

City Manager's Weekly Report

Friday, February 19, 2016

Department:

Administration - City Manager

Notable Notes:

Mayor and Council -

As reported last week, our Police Department graduated two new officers last Friday - so we welcome Officers Hastings and Lee to our force. In addition, the past weeks have highlighted the quality of our Police Department and its commitment to community policing and engagement:

First the recent involvement of our narcotics detectives and SWAT team with a major drug investigation that has been underway for several months. Our detectives and SWAT team have been commended for its participation, along with other agencies that executed a search warrant this past Friday. (More detail can be found in Chief Tiernan's report). On a sadder note, members of our department attended services for the two Harford County officers that were recently killed in the line of duty as they were laid to rest; Corporal Sharpe and K9 Kody successfully tracked a missing 11-year-old member of our community on one of the coldest days of the year, returning him safely to his family; Corporal Walker continues to provide bike helmets to youth observed riding their bikes without head protection; and Officer Burguss continues our foot patrol initiative on Main Street, engaging business owners and some of our homeless individuals, making all aware of the department's presence and of services available. I am reminded on a weekly basis of the fact that our community is fortunate to have such a dedicated and skilled department.

This Saturday I plan to attend the 85th year Gala of the Newark Area Welfare Committee which benefits its Emergency Assistance Program and, therefore, our community. I think we can all agree that this all volunteer, non-profit organization has consistently lived up to its neighbors helping neighbors commitment.

We hope to begin Finance Director interviews next week with a goal of moving through them and allowing for a hiring that provides time for an overlap with Lou before he departs.

Impact Fees - In response to workload and suggestions of some on Council, staff is undertaking an effort to consider the various services provided and fees charged in comparison to other jurisdictions. I expect we will be prepared to present the information to Mayor and Council in late Spring for consideration. Thank you to Tom Fruehstorfer for taking the lead in the necessary data collection and research for this effort.

One of the followup items from a past Council meeting was related to the topic of fence height. Attached you will find the Planning Department's report previously presented to Mayor and Council as well as some additional information. This information is provided as a refresher of where the topic left off.

Activity or Project:

DEMEC

Description:

Dear DEMEC Board, As you may have already heard, yesterday the Supreme Court stayed the implementation of the Clean Power Plan. Attached is a FAQ about the Supreme Court's Stay of the Clean Power Plan. • In a 5-4 ruling on Tuesday, the U.S. Supreme Court ordered the Obama administration to hold off on any efforts to implement the Clean Power Plan (CPP) until legal

challenges to the regulation have played out. • The ruling came after the U.S. Court of Appeals for the District of Columbia Circuit denied a request to stay the federal carbon regulations in January. A coalition of 29 states and state agencies led by Texas Attorney General Ken Paxton and West Virginia Attorney General Patrick Morrisey then appealed to the Supreme Court to stay implementation of the CPP. • The regulatory package, which targets a 32% reduction in carbon emissions from the power sector nationwide by 2030, will be put on hold until the U.S. Court of Appeals for the D.C. Circuit reviews the plan. A hearing is set for June 2, 2016. The ruling is a big win for the opponents to the CPP — and a big blow to the Obama administration as it seeks to address climate change. The CPP was widely considered the cornerstone of Obama's environmental legacy. The plan, which was first proposed in 2015, was finalized in summer 2016. Efforts to block the regulatory package from taking effect have been in motion since then. Under the plan, states were supposed to submit their implementation plans by September 2016, with compliance slated to begin in 2022. Opponents to the plan argue that the agency is overstepping its authority under the Clean Air Act by seeking to regulate pollution sources "outside the fenceline" of individual power plants. Morrisey said West Virginia and other states "will suffer irreparable harm" if the regulations go into effect. The ruling introduces uncertainty as to whether states and utilities will have to comply with the package. Jody Freeman, a Harvard law professor and former environmental legal counsel to the Obama administration, told the New York Times that the ruling suggests a "high degree" of skepticism toward the CPP from five justices on the court. Even if the rule is ultimately upheld, the Supreme Court's stay on implementation of the rule could significantly impact compliance timelines for states and utilities. As it stands, the EPA will be unable to enforce its September deadline for states to submit compliance plans or request an extension. Without enforcement from the EPA, states may have to decide on their own whether to comply. DEMEC will continue monitoring the issue and report back to the board.

Status: Started

Expected Completion: 4/29/2016

Execution Status: On Track

Activity or Project:

Crisis Plan

Description:

Deputy City Manager Andrew Haines, Communications Manager Kelly Bachman and I met recently with John Orr, our communications consultant from ab+c, to review the draft Crisis Plan. The next step will be to have our departments review and suggest enhancements or modifications.

Status: Near Completion

Expected Completion: 4/30/2016

Execution Status: On Track

Activity or Project:

DLLG Legislative Committee

Description:

I attended a meeting at the League office in Camden this week. Please find a copy of the minutes from the meeting.

