

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

December 10, 2019

MEETING CONVENED: 7:03 p.m. Council Chambers

MEMBERS PRESENT: Chair George Irvine (presiding), Beth Chajes, Mary Clare Matsumoto, Robyn O'Halloran, Shelia Smith, John Wessells, Helga Huntley

ABSENT: Kismet Hazelwood, Bob McDowell

STAFF: Nichol Scheld, Administrative Professional I
Jeff Martindale, Assistant to the City Manager

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

1. APPROVAL OF MINUTES FROM NOVEMBER 12, 2019

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

MOTION PASSED. VOTE: 7 TO 0.

AYE – IRVINE, CHAJES, HUNTLEY, MATSUMOTO, O'HALLORAN, SMITH, WESSELLS.

NAY– 0.

ABSENT– HAZELWOOD, MCDOWELL.

2. PUBLIC COMMENT

No public comment.

3. SINGLE-USE PLASTICS UPDATE – JEFF MARTINDALE

Mr. Martindale informed the Committee that he was engaged in procuring Electric Vehicles and charging equipment. He summarized the minutes from June 10, 2019, when the CAC brought the issue of single-use plastics to City Council. The CAC presented Council with three options:

1. Outright ban of distribution of single-use plastic straws in commercial entities
2. Adopt a request-only policy
3. Phase in the ban option (1) over a two-year timeframe starting with by request only (2).

Mr. Martindale explained staff generally favored Option 2 but had reservations about effective enforcement and felt that an outright ban would create issues with differently abled persons. He informed the Committee that he was open to any questions and discussion.

Ms. Smith read the motion from June and asked where the City stood on the educational process. Mr. Martindale explained not much progress had been made as the department had been in transition but recently hired Jayme Gravell as the Chief Communications Officer. Mr. Martindale explained he would handle any resolution or ordinance-related activity and Ms. Gravell would handle the communication or educational pieces. He had a conversation with Councilwoman Wallace who asked if the CAC had any insight into the best educational approach.

Ms. Huntley asked how Council chose to proceed and Mr. Martindale answered the intent was to investigate the next steps of moving forward with by request only and education. Ms. Huntley asked for clarification with moving forward and Ms. Smith answered the City Manager's office was tasked with developing an educational program. Ms. Smith thought staff was working on how to proceed with education and Mr. Martindale remarked that he had been working on the topic but without the communications portion of the team involved, it had been difficult. He reiterated that he and Ms. Gravell were both new to the City and remarked that another conversation should be scheduled for early 2020.

Ms. Smith thought the first step would be to approach the restaurants on Main Street and reported on the various sources of litter she found in the City. She felt if the policy was by request-only then everyone should be on board. Mr. Irvine asked Mr. Martindale if it was possible to draft an ordinance that would be presented Council for approval. Mr. Martindale confirmed this but explained he did not have the authorization to make an explicit promise. Mr. Irvine stated the legal mechanism was to set a policy which could be enforced through different mechanisms, one of which was volunteering. He reported that the student group discovered sixteen restaurants on Main Street were interested and Mr. Martindale added his own research counted over twenty interested establishments. Mr. Irvine believed a growing number of restaurants did not need enforcement when faced with the suggestion of volunteering to go by request only. He thought it could be beneficial to have posters educating patrons on the amount of straws used in the City and referred to sample ordinances created by students. Mr. Martindale understood that Seattle, WA had done an outright ban and Washington, DC, had also made strides. Mr. Irvine believed an ordinance could be created with a two-part implementation plan that initiated voluntary participation with by request only and would revert to an outright ban with provisions if results were not satisfactory.

