REGULAR COUNCIL MEETING
AGENDA

NOVEMBER 28, 2016 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN SUDLER

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

* **1. ADOPTION OF MINUTES**

- **A. SPECIAL COUNCIL MEETING OF NOVEMBER 7, 2016**
- **B. REGULAR COUNCIL MEETING OF NOVEMBER 14, 2016**

2. PRESENTATION - RECOGNITION OF SERVICE - JAMES G. MCGIFFIN, JR. - DOVER HUMAN RELATIONS COMMISSION (MARCH 2014 - OCTOBER 2016)

3. COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 11, 2016

A. REQUEST OF FORDHAM & DOMINION BREWING COMPANY - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE/PROPOSED AGREEMENT APPROVING 80 EVENT HOURS OVER 12 MONTHS (COMMITTEE RECOMMENDED AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE, AS REQUESTED BY FORDHAM AND DOMINION BREWING COMPANY) (THIS ITEM WAS DEFERRED BY CITY COUNCIL DURING THEIR REGULAR MEETING OF OCTOBER 24, 2016) **(SEE ITEM #10-A - PROPOSED ORDINANCE #2016-24)**

* **4. HUMAN RELATIONS COMMISSION REPORT - OCTOBER 18, 2016**

A. ELECTION OF COMMITTEE CHAIR - COMMUNITY ENGAGEMENT COMMITTEE

(COMMISSION ELECTED MS. WANDA MULLEN TO SERVE AS CHAIR OF THE COMMUNITY ENGAGEMENT COMMITTEE)

B. DHRC DIVERSITY RESEARCH PROJECT

(COMMISSION ACTION NOT REQUIRED)

C. DHRC COMMITTEE UPDATES

(NO COMMITTEE UPDATES WERE PROVIDED)

(1) GOVERNMENT POLICY, PROGRAMS, AND PRACTICES COMMITTEE (MCGIFFIN)

(2) COMMUNITY ENGAGEMENT COMMITTEE

(3) EDUCATION COMMITTEE (BOGLE)

D. NEW BUSINESS

(1) DEVELOPMENT OF CONCISE STATEMENT - MISSION AND FUNCTIONS OF DHRC

(COMMISSION TABLED DISCUSSION OF THIS ITEM)

E. OLD BUSINESS

(1) DHRC VACANCIES

(COMMISSION ACTION NOT REQUIRED)

* **5. SPECIAL COUNCIL COMMITTEE OF THE WHOLE/SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - OCTOBER 26, 2016**

A. FIRE DEPARTMENT RESPONSE TO PUBLIC SAFETY STUDY - FIRE/EMS OPERATIONAL & ADMINISTRATIVE ANALYSIS

(COMMITTEE ACTION NOT REQUIRED)

6. COUNCIL COMMITTEE OF THE WHOLE REPORT - NOVEMBER 15, 2016

* **A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE**

(1) PROPOSED ORDINANCE #2016-25 AMENDING APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES AND ARTICLE 12 - DEFINITIONS (SPONSORS: SLAVIN AND COLE)

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE) **(SEE ITEM #10-B - PROPOSED ORDINANCE #2016-25)**

(2) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM QUARTERLY UPDATE (JULY, AUGUST, AND SEPTEMBER)

(COMMITTEE ACTION NOT REQUIRED)

6. COUNCIL COMMITTEE OF THE WHOLE REPORT - NOVEMBER 15, 2016 (CONTINUED)

* **B. UTILITY COMMITTEE**

(1) QUARTERLY REVIEW OF UTILITY RELATED CAPITAL INVESTMENT PLAN (CIP) (ELECTRIC AND WATER/WASTEWATER) (JULY, AUGUST, AND SEPTEMBER)

(COMMITTEE ACTION NOT REQUIRED)

(2) UPDATES

(COMMITTEE ACTION NOT REQUIRED ON THE BELOW ITEMS)

(A) GREEN ENERGY FUNDING AND PROGRAMMING

(B) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(1) CUSTOMER SERVICE STAFFING PLAN

(COMMITTEE PASSED THIS MATTER ON WITHOUT RECOMMENDATION TO FULL COUNCIL FOR CONSIDERATION AT THE NEXT COUNCIL MEETING, THAT STAFF BE INSTRUCTED TO PROVIDE A STAFFING PLAN WITH DETAILS OF THE TIMING OF ALL 11 PROPOSED HIRINGS, AS WELL AS THE FISCAL IMPACT ON BOTH FY 17 AND FY 18)

* **(2) STUDY OF CITY'S CURRENT RECRUITMENT/HIRING PROCESSES** (REQUEST OF COUNCILMAN LEWIS)

(COMMITTEE DEFERRED THIS MATTER UNTIL THE CONCLUSION OF THE HUMAN RESOURCES FACT-FINDING INVESTIGATION, WHICH WAS JUST APPROVED AT LAST NIGHT'S COUNCIL MEETING (11/14/2016))

