

CONSERVATION ADVISORY COMMISSION
MINUTES

June 8, 2021

MEETING CONVENED: 7:04 p.m. GoToMeeting

MEMBERS PRESENT: Chair Sheila Smith, Beth Chajes, Helga Huntley, Andrew O'Donnell, Jean Hedrich, John Mateyko (arrived late)

ABSENT: MaryClare Matsumoto

STAFF: Thomas Coleman, City Manager
Michael Fortner, Planner II
Jeff Martindale, Chief Purchasing & Personnel Officer
Nichol Scheld, Administrative Professional I

Ms. Smith called the meeting to order at 7:04 p.m.

1. APPROVAL OF MINUTES APRIL 13, 2021 and MAY 11, 2021:

Dr. Huntley offered corrections for both sets of minutes.

Dr. Huntley's suggestions for the April edits:

1. Dr. Huntley's verbatim edit request: I don't think that's actually what he said. I think what he is that they wanted to build the charging infrastructure for municipal EVs to test it out prior to buying EVs for such critical services as the Police.

Mr. Martindale's verbatim comment: Again, they were not on the PD side of things, I think before we wanted to start incorporating any electric vehicles for Public Safety purposes, we wanted to at least make sure that we could have sustainable charging infrastructure for municipal services first.

The minutes read: He acknowledged the EVs were not for the NPD because staff wanted to incorporate any EVs for Public Safety purposes first and still needed to ensure that the City had a sustainable charging infrastructure available for municipal services.

The minutes will now read: He acknowledged the EVs were not for the NPD because staff wanted to incorporate any EVs for non-Public Safety purposes first and still needed to ensure that the City had a sustainable charging infrastructure available for municipal services.

2. Dr. Huntley's verbatim edit suggestion: I don't think that's correct. I think the Interceptor is actually the vehicle that they are buying and outfitting and that, if I remember correctly what that statement was about is that they wanted to test the hybrid Interceptor before fully committing to it. So, they bought some hybrids and some traditional gasoline vehicles.

The minutes read: Ms. Scheld interjected and said that Mr. Bancroft entered a message into the chat function that confirmed the recent vehicle purchases included extensive discussion around

EVs but there were funding constraints and NPD wanted to test the vehicles prior to outfitting an Interceptor.

The minutes will now read: Ms. Scheld interjected and said that Dr. Bancroft entered the following message into the chat function: The last purchases did get lots of electric discussion, and there all kinds of constraints on the \$. Police have a hybrid - but testing a bit before outfitting as an interceptor. Thx guys.

Dr. Bancroft was participating from a computer without a microphone or camera, so he used the chat function. I have edited to include his message from the chat transcript.

3. Dr. Huntley's verbatim edit suggestion: On page 10, there was something about what John Mateyko had said referring to Chapter 10 of the IPCC Climate Mitigation and something must have gotten lost there because there are IPCC reports so maybe it's supposed to refer to one of their reports. They are not called Climate Mitigation Reports so I'm not sure what that is and maybe that can be clarified what he actually said.

Mr. Mateyko's verbatim statement: And now it's a separate chapter, Chapter 12 of the IPCC Climate Mitigation, so it's said to be absolutely essential to get back there where you can walk.

The minutes read: Mr. Mateyko informed that connectivity was separated as Chapter 12 in the IPCC Climate Mitigation which considered the issue as absolutely essential to return to walkable communities.

Dr. Huntley's suggestions for the May edits:

4. Dr. Huntley's verbatim edit request: On page two, in the first big paragraph, talking about what Mike Fortner said about the DNREC grant. I am pretty sure that he referred to a grant opportunity for implementing the Sustainability Plan as opposed to a grant for the Sustainability Plan because we already got that grant and we already have the Plan.

Mr. Fortner's verbatim statement: I'll tell you what, probably not for the Comp Plan necessarily because it's one of those detailed things. Now, I will tell you just, and we're off the Comp Plan a little bit, but I just had a conversation with DNREC saying they'd give us a grant for the Newark Sustainability and so they're going to do another round of that and asked about our interests and some feedback. So, there may be another thing we could apply for where we do, because I think they have one that's about environmental, what'd you say? Environmental Impact of this climate change and how.

The minutes stated: Mr. Fortner did not think the incorporation would be included in the Comp Plan and informed that DNREC intended to give the City a grant for the Sustainability Plan which could be another application opportunity for staff.

5. Dr. Huntley's verbatim edit request: A couple lines down further down from there, there's a quote of what I supposedly recommended be put into the Comp Plan which I hope I didn't say it that way because it doesn't make sense that way but maybe we can just rephrase that because it was meant as an example of something that could be put into the Comp Plan as opposed to a suggestion for that specific language should be in the Comp Plan revision.

Dr. Huntley's verbatim statement: But what I had in mind for the Comprehensive Development Plan, for example, you have a section in there about flood plains, right? And so instead of saying "we expect that flood plains are treated in such and such a way" then add to that and say "as we know that the flood plains will be expanding and that there will be additional flooding due to climate change in the next 10 to 50 years, we expect developers to..." you know, whatever you want to put in there but to take that into consideration in their development plan.

The minutes state: She referred to a section in the Comp Plan about floods plains and suggested amending the language to say "as we know that the flood plains will be expanding and that there will be additional flooding due to climate change in the next 10 to 50 years, the City expects developers to take the consideration into development plans".

The minutes will now state: She referred to a section in the Comp Plan about flood plains and suggested amending the language to say "as we know that the flood plains will be expanding and that there will be additional flooding due to climate change in the next 10 to 50 years, the City expects developers" to take the consideration into development plans.

6. Dr. Huntley's verbatim edit request: On page five, the last sentence of the first paragraph there, it says about me that I "did not think it was necessary to adhere to the initiative guidelines and believed the partnership made sense regardless of whether the partners agreed." That makes sense like, I want a partnership regardless of what my partners think. I hope that that's not what I said. I imagine that, I think, if I remember correctly, what I said is that we can have more stringent efforts to reduce our lights even if the partners don't go along with making it more stringent. So, if our partners want to fully reduce their lighting during the migration times, then the City can still go beyond that. The partnerships still make sense even if they only partner during the migration times. I think one can just correct that by adding to the end of that sentence "regardless of whether the partners agreed to extend the initiative". I think then that makes more sense.

Dr. Huntley's verbatim statement: I don't think we have to stick to that particular outline of that initiative, but I think the partnership makes sense regardless of whether our partners agree to the year round or not.

The minutes stated: Dr. Huntley did not think it was necessary to adhere to the initiative guidelines and believed the partnership made sense regardless of whether the partners agreed.

The minutes will now state: Dr. Huntley did not think it was necessary to adhere to that particular outline of the initiative and believed the partnership made sense regardless of whether the partners agreed to participate year-round.

7. Dr. Huntley's verbatim edit suggestion: It says in the second point, that the City of Newark reduce its lighting to the extent possible from midnight to 6 am, in and around City facilities, as well as along its roadways. And then there's the words "beyond their superfluous" in there and they don't make sense to me, I think they need to come out, those three words.

