

**CITY OF NEWARK
DELAWARE
CONSERVATION ADVISORY COMMISSION
MINUTES**

April 8, 2019

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

MEMBERS PRESENT: Kismet Hazelwood, Helga Huntley, Mary Clare Matsumoto, Kass Sheedy, Sheila Smith

ABSENT: George Irvine, John Hornor, John Wessells, Bob McDowell

STAFF: Whitney Coleman Potts, Administrative Professional

(Secretary's note: Since Mr. Irvine was not present, the CAC elected Ms. Smith to serve as the chair for the meeting)

MOTION BY MS. SHEEDY, SECONDED BY MS. HUNTLEY: SHEILA SMITH BE ELECTED AS CHAIR FOR THIS MEETING.

MOTION PASSED. VOTE: 5 to 0.

AYE – HAZELWOOD, HUNTLEY, MATSUMOTO, SHEEDY, SMITH.

NAY– 0.

ABSENT– IRVINE, HORNOR, MCDOWELL, WESSELLS.

Ms. Smith called the meeting to order at 7:00 p.m.

1. APPROVAL OF MINUTES FROM MEETING HELD ON MARCH 12, 2019

MOTION BY MS. SHEEDY, SECONDED BY MS. HUNTLEY: THAT THE MINUTES FROM THE MARCH 12, 2019 MEETING BE APPROVED AS RECEIVED.

MOTION PASSED. VOTE: 5 to 0.

AYE – HAZELWOOD, HUNTLEY, MATSUMOTO, SHEEDY, SMITH.

NAY– 0.

ABSENT– IRVINE, HORNOR, MCDOWELL, WESSELLS.

2. PUBLIC COMMENT

There was no public comment.

3. STEERING COMMITTEE/ SUSTAINABILITY PLAN UPDATE

Ms. Smith announced Ms. Huntley would send a copy of the most recent draft of the Sustainability Plan to the CAC. She expressed the Steering Committee held a meeting Thursday, April 4, 2019 where they reviewed and edited up to page 12 of the Sustainability Plan draft. Ms. Smith said there were four paths to the Plan:

1. Achieving clean energy and energy efficiency;
2. Achieving sustainable land development, transportation & infrastructure;
3. Designing buildings that are healthy, efficient and livable, &
4. Minimizing our environmental footprint by protecting natural resources, supporting resilient local food systems, and reducing waste generation and water usage.

Ms. Smith encouraged the CAC to review the draft. She believed the deadline to complete the Plan was quickly approaching as it pertained to grant funding. Ms. Smith invited people to attend the Steering Committee meetings to learn more about the Plan and its process. She said she would send out information to the CAC regarding the Steering Committee's next meeting as soon as the date was determined.

Ms. Huntley believed the Steering Committee would provide the CAC with a presentation of the Plan at a future meeting. She thought it was important for the CAC to provide feedback on the Plan before it was presented to City Council. Ms. Smith asked Ms. Potts if the Steering Committee meetings would be posted on the City's website and she confirmed this was the case. Ms. Smith announced the process of reviewing and editing the Plan was very laborious and wanted people to stay informed as best as they could.

4. DISCUSSION REGARDING THE PROPOSAL TO ELIMINATE THE BIKE LANE ALONG DELAWARE AVENUE IN FAVOR OF PARKING SPACES

Ms. Matsumoto thought earlier conversations did not discuss the potential of eliminating the bike lane along Delaware Avenue. She was concerned with losing the bike lane and did not believe its elimination would provide enough room for parking spaces. Ms. Smith thought the proposal came from DelDOT, not the City of Newark. She believed the proposal related to upcoming work on Main Street. Ms. Smith thought the bike lane on Delaware Avenue would be eliminated only during the period of work on Main Street to mitigate the loss of parking [on Main Street]. She presumed the bike lane on Delaware Avenue would be restored once work on Main Street was finished.

Ms. Huntley read about the potential elimination of the bike lane through the media and contacted Tim Filasky, Director of Public Works and Water Resources, to determine if this was the case. She announced Mr. Filasky attended a BikeNewark meeting and explained the situation. Ms. Huntley thought the Main Street construction project would happen in stages. During one stage of the project, Ms. Huntley believed work would occur on the section of Main Street between Chapel and Academy Streets. She thought the businesses on Main Street were most concerned about this phase of the project, as they believed it would affect the core of Newark's down town area. When a section of Main Street is closed, Ms. Huntley explained it was necessary to remove all on street parking in that segment. She announced once side of the street would be used for a construction travel lane and the other side needed to be clear to accommodate construction vehicles.

According to Ms. Huntley, down town business owners asked the City to help them find alternative parking when on-street parking between Academy Street and Chapel Street would be removed. Ms. Huntley believed the City put together a list of available parking options, with Delaware Avenue being one of them.

