

CITY OF NEWARK
DELAWARE
CONSERVATION ADVISORY COMMISSION
MINUTES

February 12, 2019

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

MEMBERS PRESENT: George Irvine (presiding), Jason Kramer, Kismet Hazelwood, Bob McDowell, Sheila Smith, John Hornor, John Wessells

ABSENT: Ajay Prasad
Kass Sheedy

STAFF: Mike Fortner, Planner II
Tom Zaleski, Parks Superintendent
Whitney Potts, Administrative Professional, Paralegal

GUESTS: Dave Athey, AECOM

Mr. Irvine called the meeting to order at 7:03 p.m.

1. APPROVAL OF MINUTES FROM MEETING HELD ON JANUARY 8, 2019

MOTION BY MR. WESSELLS, SECONDED BY MR. MCDOWELL: THAT THE MINUTES FROM THE JANUARY 8, 2019 MEETING BE APPROVED AS RECEIVED.

MOTION PASSED. VOTE: 7 to 0.

AYE – HAZELWOOD, HORNOR, IRVINE, KRAMER, MCDOWELL, SMITH, WESSELLS.

NAY– 0.

ABSENT– PRASAD, SHEEDY.

2. PUBLIC COMMENT

There was no public comment.

3. STEERING COMMITTEE/SUSTAINABILITY PLAN UPDATE – MIKE FORTNER, PLANNING AND DEVELOPMENT & SHEILA SMITH

(Secretary's note: The Newark Sustainability Plan [dated February 8, 2019] is entered into the record and hereby referred to as "Exhibit A")

Mr. Irvine welcomed Mr. Fortner to the CAC meeting and said Mr. Fortner and Ms. Smith would provide an update on the Steering Committee/Sustainability Plan. Mr. Fortner announced the Sustainability Committee met monthly; moreover, he said the committee hoped to approach what they described to be

a closing phase. He stated the Steering Committee was divided into subcommittees that were scheduled to meet in the month of February. Mr. Fortner said there were four themes which were still being explored by the Steering Committee:

1. Planning and transportation
2. Clean energy
3. Water and conservation
4. Green building/natural development

Mr. Fortner stated the Steering Committee wished to provide the CAC, the Newark Bike Committee and other groups [who might be interested] with information regarding the plan's update. He said additional updates would be provided to the CAC at their meeting on March 12, 2019 and a draft of the plan would be completed by March 22, 2019. Mr. Fortner announced the draft plan would be distributed to City staff/directors for feedback. He referenced the fact that a CAC meeting was scheduled for April 9, 2019. During this meeting, Mr. Fortner thought the idea was to host an open, public workshop with four to six people who would review the plan in draft form. Because the election was scheduled to take place on April 9, 2019, Mr. Fortner stated they would need to figure out an alternative time to present the plan. Mr. Fortner clarified the intent was to [at least] have a presentation of the plan by April 22 since it was Earth Day. Mr. Fortner said the Steering Committee would give their presentation to Council at their meeting on April 22, 2019. He hoped Council and the CAC would come to workshops that would be scheduled for the plan. Mr. Fortner said the intent was to bring the final plan before Council in May or June [of 2019]. If all went as planned, Mr. Fortner hoped Council would adopt the plan by mid-year.

Mr. Fortner emphasized the Steering Committee wanted the CAC to be involved and provide input in the process for the plan. Mr. Fortner announced Dave Athey, consultant with AECOM, was present and available to answer questions if the CAC desired.

Ms. Smith thought the plan's goals needed to be clearly laid out in order to provide a roadmap for planners and developers. Ms. Smith announced subcommittee meetings were open to the public and Mr. Fortner confirmed this was the case. Mr. Fortner announced the information would be provided on the City's website. Ms. Smith said the Newark Community Sustainability Plan Steering Committee (NCSPSC) was scheduled to meet at 8:30 a.m. on Friday, February 22, 2019 at Brewed Awakenings. She invited everyone who was interested to attend and share their thoughts or observe the process.

Mr. Hornor thought the plan seemed ambitious and wondered who would be tasked with setting the goal targets. He believed goal targets would help drive how fast the Steering Committee accomplished their goals. Ms. Smith clarified the Steering Committee had not set the goal targets for all items; however, there were some items where goals were discussed. Mr. Hornor thought the plan did not provide percentages or targeted numbers by which the City could achieve their goals. Mr. Fortner said the collaborative process currently was ongoing and would be reviewed by City staff and directors. He thought it was important to obtain buy-in on multiple levels; moreover, Mr. Fortner thought it was important to receive direction and input from Council regarding the plan.

Ms. Smith said AECOM interviewed staff from each of the City's Departments. She believed the goal targets for the Sustainability Plan would be easily established in the City's departments. Ms. Smith thought the departments had established certain goals in terms of sustainability; moreover, she thought the goals were mandated by the State of Delaware and the federal government.

Mr. Hornor asked how much DEMEC invested in the process in terms of acquiring additional reusable energy. Dave Athey, resident of Newark and employee of AECOM, stated AECOM met with four different department directors and some of their staff in December. Mr. Athey stated AECOM met with Tom Coleman (Acting City Manager), Bhadresh Patel (Director of Electric), Mr. Fortner and two people from DEMEC. Mr. Athey believed the plan was headed in the right direction and said there were many components and people involved in the process. Mr. Athey said the City staff were the ones who would implement the plan; therefore, S.M.A.R.T. goals needed to be used in order to be successful. Mr. Athey explained the definition of S.M.A.R.T. goals as follows: S= Specific, M= Measurable, A= Achievable, R = Realistic, T= Time frame for completing. He said his belief to the effect he was not aware that anyone from City staff opposed the plan; furthermore, he thought most staff agreed with it. Mr. Athey thought the City was on the path to improve sustainability.

Mr. Hornor thought DEMEC would be able to bring more renewable energy into Newark from their partners if it was requested. Mr. Athey confirmed DEMEC had long-term contracts; therefore, it was not recommended to break contracts. As contracts were renewed, Mr. Athey clarified the City had the ability to request additional renewable energy. He believed renewables by and large were competitive.

