REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 28, 2016 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Cole was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Christiansen was absent.

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. Brad Schmidt, 375 Alder Road, stated that he and his wife were there to discuss issues they were having with the basketball court in Mayfair Park. He advised that they have lived on Alder Road for the last thirteen years and have had to endure a lack of policing and safety concerns with the park every day, 365 days a year, 24 hours a day. Mr. Schmidt stated that they have first-hand knowledge of incidents occurring in the park and at the basketball court. They have seen drug deals and individuals driving their cars through the neighborhood in a very reckless manner. Mr. Schmidt stated that the people utilizing the park and the basketball court are not from the neighborhood and noted that they may be from the surrounding apartments on Webbs Lane and New Burton Road. He advised that the park users have no regard for the residents of the neighborhood. Mr. Schmidt stated that they have had fireworks going off in the park and falling into their yard, over their privacy fence.

Mr. Schmidt advised that they are concerned for their family's safety, their property, and the safety of the elderly residents who live in the neighborhood. He requested City Council members to consider removing the basketball court, and even consider removing the park because it serves no purpose to the residents of the neighborhood.

Responding to Mr. Hare, Mr. Schmidt stated that there is a small brown sign at the park that says the hours are dawn to dusk; however, there are people in the park at 2:00 or 3:00 a.m.

Mr. Patrick McPhail, 214 Grinding Wheel Drive, advised that he is a board member of Dover Little League and he wanted to thank the City of Dover, including the Fire and Police Departments, for everything it does for Dover Little League. He also advised that opening day is April 23, 2016 and invited the Mayor and members of City Council to attend the ceremony.

The invocation was given by Chaplain Wallace Dixon, 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. Sudler moved for approval of the Consent Agenda, seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Cole absent).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF MARCH 14, 2016

The Minutes of the Special Council Meeting of March 14, 2016 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MARCH 14, 2016

The Minutes of the Regular Council Meeting of March 14, 2016 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

PRESENTATIONS - AWARDS BY DOWNTOWN DOVER PARTNERSHIP - ST. PATRICK'S DAY PARADE

Mr. Bill Neaton, Economic Development Director, along with Council President Slavin, presented awards for the 21st Annual St. Patrick's Day Parade, as follows:

Category and Recipient

Pot O' Gold Award - Anything with Wheels (except car clubs) - Nur Shriners
Rainbow Award - Car Clubs Only - Southern Delaware Jeep Club
Blarney Award - Best Mascot - Wally the Work Zone Warrior (DelDOT)
The Green Machine Award - Best Float - Irish Society of Delmarva
Aran Award - Best Animal (Large) - Delmarva Chapter American Mustang & Burro Association
Aran Award - Best Animal (Small) - Greyhounds in Green
Harp Award - Best Musical Group (not a band) - Irish Dancers
Emerald Isle Award - Most Authentic Irish Theme - Irish Mike's
Leprechaun Award - Best Brigade/Marching Unit (not a band) - Dover Fire & Police Pipe Band
McNamara Award - Best High School Marching Band - Dover High School Senators Band
Shamrock Award - Best Adult Band - Delaware Tech Drumline
Mary Fitzpatrick Award - Best Overall - Dover High School Senators Band
Judge's Favorite - Citizens Hose Company

Mr. Neaton noted that there were approximately 60 participants in the parade and thousands of people downtown to watch the parade.

PRESENTATION - 2015 ANNUAL REPORT - DOVER POLICE DEPARTMENT

Police Chief Paul Bernat reviewed a Power Point presentation (***Exhibit #1***) depicting highlights of the 2015 Annual Report for the Dover Police Department.

Mr. Hosfelt moved to accept the report, seconded by Mr. Anderson and unanimously carried.

PRESENTATION - 2015 ANNUAL REPORT - PLANNING, INSPECTIONS, AND RECREATION

Mrs. Ann Marie Townshend, Director of Planning, Inspections, and Community Development, reviewed a Power Point presentation (***Exhibit #2***) depicting highlights of the 2015 Annual Report for Planning, Inspections, and Recreation.

Responding to Mr. Sudler, Mrs. Townshend stated that one of the trends that they have seen in recent years is that houses that were previously owner-occupied, single-family units have become rentals, stating the desire to keep a balance of rental and ownership. An increase in rental permits without new apartment construction causes concern with losing that balance.

Responding to Mr. Hosfelt, Mrs. Townshend stated that if the City has cut grass on a property in response to a violation within the last 18 months and another violation occurs, they do not go through the notification process again before cutting the grass.

Responding to Mr. Sudler, Mrs. Townshend advised that there were a total of five (5) Code Enforcement Officers with one (1) supervisor, one (1) assigned to vacant buildings, and three (3) that are assigned to a geographic area of the City. She stated that the inspectors can be stretched thin but are able to manage the workload, although not as quickly as if there were more inspectors. Mrs. Townshend stated that a pool of prospective Code Enforcement Officers was interviewed approximately one (1) month ago to fill a vacancy.

Mr. Neil moved to accept the report, seconded by Mr. Hosfelt and unanimously carried.

COUNCIL COMMITTEE OF THE WHOLE REPORT - MARCH 15, 2016

The Council Committee of the Whole Meeting was held on March 15, 2016, at 6:00 p.m., with Council President Slavin presiding (departed at 7:07 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Lewis was absent. Mayor Christiansen was present. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), and Mr. Shevock and Ms. Maucher (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Councilman Anderson presiding.

Community Development Block Grant (CDBG) Application Review

Mrs. Tracey Harvey, Planner I, advised members that the Planning Staff had provided the proposed Community Development Block Grant (CDBG) allocation recommendations for the FY16 CDBG grant renewal and that proposed grant funding recommendations would be allocated to the sub-grantees that were awarded multi-year grants from the approved 2015-2019 Consolidated Plan. She stated that $236,509 in funding was available for FY16 based on the grant allocation of $227,955 and anticipated program income of $8,554. Mrs. Harvey explained that 20% of the grant would be used for program administration to manage the CDBG program and up to 15%, with a maximum of $35,476, would be applied to public service activities.

Mrs. Harvey reviewed a brief description of the programs proposed by the City's Community Development Office for funding, stating that allocations were recommended by Staff as follows:

2016 Grant Projects	Grant Request	Current Amount	Recommended Amount
Homeownership Assistance Program	$60,000	$60,000	**$50,000**
Program Administration	$47,342	$47,005	**$47,301**
Dover Interfaith Mission for Housing	$27,000	$27,000	**$22,000**
Connections Community Support Program	$15,000	$7,391	**$7,208**
Milford Housing Development Corporation (Emergency Home Repairs)	$40,000	$35,262	**$25,000**
Milford Housing Development Corporation (Homeowner Rehabilitation)	$60,000	$52,892	**$55,000**
Central Delaware Habitat for Humanity	$40,000	$40,000	**$30,000**
Total	$289,342	$269,550	**$236,509**

Responding to Mr. Hosfelt, Mrs. Harvey confirmed that 20% of the grant would be used for program administration and would cover the salaries of those managing the grant, including her own.

Mr. Hosfelt questioned what public service activities 15% of the grant would be applied to. Responding, Mrs. Harvey explained that the Dover Interfaith Mission for Housing and Connections Community Support programs provide public service activities and would comprise up to 15% of the grant.

Mr. Neil asked if the City's Homeownership Assistance Program involved people who are cleared by the National Council on Agricultural Life and Labor Research (NCALL) to purchase their homes through Habitat for Humanity. In response, Mrs. Harvey explained that the Homeownership Assistance Program is separate from Habitat for Humanity, which does their own financing and holds mortgages.

In response to Mr. Anderson's request for further information on the Homeownership Assistance Program, Mrs. Harvey explained that this program provides up to $20,000 in settlement assistance for first-time homebuyers to purchase affordable housing within the City of Dover.

Mr. Neil questioned how applicants for the Homeownership Assistance Program are cleared, how they go about reaching out for funds, and how they know that funds are available to them.

Mrs. Harvey stated that a Request for Proposals (RFP) is issued every five (5) years for different organizations to apply for the CDBG program. Information is emailed, advertised, distributed by press releases, and posted on the City's website.

Mr. Anderson asked if applicants for the City's homeownership program are qualified through NCALL. Responding, Mrs. Harvey informed members that NCALL provides housing counseling but does not provide grants for affordable housing. She explained that the normal process is for an applicant to first go through NCALL to see if they are eligible and to ensure that they have a credit score of at least 620, are a first time homebuyer, and meet other program guidelines. Applicants are then referred to the City of Dover.

In response to Mr. Sudler, Mrs. Harvey confirmed that there is a partnership between the City and NCALL.

Mrs. Horsey noted that in the past members had heard presentations from all of the CDBG sub-grantees regarding their programs. She questioned the reason for the decrease in the overall amount of money budgeted for these programs. Responding, Mrs. Harvey stated that more funding was available for projects in FY 15 because there was no need to fund program administration due to a rollover of funds from FY 14.

Mr. Sudler questioned the reason for the difference between the $27,000 requested and the $22,000 proposed for the Dover Interfaith Mission for Housing. Responding, Mrs. Harvey stated that applicants can request any amount; however, the amount of grant funds awarded is limited to what is allocated in the budget. She explained that cuts in funding were proposed for all of the projects due to decreased funding available this year.

Responding to Mr. Anderson regarding the CDBG cycle, Mrs. Harvey explained that projects were in the second year of a five (5) year cycle.

The Committee recommended acceptance of the proposed Community Development Block Grant (CDBG) allocations for FY16, as recommended by staff.

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

Review of Active Recreation Area Plan - The Arbors Senior Garden Apartments - 1051 College Road (Planning Reference S-16-07)

Mrs. Dawn Melson-Williams, Principal Planner, advised members that The Arbors Senior Garden Apartments Active Recreation Plan was being reviewed as part of the site plan review process. The proposed residential development consisted of a garden apartment building with a total of 48 dwelling units. She indicated that the property was located on the north side of College Road just northwest of the intersection with McKee Road. This property had been through the review process multiple times

since 2005; however, in each instance the plan had expired before the project commenced. Mrs. Melson-Williams noted that there had been changes in the property's ownership over the years.

Mrs. Melson-Williams explained that there is a requirement for residential developments to provide recreational amenities to residents, stating that the Code sets forth the rate at which an active recreation area must be provided. In this case, 150 sq. ft. of active recreation area must be provided per dwelling unit. With 48 dwelling units proposed, a minimum of 10,000 sq. ft. of active recreation area must be provided.

Mrs. Melson-Williams stated that the proposed project would provide the required amount of recreation, which would be established in two (2) distinct areas, one (1) located close to the building and the other located on the west side of the property, across what would be a City street known as Senior Way. There would be a walking path with a series of benches and pathway lighting, and a gazebo was also proposed. Mrs. Melson-Williams advised members that the applicant had provided a revised Active Recreation Area Plan that tweaked some of the elements of the project on March 14, 2016. She stated that the chipped stone walking path had been changed to a concrete surface, following staff's recommendation, and minor changes related to parking issues had been made to the plan. Mrs. Melson-Williams indicated that the applicant had looked at providing a safer crossing at the Senior Way entrance area and was proposing a mid-block crosswalk system that would be further reviewed by the City's Public Works Department as to appropriate traffic control. She noted that the applicant had also updated their plan utilizing an active recreation area calculation rate of 150 sq. ft. per dwelling unit, as required for this type of project, rather than the typical 275 sq. ft. per dwelling unit that was included in their original proposal.

Mrs. Melson-Williams advised members that Planning Department staff had put forth a number of recommendations regarding the project. She stated that the project meets the area requirements and staff felt the proposed amenities were appropriate for this type of residential development. She advised members that their task was to make recommendations in regard to the proposed active recreation area plan to be provided to the Planning Commission for consideration as the project site plan is reviewed.

Responding to Mr. Hosfelt, Mrs. Melson-Williams stated that the proposal was for one (1), three (3) story, U-shaped building with 48 units.

In response to Mr. Hosfelt regarding how the required square footage was determined, Mrs. Melson-Williams explained that the requirement was based on dwelling units and the applicant was required to provide 150 sq. ft. of active recreation area per dwelling unit.

Mr. Hosfelt asked if the neighboring areas, such as Hidden Oaks, were notified of the project. Responding, Mrs. Melson-Williams explained that neighboring areas are notified of the filing of the site plan application and will have an opportunity to participate in the public hearing that will be conducted during the Planning Commission meeting scheduled for later in the month.

Responding to Mr. Sudler, Mrs. Melson-Williams stated that there would not be fencing around the recreational area. She explained that the proposal includes a walking path that meanders through an open area and there are a number of landscape plantings in the form of trees that would provide a buffer area. She noted that this property is adjacent to other residential uses.

Mrs. Horsey stated her assumption that Senior Way would become a way in and out for other housing developments. She asked if the northern part of the walking path would have a marked crosswalk. Responding, Mrs. Melson-Williams indicated that the revised plan for the project showed the inclusion of a marked crosswalk. She explained that, since Senior Way was proposed as a City street, the Planning Department would be working with the Public Works Department to provide appropriate traffic control measures for a mid-block crossing. She anticipated that there would be a pedestrian crossing sign but did not believe a full stop condition would be implemented at the location.

Mr. Neil asked who would maintain the area across the street from the apartments and if this would be the responsibility of the apartment owner. Responding, Mrs. Melson-Williams informed members that this was considered one (1) tract of land that was divided by the right-of-way for the road, so the management of the apartment complex would be responsible for maintaining the landscaping, walking path, and grass.

Responding to Mr. Hosfelt, Mrs. Melson-Williams confirmed that the proposed street would connect to the Emerald Pointe subdivision. She explained that when Emerald Pointe was laid out, the developer was required to provide stub roads to all vacant adjacent properties. This project would pick up the stub road from Emerald Pointe and extend it to College Road.

Mr. Anderson asked if the City would be responsible for providing pedestrian signs for the crosswalk. In response, Mrs. Melson-Williams indicated that the developer typically incurs the cost of constructing the road to City street standards. She felt that sidewalk traffic control measures, such as stop signs and street name blades, would be provided by the developer to the City's standards before the City would take ownership of the road.

The Committee recommended approval of the Active Recreation Area Plan for The Arbors Senior Garden Apartments with the comments and conditions provided by Staff.

