Irvine asked if it would be helpful to have a CAC recommendation to Council. Mr. Filasky answered that it would be welcomed. There was agreement from all members to recommend this project to Council. There was some discussion regarding the wording of the motion.

MOTION BY MR. PRASAD, SECONDED BY MR. MCDOWELL: THE CAC RECOMMENDS THAT CITY COUNCIL APPROVE THE CONCEPT PLAN FOR THE RODNEY STORMWATER AND PARK PROJECT. THE CAC REVIEWED THE PROJECT'S ENVIRONMENTAL BENEFITS AND JUDGED THEM WORTHY OF CITY INVESTMENT. THE PROJECT WILL ENHANCE OUR URBAN ENVIRONMENT, STORMWATER MANAGEMENT, QUALITY OF LIFE AND PUBLIC EDUCATION OPPORTUNITIES.

MOTION PASSED UNANIMOUSLY.

Mr. McDowell asked why the referendum would not be scheduled to occur at the same time as the City elections. Ms. Bensley advised it had been discussed both ways. She explained that the pros for having them at the same time was that it would only be one election as opposed to 2. On the other hand, since this was not a year where there was a Citywide mayoral election, there was concern that turnout would be weighted in districts where there were Council races over other districts. There was concern this would unfairly skew

the results. Mr. McDowell could understand that skewing the results. Mr. Filasky noted there was still discussion occurring regarding this, as well as the possibility of referendums for the capital projects in the budget. Ms. Bensley stated they were also sensitive to the fact that the Council elections were in April, schoolboard elections were in May and a separate election for referendum may confuse voters. Mr. McDowell asked if there was a minimum amount that needed to vote to validate the referendum. Mr. Irvine said there was not a minimum number because people could choose not to vote. Ms. Bensley added that voter turnout in the City had ranged from 8-35% during her time as City Secretary.

4. CREEK ROAD TRAIL CONNECTION – TIM FILASKY

Mr. Filasky showed an image of the White Clay Creek and Creek Road. Mr. Filasky had heard feedback that a lot of people did not use this connection because of the condition it was in. The connection would mimic the Pomeroy Trail and follow it up. He noted part of this was University property but the City had an easement for sanitary sewer and electric due to the presence of an electric substation. Mr. Filasky knew people used this connector but many were afraid to use it, especially at night since it was not lit. The plan was to light the trail so it would be accessible at night. Acting Electric Director Bhadresh Patel and Mr. Filasky had come up with cost estimates and what could be done in-house. The design and construction could be done in-house but they also realized that New Castle County had a trail building crew that had done great work in the county. Whether a contractor did it or not was yet to be determined. Funding was a big issue here and was approximately \$120,000 total for the design and construction.

Council had voted on Monday to move this into the 2018 CIP budget from 2019. They had not identified how to fund it but did say that it needed to be moved into 2018. Mr. Filasky agreed this was an important connector. He shared that Newark had a bicycle priority plan and this was a priority for 2018. Mr. Hornor asked whether the unpaved part of the Pomeroy Trail was lit. Mr. Filasky said it was crushed gravel but he would have to check. Ms. Smith asked how long the section was. Mr. Filasky answered it was more than ¼ mile and was very important to multiple areas. Ms. Smith asked if this would be asphalt or crushed gravel. Mr. Filasky responded it would be asphalt. There was some drainage work that would need to be done as well. Mr. Irvine asked why it would not be crushed gravel. Mr. Filasky explained it was more maintenance as this trail was on the side of a hill and a small creek ran through the area. The reason for the easement was electric so the path would need to hold up for electric trucks.

Mr. Irvine asked why it needed to be lit as light had an effect on wildlife. Mr. Filasky believed it was a public safety issue. If a path was offered, it needed to be secured in some fashion. Mr. Irvine asked why Mr. Filasky was showing this to the CAC. Mr. Filasky responded that he had wanted to give them a heads up. He mentioned that Council liked to ask if the CAC had been advised of projects. Mr. Filasky was not sure if Mr. Spadafino had intended to ask the CAC about possible funding sources. Mr. Irvine said there was the Green Energy Fund but he was trying to determine whether this was an appropriate use of those funds. Ms. Smith felt if it diverted people to use bicycles more than cars it may be appropriate. Mr. Prasad felt it did not fit into any of the trifurcations. Mr. Filasky commented that the lighting would be LED. Mr. Irvine thought the lights would fit into that category. Mr. Irvine requested that Mr. Filasky come back to the CAC with the costs of the lighting. Mr. Irvine asked if solar lights were a possibility. Mr. Filasky responded that it was not feasible as the area was heavily wooded.

Mr. McDowell knew there was no stormwater retention on the site of the new Food Lion. He asked whether they could conceivably do some stormwater management. Mr. Filasky stated because it was an old subdivision, the City could only require them to do stormwater if they totally rehabbed the site. In this case, the developer was just rehabbing the existing building and putting a façade on. Mr. McDowell felt this parking

lot was underutilized and something small could be added to catch some of the rainwater. Mr. Filasky stated that even if they redeveloped, it was mostly quality control. It would be beneficial to put in a small bioretention area to filter out some of the pollutants. It did not do much for the flooding portion of it. For the City, the most important aspect was the water quality because it was a federal mandate.

