

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

May 14, 2019

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

MEMBERS PRESENT: George Irvine (presiding), Helga Huntley, Mary Clare Matsumoto, Bob McDowell, Kass Sheedy, John Wessells

ABSENT: Kismet Hazelwood, John Hornor, Sheila Smith

STAFF: Whitney Coleman Potts, Administrative Professional, Paralegal

Mr. Irvine called the meeting to order at 7:02 p.m.

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

There were no changes or edits to the minutes from the meeting held on April 8, 2019.

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

MOTION PASSED. VOTE: 6 to 0.

AYE – HUNTLEY, IRVINE, MATSUMOTO, MCDOWELL, SHEEDY, WESSELLS

NAY– 0.

ABSENT– HAZELWOOD, HORNOR, SMITH

2. PUBLIC COMMENT

There was no public comment.

3. STEERING COMMITTEE/ SUSTAINABILITY PLAN UPDATE

Ms. Huntley said the Sustainability Plan Steering Committee met on May 6, 2019 at 4:00 p.m. in Council chambers. The meeting was productive, and the committee finished the chapter on energy issues. Moreover, the committee was almost done with the review of the transportation and planning chapter. Ms. Huntley expressed the next meeting was scheduled for early June (June 24, 2019 at 6:00 p.m. in the Old Newark Conference Room). She stated the committee hoped to supply a finished draft of the Sustainability Plan at some point this summer. Ms. Huntley said the intent was to bring The Plan to the CAC, Planning Commission and City Departmental Directors and staff to obtain their feedback. She announced the Steering Committee wanted feedback from City staff so the consultant could incorporate suggestions and changes prior to presenting a draft of The Plan to City Council.

Mr. Irvine asked for clarification regarding when the CAC could expect to see a draft of The Plan as he wanted to place the item on a future meeting agenda. Ms. Huntley hoped the Steering Committee would finish the discussion in June and she anticipated the CAC could be presented with a copy of The Plan in July. She thought it would be best to place the discussion and review of The Plan on the CAC's August meeting agenda. There was discussion at the table regarding scheduling this item. The CAC's consensus was to place a discussion of The Plan on the CAC's September 10, 2019 meeting agenda. Ms. Huntley clarified she would provide the CAC with a copy of The Plan for their review before the September 10, 2019 meeting.

4. REVIEW AND APPROVE THE ANNUAL REPORT

(Secretary's note: The draft of the CAC's Annual Report is attached to this document and referred to as Exhibit A)

Mr. Irvine slimmed down the draft of the Annual Report because he thought the CAC's meeting minutes were very comprehensive. He believed the CAC's meeting minutes provided the deepest guide to the CAC's accomplishments and changed the format of the Annual Report to guide the reader to the minutes. Mr. Irvine asked the commissioners if they approved this change to the Annual Report. The CAC unanimously agreed with Mr. Irvine's change in format.

Mr. Irvine captured the main items that the CAC discussed and made recommendations on through his systematic review of the meeting minutes. He welcomed corrections and feedback from the commissioners. Mr. Irvine expressed he would add citations in the Annual Report to direct readers to the pertinent meeting minutes.

Mr. Irvine asked whether anyone remembered what topics were provided to the Newark Post. The Newark Post reached out to the CAC to provide two short articles about certain conservation issues in the City (see Exhibit A, page 3). There was discussion at the table regarding articles for the Newark Post. The CAC also discussed the list of topics and articles that they provided to City staff for publication in the Communications Newsletter. Ms. Potts announced the CAC discussed a list of topics for publication in the Communications Newsletter at the January 8, 2019 meeting and these topics were included in the meeting minutes. There was discussion at the table about the City's schedule for publishing the CAC's articles. Ms. Potts announced she would reach out to the Deputy City Secretary and appropriate staff for insight.

Mr. Irvine discussed the CAC's goals for 2019 as referenced on page 6 of Exhibit A. He announced the CAC made a recommendation to Council about increasing the use of electric vehicles (EVs). Mr. Irvine thought the CAC should revisit the potential to pursue EV charging station rebates through DNREC. He believed there were only 36 EVs in the City. Ms. Huntley asked whether this number represented all privately owned EVs in the City and Mr. Irvine thought this was the case.

