REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 8, 2016 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Sudler, Mr. Neil, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson, Mr. Cole, and Mr. Lewis were absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fourth Assistant Fire Chief O'Connor, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:38 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. Joseph Swiski, 481 Sunset Drive, stated that over the weekend he heard discussion from one of his neighbors that the public access to Silver Lake was going to be either deeded over or somehow given or purchased to a person that lives right next to it. He was also told that it is their intent to put up a swimming pool or something of that nature. Mr. Swiski stated that his only concern is that this is the only public access readily accessible to him for Silver Lake. He explained that he often takes his grandson down there to sit and look at the ducks and it is just a nice place to go for a walk. Mr. Swiski stated that he did not have any solid details or other information, noting that this had just come up; however, he wanted to bring to members' attention that if access is cut off it would be a hardship for him because he would not have access to the lake anymore.

Responding to Mr. Swiski, Mr. Slavin indicated that the Council Committee of the Whole/Legislative, Finance, and Administration Committee was scheduled to consider the Disposal of Excess Property - Silver Lake Drive (East Lake Gardens) during their meeting tomorrow, August 9, 2016, noting that Mr. Swiski was welcome to attend and speak during that meeting as well.

Mr. Edward Thomas Christian, Jr., 9 Pennwood Drive, stated that he would like to address items 5-C-2 - Proposal for Dover Public Library to Serve as a Passport Acceptance Facility, 5-C-3 - Proposal for Dover Public Library to Adopt a Smoke-Free Policy, and read the following statement:

> All glory, honor, praise and thanksgiving to the creator of heaven and earth. I am merely talking aloud to myself and the persons in this chamber are overhearing my babbling. If the Dover Public Library does not want to replicate what the post office next door to the Library is doing then what is, or what will the Dover Public Library be doing with its passport facility plans? I wonder how many passport applications the post office serves daily, weekly, monthly. I wonder how much revenue it generated from this service. I wonder where and how this generated revenue is used, spent. A proposed passport plan services put forth by the Dover Public Library effort to continue the vision that something is always going on at the library. Is it to fulfill a goal that the Dover Public Library needs to be a community service facility which should be at the front of providing services which are currently being provided. I wonder how many persons in this chamber use the services provided at the old

library. I wonder how many persons in this chamber are currently using the services at our thumping new facility at the Dover Public Library next door. Have you attempted reading newspapers at one of the two tables around the mechanical room which is forever playing a thunderous sound for your brain and ears? Have you tried viewing periodicals with the daily regular occupants who possess a variety of odors while nodding, dozing, napping around the large television screen? How many males in this chamber have used the first floor restroom for men and attempted to get soap from the dispenser to wash your hands? Maybe someone should Google the Coronado Public Library in Coronado, California and get some ideas from them. That facility is the most beautiful structure and service provider library facility I've had the pleasure of using. My only consolation is that that facility costs more, a sum more, then our immediate or our immense facility next door.

The second item. Does any person know of any positive health benefits to smoking? The tobacco industry bamboozled and hoodwinked the general public and population about the effects and affects of smoking. The industry was not alone. It was aided by lobbyists, economists, politicians, to name a few others in that endeavor. Smoking is an individual choice which can be done in private and/or public. To allow smoking or ban smoking in and around public buildings and facilities is a difficult choice. There are a number of public employees who now smoke on public property. What does federal law say about smoking in public? What does Delaware state law say about smoking in public and in, on, and around public grounds, buildings and facilities? We have our freedoms as outlined in constitutions, laws, ordinances, etc.; however, one must be careful to ensure that this freedom of choice, smoking, does not infringe on the health, the safety, and the general welfare of everyday living citizens and public structures to accommodate the feelings, etc. that a smoker enjoys while endangering others. Thank you.

Mrs. Margie Cyr, Dover Public Library Director, reminded members that, this past weekend, the Dover Public Library hosted Comic Con 2016 in downtown Dover. She stated that it was a wonderful event, explaining that Comic Con celebrates the literature genre of all things comic. Mrs. Cyr informed members that they had many happy people on the streets of Dover, noting that the Library exceeded their goal of having10,000 people in attendance and the weather held. She thanked members of Council and the City for supporting this event, especially the Library staff, the Public Works Department, and the Police Department. Mrs. Cyr stated that all of these people, everyone else in the City, and all of those who attended made it a wonderful event.

Ms. Elisa Vassas, 478 North East Avenue, East Lake Gardens, expressed concern regarding the possible issue of loss of the lake access. She stated that she is probably one of the very few remaining homeowners there, explaining that she has her mom's house and has been there since 1968. Ms. Vassas noted that there was probably one other family there as long that remembers when there was a beach there. She stated that they had sand, picnic tables, and a pier, which the City took away in the early 1970s when, as she recalled, a drainage ditch had to be put in. Ms. Vassas informed members that she had provided Councilman Neil with a copy of one of her neighbor's deeds that did address that the lake access is for all of the homeowners in that area.

Ms. Vassas indicated that one of her complaints was that only one of her neighbors was given a written notice that this issue was going to be considered by the Council Committee of the Whole/Legislative, Finance, and Administration Committee tomorrow. She stated that none of the other neighbors received any sort of written notification. Ms. Vassas noted that Mrs. Burks could not attend this evening's meeting; however, she texted Ms. Vassas that this would be happening.

Ms. Vassas stated that she and those of her neighbors she spoke to were shocked about this matter. She stated that what really upset her even more was reading that the discussions started two (2) years ago and came up with the new homeowners last year. She reiterated that neither her nor her neighbors were notified that there was a possibility they could lose access. Ms. Vassas requested, if this property is going to be sold, that her and her neighbors would be considered, if they are interested in buying that parcel. It was her hope that when things come up in her neighborhood that will impact her and her neighbors, the City would do a better job of letting everyone know.

The invocation was given by Bishop Thomas L. Holsey. Bishop Holsey requested members to join in a moment of silence in memory of Mr. Harry W. Downes, Sr., a 31-year employee of the City of Dover, who recently passed away. This was followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Neil and unanimously carried.

Mr. Hare requested that item #5-C-5 - Consideration of Legislative, Finance, and Administration Committee Review and Approval of Any Positions That Remain Open for Over Six (6) Months Without Being Recruited, be removed from the Consent Agenda.

Mr. Neil moved for approval of the Consent Agenda, as amended, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 25, 2016

The Minutes of the Regular Council Meeting of July 25, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

CERTIFICATE OF RECOGNITION - CAROLINE HERMANCE

The City Clerk read the following Certificate of Recognition into the record:

> *Ms. Caroline Hermance began making her mark on our community at a young age by giving back to others and sharing her gifts and talents; and*
>
> *Ms. Hermance continues to display exceptional leadership skills as she works with individuals with disabilities, provides respite to their caregivers, mentors students with disabilities, and serves as a Special Olympics Project UNIFY Leader. Caroline was also named the Music Leader of Respite and Super Kids, a summer program through Grace Presbyterian Church in Dover. During the academic year, she aided other students by helping them understand concepts, taught kids with disabilities new*

skills, and provided instruction in theater skills such as choreography and blocking; and

Ms. Hermance's musical ability has reached many in our community through her performances in theater roles such as Helen in "Bye Bye Birdie" and in the lead roles of Dorothy in "The Wizard of Oz," Mary Poppins in "Mary Poppins," and Catherine in "Pippin." She has also spent endless hours as an instructor and founding member of the bagpipes section of the Dover Police and Fire Pipes and Drums band; and

Academically, Ms. Hermance remained focused by maintaining her position on the honor roll for ten marking periods, high honor roll for two marking periods, and membership in the National Honor Society. She received an Outstanding Academic and Athletic Achievement Award, while carrying a courseload that consisted of Advanced Placement Classes and classes through Delaware Technical Community College. She also excelled on the field in lacrosse and the courts in volleyball.

***THE MAYOR AND COUNCIL OF THE CITY OF DOVER, DELAWARE**, do hereby present this Certificate of Recognition on this 8th day of August 2016 to **Caroline Hermance** and extend best wishes for her continued success in future endeavors.*

On behalf of the members of the City Council, Mayor Christiansen presented Ms. Hermance with the Certificate of Recognition.

Noting that Ms. Hermance would be attending Loyola University in Maryland, Council President Slavin stated that his daughter graduated from there this past spring, and he wished Ms. Hermance nothing but as wonderful an experience as she had.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-16 WITH STAFF AMENDMENT #1 (SA#1) AMENDING APPENDIX B - ZONING

A public hearing was duly advertised for this time and place to consider approval of proposed amendments to Chapter 22 - Buildings and Building Regulations; Chapter 26 - Businesses; Chapter 50 - Floods; Chapter 66 - Manufactured Homes and Trailers; Chapter 102 - Taxation; Chapter 106 - Traffic and Vehicles; Chapter 110 - Utilities; Appendix B - Zoning, Articles 2, 3, 4, 5, 6, 7, and 12; and Appendix F - Fees and Fines.

Mr. Neil moved that the Final Reading of Proposed Ordinance #2016-16 with SA#1 be acknowledged by title only, seconded by Mr. Sudler and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of June 27, 2016.)*

Mrs. Ann Marie Townsend, Director of Planning and Community Development, advised that the ordinance was the culmination of a process that started in November 2015 to update all of the provisions within the Dover code that address manufactured housing and mobile homes because the standards for that type of housing had changed significantly over time, and it was determined that

the language in the Dover Code was not current. She noted that the ordinance also establishes standards for land lease communities in the Dover Code.

Mrs. Townshend advised that amendments were proposed by the Electric Department and the Fire Marshal's Office for clarification when the ordinance was reviewed by the Development Advisory Committee. She stated that the amendment, as it relates to utilities, clarifies that community owners need to coordinate with the City of Dover regarding any utility services and equipment. She noted that there have been some issues where things have been done by some of the community owners that do not comply. The amendment, as it relates to the Fire Marshal's Office, changes the approving authority of the National Fire Protection Association (NFPA) criteria from the Planning Commission to the Fire Marshal's Office, which has jurisdiction in matters related to the NFPA Codes.

Mrs. Townshend advised that a public hearing was held before the Planning Commission on July 18, 2016. She noted that the Planning Commission unanimously recommended adoption of Proposed Ordinance #2016-16. Mrs. Townshend advised that, although the Planning Commission's motion was silent on the amendments, they assume that it was inclusive of the amendments.

Council President Slavin declared the hearing open.

Mr. Paul McDonald, 123 Kurt Drive, stated that he was the President of the Wild Meadows Homeowners Association. He noted that, first and foremost, he was a fighter against what they consider outrageous rent increases and imposition of fees for things that should be part of their rent, in addition to being a full-time unpaid employee of Wild Meadows, LLC. Mr. McDonald stated that it was his job to report on any and all defects in the property: accumulating water, accumulating debris, carcasses of animals, all kinds of things. He advised that he is then required to file those defects in a report by certified mail on a regular basis, because management will not recognize anything that is not in certified form. Mr. McDonald stated that they then hope to get a response to some of those reported defects. He advised that the articles outlined on page five (5) of the ordinance would go a long way to improving that situation.

Mr. McDonald elaborated that preventing accumulating standing water and the associated mosquitoes and greenhead flies are a constant issue. He noted that they spend a great deal of time and money fighting them. Mr. McDonald advised that office hours do not exist in the community, which has one (1) part-time employee that works less than a day and a half as a representative of the community, and is almost always unreachable. He also noted that, since they started paying rent in the community, it has been impossible to get a receipt for the lot payment, which is just common business practice. Mr. McDonald stated that it is grossly unfair not to have recognition of payment.

Noting that the ordinance states "the land lease community must notify the City of Dover if they intend to sell the community," Mr. McDonald advised that this has recently become an issue for the community and they hope that the language will help to improve the well-being of the Wild Meadows residents with regard to their future.

There being no one else present wishing to speak during the public hearing, Council President Slavin declared the hearing closed.

Mr. Neil moved for approval of Staff Amendment #1 (SA#1), seconded by Mr. Sudler and unanimously carried.

By motion of Mr. Neil, seconded by Mr. Hare, Ordinance #2016-16 (*Exhibit #1*) was adopted by a unanimous roll call vote (Mr. Anderson, Mr. Lewis, and Mr. Cole absent).

HUMAN RELATIONS COMMISSION REPORT - JULY 20, 2016

The Dover Human Relations Commission (DHRC) meeting was held on July 20, 2016 at 6:07 p.m. with Chairman Henderson presiding.

Election of Chair - Communications Committee

This item was deferred until there are more members serving on the DHRC.

Election of Chair - Community Engagement Committee

This item was deferred until there are more members serving on the DHRC.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (McGiffin)

Mr. McGiffin advised members that all of the data research had been completed for the Government Policy, Programs, and Practices (GPPP) Committee's online survey of employees with regard to diversity in the City of Dover.

Responding to Mr. McGiffin, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, advised that no hard copies of the survey had been submitted to the City Clerk's Office.

Mr. McGiffin indicated that there were 23 responses to the online survey and he had started to put together the results from the interviews conducted with management employees regarding diversity in the City. Mr. McGiffin stated that he would write up the results of the survey and interviews and share them with Mr. Henderson, who also serves on the GPPP Committee. He indicated that they would advise the Commission regarding what they believe the results mean, and the Commission would then decide whether to accept, modify, or reject their analysis. Mr. McGiffin advised that that the GPPP Committee may suggest the next steps to address what was learned. He felt that both the survey and the interviews were useful.

Responding to Mrs. Sadusky, Mr. McGiffin stated that approximately ten (10) City management employees were interviewed. He stated that the online survey was for non-management employees; however, respondents were not asked to identify themselves and responses could have come from any employee. Mr. McGiffin noted that one (1) employee who had been interviewed called to see if they should complete the survey as well, and they were told not to do so. He informed members that the surveys and interviews provided a broad range of feedback and that the GPPP would present their findings at the next meeting.

Community Engagement Committee
This item was deferred.

Education Committee
This item was deferred.

Communications Committee
This item was deferred.

Old Business

DHRC Vacancies (First and Fourth Districts)
Mr. Henderson noted that the Commission has two (2) vacancies for representatives in the First District and two (2) vacancies for representatives in the Fourth District. He indicated that he would reach out to the City Council representatives in these districts for suggestions for possible appointees.

Mr. Henderson advised that he would be away during the month of August and asked that the next meeting be scheduled for September 21, 2016.

By consent agenda, Mr. Neil moved for acceptance of the Human Relations Commission Report, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

COUNCIL COMMITTEE OF THE WHOLE REPORT - JULY 26, 2016
The Council Committee of the Whole Meeting was held on July 26, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:11 p.m. and departed at 6:20 p.m.), Mr. Sudler (arrived at 6:08 p.m.), Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Lewis was absent. Mayor Christiansen (departed at 8:05 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Keller (*Safety Advisory and Transportation*), Mr. Blakeman (*Utility*), and Mr. Shevock and Ms. Stewart (*Legislative, Finance, and Administration*). Mr. Shelton and Ms. Arndt were absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Chairman Hosfelt presiding.

Viability of the ShotSpotter Gunshot Detection and Location Service
Deputy Police Chief Marvin Mailey informed members that gunfire is a major concern in the City, noting that the communities most affected are the least likely to report calls to 911, so gunfire is vastly under-reported. He advised that the Police Department had responded to 95 calls for service for shots fired in various areas throughout the City in 2016, stating that people are often gone when they respond. On the rare occasions when someone is hit, the Department conducts an

investigation; however, these incidents are largely under-investigated due to lack of evidence. Deputy Chief Mailey explained that the ShotSpotter gunshot detection and location system works by triangulating the noise emitted from gunfire and helping to pinpoint the exact location. He noted that several audio devices or sound listening posts would be located throughout a sector of the City, and they would be able to pick up the noise, report it to a center, de-conflict that noise as a backfire from a car or other device, and report it to the Police Department to determine the location. Deputy Chief Mailey indicated that the current system depends on citizens calling from their residence or cell phone to report gunfire. Officers then respond to the area and conduct a grid search. He stated that the ShotSpotter would allow officers to go to the exact area of the shots. If subsequent shots are fired, they would be able to follow this on a grid map and possibly arrest those firing the shots, locate the handgun, and conduct their investigation in a professional way.