Ms. Smith stated she shared resident Andrew O'Donnell's email with the CAC which provided ideas for flexibility, costs of renewables, gas and coal. She believed Mr. O'Donnell proposed the idea where individuals would be able to request the amount of renewable energy they wanted. Ms. Smith thought the City needed to address how much renewable energy they wanted to include in their mix. Mr. Hornor said he received Mr. O'Donnell's email and announced it included a line item for residents to be able to purchase all green energy if they desired. *(Secretary's note: Andrew O'Donnell is a resident of District 3 who attended the January 8, 2019 CAC meeting)*

Ms. Smith asked the commissioners if they had any questions or suggestions for the plan. She said the Steering Committee recently received a copy of Philadelphia's Greenworks plan for sustainability. Ms. Smith announced Philadelphia was in the process of implementing the Greenworks plan and believed many of the focus areas were similar to Newark. Mr. Hornor acknowledged the discussion of LEED in the plan's draft. He questioned when the plan would go into effect if Council approved it. Mr. Hornor thought there were many projects in development for the City which he believed would bypass goals that might be set by the Sustainability Steering Committee. Ms. Smith questioned the age of the City's Building Code; specifically, if they were kept up-to-date in terms of energy efficiency. Mr. Fortner confirmed the International Building Code (IBC) was updated in 2012 and announced it was a standard format which was adopted nationwide and frequently updated. He emphasized the IBC was a fairly modern building code which favored LEED. Mr. Fortner said the City adopted LEED-like green building requirements as recommended in the IBC. Mr. Fortner clarified LEED like requirements could be satisfied by following the IBC building code since the standards constantly improved.

Mr. Fortner emphasized any regulation or code change was required to go through the normal process where staff would be given recommendations and tasks from Council. While staff would begin to work on recommendations and include suggestions, Mr. Fortner said Council still would be able to turn them down. He clarified the Steering Committee would be responsible to help Council after the plan was implemented.

Mr. Irvine thought the Steering Committee should outline the plan's next steps. He referenced the Capital Budget planning process and thought it would be an appropriate time for larger asks or requests from Council. He thought it was important for the plan to become a living document as soon as possible. Mr.

Irvine believed the CAC commissioners would strongly encourage the Steering Committee to set ambitious goals. While the City often set good goals, Mr. Irvine believed the State and DEMEC set insufficiently ambitious goals for reducing greenhouse gas emissions. He thought Newark could be a leader in the effort to reduce greenhouse gas emissions and believed it was necessary to push efforts forward in light of the most recent climate change reports.

Mr. Irvine thought there might be merit in changing the language in the second theme of the plan's draft. Mr. Irvine thought the plan used land-use and land development interchangeably; moreover, he said both terms had different meanings. He believed land development presupposed the act of capital investment in physical changes to the land. Mr. Irvine thought land-use also could refer to no change in the land.

Mr. Irvine thought there were too many eggs in the City's basket in terms of electrical sales. He believed the incentives of the plan were to decrease the amount of electricity used in the City. Mr. Irvine thought this would encourage energy conservation. He believed reduction in electricity would decrease some of the City's revenue. Mr. Irvine thought it was important for the City to diversify their revenue stream and suggested the Steering Committee might help in this matter.

Mr. Irvine believed Purchase Power Agreements (PPA) should be included in the plan as he thought it could potentially act in a revenue mutual manner. If a PPA was implemented, Mr. Irvine believed the City would not be required to put out money up front. Moreover, he thought a third-party investor could build the facility, operate the facility and sell renewable energy at a cheaper rate than non-renewable energy. Mr. Irvine believed areas outlined in the plan would fit within the City in terms of solar generation (i.e. large commercial roof areas). Mr. Irvine thought Key Bank worked with cities to find investors who would receive a tax-break at the federal level. He believed these federal tax breaks might eventually go away. Mr. Irvine's intent was for the CAC to make a recommendation for the City to implement a PPA within the year. Mr. Irvine thought this would help the City as they may be able to work on their own buildings or in partnership with the University. He believed solar energy could be implemented on large buildings and thought it would increase the City's energy efficiency.

Ms. Smith referenced a presentation by Dr. John Byrne from the University's Center for Energy and Environmental Policy (CEEP). She believed CEEP's plan attempted to give the City purchase power of solar installations all around the City. Ms. Smith questioned why the City did not consider implementing solar power on top of school buildings. Mr. Irvine said he had a follow-up meeting with Mr. Coleman and DEMEC which indicated interest on the City's part for a Purchase Power Agreement (PPA). Mr. Irvine thought DEMEC might be involved in some capacity; however, he believed DEMEC would require a private, for-profit subsidiary in order to get the tax break to make it work. Mr. Irvine thought Key Bank wanted to front the money for the City and University because it was a larger scale project. He thought this would require the University and City to cooperate in a way which would require more buy-in from both parties.

Ms. Smith asked if Dr. Byrne provided an acreage estimate. Mr. Irvine said the project accounted for roof-tops in the City. He thought projections for the City's and University's buildings for solar power were close to 30%. Mr. Irvine hoped the City and University would decrease the amount of electricity they utilized and referenced the 1,000-kilowatt house concept instead of the 4,000-kilowatt house concept. He thought DOW or the Newark Senior Center might be interested; moreover, he believed places that had enough footprint would be able to build solar through the PPA. Ms. Smith questioned if anyone sold electricity back to the City. Mr. Irvine thought the University set up a PPA and said the solar panels on the south part of the Bob Carpenter Center were part of the PPA. He believed the solar panels were done

outside of the University's agreement with the City; moreover, Mr. Irvine thought the City was not keen on the University developing its own electricity.

Mr. Irvine adamantly believed the City depended too much on electricity revenue in the budget. Ms. Smith believed the City's reliance on electricity was the reason why the Center for Energy and Environmental Policy (CEEP) was a good deal. She stated the Sustainability Steering Committee had not heard back from CEEP regarding a path forward. Mr. Irvine said CEEP was in the process of conducting a study to show how the City and University could work together and would benefit from a PPA. Mr. Irvine thought it was complicated since he believed the University was contractually required to buy electricity from the City. He described the relationship between the University and City as a customer-buyer relationship. Mr. Irvine thought it was necessary to show that the City would buy the power back from the developer of the solar [the person who would come in to the City and would build/own the solar]; additionally, he thought it would be necessary to strike a deal where the City would purchase power at a cheaper rate than it would be obtained in an open market.