Dr. Huntley's verbatim statement during the verbal motion revisions: as well as along its roadways beyond their superfluous, and I wanted to switch out, in the first recommendation, instead

of saying “to recommend lights out actions”, I wanted to say “urging lights out actions”

The minutes included “beyond their superfluous” because that was the language that the members voted upon. However, Ms. Bensley recognized that the wording for the formal motion was odd and edited the three words out of the resolution before submission to Council.

Mr. Mateyko joined the meeting and Ms. Smith asked Dr. Huntley to address the edits. Dr. Huntley reiterated the issue with the April minutes where Mr. Mateyko referenced Chapter 12 of the IPCC Climate Mitigation and asked if he remembered to what document he was referring because she was unfamiliar with it being called Climate Mitigation. Mr. Mateyko confirmed that he was referring to the Intergovernmental Panel on Climate Change (IPCC) and the volume was Mitigation, so it should be cited as “IPCC, Mitigation, 2014, Chapter 12, Human Settlement, Infrastructure, and Spatial Planning”. Ms. Smith clarified that the question was whether or not it was a report or something else. Mr. Mateyko confirmed it was the official consensus and was roughly 1,000 pages long. Dr. Huntley wanted to include the date to show that it was from 2014 and clarify that it was the Climate Mitigation chapter of the 2014 IPCC Report and Mr. Mateyko confirmed.

MOTION BY MR. MATEYKO, SECONDED BY MS. CHAJES: TO APPROVE THE APRIL MINUTES SUBJECT TO THE SUGGESTED EDITS.

MOTION PASSED. VOTE 6 TO 0.

AYE: HUNTLEY, CHAJES, MATEYKO, O'DONNELL, HEDRICH, SMITH.

NAY: 0.

ABSENT: MATSUMOTO.

MOTION BY MR. MATEYKO, SECONDED BY MS. HEDRICH: TO APPROVE THE MAY MINUTES SUBJECT TO THE SUGGESTED EDITS.

MOTION PASSED. VOTE 6 TO 0.

AYE: HUNTLEY, CHAJES, MATEYKO, O'DONNELL, HEDRICH, SMITH.

NAY: 0.

ABSENT: MATSUMOTO.

2. PUBLIC COMMENT:

There was no public comment.

3. COMPREHENSIVE PLAN UPDATE: MIKE FORTNER

Ms. Smith noted the number of participants and prefaced the presentation by saying that the members would first listen to the presentation and Mr. Fortner could either solicit questions or wait until the end of the presentation and be called on in an orderly fashion. She emphasized that there were two presentations and reiterated that she would go through the roster at the end of every presentation to allow members the opportunity to ask questions or give comments.

Mr. Fortner stated that the presentation was based off of the Coffee Break Workshop that many members had joined and was modified for the CAC. He informed that he would present two or three slides and pause for questions prior to moving on to the next topic. He reminded that the Comprehensive Development Plan (Comp Plan) laid out the City's land use policy, served as a blueprint for how the City would develop, and included initiatives that were related to land development, impacted land development, or were impacted by land use development, such as economic development, transportation, infrastructures, parks and open space, annexation, housing, and environmental quality.

Mr. Fortner then introduced themes that were derived from the Comp Plan and created the Sustainable Newark Plan:

1. Respond to Climate Change – clean energy
2. Development for all – planning as a tool for sustainability
3. Green Buildings
4. Preserving the natural environment

Mr. Fortner presented the Complete Communities Toolbox, a mechanism created by UD's Biden School of Public Policy, to demonstrate planning principles for communities to develop that were directly related to sustainability. He continued that "Complete Street" was the concept that streets were planned for automobiles as well as bicycles, transit, and pedestrians so that when a street was developed, it was considered with a holistic approach to support all types of transportation. He explained that Efficient Land Use could include concepts of mixed-use development, promoting density where appropriate, not only developing green fields but also re- and infill development. Other aspects of the Toolbox were healthy and livable, inclusive and active, and sustainable and resilient.

Mr. Fortner explained that Comp Plan V was adopted in 2016 and was the first Comp Plan to have a specific vision with three elements: healthy and active, sustainable, and inclusive. He noted that the elements crossed into the Sustainable Newark themes so something that addressed a healthy and active community could also address sustainability and inclusivity. He clarified that bicycle and pedestrian accessibility to encourage exercise was not only a part of a healthy and active community but was also part of a sustainable community, where residents were able to safely use alternative transportation, as well as an inclusive community because children, seniors, and low-income residents would not be reliant on cars. He explained that his slide was color-coded so the blue sections of the Comp Plan were all related to sustainability themes: bicycle and pedestrian, complete streets, and compact and mixed-use development for a pedestrian friendly environment. He continued that the green section of Preserving Nature and Reducing Impact was related to the Comp Plan Elements of ample parks and open space to provide opportunities for active and passive recreation, protecting the stream valley/watershed, high air and water quality, and parks and open space. He emphasized that sustainability was a theme throughout the Comp Plan.

Mr. Mateyko complimented Mr. Fortner on the simplicity and clarity of the overview. He mentioned that the reference he was asked about including in the document earlier was only 89 pages for the chapter was not science and was written by a planner. He said that it was all of the language that Mr. Fortner knew and had been reading throughout his whole career, not science, and was about what Mr. Fortner was presenting that evening. He considered the document to be very useful for the City's work if Mr. Fortner could reference it as the science-based reference that tied the issues to science-based climate change issues and ecological change issues so they would all have the same point of reference

back to the science. Mr. Fortner said that he would coordinate with Ms. Scheld to review the document for review.

Ms. Smith referred to Mr. Fortner's slide and confirmed that the elements indicated a high quality of life and asked for the incentive for a developer to apply all of the principles. She was unsure that they were always applied such as preserving historical resources, which she assumed included buildings. She was not sure that much attention was paid to all of the elements and asked at what point developers brought their plans and the principles were applied through the Planning Commission, then through City Council, and then through the Planning Department. Mr. Fortner replied that the principles were developed early on in the process and sometimes during the concept phase. He explained that developers often came to the Planning Department before proceeding too far to discuss concepts of how their property might be developed or redeveloped. He informed that staff explained what the City was looking for with the elements in the Comp Plan and the important values in specific areas. He reiterated that the principles were addressed early on and remained in the forefront throughout the Planning Commission and Council process. Ms. Smith admitted the issue was addressed and asked what would compel the developers to follow the Plan. Mr. Fortner replied that many of the elements were codified and were a requirement for developers. He continued that developers often sought non-discretionary types of development, such as a special use permit or zoning change, which provided more leverage than a by-right. He repeated that developers had incentives to demonstrate that their designs included sustainability features and reminded that the City recently updated its Green Building Code and developers were now required to meet a higher standard in terms of creating a building that included elements of more sustainability.