Ms. Huntley did not want it to be voluntary and wanted the City to have a policy that any food establishment in the City must provide plastic straws only on demand. Mr. Irvine agreed and explained the City was concerned about enforcement. Mr. Martindale interjected that staff and Council were leaning more towards a resolution because it would be on the books but not enforceable by a legal perspective and would meet the voluntary criteria without burdening staff with enforcement. Ms. Huntley asked why enforcement was an issue and Mr. Martindale explained it was a strain on staff to check that each establishment complied. Ms. Huntley thought most laws were enforced based on complaints and believed the straw issue could be handled in the same way. Ms. Smith thought the initial move was an educational campaign through a letter to all restaurants asking for compliance. Mr. Martindale suggested furnishing businesses with flyers when they came to renew permits and licenses. Mr. Irvine mentioned the cost savings to businesses was a financial benefit but also noted the environmental benefit. Mr. Martindale reiterated that enforcement would be costly and time-consuming for staff who saw the voluntary measure as the most realistic first step of reaching the goal. Ms. Huntley disagreed with Mr. Martindale, Assistant to the City Manager that it would be costly to enforce. She spoke of a personal encounter with waitstaff and wanted Mr. Martindale to understand that children were not part of the population that required plastic straws.

Ms. Huntley believed that most businesses were already in compliance and thought if it was made a law, more would comply. She thought if citizens complained, the City could send personnel out to remind establishments of the policy and did not think it was a costly response. She admitted warning letters might not be effective but thought having a law in place was better than a suggestion. Mr. Martindale informed her he would take her comments to staff and noted that 30% of restaurants in the City were offering straws by request only. He explained the process of creating a legal ordinance to be added to City code would cost several thousand dollars to implement including staff, labor, and time.

Ms. Smith commented that Council wanted to tread lightly and begin with education. She did not understand the difference between an ordinance of by request only and a ban and Ms. Huntley explained the difference. Mr. Irvine thought the debate was an ordinance versus a resolution and believed staff and Council were more in favor with a resolution and an education campaign. Mr. Martindale reiterated that Council was open to readdressing the issue if the first steps did not produce the intended result.

Mr. Irvine suggested that in order to set intermediate measures to see if the City was achieving the goal, it was important to know how many restaurants there were in Newark. Mr. Martindale estimated there were seventy. Mr. Irvine thought it was important to address other establishments that served straws and Ms. O'Halloran indicated UD left straws out in the open in the dining halls. Mr. Irvine thought Aramark was the service provider and UD could address the issue contractually. Ms. Chajes explained the straws in the dining hall were on a rack and available if desired but were not issued with drinks from dining hall staff.

Ms. Smith explained how Grain explained their straw policy with tabletop advertisements. She imagined the City producing tabletop tents to display in restaurants to explain the straw policy. Mr. Martindale recalled the campaign was from Plastic Free Delaware headed by Dee Durham. Mr. Irvine said they had to figure out the timeline of what counted as effectiveness for the policy and described various potential scenarios. He believed UD was the biggest supplier and stated Michelle Bennett led the sustainability efforts at UD and could advise on how to get them on board. He noted staff was more cautious at setting goals than himself because he was fine with setting a higher goal and achieving less. Mr. Irvine thought the permitting process was the easiest introduction for new businesses to learn about the City's straw ban. He believed the CAC could help with the points, but the Communication staff would have to publish the information. Mr. Irvine also suggested that Mr. Martindale reach out to the Delaware Restaurant Association and speak to Carrie Leishman. Mr. Irvine envisioned staff and CAC members delivering the promotional materials to local businesses and publishing the information in the Conservation Corner of the Newark Post, on the City website, and in the utility newsletter. Mr. Wessells suggested encouraging local restaurants to sell metal or silicone straws as an advertisement and Ms. O'Halloran informed that Starbucks banned the use of plastic straws beginning in 2020.

Ms. Huntley asked how the number of straws the City used was calculated. Mr. Irvine reported the research of the high school students indicated a per capita straw use in the United States and then applied it to the population of Newark. Ms. Huntley was interested in the numbers to report the reduction in waste appropriately and the committee discussed various ways to calculate the number accurately. Ms. Chajes suggested featuring participating restaurants in Conservation Corner to discuss straw-use reduction and the associated savings. Mr. Martindale suggested reaching out to Grain (a restaurant located on Main Street) for an estimated savings and Ms. Smith indicated Grain was initially keeping track of their savings.