In order to keep two travel lanes open, Ms. Huntley thought staff determined it was necessary to remove the bike lane to accommodate parking during the construction period.

There was lengthy discussion at the table regarding the narrow width of Delaware Avenue and how it might not be feasible to accommodate two lanes.

Ms. Matsumoto was concerned about the logistics associated with losing the bike lane on Delaware Avenue and the direct impact it would have on bicycles. She observed many people who rode their bicycles in both directions in the current one-lane, one-way bike lane. Ms. Smith believed the City needed to consider other options.

There was discussion at the table regarding the timing of construction on Main Street. Ms. Potts said she would look into this and would provide the CAC with information at a later time.

Ms. Smith discussed the potential elimination of the bike lane with members of BikeNewark who were concerned that the bike lane would not be reinstated on Delaware Avenue when construction on Main Street was complete. She believed a transit hub – at a location like College Square – would be beneficial during the construction period. Ms. Smith thought a transit hub would be convenient as there would be available parking; moreover, a shuttle potentially could make a loop down Main Street and Delaware Avenue. She believed utilization of a shuttle and transit hub would keep the majority of cars off of Main Street and would lessen traffic on Delaware Avenue. Ms. Smith thought Cleveland Avenue, Delaware Avenue and Main Street were frequently used by commuters.

There was discussion at the table regarding the UNICITY bus service and other modes of public transportation throughout the City.

There was discussion at the table regarding the timing of the College Square Shopping Center project and its timing in regard to construction on Main Street.

Ms. Sheedy believed traffic in the Main Street area would be highly congested during this period and questioned the safety of parking spaces on Delaware Avenue as it would be relatively narrow. She was concerned that the bike lane would not be reinstated on Delaware Avenue after construction was complete. Ms. Sheedy thought removing the bike lane flew in the face of Newark's bicycle-friendly, walkable community.

Ms. Matsumoto echoed Ms. Sheedy and Smith's concern regarding the narrowness of Delaware Avenue and believed there were many safety concerns. She supported the idea of a shuttle or transit hub idea as previously stated by Ms. Smith.

Ms. Huntley announced the parking accommodation discussion for this matter would be addressed at a Special City Council meeting on April 29, 2019.

(Secretary's note: The Special Council Meeting on April 29, 2019 from 7:00 p.m.– 10:00 p.m. will discuss Main Street Parking)

After lengthy discussion and deliberation, the CAC wrote the following recommendation and read it into the record:

The Conservation Advisory Commission opposes the elimination of the bike lane on Delaware Avenue to install additional parking during construction on Main Street for the following reasons:

1. Safety concerns regarding the width of Delaware Avenue and increased congestion; moreover, there will be increased bicycle traffic on sidewalks and car lanes;
2. The potential for bike lanes to be permanently eliminated on Delaware Avenue;
3. The loss of bike lanes is not compatible with a bikeable Newark, &
4. The number of parking spaces gained does not warrant the disruption.

The CAC recommends alternatives such as: (1) Providing a shuttle to parking lots, retail and commercial centers (e.g. College Square) throughout the City and (2) Encouraging biking and walking to reduce congestion and improve air quality.

5. REVIEW AND APPROVE THE ANNUAL REPORT

Tabled until the May 14, 2019 meeting.

6. ELECTION FOR CO-CHAIR

Tabled until the May 14, 2019 meeting.

7. OLD/NEW BUSINESS

Ms. Matsumoto said Councilmember Markham reached out to her to see if the CAC could discuss community solar. She provided an example of community solar by referencing roofs of buildings on Main Street. Ms. Matsumoto clarified in the example that the roofs of buildings on Main Street would be leased to the City; the City would pay for the panels and electricity would flow into the City's grid. She referenced the Green Mansion hotel that was planned for Main Street where the developer mentioned the possibility of utilizing solar panels on its roof. Currently, Ms. Matsumoto thought solar did not go into the City's grid; therefore, she believed there was a loss in revenue for the City. She believed it would be a good idea to utilize solar for buildings on Main Street.

(Secretary's note: The Green Mansion Project – 96 Main Street – was presented at the Council Meeting on March 25, 2019. Details regarding this project are contained in the minutes from that meeting)

Ms. Smith believed Dr. John Byrne and Dr. Michael Chajes from the University's Center for Energy and Environmental Policy (CEEP) presented a solar plan to the CAC in the past. She mentioned the solar plan was described in the Sustainability Plan. Ms. Smith believed Dr. Byrne and Dr. Chajes worked on the solar project for many years and discussed it with City staff. Ms. Huntley believed there were many details that needed to be worked out. Ms. Sheedy said the CAC did not make a recommendation to Council on the solar project as they needed additional information and financial details.

