

**The City of Newark
Conservation Advisory
Commission
Annual Report for 2014**

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Overview

This report summarizes the activities of the City of Newark's Conservation Advisory Commission in calendar year 2014. Key CAC accomplishments include:

1. The CAC worked to get **Newark certified by the National Wildlife Federation as a Community Wildlife Habitat**. The distinction for Newark is the 78th community in the country and the 2nd community in Delaware to receive this designation;
2. The CAC recommended that City Council approve the purchase of **LED lights for street lights** to decrease electricity use thereby decreasing the City's contribution to greenhouse gas emissions;
3. The CAC awarded **the Better Newark Award at a City Council meeting to two Newarkers** to highlight their sustainable landscaping of their residences.
4. The CAC recommended that City Council approve the proposed **wetlands amendment to the city code** with the understanding that there will be a second amendment to address additional concerns at a later date.
5. The CAC discussed with the Downtown Newark Partnership ways to **incentivize consumers to use fewer plastic bags**.
6. The **CAC surveyed city residents at Community Day** about their conservation priorities.
7. The **CAC contributed to Newark's revised Comprehensive Development Plan**.

CAC Background

Ordinance 77-56 created the CAC in November 1977,

"to advise in the development, management, and protection of its natural resources with appropriate consideration of Newark's human and economic resources. The Commission shall concern itself with conservation in its broadest sense and may, among its activities: (a) Recommend to City Council a program for ecologically suitable utilization of all wet lands, valley streams, and flood plains and other land areas, the condition and use of which will affect the environmental quality of life in the City of Newark; (b) Shall file an annual report; (c) Maintain informal liaison with the Planning Commission, the Parks and Recreation Department, the City Manager, and the City Council, and cooperate with other public and private bodies organized for similar purposes; (d) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this Commission assigned to it by resolution of City Council."

Ordinance 77-56 gave examples of programs that may be considered by the Commission, such as street tree replacement; improved recycling; beautification plans for volunteer groups; guidelines for multiple use of open space and public areas; community gardens; energy conservation; and review of Zoning Code amendments to encourage conservation, and also

stated that "the above list shall not, however, limit the program which the Commission may undertake or be requested to undertake."

CAC Membership

The CAC has 9 members when all positions are filled.

Appointment Type	CAC Member	Term Expiry Date
Mayor's Appointment	John Hornor	3/15/18
Mayor's Appointment	Thomas Fruehstorfer (Chair)	3/13/17 (Stepped down in 2015 to take job with City)
Mayor's Appointment	Katherine Sheedy	3/15/16
District 1	Ajay Prasad, Ph.D.	3/15/16
District 2	John Wessells	3/15/17
District 3	Bob McDowell	3/15/18
District 4	George Irvine (Chair as of May 2015)	3/15/17
District 5	Cara Lampton	Resigned March 5, 2014
District 6	Carol Anders Riggs	3/15/16
Staff Representative (ex officio)	Charlie Emerson, Parks Director Tom Coleman, Director, Public Works & Water Resources or Tim Filaski, Deputy Director	January/February March to December
Staff Secretary	Tara A. Schiano, City Secretary's Office	

An updated CAC roster is maintained on the City's web site at www.cityofnewarkde.us/DocumentCenter/Home/View/620 (pdf format).

RECYCLING / LITTER

- **Carpet Recycling:** The CAC determined that carpet recycling was not currently an option for the City but the CAC will continue to look for options.
- **Metal Recycling Bin at City Yard:** The CAC also determined that having a metal recycling bin in the City yard on Phillips Ave was not feasible but the City will continue with the current metal pick up program.
- **Solar Refuse and Recycling Containers:** The City reported to the CAC relative to the purchase of solar refuse and recycling containers. At the end of 2014 the CAC was waiting for additional information and will consider recommending more widespread use of these containers.

PLASTIC SHOPPING BAGS

- CAC discussed possible incentive programs to promote the use of reusable bags.
 - One possibility is that people using a reusable bag would be given credits that could be redeemed for high efficiency light bulbs. It has been suggested that local businesses could participate simply by adding a line at the end of their printed store receipt indicating the customer used a “reusable” bag. After collecting an agreed upon number of receipts (10 was suggested) the customer may take the receipts to a designated location and receive a reward.
 - Free parking was suggested as a possible incentive.
 - It was also suggested the individual businesses may be interested in providing store credit for the receipts as an incentive for customers to return to make additional purchases.

