

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

January 14, 2020

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

MEMBERS PRESENT: Chair George Irvine (presiding), Beth Chajes, Sheila Smith, John Wessells, Helga Huntley, Kismet Hazelwood, Bob McDowell

ABSENT: Mary Clare Matsumoto, Robyn O'Halloran

STAFF: Nichol Scheld, Administrative Professional I
Jayme Gravell, Chief Communications Officer
Jeff Martindale, Assistant to the City Manager

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

1. APPROVAL OF MINUTES FROM DECEMBER 10, 2019

MOTION BY MR. WESSELLS: TO APPROVE THE MINUTES.

MOTION PASSED. VOTE: 7 TO 0.

AYE – IRVINE, CHAJES, HUNTLEY, SMITH, WESSELLS, HAZELWOOD, MCDOWELL.

NAY– 0.

ABSENT– MATSUMOTO, O'HALLORAN.

2. PUBLIC COMMENT

No public comment.

3. CHAIR AND CO-CHAIR ELECTION

Dr. Irvine explained the CAC had failed to elect the chair and co-chair in December as per the charter. He listed the responsibilities of the positions and asked for nominations from the Commission.

MOTION BY MR. WESSELLS, SECONDED BY MR. MCDOWELL: TO NOMINATE DR. IRVINE AS THE CHAIR FOR THE CONSERVATION ADVISORY COMMISSION FOR THE 2020 CALENDAR YEAR.

MOTION PASSED. VOTE: 7 TO 0.

AYE – IRVINE, CHAJES, HUNTLEY, SMITH, WESSELLS, HAZELWOOD, MCDOWELL.

NAY– 0.

ABSENT– MATSUMOTO, O'HALLORAN.

MOTION BY DR. IRVINE: TO NOMINATE MR. MCDOWELL AS THE CO-CHAIR FOR THE CONSERVATION ADVISORY COMMISSION FOR THE 2020 CALENDAR YEAR.

MOTION PASSED. VOTE: 7 TO 0.

AYE – IRVINE, CHAJES, HUNTLEY, SMITH, WESSELLS, HAZELWOOD, MCDOWELL.

NAY– 0.

ABSENT– MATSUMOTO, O’HALLORAN.

4. SINGLE-USE PLASTICS UPDATE AND CAC DRAFT RESOLUTION– JEFF MARTINDALE

Mr. Martindale reiterated the CAC would write a resolution to be presented to Council which staff would use as a basis for public education for City businesses. Ms. Smith thought the CAC had already requested staff to create the educational piece and Mr. Martindale confirmed but explained why it was necessary to have the resolution first. Ms. Smith said it was already sent to Council and Dr. Irvine corrected that she was speaking about the recommendation for plastic straws. He told Ms. Smith that Councilwoman Wallace asked Mr. Martindale if the policy could be expanded to plastic use in general. Dr. Irvine explained that the public campaign would be rolled out if Council chose to adopt the resolution.

Dr. Irvine revealed that he was approached by a child during Community Day who asked why the food vendors were using non-recyclable containers. Dr. Irvine noted that the City did not forbid vendors from using disposable containers or utensils for the event and Ms. Smith suggested that vendors could at least reduce their non-recyclable waste. Dr. Irvine suggested endorsing vendors who used biodegradable food containers. Mr. Martindale thought it would be useful for the CAC to endorse the use of recyclable or biodegradable containers to special events and Mr. McDowell suggested a sign to indicate which vendors worked with the CAC towards reducing waste. Ms. Smith said that the CAC had once considered recognizing businesses who made green efforts, but it had never been implemented.