* **(3) PROPOSED ORDINANCES**

(A) #2016-21 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 5 - CITY CLERK, SECTION 2-281 - APPOINTMENT; CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II - BUILDING INSPECTOR, SECTION 22-31 - OFFICE CREATED; APPOINTMENT; AND CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE III - FIRE CODES, SECTION 46-124 - FIRE MARSHAL (SPONSORS: HUTCHISON, NEIL, AND ANDERSON) (DEFERRED BY THE COMMITTEE DURING THE MEETING OF OCTOBER 25, 2016)

(COMMITTEE RECOMMENDED POSTPONING INDEFINITELY)

(B) #2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES (SPONSORS: RESOLUTION NO. 2016-05)

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE)

(SEE ITEM #11-A - PROPOSED ORDINANCE #2016-26)

(C) #2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES (SPONSORS: HUTCHISON AND HOSFELT)

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED ORDINANCE)

(SEE ITEM #11-B - PROPOSED ORDINANCE #2016-27)

* **(4) PROPOSED CHARTER AMENDMENTS - REMOVAL OF ANNUAL APPOINTMENT REQUIREMENT FOR THE CITY ASSESSOR, CONTROLLER/TREASURER, CITY SOLICITOR, AND DEPUTY CITY SOLICITOR; GENDER LANGUAGE AMENDMENTS; ADMINISTRATIVE AMENDMENTS; AND TYPOGRAPHICAL CORRECTIONS**

(COMMITTEE RECOMMENDED POSTPONING INDEFINITELY)

7. REVIEW OF REQUEST FOR UTILITY CONNECTION ASSISTANCE - 420 REED STREET

(DURING THEIR REGULAR MEETING OF SEPTEMBER 26, 2016, CITY COUNCIL REFERRED THE REQUEST FOR UTILITY CONNECTION ASSISTANCE AT 420 REED STREET BACK TO STAFF FOR A REPORT BACK IN 60 DAYS)

(STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO BUDGET $150,000 IN THE FIRST AMENDMENT TO THE FY-2017 BUDGET AND IMPLEMENT A UTILITY CONNECTION ASSISTANCE INCENTIVE IN THE DOWNTOWN DEVELOPMENT DISTRICT. WITH THE EXCEPTION OF THE PREVIOUSLY APPROVED INCENTIVE IN THE AMOUNT OF $30,000 FOR 131 W. LOOCKERMAN STREET, THE INCENTIVE PACKAGE WILL NOT EXCEED $25,000 PER UTILITY PER PROJECT. INCENTIVES ARE COMMITTED ON A FIRST COME, FIRST SERVED BASIS.)

* **8. ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2017 FIRE LINE OFFICERS**

FIRE CHIEF	-	CARLETON CAREY, JR.
DEPUTY FIRE CHIEF	-	RONALD RHODES
FIRST ASSISTANT FIRE CHIEF	-	DAVID CAREY
SECOND ASSISTANT FIRE CHIEF	-	GLENN WHITT
THIRD ASSISTANT FIRE CHIEF	-	MICHAEL O'CONNOR, JR.
FOURTH ASSISTANT FIRE CHIEF	-	MICHAEL O'CONNOR, III
FIRST FIRE LINE CAPTAIN	-	CHRISTOPHER JACOBS
SECOND FIRE LINE CAPTAIN	-	SEAN BYRON

9. REZONING REQUEST FOR PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD - FIRST READING OF PROPOSED ORDINANCE #2016-28

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON DECEMBER 19, 2016 AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR JANUARY 9, 2017 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD NORTH OF COLLEGE ROAD BETWEEN 1216 AND 1282 MCKEE ROAD, CONSISTING OF 4.35$^{+/-}$ ACRES, OWNED BY GEORGE J. KAYS AND JOHN J. KAYS. THE EQUITABLE OWNER IS MEDCORE PARTNERS C/O MICHAEL GRAHAM. THE PROPERTY IS CURRENTLY ZONED C-PO (COMMERCIAL AND PROFESSIONAL OFFICE) AND SUBJECT TO THE COZ-1 (CORRIDOR OVERLAY ZONE) AND THE PROPOSED ZONING IS IO (INSTITUTIONAL AND OFFICE) AND SUBJECT TO THE COZ-1 (CORRIDOR OVERLAY ZONE).