Status: Started

Expected Completion: 6/30/2016

Execution Status: On Track

Department:

Administration - Deputy City Manager

Notable Notes:

- Staff training: the Delaware Safety Council facilitated a Bloodborne Pathogen training for selected staff on Tuesday. This is a new effort, in addition to bi-annual First Aid/AED/CPR training.
- I joined City Manager Carol Houck and Communications Manager Kelly Bachman in a meeting with John Orr of ab+c on the latest version of the Crisis Communication Plan.
- I continually talk with staff regarding the deviations among generations and knowing what or how to get the most out of an employee. This is stated in generic terms; individual applicants can defy generational stereotypes. In the spirit of all the recruitment efforts that started 2016, LinkedIn shared the attached diagram and statistics demonstrating employee attributes among generations.

Activity or Project:

Recruitment: Planning & Design Engineer

Description:

I facilitated Round 1 and Round 2 interviews for the PW&WR Planning & Design Engineer vacancy. With the prior staff member recruited out by the private sector, this was an unanticipated recruitment; however, the quality of candidates has made the process positively challenging for the PW&WR leadership. We should have a replacement employee ready to start in March.

Status: Near Completion

Expected Completion: 2/26/2016

Execution Status: On Track

Activity or Project:

Recruitment: Community Affairs

Description:

With the announced resignation of the current Community Affairs staff member, I have worked rapidly with City Manager Houck and Communications Manager Bachman on a plan to fill the vacancy. The recent recruitment for Communications Manager provided a pool of applicants that we provided Ms. Bachman to assess. This process may provide a timely replacement if Ms. Bachman supports the professional experience of the previous applicants, and if individuals are available/interested in the Community Affairs position.

Status: In-Progress
Expected Completion: 3/4/2016
Execution Status: On Track

Activity or Project:

Recruitment: PW&WR Utility Inspector

Description:

As a result of a retirement, the PW&WR Department is in the process of replacing a skilled inspector. I facilitated Round 1 interviews with the PW&WR leadership this week, which possessed very strong candidates. Similar to other recent recruitments, the positive challenge will be to try to narrow down to one person, as the applicants provided strong interviews to coincide with qualified resumes and experience.

Status: In-Progress
Expected Completion: 3/11/2016
Execution Status: On Track

Department:

Alderman's Court

Notable Notes:

This past week we have held two court sessions.

Activity or Project:

Court Sessions

Description:

This past week we have processed 36 arraignments, 23 trials, 12 capias returns and 8 case reviews. We processed one video from prison.

Status: Completed
Expected Completion: 2/17/2016
Execution Status: Completed

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Electric Department

Notable Notes:

The line crews continued with the LED streetlight replacements. The electricians are currently flagging for them on Nottingham Road and next they will be on New London Road.

Engineering, the meter technician, and select personnel from finance, water, and IT have attended three days of webinars on the changes to the Energy Axis Management System (EAMS), an important component of the smart meter system. The City recently underwent an upgrade from 8.0 to 9.2 and engineering is pleased with the changes to the electric outage and restoration reporting in particular.

SevOne has continued to be on the radar as they are trying to energize the data center by next week. Ultimately Bloom boxes will feed the site, but the electric utility will be used initially and will always be available as backup. Engineering has been working with finance on the rate classification and in contact with Bloom on the operation of the interconnection equipment.

Activity or Project:

LED Streetlight Conversion

Description:

Replacing 2,000 high pressure sodium cobra head streetlights with LED type.

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Finance Department

Notable Notes:

The recruitment for the Director of Finance position attracted about three dozen candidates and closed last week on February 12, 2016. The candidates with the strongest profiles will be interviewed as soon as possible.

The final budget documents were posted to the City's Budget Central page, and planning for the 2017 budget process is underway.

Payments and Utility Billing

The group handled 462 phone calls the week of 2/7/16 with an average call length of 3:52 and an average hold & queue time (average speed of answer) of 1:50. Our Welcome Center staff greeted 157 visitors, while service calls initiated by Payments and Utility Billing in response to calls and visitors totaled 152 last week. The group also processed 2,850 utility payments and CityView transactions, 250 of which were imported automatically with our new electronic processes and 1,718 of which were imported via web, lockbox or preauthorized payment (PAP).

Accounting

Accounting staff have kicked off the rigorous year-end accounting close and financial reporting process, which includes the independent financial audit and the development of the 2015 Comprehensive Annual Financial Report (CAFR). Additional notes related to the audit process are reported in the projects below.

Activity or Project:

Independent Financial Audit

Description:

The preliminary audit kicked off on February 16, 2016. Our independent auditors are reviewing the materials and schedules we provided in advance per standard audit procedures and have requested materials and samples to be tested. Testing will be conducted the week of February 22, 2016. While the YTD period is closed, staff continues to prepare adjusting entries in preparation of the accounting and presentation of each of the City's funds. I met with Communications Manager Kelly Bachman to prepare her team to assist with the development of the photographs and dividers featured in the CAFR.

