

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

March 10, 2020

MEETING CONVENED: 7:04 p.m. Council Chambers

MEMBERS PRESENT: Chair George Irvine (presiding), Beth Chajes, Sheila Smith, Helga Huntley, Kismet Hazelwood, Robyn O'Halloran

ABSENT: Mary Clare Matsumoto, John Wessells, Bob McDowell

STAFF: Nichol Scheld, Administrative Professional I
Mike Fortner, Planner II
Jeff Martindale, Assistant to the City Manager

Dr. Irvine called the meeting to order at 7:04 p.m.

1. APPROVAL OF MINUTES FROM JANUARY 14, 2020

MOTION BY DR. HUNTLEY: TO APPROVE THE MINUTES.

MOTION PASSED. VOTE: 6 TO 0.

AYE – IRVINE, CHAJES, HAZELWOOD, HUNTLEY, O'HALLORAN, SMITH.

NAY– 0.

ABSENT– MCDOWELL, MATSUMOTO, WESSELLS.

2. PUBLIC COMMENT

Philip Barnes, staff member at the Institute for Public Administration at the University of Delaware and Biden School Faculty, explained that he was involved in a research project collaboration with public policy, administration and chemical and biomolecular engineers. The project's intent was to develop technology to transform post-plate and scrap food waste into something more valuable than bacterial production of methane. He admitted that he was not an engineer and was involved more with the policy and public administration and engagement side of the project. The team proposed to have a robust process where public users of the technology would engage and influence the design by establishing standards and criteria to meet the needs of the public and end-users.

Dr. Barnes hoped the CAC would be interested in the project because diversion of food waste from landfills was part of the Sustainability Plan. He envisioned public engagement as a series of events of workshops and conversations to determine desired outcomes that the team would then assemble into the process designs. He stated the team would not ask the City to change ordinances unless staff deemed them appropriate but instead wanted assistance in defining the standards of success for the innovation. Dr. Irvine

clarified that the team was applying for a National Science Foundation Grant (NSF) and Dr. Barnes confirmed and described the NSF as the gold standard in research proposals. He reported it was a four-year proposal but noted the CAC would not be committing to four years of collaboration and stated the City would not incur cost.

Dr. Huntley asked if the engineer had an idea of what the process was, and Dr. Barnes described it as a washing machine where users added food waste and water where it was broken down mechanically by a chummer and then broken down further with fungal and bacterial communities. The slurry would then go to the bacterial transformation stage to improve into higher value products. He continued that one engineer had experience with bacteria, but the process was still to be determined if they were awarded the grant. Dr. Huntley asked if the concept was to have participants install the device in their home and Dr. Barnes clarified that it was not for residential applications and was intended for use in larger food waste generating facilities.

Ms. Smith asked if high schools were an intended location and Dr. Barnes confirmed that a team member proposed to have students involved in the process. He noted one of the chummers was in operation at a UD dining facility, but the product was flushed into the wastewater treatment system. He said the process would have another team to separate the water from the products to then flush low-organic water. Ms. Smith asked for an example of higher value project and Dr. Barnes reiterated that he was not an engineer and said that the engineer was concentrating on creating vanillin, an organic compound that gives vanilla beans its flavor and aroma. He explained that vanillin was a product that could be synthesized from the bacteria and had a higher value than methane. Dr. Irvine asked if it was possible for the City to partner with the license when the product was commercialized, and Dr. Barnes could not answer.

Dr. Barnes informed that the proposal was due on March 26 and asked the CAC to commit to collaborate with the research team through the development. He stated he was including language allowing the stakeholders to define the terms of success for the research in his grant proposal. Ms. Chajes asked Dr. Barnes if he needed a letter of support and Dr. Barnes confirmed that a letter of collaboration would be beneficial to their process.

Dr. Huntley wanted to better understand what the role the City would play as a stakeholder. Dr. Barnes said the stakeholders could establish their own values. Ms. Smith asked if permits were required and Dr. Barnes answered that DNREC would determine if permits were necessary. Dr. Barnes explained he was seeking a letter of collaboration first and Dr. Huntley thought the project could benefit the City but was not sure the CAC was the proper body to ask for assistance. Dr. Irvine interjected that Council viewed the CAC's role to put policy behind the Sustainability Plan and wanted to draft a letter of collaboration from the CAC to be reviewed by Mr. Coleman.

