

January 16, 2015

ADMINISTRATIVE REPORT

Mayor and Council Members:

Lots of great information is shared in the departmentals this week as usual. I call your attention to the Planning and Development section which provides an update and past correspondence regarding the Neighborhood and Accessory use definition concerns raised at our recent City Council meeting.

More efficiencies achieved! Tom Coleman and Rick Vitelli report that the new pump station at the entrance to West Branch used approximately half of the electricity of the original station it replaced which will save over 80,000 kWh and the equivalent of \$8,000 in electrical costs a year.

Volunteerism – The Parks and Recreation Department has completed its end of year volunteer report which outlines the activities for both the parks and the recreational program divisions. We are very proud to report that in 2014 more than 7,000 volunteer hours were recorded with more than 1,600 hours for parks activities such as community clean up and service, eagle scouts, trail maintenance and adopt-a-park efforts. The recreational side totaled nearly 5,500 hours including assistance with community events, sports coaching, day camps and school programs. According to the Independent Sector's Value of Volunteer Time, the monetary value for our 2014 volunteer hours equates to nearly \$142,000. The Independent Sector's Value of Volunteer time is an estimate that helps acknowledge the millions of individuals who dedicate their time, talents and energy to making a difference. The most recent (2013) value of a volunteer hour in Delaware is \$20.29.

Please be advised that our Lobbyist proposals are due in next week. I had staff send reminders to the list who were sent or requested our RFP.

Public Outreach – Just want to share a great outreach effort by Stormwater Program Coordinator Kelly Dinsmore. Though her outreach efforts to local labs we now have our stormwater stress balls in both LabCorp and Quest Labs on Main Street! Kelly reports LabCorp has been using them for a few years and once she explained the educational objectives to Quest Labs they enthusiastically agreed to participate and wanted some for another nearby location. This great outreach effort helps to satisfy the education and outreach element of our MS4 National Pollutant Discharge Elimination System (NPDES) Permit.



New Weekly Report Format – We will begin the new searchable format next week. Please be on the lookout for an email from Josh Brechbuehl advising of the instructions for access.

Meetings:

- | | |
|--------------------------------|--|
| Monday, January 19 | - Martin Luther King Jr. Day
Holiday - Offices Closed |
| Tuesday, January 20, 3:30 p.m. | - Traffic Committee Meeting |
| Monday, January 26, 7:00 p.m. | - City Council Meeting |

Reading Material:

- Departmental Weekly Reports

* * *

Have a nice weekend and please remember City Hall will be closed on Monday for the Martin Luther King holiday.

Sincerely,



Carol S. Houck
City Manager

CSH/mp

DEPARTMENTAL WEEKLY REPORTS

January 16, 2015

Finance - Lou Vitola, Director

Customer Service

The Customer Service Team handled 620 phone calls the first full week of the New Year (1/5/15 - 1/9/15) with an average call length of 3:01 and an average wait time of 5:22. The group also processed 163 payment transactions, while the Welcome Center processed 326 visitors. 233 service calls were initiated by Customer Service in response to the calls and visitors. Customer Service statistics will be maintained on a weekly basis in 2015 to develop key performance indicators.

McKees Solar Park has been online and producing power since October 8, 2014. Total production since then has saved the City of Newark over \$4,500 in avoided wholesale power costs. Fundraising efforts continue as donations and investments exceed \$8,500. Financial reporting will include McKees activity on a monthly basis going forward.

Accounting

Production of the approved 2015 Operating Budget and 2015 - 2019 Capital Improvement Plan is underway. Binders will be distributed as soon as possible.

Planning is underway for the Finance Department's year-end financial reporting, the 2014 audit and the production of the 2014 Comprehensive Annual Financial Report (CAFR).

Planning is also underway for the 2016 budget process. The Finance Department will publish a tentative budget calendar in the coming weeks.

Alderman's Court

This past week we have held three court sessions. We processed 39 arraignments, 45 trials, 7 case reviews and 11 capias returns. This past Friday we transported 6 prisoners from various prisons for cases and have videoed a total of 12 between Monday and this Wednesday to cover for the upcoming Monday holiday.

Police

Deputy Chiefs Farrall and Feeney met with staff from the University of Delaware to discuss the recent update to the UD "Clery Act" notification map. The Clery Act is a federal statute that requires colleges and universities to give timely notification to students and employees of crimes that represent a threat to their safety.

On Thursday, January 15th, Police Chief Tiernan and Ricky Nietubicz of the Planning Department attended the UD Campus Coalition for Alcohol and Substance Abuse retreat at the Trabant Center. The coalition is made up of city, university, and community members, to discuss ways to deal with the issue of alcohol and substance abuse.

Chief Tiernan and the Deputy Chiefs are continuing to work with the New Castle County Office of Emergency Management on the county Hazard Mitigation plan. The contractor hired by the county, has selected Newark's Emergency Operations Plan for the municipal review portion. We will have another meeting with the county and the contractor again in early February.

Officers have been conducting truck enforcement on Rt. 4/Christina Parkway in conjunction with the Delaware State Police. The enforcement is funded by DelDOT. In the month of December, Newark officers stopped thirty-five (35) trucks and one (1) car. Twenty (20) operators were ticketed for an oversized vehicle, two (2) for no registration/insurance, two (2) for drug violations, and one (1) for passing a school bus.

Police Investigators are continuing background investigations of police applicants.

WEEK 01/04/15-01/10/15	INVESTIGATIONS			CRIMINAL CHARGES		
	2014 TO <u>DATE</u>	2015 TO <u>DATE</u>	THIS WEEK <u>2015</u>	2014 TO <u>DATE</u>	2015 TO <u>DATE</u>	THIS WEEK <u>2015</u>
<u>PART I OFFENSES</u>						
a)Murder/Manslaughter	0	0	0	0	0	0
b)Attempt	0	0	0	0	0	0
Kidnap	0	1	0	0	1	0
Rape	0	0	0	1	0	0
Unlaw. Sexual Contact	0	0	0	0	0	0
Robbery	0	1	1	0	0	0
- <i>Commercial Robberies</i>	0	1	1	0	0	0
- <i>Robberies with Known Suspects</i>	0	0	0	0	0	0
- <i>Attempted Robberies</i>	0	0	0	0	0	0
- <i>Other Robberies</i>	0	0	0	0	0	0
Assault/Aggravated	2	0	0	0	0	0
Burglary	3	0	0	6	3	3
- <i>Commercial Burglaries</i>	0	0	0	0	0	0
- <i>Residential Burglaries</i>	3	0	0	6	3	3
- <i>Other Burglaries</i>	0	0	0	0	0	0
Theft	9	17	13	4	27	27
Theft/Auto	2	0	0	1	2	0
Arson	1	0	0	0	0	0
All Other	3	1	0	48	0	0
TOTAL PART I	20	20	14	60	33	30