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Activity or Project:

Description:

Status:

Expected Completion:

Execution Status:

Department:

Notable Notes:

I met with the Newark Evening Rotary about their Flags for Hero's program and potential areas to display the American Flags as part of the program, met with the Communication Manager about our activity guide layout and improvements, conducted meetings with all of the Recreation Supervisors and Administrative staff to discuss upcoming projects in the City and received updates on their activities and programs. I also reviewed Municipal Building garden designs with the Parks Superintendent and discussed timelines for

improvements.

Recreation Supervisor of Athletics: sent out bid letters for the summer van rental for Rittenhouse Camp. She continued to re-interview staff from camp that are interested in returning for the summer. Updated information for summer camp guide and continued working on summer newsletter information confirming dates, locations and times with instructors.

Recreation Supervisor of Community Events: completed the 2016 Parks & Recreation Sponsorship Guide and has been working on the 2016 Summer Camp Guide.

George Wilson Center Coordinator: sent out Sports Equipment bid to several vendors. Packets are due back by March 1, The CATCH Afterschool Homework Club at Downes Elementary began on Monday, February 8. The program is scheduled to meet Mondays and Wednesdays from February 8 to March 23. We have 16 children participating and the Newark Morning Rotary Club is once again providing volunteers and sponsorship.

Recreation Specialist: has been interviewing Summer Camp Volunteer Candidates for the 2016 Summer program. Interviews will continue in the next weeks. We are finalizing volunteers for the Egg Hunt Preparations and Egg Hunt event in the next weeks. The Egg Hunt is scheduled for Saturday, March 19, 2016. Volunteers will be stuffing over 20,000 eggs in preparation for the event in the Council Chamber from Thursday, March 10 – Friday, March 18. Eagle Scout Michael Lan submitted his Project Proposal for a Rain Barrel System for the community Garden Site in Fairfield Park.

Parks Superintendent: conducted 8 park inspections and developed work orders as needed, reviewed proposed landscape plan for possible hotel at 400 Olgetown Road and commented on several concerns, continued working with our Landscape Specialist on annual plantings throughout park system, continued researching shelter options for installation at Folk Park, reviewed Eagle Scout proposal for gutter/rain barrel installation at Community Garden site and made suggested changes, and reviewed with Director garden design options for front of City Hall.

Parks Supervisor: researched walk behind skid steer options for upcoming parking block replacement throughout park system, checked over spec's for new 1433 that come in, assigned work orders to staff and assisted as needed, and assisted in calibrating new salt spreader on Ventrac.

Parks and Horticulture Staff: continued on work orders and tree work throughout park system, continued on ice control, did interior bed maintenance at City Hall, completed equipment maintenance on Kubota's as needed, Landscape Specialist continued working on annual plan for planting this summer and did trash removal throughout park system.

Activity or Project:

Parking Block Replacement

Description:

We will be replacing damaged parking blocks throughout our Parks system and adding parking

blocks to other areas where needed. We are working on getting an accurate number of damaged blocks that need to be replaced once the winter storm season is over.

Status: Started

Expected Completion: 6/3/2016

Execution Status: On Track

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:
 - Continued laying carpet in the Finance Department;
 - Fixed leaking toilet in the men's locker room in the Police Station;
 - Assembled chairs for various offices;
 - Checked on alarms at the Train Station and determined a new alarm panel will need to be installed;
 - Met with contractors bidding on the holding cell ceiling project;
 - Updated procedures for custodial staff;
 - Custodial staff received Bloodborne Pathogen training.

Code Enforcement

- The plan review for the South Academy Street building is nearly completed and the permit should be issued in the near future.
- Additional bounce houses and other features are being added at Launch Trampoline Park at 200 Interchange Boulevard.
- On Monday morning staff responded to a broken sprinkler line at 227 East Main Street and coordinated efforts with the Public Works and Water Resources and Electric Departments to address the issue.
- Foundation work is ongoing at 60 North College Avenue.
- Framing work is ongoing at 52 North Chapel Street.
- The framing and rough plumbing inspections have begun at the hotel at 1119 South College Avenue.
- Work is continuing on the façade at the Washington House Condominiums located at 113 East Main Street, as weather permits.

Parking

- The Parking Division camera system is now connected to the City's fiber optic line and all cameras can be accessed from City Hall.
- Connectivity to the City's fiber optic line allows the Police Department to view all cameras in Lot #1 and make copies of parking lot footage from within their department.