Ms. Matsumoto questioned whether Dr. Byrne and Dr. Chajes could attend a future CAC meeting and provide updates related to the project. Ms. Smith said she would follow up with Dr. Byrne and Dr. Chajes to see if they would provide an update to the CAC at an upcoming meeting. Ms. Huntley thought Mr. Filasky should be invited to the meeting with Dr. Byrnes and Dr. Chajes when it was scheduled. Ms. Potts asked Ms. Smith to provide her with information and dates so she could reach out to Mr. Filasky.

Discussion at the table commenced and it was the CAC's consensus to place a follow up discussion on solar with Dr. Byrne and Dr. Chajes on a future agenda in June or July.

(Secretary's note: Dr. Byrne presented the topic of solar to the CAC at the January 9, 2018 meeting. Details regarding his presentation are contained in the minutes from that meeting)

- Update on Research from Plastic Bag Subcommittee

Mses. Hazelwood and Sheedy were only able to meet once because of their schedules. Ms. Sheedy announced they conducted independent research regarding plastic bags. According to Ms. Sheedy, they put together a summary of all locations that implemented bans on plastic bags. Moreover, Ms. Sheedy expressed they researched whether bans for plastic bags had fees associated with them. Through their research, Ms. Hazelwood said they determined store fees for each plastic bag ranged from \$0.05-\$0.25; additionally, the plastic bags were reusable and were not single-use. Ms. Sheedy stated numerous locations completely banned plastic bags and charged \$0.10 for paper bags. She expressed some municipalities only addressed large stores whereas others included restaurants and small stores.

Ms. Hazelwood said Kroger independently stopped the use of plastic bags throughout their stores and believed other stores or restaurants could choose to do the same.

Ms. Sheedy announced Plastic Free Delaware (<https://plasticfreedelaware.org/>) was a valuable resource regarding plastic bag and environmental legislation. She said provisions in Delaware law defined what small and large stores were required to do; moreover, Ms. Smith expressed regulations for plastic bag recycling were clearly outlined for these establishments. Ms. Smith believed there was a clause in Delaware law – which referred to as the Exemption Clause – that prohibited businesses and municipalities from charging for plastic bags. Therefore, Ms. Smith believed the State was the only agency that was able to enact a ban on plastic bags.

Ms. Smith believed there was upcoming plastic bag legislation that would be introduced by Plastic Free Delaware. She encouraged people to call their senators to support this legislation and said the bill was in the House.

Ms. Sheedy thought the State bill still permitted stores to sell \$1.00 reusable bags and believed they were not allowed to charge the \$0.05 per plastic bag. According to Ms. Sheedy, the argument against the \$0.05 fee on single use plastic bags related to the fact that it was a tax. Ms. Huntley believed it was possible for stores to credit people who brought their own reusable bags and believed stores like Target and the Newark Food Co-op utilized this method.

Ms. Huntley announced a colleague from the University's College of Earth, Ocean, and Environment (CEOE) co-taught a class where students advocated to ban plastic bags in Lewes, Delaware. While they experienced resistance from local businesses, Ms. Huntley said the students changed the proposal to encourage the use of reusable bags instead of banning plastic bags. Ms. Huntley was unsure how business owners in Newark would respond to a similar idea and believed it would be useful to talk to them.

Ms. Smith said she was in contact with New Castle County Councilmember Dee Durham and would ask her to provide information regarding upcoming legislation. She asked Ms. Potts if there was a way to check a bill's progress online. Ms. Potts said information regarding legislation could be gathered from the Delaware General Assembly's website at <https://legis.delaware.gov/AllLegislation>.

The CAC's consensus was to write a recommendation to Mayor and Council to direct their lobbyist to support the upcoming plastic bag legislation.

After lengthy discussion at the table, the CAC wrote the following recommendation regarding plastic bags and read it into the record:

The Conservation Advisory Commission recommends the following to City Council regarding upcoming Plastic Bag legislation:

1. That City Council express their support for upcoming State legislation in the House of Representatives regarding an Act to Amend Title VII of the Delaware Code Relating to Recycling and Waste Reduction – regulating single-use plastic bags – sponsored by Senator Harris McDowell, Senator Trey Paradee, Senator David Sokola, State Representative Gerald Brady and State Representative Valerie Longhurst, and
2. That City Council instruct their lobbyist to promote the upcoming legislation's passage.

MOTION BY MS. SHEEDY, SECONDED BY: MS. HUNTLEY: THAT THE CAC WILL SUBMIT THE PLASTIC BAG RECOMMENDATION TO CITY COUNCIL.

