CITY OF NEWARK
DELAWARE
CONSERVATION ADVISORY COMMISSION
MINUTES

November 12, 2019

MEETING CONVENED: 7:02 p.m. Council Chambers

MEMBERS PRESENT: Chair George Irvine (presiding), Beth Chajes, Mary Clare Matsumoto, Bob McDowell, Robyn O'Halloran, Shelia Smith, John Wessells, Kismet Hazelwood

ABSENT: Helga Huntley

STAFF: Renee Bensley, City Secretary
Nichol Scheld, Administrative Professional I

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

1. APPROVAL OF MINUTES FROM OCTOBER 8, 2019

Ms. Smith provided corrections on page 2 and page 8.

MOTION BY MR. WESSELLS, SECONDED BY MS. CHAJES: TO APPROVE THE MINUTES.

MOTION PASSED. VOTE: 8 TO 0.

AYE – IRVINE, CHAJES, HAZELWOOD, MATSUMOTO, MCDOWELL, O'HALLORAN, SMITH, WESSELLS.
NAY− 0.
ABSENT− HUNTLEY.

2. PUBLIC COMMENT

Andrew O'Donnell, District 3, believed agenda item #4 was in relation to his October presentation. He asked if the intent was to give Council a month to review content and then decide. Mr. Irvine said that was the goal and if a subcommittee was needed, it would be organized to hash out details and report back on draft recommendations. Mr. O'Donnell put himself forward for any available roles. He reported on the Council Budget meeting discussion on Renewable Energy Certificates (RECs) going from 100% to being removed from the Budget due to fiscal streamlining. He noted Mr. Clifton's attempts to keep it at 25% and reported that Council acknowledged the CAC's Sustainability Plan and looked forward to recommendations. He explained the RECs removal from the budget freed up $500,000. He noted the loss of the RECs but thought the Sustainability Plan and the Photovoltaic Grant would have more support because of the loss.

Mr. Irvine asked Mr. O'Donnell to recap the Council meeting counterargument about purchasing RECs. Mr. O'Donnell thought the cost of the purchase was the reason Council deleted item from the budget. Ms. Bensley noted there was interest from Council members to have the City pursue its own Green Energy Projects as opposed to purchasing RECs as it could be more economically feasible for the City to produce its own energy. She explained a discussion topic for the December 2 meeting was the potential for the City to do its own projects to help add to the Green Energy profile rather than purchasing energy elsewhere.

Mr. O'Donnell thought there should be more education about green energy. Mr. Irvine asked if there was discussion of the City selling RECs in the future and Mr. O'Donnell said it was not discussed. Ms. Bensley explained the City currently sold the RECs it got from McKees to DEMEC so was an existing project and did not see why it would not be a discussion for future projects. Mr. Irvine said DEMEC had the authority to sell the RECs and the City did not unless it changed ordinance to allow for it. Mr. Irvine felt the general understanding for RECs was not strong among Council and Mr. O'Donnell concurred. Mr. Irvine suggested the purchase of RECs as a topic for the Newark Post articles. Mr. O'Donnell thought the lack of support was due to misinformation. Ms. Smith wondered where she could find out more information about RECs and Mr. O'Donnell said a quick YouTube search would yield some helpful information.

Mr. Irvine suggested making the search Delaware-specific and instructed Ms. Smith to explore Sustainable Energy Utility (SEU) which allowed for the creation, production, and sale of RECs. Mr. Irvine explained that SEU was created by the State and had a good primer. He stated the City was a part of DEMEC with another eight municipalities and said certain parts of the State regulation applied to the City and DEMEC and solar carveouts applied to everyone else in the state who were Delmarva customers. He explained that even though the policy was written one way, there was nuance with how it applied within DEMEC geographic space and the rest of the State. He cautioned that some information may be generic and provide different regulatory aspects. Ms. Smith asked if people needed to be convinced of the economic value and Mr. O'Donnell thought the clearest way to get to Council was to provide a line-by-line breakdown of the economics. Mr. Irvine agreed a cost-benefit analysis was beneficial.

Mayor Jerry Clifton, District 2, thanked the CAC for its work on the Sustainability Plan and was looking forward to a productive 2020. Mr. Irvine was pleased the SP was approved and referred to it as a working document and acknowledged Ms. Smith and Dr. Huntley's efforts. Mr. Clifton thought it was noteworthy that there were no objections on Council and thought it spoke volumes to the City's commitments to the fruition. Ms. Chajes asked for the vote and Ms. Bensley replied it was 6-0 with one absence.

3. MONTHLY CONSERVATION ARTICLE WITH NEWARK POST

Mr. Irvine stated Ms. Chajes wrote a draft and sent it out for feedback. Ms. Chajes explained that she mainly got comments on the portion that described the CAC and a few on the text. She asked the Committee for more feedback as she had not yet submitted it to the Post. She referred to a conversation with Ms. Smith where it was determined the first of the month was the best deadline to let the public know about upcoming meetings. Ms. Smith thought it was best to get the articles into the first publication of the month because the CAC meetings were on the second Tuesday of the month. Ms. Smith suggested Ms. Chajes include the City embarking on the purchase of EVs. Ms. Chajes agreed that it tied CAC's efforts to the Council and the City.