(TAX PARCEL: ED-05-067.00-01-33.00-000; PLANNING REFERENCE: Z-16-07; COUNCIL DISTRICT 1)

10. FIRST READING - PROPOSED ORDINANCES

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCES. AMENDMENTS TO APPENDIX B - ZONING REQUIRE A PUBLIC HEARING AND THE ORDINANCES ARE RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON DECEMBER 19, 2016 AND THAT A PUBLIC HEARING BE SET FOR JANUARY 9, 2017 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. #2016-24 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

B. #2016-25 AMENDING APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES AND ARTICLE 12 - DEFINITIONS

(PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE)

11. FIRST READING - PROPOSED ORDINANCES

THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCES. FINAL ACTION BY COUNCIL WILL TAKE PLACE DURING THE SECOND READING ON DECEMBER 12, 2016. THE ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. #2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

B. #2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES

(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

12. FINAL READING - PROPOSED ORDINANCE #2016-22 WITH STAFF AMENDMENT #1 (SA#1)

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF NOVEMBER 14, 2016. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

A. #2016-22 WITH STAFF AMENDMENT #1 (SA#1) AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES

13. CITY MANAGER'S ANNOUNCEMENTS

14. COUNCIL MEMBERS' ANNOUNCEMENTS

15. ADJOURNMENT

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EXECUTIVE SESSION PURSUANT TO:

29 DEL. C. §10004(B)(2) - PRELIMINARY DISCUSSIONS ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY;

29 DEL. C. §10004(B)(4) - STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY;

29 DEL. C. §10004(B)(6) - DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS;

29 DEL. C. §10004(B)(9) - PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN

SPECIAL COUNCIL MEETING

The Special Council Meeting was held on November 7, 2016 at 6:00 p.m. with Councilman Hare presiding in the absence of Council President Slavin. Council members present were Mr. Hosfelt, Mr. Hutchison, Mr. Lewis, Mr. Neil, and Mr. Sudler. Mr. Anderson and Mr. Cole were absent.

Council staff members present were Mr. Koenig, Mrs. Townshend, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Christiansen was absent.

ADOPTION OF AGENDA

Mr. Hutchison moved that item #1C, Property Located at 229 Cecil Street, be removed from the agenda based on correspondence received from Mr. Constantine Malmberg, The Malmberg Firm LLC, representing Delmarva Property Holdings, LLC dated November 2, 2016 *(Exhibit #1)*. The motion was seconded by Mr. Sudler and unanimously carried.

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

PUBLIC HEARINGS - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE

Property Located at 126 North Ann Avenue, Owned by Musikami Bishogo

During the Special City Council Meeting of August 1, 2016, members considered a violation of the dangerous building ordinance for the property located at 126 North Ann Avenue, owned by Musikami Bishogo, and deferred this item until the Special Council Meeting of November 7, 2016.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that there had been a number of cases on this property since 2011. She stated that the property had been registered as a vacant building and there were outstanding charges; however, it was staff's understanding, as of that day, that the property was sold at sheriff's sale. Mrs. Townshend indicated that a check was received from the Sheriff's Office for some of the charges; however, she was unsure of the amount. She noted that other charges that could not be recovered through the sheriff's sale were uncollectible. Mrs. Townshend stated that there was an expired renovations permit and a number of violations on the property, which were on the record from Council's meeting of August 1, 2016. She reviewed a presentation depicting the condition of the property ***(Exhibit #2)***.

Mrs. Townshend stated that staff believed the property was sold at sheriff's sale in September and the purchaser has control of the property 60 days after the sale. She indicated that Mr. Henry Mast was part of the ownership. Mrs. Townshend advised that the Kent County property information system, PRIDE, indicated that ownership had not changed and was c/o Gulf Star LLC, 2001 Weston Drive. She stated that she had talked with Mr. Mast that day, who indicated that the property was listed in this way because they were trying to clean up a title issue, after which the deed would be recorded in his name. Mrs. Townshend advised that there is a permit for plumbing work and Mr. Mast had stated that he wants to move expeditiously to correct the property. Mrs. Townshend stated that she would like to amend the staff's typical demolition recommendation to allow for the property to be repaired or demolished, since she believed that the owner had interest and was moving forward to repair the property.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property to be repaired or demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Hosfelt asked if the date of December 7, 2016 would remain the same. Responding, Mrs. Townshend stated that it would normally be done this way if the owner had permits in place, were moving forward, and were underway by December 7th. She advised that if the property continued to sit there in the same condition it was, staff would move forward with demolition.

Mr. Hare declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Sudler moved for approval of staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property owner to repair or demolish the property by December 7, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Hutchison and unanimously carried.

Property Located at 145 North Ann Avenue, Owned by M. Evans Cockrell

Mrs. Ann Marie Townshend, Director of Planning of Community Development, stated that this property was located almost across the street from the property that was just considered. She noted that there had been16 code enforcement cases on the property since 2010, including numerous grass and other exterior code violations, as well as interior violations. Mrs. Townshend advised that the property was twice referred to the Planning Department by the Police Department for unsanitary conditions. Utilities were terminated and it was registered as vacant by the City in January 2016. Mrs. Townshend stated that the property was secured by the City on January 4, 2016 and condemned on the same day.

