REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 14, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn (arrived at 7:48 p.m.), Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present.

OPEN FORUM

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

Mr. Austin Auen, 109 N. American Avenue, stated that he attended the previous Council meeting and listened to members debate an issue relating to the City's youth, in particular the Dover Recreation Center. During the debate, he questioned what the youth's thoughts were regarding the matter. He stated that he recently attended a Conference on National Affairs, where approximately 700 youth from across the nation were present and talked about various issues. Mr. Auen approached these youths and asked them their desires. He stated that members are elected to make difficult decisions and represent those who do not have voices. Mr. Auen noted the importance of the City's youth and hoped that members would take the desires of the youth into consideration when making decisions in the future.

Mr. Mark Hall, 135 Continental Drive, stated that he serves as the Deputy Chief for the Dover Fire Department and questioned the City Clerk why it had taken four (4) months to approve the newly elected fire line officers for the Dover Fire Department. Responding, Mrs. Traci McDowell, City Clerk, stated that there were allegations of impropriety during the conduct of the election nominations held in March and, as a result, meetings had been held with the Fire Chief, the City Solicitor, and the attorney for the Fire Department. She stated that the election nominations were held correctly on July 7, 2014 and both positions were unopposed.

Mr. Hall stated that his concern was that he joined the Dover Fire Department on December 1, 2001, served as a line officer for five (5) years, 2nd Assistant Chief for two (2) years, Captain for two (2) years, and since the middle of the current year had been serving as 2nd Assistant to the Deputy Fire Chief. It was his feeling that the City does not care about the volunteer Fire Department, explaining that if the City cared, they would support the Fire Department in the decisions that they make. He advised members that he had run 17 working incidents during the time he served as a line officer and knows how to run a fire and, although the Department believes in him, he questioned why the City does not believe in him or Mr. Glenn Whitt, who has also served as a line officer and has been in the Department for more than 30 years.

Responding, Mrs. McDowell stated that there were no issues regarding qualifications relating to this matter but rather a concern of having a fair election through the fire company and its members. She reiterated that meetings had been held with representatives of the Fire Department, including the Fire Chief; Mr. Michael Rushe, attorney for the Fire Department; and City Solicitor Rodriguez. Council President Bonar stated that additional meetings had been scheduled between the Fire

Department and legal counsel for both the Fire Department and the City of Dover and assured Mr. Hall that the matter would be resolved quickly. He expressed specific issue with Mr. Hall's comment regarding the City not supporting the Fire Department, explaining that the City wholeheartedly supports the Fire Department in every aspect, whether financial, personnel, or some other type of support. He stated that nothing could be further from the truth than Mr. Hall's statement that "it appears that City Council does not support the volunteer fire services."

The invocation was given by Reverend Theodore Henderson, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Council President Bonar requested that Item #12 - First Reading of Proposed Ordinance #2014-15 be moved to Item #4.

Mr. Hutchison moved for approval of the agenda as amended, seconded by Mr. Dixon and unanimously carried.

Mr. Slavin moved for approval of the consent agenda as presented, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JUNE 9, 2014

The Minutes of the Special Council Meeting of June 9, 2014 were approved by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams) and bore the written approval of Vice-Mayor Acting Bonar.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JUNE 23, 2014

The Minutes of the Regular Council Meeting of June 23, 2014 were approved by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams) and bore the written approval of Vice-Mayor Acting Bonar.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JUNE 25, 2014

The Minutes of the Special Council Meeting of June 25, 2014 were approved by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams) and bore the written approval of Mayor Christiansen.

PRESENTATION - RECOGNITION OF SERVICE - JOHN J. DAVIS - SAFETY ADVISORY AND TRANSPORTATION COMMITTEE AND ELECTION BOARD

Mayor Christiansen, along with Mr. Hutchison, Chairman of the Safety Advisory and Transportation Committee, presented Mr. John J. Davis with a Dover Cup in recognition of his service on the Safety Advisory and Transportation Committee from June 2008 through May 2014 and Election Board from August 2013 through July 2014.

Mr. Davis thanked the City for the recognition and stated that it was his honor to serve the City in these capacities.

PRESENTATION - RECOGNITION OF SERVICE - MICHAEL G. RUSHE - LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

Mayor Christiansen, along with Mr. Slavin, Chairman of the Legislative, Finance, and Administration Committee, presented Mr. Michael G. Rushe with a certificate in recognition of his service on the Legislative, Finance, and Administration Committee from May 2012 through June 2014.

Mr. Rushe thanked the City for the recognition.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2014-08 WITH STAFF AMENDMENT #1 (SA-#1) AMENDING APPENDIX B - ZONING

A public hearing was duly advertised for this time and place to consider approval of Proposed Ordinance #2014-08 with Staff Amendment #1 (SA-#1) amending Appendix B - Zoning, Article 3 - District Regulations, Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning commission; and Article 12 - Definitions.

Mr. Hare moved that the Final Reading of Proposed Ordinance #2014-08 with Staff Amendment #1 (SA-#1) be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of May 27, 2014.).*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinance was the result of over a year's worth of work between the City Planning Department and the business and real estate communities. The purpose of the proposed amendment was to simplify the zoning ordinance as it relates to the commercial and office zones, to add consistency in the language from one zone to another, and provide more flexibility in site design by relaxing some of the bulk standards. It would also increase the threshold for projects that would need to go before the Planning Commission, which would allow staff to complete some of the smaller projects administratively rather than through a public hearing by the Planning Commission.

Mrs. Townshend stated that Staff Amendment #1 (SA-#1) clarified some of the language and made some technical corrections to the ordinance. She stated that the Planning Commission recommended adoption of Proposed Ordinance #2014-08 with SA-#1.

Council President Bonar declared the hearing open.

Mr. John Paradee, representative of Prickett, Jones, and Elliott, commended City staff, particularly Mrs. Townshend, for their hard work on the development of the proposed amendments. He felt the proposed amendments would greatly improve the City's Zoning Ordinance and expressed appreciation for being provided the opportunity to have input regarding this matter. He encouraged City Council's adoption of Proposed Ordinance #2014-08 with SA-#1.

Mr. Shawn Tucker stated that he serves as a representative of SAE Holdings, whose principal is Mr. Michael Longwell, and that this organization owns property along Route 113, next to Bay Court Plaza. After reviewing the proposed ordinance, on behalf of Mr. Longwell, he relayed support for the proposed amendments, particularly since they will allow greater flexibility of use in the C-4 Zoning District, which he noted was important in the current economy since there have been limits on commercial expansion opportunities. He stated that adding the high density residential use as an option, to be reviewed as a conditional use, will provide the City greater flexibility without going through a formal rezoning process, which can be costly. Again, he relayed support for the proposed amendments and appreciation to the City staff for their work involved in this matter.

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

Mr. Hare moved for adoption of Staff Amendment #1, seconded by Mr. Hutchison and unanimously carried.

Mr. Anderson felt that the proposed amendments were important and would improve economic growth in the City. He suggested that staff's discussions with the real estate and business communities continue for the consideration of future amendments. He felt that there was a need to rethink the corridor zone concept, which has had negative implications involving buildings in commercial corridors, as well as other issues that should be further discussed.

By motion of Mr. Hare, seconded by Mr. Anderson, Council, by a unanimous roll call vote (Lynn and Williams absent), adopted Ordinance #2014-08 with Staff Amendment #1 (SA-#1), as follows:

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

That Appendix B – Zoning, Article 3 – District Regulations, Section 10 – Institutional and Office Zone (IO) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 10. Institutional and office zone (IO).

10.1 *Uses permitted*. In an institutional and office zone (IO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional, or governmental offices.
(b) Banks.
(c) Research, design, and development laboratories.
(d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
(e) Public utility rights-of-way and structures necessary to serve areas within the city.

(f) Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
(g) Emergency shelters and transitional housing.