<u>PART II OFFENSES</u>						
Other Assaults	4	6	4	10	4	3
Rec. Stolen Property	0	0	0	1	5	4
Criminal Michief	8	10	5	0	4	3
Weapons	2	1	0	2	0	0
Other Sex Offenses	0	0	0	0	0	0
Alcohol	4	4	4	10	9	8
Drugs	3	3	1	4	7	2
Noise/Disorderly Premise	7	9	6	7	4	3
Disorderly Conduct	1	3	1	16	2	1
Trespass	5	5	3	4	0	0
All Other	12	9	7	20	16	4
TOTAL PART II	46	50	31	74	51	28
<u>MISCELLANEOUS:</u>						
Alarm	41	32	28	0	0	0
Animal Control	12	10	9	0	0	0
Recovered Property	4	4	4	0	0	0
Service	697	731	551	0	0	0
Suspicious Per/Veh	10	19	10	0	0	0
TOTAL MISC.	764	796	602	0	0	0

	THIS	2014	THIS	2015
	WEEK	TO	WEEK	TO
	<u>2014</u>	<u>DATE</u>	<u>2015</u>	<u>DATE</u>
TOTAL CALLS	711	1,054	748	1,015



**Newark Police Department
Weekly Traffic Report
1/4/15-1/10/15**



TRAFFIC SUMMONSES	2014 YTD	2015 YTD	THIS WEEK 2014	THIS WEEK 2015
Moving/Non-Moving	290	194	151	165
DUI	5	9	4	5
TOTAL	295	203	155	170

PARKING SUMMONSES				
Meter Tickets	467	388	329	264
Parking Summons/IPR	161	212	116	139
Scofflaw Amount Collected	3 = \$503	0 = \$0	3 = \$503	0 = \$0
TOTAL	631	600	448	403

TRAFFIC ACCIDENTS				
Fatal	0	0	0	0
Personal Injury	7	0	7	0
Property Damage (Reportable)	6	8	6	7
Property Damage (Non-Reportable)	16	3	15	3
Hit and Run	6	4	6	4
TOTAL	35	15	34	14

City Manager's Office

Personnel – Andrew Haines, Deputy City Manager

- Met with Newark Charter Jr/Sr High School students regarding a citizen engagement project. The three (3) students were a pleasure to work with and made for a fun civic engagement opportunity.
- Worked with Bruce on several employee/work comp related matters.
- Participated in the last steering committee meeting for the Rental Housing Needs Assessment on Tuesday evening; the summary of the draft findings was discussed. Urban Partners, the consultant, will present the findings to Mayor and Council at a scheduled future meeting.
- I was invited to speak at the February 6 Spring International Orientation. This is an opportunity to try to engage several hundreds of new international students, graduate students and international faculty.
- Marta and I continue to work with all the applicable departments on new hires that are vacancies and/or new positions approved in the 2015 Budget. At this time it includes recruitments in the Police, PW&WR, Planning & Development and working on the newly created Economic Development & Communications (ED-Com) Department.

IT Department Weekly Status Report – Josh Brechbuehl		
Total Tickets Currently Open - 102		
Voice Over IP (Phone System) Replacement	Behind Schedule	Expected Completion January 2014
Moving the City away from standard Copper phone system to new Voice over IP (VOIP) Phone System		
Latest Update: Tentatively rescheduled for January 22.		
City will see improved call control, conference call features, voice mail integration, collaboration and call clarity. This will also cut down or even eliminate long distance phone charges.		

PCI Compliance Audit	Started	Expected Completion January 2014
City has upgraded itself to higher standard for PCI Compliance. New benchmarks are required and City is working towards those new benchmarks in security and process.		
Latest Update: No update		
Achieving this higher standard of PCI compliance will provide the City a better level of security for monetary transactions.		

License Plate Reader Cameras (2)	On-Track	Expected Completion Winter 2014
The City was granted 2 License Plate Reader cameras that will be placed at the edge of the City.		
Latest Update: Network built, awaiting deployment of devices and software.		
Cameras would ideally be connected to City Metro Mesh, however current bandwidth is not sufficient for proper use. Investigating options to either increase speed or alternatives.		

Police Activity Tracking System	On-Track	Expected Completion Winter 2014
City Police has need to upgrade existing software used to track daily activities.		
Latest Update: First draft reviewed. Looks good thus far.		
Software is used to track detailed information about officer/team activity during a shift for use in determining efficiency ratings and total counts.		

Statewide Computer Aided Dispatch Consolidation	Scheduled	Expected Completion Fall 2015
The City of Newark uses New World Systems CAD Dispatch software for 911 Center. A Statewide CAD solution is being planned and implemented over the next 12 months.		
Latest Update: No update		
City of Newark will be sharing a centrally hosted CAD system with Wilmington Fire, University of Delaware, and Delaware State Police.		

Digital Data Retention Evaluation Project	Started	No ETA
The City of Newark will be evaluating the state and local requirements for data retention for documents and email.		
Latest Update: No update		
Required to ensure all requirements are met, but also to allow for end of life on long term data retention that is costly for digital files.		

City Surveillance Camera Consolidation	Scheduled	2015
Consolidating all City cameras to single software solution to ease use, access and administration of system.		
Latest Update: No Update		
6 individual systems are currently used to use and manage surveillance camera systems throughout the City. This project will consolidate as many cameras as possible to a single solution. This will allow for much great availability and manageability as more cameras are added in future years.		

Other Notable IT Updates
• License Plate Reader network is being finalized and vendor is being contacted to deploy appropriate software. • New system for weekly reports for City Council are being deployed this week. • Line of Business application control system is being developed. Meeting this week with departments to develop. • PD Guest Wi-Fi routers purchased. • Ruggedized laptop is in building, being tested, and is being deployed this week to Code Enforcement. • Additional computer for Welcome Center being considered. • Open DNS is being considered for city-wide web filter.

