PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on August 11, 2014, at 3:30 p.m. with Chairman Dixon presiding. Members present were Mr. Hutchison, Mr. Anderson (arrived at 3:32 p.m.), Mr. Caldwell, and Mrs. Horsey (arrived at 3:32 p.m.).

AGENDA ADDITIONS/DELETIONS

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

Proposed Ordinance #2014-18 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option (PND), Subsection 24.62 - Buffers; Article 4 - Zoning Bulk and Parking Regulations, Subsections 4.10 and 4.11

Members were provided Proposed Ordinance #2014-18 which would amend Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option (PND), Subsection 24.62 - Buffers and Article 4 - Zoning Bulk and Parking Regulations, Subsections 4.10 and 4.11 for their review and recommendation.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Proposed Ordinance #2014-18 was drafted by Mr. John Paradee. She stated that the amendments would remove the required 40-foot buffer around the perimeter of developments utilizing the Planned Neighborhood Design Option (PND) and would reduce the front and rear yards for houses being constructed under the PND Option. Mrs. Townshend reminded members that the PND Option is a zoning overlay that allows for flexibility in housing styles. Projects utilizing this overlay are first reviewed by City Council to determine if it warrants further review by the Planning Commission. If forwarded to the Planning Commission, they are subject to Conditional Use approval by the Planning Commission.

Mrs. Townshend indicated that when the PND concept was adopted back in the 1990's, it was a newer concept and the 40-foot buffer was included to address the concern of having a mixed housing development adjacent to other properties. Since that time, she felt that the PND's have shown they fit in nicely with the communities and that the 40-foot buffer is no longer necessary.

Responding to Mr. Caldwell, Mrs. Townshend stated that the 40-foot buffer was to assure that there would be no buildings close to the development; however, the result has been that fences, sheds, and decks are not permitted within the area, which the rear yard setback requirements would address. In addition, she stated that for several of the PND's properties, there is a lot of open space around the perimeter. Mrs. Townshend explained that some of the open space is actually on an individuals property, which gives property owners fewer options for making improvements to their property.

Mr. John Paradee of the law firm Prickett, Jones, and Elliott, stated that he submitted a request for the consideration of an ordinance amendment after receiving several complaints from clients; however, he stated that he was not addressing members on behalf of any particular client or project. He stated that he had heard much discussion regarding artificial or seemingly unreasonable restrictions in the ordinance that really "handcuffs" the Planning Commission. Mr. Paradee

reminded members that for PND's, the Planning Commission has wide discretion to deal with setbacks and other site planning issues that can be customized for a particular project based on its geographic dimensions of the property. The issue is that, as written, the current ordinance has very restrictive set-backs and what has occurred is that the building envelope which is dictated by the ordinance is simply too restrictive to allow the kind of flexibility that the market demands in terms of products. He explained that there are several properties where developers are forced to make something work that is nearly impossible because the ordinance has these very inflexible setback restrictions. The proposed amendments would provide flexibility to the Planning Commission who ultimately has the authority to allow for some flexibility; however, they cannot go beyond the minimum standards required by ordinance. Mr. Paradee stated that the Planning Commission does not have the discretion to relax beyond those minimum standards if the circumstances warrant.

In response to Mr. Dixon, Mrs. Townshend stated that although a variance could be considered, she does not feel that a variance should be used to address a flaw in the Code except on a short-term basis. She stated that she had to recently deny a request to allow for the construction of a deck (for a hot tub) in a back yard since it would have encroached into the 40-foot buffer. Other than those properties located within a PND, she stated that property owners must remain 10 feet from the property line to construct such a deck, noting that the setback is significantly more restrictive for PND's. Mrs. Townshend noted that sometimes the front and rear setbacks limit creativity of design and cause people to design to standards rather than allowing such creativity within a community.

Staff recommended that Proposed Ordinance #2014-18 be forwarded to City Council and scheduled for First Reading on August 25, 2014, a Public Hearing before the Planning Commission on September 15, 2014, and that a Public Hearing and Final Reading be set before City Council on October 13, 2014, at 7:30 p.m.

Mr. Hutchison moved to recommend approval of staff's recommendation, seconded by Mr. Anderson and unanimously carried.