10.2 *Conditional uses*. The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Firearm ranges, prisons, and correctional facilities.
(b) Public incinerators.
(c) Hotels and restaurants.

10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

(a) Clinics, cafeterias, and recreational facilities.
(b) Motor vehicle storage and repair facilities accessory to a public or institutional use.
(c) Restaurants that are on a campus and intended to support users of the campus.

10.4 *Uses prohibited*. The following uses are prohibited:

(a) Landfills, dumps.

10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants approved by the city planner.

10.6 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 11 – Neighborhood Commercial Zone (C-1) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 11. Neighborhood commercial zone (C-1).

11.1 *Uses permitted.* In a neighborhood commercial zone (C-1), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged,

intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(f) Apartments and multi-family dwellings.

11.2 *Uses prohibited*. The following uses are prohibited:

(a) Fuel pumps; motor vehicle storage, sales, or repairs.
(b) Drive-throughs.
(c) Liquor stores.
(d) Fire arm sales
(e) Tobacco shops.

11.3 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

11.4 *Floor area.* The total floor area in any one establishment shall not exceed 2,500 square feet.

11.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 12 – Limited Commercial Zone (C-1A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 12. Limited commercial zone (C-1A)

12.1 *Uses permitted*. In a limited commercial zone (C-1A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) Business, professional, and governmental offices.
(f) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(g) Apartments and multi-family dwellings.

12.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Drive-throughs accessory to a permitted use.

12.3 *Uses prohibited*. The following uses are prohibited:

(a) Fuel pumps and Motor vehicle storage, sales, or repairs.

12.4 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

12.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 13 – Central Commercial Zone (C-2) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 13. Central commercial zone (C-2).

13.1 *Uses permitted*. In a central commercial zone (C-2), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Restaurants.
(c) Hotels, including bed and breakfast inns.

(d) Art galleries and studios.
(e) Service establishments.
(f) Personal service establishments.
(g) Business, professional, and government offices.
(h) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman Street.

13.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Parking lots and parking structures as a principal use.
(b) Places of public assembly.
(c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:
  (1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;
  (2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;
  (3) Not more than four (4) employees are engaged in such production or processing.

13.3 *Uses prohibited.* The following uses are prohibited:

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

13.4 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

13.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 14 – Limited Central Commercial Zone (C-2A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 14. Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Personal service establishments.
(d) Restaurants.
(e) Service establishments.
(f) Hotels.
(g) Places of public assembly.
(h) Drive-throughs.
(i) One (1) family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(j) Apartments and multi-family dwellings.

14.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Parking lots and parking structures as a principal use on suitably landscaped lots.
(b) Fuel pumps accessory to a permitted use.

14.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

14.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 15 – Service Commercial Zone (C-3) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 15. Service commercial zone (C-3).

15.1 *Uses permitted*. In a service commercial zone (C-3), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Service establishments.
(b) Personal service establishments.
(c) Business, professional or governmental offices.
(d) Retail uses accessory to a permitted use.
(e) Drive-throughs accessory to a permitted use.
(f) Wholesale, storage, and warehousing establishments.
(g) Indoor recreation and amusement establishments.
(h) Motor vehicle, boat, or farm equipment sales or service, subject to the following regulations:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.

(i) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.

(j) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.
    (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when parked in specifically approved locations. Parking for

these vehicles shall not count toward the required parking set forth in subsection (e) below.

(3) No individual unit may be used for retail, garage sale or any other commercial activities.

(4) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office outside of the enclosure.

15.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Crematory, subject to the following requirements:

(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

15.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

15.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 16 – Highway Commercial Zone (C-4) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 16. Highway commercial zone (C-4).

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Restaurants.
(d) Personal service establishments.
(e) Service establishments.
(f) Hotels and motels.
(g) Places of public assembly.
(h) Bus terminal.
(i) Wholesale, storage, warehousing, and distribution establishments.
(j) Indoor or outdoor recreation and amusement establishments.
(k) Hospitals and medical centers.
(l) Drive-throughs.
(m) Motor vehicle, boat, or farm equipment sales or service:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
(n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
(o) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.

(2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
(3) No individual unit may be used for retail, garage sale, or any other commercial activities.
(4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office

(p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Apartments and multi-family dwellings.
(b) Crematory, subject to the following requirements:
(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.
(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.
(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.
(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

16.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

16.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 26 – Commercial/Professional Office Development District be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 26. Commercial and professional office zone (C-PO).

26.1 *Uses permitted.* In a commercial and professional office zone (C-PO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional or governmental offices.
(b) Banks.
(c) Medical laboratories.
(d) Drive-in facilities accessory to any permitted use.

26.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Conditional uses accessory to permitted uses on the same lot:
    (1) Cafeteria.
    (2) Restaurant.
    (3) Barbershop/beauty shop.
    (4) Copy center.
    (5) Office supply.
    (6) Retail store.
    (7) Newsstand.
    (8) Spa and health club.
    (9) Associated laboratories (other than those affiliated with permitted medical uses).
(b) Residential uses as follows:
    (1) Apartments and multifamily residences, provided at least two off-street parking spaces shall be provided in the area for each unit.
    (2) One (1) family residences subject to the requirements of the RG-1 (General Residence) zone.

26.3 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

26.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 4 – Zoning Bulk and Parking Regulations, Sections 4.14 and 4.15 be amended to read as follows:

Section 4.14. [C-1, C-1A, C-2, C-2A zones.]

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones are as follows:

	C-1	C-1A	C-2	C-2A
Minimum required:				
Lot area (sq. ft.)	2,500			
Lot width (ft.)		25		
Lot depth (ft.)			70	100
Front yard (ft.)	25	25	0	15
Side yard (ft.)	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided
Rear yard (ft.)	15	15	20 above ground floor. At ground floor, 5 ft. required	20 above ground floor. At ground floor, 5 ft. required.
Side or rear yards which adjoin a residential zone (ft.)	15	15	15	25
Off-street parking				
Per 300 sq. ft. floor area or				1
Per employee (whichever is greater)				1
Maximum permitted:				
Building height				
Stories	2	2	6	6
Feet	30	30	75	75
Floor area ratio	1.0	1.5	4.0	4.0

Section 4.15. [C-3, C-4, R-C, IO zones.]

Bulk and parking regulations for service commercial (C-3), highway commercial (C-4), recreation and commercial (RC), institutional and office (IO), and commercial and professional office (C-PO) zones are as follows:

	C-3	C-4	RC	IO	C-PO
Minimum required:					
Lot area			5 acres	10,000 sq. ft.	5,000 sq. ft.
Lot width (ft.)	100	150	250	100	50
Lot depth (ft.)	100	150	400	100	100
Front yard (ft.)	20	20	30	10	10
Side yard (ft.)	15	15	50	10	5
Rear yard (ft.)	10	10 or equal to bldg. height	50	15	15
Side or rear yards which adjoin a residence zone (ft.)	30	30	100	30	25
Off-street parking					
Per 300 sq. ft. floor area or	1	1	1	1	1
Per employee (whichever is greater)	1	1			
Maximum permitted:					
Building height					
Stories	6	6	10	10	3
Feet	75	75	130	150	45
Floor area ratio	4.0	4.0	4.0	6.0	2.0
Lot coverage				85%	75%

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 10 – Planning Commission, Section 2 - Site Development Plan Approval, be amended to read as follows:

Section 2. - Site development plan approval.

2.1 *Required.* Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 Planning commission site plan review. Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

(a) *New structures*. Site plans for new structures of 5,000 square feet or greater in floor area; or

(b) *Additions to existing structures*. Site plans for additions to existing structures that (1) constitute 15 percent or more of the existing floor area, and (2) new floor area is greater than 5,000 square feet; or

(c) *Impervious surface additions*. Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; or

(d) *Adjacent to residential*. Nonresidential site plans with site disturbance greater than 2,500 square feet and adjacent to residential uses or residential zones.

2.12 *Site development master plan.* Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 *Zoning review.* For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change of use for which no building addition or increase in impervious cover is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 *Administrative site plan.* All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by adding the following definitions in the appropriate alphabetical order:

Apartment: A dwelling unit, within a building with other uses and/or dwelling units, that is intended for use as a residence by an individual or a single family.

Dwelling, multi-family: (see "dwelling, multiple" **-** A building, or portion thereof, containing more than two dwelling units)

Emergency shelter: A facility providing temporary housing to homeless or transient persons in a dormitory style setting; such facility may also provide or facilitate other social services including counseling and vocational training.

Personal Service Establishment: Establishments primarily engaged in providing individual services generally related to personal needs, such as a hair salon.

Place of Public Assembly: Establishments where the principal use is for the gathering of persons for activities such as civic, social, or religious functions, including but not limited to night clubs, theaters, civic halls, and places of worship.

Retail: The selling of goods, wares, or merchandise directly to the consumer.

Restaurant: An establishment in which the principal use is preparation and sale of food and beverages.

Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Transitional housing: A residential facility developed in a one-family dwelling unit that is established to provide transition from homelessness to permanent housing, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through acquisition of stable income and permanent housing.

Vocational Training: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered vocational training.

ADOPTED: JULY 14, 2014

FIRST READING - PROPOSED ORDINANCE #2014-15 WITH STAFF AMENDMENT #1 (SA#1)

Council President Bonar 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. Final action by Council on the proposed ordinance will take place during the Council Meeting of July 28, 2014.

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

PROPOSED ORDINANCE #2014-15 WITH STAFF AMENDMENT #1 (SA#1) AMENDING CHAPTER 110 - UTILITIES, ARTICLE III - WATER SERVICE, DIVISION 3 - WATER IMPACT FEES, SECTION 110-207 - ESTABLISHMENT OF EQUIVALENT DWELLING UNITS AND ARTICLE IV - SANITARY SEWER SERVICE, DIVISION 3 - WASTEWATER COLLECTION IMPACT FEES, SECTION 110-282 - ESTABLISHMENT OF EQUIVALENT DWELLING UNITS *(Sponsors: Bonar/Hutchison/Koenig)*

DOVER HUMAN RELATIONS COMMISSION REPORT - MAY 13, 2014

The Dover Human Relations Commission met on May 13, 2014 with Chairman Wilson presiding.

Presentation - DHRC and City of Dover Police Department Interaction *(Police Chief Bernat)*

City of Dover Police Chief Paul Bernat advised members that the Dover Police Department was involved in many facets of the Dover community. He stated that the Department was active in 49 homeowner associations/neighborhood watch groups and could provide neighborhood crime statistics and crime prevention tips to these groups. He noted that the Department had become increasingly involved in social media by issuing news releases, participating in Facebook and Twitter, and maintaining its own website (www.doverpolice.org), and was in the process of implementing a new phone application that would push out news feeds and allow the Department to receive anonymous tips through text messaging. Chief Bernat explained that the Police Department offers personal and workplace safety talks, as well as bicycle safety programs for five (5) to 12-year-olds. Officers visit day care centers, preschools, and elementary schools, interacting with children through their "Meet a Police Officer" Program, and also attend block parties. They provide drug

awareness and education through the Gang Resistance Education and Training (GREAT) program for fifth graders at William Henry Middle School. He stated that the Police Department has a very successful Crime-Free Multi-Housing Program (CHMHP), which brings together property managers, residents, and police officers with the goal of promoting crime-free housing, and this program had resulted in a 90% decrease in calls for service in one (1) City neighborhood when first implemented. Chief Bernat explained that the Police Department's Sex Offender Management Unit was very active, managing more than 200 sex offenders within the City and conducting quarterly, semi-annual, and annual checks of offenders at various tier levels. In coordination with the Modern Maturity Center, the Department also participates in an "Are You Okay" program to check on homebound residents who do not respond to pre-programmed phone calls.

Chief Bernat explained that the functions he had described were predominantly performed by the Department's Community Policing Unit; however, as the recently appointed Chief of Police, it was his goal to expand this focus and to make the entire Dover Police Department a Community Police Department. He noted the importance of building rapport within the community through the development of trust and understanding, and by proving the Department's ability to help. He expressed his opinion that if the Police Department adopted the philosophy of community policing, which promotes community, government, and police partnerships; proactive problem solving; and community engagement to address crime and community issues, the City of Dover would be a better place. Chief Bernat stated that a good community policing officer is a good manager, relates well with the public, and is a good problem solver. He stated that every police officer should have these characteristics and that he intended for all Dover officers to be trained in this regard. Noting the diversity of the City's population, he stated that the Police Department could benefit from diversity training.

Chief Bernat informed members that he was promoted to the position of Chief of Police on April 4, 2014, and that during the month of April 2014, police detectives handled a total of 191 cases and cleared 185, resulting in a clearance rate of 96.9%. Seven (7) burglaries were investigated and four (4) were cleared, which represented a 57% clearance rate. Five (5) robberies were investigated and all were cleared. He emphasized that the City's police force was extremely busy and working hard to make Dover a safer place to live and visit. He noted that a police force of 93 officers was currently authorized and 92 were serving. He stated that a Police Academy was scheduled for September 2014 and it was hoped that the open position would be filled at that time.

Responding to Ms. Smith regarding the current perceptions of the community regarding the Dover Police Department, Chief Bernat advised members that within the past six (6) months there had been allegations of police brutality from the community. He indicated that while serving as Deputy Chief, all use of force reports came across his desk, and if he felt there were "issues," he would launch a formal investigation or seek video of the incident. Chief Bernat explained that checks and

balances are in place and when an officer uses force, a use of force report is required. The report is checked by a sergeant, reviewed by a lieutenant and captain, and finally approved by a major. In regard to the particular allegations of brutality that were brought forward, he indicated that video related to one (1) incident revealed that the allegation was not supported; however, in another case, something did occur and action was taken.

In response to Ms. Smith's inquiry with respect to the Chief's vision regarding how the gap between the police and the community could be bridged, Chief Bernat stated his intention to be accessible and hear from the citizens, noting that having community support would empower the Police Department and vice versa. He indicated that he had met with many community members who had expressed their support. Noting that Deputy Chief Marvin Mailey was currently attending a meeting in downtown Dover, Chief Bernat stated that it was his intention to meet with business people in that area. He planned to stress to police offers that they should introduce themselves to others when walking through communities and let people know how to contact them. It was his hope that officers would act in a manner similar to the Chief of Police during their 12-hour tours, becoming familiar with their assigned areas and using crime mapping and the Regional Analysis and Information Sharing (RAIDS) Online tool. He stated that having an analyst in the Department would be helpful; however, this was not in the Department's budget. He advised members that he would be devoting the next three (3) years to accomplishing his goals.

Mr. Roach stated that he had spoken with some individuals who felt that there was a disconnect between patrol officers and the community. He stressed the importance of not regarding those who reach out to shake a police officer's hand as criminals, noting that officers would need the community's support in order to protect and serve them. He stated his appreciation of the previous Drug Awareness and Resistance Education (DARE) program, which allowed officers to be known by children in the community. He inquired what Chief Bernat would do to change the negative connotations that many young children have of police officers.

Responding, Chief Bernat stated that he had recently spoken to members of the public who expressed appreciation for the former Police Athletic League (PAL) football program; however, federal funding for this program had "dried up." He indicated that he had recently received information that $72,000 in federal competitive grant opportunity funding was available through Project Safe Neighborhood (PSN). He spoke with Mrs. Ann Marie Townshend, Director of Planning and Community Development, regarding this grant and his lieutenant called Delaware State University to see if their facilities could be used in this regard. It was their hope that, by partnering together, activities such as flag football, basketball, etc., could be offered. Chief Bernat noted that other ideas had also been discussed, such as taking underprivileged kids to baseball/basketball games to build trust.

Noting that hate crimes are one (1) of the concerns that are sometimes addressed by human relations commissions, Mr. Ruane inquired if hate crimes presented a challenge in Dover. Responding, Chief Bernat stated that hate crimes were not on the forefront of problems in the community and that the only related issue that he recalled was a "nasty flyer" that had been distributed approximately two (2) years prior, and the Police Department was unable to find who had issued it. He was unable to recall a "true, horrible" hate crime.

Mr. Ruane requested that the members of the DHRC be provided the list of 49 homeowners associations that Chief Bernat had referenced previously and suggested that this list be compared with information maintained by the City Clerk's Office regarding homeowners associations. Responding, Chief Bernat stated that the Community Policing Unit prepares a quarterly report which includes a list of all associations, community concerns and what has been done to combat the problems, and he would be happy to share this information with members.

In response to Mr. Ruane regarding the effectiveness of neighborhood watch programs, Chief Bernat stated that these groups empower neighbors by explaining what to look for, helping to set up phone trees and email chains, and holding regular meetings. He mentioned that the Police Department's social media staff member was very active with these associations and helps them to establish their own blogs for communication.

Mr. Roach stated that several people had indicated to him that there was an alleged hanging/suicide at Silver Lake one (1) or two (2) years ago and the City had not communicated with them regarding the resolution or outcome of this matter. Responding, Chief Bernat stated that former Police Chief James Hosfelt was very involved with this matter and that he had met with community leaders regarding the incident, who were completely satisfied with the outcome.

Mr. Wilson expressed appreciation to Chief Bernat for the information provided.

Scheduling of DHRC Workshop

Mr. Ruane advised members that Mr. Wilson had requested him to facilitate a strategic planning workshop for commissioners to establish specific objectives and ways of implementing goals, determine time frames, and develop ways to measure results. The purpose of the workshop would be to ensure that all members are "on the same page" by developing a mission statement and a vision of where the commissioners see the DHRC going. Mr. Ruane indicated that he hoped to send a related outline for members to review.

The Commission recommended scheduling the workshop for Tuesday, July 8, 2014 from 5:00 p.m. to 7:00 p.m.

Discussion - City Council and DHRC District Orientation Meetings

Mr. Wilson encouraged members to meet with their corresponding City Council district representatives to share information and possibly alleviate problems. He requested members to obtain contact information for their respective City Council representatives from the City Clerk's Office, schedule meetings, and email him to let him know that such meetings had taken place.

Discussion - Member ID Cards

Mr. Wilson advised members that it was very important that they obtain and present their DHRC identification when working in the community. He suggested that members be provided a few business cards and asked the City Clerk's Office for assistance in this regard.

Update by Chairman Wilson - City Manager Department Head Meeting of April 29, 2014

Mr. Wilson stated that he attended the City Manager Department Head meeting on April 29, 2014, since he felt that it was important that the DHRC establish a relationship with City departments and get to know the people who run the City and what they do. He advised department heads that the DHRC was seeking their input to be included in their strategic plan and requested them to inform the DHRC how they could help to alleviate staff's concerns. Mr. Wilson stated that the Public Works Department had indicated that the DHRC could do a lot of work for them. Mr. Wilson reminded members that everything that the DHRC does should be positive.

Responding to Ms. Smith regarding input received from department heads, Mr. Wilson explained that the purpose of his attending the meeting was to introduce himself and the DHRC to staff and request their input. He indicated that he was now awaiting their responses.

Discussion of Future Quarterly Meeting Dates

Mr. Wilson reminded members that future meetings had been scheduled for July 22, 2014; October 28, 2014; and January 27, 2015. He expressed his hope that the DHRC Strategic Plan would be in place by July 22, 2014.

Commission Members' Announcements

Mr. Roach suggested that it would be helpful to obtain information regarding some of the complaints previously received by the DHRC, noting that this would be helpful in developing goals for the future. Responding, Mr. Wilson stated that previous meeting minutes would reveal these actions and were available on the City's website.

Mr. Ruane stated his recollection that the DHRC had previously completed a survey with the assistance of a former member associated with Delaware State University. Responding, Mrs. McDowell stated that she was not aware of such a survey but that the City Clerk's Office could research this further. *(City Clerk's Office Note:*

DHRC meeting minutes reveal that the DHRC conducted a survey between 2003 and 2004, the results of which were briefly discussed during the DHRC meeting of September 22, 2004; however, official results of the survey were not provided to the City Clerk's Office.)

In response to Mr. Ruane regarding the relationship between the State Human Relations Commission (SHRC) and the DHRC, and whether the SHRC would provide members with information on matters in Dover that the State might be involved in, Mr. Wilson stated he had attended a SHRC meeting during the previous week, was in communication with the Chair and Director of the SHRC, and had another meeting scheduled to meet with them. They were pleased and excited about the newly organized DHRC and would be working with the Dover Commission. Mr. Wilson stated that he hoped that there would be a good connection between the SHRC and the DHRC and that they would consult regarding the development of a complaint form. He indicated that he would like to see the SHRC participate in the upcoming workshop in case there were questions at the State level. It was his understanding that the DHRC was the only municipal human relations commission in the State of Delaware.

By consent agenda, Mr. Slavin moved for acceptance of the Dover Human Relations Commission Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - JUNE 23, 2014

The Safety Advisory and Transportation Committee met on June 23, 2014 with Chairman Hutchison presiding.

Concerns Related to Permit Parking in Front of Wesley Pre-School and Education Building

During the Committee meeting of May 12, 2014, members considered concerns of the tenants of the Wesley Church Education Building and the Wesley Pre-School regarding the allocation of permit parking in the "A-Street Lot", which was previously free two (2) hour parking. After much discussion, the Committee remanded the matter back to staff to meet with Wesley Church to consider the needs and assessments that need to be factored in regarding the Church, its school, and its mission and that staff be authorized to proceed with intermediate permit spot adjustments.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a map of the Public Parking Plan - A-Street Lot, explaining that the lot consists of 20 parking spaces: 13 designated for permit parking, six (6) for two (2) hour free parking, and one (1) for handicapped parking; and four (4) additional two (2) hour free parallel spots on the Loockerman Street side of the median. She reminded members that the original plan was to designate 13 parallel parking spaces on Loockerman Street between State and Federal Streets as permit parking, noting

that there were on-street parking spaces further west on Loockerman Street adjacent to the building owned by Barros, McNamara, Malkiewicz, and Taylor, P.A. and that five (5) to eight (8) of the permit spaces could be shifted to that area. However, she stated that Barros, McNamara, Malkiewicz, and Taylor were not in favor of such a plan, explaining that their parking permit area had changed several times during the past few years. Originally, it was located in the parking lot where the new Dover Public Library is now situated, then moved to the North Street Parking Lot, then to Bradford Street, and then to their current location in front of the Wesley Education Building. It was her sense that the law firm was also concerned that no one had included them in the discussions of parking changes.

Mrs. Townshend stated that she had met with Mr. Dave Casto, Chair of Trustees, Wesley United Methodist Church (UMC), and discussed the possibility of adding three (3) more permit parking spaces to be located on Loockerman Street, on the southeast corner of State and Loockerman Streets, and to allow Wesley UMC to have three (3) additional permits, which would result in a total of 16 permit parking spaces, all to be considered A-Street Lot permits. She stated that she had attempted to contact Mr. Malkiewicz's office regarding this possibility but was unsuccessful; however, she assured members that she would be meeting with them later in the week.

Mrs. Townshend explained that the allocation of these parking areas would be "a temporary fix" through the end of the calendar year and recommended that the City request that the Downtown Dover Partnership (DDP) find additional parking spaces to add to the inventory by expanding or leasing parking lots. She stated that the City could then absorb the permit parking spaces back into the main inventory and allow the A-Street Lot to become public, on-street parking, as it had been in the past.

Responding to Mr. Hutchison, Mrs. Townshend stated that Barros, McNamara, Malkiewicez, and Taylor, P.A. had 13 parking permits and, after talking with Mr. Casto, she felt that the three (3) parking permits would be sufficient for the Church.

Mr. Mike Malkiewicz, Barros, McNamara, Malkiewicz, and Taylor, P.A., 2 W. Loockerman Street, indicated that his paralegal had always handled parking permits for the law firm and he was aware that the City had contacted the firm last week; however, he had not discussed that conversation with his paralegal. He stated that several changes had been made to their permit parking over the last few years and it was their understanding that the last designation was to be permanent, which was relayed to the employees of the firm. Mr. Malkiewicz advised members that there were safety issues involved, explaining that several employees work late in the evening, after dark, and that the street lights were not in operation for a period of time. He requested that the City make no changes to the current parking permits provided for his law firm, noting that the current location was convenient and provided safety, and asked that Wesley Church's needs also be accommodated.

Mr. Malkiewicz noted that he had observed that there were several available parking spots on the southeast corner of State and Loockerman Streets that are vacant during the day.

Mr. Casto reminded members that several programs operate out of Wesley Church's Education Building, including the Capital School District's Student Transition to Adult Readiness (STAR) program, The Arc of Delaware program, a clothing closet, Wesley Preschool, etc. He stated that three (3) permit parking spaces would help temporarily until the matter could be resolved, particularly since there will be another program from the Church's District Office moving into the Education Building. He noted that the church had lost 13 spots that they previously had access to.

In response to Mr. Hutchison regarding the possibility of resolving the problem at this time rather than having to make another change in January, Mr. Scott Koenig, City Manager, explained the need to react to changing parking conditions downtown. He did not feel confident that the City could provide a solution at this time that would guarantee that changes would not have to be made on January 1st, unless all involved were pleased with the temporary solution, in which case City Council could request that no further changes be made. Mr. Koenig stated that any additional parking lots or leased parking was likely to be developed west of State Street, since that is where private lots are located that might be available. He explained that staff's proposal was always meant to be temporary and that staff had been working on a reasonable solution; however, he did not feel that all businesses would be able to park exactly where they hoped. Mr. Koenig stated that the building of a central garage was being considered by the DDP. He indicated that staff would continue to move forward with the anticipation that the parking proposal would be a temporary solution, unless, once school begins in September, the businesses affected were to approach the City and indicate that their parking situation and concerns had been resolved.

Mrs. Townshend reminded members that the problem originated in December 2013 when permit sales began for 2014 and it was determined that there were not enough spaces available to renew all the permits. Staff had to act relatively quickly to accommodate long-term permit holders and did not have time to consider leasing other areas.

The Committee recommended that staff be authorized to add three (3) additional permit parking spaces on East Loockerman Street and to provide three (3) parking permits to Wesley Church, with parking in this area to be re-evaluated in October and, in the meantime, to work with the DDP to expand the parking inventory.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Request for Waiver of Public Street Frontage Requirement - Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section E - Lots (Dover Mall)

During the Committee meeting of May 27, 2014, members considered a request of Simon Property Group, owner of the Dover Mall, L.P. at 1365 North DuPont Highway, for a waiver of the public street frontage requirement. The owner proposed to create three (3) parcels of land from the existing 149.3225+/- acre parcel of the Dover Mall. The property is zoned SC-3 (Regional Shopping Center Zone), and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area and is located on the east side of North DuPont Highway and south of but not adjacent to Rustic Lane. Members were advised that the Planning Commission recommended approval of the requested waiver, subject to inclusion of the necessary easements listed in the Development Advisory Committee Report. The Committee noted that the applicant was not present, and deferred action on the request until the applicant could be present to answer questions.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that, as proposed, Lots 1 and 2 would not have frontage on a public street; therefore, in order to create lots, without frontage on a public street, which is required by the Zoning Ordinance, a waiver by City Council would be required in accordance with Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section E - Lots.

Responding to Mr. Hutchison, Mrs. Townshend stated that Lot 1 would consist of 53.1704 acres and Lot 2 would consist of 30.7046 acres, and that both lots were owned by the Dover Mall.

Mr. John Paradee, Prickett, Jones, & Elliott, emphasized for the record that the owners were not proposing any residential use as part of this project.

Mr. Gregg Moore, Becker Morgan Group, explained that the plan was to create the two (2) lots to allow consideration of development options. The current proposal was to develop approximately 289,000 sq. ft. of retail expansion in the areas to the rear of the Dover Mall property. He assured members that these subdivisions would be for commercial entities, which would be allowable by the zoning code. Mr. Moore stated that two (2) other lots in the area were previously created through the same type of action by former members of City Council, and explained that these lots were currently occupied by Boscov's and JCPenney and do not have road frontage. It was his feeling that those requests were approved because the loop road around the Dover Mall is effectively a public access way for the Mall and is protected by easements of the owners that allow that roadway to be maintained as a public access way. Mr. Moore stated that the two (2) new lots would gain a portion of their access from the loop road and approval of the request would not set a precedent, since the precedent had already been set by allowing the Boscov's and JCPenney stores.

Responding to Mr. Keller, Mr. Moore stated that the City would not incur costs for providing public utilities, explaining that sewer options had been discussed with the City and installation of sewers would be developer driven. He advised members that the actual details of the sewer would be shown on any development plan submitted; however, at the City's urging, the studies had been conducted to ensure that there would be no issues with providing sewer to the parcels. Mr. Moore reiterated that all costs involved with the project would be assumed by the developer.

The Committee recommended approval of the requested waiver, subject to inclusion of the necessary easements listed in the DAC Report, as recommended by the Planning Commission.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she had written a letter to the Capital School District (CSD), to make sure that construction of the new Dover High School was proceeding quickly and that there was a clear plan to complete all work by the time school starts. Since that letter was sent, she stated that several meetings had been held, including a meeting between the CSD and the Delaware Department of Transportation (DelDOT) regarding the east entrance, west entrance, sidewalks, and High-Intensity Activated CrossWalK (HAWK) signal. Mrs. Townshend stated that the day following that meeting, there was a meeting with CSD and EDiS staff. She also attended an on-site meeting to coordinate the activities of the sidewalk project and the east entrance with the contractors, which was very productive. DelDOT had indicated that each of these projects was equally important and needed to be completed before school starts; therefore, all parties involved need to work together.

Mrs. Townshend stated that the Dover High monthly coordination meeting was held and that the CSD was working with the Delaware Department of Natural Resources and Environmental Control (DNREC) on a "punch list" in regard to sediment and stormwater. Mrs. Townshend indicated that the building was in good shape and the site was coming together and, although there was a lot more work to be done, she had been provided with construction schedules and was being included in updates. In addition, she stated that she and Dr. Michael Thomas, CSD Superintendent, were having a weekly phone conversation so that if any issues arise, they can be resolved immediately. It was her belief that construction would be completed before school is scheduled to open, although she indicated that "it will be close."

Mr. Keller commended Mrs. Townshend for the thorough job she had done regarding this project.

By consent agenda, Mr. Slavin moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

UTILITY COMMITTEE REPORT - JUNE 23, 2014

The Utility Committee met on June 23, 2014 with Councilman Perza presiding in the absence of Chairwoman Williams.

Proposed Ordinance #2014-15 Amending Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units and Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units

Mr. Scott Koenig, City Manager, reviewed Proposed Ordinance #2014-15, which would amend Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units and Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units. He advised members that Chapter 110 - Utilities, Articles III and IV currently have a maximum cap of 100 Equivalent Dwelling Units (EDUs) per certificate of occupancy. Mr. Koenig stated that the maximum cap was intended to encourage business expansion; however, the existing prescriptive cap had placed the City at a negotiating disadvantage in recent situations, such as the Garrison Energy Center (Calpine).

Mr. Koenig explained that the proposed amendment would remove the current impact fee cap of 100 EDUs per certificate of occupancy. Additionally the proposed amendment would provide City Council with the ability to reduce the maximum number of EDUs for large development projects; however, the applicant must demonstrate their economic benefit to the City before City Council will reduce the maximum number of EDUs to as low as 100 EDUs.

Mr. Koenig indicated that the amendment would provide the City leverage in negotiating with businesses. As an example, he stated that the water system for the Garrison Energy Center (Calpine) included an elevated storage tank, at a cost of $4.2M, and additional infrastructure improvements. With the current impact fees, Calpine will contribute approximately $210,000 for this project; however, if the caps had been negotiated, he stated that the City may have been able to recover the total $4.2M.

Mr. Koenig stated that, to his recollection, the maximum caps were instituted when the City was considering the expansion of Proctor & Gamble, which would have resulted in a multi-million dollar impact fee. He stated that at that time no system improvements, such as a water tower, pump station, etc., were required of the City; the expansion would have resulted only in an impact on the system.

Responding to Mr. Perza, Mr. Koenig indicated his anticipation that the proposed amendment would result in additional revenues for the City since it would provide the City more leverage to collect a higher fee than currently prescribed by Code. Mr. Koenig stated that the proposed amendment would not affect the current block under construction for the Calpine project since permits had already been issued. He advised members that, under the current Code, if a second block were constructed by Calpine, EDUs would be capped at 100 and if there were any costs for the system upgrade, the City would bear those costs.

In response to Mr. Blakeman, Mr. Koenig stated that the caps were initially instituted for economic development reasons.

Staff recommended adoption of the proposed ordinance.

The Committee recommended adoption of Proposed Ordinance #2014-15, as recommended by staff.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams). *(The First Reading of the ordinance took place earlier in the meeting.)*

By consent agenda, Mr. Slavin moved for acceptance of the Utility Committee Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JUNE 23, 2014

The Legislative, Finance, and Administration Committee met on June 23, 2014 with Chairman Slavin presiding.

Presentation - Law Enforcement Against Prohibition (LEAP) (Ken Abraham)

Mr. Ken Abraham, 430 Kings Highway, Apt. 414, addressed members regarding drug policies and laws. He advised members that he is a member of the Speakers Bureau for Law Enforcement Against Prohibition (LEAP) and that he enjoyed working as a prosecutor for approximately 10 years in Dover, then moved to Florida, went into business, and returned to Dover. He stated that approximately seven (7) years ago he lost everything to drugs, despite having had the best parents and a wonderful childhood. Since he could not change the past, he stated that he was trying to turn the negative in his life into a positive, noting that it was a learning experience. He stated that, in addition to starting a non-profit organization eight (8) months ago, he gives presentations to rotary clubs, youth groups, etc., as well as individuals such legislators and ministers.

Mr. Abraham indicated his understanding that City Council does not set or control drug policy; however, he wanted members to be made aware of the issues and suggested that the City adopt a resolution encouraging State legislators to change the drug laws to some extent. As an example, he suggested that legislators could be encouraged to adopt medical marijuana and to legalize marijuana. Mr. Abraham encouraged members to read the "After Prohibition" brochure issued by LEAP, explaining that it addresses many issues, problems, concerns, and questions. He stated that the material indicated quite emphatically that both addiction and crime decrease when drugs are legalized or decriminalized, contrary to the belief held by most that addiction and crime will increase if these changes are made. Referring to Colorado's experiment with marijuana, which he stated had proven to be a great success, he indicated that, although there are problems with the legalization/decriminalization of drugs, the benefits far outweigh the problems. He stated that Colorado was making a substantial amount of tax revenue and crime and addiction rates had decreased.

Mr. Abraham advised members that the illicit drug market was approximately a $300 billion per year business and questioned if this business, with the whirlpool of crime that swirls around it, should be run by drug kingpins, thugs, and hoodlums or if the State should legalize, regulate, and tax drugs. He reminded members that the country started prohibition with alcohol and it did not take long to realize that this was a mistake. It was Mr. Abraham's belief that alcohol did not create Al Capone; prohibition created Al Capone, just as the prohibition of drugs in America creates a whirlpool of crime. He stated that, according to studies, 84%-90% of all crime is drug related and over 90% of property crimes are drug related (theft for the purpose of purchasing drugs). Mr. Abraham expressed his belief that changing the laws to legalize and regulate drugs would decrease those percentages substantially.

Mr. Abraham explained that regulation simply means responsible people making responsible decisions and that in Colorado children were not standing in line to buy drugs. He stated that LEAP's position was that all drugs should be decriminalized, legalized, regulated, and taxed; that there is a difference between hard and soft drugs; and a different approach should be taken for each. Mr. Abraham stated that the bottom line is that drug addiction is a health problem and that more and more individuals are realizing that addicts should be treated rather than locked up in prisons.

As a former prosecutor, Mr. Abraham stated that he had seen crime victims every day and explained that when addicts are treated, future crime victims are prevented, the recidivism rate is reduced, and the revolving door to prison is slowed down. As mentioned in the material provided, he stressed the importance of advertising, explaining that any legalization and regulation of drugs needed to be accompanied by advertising of the dangers of drugs. Referring to the situation in Colorado, he stated that it was expected that the State would gain $150M in tax revenue and $40M

was planned to be spent on rehabilitation centers, treatment, and an advertisement campaign warning about the dangers of drugs. He noted that the use of cigarettes by teens between the ages of 12 to 17 was cut in half from 2002 through 2012 due to advertising of the dangers of cigarettes.

Noting that most of what had been addressed was beyond the scope of City Council, Mr. Anderson questioned what could be done to encourage rehabilitation on a local level and if any barriers were known. Responding, Mr. Abraham stated that he was not aware of any barriers, such as zoning issues. He felt that there was a need to increase public awareness of the need for treatment and rally those that have the funds and means to provide effective treatment.

In response to Mr. Sudler, Mr. Abraham stated that he was not aware of any statistical analysis or comparison relating to the implementation of such a program in an area similar in size to Dover, Delaware. However, he stated that the general principles and results are the same wherever there had been a change in policy implemented and did not feel that the size of the area would make a difference. Regarding the difference in the results based on "hard" and "soft" drugs, Mr. Abraham stated that in those jurisdictions that have legalized all drugs, including "hard" drugs, the results have been the same - a decrease in addiction rates, a reduction in health problems, and a decreased crime rate. He advised members that an agency known as DrugFree.org, in New York, recently took over the Montana Meth Project, which dramatically reduced methamphetamine use, drug lab busts, trips to the emergency room, etc. in about eight (8) states. Advertisements for the Montana Meth Project include real people who tell their stories of the effects of drugs on them.

Mr. Abraham advised members that DrugFree.org will develop an advertising campaign for any jurisdiction. He explained that there are two (2) groups of people: those who do not use drugs and those that do, and that the advertising works differently for those groups. For those who do not use drugs, the advertising dramatically reduces the number of people who are inclined to use drugs. Advertising treatment dramatically reduces the number of people already using drugs, once the policies are changed in criminal law. Mr. Abraham stated that the information provides facts regarding the effects that drugs have on human brains, explaining that these sinister drugs release a chemical in the brain that gives pleasure and is released to such an extent that, as described by a psycho-forensic evaluator with the public defender's office, the brain is "hijacked" by overwhelming one's sense of judgement, moral values, awareness of right and wrong, etc. It just makes the user want more of the drugs.

The Committee took no action regarding this matter.

Expiration of Downtown Dover Partnership (DDP) Loan Guarantee Extension

During their Regular Meeting of June 10, 2013, members of City Council approved an extension of the Downtown Dover Partnership (DDP) loan guarantee for a period of one (1) year effective July 1, 2013 on the loan between PNC Bank and the DDP.

Mr. Scott Koenig, City Manager, reviewed information prepared by Mrs. Donna Mitchell, Controller/Treasurer, regarding the DDP's negotiation of new terms for the PNC Loan collateralized by real estate on Governors Avenue (former "Acme" Property). He reminded members that City Council had provided the City's guarantee on the loan since March 2008 and that the guarantee was extended for one year, effective July 1, 2013. He stated that the approximate dollar amount of the loan was $1.3M.

Mr. Koenig stated that in the renegotiations of this loan by Mr. Gerald Street, representative of the DDP, it was hoped that, at some point, the City could be released from the loan; however, due to the current economic conditions, PNC requested the continuation of the City's guarantee through the term of the loan. He indicated that the reason for this request was due to: 1) the loan to value (LTV) of greater than 80%; and 2) the marketability of the "Acme" property, value, strength of tenants, and lease stream. The bank had agreed to extend the "Acme" loan to March 1, 2017 and begin amortizing the loan based on a 20-year amortization. Mr. Koenig stated that the loan included a 3.75% interest rate. PNC will require a principal and interest payment, and at the end of the initial term, PNC would renegotiate the interest rate over the balance of the loan term.

Staff recommended approval of the extension of the Downtown Dover Partnership loan guarantee with PNC Bank through March 1, 2017.

Responding to Mr. Hare, Mr. Koenig stated that the initial amount of the loan in 2008 was $1.3M and that payments had been made only on interest since that time. He stated that for the next three (3) years, principal and interest payments would be made based on a 3.75% interest rate.

In response to Mr. Shevock, Mr. Koenig stated that the DDP would make the payment to PNC from monies collected by the DDP from the leasing tenants. He stated that the guarantee appears on the City's balance sheet as a potential debt; however, this debt would be incurred only if the note were called and the DDP exhausted their funds. He stated that it would continue to be reflected as a commitment of the City as it had been since 2008.

Noting that only interest was paid on the loan, Mrs. Williams questioned the use of monies collected from the tenants. Responding, Mr. Gregg Moore, President, DDP, stated that the tenants at the Acme site had been making their payments to the DDP and that those monies had been used by the DDP to make interest payments to PNC. Since an interest-only loan was negotiated, all additional proceeds were used for other downtown projects. He stated that the DDP had been actively marketing the

site and that its sale would allow for the loan to be paid in full. However, he assured members that enough rent was coming from the two (2) tenants to cover the principal and interest payments. He stated that this payment had been included in the DDP budget which was provided to City Council.

Responding to Mr. Sudler regarding the DDP's top two (2) priority projects for which these additional funds were used, Mr. Moore indicated that, in accordance with the current terms of the loan, the DDP was not required to make any principal payment; therefore, only interest payments were made. Since the DDP was actively in the market to sell the property and had a full price sales contract (which did not go through), the DDP's position was to use the least amount of money required and use any additional funds for other purposes in the downtown area, such as First Friday, Farmer's Market, or marketing for other downtown functions. He stated that the monies were not provided to any given project and that there were not two (2) particular projects that accessed those funds. He explained that the proceeds were used by the DDP for their overall mission, which is to improve the culture and revitalize the downtown area; therefore, all six (6) of the DDP's committees and missions draw from the additional monies. He noted that marketing the downtown is something that each of the committees includes in their budget; therefore, this would probably be the biggest use of those funds.

The Committee recommended extension of the Downtown Dover Partnership (DDP) loan guarantee with PNC Bank through March 1, 2017, as recommended by staff.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Proceeds from Sale of Real Estate

Mr. Scott Koenig, City Manager, reviewed information prepared by Mrs. Donna Mitchell, Controller/Treasurer, regarding proceeds from the sale of real estate. Mr. Koenig reminded members that City Council approved the sale of Garrison Oak Technical Park Lot 12 (10.684 acres) for $1,000 per acre, in accordance with the City's economic development goals. He stated that the City's net proceeds from the sale of Lot 12 were $10,623, explaining that the contract sales price was $10,864, less the seller settlement charges of $241. He stated that the City's current Real Estate Disposition Policy does not specify to which account the net proceeds should be credited; therefore, staff recommended that the credit be applied to the Capital Asset Reserve and that a formal policy be developed for future transactions.

Mr. Koenig noted that, in accordance with Generally Accepted Accounting Principles (GAAP), accounting for this transaction will require the recordation of a $44,140.65 loss on the sale of the fixed asset since the City was awarded a $2M grant from the State of Delaware for the purchase of the Garrison Oak Technical Park and

the City subsequently resold the property at a dollar value that was less than the per acre value of the original transaction. The City recorded the purchase of the land (381.8425 acres) at $1,933,277.16, or $5,063.02 per acre.

In response to Mr. Shevock, Mr. Koenig stated that the grant was awarded 10 or more years ago; therefore, he did not anticipate that the State would request that the grant monies be refunded.

Responding to Mr. Anderson regarding whether the City intended to sell or lease lots at the Technology Park, Mr. Koenig stated that there was currently a lease for the Garrison Energy Center tract and that the Solar Park also had a lease. He stated that negotiations for the sale or lease of the property would be dependent upon the needs of the organization that is interested in a tract. It was his opinion that it would be best for the City to sell the properties to avoid long-term liability or maintenance, should the property be abandoned. He stated that the current leases were made prior to his tenure as City Manager and that most discussions now involved the potential sale of properties.

Mr. Hare questioned if anyone was actively marketing the Garrison Oak Technical Park. Responding, Mr. Koenig stated that it is known locally that the property is for sale; however, no funds had been used for marketing the property, nor had advertisements been placed in the *Wall Street Journal*. He assured members that the State Economic Development Office was aware of properties for sale at the site, and stated his belief that funds included in the City's Economic Development Office's budget for advertisement were limited.

Mr. Slavin suggested that the Economic Development Director and/or the Mayor could better advise members with regard to the marketing of the Garrison Oak Technical Park.

Mr. Hutchison stated that the City had a very strong working relationship with the State of Delaware and Kent County Economic Development Offices, as well as the congressional leadership team. As a result, in terms of advertising, it was well known that the Garrison Park was for sale. He stated that if the City were to continue to be in the economic development business, members needed to realize that in order to be successful, there would be a need to make concessions, as that is what economic development does. He explained that if the City wanted jobs and opportunities, it would be necessary to make concessions and if that was not desired, the City should get out of the economic development business.

Mr. Hare stated that, although the State may be marketing the property, he felt that the City should take a more aggressive approach in marketing not only the Garrison Oak property but the entire City of Dover.

The Committee recommended approval of staff's recommendation that the net proceeds from the sale of governmental fund real estate be credited to the Capital Asset Reserve for future capital projects.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Proposed Financial Reforms

Mr. Slavin reminded members that during the June 11, 2014 Budget Hearings, he proposed a series of 14 financial reforms to be addressed over the next six (6) to nine (9) months that would assist in shaping the City's Budget for FY 2015/2016. He stated that the proposed reforms were clustered into four (4) separate areas, as follows: 1) public safety; 2) compensation policies; 3) property tax governance; and 4) restrictions on uses of appropriations. He requested that members consider the public safety area first and that staff be requested to review the reforms, develop recommendations, and provide information on any financial gap that may result.

Responding to Mr. Anderson, Mr. Slavin stated that the review would allow members to identify whether there was a need to create policy, ordinances, or Charter changes to implement any changes that may result from those discussions.

By consent agenda, Mr. Slavin moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

MONTHLY REPORTS - MAY 2014

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

City Assessor Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

REVALUATION SERVICES FOR THE 2015 ASSESSMENT

In accordance with Chapter 102, Section 102-1 of the City Code, City staff proposed to have a reassessment conducted by an outside mass appraisal company for 2015. Accordingly, a Request for Proposal was advertised and sent to nine (9) revaluation companies, with Tyler Technologies being the only vendor who responded (price and billing summary provided to members).

Ms. Cheryl Russell, City Assessor, advised members that Tyler Technologies had helped conduct City-wide revaluations in the past and that the Assessor's Office was currently utilizing software from Tyler Technologies. She reminded members that the purpose of a City-wide revaluation is to maintain value equity and uniformity of real property values in the City of Dover. She stated that the proposal by Tyler Technologies indicates that they will conduct a City-wide revaluation utilizing the City's existing information. She assured members that all properties had been visited by City staff in an effort to reduce the cost of the City-wide revaluation and that all permits were current. Due to this effort, she stated that Tyler Technologies would not have fieldwork associated with this project, which was reflected in both the price and the duration of the proposed project. She explained that the City of Dover would be responsible for all printing and mailings and that Tyler Technologies would conduct informal hearings and five (5) days of support before the City of Dover Board of Assessment Appeals and noted that additional support beyond the five (5) days would cost additional money.

Ms. Russell indicated that a monthly Status Report would be supplied to the Assessor's Office from Tyler Technologies, which would be forwarded to City Council via the Assessor's Office Monthly Report, for their review. She noted that the original bid submitted by Tyler Technologies totaled $125,300, which included their involvement with mailing and printing. After a cost analysis was completed, she stated that by the City assuming the responsibility of printing and mailing the documents, there was a cost savings of approximately $17,300. The costs for the extra printing and mailing associated with this project had been requested in the City Assessor's budget (110-1300-513.20-23) in the amount of $14,800.

Staff recommended awarding the Proposal for Revaluation Services to Tyler Technologies for the amount of $93,200, plus any additional overage fees.

Responding to Mr. Perza, Ms. Russell indicated that the 2010 Contract was for $765,000, explaining that a comprehensive revaluation was conducted whereby Tyler Technologies visited each property to assure all data was correct. She assured members that the proposal submitted by Tyler Technologies was acceptable as compared to previous bids awarded for the revaluation.

In response to Mr. Hare, Ms. Russell stated that there would be the possibility of a decrease in taxes for some properties. She explained that the tax rate would be rolled back so that the actual taxes would remain the same, noting that the value of some properties may increase, some may decrease, and others may remain the same.

For clarification, Mr. Slavin stated that the revaluation of property is separate from an adjustment in the tax rate, explaining that since the revaluation must be revenue neutral, the City may be required to roll back the tax rate so that the City does not achieve any income and the City would be required to take separate action to reset the tax rate.

Mr. Slavin moved to approve awarding the Proposal for Revaluation Services to Tyler Technologies for the amount of $93,200, plus any additional overage fees, as recommended by staff. The motion was seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Perza, Slavin, Hutchison, and Bonar), one (1) no (Hare), and one (1) absent (Williams).

AUTHORIZATION TO PAY INVOICE - SANKOFA AFRICAN DANCE COMPANY FOR AFRICAN AMERICAN FESTIVAL

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the City had received an invoice in the amount of $1,500 from the Sankofa African Dance Company for two (2) time slots in they performed at the African American Festival, although they were not initially scheduled for these slots. Staff felt that City Council's authorization was necessary prior to paying the invoice since the organization was not under contract to perform and had not been paid in the past for performances during the African American Festival.

Mrs. Townshend reminded members that the FY2014 City of Dover Budget included $15,000 for the African American Festival, which is included in the Parks and Recreation budget. The direction from City Council was that, rather than paying the lump sum to the Inner City Cultural League (ICCL), the City would pay invoices to service providers directly. She explained that two (2) of the scheduled entertainment acts did not show up to the festival this year, and their scheduled times were filled by the Sankofa African Dance Company, which is a separate organization but affiliated with the ICCL. She advised members that in the past, the City had not paid the Sankofa African Dance Company for performances at the festival and that the Company performed two (2) scheduled performances during the festival without charge.

Responding to Mr. Anderson, Mrs. Townshend stated that an additional $3,100 remained due for the two (2) entertainment acts that did not show up to the festival, explaining that one (1) act cost $1,600 and the other cost $1,500. She stated that the City had reimbursed the ICCL for deposits that were paid and the ICCL was attempting to obtain these funds from back from those performers. It was understood by the ICCL that if those monies are received, they will be forwarded to the City for reimbursement.

Mr. Anderson questioned the possibility of approving the request for payment less the deposits, so that when the deposits are returned to the ICCL, they would keep it rather than forwarding to the City.

In response to Mr. Perza, Mrs. Townshend stated that no more than $15,000 would be paid for the event since that was the amount budgeted. She was not involved with the scheduling; therefore, she did not know, if the City were to approve the payment, whether there would be other volunteer groups that participated at the Festival that would feel they too should be compensated.

As mentioned by Mr. Lynn, Mrs. Townshend confirmed that in previous years, the Sankofa African Dance Company had not been paid for their participation and that on this occasion, they held additional performances due to other acts that did not show up to the Festival. She explained that because the City had not made such a payment in previous years and, since this was not one of the contracts that were on file prior to the Festival, staff felt it was important to submit the request to Council for transparency. She also confirmed that the African American Festival had the freedom to contract with any party without approval of the City and to submit invoices for payment, with the understanding that all such costs must remain within the budgeted amount of $15,000.

Mr. Hare moved for approval of the payment, less the $650 deposit, for a total of $850 to the African American Festival, seconded by Mr. Anderson and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Slavin, Hutchison and Bonar), one (1) no (Perza), and one (1) absent (Williams).

APPOINTMENTS (REAPPOINTMENTS) - RECOMMENDED BY MAYOR CHRISTIANSEN

Mayor Christiansen submitted the following appointments for approval:

Annual Appointments - One (1) Year Terms to Expire May 11, 2015

These appointments (reappointments) were deferred during the Annual Meeting of May 12, 2014, until the newly elected Mayor was sworn into office. Mayor Christiansen requested the deferral of his remaining appointments until the meeting scheduled for July 28, 2014.

Dover Public Library Advisory Commission
Sean M. Lynn (Council Liaison Member)

Downtown Dover Partnership Board of Directors
Scott D. Koenig - City of Dover Representative
Ann Marie Townshend - City of Dover Representative
David L. Bonar - City Council Representative
Wallace R. Dixon - City Council Representative
Adam M. Perza - City Council Representative

Election Board
William Garfinkel (At-Large) - Three (3) Year Term to Expire May 2017

Silver Lake Commission
James Burcham
Zachary Carter
David L. Edgell
Dean Holden
Lyle Allen Jones
Ann Marie Townshend
Melanie Tymes

Downtown Dover Partnership
John Tinsley - To Fill the Unexpired Term of Gary Patterson - Term to Expire May 2015

Ethics Commission
Nancy J. Shevock - Five (5) Year Term to Expire July 2019

Historic District Commission - Three (3) Year Terms to Expire July 26, 2017
C. Terry Jackson, Resident
Ann Baker Horsey, Professional
Joseph McDaniel, Business Representative

Planning Commission - Three (3) Year Terms to Expire June 1, 2017
Dr. Bobby Jones - First District
Col. Robert D. Welsh - First District
Fred Tolbert - Third District

By consent agenda, Mr. Slavin moved for approval of the appointments as recommended by Mayor Christiansen, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams).

COUNCIL MEMBERS' ANNOUNCEMENTS

On behalf of City Council, Council President Bonar welcomed Mayor Christiansen to the Council Chambers.

Mr. Anderson relayed concern, in reviewing the meal schedule for the Dover Interfaith Mission for Housing, that no one was covering meals for the next week, and encouraged members of the community to remember those who are not as fortunate. He stated that he needed a group of volunteers who would be willing to participate to cover one of those days.

Mr. Perza wished Ms. Kathy Boyer, who is a resident of his district (Crossgates), a happy birthday, because he could not attend her birthday party, due to having to attend this evening's Council meeting.

By unanimous consent, the meeting adjourned at 8:06 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 14, 2014, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM/jg
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