Ms. Smith remarked that if members had articles ready to go, they would not have to worry about deadlines. Mr. Irvine remembered an article from a previous member regarding bicycle safety and asked what the Post's cutoff date was. Ms. Chajes replied that the cut-off was a week in advance of publication. Ms. Matsumoto asked for a volunteer on RECs and Mr. O'Donnell volunteered. Mr. Irvine suggested the article include what RECs were and what they meant for the City. Mr. Irvine thought it was beneficial to share public comments from the last two Community Days. Ms. O'Halloran said she had all the statistics and offered to send them to Mr. Irvine. Mr. Irvine suggested the order of articles as:

- December – Electric Vehicles by Chajes
- January – Sustainability Plan by Huntley
- February - RECs by O'Donnell
- March – Community Day Feedback by Irvine
- April – Community Gardens by Hazelwood
- May – Bicycling by Kramer
- June – Preface for Reforestation by McDowell
- July – Invasive Species by Smith

Mr. Irvine asked Ms. Chajes if she had included EV pickup trucks coming online next year and she responded that she included newer SUV models. Mr. Irvine related that GM sold the Chevy Cruze factory to an electric pickup company who planned to hire GM workers at the Ohio plant to produce electric pickups. He revealed that Tesla and Ford were introducing other pickup models and referred to a conversation with Mr. Coleman that explained the majority of the City's fleet was comprised of pickup trucks. Mr. Irvine stated electric vehicles would be able to go the equivalent of 140 miles per gallon.

4. <u>REVIEW OF PHOTOVOLTAIC GRANT LEVELS FOR GREEN ENERGY FUND REIMBURSEMENT PROGRAM AND RECOMMENDATION TO COUNCIL</u>

Mr. Irvine recalled that in a prior Council meeting, the Green Energy Fund (GEF) levels were frozen or discontinued as of November 1 and the CAC was tasked with providing a recommendation about how the levels could operate going forward. He revealed the last time the CAC provided a recommendation, CAC members studied the issue and came up with a recommendation. He suggested the Committee could also have a discussion and form a recommendation during the current meeting or have a discussion and then form a committee. Ms. Smith referred to the September 16 Council agenda and asked if the incentive could become a percentage of the cost rather than the $7,500.

Ms. Bensley explained it was 33.3% of the installation cost capping out at $7,500 for residential and $15,000 for business. The recommendation from the CAC in 2017 was to trifurcate it as residential, non-residential, and non-profit. For residential and non-residential, it would be 50 cents per watt for the first five kilowatts and 20 cents per over five kilowatts for a maximum grant of $3,500. For non-profit, it $1.05 per watt with a maximum grant of $3,500. She explained the main topic Council wanted feedback on was public concerns on the number of applications received and whether the applications could be viably funded at the $7,500 level or was the CAC still supporting the 2017 recommendation to bring it down to $3,500 or was there another method that CAC wanted to put forward.

Ms. Matsumoto asked if applicants were being turned away because an applicant got the total amount and other applicants got nothing. Ms. Bensley explained that at the time of the 2017 recommendation, the City was not receiving applications and so Council elected to not change the level. She noted that with solar dropping in price, there were a lot more applications. At the time of the discussion in September, there was $38,000 left. Staff was continuing to get applications and there were concerns that the funds would run out at $7,500. She explained the program was set up where if the program ran out of money, applicants would not be turned away, they were put in line until the money regenerated itself through the Green Energy Fees. She stated the issue was then that applicants were waiting to get their funds to be reimbursed. Council wanted to consider whether it should be giving away grant money that was not in hand or if it was disincentivizing applicants with waiting for reimbursement.

Ms. Smith recalled the discussion was a projection that the City could possibly run out but at the time, based on what was available and the number of applications, the fund was not overdrawn. Ms. Bensley confirmed the fund was not out of money at the time Council made the recommendation and explained it was the reason Council gave a cutoff date of November 1. She stated the motion was to either stop approving grants when the account hit zero or November 1, whichever came first. Ms. Matsumoto asked Ms. Bensley if there was $38,000 left in the account in September and then it ended in November. Ms. Bensley clarified that Council suspended the program as of November 1 and Ms. Matsumoto asked if the fund had ever run out of money. Ms. Bensley explained that it could not run out of money at the time but there were times in the past where it had run out and applicants were put in line and were paid back as the money accumulated. Ms. Smith suggested equity issues had come up as the grant did not lend itself to helping applicants who could not afford to install solar to make their homes more energy efficient. She recalled that the idea had been presented to have a wider disbursement to offset other energy saving projects. She noted that residents with trees would not be able to take advantage of the funds and stated it was another issue of equity. Ms. Bensley claimed it was also an issue of fairness as people were paying into the fund but could not benefit from it.