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

Update - Residential Appeal Process and Non-Compliant Non-Conforming Uses

During their meeting of January 11, 2016, Council approved the Committee's recommendation that Staff be requested to prepare a residential appeal process and to also look at those properties within City limits that are clearly non-compliant with the uses to be reviewed by the Committee during their March meeting.

During the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee meeting of March 14, 2016, Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the first step in this process would be to determine the degree of the problem with non-conforming uses by finding out how many such uses exist. She advised that her staff had been working with the Geographic Information Systems (GIS) staff in the Public Works Department, and they are in the process of developing an application that would allow the City's planners to go into the field and document non-conforming uses. Mrs. Townshend stated that staff could then determine which of the non-conforming uses would be permitted as a conditional use, noting that multi-family residential uses would not be permitted any longer in certain residential zones. From that point, a strategy could be developed on how to attrition non-conforming uses.

In response to Mr. Sudler regarding how long this process would take, Mrs. Townshend stated that it would probably be another couple of weeks before GIS staff could have the application ready for field use, and there would be a few weeks of field work. She anticipated the process would take approximately two (2) to three (3) months.

Mayor Christiansen asked if there was a paper trail for these non-conforming properties or if it had been assumed by the Planning Department and Mayor and Council that exceptions to the rules in place were granted for these properties. Responding, Mrs. Townshend stated her belief that there was very little in the way of a paper trail on most properties. She stated that some non-conforming uses had existed in the 1960s prior to the implementation of the City's zoning ordinance. In other cases, uses such as conversion of single-family homes to apartments had happened in the 1990s and earlier, and Mrs. Townshend advised members that the City's documentation from those days was not as strong as it is today.

Mayor Christiansen asked if the City Solicitor had been consulted and apprised of the lack of documentation for these properties, noting that litigation could be involved. He suggested that the Solicitor provide an opinion regarding the City's legal stance on conditional use without documentation.

Mrs. Townshend clarified that these were non-conforming uses rather than conditional uses and had existed prior to the current standard. She advised members that she had a number of discussions with Mr. Nicholas Rodriguez, City Solicitor,

and Mr. William Pepper, Deputy City Solicitor, and they all agreed that before a strategy could be determined on how to phase out or address non-conforming uses, there was a need to know how many there are and the nature of the various uses.

Mayor Christiansen felt that there may be a maintenance of standards issue and that questions might arise if a non-conforming use had persisted for an extended time and the City suddenly changed its approach. He questioned if there would be a grandfathering provision.

Mrs. Townshend informed members that an existing section in the Code addresses non-conforming uses and sets up grandfathering. These Code provisions state that a non-conforming use can continue to exist in perpetuity; however, it cannot be expanded and if it has ceased for a period of one (1) year, it cannot be re-established. Mrs. Townshend indicated that there is language in the Code that sunsets non-conforming uses in residential zones 20 years after adoption of the ordinance or 40 years after the commencement of the use. She stated that Mrs. Traci McDowell, City Clerk, had looked into the history of the ordinance, and it was difficult to determine the onset of the 20- and 40-year periods. Mrs. Townshend indicated that staff would first identify where non-conforming uses are and then look at existing Code to determine if there is enough language to address them. If there is not enough language to address them, staff would determine if there is a need to modify the Code and then develop a method of better documenting or registering non-conforming uses so they can be better tracked in the future. Mrs. Townshend noted that a series of actions was needed and the first step would be to figure out how big the problem is. She stated the need to be consistent and legally defensible and not to phase out some uses without looking at the whole picture.

In response to Mr. Slavin, Mrs. Townshend stated that non-conforming uses were addressed in Appendix B, Article 7 of the Dover Code. She confirmed that the Code was created by City Council and there was nothing in it that was immutable and would take away Council's right to amend, correct, or alter that section of the Code. Mrs. Townshend stated her expectation that staff would be looking at Code changes that would give better control with regard to non-conforming uses as a result of considering this issue.

Mr. Slavin stated his belief that a provision would probably be suggested that would sunset all non-conforming uses at the same time, and asked if property owners with a non-conforming use would be given the opportunity to pursue a conditional use at that time. In response, Mrs. Townshend explained that if the specific type of use was stated as a conditional use in the zoning ordinance, this could be done. She stated that another alternative would be to sunset non-conforming uses after one (1) or two (2) years unless the Board of Adjustment grants otherwise; however, it could create an influx of applications to the Board of Adjustment. Mrs. Townshend advised that this alternative would provide documentation of every non-conforming use that is allowed to stay, the reason why, and a public process.

Mr. Slavin stated his belief that the root cause that the City was trying to get to was non-conforming use, not the creation of paperwork to allow non-conforming use. Responding, Mrs. Townshend stated that some of the non-conforming uses included churches, schools, and other types of facilities.

Mr. Slavin stated that if there were an influx of conditional use applications, there might be a desire to consider changes to existing Code regarding conditional uses.

Responding to Mr. Slavin, Mrs. Townshend explained that there is not a sunset period for conditional use, unless the use stops or there is a failure to abide by the conditions, in which case the matter would go back to the Planning Commission.

Mr. Slavin stated that it would not be desired to move the problem from non-conforming use to conditional use. He encouraged staff to think about changes to the ordinance regarding conditional use that would set up a new conditional use from a set point forward with an automatic sunset. If people want to continue that conditional use, they would have to prove this need again, without the process being too burdensome. Responding, Mrs. Townshend stated her belief that this could be done.

Mr. Hare expressed his understanding that a non-conforming use that had been in effect for 15 years could be continued; however, if the property was sold or disposed of, it could no longer be non-conforming. Responding, Mrs. Townshend stated that use was not tied to ownership. She explained, for example, that if a property was sold to another party, as long as they continued in operation the use could continue. If the original property owner ceased operation and then sold the property, the new owner could not reestablish the non-conforming use.

Mr. Sudler questioned how staff would handle a situation where neither the City nor the property owner could produce documentation regarding a non-conforming use. Responding, Mrs. Townshend explained that the City never grants property a status as a non-conforming use. She stated, for example, that a property might have been zoned commercial; however, at some point the City determined, usually through the comprehensive plan process, that the property should not be commercial but residential and rezoned the property, which resulted in the creation of a non-conforming use. Mrs. Townshend advised members that in the 1960s there was not clear documentation of when these changes happened, and zoning maps and zoning text must be researched. Alternatively, she stated that in 1990 it was legal to divide a home into two (2) or three (3) apartments in the General Residence Zone (RG-1); however, in 2003, the Code was changed and this was no longer allowed. A property may have continued to be zoned RG-1, but the City had changed the uses allowed there.

Mr. Sudler asked if the City puts a condition on how long the use will remain when it creates such non-conforming uses. Responding, Mrs. Townshend stated that Article 7 of the zoning ordinance states that non-conforming uses can remain; however, certain uses in the residential zone have a specific sunset.

Responding to Mr. Sudler as to whether there was anything in the ordinance language that refers to the number of complaints received about a non-conforming use, Mrs. Townshend stated that there was not. Mr. Sudler felt that this should be considered, stating that the number of complaints generated from the neighborhood or residential area would give the City more leeway to address non-conforming uses.

Mrs. Townshend stated that it would be within Council's purview to make such an amendment to the Code.

Mr. Neil asked if staff runs into problems with Americans with Disabilities Act (ADA) compliance when checking non-conforming uses. Mrs. Townshend stated that this would probably not be an issue since ADA compliance only comes into play with regard to the City as it relates to building code and if modifications are being made to properties.

Mr. Anderson noted that there were properties that were approaching or past the 40-year sunset, stating that this would be the answer to those who questioned why the use would be enforced at this time. He advised members that, in some cases, properties were 45 or 50 years past the implementation of the ordinance. Mr. Anderson questioned if staff planned to start with properties that were most likely not in compliance, such those from the 1960s and 1970s, and then move forward.

Responding to Mr. Anderson, Mrs. Townshend reiterated that the first step would be to document uses which staff knows to be non-conforming, estimating that this would involve a few hundred properties. After developing a list, staff could look at the zoning, permitting, and utility histories to get a picture of how property had been used. Mrs. Townshend explained that a property may have been operating since 1974 but may not have been rezoned until 1996. She stated that staff would have to review those properties that look as though they should have been sunsetted and verify that there had not been an action that legitimized the use. Mrs. Townshend advised members that staff's focus at this point was on residential zones since these zones were a higher priority and have the most significant impact on a community if they are not compatible with the character of the zone.

Mr. Anderson stated that he would like to see a public safety component in the Code amendments. He felt that there should be a venue for residents to appeal when their safety is at risk because of a non-conforming use, such as excessive traffic, crime, or another public safety issue.

Mr. Sudler stated that this issue had been discussed by the Safety Advisory and Transportation Committee, noting that at least one (1) non-conforming property had generated some complaints.

Mr. Hosfelt, Chair of the Safety Advisory and Transportation Committee, indicated that this particular matter could be discussed during a Safety Advisory and

Transportation Committee meeting if Mr. Anderson desired; however, he agreed with Mr. Anderson's thoughts on including a public safety component in the amendments.

Citizen Suggestions
There were no citizens present wishing to speak.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Hare presiding.

Acknowledgment of Benefit Change for Non-Bargaining Employees - Article XVII Employee Benefits, Section 3 - Deferred Income (City of Dover Personnel Policy)
Mr. Scott Koenig, City Manager, advised members that with Council's recent approval of the Dover Organization of Employees (DOE) labor agreement for July 1, 2015 through June 30, 2018, changes were made to the Deferred Compensation Pension Plan/401A Money Purchase Plan retirement benefit. He explained that language in the City of Dover Personnel Policy (Employee Handbook) indicated that changes to this benefit would affect non-bargaining employees. Mr. Koenig indicated that, by a strict reading of the Handbook, this benefit had been extended to the non-bargaining group; however, during DOE contract discussions he had committed to bring this matter before Council because of the need to make amendments to the language going forward.

Mr. Koenig reviewed proposed amendments to Article XVII Employee Benefits, Section 3 - Deferred Income of the City of Dover Personnel Policy (Employee Handbook).

Mr. Koenig reviewed the current mandatory contribution and maximum matching City contribution percentages, along with the negotiated and approved increases for DOE employees as follows:

	Current Employee Mandatory Contribution	Negotiated Employee Mandatory Contribution	Current City Matching Contribution (Up to)	Negotiated City Matching Contribution (Up to)
2016, Upon approval	3%	4%	6%	7%
July 1, 2016	3%	5%	6%	8%
July 1, 2017	3%	6%	6%	9%

Mr. Koenig explained that the proposal for non-bargaining employees would be to increase the mandatory employee and City contributions to the same levels as those for DOE employees.

Mr. Koenig stated that, based on a legal opinion obtained from Mr. William Pepper, Deputy City Solicitor, DOE employee contributions could be made immediately since the City has a legal contract with DOE to fall back on. Mr. Pepper had indicated that if Council accepts the recommended change to the Personnel Policy (Employee Handbook), a Code amendment will need to be adopted to memorialize the change for non-bargaining contributions. Mr. Koenig advised members that Staff was working on this Code amendment.

Mr. Koenig reviewed the costs associated with extending this benefit to non-bargaining employees as follows:

Non-Bargaining					
		Must	**Potential**	**Over 9%**	**Total**
2016, Upon approval	Additional 1%	$974	$3,968	$1,608	$6,550
July 1, 2016	Additional 2% (1+1)	$5,629	$22,924	$9,290	$37,843
July 1, 2017	Additional 3% (1+1+1)	$8,443	$34,386	$13,935	$56,764
Total		**$15,046**	**$61,278**	**$24,833**	**$101,157**

Mr. Koenig advised members that when this table was originally developed, there were 45 non-bargaining employees, two (2) in the Police Pension Plan, 14 in the Defined Benefit Plan, and 29 in the Deferred Compensation Pension Plan/401A Money Purchase Plan. The table was based on cost estimates for 29 employees from the end of February 2016 through the current budget year. Mr. Koenig explained that the costs of $974 and $1,608 were known costs. He stated that the estimated total cost of this benefit for FY 16 would be less than the $6,550 total reflected since some employees had left the organization and since it was now past the end of February 2016 and the proposed changes would not be backdated. Mr. Koenig stated that the maximum cost was estimated at $16,000 to $37,000 for FY 17 and approximately $56,764 for FY 18. He advised members that estimates were developed using the current employees in the plan and projecting expenses. Mr. Koenig indicated that estimates were not exact since non-bargaining positions that were currently vacant were not included in the calculation and some employees would likely leave, resulting in salaries being reset.

Staff recommended adopting the revised matching contributions for non-bargaining employees and approving the following changes to the City of Dover Personnel Policy (Employee Handbook):

1) Change the reference of Public Employees Benefit Services Corporation (PEBSCO) to Nationwide Retirement Solutions.

2) Insert the following language: "Employees enrolled in the Deferred Compensation Pension Plan/401A Money Purchase Plan shall make contributions in accordance with the Plan Document for each individual group of employees."

3) Change the reference of "Employee Labor Agreements when applicable" to "the Plan Document for each individual group of employees."

4) Insert "full-time" to correspond to Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan, Section 2-391 - Definitions of the Dover Code.

Mr. Koenig advised members that staff had found that cleaning up the ordinances became very complicated very quickly and the proposed ordinance change would be much more comprehensive than initially anticipated; however, he indicated that the amendments would be presented at the next Council Committee of the Whole meeting.

Mr. Sudler questioned what prompted the initiative to extend the provisions to non-bargaining employees. Responding, Mr. Koenig stated that the discussion in the DOE labor negotiations prompted a change to the retirement benefit for DOE employees and the existing language in the Personnel Policy required further discussion for non-bargaining employees from an ethical standpoint.

Mr. Koenig stated that there had always been a question as to whether the City Manager or anyone else on the labor contract negotiating team is negotiating for themselves if a benefit is extended to non-bargaining employees. He explained that the Defined Benefit Pension Plan was closed in 2009; therefore, every new City employee hired in general government, other than new police officers, is in the Deferred Compensation Pension Plan/401A Money Purchase Plan. Mr. Koenig stated that new police officers are part of the State municipal police plan; therefore they continue to participate in a defined benefit plan and the City pays a percentage of payroll to the State for this. He indicated that the Deferred Compensation Pension Plan/401A Money Purchase Plan is the retirement vehicle for City employees moving into the future. Recent discussions had been held about employees who are putting in the minimum contribution of 3%, which the City matches, but this does not provide the amount of contributions that would be required for employees to retire from service. He expressed concern that City employees could work for 25 or 30 years and not have the financial ability to retire. Mr. Koenig noted that this benefit was also important from an employee retention standpoint.