Mr. Mateyko interjected and noted that many items were being updated quickly. He suggested that a single sentence could make the vision statements Code requirements by stating that "these areas have been found to be matters of health, safety, and welfare, and the City of Newark requires that they be applied using the best available science and best practice to achieve them." Ms. Smith thanked Mr. Mateyko for his point and asked which of the elements were codified. Mr. Fortner replied that the concept was a principle more so than some sort of code but confirmed that new developments had to have connectivity with pedestrians including sidewalks, and most buildings were required to have bicycle parking for mixed-use buildings and some demonstration on how bicycles were able to connect to the building. He admitted that Complete Streets was more of a State policy but was implemented by City staff where feasible. He added that parks and open space was a principle that was overseen by the Parks & Recreation Department that actively sought that the City had regulations for open space and recreation as part of a development. He emphasized that it was a combination of principles and codes.

Ms. Smith asked what compelled the developers to comply with the principles. Mr. Fortner replied that the developers had to pass through the Planning Commission and City Council and confirmed that not all projects were controversial because some could be very sustainable. He admitted there were some projects of which some people would not approve but staff tried to enforce the principles. Mr. Mateyko emphasized the need for a strong Code for potential legal challenges and informed Mr. Fortner that lawyers would suggest referring to what the legislature gave for home rule power to address, namely the Police Power, to preserve health, safety, and welfare. He suggested that Mr. Fortner use those specific words because the elements were all elements of protecting the public health, safety, and welfare and would be evidence of power in the legislature. The language would allow the City to require bicycle and pedestrian accessibility and Mr. Mateyko suggested that it would be clear to any judge to not second-guess the City's work. He emphasized the need for staff to be cautious where the City found the legal basis for actions taken in regard to ecosystem and climate change.

Dr. Huntley believed that generally, the vision was a statement of principles that was not concrete enough to require compliance. She explained that the City could not force a new development to provide bicycle accessibility and required definition. She gave the example that required bicycle parking would be a way of putting the requirement into Code and found the City's Code weak on translating the visionary statements into concrete requirements on the developers, which she believed was what Mr. Mateyko was asking the City to strengthen. She added that perhaps the CAC should consider making a proposal that should go to the Planning Commission prior to going before City Council to strengthen the requirements for Site Plan Approval because that was where developers had the opportunity to waive zoning requirements in exchange for taking special actions. She believed that in recent years, the special actions often meant complying with what was already required with a just a little more effort and was where the concepts could be emphasized and highlight areas of where extra measures could be taken to further the vision. Mr. Mateyko confirmed and suggested that when items were cited as elements of health, safety, and welfare, then staff was taking them off the table as something that could be negotiated away because the City had a legal requirement, a duty, to protect the public health, safety, and welfare. If the City neglected to do so, then anyone could sue the City for the neglect of it, not from the developers side, but by giving that away which was an element of public health, safety, and welfare. He considered it to be a smart bargaining position and he thought that courts, developers, and architects would appreciate the clarification.

Mr. Fortner considered Dr. Huntley's comment to be fair and confirmed that the elements were the City's aspirations but agreed that it was a fair criticism to say that the City's Code was weak in some areas. He informed that when staff revised the Code with specific ordinances, they cited that the principles of the Comp Plan were met, such as the Green Building Code, developed by Committee and passed by Council. He explained that the Code was passed because the Comp Plan clarified that it was a principle to make a sustainable community and fit within the Sustainable Newark Plan. He reiterated that the Comp Plan was the blueprint, but Codes were necessary so when staff found a Code that needed improvements then staff could develop the ordinances and the CAC could participate.

Mr. Fortner reiterated that sustainability ran throughout the entire Comp Plan and he chose a few pertinent subject areas to discuss with the CAC. He explained that sustainability principles encouraged density and mixed-use for pedestrian friendly communities. He continued that if residents were able to reside in walkable communities and density was a sustainable way of life, then the principle was sustainable. He noted that Green Building and energy efficiency was another principle that staff could address through housing. He continued that the goal was to encourage housing to be built and renovated to high energy efficiency and reduce the environmental impact, including developing the Leadership in Energy and Environmental Design (LEED) Program. He noted that LEED had been implemented by the City and suggested future improvements were possible until the point where the City had completely energy efficient, net zero buildings. He added the policy also recommended to continue to provide the Newark Energy Watch Program to assist residents in weatherizing their homes and added that the Home Improvement Program assisted with home efficiency for residents needing more efficient appliances. He reiterated that staff incorporated sustainability into the housing plan.

Mr. Fortner continued people often considered transportation when considering sustainability because bicycle, pedestrian and transit were all part of a sustainable community. He noted the principles included Complete Streets, compact and mixed-use developments (efficient land use), pedestrian and bicycle friendly communities, and transit-oriented developments. He explained that transit-oriented development was essentially mixed-use development because the City was building an environment that

could be adequately served by transit and, if a sparse development was created, then transit did not serve the community as effectively. He informed that connectivity was another principle and emphasized that the City connected the roads and sidewalks to ensure alternate access routes. He revealed that there were many items in the Transportation chapter for sustainability, including bike plans and explained that the Transportation Investment District (TID) was currently being developed with a Steering Committee which considered transportation from a holistic aspect versus the previous piecemeal practice. The TID created a model of the City based on future land use projections and anticipated what the City's transportation needs would be and how they could be addressed. He continued that as the City developed, staff would have already planned for the necessary transportation infrastructure. He revealed that with the City's TID, staff was investigating for automobiles as well as pedestrians, bicycles, and transit. He informed that Newark TRIP (Transit Improvement Program) considered all of the City's transit services, including Unicity, DART, the UD bus, and Cecil Transit to provide services from Cecil County. He explained that all of the buses served different populations and said that stakeholders met to consider how to better coordinate services with the new services from SEPTA and MARC.

Mr. Mateyko asked if the TID was formally signed onto the by City. Mr. Fortner replied that the TID was currently in the agreement phase so there was an agreement to develop the TID, but Council had not approved final TID. Mr. Mateyko likened the formalized TID to a nuclear weapon because once the City signed on, all of the money that went into the kitty was basically a matter of war and the Transportation Department which would say that the other property owners, in good faith, put money into the area, and the City would have to align the transportation to the Transportation Department's expectations. He informed that the document could be cured of any sustainability problems with one sentence, which was why he previously spoke about the earlier chapter and was the place in the sustainability literature having to do with the sustainability of nature and ecosystems, and the sustainability of the climate. He suggested that the clause read "as consistent with the best available science as presented in IPCC, 2014, Mitigation, Chapter 12" and reiterated previous statements of support. He credited the chapter as being authoritative and repeated that it was the international consensus document on the specific topic.

Ms. Chajes noted that the roads mentioned in the final line of Action Item 1 Transportation seemed to be related to College Square, not University Plaza. Mr. Fortner confirmed and would correct the oversight.

Mr. Fortner then explained that the sustainability principles of Environmental Quality and Natural Resources included Green Energy, conservation, recycling, protection of the floodplains, and high quality of air and water. The goal was to encourage green development and conservation practices as well as to provide encouragement, information, technical support, and incentives to Newark households and businesses on sustainable landscaping and conservation practices, such as rain barrels and rain gardens. The policy recommendations were to continue the UDon't Need It program, the Green Building Code, provide more information stormwater runoff reduction, and educate residents to live a more sustainable lifestyle.