Mr. Irvine explained that the belief in 2017 was that the municipal projects benefited all the residents which was why it was funded by a third of the grant. He stated an additional third went to non-profits and the last third went to residents. He asked Ms. Bensley what the actual demand was from the City for the funds. He claimed the City had used the money in ways that benefited the residents but did not know of any demand in the NGO section of the monies. Ms. Bensley replied that she had spoken to the Finance Department and knew of one church who had done solar but was unsure of other groups. Mr. Irvine thought that most of the demand was in municipal and individual residences. He said that the near-term answer to Council's question was should the Committee recommend cutting the max to $3,500. He said that the previous committee's reasoning was that with the price dropping, the City should not subsidize as much on the advice of DEMEC and its data. Mr. Irvine explained that Newark was out of line with other GEFs throughout the State and was offering a much higher portion of the cost coming out of public funding. The CAC recommended Council cut the amount and Council chose not to. He said the CAC could redress the decision Council made in 2017 to keep the max at $7,500 because at that time, the City was not taking applications because it was still paying off McKees with the GEF. He explained that McKees was paid off and CAC anticipated there would be demand when word got around that the City was accepting grant applications. Ms. Bensley explained that at the time of the discussion, there had been nine applications for 2019 and knew there were two or three pending based on conversations.

Mr. Irvine explained the reasoning of the grant breakdown as 33% the cost of installation but not labor up to $3,500. He commented that without the distinction, contractors could use the grants for installation and labor with the City subsidizing inflated labor costs. He thought the near-term solution was maxing the grant at $3,500 and keeping the split with the long-term goal of setting up additional ways to spend the GEF if the present set up was not equitable, or to revisit the split of thirds. He referred to the December 2nd presentation the CAC planned for Council about putting solar on City buildings and suggested that the GEF could be repurposed to offset some of the cost of that investment. He stated there were many opportunities to catalyze bigger change with the funds of $140,000. Ms. Bensley explained that the discussions on December 2 would not only include the CAC recommendations for solar but what green energy projects the Council was interested and could go beyond solar on municipal buildings. She said Council was looking into areas that were in the worst repair and would be repaired soon which could potentially support solar, as well as what the best areas for solar at the time.

Mr. Irvine thought the Committee had a short-term solution to get the program started again while it considered other ways to spend the funds. Ms. O'Halloran was interested in getting the program restarted while simultaneously exploring other options. Mr. Irvine agreed and suggested wording the recommendation to Council accordingly because the City was subsidizing too much of the cost. He suggested capping it at $2,500 in the recommendation. Ms. Matsumoto did not understand who the non-residential customers were. Ms. Bensley clarified that Ms. Matsumoto was referring to the original recommendation from 2017 but Ms. Matsumoto did not recall where she got the information and said one of the last pages specifically said Delaware GEF Incentives and Grants on Exhibit A. Ms. Bensley stated that was the DEMEC information. Ms. Matsumoto said she understood $7,500 for residential but then the information said non-residential was $15,000 and non-profit was $10,000 on the photovoltaic systems and she needed additional clarification because she did not read all the information. Ms. Bensley explained that it was exactly what it sounded like: businesses or anything that was not a residential property. She thought there might be confusion about the trifurcation of funds and explained there were two. The first trifurcation was divided by private projects, public renewable energy installations, and municipal energy conservation projects and she explained that was how the overall GEFs were divided for Newark. Ms. Bensley explained the third designated for private projects was divided further for photovoltaic into three more categories: residential, non-residential, and non-profit. She clarified the discussion was about whether the third of the money for photovoltaic grants should capped at $7,500 and $15,000 or whether it should be brought down to the 2017 recommendation of $3,500 or some other number. Ms. Matsumoto asked if the $3,500 recommendation was for just residential and Ms. Bensley replied it was recommended for all three. Ms. Matsumoto thought there was a vast difference between residential and non-residential with the non-profits between. She wanted to see everything decreased or made more equitable. Ms. Chajes thought the intention was that non-residential businesses were generally bigger projects and would therefore benefit from more funds. Mr. Irvine concurred that the intent was to incentivize for bigger buildings and that the amount was equitable across all three categories. Ms. Matsumoto asked if non-residential went up to $7,500 to keep the same percentage. Mr. Irvine explained it was flat across the board, but it was not accepted by Council. He said Council accepted the CAC recommendation for the overall but not the max because no one was applying.

Ms. Smith asked about encouraging residents to do small projects and using the GEF to cover the costs. Mr. Irvine asked to what types of projects she was referring. Ms. Smith replied energy audits could cost $200 and she suggested subsidizing the costs. She understood programs, such as Energize Delaware, which were more complicated and rigorous, but wondered if the GEF could help residents get winterized or get new windows. Mr. Irvine thought it was an idea the CAC could study and explained that whatever the CAC decided, it had to be in line with green energy because that was the source of the funding. He thought the argument could be made to use the funds for energy audits and Ms. Smith saw the benefit to have the money available to help residents follow up on the recommendations. Mr. Irvine explained the hard part was operationalizing it but acknowledged that DEMEC managed the program for the City. He asked who would manage an audit program. Ms. Smith noted that Energize Delaware had a similar program but was not offering as much money to incentivize residents.