Mrs. Townshend entered into the record a letter sent to the property owner dated October 20, 2016 ***(Exhibit #3)***. She stated that the Fire Marshal's Office responded to the residence on January 2, 2016 regarding a missing person report. Mrs. Townshend explained that, upon entry with the Dover Police Department, it was found that there were unsanitary conditions and the home was condemned and posted as unsafe for human occupancy. Staff also disconnected all utilities due to concerns regarding structural damage to the dwelling from water leaks. Mrs. Townshend indicated that, since that date, staff had issued a number of grass violations and the City had the grass cut. Upon looking at the exterior of the property, staff had observed a number of other code violations.

Mrs. Townshend stated that there were outstanding charges due against the property and staff was bringing it forward under the dangerous building definition in the code as being unfit for habitation, general welfare, code violations, and unoccupied buildings.

Mrs. Townshend reviewed a presentation depicting the condition of the property ***(Exhibit #4)***.

Mrs. Townshend stated that staff had no follow-up with the property owner. She reiterated that they were originally contacted due to a missing person complaint; however, it was her understanding that the woman had been found safe and was obviously not living in the home.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) and ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Hare declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Lewis moved for approval of staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property owner to repair or demolish the property by December 7, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Hosfelt and unanimously carried.

Property Located at 131 North Kirkwood Street, Owned by Cheryl A. Henderson

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that there was currently a very active neighborhood watch group in the area of the subject property, and staff had received several complaints about the property through them. She indicated that there had been eight (8) code enforcement cases for exterior violations, including grass, as well as interior violations for the property since 2014. Mrs. Townshend advised that the City registered the property as vacant on September 12, 2015, and utilities were terminated on May 5, 2015. She indicated that the City had to board the doors and windows on at least two (2) occasions and noted that there were outstanding charges, including grass and vacant building fees. Mrs. Townshend entered into the record a letter sent to the property owner on October 20, 2016 ***(Exhibit #5)***. She stated that staff had condemned the dwelling on November 6, 2015 after the structure was found to be unsecured and the interior largely vandalized. Mrs. Townshend stated that staff had sent notice on August 8, 2015 that the dwelling was vacant and would need to be registered. The owner had no contact with the City

and had shown no progress on repairing any of the violations. In relation to the definition in the code regarding dangerous buildings, Mrs. Townshend advised that the property met the definition as unfit for habitation; general welfare, since the conditions there were unsafe, unsanitary, and dangerous to the public health; it has code violations; and it is an unoccupied building.

Mrs. Townshend reviewed a presentation depicting the condition of the property ***(Exhibit #6)***.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) and ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Sudler stated his opinion that a lot of these units looked like they could be repaired and owners could continue to rent them out. He questioned if the owners had financial problems or just did not seem to be that concerned. Responding, Mrs. Townshend indicated that staff had not heard anything regarding this building. A number of the notices sent by staff had been returned and others were signed for. Mrs. Townshend noted that one (1) of the addresses on record for the owner was for the property itself, but the owner was obviously not there.

Mr. Sudler stated that he knew staff did due diligence in contacting owners; however, he stated that his concern was that these units did not have problems like cracked foundations. He indicated that it was a shame they were letting these units go to waste when a lot of people need housing. In response, Mrs. Townshend indicated that if the owner does not take action, there is not a lot the City can do.

Mr. Hare declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Hosfelt moved for approval of staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) and order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Neil and unanimously carried.

Property Located at 954 Lincoln Street, Owned by Bilal Ali Shabazz and Others

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that a property across the street from the subject property was considered during the Special Council Meeting of August 1, 2016 and had since been repaired. She indicated that the

property at 954 Lincoln Street was located on the south side of Lincoln Street at the end near Saulsbury Road. Mrs. Townshend explained that there had been five (5) code enforcement cases for exterior and interior violations on the property since 2014. It was registered by the City on October 10, 2014 and utilities were terminated in April 2014. Mrs. Townshend stated that staff had secured the building twice and Ocwen Loan Servicing LLC had been making the vacant building registration fee payments, noting that a $200 vacant building fee was now due. She indicated that staff had heard from this company and expected them to be present at the meeting that evening. Mrs. Townshend advised that they had been talking about making repairs but had not concluded whether or not they wanted to do so.

Mrs. Townshend entered into the record a letter sent to the owner and lien holders on October 20, 2016 ***(Exhibit #7)***. As specified in the letter, she explained that City staff condemned the dwelling on December 14, 2015 after it was found to be unsecured with numerous code violations. Mrs. Townshend stated that the City had to secure the building twice to date and the owner had made no contact with the City, but the mortgage holder had. She advised that on June 23, 2015 the property was found to be unsecured by staff, who secured the rear window, and on August 27, 2016, staff again had to board a broken window. Mrs. Townshend advised that the building was registered as vacant, had no utilities, and had been condemned as unfit for human occupancy. She indicated that, as it relates to the definition of a dangerous building, it was unfit for habitation, was an issue with general welfare, had code violations, and was an unoccupied building.