Deputy Chief Mailey advised that ShotSpotter claims that 80% of all shootings go unreported, and he noted that it is not a foolproof system. Under daytime circumstances, the accuracy dips to about 25 meters from the sound device. He explained that when shootings are outside, the sensors triangulate to the system and help officers locate the exact location. Deputy Chief Mailey stated that the City of Wilmington currently uses the ShotSpotter system and Wilmington Police Chief Bobby Cummings was interviewed about this system in March. He explained that, even though ShotSpotter did not capture all of the data, it appeared that three (3) sensors would capture gunshots and alert the Police Department. ShotSpotter had enabled the City of Wilmington to respond to unreported gunfire and collect evidence, including shell casings, from crime scenes that would otherwise not have been collected. Deputy Chief Mailey stated that these shell casings were now being entered into the Integrated Ballistics Identification System (IBIS) so they can be tied back to firearms.

Deputy Chief Mailey indicated that the cost to cover a three (3) square mile area of the City would be approximately $195,000 per year, noting that the equipment would leased rather than owned and that grant funds were available. He stated that three (3) sources of grants and funding had been identified; however, they had expired since the research was done on the system. Deputy Chief Mailey advised that the federal government traditionally renews these grants each fiscal year, so more grants would be available in the next federal budget year. He informed members that there had been 17 shootings so far this year, no homicides, and 40 handguns had been recovered from the streets of Dover without having the benefit of the ShotSpotter. Deputy Chief Mailey felt this system could increase those numbers, reduce the rate of shootings, and keep the homicide numbers down to the desired level of zero (0).

Responding to Mr. Hosfelt regarding the success rate or number of cases cleared in Wilmington as a result of the ShotSpotter, Deputy Chief Mailey stated that he did not have those exact numbers but that he could get them and report back.

In response to Mr. Hosfelt regarding the availability of the $195,000 in grant funds that was mentioned for next year, Deputy Chief Mailey stated that he could contact Mr. Windley in Senator Carper's Office, who helps the Police Department with federal grants on a routine basis. He noted that Mr. Windley is very good at finding grants and identifying sources to purchase equipment.

Mr. Neil advised that a resident in White Oak Park had reported a shot fired, and questioned if the equipment would cover an area that distance from downtown. Responding, Deputy Chief Mailey stated that White Oak Park would be outside the area of coverage, which is approximately 400 meters from the site. He explained that the equipment would cover the area where the microphone is in position and, if located in the downtown area, it would not collect data from outlying areas across Route 13. Deputy Chief Mailey explained that gunshots outside the network of microphones would not be collected.

In response to Mr. Neil, Deputy Chief Mailey stated that the cost would be approximately $65,000 per square mile and microphones must be affixed to light poles and raised areas to collect audio feedback. Only a small footprint would be covered, and ideally the system would be placed in the highest crime areas.

Mr. Neil stated his understanding that if this system was wanted now, it would have to be the result of a grant.

Having cursorily researched this system, Mr. Slavin advised that one of the complaints was about accuracy. He noted that the ShotSpotter would provide guidance to a certain grid, and within that grid it did not give any additional coordinates to someone who would be dispatched.

Deputy Chief Mailey stated that, according to his reading, the ShotSpotter triangulates and is supposed to pinpoint a location. Theoretically, if gunshots were in the network of the sound gathering devices, it should be able to pinpoint an exact spot on a grid map so that officers could go directly there. He noted that a certain amount of disturbance would affect the system during daytime hours.

Mr. Slavin indicated that this was what he was referring to, noting that other noise interferes. He noted that some police departments had purchased and then abandoned the ShotSpotter because they learned that for every shot that was fired where ShotSpotter identified a location, there was a correlation with a number of calls telling them where it occurred. They found it was cheaper to allow people to call on their cell phones and the calls tended to come quicker.

In response to Mr. Slavin regarding any soft costs on the City's end and how information would be received and what the intervention would be, Deputy Chief Mailey stated that the information would go directly to the dispatch center. The information on the dispatchers' display would be sent to the responding officers and

they would be given an exact location, rather than an area, to start their search. Deputy Chief Mailey indicated this would be additional information for dispatchers.

Deputy Chief Mailey explained that the City of Wilmington has vastly different problems than Dover. He indicated that there are a lot of citizens who pick up the phone to let the Police Department know that shots have been fired in their neighborhood; however, it becomes very difficult for the Police Department to respond to a general area rather than a specific point to pick up the search. Deputy Chief Mailey advised that there are other systems on the market, noting that he and Councilman Hosfelt had attended a presentation at Dover Downs on a very good Verbi system. He noted that the equipment would be owned and the City would have it until the sensors need replacement. Deputy Chief Mailey advised that this system comes with a lofty price tag, but it includes military grade software and materials that are currently being used in the Middle East. He informed members that this would integrate directly with camera systems and go directly to any iOS device. Since it is web-based, if an officer had the application and shots went off, the officer would receive a message on their phone or tablet telling them where to go.

Mr. Hutchison expressed interest in looking at Wilmington's statistics and results and questioned how long they had been using this system. Deputy Chief Mailey believed that it was very new technology that was born out of the engagement in the Middle East, so he estimated that it had been within the last ten (10) years. He indicated that the ShotSpotter system must be leased rather than owned; however, the Verbi system would be purchased at a much higher price. Deputy Chief Mailey indicated that, although the up-front cost would be high, after five (5) to ten (10) years, less would be paid over the life of the equipment compared to a lease. He reiterated that ShotSpotter would cost $195,000 each year for three (3) square miles. He indicated that the Verbi representative had sent him a spreadsheet that indicated that over ten (10) years, there would be a savings of approximately $840,000 if the two (2) products were compared side by side. Deputy Chief Mailey noted that the Verbi system would cover a six (6) mile footprint rather than three (3) miles.

Mr. Hutchison stated that the City of Dover Police Department has a great working relationship with the Dover community. He realized that this equipment could be considered; however, when the price tag is considered, he felt that putting boots on the ground and possibly paying extra duty officers to become more involved in community policing would provide a better value than this device. Deputy Chief Mailey advised that the Department was currently doing this, and extra duty officers were assigned in high crime areas. In addition, he explained that the Department's crime analyst identifies areas in the City that require police attention, and specific dates and times and patrols are assigned based on that intelligence. Deputy Chief Mailey noted that this system would take officers' searches down from an area to a specific point, and this would be a benefit.

Mr. Anderson indicated that Wilmington started testing this program in approximately 2014 in a small area and seemed to like it, so it was very new in

Delaware. In regard to a cost/benefit analysis, he would like to evaluate if it fits Dover and not to commit to it. Mr. Anderson believed that there had been incidences when seven (7) or eight (8) calls were received about shots fired, but because of echoes and the way sound carries, it was indicated that gunfire came from different areas. He questioned if this system would have helped in this type of situation. Responding, Deputy Chief Mailey stated that, rather than looking at a sector of a couple of blocks, it would narrow the search to a specific point on a street where the first shot was fired. If several shots were fired during a drive-by shooting, it would tell the direction of vehicle travel and indicate in red dots on a grid map exactly where the first and sequential shots were fired. Deputy Chief Mailey explained that, in general, officers currently go from one (1) block to another and look for shell casings or stop to try to solicit responses from the people on the street. Having been on the street when shots were fired, he noted that sound bounces all over at night. Mr. Anderson advised that he had also been on the street when shots were fired.

Mr. Neil questioned if upgrades would be part of the system or if it would fall behind if technology accelerates. Responding, Deputy Chief Mailey believed that if equipment was leased and newer technology came out, newer equipment would be provided; however, he stated he would have to confirm this information with ShotSpotter. If the equipment was purchased, an upgrade to newer equipment would have to be purchased.

In response to Mayor Christiansen, Deputy Chief Mailey was not aware of any other cities in the area currently using the equipment. Mayor Christiansen suggested taking a trip to other communities that have a system in place to confirm the information provided by Mr. Slavin and learn about the success or failure in other communities before purchasing the equipment, and Deputy Chief Mailey concurred. Mayor Christiansen felt it sounded like a great system that would assist the City's police officers in doing what is necessary.

In response to Mayor Christiansen, Deputy Chief Mailey stated that he believed that preventive maintenance would be included in a contract but indicated that he would have to check. Mayor Christiansen requested that Deputy Chief Mailey provide he and the Committee information on other communities within a reasonable radius of Dover that are using a system. He expressed the desire to hold a conference call with officials or take a trip to find out the worthiness and effectiveness of the product. Mr. Hosfelt suggested, once it is established that a city or township is to be visited, that a member of Council attend such a meeting.

The Committee deferred Viability of the ShotSpotter Gunshot Detection and Location Service for further investigation.

Assessment of the Possibility of a Comprehensive Review of Emergency Medical Services Within the City of Dover

During the Special Council Meeting - Budget Review held on May 24, 25, and 26, 2016, concern was expressed regarding ambulance service, partially due to the result

of the Operational and Administrative Analysis - Dover Fire Department - Final Report - March 2016. Chairman Hosfelt indicated that, at that time, there was discussion about possibly forming a committee or getting a group together to look at the City's ambulance service. He stated that he believed that the City was in its second year of at least a three (3) year ambulance contract, with two (2) possible one (1) year extensions. He advised that he had held preliminary discussions with people in the industry throughout the State and desired to form a committee or at least bring back to Council suggestions regarding a committee to look at the City's ambulance service to see if it is deficient, if there is agreement with the study, and move forward from there. Mr. Hosfelt noted that he did not have knowledge regarding the ambulance service and was unsure if other members did, noting that there may be a couple of members of staff that have more knowledge. He felt that getting a committee of experts throughout the State together may be a good idea to see if the best interests of the citizens are being served.

Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, explained that she would address questions that were raised during the Special Council Meeting - Budget Review. She advised that, at that time, Mayor Christiansen had asked how PrimeCare bills for each individual transported. Mrs. Sass stated that the City's contract with PrimeCare specifically lists how fees are charged. She advised that the contractor accepts Medicare, Medicaid, and contracted insurance carriers as full reimbursement unless there is a deductible or coinsurance payment on the patient's insurance. Mrs. Sass indicated that PrimeCare can bill for the deductible, and outside of that they do not bill.

Mrs. Sass advised members that Mayor Christiansen had noted that Hartly responded to an incident and questioned if Hartly was eligible for the fee. She explained that Hartly's numbers were low and the City reciprocates what Hartly does for Dover, noting that Dover reciprocated 110 times in 2015. She expressed the importance of understanding the magnitude of the number of calls that Dover takes in, noting that calls had doubled in the last ten (10) years. In 2015 there were 8,856 calls for PrimeCare and in 2005 there were 4,460.

In regard to the number of times that the Fire Department was called to assist PrimeCare, Mrs. Sass indicated that this information had been requested from the Fire Department multiple times. She explained that she had documentation from 2009 and 2013 asking that this information be provided when issues occur so that the City can investigate these incidents. Mrs. Sass stated that both she and the Mayor had asked for this information, and on July 20, 2016 they received only the numbers for each year. To date in 2016 there were 13 calls, and in 2015 the Fire Department assisted with 37 calls, which was less than 0.5 percent. Without knowing the date or time of the calls, Mrs. Sass had no way to investigate what occurred that caused the call. She felt it likely that calls were related to an obese population, noting this is particularly common for elderly, non-ambulatory individuals, and two (2) people arriving at such a scene in an ambulance sometimes need assistance to lift these people. Mrs. Sass advised that in one such documented case from 2013, the weight

of a Kent General Hospital patient was estimated at 465 lbs. and the two (2) people in the ambulance requested assistance. She indicated that if she had more details, she would be able to determine why assistance was needed; however, she had been able to get documentation for only two (2) incidents since 2009.

Mrs. Sass noted that Mr. Hosfelt had expressed concern that PrimeCare knows that they can make insurance money if they are in a position to make a run. He felt they were taking runs when they should be on standby in the City to handle its issues. Mrs. Sass explained that neither the City nor PrimeCare determines which calls they go on since everything goes through the Kent County 911 Center. She explained that Mr. Kevin Sipple, Assistant Director, Kent County 911, and the rest of the group do a superb job of providing documentation every month to the City so that calls can be reviewed. Mrs. Sass stated that if they are dispatched to a call, they must make that run. They do this in the order of runs, and when Dover is not available, they go down a list. Mrs. Sass noted that since the City particularly relies on Camden and Cheswold, who help Dover out tremendously, the City started giving them a donation a couple of years ago. To her knowledge, this is the largest donation that these organizations receive to keep their services going. Mrs. Sass explained that this is part of being a good neighbor, noting that the City deals with a lot more runs than Camden and Cheswold.

In response to Mr. Hosfelt, Mrs. Sass indicated that she did not have the numbers with her regarding the number of times Camden and Cheswold had assisted the City; however, she explained that the City had just made its donation to them. Mrs. Sass noted that the donation amount is determined by a formula based on the number of calls that they responded to and the number of times the City responded to them. She stated that the number of scratches is deducted, a certain percentage is given to other things, and the recent total was roughly $15,000.

Mr. Hosfelt questioned if two (2) ambulances were run during the day and one (1) at night in 2015. Responding, Mrs. Sass stated that PrimeCare was required by the City's contract to run one (1) ambulance 24 hours per day, seven (7) days per week, and the other ambulance runs from 7:00 a.m. to 7:00 p.m. seven (7) days per week. She advised that this is when additional coverage is needed, noting that data supplied by Kent County shows how many calls come in per hour and a spike in calls could be seen. Mrs. Sass stated that the 7:00 a.m. to 7:00 p.m. coverage had started prior to her involvement with the contract.

In response to Mr. Hosfelt regarding the number of ambulances and shifts in 2005, Mrs. Sass stated her belief that just one (1) ambulance was run until 2009. Responding to Mr. Hosfelt, Mrs. Sass indicated that the City's current contract with PrimeCare extends until March 30, 2018.

Mr. Hutchison noted that one of Mrs. Sass' duties and responsibilities is to be the personal contact to work with PrimeCare and questioned if she was aware of any problems or issues this year. Responding, Mrs. Sass explained that if any issues

come through, she talks them over with the City Manager, contacts PrimeCare and tells them what she has heard or needs information on, and within 24 hours they provide all necessary documentation. She noted that there had been a couple of cases where accusations were made; however, Kent County does a great job of providing information. Mrs. Sass cited an instance where they were able to provide her with a recorded conversation from an individual who made a complaint, which cleared PrimeCare of any wrongdoing.

In response to Mr. Hutchison, Mrs. Sass indicated that she was not aware of any issues that the City had regarding the total service that PrimeCare does for the City of Dover and surroundings.

Mayor Christiansen asked if the 8,856 calls were single carries or multiple patients. Responding, Mrs. Sass indicated that to determine the call details she would have to go through and check each call. She stated that she could ask PrimeCare if they could provide that information. In regard to the average billing per run, she stated that this would depend on the insurance; however, a basic breakdown of the fees indicated that emergency stretcher transports are $425, emergency stretcher mileage per load and mile is $9.95 per mile, and a flat rate service call fee is $125.

Responding to Mayor Christiansen regarding billing for refusals once an ambulance goes on location, Mrs. Sass indicated that PrimeCare does not bill for refusals. She advised that she had spoken to a private fraud investigator from the Department of Insurance in February 2013 when complaints were made by some local individuals, and they did a thorough investigation of PrimeCare and all of their billing. They stated that Delaware does not have a fee schedule and the amounts charged are based on usual and customary fees for the area. Mrs. Sass explained that, as far as the investigator was aware, PrimeCare ambulance service charges logical prices for responding. She stated that he indicated that all ambulance services charge for responding to a scene, whether they end up transporting a patient or not. Mrs. Sass advised that the fraud investigator found absolutely nothing wrong; however, they had suggested verbiage that could be added, some of which was used for the new contract.

Mayor Christiansen expressed appreciation for Mrs. Sass' efforts and the information she provided, stating that she does an outstanding job juggling all of the jobs that she does.

Mr. Hosfelt questioned if Mrs. Sass, as a City resident ,was satisfied with the service received from PrimeCare, and she responded that she was.