Ms. Smith described her energy audit and Ms. Matsumoto asked if she got assistance for repairs and Ms. Smith explained the rebate structure. Ms. Smith stated residents were required to get the energy audit in order to take advantage of the rebates from Energize Delaware. Ms. Matsumoto thought applicants could submit their audits as part of the requests for funds. Ms. Smith acknowledged it would have to be managed.

Ms. Bensley asked if the CAC was aware of the Efficiency Smart Program the City recently joined. Ms. Bensley explained there were two programs and Energize Delaware was through the State, but

Efficiency Smart was a benefit of being part of DEMEC. She encouraged the CAC research both programs before making a recommendation to Council. She noted they did not offer free energy audits but offered free energy meter loans which could assist residents in recognizing where energy efficiency improvements were necessary. She mentioned the programs offered rebates for different types of appliances and explained a few of the program benefits. She suggested using efficiencysmart.org as a tool for developing ideas for the GEF. Mr. Irvine was excited to hear about the program.

Mr. Irvine asked if the Committee was open to making a recommendation to apply the 2017 recommendation to Council on the max at $3,500 in the near-term and, in the long-term, provide Council with creative alternatives to the GEF to increase its impact. Ms. Smith suggested including the amount could be reviewed depending on demand. Mr. Irvine explained that it could become burdensome. Ms. Bensley explained the CAC would have to set metrics about what increases in demands would trigger the change in levels. Mr. Irvine was not in favor of managing and marketing a more complex program and Mr. McDowell agreed. Ms. Matsumoto suggested doing it in a budget year and asked if it went by budget year. Mr. Irvine explained the CAC could recommend it follow a fiscal year. Ms. Bensley explained it was a rolling funding program because it is based on the electric usage.

Ms. O'Halloran asked for Mr. O'Donnell's opinion. Mr. O'Donnell suggested dropping the amount to zero and saving the funds for more fair and effective projects. Mr. Irvine thought it was a good option. Ms. Matsumoto asked if the CAC could let the money accumulate. Ms. Bensley understood that there was no deadline to spend the money. She explained the trifurcation for the program overall was collected until the City had enough to pay for an intended project. She explained the funds did not have a deadline but that when the funds were used, they were used on specific items.

Mr. Irvine reiterated the trifurcated funding breakdown to familiarize everyone with the terminology. He said the CAC could go to $3,500 for now and look for other ways to use the funding. Ms. Smith asked how long it would last and Mr. Irvine responded that the CAC would set the pace. He estimated three months would be the quickest and explained the CAC could get some ideas on December 2 from Council. He referred to a conversation with John Byrne about the suitability of rooftops for solar and thought the December 2 meeting could have a lot of bearing on how the CAC should proceed. He explained the Committee could choose to table the decision until more information was available. Ms. Matsumoto asked if there was a seasonality for solar installation and Mr. Irvine explained it was possible to use coordinates to determine solar projections. He felt there was rising demand with climate concerns.

Ms. Bensley pointed out that Council specifically requested a CAC recommendation for the December 2 meeting. She explained the recommendation did not have to be to change the amount to $3,500 and restart the program but Council did want direction as to what the path was so the information could be used in discussions on green energy and solar projects. Ms. Smith stated the CAC could share the points of discussion and what was being reviewed. Mr. Irvine confirmed. Ms. Bensley explained if the recommendation was to continue the suspension of the program until such time as the CAC could provide a more in-depth recommendation on how to more equitably disperse GEFs, it was a recommendation. Mr. Irvine declared one option was to suspend until further understanding and another was to relaunch at the $3,500 amount as proposed in 2017. Ms. Matsumoto asked if there was a waiting list. Ms. Bensley responded that as of last month's Council meeting, there was not a waitlist and all the applications in at that point were covered.

Mr. McDowell asked how many applications would be received if the program was relaunched at $3,500 for two months until the CAC could make a decision. He personally thought the concentration should be put on larger installations on municipal property. Ms. Bensley explained that Council was specifically requesting information on the photovoltaic portion of the third in private projects. She noted there were other items such as solar water heaters, solar water heating, small wind turbines, fuel cells, and geothermal heat pump systems that were still in effect for the third of private projects. Mr. McDowell claimed he had never seen a solar hot water project proposed.

Ms. Matsumoto asked if the City had only received solar applications and Ms. Bensley confirmed. Mr. McDowell explained the other options were included based on resident suggestions but reiterated he had never seen applications for them and thought they should be left on. Ms. Smith asked what the Committee was going to recommend to Council. Mr. Irvine repeated Mr. McDowell's suggestion and considered municipal projects that would benefit a greater number of people. Ms. Smith repeated the program would be relaunched at a reduced reimbursement and not save the funds as Mr. O'Donnell suggested. She asked Mr. O'Donnell if he had suggested buying RECs with the GEF and admitted she did not understand the concept. Mr. O'Donnell felt that money spent on RECs would be more effective at reducing carbon than putting solar on a residential home because the RECs came from an industrial-scale solar farm. He acknowledged the money would be leaving the State and thought residents were afraid of it for that reason. He referred to his presentation from the previous month which outlined more cost-effective programs.