Planning & Development – Maureen Feeney Roser, Director

Planning

Time was spent preparing for the February Planning Commission meeting. Tentatively on the agenda are:

1. The rezoning, major subdivision and special use permit for 52 N. Chapel Street to demolish the existing building and build a three-story mixed use building with 3382 sq. ft. of commercial space and parking on the first floor and 12 two-and three-bedroom apartments on the two floors above.
2. Review and consideration of an Administrative Subdivision for 1119 South College Avenue.

On Monday evening, Council took the following action on Planning and Development related items:

- Unanimously approved Bill 14-32 creating a New Chapter 14A to adopt flood hazard maps, designate a floodplain administrator, adopt administrative procedures and to adopt criteria for development in flood hazard areas. During the review, Council made comments and suggestions to further improve the ordinance which staff will research and review with Planning Commission, as appropriate.

On Tuesday evening, the Technical Advisory Committee for the Phase I Rental Housing Needs Assessment Study held a meeting in the City Council Chamber. The draft of the report was reviewed at the meeting; and follow-up steps discussed for presentation to Council.

The Department continues to work on potential Code amendments to provide an alternative definition of “Accessory Use” for consideration and the creation of a definition of “Neighborhood” as it is currently undefined in the Code. A Memorandum to Council on the subject was provided in June 2014 (see attachment), which offered some alternative next steps and suggested that, because of the complexity of the issues and their importance to the community, a workshop session for Council to discuss the topics be held. Since that time, as you know, Council has had many other issues requiring workshop sessions and the suggested workshop has not been scheduled. At the November 24, 2014 meeting, Dr. John Morgan suggested a possible definition of “neighborhood” which had not previously been contemplated, and therefore, staff reached out to him for a meeting to discuss the matter. That meeting was very productive and staff is now working on a revised proposal to establish a definition for “Neighborhood” and “Accessory Use” to amend Chapter 32 of the Zoning Code. The Planning and Development Department will finalize a proposal over the next week or two, again reach out to Dr. Morgan to discuss and then have it reviewed by the City Solicitor, before presenting it for Planning Commission review and recommendation to Council.

This week the Department completed:

- 3 Buyers Deed Transfer Affidavits.
- 6 Building Permit Reviews.
- 3 Certificates of Occupancy/Completion.

The Code Enforcement Division managed the following this week:

Code Enforcement

- Responded to 7 sprinkler alarms for frozen sprinkler pipes as follows: 2- 2000 Fountainview Circle; 2- Buildings 600 & 800 Scholar Drive; 129 South Main Street; 179 West Chestnut Hill Road, and the Center for Creative Learning on Phillips Avenue.
- Reviewed C/O applications for 2 more units in Building 2000 Fountainview.
- Issued the C/O for 502 Windsor Drive.

Building Maintenance

- Replaced window hardware in George Wilson Center kitchen window.
- Replaced damper motors in the police station.
- Installed door seal on the server room door.
- Sealed pipes in the server room.

The Parking Division handled the following:

- Determined that the problems with the Center Street entrance to Lot 4 experienced since Friday were caused because the loops in the ground that detect a vehicle had gone bad. The loops are scheduled to be replaced on Friday, weather permitting.
- Met with IT to discuss PCI compliance issues in municipal parking lots.

The Economic Development Division did the following:

- Issued a press release for Martin Luther King Day holiday recycling change.
- Worked on the Winter/Spring Municipal E-newsletter; gathering information and stats about the City's 2014 accomplishments and 2015 goals and aspirations.
- Finalized Restaurant Week (January 19-25) programs and materials, and began working on 2015 Wine and Dine, which will be March 28th.

Public Works & Water Resources – Tom Coleman, Director

Management

- Met with each operating division to review operating and capital budgets.
- 2015 Water Main Replacement: 75% complete plans have been submitted by our consultant to the City for review.
- Met with Deputy City Manager to discuss fees for development and utility work within the City. Newark fees have been historically low or non-existent.
- Met with Water Plant Operators to discuss operations and capital projects.
- Met with stream restoration consultant, DNREC and Parks Department at Jenney's Run to discuss stream bank erosion over a sanitary sewer line. Protection of the bank is paramount to maintaining our sewer line as well as the access to the sewer main for the area.

- Arbour Park Booster Station: Finalizing the custom built station enclosure and pump specifications. Anticipated construction start date is April 2015.
- Transfer Station Closure: Final Transfer Station plans, specification, and bid package review are underway.
- Retro Reflectivity Study: Plan to use interns in the summer of 2015 to complete the initial street sign assessment.
- Water SCADA: The final copy of the recommendation for the purchase of SCADA integration services for the replacement of the subsurface monitoring system at the reservoir and establishing a professional services contract for 2015 SCADA integration services has been submitted to the City Manager for review.
- SWF Filter Rehabilitation: No update since 1/7/15 weekly report.
- Paper Mill Road Culvert Removal: We will be renaming this project to Jenney's Run Culvert #1 Removal to more accurately reflect the location and scope for permitting and approvals.
- Well 15 Rehabilitation: No update since 1/7/15 weekly report.
- Budget meetings were conducted for the Public Works, Water, Refuse and Maintenance Divisions to set goals for this calendar year. Additionally, Capital Improvement Projects were discussed and target completion timelines were set.
- A field view was completed with the design consultant, Pennoni Associates, who will be completing the master plan for the Maintenance Yard Facility including optimization of parking, storage and meeting areas. Preliminary needs were discussed and future meetings will be scheduled to incorporate input from the various departments affected.
- Met with our engineering consultant to discuss the wastewater and drinking water planning grant applications that we plan to submit shortly. We have already received a preliminary outline of the wastewater planning grant proposal to review and expect a similar preliminary outline for the water planning grant proposal shortly.
- Was a panelist at the Brandywine-Christina Healthy Water Fund Regional Advisory Panel meeting at the Stroud Water Research Center where we discussed the draft executive summary of the preliminary feasibility document along with the overall goals and strategies of the proposed water fund.
- Attended the CAC meeting where various items were discussed, specifically our carbon footprint.