Mr. Irvine noted that this connector was not between just two points but was part of a loop for the citizens of Newark. He wondered if an image could be made to show all these interconnecting paths and how this connector affected them. Ms. Bensley noted that when the discussion for Emerson bridge had occurred, this had been a concern. Council had been concerned with getting a more comprehensive map to see how these pieces fit together in the larger network. Ms. Bensley believed Parks staff was working on this. For this particular project, Council had received a petition of 177 residents to request that Council move this project to 2018. Mr. Irvine felt this was a good reason to support it. Mr. Wessells recalled that he had lived in Fairfield Crest and had wondered if this path was intended to be used because of the condition it was in. Mr. Filasky said the thought was to open a portion of the outside road to parking and possibly open it to a larger lot in the future. Ms. Smith asked whether remediation was considered. She pointed out that this was a valuable, contiguous wooded area with a lot of wildlife. Mr. Filasky stated that most of the area was pretty open anyway as there was an electric substation there. The entire path was an easement for electric poles so it needed to be open. Realistically, it needed to be clear of trees as well. Ms. Smith noted it had already been downgraded in its environmental value. Mr. Filasky stated it had been that way for some time. Ms. Bensley pointed out it was a well trafficked area. Mr. Filasky advised he would email out the cost estimate to all CAC members.

5. GREEN ENERGY FUND/ENERGY EFFICIENCY PROGRAM UPDATES

Mr. Irvine stated he had sent resumes to Mr. Filasky today. Mr. Filasky said that he had received them but not read them yet. Mr. Irvine shared that he had gotten a very positive response. Mr. Filasky said he would be able to do interviews on Monday or Tuesday. He felt even though everyone was still in their acting roles, the interviews could be done because of the positive response. Mr. Irvine said there were some very strong candidates.

Mr. Irvine shared that the CAC's recommendation to Council regarding the painting of water towers had prompted change. He felt this was great. Mr. Irvine said that because Newark debated this issue at Council, DNREC moved forward with setting a timeline to implement regulations for painting water towers. Mr. Irvine mentioned this because it was an unintended consequence of the CAC's meeting and recommendation. The simple act of discussing this issue nudged DNREC to act.

Mr. Irvine told Ms. Bensley that Mayor Sierer wished to have the recommendation of creating an Annual Reforestation Day put back on a Council agenda. Mr. Irvine felt that Ms. Sierer was interested and other people had shown interest in this. Ms. Bensley said this could be on a January Council agenda. Mr. McDowell said he would like to be at this meeting. Ms. Bensley advised there had been a change in how CAC recommendations were presented to Council. In the past, recommendations had been given to Council as memos. If one of them approached staff and wanted it placed on the agenda, she would do so. In the past year, she had reoriented this so that the recommendations were proactively placed on the Council agenda as opposed to waiting for the instruction from a Councilmember. The Reforestation memo had been given to Council but no one had moved on it. She said this could be placed on an agenda.

Mr. Irvine recalled that the Boards and Commissions Review Committee had given the CAC some straightforward recommendations about improving the CAC's bylaws and the ordinance which had created the CAC, Ord. No. 77-56. Mr. Irvine felt the CAC needed to act on these. Ms. Smith recalled that the Boards

and Commissions Review Committee had suggested that the CAC improve the Better Newark Award and make this a part of their public outreach. She noted that this used to be a regular agenda item but it had disappeared. Ms. Smith asked why. Mr. Irvine said this was because there had not been any applicants. Ms. Smith felt it was part of their job to find things. Mr. Irvine felt increasing the awareness of the award was different than encouraging people to apply. Ms. Smith felt it could be on the agenda. Mr. Irvine agreed and asked that this be placed on the agenda for next month.

Mr. Wessells suggested Josh Shannon from the Newark Post attend next month if the Better Newark Award would be discussed. He thought an article regarding the award would be helpful to describe who could be nominated. Ms. Smith advised there was an article in the Newark Post for the last nominee. Ms. Bensley pointed out that Mr. Shannon was stretched very thin as the Newark Post was down one reporter that they had not replaced. She was not sure that he would be able to attend. She suggested the CAC could send him a press release with the details that the CAC was looking for in nominees. Ms. Smith volunteered to create the press release with the help of Communications Manager Kelly Bachman. Mr. Irvine wanted to ask Mr. Shannon if he would be open to a standing commentary written by the CAC about conservation issues. Ms. Smith liked this idea and thought it would be simple. Mr. Irvine felt the CAC could weigh in on issues or projects they had been informed about.

Mr. Irvine wanted to vote to get rid of the elected secretary position as recommended by the Boards and Commissions Review Committee. Under Rules of Procedures, 1A it stated that secretary was an elected officer. He proposed that there only be the elected officials that were the chair and co-chair.