Mr. Irvine believed it would be necessary to demonstrate that solar would be less expensive than oil-based or coal-based power over a 15-20-year period and stated it was part of the financing deal. Therefore, Mr. Irvine thought CEEP would need to determine what a fair price would be to incentivize the City and University to move forward. He believed the City leaders and University leaders needed to buy in to the project and said it was possible since Stony Brook University accomplished something similar. Mr. Irvine noted Fordham University accomplished the PPA and partnered with the city and university to create these. Mr. Irvine said there were four known case studies of comparable cities who accomplished this and were further ahead in the process than Newark. Ms. Smith asked who the CAC needed to nudge in order to move forward. Mr. Irvine said Dr. Byrne was in process of nudging the Provost at the University and thought the City was farther ahead than the University was in the process; specifically, in terms of their willingness to move forward.

Mr. Irvine described the City's reliance on electric sales as a systemic barrier. Mr. Irvine thought the plan should include a carbon fee. He believed a carbon fee was one of the ideas utilized by other municipalities around the world in lieu of selling electricity. Mr. Irvine clarified a carbon fee would sell the right to emit carbon; therefore, he thought it might incentivize people to reduce their carbon by capping the amount of carbon emissions. Over time, Mr. Irvine thought the City would be able to set a cap on the amount of carbon emissions. He contended it was easier to set a cap on carbon emissions at the State level or a big city level; however, he thought it was not impossible to set a cap on carbon emissions for a smaller municipality.

Mr. Irvine questioned whether any discussions occurred regarding setting a cap on carbon emissions for the City. Mr. Irvine believed setting a cap on carbon emissions was a practice that was not generally favored in the United States. However, Mr. Irvine thought Los Angeles, California and Europe placed caps on carbon emissions. Ms. Smith thought people in the United States were opposed to the idea of a carbon tax. Mr. Irvine thought people generally were willing to pay for utilities; therefore, he suggested eliminating utility payments in order to institute a carbon fee. He thought the amount of money for a carbon fee and utility fee would be similar in terms of what each individual would pay. Mr. Irvine announced he liked the Sustainability Steering Committee's themes in the plan and believed they were comprehensive.

4. ZONING CODE REQUIREMENTS FOR PARKING, LAND-USE & SUSTAINABILITY –MIKE FORTNER, PLANNING AND DEVELOPMENT

(Secretary's note: The planning Commission's Parking Subcommittee report is entered into the record and hereby referred to as "Exhibit B". The CAC Staff Technical Review of the planning Commission's Parking Subcommittee report was entered into the record and hereby referred to as "Exhibit C".)

Mr. Fortner announced he would speak about the planning Commission's Parking Subcommittee report and work plan. He stated the Subcommittee worked on the project for two years and were initially tasked to look at zoning code requirements. Mr. Fortner said the project became more comprehensive in its scope and it developed into an exploration of the City's parking problem and solutions to mitigate the issues. Mr. Fortner said there were three key points he would cover:

1. How the City's land-use regulations and the way parking was managed linked to sustainability and sense of a livable community
2. How the City developed land-use regulations for parking and how they [the regulations] impacted sustainability
3. Solutions developed by Parking Subcommittee and how they could benefit the community in terms of sustainability in order to make Newark a more sustainable place to live

Mr. Fortner announced the Parking Subcommittee's report (Exhibit B) was distributed to the CAC and was also available on the City's website. He mentioned the report discussed the revision which was to deal holistically with the parking situation in Newark and the issues. Mr. Fortner said the Parking Subcommittee identified the following parking issues that needed to be addressed:

1. The effect parking availability correlated with certain times during the day
2. Cultural thinking and attitudes regarding assumptions made about parking
3. How parking lots affected storm water management and employee parking
4. Independent lots that were not part of the City's network that were sometimes empty at certain parts of the day when they could be utilized
5. The economics of parking

Mr. Fortner said the Parking Subcommittee identified three policy layers in the report which were managing the existing parking supply, evaluating demand and increasing parking access and expansion. (See Exhibit C, pages 22-26). Mr. Fortner announced the Parking Subcommittee wanted a people-oriented community design for parking in the City; specifically, people wanted a walkable and bikeable community. He clarified transit use was encouraged in the plan; however, they did not [necessarily] want an auto-dependent place. Mr. Fortner said there was a cultural shift away from parking in terms of how the public thought about parking and assumptions that were commonly made.

Mr. Fortner said the Comprehensive Development Plan (CDP) V and the Parking Subcommittee's recommendation paralleled each other. Moreover, the CDP and Parking Subcommittee recommendation supported policies such as:

1. Bicycle and pedestrian accessibility and safety
2. "Complete Streets" supporting all transportation options
3. Compact and mixed-use development for a pedestrian friendly environment
4. Access to transit and other alternative transportation modes
5. High-air and water quality, as well as watershed protection
6. Preservation of historical resources
7. Range of housing choices and affordability levels

Mr. Fortner stated the seven aforementioned items were affected by the City's Zoning Code regarding how minimum parking requirements were established. He referred to page 5 of Exhibit C and stated the illustration depicted the same community with two different outcomes. Mr. Fortner said one outcome was described as "form follows parking" whereas the other outcome was referred to as "form follows people." Mr. Fortner announced the typical suburban style zoning code regulated land-use through the "form follows parking" approach. Generally, suburban style zoning codes favored separate uses (i.e. separating into housing, commercial & industrial) which created an environment where things were more spread-out. Minimum parking requirements were required in suburban style zoning codes. Mr. Fortner said the minimum parking requirements were set based on land-use. He stated every building would have a parking lot associated with that building and specific to its zoning/land-use.

Mr. Fortner explained a "form follows people" approach represented urban communities where a mix of land-uses were permitted. Mr. Fortner said commercial buildings could have residential on top; moreover, they could be mixed in with apartment buildings with single-family houses on the outskirts. He said urban communities included park-lands and parking; however, parking was managed differently than in the "form follows parking" approach. In urban communities, Mr. Fortner noted parking was not necessarily associated with a single building or for a single-use. Moreover, parking in urban communities often had a shared-use component.