Mr. Koenig explained that the contributions for the State municipal police pension fund are approximately 15% of payroll. Contributions for the General Employee Pension Fund (Defined Benefit Pension Plan) are approximately 40% of payroll; therefore, the City contributes 40% in addition to an employee's salary to fund that plan, part of which is the normalized cost and part is catch-up related to market performance. Mr. Koenig advised members that the proposed change to the Deferred

Compensation Pension Plan/401A Money Purchase Plan would slowly push the employee minimum contribution to 6% and increase the maximum City match from 6% to 9%. Under any circumstances, the maximum that the City would contribute to an employee's retirement would be 9%, which would be significantly less than the 15% or the 40% plus match contributed for employees in other plans.

Responding to Mr. Neil, Mr. Koenig confirmed that a two (2) step process was proposed; first, the Personnel Policy (Employee Handbook) language must be changed and then ordinance changes related to the amendments that were proposed for DOE and related to non-bargaining employees must also be made. He indicated that if this proposal did not go forward, the City still had the legal means and requirement to enact the DOE contribution changes due to the City's contract with DOE. Mr. Koenig explained that, in the interest of full disclosure, Staff was trying to get everyone on the same page regarding the potential benefit change and ordinances would be brought forward for consideration at the next Committee meeting to support these proposals.

In response to Mr. Anderson, Mr. Koenig confirmed that there would be changes to the Dover Code but not Charter changes, so no State authorization would be needed.

Mr. Hare questioned how many of the 29 employees in the 401A plan were at the maximum contribution level. Responding, Mr. Koenig stated that there were at least six (6) employees who were at the minimum contribution level, four (4) who were over 9%, and a group of people in the middle. He confirmed that those employees who were over 9% were currently being matched at the 6% level.

Mr. Hare stated his understanding that the negotiation with DOE was to help lower-income people save more money toward their pension. Responding, Mr. Koenig indicated that there was a very large concern that a number of the participants in DOE, not only those with lower incomes, would not be in a position to retire after working in their careers with the City.

In response to Mr. Hare, Mr. Koenig explained that DOE employees' minimum contributions would increase from 3% to 4%, and subsequently to 5% and then 6%. The maximum 7% City contribution would become effective almost immediately for DOE employees but would not be effective for non-bargaining employees until the ordinances are finalized. It would take two (2) years to attain the 9% maximum City contribution.

Mr. Hare suggested that if the City was negotiating with DOE for this benefit or on other matters, perhaps Mr. Koenig should not be doing the negotiating since this would benefit him in the long run. Responding, Mr. Koenig indicated that this was a decision that Council could make. He explained that under normal circumstances, the City Manager is typically not considered a regular employee; however, in this case because he came up through the organization, he had always been an employee.

Mr. Anderson moved to recommend approval of the proposed amendments to Article XVII Employee Benefits, Section 3 - Deferred Income of the City of Dover Personnel Policy (Employee Handbook), as recommended by staff. The motion was seconded by Mr. Cole.

Mr. Slavin expressed concern that changing the Employee Handbook language would lock Council in on ordinance language, which may create a conflict if the ordinance is not adopted. Responding, Mr. Koenig stated that this could be remedied by saying that the Handbook changes would not become effective until the related ordinances are adopted.

Mr. Anderson agreed to amend the motion to indicate that the Handbook changes would not become effective until the ordinances are adopted, and Mr. Cole concurred.

Mr. Anderson stated that he would like to consider setting a maximum cap for the City's contribution, perhaps $8,000 or $9,000 in a given year.

Mr. Hare stated his belief that other cities in the State do not contribute 9%. He noted that employees did have the option to stay in the Defined Benefit Pension Plan.

Responding to Mr. Hare, Mr. Koenig stated that some employees had the option to stay in the Defined Benefit Pension Plan; however, employees that had been hired since 2009 did not have an option.

Mr. Hare stated that prior to 2009 all employees had the option to stay in the Defined Benefit Pension Plan or participate in the Deferred Compensation Pension Plan/401A Money Purchase Plan, and concurred with Mr. Anderson's suggestion to consider setting a maximum cap for the City's contribution.

The Committee recommended approval of the proposed amendments to Article XVII Employee Benefits, Section 3 - Deferred Income of the City of Dover Personnel Policy (Employee Handbook), as recommended by staff, and that the changes to the Handbook not become effective until the ordinance amendments are adopted.

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

Proposed Ordinance #2016-14 Amending Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 5 - Supplementary Regulations for Parking and Loading Facilities, Subsection 5.3 - Supplementary Parking Regulations for Multiple Dwellings, Including Duplexes, Multiplexes, and Apartments

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2016-14, stating that it would clean up a section in the parking requirements where the language references "Supplementary parking

regulations for multiple dwellings including duplexes, multiplexes, and apartments." Staff had determined that specifying housing types was probably not consistent with practice, noting that this section of Code mentioned duplexes and went on to say that "No parking shall be located in any front yard or within three (3) feet of any property line or any lot line in side or rear yards." Mrs. Townshend explained that in neighborhoods with duplexes there are many cases where there are driveways in the front as well as side-by-side driveways to implement fewer curb cuts. She advised members that it had been identified that: 1) including duplexes in this provision did not make practical sense and was contrary to the way that duplex lots would normally be laid out, and 2) the language, "including duplexes, multiplexes, and apartments" creates possible challenges and inconsistencies throughout the Code. Mrs. Townshend stated that the proposed text amendment would end the introduction of Subsection 5.3 after "multiple dwellings", which is defined in the zoning ordinance. In this way, multiple dwellings would not be treated inconsistently throughout the zoning ordinance.

Responding to Mr. Hare, Mrs. Townshend stated that there was not a reference in the Code regarding how many vehicles could park at a single-family house. Mr. Hare indicated that he would like to see this addressed, noting that some single-family dwellings have up to nine (9) cars parked both in the driveway and on the street. Mrs. Townshend explained that language would have to be developed as a separate amendment for Chapter 106, since it relates to parking on public streets. She stated that there could be a provision to limit the number of vehicles that could be parked on the street and registered to an address.

Noting that this may not apply to the current ordinance, Mr. Hare requested that Mrs. Townshend bring such an ordinance forward.

The Committee recommended adoption of Ordinance #2016-14, as recommended by staff.

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

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

EVALUATION OF PROPOSALS - OVERHEAD LINE WORK (16-0032EL)

Mr. Scott Koenig, City Manager, advised that the Electric Department maintains blanket contracts with contractors to ensure that the bidding rules are adhered to for any contractors that might be hired to perform work for the Public Works and Electric Departments. These contracts are priced as "time and material" contracts and the proposal is for overhead line work services to include scheduled and unscheduled work on the electric distribution and transmission systems, rebuilding of pole lines required by City crews, and emergency situations as required.

Mr. Koenig noted that the original solicitation for bids resulted in only one (1) submission; therefore, Staff rejected that submission and recently re-released the request. He advised that six (6) vendors responded with complete submissions and all vendors were deemed capable and competent. Mr. Koenig stated that pricing was the determining factor in Staff's recommendation.

Staff recommended awarding a blanket Overhead Line Work contract to Rock Creek Line Construction, Greensboro, MD, for a three (3) year initial period based on the staff evaluation. The Electric Director, with the concurrence of the City Manager, can exercise options to extend the contract in one (1) year increments for a total contract period of five (5) years per the pricing included in the submittal.

Responding to Mr. Sudler, Mr. Koenig stated that the evaluation matrix, provided as Exhibit A, was used by Staff to evaluate the submissions. He noted that the matrix identifies the four (4) areas of scoring, including price, and Rock Creek Line Construction scored better than the other companies in most of the categories with a total score of 86.

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

OLD PW2 SITE IMPROVEMENTS ENGINEERING DESIGN FEES - CHANGE ORDERS

Mr. Scott Koenig, City Manager, stated that original design fee agreement for the Old PW2 component of the overall project was signed in September 2014 in the amount of $265,600. This fee included the FY-2015 budget authorization of $150,000. The $150,000 in the FY-2015 budget included $75,000 in grant funds from the State of Delaware (DNREC Planning Grant). FY-2015 work was limited to the $150,000 budget for FY-2015. The budget request for FY-2016 included another $330,000 in design fees under (Old PW2 Site Improvements). The additional $330,000 included $115,600 for the remaining design fees for the Old PW2 site as well as $214,500 for design fees associated with moving current staff and operations from the Old PW2 site to the back of Schutte Park. In order to fully abandon the Old PW2 site, the staff and storage operations currently using the Old PW2 site must be moved to an alternate location.

Mr. Koenig noted that, in early FY-2016, staff executed two (2) design fee change orders (Amendment #1 & Amendment #2). Amendment #1 addressed pre-demolition characterization of structures located at Old PW2 along the St. Jones River and stakeout of an open channel alignment from the area east of State Street to the St. Jones River. The stakeout allowed DNREC to conduct independent sampling and analysis of the soils for the proposed project alignment. Amendment #1 increased the total design contract value for Old PW2 from $265,600 to $276,272 ($10,672). In October 2015, staff was presented with another design fee change order related to the design of a bridge crossing of South State Street near the intersection of South Street ($36,200) as well as design fees associated with the protection of the Well #9 structure since it is located within the 100-year floodplain ($34,600). Amendment #2 increased the design fees from the previously amended $276,272 to $347,072 ($70,800).

Mr. Koenig advised that, in January 2016, staff executed the design fee agreement for moving operations to the rear of the Schutte Park property in the amount of $214,500. This design work is intended to be completed in the summer of 2016.

Mr. Koenig stated that, in January 2016, staff was also presented with three (3) additional design contract amendments to complete the design components of the Old PW2 site. Amendment #3 includes work associated with locating underground utilities or other anomalous subsurface features in the defined debris areas #1 & 2 as well as mapping of these features. Limited test pit excavations and sampling will also be conducted in the known debris areas. A Sampling Plan & Health and Safety Plan will be prepared and implemented for the project. These activities are intended to reduce construction costs and risks for construction related change orders. This amendment, once executed, will increase the amended design fee for this component of the project from $347,072 to $372,742 ($25,670). Amendment #4 includes additional design considerations for the Well #9 Flood Improvements to include mechanical, electrical and structural changes not covered by Amendment #2. This amendment, once executed, will increase the design contract from $372,742 to $382,742 ($10,000). Amendment #5, presented in February 2016, addresses the inclusion of environmental analytical data from soil samples collected by DNREC to prepare a memorandum documenting the human health risk assessment for the soil data. This information will be included in the bid documents for the construction phase of the project. This amendment, once executed, will increase the design contract from $382,742 to $389,042 ($6,300).

Mr. Koenig advised that these amendments will allow the Old PW2 project to complete design and progress toward construction. The current construction estimate to abandon Old PW2 and construct the stormwater improvements associated with the Tar Ditch Stormwater Interceptor Project is $7.6M. Construction improvements to the Schutte Park property for Public Works operations will have a separate construction estimate.

Staff recommended approval of the proposed amendments to the design scope by AECOM/URS in the amount of $42,000.

Responding to Mr. Hosfelt, Mr. Koenig stated that the total cost for the design work to get them to the construction documents is approximately $604,000.

Responding to Mr. Hare, Mr. Koenig stated that he did not believe that any final activity that would be authorized at Schutte Park would conflict with the potential replacement of warehouse facilities because large material storage will still be necessary. He advised that the salt barn is scheduled to move to Schutte Park and if the City were to build a combined warehousing facility that would address the City's needs into the future, there may be a small level of redundancy. Mr. Koenig advised that, as they go to construction for improvements to Schutte Park, they would start reviewing this as part of the potential warehouse replacement. He stated that he does not want to end up with dual facilities, or to build facilities that would take away from a potential combined site.

Mr. Hare asked if they needed to spend $7M or $8M for leaf and salt storage. Mr. Koenig reiterated that they are proposing to spend $7.6M for the storm water project and abandonment of Old PW2, and alterations to the back of Schutte Park have a separate construction estimate.

Mr. Neil moved for approval of Staff's recommendation for approval of the proposed amendments to the design scope by AECOM/URS in the amount of $42,000. The motion was seconded by Mr. Sudler and carried by a unanimous roll call vote (Cole absent).

REZONING REQUEST/FIRST READING OF PROPOSED ORDINANCE #2016-15 - PROPERTIES LOCATED IN THREE (3) AREAS (A, B, AND C) CONSISTING OF FOURTEEN (14) PARCELS TOTALING 291.07$^{+/-}$ ACRES, OWNED BY DOVER INTERNATIONAL SPEEDWAY, INC.

A request was received to rezone properties located in three (3) areas (A, B, and C) consisting of fourteen (14) parcels totaling 291.07$^{+/-}$ acres, owned by Dover International Speedway, Inc., as follows:

Area A: Twelve (12) parcels located east of Leipsic Road and west of State Route 1, totaling 195.13$^{+/-}$ acres. The current zoning is CPO (Commercial and Professional Office) and R-8 (One-Family Residence), partially subject to the SWPOZ (Source Water Protection Overlay Zone), and the proposed zoning is RC (Recreational and Commercial), partially subject to the SWPOZ (Source Water Protection Overlay Zone).
Tax Parcels: LC-05-058.17-02-01.00-000, LC-05-058.17-01-07.00-000, ED-05-058.17-01-11.00-000, LC-05-058.17-01-08.00-000, ED-05-058.17-01-18.00-000, LC-05-058.17-01-09.00-000, ED-05-058.17-01-19.00-000, ED-05-068.05-01-02.01-000, LC-05-058.00-02-08.00-000, ED-05-068.05-01-16.00-000, LC-05-068.00-01-01.00-000, and LC-05-068.10-01-01.00-000

Area B: Located east of State Route 1 and south of Pit Stop Lane, totaling 10.43$^{+/-}$ acres. The current zoning is MHP (Mobile Home Park) and the proposed zoning is RC (Recreational and Commercial).
Tax Parcel: LC-05-058.17-02-01.00-000

Area C: Located north of Persimmon Tree Lane adjacent to the City limits, totaling 85.51$^{+/-}$ acres. The current zoning is A (Agricultural) and the proposed zoning is RC (Recreational and Commercial).
Tax Parcel: LC-05-058.00-02-15.00-000

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that the request from Dover International Speedway for the rezoning of 291 acres from various zoning classifications to RC (Recreation and Commercial) is consistent with the process of annexing the balance of these properties owned by Dover International Speedway, Inc. and placing them under one (1) zoning classification.

Responding to Mr. Sudler, Mrs. Townshend advised that some of the property is zoned as Agriculture, which allows for sale of agricultural products, the keeping and growing of agricultural products, low density residential and some potential cluster residential development, and temporary activities. She advised that they are consolidating the properties under one (1) consistent classification in order to better manage the whole festival area.

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

By motion of Mr. Hare, seconded by Mr. Neil, Council unanimously referred the rezoning request to the Planning Commission on April 18, 2016 and set a public hearing for May 9, 2016 at 7:30 p.m.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2016-15 as read by the City Clerk, by title only, as follows:

- AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF 14 PARCELS OF PROPERTY LOCATED IN THREE (3) AREAS: EAST OF LEIPSIC ROAD AND WEST OF STATE ROUTE 1 (AREA A), EAST OF STATE ROUTE 1 AND SOUTH OF PIT STOP LANE (AREA B), AND NORTH OF PERSIMMON TREE LANE ADJACENT TO THE CITY LIMITS (AREA C).

FIRST READING - PROPOSED ORDINANCE #2016-14

Council President Slavin reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on April 18, 2016 and that a public hearing be set for May 9, 2016 at 7:30 p.m., at which time, final action by Council will take place.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that this is a clean-up amendment in the parking section of the zoning ordinance. She noted that Line #17 of the ordinance refers to "Supplementary parking for multiple dwellings, including duplexes, multi-plexes, and apartments"; however, the term multiple dwellings, as defined in the definitions section, does not include the term "duplexes," so the language creates confusion. Mrs. Townshend also noted that the requirements make it inconsistent with how they prefer duplex houses to be developed.

Responding to Mr. Sudler, Mrs. Townshend stated that Staff has been working with a developer who is building duplexes with off-street parking and shared driveway aprons, so the driveways will be adjacent to each other. She advised that the current Code states that no parking space shall be located in any front yard, or within three (3) feet of any lot line or side or rear yards, which means that duplexes could not have parking in front of the houses or adjacent driveways, because they would have to be set back.

By motion of Mr. Hare, seconded by Mr. Neil, Council unanimously referred Proposed Ordinance #2016-14 to the Planning Commission on April 18, 2016 and set a public hearing for May 9, 2016 at 7:30 p.m.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2016-14 as read by the City Clerk, by title only, as follows:

- APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES, SECTION 5 - SUPPLEMENTARY REGULATIONS FOR PARKING AND LOADING FACILITIES, SUBSECTION 5.3 - SUPPLEMENTARY PARKING REGULATIONS FOR MULTIPLE DWELLINGS, INCLUDING DUPLEXES, MULTIPLEXES, AND APARTMENTS

FINAL READING - PROPOSED ORDINANCE #2016-11

The First Reading of the Proposed Ordinance was accomplished during the Council meeting of March 14, 2016. Council President Slavin reminded members of the public that copies of the proposed ordinance were available at the entrance of the Council Chambers.

Proposed Ordinance #2016-11 Amending Chapter 102 - Taxation, Article VI - Exemptions; Board of Assessment Appeals, Section 102-182 - Authority to Exempt Real Property from Taxation

Mr. Sudler moved that the Final Reading of the Proposed Ordinance be acknowledged by title only, seconded by Mr. Hare and unanimously carried.

Mr. Anderson stated that he had concerns with the Ordinance because it would allow the waiving of delinquent taxes without City Council knowing how much is being waived or having any input or review. He also expressed concern that the developers who did pay their taxes while their projects were under construction will not get their money back, while the developers who did not pay their taxes will have them waived. Responding, Mr. Scott Koenig, City Manager, stated that many of these developers were organized under LLC's and they are now defunct. Without the amendment, the adjacent property owners in the subdivisions would be saddled with paying taxes on this property, or would simply not pay the taxes on this property. Mr. Koenig advised that this situation currently applies to approximately four (4) groups of properties within the City of Dover.

Mr. Koenig stated that, under normal development standards, the developer is required to pay the taxes in full until the point when they dedicate the open space to the homeowners' association (HOA), when the HOA can apply for the exemption. The purpose of this amendment to the Code is to ensure that if a developer goes bankrupt and there is nobody to collect the taxes from, the City is not trying to collect the taxes from the adjacent property owners. Mr. Koenig advised that, in the case of The Village of Westover, because the property has not been turned over to the HOA it cannot apply for a tax exemption, therefore the taxes keep accruing on the property and, because the LLC is defunct, the City has no ability to collect the property taxes.

Mr. Koenig suggested that Staff could provide City Council with a report of action that has been taken by the City Assessor with regarding to waiving delinquent taxes. Responding, Mr. Anderson asked why he would not just bring the issue to Council for approval. Mr. Koenig stated that Staff considered this amendment as a LEAN process improvement to allow Staff to waive the delinquent tax without presenting it to Council when he believes the decision will be the same as Staff's. He advised that they have no ability to collect these taxes and they are distorting the delinquent tax roll figures. Mr. Koenig stated that the amendment will streamline the process.

Responding to Mr. Sudler, Mr. Koenig stated that this is dedicated open space that can only be used for a community feature for the benefit of the homeowners.

Responding to Mr. Lewis, Mr. Koenig stated that this would apply to Phases 3, 4, and 5 of The Village of Westover, which began construction in 1993 or 1994; the storm water management area in Stoney Creek, which was built approximately 20 years ago; and some land associated with Heatherfield East. He advised that Staff now tries to have developers dedicate the streets in new subdivisions prior to reaching 80% completion, or right at 80%, in order to provide all levels of service to the community.

Council President Slavin stated that it was his belief that some of these homeowners' associations will be held hostage unless the ordinance is amended because they cannot do anything to improve the land until the tax issue is resolved and this would be one way, as Mr. Koenig had said, to streamline that process and get it done. Mr. Lewis stated that his homeowners' association is delinquent in taxes for the same reason.

Mr. Neil stated that the State of Delaware has an Ombudsman and Deputy Attorney General who handle the problems within common interest communities. He noted that he does not disagree with the amendment; however, he believes that Council should be informed when it occurs. Mr. Sudler concurred that Council should be informed, as well as have some say in the decision. He asked if all the other homeowners' associations had been contacted for their input.

Mrs. Cheryl Bundek, City Assessor, advised that the Code currently gives the Assessor the power to exempt the property once it is turned over to a homeowners' association and the amendment will allow the assessor to exempt the property when the development, or phases of the development, reach 80% completion. Mrs. Bundek advised that the Clean Hands ordinance, which was adopted after these developers became defunct, requires developers to pay their property taxes prior to obtaining final permits and dedication of the developments.

By motion of Mr. Neil, seconded by Mr. Hutchison, Council, by a roll call vote of seven (7) yes (Sudler, Neil, Lewis, Hosfelt, Hare, Hutchison, and Slavin), one (1) no (Anderson), and one (1) absent (Cole), adopted Ordinance #2016-11, as follows:

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

That Chapter 102 - Taxation, Article VI - Exemptions; Board of Assessment Appeals, Section 102-182 - Authority to Exempt Real Property from Taxation of the Dover Code be amended to read as follows:

Sec. 102-182 - Authority to exempt real property from taxation.

The city council shall have the power to exempt real property located within the city from municipal property taxes when, in the opinion of the board, the same will best promote the public welfare. The city assessor shall be empowered to grant tax exemptions to senior citizens where the requested income verification is completed and meets the requirements of section 102-183. Pursuant to Del. C. title 9, §§ 8105 and 8110, the city assessor shall be empowered to grant tax exemptions to property owned by governmental, religious, educational, charitable agency or civic associations owning parkland, upon receipt of an application filed by the organization establishing its entitlement to such exemptions. The city assessor shall be empowered to grant tax exemption to and waive delinquent taxes on real property which has been required by the City of Dover to be set aside for public parkland or open space once the subdivision/phase of subdivision has reached 80% completion and/or street dedication, whichever occurs first, in concurrence with the City Manager. Any outstanding penalty or interest incurred as a result of unpaid taxes on said property shall be forgiven.

ADOPTED: MARCH 28, 2016

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, announced that the City of Dover Planning and Economic Development Offices will be holding three (3) public information sessions to promote the Downtown Development District and discuss opportunities for downtown investment for businesses and homeowners. He advised that the Workshops will be held on Wednesday, April 6th, at 9:00 a.m., 4:00 p.m., and 6:00 p.m., at the Bayard Plaza Community Room, 200 West Loockerman Street.

Mr. Koenig announced that City Staff have been working on the delinquent utility lists and backlog of collections. He noted that Mr. Kirby Hudson, Assistant City Manager, has indicated that they are making slow, steady, progress on the delinquency issue. Mr. Koenig advised that one day the previous week there were 356 customers on one route that did not pay their utility bill in full within the 21-day window authorized in the handbook. He stated that, although they are making progress, they are having a lot of difficulty getting customers to pay within the 21-day payment window on certain routes. Mr. Koenig advised that they will continue to encourage the City's customers to get into the 21-day window so that their payments are paid in full on time.

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Slavin noted that the Fox Hall development had a power outage during the morning of Easter Sunday when a police chase vehicle hit a transformer. He extended his thanks to the police dispatcher, utility dispatcher, and Ms. Kay Sass, Public Affairs and Emergency Management Coordinator, all of whom he was in communication with early that morning to get the word out. Mr. Slavin stated that he thought they headed off a lot of the questions that the constituents had by using social media. He noted that crews were out working to restore power as quickly as they could so that Easter dinners were not unduly delayed. Council President Slavin requested Mr. Koenig and Chief Bernat to relay their thanks to those who responded.

Mr. Sudler announced that the Dover Police Department will be hosting a community outreach Spring Jam, Friday, April 1, 2016, from 5:00 p.m. to 7:00 p.m., on Loockerman Way Plaza. He noted that there will be 3-on-3 basketball, music, free food, a bounce house, face-painting, and a video game truck. Mr. Sudler invited everyone to attend and show their support.

Mr. Sudler announced that the 4th District will hold its Quarterly Community Meeting in April and more information will be provided.

Mr. Hosfelt announced that the Pedestrian/Bicycle Subcommittee of the Safety Advisory and Transportation Committee, along with the City's Parks and Recreation Department, will hold the First Annual Dover Duathlon on April 23, 2016. He stated that the event includes running, biking, and then running again. Mr. Hosfelt noted that pamphlets were available for anyone seeking more information on the event.

Mr. Hosfelt announced that Dover Downs and Dover International Speedway would be hosting a job fair on Saturday, April 2, 2016 from 9:00 a.m. to 1:00 p.m. in the Diamond Room on the 4th floor of the Dover Downs Hotel and Casino. He advised anyone interested in working at their major events this spring and summer to attend the job fair.

Mr. Anderson announced that the Council Committee of the Whole would be meeting at 6:00 p.m. the following evening and the Safety Advisory and Transportation Committee would be discussing possible solutions to shooting concerns. He encouraged people to attend the meeting.

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

Meeting adjourned at 8:54 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of March 28, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Presentation - 2015 Annual Report - Dover Police Department
Exhibit #2 - Presentation - 2015 Annual Report - Planning, Inspections, and Recreation

Dover police department annual report 2015

EXHIBIT #1
Regular Council Meeting of
03/28/2016



90 Years of Protecting and Serving the Capital of the First State

2015 OFFICER RETIREMENTS



Corporal Jeffrey Matthews & Spike



Lieutenant Daniel McKeown



Master Corporal Andrew Morris



Lieutenant Jason Pires



Lieutenant J. Eric Richardson



Captain Robert Scott



Sergeant Glenn Virdin

PROMOTIONS

Each year the Officers of the Dover Police Department take part in a highly competitive promotion process, the following Officers were promoted during 2015:

CAPTAIN

David Spicer

LIEUTENANT

Chad Bernat
Todd Case
Christopher Hermance
Kevin Kober

SERGEANT

Aaron Dickinson
Anthony Digirolomo
Matthew Knight
Paul Kuntzi
Jeffrey Melvin
Robert Roswell
Scott Sealund

MASTER CORPORAL

Bernardo Fioravaniti
Mark Hoffman
Jennifer Lynch
Jordan Miller
Brian Sherwood
Kevin Streadwick
James Stubbs
Carlton Turner
Michael Wisniewski

PATROLMAN FIRST CLASS

James Johnson
Aaron MacDonald
Jacob Rankin
Ryan Schmid
Colin Schmidt
James Wood

CADET PROGRAM

The Dover Police Department implemented a police Cadet Program in June 2015 consisting of nine Cadets who are assigned to the Special Enforcement Unit as part time employees. Funding for this program is provided through multiple grant sources.

Prior to being hired, each candidate was required to pass the same tests as a potential Dover Police Officer which includes, a physical fitness test, drug testing, an oral board and a background check. Each Cadet was provided with 80 hours of training consisting of laws, equipment usage, policies and procedures, geography, radio protocol and then an additional 38 hours of supervised on the job training. After they completed the training, they were released for duty and work in pairs.

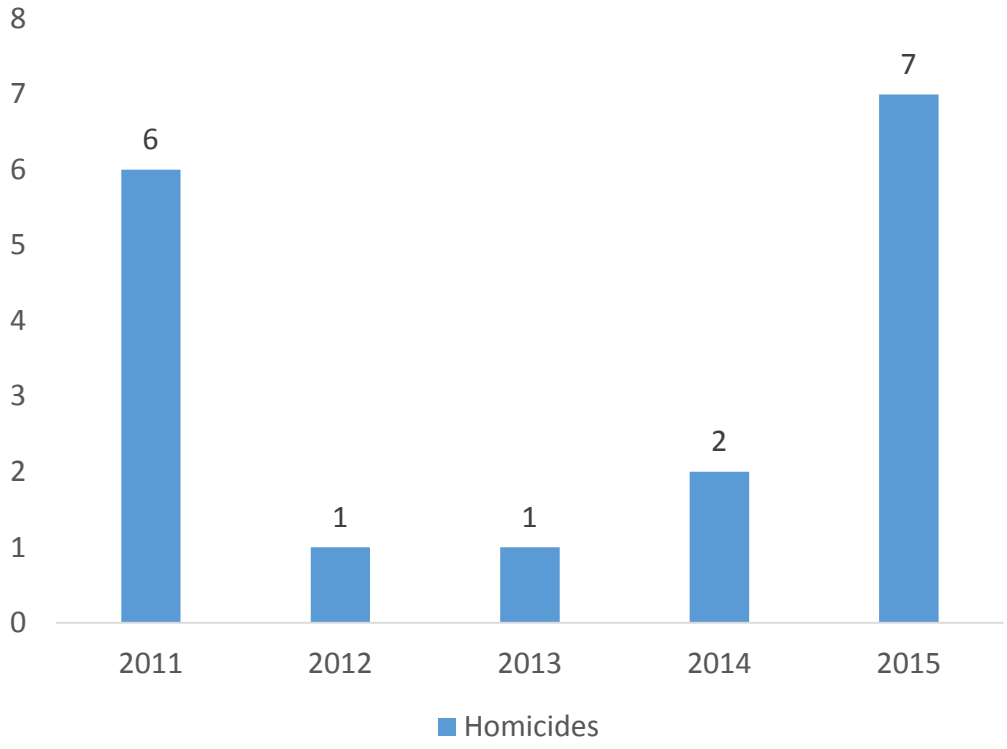
Cadets conduct high visibility patrols throughout the City of Dover handling 558 complaints and issuing 307 city ordinances violations from June thru December of 2015. The Cadets, who are not sworn Police Officers, conduct patrols on both foot and bicycle and enforce local city ordinances. They also assist with crowd control, traffic control and support services during major events in the City. Cadets are also tasked with providing security services in the Dover Public Library.

The Cadet Program has proved to be a valuable asset to the residents, patrons and business owners of the City of Dover and we have received positive feedback on the impact they are making in the downtown Dover area.



Cadets Bryce Jackson and Logan Spicer playing basketball during a local community outreach program.

City of Dover Police Department
Annual Report
Homicides
Five Year Comparison



CALEA Accreditation
The Gold Standard in Public Safety

Crime Analyst/Accreditation Manager

The Crime Analyst/ Accreditation Manager has dual responsibilities. One of the responsibilities is strategic crime analysis and assists with the planning and deployment of resources to best combat crime. It also provides research and analysis support to aid management in making a variety of key decisions.

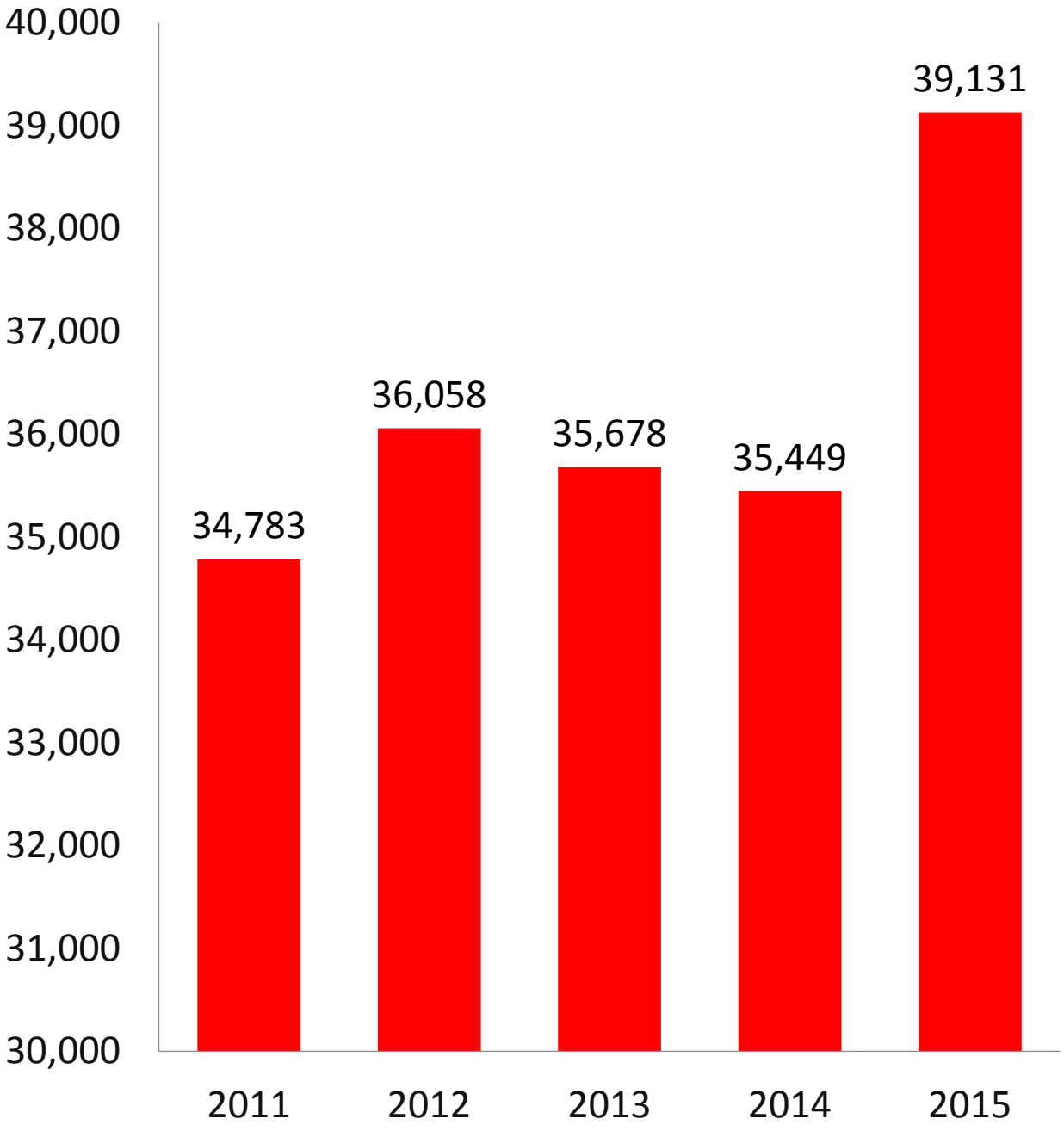
The responsibilities of the Accreditation Manager is to maintain and organize the department's many policies and procedures. The primary function is to maintain and comply with the 484 standards which are mandated by CALEA (Commission on Accreditation for Law Enforcement Agencies) and the 105 standards mandated by DPAC (Delaware Police Accreditation Commission). The Dover Police Department is one of only eight departments in the State of Delaware to have the prestigious honor of National Accreditation. The Dover Police Department recently completed their sixth assessment and in March 2015 were selected by the Commissioners of CALEA to receive re-accreditation, which is the **Gold Standard for Public Safety**.



Robert Scott, Crime Analyst/Accreditation Manager

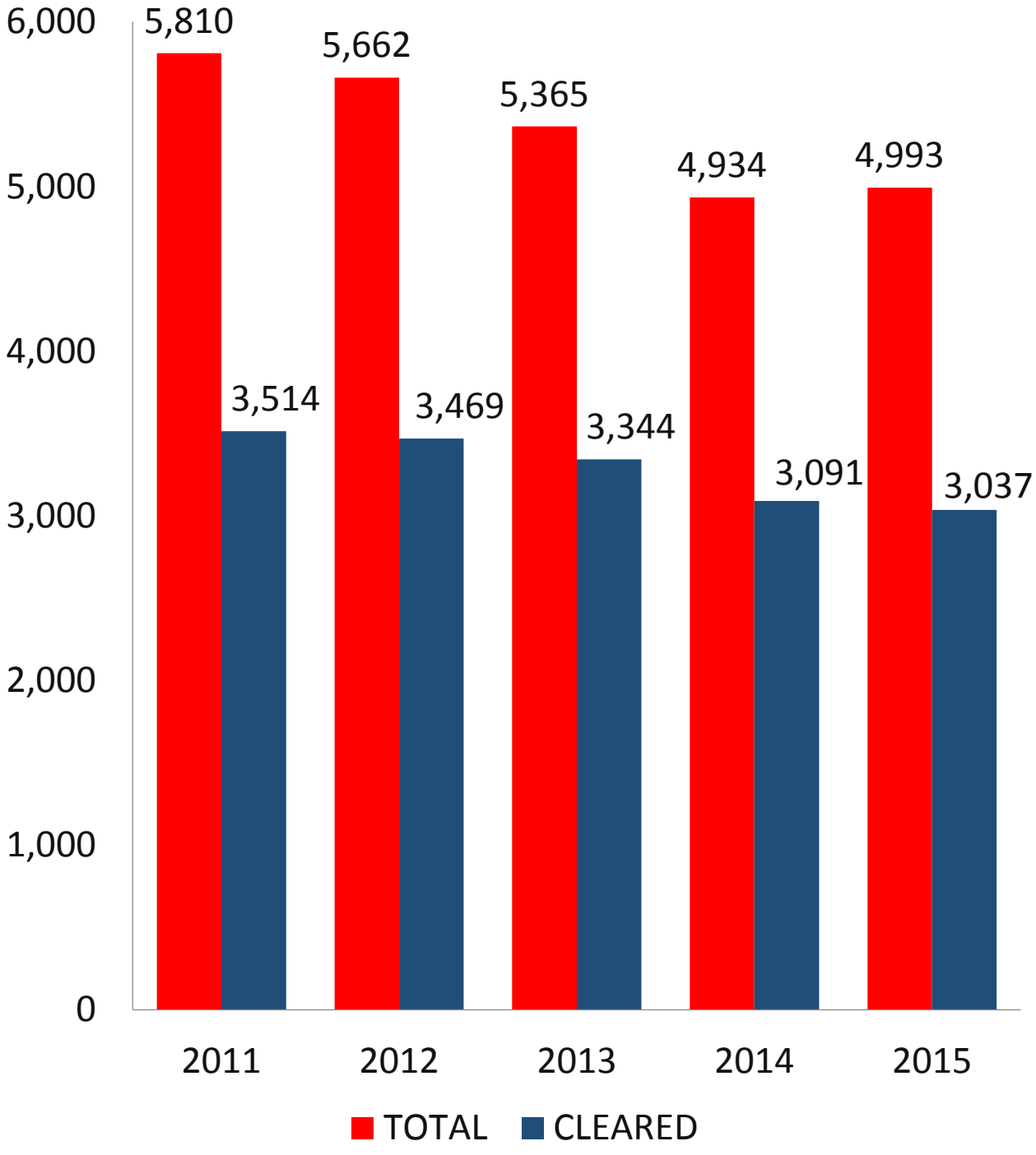
City of Dover Police Department
Annual Report

Complaints
Five Year Comparison



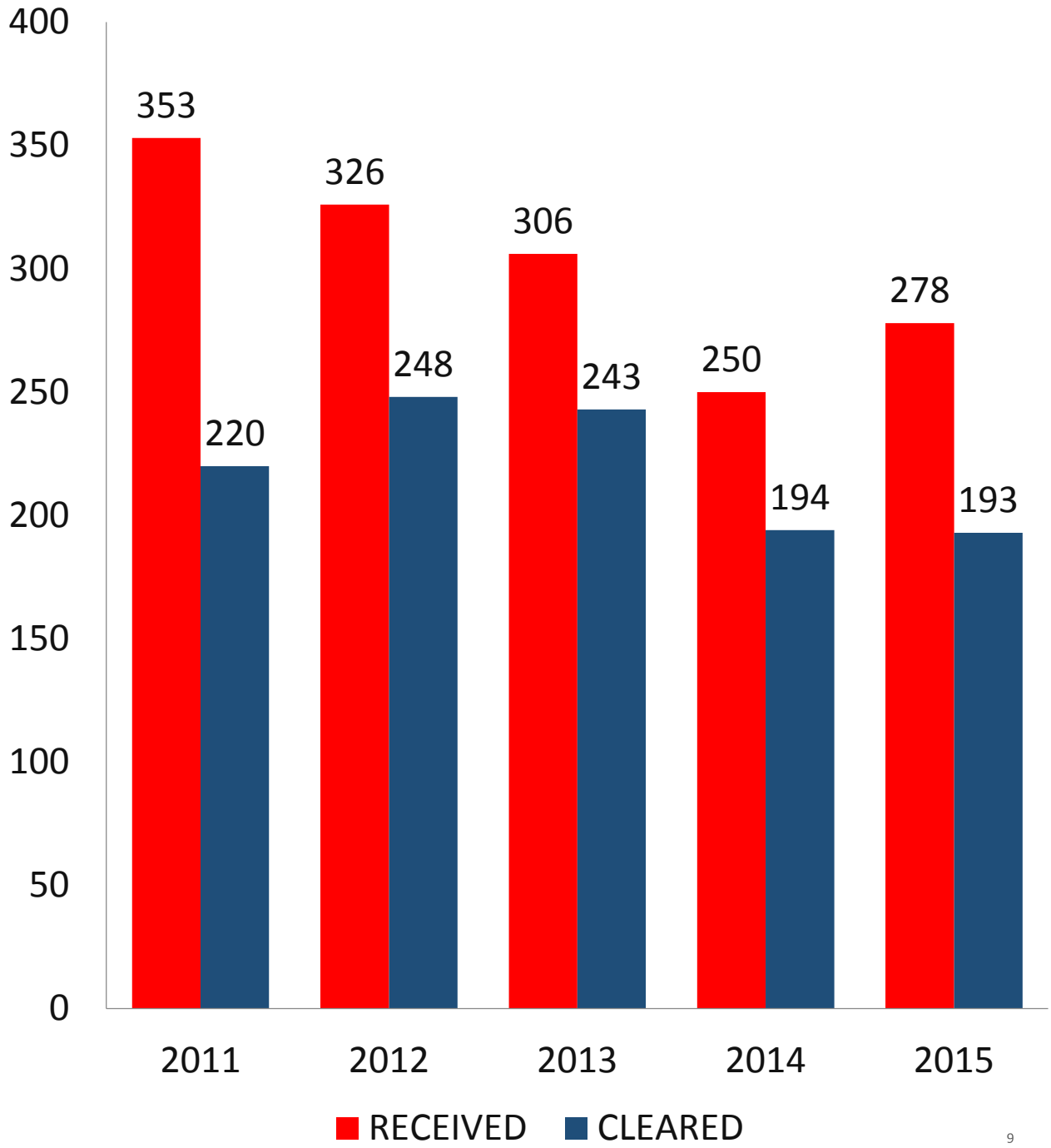
City of Dover Police Department
Annual Report

Total Group A Crime
Five Year Comparison



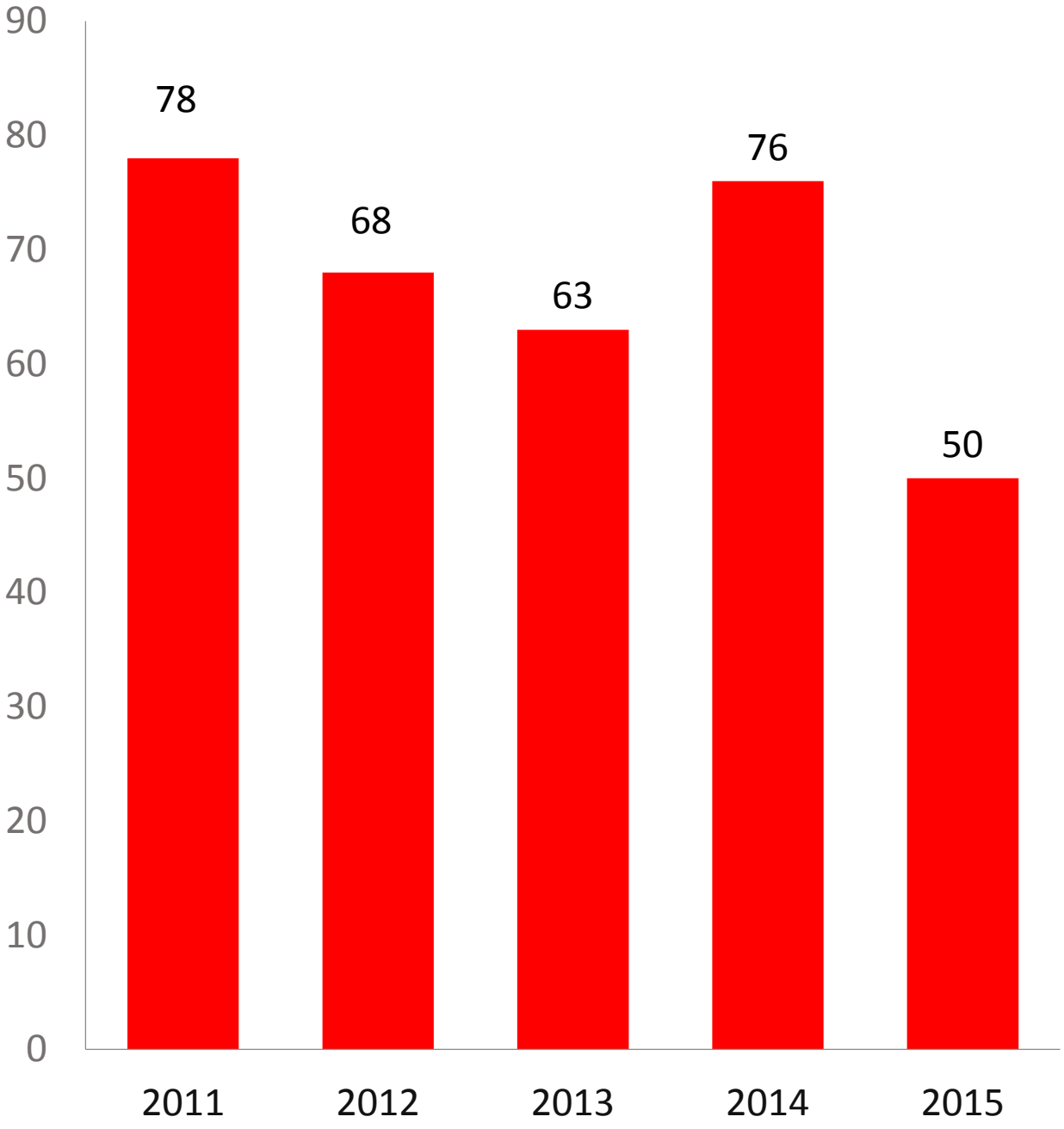
City of Dover Police Department
Annual Report

Violent Crime
(Murder, Forcible Rape, Robbery, Aggravated Assault)
Five Year Comparison



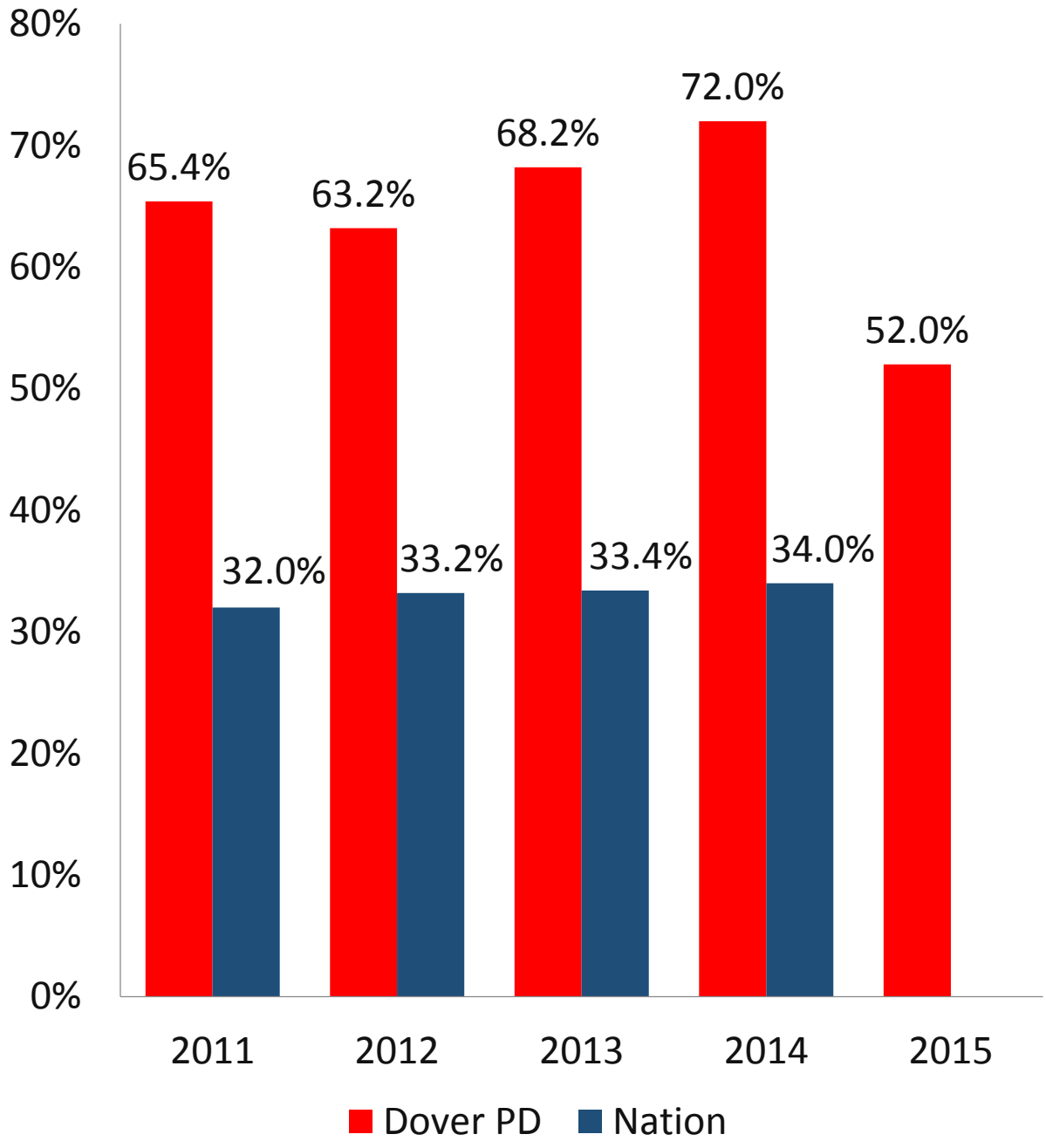
City of Dover Police Department
Annual Report

Robberies
Five Year Comparison



City of Dover Police Department
Annual Report

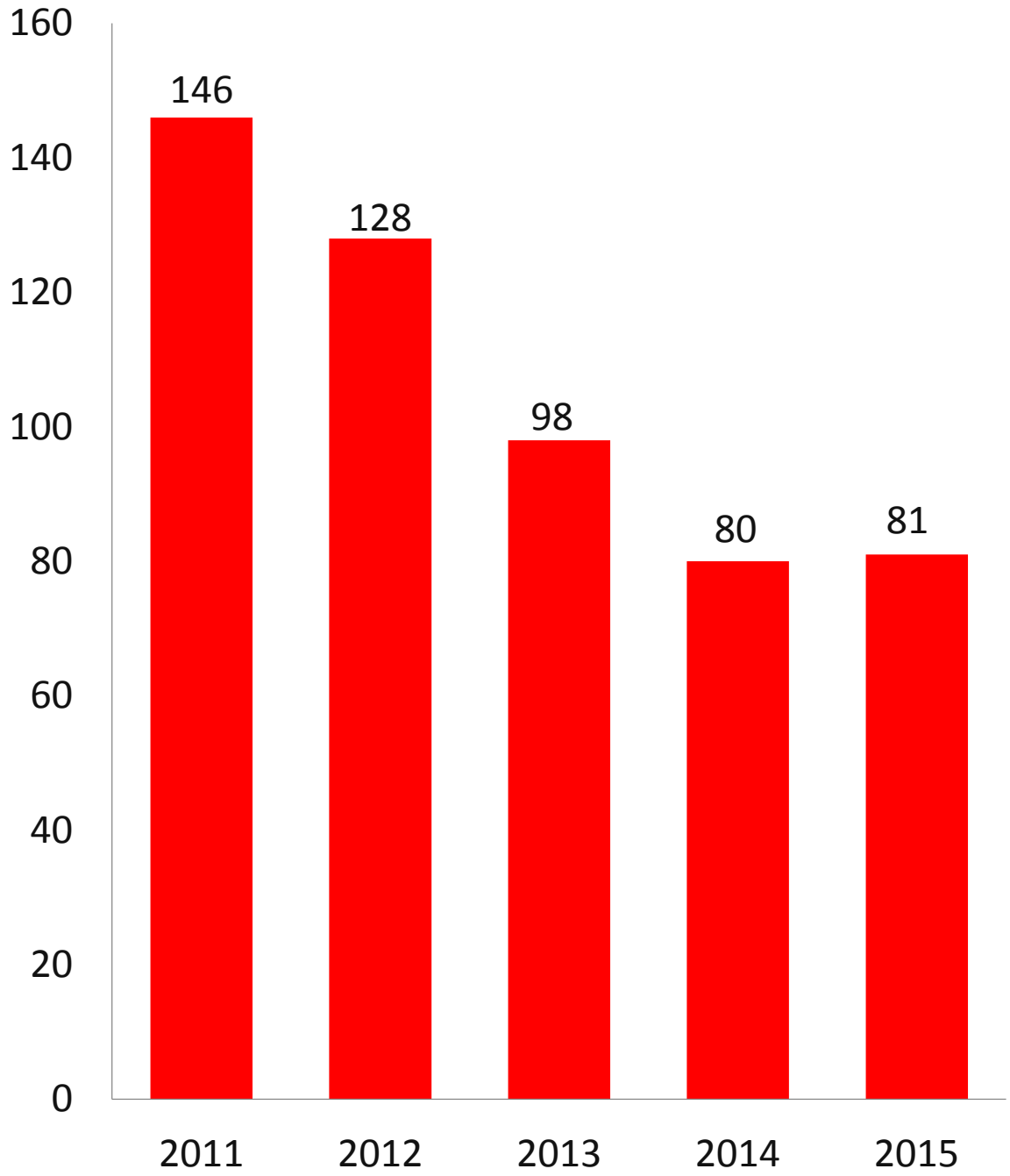
Robbery Clearance Rate
Dover Police Department vs. Nation



NATIONAL FIGURES NOT AVAILABLE FOR 2015

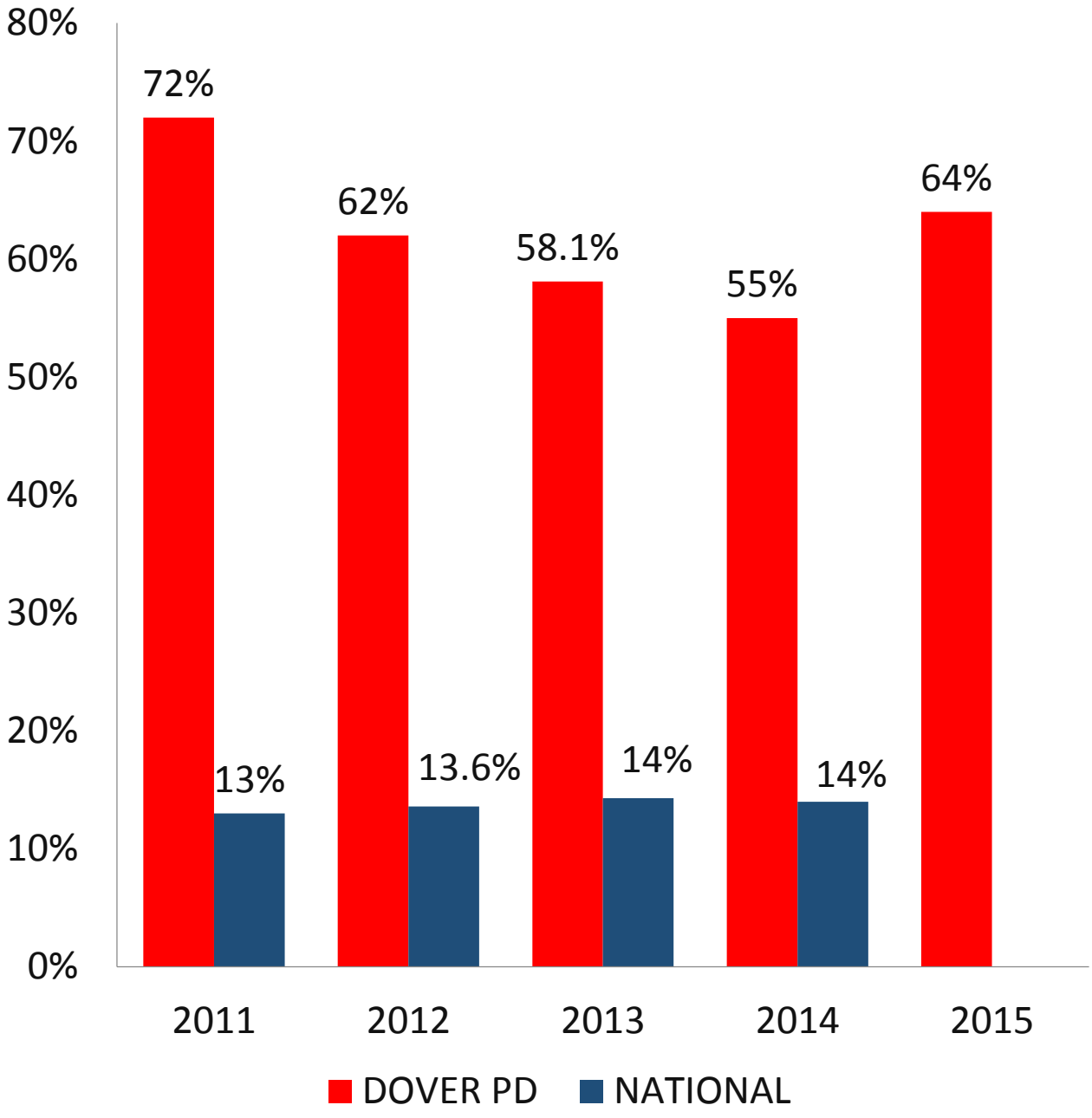
City of Dover Police Department
Annual Report

Burglaries
Five Year Comparison



City of Dover Police Department
Annual Report

Burglary Clearance Rate
Dover Police Department vs. Nation



NATIONAL FIGURES NOT AVAILABLE FOR 2015

Drugs, Vice, & Organized Crime Section (DVOC)

The Drug, Vice, & Organized Crime Section is comprised of five officers who work in an undercover or plain clothes capacity. All five officers working in concert are committed to eliminating the use and sale of illegal drugs, counterfeit merchandise, and prostitution from the City of Dover. The Gang Intelligence Officer is assigned to the Drug, Vice and Organized Crime Section and is responsible for intelligence gathering and criminal investigation of Gang Members and Violent Offenders. Because of their dedication and commitment, the DVOC Section handled a total of 1688 cases. As a result of these cases, the unit seized a large number of illegal drugs and money.

Seizures

	2014	2015	Percent Change
Marijuana (Grams)	5,750	11,704	104%
Cocaine (Grams)	777	2,204	184%
Heroin (Grams)	175	1,700	871%
Ecstasy (Doses)	0	533	N/A
Firearms	16	26	63%
Currency	$174,068.00	$98,893.00	-43%
Case Total	1,726	1,688	-2%

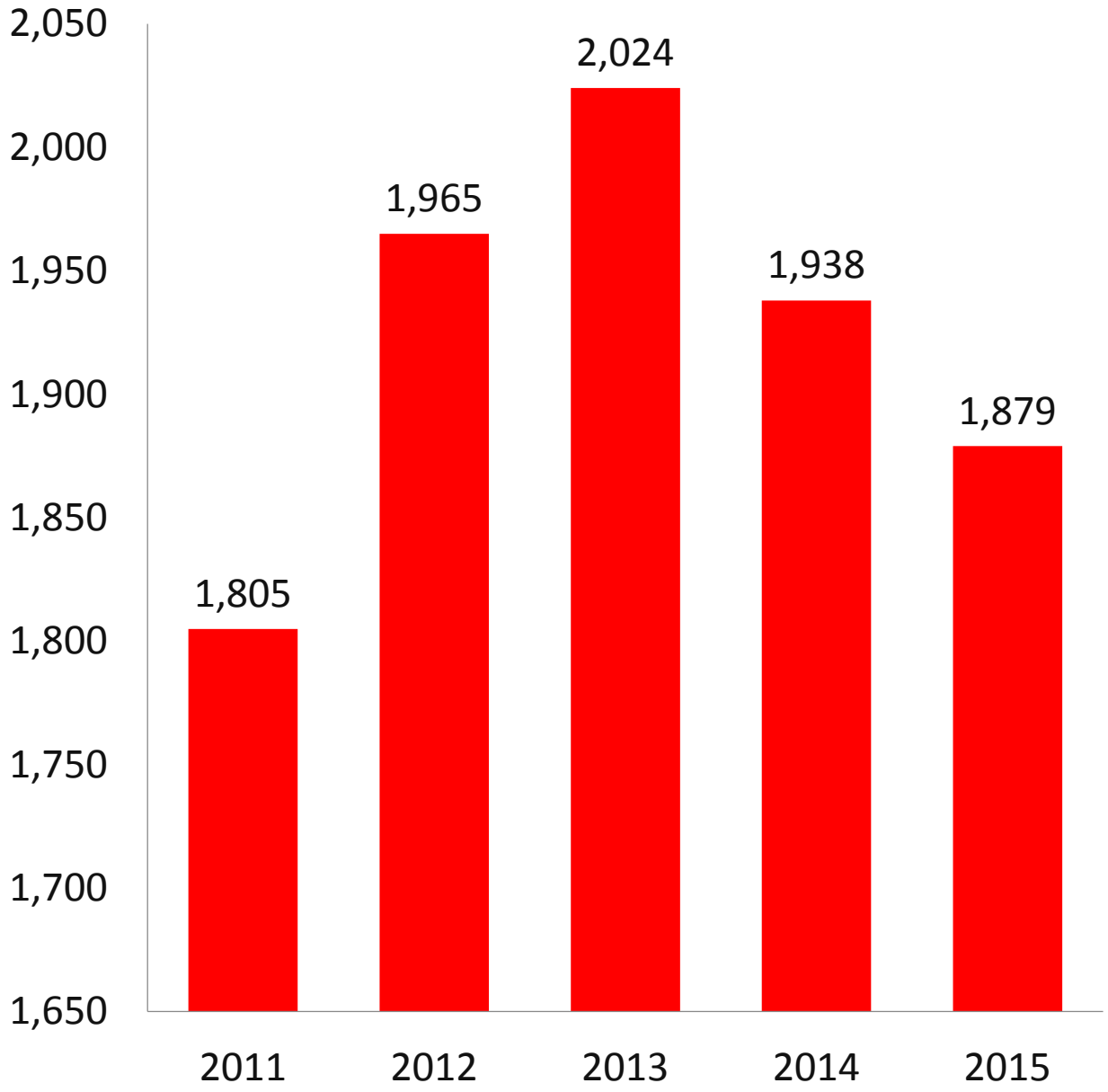
MEDICATION RETURN BOX

The secured box, located in the Dover Police Department lobby, is available 24 hours a day, 7 days a week for the safe and secure disposal of medications no longer needed. The box was given to the department by the National Association of Drug Diversion Investigators (NADDI) as part of a program to combat prescription drug abuse, sponsored by Endo Pharmaceuticals and Zogenix. The box allows for a safe and secure drop-off location where any citizen can anonymously drop unused medications for safe and proper disposal. The Dover Police Department is grateful for the approval by NADDI and looks forward to future success in reducing prescription drug abuse. During 2015, 1,472.6 lbs. of miscellaneous prescription pills were removed from the medication return box.



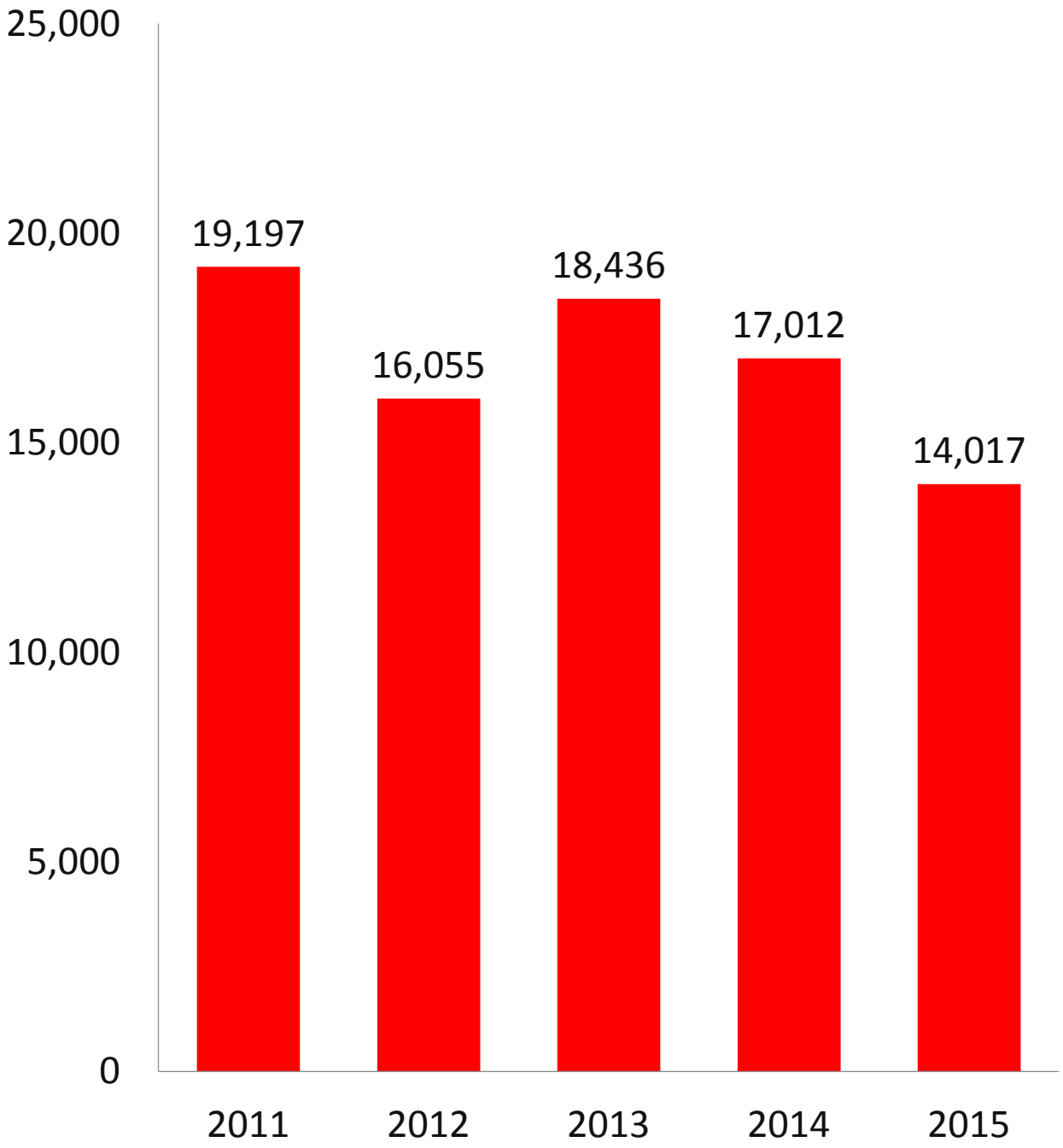
City of Dover Police Department
Annual Report

Crashes
Five Year Comparison



City of Dover Police Department
Annual Report

Traffic Arrests
Five Year Comparison



City of Dover Police Department
Annual Report
Extra Duty Billings

Vendor	2014 Billed		2015 Billed		Increase/Decrease	
	Hrs	$	Hrs	$	Hrs	$
GRAND TOTALS	9,769.0	555,905.18	11,994.5	712,325.47	22.8%	28.1%

Jan 14 - Jun 15

Local businesses billed at actual overtime + 16% overhead rate

All grants billed at actual overtime + 11.596% benefits rate

Jul-Dec 15

City prescribed flat rates charged according to the following schedule:

$63	Flat rate for local businesses
$59	Flat rate for large events with >5,000 spectators
$16.50	Additional flat rate charge for vehicle use
$50	Flat rate approved for DATE Grant and Highway Safety Events

Grants (CJC, SALLE, EIDE, VIOLENT CRIMES) billed at actual overtime + 12.596% benefits rate

Dover Police Department CY2015 Grant Funding Summary

State Attorney General's Office	Totals
Criminal Justice Council (CJC) Grants – pass-through funding from the USDOJ for special programs and priorities funded by their Byrne Memorial Justice Assistance Program allocation.	
• Grant funds were provided for specialized non-recurring training for units needing additional training due to recent turnover and summer youth programs that are a part of the Safe Neighborhood program.	$21,908.00
State Law Enforcement Assistance Fund (SLEAF) – funding from state drug cases reallocated for supplemental law enforcement equipment & programs	
• Funds were approved for a portion of the start-up costs for the new cadet program and additional training for units affected by the high turnover of personnel within the department.	35,959.57
• State funds received for Delaware Police Chiefs' Council (DPCC) payroll and the annual training seminar held in Rehoboth, DE.	25,000.00
State Department of Safety and Homeland Security	
Emergency Illegal Drug Enforcement (EIDE) Grant – state funds received for annual allocation for supplemental law drug enforcement programs.	$11,330.03
Office of Highway Safety Events – Federal pass through funds received from the Office of Highway Safety for extra duty overtime events that target specific program areas in the community.	46,150.00
State Aid to Local Law Enforcement (SALLE) Grants – state funds received for annual allocation for supplemental law drug enforcement programs.	19,266.88
• State funds received for DPCC annual training seminar held in Rehoboth, DE.	6,000.00
Violent Crimes Fund Grant – annual allocation of state funds for initiatives to decrease violent crimes in the community. Funds were used for extra duty patrols targeting violent crimes and police equipment.	64,050.39
US Department of Justice	
Edward G. Byrne Memorial, Justice Assistance Grant (JAG) – funds received during the year from this recurring federal grant for supplemental law enforcement initiatives.	$33,275.13
US Treasury	
Forfeiture funds received for cases processed through the Federal system - allocated for supplemental law enforcement equipment & programs. **This program will be ending during 2016.**	$79,856.55
Grand Total	**$342,796.55**

Officer and Civilian of the Year 2015
Dover's Finest

OFFICER OF THE YEAR



Patrolman First Class
James Johnson

CIVILIAN OF THE YEAR



Records Unit Clerk
Kelly Morgan



2015
DOVER POLICE
ANNUAL
REPORT

Special Thanks to
Lt. Hermance
for the pictures included in this report.

EXHIBIT #2
Regular Council Meeting of 03/28/2016

Planning, Inspections & Recreation

2015 Annual Report

What We Do

- Planning, Zoning, Plan Review
- Building Inspections
- Fire Inspections, Investigations, Plan Review
- Licensing and Permitting
- Parks and Recreation – Athletic Leagues, Fitness Classes, Recreation Programming

2015 Highlights

- Downtown Development District





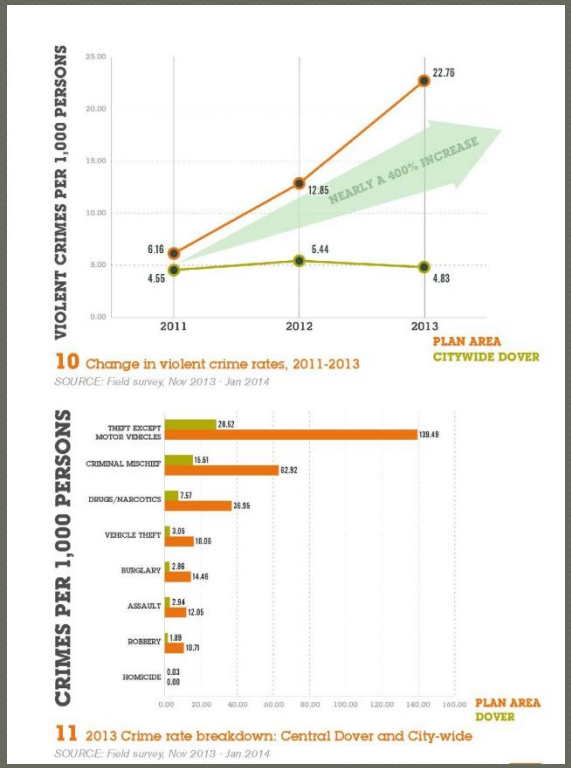


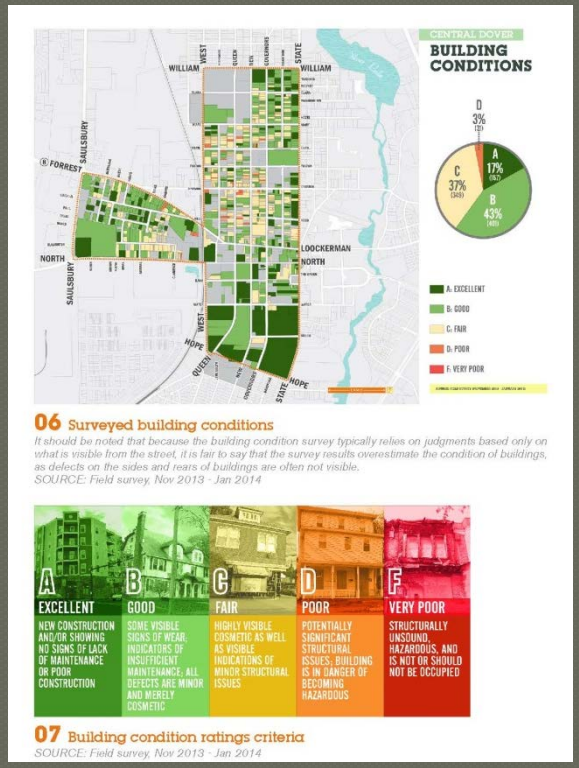
Downtown Development Districts
State of Delaware

2015 Highlights

- Restoring Central Dover







2015 Highlights

- Downtown Success Stories







More to come in 2016!

2015 Highlights

- Garrison Oak Technical Park
  - Uzin Utz Opening
  - Garrison Energy Center Opening
  - Park Infrastructure Completion









2015 Highlights

- Route 13 Redevelopment
  - Winner Ford and Winner VW
  - Farley Plaza and Uno Plaza
  - Dover Towne Center (former Walmart)







2015 Highlights

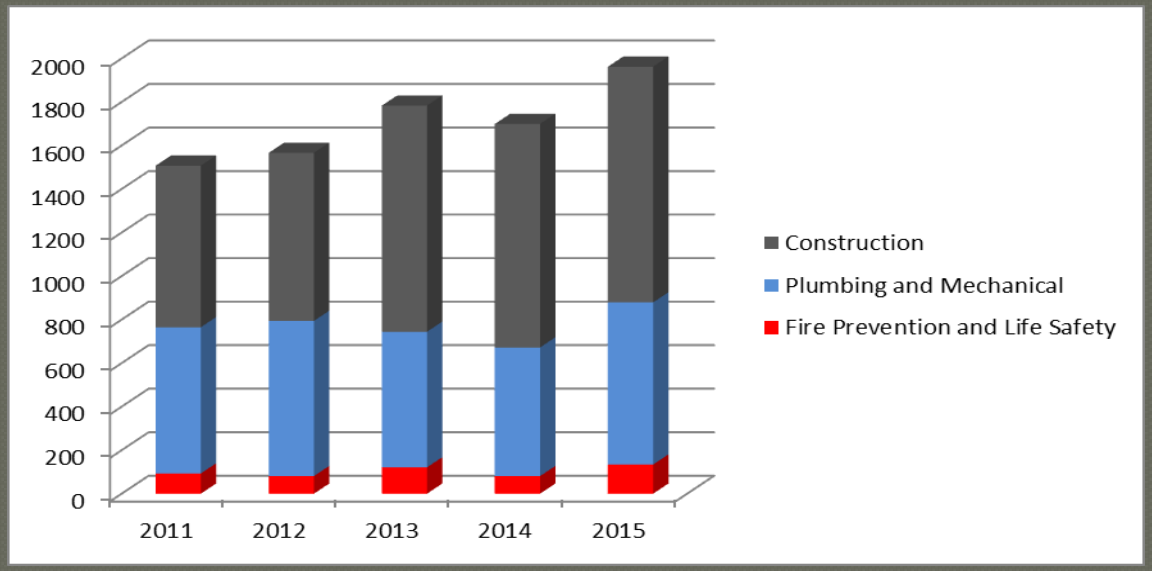
- Institutional Uses
  - Booker T. Washington Elementary School
  - Delaware State University Optics Building





Building Permits

Permits Issued, 2011-2015

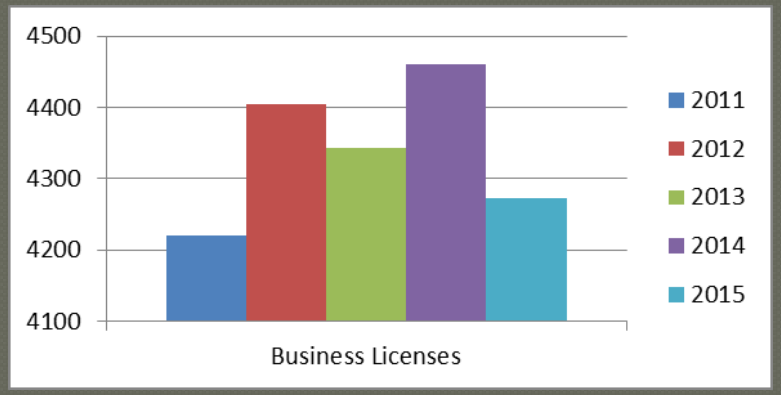


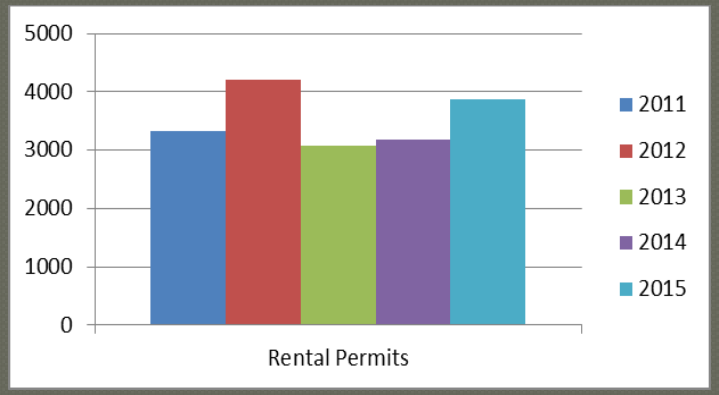
1,962 Building Permits Issued

New Home Construction:

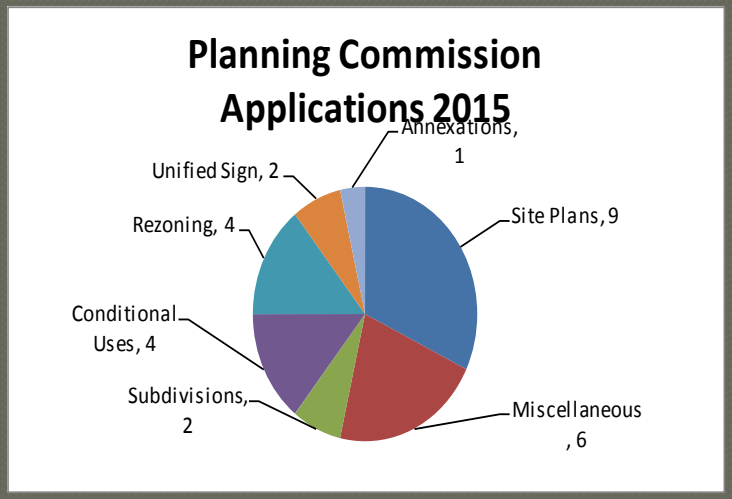
2011: 48
2012: 37
2013: 50
2014: 44
2015: 60

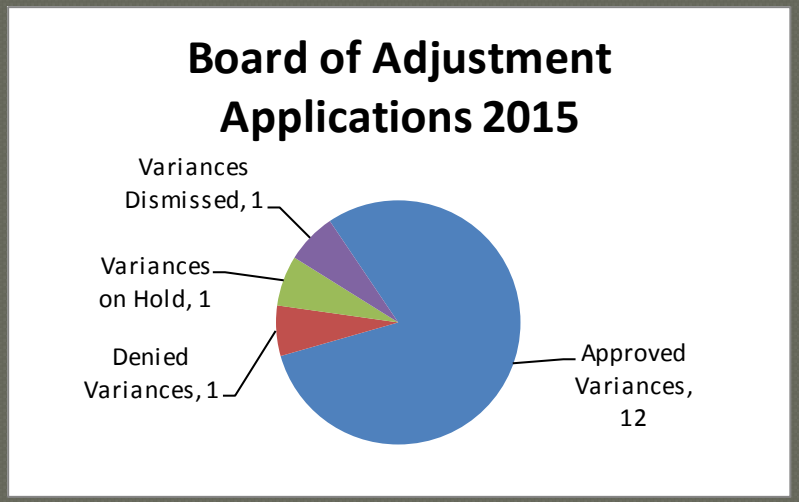
Rental Permits & Business Licenses

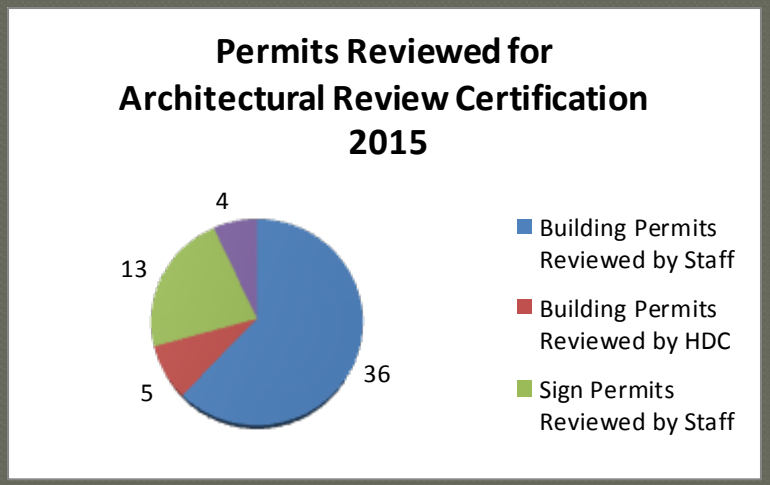




Planning Applications







Fire Marshal's Office

303 Fire Code Inspections
196 Certificate of Occupancy/Acceptance Tests
110 Administrative Walk Through Inspections
309 Life Safety Complaints
145 Fire Protection Permits
85 Fire Investigations

Fire Type	Number	Value of Loss
Accidental	59	$2,590,950
Incendiary	13	$48,301
Undetermined	13	$192,301
TOTAL	89	$2,831,552



Code Enforcement

Types of Inspections/Cases Entered	
Annual Rental Housing Inspections	303
Property Maintenance Exterior	582
Tall Grass and Weeds	642
No Valid Business License	84
No Valid Building Permit	58
Zoning	106
Dover City Ordinances	512
All Others	912
Total	**3,341**



- 6,724 Inspections Performed
- 72% of Cases Staff Initiated

Vacant & Dangerous Buildings

- 275 Buildings Registered Vacant
- $139,600 Vacant Building Registration Fees
- 48 Active Dangerous Buildings
  - 8 Demolished by City of Dover
  - 2 Demolished by Others
  - 6 Repaired by Owners



Recreation

- 43,588 patrons & visitors were recorded in the John W. Pitts Recreation Center
- 3,200 (approx.) participated in our softball, field hockey, lacrosse and volleyball leagues
- 3,000 attended summer Concerts on the Green series
- Total FY15 revenues
  - $85,140 Leagues
  - $23,300 General Recreation
  - $10,400 Field/Building Rentals
  - $ 7,260 Trips
  - $ 6,950 Sports
  - $ 24,000 Camps



Recreation

- Challenger Sports
- Indoor Field Hockey and Ladies Lacrosse
- New Soccer League
- Summer Camps
- Planning for Future Needs
  - Bicycle & Pedestrian Plans
  - Recreation Needs Assessment







Recreation



Left: 1st Annual Ride of Silence

Below: 3rd Annual Bike to Work Day





Recreation