Ms. Chajes asked if an explicit goal of the project was to prevent greenhouse gas emission and Dr. Barnes replied that the team was interested in learning of those goals and reiterated that the team did not want to presume standards that the public might want. He explained the research was not proposing to build multiple devices to test functionality but would have a few that would serve as working labs. Ms. Chajes asked if the team had spoken to Zero Waste Delaware and Dr. Barnes said they had not, but part of the proposal included snowball sampling to determine potential users. Dr. Irvine asked if there was consensus to support the project and Ms. Smith wanted more information. Dr. Barnes offered to send a template for the letter and a draft summary of the proposal to highlight the expectation for the collaborative process. Ms. Smith asked if he would be affiliated with the project in the long-term and Dr. Barnes replied that he was a co-principle investigator. Dr. Irvine thought the City would benefit from the project and Ms. Smith believed collaboration between UD and the City was advantageous. Dr. Barnes explained that the collaboration was a guarantee

because the research design demanded it.

Dr. Irvine thanked Dr. Barnes and offered to draft the letter and send it to Mr. Coleman and Mr. Bilodeau for review.

Andrew O'Donnell, District 3, admitted the Energy Sub-committee of the Sustainability Plan had been unable to meet but wanted to share updates from the City Manager. Dr. Huntley asked to which body the subcommittee belonged and Dr. Irvine replied the CAC set it up to come up alternative plans for the Green Energy Fund. Mr. O'Donnell explained the opt-in/opt-out utility program where all new customers were automatically opted in for 100% renewables through the purchase of RECs for around \$6 a month. He continued that new customers had to request to opt-out and existing customers had to request to opt-in. Mr. O'Donnell stated that Mr. Coleman was speaking with DNREC to and had an implementation goal of January 1, 2021. Dr. Irvine described the process as a phased approach and Mr. O'Donnell pointed that if there was pushback, the City could choose to implement an opt-in approach. Dr. Huntley asked for the steps involved in the program and Mr. O'Donnell explained it had to go through Council and then the website would be updated to allow opt-in/opt-out. He informed the CAC that it would be a line item on the utility bill. Dr. Irvine suggested asking Mr. Coleman for a briefing about the process.

Ms. Chajes pointed that the program would include every new student apartment account and Mr. O'Donnell confirmed that anyone with a new City utility account was defaulted in to 100% renewables. He stated that the \$6 fee was expected to decrease. Dr. Huntley asked for details on the pricing and Mr. O'Donnell answered that it was rate-based, and the \$6 figure was an average.

Mr. O'Donnell shared that the McKees Solar Park had a program where residents could invest \$50 for a piece of a solar panel and receive discounted electric bills. He noted it was a great project but limited at \$50 and he suggested removing the cap. He revealed that the solar park was not maxed out and the City could install more panels that were cheaper and more efficient than the initial panels. He explained that Mr. Coleman was in the process of removing the cap and revealed that a \$1,000 investment meant \$20 off the investor's monthly electric bill for ten years.

Dr. Huntley saw the program as outdated and wanted to invest in future solar technology and preferred that it be marketed as investing in something new. Mr. O'Donnell clarified that the City wanted to expand the solar park and explained it was a kickstart to the fund where residents could have pride of investment and noted it was transferable and appropriate for various investors.

Nick Wasileski, District 3, informed the CAC that a workshop would be scheduled to answer questions about the revised FEMA Flood Plain Maps, published on January 22, 2020. He referred to the flooding on Julie Lane in January and noted that flood events in Newark could create problems. He described the City as proactive due to its installation of retention ponds. He referred to an article published on January 2, 2020, on Delaware.gov by DNREC's Division of Watershed Stewardship, that indicated flood risks were increasing due to watershed development. He assumed the most accurate data was used to determine the new 100- and 500-year flood plain maps but was unsure if the hydrologic data was older or if the City's efforts were considered with retention ponds. He revealed the new FEMA 500-year flood plain map added 70 structures from 896 to Delrem Drive. He understood insurance companies required flood insurance when homes were within the 100-year flood plain. He referred to another report that stated the additional estimated potential losses for flood events in Newark were \$93.5 million. He believed flooding should be a discussion.

Ms. Smith was concerned with flooding and the construction of parking lots and wondered if steps were being taken to curb flooding and calculate impervious surfaces. Dr. Huntley informed Ms. Smith that there were regulations for new development stating that no more storm water should leave the area than before and maintained the status quo. Ms. Smith wondered how old the ordinance was and asked if it was enough. Dr. Irvine noted that the CAC considered watershed in the past but was more recently concerned with Green Energy. Mr. Wasileski reported that the retention pond at Suburban Plaza was underwater in the 500-year flood plain event and said that the ponds play an important role but not necessarily in a catastrophic event.