Planning

- On Wednesday afternoon Planning and Development Director Maureen Feeney Roser, Development Manager Mike Fortner, Planner Tom Fruehstorfer and representatives of Public Works and Water Resources met with Hillcrest Associates to discuss their submittal for Barksdale Green.
- Also on Wednesday afternoon Maureen met with John Rudd of the State Fire Marshal's Office to discuss potential development projects.
- On Thursday afternoon Subdivision Advisory Committee Members met with the developer and engineers for the 400 Ogletown Road hotel and restaurant project to discuss submittal requirements and deadlines for the project.
- On Thursday evening Maureen attended the Downtown Newark Partnership Board meeting.
- On Friday morning Maureen meet with the developers of Cleveland Station to discuss the Construction Improvements Plan.
- This week revised plans for the Lofts at Center Street were submitted. The plans were distributed to the Subdivision Advisory Committee for review. The developer has requested that the plans be sent directly to City Council for consideration, as they have twice been to Planning Commission.
- This week revised plans were submitted for the Mill at White Clay Creek, which will need to be considered by Council as they do not substantially comply with the approved subdivision plan and associated agreement.
- This week revised plans for the minor subdivision and special use permit for Annabelle Street were received and distributed to the Subdivision Advisory Committee for comments.
- On Tuesday Maureen and Code Enforcement Manager Dave Culver participated in interviews for the Public Works and Water Resources Planning and Design Engineer

position.

- On Tuesday afternoon Maureen met with Downtown Newark Partnership consultant Teresa Lynch to discuss the origin and past operations of the Partnership.
- On Thursday Tom represented the Planning and Development Department at the First Annual Greater Newark Area Resource Summit, sharing information about the City's Community Development Block Grant and Revenue Sharing programs, and obtaining contact information for six new potential grant applicants.
- Tom continued evaluation of Code Section 32-56.2. – Area regulations; exceptions to address Code clarity issues.
- Tom continued working on gathering estimates of the time each department spends on plan reviews for items in Chapters 27 and 32 of the Code to help with evaluations of current fees in association with Council interest to consider impact fees.
- The following was also completed this week:
 - 4 Deed Transfer Affidavits
 - 12 Building Permit Reviews

Activity or Project:

Planning Commission Meeting

Description:

Considerable time was spent this week preparing for the March 1, 2016 Planning Commission meeting. On the agenda are: the minutes of the February 2, 2016 Planning Commission meeting; review of an amendment to the Zoning Code to clarify height exceptions; review of an amendment to the Zoning Code to permit movie theaters to serve alcohol with a special use permit; discussion regarding Planning Commission training sessions; and a report on Planning Commission Work Plan progress.

Status: In-Progress

Expected Completion: 3/1/2016

Execution Status: On Track

Activity or Project:

Rental Housing Needs Assessment Phase Two

Description:

Urban Partners will conduct two focus groups/workshops for the Rental Housing Needs Assessment Phase Two, to be held in the Council Chamber. The first focus group will be held on Thursday, March 3rd at 7:00 p.m. to focus on affordable housing and programs to encourage home-ownership. The second focus group will be held on Tuesday, March 15th to focus on transitioning neighborhoods from student rentals to non-student rentals and home-ownership. The Rental Housing Needs Assessment Phase Two Steering Committee will meet again on Thursday, April 7th to discuss the results of the focus groups and review a draft report.

Status: Started

Expected Completion: 4/7/2016

Execution Status: On Track

Activity or Project:

Comprehensive Development Plan V

Description:

The Comprehensive Development Plan will be sent for review to PLUS on Thursday, February 24th and return for Council approval at a regularly scheduled Council meeting in March. The Planning and Development Department has completed the revisions from the Planning Commission meeting on January 5th, where the draft Plan was recommended unanimously. The revised Plan recommended by the Planning Commission is posted on the City's website as Comprehensive Development Plan V Draft 1/5/16.

Status: Near Completion

Expected Completion: 3/28/2016

Execution Status: On Track

Department:

Police Department

Notable Notes:

Newark Police Department narcotics detectives are constantly involved in major drug investigations in the area. Due to ongoing investigations, we often cannot reveal when arrests and seizures are made. On Wednesday, February 17th, the United States Attorney's Office was able to release information to the public on a two and a half month investigation recently conducted by the Newark Police Department along with the Wilmington, New Castle County Police Departments and the DEA. Newark's SWAT Team along with other agencies executed a search warrant this past Friday and seized 48,000 bags of heroin. This is reported to be the largest seizure of prepackage heroin in Delaware history. Congratulations to our narcotics detectives and the members of the SWAT Team who arrested these dangerous suspects without incident.

On February 17th Officers of the Newark Police Department attended the funeral service of Harford County (MD) Senior Deputy Patrick Daily, who was shot and killed in the line of duty.

On Saturday, February 20th, Newark officers will attend the funeral service for Deputy Mark Logsdon, who was shot and killed in the same incident. The Newark Police Department extends its deepest condolences to the families of the two Deputies and to the members of the Harford County Sheriff's Department.

Last week Officer Spencer and Master Corporal Sansone responded to a report of a suspicious person in the area of Kershaw Street. The person was identified as a 35-year-old male who lived at the Hunt of Louviers. Upon further investigation, it was revealed the male was in possession of a GPS device, a wallet belonging to a female, loose change, and nine Ibuprofen pills. The suspect admitted that he enters vehicles looking for money and took the items in his possession from two vehicles in the area. As always, we urge residents not to leave valuables in unlocked vehicles.