Ms. Bensley explained there was no decision that dictated the percentages had to be equal and suggested that municipal projects could be scaled at a higher percentage of GEFs than private projects. She explained the CAC could redistribute the proportions if it was not comfortable with cutting off the private program completely.

Ms. Chajes asked who the lead on the project would be. Mr. Irvine answered the last time the CAC formed a subcommittee of commission members. Ms. Bensley advised that if the CAC made an official subcommittee, it would be subject to FOIA requirements whereas less than a quorum of members doing work on their own was not subject to FOIA requirements. She explained official subcommittees would require posting agendas, publishing minutes, and having public meetings. Mr. Irvine suggested a working group of an indeterminate but less than quorum members. He asked for volunteers. Ms. Smith asked if advisors from the Newark Energy Transition would come on board. Mr. Irvine confirmed. Ms. Smith, Mr. Irvine, and Mr. O'Donnell volunteered.

MOTION BY MS. MATSUMOTO, SECONDED BY MR. MCDOWELL: THE CONSERVATION ADVISORY COMMISSION RECOMMENDS COUNCIL RELAUNCH THE PHOTOVOLTAIC PORTION OF THE GREEN ENERGY FUND USING THE $3,500 CAP RECOMMENDED BY THE CAC IN 2017. THE CAC CONSIDERS THIS RECOMMENDATION AS AN INTERIM MEASURE UNTIL SUCH A TIME THE CAC CAN RECOGNIZE ALTERNATIVE USES FOR THE GEF TO CATALYZE MORE EFFECTIVE AND EQUITABLE IMPACTS THROUGHOUT THE COMMUNITY. THE GOAL OF THE CAC WILL BE TO PROVIDE COUNCIL WITH ALTERNATIVE USES FOR THE GEF BY JUNE 2020.

MOTION PASSED. VOTE: 8 TO 0.

AYE – IRVINE, CHAJES, HAZELWOOD, MATSUMOTO, MCDOWELL, O'HALLORAN, SMITH, WESSELLS.
NAY – 0.
ABSENT – HUNTLEY.

5. <u>ANTI-IDLING PRESENTATION AND DISCUSSION – ROBYN O'HALLORAN & SHEILA SMITH</u>

Ms. O'Halloran defined anti-idling and explained it wasted money by burning millions of gallons of fuel each year and risked public health by releasing thousands of tons of pollution into the air. She explained that people who lived near heavily trafficked roadways faced significantly elevated risks of respiratory illnesses and other diseases with concentrated effects on children.

Ms. O'Halloran explained that vehicles that idled ten minutes each day wasted twenty-nine gallons of fuel each year and that an idling vehicle emits twenty times more pollution than a vehicle traveling thirty miles an hour. She claimed that ten seconds of idling used more fuel than turning the engine on and off and explained the misconceptions behind it. She listed the air contaminates emitted during idling and noted that idling was expensive. According to the Ohio Quality Development Authority, the average idling car consumed 0.156 gallons of gas per hour and American spent $13 million a day on unnecessary idling or 3.8 million gallons of fuel. She explained that for every liter of gasoline used, a vehicle produced 2.3 kilograms of carbon dioxide and for every ten minutes an engine was off, one pound of carbon dioxide was prevented from being released.

Ms. O'Halloran explained the current idling ordinance was developed in 2009. She stated that an idling vehicle engine for more than five consecutive minutes in a sixty-minute period was prohibited in Newark and referred to all on-road motor vehicles. On-road motor vehicles were defined as a vehicle self-propelled and designed for transporting persons or property included but not limited to motorcycles, automobiles, trucks, buses and farm vehicles. She stated the penalty for the first offense was a warning ticket and the second offense was $100 within five years of a warning ticket. She said buses could idle for a maximum of fifteen minutes in a sixty-minute period and noted many exceptions.

Ms. O'Halloran spoke to four Newark Police officers and stated that all believed the ordinance was unenforceable because of time constraints and was viewed as low priority. She wondered how to make the ordinance better and researched enforcement in other cities. She explained New York had a bounty system where citizens videotaped a car idling for three minutes and could receive 25% of the $300 fine. She said Washington DC had a 311 mobile app to report and submit information which was like the bounty system, but the citizens did not receive money. She informed that Philadelphia had the Idle-free Campaign which was just a website and mobile app where idlers were recorded and submitted to the city. Las Vegas had a $10,000 maximum fine for trucks and a $5,000 fine for cars on the third or fourth offense. Los Angeles decreased the time from five minutes to one minute from the original ordinance. She explained that Newark's ordinance was based off the laws in New York and Los Angeles.