Mr. Scott Koenig, City Manager, questioned if the Committee wanted to form a committee for the Request for Proposals (RFP). He stated that the City had just entered the second year of the contract and the City had approximately 19 or 20 months before the contract ends. Mr. Koenig stated that if Council wants to issue an RFP, staff would be more than happy to. He noted that the operational study

indicated that Dover has enough activity and call volume to attract a national carrier. Mr. Koenig stated that the difference between local and national carriers is that a national carrier may not charge the City a standby charge. He estimated that approximately $20,000 to $21,000 per month is paid to PrimeCare as a standby charge and a national carrier would survive on pure billing. He explained that the City pays a monthly fee for the 24/7 unit and a separate bill for the 7/7 unit. Mr. Koenig informed members that a couple of years ago there was discussion about adding a third shift, at a value of approximately $10,000 per month or $120,000 per year. This was compared to making an approximate $15,000 contribution to the volunteer fire departments that are helping the City. Mr. Koenig stated that the volunteer fire department contribution was better financially both for the City and for the companies that were assisting.

From a contract management standpoint, Mr. Koenig stated, in his opinion, that the PrimeCare contract was reasonable. The complaints heard, after investigation, had been generally unfounded as they worked their way through the system. He noted that the consultant had stated that if the City was not already in the Emergency Medical Services (EMS) business, this would not be a business to begin incurring the start-up cost and billing responsibility. From a managerial standpoint, Mr. Koenig stated that staff was not recommending bringing the service in-house because the City was getting reasonable service from the private providers and would recommend continuing the operational relationship between a private service provider and the City of Dover. If an RFP was done, he recommended doing it in a format that could be distributed nationally and incurring the cost to do a national advertisement in a national publication, which, to his knowledge, the City had not done previously.

Mr. Hosfelt stated that this could be budgeted for in the next fiscal year. Mr. Koenig suggested working on the RFP within the next three (3) months, noting that the cost to advertise would be part of the very late FY 17 or very early FY 18 budget. The RFP could be issued at the beginning of FY 18, which would allow enough time to get proposals back, select a provider, and have a transition period if the City changed providers.

Mr. Neil stated his understanding from the study that there would be a cost savings if a national provider were used and if the ambulance could use the City's facilities to house the ambulance. Mr. Koenig stated his understanding that the cost components from the study were twofold, noting that if the City obtained a national provider: 1) the City would not be paying the monthly standby charge currently being paid for service; and 2) instead of renting building space from the private sector, as PrimeCare currently does, a national provider could potentially rent space inside the firehouses from Robbins Hose Company. Mr. Koenig noted that this relationship is not within the control of the City Manager but would have to be authorized by Robbins Hose Company.

The Committee recommended that staff prepare a Request for Proposals (RFP) to look at emergency services.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

Overview of the Airport Environs Overlay Zone Related to Dover Air Force Base and Fordham Brewery

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that, in December, Fordham and Dominion Brewery Co. had applied to the Planning Commission for an expansion of the brewery on Horsepond Road. When that application came in, there was some discussion at the Development Advisory Committee (DAC) meeting. Mrs. Townshend indicated that the Dover Air Force Base community planner is part of the DAC and attends meetings when there are applications that are near the Base, or specifically within what they identify as the Air Installations Compatible Use Zones (AICUZ). She advised that, for the City's purposes, the AICUZ zone is the Airport Environs Overlay Zone (AEOZ). Mrs. Townshend stated that, at the time, staff did not have a lot of detail, but there seemed to be an increase in events being seen at the Base. Unfortunately, a lot of these events did not come to the Department of Planning and Inspections for permits, so staff did not have a clear number. Mrs. Townshend explained that at the DAC meeting, staff talked to Mr. Jim Lutz, who was then serving as Fordham's Chief Executive Officer, about the importance of getting permits when they have special events and the fact that they are in what is called the Accident Potential Zone (APZ) II, which does not allow for public assembly. Staff advised that if Fordham was planning to have more events than they had in the past, there would be a need to look at the restrictions. Mrs. Townshend indicated that staff was assured by Mr. Lutz that Fordham did not have any interest in having more than two (2) to three (3) events in a year.

Mrs. Townshend informed members that approximately one (1) month later, the City Fire Marshal's Office happened to see a post on Facebook by the brewery that showed overcrowding at a release party held in the brewery. This raised a flag from the Fire Marshal's standpoint because Fordham is a manufacturing facility from a building and fire code standpoint and had not been reviewed and approved as an assembly. Mrs. Townshend noted that it became a concern when people were packed in elbow to elbow in a facility that had not been reviewed for egress and those types of things associated with an assembly use. At that point, the Fire Marshal's Office reached out and Fordham was instructed that anything other than the standard tours and tastings that would be incidental to the brewery use would require additional review. Mrs. Townshend stated that the Fire Marshal's Office also reminded Fordham that if that side of their business was going to grow, this would require a discussion with the Planning Office because of the AEOZ.

Mrs. Townshend stated that by April, Fordham was starting to have more events, staff was finding out about them, and they were not getting permits. There had been some staffing changes at the brewery, and she felt that some of this fell through the cracks. Staff reached out again and reminded Fordham that they had to get permits

when they have events. Mrs. Townshend indicated that in early May, staff received a number of special event permit applications that included multiple events in a month. The initial series of applications included three (3) during the month of May, farmers markets throughout the summer on Saturdays, and a release party once per month, in addition to other community events. Mrs. Townshend stated that staff then looked hard at the AEOZ and reached out to the Base community planner so that staff was not making assumptions about the zone that were not what the AICUZ's expectations were. She stated that the zone specifies temporary uses no more than five (5) days. When staff met with the Base, they believed that this type of use was not what Fordham had presented when they came through the process. Referring to correspondence dated May 31, 2016 from Mr. Matthew Jordan, Dover AFB Community Planner, Mrs. Townshend stated that this letter reiterated that, under their AICUZ, Fordham is a manufacturing facility. She alerted Council that staff was going to need to address this issue and staff sent a letter to Fordham. Mrs. Townshend indicated that, at that point, the issue began to get more publicity, legislators expressed concerns, and ultimately there was a meeting at the end of June to discuss what resolution there might be.

Mrs. Townshend stated that Fordham's attorney had presented an alternative for the City to look at to modify the City's Zoning Determination and Administrative Policy. She advised that the determination was drawn from the zoning district itself and from the City's Comprehensive Plan. Mrs. Townshend indicated that the purpose of the AEOZ is to protect public safety in the areas around the Base and to protect the viability of the Base. She informed members that one of the City's commitments to the United States Air Force was to protect the areas around the Base from encroachment of incompatible uses. Mrs. Townshend noted that the issue was not that the City was trying to do something to a business but that this business had changed. When they opened in 2004, they were strictly a brewery and did not have any events. Mrs. Townshend advised that a review of the City's records revealed that the first special event permits were issued in 2012. She indicated that this issue grew up under the radar and the City's responsibility to the Base was to make sure that the City lives up to the commitment made in adopting the AEOZ. Mrs. Townshend stated that the AEOZ was initially adopted in 2001, so it was in place when Fordham located there. She stated that some people had indicated that there are events on the Base. Mrs. Townshend noted that the APZs are not necessarily just the areas around the Base. Referring to the maps, she explained that the APZs were the pink linear areas off the ends of the runways where there is an increased risk of crash, based on statistics provided by the Air Force. Mrs. Townshend noted that this is something that other military towns with air installations have and felt that a lot of people did not understand the purpose of the zone and, in particular, the locations of the APZs.

In response to Mr. Sudler regarding a related the meeting that was held at the end of June, Mrs. Townshend advised that she was not part of that meeting. She indicated that this was a meeting with the Mayor, Council President, City Manager, and representatives of Fordham, noting that Mr. William Pepper, Deputy City Solicitor, was also in attendance.

Mr. Sudler questioned what kind of staff changes were made that allowed the concern to fall through the cracks. Mrs. Townshend indicated that this matter did not fall through the cracks on the City's end but she believed it fell through the cracks on Fordham's end. She stated that she was not entirely familiar with their staffing changes; however, she knew that the CEO to whom staff talked in December was no longer there by spring; therefore, the person who made the commitment that they were not looking to grow their event business was no longer there. When Mrs. Townshend talked to the director of marketing after staff sent the letter on June 6, 2016, that person relayed to her that the events were a very big part of their business.

Responding to Mr. Sudler, Mrs. Townshend advised that staff had not issued fines and at this point was trying to get things to be compliant. She indicated that staff did not necessarily know when Fordham was having events.

Mr. Neil requested that his memorandum to the Mayor and Council dated July 25, 2016 Re: Airport Overlay Zone (AEOZ) and the Fordham and Dominion Brewery be included in the record. He stated that, in the event of an air accident, there would be a chance that the City could be sued if the City did not insist that the brewery follow what is in the crash zone. Mr. Neil pointed out that there was a second liability issue dealing with the Fire Marshal. He felt this was not entrapment on the City's part, noting that there was evidence of a broken agreement on social media. Mr. Neil stated that no fines had been levied, only counseling. He reiterated that the City could be sued if what was discovered by the Fire Marshal was not enforced. Mr. Neil felt that there was a second issue related to good faith in dealing with the Air Force. He stated that if it was free enterprise, the Air Force Base could leave because the City had broken its agreement with them by not enforcing what is in that zone. Mr. Neil noted that they could pack up and leave, and if they cannot do so, he questioned if this meant the City should break its agreement with them to allow the business to expand without doing anything about it. He questioned if the City could move actively with an ancillary location that is not in the zone to allow them to expand. For example, Mr. Neil noted that the Kent County Tourism wine trail will now be at Harrington. He questioned if the City could acknowledge that Fordham had broken the agreement and the Fire Marshal laws, note that the City had not fined but only counseled Fordham, and take an active step as a Council by turning to the committee that is dealing with economic expansion and find someplace for Fordham away from this zone where they could have their events. He did not feel the City could break faith with the Air Force simply because they cannot pack up and leave.

Mr. Slavin expressed his hope that neither Fordham nor the Air Force Base were being portrayed as the bad guys in this matter, stating that this would be a disservice. He noted that these two (2) entities were simply doing their business and it was evolving. Mr. Slavin stated that the City is growing. He thought that, as a City government, Dover needed to be out of the business of being siloed and make sure that zoning and enforcement are in line with economic development policies, so that

the City does not approach businesses saying that they are wrong and the City wants them to move. Mr. Slavin asked members to imagine being the business owner receiving this news, noting that they may have been a loyal, taxpaying business in Dover for the past 10 years, built up their brand and business and become successful, and now the City wants them to move. He stated that the answer would be that they would move to Milford, Smyrna, or someplace else that is beating the City to the punch on all of the businesses being lost. Mr. Slavin indicated that Dover was not losing to Annapolis or Anaheim but to Smyrna and Milford for this very reason. He felt that these are the moments when Dover can become viable as a City or not. Mr. Slavin stated that this zoning was passed in 2001 and felt that when something is passed and becomes a zone, it is not sacrosanct or unchanged forever. He stated that in the past 15 years, the entire business model for Fordham and Dominion and that industry had changed. Mr. Slavin noted that he is not a defender of their business and understood that they must catch up on some things. Mr. Slavin advised that this industry was no longer just about putting product in bottles and they need the ability to sell it in a very personal way by mixing it with food and the experience of being there. He felt that this is what had made Dogfish Head in Milton so successful, noting that their plant does not just have bottling but has much more. Mr. Slavin felt that there was a need to respect the fact that this had changed since 2001, noting that since 2001 the entire fleet and the types of airplanes that fly in and out of Dover Air Force Base had changed since 2001. When they recently did renovations on their runways, they used temporary flight patterns with airplanes over the City. Mr. Slavin did not recall them coming to the City saying that there was a need to change the zones during that temporary period.

Mrs. Townshend stated that the AEOZ was updated in 2011 after the Air Force adopted their AICUZ study for 2010, so this zoning district had not remained static. The text and maps had been updated based on the most current information provided by the Air Force.

Mr. Slavin stated that the City had shown moments where it could be viable and flexible and take activities, zoning, and enforcement and align them with economic development, for example the Firefly Festival. When Dover Downs wanted to put 80,000 people there listening to rock music, the City found every possible way to make this happen, and Mr. Slavin was glad that this was done. He felt that now there was a desire to snag on a single business in a single location that had dedicated itself to being in Dover. Mr. Slavin advised that, when he spoke to them, they indicated that they were very happy and proud to be in Dover but were at the end of the line with this matter. He stated that picking up and moving and building new infrastructure was not something that they wanted to do. Mr. Slavin suggested that the City should become smart and more nimble, and understand that the City is growing and, as it grows, there is a need to respond to that growth. He felt that the City should not simply hold up a book of ordinances and say sorry, no we can't do that, we are in the enforcement business, period. In his opinion, this was the wrong approach to take.

Responding to Mr. Hare regarding what the zoning was prior to being updated in 2011, Mrs. Townshend stated that the Air Force did not change the APZs, which are the same as they were prior to the update. Based on the change of the fleet, they updated the noise contours, which shrank. She indicated that some areas went from a more restrictive too a less restrictive noise zone, and some came out of the noise zone entirely.

Mr. Hutchison advised that Dover Air Force Base is one of the City's largest employers. He stated that the Base operation is unique and there is no other air base that has the relationship this Base has with Dover's community. He noted that many people work every day with the personnel at Dover Air Force Base, including the leadership team, congressional leaders, governors, and members of the General Assembly, Kent County Levy Court, and the City. Mr. Hutchison stated that the Base has two (2) major missions, including the C5 and the C17, and they are strongly being considered for a third mission involving a tanker unit. Because of the relationship that the City has with the Base and the new addition to the runway, he felt that Dover had an excellent opportunity to have another mission, and he noted that the mortuary is there as well. Looking at the Fordham business, Mr. Hutchison noted that they had a business license and he had no problems being flexible, but when it came to encroachment or perceived encroachment on Dover Air Force Base, he had serious concerns. He hoped that everyone would be very sensitive to this issue moving forward. Mr. Hutchison stated that he feels the City is very open-minded about protecting existing businesses.

Mr. Sudler concurred with Mr. Slavin, stating his concern that at times the book of nos is pulled out but when it comes to major events the answer is yes. He questioned how a yes was pulled out in an agricultural zone area for the Firefly Festival when there are other events that do not have that major restriction and the City finds nos. He felt the need to be consistent with leniency and flexibility when it comes to zoning issues.

Mr. Neil felt that the City should do what was done with the Firefly Festival but do not encroach upon the City's deal with the Air Force Base. He felt that Fordham needed an ancillary base that is not in a crash zone where they can hold their events. In terms of economic development, Mr. Neil believed that the City should consider what can be done to help Fordham that is not in a crash zone that sets up a liability issue for the City, and also in regard to what the Fire Marshal had asked for. He suggested seeing if something can be arranged for them to have their events not in a crash zone. Mr. Neil also believed the City should live up to what they had said to the Base as far as this zone is concerned. He stated the need to develop something outside the box.

Mr. Hare agreed with Mr. Slavin, expressing his belief that a compromise could be reached. Referring to events in the crash zone, Mr. Hare stated that the Air Force Base was extending invitations to set up and have big events in the crash zone. He indicated that they were not just holding events on their property but were being

invited to do events at the Air Force Base where hundreds of people show up. Mr. Hare felt that a happy medium could be reached and that there was a lot more to this than having an event at the brewery in the crash zone, noting that peripheral things go on that needed to be looked at.

Mrs. Townshend advised members that Chapter 10 of the 2008 Comprehensive Plan deals with economic development, and one of the top goals of the plan as it relates to economic development is to protect the viability of the Dover Air Force Base, since it is a major driver of the City's economy. Mrs. Townshend advised that the Planning Office had worked very diligently with the business and the development communities to update ordinances over the last five (5) to seven (7) years so that they are more flexible, more things can happen in the commercial zones, and there are more opportunities for economic development. She noted that this does not necessarily mean saying yes to everything everywhere.