On February 14th, Officers responded to a residence on a report of an 11-year-old autistic boy who was missing from his room. The boy's mother stated that several blankets were also missing from the room. Corporal Sharpe and K9 Kody were called to the scene in an attempt to track the missing youth. Kody began to track the scent at 9:40 p.m. and travelled through woods, and fields. At 10:18 p.m.,

Kody tracked the scent beneath a bridge where officers observed a pile of blankets. Under the blanket they found the missing youth sleeping. At that time, the air temperature was 14 degrees with a wind chill of 6 degrees. The youth was safely returned to his mother.

Officers continue to complete community policing initiatives. This past year, Corporal Walker implemented a program where he provided donated bicycle helmets to children who were riding without one. Children who were observed riding with a helmet, were provided with coupons that were donated for cookies and water ice as a reward for bicycling safely and following the helmet law.

Officer Burgess undertook the community policing project of frequently walking foot patrol on Main Street. He routinely spoke with business owners and employees to discuss any concerns. Officer Burgess introduced himself to the homeless people that frequent Main Street and made sure they were aware of legal behavior and ensured they were aware of assistance they made need.

Activity or Project:

N/A

Description:

N/A

Status: Completed

Expected Completion: 2/18/2016

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 are working on several grant applications at the moment, they are:

DHHS IT Grant - up to \$50,000 with no match. We are applying for our reservoir aeration project.

Homeland Security - Available amount dependent on available funding and other projects in the state. We are applying for our chlorine conversion at the Curtis WTP and a backup generator at Well 17.

We are working on an updated fee schedule that will be included with the 2017 budget process.

Attended the Urban Considerations Subcommittee meeting as a part of the DNREC RAC process reviewing the Sediment and Stormwater Regulations that are being challenged at the Delaware Supreme Court.

Activity or Project:

Jenney's Run Culvert #1 Removal

Description:

The reservoir is online and operational. Our contractor is finalizing the slope stabilization design which, with the new guiderail, are the main items remaining.

Status: Near Completion

Expected Completion: 3/31/2016

Execution Status: On Track

Activity or Project:

SWF Filter Rehabilitation

Description:

We have received and approved all material submittals and met with the contractor on-site this week. We anticipate they will mobilize in the next week or two to begin the rehab project. While the plant is down, we are going to open up the primary air stripper to inspect it for any necessary repairs. It has been about 10 years since it was last rebuilt and the plant must be offline to perform repairs so this is a prime opportunity. At this time, we feel we can make most repairs ourselves. If there is a major item, we may have to schedule a repair at some time in the future. The air stripper is working properly at the moment, this is a preventative maintenance initiative. We are also going to have the filter backwash tank cleaned while the plant is off.

Status: Started

Expected Completion: 4/29/2016

Execution Status: On Track

Activity or Project:

FY16 Water Main Replacement Project

Description:

We are nearly complete preparation of the construction plans and specifications. This year we are preparing plans in-house for two of the five streets that will be included in the contract. One of our engineering consultants will be preparing the remaining three streets. We feel we will be able to prepare all of the plans in house next year which will be a significant cost savings every year moving forward.

Status:

Expected Completion:

Execution Status:

to

Hi Carol – Regarding the fence height issue, I’ve attached the Planning and Development Department report. Basically for research (I have a summary of the research) we did the following:

In order to determine if changes should be made to the Code to address the issue, the Planning and Development Department conducted an abbreviated internet search on fence height restrictions in communities in and around Delaware to determine their approach to fence height restrictions. Specifically, we looked the Codes of:

Dover, DE

Elkton, MD

Elsmere, DE

Lewes, DE

Kennett Square, PA

Middletown, DE

Milford, DE

New Castle, DE

New Castle County, DE

Rehoboth, DE

West Chester, PA

Seaford, DE

Wilmington, DE

What we found from this review is that most communities restrict the height of fencing in the required front yard as we do, and the majority of them also restrict fence height in side and rear yards varying from 6-10 feet, providing enough room for decorative features and sometimes dependent on whether or not the rear and side yards of a residential property are adjacent to a non-residential use. The approach seems a logical one, and therefore the Planning and Development suggests that we adopt fence height restrictions which mirror what other communities have done.

To do so, we suggested that that we create a definition of fence height; as follows:

“32.4 (53.1) Height of a fence: The vertical distance measured from the ground immediately adjacent to the bottom of the fence to the highest point, including any appurtenances attached to it.”

And further that we amend the title of the applicable Code Section (32-56.6) from “Fences in front yards” to “Fence height;” and further amended it to read as follows:

“Fences or similar structures erected in any required front yard in single-family residential districts (RH, RT, RS, RD, and RR) or erected in a front yard in any lot developed or approved for development, in any district, for one-family detached, semi-detached, attached, and similar dwellings shall not exceed three (3) feet in height. All fences or similar structures erected in a side and/or rear yard of any residentially

zoned or developed property shall not exceed six and one half feet (6.5) in height, except when the fence is adjacent to a non-residential use, in which case it may not exceed ten (10) feet in height. All fences shall conform to the requirements in Section 32-56.2(d)(3).”

Planning Commission a the words “at any point” in two places for clarity just after the height dimension and unanimously recommended approval.