Ms. Smith asked how the process would proceed and Dr. Irvine explained he would draft the resolution. Mr. Martindale alerted the Commission that Council elections were scheduled for April and so the CAC would most likely be able to get time on a May agenda. Dr. Irvine did not anticipate the resolution to be controversial and explained how other cities encouraged businesses to reduce plastic use. Mr. Martindale and Dr. Irvine briefly spoke about various draft examples. Dr. Huntley thought the language was meant to be generic and Dr. Irvine corrected that it should be stated as a generic problem and followed up with specific solutions. Dr. Huntley asked if straws and plastic bags would be included and Dr. Irvine confirmed straws would but explained there was a State law coming into effect with plastic bags. Mr. Martindale interjected that it might be more efficient to define everything as single-use plastics in the background section and recommend that customers and businesses reduce their single-use plastic consumption. Dr. Irvine suggested the CAC draft a recommendation to accompany the resolution to Council. He intended to have the draft ready to edit for the February CAC meeting.

Ms. Chajes asked if it was then up to staff to inform businesses of the resolution and Mr. Martindale explained it would most likely be shared on social media and addressed in the Newark Post. Ms. Chajes thought Dr. Irvine would address it in his Conservation Corner article and Ms. Smith wanted to inform the community preemptively in the March article.

Dr. Irvine asked if Mr. Martindale required anything extra for staff and Mr. Martindale explained that time to review was essential and was pleased with the direction of the discussion. Dr. Huntley asked

if Mr. Martindale was asking for dedicated time to move the resolution forward or to advocating for implementation for the resolution. Mr. Martindale explained the review portion was necessary to begin the educational piece to unveil in May. Dr. Irvine offered to forward any helpful information for the educational campaign. Mr. Martindale revealed he had reached out to Dee Durham and the Newark Charter School for their research to streamline the process. Ms. Smith asked if the students had expressed interest in performing follow-up research to businesses on Main Street and if they had any feedback. Mr. Martindale explained staff had requested any helpful information from the school and found the responses promising. Dr. Irvine suggested that the topic could be a project for the 9th grade Project Citizen.

Dr. Huntley recalled that in the last meeting, there was a discussion on the need to go beyond national statistics to see if the actions had local impact and asked Mr. Martindale if he had made any progress towards that. Mr. Martindale thought the information at the last meeting was ambiguous and needed to be confirmed before the data could be properly assembled. Dr. Huntley thought it was good to do a survey and asked who would collect the data and Mr. Martindale hoped the charter students would participate. Dr. Huntley thought the students were not necessarily reliable given their progression through school and Mr. Martindale felt another volunteer group would suit and informed the CAC that staff would not be able to allocate labor resources to performing the research. She asked if the City wanted the CAC to collect the data and Mr. Martindale preferred the CAC to do the work. Dr. Huntley thought UD students might be appropriate and Ms. Smith suggested the Public Policy Group could be suitable. Mr. Martindale recommended Plastics Free Delaware as a possibility.

Dr. Irvine asked if the City collected any reporting from businesses on an annual basis regarding licensing. Mr. Martindale thought the Planning Department was more equipped to answer the question. Dr. Irvine suggested voluntary reporting through a portal on the website instead of enlisting volunteers. Mr. Martindale suggested creating an email domain, but Dr. Huntley said she was pessimistic because it took a year to get a dedicated email for the Sustainability Plan and she did not think the City would prioritize a website portal for data collection. Mr. Martindale agreed that it would not be prioritized because there no way to ensure the information would be utilized and the City put labor where labor was needed. Dr. Huntley thought it was possible to go through the Newark Partnership and explained it had three components of Civic Engagement, Non-Profit, and the Economic Development component. Dr. Irvine claimed it was not imperative to have the data because it was deemed important through the national data available and suggested determining the research collection later. Dr. Huntley asked if the City had a complete list of current restaurants and Mr. Martindale said he would talk to the Planning Department.

5. SOCIAL MEDIA DISTRIBUTION – JAYME GRAVELL

Ms. Gravelle explained that the City's position was that advisory committees and councils should not operate their own social media platforms because the City had an established following of 10,000 on Facebook and Twitter. She was happy to share any information the CAC deemed necessary and explained that the City had brand guidelines and the risks involved with separate pages being interpreted as official City business. Dr. Irvine asked if the platforms were Twitter, Nextdoor and Facebook and Ms. Gravelle confirmed and explained there was not an Instagram account because it required more visual content than was currently available. She was open to sharing the Conservation Corner articles from the Post as well as the comments from citizens on the various community-oriented events. She explained that she published content using a calendar schedule, so followers were not inundated.