In regard to the issue of consistency raised by Mr. Sudler, Mrs. Townshend indicated that this was one of her biggest concerns about making an administrative decision that she believed would go exactly against what the City committed to the Base in adopting the AEOZ. She noted that other businesses had wanted to locate within this zone and to do things that included public assembly that the City had said no to. Mrs. Townshend stated that people had come to her stating that the City said no to them and questioned why Fordham kept having these events; therefore, this was an issue of consistency. She noted that there are a lot of things in the Zoning Ordinance that are black and white and have a yes or no answer, and staff abides by that; however, there will always be gray areas. When there is gray area, Mrs. Townshend advised that she does her best to work with the applicants to make sure that the gray area is used in a way that benefits the public interest and the applicants. She indicated that there are zoning determinations that do this. Mrs. Townshend stated that many people in the business community would say that she is fair and consistent, and if the flexibility is there, she will use it and if it is not she does not. In this case, Mrs. Townshend did not believe that the Code had given staff flexibility, and she did not believe it was appropriate for her to make an administrative decision that could potentially have a long-term impact on the viability of the Base. She explained that the Zoning Ordinance and State statute set it up that zoning appeals go to the Board of Adjustment. Mrs. Townshend talked to Fordham about this and they did not want to go to the Board of Adjustment. She advised that there was the possibility of them getting a variance to allow that use but not to expand it so that it goes on to other places. Mrs. Townshend indicated that the issue of encroachment starts when there is one incompatible use, and then another down the road, and before you know it there is a Base Realignment and Closure (BRAC) commission that suddenly finds that there has been encroachment. Mrs. Townshend explained that, although members may not think this is a possibility in Dover, from the research staff had done in 2005 when the BRAC Commission looked at bases for closure, the Naval Air Station Oceana in Virginia Beach was not on the Secretary's list for closure. However, the Commission put it on the list simply because there was encroachment of incompatible uses. Mrs. Townshend explained that in order for the base to keep

their military installation, Virginia Beach had to adopt a lot of code amendments and purchase land to eliminate some of the incompatible uses. During the past winter, Norfolk's city council approved a special exception for a banquet hall that would have a capacity of 80 people, which is less than those attending many of the Fordham events. Mrs. Townshend noted that Norfolk is APZ II, which is essentially what Dover was looking at. In Virginia, the person in the cabinet position in charge of military affairs, as well as the mayor of Norfolk, came out stating that the city had made a mistake, and the city had to go back and work with this property owner at the city's expense to relocate this business.

For clarification, Mrs. Townshend indicated that this was not something that she takes lightly or that she is looking at an antiquated zone that does not take into account current priorities. She explained that this was about the commitment the City made to the Base and the long-term economic viability of the Base. If City Council wished to amend the zone, she stated that this was within the purview of the Council. In Mrs. Townshend's determination, the statement she made was that she did not believe that the discretion was there to go beyond where things were. Mrs. Townshend stated that this matter was being looked at based on what the attorney had provided to the City. She reiterated that she did not believe it appropriate for an administrative official to make a decision that was absolutely contrary to the Comprehensive Plan and the adopted Zoning Ordinance.

Referring to Mrs. Townshend's comment that economic development was not to say yes to every opportunity, Mr. Slavin wanted the record to reflect that this was not what he said.

Mr. Hutchison questioned if the City had a temporary agreement with Fordham between now and the end of the year. Responding, Mr. Hare said yes. *(City Clerk's Office Note: Subsequent to the meeting, Mrs. Townshend sent correspondence to the Fordham and Dominion Brewing Company dated August 1, 2016 regarding events at the brewery that included details pertaining to this agreement.)* Mr. Hutchison stated that the concerns had already been addressed to take care of the issue until the end of the year and there was no need to take any action on this; however, between now and the end of the year there would be a need to come to an understanding.

Mayor Christiansen indicated that the agreement was in the vein of compromise to allow Fordham to work with the planner and was not to supercede the requirements of the particular zoning. He stated that, at that point in time, he and the Council President felt it was incumbent upon them to sit down with them and discuss the issue. Mayor Christiansen commented that he had never seen anything that was so dangerous that it could not be talked about. He advised that no carte blanche was given to Fordham and it was still open to discussion and massaging so that they could continue to operate there within the parameters and permitting. Mayor Christiansen indicated that the City emphasized that Fordham has to have permitting to hold any of the events that they wish to have because no person or business in the City should be above the rules and regulations in place.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

Evaluation of Proposals - Underground Utility Locating Services Contract

Mr. Scott Koenig, City Manager, informed members that the Underground Utility Locating Service Contract would affect both the Public Works and Electric Departments. He advised that, years ago, the City did its own locating services through City staff; however, over the past ten (10) years this had been privatized. Mr. Koenig stated that the current provider is W Locco, LLC and this contract would be coming to an end. Staff issued a Request for Proposals (RFP) through the City's procurement manager for services similar to those currently being received, and two (2) proposals were received, one (1) from Century Engineering, Inc. and one (1) from W Locco, LLC. Based on the staff evaluation, staff recommended W Locco, LLC of Georgetown, Delaware, because they are the current provider and their proposal was lower than Century Engineering, Inc., even with granting Century Engineering local vendor preference. Mr. Koenig noted that the savings would be substantial. He indicated that the estimated expense to this year's budget would be approximately $66,000. Using the average cost over the past three (3) years, it was expected that an amount between $60,320 and $61,495 would be spent, based on evaluation of the proposal.

Staff recommended awarding a one (1) year contract with the option for two (2) one (1) year extensions to W Locco, LLC, as per the proposal submitted in response to RFP #16-0044COD.

In response to Mr. Hare, Mr. Koenig stated that average spending over the last three (3) years for locating services was $61,495.

The Committee recommended acceptance of staff's recommendation to award a one (1) year contract with the option for two (2) one (1) year extensions to W Locco, LLC, as per the proposal submitted in response to RFP #16-0044COD.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

Dedication of Public Infrastructure - Dover High School Pump Station and Force Main

Mr. Scott Koenig, City Manager, advised members that the Dover High School pump station was constructed in accordance with City specifications with the intent to be turned over as public infrastructure. He explained that this pump station currently serves only the Dover High School facility but was intended and sized to cover extended infrastructure that will serve the Leander Lakes apartment complex, and potentially other areas to be developed in the vicinity of the City. Mr. Koenig indicated that the developer of the pump station had reached a point where they

would like to dedicate the infrastructure. He stated that one (1) Smith and Loveless 4B2B Vacuum Primed Pump Station would be dedicated, as well as approximately 1,512 linear feet of six (6) inch sanitary sewer force main. Mr. Koenig noted that the estimated value based on construction would be $565,070.

Staff recommended acceptance of the pump station and associated force main at the Dover High School, with dedication to include the entire referenced infrastructure. Mr. Koenig advised that, once dedicated, staff would do the maintenance and it would become part of the City's renewals over a very long period of time. Mr. Koenig stated that this was public infrastructure, so the City would have ownership of all the infrastructure dedicated.

Mr. Blakeman questioned if Leander Lakes Apartments would put any money into the pump station or if Dover High School was responsible for building a pump big enough to handle the apartments without being compensated. Responding, Mr. Koenig stated that he had not brought this information; however, he believed that the station was designed and sized for all of it. He indicated that it may have been a matter of changing some of the impellers on the pump, and if this was determined during the construction agreements, Leander Lakes may have paid for a larger pump impeller. Mr. Koenig advised that the station, as currently constructed, was adequate to serve what is currently proposed. He noted that details were worked out early in the construction and he did not have them available. Mr. Koenig indicated that there would not be a payment from them to the City of Dover for any type of infrastructure improvement.

The Committee recommended acceptance of the pump station and associated force main at Dover High School, with dedication to include the entire referenced infrastructure.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held with Chairman Hare presiding.

Discussion of Duties and Assignments of City Personnel

Council President Slavin indicated that the issue of the duties and assignments of City personnel had arisen on a number of occasions and indicated a need for clarification. He advised that, in March 2013, City Council took action to reorganize City government which involved reorganizing the duties assigned to employees in the Public Works, Information Technology, Finance, and Planning Departments.

Mr. Slavin requested that the City Clerk send an excerpt from the minutes of the Regular City Council Meeting of March 25, 2013 to all members of Council, as well as the citizen members of the Legislative, Finance, and Administration Committee. *(City Clerk's Office Note: Subsequent to the meeting, this information was emailed to all members of Council and the civilian members of the Legislative, Finance, and Administration Committee.)* Mr. Slavin advised that the first vote on this matter had not passed and the second vote passed by a vote of five (5) to three (3), with one (1) member absent. He felt it would be worthwhile for members to look at what actions Council took to reorganize City government at that time.

The Committee deferred this matter until members have all the information they need.

Mr. Hare indicated that this matter would possibly be brought back in the second week of August.

Proposal for Dover Public Library to Serve as a Passport Acceptance Facility

Mr. Kirby Hudson, Assistant City Manager, reminded members that during the Regular City Council Meeting of July 25, 2016, members had the opportunity to listen and learn about two (2) major events that the Dover Public Library would be putting on: 1) a Maurice Sendak Exhibit which was anticipated to bring in huge numbers of people, and 2) Dover Comic-Con. Mr. Hudson advised that in the few years that Comic-Con had been held, its numbers had grown exponentially, not by the hundreds but the thousands. Mr. Hudson advised members that everything the library does costs money.

Mr. Hudson reviewed correspondence from Ms. Margery Cyr, Library Director, dated July 11, 2016, RE: Passport Services. He stated that at the end of May or beginning of June, Senator Chris Coons' office contacted the library to let them know that the U. S. State Department was anticipating a major increase in people renewing or requesting passports. Senator Coons wanted the libraries to know that this could be an opportunity for extra revenue. Mr. Hudson explained that the Dover Public Library could meet all of the requirements to become a Passport Acceptance Facility. He reviewed the benefits to the City and to the library, stating his belief that this service would aid an area that is greater than the City. Mr. Hudson indicated that the library would retain a $25 acceptance fee for each passport application, as well as income from any added services, such as passport photos, fees for expediting, etc. He noted that the U. S. Passport Services would provide email and telephone support from their regional offices in Philadelphia and Washington, D.C. Mr. Hudson stated that the hours proposed for passport services were Monday - Friday, 5:00 - 7:00 p.m. and Saturday - Sunday, 1:00 - 4:00 p.m.

Mr. Hudson advised that not all posts offices provide passport service, and although the Dover Post Office does, their hours are very irregular and he been told that they are not convenient. Mr. Hudson indicated that this was one of the reasons that Senator Coons had asked libraries to look at this possibility.

Mr. Hudson explained that Ms. Margery Cyr, Library Director, advised him that when she worked at a public library in central New Jersey in 2008, they were engaged in passport services operating during evening and weekend hours. She indicated that they were easily bringing in over $90,000 per year. Ms. Cyr advised that she was told that eight (8) years later they were pocketing a healthy six (6) figure income, with the service paying for itself since funds did not have to be shared. Mr. Hudson noted that this library has a full-time program that operates 67 hours per week.

Mr. Hudson stated that staff was proposing that two (2) passport agents could come in at the Library Clerk I level, with a hiring preference for veterans. After removing operating expenses, 75% of the funds collected would go to the library and 25% to the General Fund. The library funds would be used for programs such as the Maurice Sendak Exhibit and Dover Comic-Con. Mr. Hudson noted that the library is not short on ideas but does not necessarily have all the funds needed for them. He felt that something like this could bring in dollars to be able to do those sorts of things without having to ask the City for extra funds.

Staff recommended authorizing the City Manager to submit the necessary documentation to provide passport services at the Dover Public Library and incur the necessary expenses to implement and manage the program.

Mr. Sudler felt that these were great, common sense thoughts and stated that he would support the proposal.

Responding to Mr. Sudler regarding the projection for labor costs, Mr. Hudson stated that a Library Clerk I makes $13.40 per hour. At 15 hours per week, the cost would be $201 per week, with an annual cost of $10,452. Mr. Hudson estimated, including FICA and Workers Compensation in the amount of $1,780, that two (2) part-time employees working 15 hours per week would cost $23,000 annually.

Mr. Hudson advised that only 21 states were currently beginning this program and Dover would have the only such program in Delaware and Maryland. Mr. Hudson advised that this could become very busy, explaining that individuals in Maryland and in this area who need these services and do not go to the post office go to Washington, D.C. or Philadelphia. He stated that staff anticipated a lot of traffic and felt this could be a good revenue source for the City.

Mr. Cole questioned if this would be addressed on a year-to-year basis or would be a two (2) or (3) year undertaking. He asked what would happen if the first year did not go as planned. Responding, Mr. Hudson stated that the City could discontinue the service whenever it wanted to. He stated that he and Ms. Cyr wanted to ensure that the individuals hired would know that this is experimental. He noted that this would be the first such program in the State, and staff knew of only one (1) library in New Jersey where this had been done successfully. Mr. Hudson indicated that it had the potential to blossom and that Senator Coons had reached out to other

libraries. Mr. Hudson felt that the Dover Public Library was perfectly suited for it, believing that there was no other larger library, other than perhaps the Wilmington Library.

Mrs. Donna Mitchell, Controller/Treasurer, stated that she did not recall reviewing all of this information.

Mr. Hutchison questioned if a database or filing system would be needed if the City were to issue passports. Responding, Mr. Hudson stated that the library would be a service center that collects information and would not issue passports. Applicants would fill out an application and the agent would use a checklist to ensure that all information is complete. Mr. Hudson indicated that this would be the beginning of the process and the final portion would be taken care of at the Philadelphia or Washington, D. C. regional office. Passports would be shipped directly to the applicant.

Mr. Hosfelt questioned why the City would not start with one (1) additional employee rather than two (2). In response, Mr. Hudson stated that the requirement for two (2) employees was included in the guidelines for eligibility.

Mr. Hosfelt asked if it would make more sense to wait until the new budget year. Responding, Mr. Hudson questioned why this would be necessary. He noted that the supplies would be provided, it was known that the Dover Post Office was not adequately serving the public and, according to the U. S. State Department, an up-tick in people applying for or renewing passports was anticipated. In response, Mr. Hosfelt stated that this item was not budgeted.

Mr. Hudson stated that there would be no funds coming from the City. Responding, Mr. Hosfelt noted that $23,000 in salary expenses were expected. Mr. Hudson presumed that the money collected from all of the business would cover this expense. Mr. Hosfelt indicated that he was not opposed but wondered why this was being considered now.

In response to Mr. Hosfelt regarding whether the budget could absorb a $23,000 change if this proposal did not work out, Mr. Scott Koenig, City Manager, stated that staff desired to apply for the program, and Council's authorization was needed. Mr. Koenig was unsure whether the employees would be new staff members or if existing staff members would be trained. He believed that the thought was to try to make current employees available during passport service hours. Mr. Koenig noted that numbers had not been fine tuned because staff was unsure how detailed this program would be. He advised that staff saw this as a positive service and a potential revenue generator for the library and the City. Mr. Koenig was reluctant to commit to the estimated $90,000 in revenue, stating that he did not believe this would happen the first year. He indicated that he wanted to make the application, tie down the numbers, and report back to Council, stating that staff wanted authorization to go through the process to place the City on the list to become a passport facility.

Mr. Koenig believed that this would be a positive revenue source but stated the need to understand what it takes to exit the program.

Referring to the recommendation that veterans be given preference in the hiring process, Mayor Christiansen stated his understanding that there would be additional personnel. He asked if it would be permissible for these employees to perform other library-oriented work when they are not processing applications. In response, Mr. Hudson stated that he felt they could probably do other things and that he would obtain the information.

Mr. Shevock questioned how the program would be promoted. Responding, Mr. Hudson indicated that the U.S. government would assist with promotion at no additional cost to the City. Mr. Shevock suggested that this service be placed on the City's website.

Mr. Hare questioned if there would be overtime hours if existing staff were used. In response, Mr. Koenig stated that there would not be overtime hours, reiterating his belief that part-time employees at the library would be used and some of the hours would be back-filled. Mr. Koenig stated that all guidelines would be followed and the intent was not to convert an existing part-time person to a full-time person to administer the program but to try to perform the service at the lowest cost possible. He stated that there would be no benefits associated with the part-time Library Clerk I positions credentialed to be passport clerks.

Mr. Hare stated that to break even or a little above, it would be necessary to process 1,000 passports. He indicated that he had no problem with this as a temporary program to see how it goes.

Mr. Neil stated that he was very much in favor of the proposal because it would be very convenient to have this service at the library.