Mr. Fortner stated the "form follows parking" approach created an environment where people needed to drive or were more likely to drive. In the "form follows people" approach in an urban community, people would be able to drive; however, there were other options for transportation (i.e. walking, biking, transit etc.) He announced urban design encouraged density whereas typical suburban zoning did not. Mr. Fortner stated urban zoning permitted shared parking; specifically, the parking could be used by other businesses if one [business] went out of business. Mr. Fortner informed the audience there was a significant amount of land dedicated to pavement in suburban zoning; therefore, problems with oil leaking and storm water management were common occurrences. He said these problems exemplified ill-effects of parking lots as opposed to the design of urban communities. Mr. Fortner announced urban communities required minimal space for parking and stated there was more useable green space for parking than was the case with typical suburban zoning. He clarified a more efficient storm water management system could be implemented in urban communities as opposed to typical suburban zoning.

Mr. Fortner referred to page 6 of Exhibit C which listed how parking requirements worked in Newark pursuant to the City's Zoning Code. He stated the City's Zoning Code had 34 categories for parking which he described as per-use; additionally, he discussed the parking requirements associated with each use. *(Secretary's note: The Newark Parking requirements were listed on page 6 of Exhibit C).* He announced a google search of other municipalities' zoning codes often utilized the same standards as Newark's [standards] which were uniform among many communities. Mr. Fortner announced communities often looked to other communities in order to reform their zoning codes. For this reason, communities often made the same mistakes that other communities made. Mr. Fortner thought the root of this problem stemmed from manuals such as Parking Generation Handbook by the Institute of Transportation Engineers (ITE).

According to Mr. Fortner, there were several issues with the ITE's standards since assumptions were made. First, peak usage was measured. He gave the example of a retail store where people would plan for the maximum amount of parking needed at the peak time of day. Mr. Fortner announced the ITE assumed all businesses in commercial areas would peak at the same time. He said the ITE assumed people

would drive to these areas and would not walk, bike or take transit services. Finally, Mr. Fortner said the ITE assumed parking would be free; therefore, it encouraged people to drive. Mr. Fortner stated the ITE's Parking Generation Handbook came out in the 1950s when vehicles started to take off. For these reasons, Mr. Fortner announced the ITE developed measures to accommodate the influx of cars since people wanted to drive. He said zoning codes in the 1970s attempted to mitigate traffic and congestion through the development of parking lots. Mr. Fortner stated readily available parking increased traffic congestion since driving was the only real viable approach to transportation. He emphasized many of the ideas in the Parking Generation Handbook were based on false premises.

Mr. Fortner said there were 3.4 parking spaces for every car in the United States. He said parking requirements were the primary determinants of the urban form. Mr. Fortner said parking lots and areas traditionally only had one purpose. If the building went out of business, Mr. Fortner explained the parking lot would stay empty. Traditional parking requirements caused more parking to be built than developers would have otherwise provided. Mr. Fortner announced Donald Shoup, a research professor at UCLA with a specialty in urban planning published an article in Planning Magazine and quoted the following:

"Suppose the automobile and oil industries have asked you to devise planning policies that will increase the demand for cars and fuel. Consider three policies that will make cars essential for trips. First, segregate land-uses that will increase travel demand. Second, limit density and spread the city out to increase travel demand. Third, create minimum parking requirements to ensure there is ample, free parking everywhere, making cars the default way to travel."

Mr. Fortner emphasized the gas industry desired for cars to be the default method of travel. He announced he completed his graduate degree at the University of Delaware in 2001. Mr. Fortner said one of the first things that brought him into planning was an evaluation of down town parking in Newark's Main Street area. He stated the City had a policy on parking called the Parking Waiver Program (PWP). Mr. Fortner said the idea was that Newark's down town developed before the automobile. He announced a relief mechanism was developed as part of the PWP where developers would pay into a fee to receive a parking waiver. Mr. Fortner thought the PWP was problematic as it created the perception the City simply gave something away [parking that the City needed] to developers at a low cost.

Mr. Fortner said he went into various restaurants and establishments on Main Street and counted the seats to determine how much parking was needed. He counted the parking spaces that were available for each of the businesses and determined the City was short by 759 parking spaces for the down town area. Mr. Fortner investigated the issue further, as he believed the number of parking spaces needed for the down town area were incorrect. He announced a shopping center required four parking spaces per 1,000 square feet of gross floor area. Mr. Fortner looked at the down town area of Newark as a shopping center which revealed they were only short by 124 off-street parking spaces. He stated there were over 200 on-street parking spaces all around Main Street; therefore, the number of spaces balanced out. Mr. Fortner said suburban-style parking requirements were applied to urbanized areas.

Mr. Fortner said density was focused in Newark's down town area and described a tremendous portion of the City's down town area was dedicated to parking. However, the general perception was that there was not enough parking down town. Mr. Fortner said the parking in Newark's down town area had a similar parking footprint to the Christiana Mall. He said there were negative impacts to the current parking structure in terms of the environment and sustainability. Mr. Fortner said the question needed to be asked if the City wanted to follow the form follows parking or parking follows people approach. He believed this decision determined the way the City's built environment was created as well as a person's relationship

to the built environment.

Mr. Fortner believed a solution to the parking problem needed to address how the City managed its existing parking supply. He said there were currently signs in the down town area which showed how many parking spaces were available in each lot. Mr. Fortner said the parking availability signs served two functions. First, it allowed people who drove by to determine whether parking was available in a particular lot or if they needed to park in another lot. Additionally, Mr. Fortner said the parking signs provided live updates every minute on the City's website regarding the parking spaces that were available in each lot. Mr. Fortner said there were many parking apps available and announced he used an app called BestParking. Mr. Fortner announced the BestParking app allowed people to purchase parking ahead of time; additionally, BestParking synched with the WAZE app to lead people to parking spots.

Mr. Fortner said Dynamic Fee Structures provided a potential way to address the parking problem in Newark. According to Mr. Fortner, Dynamic Fee Structures spread out the use of parking. In high demand areas, the cost of parking would be more expensive. For areas that were not high demand areas, Mr. Fortner thought prices could go down. Mr. Fortner said the idea for Dynamic Fee Structures was people would be guided to park places which might require them to walk an extra block; however, it would be possible for them to park in a cheaper area. Mr. Fortner believed an 80% occupancy level for parking would ensure 20% of the area would be established; furthermore, he clarified 20% of the area would always have available parking. Ultimately, Mr. Fortner hoped raising costs of parking in certain areas would divert people to park in cheaper areas.