Mr. Fortner noted that Parks and Recreation included open space, protecting the urban forest to reduce heat islands and absorb carbon emissions, preserving wildlife habitats, and having a beautiful City. The goal was to enhance the City's natural environment by using City parks and open spaces to preserve natural areas and wildlife habitat. He continued that one policy included was to meet or exceed the US and Delaware Forest Service's calculation of a 30% minimum healthy tree canopy coverage within an urban area.

Mr. Fortner described that the sustainability principles of land development were infill development, redevelopment instead of new greenfield development, compact development with density and mixed-use where appropriate, availability of active and passive recreation, and preserving natural areas. He noted that staff had not yet implemented and were still reviewing more Form-Based Codes (FBC) which used more pictures and concentrated more on the form of the development rather than uses. Policy recommendations were to encourage redevelopment, high density, and cluster developments. Mr. Mateyko interjected that FBC allowed all of the good things to happen because Codes very often prevented current cities from becoming the historically preferred cities. He emphasized that FBC allowed people to do the right thing.

Ms. Smith asked Mr. Fortner to clarify the difference between FBC and what the City currently had. Mr. Fortner explained that FBC were more visual and focused more on the design than uses. He admitted the topic was complicated and suggested a Google search for better descriptions. Ms. Smith understood that design elements became more critical and suggested that the development at College Square was more FBC given all of the design elements and requested clarification. Mr. Fortner explained that FBC were not yet common in the City and continued that the redevelopment at College Square was an improvement but included some elements that he thought could have been better executed. He noted that the elements had the ability to improve in the future and he did not think the project needed as much parking as it had and suggested that the developer could add more buildings as the parking code modernized. Ms. Smith suggested more green space and Mr. Fortner replied that the project included a large amount of green space but agreed.

Mr. Mateyko interjected that the bottom of the Parks & Rec page in the presentation included "City Beautiful" and he informed that America the Beautiful was the title of the report issued by the Biden Department's America the Beautiful, which came out three weeks prior and included the heavy hitters where the trillions of dollars in funding would be buried in Interior, Agriculture, and Commerce. He assumed that President Biden would want Delaware and the City to have a portion of a potential \$1 billion infrastructure bill. He asked if the City had any concepts where it was possible to expand nature-based solutions by street dieting and different techniques used to sequester flood waters, storm waters, and by-land. He thought the scenario was likely to happen in the next six months and the money could become available. Mr. Fortner stated that he did not have comprehensive knowledge of everything and assumed there would be a partnership with the City Manager's office, Public Works, and the Planning Department to coordinate with DelDOT. He informed that the City had a bicycle plan and a transportation plan and confirmed that there were possibilities, but he could not be specific about any project that could address sustainability. Ms. Smith asked Mr. Mateyko if he was asking to have a wish list prepared in case the City received funding and he confirmed and wanted to think in terms of major issues such as flooding, extreme heat, preservation of nature, quality of life, and walkability quality.

Mr. O'Donnell suggested electric busses and Ms. Smith envisioned more trees along the streets and in the parking lots because she did not think the City was trending towards walkable.

Dr. Huntley noted that Mr. Fortner presented many items from the Sustainability Plan and asked to what extent the committee in charge of revising the Comp Plan was aware of the elements of the Sustainability Plan. Mr. Fortner replied that the Sustainability Plan would be captured in the revised plan in some way and, at a minimum, would be referenced as an action item under the Environmental Quality chapter. He informed that there would be a write-up about the process as the plan was done and what it would include of the elements. He suggested it could be possible to create action items in the Comp Plan

from the Sustainability Plan. He considered the Sustainability Plan to be a very important development over the last five years and its action items and goals would be recognized by the Comp Plan.

Ms. Hedrich asked if the City provided developers with any specific information regarding what native plants were preferred and if wildlife surveys could be done if needed. She was specifically interested in reptile/amphibian species that could not fly away during development and if developers received specific education. Mr. Fortner replied that the Parks Department worked with developers with a list of native species and confirmed that staff performed a survey of the site to search for trees to protect and confirmed that developers received guidance. He explained that much of the City's development was infill but confirmed that environmental studies were completed (including wildlife habitat studies) and were required to be submitted before permits were granted for development on newly annexed land. Ms. Hedrich read that The Grove at College Square would have 1,000 newly planted trees and asked what trees would be planted and how staff could encourage the developers to use trees that would most benefit wildlife. Mr. Fortner reiterated that the Parks Department was responsible. Ms. Smith replied that the previous plant list included many invasive species and few native, so she worked with State Botanist Bill McAvoy, Tom Zaleski, Tara Trammell, and Joe Spadafino to rewrite the plant list to include more native species. She hoped that the City would eventually be able to provide information about the trees because many landscape designers were unaware of how to choose the proper tree for the area. She agreed that the project would add to the tree canopy but did not want them all to be crepe myrtles. Ms. Hedrich agreed with Ms. Smith that the rationale was important and that developers understand why native plantings were important. Ms. Smith revealed that she was a commissioner on the Native Species Commission and was a constant advocate for native species.

Mr. Mateyko interjected and asked if there could be a provision for the changing climate. He learned that the Philadelphia Parks Department had a planting list of trees that were native to North Carolina in anticipation of climate change to the region and suggested further investigation. He stated that when the region experienced extreme heat, many people were unable to use the sidewalks. He wanted to revise the Code and allow for small rooted trees to be planted as mandatory action during renovations, new home builds, and buying and selling houses. He continued that sidewalks were useless when the climates changed, and the temperatures were uncomfortable, and he thought the sidewalks needed to be shaded. He reiterated his suggestion that parkway strips be planted with small rooted trees to provide shade and biodiversity. He explained the trees would be native to whatever state they were from and would also provide the service of allowing people to use sidewalks without undue stress in very hot weather. Dr. Huntley suggested that the members separate the idea from the Comp Plan discussion because, in addition to having developers plant native trees as specified by law, Mr. Mateyko's suggestion was one that the City could take. She suggested that Mr. Mateyko explore the idea more and have a separate discussion. Mr. Mateyko wanted to use Federal funding towards trees to beautify the streets, provide shade, and add to biodiversity. Ms. Smith agreed with Dr. Huntley to explore the topic at a further date and asserted that the current list could be improved.

4. GREENHOUSE GAS EMISSIONS INVENTORY – TOM COLEMAN AND DAVE ATHEY, AECOM

City Manager, Tom Coleman introduced Dave Athey and Joshua Lathan. He explained that after his meeting with the CAC, he reached out to the City's two consultants: JMT and AECOM. After speaking with AECOM, he thought it was obvious that they were best suited to the task. They discussed the CAC's needs, reviewed the Sustainability Plan, and created a task order outlining a rough budget.