- The CAC Chair (Tom Fruehstorfer) met with downtown merchants to determine their position on the issue. Mr. Fruehstorfer received mixed feedback from the merchants. Some retailers wanted to see “their bags” around town as a form of advertising. The CAC will follow up with Ricky Nietubicz (Planner, Downtown Newark Partnership Administrator) to send out a follow-up email to merchants to further clarify their suggestions and comments.

- The Commission is considering approaching some of the larger Main Street stores to get the ball rolling and to promote and influence retailers on Main Street into not using plastic bags in the future.

- During the year the CAC received input from the public in support of elimination of plastic shopping bags.

- At the May 2014 meeting Ms. DE Durham of the local chapter of Roots and Shoots International (Jane Goodall Institute) attended as an invited guest. Ms. Durham provided a presentation on plastic bags and their environmental impact. The highlights of the presentation included the following information:
 - 1 trillion plastic bags are used worldwide annually
 - 102,105,637,000 plastic bags used in the U.S. annually
 - 12,000,000 barrels of oil used annually to make plastic bags that the U.S. consumes
 - 1,126,774 number of plastic bags picked up on ocean beaches in 2009 during the International Coastal Cleanup Day (actual numbers) They are the number two item found on the beach after cigarette butts
 - 3,570,000 tons of plastic bags thrown away in the U.S.
 - An American household uses 500 plastic bags annually

Ms. Durham further stated that although the numbers are estimates it is still a very serious issue that needs to be addressed.

Ms. Durham also presented a copy of House Bill No. 15 “An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Recycling and Waste Reduction in the State of Delaware.” This law, which requires that stores provide for recycling plastic bags and prohibits imposing a fee for plastic bags, is currently in effect.

- The CAC passed two motions relative to the issue of plastic shopping bags:
 - MOTION THAT THE CONSERVATION ADVISORY COMMISSION EXPLORE WAYS TO REWARD CITY SHOPPERS FOR USING REUSABLE BAGS, and
 - MOTION THAT THE CONSERVATION ADVISORY COMMISSION INITIATE A PROCESS TO CREATE LEGISLATION TO BAN PLASTIC BAGS, OR TO IMPOSE A FEE FOR THE USE OF PLASTIC BAGS.

It was noted that, because of HB No. 15, although a law banning plastic bags cannot be passed for the next 3 years, the CAC believed the topic warranted further action prior to the three years. The CAC has included plastic bag reduction as a goal for and intends to hold a public workshop on the issue in 2015.

GREEN ENERGY

- **McKees Solar Park** - Much of the discussion involving green energy during the spring and summer was focused on the McKees Solar Park. Councilman Markham was often present at CAC meetings in support of this effort. Due to the weather, construction of the park was running a little behind schedule. The City was deciding how to pay for the park as fast as possible. To help at this end, solar panels were being sold to the public for \$250 and a later plan was implemented during the summer that allows residents to invest \$50 in 100 kWh of monthly usage for 120 months. In addition, Lou Vitola of City Finance told the CAC that Green Energy Funds would be used to help pay for the Park until it is paid off. This would be expected to occur in two years. This is discussed further in a later section.

The McKees Solar Park panels were installed and construction completed in late September and the park went online in October. Now that the City has their first large solar installation, future discussions will be held with the CAC to decide how another project can help get funded and where installation can occur (larger areas of city land, rooftops on Main St., etc.).

- **Green Energy Fund Changes** - The Voluntary Green Energy Program (voluntary block program) was discontinued. However, the state mandated Green Energy Fund continues. Funds from the Green Energy Program will be used to pay off McKees Park therefore, Newark residents will not get paid back from the program for a couple of years. The City receives about \$10-11,000/month from this funding. The backlog of green energy grant applications currently stands around \$45,000.

Councilman Markham asked the CAC to come up with recommendations on how Green Energy Fund money should be allocated in the future once the Solar Park is paid off. Much discussion occurred about the allocation of the money and whether it should be used to support residents that install solar or other green energy (which helps a few) versus funding future city solar projects (which benefits all residents). Other municipalities in Delaware do not incentivize green energy as much as Newark. The CAC stills feels that we want to keep that incentive for residents that install green energy but that they may have to wait longer for the funds to be available by reallocating some of the Green Energy Fund money to city projects. At the end of 2014, this recommendation was still being discussed and developed but a three-way allocation to residents, businesses and city projects is probable. This recommendation was to be finalized in early 2015 for presentation to City Council.

