

City Manager's Weekly Report

Friday, December 11, 2015

Department:

Administration - City Manager

Notable Notes:

Mayor and Council -

Attached find HB 223 that relates to Payment in Lieu of Taxes (PILOT). It is similar to what has been discussed previously. I have shared it with our Lobbyist Rick Armitage as well.

Mayor Sierer, Councilwoman Hadden, Maureen Feeney Roser and I attended the Delaware Today - 2015 Women in Business Luncheon in association with the Women of Newark section of the December issue - attached. I think that I can speak for all of us when I share that we were indeed honored to be included to join the many successful individuals featured in the magazine this year as well as participate in the luncheon.

Our Winterfest Holiday Celebration was a great success including large crowds up and down the business district, and for the tree lighting, ice carving, roasted chestnuts, Santa visit and Reindeer Run. Mayor Sierer accepted a plaque on behalf of Newark for our support of the Reindeer Run. Please find a few photos from the event attached. I commend the Parks and Recreation Department for its coordination of the annual event.

Please see the attached photo of the decals we will be placing on sidewalks downtown to educate of the need to walk bikes or skateboards.

Activity or Project:

Body Camera Update

Description:

The Attorney General's Office has asked the Police Chiefs Association to not discuss or make recommendations related to the implementation of Body Cameras until the AG's Office and representatives from the Chiefs Association meet in January.

Status: Hold

Expected Completion: 1/31/2016

Execution Status: On Track

Activity or Project:

919 Rockmoss Avenue Update

Description:

Please find attached a report from Deputy Solicitor Paul Bilodeau that outlines efforts related to the condemned house at 919 Rockmoss Avenue. The condition of the home, including water in the basement, mold, concerns of neighbors and safety concerns has prompted the interest in

moving forward with demolition of the structure. The Code Enforcement Division will finalize price quotes for demolition, and we will share additional information with the Mayor and Council at a later time. It is expected that we will be in a position to present additional information early next year.

Status: In-Progress

Expected Completion: 12/10/2015

Execution Status: On Track

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Alderman's Court

Notable Notes:

This past week we held three court sessions.

Activity or Project:

Court Sessions

Description:

We processed 52 arraignments, 29 trials, 12 capias returns, 10 case reviews and 1 plea. We also transported 2 prisoners for trial on Friday and videoed 3 on our new video system in the court room on Monday.

Status: Near Completion

Expected Completion: 12/9/2015

Execution Status: On Track

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Electric Department

Notable Notes:

Nine candidates for a groundhand position were interviewed by engineering and the field superintendent. Although there were many good choices, ultimately all agreed on one. After reference checks and the usual HR checks, the person will be notified and hopefully will start sometime in January. This position became available after a groundhand recently left the department.

The LED streetlight replacement project is underway with the first 500 lights being installed by three crews simultaneously. A resident called to express her extreme gratitude for the nice lights. Not only are they 20% brighter, have a more even distribution, and are a white instead of yellow light, most of the high pressure sodium lights being replaced are old and would necessarily be dimmer than if they were new, so the LED lights are that much brighter.

The line crews performed a scheduled outage to a few homes in Briar Creek to replace a transformer pad that was cracked from tree roots growing underneath it. The line crews also rearranged underground primary at the Evergreen Apartments for easier restoration in the event of a cable failure. The crew also rearranged the service at the Indian Sizzler on Main Street to fix a clearance issue with the roof and helped contractors pulling a new primary service to the Main Towers.

The electricians have been flagging for the tree trimmers on Nottingham Road and the meter technician has starting installing 200+ meters at the apartments at the Newark Shopping Center.

Engineering compiled the monthly University load report used by billing and DEMEC.

Activity or Project:

SevOne at STAR Campus

Description:

Install 2 padmount transformers and metering for data center which tie into Bloom Boxes.

Status: In-Progress

Expected Completion: 12/31/2015

Execution Status: On Track

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Finance Department

Notable Notes:

Payments and Utility Billing

The group handled 482 phone calls the week of 11/30/15 with an average call length of 3:38 and an average hold & queue time (average speed of answer) of 7:08. Our Welcome Center staff greeted 297 visitors, while service calls initiated by Payments and Utility Billing in response to calls and visitors totaled 94 last week. The group also processed 5,907 utility payments and CityView transactions, 852 of which were imported automatically.