It went to CC on 3/9/15 for second reading and public hearing and failed 2 – 4. I’ve provided the written summary below. I haven’t listened to the audio but I am not sure that the exchange between Councilman Gifford and I is completely accurate. At any rate ... here it is.

Ms. Feeney Roser reported at a recent Council meeting a resident expressed concern regarding the height of a neighbor’s fence and the City’s inability to legally require that the fence height be reduced. Council asked staff to review the fence height restrictions and determine whether they were adequate. The two City Codes that may apply were the Building and Zoning Codes. The Building Property Maintenance and Residential Codes did not address the issue of fence height but instead focused on structural soundness, maintenance, repair of fences and permitting requirements. The City Zoning Code does restrict the height of fences but only those in the front yards of residential properties. Staff research found that most communities restrict fence height in the front yard as Newark does but a majority also restrict fence heights in the side and rear yards of residential districts (Newark did not). The review found that other communities restrict fence heights in the side and rear yards varying between six and ten feet sometimes dependent on whether the rear or side yard of that property was adjacent to a non-residential type use. The recommendations proposed would create a definition of fence height in the Code and then create height restrictions for residential properties. Fence height was proposed to be defined as the vertical distance measured from the ground immediately adjacent to the bottom of the fence to the highest point including any appurtenances. For the height restriction staff suggested amending Code section 32-56.6 to be titled “Fence Height” and adding verbiage to the existing height restrictions for fences in front yards by indicating that all fences or similar structures erected in a side and/or rear yard of any residentially-zoned property or developed property shall not exceed 6.5 feet in height at any point except when the fence is adjacent to a non-residential use in which case it may not exceed 10 feet at any point. That must also conform to the restrictions about visibility at corners (already in the Code). If approved, staff thought the ordinance would increase consistency while providing adequate screening options for residents. Code Enforcement would enforce fence height restrictions for new fences. It would not address the fence height that brought the matter to Council’s attention in the first place because the fence was already grandfathered in.

Mr. Ruckle noted there was a dispute between neighbors that brought this to his attention. He looked at this as a safety issue. If something happened in a yard without a gate it would be difficult for a police officer to get over a fence more than six feet in height. He felt a higher fence of 15-30 feet would be unsafe in wind conditions and would put an undue amount of shade on someone else’s property.

Regarding the initial complaint Mr. Gifford asked how high the fence was – Mr. Ruckle responded that it was a little over 10 feet. The definition of fence was reviewed. Mr. Gifford asked how high a chain link fence could be installed in a residential area. Ms. Feeney Roser said her interpretation was six feet. Mr. Gifford was concerned that would create the side effect of everyone putting up chain link fences rather than wooden. He pointed out that a number of fences in his neighborhood were over 6.5 feet high.

Mr. Ruckle said a variance could be requested if someone had a reason to install a higher fence and noted that the BOCA Code was 6 feet.

The Chair opened the discussion to the public.

Jeff Lawrence, District 3, thought creating more restrictions and more legislation was unnecessary.

Tom Uffner, District ,1 said the ordinance was not needed and would not solve any problems.

Mr. Chapman felt the height should be addressed by the Police Department in regard to public safety. Cpl. Sharpe referred to residents with pools where the Police Department and the Fire Department might have to gain access. Mr. Morehead reported that a four foot minimum fence was required around a pool.

There being no further comments, the discussion was returned to the table.

Question on the Motion was called.

MOTION DEFEATED. VOTE: 2 to 4.

Aye: Markham, Ruckle.

Nay: Chapman, Gifford, Hadden, Morehead.

Absent: Sierer.

**CITY OF NEWARK
DELAWARE**

PLANNING AND DEVELOPMENT DEPARTMENT REPORT

December 17, 2014

**ZONING CODE AMENDMENT:
FENCE HEIGHT**

At a recent Council meeting, a resident expressed concern regarding the height of his neighbor's fence, which ran along the side and rear yards of the property, and the City's inability to legally require the fence height be reduced. Council, therefore, asked staff to review the City's fence height restrictions and determine whether they are adequate to address the concern.

Current Conditions:

There are two Codes used by the City which may apply: The International Building Code and the City's Zoning Code. The 2012 International Building, Property Maintenance and Residential Codes do not address the issue of fence height. Instead these Codes focus on structural soundness, maintenance and repair of fences and permitting requirements. The City's Zoning Code, on the other hand, does restrict the height of fences, but only in the front yards of residential dwellings through Section 32-56.6 as follows:

“Fences or similar structures erected in any required front yard in single-family residential districts (RH, RT, RS, RD, and RR) or erected in a front yard in any lot developed or approved for development, in any district, for one-family detached, semi-detached, attached, and similar dwellings shall not exceed three feet in height. All fences shall conform to the requirements in Section 32-56.2(d)(3).”