3. SUSTAINABILITY PLAN UPDATE – MIKE FORTNER

Mr. Fortner presented a review of the short-term action items that would provide the framework for the Sustainable Newark Plan adopted by Council in November 2019. He asked the CAC to decide how and how often to receive updates. He explained the Net Energy Transmission Commission (NET) was comprised of individuals with experience in renewable energy generation, distribution systems, and markets would serve as an advisory committee to the CAC and asked them to establish a vision for the NET and stated he would begin working on the Greenhouse Gas Inventory. He reported the he began working Jayme Gravell, Director of Communications, on establishing the dashboard for performance metrics. He wanted to organize an internal City staff committee that would periodically meet to gauge effectiveness and progress. He viewed public engagements highlighting the City's sustainability efforts and creating steps to a sustainable City as projects that could be presented quickly to residents and businesses.

Dr. Irvine believed the plan worked well with strategic and intermediate objectives and understood that Mr. Coleman divvied up the projects to different staff and asked if there was a reporting system for staff to capture progress over a quarterly or annual basis. Mr. Fortner was unsure if staff had a program but indicated he wanted to speak to staff first to indicate what data was necessary and would then choose a reporting format. Dr. Irvine explained that he had used Excel as a previous reporting tool and suggested Mr. Fortner speak with IT to determine the best course of action. Dr. Irvine asked that the NET be addressed on the CAC April agenda and asked Mr. Fortner to return with a notional composition and potential members.

Ms. Smith asked if there would be double work between NET and the energy-subcommittee and Dr. Irvine thought it might be possible to merge some efforts. Dr. Irvine asked if the charge for NET was stated in the plan and Mr. Fortner replied that it was vague and might need to be refined. Dr. Huntley noted the summary goal was not specific but explained the idea was to have experts who understood the energy market and the electric grid and how to practically implement the Green Energy Transition to help residents and make appropriate recommendations to Council. Dr. Irvine admitted he was impressed with the information on the dashboard that showed individual water usage and asked if there was a way for the City to show a collective usage. Mr. Fortner was unsure if the software had the capability. Dr. Huntley asked if Dr. Irvine wanted to see a time series of water usage and Dr. Irvine confirmed that he wanted to see aggregate usage for the City and thought it would be beneficial for residents to understand their usage. Ms. Smith asked how she could see her usage and Dr. Huntley answered that she needed to create an account through public works. Dr. Irvine did not think it would be difficult to have the vendor publish the data to the City's website provided there was no personally identifiable information listed and the City Solicitor approved.

Dr. Irvine believed the CAC needed to determine the pace of implementation and what projects

it was capable of undertaking. Mr. Fortner understood and suggested the CAC take more part in media, the dashboard, and encouraging good policy with residents and offered to present an overview once a year or a quarterly progress report. Dr. Irvine thought the quarterly report would be a better fit for the CAC as it was more current and was enthusiastic about using the plan as a guide. Dr. Huntley pointed that CAC was tasked with providing Council with an annual report regarding plan implementation and thought quarterly updates gave the CAC the opportunity to give input and recommendations. Dr. Irvine suggested the CAC could change the format of the annual report to match the needs of the plan because it did not currently reflect anything stated in the Sustainability Plan.

Dr. Huntley asked that Mr. Fortner specifically assign actions that staff took to specific action items or goals in the plan so progress could be better tracked. Dr. Irvine suggested Mr. Fortner use Smartsheets as a tracking tool. Dr. Irvine wanted to address the new commission at the next meeting and Mr. Fortner stated he would have a list of possible participants and Dr. Irvine said the CAC would also submit possibilities. Dr. Irvine speculated that Council would approve and appoint members and wanted to begin as soon as possible to get on a Council agenda. Mr. Fortner asked that the CAC email him a list of names.

4. GREEN BUILDING CODE WORK GROUP FINAL PRESENTATION – WILL HURD

Mr. Hurd asked that the CAC support him in his presentation to Council on March 16 where he planned to explain the process. He noted that the Planning Commission would take it up in April for recommendations, then it would be presented to Council in April for first reading and second reading was scheduled for May 4th. He explained that he wanted to use Council's feedback to address any issues with Planning to determine if more research was necessary.