I am pleased to announce that Lloyd Hudson has joined the PUB team in the part-time mailroom clerk/equipment tech. Lloyd, a long-time seasonal employee with the Parks & Recreation group, is pleased to join the department.

Accounting

Accounting staff are working to prepare for the rigorous year-end process. The physical inventory count has been done, and we have set timetables for key dates, such as invoice and purchase order deadlines. More information will be shared as we meet with the City's independent auditors and work through audit fieldwork scheduling. Staff continues to work short-handed, as the part-time finance assistant position was recently posted and remains open.

Activity or Project:

Purchasing Card Upgrade

Description:

We are working with Fulton Bank to upgrade the City's existing purchasing cards, or "P-Cards." The upgrade will reduce workload and improve efficiency by automatically posting transactions to the City's financial accounting system and reduce costs through a rebate program. There is no cost to the program upgrade. All replacement cards were properly enrolled and the physical cards have been received. They will be deployed once we integrate the vendor's reporting system (Elan) with the City's financial accounting system (Munis). There is no update to the status of the project this week. The expected completion was pushed back to 12/31/15 to allow me the time I need to train and cross train users on the new system.

Status: Hold

Expected Completion: 12/31/2015

Execution Status: Behind Schedule

Activity or Project:**Description:**

Status:

Expected Completion:

Execution Status:

Activity or Project:**Description:**

Status:

Expected Completion:

Execution Status:

Department:

Parks and Recreation Department

Notable Notes:

I received official notice of approval of the \$200,000 Delaware Land and Water Conservation Trust Fund grant for the Bicycle/Pedestrian Bridge which will connect Curtis Mill and Kershaw Parks crossing the White Clay Creek.

We committed time preparing end of year budget information for the Finance Department.

We committed time reviewing and preparing comments on Subdivision and CIP Plans.

Last week we finished planting replacement trees on Main Street. The new trees were needed to replace others which had been vandalized.

Last week the crew worked on/completed these tasks:

- * Decorated the Christmas Tree on the Academy Building lawn and assisted in preparations for Winterfest.
- * Committed considerable time with final mowing and leaf mulching operations for the year.
- * continued with planting bed cut backs and clean up at various park and landscaped sites.
- * Replaced Rain Garden signs at Handloff and Devon Parks.
- * Constructed seven garden boxes for the Community Garden site.
- * Completed several general park maintenance work orders.

We conducted a very successful Winterfest event last Friday evening. We estimate that 2,000 people attended. Additionally, the Delaware Special Olympics had their annual Reindeer Run in conjunction with the event. The Recreation and Parks staff did a great job planning for and carrying out the event. Want to thank the Public Works and Water Resources and Police Departments for their assistance. Additionally, seven volunteers committed 21.5 hours helping with the event.

Last Saturday we held our Snack with Santa and Santa's Secret Shoppe events at the Wilson Center. More than 220 people came out to enjoy the mornings festivities. 30 volunteers, ranging in age from 14-90 years old devoted 118.5 hours assisted us.

Recreation staff are working on year-end reports for 2015.

Activity or Project:

Winterfest

Description:

Start of the Christmas Season event on Main Street at the Academy Building lawn: caroling, tree lighting, ice carving, refreshments, Santa visit with children and the Delaware Special Olympics Reindeer Run.

Status: Completed

Expected Completion: 12/4/2015

Execution Status: Completed

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Planning and Development Department

Notable Notes:

Building Maintenance

- Facilities Maintenance performed the following:
 - Met with Hardy and Sons about diesel fuel pump issues and approved the called-for repairs.
 - Continued work on 2nd floor offices in the Municipal Building – painting, drywall finishing and layout of desk designs.
 - Worked on the 2nd floor Police Station ladies room faucet and ordered the needed part.
 - Investigated a non-working hot water heater in the Parking Office, which will need to be replaced.
 - Repaired the overhead door in the Water Department at the Municipal Yard.
 - Got final inspections on new sump pumps in Police Station.

Code Enforcement

- Code Enforcement has 4 major projects currently being reviewed, permitted or under construction at 52 North Chapel Street, 60 North College Avenue, Park N Shop Shopping Center renovations and the new University of Delaware dormitory located on Academy Street.
- This week Dairy Queen on Main Street received its Certificate of Completion.
- The building permit review for the STAR Campus Incubator Labs has been completed.
- The new Fire Protection Specialist started on December 7th.
- Work continues on the façade at the Washington House condominiums located at 113 East Main Street.