The Committee recommended acceptance of staff's recommendation to authorize the City Manager to submit the necessary documentation to provide passport services at the Dover Public Library and incur the necessary expenses to implement and manage the program.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

Proposal for Dover Public Library to Adopt a Smoke-Free Policy

Ms. Michelle Hughes, Assistant Library Director, stated that it was proposed to adopt a smoke-free policy for the library grounds. She reviewed a request for the Library property to be designated as a smoke-free area. Ms. Hughes advised that staff often receives complaints from library visitors about people who sit outside and smoke on a continuous basis, and referenced two such complaints received within the past

month. She indicated that another reason for the proposal was that there had been several mulch fires, most recently in June 2016, when the Dover Police cadet on duty used a fire extinguisher to put out a fire. Ms. Hughes stated that staff knows there are people on library property outside of library hours and there is concern about the possibility of significant damage to the building if a mulch fire started when staff was not present to notice it. Ms. Hughes cited several current proposals for smoke-free policies that were under evaluation. She indicated that the Dover Public Library respectfully requested that the Committee recommend the Library grounds be designated as a smoke-free area. A map of the Dover Public Library Proposed Landscape Improvement Plan designating the proposed border of the smoke-free area was displayed.

Mr. Sudler believed that the State of Delaware had a no-smoking policy within 25-feet from any public facility and questioned if the Dover Police Department would be able to issue citations with this law in place. He questioned how this would work in conjunction with what was being asked and felt that if this was in place, the City could be capitalizing on it and giving out citations. Mr. Sudler stated that he agreed with the no-smoking zone for the library.

Mr. Scott Koenig, City Manager, advised that the library has signs indicating that there is no smoking within 25 feet of the building; however, there is no reference in the Code, to his knowledge, that would allow enforcement. He indicated that he was unsure if there was a fine. Mr. Koenig advised that staff's request was to designate the library as a smoke-free campus, and the cadets would enforce the policy under the Dover Code of Ordinances rather than code enforcement staff. He believed that cadets are present during most or all hours of operation of the library. In response to Mr. Hare, Mr. Koenig stated that the cadets have the ability to write tickets for a series of things.

Mr. Hare questioned if this could be expanded to all City property. He noted that there are many people from the Department of Natural Resources and Environmental Control (DNREC) walking across the street to the former library and Weyandt Hall and throwing cigarette butts down. Mr. Koenig advised that this discussion was limited to the library to address very specific issues at the library. He advised that this discussion could be expanded; however, this request was related to the library.

Mr. Slavin stated that he supported the proposal 100%. He indicated that two other pieces were in the proposal's favor: 1) the Clean Indoor Air Act, which prohibits people from smoking within so many feet of an entrance to a public building, and 2) the National Fire Protection Act, which prohibits people from congregating around egress points for a building. Mr. Slavin noted the need to anticipate where smokers would go once they are banned from this campus. He indicated that urns could be set up at certain places; however, he noted that the pictures in the presentation entitled "Dover Public Library - Smoke Free" showed that no one was really paying attention to urns. Mr. Slavin stated that he would also support looking at further banning of smoking on all City property, similar to what the State of Delaware had

done, noting that the State does not allow smoking. He felt that smoking had no place in City parks.

The Committee recommended authorizing the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library.

Council President Slavin apologized for neglecting to recognize Councilman Sudler during the consideration of the consent agenda and noted his request that item 5-C(3), Proposal for Dover Public Library To Adopt a Smoke-Free Policy, be removed from the consent agenda.

Mr. Sudler moved to approve the Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library with an amendment to include all parks and recs facilities and also City buildings and City facilities as a whole. The motion was seconded by Mr. Neil.

Mr. Slavin asked Mr. Sudler if, by buildings, he meant the inside of the building, which is already prohibited by State law, or if he meant City property surrounding the building. Mr. Sudler responded that he meant surrounding the building, 25 feet from the building.

Mr. Slavin asked if Mr. Sudler meant while on City property. Mr. Sudler responded that he did.

Mr. Slavin asked for clarification if the amendment was to adopt a smoke-free policy for all parks and all City property. Mr. Sudler responded that it was.

Mr. Hutchison asked if, in fact, the matter passes, what the penalties would be when enforced. Mr. Sudler suggested following the State of Delaware's statute regarding the penalties and enforcement.

Mr. Slavin stated that it was his understanding when this question was raised on the public library proposal that it was a Dover City ordinance. Mr. Koenig stated that he believed it could be enforced.

The motion to amend the Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library to include all parks and recs facilities and also within 25 feet of City buildings was unanimously carried.

Mr. Sudler moved to accept the Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library, as amended to include all parks and recs facilities and within 25 feet of City buildings. The motion was seconded by Mr. Neil and unanimously carried.

Request to Solicit Real Estate Services - Garrison Oak Technical Park

Mr. Scott Koenig, City Manager, informed members that staff was requesting authorization to solicit commercial real estate services, primarily for the Garrison Oak Technical Park (GOTP). He noted that one (1) of the shortcomings of that piece of property was that, in discussions over the past two (2) years, some real estate

agents had been reluctant to bring buyers to the City because the property was not listed. Mr. Koenig stated that there was concern that they would be left out of the transaction and not be awarded a commission. One of the ideas discussed to help market the available property at GOTP was to list the available properties with the commercial real estate industry with the understanding that they will be granted a commission.

Mr. Koenig stated that he would like to prepare a one page letter of interest/Request for Proposals (RFP) to be submitted to the City Manager's Office. He advised that the RFP would go out with the required notification and staff would be allowed to evaluate those submissions and select a commercial real estate broker, and the properties would then be listed. Mr. Koenig advised that if Council wanted to review the evaluations, staff would bring them to Council for consideration. He stated that the request was to authorize staff to put out the RFP, evaluate the proposals, and award a listing contract without further Council review.

Staff recommended authorizing the City Manager to solicit interest and proposals for providing real estate services for available property in the Garrison Oak Technical Park and award of the services contract will be delegated to staff unless otherwise requested by City Council.

Responding to Mr. Sudler, Mr. Koenig stated that there would be no direct cost, but there would be the indirect cost of a commission transaction if there was a buyer.

Mr. Hare questioned if this would be given to one commercial realtor. In response, Mr. Koenig advised that the property would be listed by a commercial real estate firm. When listed, all agents from any commercial firm would understand that there is a commission involved. He stated, for example, if Company A was selected to represent the City in commercial services and it was listed with Company B, they would split the commission, similar to a regular real estate transaction.

Mayor Christiansen questioned if selection of the realtor would be approved by the Economic Development Committee. Responding, Mr. Koenig advised that this request came out of staff-related discussions with that Committee; however, that Committee does not have authorization to take official action. Mr. Koenig explained that the official action would be the current request to allow staff to put out the RFP, select the company, and list the property. He noted that the Economic Development Committee would not vote.

Mr. Hosfelt moved to recommend authorizing the City Manager to solicit interest and proposals for providing real estate services for available property in the Garrison Oak Technical Park. The motion was seconded by Mr. Cole.

Mr. Sudler questioned, when the listing is provided to one agency, if that information would be provided to other realtors. Responding, Mr. Koenig stated his belief that

they would use a multi-listing service and it would be picked up electronically by other people.

Mr. Shevock questioned if the City would have to go through the exclusive listing if the economic development group had a major company that was interested in a big portion of the properties. Responding, Mr. Koenig stated that if a prospect came in before the property was listed, that transaction may occur without a commission; however, once it is listed he felt that, ethically, the City would have to go through that person for any transaction.

Mr. Slavin stated that he was supportive of this request. Noting that the Economic Development Committee had no authority to enter into these kinds of agreements, Mr. Slavin strongly encouraged the Economic Development Committee members to draft language granting them a way to act on contracts without further review by a Committee or City Council in order to expedite the process.

Mr. Hare suggested putting an exclusion in the RFP that the commission may be reduced if the City finds the buyer.

Mr. Sudler suggested that this request be referred to the Economic Development Committee. Responding, Mr. Slavin indicated that, because the Economic Development Committee did not have the authority to take any action, the item would come back to the Council Committee of the Whole.

The Committee recommended authorizing the City Manager to solicit interest and proposals for providing real estate services for available property in the Garrison Oak Technical Park.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

Consideration of Legislative, Finance, and Administration Committee Review and Approval of Any Positions that Remain Open for Over Six (6) Months Without Being Recruited

During the Special City Council Meeting - Budget Review of May 26, 2016, Council referred consideration of whether any position that remains open for six (6) months without being recruited to the Council Committee of the Whole/Legislative, Finance, and Administration Committee.

Mr. Scott Koenig, City Manager referred to the spreadsheet entitled "Positions Open for Six (6) Months or More - July 20, 2016." He advised that most of these positions were being actively recruited and provided an update, as follows:

1) Part-time Customer Service Representative - Collections - This employee left approximately six (6) months ago and

discussions had been held through this morning on recruiting for this position. There was an internal request to recruit differently than is on the posting sheet, and staff was reviewing the request in accordance with policy.

2) Electric Generation Superintendent - This position was created in the last budget and was funded for six (6) months in the FY 16 budget from December through June. This recruitment is out and there were interested applicants. This employee would serve as the bridge between the Electric Department and the City's generation assets. This is a critical function in the long term for the viability of the electric utility. At least one (1) interview was scheduled for later this month with a viable candidate.

3) Key Accounts Representative - This was listed as a new position with a new title since a position in Customer Service was re-titled. The position was being actively recruited and had been vacant approximately 13 months ago beginning in Customer Service, but staff was nearly ready to offer a job, provided that the final interviews go well. This employee would develop significant relations with the City's major customers so that the City can address their needs in the future. The industry is very dynamic and there were discussions about how to accurately project changes in load demands, interactions with customers, and new types of metering and interaction. This employee would be key to making those relationships work.

4) Public Works Operations Manager - This position had been moved in and out of the budget, most recently when several labor grade positions were moved around to obtain funding for this opening. It had now been actively recruited and interviews were tentatively scheduled for August 3rd through August 5th.

5) Motor Equipment Operator II Grounds - Mr. Koenig advised that staff had been playing a lot of leapfrog with some of the labor positions, noting that the hiring of one (1) person can create a cascade effect. This position had been open for eight (8) months, was currently being recruited, and would be open until filled.

6) Crew Leader Grounds - An offer had been made and this employee would start shortly.

7) Utility Maintenance Mechanic II - This is a pump station mechanic, and there had been incredible difficulty filling these positions over the last couple of years. Mr. Koenig advised that this is a technical expertise that people are not running to at this point at the pay the City is offering. Several people had been hired in this capacity who had moved to the electric utility in metering and substations. With these technical skills, there is ability to transfer to the electric utility with a higher rate of pay, so there had been internal pirating of staff with employees in the water/wastewater utility going to the electric utility.

8) Motor Equipment Operator I Water (2) - Two (2) positions were open. Mr. Koenig advised that although the time of vacancy was listed as three (3) years and three (3) months, this was not continuous because one (1) position had been filled and another became vacant; therefore, there had been a revolving vacancy for some time. Mr. Koenig stated that, in addition to the work being difficult, these employees are out in the weather and have on-call requirements, and this dynamic adds difficulty in recruitment. They are sometimes on call once per month for a week.

9) Motor Equipment Operator I Sanitation - This had also been a revolving door. Staff had been recruiting and intended to fill this position to maintain the service.

10) AS400/System Operator - This position had not been recruited due to discussions related to the Enterprise Resource Program (ERP). The AS400 System Operator Program left 13 months ago, and this position was purposely left open due to the desire to develop a clear vision as to what HTE would be replaced with and what skill set is needed for that.

11) Administrative Assistant - IT - This position was also left open so that a vision could be formulated for the future of the ERP system. The AS400/System Operator and Administrative Assistant positions would likely support any transition that happens with that system. Mr. Koenig indicated that at the next committee-level meeting, staff would be making a recommendation on the consulting side of the ERP system to begin that process. This salary will be used shortly thereafter to help support the internal implementation of either a new system or continue to support the existing system.

Mr. Koenig stated that these positions were all important in different aspects to different components of the City. He stated that he was steadfastly behind continuing recruitment for each of the positions and getting them filled so that it could be determined if the City has the right people and skill sets to provide service. Mr. Koenig thought that all departments feel stretched in some ways. Recruitment had been very difficult and there had been a number of retirements and resignations. He stated that it seemed that every time an employee was hired, after a brief period there is a resignation, retirement, or a shift to another department. One higher-level opening can create a cascade effect that, through the normal recruitment process, leaves an opening for quite some time. Mr. Koenig advised that the Human Resources Department had been very active in recruitment, noting that Ms. Corinne Mosher, Human Resources Coordinator, had spent almost all of her time over the past year heavily involved in recruitment. He stated that staff was proud of the people hired, especially those brought in over the past few years, because the markets are seeking good workers. Mr. Koenig explained that there was pressure to fill positions at the equipment and labor levels because there are many people out there simply chasing the dollar and, in some cases, this hurts the City because the benefit package for certain professions and occupations gets overlooked by those who simply look through the paper at the dollar per hour. Mr. Koenig expressed his hope that members would support staff in continuing to recruit all of these positions and get them hired and underway to continue to provide service as indicated in the budget.

Mr. Hosfelt stated that what he hears most often is that the City is not willing to pay enough for the positions to beat the marketplace. He questioned if the City was at the point that Human Resources should do another study. Responding, Mr. Koenig recalled that the last study done by the Management Advisory Group was updated in 2009. He indicated that this is a very sticky question, noting that labor unions had negotiated with the City in good faith and came to agreement on costs. Mr. Koenig stated that the City was being squeezed in a couple of areas where there were concerns; however, doing a full-blown labor study using a disinterested third party is significantly expensive and takes quite some time. Mr. Koenig felt that this would create a massive level of distraction during that timeframe and, at this point, he was not of the opinion that the City should solicit any type of pay study. He believed that they might be surprised at some of the numbers that would come back from the study. Mr. Koenig thought that certain positions in the marketplace were having competitive difficulty. He advised that it is typically found that the City is overpaying for certain positions and underpaying for others. Mr. Koenig indicated that in the labor contracts, for example IBEW, it is recognized that the City posts in-house first, and there is usually a cascading effect up the ladder in the electric utility. System knowledge is important in the electric utility, so they like to hire at the groundworker, entry level and work employees up through the system so they gain all the system knowledge. Mr. Koenig stated that this is also the preference in the water and sewer utility, and in this utility the City is competing with construction companies such as Teal Construction, Inc., where the City typically loses in the dollars per hour area. In regard to sanitation, Mr. Koenig stated that responses come in spurts, and they may

get two (2) people from one (1) advertisement and nobody from another. For this reason, filling some of these positions had been sporadic.

Mr. Koenig stated that the City had held a number of job fairs over the last year, one at the Pitts Center and one at the Dover Public Library. They were well attended and the City had obtained several recruits as a result; however, staff had been on a constant hamster wheel of recruiting over the past year or more and there were still quite a few open positions. Mr. Koenig stated that staff would always know the pulse of the market and what the market was paying; however, in reading any of the magazines, especially at the professional level of recruitment, some of the numbers were getting significantly high. He was not in favor of a salary studying because he did not feel the options had been exhausted at this point.

Mr. Hutchison questioned how long the recruiting process was for the Electric Director position. Responding, Mr. Koenig stated that a headhunter was used with an agreement that the City would pay based on the hiring of a successful candidate. The headhunter brought a number of recruits, some of whom were extremely highly paid, some in the $170,000 plus range. Mr. Koenig advised that there was a struggle to find someone and Mr. Harry Maloney, Electric Director, came to him through a discussion with Mr. Kirk Betts, the City's utility attorney. He stated that the reason the City was able to get Mr. Maloney was because he was retiring from the City of Vineland, New Jersey and had retirement benefits. Because he was dedicated to public power and was willing to give the City of Dover what he hopes is a number of years as both an Electric Director and a teacher of the distribution system discipline. Without Mr. Betts' help and Mr. Maloney's interest in being a teacher, Mr. Koenig did not feel the City would have found the person that it did. When staff came to Council to discuss this recruitment, Mr. Koenig's concern was that it would cost $150,000 or more to hire an Electric Director because that was the low end of the market. The actual market for that type of expertise is significantly higher than what the City is paying.

Mr. Hutchison noted that there were a lot of changes taking place in the electric system while they were seeking an Electric Director. He agreed with Mr. Koenig's approach to getting the director in place to see what their needs were. Many positions in the electric system were on hold until the director was identified so that he could make his own assessment, sit down with the City Manager, and work out a master plan. Mr. Hutchison stated that those positions on hold each have a special skill set in the workplace, noting that this takes a lot of time. He credited the City Manager for his patience in getting staff in place. Although it was slower than Mr. Hutchison liked, he noted the need to work with the market.