Mr. Fortner said there were communities in the United States who completely reduced or eliminated their parking requirements in their zoning codes. In some communities, Mr. Fortner stated parking was more of a market-rate driven concept. Mr. Fortner stated market-rate parking enabled developers to choose how much parking they wanted to supply. Additionally, the City or developer might be able to work out an arrangement where they justified the need for parking. Mr. Fortner said market-rate driven parking did not have a minimum parking requirement. He thought decoupling was another possible solution to address the City's parking problem. According to Mr. Fortner, decoupling often was utilized for apartments or areas where parking was not provided. Mr. Fortner announced there was no parking associated at some of the City's down town buildings; therefore, people would be required to find a monthly parking permit, another place to park or would not be able to bring their cars. He stated the City's current Zoning Code requirements required two or three parking spaces per unit. Mr. Fortner believed the current Zoning Code requirements incentivized students to bring their cars since developers basically provided free parking. Mr. Fortner believed the market should decide the price and costs associated with parking.

Mr. Fortner mentioned Pearson Hall at the University had a program where people could park at their location during off hours for a nominal fee [around \$7.00 per month]. He thought programs of this type might be beneficial as it would open up more spaces in the interior town for customers. Mr. Fortner said there was a private parking lot [which was not a City lot] behind Taverna where people could park for \$2.00 an hour. Mr. Fortner said private parking lots were not owned or regulated by the City; therefore, the owners of private lots did not have the same incentive as the City to refrain from towing vehicles or moderate punishments. Mr. Fortner believed property owners could be encouraged to sell parking spots to people during off-times.

Mr. Fortner stated the Newark Transit Improvement Partnership (TRiP) was a committee who looked at the City's three bus services in order to improve their coordination. He thought an interior shuttle was a

possibility that the City could explore in the future. Mr. Fortner said many people were used to a system where there was free parking. For this reason, Mr. Fortner stated people needed to be educated regarding links to sustainability and walkability. According to Mr. Fortner, walkability and alternate forms of transportation were not possible if suburban style parking requirements were utilized for development. Mr. Fortner thought the creation of a parking garage downtown might allow for parking lots to be consolidated and used for other purposes (i.e. businesses, parks etc.). He stated there was a workshop meeting with Council and the Parking Subcommittee scheduled for March 26 at 7 p.m. in Council Chambers. Mr. Fortner told the CAC he welcomed their thoughts regarding how parking applied to sustainability and invited them to join the meeting.

Ms. Smith referenced the images in Exhibit C which depicted an example of sustainable and less sustainable parking. She was concerned with the Newark Post's article which depicted the new College Square shopping center. Ms. Smith thought the less sustainable image in Exhibit C looked similar to the Newark Post's rendering of the College Square shopping center. She thought the College Square shopping center as depicted did not reflect principles of sustainability. Mr. Fortner said the plan for College Square was developed over a number of years. He believed there was over-parking in the College Square shopping center. Despite improvements made to the area, Mr. Fortner thought it reflected suburban style development. Moreover, he wished the College Square shopping center was more urbanistic in design. Mr. Fortner said the plans for College Square shopping center created a town-center and extended Delaware Avenue through to Marrows Road. He said the development was mixed-use and would include an apartment building with one and two-bedroom apartments. Mr. Fortner said the housing was not geared for students; moreover, it was intended for young professionals or retirees. He believed the changes for College Square were a big improvement for the area; however, he thought there was more parking than necessary. Mr. Fortner believed a dog park was proposed for the area as well.

Mr. Irvine asked Mr. Fortner who was on the Parking Subcommittee. Mr. Fortner announced Will Hurd, Alan Silverman and Frank McIntosh from the planning Commission were on the Parking Subcommittee. He informed the CAC developer Chris Locke, Planning and Development Director Mary Ellen Gray, and various City parking staff were on the committee as well. Mr. Irvine believed Mr. Fortner's presentation and Parking Subcommittee's report were very comprehensive. Mr. Fortner said the CAC was welcome to attend the Special Meeting with Council on March 26. Mr. Irvine said he personally favored a revision of the parking plan; specifically, he believed the minimum parking requirements should be changed from suburban to urban. Mr. Irvine believed the Parking Subcommittee's draft plan would be more supported by revising the minimum parking requirements.

Mr. Irvine questioned if building a parking garage would be considered for the City's downtown area. Mr. Irvine thought the City's implementation of parking signs which indicated available parking was beneficial; however, he believed conversation regarding parking a parking garage died down after the signs went up. Mr. Fortner stated the parking garage was still a potential. While he did not think it [parking garage] was necessary, Mr. Fortner believed a parking garage could be used strategically to consolidate cars in certain areas. Mr. Fortner announced there were at least two developments coming to the City which would include a parking garage. Mr. Irvine believed Mr. Fortner needed to move quickly on the parking plan since he thought projects were constantly under review and submitted to the planning Commission. Mr. Irvine asked Mr. Fortner if there were cities that were comparable to Newark in terms of size, history and parking requirements. Mr. Fortner said there were many comparable cities and college towns with Newark. He listed Champagne/Urbana Illinois as an example of a college town that had similar requirements to Newark. Mr. Fortner said Champagne/Urbana completed decoupling and changed their parking requirements in the down town area. Mr. Fortner stated the parking report [Exhibit B] contained a link

which provided information on comparable cities.

Mr. Irvine believed Council liked case studies and thought it would be beneficial to know the effect of decoupling and types of projects brought forth by developers in comparable cities. Mr. Fortner said a misconception existed to the effect that removing parking was disastrous. Mr. Fortner emphasized this was incorrect and stated economic revitalizations of down town areas occurred due to adjusting or eliminating parking requirements. Mr. Irvine believed the implication of changing the parking requirements was far-reaching. Mr. Irvine said he had conversations with developers in the City and believed they generally thought it was necessary to pave everything. Mr. Irvine thought developers did not like the parking requirements; moreover, he thought the City's current parking requirements tied developers' hands as to the type of project they could bring to the market. Mr. Irvine applauded Mr. Fortner for his work and presentation.