Economic Development

- On Wednesday evening, Planning and Development Director Maureen Feeney Roser attended the Greater Wilmington Convention and Visitor's Bureau's annual holiday networking mixer.
- Today Maureen met with UD HRIM Chairwoman Sheryl Kline to discuss Taste of Newark and other potential opportunities and events in which to collaborate.

Parking

- Parking Ambassadors assisted the Police Department with WinterFest on Friday night.
- The Parking Division continues to engage customers using the new parking equipment; and the feedback is almost exclusively positive.
- Some time was spent on the lease agreement for the downtown Parking Office.
- Some time was spent on lease agreements for portions of Lots 2 and 3.

Planning

- On Thursday morning Maureen attended the staff meeting.
- This week revised plans for Trader's Alley major subdivision and special use permit were received. The plans have been distributed for SAC review and comment.
- Work continued this week revising the Unicity Bus schedule for printing.
- The following was also completed this week:
 - 6 Deed Transfer Affidavits
 - 24 Building Permit Reviews

Activity or Project:

Board of Adjustment Meeting

Description:

The Board of Adjustment will hear cases from two applicants at the December 17th meeting. The first applicant would like to open a “piercing shop” in a BB or BC zoning district. The Planning and Development Department has determined that a “piercing shop” is not a permitted use in BB and/or BC zoning districts because it does not meet the definition of Personal Service Establishment as defined under Section 32-4(a)(91). The Board of Adjustment will determine if a piercing shop can be considered a Personal Service Establishment, and therefore permitted in BB and/or BC zoning districts. The Second applicant is requesting variances for 129 Lovett Street,

including deviations from the area requirements for side yards and minimum lot area. PLEASE NOTE: After the weekly report was submitted, the application for the "piercing shop" was removed from the December Board of Adjustment agenda for December 17, 2015 -- and will be considered at the Board's January meeting scheduled for Thursday, January 21, 2016. In addition, although the Newark Post indicated the "piercing shop's" preferred location was 132-134 East Main Street, the owner of the property at that address indicates that the use is not being contemplated for their property.

Status: In-Progress

Expected Completion: 12/17/2015

Execution Status: On Track

Activity or Project:

January 2016 Planning Commission Meeting

Description:

Considerable time was spent this week preparing for the upcoming Planning Commission meeting scheduled for Tuesday, January 5, 2016. Tentatively scheduled agenda items include the Comprehensive Development Plan V Public Hearing; rezoning of 249 East Main Street from BLR to BB; and the Comprehensive Development Plan amendment, rezoning, minor subdivision and site plan approval for the property located at 47 West Cleveland Avenue, next to the recently approved Cleveland Station.

Status: In-Progress

Expected Completion: 1/5/2016

Execution Status: On Track

Activity or Project:

Newark Community Radio

Description:

Development Manager Mike Fortner is working on a draft agreement allowing Newark Community Radio to use the water tank at Dallam Road to place the radio antenna.

Status: In-Progress

Expected Completion: 12/31/2015

Execution Status: On Track

Department:

Police Department

Notable Notes:

As previously mentioned in last week's report, the Police Department is reviewing past motor vehicle

accident data and traffic complaint areas from the public. We intended to launch an educational and enforcement campaign in December. Due to the workload and vacations by staff members this has been pushed back to January. We hope to utilize the expertise of the new Communications Manager to assist with the educational component.

The Newark Police Department is investigating a robbery that occurred at the Little Caesar's Pizza located at 240 Delaware Avenue (Newark), on 12/07/2015 at approximately 11:30 p.m. At approximately 11:30 p.m., a masked suspect entered the restaurant brandishing a handgun. The suspect walked behind the counter and demanded money from the two employees. The employees turned over an undisclosed amount of cash and the suspect fled from the store. The suspect was last seen running on foot toward South Chapel Street. The victims are a 44-year-old male from Wilmington, DE and a 22-year-old female from Newark, DE. The suspect is described as a male, 25-35 years of age, 5'07 to 5'10" tall, average build. He was wearing an orange sweatshirt, blue jeans, and a mask partially covering his face.

The Winterfest and Reindeer Run ran smoothly last week with no major issues reported.