Dave Athey explained that he was a Newark resident and a project manager of the Sustainability Plan. He noted that the Sustainability Plan had been referenced multiple times that evening and recognized that Ms. Smith and Dr. Huntley were very helpful and influential throughout the process. He considered it to be a comprehensive approach with four themes, 17 goals and 84 action items all around balancing the needs of the people and the planet while enhancing the quality of life of current and future residents. He continued that in addition to compiling the ongoing City efforts and laying out a framework for future actions, one of the best parts of the Sustainability Plan was helping build support and awareness through two public meetings and two Community Day events.

Mr. Athey indicated that to successfully address Theme 1, the City needed to complete a greenhouse gas (GHG) inventory to compile good data. He continued that the data was not simply the reaction to climate change but also other themes of clean transportation and sustainable building design and explained that many of the goals and action items hinged upon the GHG emission inventory. He explained that Goal 1.4 outlined the basic steps on how to complete the inventory, reiterated that AECOM created a proposal to further explore the points, and revealed that there would be decision points where the CAC would assist.

Josh Lathan, the City Climate Action Planning Lead at AECOM, had been engaged in GHG emissions analysis and climate planning since 2008. He explained that GHG inventories were a way to represent the amount of GHG emissions generated by an entity – country, state, community, local government, or a business. He continued that inventories were expressed by metric tons of carbon dioxide equivalent per year and that using carbon dioxide equivalent per year (CO₂e) allowed for several GHGs to be represented in one normalized unit. Doing so recognized the fact that different GHGs had different potencies when warming the climate and was known as Global Warming Potential. He revealed that CO₂ had the potential of 1 and was the normalization point, while methane had a warming potential of 28 and was 28 times more powerful at trapping heat in the atmosphere. He continued that using CO₂e was a way of normalizing the different global warming potentials and revealed there were different GHG inventory options depending on the types of emissions needed representation. The two most common options at the City level were a city-wide or community inventory and then a municipal operations inventory. He noted that inventories could also be prepared for specific pieces of infrastructure such as an oil field, port, business, or individual city departments. AECOM suggested a City-wide or municipal operations inventories for the CAC's purposes. He continued that inventories could be helpful in establishing a baseline for analysis, as well as illustrating emissions trends over time as additional inventories were prepared. Doing so helped illustrate the macro emissions trends in the community, provide a comparison against a GHG target, and understand what impact the City's actions had in reducing local emissions.

Mr. Lathan presented a five-year emissions trend from a previous project organized by emissions sectors: stationary energy, transportation, and waste. He clarified that the trend highlighted the City's areas of opportunity or need for focus in terms of GHG reductions and explained that any ambitious target in the City needed to solve its stationary energy emissions challenge to be successful. He emphasized that it was best to prepare an inventory that represented the emissions for which the GHG target would be set and gave the example that if the CAC wanted to prepare Climate Action Plan (CAP) that achieved 50% reduction in City operational emissions, then a municipal operations inventory would be a suitable starting point to help understand the source of the emissions and what reduction opportunities might be feasible or available. He continued that if the desire was to achieve community wide carbon neutrality by 2060, it was necessary to have a baseline of emissions for comparison that described emissions resulting from community activities in the entire city. He informed that for most cities, municipal operation emissions were reflected within the community inventory with much less granular detail and often represented 3%

to 5% of total community wide emissions. He explained that inventory protocols were guidance documents that indicated which emissions should be included and how they could be estimated.

Mr. Lathan explained that protocols relevant for the City's purposes typically described emissions in terms of sector, such as transportation or waste, and then further organized them according to scope. He defined emissions scope as descriptions of where emissions occurred. He continued that Scope 1 emissions occurred inside the City and included direct combustions of natural gas in homes to heat water or gasoline in vehicles or lawn mowers. Scope 2 emissions were caused by activities in the City that consumed electricity or grid-tied steam or heat, but most likely occurred outside of the City's boundary at the point of generation. As such, the scope would represent all electricity used in the community for lighting, heating, water heating, charging electric vehicles, et cetera. He continued that Scope 3 emissions occurred outside of the City but were caused by activities within the City, including waste generated and sent to landfills, where it decayed to generate landfill methane, or occurred by travel outside of the City's boundaries by residents or local employees commuting to or from the City for work, or by visitors coming to shop. He continued that the selected inventory protocol would indicate what emissions must or should be estimated and how to do so.

Mr. Lathan informed community inventories attempted to represent the emissions caused by activities within a geographic area and were organized into sectors or buckets, such as stationary energy, transportation, and waste. He noted that cities could also include agriculture and forestry emissions or industrial product and process emissions where basic emission reporting expectations were not sufficient. He continued that emissions could be further organized into subsectors to offer granularity in results and the subsectors that were applicable were relevant on a community by community basis. He elaborated that transportation sector emissions could be further organized into on-road vehicles, railways, waterborne navigation, aviation, and off-road vehicles and equipment. He stated that Newark had a unique aspect to its community inventory in that it had a university. For inventory purposes, AECOM could treat UD an autonomous city and exclude UD-related emissions to the extent feasible which would help focus the inventory on the emission sources over which the City had some type of jurisdictional control.

Mr. Lathan emphasized the need to balance the inventory in terms of a complete representation of community emissions with the purpose to be used as a benchmark for GHG target setting purposes. He said that any emissions included in the inventory that could not be influenced by City actions meant that the City's ability to reduce them was constrained and would make GHG target achievement much more difficult. He revealed that he was working with the city of Davis, California, home of UC Davis, and was taking the exact same approach of excluding the university from the base year inventory and not including the emissions in the target setting considerations. He added that there was a technical advisory committee with strong representation from the university community because they needed to be partners in addressing a global crisis and it was understood that there would be opportunities for collaboration on GHG reduction actions within the city of Davis. He suggested another area to exclude a whole set of emissions were in communities that hosted military facilities because the host community did not have control over what happened on the base or how the emissions were managed.

Mr. Lathan presented a second option of preparing a Municipal Operations Inventory (MOI). He noted there were different protocols that could guide the preparation of a MOI but, in general, each attempted to do the same thing: demonstrate what emissions were caused as a result of normal City operations. MOIs could include energy used in City buildings and facilities, fuel use in City vehicles, refrigerant use in buildings and facilities, and, if the data was available, waste generated at City buildings and facilities, employee commutes, and specific pieces of large infrastructure that produced emissions

that were not captured in the previous list (waste incineration facilities, wastewater treatment plant). He emphasized that the level of detail in a MOI was based on the granularity of the data available and shared that a city could represent its emissions by department or in an aggregated value to express total municipal operations. He clarified that the inventory type, selected approach, and emissions slated for estimation should be based on a consideration of next steps, namely what the entity would do with the information once it was available.