Mrs. Townshend reviewed a presentation depicting the condition of the property ***(Exhibit #8)***.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) and ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Neil noted that the buildings being discussed had not been lived in and notices were sent in 2014 and 2015. He questioned why it was taking so long for these buildings to get to Council and if they could be brought forward sooner. In response, Mrs. Townshend advised that staff was hesitant to bring something forward if the owner had not had an adequate opportunity to respond to the violation. In addition, she explained that there are quite a few vacant buildings in poor condition in the City that must prioritized. Mrs. Townshend noted that there are over 350 registered vacant buildings in the City, quite a few of which have been vacant for a while and have code violations. She noted that buildings are moved higher on the priority list if people are getting into them, if neighbors are complaining about them, or if there are people hanging out and there is drug activity or suspected drug activity.

Responding to Mr. Neil, Mrs. Townshend advised that nothing in the code requires that staff wait a specific period of time. She noted that there are limited funds for demolition and each property requires a huge time commitment for the code enforcement officers working on them.

Mrs. Townshend advised members that this house did not look the same as the other homes that were considered in terms of poor condition; however, she indicated that the City had no alternative to demolition if no one responds. She indicated that it may not look as bad from the pictures; however, there is mold and damaged walls. In addition, Mrs. Townshend stated that, most importantly, people were getting into the house, which increases the risk of fire, and that it could affect the properties around it in a more serious way.

Mr. Lewis stated that it would then become a public safety issue, and Mrs. Townshend agreed.

Mr. Hare declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Lewis moved for approval of staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) and order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Neil and unanimously carried.

Property Located at 231 Mifflin Road, Owned by Jesse Cole Evans and Nichole Marie Evans

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that this property was a pool which had been previously presented to Council as a dangerous structure on August 24, 2014. At that point the mortgage company made repairs and put what seemed to be a very heavily fortified enclosure on the pool, which at this point had not helped.

Mrs. Townshend stated that on July 20, 2016, a side gate of the property was found open and the pool was found to be in a serious state of disrepair. Notice was sent to all of the lien holders and no repairs were made. Mrs. Townshend indicated that on September 29, 2016 it was declared a non-safe structure. She advised that, in terms of the definition of a dangerous building, it was unfit for habitation, a threat to general welfare, had code violations, and was unoccupied. Mrs. Townshend stated that the big concern with the pool is that it is a hole in the ground and someone could fall in and drown, noting that the fence was not secure and had come down. She stated that the cover that the mortgage company had put on the pool had collapsed.

Mrs. Townshend reviewed a presentation depicting the condition of the property ***(Exhibit #9)***.

Staff recommended: 1) declaring the pool on the property at 231 Mifflin Road dangerous; 2) ordering the pool to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the pool if not completed by the owner within 10 days of the date established by City Council; 4) and ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the pool exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Neil questioned if the property would revert to the mortgage company. Responding, Mrs. Townshend explained that, in this case, it had not yet gone to the mortgage company. She noted that it had been vacant since 2011 and usually by this point it would be owned by the mortgage company. To Mrs. Townshend's knowledge, staff had not been in the interior of the house and it was possible that the house could become an issue in the future. She stated that staff had not received a lot of complaints about the house, which had not been found to be a problem. She reiterated that the pool was the problem at this point.

Mr. Neil asked if the mortgage company was being notified simultaneously, stating it was possible that they might respond. In response, Mrs. Townshend stated that all lien holders were notified. In this case, staff was recommending that it be demolished and that a repair would not be allowed to take the place of demolition. She explained that if the mortgage company did not move forward with demolition in the next month, the City would move forward with demolition.

In regard to the process of demolishing a pool, Mr. Sudler questioned if they would fill it in or if they would use a backhoe to rip everything out, seal the pipes, and then fill it in. Responding, Mrs. Townshend advised that the pool would be ripped out and backfilled.

Mr. Hare declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Hosfelt moved for approval of staff's recommendation to: 1) declare the pool on the property at 231 Mifflin Road dangerous; 2) order the pool to be demolished by December 7, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the pool if not completed by the owner within 10 days of the date established by City Council; 4) and order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the pool exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Hutchison and unanimously carried.

COUNCIL MEMBERS' ANNOUNCEMENTS

There were no members of Council wishing to make announcements.