Ms. O'Halloran suggested reducing the idling time, using a bounty system, or increasing the fine in Newark. Her recommendation was combination of all three. She suggested the bounty system would engage citizens and help police enforce the ordinance. She claimed that increasing the fine to $125 would give citizens 20% while still allowing the City to get the original fine amount. She thought creating a website or different campaign could help with reporting. She noted that videotaping could present an issue for privacy and suggested looking further into the option.

Ms. Smith realized the cities used in the presentation were large cities with air quality issues and thought that was why it was viewed as low priority in Newark. Ms. Smith asked Ms. O'Halloran if she spoke to any officers and Ms. O'Halloran repeated that she spoke to four different officers. Ms. Smith stated she had a conversation with the person in charge of traffic and found it discouraging. Ms. O'Halloran claimed Newark officers cited crime as a higher priority than idling and stated that the crime rate of the cities in the presentation were much higher. She felt if idling was a priority in big cities then it should be a priority in Newark. Ms. Smith said it was a law and should be enforced but understood the point of view of the officers while agreeing with Ms. O'Halloran.

Ms. Smith gave her personal experiences of educating idling residents. She claimed to have seen an officer idling with five vehicles idling in the parking lot around the corner. She thought there were many easy marks that could be impactful. Mr. Irvine stated the CAC should update the ordinance based on Ms. O'Halloran's research to prompt conversation at the Council level. He felt the ordinance was unenforceable and the Police were using their administrative discretion to not do anything about it. He thought it would be helpful to empower residents to do enforcement to get over cost concerns.

Mr. Irvine asked how the bounty systems worked and asked if it was possible for people to make money from false claims. Ms. O'Halloran answered that in New York, citizens videotaped cars idling for three minutes. She anticipated issues with citizens recording citizens and suggested a clock-in/clock-out method. Ms. Matsumoto asked how a clock-in worked. Ms. O'Halloran replied a citizen would take a picture with a timestamp at the beginning and another at the end. She also suggested a 311 mobile app where a person reports an idling car, a police officer arrives, and the time frame from the call to the arrival of the officer would be timed. She admitted she needed to research the bounty system and Idle-Free Philly further. She thought Newark could have a similar program to DC where it was reported, and the officers viewed the report. Mr. Irvine asked if it was reported to the Police and Ms. O'Halloran responded the reports went to Parking Enforcement. She stated the time stamp would be on the report and Mr. Irvine asked how they got paid. Ms. Bensley interjected and thought the bounty was not payable until the fine was paid so if there was a false report which was challenged and overturned, no fine would be paid and therefore no bounty would be paid.

Mr. McDowell asked if there were timestamps on photographs and Ms. O'Halloran responded yes and Ms. Bensley explained timestamp was in the metadata for the phone. Ms. Matsumoto thought she might feel nervous about taking a picture of an idling car. Ms. O'Halloran explained pictures could be taken covertly and suggested it was less confrontational than approaching a vehicle personally. Mr. Irvine asked if comparably sized cities took different approaches. Mr. Irvine thought the ordinance should be updated because it was not working. Mr. McDowell thought lowering the time would be helpful as the officer would only have to watch for one minute. Mr. Irvine thought the Police would still not enforce the ordinance and suggested a public education campaign. Ms. O'Halloran noted public education had been done in the past and was stopped in 2013. Mr. Irvine stated the responsibility had been solely on the CAC and asked what other commissions were responsible for educating the public about an established ordinance. Ms. Smith said that signs were not installed even with recent reminders and claimed idlers sat outside of the Police station without consequence. Mr. Irvine thought the best path forward was to find a comparator and talk to traffic officers. Ms. Bensley replied the contact was Dennis Aniunas. Mr. Irvine suggested Ms. O'Halloran turn her research into an article for the Newark Post. Ms. Smith thought Ms. O'Halloran was down for a June article.

Ms. Matsumoto thought some of the graphics Ms. O'Halloran used could be beneficial in public education. Mr. Wessells asked if raising the fine would make the ordinance more enforceable. Mr. Irvine thought there might be literature available about fine correlations. Ms. Matsumoto thought the CAC could make a motion to decrease the time and increase the fine. She hoped once it went through Council, it would be reported by the newspapers. Ms. Bensley explained that Council was scheduling out to February for meetings and if the CAC wanted to have additional questions answered and look at a more comprehensive recommendation at a future meeting, it would not delay anything getting to Council. Mr. Irvine thought it was better to be more prepared. Ms. Bensley thought it was good for optics to get through the worst of winter before trying to enforce anti-idling.

Mr. Irvine thought the statistics Ms. O'Halloran included in the presentation about the benefits of anti-idling would be useful in convincing residents to participate. Ms. O'Halloran indicated that many people believed it was more harmful to turn vehicles on and off versus idling and Mr. McDowell agreed. Mr.

McDowell noted it was common misconception that cars needed to be started in the morning to warm up and it was the case when cars had carburetors, but newer cars had fuel injectors and started immediately.