Mr. Koenig stated that Mr. Maloney treats the Dover electric system as he treated the Vineland system, which is like a child. Mr. Maloney's requests had been very deliberate and he had made some very good hiring decisions, in some cases taking a non-traditional approach. Some of the hires attracted to the electric utility had basic knowledge and electrical experience, and were learning the positions. Mr. Koenig

stated that he and Mr. Maloney had discussed the need to rebuild the managerial function of the electric system because a number of people had retired and that expertise left with them. He noted that the electric utility had been extremely beneficial for the City of Dover; however, the units are getting older and decisions will have to be made regarding potential replacement. Mr. Koenig advised that replacing capacity in the system requires a great deal of work and the human component is very important. He reminded members that none of this work is done without a human hand touching it and it is important to have the staff expertise.

Mr. Hare stated that Mr. Koenig had commented last year that Mr. Maloney spends a lot of time managing the plant. Responding, Mr. Koenig stated that Mr. Maloney spends a lot of time working hand-in-hand with NAES, who is the plant operator. Mr. Hare questioned why the City was paying NAES $7M per year if Mr. Maloney was going to work hand-in-hand with them. In response, Mr. Koenig stated that this had been previously discussed.

Mr. Hare recalled that during last year's budget discussions it was said that there would be a meeting to review the total picture of the City's electric utility over the next five (5) and 10 years and decide where the City was headed and if plants would be rebuilt. He indicated that this meeting had not been held. In addition, he stated that Mr. Hutchison had brought forward a motion to have the City get better control of its pay system and compare it to the market, the State of Delaware, and towns around Dover and this had not been done. In regard to the Electric Generation Superintendent, Mr. Hare stated that Mr. Koenig could look for this individual; however, it must come back to Council for approval when Mr. Koenig decides that he has the individual. Responding, Mr. Koenig stated that this was one of the reasons that this discussion was being held, noting that he wanted authorization to hire the Assistant Generation Manager position. He stated that this position was placed on hold because a lot of things had been going on.

In response to Mr. Hare regarding the five (5) and 10 year plan, Mr. Koenig stated that every budget includes a five (5) year Capital Investment Plan (CIP). He stated that power supply contracts had been brought before Council over the last year that included the purchase of generation and long-term energy, so these issues were coming before Council as a series of packages rather than in one package. Mr. Koenig advised that when the City renegotiated the NAES contract that was authorized by Council several months ago, one of the reasons that the fee for The Energy Authority (TEA) was reduced, and he believed for the flat contract renewal for NAES, was due to the current active management at the City level that had previously been turned over to the third-party contracts. He stated that the purpose of having the human interaction at the Electric Director and Assistant Generation Manager level was to reduce the outside labor that the City was previously paying for. Mr. Koenig stated that the power plant, especially with a unit that was built in 1961, is a specialty trade and, in his opinion, it was better for the City to privatize the plant operation because they can use whatever means necessary to hire an operator, such as flying someone in from across the country and bringing in expert

talent, because the burden is on them to provide the operators. Mr. Koenig reminded members that the City had a lot of difficulty running the plant efficiently years ago. The purpose of privatization was to help the City get out of the long-term liabilities of employees. He noted that a premium is paid for that in some cases; however, the City would have no long-term liability associated with that plant, other than the contract. Mr. Koenig reiterated that it is specialty work. He noted that Mr. Maloney knows the running of the plant, but the City is not tasked with that. Mr. Koenig stated that the whole purpose of the Assistant Generation Manager position was to rebuild the managerial capacity of the utility, which is the golden goose for the City, referring to the $10M cash transfer, plus an additional $3M - $4M in like services that are part of the utility. He stated that the City would either have the unit for another 10 or 15 years, and may build new units, or the units may be retired over the next 10 or 15 years, but the City would likely have some type of generation asset in the system. Mr. Koenig stated that the Integrated Resource Plan (IRP) was authorized several months ago and that study is underway. He advised that, as recommendations are made from the study, they will be presented to Council. Mr. Koenig stated that the Assistant Generation Manager position and these projects were discussed during the budget authorization and he stated that the only thing that had not been done, which was done internally, was a comparison of pay rates with the State and some other municipalities.

Regarding a salary study, Mr. Koenig noted that it is very difficult, if not impossible, to get an apples to apples comparison because of the way that jobs are formulated in each municipality and there is always subjectivity. He stated that there are cases where Smyrna is hiring entry-level people at a higher rate of pay than Dover and the City would have to address this issue in the future. Mr. Koenig stated that he expects that if a pay study was done, it would come back that the City would need to pay more, and this was his concern, since, in some cases, it may be substantially more. He explained that, when using the recruiter for the electric director, the people being sent to him were not even on the pay scale of the components in the City's current pay scale.

Mr. Hare stated that he felt that the City should get the IRP done before doing anything, stating that the meeting had not been held to discuss what would be done. He noted that the plant was over 50 years old and questioned what would be done in the next five (5) or 10 years and if the City would rebuild this plant. Responding, Mr. Koenig stated that the next five (5) years was laid out in the capital plan.

Mr. Hare questioned if the grid would continue to pay the City in the next five (5) years or if Dover would no longer be needed because of the number of other plants around Dover. He expressed the need to talk about the electric utility and make a decision about what would be done. In response, Mr. Koenig stated that the electric utility had been discussed and Council decided when the system was valued that they wanted to keep the electric utility.

Mr. Hare stated that there were two parts to the issue, the plants and the network. He noted that two (2) plants had been closed and questioned if these plants were getting close to being closed also. Mr. Cole stated that this matter could be discussed at a Utility Committee meeting.

Mr. Hare stated that the positions in IT had been vacant for 13 and 16 months. He indicated that when it is decided to list the positions, they should come back to justify why they were needed. Mr. Koenig requested that they not be required to be presented to the committee and stated that he would abide by whatever Council decides.

Mr. Hare felt that the Electric Generation Superintendent should be put on hold until the IRP was completed and reviewed. Mr. Koenig disagreed.

In response to Mr. Hutchison, Mr. Koenig stated that all positions except the two (2) in IT were currently being recruited. The Assistant Generation Superintendent had been advertised and candidates were being interviewed.

Mr. Hutchison felt that members should support pursuing the positions that Mr. Koenig was already working on.

Mr. Neil moved to recommend acceptance of staff's recommendation to reaffirm the authorization to recruit all open positions as the City Manager deems necessary. The motion was seconded by Mr. Hutchison.

Mr. Sudler concurred with Councilman Hare that further information was needed to determine exactly what would be done. He stated that there had been a lot of discussion in the past, noting that he had only been on Council for one (1) year; however, he felt it would be pertinent to this decision. Responding, to Mr. Sudler, Mr. Hare indicated that two (2) positions had been vacant for 13 and 16 months and the Electric Generation Superintendent was a new position.

Mr. Sudler questioned if there would be any harm to the City to wait another 60 days before filling those positions. Responding, Mr. Koenig stated that if a viable candidate were to seek another position and take a job somewhere in the next 60 days, it could hurt the City.

Mr. Hare mentioned the two (2) positions that had not been filled for 13 and 16 months and noted that Mr. Koenig had indicated that he was waiting to get the ERP report back before filling these positions. He asked why there was a rush to hire them now if they had not been filled for over a year. Responding, Mr. Koenig stated that staff had not rushed into hiring them and the simple request was that the hiring of those positions be left to the City Manager because that is an operational function of the City. He stated that this is what Council hired him for as the Chief Administrative Officer.

Mr. Hare noted that the positions had been left to the City Manager for 13 months and 16 months and had not been filled. In response, Mr. Koenig stated that this was a courtesy that the Finance Director and he had talked about so that they could potentially pool money. Mr. Hare stated that they had been using the funds for those positions for other things. Responding, Mr. Koenig stated that the funds were not used for other things.

The Committee recommended acceptance of staff's recommendation to reaffirm the authorization to recruit all open positions as the City Manager deems necessary.

During the Council meeting, Mr. Hare restated his position that they had gone through two (2) budget hearings and had positions in both budget hearings that had not been filled. If a position goes six (6) months, 12 months, 16 months, and it has not been filled, he thought the position should be presented to the Legislative, Finance, and Administration Committee with justification for filling or eliminating the position. Mr. Hare felt that the position obviously must not be needed if it can remain unfilled for 13 or 16 months.

Mr. Hare moved that any position that has been vacant over six (6) months and has not been recruited be brought back to the Legislative, Finance, and Administration Committee to get permission to recruit or fill the position. The motion was seconded by Mr. Sudler.

Mr. Neil stated his concern that, as mentioned previously in the Council Committee of the Whole meeting, if you have a position that is important, it is difficult to fill. If you have a candidate that is ready to be hired, a delay could result in losing that candidate. Mr. Neil stated that it did not cost anything to have the vacant position; however, removing the position could tie the City Manager's hands.

Mr. Scott Koenig, City Manager, stated that, as he indicated at the Committee meeting, staff had progressed through the hiring process for the Electric Generation Superintendent to conduct interviews and he expected a recommendation for hiring from the Electric Director on this position shortly. He advised that the situation was the same for the Key Accounts Representative. Mr. Koenig indicated that they are progressing through interviews and are expecting a hiring recommendation from the department shortly. The Public Works Operations Manager position is currently being recruited and they have had at least a first round of interviews.

Mr. Koenig advised that the only positions on the list of Positions Open for Six (6) Months or More as of July 20, 2016 that have not been advertised are position 10 - the IT Administrative Assistant and position 11 - the AS400/System Operator. He noted that, although the IT Director has submitted a request to have those positions filled, they are being held pending the evaluation of an Enterprise Resource Planning (ERP) system and other opportunities. Mr. Koenig advised that staff will be making recommendations regarding the potential replacement of the AS400 system. He stated that, until there is a clear understanding of what system they might be gravitating toward, staff has not recommended the hiring of the AS400 Systems Operator position. He reiterated that all of the other positions are being recruited and noted that some have been filled and then become vacant again because of a revolving door at certain levels of the organization. Mr. Koenig noted that transfers to other departments are involved in some cases, and others are related to resignations or retirements.

Mr. Koenig indicated that if staff's recommendation is not approved, there is the potential that whatever offers they may be prepared to make will become stale and the candidates will seek other opportunities. Staff will then be right back in the position of asking to hire these positions that are, in the long run, critical to the utilities and the operation of the City.

Mr. Koenig reminded members that the salary is budgeted and if there is unused salary at the end of the year, it goes to the unfunded liabilities related to Other Post Employment Benefits and Pension. He advised that these are not lost or wasted dollars, and he noted that each of these positions is important in the long run. He requested that the City Manager's office be given the authority to recruit the positions as necessary. Mr. Koenig requested that, if staff's recommendation is not going to be approved, that the matter be tabled until there is a full complement of Council members to vote on the issue of referring vacant positions back to the committee.

Mr. Hare stated that the positions currently being recruited are not in question, it is only the positions that have gone 13 and 16 months without being actively recruited and filled. He reiterated his feeling that if the position has gone a year without being filled, the position may not be needed and should be reviewed by the Legislative, Finance, and Administration Committee prior to being filled.

Mr. Sudler asked how many prospective applicants had been interviewed in the last three (3) months and why he would not wait for the ERP study, since the positions have already been vacant this long. Responding, Mr. Koenig stated that the current discussion was different from the discussion held at the committee level, which focused on the Electric Generation Manager position. He advised that the AS400 Systems Operator position and the part-time IT Administrative Assistant positions are not currently being recruited. Mr. Koenig stated that he had no objection to delaying AS400 Systems Operator and the part-time IT Administrative Assistant positions because he did not plan to recruit for them until after the ERP study was complete.

Mr. Neil requested clarification on the motion, noting that he heard that if the position is not filled or recruited in six months, the position will be eliminated. He stated that there was a difference between being unable to fill an urgent position being recruited in the electrical department and not recruiting for a position.

Mr. Hare restated that the motion was that any position that is vacant for more than six (6) months that is not being actively recruited must be vetted through the Legislative, Finance, and Administration Committee.

Responding to Mr. Neil, Mr. Koenig stated that, as he understood the motion, it would only delay recruitment of the AS400 System Operator position and the Administrative Assistant position in IT. He noted that all other positions are being actively recruited.

Mr. Sudler asked how long the hiring process would be delayed. Responding, Mr. Koenig stated that the Committee process, using the best case scenario, would delay the hiring process by at least 30 days.

The motion that any position that is vacant for more than six (6) months that is not being actively recruited must be vetted through the Legislative, Finance, and Administration Committee was unanimously carried.

Proposed Ordinance #2016-19 Amending Chapter 22 - Buildings and Building Regulations, Chapter 46 - Fire Prevention and Protection, and Chapter 50 - Floods (Consolidation of Construction Code Appeals Committee and Property Maintenance Code Board of Appeals)(Sponsors: Cole, Hutchison, and Neil)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that this ordinance was drafted by the City Clerk's Office as a result of a number of discussions between the Department of Planning and Inspections and the City Clerk's Office related to the Construction Code Appeals Committee and Property Maintenance Code Board of Appeals. She stated that these are two (2) separate boards that hear appeals of different sections of the building code. The Construction Code Appeals Committee is currently made up of the City Manager and two (2) members of Council and the Property Maintenance Code Board of Appeals is made up of the City Manager, one (1) City resident generally selected as a representative of homeowners, and a representative of the real estate industry. Mrs. Townshend stated that staff proposed that the Code be amended to join these two (2) boards, noting that there is a bit of overlap in the jurisdiction. She indicated that because these are three (3) member boards, there had been a number of cases where there had not been a quorum. Mrs. Townshend explained that the ordinance would take the membership of those two (2) boards and consolidate them into one (1), which would include the City Manager, two (2) members of City Council, a City resident that is generally selected as a representative of homeowners, and a representative of the local real estate industry. This body would hear appeals of building and fire code issues, as well as property maintenance appeals, such as exterior property maintenance, suspension of rental permits, and vacant buildings. Mrs. Townshend stated that staff believed this would improve the functionality of the board and the ability to get a quorum, as well as eliminate the need to comb through the code to decide which of the two (2) boards would hear an appeal.

In response to Mr. Sudler, Mrs. Townshend stated that this would also include an appeal for denial of a construction permit. She indicated that there would be five (5) members on the board, noting that currently there are two (2), three (3) member committees and the City Manager is on both; therefore, it would merge the two (2) compositions together.

As the former Chair of the Construction Code Appeals Committee, Mr. Sudler stated that, although he supported this amendment, he did not feel that Mr. Koenig should be member of this committee due to the fact that code enforcement and planning work closely together. It was Mr. Sudler's opinion that it was a conflict of interest for Mr. Koenig to approve or disapprove of Mrs. Townshend's judgment. He stated that he did not feel this was fair to the appellant because their working relationship creates a conflict of interest.

Mrs. Townshend suggested, if any one (1) of those positions were to come off the committee, that it remain a five (5) member committee; otherwise, there would be challenges with an even number.

The Committee recommended adoption of Proposed Ordinance #2016-19, as amended to change the composition of the members by replacing the City Manager with an elected City official, due to the close working relationship between the City Manager's Office and the Planning Department. *(The First Reading of the ordinance will take place during the latter part of the meeting)*.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

By consent agenda, Mr. Neil moved for approval of the Council Committee of the Whole Report, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

MONTHLY REPORTS - JUNE 2016

By motion of Mr. Neil, seconded by Mr. Hare, the following monthly reports were accepted by consent agenda:

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report (Pre-Audit)
Fire Chief's Report
Police Chief's Report

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (APRIL, MAY, AND JUNE) (PRE-AUDIT)

Members were provided the Quarterly Report for the Capital Investment Plan (CIP) as of June 30, 2016.

By consent agenda, Mr. Neil moved for acceptance of the Quarterly Report for the Capital Investment Plan (CIP) as of June 30, 2016. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson, Mr. Cole, and Mr. Lewis absent).

EVALUATION OF BIDS - NORTH STATE STREET GRAVITY SEWER REPAIR

Members were advised that the Fiscal Year 2017 Capital Improvement Plan includes an Inflow/Infiltration Removal project created to repair existing infrastructure to reduce the impacts of a failing sanitary sewer main. Staff identified this project through physical sinkholes in State Street. The sewer main was also investigated with a camera, which showed breaks in the pipe, allowing ground water to enter the system. The work includes the removal of existing 12" sanitary sewer main, re-lining of existing 18" sanitary sewer main and relocation of existing sanitary sewer laterals.