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

Meeting adjourned at 6:27 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of November 7, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2016\11-07-2016 SPECIAL COUNCIL VDBO.wpd

Exhibits
Exhibit #1 - Letter from Mr. Constantine Malmberg RE: 229 Cecil Street dated November 2, 2016
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 126 N. Ann Avenue
Exhibit #3 - Letter from Mrs. Ann Marie Townshend RE: 145 N. Ann Avenue dated October 20, 2016
Exhibit #4 - Presentation - Violation of Dangerous Building Ordinance - 145 N. Ann Avenue
Exhibit #5 - Letter from Mrs. Ann Marie Townshend RE: 131 N. Kirkwood Street dated October 20, 2016
Exhibit #6 - Presentation - Violation of Dangerous Building Ordinance - 131 N. Kirkwood Street
Exhibit #7 - Letter from Mrs. Ann Marie Townshend RE: 954 Lincoln Street dated October 20, 2016
Exhibit #8 - Presentation - Violation of Dangerous Building Ordinance - 954 Lincoln Street
Exhibit #9 - Presentation - Violation of Dangerous Building Ordinance - 231 Mifflin Road

EXHIBIT #1
Special Council Meeting of 11/07/2016

THE MALMBERG FIRM LLC
Attorney at Law

One Clubhouse Drive
Wyoming, DE 19934

Tel: (302) 672-5600
Fax: (302) 672-5609

Constantine F. Malmberg, III
cmalmberg@themalmbergfirm.com

November 2, 2016

City Hall
Attn: Ann Marie Townshend
15 Loockerman Plaza
PO BOX 475
Dover DE 19903

RE: 229 Cecil Street, Dover, DE 19904

Dear Ms. Townshend,

I represent Delmarva Property Holdings, LLC the entity owner of the property located at 229 Cecil Street as well as its Principal, Henry Mast. The Owner is in the process of demolishing the premises. The environmental inspections have been completed and asbestos was detected, the report is attached. Asbestos removal is now out to bid. Once the bidder is selected the Owner will have the asbestos removed and apply for a demolition permit. It is my understanding the demo permit may not be issued until that process is complete. It is the Owners request that Council pass on the matter for a month while the Owner takes care of the demolition. Hopefully this explanation is adequate to accomplish that request. Please let me know.

Thank you,

Constantine F. Malmberg, III

Enclosures
CFM/sas

Violation of Dangerous Building Ordinance 126 N Ann Ave

Planning & Inspections Department

Dover, Delaware

November 7, 2016

126 N Ann Ave
Case History

- 23 code enforcement cases since 2011
  - Abandoned and unregistered vehicles – junk & debris
  - Numerous grass violations – parking on the grass
  - Broken windows – deteriorated siding, gutters
- The utilities were terminated on October 22, 2010
- Registered as vacant by the city on May 31, 2011
- Vacant building registration was transferred to the owner on April 23, 2013

Outstanding Charges

- $1,513.89 in taxes which include $965.00 in vacant building fees and $250.00 in grass cutting charges.
- Currently on the Sheriff sale list

Code violations included but not limited to:

- Expired renovation permit #12-1707. The permit was extended numerous times but no inspections have been done.
- Expired plumbing & mechanical permit #15-618. The permit has expired with no inspections done.
- Missing front gutter
- Tall grass and weeds

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(4) *Fire Damage, etc.*

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*





















Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **December 7, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

EXHIBIT #3
Special Council Meeting of 11/07/2016

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

October 20, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Evans M. Cockrell
145 N Ann Ave
Dover, DE 19904

Kent County Taxes
555 Bay Rd
Dover, DE 19901

Evans M. Cockrell
PO Box 1274
Dover, DE 19903

RE: 145 N Ann Ave, Dover, DE 19904
Parcel #ED05-067.15-02-350.000
Case #16-09 & 16-60

Dear Mr. Cockrell:

The Department of Planning and Inspections for the City of Dover inspected the exterior of the dwelling located at 145 N Ann Ave on October 19, 2016, and found that no repairs have been made to correct the violations detailed in a previous letter dated September 22, 2016. The building is in violation of the Dangerous Building Ordinance of the City and is scheduled to be presented to City Council as such on Monday, November 7, 2016 at 6:00 p.m., in accordance with the provisions of Article XI Dangerous Buildings. At this hearing, Staff will recommend that Council order the building to be demolished, including all accessory structures, either by the owner or the City. You may present testimony to City Council stating your case as to why the house should not be declared dangerous and ordered demolished.

The City of Dover Fire Marshal responded to the residence on January 2, 2016 regarding a missing person report. Upon entry with the Dover Police Department it was found that there were insanitary conditions within the dwelling. The home was condemned and posted as unsafe for human occupancy. City Staff also disconnected all utilities due to concerns regarding structural members of the dwelling damaged from water leaks. Since that date, City Staff has issued several grass violation notices and has had the grass cut on several occasions. Upon inspecting the exterior of the property for grass violations, City Staff has observed several exterior code violations, such as missing gutters, damaged fascia and graffiti.