Stormwater Weekly Report

- ☛ Prepared a GIS floodplain map for the White Clay Wild and Scenic group.
- ☛ Continued working on the Training section of the 2014 NPDES Annual Report. The University and I are working on resolving a problem with others being able to open to our report hyperlinks.
- ☛ Participated in a DE AWRA conference call concerning the Annual Dinner planning.
- ☛ Assisted the Parks Superintendent with cost information for rain barrels he wants to use in the community garden project.
- ☛ Documented the progress of the Christina Creek stream restoration project. Meadville Construction has completed construction of a long linear rock wall structure further upstream in Phase II (West Branch) where the property owners signed onto the project late. In addition, they have completed multiple cross vanes and a J hook feature.



Refuse Division

- Normal refuse operations completed.

Water and Wastewater Division

- Regular maintenance completed at the raceway and the reservoir including the replacement of the gate arm at the entrance to the reservoir service road/jogging path.
- Repaired water main breaks at 111 St. Regis on 1/8-9, at the intersection of Wilshire and Meriden on 1/10, at 25 Hillcroft on 1/11 and at 106 Tyre on 1/13. This brings our 2014-2015 season total of breaks to 13 and our 2015 total to 5.



Water Main Break repair on 8" line at service connection on St. Regis Drive.



Water Main Break repair on 6" line at Tyre Avenue

Street Division

- On 1/12 an ice storm passed through the city beginning at approximately 5 am. Street crews were brought in early to salt the roadways in preparation for rush hour. During the day salt trucks continued to control ice on the streets.
- Potholes were filled.
- Christmas tree collections continue with our trucks pulling the chipper and chipping on site. Collections will follow the leaf collection routes.
- Salt shed bracing repair footings have been excavated in preparation for setting steel and pouring concrete later this week.
- Sign installations are ongoing throughout the city. As a result of the sign inventory performed by interns in 2014, several of the signs failing in the FHWA retroreflectivity requirements will be replaced. Priority will be placed on regulatory signs including with Stop signs and Yield signs at the top of the list.

Garage

- Installed lights, shelving, GPS, and decals to place in service new Vehicle 241, our Water Meter Technician vehicle. This is a 2015 Ford Transit Connect with a 4-cylinder gas engine. This unit replaces a 2002 ¾-ton V8 Dodge van. Unit should be much more efficient to operate.



New Water Meter Technician vehicle placed in service .

- Performed a hydraulic valve replacement on one of our rear loading refuse trucks
- Repaired the lift motor on the Vac-All Catch Basin Cleaner hose system.

Electric

The line crews have been pulling underground cables at the Newark Shopping Center, installed a transformer for new location of the Newark Coop, worked on infrastructure at STAR Campus, and reworked a railroad service at the end of Chapel Street.

The electricians worked at the water treatment plant preparing for demolition of some controls, moved lights at the garage, and removed circuits and outlets in a wall being moved at the Municipal Building.

Engineering has been working with the SCADA developer on getting the last three tap changers which control the voltage to the whole City on the SCADA system. Engineering worked with technical assistance in identifying and fixing a smart meter issue at the Northwest Booster Pump. Engineering also purchased and started using a label printer to make labels for arc flash information needed on all electric equipment. This will inform anyone working on live equipment what necessary personal protection is needed, what are safe boundaries, and the amount of energy that could be produced if equipment faults.

Parks & Recreation

Administration & Planning

A request for reimbursement was submitted to DelDOT for Bond Bill funds awarded to the Curtis Mill Park project.

I attended a Subdivision Advisory Committee meeting to discuss the Pike Park subdivision plan.

On Tuesday I met the Park and Recreation Superintendents to review items relating to the approved 2015 Operating budget and 2015-2019 Capital Improvements Budget.

The Park Superintendent and I visited two park sites to evaluate locations for two (2) additional picnic shelters. I plan to include this as project in the next Capital Improvements Program.

The Park Superintendent completed three (3) park inspections and prepared related maintenance work orders. He also committed time gather information to prepare a contract for tennis court renovations (CIP Project K1301) and Tree Inventory (CIP Project K1503).

We met with PW&WR and DNREC personnel to discuss a stream bank stabilization issue at Redd Park. There are two locations where Jenney's Run is inching closer to the sewer maintenance road/trail.

The Park Supervisor is continuing to research vehicle purchases for 2015 (CIP Projects KQESF and K1304).

Parks Maintenance

The crew committed considerable time this week dealing with snow removal operations.

We are preparing materials and supplies to install stub posts at Old Paper Mill Road Park to reduce automobile access to the park. In recent weeks unauthorized vehicles have been entering the site doing donuts and damaging the turf.

During recent rainy days the crew spent time cleaning up the maintenance building garage and shop area.

Recreation Services

Supervisor of Athletics completed orientations for 3 new staff members hired for the Before and After Care program. She is also starting to review and updating staff files in preparation for the annual inspection that will take place in March.

Supervisor of Athletics completed the staff work schedule for the youth basketball program for the remainder of the season. She also sent out a reminder to the basketball coaches regarding the upcoming "Team Picture Day" and mailed packets to them.

Supervisor of Athletics sent out numerous email blasts to previous participants advertising upcoming winter/spring programs for fitness, sports and camps.

Supervisor of Community Events has been finishing up reports and wrapping up other items from 2014 including compiling sponsorship information for tax purposes and thank you letters. She has also been working on the 2015 events sponsorship package and she prepared for and attended a Memorial Day Parade Committee Meeting.

Supervisor of Community Events was contacted by the US Air Force Heritage Brass Band requesting to do a performance in Newark on March 18. Details will be shared as they become available.

George Wilson Center Coordinator completed some additional online training for GIS, attended the committee meeting and is working to complete updates to the parks information.

George Wilson Center Coordinator is recruiting staff and finalizing details for upcoming programs including swim lessons at the Newark Senior Center and the CATCH after school homework club at Downes Elementary School.

Recreation Superintendent has been compiling the 2014 Annual Report that will highlight activities and accomplishments in 2014.

Recreation Superintendent is working with his staff to prepare the Recreation Equipment and Supply Request for Quotations 2015. The document will be prepared and sent out in the very near future.

Recreation Specialist attended Trail Training December 15-18 at White Clay Creek State Park. This training was hosted by Delaware State Parks Trail Crew and discussed the process of building trails, volunteer involvement and all aspects of trail maintenance. Chrissy and Patrick will present an overview of the training they went through on January 15, and Chip Kneavel (State Parks Trail Crew Leader) will conduct a trail maintenance and building session for the parks crew in February.

Curtis Wheeler volunteered for 2.25 hours removing litter on Christina Parkway on December 21.