We continue to receive emails from the public complementing our officers, even when the person was stopped for a motor vehicle violation. Below is the most recent email we received:

In August my license plate was stolen/lost and Officer Coughlin was extremely helpful in the matter and filing the report. The other day I was pulled over for a minor traffic violation and again he was extremely kind, courteous, and respectful in our interaction. I just wanted to thank and bring to light an Officer who I think goes above and beyond to really treat the people he confronts well and fairly. Again, I appreciate his actions in resolving the matter.

Activity or Project:

N/A

Description:

N/A

Status: Completed

Expected Completion: 12/9/2015

Execution Status: Completed

Activity or Project:**Description:**

Status:

Expected Completion:

Execution Status:

Activity or Project:**Description:****Status:****Expected Completion:****Execution Status:****Department:**

Public Works and Water Resources Department

Notable Notes:

We will be holding the pre-construction meeting for the South Well Field Filter Rehabilitation project this Friday, December 11th.

Activity or Project:

Main Street Crosswalk Signalization

Description:

I was contacted by DeIDOT who indicated the signal mast was going to take longer than originally estimated to be delivered. Due to the delay, they are now going to wait to begin construction until after graduation this coming May. We were concerned that if we started construction over winter session as originally planned, there would be barrels and exposed anchor bolts for all of spring semester.

Status:

In-Progress

Expected Completion:

7/31/2016

Execution Status:

Behind Schedule

Activity or Project:

2016 Water Main Replacement Project

Description:

We held a team meeting this week to begin preparation of the 2016 water main replacement project. Specifically, we are going to bring the engineering for two streets back in-house as a cost saving effort. We will use these two streets as a pilot effort which will hopefully result in bringing the entire contract in-house starting in 2017. We also reached out to Echologics, the firm we plan to use to perform non-destructive testing of critical mains, to begin preparing the documents and

plans necessary to inspect the 4 miles of mains identified in the budget early in 2016. We have recently identified rail crossing mains as high priority along with South Chapel in the area between the South Well Field and Old Baltimore Pike (break history) so we will likely inspect these mains instead of South College Avenue as originally planned.

Status: In-Progress

Expected Completion: 12/1/2016

Execution Status: On Track

Activity or Project:

Jenney's Run Culvert #1 Replacement

Description:

We will be holding the pre-construction meeting this Friday, December 11th. We have already begun reviewing material submittals and have received the go ahead from DelDOT to begin work within the DelDOT right-of-way while the slope stabilization design is being completed by the contractor's engineering consultant. There is an outside chance that the reservoir main could be back online before the end of 2015, but we are comfortable that we will be able to meet the schedule requirements imposed by the National Parks Service.

Status: In-Progress

Expected Completion: 2/29/2016

Execution Status: On Track

12/6/2015 to 12/12/2015

SPONSO Rep. Baumbach & Sen. Sokola
R: Reps. Kowalko, Osienski; Sens. Hall-Long,
Peterson, Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 223

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO
COMPENSATORY PAYMENTS FOR CERTAIN EXEMPT PROPERTIES OWNED BY THE
STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Section 8318, Title 29 of the Delaware Code by making insertions as shown by underlining and
2 deletions as shown by strike through as follows:

3 § 8318. Compensatory payments for certain exempt properties owned by the State.

4 (a) The county seat in each county, as well as those cities with a population over 25,000 and at least 20% tax-exempt
5 property, shall appraise and assess real property taxes on all property owned by the State excluding properties owned by the
6 Delaware Housing Authority, or Delaware Solid Waste Authority, ~~Delaware State University, or the University of~~
7 ~~Delaware~~, lying within their respective city limits. Each county seat, or city with a population over 25,000 and at least 20%
8 tax-exempt property, shall annually submit statements of these appraisals and assessments unto the Secretary of the
9 Department of Finance, said assessments and appraisals to be in accordance with their respective procedures for appraising
10 and assessing real property.

11 (b) The Secretary of Finance shall examine and inspect the aforementioned assessment and appraisals and shall have all
12 rights to question the assessments and appeal any decisions regarding the same. If the Secretary of Finance is satisfied that
13 the assessments and appraisals are accurate, then the Secretary shall direct payment to the County Seat, or qualifying
14 city, according to the following schedule:

15 (1) For those county seats with populations under 50,000 with less than 20% tax-exempt property, with a
16 population between 0 – 50,000 residents, the Secretary shall direct a payment of ~~30.8%~~ 36.0% of the tax assessed to
17 said county seats.