Mr. Irvine said the CAC needed to get Freedom of Information Act (FOIA) training. Ms. Potts announced FOIA training was offered for the City's Boards and Commissions members and staff on January 31, 2019 at 6:30 p.m. in Council chambers. The training was conducted by Attorney Max Walton of Connolly Gallagher, LLP. Ms. Sheedy announced that she, Ms. Smith, and Mr. Wessells attended the training on January 31, 2019. Ms. Potts said she would reach out to the Deputy City Secretary to see when the next FOIA training would be scheduled.

Ms. Sheedy thought the Annual Report should include more information on the Better Newark Award (BNA). Mr. Irvine said he would include language in the report that indicated the BNA needed to be

reformed.

Ms. Sheedy thought the report should include additional information about the Landscape Screening and Treatment Ordinance Review Committee and their efforts in assisting City staff with rewriting the Landscape Screening and Treatment Ordinance.

Ms. Huntley expressed the Sustainability Plan Steering Committee discussed the possibility of the CAC's involvement to ensure the City followed through with the recommendations set forth in The Plan.

Mr. Irvine questioned whether growing Reforestation Day should be listed as part of the CAC's goals for 2019 (see Exhibit A, page 6). Mr. McDowell thought this goal should be included; moreover, he believed a goal should be added to increase the CAC's coordination with the Parks and Recreation Department. Mr. Irvine asked Mr. McDowell if he planned to apply for the Reforestation Day Grant with the Delaware Department of Urban Forestry. Mr. McDowell said he would apply for the grant; however, it did not come around again until March 2020. Mr. McDowell stated he would speak with Tom Zalesky from Parks and Recreation to see if they would be able to plan trees that were donated by the National Wildlife Federation (NWF) on Reforestation Day in 2020. Mr. Irvine thought growth as it pertained to Reforestation Day was to acquire more trees to plant and get more volunteers involved.

Ms. Huntley reviewed the CAC's list of accomplishments for 2018 (see Exhibit A, pages 3-4). She referenced the O Paper Mill Road project and the potential impact to the White Clay Creek riparian zone. Ms. Huntley thought there was an issue with the riparian buffer along all the waterways in Newark. She thought the City planned to perform outreach to educate property owners – who owned property that backed up to the edge of any City creek/waterway – not to mow right up to the edge of the creek. Ms. Huntley was unsure if the City reached out to these property owners and thought the CAC might want to look into this. Mr. Irvine thought it might be a good idea to include this topic at the next Community Day. Mr. Wessells downloaded information online that could be used to help promote watershed awareness and education.

5. ELECTION FOR CO-CHAIR

Mr. Irvine asked whether any commissioners wanted to serve as the CAC's co-chair. There were no volunteers to serve as co-chair at this time. Mr. Irvine decided to table the election for co-chair until the June 11, 2019 meeting because he thought commissioners that were absent at tonight's meeting might be interested.

There was discussion at the table regarding Mr. Hornor's resignation from the CAC. Ms. Potts announced Mayor Clifton nominated Beth Chajes to replace Mr. Hornor. She believed Ms. Chajes' nomination to the CAC would come before Council at their regular meeting on May 28, 2019.

Mr. Irvine announced he received a promotion from the University of Delaware and was unsure if he would be able to continue as the CAC's chair. He clarified he would remain on the CAC as a commissioner. Mr. Irvine said he would let the CAC and City staff know if he decided to step down from the chair.

6. OLD/NEW BUSINESS

Mr. Irvine asked Ms. Potts which of the CAC's recommendations were scheduled for discussion on City Council's meeting agenda. He was particularly interested about the CAC's EV recommendation. Ms. Potts believed Messrs. Coleman and Filasky reviewed the CAC's EV recommendation. She thought Mr. Coleman

and staff planned to discuss this item on the May 28, 2019 Council meeting. Ms. Potts said she would confirm this information with the Deputy City Secretary, Tara Schiano. Mr. Irvine thought it would be beneficial for the CAC commissioners to attend the May 28, 2019 meeting if they were available.

Mr. Irvine asked whether Mr. Coleman indicated when the CAC's recommendation on plastic straws would be placed on a Council meeting agenda. Ms. Potts said she would ask the Deputy City Secretary to confirm the status of this recommendation with Mr. Coleman and staff. Mr. Irvine believed additional delays on this matter would increase the negative impacts on the environment.

Mr. Irvine thought it was important for the commissioners to speak to their representatives about the merits of the plastic straw recommendation. He thought this might help get the item placed on a future Council agenda. Ms. Huntley said her Council member was Mr. Horning, who was newly elected to the District 1 position. She stated she would reach out to Mr. Horning about this recommendation by email.