Presently the structure is registered as a vacant building, with no utilities and has been condemned as unfit for human occupancy. The structure is a fire hazard and a danger to the residents in the surrounding area. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Violation of Dangerous Building Ordinance 145 N Ann Ave

Planning & Inspections Department

Dover, Delaware

November 7, 2016

145 N Ann Ave
Case History

- 16 code enforcement cases since 2010
  - Exterior code violations – Numerous grass violations
  - Interior code violations, twice referred to our department from the Police Department for insanitary conditions.
- The utilities were terminated on January 4, 2016
- Registered as vacant by the city on January 13, 2016
- Secured by the City on January 4, 2016
- Condemned as unfit for human occupancy on January 4, 2016

Outstanding Charges

- $2,464.54 in unpaid taxes, fees and code citations

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


145


145


Block
the


Nigga
Block
BLOOD












I SUPPORT
MY LOCAL
POLICE.
TOP
COPS
I Salute America's
Everyday Heroes




GRILL"
MINI SPREADA


ERFORD
Heirlooms


Radiator








Ziploc
EZ-FILL

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **December 7, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

EXHIBIT #5
Special Council Meeting of 11/07/2016

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

SENT VIA CERTIFIED & REGULAR MAIL
PHYSICALLY POSTED ON PREMISES

September 16, 2016

Cheryl Henderson
131 N Kirkwood St
Dover, DE 19904

RB Performance Recoveries LLC
c/o Clark C. Kingery, Esquire
203 West 18th Street
Wilmington, DE 19802

U.S. Bank N.A.
c/o Daniel T. Conway, Esquire
512 East Market Street
Georgetown, DE 19947

Kent County Taxes
555 Bay Road
Dover, DE 19901

RE: 131 N Kirkwood St, Dover, DE 19904
Parcel #ED05-076.08-03-250.000
Case #15-3610 & 15-2644

Dear Ms. Henderson:

On November 6, 2015, the Department of Planning and Inspections condemned the dwelling located at 131 N Kirkwood Street after the structure was found to be unsecured and the interior largely vandalized. Prior to this, the Department had sent notice on August 8, 2015 that the dwelling was a vacant house and would need to be registered as such. To date, the owner has made no contact with the city regarding the code violations or registering the dwelling as vacant. The City has also on two occasions had to have several window and doors boarded and secured. Due to the condition of the property and the lack of responsiveness on the part of the owner to correct violations, the building is found to be in violation of the Dangerous Building Ordinance of the City.

Presently the structure has no utilities, is condemned as unsafe for human occupancy, and is registered as a vacant building. There are exterior and interior code violations that have not been corrected from previous inspections. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This letter is to notify you that this structure must be repaired and brought into code compliance by October 16, 2016, or staff will report your non-compliance to City Council. The Council will then set a date and time for a public hearing to afford you the opportunity to appear and show cause why this building should not be demolished.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Attachment: Code Violation Notice

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
Tax Map Number			
ADDRESS	INSPECTOR	TENANT NAME	TENANT NBR
DANGEROUS BLDG/CONDEMNATION	11/05/15	ACTIVE	11/06/15
ED-05-076.08-03-250.000-000			
131 N KIRKWOOD ST	VELVET BOWEN		
DOVER DE 199043143			

CASE DATA:
BOARDED/SECURED - YES / NO yes
DAYS TO CORRECT
BID OPENING DATE
BUILDING OCCUPIED - YES/NO no

NARRATIVE:

November 6, 2015 9:22:10 AM vlb.	11/06/15
Doing an AHI at 127 N Kirkwood St writer noticed that the	11/06/15
back sliding glass door to 131 N Kirkwood St was unsecured.	11/06/15
Writer called vacant building inspector, Ron Coburn, to	11/06/15
verify that it is registered vacant. Upon verification, Ron	11/06/15
came out to inspect the interior of the property. Once	11/06/15
inside, it was found that people have been going in and out	11/06/15
of the house stripping metals and destroying walls, floors,	11/06/15
ceilings, etc.	11/06/15
Pictures were taken and a condemnation letter will be sent	11/06/15
to the owner.	11/06/15
December 15, 2015 4:44:13 PM vlb.	12/15/15
Lien search was requested and is in the process. Follow up	12/15/15
in 2 weeks. 12/29/15.	12/15/15
December 29, 2015 5:06:51 PM vlb.	12/29/15
Added individual violations 12/29/15.	12/29/15
February 11, 2016 3:07:15 PM rlc.	2/11/16
Dwelling was boarded and placarded.	2/11/16

NOTICE NAMES: HENDERSON,CHERYL A OWNER

HISTORY:

SCHEDULED	ACTION	STATUS	RESULTED	INSPECTOR	TIME
11/05/15	INSPECTION - FIRST	COMPLETED	11/05/15	VELVET BOWEN	
11/06/15	NOTICE - FIRST	ISSUED	11/06/15		
Respond to:	Ms. Henderson	Date: 12/08/15			
Send to:	OWNER				
Mail tracking #:					
Name/address:	HENDERSON,CHERYL A 131 N KIRKWOOD ST DOVER, DE 19904				
Telephone:					
Fax:					
EMail:					
12/08/15	INSPECTION - SECOND	SCHEDULED		VELVET BOWEN	
	NOTICE - SECOND	PENDING			
	CLOSED CASE	PENDING			