Mr. Lathan illustrated additional considerations such as what GHG target was being set and if it was a communitywide target, municipal operations target, or both, and, if it was both, was the municipal operations target defined in a way that AECOM could develop a simple inventory to track instead of compiling a complete inventory with more detail. Another consideration was what base year would be used or what data was available. He explained that in 2021, many GHG targets at the state or national level were pegged to a 1990 inventory so most cities did not have the data necessary to develop a reasonable 1990 inventory. He revealed that he worked with 1990 inventories in Los Angeles and Chicago and both were educated guesses at best. He believed that if large cities with deep data struggled to come up with a 1990 inventory, then it was reasonable that smaller cities also lacked the capacity to develop a robust 1990 inventory. He continued that AECOM typically developed an inventory for the most recent year with full data to provide a clear picture of what emission were occurring and from where they came. He noted that 2020 would be the year for the City to use but was worthless for establishing a baseline due to the pandemic so AECOM would likely use 2019 or 2018 to attempt to reflect normal operating conditions. He continued that another question was how the information would be used next and if the City was developing a climate action plan or monitoring emissions inventories over time. He explained that there were different GHG calculation methodologies available for the inventories as described within the inventory protocols. He admitted that some were better aligned with the CAP and were better suited to help support GHG reduction estimates and comparability in the future. He continued that it was important to consider how often GHG inventories would be developed because it would be useful towards developing resources during the first round that could facilitate follow up inventories, such as a data collection tracker to track who submitted data, potential challenges in obtaining that data, and if the data needed to be conditioned or modified. He suggested that another consideration was what inventory tools were available or if it was necessary to develop a custom tool that could support multiple years of reporting.

Ms. Smith recalled previous discussions with Mr. Coleman and reminded that the Sustainability Plan charged the CAC with conducting and completing a GHG inventory. She asked if the CAC would be allowing Mr. Coleman the opportunity to choose the consultant and if the consultant would be paid with CAC funding. Mr. Coleman confirmed. Ms. Smith emphasized that a GHG inventory was beyond the CAC's ability and AECOM was currently engaged with the City in other tasks, so the CAC's decisions were whether AECOM would perform the task and what the scope of the project would be. She asked Mr. Coleman for the timeline for the CAC's decision and for the decision on committing CAC funds for the project. Mr. Coleman preferred to receive direction from the CAC on what level of detail was necessary and then vote to move forward that evening. Ms. Smith reiterated that the Commissioners were voting that evening to approve funding of an estimated \$79,000. Dr. Huntley informed that there were two different estimates depending on the scope and Ms. Smith confirmed.

Ms. Smith offered the floor to each member for more questioning and asked them to consider what the scope should be and the funding commitment. Mr. O'Donnell thanked Ms. Smith for providing guidance on the framework of the discussion, Mr. Coleman for coordinating the schedule, and Mr. Athey and Mr. Lathan for the presentation. He considered that evening's vote to be the most important in the

CAC's history and a defining moment as a committee. He noted that Municipal Emissions were 3% - 5% total emissions and if the CAC had 20 years to experiment, then a MOI would be appropriate. He emphasized that there was less than 10 years to make a significant impact and there was no opportunity to experiment. He admitted it was more expensive to spend \$76,000 instead of \$48,000 but noted the Commission had the budget. He reiterated that the initiative was the CAC's most important and urged the members to choose the Municipal and City option. He suggested a more detailed discussion to decide on the scope but preferred Scope 1 and Scope 2 because Scope 3 would be more difficult. He was open to suggestions from AECOM and complimented UC Davis, California, for being trailblazers; he hoped that they could provide predictions. He assumed that transportation and electricity consumption were first and second tier. He reiterated that the CAC would vote, AECOM would begin the project and coordinate with the City to collect the data and return to the CAC with reports. He continued that the 2021 baseline would be based off of 2019 data and the CAC would concentrate on low-hanging fruit first, make recommendations to Council, then Council would craft the recommendations into appropriate direction to the Planning Department through Code and then changes would begin. He would support the most aggressive action.

Ms. Hedrich thanked Mr. Coleman, Mr. Athey, and Mr. Lathan and agreed with Mr. O'Donnell's comments. She wanted to focus on whole community and municipal operations for the most effectiveness, agreed with Scopes 1 and 2, and looked to AECOM's recommendations for Scope 3.

Ms. Chajes agreed with Mr. O'Donnell's assessment of the urgency and scope of the CAC's actions. She shared that she lived in Davis, California, for five years during her formative environmental sensibilities and considered it to be a great recommendation from Davis that they chose AECOM to perform the inventory. She reiterated her support for as comprehensive plan as could be afforded.

Dr. Huntley asked Mr. Lathan what large cities did to meet the 1990 reference goals if they were unable to establish baseline data. Mr. Lathan replied that he had not followed up with Los Angeles to learn their approach, but Chicago recalibrated their target two inventory cycles ago and set their target against a 2005 base year. He revealed there was much higher confidence in the inventory year and said that most of the cities with which he worked did not set a 1990 target and were medium or smaller size cities. He explained that the 1990 target was common in California in the mid-2000s when climate action planning was starting because the state had a 1990 target, so all of the cities and counties were trying to replicate the state's target with the intent to return to 1990 levels by 2020. Dr. Huntley asked if Mr. Lathan's recommendation was to take the most recent, non-pandemic year with complete data and Mr. Lathan confirmed and assumed it would be 2019. Dr. Huntley believed the Sustainability Plan called for 2018 because staff anticipated that the process would have taken place a year earlier and found that Mr. Lathan's suggestion was the same as the Sustainability Plan's Steering Committee.

Dr. Huntley asked how AECOM received the data from the GHG emissions outside of the municipal operations. Mr. Lathan used the example of stationary energy emissions and said that requests would be issued for utility activity data from one or multiple utility companies for the geographic boundary for a calendar year to determine the total kilowatt hours sold. He continued that AECOM would often request that the data be broken down by rate classes of small/large residential, small/large commercial, institutional or municipal, so that the city could possibly be seen as a discreet line item within the information. AECOM then multiplied the kilowatt hours of use by an emissions factor that was collected or derived to represent the energy use providing electricity in that year. He reiterated that the data was meant to be metric tons per kilowatt emissions factor for the inventory year and the number would be multiplied to determine the electricity emissions. The same would be done for natural gas for total

thermal sold or total MMBtu multiplied by an emissions factor. Dr. Huntley thought the information was straightforward since the City sold the electricity. Mr. Coleman interjected that the City sold the electricity and Delmarva sold the gas, but the wildcard was that a large part of the City was oil and figuring oil heat would be a challenge. He was unsure how to handle gathering the data because several companies serviced residents and half of the City did not have access to gas. Mr. Lathan confirmed that non-grid-tied energy was difficult because so many vendors serviced customers. He shared that AECOM performed an inventory in Somerville, outside of Boston, and as a follow-on piece of analysis, the team tried to craft a custom methodology to estimate the fuel oil consumption using assessors data with information on the number of households that had fuel oil furnaces and other factors to determine consumption per square foot. He confirmed Mr. Coleman's statement that it was not an item where AECOM could send one data letter request and surmised that AECOM would likely have to create a custom methodology.