Eagle Scout candidate Brian Jarrell spoke with the Recreation Specialist about doing his Eagle Scout Project in Fairfield Park. Brian will be meeting with park staff and Recreation Specialist in early January to discuss installing rain barrels, gutters, down spouts and items at the Community Garden site.

A Volunteer Appreciation Picnic date has been set for February 23 with a severe weather date of February 25. We want to show our appreciation to the amazing volunteers we have in the Parks and Recreation Department. Invitations will be sent out end of January.

On December 30 the Recreation Superintendent participated in an online demonstration for the volunteer database Better Impact. This volunteer database is being compared with other volunteer databases to bring to the Parks and Recreation Department to better manage the successful volunteer program.

Networks Vocational Training Program, a volunteer organization that devoted more than 100 volunteer hours in 2014, will be starting the construction of the raised beds for the community gardens at Fairfield Park. They attended a training orientation with Parks staff on January 9 to go over specifics and construction methods. On January 5, five students and three staff members of Networks devoted 30 volunteer hours at Kells Park rebuilding picnic tables.

CSH/mp

**CITY OF NEWARK
DELAWARE**

PLANNING AND DEVELOPMENT DEPARTMENT

June 13, 2014

TO: Mayor and Members of Council

VIA: Carol S. Houck, City Manager 

FROM: Maureen Feeney Roser, Planning and Development Director 

RE: **Accessory Use and Neighborhood Definitions**

Council requested a review of the City's Zoning Code definitions for the terms "accessory use" and "neighborhood." Specifically, Council requested an alternative definition of "accessory use" for consideration; and the creation of a definition of "neighborhood" as it is currently undefined in the City of Newark Code. This memorandum is intended to review the terms, compare them to definitions used in other communities nationwide, evaluate the need for changes and make recommendations regarding both terms for Council direction.

1. ACCESSORY USE

Newark's current Zoning Code definition of "Accessory Use" is as follows:

"Accessory Use": A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building."

The term is further refined in Code Section 32-53 which reads:

"Accessory uses shall be permitted only on the same lot with the building to which they are accessory, except for the parking space as required in Article XIV of this chapter. All accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood."

Similarly, Accessory Building is defined as:

"Accessory Building": A detached or subordinate building, the use of which is incidental and subordinate to that of the main building on the same lot."

In general, our Code allows accessory uses and buildings as defined above in all zoning districts, with certain exceptions or conditions as follows:

Residential Districts – RH, RS, RT (One family, detached residential 32-9), RD (One family, semi-detached residential - 32-10), RM (Multi-family dwellings – garden apartments - 32-11), RA (Multi-family dwellings – high rise apartments - 32-12), and RR (Row or townhouses - 32-13) – Accessory uses and buildings are permitted in these districts, including private garages, with the exception of semi-trailers and similar vehicles for the storage of property. AC (Adult communities - 32-13.1) also allows accessory uses as noted above, and in addition will allow retail stores and service shops under a certain square footage as accessory to adult community apartment building(s), with limitations.

Business Districts – BL (Business limited 32-16), BLR (Limited business – residential - 32-16.1), and BN (Neighborhood Shopping - 32-17) allow accessory uses and buildings, with the exception of semi-trailers and similar vehicles for the storage of property. Accessory uses in other business districts, specifically BB (Central business district - 32-18) and BC (General business - 32-19), however, are permitted as follows:

BB allows accessory uses and buildings without exception, and will also allow related indoor storage facilities as an accessory use to permitted uses in the district, provided that storage is not of highly combustible or explosive products, or materials which are likely to burn with extreme rapidity. In addition, storage of materials which may produce poisonous fumes or explosions, or products and material which involve highly corrosive, toxic, or noxious alkalies, acids, or the liquids or chemicals producing flames fumes, poisonous, irritant, or corrosive gases are prohibited.

The BC district, on the other hand, allows accessory uses and buildings, except that no semi-trailers or similar vehicles for the storage of property shall be permitted within 100 feet of the property line of an adjoining residential district or lot developed for residential purposes. Related indoor storage facilities are also permitted as an accessory use to any of the permitted uses in the district. (Please note that in addition to accessory uses and related indoor storage uses, BC also allows warehousing as long as combustible or explosive products or materials which are likely to burn with extreme rapidity, or which may produce poisonous fumes or explosions; products or materials which involve highly corrosive or noxious alkalies, acids or to the liquids or chemicals producing flames, fumes, poisonous, irritant or other corrosive gases, are not stored within 100 feet of the property line of any adjoining residential district or lot developed for residential purposes. In addition, BC requires that no semi-trailers or similar vehicles for the storage of property shall be permitted

within 100 feet of the property line of any adjoining residential district or lot developed for residential purposes.) Wholesale sales with related storage and warehousing of those same materials are similarly restricted.

Industrial Districts – The ML (Limited Manufacturing - 32-20) district allows accessory uses and buildings as defined in 32-4 without exception; and MI (General Industrial - 32-21) allows accessory uses and buildings, including the repair, installation and servicing of any commodity distributed, manufactured, processed, produced, or warehoused in the district, provided it is totally within enclosed buildings. MI permitted accessory uses are also limited in that outdoor parking and storage of vehicles, products, or other related items in a state of disrepair are not permitted.

Manufacturing Office and Research Districts – MOR (Manufacturing Office Research - 32-23) and STC (Science and Technology Campus – 32-23.1) allow accessory uses as defined in 32-4.

University District – UN (University or college district - 32-14) zoning allows accessory uses customarily incidental to a college or university, subject to special requirements when adjacent to a non-university zone, including buffer area requirements and restrictions (32-15).