The bid was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #16-0045PW.

Mr. Scott Koenig, City Manager, advised that the project area is between Cecil Street and Mary Street. He noted that staff has been evaluating the existing infrastructure, and there have been a number of sinkholes that have developed in the center of State Street due to failure of an underground pipe. Mr. Koenig stated that the work includes the removal of the existing 12-inch sanitary sewer main, realigning of an 18-inch sanitary sewer main in the same general vicinity, and then the relocation of laterals that were connected to the 12-inch sanitary sewer main into the realigned 18-inch sanitary sewer main.

Mr. Koenig advised that there is a significant amount of traffic control related to this project because it includes traffic diversion and management on North State Street. He noted that parts of the project will involve some night work due to the traffic volume in the area. For this reason, Mr. Koenig stated that the cost of the project is substantially high.

Mr. Koenig advised that two (2) bids were received and one (1) was deemed non-responsive.

Mr. Koenig stated that the project schedule would be adjusted to accommodate a number of parades and things that are scheduled for North State Street in the coming months, and that staff would be reaching out to property owners. He noted that they would have a more definitive schedule for construction once the bids are authorized; however, he did not anticipate the start date to be before the NASCAR parade scheduled for September. Mr. Slavin requested Mr. Koenig to also check with Wesley College, Delaware State University, and the high schools regarding their homecoming parade schedules. Responding, Mr. Koenig stated that staff would be working with all entities on scheduling, noting that construction would not be likely to start until late October and would probably take 60 days to complete.

Referencing the overnight work, Mr. Slavin requested that the neighbors be notified of the work well in advance. Mr. Koenig stated that staff would be reaching out to the residents and having several public meetings with the neighbors to talk about the impacts and timing of the project. Mr. Slavin also mentioned contacting the two (2) businesses owners on North State Street and Mary Street.

Staff recommended awarding the contract to Eastern States Construction Services, Incorporated, for the City of Dover North State Street Gravity Sewer Repair Project, Bid #16-0045PW, for the amount of $335,470.00.

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Anderson, Mr. Lewis, and Mr. Cole absent).

FIRST READING - PROPOSED ORDINANCE #2016-19 WITH COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AMENDMENT #1 (CCW/LF&A #1)

Council President Slavin reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers, on the City's website at www.cityofdover.com under "Government," or by contacting the City Clerk's Office at 736-7008 or cityclerk@dover.de.us. Final

action by Council on the proposed ordinances will take place during the Council Meeting of August 22, 2016.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that the proposed amendments would consolidate the Property Maintenance Code Board of Appeals and the Construction Code Appeals Committee. She noted that both Boards are established under Chapter 22 - Buildings and Building Regulations of the Dover Code.

Mrs. Townshend noted that the Property Maintenance Code Board of Appeals is made up of the City Manager, a representative of the local real estate industry association, and a resident generally selected as a representative of homeowners. The Construction Code Appeals Committee is made up of two (2) elected City officials and the City Manager. Mrs. Townshend advised that the consolidation of these two (2) boards, based on the amendment that was approved at the Committee level, would include three (3) members of Council, one (1) representative of the local real estate industry association, and a resident generally selected as a representative of the homeowners. She noted that the consolidation would improve the efficiency and clarity of the code and aid in achieving a quorum for the appeals committees.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the proposed Ordinance as read by the City Clerk, by title only, as follows:

> PROPOSED ORDINANCE #2016-19 WITH CCW/LF&A#1 AMENDING CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, CHAPTER 46 - FIRE PREVENTION AND PROTECTION, AND CHAPTER 50 - FLOODS (CONSOLIDATION OF CONSTRUCTION CODE APPEALS COMMITTEE AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS)

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, stated that he had sent an email out earlier in the day related to notification they had received regarding a problem with a sanitary sewer manhole on the southbound lanes of duPont Highway, US-13, immediately south of Division Street. Although he had not been out to look at the problem, it was his understanding that there is a problem with some of the brick collar disintegrating under the traffic load. Mr. Koenig advised that a contractor would begin work as early as that evening.

Mr. Koenig advised that staff has been progressing through a number of issues related to projects and encouraged everyone to be conscious of the construction equipment, both at the City level and the contractor levels, because there is significant construction activity throughout the city.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler announced that the Solid Rock Baptist Church in the Fourth District contacted him and Councilman Anderson regarding extreme flooding in that area when there is excessive rain. He requested the City Manager to continue to be mindful of that situation.

Mr. Sudler announced that Mount Zion AME Church, located at 101 North Queen Street, is having their back to school community fair, and they have reached out to the Mayor and City Council members about being celebrity cooks. He requested members to contact the City Clerk's Office to let them know whether or not they would be participating. Mr. Sudler stated that Councilmen Neil and Cole will be participating. He also advised that cooking bibs and things with their district will be provided to those who participate, in addition to Roy Sudler's ribs.

Mr. Hutchison noted that Council President Slavin's birthday was August 10th and wished him a happy birthday.

Mr. Hare moved for adjournment, seconded by Mr. Hosfelt and unanimously carried.

Meeting adjourned at 8:15 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of August 8, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits

Exhibit #1 - Ordinance #2016-16 Amending Chapter 22 - Building and Building Regulations; Chapter 26 - Businesses; Chapter 50 - Floods; Chapter 66 - Manufactured Homes and Trailers; Chapter 102 - Taxation; Chapter 106 - Traffic and Vehicles; Chapter 110 - Utilities; Appendix B - Zoning, Articles 2, 3, 4, 5, 6, 7, and 12; and Appendix F - Fees and Fines

CITY OF DOVER ORDINANCE #2016-16

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 - Building and Building Regulations, Article X - Rental Dwellings, Division 1 - Generally, Section 22-331 - Purpose; applicability; definitions; compliance, (c) - Definitions, (5) - Single-family dwellings of the Dover Code be amended to read as follows:

(5) *Single-family dwellings* means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings; mobile homes and manufactured homes; and attached units, including duplexes and townhouses.

BE IT FURTHER ORDAINED:

That Chapter 26 - Businesses, Article II - Licenses, Section 26-31 - Definitions of the Dover Code be amended by deleting the definitions for mobile home park and trailer park, recreational vehicle park and tenting recreation park and inserting the definition for land lease community operator in the correct alphabetical order, as follows:

Land Lease Community Operator includes every person engaged in the business of providing home sites and facilities, for rent or lease, to owners of separately owned dwellings, including owners of mobile homes and manufactured homes.

BE IT FURTHER ORDAINED:

That Chapter 50 - Floods, Article III - Requirements in All Special Flood Hazard Areas, Section 50-36 - Recreational Vehicles of the Dover Code be amended to read as follows:

Sec. 50-36. - Recreational vehicles.

(a) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

(b) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, are prohibited in special flood hazard areas.

BE IT FURTHER ORDAINED:

That Chapter 66, Manufactured Homes and Trailers, of the Dover Code be amended to read as follows:

CHAPTER 66 - MANUFACTURED HOMES, MOBILE HOMES, AND LAND LEASE COMMUNITIES

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Land lease community means a residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."

Mobile home means a factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Owner of a manufactured home or mobile home means the person designated in the vehicle title of the manufactured home or mobile home, whether the title is issued by this state or by some other state.

Owner of a permanently placed manufactured home means the person designated in the vehicle or real property title of the permanently placed manufactured home, whether the title is issued by this state or by some other state.

Permanently placed manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Consturction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.

(Ord. of 2-23-1970, § 2; Code 1981, § 12-1; Ord. of 11-10-1986, § 1)

Sec. 66-2. - Licenses.

(a) *Required fee*. The owner of a mobile home or manufactured home that is not to be permanently placed shall obtain an annual license for it and shall pay a fee for such license as provided for in Appendix F-Fees and Fines.

(b) *Payment; penalties*. Such license shall be obtained and the license fee paid by August 1 of each year and if such fee is not paid before September 1 of such year, then, in addition to any penalty incurred pursuant to Appendix F-Fees and Fines, a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee.

(c) *Moving into city*. Upon the moving of a manufactured home into the city, if the manufactured home requires a license it shall be obtained and the license fee paid within seven days. Payment of such license fee shall be prorated on a quarterly basis for each fractional part of

a year during which the manufactured home is in the city.

(d) *Required fee for landowners*. The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26 - Businesses.

(Ord. of 2-23-1970, § 2; Ord. of 5-24-1976; Ord. of 3-27-1980; Code 1981, § 12-2; Ord. of 8-8-1988; Ord. of 3-22-1993; Ord. No. 2009-09, 6-22-2009)

Sec. 66-3. - Real property taxes.

A permanently placed manufactured home as defined in section 66-1, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter.

(Code 1981, § 12-2.1; Ord. of 11-10-1986, § 2)

Sec. 66-4. - Placement permit.

Every owner of a manufactured home, shall apply for and obtain from the city planner or his/her authorized agent a placement permit for such manufactured home. The city planner or his/her authorized agent shall issue no placement permit until the license fee required in this chapter is paid in full.

(Ord. of 2-23-1970, §§ 3, 6; Ord. of 5-24-1976; Code 1981, § 12-3)

Sec. 66-5. - Duties of land lease community owners and operators.

(a) The following regulations shall apply to owners and operators of all land lease communities:

i. Private road access. It shall be the responsibility of land lease community owners and operators to maintain all private streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes so as to be clear from obstructions, including but not limited to potholes, snow piles, and debris.

ii. Debris clearance. It shall be the responsibility of land lease community owners and operators to ensure that all facilities and common areas within the community are kept in good repair and maintained in such a manner as to prevent the accumulation of materials which could cause a fire hazard or would cause insect or rodent breeding and harborage.

iii. Landscaping. All trees, shrubbery, lawns, and other landscaping features within the community shall be maintained by the land lease community operator to be in healthy condition at all times.

iv. Utilities. All water, sewer, electric, and gas lines and connections intended to serve common areas or the private property of tenants within the community shall be kept in good repair at all times by the land lease community operator. Stormwater

management facilities shall be maintained so as to be free of blockage and to prevent the accumulation of standing water. Community owners shall coordinate with the City of Dover regarding utility services and equipment.

v. Office hours. The land lease community operator shall be present on site at a minimum during regular business hours, so as to facilitate communication between tenants of the community and the owner, and a 24-hour emergency contact shall be available to residents.

vi. Receipt for lot payment. The Land Lease community operator shall provide a written receipt or electronic receipt at the time rent payment has been made, regardless of the form of payment.

(b) The following regulations shall additionally apply to owners and operators of land lease communities leasing land to manufactured homes:

i. Documents to manufactured home owners. Copies of this chapter and placement permit application forms shall be furnished to each land lease community owner, who shall give a copy of the same to every manufactured home owner who moves a manufactured home into the community, before the 15th day of the next succeeding month after placement of the manufactured home.

ii. Enforcement. It shall be the responsibility of land lease community owners and operators to ensure that all mobile homes and manufactured homes placed on their land maintain a current license under Section 66-2.

iii. Lease record; report. Land lease community owners who lease land to two or more persons for siting manufactured homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city planner. Before June 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having manufactured homes on his land.

iv. Sale of home. Before a home is sold by the homeowner, home owner's estate, foreclosure, eviction or other means, the City of Dover must be notified and all delinquent taxes, fees, or other charges must be paid.

v. The land lease community owner must notify the City of Dover if the community is placed for sale.

(c) The following shall be considered appropriate methods of redress if the duties outlined in this section are not fulfilled:

i. Any land lease community owner found to be in violation of the provisions of this section, regardless of corrective actions taken, shall be assessed a fine as provided for in Appendix F- Fees and Fines. Any such fine shall be in addition to any charges imposed upon the violator in accordance with subsection (c)(ii) below.

ii. If required, the City of Dover may perform maintenance in the owner's stead

following official notice, and place a lien on the property to recover costs, including a 15% administrative charge.

iii. Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26 - Businesses, Article II, Section 26-59.

Sec. 66-6. - Anchoring and skirting.

Prior to the issuance of a certificate of occupancy for any manufactured home not placed on a permanent foundation, the manufactured home shall be firmly anchored to the ground and the open space beneath the unit shall be skirted with approved material in accordance with the requirements of the building inspector.

(Ord. of 9-13-1976; Code 1981, § 12-5)

Sec. 66-7. - Use of city utilities.

The owner or occupant of any mobile home or manufactured home shall not be entitled to receive city utilities until the license fee required in this chapter is paid in full, and city personnel shall refuse to provide sewage, water and electricity to the mobile home or manufactured home until satisfactory proof is furnished that such license fee has been paid.

(Ord. of 7-28-1975; Code 1981, § 12-6)

Sec. 66-8. - Exemptions.

This chapter shall not apply to:

(1) *Dealers*. Unoccupied manufactured homes located on a dealer's display lot; or

(2) *Manufactured homes in transit*. Unoccupied manufactured homes temporarily occupying the public right-of-way prior to placement on a lot or home site.

(Ord. of 2-23-1970, § 8; Code 1981, § 12-7)

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions, (a)(1)s of the Dover Code be amended to read as follows:

s. Any conveyance of a "mobile home" or “manufactured home” as defined in 25 Del. C. § 7003;

BE IT FURTHER ORDAINED:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 1 - Generally, Section 106-123 - Vehicle Parking Time Limited Where Carrying Capacity Is in Excess

of One Ton and Section 106-128 - Parking Mobile Homes, etc. of the Dover Code be amended to read as follows:

Sec. 106-123. - Vehicle parking time limited where carrying capacity is in excess of one ton, and trailer and recreational vehicle parking.

(a) It shall be unlawful for any person to park any vehicle with a carrying capacity of more than one ton, any trailer, which includes, but is not limited to, boat, utility, construction or one that is used to carry goods regardless of weight capacity and is designed to be towed or pulled by another vehicle, or any vehicle or trailer on the city streets for a period longer than two consecutive hours.

(b) It shall be unlawful for any person to park any commercial vehicle with a carrying capacity of more than one ton, any trailer, which includes, but is not limited to, utility, construction or one that is used to carry goods regardless of weight capacity and is designed to be towed or pulled by another vehicle, or any vehicle or trailer combination thereof, in any residential zone in the city except for temporary parking for immediate deliveries, pickups, and/or service calls to residences or for construction work on residential properties. A commercial vehicle shall be one which is used or maintained for the transportation of persons or property for hire, compensation or profit, except taxicabs.

(c) It shall be unlawful for any person to park a trailered boat under 25 feet on the streets of Dover for a period longer than 12 consecutive hours. For any trailered boat 25 or greater, refer to subsection (a).

(d) It shall be unlawful for any recreational vehicle to park on any residential street for a period longer than 12 consecutive hours without a permit. A resident owner of a recreational vehicle may request a parking permit from the city to park on a residential street in the vicinity of their residence for a period not to exceed 72 hours. The permit would be made available at no cost to the resident. The parking permit shall be displayed in the front window of the vehicle visible from the street. A resident may only request such a permit three times in any 12-month period.

(e) Nonresidents are exempt from subsection (d) for a period of up to seven days as long as their recreational vehicle does not create a safety hazard or interfere with traffic in the residential area that they are parked in.

(f) All parking allowed in this section only applies to streets that can accommodate parking in compliance with appendix A, article VI, section A.

(Code 1981, § 13-30.2; Ord. of 2-22-1982; Ord. of 9-10-1990; Ord. of 12-11-1995; Ord. of 7-25-2005)

Sec. 106-128. - Occupancy of recreational vehicles, etc.

It shall be unlawful and a nuisance to keep, either as owner, tenant or possessor, any recreational vehicle, bus, motor vehicle, or vehicle of any kind adapted for long-term occupancy, except while it is being used as a business office in connection with the construction of a permanent building or

structure on the same premises. The person desiring to park and use the vehicle as a construction business office shall first obtain a permit therefor from the city manager, and the permit shall be effective for no more than six months, but in no event for longer than the period of construction.