Dr. Huntley thanked Mr. Lathan for the presentation and supported a comprehensive GHG emissions inventory that included both the City and the factors outside of the municipal operations itself. She clarified that she had not yet decided as to the scope and how far to track back but reiterated her support for municipal operations and other GHG emissions within the City from outside of the municipal operations. She thought 2019 as a base year was clear and understood that the CAC was looking for the GHG inventory first and the suspected the follow-up action would be to develop a CAP. She continued that the point of developing the GHG inventory was because the CAC wanted to take action to make sure that the City met the emissions reduction goals set in the Sustainability Plan. Mr. Lathan added that the inventory protocol selected by the CAC would indicate what scopes should be included and excluded. He explained that for the communitywide inventory, the most likely protocol would be the GPC, which had three different reporting options: basic, basic plus, and super bonus. He explained that the distinction between basic and basic plus was the inclusion of certain Scope 3 emissions. He continued that Los Angeles requested an additional analysis to consider what data was necessary to accurately and adequately reflect the basic plus Scope 3 emissions and noted that even a city as large as Los Angeles was not estimating the full complement of Scope 3 emissions because they were a challenge to estimate. He added that there were a few Scope 3 emissions that were included in the basic framework that the CAC would be expected to try to estimate such as the solid waste example that he gave earlier in the presentation.

Mr. Lathan referred to Dr. Huntley's previous comment about determining how far the CAC wanted to delve and informed that the initiative would start to get into consumption-based inventory, which was what he was not proposing. He stated that AECOM would not attempt a lifecycle analysis or investigate upstream emission sources and emphasized that the Scope 3 definition of solid waste meant that a city disposed of its waste in a landfill in a different town and did not treat it in its own community. He continued that the solid waste disposal emissions and wastewater treatment emissions were the two Scope 3 emissions that were expected to be reflected within a community inventory under the protocol. He believed the City would be well served to consider Scope 1 and Scope 2 in Municipal Operations and urged the members to not consider Scope 3 emissions. Dr. Huntley suggested a communitywide inventory, including the Scope 3 pieces that were part of the standard protocol. She wondered if it would be possible to add UD's inventory to the City's results to create a communitywide inventory or leave it out and specify that the numbers were outside of the University. She thought the latter made more sense because the University was separate.

Mr. Mateyko thanked Mr. Athey and Mr. Lathan for the presentation and supported AECOM as a consultant. He supported the comprehensive communitywide count and agreed that the initiative was the largest that the CAC would undertake. He suggested waiting for the next meeting to fill in specifics.

He asked for clarification on whether the count would include operating energy but not embodied energy in materials. Mr. Lathan confirmed that the embodied emissions would attempt to be reflected in a consumption-based inventory and would present multiple challenges, but time was running out. Mr. Mateyko informed that embodied carbon emerged during the Carter Administration in 1976 and Lifecycle in 1979 but a recent administration claimed to not believe in the science, so it disappeared from the architecture profession in the United States but not in Europe or Canada. He assumed that AECOM dealt with embodied energy in Canada and Europe. Mr. Lathan replied that it would not show up in GHG inventories because the protocols were not defined to report the emissions as such and reiterated that the protocols were designed to lend consistency globally so that all entities represented the same types of emissions in their inventories. Mr. Mateyko informed that to obtain a building permit in Britain, developers had to identify the embodied carbon and meet a certain standard. He maintained that he was not suggesting that there needed to be great detail but emphasized that the CAC wanted to get to the place where it could witness tradeoffs in the building code between industrial product solutions and nature-based solutions. He continued that the CAC was interested in nature-based solutions and it was the primary responsibility of City government to maintain interest. He suggested that there be information of estimating and references to other cities so the CAC could make a ballpark estimate because otherwise, the data would not be useful. He continued that one metric for single-family homes and small retail stores indicated that it took 30 years for the operating GHG to accumulate to the same level as the embodied GHG. He continued that when the hotel was finished on Main Street, the CAC could claim that the all of the embodied carbon GHG were put in during a single year but the operating GHG would accumulate each year for the next few decades until the equipment was replaced. He claimed that the Biden Administration was interested in a 50% reduction by 2030 and the National Academy of Sciences recently revealed that to maintain a carbon budget of a 67% likelihood of maintaining 1.5° Fahrenheit would be exhausted by 2030. He continued that building something that was low in operating expenses but high in embodied carbon expenses of GHG was trending in the wrong direction to achieve and have a plan that took the City in the direction of meeting the required goals of either 50% or 100% by 2030 of all carbon.

Mr. Coleman likened Mr. Mateyko's discussion to the previous comments regarding the Green Building Code Workgroup and cautioned against including embodied carbon in the inventory because it was simple to skew the data by ceasing construction in any given year. He continued that if a base year was chosen that experienced little construction then there would be very little embodied carbon included in the base year and it would be difficult to get consistent data from year to year. He thought the initiative would come out of the CAP where direction would be given to the City on how to update the building codes, LEED, or other requirements or construction methodology, not necessarily in the GHG inventory. He assured that the City could do its best in calculating the impact from embodied carbon separately, but he would defer to Mr. Lathan. Mr. Lathan appreciated the idea and reiterated while it could be a helpful piece of analysis, it depended on the intended use for the inventory. He explained that to do what Mr. Mateyko was representing would make the inventory incompatible with the way other entities prepared inventories and incompatible with how other entities represented their greenhouse gas targets. He pointed that it would need to be an additional separate piece of analysis so that there would be a standard inventory that was developed in an agreed-upon way based on the protocols. He shared that Portland metro region considered a consumption-based inventory within their CAP after completing a traditional inventory, as well as a second lens to indicate additional emissions for which the city was responsible to reflect additional emissions that were not reflected in a traditional inventory. He assumed that Mr. Mateyko's main purposes for the inventory were to help define better building codes and agreed that it could be a next step but was distinct from the inventory task as described in the presentation.

Mr. Mateyko found that the embodied GHG led to the only place that was easy to offset the carbon footprint, biomass, especially going into the soil, which was what the CAC dealt with in native plantings. He informed that trees and vegetation were carbon pumps and removed carbon from the air as well as the soil. He wanted to have general information and wanted to address operating emissions and embodied materials. He thought it was helpful to consider the data holistically in terms of consumption because it led to fairness and equity which made it much easier to make the initiative work politically. He noted the goal was described as a CAP, but he suggested that it be amended to be a Climate Change and Ecosystem Change Action Plan. He noted that End Carb, used to regulate architecture, used the nomenclature of ecosystem change and climate change together. He explained the ecosystem change was highly dependent on the land use and compact development. He continued that the information was also noted in the most recent literature of the Biden Administration. He reminded the City was just beginning its inventory and had the advantage to tailor the project to work with the science and government regulations presented by the Biden Administration. He repeated there was emphasis on nature-based solutions, and he wanted the CAC to have a scope of work that considered as much. He reiterated his desire that the project be delayed because of its complexity but supported AECOM, the comprehensive portion, and the scale.