A. RESEARCH

To prepare this report, the Planning and Development Department researched the Zoning Codes of more than 60 political bodies across the country, many of which are university communities, as well as some Delaware municipalities and counties, and other communities found through internet searches or known to staff as progressive planning communities. Specially, we reviewed the zoning codes of:

Abilene, Texas
Aiken, South Carolina
Albion, Michigan
Ames, Iowa
Athens, Georgia
Athens, Ohio
Augusta, Georgia
Bloomington, Indiana
Boulder, Colorado
Bowling Green, Ohio
Brookings, South Dakota
Champaign, Illinois
Chapel Hill, North Carolina
Charlottesville, Virginia
Claremont, California
Clarksville, Tennessee

College Park, Maryland
College Station, Texas
Davis, California
Denton, Texas
Dover, Delaware
Durango, Colorado
East Lansing, Michigan
Eau Claire, Wisconsin
Evanston, Illinois
Fairfax, Virginia
Fort Collins, Colorado
Gainesville, Florida
Georgetown, Delaware
Glassboro, New Jersey
Greeley, Colorado
Greenville, South Carolina
Hays, Kansas
Iowa City, Iowa
Kearney, Nebraska
Kennett Square, Pennsylvania
Kent County, Delaware
Kidder, Pennsylvania
Kirksville, Missouri
Laramie, Wyoming
Lawrence, Kansas
Mankato, Minnesota
Milford, Delaware
Morris, Minnesota
Moscow, Idaho
Muncie, Indiana
New Brunswick, New Jersey
New Castle, Delaware
New Castle County, Delaware
Northfield, Minnesota
Portland, Maine
Portland, Oregon
Prescott, Arizona
Princeton, New Jersey
Pulaski, Tennessee
Rehoboth, Delaware
San Luis Obispo, California
San Marcos, Texas
State College, Pennsylvania
Sussex County, Delaware
Wilmington, Delaware
Wichita Falls, Texas

In addition, we have reviewed the ICC Codes definitions, as well as planning boards and blogs to determine how to proceed with refining the definitions.

B. FINDINGS

The above research was conducted to review communities nationwide of all sizes, many with college/universities, in order to build upon their experiences and legally accepted definitions. We also provide the list of researched communities to confirm that enough research was done to validate the finding that the vast majority of communities define accessory use in the same way (if not the same exact language) as we do, some with minor variations. For example, some communities add a reference to an accessory use contributing to the comfort, convenience or necessity of occupants of the principal building or principal use served, which appears unnecessary for our purposes.

There are, however, some notable exceptions to this trend:

Claremont, CA – adds that the accessory use cannot adversely affect the principal use or the use of other properties in the same zone; and cannot serve property other than the lot on which the principal use is located.

New Brunswick, NJ adds ~~“is subordinate in area, extent, or purpose to the~~ permitted principal structure or the principal use of the land.” This requirement also applies to accessory uses in Evanston, IL.

San Marcos, TX adds “the land/building area that is used for the accessory use must be less than that used for the primary use.”

Champaign, IL includes “the accessory use must be a permitted, provisional or special use in the district, or a home occupation.”

Long Beach Island, NJ requires that the accessory use “be subordinate in height, area, and purpose to the main structure or use.” They define “area” as lot coverage. They also require that the principal use or structure be erected prior to the accessory use.

C. ANALYSIS

The Department’s analysis considered three separate courses of action:

1. Consider changing the definition of accessory use in 32-4 to be more restrictive;
2. Leave the definition of “accessory use” as it is defined in 32 – 4, and consider changing the permitted accessory uses in zoning districts, including the STC zone;
or

3. Leave the definition of “accessory use” as it is defined in 32 – 4, and recognize that interpretation will continue to be necessary in the future.

1. Changing 32-4 Definition to be more restrictive

This approach essentially adds requirements to the current definition of accessory use by potentially requiring subordination in height, area, extent, and/or purpose to the primary use, and phasing the timing of construction. For example our definition could read as follows (*italics indicate additional language*):

“Accessory Use”: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building *and serves only the lot on which the principal use is located. Such use shall be subordinate in height, area, extent and purpose to the main structure or use, and shall only be erected after the primary use exists.*

This approach addresses the concern for tightening the existing definition by requiring the accessory use service only the lot on which it is located; by limiting the size and purpose of the accessory use; and by requiring that the primary use be built before the accessory use.

It is important to note that this approach will apply to all zoning districts in the City, and therefore, additional requirements should be carefully examined to determine if there will be unintentional negative consequences from the restrictions. Therefore, as the department analyzed the proposed amendments, we took each new potential requirement individually to consider its impact. Those of concern to staff are discussed below:

Serves only the lot on which the principal use is located - While this restriction will address the immediate concern for offsite power sales for example, it will also affect solar panel sell backs on residential properties. Some exemption for them will need to be considered if Council wishes to restrict accessory uses in this manner. There may also be issues in commercial and/or industrial districts where a business may store materials to be used at another location in an accessory garage or storage unit – perhaps the word “primarily” rather than “only” serves the lot on which the principal use is located would suffice, should Council wish to include this provision.

Such use shall be subordinate in height - This restriction may cause issues for some accessory structures. Specifically, the owner of a one story residential or commercial property may wish to have a taller accessory building. Perhaps a homeowner would want to erect a garage or a play house in the rear yard that may be taller than the original structure; or a commercial or industrial use may wish to have a taller accessory building as well. Staff believes that if the accessory use or building is subordinate in area and purpose to the main structure or use, restricting its height, beyond what the Code already requires, would not be necessary.

An accessory use or structure may only be erected after the primary use exists. While this requirement seems logical, and again would address the immediate concern for project phasing, recently approved developments, including The Retreat (formerly the Cottages at the Plaza) and Alder Creek (formerly Cleveland Heights) had accessory uses/buildings approved at the time of Council review – both are community centers – and in the case of the Retreat, Council actually required that the community center and related amenities be completed before the first residential CO. In addition, requiring the primary use to exist before the accessory use, in some cases, may disrupt construction timing unnecessarily. For example, if one applies to build a new residential single family home with a detached garage in the rear yard, the owner would have to build (and possibly occupy) the home before approval could be granted for the detached garage. Perhaps adding “unless approved simultaneously” will be helpful in this regard.

In an attempt to further determine if the proposed more restrictive definition would not generate adverse impacts because it applies to all Zoning districts, staff researched building permits and Board of Adjustment minutes. While we have not yet had an opportunity to review all applications for building permits including an accessory use or structures (approved and denied) submitted over the past couple of years, in staff’s recent memory, using the revised definition, without the three areas of concern above (~~*Serves only the lot on which the principal use is located; Such use shall be subordinate in height; and an accessory use or structure may only be erected after the primary use exists*~~), no recent application for accessory use/building would have been prohibited. Staff also reviewed Board of Adjustment minutes over the past 10 years to determine what impact, if any, the revised definition would have. The Board of Adjustment, with the exception of the recent appeal of The Data Center zoning verification, has only heard 2 accessory cases over the last 10 years – both for area requirements (side yards, setbacks. etc.), not for use.