Investigating Americorps and Retired Senior Volunteer Program (RSVP) to Supplement Staffing *(Request of Councilman Anderson)*

Mr. Anderson requested that staff be directed to investigate potential volunteer labor opportunities that may be available to determine if it meets the City's mission and ability to save money. He stated that the Retired Senior Volunteer Program (RSVP) may help the City provide services, as well as other opportunities such as the use of Americorps for the City's summer programs. Realizing that there are always pros and cons to ideas, he felt that the City should investigate the possibility of expanding services while saving money and that this matter be further evaluated.

Responding to Mr. Caldwell, Mr. Anderson stated that his proposal would not be limited to the two (2) organizations mentioned and that, if agreed, it could be noted in the motion.

Mrs. Horsey relayed her support and noted that governments, as well as private organizations, are trying to recruit volunteers all the time and rely on them to conduct their business on a regular basis.

Mr. Hutchison stated that although he agrees with the concept, he felt it would be important for the City to establish guidelines, explaining that if the City were to open the door to supplementing staff by use of volunteers, there would be a need for clear and defined policies and guidelines and suggested the need for criminal background checks. Mr. Hutchison suggested that this matter be referred to the City Manager for a response.

Mr. Scott Koenig, City Manager, stated that if it is the Committee and Council's desire to pursue this concept, he requested that it be referred to the City Manager's Office for further review and that a report be submitted within 90 days regarding staff's findings, to include those City departments that could use volunteers, where they would be effective, how they would be recruited, etc.

Mr. Anderson moved to recommend that staff be authorized to investigate volunteers to supplement staffing for the City and that a report be submitted within 90 days (if study is not completed, staff would provide report on its status). The motion was seconded by Mrs. Horsey and unanimously carried.

For clarification, Mr. Anderson stated that his motion would allow for staff to first study the feasibility of utilizing volunteer services such as the AmeriCorps and the RSVP, with a report back to the committee in 90 days.

Semi-Annual Review - Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2013

Mr. William Neaton, Director of Economic Development, reviewed the semi-annual report of employment statistics on the City's top employers since July 2013 and includes December 2013 and July 2014.

Mr. Neaton noted that Bayhealth continues to maintain a steady increase of employees and that it is expected that this will continue, noting that they are currently in the process of expanding by adding a fourth floor to the building to serve as a shell space. He advised members that, currently, the third floor serves as a shell space and that it will be used for services, noting that it will house 36 new beds and is projected to be completed during the first part of 2015. Mr. Neaton reminded members that the design of the building allows for Bayhealth to expand to ten (10) stories. He noted that Bayhealth also plans to expand their facility in Milford by eliminating the existing hospital and building in its place a vertical hospital.

Responding to Mr. Anderson, Mr. Neaton stated that there has been an ongoing problem with flooding in the area of Bayhealth, which has affected their development. Last week, he spoke to Mr. Dave Small, Secretary of the Department of Natural Resources and Environmental Control (DNREC), regarding this issue and stated that they are moving forward with the study of the flooding issue.

Elaborating, Mayor Christiansen advised members that the City of Dover has received a substantial grant from the State of Delaware to begin a study to address the flooding issue, which will include the Bayhealth area.

Mr. Neaton reminded members that, several months ago, City Council approved an Economic Inclusion Study with Dr. Michael Casson of Delaware State University. He stated that he has met with Dr. Casson and that they are moving forward with the Study and it is hoped that this Study will be completed in the very near future.

Mr. Neaton advised members that Energizer recently announced that they are closing their plant in Montreal Canada and will move those product lines to Dover by 2017. It is anticipated that the first phase will be completed in late Spring 2015, which will include an addition to their building in Dover. Mr. Neaton noted that this move will provide approximately 250 jobs over the next several years. He assured members that Staff has been meeting with representatives of Energizer to help in their processes and that he felt they were pleased with the assistance provided by the City.

Mr. Neaton reminded members that Energizer had planned to export some of their jobs to another plant located in another City. He stated that he, along with representatives of the Delaware Economic Development Office, have met with the Vice-President of Energizer in an attempt to prevent this move to save the approximately 30 jobs that could be affected.

Referring to Kraft Foods, Mr. Neaton stated that during a recent meeting with the Plant Manager, there was discussion regarding an issue involving their electric field. He advised members that Mr. Harry Maloney III, the new Electric Director, has since become involved to determine how the City may be able to assist with this issue; however, he assured members that he continues to maintain close contact with Kraft Foods and attends the Plant Manager Meetings on a regular basis.

Mr. Neaton noted that during the past several months, he has taken Congressman Carney to some of the plants in Dover such as Proctor and Gamble, Hirsh Industries, etc.

Responding to Mr. Hutchison, Mr. Neaton stated that there has been much accomplished and that work continues at the Garrison Oak Park, noting that the Calpine project remains on schedule. Earlier today, Eastern Short Natural Gas began testing the gas line and using water pressure and that the transmission power lines are being installed from the Garrison Energy Center to the Cartanza Substation and that DP&L has been discussing the abandonment of their portion of lot 6, since the work is near completion. Staff received a time-line schedule this morning from Garrison Energy Center which included deadlines for the City to provide certain levels of infrastructure. He stated that the City Manager and other Department Heads have had on-going conference calls with Garrison Energy Systems to discuss those time-lines. Mr. Neaton indicated that Uzin Utz has broken ground and that they have laid the foundation for their tower and that this project is also on schedule. He assured members that the City continues to move forward with the infrastructure, both retention ponds have been completed, and construction of the road continues.

Mr. Neaton confirmed that June 2015 is the target date for Calpine to begin providing power into the grid. He felt confident that they will be done prior to the target date.

In response to Mr. Hutchison, Mr. Koenig stated that the City will meet the deadlines in order to meet the demands of these projects. He explained that since Calpine is on schedule, they have requested that the schedule be pushed up. Mr. Koenig stated that there is a certain date that can be

reached by the City in accordance with contracts, which are within the parameters that were originally agreed upon. He stated that there have been several discussions regarding the substantial completion dates and that Calpine continuously moves these dates up. Mr. Koenig advised members that June 1, 2015 is Commercial Operation, which is the date they legally have to provide power; however, if completion is prior to this date, they wish to bid power into the grid immediately. He assured members that the contracts are moving forward and felt assured that the City can meet their deadlines.

Responding to Mr. Anderson regarding the status of the old Walmart, Mr. Neaton stated that the site plan expired months ago and is no longer in effect. After speaking with the Realtor, he realized that they were not aware of the site plan expiring. It was his understanding that they can apply for an administrative renewal of the site plan. Mr. Neaton noted that there are a couple of leases for the interior of the building and there is still a site plan for a restaurant on a pad site. He stated that he has been in contact with Mr. Charlie Rodriguez, Realtor for the Onyx Group, and he and the project manager stay in contact on a monthly basis. Mr. Neaton assured members that they plan to move forward with the projects.

For information purposes, Mr. Neaton advised members that there have been inquiries regarding other retail spaces such as Dover Litho and Uno's Restaurant. He stated that there are two (2) tenants utilizing the Dover Litho building and that the Uno's Restaurant is currently being remodeled.

In response to Mr. Anderson regarding the former Metro building, Mr. Neaton stated that, based on information provided by R&R Commercial Realty approximately three (3) weeks ago, the property was recently sold or is currently under contract for purchase.

Referring to Delaware State University, Mr. Anderson questioned if there had been any news regarding jobs relative to the planned expansion and other activities. Responding, Mr. Neaton stated that the University has not shared any information relative to job growth and that he is not aware of any changes in this regard.

Mayor Christiansen advised members that Mr. Neaton is in the trenches and has been advocating for the City of Dover. He stated that the City has a program in place to protect jobs and it has been announced that the City is open to do business. Mayor Christiansen assured members that he, along with Mr. Neaton and other personnel, will continue to work feverishly to provide jobs to the unemployed and underemployed, bring businesses to fill the empty commercial spaces, and bring people to buy homes that have been vacant. He explained that these efforts will create a livable and affordable Dover.

Mr. Koenig advised members that DNREC has awarded the City a 50/50 matching grant up to $77,000 to begin the preliminary planning of the tar ditch interceptor upgrade, which is the stormwater system that runs from the West Side Car Wash area down to the central City area and floods, extensively at times, the intersection at Water Street and Governors Avenue, and ends up in the St. Jones River behind the residents on Elm Terrace and the former City Public Works yard. He stated that the grant request was for approximately $154,000 and that, during the Regular Council

Meeting being held later in the evening, members will be considering the Evaluation of Proposals for Engineering Services and Project Management for the Department of Public Works. Provided the proposal is approved, staff anticipates a project kickoff meeting to take place on September 11, 2014, which will include representatives of DNREC, City of Dover, Department of Transportation, and Bayhealth. Mr. Koenig assured members that there will be an announcement to notify everyone that the City is working on a resolution to the problem.

Mr. Hutchison questioned if there were any opportunities for the Loockerman Exchange building. Responding, Mr. Neaton stated that there is the potential of two (2) different restaurants locating on the first floor; however, there are no potential tenants for the second floor.

Community Development Block Grant (CDBG) Program Quarterly Update

Members were provided the Quarterly Update for the Community Development Block Grant (CDBG) Program, including the FY2014 CDBG Projects and status of the FY2014 CDBG Projects. Members were provided a list of those projects that were approved by HUD for FY2014 and advised that the Funding Approval Agreement has been executed by the Mayor for the release of funds and the draw downs are estimated to be available by HUD on or before September 1, 2014. *(City Clerk's Office Note: The column titled "2013 Grant Projects" on page two of the packet material for Item #4 "Community Development Block Grant (CDBG) Program Quarterly Update" titled "Status of FY-14 Program Funds Spent - Fiscal Year 7/1/14 - 6/30/15" should read "2014 Grant Projects".)*

Referring to the Restoring Central Dover Initiative, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that, in addition to the Positive Development Working Group, the Planning Staff has been requested to participate in the Transportation Working Group. She stated that the Architectural Intern who is working with the Planning Office this summer is developing ordinance amendments to address "in-fill guidelines" that would fit well into this initiative. She has shared this with the consultant, Interfaith Studios, and they seem to be supportive of this action.

Responding to Mr. Anderson, Mrs. Townshend stated that, in addition to the Planning Department, the Police Department is participating, noting that one of the working groups is specifically related to safety.

Recreation Needs Assessment Update

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Parks and Recreation Staff have taken the lead on developing the City's Recreation Needs Assessment and have met with the State of Delaware Division of Parks and Recreation to review and update the Outdoor Recreation Inventory, a statewide geographic database of all parks and open space area. She noted that updates have been provided to the State Division of Parks and Recreation and that they will assist with the maps for use in the public outreach, as they have developed mapping applications that are helpful in recreation needs evaluation.

In addition, Mrs. Townshend stated that a survey has been developed that includes general questions about recreation programming and City parks, as well as focused questions on the City's larger parks, including Dover Park, Williams Park, Silver Lake Park, Schutte Park, and Dover/New Street

Park. This survey has been posted on the City of Dover Recreation Facebook page; however, she stated that printed copies are being made available to people who do not have computer access. The survey will also be on the Department of Parks and Recreation Website and an e-mail blast will be sent through Constant Contact to encourage people to complete the survey. Mrs. Townshend advised members that Delaware Senior Olympics, the Dover YMCA, Delaware Special Olympics, and other partners have agreed to get the survey link circulated as well.

Mrs. Townshend stated that public meetings will be planned in late August and September to solicit public input; however, she stated that it will be necessary to coordinate with the State Division of Parks and Recreation on the mapping before the actual dates are selected.

In response to Mr. Anderson, Mrs. Townshend stated that the survey has already been made available on the City's Website and that printed copies are currently available through the Recreation Center; however, she offered to make them available through other means if it is desired. She assured him that printed copies would be provided to him for distribution throughout the community.

Responding to Mr. Hutchison, Mrs. Townshend indicated that, in addition to those previously mentioned, churches, schools, etc. are also being included to ensure a real inventory of what programs are needed throughout the community.

Status Report - Dover Park Recreation Center

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the first phase of the asbestos abatement is complete and that there is an additional phase that will be completed once the building foundation is removed, since it involves a pipe that is located underground. She stated that demolition activities should be resuming this week and should be completed next month and that, recently, the Little Creek Fire Company used the building for training purposes.

Mr. Hutchison moved for adjournment, seconded by Mrs. Horsey and unanimously carried.

Meeting adjourned at 4:22 p.m.

Wallace R. Dixon
Chairman

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