Dr. Huntley asked if the CAC should recommend to City Council to support the Planning Commission's recommendation. Mr. Hurd said that was a possibility and explained that any support was helpful. Dr. Irvine and Dr. Huntley agreed it would be better to wait until after the Council meeting to support the plan. Mr. Hurd agreed and appreciated the opportunity have more eyes on the presentation. Ms. Smith asked to what extent exterior consideration of landscape around buildings was a part of the plan and Mr. Hurd answered that it was extensive and explained that he noticed the site plan approval process in the Code was written for Greenfield Development, meaning preserving and maintaining open space as well as keeping density. He continued that when the process was used for a redevelopment situation, it fell apart, and noted that adding sister-language to the legislation to provide for redevelopment was a lengthy process. He admitted there had been concerns with redevelopment projects and the work group addressed them in the plan. He pointed that one of the criteria for site plan approval was energy efficiency and the current code allowed for LEED certified or approval by the building department. The Work Group cut out the third-party LEED system and rewrote the code to require ten additional points using the credit criteria for site plan approval and by doing so, included site credits. He stressed that the City was doing a better job in coordinating with applicants and checking existing infrastructure around the site. Ms. Smith was concerned about redevelopment and the lack of tree cover. Mr. Hurd explained that one point was granted for every two additional trees per acre over the required amount of planting. Ms. Smith asked if the plan specified shade trees over small, ornamentals and he answered it did not. Ms. Smith stressed the importance of shade trees with heat island reduction and Mr. Hurd said he would investigate definitions. He wanted to make it easy for Code Enforcement to evaluate what was submitted versus what was in place and Ms. Smith noted the new ordinance had a list of trees but was not sure of how specific it was. Dr. Irvine also suggested using native trees and Mr. Hurd noted the plan addressed native planting.

Dr. Huntley asked if there was anything to stop a new owner from cutting down the trees and Mr. Hurd replied that the plan only came into effect when someone applied for a permit for a commercial building of 5,000 square feet or greater or a residential subdivision of three units or more. He explained that the prior code called for 20,000 square feet or greater but the Work Group reduced the footage and noted the City only had authority up to the permit of the certificate of occupancy, after which, the owner could choose a different path. He admitted there was no provision for landlords to maintain tree cover unless staff began addressing it in the subdivision agreements.

Dr. Irvine suggested creating a conservation district like a historic district and Mr. Hurd thought it was a possibility for some properties but noted that design landscape did not certify as a wildlife habitat. Dr. Irvine believed that if conservation districts were initiated, they would drive up property values and be an economic benefit. Dr. Irvine thanked Mr. Hurd for the presentation and confirmed the CAC would put forth a recommendation.

5. SINGLE-USE PLASTICS RESOLUTION DISCUSSION

Mr. Martindale updated the CAC on the Straw Resolution that Ms. Bensley was drafting and stated the educational piece was being put together by the Communications Division and he was concentrating on the measurable form to hand out to restaurants. He informed the CAC the resolution was on Council agenda for March 23rd and suggested that a representative from the Commission attend.

Mr. Martindale wanted to construct a timeline for the single-use plastics resolution and understood the State plastic bag ban would go into effect on January 1, 2021 and suggested piggybacking the City's resolution. Dr. Irvine asked if the plastic straw resolution structure would be applied to the single-use plastics resolution and Mr. Martindale replied that they were very similar in schedule and structure. Dr. Irvine believed the challenge with the State law was that it did not apply to businesses below a certain size and many of the businesses on Main Street would not be subject. Dr. Irvine wanted the resolution to encourage excluded businesses to not use single-use plastic bags to compliment the State instead of being redundant. Mr. Martindale agreed and noted that Council would also have input. Dr. Huntley asked if the ordinance only addressed bags or included other single-use plastics and Mr. Martindale explained the CAC could recommend whatever was relevant but noted it was subject to Council approval. Dr. Irvine asked how long the process would take and Mr. Martindale answered that it would be faster given that the process was streamlined with the straw recommendation and suggested having a single CAC contact with whom to work. Dr. Huntley wanted to clarify when the collaboration would take place and Mr. Martindale explained it would be necessary during the resolution drafting phase. Dr. Huntley stated that it was up to the CAC to have a conversation in May, appoint a collaboration contact, and then implement the recommendation. Mr. Martindale reiterated it would be discussed at the CAC May meeting, be brought to Council for direction, then take Council's comments and begin resolution research, and finally collaborate with Mr. Martindale. Ms. Smith recommended that the CAC include Plastics Free Delaware and asked if Zero Waste would have useful input. Ms. Chajes believed there was a lot of overlap with the groups. Dr. Irvine wanted the CAC to address the recommendation during the April agenda and Mr. Martindale suggested he reviewed the Council minutes from June 10, 2019, to anticipate the discussion. Dr. Irvine stated he would be looking for volunteers to be the point of contact.