Research

In order to determine if changes should be made to the Code to address the issue, the Planning and Development Department conducted an abbreviated internet search on fence height restrictions in communities in and around Delaware to determine their approach to fence height restrictions. Specifically, we looked the Codes of:

Dover, DE
Elkton, MD
Elsmere, DE
Lewes, DE
Kennett Square, PA
Middletown, DE
Milford, DE
New Castle, DE
New Castle County, DE

Rehoboth, DE
West Chester, PA
Seaford, DE
Wilmington, DE

What we found from this review is that most communities restrict the height of fencing in the required front yard as we do, and the majority of them also restrict fence height in side and rear yards varying from 6-10 feet, providing enough room for decorative features and sometimes dependent on whether or not the rear and side yards of a residential property are adjacent to a non-residential use. The approach seems a logical one, and therefore the Planning and Development suggests that we adopt fence height restrictions which mirror what other communities have done.

To do so, we suggest that that we create a definition of fence height; as follows:

“32.4 (53.1) *Height of a fence*: The vertical distance measured from the ground immediately adjacent to the bottom of the fence to the highest point, including any appurtenances attached to it.”

And further that we amend the title of the applicable Code Section (32-56.6) from “Fences in front yards” to “Fence height;” and further amended it to read as follows:

“Fences or similar structures erected in any required front yard in single-family residential districts (RH, RT, RS, RD, and RR) or erected in a front yard in any lot developed or approved for development, in any district, for one-family detached, semi-detached, attached, and similar dwellings shall not exceed three (3) feet in height. All fences or similar structures erected in a side and/or rear yard of any residentially zoned or developed property shall not exceed six and one half feet (6.5) in height, except when the fence is adjacent to a non-residential use, in which case it may not exceed ten (10) feet in height. All fences shall conform to the requirements in Section 32-56.2(d)(3).”

Staff Comments

The proposed definition and Code amendment have been reviewed by the City Solicitor and the operating departments and we have the following comments:

- The Planning and Development Department believes that the revised section is easy to understand and will increase consistency in height, while providing adequate screening options for residents.
- The Code Enforcement Division of the Planning and Development Department notes that the change will allow Code Enforcement Officers to enforce fence height restrictions for new fences.

- The Solicitor’s and all other Departmental comments or suggestions have been incorporated into the proposed definition and amendment prior to this report being issued.

Recommendation

In order to establish a fence height restriction for residentially zoned or developed property, the department suggests that the Planning Commission recommend that City Council:

Add a new definition to Sec 32-4 as follows:

“32.4 (53.1) *Height of a fence*: The vertical distance measured from the ground immediately adjacent to the bottom of the fence to the highest point, including any appurtenances attached to it.

And further, amend the City’s Zoning Code by deleting Section 32-56.6 in its entirety, and replacing it with a new section as follows:

Sec. 32-56.6. Fence Height.

“Fences or similar structures erected in any required front yard in single-family residential districts (RH, RT, RS, RD, and RR) or erected in a front yard in any lot developed or approved for development, in any district, for one-family detached, semi-detached, attached, and similar dwellings shall not exceed three (3) feet in height. All fences or similar structures erected in a side and/or rear yard of any residentially zoned or developed property shall not exceed six and one-half (6.5) feet in height, except when the fence is adjacent to a non-residential use, in which case it may not exceed ten (10) feet in height. All fences shall conform to the requirements in Section 32-56.2(d)(3).”

DLLG Legislative Advocacy Committee (LAC)
Meeting Minutes – February 17, 2016
DLLG Office, Camden

Attendees

Carl Luft, Executive Director
Mark Lally, DLLG Lobbyist
Mayor Polly Sierer, Newark
Councilwoman Hadden, Newark
Mayor Michael Spencer, Newport
Town Manager Jesse Savage, Bridgeville
Town Manager Dave Hugg II, Smyrna
City Manager Carol Houck, Newark

Discussion

1. Accommodations Tax
 - a. LAC will not pursue at this time
 - b. No support from the Hotel Leadership
 - c. Concerns remain that if the tax % is increased it will go to the state
2. HB200 – Accessible Parking
 - a. Mark Lally reported that this Bill is on the ready list and would likely require a 3/5 vote
 - b. There will likely be a substitute Bill presented in association with the number of amendments proposed.
 - c. Our DLLG comments were shared in association with the original Bill
 - d. DLLG will watch and pursue exemption for Municipals if substitute Bill continues to be problematic
3. Downtown Development Districts
 - a. Dave Hugg advised that he was aware that a new round of applications were being accepted beginning March 1, 2016 however it was his understanding that the communities that received the first round of funding would be funded again.
 - b. This is in contrast to the press release which calls for applications to be submitted
 - c. Following our meeting Dave reached out to Connie Holland who advised she thought it was currently intended for the towns already funded, although the DLLG might wish to send correspondence to the Governor's Office for clarification and to raise concerns. Dave will draft a letter for the DLLG consideration.
4. Minimum Wage
 - a. LAC will continue to monitor this item
 - b. Mark Lally advised that the Rehoboth and Dewey Chambers were not supporting it at this time and that Sussex and Kent County Farming Communities have raised concerns as they are already having to pay more than minimum wage and can't keep raising costs
 - c. Some Businesses and Contractors have advised Councilwoman Hadden that they will have to reduce staff in association with the proposed increase

- d. Mark also suggested that it will be fought in the House for the reasons noted above
 - e. Amendment 4 removed the COLA and changed the effective year from 2016 to 2017
5. Tax Intercept Update HB85 – Carving the Cities in
 - a. HB85 passed the house and sent to committee
 - b. Its moving forward will likely depend on future DEFAC Reports – Next report March 21
 6. Next Meeting of LAC will be March 22nd, Camden DLLG Office – 2 p.m.

THE GENERATIONS IN THE WORKPLACE

BASED ON A SURVEY OF 1,200 WORKERS ACROSS DIFFERENT GENERATIONS MEASURING THEIR STRENGTHS & WEAKNESSES

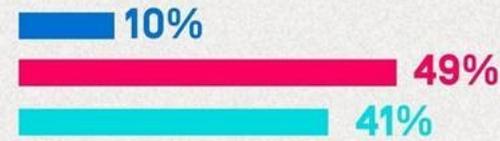
EXECUTIVE PRESENCE



GENERATING REVENUE



ADAPTABILITY



COST-EFFECTIVENESS



TECH SAVVINESS



RELATIONSHIP BUILDING



PROBLEM SOLVING



COLLABORATION



BABY BOOMERS

BORN: <1963

PROS: Productive, hardworking, team players, mentors

CONS: Less adaptable, less collaborative



GEN X

BORN: 1963-1980

PROS: Managerial skills, revenue generation, problem solving

CONS: Less cost-effective, less executive presence



MILLENNIALS

BORN: 1980-1995

PROS: Enthusiastic, tech-savvy, entrepreneurial, opportunistic

CONS: Lazy, unproductive, self-obsessed



NEWARK POLICE DEPARTMENT

WEEK 02/07/16-02/13/16

INVESTIGATIONS

CRIMINAL CHARGES

	2015 TO DATE	2016 TO DATE	THIS WEEK 2016	2015 TO DATE	2016 TO DATE	THIS WEEK 2016
<u>PART I OFFENSES</u>						
a)Murder/Manslaughter	0	0	0	0	0	0
b)Attempt	0	0	0	0	0	0
Kidnap	2	1	1	1	0	0
Rape	0	0	0	0	0	0
Unlaw. Sexual Contact	0	2	1	0	0	0
Robbery	4	5	0	6	5	0
- Commercial Robberies	4	1	0	0	0	0
- Robberies with Known Suspect	0	1	0	0	0	0
- Attempted Robberies	0	1	0	3	0	0
- Other Robberies	0	2	0	3	5	0
Assault/Aggravated	0	1	0	5	1	0
Burglary	10	12	1	4	4	2
- Commercial Burglaries	1	3	0	1	0	0
- Residential Burglaries	9	7	0	3	2	0
- Other Burglaries	0	2	1	0	2	2
Theft	48	65	15	41	14	4
Theft/Auto	4	2	0	5	2	0
Arson	0	0	0	0	0	0
All Other	4	13	1	6	13	0
TOTAL PART I	72	101	19	68	39	6
<u>PART II OFFENSES</u>						
Other Assaults	25	44	6	12	18	1
Rec. Stolen Property	0	0	0	6	5	1
Criminal Michief	30	20	1	8	3	0
Weapons	2	1	0	17	4	0
Other Sex Offenses	0	0	0	0	0	0
Alcohol	10	9	4	19	25	6
Drugs	6	15	2	38	21	0
Noise/Disorderly Premise	23	61	16	17	25	6
Disorderly Conduct	12	13	0	4	12	0
Trespass	14	13	1	14	4	1
All Other	50	76	12	35	40	4
TOTAL PART II	172	252	42	170	157	19
<u>MISCELLANEOUS:</u>						
Alarm	109	139	17	0	0	0
Animal Control	39	32	4	0	0	0
Recovered Property	15	32	4	0	0	0
Service	2889	3963	682	0	0	0
Suspicious Per/Veh	57	68	7	0	0	0
TOTAL MISC.	3109	4234	714	0	0	0

	THIS WEEK <u>2015</u>	2015 TO <u>DATE</u>	THIS WEEK <u>2016</u>	2016 TO <u>DATE</u>
TOTAL CALLS	767	4,061	873	5,296



Newark Police Department
Weekly Traffic Report
02/07/16-02/13/16



TRAFFIC SUMMONSES	2015 YTD	2016 YTD	THIS WEEK 2015	THIS WEEK 2016
Moving/Non-Moving	1,010	1,098	193	198
DUI	20	20	1	2
TOTAL	1,030	1,118	194	200

TRAFFIC ACCIDENTS				
Fatal	0	0	0	0
Personal Injury	15	13	4	1
Property Damage (Reportable)	34	90	10	12
Property Damage (Non-Reportable)	32	14	4	0
Hit and Run	25	36	3	2
TOTAL	106	153	21	15