The above indicates that while we might change the definition to add requirements that the accessory use be subordinate in area, extent and purpose to the main structure or use, it might have very little impact on the interpretation of “accessory uses.” For example, as part of the analysis for Special Counsel Max Walton’s September 9, 2013 Memorandum in which he opines that the power plant is likely an accessory use to the Data Center, he reviewed the preliminary drawing supplied by the Data Center, LLC which illustrated that the proposed power plant occupied approximately 1/3 of the area of the lot covered by both phases. He used this information as part of the “incidental and subordinate” (to the primary use - the storage of data) test indicating that the power plant “... will be smaller and apparently will occupy approximately 1/3 of the space required for the 900,000 square foot Data Center based upon the preliminary drawings provided” (area/extent). And further, in the same memorandum, he reasons that “The power plant has a reasonable connection to the primary use (the Data Center) because approximately 80% of the power generated by the power plant will be used by the Data Center operation”(purpose).

2. Changing the permitted uses by further refining permitted accessory uses within zoning districts

Another possible approach to the recent concern, and related to the research above, would be to determine if changes to the individual zoning district's permitted use sections, as they relate to accessory uses, should be altered, instead of the overall definition. Experience and the research above shows that there has been, until recently, little or no concern regarding accessory uses in the City, and that concern has been limited to one Zoning district and one particular project. Therefore, we looked at changing the permitted accessory uses in the STC zone and perhaps, other industrial zones.

It appears that the biggest objection has been for power generation facilities which convert fossil fuels into energy, and not all types of power generation (batteries, solar panels, etc.). There is also the objection that the TDC plan is to sell redundancy power as part of their business plan, which some would argue is driving the size of the facility. Therefore, changing the permitted accessory use sections of industrial zoning categories could get to the heart of the current concern for on-site power generation and its sale as follows:

Consider amending Section 32-23.1 (Science and Technology Campus) (a) (13), which reads:

“Accessory Uses and accessory buildings,” by adding the following:

“except that any accessory power generation facility that converts fossil fuels into electrical energy or steam through a combustion process shall provide such electrical energy or steam solely and exclusively to the principal use or building to which the power generation facility is accessory.”

If the restriction is applied across all industrial zones as well as the STC zone, the approach does not single out the STC zone in particular. It may, of course, encourage the University of Delaware to invoke its exemption from zoning entirely, which, of course, is something that we could discuss with them, should Council wish to proceed with this approach. Also, if this option is explored, the City will need to determine whether there are vested rights that are impacted by the changed limitations. The Council would also need to explore whether the revised limitations have only prospective (as opposed to retroactive) application.

3. Leave the definition of “accessory use” as it is defined in 32 – 4, and recognize that interpretation will be necessary.

The research shows that most communities reviewed define accessory use as we do, and recently popular planning best practices, such as Form-based Zoning, which focuses on the physical domain and the relationship between building facades and the public realm rather than segregation of land use types, have trended toward more liberal interpretations

of zoning codes. In addition, with only two accessory use or structure variances reaching the Board of Adjustment over a 10 year period, perhaps the definition works better than our recent experience suggests.

RECOMMENDATION

After review of the research and in consideration of the concern regarding the definition and allowable uses by district, the Planning and Development Department recommends that the most effective approach would be to leave the definition of accessory use alone, and instead change the permitted uses sections of the industrial zoning districts to allow fossil fuel burning accessory power generation only to provide power to the primary use or building on the same lot as follows:

Amend section 32-20 Uses permitted in the ML districts (limited manufacturing) (a) (6); and 32-23 Uses permitted in the MOR districts (manufacturing office research) (a) (10); section 32-23.1 Uses permitted in the STC district (science and technology campus) (a) (13), which read:

“Accessory building uses and accessory buildings,” by adding

“except that any accessory power generation facility that converts fossil fuels into electrical energy or steam through a combustion process shall provide such electrical energy or steam solely and exclusively to the principal use or building to which the power generation facility is accessory.”

Amend section 32-21 Use permitted in the MI districts (general industrial) (a) (8), which reads:

“Accessory uses and accessory building, including the repair, installation, and servicing of any commodity distributed, manufactured, processed, produced, or warehoused in this district. Such repair, installation, and servicing must be provided totally within enclosed buildings; outdoor parking and storage of vehicles, products, or other related items in a state of disrepair shall not be permitted.” by adding:

“In addition, any accessory power generation facility that converts fossil fuels into electrical energy or steam through a combustion process shall provide such electrical energy or steam solely and exclusively to the principal use or building to which the power generation facility is accessory.”

2. NEIGHBORHOOD

The current Zoning Code does not provide a definition of neighborhood even though the term “neighborhood” is used in both the Code itself and in the City’s Comprehensive Development Plan. As instructed in the Code we have reviewed the Merriam-Webster’s Unabridged Dictionary, which provides the following:

Neighborhood

1. Friendly association with another that is a neighbor: the agreeable easy relations usual among congenial neighbors. <If there are remoter nations that wish us not good but ill, they know that we are strong; they know that we can and will defend our *neighborhood* – F. D. Roosevelt>
2. The quality or state of being immediately adjacent or relatively near to something: proximity. <the *neighborhood* of the earth to the sun>
3. A. The approximate area or point of the location or position of something. <Traveled to a region somewhere in the *neighborhood* of that city>
B. The approximate amount or extent or degree – usually used with in and a qualifying phrase. <in the *neighborhood* of \$10,000,000> or <a highway in the *neighborhood* of 100 miles long>
4. A. A number of people forming a loosely cohesive community within a larger unit (a city, town) and living close or fairly close together in more or less familiar association with each other within a relatively small section or district of usually somewhat indefinite boundaries and usually having some common or fairly common identifying feature (as approximate equality of economic condition, similar social status, similar national origins or religion, similar interests) and usually some degree of self-sufficiency as a group (as through local schools, churches, libraries, business establishments, cultural and recreational facilities). <thought the whole *neighborhood* would hear about it>
B. The particular section or district that is lived in by these people and that is marked by individual features (as type of homes and public establishments) that together establish a distinctive appearance and atmosphere <now lives in a beautiful *neighborhood*>
C. An area or region of usually vague limits that is usually marked by some fairly distinctive feature of the inhabitants or terrain.