Mr. Wessells thought the only bowling alley in the City closed a couple of years ago and another building was constructed in its place. He believed the owners of the bowling alley were unable to find another location for their business. Mr. Wessells thought a bowling alley could be placed on top of a parking garage or under it. He thought placing a bowling alley on top of the parking garage benefited the business and parking area. Mr. Irvine thought Mr. Wessel's suggestion was a good idea.

Ms. Smith thought transit should be provided in a loop around Delaware Avenue, Main Street, Chapel Street and North and South College Avenue. She thought the City used to have a trolley; however, she said someone told her people never used it. Mr. Fortner confirmed the City trolley had very low ridership; moreover, the trolley service was eliminated due to low ridership. Mr. Fortner said places such as the Delaware beaches and Disney World had higher rates of trolley ridership. Mr. Fortner did not believe people wished to utilize offsite parking and be bussed into Newark. However, Mr. Fortner thought the creation of a hotel and additional development might encourage off-site parking and bus or trolley ridership. Mr. Fortner said transit would be necessary as a mixed-use community was developed and expanded. Mr. Fortner clarified transit would not work in a shopping center; however, he believed it would be beneficial for mixed uses like the changes for College Square shopping center. Ultimately, Mr. Fortner emphasized Newark needed more density in order to get to a place where transit would be very feasible. Ms. Smith thought small electric shuttles would be a good possibility for the City's transit.

Ms. Smith believed there were not enough spaces on Main Street where people could lock their bikes. Mr. Fortner informed the CAC that the City recently implemented requirements for bicycle parking. Mr. Fortner stated a bicycle parking space was required for every five car parking spaces. Ms. Smith asked Mr. Fortner if he thought the new bicycle parking space requirements were sufficient. Mr. Fortner said the new bicycle parking requirements were better than what they had beforehand. Mr. Fortner stated bicycle parking spaces were important to the community; therefore, he thought providing adequate bicycle parking in down town Newark was necessary to encourage biking throughout the community. Ms. Smith believed the City should get rid of or reduce the minimum requirements for car parking spaces and up the number of bicycle parking spaces.

Mr. Irvine thought the integration of the University and City's buses was a long-standing topic of discussion for the CAC. Mr. Irvine asked Mr. Fortner if the Sustainability Plan and Parking Plan would promote the opportunity to integrate the City and University's bus services. Mr. Fortner confirmed this opportunity existed. Mr. Fortner said the Newark TRiP organization had a cooperation with DeIDOT, WILMAPCO, the City of Newark and others and was in the process of conducting a study to look at transit providers and how to improve coordination between them. Mr. Fortner said the topic of the potential for

the University to allow non-student residents on their busses was on the table for discussion. Mr. Fortner announced a current limitation with the Unicity bus service was due to the fact it was a one-way service.

Mr. Irvine thought it would be beneficial to bring bike sharing to the City. Mr. Fortner thought the University seemed to be very close to implementing a bike sharing program; however, the plans stagnated when a University student was hit by a bicyclist. Mr. Fortner thought bike sharing programs were more beneficial in tourist areas like Washington, D.C. or New York, New York. Mr. Fortner said provisions in Delaware State law which did not permit the use of scooters.

5. REVIEW AND APPROVE THE ANNUAL REPORT

Mr. Irvine announced he had not written the CAC's annual report. He asked Ms. Potts to move the review and approval of the CAC's annual report to the agenda for the meeting on March 12, 2019.

6. DISCUSSION REGARDING THE LOCATION/DATE OF THE APRIL 9 CAC MEETING DUE TO THE ELECTION

Mr. Irvine asked Ms. Potts to provide guidance regarding options to reschedule the CAC's meeting on April 9. Ms. Potts announced the City-wide election was scheduled for Thursday, April 9, 2019. For this reason, it was necessary to reschedule the CAC's meeting. After discussion by the commissioners, Mr. Irvine asked Ms. Potts to send out a survey to the CAC with several possible dates to reschedule the CAC's April 9, 2019 meeting.

7. OLD/NEW BUSINESS

- Update on research from Plastic Bag Subcommittee

There were no updates from the Plastic Bag Subcommittee. Mr. Irvine asked Ms. Potts to place this item on the CAC's agenda for the March 12th meeting.

- Follow Up Discussion on Topics for Publication in the Communications Newsletters

Mr. Irvine said the CAC brainstormed ideas for topics that could be published in the Communications Newsletter at the January 8, 2019 meeting. He questioned if the commissioners had additional ideas or recommendations. Ms. Smith announced she made a list of the topics discussed at the CAC's meeting on January 8th. Mr. Horner said he noticed Ms. Smith's article on anti-idling article was included as part of the Communications newsletter when he received his electric bill.

Ms. Smith said she had already written an article on invasive plant species that was ready for publication. Mr. Irvine asked Ms. Smith to submit the article on invasive plant species in order for it to be published in the Communications Newsletter for March. Ms. Smith stated she provided additional information on English Ivy removal in the article. She also included a link from the Philadelphia Water Department on how to solve the invasive problem; moreover, the article contained information that stated ivy carried leaf scorch to oak trees. scorch. Ms. Smith believed Newark needed to get rid of the ivy throughout the City because of the leaf scorch problem which affected elm, oak and several other trees. She wanted to discuss the potential of getting a grant for the City to hire a few seasonal workers in order to remove the ivy from the trees.

Mr. Irvine said Mr. Prasad could write an article on solar which would be published in the April newsletter. Ms. Hazelwood agreed to write an article on community gardens for the May newsletter. Mr. Irvine stated Ms. Sheedy would write an article on plastic bags for the June newsletter since she was on the Plastic Bag Subcommittee. Mr. McDowell said he would write an article on reforestation for the September newsletter. Ms. Smith stated the articles for the newsletter needed to be 150-200 words; additionally, she said the word count was listed in the January 8, 2019 minutes. Mr. Irvine thought an article on Sustainability should be published in the July newsletter. Mr. Kramer announced he would write an article on the merits of bicycling for a future newsletter before his term ended on March 15th. Mr. Irvine asked Ms. Potts to place the topics for publication in the Communications newsletter on the agenda for the CAC's meeting on June 11, 2019.