MOTION BY MR. WESSELLS, SECONDED BY MR. HORNOR: TO CHANGE 1A OF THE RULES AND PROCEDURES TO REMOVE THE ELECTED SECRETARY POSITION.

MOTION PASSED UNANIMOUSLY.

Ms. Bensley pointed out that bylaw changes had not been advertised on the agenda and this motion was not FOIA-compliant. It was agreed it would be placed on the December agenda. Mr. Irvine added that it had also been recommended that the CAC members received FOIA training. He asked if it would be possible to schedule that training. Ms. Bensley said there was a FOIA training offered as part of the UD IPA program. The City would pay for boards and commissions members to attend this. The City was also looking at setting up a series training based on the Boards and Commissions Review Committee recommendations in 2018. This would be for Council and for boards and commissions on the more generic topics that affected all groups. This would include FOIA, ethics training and some others. Ms. Bensley believed the IPA training was in April or May 2018. Mr. Irvine thought the IPA training would be beneficial to CAC members as it was a standing training program. He was interested in going. Ms. Bensley said Ms. Schiano would send all members that information.

Mr. Irvine asked whether the changing the ordinance would require a recommendation to Council. Ms. Bensley responded that the CAC recommendations had been addressed in November 2016. The language changes regarding the composition, appointment, terms and rules of procedure had been taken care of. Ms. Bensley said at that Council meeting, it was noted that the majority of the recommendations that the Boards and Commissions Review Committee made were internal to CAC as bylaw adjustments. This would be things that CAC needed to take care. The one item that needed Council action was updating the Code section regarding composition and appointment of members to eliminate the language regarding staggering terms. A question came up at the time as to whether 3 mayoral appointees was common for most City committees versus 1 mayoral appointee and 1 from each district. It had been discussed and it depended on the

committee. No action had been taken on that question. Mr. Irvine decided that the bylaw changes should be done next month all at once. He thought this would be easily done. Mr. Irvine asked members to look over the recommendations report. Mr. Irvine felt that the CAC had been attending to the public outreach recommendation through Better Newark Awards and Community Day.

6. REVIEW OF PLANNING/DEVELOPMENT REPORTS

Mr. Hornor pointed out that recently the Planning and Development Report had changed. Mr. Hornor thought it was wonderful that there was a listing of all projects that were in progress. Mr. Irvine noted the Ordinance from 1977, which had created the CAC, gave examples of programs that may be considered by the Commission including reviewing zoning code amendments to encourage conservation. Mr. Irvine liked this idea. Mr. Irvine suggested that the CAC take a closer look at the zoning code as it dictated building for the next decades and impacted conservation. Mr. Hornor noted they had gone through this when the Lofts at Center Street had been built. He recalled that there had been a zoning change to allow this construction. In the process, some large trees had been removed. Mr. Irvine agreed that was an example of how granted variances could have unintended consequences.

Ms. Bensley explained that zoning code changes and rezonings were two different issues. She did not believe specific rezoning for a property was included in this. It was likely referencing specific changes to Chapter 32 regarding zoning regulations for development as opposed to the evaluation of specific development projects. Mr. Hornor asked whether the CAC could have recommended to Council that they do not give that a zoning change for the sake of conservation. Ms. Bensley recalled a discussion with Tom Fruehstorfer regarding the role of the CAC versus the role of the Planning Commission. Mr. Irvine stated he was interested in exploring historic conservation. Mr. Hornor said this was not what he was referring to. Mr. Irvine did not think that the zoning code was outside the CAC's reach given the intent of the founders. Mr. Irvine did not feel that reviewing zoning code amendments to encourage conservation was not out of what the CAC was set up to do.

Mr. Irvine advised another thing the ordinance stated was that the CAC would maintain and form a liaison with the Planning Commission. He felt that the form of liaison of receiving monthly reports was inadequate. Mr. Hornor pointed out that in the example he had given of the Lofts at Center Street, the Planning Commission had turned the project down twice and it was overruled by Council. Mr. Irvine felt that the CAC was meant to have more of a voice for these zoning code changes based on the ordinance. Ms. Smith thought that if people were going to be cutting down these trees, they should be required to plant more somewhere.

7. OLD/NEW BUSINESS

Ms. Smith recalled there had been a suggestion box at Community Day that was full of ideas. She asked whether anyone had looked at them. Mr. McDowell said he had them and his students had sorted them. He said he would bring them to the next meeting. Mr. Wessells noted there was also a poll set up. Mr. Irvine said that was the anti-idling question. Ms. Smith advised she had those numbers and would bring them to the next meeting. Ms. Smith asked if Mr. McDowell could have his students type up that list into categories and send it to the CAC in advance of the December meeting. Mr. McDowell agreed.

Ms. Bensley suggested that the CAC start to discuss the 2017 Annual Report at the December meeting. Mr. Irvine suggested that they speak to the Newark Post about publishing the Annual Report. This was another way of informing the public what the CAC did.

8. NEXT MEETING

The next regularly scheduled meeting is December 12, 2017.

9. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Renee Bensley
City Secretary

RKB/sjc