18 (2) For those county seats with populations under 50,000 with more than 20% tax-exempt property, the Secretary
19 shall direct a payment of 18.0% of the tax assessed to said county seats.

20 ~~(23)~~ For those county seats with a population above 50,000 residents, the Secretary shall direct a payment of
21 100.0% of the tax assessed to said county seats.

22 (4) For non-county seat cities with a population over 25,000 and more than 20% tax exempt property, the Secretary
23 shall direct a payment of 12.0% of the tax assessed to said cities.

24 (c) The total amount of payments made by the Secretary with respect to all county seats and qualifying cities shall not
25 exceed ~~\$3,000,000~~ \$3,500,000 in any state fiscal year.

26 (d) In any fiscal year, if total compensatory payments, as calculated under subsection (a) of this section, exceeds the
27 amount allocated in subsection (c) of this section, then the payments to be received by each county seat or qualifying city shall
28 be the product of ~~\$3,000,000~~ \$3,500,000 multiplied by a fraction, the numerator of which is the payment that would
29 otherwise be due to a county seat or qualifying city under subsections (a) and (b) of this section and the denominator is the
30 total of all compensatory payments that would otherwise be due to all county seats and qualifying cities pursuant to
31 subsections (a) and (b) of this section. The Secretary of Finance has the right to withhold payment to any county seat or
32 city until the assessments and appraisals of all 3 counties and other qualifying cities have been submitted and verified.

33 Section 2. This Act shall take effect immediately upon its enactment into law.
34

SYNOPSIS

This bill changes the program for distributing payments to cities with tax-exempt properties owned by the State. Instead of directing payments only to county seats (Wilmington, Dover, and Georgetown), the bill will authorize payments as well to any city with a population over 25,000 and more than 20% tax exempt property. It also raises the annual cap on the amount distributed by \$500,000 and adjusts the formula under which these distributions are made.

This bill improves the formulas to enable the elimination of specific dollar earmarks, and to enable all of our state higher education institutions to be treated equally in this section. The bill is designed to ensure a slight dollar increase to each of the three county seats, while initially adding Newark to the program, at a much lower benefit level than the other three cities.

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The Women of Newark

These six women are shaking up the third largest city in Delaware.

BY EMMA WAY

Newark Mayor Polly Sierer moved to the city 25 years ago for a job, but stayed because of a passion to lead. Upon election two years ago, she became the first woman mayor of Newark in more than 40 years. Now she is setting a precedent for others. Sierer, with the interim president of University of Delaware and many other women, are the driving forces of the town. "This is not something I went to school to do," Sierer says. "This is something coming from within."

She and women like acting UD president Nancy M. Targett, serve as role models. "We have to go out into the community and share our experiences so they can develop a passion to be leaders," Sierer says. Education and engagement are the keys. "That's what inspires women to have the desire and confidence to pursue this."

With a population of 30,500, Newark is the third-largest city in the state. It is made up of two essential halves, the university and the city. Sierer and Targett are just two pieces of the team. They serve with others. Here are a few.

Margrit Lee Hadden **Councilwoman**

Now in her second term of representing District 4 on City Council, Hadden is serving with a newly minted Certificate in Local Government Leadership from the Institute for Public Administration at the University of Delaware. As a member of the legislative body vested with all powers of the city, Hadden is studying whether municipal broadband is viable for the city, looking to revise the nighttime noise ordinance in



residential neighborhoods and working to maintain the integrity of residential neighborhoods. But she is passionate about finding solutions to homelessness in Newark, especially for military veterans, and improving opportunities and resources for low-income residents. "Everything I do is volunteer based," Hadden says. "There's nothing more satisfying than seeing something that you've been working on come to fruition."



Carol Houck
City Manager

"Now more than ever before, local government is being held to higher expectations related to quality of life and environmental issues, as well as our delivery of traditional services," Houck says, so her main focus for now is developing leaders and innovators in the city administration and increasing community engagement. She has a full plate, overseeing an operations budget of up to \$43 million, a capital budget of

up to \$12 million, and all municipal operations, including police, planning and development, finance, Alderman's Court and more. "City managers tend to be generalists that have the sense to focus on the right things at the right time while relying on having the right people with proper skills in key positions," she says. Houck earned her job the old-fashioned way. After serving as assistant to the city manager for 15 years, she served as interim manager for seven months after her predecessor's retirement, then came out on top of a national search in 2012.