Ms. Smith agreed that the community and the municipal combination made sense. She asked Mr. Coleman if the process could result in a CAP and Mr. Coleman added that the City would make an estimate for fuel oil, but it would not be as simple as obtaining the other data. He understood that the CAP would need to be an integrative process because, depending on where the City wanted to end up with the CAP, the City could need to track certain data during the GHG initiative. He confirmed the order was generally GHG inventory and then CAP and Mr. Lathan agreed. Ms. Smith asked if the scope of the work went beyond the initial inventory or if AECOM performed work after it was completed. Mr. Lathan explained that the current task order was for a single year inventory – one for communitywide, one for municipal operations, and then a brief memo summarizing the results and discussing methodology. Ms. Smith noted that President Biden was pushing zero emissions but was also pushing infrastructure which would produce embodied carbon so the two initiatives would be in conflict unless there was an action to compensate for the construction. She reiterated that the GHG inventory had been a CAC goal since 2019 and agreed with the communitywide approach and that the CAC should spend the funding to begin the project immediately. She continued that there were options in the future to create the CAP and incorporate some of the measurements discussed by Mr. Mateyko.

Dr. Huntley wanted to verify that the CAC's budget was sufficient for the project. Mr. Lathan replied that the task order was set up to illustrate the community inventory and municipal inventory as discrete items. If the CAC chose one, the cost would be \$48,000, and both would cost \$78,000. Dr. Huntley wanted both and wanted to ensure that the CAC had \$78,000. Mr. Coleman confirmed the funding was in the budget. Ms. Smith asked Mr. Coleman for the CAC's budget and Mr. Coleman reconfirmed that the yearly budget was \$100,000. Ms. Smith asked if there was a remainder from last year and Mr. Coleman explained that the funds were in the Operating Budget so if they went unspent by the end of the year, then they were placed in the Electric Reserve.

Mr. Mateyko asked Mr. Athey if there was another type of service that was relevant to the discussion that evening. Mr. Athey assumed that Mr. Coleman recommended AECOM because of the ability to tailor products to the CAC's desire but admitted that broadening the approach would require further review because Mr. Mateyko's suggestions would require a substantial change. Mr. Mateyko said that he was willing to vote for the project but said that when contracts were negotiated, it was important to ensure that the pieces were the best for the CAC. He wanted to have the opportunity to consider the

contract for a longer period and wanted to vote on the concept that evening. Mr. Coleman interjected that the City could always add on to the task order and assumed that everyone wanted to at least move forward with what had been proposed. He noted that the AECOM had already been approved by Council at their hourly rates, so any change orders did not require Council approval. Mr. O'Donnell emphasized that there were less than ten years to take significant action and urged the CAC to trust AECOM and move forward with the knowledge that the task order could be amended if necessary. Mr. Mateyko ensured that there would be a contract, but the discussion would be regarding what was included in the contract. Ms. Smith interjected that Mr. Coleman, Mr. Athey, and Mr. Lathan would work together as experts. Dr. Huntley reiterated that Ms. Scheld sent all members the contract prior to the meeting which detailed AECOM's suggestions. Ms. Smith confirmed that there were eight pages highlighting the scope of work in the contract. Dr. Huntley added that she appreciated that the approach used established protocols that made the City comparable to other parties. She explained that it would be impossible for The Newark Partnership to combine the City's data with UD's data, if the City did not use protocols that were incompatible with UD's data. She appreciated AECOM's suggestion to use established protocols so that the City could compare itself to other cities and learn from the actions of other cities when it was time to develop the CAP.

Ms. Smith asked if the CAP would be based on the report, but the CAC would work with City staff. Mr. Coleman confirmed that that his expectation would be that the CAP would be a 2022 project, assuming the inventory was completed, and would likely be coordinated with the Planning Department because they were more suited to the project. Ms. Smith trusted Mr. Coleman's insight.

MOTION BY DR. HUNTLEY, SECONDED BY MS. CHAJES: TO APPROVE THE CONTRACT WITH AECOM OPTING FOR THE VERSION WITH BOTH MUNICIPAL OPERATIONS AND COMMUNITYWIDE GHG INVENTORIES.

MOTION PASSED. VOTE 6 TO 0.

AYE: HUNTLEY, CHAJES, MATEYKO, O'DONNELL, HEDRICH, SMITH.

NAY: 0.

ABSENT: MATSUMOTO.

Mr. Coleman informed that the 100% Renewable Program had been active since May 25th and the press release would go out the next day. Dr. Huntley asked how many people had subscribed and Mr. Coleman informed that the program started earlier than anticipated because of an influx of move in/move out activity but shared there were already 700 enrollments. Mr. Mateyko asked if there had been any pushback and Mr. Coleman replied no. Mr. O'Donnell asked for the opt-in versus automatic enrollments and Mr. Coleman replied that most were automatic because staff had not yet done a press push and he was waiting for data from DEMEC on the City's current renewable percentage. He explained that there was circuit breaker on cost for solar recs so recs in general were 18.5% and solar recs were a moving target based on cost. He would use 18.5% for the program year and use any overcollection to lower the rate for the subsequent year.

5. CAC SUMMER SCHEDULE – NICHOL SCHELD

Ms. Scheld reminded that the CAC usually took a summer break and asked for a consensus on whether the group wanted to take a break in July. She noted that the July agenda was light, and Ms. Smith confirmed that the most pressing matters had been discussed that evening. Ms. Smith urged all members

to attend Comp Plan meetings during the break.

MOTION BY MS. HEDRICH, SECONDED BY MR. O'DONNELL: TO SKIP THE JULY MEETING AND RECONVENE IN AUGUST.

MOTION PASSED. VOTE 6 TO 0.

AYE: HUNTLEY, CHAJES, MATEYKO, O'DONNELL, HEDRICH, SMITH.

NAY: 0.

ABSENT: MATSUMOTO.

Ms. Smith suggested that members use the free time to review the Comp Plan and consider ways to combine it with the Sustainability Plan.

Mr. O'Donnell revealed that there was a court case regarding Tesla's ability to have service centers in the State. He explained that current Delaware law did not allow Tesla to have competition with dealerships so Tesla owners were forced to leave the State for vehicle service. He informed that Tesla representatives were meeting with the DelDOT and suggested that CAC members consider offering support for changing the law to allow Tesla service centers or a manufacturer to customer direct sales if there was no franchise at the August meeting. Ms. Smith asked Mr. O'Donnell to provide updates.

Dr. Huntley asked for a reminder for the articles and believed her article was for September, so she needed to submit by August. Ms. Chajes reminded that hers was slated for July. Ms. Smith noted that her article, covering lawns and native plants, was submitted but was not printed because of the graduation ceremonies and Memorial Day. She confirmed that Ms. Chajes was July, her own was for August, and Dr. Huntley was September. Ms. Smith asked the members to consider appropriate topics for future articles by the August meeting. She suggested that Mr. O'Donnell consider Tesla, GHG, or electric vehicles.

6. NEXT MEETING – AUGUST 10, 2021

MOTION BY MS. CHAJES, SECONDED BY MR. O'DONNELL: TO ADJOURN THE MEETING.

The meeting adjourned at 9:33 pm.

Nichol Scheld
Administrative Professional I

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