Mr. Martindale asked if the number of straws indicated in the memo from June was daily,

monthly, or yearly. Mr. Irvine stated the CAC had not done further research but said the calculations were validated based on the source of the data and answered that the City used 91,000 straws per day. Mr. Wessells suggested contacting the wholesalers to get sales information.

Mr. Irvine expressed the CAC's interest and asked Mr. Martindale how a resolution should be handled. Mr. Martindale did not want to commit to anything without first discussing with Mr. Coleman or City Council but was comfortable with the CAC taking the lead. Mr. Irvine agreed he should speak with Mr. Coleman first. Ms. Matsumoto asked if it was a resolution that went to Council and Mr. Irvine answered that it was a recommendation. Mr. Irvine explained the CAC had the power to recommend but City Council had the power to draft and make a resolution. Mr. Irvine thought the next logical step was to draft a resolution with the components discussed in the meeting combined with further findings from research.

Ms. Smith reported that Grain had saved \$3,000 and Councilman Markham asked the CAC to review the numbers in a year's time. Mr. Martindale reiterated that a voluntary approach was the best way to begin and then reassess to determine the next step. Ms. Huntley asked the cost to pass a resolution and Mr. Martindale explained it was non-binding and would not undergo the same procedure as an ordinance. Mr. Irvine suggested the other partners could be the Newark Charter students who originally brought the topic to the CAC. Mr. Martindale mentioned the Newark Partnership could be a potential collaborator. Ms. Smith noted the topic of reducing plastic waste was a high priority per the Newark Day poll and Mr. Irvine stated 67% of the respondents indicated it was their number one concern. Ms. Smith thought engaging student participation was an excellent introduction to educate the public. Ms. O'Halloran mentioned there were multiple groups on UD campus who were trying to tackle the issue of straws. Mr. Irvine thought UD's Aramark contract would be the way to address the UD's issue.

Mr. Irvine asked Mr. Martindale to participate in the January CAC meeting to discuss progress and Mr. Martindale asked for any contributions to the educational piece or the resolution to assist staff. Mr. Irvine suggested the CAC could begin drafting the resolution to have it ready for January with the intent to present it to Council in February. Mr. Martindale mentioned Councilwoman Wallace wanted the CAC to begin looking into how to reduce all single-use plastics and offer a recommendation on that issue as well. Mr. Martindale reported that of the 8 million tons of plastics that enter the ocean annually, straws account for 0.025% or 2,000 tons but do account for 4% of all plastics by piece. Ms. O'Halloran commented on the prevalence of balloons in the ocean and the dangers they presented to wildlife.

4. MONTHLY CONSERVATION ARTICLE WITH NEWARK POST – SHEILA SMITH

Ms. Smith reported the first article was published in the Newark Post and announced the deadline for submission to the Post was the last Friday of the month for publication a week later. Mr. Irvine asked that the City Chief Communications Officer, Jayme Gravell, repost the CAC publications on the City's social media accounts. Ms. Huntley suggested the articles be sent to the Review after the Post to reach a wider audience and Ms. Smith said she would reach out to Josh Shannon. Ms. Smith suggested Mr. Irvine announce the straw resolution in the next Post article and informed everyone that the submissions should be 300 to 500 words. The Committee discussed places to find a hard copy of the Post.

Mr. Irvine asked if the CAC had a Facebook page and Ms. Huntley thought the problem with the CAC having its own page was the responsibility for content. Ms. O'Halloran offered to manage the page. Ms. Scheld stated she would speak to the Communications office to determine if a Committee Facebook page was a possibility. Mr. Irvine suggested the members become more familiar with the Sustainability

Plan.

(Staff note: the schedule for the articles as presented by Ms. Smith)

January – Sustainability Plan – Smith/Huntley

February – Community Day Feedback – Irvine

March – RECs – O'Donnell

April – Recycling – Huntley

May – Community Gardens – Hazelwood

June – Anti-Idling – O'Halloran

July – Invasive Species – Smith

August - McDowell

5. CHANGE TO ANIMAL SHELTERING ORDINANCE – HELGA HUNTLEY

Mr. Irvine advised to push the topic to January agenda.