Kathleen S. Matt
Dean, College of Health Sciences, University of Delaware
Executive Director, Delaware Health Sciences Alliance

Both of Matt's positions involve facilitating biomedical research and educating the next generation of healthcare leaders in order to enhance the health and well-being of Delawareans. As dean of the Health Sciences, she oversees education, research and clinical programs. As executive director of DHSA, she cultivates biomedical partnerships across its institutions, UD, Christiana Care Health System and Nemours/A.I. duPont Hospital for Children. Matt returned to her hometown of Newark to lead the college six years ago. Biomedical partnerships she built while working in Phoenix, Ariz., resulted in

development of a medical school and a strong partnership with the Mayo Clinic that will lead to another medical school. She is working to continue that work here, facilitating more partnerships and growing an academic health center on the university's Science Technology and Advance Research (STAR) campus.



Maureen Feeney Roser
Director of Planning and Development

In her previous job as assistant director of planning and development, Roser worked as staff to the Downtown Newark Partnership, helping it to win the Great American Main Street Award from the National Trust. "It showed that the hard work and dedication put into the economic, aesthetic, cultural and social enhancement of downtown Newark was worth the effort," Roser says, "and getting the national recognition was great for the city." Roser has served as the director of her department since 2012. She and her team regulate all land use and development in the city and provide related services through its program divisions: economic development, parking, code enforcement and others. Among other honors bestowed her are the Exceptional Service Award for the

Delaware Main Street Program of Delaware Economic Development Office and a Jefferson Award for Public Service.



Polly Sierer
Mayor

"I had never been active in politics or aspired to an elected office," Sierer says. But when people started encouraging her to run for mayor in 2012, she saw an opportunity to influence the future of the community. She now does all the things you would expect of any mayor: provide leadership and guidance to the community, preside over City Council as it sets policy and oversees finances, and act as the city's ambassador. Yet she is also president of the Newark Area Welfare Committee and Newark Senior Center, among other volunteer activities. Three years into her term, "I will continue to spend a great deal of time developing relationships in our community, both at the individual and institutional level," Sierer says. "I will continue to foster

these relationships with our citizens, the University of Delaware, and our state and federal elected officials to create a community that is vibrant and engaging in its efforts with regards to economic development, education and community involvement."



Nancy M. Targett
Acting President, UD

Targett joined the university as an assistant professor in 1984. Now she is the acting president. Targett's trajectory was, in many ways, typical of academia, but also fortuitous. She became a full professor of marine bioscience in 1995, then was named dean of the College of Earth, Ocean & Environment and Director of Delaware Sea Grant 10 years later. In July, soon after Patrick Harker stepped down as president, the board of trustees chose Targett to keep the ship steady until a new leader is named. She now works with students, faculty, staff, board of trustees, alumni, friends and the public to advance the university's missions of teaching, research and service. Her goal for now: "To maintain the momentum of our university initiatives and to prepare the university community to welcome and work effectively with the next president."











**CITY OF NEWARK
DELAWARE**

CITY SOLICITOR'S OFFICE

December 8, 2015

TO: Carol S. Houck, City Manager

FROM: Paul E. Bilodeau, Deputy City Solicitor 

RE: Possible Demolition of 919 Rockmoss Avenue

Recent History of 919 Rockmoss Avenue (the "Property")

When Thelma Scott passed away in 1994, her will directed that the Property pass to a Trust she had created for the benefit of her son George B. Scott. Unfortunately, the individuals she named to serve as Trustees had no idea this Trust existed. Therefore, her son treated this Property as his own until he died, without a will, in January 2013. Thelma's Trust provided that if her son died without a will, then 919 Rockmoss Avenue was to pass "outright and free from trust" to five different individuals or organizations ("Remaindermen").

After Mr. Scott died in January 2013, his widow Rowena Scott continued to live in the Property. During the ensuing months, there was a small fire in the basement of the Property. During the City's investigation of this incident, it learned of the deplorable state of the Property. In particular, there was raw sewage collecting in the basement of this property, and there was a noxious odor coming from the house. As a result, in November 2013, City Code Inspector Steve Wilson condemned the Property and posted it with a Notice advising that it was unfit for habitation.

City Acquisition of the Property

Each of the Remaindermen was then contacted and advised as to: 1) the current condition of the Property; 2) what it would take to bring the Property into compliance; and 3) the City's tax lien on the Property. As a result, each of the Remaindermen renounced in writing any claim to the Property.