- **DEMEC – energy efficient bulbs** – CAC discussed with DEMEC about giving LED bulbs out as an incentive to city residents. Councilman Markham was against this because you never are certain that the consumer will use them. It was later decided by DEMEC to distribute the bulbs to those in need (i.e. charities as well) and not randomly to consumers. Using the LED bulbs as an incentive to the use of reusable bags was also discussed as a future possibility.
- **LED Streetlights** - Streetlights in the city comprise a large portion of the electricity usage. Many of the streetlights are the gooseneck style, which can be readily converted to LED bulbs as had been previously done on Main Street. A discussion in the September CAC meeting led to the drafting of a proposal to council recommending the conversion of the remaining gooseneck streetlights to LED lights. The motion passed unanimously at the October CAC meeting and was sent to City Council. It was the opinion of the CAC that the public views LED streetlights as a luxury. However, the switch does not just reduce electricity usage. Some of the major benefits of conversion are better light quality, less light pollution, lower carbon footprint, less repairs and decreased labor costs (less switching out of bulbs). The CAC's recommendation for this proposal was going to come up as part of the 2015 budget to be voted on in January 2015.

BETTER NEWARK AWARD

In January the CAC voted to award the A Better Newark Award to the **Village of Fountainview**. The application was submitted by John Wessells, CAC member and resident of Fountainview.

MOTION THAT THE A BETTER NEWARK AWARD BE AWARDED TO THE VILLAGE OF FOUNTAINVIEW.

MOTION PASSED UNANIMOUSLY

February 11, 2014 the CAC voted to award A Better Newark Award to **Ruthie Toole at 506 Lark Drive, Arbor Park.**

MOTION THAT THE A BETTER NEWARK AWARD BE AWARDED TO 506 LARK DRIVE, ARBOR PARK.

MOTION PASSED UNANIMOUSLY

WETLANDS/FLOODPLAIN

- **Wetlands section of Appendix 3 in the subdivision Code** - Mr. Tom Coleman was present in February and March to discuss wetland issues that had come before City Council. Mr. Coleman stated an Ordinance was presented to Council to modify the wetlands section of Appendix 3 in the subdivision Code in several ways. The first matter would be to revise the title from Public Works to Public Works and Water Resources. The second item would be to fix what the City viewed as inaccurate wording or “unintended consequence” of the way the riparian buffer is worded. He reported that on underdeveloped parcels the riparian buffer is 50 feet from the edge of the wetlands jurisdictional line (if it’s a jurisdictional wetland). On developed parcels, it was the City’s belief that it was intended to be from the wetlands jurisdictional line to the impervious surface up to 50 feet. However, the phrase “up to 50 feet,” was missing. This missing phrase has cause issues. This phrase needs to be added. Mr. Coleman stated the way the Code is written states that wetlands can only be disturbed in general for stormwater features in non-jurisdictional wetlands, however as soon as they become jurisdictional it is no longer permitted due to the riparian buffer requirements.

City Council decided to ask for the CAC’s opinion before making a final decision.

The CAC discussed enhancing the wetlands section with a requirement for a higher intensity planting zone adjacent to the riparian buffer. It was Mr. Coleman opinion this issue would best be handled in a second amendment because further research is needed and he would prefer to move forward with this amendment. Mr. Coleman stated he would add that “all new plants added to wetlands or buffer zones are native or non-invasive.”

Mr. Coleman asked for the support of the CAC for the current bill (amendment to the regulation) and would the CAC be willing to discuss, review and support a second amendment when the need arises. The Commission stated they would and responded with the following motion:

MOTION BY MR. MCDOWELL, SECONDED BY MR. WESSELLS THAT THE CURRENT PROPOSED WETLANDS AMENDMENT BE APPROVED WITH THE UNDERSTANDING THAT THERE WILL BE A SECOND AMENDMENT TO ADDRESS ADDITIONAL CONCERNS AT A LATER DATE.

The motion passed unanimously at the March meeting.

- **City’s Flood Damage Reduction Ordinance** - Mike Fortner, Development Supervisor,

Planning & Development was at the November CAC meeting to discuss the City's Flood Damage Reduction Ordinance. He explained that FEMA (Federal Emergency Management Agency) had requested the City update the Floodplain Management Regulations. The City needs to update some of the Floodplain Ordinance "language and definitions" to remain compliant with FEMA regulations. He said DNREC will also be consulted prior to finalization. Although some sections will be deleted, Mr. Fortner stated Section 32-96 will remain. The intent will be to remove inconsistencies, duplications, incorrect terminology; while maintaining the high standards and regulations the City already has in place. However, Mr. Fortner stressed it is imperative to be FEMA compliant. Mr. Fortner asked for the CACs help and comments during the Ordinance update process.