6. PLANNING AND DEVELOPMENT REPORTS

Ms. Smith relayed that the Paper Mill project was not annexed. Mr. Irvine thought it was great news. Mr. McDowell asked if it would be a County project and Ms. Smith explained the applicants could resubmit the plan in two years but found it interesting that many people spoke about the loss of trees and environment. She felt that Council was very thorough about the pros and cons as it was an annexation and the process was very different from accepting plans. She noted that Council covered road safety and the discussion turned to fiscal reliability of Homeowners' Associations as the developers were putting considerable responsibility on an HOA that did not yet exist. She stated the vote was unanimous and one of the points of interest was sustainability. She reiterated Mr. Fortner's comments that building outside of the City limits was becoming unsustainable as it cost more. Mr. McDowell thought it was a possibility that the applicants would sell the property to the State for park property.

Ms. Bensley stated the 0 Paper Mill Project was originally filed in 2017 and the City charter changed in 2019 which permitted the City to service sewer outside of City limits. She explained that the sewer topic was not on the table when the project was originally filed but would be on the table now if it was submitted as a County plan. She informed that the plans would be under County development regulations. Ms. Matsumoto claimed that when she called Janet Kilpatrick, the office assistant told her that Suburban Reserve had to have five acres for a house, and it was the understanding that the portion the applicants wanted to donate was not buildable because it was a slope. She claimed there would have been two houses able to be built because the total acreage was less than thirteen acres but noted the lawyer for the trust claimed that Ms. Kilpatrick was wrong, and the homes could have two acres. Ms. Matsumoto called Ms. Kilpatrick's office again was told Suburban Reserve was definitely five acres. She claimed it would be extremely difficult for a large development to access the road due to traffic concerns.

Ms. Matsumoto reviewed upcoming topics for the Planning Commission and acknowledged that she did not understand opening annexation to the City for ten acres or more to be able to use for agricultural purposes. She mentioned that forests of ten acres or more would also be able to be annexed to the City and noted that 0 Paper Mill Road was on the agenda. She asked what the advantage to City was and, if the annexation passed, what would stop the code from being changed. Ms. Bensley explained that the application that precipitated the proposed change had nothing to do with 0 Paper Mill Road even thought it was listed as a potential example. An application came forward from Possum Park Road where a farm requested to be annexed into the City and the City currently had no allowable zoning category in the code for farm use. She explained the City would have to have a farm as a zoning use in order to allow the applicant to be annexed to the City. Ms. Matsumoto did not understand why a farm would want to come into the City. Ms. Bensley answered that she was not deeply involved as her office did not deal with the applications until they passed Planning Commission and told Ms. Matsumoto that the minutes would be available shortly. Ms. Matsumoto explained the location of the property to Mr. McDowell and expressed her view that the City should not continue to spread. She noted that in Wilmington, the City and the County had to work together in annexations whereas Newark could choose to annex without the County. Ms. Bensley explained that there were fifty-seven municipalities in the State and Wilmington was the only one with that restriction. Mr. Wessells suggested that one reason to have a farm annexed into the City was the applicants could request a zoning change later. Ms. Bensley answered that the applicant wanted a minor subdivision for his mother's farm so his mother could maintain her home and farm and he could construct a home on the property.

Mr. Irvine encouraged members of the CAC to reach out to the Planning Commission if projects had conservation implications. He suggested emailing the chair of the Commission to encourage conversations and influence decisions and attend public meetings where a member of the CAC could be a speaker. He thought a meeting between the Commissions could be beneficial and noted it was not mentioned in the City Charter but was needed. Ms. Bensley referred to Ms. Matsumoto's prior comment of 0 Paper Mill Road and the Planning Commission and explained 0 Paper Mill Road was part of a list of four properties that were currently in the Comprehensive Development Plan Planning Areas for Annexation that would meet the minimum size requirements for the ordinance. She explained it was an informational list and there were no particular plans for the properties in regard to the ordinance.

7. <u>OLD/NEW BUSINESS</u>

- **Update on Council action on the Sustainability Plan**

Mr. Irvine indicated the CAC had an update on Council action on the Sustainability Plan from the Mayor and the CAC could view the plan as formal as opposed to draft.

- **2019 Community Day Recap – John Wessells**

Mr. Wessells did not know where the survey information was located, and Ms. O'Halloran stated she could forward him her information. Mr. Irvine suggested adding the recap as an item for the next meeting under Acting on the Citizen Input from Community Day 2019.

- **2019 Reforestation Day Recap – Bob McDowell**

Mr. McDowell explained that Ms. O'Halloran, Ms. Smith, and Ms. Matsumoto were part of the volunteer turnout for Reforestation Day. He was pleased with the turn out despite the weather and claimed that the trees planted were larger than the saplings previously used. He thought it was very successful. Ms. Matsumoto added that Mr. Zaleski predetermined the location of the trees and shrubbery and she joined him in staking the locations on Friday. She complimented Mr. Zaleski on his dedication and organization on making the day a success. She described the watering process and how the volunteers interacted. Ms. O'Halloran added that any photos taken would be forwarded by Mr. Zaleski and noted there were fifty-six volunteers of all ages. Mr. McDowell stated that the project gave volunteers fifty trees from the Forestry Service in one-gallon pots as opposed to the saplings from prior years. He listed the trees as red buds, river birch, red maple, and magnolia. The trees were intended for the Urban Reforestation Program. Ms. Matsumoto agreed the potted trees were better than the saplings from previous years.