Ms. Matsumoto asked for clarification about the CAC's plastic straw recommendation as she was not appointed to the CAC when it was written. Mr. Irvine read the CAC's plastic straw recommendation to Council. Mr. Irvine expressed the details and discussion of this recommendation were provided in the December 11, 2018 CAC meeting minutes. He expressed the CAC recommended that City Council consider one of three policy options:

1. Ban the distribution of single-use, disposable plastic straws at restaurants, food- service establishments and commercial entities; or;
2. Adopt a city-wide policy whereby restaurants and commercial establishments which currently provide straws do so on request-only basis, or
3. Phase in the ban option (#1) over a one to two-year time frame starting with the Straws upon request option (#2).

Ms. Huntley suggested that the CAC should submit a list of all recommendations they provided to Council – that Council did not respond to – at the end of the calendar year as part of the Annual Report. She thought this might be a good reminder for Council to ensure the recommendations did not get lost. There was discussion at the table about the CAC's recommendations as they pertained to the Annual Report. Ms. Potts suggested that the CAC might want to include their recommendations as exhibits to the Annual Report.

Mr. Irvine said the CAC tabled the idea of making a recommendation to Council about building solar rooftop capacity on City buildings. He believed the idea was to implement solar rooftop capacity on the City's buildings instead of McKees Park. Mr. Irvine said Dr. Byrne and Dr. Chajes from the University's Center for Energy and Environmental Policy (CEEP) met with the CAC and Mr. Coleman in 2018. Ms. Matsumoto expressed Mr. Markham asked her to discuss the merits of shared solar concept with the CAC. She questioned when Dr. Chajes and Dr. Byrne planned to come back to the CAC and resume the discussion. Ms. Matsumoto thought the Annual Report indicated Dr. Byrnes and Dr. Chajes would work with Mr. Coleman to explore this topic in greater detail. She questioned what the next step for the CAC would be.

Mr. Irvine thought the CAC could reconsider making a recommendation to Council on the use of solar capacity. He believed the City was ready to move ahead on this matter. Mr. Irvine thought the overarching idea was to have the City and University work collaboratively on this effort; specifically, placing solar panels on University and City buildings. Mr. Irvine was tired of waiting and wanted to make a

recommendation to Council. Ms. Huntley suggested that the CAC might want to invite relevant people to attend a CAC meeting; moreover, she thought Messrs. Coleman and Patel should be invited. Mr. Irvine thought Scott Lynch from DEMEC should be invited because he wanted to be involved in the financing and a power purchase agreement (PPA). Mr. Irvine thought a PPA made the most sense for financing this matter.

Mr. McDowell thought the City's maintenance yard was considered as an option for solar before McKees Park. He clarified the idea was to place solar panels on the roofs of the City's buildings in the maintenance yard. Mr. McDowell believed Mr. Coleman was aware of this history. Mr. Irvine said he thought Mr. Coleman indicated the numbers added up for a PPA after his meeting with Dr. Byrnes and Dr. Chajes. He believed Dr. Byrnes and Dr. Chajes met with Mr. Coleman in June or July of 2018. Mr. Irvine thought the City was waiting on the University to move forward.

There was discussion at the table at the next steps for the City and solar. Mr. Irvine said he could invite Mr. Coleman to attend the CAC's June 10, 2019 meeting. Ms. Huntley thought it made sense for Mr. Coleman to attend the June 10, 2019 meeting in order to discuss where the City was in the process. She also thought it would be helpful to receive Mr. Coleman's input regarding their recommendation to Council as it pertained to solar and the PPA. Mr. Irvine said Key Bank was a third-party bank that financed these types of solar investments. He thought Key Bank was interested in working with the City on this matter. According to Mr. Irvine, Key Bank hoped the University would get involved because it would be a bigger project to finance.

Ms. Huntley asked Mr. Irvine if he talked to the University's Sustainability Manager, Michelle Bennett, about this matter. Mr. Irvine said he had not spoken to Ms. Bennett and expressed Dr. Chajes was in charge of the sustainability effort. He thought Dr. Chajes indicated he would speak with Provost Robin Morgan to discuss her opinion about the merits of moving ahead/partnering with the City. Mr. Irvine said he would follow up with Dr. Chajes. He asked Ms. Potts to reach out to Mr. Coleman in order to invite him to the June 10, 2019 meeting where they would discuss the next steps of solar power for the City. Ms. Potts confirmed she would reach out to the Deputy City Secretary and Mr. Coleman would be contacted appropriately.