6. BETTER NEWARK AWARD NOMINATION – SHEILA SMITH

Ms. Smith displayed pictures of Carol Post's garden on Kells Avenue and explained that Ms. Post's yard was planted with native species. Ms. Post's garden was featured on the Newark Arts Alliance Garden Tour. Ms. Smith explained that Ms. Post was part of Catch the Rain Rebate Program where rebates were offered for specific criteria. Ms. Post had a pervious driveway and walkway installed and also planted a rain garden in the front yard as well as a backyard habitat. Ms. Smith noted Ms. Post also drove an Audi hybrid and had a plug-in installed at the home.

Ms. Huntley asked how nominations were collected and awarded. Ms. Smith briefly described past recipients and explained there was an online form to nominate residents on which the CAC voted. Ms. Smith described the difficulty in reviving the program and Mr. Irvine said that the CAC had considered shelving it but then decided to proactively award it to commendable residents and businesses. Ms. Smith explained recipients had to be present at a Council meeting to receive the award and Mr. Irvine interjected it was a CAC publicity tool to have the Mayor and the appropriate Councilperson present the award at a public meeting. He explained that it was not mandatory to publicly receive the award.

MOTION BY MS. HUNTLEY, SECONDED BY MS. SMITH: TO AWARD THE BETTER NEWARK AWARD TO MS. CATHY POST.

AYE: IRVINE, CHAJES, O'HALLORAN, WESSELLS, SMITH, MATSUMOTO, HUNTLEY.

NAY: 0.

ABSENT: MCDOWELL, HAZELWOOD.

Mr. Irvine suggested stock language for the monthly article in the Post to inform residents of the award. Ms. Matsumoto asked if there was a list of past recipients because there was only one online that she could find, and Ms. Smith answered that she had the list. Ms. O'Halloran noted there were a few mentioned in the Newark Post but there were none on the City's website. Ms. Huntley thought the award was a good tool to inspire residents to participate and Mr. Irvine suggested including language addressing privacy concerns. Ms. Smith remarked that the process seemed to have stalled and Ms. Huntley wanted to get the award on a Council agenda.

Mr. Irvine broke down the process as:

1. Nomination
2. Inform City Secretary and Communications Officer
3. City Secretary enters the nomination onto a Council agenda
4. Communications Officer publishes a press release

7. PLANNING AND DEVELOPMENT REPORTS

No comment.

8. OLD/NEW BUSINESS

- **Update on Council action on the Green Energy Fund Recommendation**

Mr. Irvine informed the Committee Council did accept the recommendation to install solar on City buildings and instructed staff to investigate putting solar in parks and the side of the reservoir and to expand McKees. Ms. Smith asked how much a solar panel cost and Mr. Irvine remarked it was cheaper than when McKees was built. He noted the color of the panels and the rack would differ from the originals because the manufacturers went out of business. He noted Council was not concerned with aesthetics. He reported on public comment requesting that residents be allowed to purchase 100% solar as consumers and revealed Council did not expressly request staff to do further research. He suggested making a recommendation to that effect and stated it required working with DEMEC. Ms. Huntley understood that Council asked staff to research the feasibility of implementing a two-part, 100% renewable energy program where existing customers could opt in and new accounts had to opt out. Ms. Matsumoto wondered how long it would take to be implemented and Ms. Huntley assumed it would take six months to a year.

Mr. Irvine reiterated Council approved the CAC's recommendation of capping the Green Energy Fund at \$3,500. Mr. Irvine, Mr. O'Donnell and Ms. Chajes would then research alternative uses for the Green Energy Fund and return to Council by June with the information. Ms. Smith asked if the alternatives included the purchase of RECs and Mr. Irvine stated Council was not currently willing to purchase 100% and he explained the concept of creating demand.