As with the accessory use definition above, the Department researched the same communities' Codes for the definition of "neighborhood" and found that only one community defined the term, although most use it. In fact, some communities such as Wilmington Delaware, have instituted "Neighborhood Planning Councils" to strengthen the City's neighborhoods, but the "neighborhood" on which the planning councils are based is the City Council District, and not what typically one would think of as a neighborhood. Others seem to rely on census tracts or planning and/or zoning districts. Fannie Mae guidelines for appraisals indicate that neighborhood boundaries can be identified by various physical characteristics including but not limited to: streets; bodies of water; land uses; and/or types of dwellings. There does not appear to be consensus, however, on what boundaries are most useful in planning efforts.

Our research, however, did reveal the following Zoning Code definition:

Wichita Falls, Texas – defines "neighborhood as "A contiguous area containing residences which are of similar size, age, and construction style and sharing a

common street system. Neighborhoods are defined by major streets, natural boundaries, subdivisions boundaries or zoning districts.”

This definition, staff believes reflects what most people believe the definition of the term “neighborhood”.

To assist in determining the impact of not having a definition of neighborhood, we have reviewed the Municipal Code and found that the term is used on 26 occasions in 6 separate Chapters. Specifically it is used:

- Once in Chapter 2 – Administration in the creation of the Town & Gown Committee and clearly refers to the residential arrangement (“...students and non-student residents sharing local *neighborhoods*”);
- Once in Chapter 16 – Garbage, Refuse and Weeds and appears to refer to residential use (“...violations which may create a nuisance or be dangerous to the public health, safety, welfare, or effect the quality of life in a *neighborhood*”);
- Once in Chapter 17 Housing and Property Maintenance in the establishment of the Promoting Owner-Occupancy of Homes (POOH) Program, which is clearly referring the residential developments (... in existing residential *neighborhoods*);
- Three in Chapter 23 – Parades and Public Assemblies in the definition of a Bock Party – again residential in nature referring to (“... gathering of *neighborhood* residents;” and “... *neighborhood* street fairs, *neighborhood* street picnics”);
- Three times in Chapter 27 – One time in Definitions regarding Collector Roads defines in part as “ ... means of transportation between *neighborhoods*”) and twice in Appendix VI – Parks, Playgrounds and Area Requirements regarding the money in lieu of land options in which the city can use the money for (“... improvement of a *neighborhood* park” to benefit “...the general *neighborhood*”);and
- Seventeen times in Chapter 32 – Zoning – Once in the Definition Section, in which it defines “*Neighborhood* shopping center: A group of more than one retail store and/or personal service establishments and/or offices, located from the central business district, to serve the local shopping needs of the residential area in which it is located; Once in 32-5 which is the Classification of Districts section in that the BN zone is *Neighborhood* Shopping; Once in 32-11 RM Districts (Multi-family dwellings – garden apartments) where it allows for the conversion of one-family dwelling into dwellings units for two or more families that such conversion will “ ... not impair the character of the *neighborhood*”); Four times in 32-17 BN – once in the title and three times the in area requirements for *neighborhood* shopping centers; Once in 32-23 MOR – Manufacturing Office Research – in area requirements in that open areas should be landscaped to “ ... maintain the character of the surrounding *neighborhood*.”; Once in 32-51 – Nonconforming Uses, structures and

buildings in that the extension of a nonconforming use or building may not “... adversely affect the character of the *neighborhood*”; Once in 32-53 Accessory Uses as noted above in that they may not “...impair the *neighborhood*.”; twice in 32-78 Special Use Permit in that the use may not adversely affect “... persons residing or working in the *neighborhood*” or be “... injurious to property or improvements in the *neighborhood*”; and finally, five times in Article XXVII Site Plan Approval in that excellence of site arrangements may include its “... relationship to *neighborhood* and community” and that Planning Commission may offer conditions for, among other things the “...best development of the *neighborhood*” and “...to reduce injury to the value of property in the *neighborhood*” as may City Council.

The term is also referred to numerous times in the Comprehensive Development Plan.

The detail above suggests that neighborhood is most often used in reference to residential communities along the lines of subdivisions (Nottingham Green, Oakland, The Hunt at Louviers, Fairfield, etc.) although it is also used as well for development surrounding commercial and industrial development which may or may not be residential. Therefore, simply adopting a definition of neighborhood as Wichita Falls, Texas noted above will not make sense in all instances.

If additional clarity on the definition is required, another approach could be to define neighborhood as the “surrounding area” and place a distance limit from the subject property to denote neighborhood. This approach is similar to that proposed by Appellants at the Board of Adjustment Hearing. The question then would be what should the distance be? In our Code Sec. 32-79 Amendment procedures we use 300’ as the area for which notification is necessary “... for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the council ...” Further Section 32-56.4 for facilities selling alcoholic beverages for consumption on premises and restaurant patios, properties within 300’ of a church library, school, nursing home, hospital, dormitory or lot zoned residential...” sets limitations on their operations. Therefore, it appears that there is precedent to consider that the area within 300’ of a use is the “impacted area.” Perhaps we could develop a definition of “Neighborhood” therefore to indicate that it is defined as those properties immediately adjacent thereto, and extending 300 feet in any direction from the property in question.

This approach would provide us with a defined area to review for impacts, but it may not make sense in many circumstances, such as large residential subdivisions where the “neighborhood” extends well beyond 300’; or where within 300’ of a use there are clearly divergent land uses; or where significant barriers clearly disconnect the properties. In addition, as Dr. Morgan recently pointed out the term “neighborhood” may be meaningless when impacts from a use are felt miles away. It appears then that “neighborhood” as the impacted area varies with the use. For example, the neighborhood

impacted by an accessory shed building may only be adjacent property owners whereas the neighborhood impacts of a nuclear plant may stretch for hundreds of miles.

RECOMMENDATION

Should Council desire to create a definition of neighborhood, the Department believes that we should adopt the Wichita Fall Texas definition of "Neighborhood" and add another new definition of "Surrounding Area" using adjacent properties and the 300' threshold already found in the Code to define it. Further, we would recommend that we amend all Code sections noted above which reference "neighborhood" to include the words "and surrounding area." Further, we recommend using the terms accordingly in the update of the Comprehensive Development Plan V so we are consistent.

Finally, because of the complexity of the issues covered in this memorandum and their importance to the community, it may be best to schedule a workshop session for Council to discuss how to proceed, rather than discussing it during a regular Council meeting.

/mfr

cc: Bruce Herron, City Solicitor
~~Max G. Walton, Esquire~~
Michael Fortner, Development Supervisor