6. MONTHLY CONSERVATION ARTICLE WITH NEWARK POST – SHEILA SMITH

Ms. Smith thanked Ms. O'Halloran for writing an article on short notice and noted it was in the print edition of the Post. Dr. Irvine asked if it was possible for the April article to tie into the Sustainability

Plan and Dr. Huntley pointed that plan specifically spoke of trees. Ms. Smith explained that the plan was for City planting and her article would speak to residents about their own behavior regarding biodiversity and supporting wildlife. Ms. Smith informed the members that the Newark Post had no distribution on UD campus and would now allow published articles to be used in The Review. Ms. O'Halloran said she would reach out to The Review and stated that she was generating content for the City's social media. She asked all members to send their articles to her a week in advance so she could craft them into content for Ms. Gravell to post. Dr. Huntley recalled that Ms. Gravell scheduled social media postings three weeks in advance and suggested that authors submit early thoughts to Ms. O'Halloran so they would be published around the same time. Ms. O'Halloran explained that she wanted to be on the schedule and submit the content when it was available.

The Committee discussed the schedule for the articles and determined it to be:

April – Native Planting – Smith
May – Bicycling – Bike Newark
June – Community Day - Irvine
July – Invasive Species – Smith
August – Reforestation - McDowell
September – Recycling - Huntley

Dr. Huntley pointed that May was National Bicycling Month and said she would reach out to Bike Newark to have them submit an article.

7. ANIMAL SHELTERING ORDINANCE ORIGIN UPDATE – HELGA HUNTLEY

Dr. Huntley said she received the Council minutes from when the ordinance was approved but said they were vague. Dr. Irvine noted it was approved around 1997 and Dr. Huntley spoke with Mr. Clifton and asked if he recalled the ordinance. He remembered that Council specifically wanted to address animal abuse and agreed the ordinance should be reviewed. Mr. Clifton suggested a meeting with Dr. Huntley and Mr. Bilodeau to make the ordinance more concise. Dr. Irvine agreed and suggested incentivizing beekeeping and bat boxes as they were benefits to the habitat and asked that it go on the May agenda.

8. PLANNING AND DEVELOPMENT REPORTS

Dr. Irvine asked Mr. Hurd who tended to the historic preservation of the City. Mr. Hurd replied that there was a historic preservation ordinance with a list of buildings that were protected although he was unsure of the process in becoming a preserved historic building. Dr. Irvine commented that if residents were not proactive, the City could potentially lose historic architecture. He continued that he spoke to the City Solicitor who revealed the CAC's charter did not empower the group to focus on building conservation. He suggested that the Planning Commission review the ordinance so the City could be proactive versus reactive. Mr. Hurd explained it was difficult for the Planning Commission because they were tasked with balancing the overall benefits to the City and individual property rights. Dr. Irvine said that the character of Main Street was what drew visitors and wanted to consider why Main Street originally received its award. Mr. Hurd noted that staff was unable to devote time to research but indicated there was an RFB out for a consultant to support the Planning Department and should be opened in April. He expected staff could then devote time to preservation.

9. OLD/NEW BUSINESS

Dr. Irvine thanked Dr. Huntley for her feedback on the CAC Annual Report draft and asked if there were additional edits.

MOTION BY MS. SMITH, SECONDED BY DR. HUNTLEY: TO APPROVE THE 2019 CAC ANNUAL REPORT AS SUBMITTED WITH DR. HUNTLEY'S AMENDMENTS.

MOTION PASSED. VOTE: 6 TO 0.

AYE – IRVINE, CHAJES, HAZELWOOD, HUNTLEY, O'HALLORAN, SMITH.

NAY– 0.

ABSENT– MCDOWELL, MATSUMOTO, WESSELLS.

10. NEXT MEETING – APRIL 21, 2020

Dr. Irvine pointed that the next meeting was April 21 due to City Council elections and Ms. Smith informed that there was a candidate night held by the League of Women Voters at the Newark Senior Center on March 24th at 6pm.

11. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Nichol Scheld
Administrative Professional I

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