- Discussion Regarding Potential Grant Application for Reforestation Day

Mr. Irvine announced he saw a potential for a grant application for Reforestation Day in DNREC's monthly email newsletter. Tom Zaleski announced he was the Park Superintendent and had been with the City of Newark for 27 years. Mr. Zaleski stated he would start his 28th year of employment with the City on March 11, 2019. He informed the CAC he was the individually who always filled out the application for the Urban Tree Grant through the Delaware State Forest Service.

According to Mr. Zaleski, there were a couple of things the CAC needed to be made aware of in terms of the grant. First, the application process for the grant was slightly different this year than in previous years. Mr. Zaleski said it was necessary to have a site visit this year by one of the State foresters. He stated the site visit had to be scheduled by February 15, 2019. Second, the site visit had to occur before the end of business day on Friday, February 22, 2019. Mr. Zaleski emphasized the CAC was up against a tight timeline if they wanted to obtain grant funding from the State for Reforestation Day. He informed the CAC he spoke with Kesha Braunskill, the Community Urban Forest Coordinator, who made it clear the CAC – not Mr. Zaleski needed to set up the site visit. Mr. Zaleski thought Michael Martini would be the State forester assigned to conduct the site visit. Mr. Zaleski said he also applied for the grant for landscaping at Preston's Playground. He stated his grant was just about done and said the site visit occurred already. Mr. Zaleski said he was willing to go out with the CAC in order to look at some potential sites.

Ms. Smith asked where the information for Kesha Braunskill was located. Mr. Zaleski said the information was located on the Delaware State Forestry website under the Urban Tree Management Grant. Mr. Zaleski announced the grant this year was only available for inventory and tree planning not for tree maintenance or tree removal. For these reasons, Mr. Zaleski said the grant for Preston's Playground would be utilized for planting around the park's perimeter and the reservoir site.

Mr. Irvine questioned whether the CAC's application for a grant would compete with the other grant requested by the City. Mr. Zaleski informed Mr. Irvine he spoke with Ms. Braunskill who confirmed the grants would not be in competition with each other. Mr. Irvine thought the grant might be useful for the City's Reforestation Day as a source of trees. Mr. Irvine said trees were donated at no cost to the City for Reforestation Day last year. Mr. McDowell believed it was possible for the City to receive as many trees as they wanted from the National Wildlife Federation (NWF).

Ms. Smith questioned whether the tubes around the trees were provided for free on Reforestation Day. Mr. Zaleski said the City was required to buy the tubing for Reforestation Day. Mr. Zaleski wanted to incorporate understory plantings as part of Reforestation Day. According to Mr. Zaleski, there were some understory areas in Redd Park that were deer browsed. Mr. Zaleski announced there were additional

areas for reforestation that he wanted to discuss with Mr. McDowell. Mr. Zaleski said he would look at the sun shade patterns as they determined what plant material would be selected to reforest certain areas. Mr. Zaleski announced certain situations or areas required the use of native plants only.

Mr. Zaleski recommended reforestation with herbaceous plants as long as they were deer resistant. Mr. Zaleski thought Ms. Braunskill might approve shrubs for understory plantings. Mr. McDowell thought the CAC could ask the National Wildlife Federation (NWF) for understory. Mr. Zaleski said Ms. Braunskill advised him that trees were only available for the Urban Tree Management grant. Mr. McDowell stated he would reach out to Ms. Braunskill and ask if plants like spice bush would qualify for the grant. Mr. Zaleski said sonotubes (the plastic tubing placed around the donated trees) would be required to stay on trees until they were at least 1.5-2.0" in caliper. He stated the saplings the City received from the NWF for 2018's Reforestation Day were only about 6-8" tall.

Mr. Irvine wondered if it made sense for the CAC to put in a grant to support the costs of the next Reforestation Day that would not be covered through the NWF. Mr. Zaleski thought it would be beneficial for the CAC to apply for the grant. Mr. Irvine asked if the grant could come from the Parks and Recreation department on the next grant cycle. Mr. Zaleski announced the grant funds were fortunately available every year. Mr. Zaleski stated he applied for the grant 25 times and successfully obtained funding for 23/25 submitted applications.

After the site visit was scheduled, Mr. Zaleski stated he would meet with Ms. Smith in order to identify potential sites to select for the grant. Mr. Zaleski said the site visit appointment needed to be scheduled with Mr. Martini before February 15. Mr. Zaleski announced the site visit needed to be completed by the end of business on February 22. Mr. Irvine asked the commissioners if they thought they would be able to pull off the grant application. He asked if a volunteer from the commission would take the lead. Mr. Irvine asked for clarification regarding the grant's due date. Mr. Zaleski was unsure of the grant's due date. Ms. Smith said she would call Mr. Martini tomorrow (Wednesday, February 13) to schedule the site visit.

Ms. Smith questioned whether the grant was a 50/50 match. Mr. Zaleski confirmed the grant was a 50/50 match and announced volunteer hours for Reforestation Day could be utilized as part of the match. Mr. Zaleski said it was hard to estimate the number of volunteers that would sign up for Reforestation Day this year. Mr. Irvine thought it would be useful to use the volunteer hours from 2018's Reforestation Day as an estimate. Mr. Zaleski thought this was a good idea and announced sign-in sheets and documentation would need to be provided to verify the number of volunteers and the number of hours worked. Mr. Zaleski believed Chrissy Halubinka from the Recreation Department would be involved in the process since she was the Volunteer Coordinator.

Ms. Smith asked Mr. Zaleski how much it cost to buy the sonotubes. Mr. Zaleski believed the sonotubes and stakes cost the City around \$1,200-\$1,400 dollars. Ms. Smith asked Mr. Zaleski if he would help the CAC come up with the dollar value and associated costs for the grant application. Mr. Zaleski confirmed he could help the CAC come up with the numbers and costs for the application.

Mr. Irvine asked if it was possible for the City to obtain two grants; specifically, the grant from the Parks Department and the request from the City. Mr. Zaleski said he spoke with Ms. Braunskill who advised it was possible for the City to receive two grants; however, the requests from the Parks and Recreation Department needed to be separate from the CAC's request. Ms. Smith said she would get the contact Mr. Martini. Mr. McDowell said he would assist Ms. Smith. Mr. Irvine thought it was important for the CAC to

highlight the fact the grant was requested for the City's second Reforestation Day. Mr. Irvine thanked Mr. Zaleski for his comments and announced the CAC would follow up with him on the grant.