Ms. Huntley said the Sustainability Steering Committee believed Newark residents' electric use would not drop in the foreseeable future as more people were encouraged to utilize electric vehicles (EVs). There was discussion at the table regarding the idea of carbon fees and the potential to implement them in the City of Newark.

- Update on Research from Plastic Bag Subcommittee

Ms. Sheedy did not have any updates at this time and Ms. Hazelwood was unable to attend tonight's meeting. Mr. Irvine said a bill was pending at the State level. Ms. Sheedy confirmed this was the case and thought the consensus from the CAC's meeting on April 8, 2019 was to wait and see what happened at the State level. Mr. Irvine said he read the CAC's recommendation to Council on plastic bags dated April 11, 2019. He thought this recommendation was timely and believed City Council needed to act on it because the bill was pending at the State level. Mr. Irvine asked for the status of the CAC's recommendation. Ms. Potts said she submitted the recommendation to staff and would follow up with the Deputy City Secretary for a status update. Mr. Irvine believed this was a very important matter and hoped it would be placed on an upcoming Council agenda.

Mr. Irvine questioned whether there were additional items that people wished to discuss. Ms. Huntley asked for clarification about the CAC's articles written for publication in the City's Communications Newsletter. Ms. Potts restated she would follow up with the Deputy City Secretary as to the schedule and frequency by which the CAC's articles would be published. Ms. Huntley thought it was important for the CAC to obtain a dedicated space to publish their articles in the Communications Newsletter on a regular schedule.

Mr. Irvine thought the Boards and Commissions Review Committee previously criticized the CAC for not conducting enough consistent and sustained public outreach efforts. For this reason, Mr. Irvine believed the CAC improved their outreach efforts and cited Community Day and writing articles for the Communications Newsletter as examples. He thought some of the CAC's work related to the various City departments and believed they deserved a dedicated space.

There was discussion at the table regarding staff and who should be contacted regarding the CAC's submissions for the Communications Newsletter. Ms. Potts restated she would defer to the Deputy City Secretary and Mr. Coleman to ensure proper communication on this matter. Ms. Huntley said she would draft an email to Mr. Coleman about his vision regarding how the CAC could fit into the City's Communications Newsletter plans. Ms. Sheedy thought it would be important to let Mr. Coleman know the reason the CAC wanted their articles published was to comply with the Boards and Commissions Review Committee's recommendation to increase their public outreach efforts.

7. PLANNING & DEVELOPMENT REPORTS:

Mr. Irvine said there were many development projects in the City. He was concerned that the built environment in the City was changing without consideration of the long-term effects. Ms. Sheedy thought it was important to note the CAC was not permitted to make recommendations on individual development projects; however, they could discuss conservation matters as it pertained to development as a whole.

Mr. McDowell thought the CAC played a key part in helping the City get the Rodney Dorm Project up and running. He believed the rainwater from the project would be beneficial to the City and its infrastructure. Ms. Huntley observed the underpass in that area was closed during abatement on the building. She believed the City worked with an engineering company to salvage trees in the area.

There was discussion at the table about the student townhouses that were planned for the Dickenson Dorm location.

Ms. Matsumoto was disappointed that Council approved the Lang Hotel project at the March 25, 2019 Council meeting. She also was dismayed to hear there were plans to build a 10-story hotel on Main Street. Ms. Matsumoto questioned what recourse was available for residents that did not approve of certain projects. Ms. Sheedy said Council had the authority to approve projects and were not bound by the Planning Commission's recommendations. Ms. Sheedy thought it was important for residents to express concerns about development with their Council members.

Mr. Irvine thought it was important to retain the character of Main Street and questioned the need build hotels in the middle of downtown Newark.

Ms. Huntley thought the CAC should discuss focus areas that the Planning Commission and Planning

Department wanted to put into the Comprehensive Development Plan; specifically, provisions that allowed high-density development in areas that did not have open space.

There was discussion at the table about the need to preserve open space and how this provision should be part of the Comprehensive Development Plan.

8. NEXT MEETING – JUNE 11, 2019

9. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Whitney Coleman Potts, Paralegal
Administrative Professional

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