Mr. Irvine asked if there was intent to write an article for the City newsletter or website. Ms. Smith noted the Newark Post was not in attendance. Ms. Matsumoto claimed when she searched for Newark Reforestation on the internet, the only search hit was from last year. Ms. O'Halloran added information was sent to UD about the event but only noted one poster. Mr. McDowell explained that he and Mr. Zaleski were considering adding to the riparian buffer near the reservoir for the next Reforestation Day. He mentioned it was easy access and could benefit from attention.

Mr. Irvine asked Ms. Bensley for guidance regarding getting an article written. Ms. Bensley answered that part of the challenge was a vacancy in the Chief Communications Officer position which was now filled. She thought next year would have more support from staff and suggested getting the information to Ms. Gravell early enough for proper publicizing. Mr. Irvine asked about an article for the event and Ms. Bensley asked for a volunteer to communicate with Ms. Gravell in order to publish a press release and Mr. McDowell volunteered. Mr. Irvine commented that the CAC was encouraged by the Boards and Commission Review to put forth events that would involve the public with conservation.

Ms. Smith wanted to add a discussion on plastic straws to the next agenda. She noted Mr. Martindale was working on the issue from the June 10 Council meeting. Mr. Irvine said Mr. Martindale reached out to him to discuss research on plastic straws. Ms. Smith forwarded Mr. Martindale meeting minutes from the CAC and Council discussions. She explained there was supposed to be a City-wide policy that Mr. Martindale was working on to make single use plastics by request only. She was reading from her notes on the motion made by Ms. Wallace. Mr. Wessells was encouraged when he went into Bed, Bath and Beyond and noticed that they carried silicone and metal straws. Ms. Bensley asked for the CAC's expectation out of the agenda item. Mr. Irvine said the CAC made a recommendation and provided it to staff and Ms. Smith thought Mr. Martindale was going to work on a public education piece. Mr. Irvine recalled the CAC originally wanted to put forth a more aggressive policy but decided on phasing it in by request only. He responded the CAC wanted a status update. Ms. Bensley wanted to make sure if it was put on the next agenda, staff could provide the information the CAC requested. Mr. Irvine responded the CAC was interested in an update on Mr. Martindale's thoughts and the progress made in terms of operationalizing Council's commitment to making straws by demand only. Ms. Smith asked if Mr. Martindale could attend the meeting. Ms. Bensley replied that she could not commit his time but would put forward the request.

Mr. Irvine stated the next meeting was December 10 and asked if the CAC was presenting on December 2 at 6:30 p.m. Ms. Bensley corrected that the meeting would begin at 7:00 p.m.

Ms. Smith declared that she had a Better Newark Award nomination and she would forward it to the Committee. Mr. Irvine requested that everyone review the nomination before the next meeting and make Review Better Newark Award Application for Nomination an agenda item for the next meeting.

Mr. Irvine asked who could attend the December 2 Council meeting where he could talk about the idea of putting solar on City buildings in order for Newark to generate its own power. Mr. McDowell and Ms. Matsumoto were tentative, and Ms. Smith suggested that Dr. Huntley was a good candidate as she had good ideas on the subject. Ms. Matsumoto asked if Mr. Irvine was presenting and Mr. Irvine replied that he was presenting the CAC recommendation from July. Mr. Irvine asked if he should submit a PowerPoint and Ms. Bensley replied that a PowerPoint was fine but that anything submitted to Council was needed a week in advance to go out with Council packets. He asked to what extent the Council members were familiar with the terminology of solar credits. Ms. Bensley responded that Council ran the gamut on the issue but thought it would be worthwhile to present Council with a brief synopsis of terms. She stated that she had allotted thirty minutes on the Council agenda for the CAC to present. Mr. Irvine asked where the CAC was on the agenda and she answered the CAC was second, after the Financial Statements. Mr. Irvine asked if Council had received the recommendation. Ms. Bensley explained that originally, recommendations were given to Mayor and Council and, by request of a member, put on a Council agenda. The process changed to where every recommendation was scheduled on an agenda and was distributed for the meeting. Mr. Irvine wanted to know the extent to which Council was familiar with the recommendation and Ms. Bensley answered that Council was aware there was a recommendation and would have it seven days in advance to review. Mr. Irvine thought there might not be enough time to present. Ms. Bensley replied there was sixty minutes set aside on the agenda for Council's discussion of developing solar generation projects and thought the topics would bleed into one another.

8. NEXT MEETING – December 10, 2019

9. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Nichol Scheld
Administrative Professional I

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