Ms. Gravelle suggested that it was possible to create an online poll if the CAC had value for the

information and stated she was willing to grant members access to the events portion of the Facebook account to update as necessary. Dr. Irvine asked if the CAC could provide content for Channel 22 and Ms. Gravell encouraged them to submit upcoming events for approval. She was confident in forwarding any of the articles from the Post but asked to be forwarded any other notices. Dr. Irvine suggested Ms. O'Halloran be the contact responsible for speaking to Ms. Gravell who then stressed the importance of visual content and a humanized approach to social media. Dr. Huntley asked if the CAC should write articles on behalf of the City for pertinent subjects and Ms. Gravell explained that she would publish a press release and asked if the CAC would be open to assisting with any questions she had. Mr. Martindale requested to be on the February CAC agenda to address the purchase of EVs and charging stations.

Dr. Irvine asked if staff looked for the placement of Op-Eds and Ms. Gravell explained there was interest in a Councilmember writing one, but the discussion was on-going. Dr. Irvine expressed interest in the CAC writing Op-Eds and Ms. Gravell explained that she would have to check with staff regarding policy but found value in having the conversation.

6. GREEN BUILDING CODE WORK GROUP – WILL HURD

Mr. Hurd introduced himself as the current chair of the Planning Commission and of the Green Building Code Work Group. Dr. Huntley asked for an overview and Mr. Hurd explained the Planning Commission meetings in July and August of 2018 highlighted the limitations of the current Green Building Code (GBC) in the City code which were amendments to the International Energy Conservation Code (IECC). The Planning Commission noticed the trend of projects submitted for site plan approval would be LEED certified but only for superficial points. Mr. Hurd provided the CAC with packets of the current code and the amendments from the work group and noted the list for credits was purposely abbreviated during the 2008 enactment. The Planning Commission recognized that the current IECC was up to or exceeded the LEED v3 the City was using as a basis for compliance and was not encouraging greater participation in green building. Staff formed the GBC Work Group to address the issues. Mr. Hurd noted the Sustainable Newark Group was created around the same time and was also interested in reducing energy usage and improving building performance. He explained the 2021 code included an appendix for net-zero which would create a segue to push GBC further.

Mr. Hurd explained the work group was intended to be a broad selection of citizens but ended up being a few individuals. He noted the various participants included a developer, a construction company representative, Tim Poole from Code Enforcement, Jeremy Firestone from UD, and Reid Rowlands, a certified passive house designer. The group first established goals for the new codes and processes. They concluded the primary target was the reduction of energy use and secondary objectives were determined to be natural resource conservation, indoor environmental quality, and renewable energy. Mr. Hurd anticipated the process would take six months to adopt and enact an existing code but found that most established codes did not have the balance necessary for the City. In response, the work group looked for similarities in the international GBC, LEED, Green Building Standard, and ASHRAE 189, and improved upon them and adopted a stretch-code. He explained that a stretch code was a municipality's amendment of the IECC at a higher standard and called for guidelines that exceeded the currently adopted code. The intent was to set a higher threshold that would raise as new codes were adopted. Mr. Hurd remarked that graphs showed energy performance improved with stretch codes and explained applicants who could demonstrate performance of 20% better than a code complaint building were automatically granted energy points and moved along in the process.

Mr. Hurd explained the work group reevaluated the site plan approval process to require

improvements in all categories instead of concentrating on a single section. Code enforcement requested clear criteria and developers requested terms that were not cost prohibitive and so it was determined that difficult or expensive options would earn higher points. Ms. Chajes asked Mr. Hurd to describe the path forward and he answered that the group was scheduling a workshop to address concerns from developers before the process was presented to Council. Afterwards, the work group planned to meet to finalize and edit, present it to the Planning Commission where it would be scrutinized, and then it would be presented to Council for a vote. He estimated that Planning would have the new process by April.

Dr. Irvine asked for clarification on including the stretch-goals and Mr. Hurd explained the process called for a target of fifty points which could be earned entirely through third-party certifications of LEED Platinum, Passive House, or Net-zero. Dr. Huntley asked if the standards exceeded the individual categories and Mr. Hurd answered no but the Passive House was so energy efficient that it far exceeded the scale indicated by the work group. He noted it was an involved process that required commitment and the group wanted to acknowledge the efforts accordingly. Dr. Huntley commented that the State was set to require net-zero housing as a standard and asked if Mr. Hurd's goal was to continually edit the requirements. He confirmed the intent was to review every three years when the City adopted new codes. Dr. Huntley asked if it applied to all buildings and Mr. Hurd replied the current code called for commercial buildings of 25,000 square feet or more which included multi-family residential, institutional, and commercial retail or major subdivisions of five units or more. The work group wanted to capture more buildings and suggested 5,000 square feet for commercial and subdivisions of three units or more for residential. He explained there was almost never single-unit, single family construction in the City and so the three units would target developers building for investment as opposed to a homeowner rebuild. Ms. Chajes asked if it was for new construction only and Mr. Hurd confirmed.

Dr. Irvine asked what kind of pushback the group anticipated, and Mr. Hurd felt a few developers would consider it the cost of building in Newark and explained the world was trending towards higher performance and better built buildings. He hoped to make significant impacts to the energy use of the buildings, the environment, and the City. Dr. Irvine suggested the CAC could recommend the amendments to Council and Mr. Hurd appreciated the support. Ms. Smith remarked how the amendments were essentially part of the Sustainability Plan. Mr. McDowell stated that LEED Light was adopted in 2008 and there was concern that builders would no longer develop, but it was approved to encourage higher standards. He was enthusiastic about the continual renewal of higher standards and technology for the City and explained how developers quickly adapted to the changes.

Dr. Huntley asked who the developer was in the work group and what the feedback was. Mr. Hurd replied that Ben Prettyman and various representatives from Bancroft Construction were very helpful and honest in determining baselines for the developer portion. Ms. Smith asked where the recently built apartments fell in the LEED range and Mr. Hurd was unsure and suggested she ask Code Enforcement. Ms. Smith asked about the three categories and Mr. Hurd replied they were:

- Energy conservation
- Resource conservation
 - Site selection and facilities
 - Maximizing open space above code
 - Increasing tree cover
 - Preserving wildlife habitat
 - Preserving or restoring native plants
- Indoor environmental quality

Dr. Irvine asked if impervious surfaces were included and Mr. Hurd explained the pertinent points system. Dr. Huntley asked about the residential code and Mr. Hurd stated the IRCC called for single or duplex residences and explained how townhomes were classified as five units. Dr. Irvine thanked Mr. Hurd and reiterated the review process and the CAC's interest in providing a recommendation.

7. MONTHLY CONSERVATION ARTICLE WITH NEWARK POST – SHEILA SMITH

Ms. Smith stated Mr. O'Donnell submitted his article and she would forward it to the Commission. She informed Dr. Irvine he was next and suggested he lean heavy for single-used plastics. Ms. Smith stated she wanted to include native species in her contribution to draw attention to the Delaware Native Species Commission Symposium on March 25th. Dr. Huntley thought Ms. Hazelwood's article should be timed with the opening of the community gardens. Ms. Hazelwood said she would check the opening date to time the article correctly and that Mayor Clifton had expressed interested in a community compost, but she was hesitant because of miseducation. Ms. Scheld informed Ms. Hazelwood that registration began on January 5th and the gardens were available on March 1st for use. Dr. Huntley suggested publishing the community gardens article in February to alert the public about signing up and Ms. Scheld informed her that it was on the City's website and had gone out in a Parks and Recreation newsletter. Ms. Hazelwood said she would reach out to Mr. Zaleski for more information. Dr. Irvine asked Ms. Smith to share the article order with Ms. O'Halloran and Ms. Gravell to create a social media calendar. Dr. Huntley was open to moving her date around to announce Community Day and Dr. Irvine suggested the Green Building Code as a future article topic.

February – RECs – O'Donnell
March – Community Gardens - Hazelwood
April – Community Day Feedback -Irvine
May – Bicycling - Kramer
June – Anti-Idling – O'Halloran
July – Native Species – Smith
August – Reforestation - McDowell
September – Recycling - Huntley

8. CHANGE TO ANIMAL SHELTERING ORDINANCE – HELGA HUNTLEY

Dr. Huntley explained how she found the ordinance accidentally while searching the City code, which stated, "No person shall possess, own, harbor, or care for, whether as a pet or for any other purpose, vicious, exotic, wild, or farm animals or wild fowl as defined in this chapter within the boundaries of the City unless specifically exempted by this chapter" and defined harboring as "feeding or sheltering an animal for three consecutive days or more by a person." Dr. Huntley was concerned that the ordinance prohibited bird feeders, bat houses, and potentially beehives. She wrote to Mr. Bilodeau for his interpretation who thought that bees and beekeepers were safe from the ordinance. Dr. Huntley wanted to legalize bird and bat houses to help wildlife and suggested a proposal to City Council to amend the ordinance. She noted that the ordinance was not likely to be enforced for bird and bat houses, but she was concerned with the issue of beehives and wanted to clarify the language.

Dr. Huntley proposed the following stages of action: edit the definitions to be clearer and more in line with the standard biological definition of an animal, include an explicit definition of a wild animal, consider carving out an exemption for desirable animals such as birds, bat, and butterflies, and amend

the language to exclude providing natural habitat as an offense. Ms. Hazelwood recalled that residents were encouraged to build natural backyard habitats and Ms. Smith confirmed that Newark was considered a Habitat City. Mr. McDowell understood the ordinance pertaining to farm animals but did not think that beekeeping should be disallowed and wanted to concentrate the language around exclusion. Ms. Smith did not think a bat house should be included as they were not confined, and Dr. Huntley repeated the code's definition of harboring.

Dr. Irvine asked if it was truly a policy problem and Dr. Huntley explained many people broke the ordinance but agreed that it was unenforced. Dr. Irvine found merit in being proactive and keeping the language consistent with conservation efforts and thought a possible path forward was to recommend changes to the ordinance. Mr. Wessells suggested the ordinance may be in place to legally protect the City, but Ms. Smith considered it a situational argument. Ms. Chajes hoped the Commission would concentrate its efforts more towards the Sustainability Plan and Ms. Smith thought researching the original intent of the ordinance was worthwhile. Dr. Irvine suggested reaching out to Mr. Bilodeau to discover if there was an unstated reason for the ordinance and Ms. Smith wanted to rewrite the ordinance, so it did not eliminate the habitat goals. Dr. Huntley offered to do research on the origin and Dr. Irvine suggested it go on the March agenda.

9. PLANNING AND DEVELOPMENT REPORTS

No business.

10. OLD/NEW BUSINESS

Dr. Irvine noted the April meeting would be held on the 21st to accommodate the elections. He stated 2019 Annual CAC Report was due and he would assign blurbs for the Commission to write to incorporate into the report. He said he would forward members an old copy as a sample. Dr. Irvine assigned:

- Reforestation - McDowell
- Community Day – Wessells
- Solar Energy – Irvine
- Communication Outreach Efforts including Newark Post and Better Newark – Smith
- Sustainability Plan – Huntley
- Recommendations from minutes

Dr. Huntley asked for a deadline and Dr. Irvine indicated February 4th was the target date.

11. NEXT MEETING – FEBRUARY 11, 2020

Ms. Smith said that Ms. Post had been notified that she was the recipient of the Better Newark Award which was tentatively scheduled to be presented at the February 24th City Council meeting. Ms. Scheld informed Ms. Smith that she could present the award and Ms. Smith said she would accommodate Ms. Post's schedule.

Mr. Wessells explained the various items available to hand out for the Anti-Idling ordinance and Ms. Smith suggested business cards would be more appropriate. Dr. Irvine thought there were multiple

appropriate promotional items available and encouraged further discussion for the next meeting.

12. ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

Nichol Scheld
Administrative Professional I

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