(Code 1968, § 17-62; Code 1981, § 13-35)

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units, (a)(1) of the Dover Code be amended to read as follows:

(a) *Determination for residential dwellings*. Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, an EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes, manufactured homes, and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units, (a)(1) of the Dover Code be amended to read as follows:

(a) Determination for residential dwellings. Whenever by ordinance or by contract the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, an EDU shall be determined as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes, manufactured homes, and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 2 - Zoning Ordinance and Zoning Map, Section 1 - List of Zones of the Dover Code be amended by replacing mobile home park zone....MHP with the following:

Manufactured housing zone .....MH

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 8 - Mobile Home Park Zone (MHP) of the Dover Code be amended to read as follows:

Section 8. - Manufactured Housing Zone (MH).

8.1 *Uses permitted*. In a manufactured housing zone, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any uses, except the following:

8.11 Manufactured homes on individual lots, held in any type of ownership.

8.12 Multiple manufactured homes on a lot, provided that:

(a) The lot is operated as a condominium; or

(b) The lot is operated as a land lease community; and

(c) There are at least 15 manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a manufactured home.

8.13 One-family detached homes on individual lots, held in any type of ownership.

8.2 *Conditional uses*. Conditional uses shall be consistent with those conditionally permitted in the One-Family Residence Zones.

8.3 *Accessory uses*. Accessory uses shall be consistent with those permitted in the One-Family Residence Zones, with the following additions and exceptions:

8.31 Management facilities. The following shall be permitted accessory to lots providing home sites for multiple manufactured homes:

(a) Management offices with rooms for the usual office furniture and supplies, limited to one per lot;

(b) Storage space for utility connection supplies in quantity, manufactured home accessories and maintenance materials and

equipment;

(c) Laundry facilities equipped with washing machines and dryers;

(d) Community building facilities, including indoor recreation areas;

(e) Commercial establishments consistent with uses permitted in the C-1 Neighborhood Commercial Zone, limited to one such establishment per lot;

(f) One-family detached homes intended for the use of a manager or caretaker, limited to one such dwelling per lot.

8.32 Accessory home occupations. Accessory home occupations shall be permitted consistent with the conditions outlined for home occupations in the One-Family Residence Zones, with the exception that no home occupation shall be permitted if not also permitted by the owner of the lot on which the home is sited.

8.4 *Uses prohibited*. The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22 - Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.5 *Minimum occupation length*. No lot or home site within the Manufactured Housing Zone reserved for occupation by a manufactured home shall be leased or occupied for residential use except for periods of 30 consecutive days or more.

8.6 *Land Lease Communities*. The following regulations shall apply to land lease communities within the MH zone:

8.61 The entire land area occupied by a land lease community, regardless of the number of home sites or individual lots therein, shall be maintained in single ownership, or if in multiple ownership, under the provisions of the laws of the State of Delaware dealing with unit properties and condominiums.

8.62 Changes to site plan. After initial site development plan approval of a land lease community, reapproval for the entire community shall not be required prior to the issuance of building permits for alterations to individual manufactured homes, or

their accessory buildings such as storage areas and patios, which, in the judgement of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the individual manufactured home sites or lots leased by an individual family and designed for the convenience and comfort of the individual lessee.

8.7 *Performance Standards*. All uses are subject to performance standards as set forth in article 5, section 8.

8.8 *Site development plan approval*. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

8.81 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A,"Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities." Where applicable, the approving authority shall be the Fire Marshal's Office.

8.82 No site development plan proposing the siting of a manufactured home outside of a land lease community shall be approved unless the plan shows the manufactured home is to be permanently placed, as defined in the Dover Code of Ordinances, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities.

8.9 *Maximum density*. The gross residential density in an MH zone shall not exceed six dwelling units per acre.

8.10 *Signs*. Signs shall meet the regulations found in Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations.

(Ord. of 10-13-1981; Ord. of 3-20-1983; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-28-2008(2); Ord. No. 2010-29, 1-10-2011)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.6 - Land Use Compatibility Table - Residential of the Dover Code be amended by inserting the following in the correct alphabetical order:

Manufactured homes	N	N	N	N	N	N	N

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option [(PND)], Subsection 24.3 - Permitted Uses of the Dover Code be amended to read as follows:

24.3 Permitted uses:

(a) Any use permitted in one-family residence zones;

(b) Any other residential use, including one-family lot line dwelling units, duplexes, multiplexes, townhouses, patio houses, garden apartments, and mid-rise apartments, but not including high-rise apartments, mobile homes, or manufactured homes;

(c) Accessory dwelling units may be proposed in conjunction with detached single-family houses if approved by the planning commission as an integral part of planned neighborhood design;

(d) Commercial uses accessory to the development as a whole in accordance with the standards of the C-1A zone;

(e) Under the senior citizen housing option, all housing types, and including congregate housing structures and uses, assisted living residences, and nursing homes. All such housing units and/or property shall be deed restricted to require that the head of household for each housing unit be at least 55 years of age or older.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations, Section 4.12 - Mobile Home Park (MHP) Zone of the Dover Code be amended to read as follows:

Section 4.12. - Manufactured Housing (MH) zone.

[(a)] Bulk and parking regulations for the manufactured housing (MH) zone are as follows:

	Manufactured Home Community (≥ 15 home sites per lot)	Individual Single-Wide Unit Lots	Individual Double-Wide Unit Lots	All Other Individual Unit Lots
Minimum required:				
Lot area	15 acres	4,000 sq. ft.	5,000 sq. ft.	6,000 sq. ft.
Lot width (ft.)	200	40	55	60
Front yard (ft.)	40	25	25	25
Side yard (ft.)	25	8	8	8
Rear yard (ft.)	25	11	11	11
Off-street parking space	2	2	2	2
(a) Per home/home site	2	2	2	2
(b) Per 300 sq. ft. of floor area in permanent management office facility	1			
Maximum permitted:				
Building height				
Stories	2	2	2	2
Feet	30	30	30	30

[(b)] Special requirements for corner lots with frontage on two streets, public or private, shall be as follows:

1. Minimum lot width for a single-wide unit lot shall be 54 feet, minimum lot width for a double-wide unit lot shall be 68 feet, and minimum lot width for any other

individual unit lot shall be 75 feet.

2. The minimum setback for any structure from the edge of the cartway of either street shall be 22 feet.

3. Off-street parking shall not be permitted within 30 feet of the corner of the lot at the street intersection.

[(c)] Special requirements for lots accessed by cul de sac streets shall be as follows:

1. The minimum lot frontage at the edge of the street cartway shall be 16 feet.

2. The minimum lot width at the building setback and for the full depth of the lot behind the building setback line shall be 40 feet for a single-wide unit lot area and 55 feet for a double-wide unit lot. (Ord. of 4-28-1986)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Subsection 4.7 - Permitted Signs of the Dover Code be amended to read as follows:

4.7 *Permitted signs*. Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

SIGN TABLE									
Use		Road Type	Permitted Signs						
Specific			Sign Type	Number Permitted	Max. Size	Max. Height	Percentage of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached/ Semi-Detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office	All Streets	Post or Monument	1/entrance	12 S.F.	7 feet	N/A	5 feet	20 feet
			Wall	1/frontage	16 S.F.	N/A	≤ 15%	N/A	N/A
	Subdivisions Multi-Family Residential Uses	All Streets	Wall	1/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
	Manufactured Housing Communities		Monument or Post and Panel	2/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship Daycare Centers Approved Conditional Uses Educational/Institutional All Other Approved Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet

			Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet
		Urban Minor Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
		Urban Local/ Collector	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	No max	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
			Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
			Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
		Urban Minor Arterial	Wall	2/frontage	64 S.F.	N/A	≤15%	N A	N/A
			Monument or Post and Panel OR	1/entrance	64 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
		Urban Local/ Collector	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 1 - Permitted Accessory Parking of the Dover Code be amended to read as follows:

Section 1. - Permitted accessory parking.

1.1 *Off-street parking spaces*. Off-street parking spaces, open or enclosed, are permitted accessory to any use. One commercial vehicle may be parked on a lot in any residence zone only if less than one ton in carrying capacity.

1.2 *Trailers and boats*. The long-term use of a recreational vehicle as a residence by any person or persons is prohibited in all zones. A boat with its trailer or a utility trailer, under 31 feet body length or an unoccupied recreational vehicle, may be parked within a garage or anywhere behind the setback line if screened from adjacent lots. However, none of the vehicles shall be parked in a required side yard if alley parking adjacent to the lot is available.

1.3 Driveways. No driveway shall provide access to a lot located in another zone, which lot is used for any use prohibited in the zone in which such driveway is located.

1.4 The minimum width of a residential driveway shall be nine feet.

(Ord. of 9-12-1983; Ord. of 1-10-1996; Ord. of 11-13-2007)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 7 - Nonconforming Buildings and Uses, Section 1 - Nonconforming Buildings and Uses, Subsection 1.51 of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

1.5 Each of the nonconforming uses specified below is deemed sufficiently objectionable, undesirable, and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district, and blight the proper and orderly development and general welfare of such district and the city to the point that each of such nonconforming uses shall be terminated on or before the expiration of the specified period of time after the effective date of this ordinance; which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use.

1.51 In any residence zone, any nonconforming use of open land, including such uses as a parking lot, junkyard, or open storage yard for materials or equipment, may be continued for three years after the effective date of this ordinance, or after annexation of the property into the City of Dover, provided that, after the expiration of that period, such nonconforming use shall be terminated (see also article 6, section 1.12). Any “mobile home” as that term is defined in article 12 hereof, that was located within the limits of the City of Dover at the effective date of this ordinance [November 22, 1976], or that was in place on any land subsequently annexed into the City of Dover, shall constitute a nonconforming use and shall be permitted to be maintained as a nonconforming use indefinitely. However, such mobile home shall be required to connect to city sewer and water mains, if available, and such mobile home shall be subject to and shall comply with all other city codes and ordinances applicable to structures and residences.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the following new definitions in the correct alphabetical order:

Condominium: A form of property ownership providing for individual ownership of a dwelling unit together with an individual interest in land or parts of a building held in common with other owners. Condominiums follow the provisions of the laws of the State of Delaware dealing with unit properties and condominiums.

Land Lease Community: A residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Mobile home: A factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Modular Home: A factory built housing unit constructed to the standards of the Dover Code of Ordinances, Chapter 22 - Buildings and Building Regulations.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by deleting the definition of "mobile home."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions, Dwelling unit of the Dover Code be amended to read as follows:

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, travel trailer, recreational vehicle, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 26 - Businesses, Article II - Licenses, Section 26-35 - License Required; Fees, Subsection (d)(1) - Businesses Licensed of the Dover Code be amended to read as follows:

		Fees and Fines
Chapter 26 - Businesses, Article II - Licenses		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 26-35 - License required; fees		
	Subsec. (d)(1) - Businesses licensed	
	Advertising agency	$95.00
	Amusement operator	$157.00
	Architect	$250.00
	Attorney-at-law	$313.00
	ATM machines (third-party or off bank premises)	$50.50
	Auctioneer	$157.00
	Automobile race operator	$375.00
	Bank, or loan and trust company	$313.00
	Barber	$63.00
	each additional chair over two	$4.00
	Beautician	$63.00
	each additional chair over two	$4.00
	Broadcasting station	$313.00
	Broker	$157.00
	Car wash	$188.00
	Certified public accountant	$250.00
	Cesspool cleaner	$125.00
	Chiropractor	$313.00
	Clinical social worker	$96.00
	Coin-operated amusement machine owner	$3.00 Per machine
	Coin-operated vending machine owner	$3.00 Per machine
	Coin-operated electronic video machine	$125.00 Per machine
	Commercial sign business	$125.00

	Computer-related services	$125.00
	Consultant	$50.50
	Day care operator:	
	Center or home provider with greater than six children	$50.50
	Dentist	$313.00
	Distributor	$63.00
	Dray person or mover	$125.00
	Eating establishment and/or eating establishment operator	$125.00
	Employment agency	$125.00
	Entertainer:	
	One - three entertainers per group	$50.50
	Four - nine entertainers per group	$95.00
	Ten or more	$125.00
	Entertainment agent	$188.00
	Finance or small loan agency	$250.00
	Fitness trainer	$69.00
	Funeral director	$250.00
	Gaming position	$155.00
	Gas, light, power, cable TV and telephone company	$938.00
	General repairman	$63.00
	Health spa or health club	$188.00
	Home day care operator	$25.50
	Hotel:	
	Per room	$9.50
	Per suite	$12.50
	Income tax consultant	$188.00
	Incorporator	$125.00
	Insurance adjustor office	$125.00
	Itinerant merchant, per event	$100.00
	Janitorial and cleaning service:	
	One - three employees	$50.50
	Four - nine employees	$95.00
	Ten or more employees	$125.00
	Land lease community operator, per home site within community	$25.00

	Landscape service company:	
	One - three employees	$50.50
	Four - nine employees	$95.00
	Ten or more employees	$125.00
	Laundry service operator:	
	Primary facility	$125.00
	Additional drop-off locations	$50.50
	Linen supplier	$125.00
	Manicurist	$32.00
	Manufacturer's agent or representative	$125.00
	Mercantile agency or collection agency	$125.00
	Motel, per room	$7.00
	Motion picture theater	$188.00
	Motor vehicle serviceman	$95.00
	Nursing, rest or convalescent home	$188.00
	Open market operator:	
	First 20 spaces, per rented space	$22.50
	21st - 50th space, per rented space	$11.50
	Each space over 50, per rented space	$6.00
	Outdoor tables, per table	$6.00
	Optometrist	$313.00
	Pawnbroker	$188.00
	Pest control services	$95.00
	Pharmacist	$188.00
	Photographer	$125.00
	Physical therapist	$188.00
	Physician and/or surgeon	$313.00
	Plant nursery and florist	$95.00
	Podiatrist	$313.00
	Pool table operator, per table	$63.00/ Maximum fee $189.00
	Printer	$125.00
	Private investigator agency	$188.00
	Professional counselor	$63.00
	Professional engineer	$250.00
	Professional land surveyor	$250.00

	Psychologist	$313.00
	Public accountant	$188.00
	Public stenographer	$38.00
	Publisher	$313.00
	Real estate broker, appraiser, and manager	$157.00
	Real estate development corporation	$344.00
	Real estate property manager:	
	One - three units managed	$50.50
	Four - ten units managed	$125.00
	Ten + units managed	$125.00
	Real estate salesperson or associated broker	$50.50
	Rental service	$125.00
	Sales representative	$50.50
	School and educational service (nonvocational)	$63.00
	School and educational service (vocational)	$125.00
	Scientific laboratory	$250.00
	Scrap and waste material service	$125.00
	Secondhand dealer of precious metals	$125.00
	Security service	$188.00
	Self-service laundry or dry cleaner	$125.00
	Shoe repairman	$50.50
	Sound truck, per hour	$33.00
	Tailor and garment service	$50.50
	Taxicab or bus operator:	
	First vehicle	$26.00
	Each additional vehicle	$26.00
	Tourist home, per room	$7.00
	Travel agency	$125.00
	Veterinarian	$313.00
	Warehouseman	$250.00
	Wholesale news agency	$63.00
	All other businesses not listed:	
	One - three employees	$50.50
	Four - nine employees	$95.00
	Ten - 50 employees	$125.00
	51 - 100 employees	$313.00

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 66 - Manufactured Homes and Trailers of the Dover Code be amended to read as follows:

		Fees and Fines
Chapter 66 - Manufactured Homes Mobile Homes, and Land Lease Communities		
Sec. 66-2 - Licenses		
	Subsec. (a) - Required fee	$45.00 each license
	Subsec. (b) - Payment; penalties	A fine of not less than $50.00 and a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee
Sec. 66-5 - Duties of Land Lease Community Owners and Operators		
	Subsec. (c)(i) - Failure to perform required duties	A fine of not less than $50.00 in addition to any charges imposed to cover cost of maintenance by the City
	Subsec. 66-5 (c)(ii) - Cost of maintenance by the City	$75.00 per hour for such work that must be done to render the property in compliance with this article, plus a 15% administrative charge

ADOPTED: AUGUST 8, 2016

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SYNOPSIS

The proposed ordinance updates the standards and terminology throughout the Dover Code as they relate to manufactured homes. The proposed ordinance also implements standards for management and maintenance of land lease communities. (SPONSORS: NEIL, SLAVIN, AND COLE)

Actions History

08/08/2016 - Public Hearing/Final Reading - City Council
07/18/2016 - Public Hearing - Planning Commission
06/27/2016 - First Reading - City Council
06/14/2016 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee