

CONSERVATION ADVISORY COMMISSION
MINUTES

August 9, 2022

MEETING CONVENED: 7:03 p.m. Council Chambers/Teams Meeting Hybrid

MEMBERS PRESENT: Chair Beth Chajes, Helga Huntley (remote, arrived 7:07), Mikayla Rypkema, Andrew O'Donnell, John Mateyko, Lauren O'Connor, Mahi Palanisami (remote)

ABSENT: Sheila Smith

STAFF: Jeffrey Martindale, Chief Purchasing & Personnel Officer
Joe Spadafino, Director of Parks & Recreation
Renee Bensley, Acting Director of Planning & Development
Michael Fortner, Planner II
Philip Machado, Administrative Professional I

Beth Chajes called the meeting to order at 7:03 p.m.

1. APPROVAL OF MINUTES FROM JUNE 14 AND JULY 12, 2022:

MOTION BY MR. O'DONNELL, SECONDED BY MS. RYPKEMA: TO APPROVE THE JUNE 14, 2022 MINUTES.

MOTION PASSED. VOTE 6 TO 0.

AYE: CHAJES, O'DONNELL, MATEYKO, RYPKEMA, PALANISAMI, O'CONNOR.

NAY: 0.

ABSENT: HUNTLEY, SMITH.

MOTION BY MS. RYPKEMA, SECONDED BY MR. MATEYKO: TO APPROVE THE JULY 12, 2022 MINUTES.

MOTION PASSED. VOTE 6 TO 0.

AYE: CHAJES, O'DONNELL, MATEYKO, RYPKEMA, PALANISAMI, O'CONNOR.

NAY: 0.

ABSENT: HUNTLEY, SMITH.

2. PUBLIC COMMENT:

There was no public comment.

3. OLD PAPER MILL PARK UPDATES – JOE SPADAFINO

Joe Spadafino, Director of Parks & Recreation, presented existing site imagery for the Old Paper Mill Park and he informed the site was located directly across from the Newark Reservoir and the Park

was maintained with occasional mowing of the field; he stated the field was sometimes utilized by people that played ultimate frisbee, but they parked on the side of Old Paper Mill Road and created a hazardous situation. He presented a slide from the 2011 master plan that detailed the opportunities and limitations of the area; included in the opportunities were the site bordered the scenic White Clay Creek, was in close proximity to existing State parkland and the Pomeroy Trail, had easy access from Paper Mill Road to Route 72, had educational opportunities and historic significance, was acquired for the purpose of preservation as public land and the development of active and passive parks, had scenic and interesting views, and was a City gateway. He identified that the limitations included the 100-year floodplain impact, the site was a designated brownfield site because of the Curtis Mill Park area, which had been remedied, the lighting restrictions on Old Paper Mill Park, and the State Historic Preservation Offices (SHPO) Historic Artifact Site. He informed of additional concerns and opportunities which included the recently constructed inclusive playground and restroom facility, the newly built White Clay Creek Bridge, the pedestrian crossing of Old Paper Mill Road, which had seen significant improvement for pedestrian crossings, and increased parking demands at the reservoir and the playground; he added that planned events in the area parks and SHPO area restrictions were also considerations included in the presentation. He noted that the SHPO area was used for the park area in early designs and had a trail running through it, but the City was informed they were not permitted to do any work on the area. He presented visualizations showing different proposals for the park and the different Phases of the project. He explained that the Curtis Mill park was built similarly to the master plan, but the parking area was smaller and did not have an island in the circle.

Mr. Mateyko asked if the dotted lines on the site proposals were walkways for Paper Mill Road access and Mr. Spadafino confirmed.

Mr. Spadafino discussed an early concept for the site which included a basketball court, tennis wall, skate park, big playground, and a large pavilion. He detailed the parking for the plan which allowed for around 45 cars to park and added that a small portion of land next to the park was planned to be a dirt bike track, but the idea never came to fruition. He informed the preliminary designs were completed in 2011 but an updated design was needed for several reasons; there were no skateparks in Newark, at the time, but now there were two, one in Handloff Park and the other in Phillips Park; both of which were very popular, and Mr. Spadafino spoke to officials from Laurel, Delaware who were looking to build similar parks. He stated that Newark did not want every park to be a Swiss-army knife of activities and wanted to increase the amenities and the resident's palette for activities throughout the park system. He outlined other reasons for the redesign which included the construction of two basketball courts at Kershaw Park, which was about 250-300 yards from where Old Paper Mill Park was, and there were 16 tennis courts and 18 basketball courts in Newark parks already, so staff did not see the need to add additional courts; they wanted to increase the opportunities for other activities. He continued with the popularity of the reservoir, that additional parking would be needed to support the new park and overflow reservoir parking; the reservoir trail was the most active trail in the State of Delaware which was a credit to how nice the Newark Trail system was. He indicated that the second most popular trails used in Delaware were the James Hall and Pomeroy Trails. He indicated staff felt the park needed a multi-purpose grass area to support youth leagues and adult leagues with ample parking, an open area and pavilion to hold events at the park, pickleball courts to support one of the fastest growing sports in America which was very popular in Newark, and sand volleyball courts for leagues and open play. Mr. Spadafino informed that youth soccer was held at Kells Park and Fairfield park and there was barely any parking. He stated that staff was not creating a new league, but the league would play at Old Paper Mill Road Park too; he added that the parks had baseball and softball fields that were constantly used, and the goal was to alleviate overuse. He highlighted the existing parking spaces within a ten-minute walk which included 60 permitted spaces at

the Newark Reservoir, 14 spaces at Curtis Mill Park, and 8 spaces at Kershaw Park. He described the key goals of the project as the protection of wildlife and primitive areas within the watershed, to achieve compatibility among park uses, to link open lands throughout the watershed to increase open space and recreation opportunities and to protect riparian areas to improve water quality, and to distribute visitation among the City parks; the trails and road goals were to provide an integrated system of trails that avoided sensitive natural and cultural resources and connected publicly owned lands in the watershed, provided a system of non-motorized trails within the watershed that met the needs of such user groups, promoted safety for recreational users of park roads, and encouraged trail users to stay on the trail routes. Mr. Spadafino discussed the site inventory with adjacent roads including Old Paper Mill Road, Curtis Lane, Wrangler Road, and Nonantum Drive, the intersecting roads of Paper Mill Road and Old Paper Mill Road, and the bird and bat boxes along the stream buffer that would stay in the areas undisturbed. He elaborated on the SHPO area which did not allow for any site development or grade change and the area needed to be fenced around the perimeter and maintained as grass or meadow. Mr. Spadafino communicated the site was 13.94 acres and of that, only 5.95 acres were developable area; the SHPO area was 1.10 acres, and another 6.23 acres were part of a 100-year floodplain; staff wanted to leave the floodplain and create a natural trail through the area. He expressed the pedestrian bridge across from Old Paper Mill Road Park would generate foot traffic from adjacent residential areas to the Newark Reservoir and Old Paper Mill Road Park. He mentioned the homeowner who lived next to the Park had a large strip of Arborvitae trees they planted themselves and he aimed to reinforce and protect the existing riparian area adjacent to White Clay Creek. He summarized that the updated park consisted of one youth soccer field, a community event space, overflow parking to support the Reservoir and events in the area, trails both paved and natural, pickleball courts, areas for temporary grass volleyball courts, a decent-sized pavilion, and a climbing feature or play structure different than what was at the Reservoir. He displayed the initial working concepts developed by Johnson, Mirmiran & Thompson (JMT) and pointed out the SHPO area was untouched in each design. He presented the preliminary design for the multipurpose field, the pavilion area, the SHPO area and a six-foot natural trail that would cut with a mower and he believed the meadow area would need to be trimmed around three or four times a year to keep invasive species and weeds down. He detailed a stormwater trench, the sand volleyball court, and the pickleball courts which were about the size of two tennis ball courts. He explained the parking lot was able to accommodate 103 vehicles and JMT provided statistics regarding soccer games; the average game had potential for as many as 80 cars, staff included time to separate games, and if players lingered around there would not be significant crowding. He and the department were gathering feedback on the park and were working with JMT to update the current park design to develop construction plans in September through December; there would be another public meeting in the process and would involve the City Council. He announced that project financing came to \$1,400,000 from the American Recovery Plan Act (ARPA) and the City had \$67,000 from the Outdoor Recreation Parks and Trails Grant to support the design fees. He claimed the department was looking to stretch the funds out as much as possible, but by the time construction bids came to the City, staff would need to cut costly items.

Ms. Chajes asked about the lighting restrictions mentioned on the slides and Mr. Spadafino clarified there was a lighting restriction included in the 2011 design, but the City was now permitted to have lighting; the restriction was from an adjacent property that was recently sold off. Ms. Chajes was interested in the SHPO area and asked if there were plans to excavate the grounds and Mr. Spadafino believed the area used to be Native American grounds as items were unearthed and the City was to leave the space alone. Ms. Chajes understood the City owned the land but asked if there was academic interest in excavation or for an educational feature. Mr. Spadafino did not think there was interest currently as the City discussed with JMT, and staff would meet with SHPO officials to see if there was potential to perform a dig. Ms. Chajes thought there was too much grass and suggested the park could

use more trees and Mr. Spadafino clarified that the plan was not a landscaping plan, but staff wanted to reforest the lower section of the parkland. Ms. Chajes thought a good idea would be to include shade in the parking area and Mr. Spadafino spoke to landscape architects and mentioned a restriction on planting trees near the roadway but there were many areas staff looked at for planting trees.

Mr. O'Donnell asked about how the SHPO area would be maintained, and Mr. Spadafino reiterated that staff mowed the grass two or three times a year, but SHPO was telling them that they should not be mowing it at all. Mr. O'Donnell suggested the same thing and Mr. Spadafino added that staff was to install a fence but talks with the neighbors indicated they were not happy about letting the area grow wild or having the area fenced because they played cornhole and other games in the space. Mr. O'Donnell thought there was a tradeoff because residents would walk a bit further away but there would be a brand-new park for them to use. He brought up the parking lot and mentioned there were semi-permeable pavements, especially popular in Europe, that were permeable, but residents could park their cars and the would City distance itself from the concrete islands of heat. Mr. Spadafino could not recall the name of the product but knew what Mr. O'Donnell was talking about. Mr. O'Donnell informed there was an expensive option that looked like pavement but water wicked into the material, and a cheaper option that looked like concrete lattice with gravel packed in-between that was greener than current options. He referred to LED light poles with solar panels that charged a battery for the light at night. He thought there would be the expense of the solar panel, but the City would not have to trench underground wiring.

Ms. Chajes asked if there would be activities taking place in the park at night and Mr. Spadafino answered that current plans were to have the lights on for the pickleball courts and parking lot in the evening.

Mr. O'Donnell stated that his proposed lights would work well for lighting that was not as bright, but the courts would need trenched lighting and Mr. Spadafino agreed.

Ms. Rypkema informed that she lived in District 6, and she loved the design of the park. She added the Reservoir trail was used frequently and asked if the crosswalk would have a flashing pedestrian sign and Mr. Spadafino hoped to get flashing lights like the ones on Wyoming Road where the pedestrian would press a button and the lights would inform cars of the pedestrians. Ms. Rypkema referred to bird safety and suggested acorn lighting which only allowed the light to point down and reduced light pollution in the sky. Mr. Spadafino responded that staff was investigating lights that did not have overflow lighting and would stay on the courts. Ms. Rypkema asked if the pavilion would be lit, and Mr. Spadafino answered that the pavilion would not be; he stated that everything other than the courts would be closed at dusk.

Ms. Chajes asked if the pavilion was a picnic area and Mr. Spadafino responded the pavilion would serve as a picnic area and for different community events such as art in the park or a concert series; the multi-purpose field would act as overflow parking for such events. He claimed the one consistency between Newark parks was they were all beautiful parks with no parking, with people parking on the sides of the road. He informed that staff believed in 2011 the Reservoir parking would have been sufficient to handle the traffic, but staff found it was not possible on evenings and weekends due to the density of traffic the parks saw. Ms. Chajes asked if there were bicycle racks included in the parking lot and Mr. Spadafino confirmed and added there would be racks in at least two or three areas throughout the park.

Ms. Palanisami loved the work and asked who had the final say on what the SHPO site would become, and Mr. Spadafino reiterated that the area would be left alone, and staff would fence the area. He would investigate what SHPO had found and inform the CAC of his findings.

Ms. Chajes suggested the installation of signage explaining why the area was fenced off and not maintained and Mr. Spadafino agreed, believing staff and JMT were working on getting more information on the area.

Ms. Palanisami asked for more information and Mr. Spadafino stated she could call the Delaware State Historic Preservation Office, but staff was working on the matter.

Dr. Huntley thanked Mr. Spadafino for explaining the SHPO site; she hoped the State would allow the City to remove invasive plants and Mr. Spadafino agreed as invasives would take over quickly. Dr. Huntley asked about tweaks to the design and Mr. Spadafino responded the changes were items like moving the soccer field down to give fans more space to stand alongside the field without interfering with the sidewalk and moving the pickleball courts and sand volleyball courts for the same reasons. He explained staff was to meet with JMT to go over concerns about traffic and the use of the property. He suggested staff change the plan to one entrance and to make a circle like the one seen at Curtis Mill Park to make the area safer for pedestrians. Dr. Huntley thought Newark should adopt an idea she saw while on vacation in Vermont: roofed parking shelters with solar panels; she believed the idea was fantastic because users would park in the shade, there would not be restrictions of trees too close to the road, and the City would get electricity from the panels. She felt the park would be perfect for Newark to attempt the parking shelters and to tie the solar panels into the existing system on the other side of the road. She hoped staff could incorporate the shelters into the plan. Mr. Spadafino asked if the solar panels would be on top of the shelters and Dr. Huntley confirmed. Mr. Spadafino had read about the concept in articles and Dr. Huntley would send him example photos.

Ms. Chajes believed the City would easily be able to install electric vehicle charging stations in the park.

Mr. O'Donnell stated the Elkton library had the exact same concept with roofed parking structures and Mr. Spadafino made note of the library to investigate.

Dr. Huntley thought the City should plan for people that used the park and would primarily use trees to shade the trail on both sides. She suggested planting trees alongside the multi-purpose field, so people did not watch the sporting events in the heat of the sun. She believed the park would become more accessible if trees were spread out around the park to allow for shaded areas.

Mr. Martindale anticipated the solar canopy discussion and did some prior research; he informed that he investigated feasibility of the project and found the canopies were much more expensive to install than standard solar, ground-mounted or rooftop, which would be a consideration due to the firm budget. He stated he could investigate further to get a feasibility study done regarding what the cost to the City would be to move forward.

Mr. Mateyko asked if costs were high due to the solar overhead and the cars moving around so the structure had to be strong to resist cars bumping into it. Mr. Martindale believed so and Mr. Mateyko thought that was counterproductive because the structures would be made of metal, which would be

anchored into concrete and the City would be left with a huge, embodied carbon investment that would have to be paid off over the life of the solar panels.

Dr. Huntley suggested the structures could be made of wood, which would have a much smaller carbon budget and she was in favor of having the CAC support the project from its own budget. She realized their budget was tiny compared to the expense, but she was open to supporting the idea.

Mr. Martindale believed the idea was worth additional conversation and asked Dr. Huntley for photos of the wooden structures.

Mr. Mateyko claimed this year would be the coolest year that scientists would expect for 20 years, but personally thought 40 or 50 years at the earliest, and the situation would continue to get worse. He agreed with Dr. Huntley and suggested the parks would be used more with shaded areas. He believed the shade was important to the parking area because asphalt radiated a lot of heat and could make the heat over the field worse. He added that the park was across from the children's play area and suggested on a clear day, the asphalt would be 140 degrees and would be too hot for kids to fall on. He insisted the City should consider the heat a real problem before it became too hot to handle. He referred to Mr. O'Donnell's asphalt alternatives, such as engineered, compacted gravel in the travel lanes with open cell, grassed parking areas. He reiterated the need for shade and the idea of moving things down from the parking area allowed for an addition of trees.

Mr. Mateyko told everyone to remember that the Delaware Climate Plan had projected by 2050, there would be two months of high heat weather and he would appreciate the option to go to a park after a hot day of work, where there were shade trees and picnic tables. He referred to his concept as a heat health facility and as a place for people to get away to. Mr. Mateyko spoke about walkability and access to the park, and he asked why the exertion for exercise only began when someone reached the park. He hoped to see the connection from the trails to the sidewalk of Paper Mill Road brought back from the initial designs as the trails would encourage more people to walk to the park instead of using vehicles. Mr. Spadafino thought the City had good connectivity but agreed the walkways would motivate residents and users of the park to walk more and was only a matter of getting the word out and trying to convince people the proposal was the best way to utilize the park for their health and the environment. Mr. Mateyko reiterated Dr. Huntley's point of shading the trails and he believed that otherwise, the City dissuaded people from using the trails and pushed them toward using motorized travel methods. He asked if there would be access to the creek and Mr. Spadafino responded that staff would include a connection to a utility easement where there were no trees and led to areas that users of the park could overlook the creek. Mr. Mateyko advised Mr. Spadafino to show the idea in the plans as that access to the water was a major asset. Mr. Spadafino informed, like Hillside Park, staff wanted to include education in the park with informative signs for White Clay Creek to the community. Mr. Mateyko hated the hot weather and thought everyone's responsibility was to think ahead and thought the park would be a refuge for people with hot living conditions. He believed the nearby forest provided an ideal shade spot for people that went down to the water. Mr. Mateyko asked Mr. Spadafino to speak to SHPO to determine if they would allow for beautiful meadow grasses and wildflowers. Mr. Spadafino responded that the City could not do anything with the property other than leave the area alone. Mr. Mateyko did not believe that made sense and asked if Mr. Spadafino could broach the issue again because of plant root depths. Mr. Mateyko suggested fencing the historic area nearer to the pavilion so users would see into the area and doing so would turn the area into an asset. Mr. Mateyko saw parks as a solution for heat health facilities as the weather got hotter.

Ms. O'Connor thanked Mr. Spadafino for the presentation and asked about the water quality of White Clay Creek. Mr. Spadafino informed maintenance of water quality during construction was part of the engineering of the project. He knew there would be measures taken to regulate stormwater runoff and he stated a lot of projects had that challenge and had done a good job. Ms. O'Connor suggested rain gardens to promote wildlife and an efficient way of trapping pollutants.

Ms. Chajes appreciated the management goals priorities list and the first item to help protect the water quality of the creek.

Mr. Spadafino asked if the CAC was in favor of the park and if they could make a recommendation of what they would like to see included as a document staff could put forward for potential amenities. Ms. Chajes asked if he needed the recommendations by a certain deadline and Mr. Spadafino did not think so, but he thought a document would go a long way toward documenting their feedback regarding trees and rain gardens. Ms. Chajes stated the CAC would work on a document for next meeting.

4. COMMUNITY DAY PREPARATIONS (SUNDAY SEPTEMBER 18, 2022)

Mr. Spadafino spoke on a question raised about an electric car at the CAC booth for Community Day and he informed that the CAC would get a free booth in an area with similar groups and even though vehicles were not allowed to stay by the booths, cars had been displayed along Delaware Avenue in the past.

Mr. Martindale mentioned there were discussions about an electric vehicle available for the CAC's booth and he thought the display would be feasible but there would have to be a City staff member with the vehicle at all times.

Ms. Chajes recalled an idea to have an electric car on site last year and the Department of Natural Resources and Environment Control (DNREC) wanted to display some vehicles, but UD would not allow the electric vehicles on The Green and Mr. Spadafino confirmed.

Mr. Spadafino hoped Community Day would be back to normal and thought the event was great for families to experience and learn from.

Ms. Chajes asserted that Ms. Smith spearheaded the CAC efforts this year and she knew they needed to finalize their plans in the September meeting so they would begin work on gathering the materials and working on the display for the booth as well as figure out who would be staffing the booth.

Dr. Huntley informed the local car dealerships now had electric vehicles in their inventories and contacting them may have been a way to get more EVs on display for the event.

Mr. Martindale added the City's electric vehicles were locally sourced from the Newark Porter Auto Group dealership on East Cleveland Avenue.

Ms. Chajes asked if Dr. Huntley knew which dealerships were selling electric vehicles in the City and Dr. Huntley answered that she just bought one from the Kia dealership and informed the Hyundai dealer may be selling EVs soon.

5. FOSSIL FUEL INFRASTRUCTURE – ANDREW O'DONNELL

Mr. O'Donnell wished to discuss the Fossil Fuel Infrastructure Ban, to recap what had already been discussed, and formulate a recommendation for City Council; he believed the ban recommendation would become the most important item the Commission had worked on. He explained the Greenhouse Gas (GHG) Inventory Report had confirmed what was expected regarding emissions. He asserted that submitting a Fossil Fuel Infrastructure Ban to City Council was an aggressive action but one that was sorely needed. He spoke to Commission members through email and presented the current version of his Ban recommendation; the document made mention of the Intergovernmental Panel on Climate Change (IPCC) statements, State goals, and the Sustainability Plan, all used as reasons for the recommendation to Council. He clarified the recommendation was not for people to tear out their existing fossil fuel infrastructure, they would be permitted to replace existing items, but the City implement a ban of any construction of new fossil fuel infrastructure, public or private. He expressed his desire for the City to deny future permits that would allow for fossil fuel infrastructure and added if a neighborhood wanted to change from oil to natural gas, the natural gas pipeline would be banned as they would be considered new fossil fuel infrastructure. He learned there were two new gas stations in the process of site plan approval in the City and while he was not sure how far they were in the process; he did not believe the City should be building new gas stations and wished to get the ban in motion before their plans were finalized. He referenced the plan to build a Wawa at the corner of Otts Chapel Road and Elkton Road, and stated they could build the Wawa, but they should not install gas pumps; he offered an alternative of installing EV charging stations. He believed that the only work remaining was to get the wording of the recommendation in order as he thought the City Council was sensitive to certain things, such as cost points and if the residents would see the recommendation as a cost increase. Mr. O'Donnell recognized the ban would increase workloads for the City Planning Department but did not believe any costs would increase for the City. He asked his fellow members if they had any questions or concerns about the ban.

Ms. Chajes supported the recommendation fully but understood there would be some pushback as the plan was brave and aggressive, and she asked Mr. O'Donnell if he had any thoughts of deadlines for banning certain items. Mr. O'Donnell answered that deadlines were briefly brought up, but the recommendation had not been recorded that way. He thought if Council had decided against the ban, they could work with Council on changing or removing items included in the ban recommendation.

Dr. Huntley suggested the CAC recommend to Council they adopt the policy without a specified timeline so Council had time to figure out what would be feasible.

Renee Bensley, Acting Director of Planning & Development, informed the City was not the federal government and was not capable of issuing regulations with a notice; the items in the recommendation would be changes to City Code and the CAC would have to go through ordinance changes to be realized. She explained the City had a franchise agreement with Delmarva Power for underground natural gas pipeline extensions that would need to be amended for the ban to take effect. She asserted that for new natural gas hardware in new building construction there would need to be amendments to Chapter 7, the City's Building Code which was based on the 2018 International Building Code (IBC); the IBC would be searched to see where the City would make amendments. She continued for the installation of new natural gas furnaces, natural gas water heaters, and fuel oil boilers, the City's Building and Property Maintenance Codes would be searched for relevant amendments; she brought up a question that arose in the review of the ban: Would Newark businesses still be permitted to sell and install banned infrastructure items outside of the City where they were not under the City's regulation? She believed if they would not be allowed to, the City could face a legal issue. She addressed the proposed ban of construction or installation of new gasoline and diesel fueling stations, tanks, and pumps which would

require amendments to Chapter 32, Zoning, because the processes were currently permitted uses in certain zoning categories and the amendments would include going through Planning Commission hearings and the ordinance process with Council. She added the installation of new propane tanks and burners would also require amendments to Chapter 7 of the City Code. She told the City could not legally stop issuing permits after a 30-day notice; there was a formal process that needed to take place. She stated the changes would fall under the Planning Department, and they were working on City Council's task prioritization list of around eight to nine projects that were currently being worked on; the fuel infrastructure ban would be an item that Council would need to put somewhere on the list for Planning to devote time to it.

Dr. Huntley asked Ms. Bensley if the recommendation for Council should try to make the ban a priority for Planning, or if they should leave the recommendation open and tell Council to do whatever was necessary. Ms. Bensley thought there could be a few options, one being to prioritize the ban list before presenting their plan to Council and finding out from them what items they would like to pursue personally, but she emphasized that Council was very focused on projects that were already being worked on, such as the BB/RA zoning changes or the Downtown Newark Parking Plan changes. She believed feedback from Council as to where the ban would fit in the priority list would be important.

Ms. Rypkema suggested the CAC members speak to the representatives that appointed them to get their opinions on the matter.

Mr. O'Donnell asked if Ms. Bensley knew of any way the CAC would be able to block the construction of the two proposed gas stations and Ms. Bensley answered that was unlikely in the timeline taken to change the Zoning Code. She explained that one of the gas stations, at 1115 South College Avenue, was submitted as a sketch plan and the second submitted their letter of map amendment with the Federal Emergency Management Agency (FEMA) for the parcel at the corner of Otts Chapel Road and Elkton Road. Mr. O'Donnell asked if that meant the gas stations were about a year away from construction or so and Ms. Bensley answered with the current cost of construction there were a lot of plans that were holding in place and she did not want to estimate a construction period, but she stated if approved by Council, the developer had five years from the date of approval to construct. Mr. O'Donnell asked if Council was allowed to change their mind and call off a project and Ms. Bensley answered that Council was not permitted to; the plan had to be considered under the Zoning and Subdivision code in effect at the time of submission.

Dr. Huntley thought the CAC needed to make sure they recognize the rights of the developers, as well, and thought the process would be unfair for someone to put all the effort and money into constructing a plan and pass-through Council approval, just to get cancelled because they had not broken ground yet. She believed, despite the two gas stations not being affected by the proposed ban, the ban was worth pushing to Council to prevent more gas stations or other types of fossil fuel infrastructure from being built in the future.

Mr. O'Donnell reiterated his belief that the ban needed to be pushed forward to Council as soon as possible, with CAC members present at the meeting to answer questions, to start banning new fossil fuel infrastructure. He understood the CAC may need to negotiate with Council, and the process might take several rounds of compromise, but the sooner they got started, the better.

Ms. Palanisami was concerned about a quick transition to EVs, which typically cost more than gasoline or diesel vehicles, and thought the City may have been leaving their poorer population behind; she added they would have to drive farther for a gas station which would add cost.

Ms. Chajes appreciated Ms. Palanisami's concern and wanted everyone to keep in mind the proposed ban did not get rid of any existing infrastructure. The idea was not to remove existing infrastructure but to make sure no new businesses were added.

Mr. O'Donnell added the existing businesses would still be allowed to maintain their infrastructure, to fix pumps or leaks from tanks, and to stay as modern as they needed.

Ms. Palanisami clarified if Newark's poor people were in a certain area, a closer gas station might have been better for greenhouse gases, so they did not have to drive as far.

Dr. Huntley responded that some of the poorer neighborhoods in the City were around Madison Drive and an area near the Newark Free Library, both of which were close to existing gas stations; she explained she did not look at any census data on income, but her thoughts came from her sense of where the lower income areas of the City were.

Mr. Mateyko asserted similar bans were being done by small and large cities such as New York; he thought the ban recommendation would be a common courtesy early warning to the people and businesses of Newark of the direction the City was believed to be going in. He gave an example of a resident trying to install a natural gas system in their house; they would need the system to function for around 30 or 40 years to get their money's worth out of the system. He expressed residents should be trying to get as much life out of their existing systems as possible and the City should avoid a rapid change over to all electric because the market would not be ready; new factories would need to be built, new trucks would be bought, and employees of the factories would be fired after the sudden rush. Mr. Mateyko expressed by the time he sold his house, he did not think it would be desirable to have natural gas systems installed. He wanted to know what the City was planning because if his natural gas system broke down, he did not want to pay the repair cost for something that was not going to be supported in the future.

6. SB305 DISCUSSION – HELGA HUNTLEY AND BETH CHAJES

Dr. Huntley and Ms. Chajes both agreed to table the discussion for SB305 for the next meeting.

7. MONTHLY CONSERVATION ARTICLE WITH THE NEWARK POST – SHEILA SMITH

- August – SB22 Invasive Species Sale Ban – Sheila Smith
- September – Reservoir Plantings/Clover Lawns – Beth Chajes
- October – Plastic Bag Ban
- November – Tick Species in Delaware – Lauren O'Connor

The monthly conservation article discussion was tabled for the next meeting.

8. PLANNING & DEVELOPMENT REPORTS:

- Sustainability Plan and Comprehensive Development Plan Integration

Mr. Fortner informed that Council passed the Comprehensive Development Plan review, and the review was sent to the Governor's office for signing.

Ms. Bensley suggested the CAC reach out to staff in advance of the meeting so they would be prepared on topics they wished to discuss.

Ms. Chajes informed that the agenda was finalized a week before the meeting so the agenda would be posted publicly, and members of the public got the chance to decide if they wanted to attend and make comment.

Dr. Huntley asked if Mr. Machado would notify the appropriate City staff members because she thought Ms. Scheld used to do it. Mr. Martindale volunteered to notify City staff when needed.

9. BUDGET DISCUSSION FOLLOW-UP – JEFF MARTINDALE

Mr. Martindale announced there had been discussions regarding the installation of a community garden in Dickey Park and the City had identified the garden would cost about \$42,000; the cost would go toward the installation of fencing and connection of water supply from Madison Drive to the garden. He displayed the application and informed the plan was to mimic the community garden in Fairfield Park.

Ms. Bensley stated she had a plot in the community garden and detailed there were 40 plots total, and they were rented out to people at a rate of \$42 a year for residents and \$57 for non-residents, along with a \$35 refundable deposit to make sure the renter did not let their plot turn into a pile of weeds. She explained the Fairfield community garden had a shed, which each gardener had a key to, stocked with tools and held a water supply for watering plants, as well as a compost area where gardeners would compost any green materials, they did not have a use for. She revealed the season ran from March to November or December and renters could plant things year-round, but their plot needed to be cleaned out by March 1 if they were not going to continue using the garden. She added the City refreshed the topsoil and mulched the path every year.

Ms. Chajes asked if the plots were low raised beds and Ms. Bensley confirmed.

Dr. Huntley loved the idea and told she used to have a plot in Fairfield Park, but she ran out of time to maintain it. She thought Dickey Park was a great area to have a community garden because the one in Fairfield Park was too far away to serve the community of Dickey Park. She referred to an earlier comment and suggested a community garden within walking distance of people that might be struggling with transportation issues was a great idea. She was supportive of the idea if there was a place in Dickey Park they had in mind for the garden, and if staff was not too concerned with vandalism in the area, she was in favor of the CAC supporting the idea financially.

Mr. Martindale explained staff would be constructing a garden like the one in Fairfield Park, in Dickey Park and the area would be ADA accessible. He informed there was not a resident financial assistance program associated with any of the gardens as part of the proposal, which was brought forward by Councilwoman Creecy for her District, and the community did not have a lot of land available to keep their own gardens; there were five apartment complexes within a quarter mile of the area. He thought the construction of a community garden would help meet the need of the community and the financial assistance program would cover the registration fee for the applicants; the program would not cover the \$35 deposit as there needed to be some sort of financial tether to ensure the City staff were not the ones

cleaning up the entire garden at the end of each year. He told the CAC about the grant which was up to \$15,000 and \$4,500 would be an in-kind match, with labor and gas mileage, and the City would be looking for \$22,500 from the CAC to support the additional costs associated with the garden. He thought funding from the CAC made sense but added a caveat, should the City move forward with the project, the funding would be a tentative allocation from the CAC under the assumption the grant funding was procured; if the City did not, they would not have enough money for the program and he would have to come back to see if the CAC wanted to fund the whole thing.

Mr. Mateyko asked if the City would be out \$15,000 without the grant and Mr. Martindale confirmed. Mr. Mateyko thought the CAC would think about funding the whole project and Mr. Martindale thought the recommendation could indicate the CAC would give \$22,500 with the grant and \$37,500 if the City did not receive the grant. Mr. Mateyko was willing to make a motion and he thought the community garden was an excellent use of their funds.

Mr. O'Donnell thought the garden would be a fantastic use of funds for the community.

Ms. Rypkema agreed with the use of funds for the community garden.

Ms. Chajes asked if the community garden was an activity students would like to do, and Ms. Rypkema suggested she would love to participate but did not know about other students.

Mr. O'Donnell suggested the garden could be the first of many and the plan could be repeated. Mr. Martindale confirmed that was the idea; the garden would be a pilot for more, depending on participation rates. He expressed the water connection was the biggest barrier to replicating the project elsewhere and gave an example of Folk Park; the cost was estimated to be about \$10,000 for 400 feet of pipe when Folk park needed 1000 feet of pipe that would cost \$25,000. He noted there were increased costs and hoped they would decline in the future.

Dr. Huntley asked what the subscription rate at Fairfield Park was and Ms. Bensley stated there was a waiting list every year for Fairfield Park. Dr. Huntley thought staff established a need for more gardens and asked if there was any support or outreach from the community immediately surrounding the area, other than the Council member. Mr. Martindale knew Ms. Creecy had done most of the outreach because the project was theoretical but built into the grant application was a communications plan through the Division of Public Health (DPH), who wanted to see specific, tangible timelines on completing the project which needed to be completed by May of 2023; the City anticipated completion by January 2 which would be in line with the registration startup for Fairfield Park. He stated when staff knew that the funding would be available, Jayme Gravell, Chief Communications Officer, and Ms. Creecy would start reaching out about the project. He spoke with Ms. Creecy and made sure she knew the garden was first come, first serve for the entire City, and the intent was to service the specific neighborhood, so word needed to be communicated sooner than later.

Dr. Huntley wanted to know if people in the neighborhood were supportive of having a community garden and Mr. Martindale believed the answer was yes.

Mr. Mateyko asked what the operational costs for year two would be and Mr. Martindale suggested the cost would be much more minimal and was something Parks budgeted for each year but a lot of the funding that came from the registration fees covered the off-season maintenance. Ms. Bensley confirmed and explained the primary things done by staff were the mulching of the path as well as

cleaning plots that had been abandoned and putting new topsoil down. She stated the expensive part of the project was the infrastructure installation for starting the process and once the garden began, there was much less effort and lower dollar cost to maintain. Mr. Mateyko suggested trying to initiate one community garden every year the money was not already spoken to, and Mr. Martindale thought staff could investigate but needed to identify feasible space for such gardens. Mr. Mateyko asked if there was policy on the use of pesticides and Ms. Bensley answered that the garden was organic; there were no chemicals allowed in the Fairfield community garden.

Ms. Chajes asked if there was a table or basket in the community when there was an overproduction of crops. Ms. Bensley referred to Sharon Bruen, Recreation Supervisor, who managed the community garden in Fairfield Park and would send out an email to the list of gardeners if there was a surplus; there was not a formal donation or distribution procedure at the time.

Dr. Huntley added in the past, people had rented plots with the specific intent of donating their produce to the food bank and thought donations would be easy to organize.

Ms. Chajes believed the garden fit into the idea of providing better nutrition to the surrounding community.

Mr. O'Donnell asked if there was any signage that provided information on the garden and Ms. Bensley answered there was a large sign at Fairfield Park that detailed the garden's rules, how to apply for a plot, etc. Mr. Martindale stated signage was a requirement for the grant, and the sign would state the garden was funded through the CAC and the DPH.

Ms. Chajes loved the idea and asked someone to make a motion.

MOTION BY DR. HUNTLEY, SECONDED BY MR. MATEYKO: THAT THE CAC ALLOCATE \$22,500 OF THE 2022 BUDGET TO THE COMMUNITY GARDEN IN DICKEY PARK PROJECT. IN CASE THE GRANT FUNDING THAT WAS APPLIED FOR DOES NOT COME THROUGH, THE CAC WOULD APPROVE AN ADDITIONAL \$15,000 FROM THE BUDGET TO COVER THE EXTRA COST.

MOTION PASSED. VOTE: 7 TO 0.

Aye: Huntley, Mateyko, Chajes, Palanisami, O'Connor, Rypkema, O'Donnell

Nay: 0.

Absent: Smith.

Mr. Martindale proposed another funding opportunity regarding the Reservoir solar park. He discussed a line of trees had been reduced along Old Paper Mill Road and there were recent concerns about the chain line fence and there were requests for the City to add plantings along the road to mask the fence from anyone that walked past. He added the idea would be up to \$5,000 for plantings which would cover all materials and trees and there was a discussion about adding a fabric sheet to the chain link fence to further obstruct the fence. He looked for \$7,500 to support the project and he wanted to put the initiative on the CAC's radar.

Dr. Huntley wanted to hold off on the funds until Ms. Smith was present to discuss the topic; she believed that Ms. Smith would have some thoughts on what kind of requirements the CAC would put on plantings for the area.

Mr. Mateyko asked if the fence cover would be a fabric or plastic and Mr. Martindale answered that the cover would be fabric like what would be seen on a tennis court fence.

Mr. Martindale distributed paperwork about replacing the sign at McKees Solar Park and to add an informative sign to the Reservoir Solar Park. He thought the signs would be installed on the gates so anyone walking by would be aware of what was going into the project and what was there. He wanted to make sure the signs checked all the boxes from the CAC before the City had them created.

10. OLD/NEW BUSINESS

Ms. Chajes informed she had the idea of a Solar Tour event. She said the National Solar Tour was at the beginning of October, and she thought it was time to solidify their plans and solicit feedback. She mentioned the idea to City staff and wanted to come back next month with a more fully formed plan and hoped their ideas were something they could tweak and then get the word out on.

Ms. Rypkema thought Community Day would be a great event to advertise the Solar Tour and Ms. Chajes agreed.

11. UPCOMING AGENDA REVIEW – PHIL MACHADO

Mr. Machado displayed a draft of the September 13, 2022 agenda and asked for feedback on the Items listed.

Ms. Chajes noted items 5 and 8 were the same discussion and the correction was made.

Dr. Huntley stated Mr. O'Donnell's fossil fuel ban needed to be placed back on the agenda.

Mr. O'Donnell suggested replacing the EV presentation and ARPA funding recommendation he was going to work on for September.

Dr. Huntley asked Ms. Chajes if she wanted to add the SB 305 discussion to the next meeting's agenda and Ms. Chajes confirmed and added that next month was a great time to update people on discussions taking place and she suspected there would be changes to report on.

Ms. Rypkema asked if the members wanted to add Planning and Development names to their item to make sure they were notified, and Dr. Huntley was not sure the CAC needed the item because the discussion was finished.

Mr. O'Donnell spoke on the Energize Delaware item and explained the idea was to bring in someone from the organization to pitch on why the CAC should donate to them. Mr. O'Donnell was going to work on getting a representative to the September meeting but suggested Mr. Machado be ready to strike the item if he could not get someone.

Ms. Rypkema asked if the CAC should add the additional funding that Mr. Martindale suggested, and Ms. Chajes agreed.

Mr. Chajes reiterated the deadline for finalizing the agenda was September 6, one week prior to

the meeting.

Dr. Huntley asked Mr. Martindale if he would have information on the cost of solar panels over parking structures by the next meeting and Mr. Martindale responded that he would have a tentative estimate of the numbers, but he would not be able to verify they would be accurate.

Mr. O'Donnell suggested the estimate would be helpful to get an idea and if the cost were 10% more, they would be able to deal with the increase and Mr. Martindale agreed.

Dr. Huntley thought the solar structure estimate would be great and should be added to the agenda. She expressed to Mr. O'Donnell when he invited Energize Delaware to speak, they should not have the expectation they were going to decide on whether to fund them that evening. She thought the CAC would benefit from listening to the presentation and have time to digest the information to decide later how to distribute the funds.

Ms. Bensley stated the CAC should consider the agenda from a timing perspective because there were a lot of items, and it may have been appropriate to consider what was good for September and what might be better to be held until October, so items were not continually pushed to next meeting. She also informed the CAC she would be out of town for the next meeting, but she would be happy to send a staff member for any planning and development related items.

Mr. O'Donnell asked Mr. Martindale when the budget needed to be spent by and Mr. Martindale responded to avoid the chaos of last year, he would like for the CAC to have a good idea of what they wanted to fund by the October meeting, but he had to follow up with Tom Coleman, City Manager, because AECOM was following up on items from the Greenhouse Gas Inventory report.

Dr. Huntley suggested the CAC should postpone the fossil fuel infrastructure ban because the item was not budget related and it would be helpful to receive Ms. Bensley's input again. Mr. O'Donnell agreed to move the item to a later agenda.

Ms. Rypkema stated the change would give the CAC more time to discuss with their respective Council members.

12. NEXT MEETING – SEPTEMBER 13, 2022

The meeting adjourned at 9:36 p.m.

Philip Machado
Administrative Professional I

/pm