- Discussion Regarding the Electric Vehicle Charging Station Rebate Program

Mr. Irvine announced there was a grant available for the Electric Vehicle (EV) Charging Station Rebate Program. Mr. Kramer said he previously looked into the matter and was unable to get any confirmation regarding whether the rebate program would be available this year. He informed the CAC he would let them know if the program was available for this year by next month [for the March 12, 2019 CAC meeting].

Mr. Irvine told Mr. Kramer he would appreciate this information at the meeting on March 12th and believed the City should utilize electric vehicles and thought it should take part in the rebate program. Mr. Irvine thought the CAC would be required to work with City staff to put a proposal together for the program.

Ms. Smith informed the CAC she attended WILMAPCO's Our Town presentation on February 7th, 2019. Mr. Irvine told Ms. Smith the CAC was interested in figuring out how and when the City could apply to the rebate program. There was discussion at the table regarding the placement and requirements for EV Charging Stations in the City. Mr. Kramer believed the City would be able to utilize the EV Charging Stations in commercial or workplace designations. Mr. Irvine thought it made sense to discuss this matter since the City was scheduled to re-do Main Street and parking was part of the discussion. He believed EV Charging Stations were optimal to be placed in the City's parking lots. For this reason, Mr. Irvine thought it would be beneficial to apply for the EV Charging Station Rebate Program. Mr. Irvine thought the City could encourage developers to put in EV Charging Stations as well.

Mr. Irvine asked Ms. Potts which City staff member the CAC needed to contact in order to consider the application for the EV Charging Station Rebate Program. Ms. Potts said she would check with the City Secretary to confirm who the appropriate staff contact was for this matter. Ms. Potts asked Mr. Irvine if he wanted this topic to be placed on the agenda for the CAC's next meeting on March 12th. Mr. Irvine confirmed he wished the item to be placed on the March 12th agenda. He believed the matter should be discussed since it fit into the revitalization of Main Street.

8. PLANNING & DEVELOPMENT REPORTS:

Mr. Irvine asked if the CAC commissioners wished to comment on Planning and Development Reports. Mr. Hornor believed there were many projects in the City and Ms. Smith agreed with this statement. Mr. Irvine thought historical architectural preservation was not a high priority in the City. The commissioners agreed with Mr. Irvine's observation. Mr. Hornor thought the Green Mansion in front of the new hotel was being preserved.

Ms. Smith asked Mr. Irvine in the CAC was allowed to ask questions or bring up their concerns regarding the historical architectural preservation in the City. Ms. Smith thought the parking and traffic issues on Main Street needed to be considered and wondered how the City thought the proposed hotel on Main Street would be a good idea. She questioned how the planning Department/Planning Commission and developers envisioned traffic would move in the Main Street area since there already were issues with congestion. Mr. Hornor thought a garage would be built and announced the matter would go before the Planning Commission in March. Mr. Irvine asked the commissioners if they were free to attend the Planning Commission's meeting in March. Ms. Smith announced she planned to attend the Planning Commission's March meeting and

questioned if the hotel on Main Street would be seven stories.

Mr. Hornor confirmed the hotel would be seven stories towards the back. Mr. Hornor thought the hotel was above the height restriction; however, he believed the developer would try to waive it. Discussion at the table commenced to the effect the CAC commissioners thought the building's height was a stretch. Mr. Irvine thought the hotel's height would alter the urban look of Main Street. Ms. Smith believed exceeding height requirements on Main Street lowered the appeal for that area. Mr. Hornor thought it was better to build tall buildings on the north side as opposed to the south side. Mr. Hornor believed the restaurants on Main Street hoped the new hotel would bring additional customers to their restaurants.

Mr. Irvine said he was most concerned regarding whether the new hotel and parking would contribute to the loss of Main Street's character and appeal. Mr. Hornor encouraged the CAC commissioners to go online and look at the plans for the area as he believed the Green Mansion was depicted in front of the new hotel [a white-looking structure].

Ms. Smith questioned whether the City would lose any of their parking in the area. Mr. Hornor thought the parking in Lot #3 would be cut in half; specifically, it would be turned into two separate lots. Ms. Smith asked when the Planning Commission's meeting was scheduled. Mr. Hornor said the Planning Commission's meeting was scheduled for March 5, 2019.

Mr. Irvine thought the question should be asked regarding how the development on Main Street fit into the Sustainability Plan. Additionally, Mr. Irvine believed it would be appropriate to ask the Planning Commission how the development on Main Street fit into clean energy in terms of solar production for the new hotel.

Mr. Hornor informed the CAC commissioners he was involved with the Newark Arts Alliance. Mr. Hornor believed the developer offered to relocate the Newark Arts Alliance on Main Street. Ms. Smith asked if there would be retail on the first floor of the hotel. Mr. Hornor thought the building to the left of the hotel [where Abbot's Shoe Repair used to be] would be where the Newark Arts Alliance might be relocated.

Mr. Irvine thought Ms. Smith might want to reference the Comprehensive Development Plan at the Planning Commission's March 5, 2019 meeting; specifically, the section of the plan which covered sustainability. Mr. Hornor thought it would be interesting to ask the Planning Commission how they thought the building materials would be delivered to the hotel since there would be a one-lane road. Ms. Smith asked the CAC commissioners to email her with any additional questions or concerns so she could bring them up at the Planning Commission's meeting.

9. NEXT MEETING – MARCH 12, 2019

Mr. Irvine said a group of students from the Newark Charter High School would present their project which covered the problem of waste and the waterways in Newark. Mr. Irvine thanked Mr. Kramer for serving one more month on the CAC.

10. ADJOURNMENT

MOTION BY MR. WESSELLS, SECONDED BY MR. KRAMER: TO ADJOURN THE FEBRUARY 12, 2019 CAC MEETING.

MOTION PASSED. VOTE: 7 to 0.

AYE – HAZELWOOD, HORNOR, IRVINE, KRAMER, MCDOWELL, SMITH, WESSELLS.

NAY– 0.

ABSENT– PRASAD, SHEEDY.

The meeting was adjourned at 9:01 p.m.

Whitney Coleman Potts, Paralegal
Administrative Professional

/wcp