STORMWATER UTILITY

A proposed Stormwater Utility again became a hotly debated issue in Newark this year. The CAC discussed the situation in August. It was the opinion of the CAC that there is difficulty in determining what to charge residents and commercial properties for impervious surfaces as it clearly is not comparable. It is a hot topic for individuals who are experiencing flooding issues while those who are not, are hesitant to pay a fee. It was noted that in the current proposal people will be able to appeal based on individual circumstances.

The Stormwater Utility progress was discussed again in September. It was reported that prior to going before Council there would be a public workshop on September 29, 2014. Following the workshop the proposed Ordinance will go before Council for two readings at the bi-monthly Council meetings. Ms. Bensley noted public comment was heard at the Second reading of the Ordinance. Mr. Coleman reported Public Works hoped to have the Ordinance ready for the public workshop. He further stated it would be at least a month between the workshop and when the Ordinance returns back to Council. Mr. Coleman said he hoped to review the proposed Ordinance in the immediate future, but had not yet had the opportunity to do so. Following his review and comments, it would be forwarded to Brue Herron, City Solicitor for his review as well. He was able to report that the proposed utility fee would be based upon all impervious surfaces, i.e. roofs, pavement, etc. Additionally, he stated at this juncture, homeowners would not be issued "credits" based upon steps to provide their own Stormwater management, however he was not ruling it out in the future.

The CAC stated that it was their hope that the final Stormwater Utility plan would offer incentives to residents to decrease their impervious surface.

BACKYARD HABITAT

- May 13, 2014 - Mr. McDowell reported that DNREC will pick up the tab for certifying all the City parks are Habitat Friendly. Applications and checklists must be forwarded to Laurie Athey at the Nature Society.

Storm Water	Storm water needs to be better controlled in Newark to reduce property damage.	0	0
Storm Water	Storm water needs to be better controlled in Newark to increase infiltration and reduce discharge to streams.	8	0

*** Each respondent was given 2 "strongly agree" and 2 "strongly disagree" stickers to place on the comments of their choice.**

COMPREHENSIVE DEVELOPMENT PLAN

Mike Fortner, Supervisor, Planning & Development attended the February, March, and April CAC meeting to update the CAC about the Comprehensive Development Plan and ask for the CAC opinion on the following sections:

- Environmental quality
- Healthy active community
- Sustainable community
- Inclusive community

Mr. Fortner asked the CAC to review and provide input on Chapter 7 (Environmental Quality and Natural Resources). He stated the goals and action items need the most work.

Some of the CAC's suggestions included the addition of items such as backyard habitats, rain barrels, and green energy. There were also suggestions relating to collecting data and tracking sustainability progress. Members of the CAC were invited to attend Planning Commission Workshops to help develop the Comprehensive Plan.

FUTURE GOALS

The CAC agreed to consider the following topics for future discussion/action:

- Sustainability with a value based theme i.e. quality of life, parks, public transportation, etc.
- Green jobs not just "jobs"
- Food waste collection from homes (fat, oil collection)
- DNP Design Committee issues i.e. parking, etc.
- Plastic shopping bags (reduce or eliminate single-use plastic bags)
- Measure and lower Newark's carbon footprint
- Increase renewable energy usage
- Carbon footprint study - do an energy audit
- Rooftop gardens
- Backyard Habitats
- The CAC needs to re-address amending LEED in the City Building Code. Review the recent construction to see where they fall. Have they followed the guidelines?
- Discuss LEED and making it more stringent (possibly increase the number of points by 5

Annually)

- How can the City/CAC obtain funding for other worthwhile projects such as McKee's Solar Park? How can the CAC renovate 05-H in a new way?
- Green Transportation (Ms. Sheedy will try to contact former member Nadine Bangerter to obtain her old files.)
- Storm water Management
- What are the areas that can utilize energy efficiency?
- What can the City do to actively pursue energy efficiency?
- Where is major energy consumption in the City?
- Extending the Hall Trail over 279 and extend it to the shopping center for ease of access to Academy Street
- There should be a continuing trend to have bike lanes in the City. Further information needs to be collected on a Newark Bike Plan. Additional bike designated lanes should help to encourage bike travel.
- How can Council better involve the CAC? What projects would the CAC like to pursue?
- Has air monitoring (as it pertains to the Anti-Idling Ordinance) ever been conducted in the City?
- How can Council help the CAC obtain their goals for 2014/2015
- Controlling/reducing stormwater
- Construct retention and/or detention ponds in older neighborhoods.
- Strengthen riparian buffers standards.
- Approach small businesses to install retention ponds under parking lots
- Encourage rain gardens