In May of this year, the City filed to have the Property sold at a tax sale for its past due taxes and penalties of \$105,265.17 (\$34,702.30 before interest, penalties and administrative fees). At the August Sheriff Sale, the City was the only bidding party – namely because of the amount of the lien, the deplorable condition and because of the one-year period of redemption. The one-year period of redemption means that any interested party has twelve months to come forward and pay all outstanding taxes/liens owed on the Property. Given the amount of the City's tax claim, and the prohibitive cost to rehabilitate this Property, it is highly unlikely that

anyone will come forward between now and August 2016 to redeem the Property. Once the one year period passes, the Sheriff will issue a deed to the City.

Current Condition of the Property

Last month, a re-inspection of the Property took place. In the two years since it was initially condemned, the condition of the Property has deteriorated considerably. There is now about three feet of standing water in the basement. There is also considerably more mold growing on the interior walls. Moreover, the structural integrity has worsened. As a result, an updated Notice of Violation was issued and posted to the Property (copy attached). That notice states that the property could be demolished because it is unsafe, dangerous and unfit for human occupancy.

Because of the condition of the property and threat it presents to the health and safety of Newark residents, it is clear that demolition is the most viable option. Accordingly, it is the recommendation of the Code Enforcement Department that the structure be demolished as soon as possible. The decision that needs to be made is whether to demolish the structure now, or whether to wait until the Sheriff issues the City a deed to the Property in the fall of 2016. In making this decision, the analysis would include weighing the current threat the Property presents versus the likelihood a party will come forward and redeem the Property. Due to the remote chance the Property will be redeemed, it is the recommendation of the City Solicitors that the structure be demolished now as opposed to waiting until the fall of 2016. To this end, the Code Enforcement Department has obtained price quotes from contractors.

Recommended Procedure for Demolition at This Time

Although the Remaindermen have renounced any claim to the Property, it is recommended that the Remaindermen and Rowena Scott each be sent a certified letter advising that the Property will be demolished unless someone comes forward by a specified date and applies for a permit from the Code Enforcement Department to bring the Property back into compliance and satisfy the past due fees. Once again, given the current condition, the amount of the City's tax lien, and the cost to bring this Property into compliance, it is not anticipated this will occur prior to the deadline.

Thank you for your consideration.

PEB:av

Enc.

cc: Bruce C. Herron, Esq.

Ryan J. Straub, Code Enforcement Officer



**City of Newark
Code Enforcement**

City of Newark
220 South Main Street
Newark, DE 19711

NOTICE OF VIOLATION

Premises in violation: 919 ROCKMOSS AVENUE

November 10, 2015

SCOTT THELM C TRUST
919 ROCKMOSS AVENUE
NEWARK, DE 19711

RE: CE20150001387

An inspection of the above premises has revealed the following violation(s) of the International Property Maintenance Code.

Code Section: PM-108.1.3 **Date of Violation:** 11/05/2015 **Days to Remedy:** 0
Violation: Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Code Section: PM-108.1.1 **Date of Violation:** 11/05/2015 **Days to Remedy:** 0
Violation: Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Code Section: 2012 IBC 116.1 **Date of Violation:** 11/05/2015 **Days to Remedy:**
Violation:

Code Section: 2009 IPMC 108.6 **Date of Violation:** 11/05/2015 **Days to Remedy:** 10
Violation:

Code Section: 2009 IPMC 308.1 **Date of Violation:** 11/05/2015 **Days to Remedy:** 10
Violation: Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Code Section: PM-504.1 **Date of Violation:** 11/05/2015 **Days to Remedy:** 10
Violation: All plumbing fixtures shall be properly installed and maintained in working order, free of obstructions, leaks and defects.

Code Section: PM-305.1 **Date of Violation:** 11/05/2015 **Days to Remedy:** 10
Violation: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Building occupants shall keep that part of the structure under their control in a clean and sanitary condition. Every owner shall maintain in a clean and sanitary condition all public and common areas in the building

Corrective Action to be Taken:

1. The property 919 Rockmoss Avenue has been condemned and deemed "Unfit for Human Occupancy" due to broken plumbing, excessive rubbish, raw sewage and mold growing throughout the property. Make all



**City of Newark
Code Enforcement**

**City of Newark
220 South Main Street
Newark, DE 19711**

necessary repairs or raze structure to eliminate the safety hazard.