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

Mr. Wessells reported the biggest concern from the Community Day polling was the removal of plastic waste. Mr. Irvine reported 136 residents participated in the poll and noted that reflected a small sample of residents when given the population of the City was 30,000. He read the contents of the suggestion box:

- How to increase plastic recycling in City facilities
- Less plastic waste at stores and events
- Replace single-use plastic with real containers with deposit returns
- Recyclable plastic straws
- Rewilding public areas
- Replacing trees in State parks
- Planting trees in memory (Mr. Irvine suggested incorporating with Reforestation Day)
- Improve traffic on Cleveland Avenue

- Create “No-Idling” bumper stickers or magnets
- Make Main Street pedestrian and bike only
- LED lights where possible
- Solar panels on the roofs of all new commercial properties
- Make composting more available
- Community compost donation for kitchen scraps
- Community Gardens

Ms. Matsumoto described the compost scene in Washington state and remarked that Delaware was behind on the movement. Mr. Irvine suggested the City could require Community Day vendors use reusable or compostable food containers. Ms. O’Halloran created a composter for ten dollars and suggested educating residents in its simplicity. Mr. Irvine thought it was possible to do a City-wide compost project. He referred to a UD project that took compostable refuse and used the methane produced to power a co-generator on a small scale. Ms. Chajes explained that Air Liquide was a partner interested in the research of purifying methane. Mr. Irvine suggested the City could incorporate restaurants into the composting efforts.

Ms. Chajes informed the Committee that UD reconstituted the Sustainability Task Force and was now called the UD Sustainability Council under the auspices of the Provost and Facilities. She remarked the volunteerism for the Council had diminished but was revamping its efforts with Chris Williams as the Chair. The group would focus on academic engagement, campus community engagement, off-campus engagement, campus facility and infrastructure operations, university-wide sustainability, public relations and advocacy, and sustainability-related entrepreneurship. Mr. Irvine suggested inviting the Council to speak with the CAC. He remarked how slow UD has been with sustainability efforts and hoped the Council could help kickstart the conversation inside UD to join the City in its efforts.

Mr. Irvine served on the Green Building Works Group which was established to update the Building Code to allow for and mandate greener construction in the City. He revealed he wanted to step back as the CAC representative for the group and asked for a volunteer to replace him. Ms. Smith asked what the group was, and Mr. Irvine explained it was members of the CAC and the Planning Commission and chaired by Will Hurd. He referred to previous efforts to make the Building Code in line with LEED certification and the City opted to go LEED light but now LEED was more cost-effective. Mr. Irvine thought it was a great opportunity to fundamentally change daily activity of how construction was done in the City. He noted the meetings were held once a month on a Tuesday from 3:30 pm to 5:30 pm in the Municipal Building Library and were attending by Will Hurd, Reid Rolands, Tim Poole, Stacy McNatt, and Ben Prettyman. The agenda was to research alternative ordinance language related to green building, an alternative compliance path for a rating system of buildings on energy conservation, high performance windows and doors, and automatic shades.

Ms. Huntley revealed people in the pick-up lane outside of her children’s school idled for lengthy periods of time and thought it was a good place to inform people about the anti-idling ordinance. Ms. Smith described a design for a business card to hand out as an educational tool. Mr. Irvine proposed the idea of a performance artist dressed up to call attention to the issue and Mr. Wessells suggested it be named Aunty Idling. Ms. Smith noted anti-idling signs were still not installed in the lots or parks six months after she brought it to the City’s attention, and she now wanted to make it a state issue. Ms. O’Halloran claimed she did not have the opportunity to speak to the Traffic Officer that month to share her research but hoped to have the chance to meet with him before the February CAC meeting. Mr. Irvine advised Ms.

O'Halloran to draft the letter using the fact that she was a mayoral appointee. Mr. Irvine asked Mr. Wessells if he had a vendor who could create a quote for business cards and expressed his frustration at the lack of action on behalf of the City to enforce the ordinance. Ms. Chajes stated that ten seconds of idling used more fuel than turning an engine on and off. Mr. Irvine wanted to make an effort on the education piece because behaviors had not changed with the ordinance and reiterated his desire to have a mascot available for the next Newark Day.

9. **NEXT MEETING – January 14, 2020**

10. **ADJOURNMENT**

The meeting was adjourned at 9:04 p.m.

Nichol Scheld
Administrative Professional I

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