MOTION PASSED. VOTE: 5 to 0.

AYE – HAZELWOOD, HUNTLEY, MATSUMOTO, SHEEDY, SMITH.

NAY– 0.

ABSENT– IRVINE, HORNOR, MCDOWELL, WESSELLS.

Ms. Smith announced she was a member of the Landscape Screening and Treatment Ordinance Review Committee. She stated the committee was tasked to rewrite parts of the current ordinance to reflect the importance of trees in the environment and their ecological services. Ms. Smith said a state biologist was a member of the committee and he was currently crafting a proposal to New Castle County (NCC) to change the way they measured forests. She thought the biologist's proposal created additional protection for large group of trees that would be removed. Ms. Smith clarified the biologist's proposal provided a way of measuring an existing forest that connects trees through measurements of their root systems. According to Ms. Smith, this method of measuring existing forests would protect ecosystems that would be compromised by tree removal and would up the ante for tree mitigation. Ms. Smith restated the crux of the committee focused on the newly proposed method to measure trees and thought the City considered to make it a part of the Tree Ordinance.

Ms. Smith said the committee had not written any statements that specifically stated the importance of trees in the environment and in a community. She asked the commissioners to take a moment and provide her with a statement that captured the importance of trees as part of the ecosystem and City's green infrastructure as it pertained to the CAC's previous recommendation to Council regarding the Ordinance. Ms. Smith asked Ms. Potts to read the CAC's recommendation on the Tree Ordinance to Council into the record. Ms. Potts read the CAC's recommendation on the Tree Ordinance to Council dated October 11, 2018 into the record.

(Secretary's note: The CAC's Memo to Mayor and Council regarding the Tree Ordinance is attached to this

document as Exhibit A. The Memo is in reference to the proposed revision of Chapter 32, Article XXV, Section 32-87 5(d) Landscape Screening and Treatment Ordinance)

Ms. Sheedy believed it was important to think about trees as a community or body in order to emphasize the extent or impact they had on Newark's community. She thought there were some portions of the City where it was reasonable to think about single trees (e.g. most residential sections of the City). Ms. Sheedy thought there were other parts of the City where trees needed to be thought of as a community. She believed a reasonable ordinance would find a way to clearly define a community of trees and would state the necessary provisions and requirements that were associated with it.

Ms. Matsumoto echoed Ms. Sheedy's statement to the effect she agreed trees should be treated like a community, not as individuals.

Ms. Hazelwood believed substantial research from the National Park System would help to emphasize the importance of the ecosystem as it pertained to trees and conservation. She thought there were many things to consider when trees were uprooted.

Ms. Smith questioned whether the CAC's recommendation should be included or written into the City's Landscape Screening and Treatment Ordinance. She believed this would provide guidance to the Planning and Development Department as they reviewed future development plans.

Ms. Huntley thought the ordinance needed to specifically define the ecosystem or forest in order to protect it. Additionally, Ms. Huntley believed the ordinance needed to clearly state under what circumstances the developer would be required to mitigate tree loss.

Ms. Smith believed there were cities in Delaware that had tree commissions. She announced tree commissions were tasked with conservation efforts that specifically pertained to trees. Additionally, Ms. Smith thought the City of Newark was part of the Tree City USA with the Arbor Day Foundation. Ms. Smith spoke to a State Forester who thought the City of Newark was one of the best cities in the state in terms of tree stewardship. She said the Delaware Department of Urban and Community Forestry designates certain communities around the state as "Tree-Friendly Communities", based on certain criteria.

Ms. Huntley questioned whether it would be possible for Newark to create a registry for historic trees. Ms. Smith agreed this would be a good idea and wanted to propose that the City label certain trees as heritage trees. She clarified heritage trees would be identified as part of a public education campaign to get people to recognize trees and promote education throughout the City of Newark.

There was discussion at the table regarding whether the City of Newark had a specific Arbor Day celebration. Ms. Potts announced an Arbor Day Celebration was scheduled for 10:00a.m – 1:00p.m. on Monday, April 29, 2019 at the West Park Place Elementary School. She explained the information was posted on the City's calendar on the municipal website.

Ms. Smith asked if the CAC or public wished to offer additional thoughts.

John Buchenko, resident, expressed his support and appreciation to the CAC for their recommendation to Council and support of the upcoming plastic bag legislation. He firmly believed plastic bags were detrimental to medical health and wellbeing, in addition to harming the environment.

8. PLANNING & DEVELOPMENT REPORTS:

There was no discussion.

9. NEXT MEETING – MAY 14, 2019

10. ADJOURNMENT

The meeting was adjourned at 9:03 p.m.

Whitney Coleman Potts, Paralegal
Administrative Professional

/wcp