2: Remove all rubbish throughout house so that rooms and walk ways are accessible.

3: Repair/Replace plumbing and have basement sewage/water pumped out and sanitized.

4: Have a professional license mold remediation company abate all mold/sanitation issues within the property. After work is complete an air quality test must be completed and all results submitted to this office.

All repairs must be completed and a compliance inspection must be performed. Do not access premises without notifying this office and permits will be required to make repairs or raze structure

A re-inspection will be performed subsequent to the correction period to ensure compliance. Failure to correct these violations or to request an extension within that time may result in the imposition of fines, penalties, and/or court costs as prescribed by law. The Code Enforcement Division also reserves the right to correct the condition(s) or raze the structure by private contract. All costs incurred, including administrative costs, penalties and interest will be charged to the owner of this property. Failure to pay any charges, fines, penalties, fees or court costs may result in a lien being placed upon the property.

Any person directly affected by this order or action shall have the right to appeal. Any appeal must be in writing on a form provided by this department and must be received, along with the prescribed fee, within twenty (20) days of receipt of this notice. To obtain an appeal form, please call (302) 366-7000.

It shall be unlawful for the owner of any property, after being properly served with this notice to sell, transfer, lease, or otherwise dispose of same until all violations are corrected.

Any questions concerning this notice may be directed to the Code Enforcement Officer listed below at (302) 366-7000.

Sincerely,

Ryan J. Straub
Code Enforcement Officer

1st Class Mail

NEWARK POLICE DEPARTMENT

WEEK 11/29/15-12/05/15

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	1	0	0	0	0	0
b)Attempt	1	0	0	1	0	0
Kidnap	1	6	1	1	1	0
Rape	2	7	1	5	1	0
Unlaw. Sexual Contact	8	10	1	3	2	0
Robbery	30	30	0	41	29	0
- Commercial Robberies	5	13	0	2	11	0
- Robberies with Known Suspects	3	3	0	4	1	0
- Attempted Robberies	6	2	0	5	7	0
- Other Robberies	16	12	0	30	10	0
Assault/Aggravated	9	9	0	15	29	2
Burglary	73	55	1	79	19	0
- Commercial Burglaries	10	7	0	5	3	0
- Residential Burglaries	59	45	1	39	15	0
- Other Burglaries	4	3	0	35	1	0
Theft	562	532	7	290	198	3
Theft/Auto	41	35	1	12	7	0
Arson	5	4	0	0	1	0
All Other	78	79	5	204	47	0
TOTAL PART I	811	767	17	651	334	5
<u>PART II OFFENSES</u>						
Other Assaults	259	301	9	202	163	2
Rec. Stolen Property	2	3	0	37	19	0
Criminal Mischief	250	200	4	81	109	0
Weapons	20	11	0	68	59	1
Other Sex Offenses	0	1	0	0	2	0
Alcohol	356	261	2	1052	457	1
Drugs	115	103	0	311	233	13
Noise/Disorderly Premise	667	513	10	321	215	7
Disorderly Conduct	172	162	2	198	101	0
Trespass	158	152	1	98	66	2
All Other	451	461	6	441	289	10
TOTAL PART II	2450	2168	34	2809	1713	36
<u>MISCELLANEOUS:</u>						
Alarm	975	867	21	0	0	0
Animal Control	518	496	4	3	4	0
Recovered Property	258	264	6	0	0	0
Service	23702	29938	594	0	0	0
Suspicious Per/Veh	524	515	9	0	0	0
TOTAL MISC.	25977	32080	634	3	4	0

	THIS WEEK <u>2014</u>	2014 TO <u>DATE</u>	THIS WEEK <u>2015</u>	2015 TO <u>DATE</u>
TOTAL CALLS	691	35,789	786	41,455



Newark Police Department
Weekly Traffic Report
11/29/15-12/05/15



TRAFFIC SUMMONSES	2014 YTD	2015 YTD	THIS WEEK 2014	THIS WEEK 2015
Moving/Non-Moving	8,978	8,415	144	109
DUI	179	192	3	2
TOTAL	9,157	8,607	147	111

TRAFFIC ACCIDENTS				
Fatal	2	2	0	0
Personal Injury	204	212	15	4
Property Damage (Reportable)	369	584	14	11
Property Damage (Non-Reportable)	498	282	13	2
Hit and Run	231	250	5	5
TOTAL	1,304	1,330	47	22