TOTAL TIME:

CASE TYPE / Tax Map Number / ADDRESS	DATE ESTABLISHED / INSPECTOR	STATUS / TENANT NAME	STATUS DATE / TENANT NBR
DANGEROUS BLDG/CONDEMNATION ED-05-076.08-03-250.000-000 131 N KIRKWOOD ST DOVER DE 199043143	11/05/15 VELVET BOWEN	ACTIVE	11/06/15

VIOLATIONS: DATE	DESCRIPTION	QTY	CODE	STATUS	RESOLVED
11/05/15	0* CONDEMNATION OF STRUCTURE LOCATION: DWELLING	1	0*	ACTIVE	
	NARRATIVE: The dwelling is deemed unfit for human occupancy due to the fact that the interior has been largely vandalized. This includes holes in the walls and ceiling, floors being ripped up, hot water heater and furnace being disconnected and stripped, doors and windows being broken, trash/debris all over the interior and exterior, exterior paint being chipped. Dwelling was found to be unsecured by Code Enforcement and was secured upon departure.				11/06/15 11/06/15 11/06/15 11/06/15 11/06/15 11/06/15 11/06/15 11/06/15 11/06/15
12/29/15	101 REPLACE MISSING FLOOR BRDS LOCATION: INTERIOR SECTION PM 305.4 STAIRS AND WALKING SURFACES.	1	101	ACTIVE	
	NARRATIVE: Replace the missing floor boards throughout the largely vandalized dwelling.				12/29/15 12/29/15
12/29/15	362 REPAIR/REPLACE DOOR LOCATION: INTERIOR SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE	1	362	ACTIVE	
	NARRATIVE: Replace all broken/damaged doors throughout the interior of the largely vandalized dwelling.				12/29/15 12/29/15
12/29/15	378 REPLC BROKEN WINDOW PANES LOCATION: EXTERIOR SECTION PM 304.13 GLAZING	1	378	ACTIVE	
	NARRATIVE: Replace all broken window panes on the exterior of the dwelling.				12/29/15 12/29/15
12/29/15	717 RMV JUNK AND DEBRIS LOCATION: EXTERIOR SECTION PM 302.1 SANITATION	1	717	ACTIVE	
	NARRATIVE: Remove all junk/debris/trash on the exterior of the dwelling. Properly dispose of.				12/29/15 12/29/15
12/29/15	227 PAINT EXTERIOR SURFACES LOCATION: EXTERIOR SECTION PM 304.2 EXTERIOR SURFACES	1	227	ACTIVE	
	NARRATIVE: Sand and paint all exterior surfaces where it is chipped/damaged.				12/29/15 12/29/15

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
Tax Map Number			
ADDRESS	INSPECTOR	TENANT NAME	TENANT NBR
VACANT HOUSE ORDINANCE	8/12/15	ACTIVE	8/12/15
ED-05-076.08-03-250.000-000			
131 N KIRKWOOD ST	RON COBURN		
DOVER DE 199043143			

CASE DATA:
- REGISTERED BY - OWNER/CITY: city
- FEE PAID - YES / NO: yes
- ELECTRIC SERVICE - YES/NO: no 05/05/15
- BOARDED/SECURED - YES / NO: yes boarded

NARRATIVE:

October 16, 2015 2:57:22 PM rlc.	10/16/15
Posted returned certified mail to the front door.	10/16/15
February 11, 2016 1:52:13 PM rlc.	2/11/16
Dwelling front door, kitchen door, rear slider and one	2/11/16
window was boarded by the City.	2/11/16
February 12, 2016 1:53:07 PM rlc.	2/12/16
Dwelling is vacant, secured with no active electric.	2/12/16
August 15, 2016 2:19:41 PM rlc.	8/15/16
Dwelling is vacant, secured (boarded) with no active	8/15/16
electric service.	8/15/16
August 26, 2016 11:45:24 AM rlc.	8/26/16
Case transferred to Tim Taraila	8/26/16

NOTICE NAMES:

HENDERSON,CHERYL A	OWNER	
JPMORGAN CHASE BANK	ADDITIONAL OWNER	888-310-1506

HISTORY:

SCHEDULED	ACTION	STATUS	RESULTED	INSPECTOR	TIME
8/12/15	INSPECTION - FIRST	COMPLETED	8/12/15	RON COBURN	
8/12/15	NOTIFICATION FOR VACANT BLDG	ISSUED	8/12/15		
Respond to:	Ms. Henderson	Date: 9/11/15			
Send to:	OWNER				
Mail tracking #:					
Name/address:	HENDERSON,CHERYL A 131 N KIRKWOOD ST DOVER, DE 19904				
Telephone:					
Fax:					
EMail:					
9/11/15	INSPECTION - SECOND	COMPLETED	9/12/15	RON COBURN	
9/12/15	REGISTRATION 1ST YEAR	COMPLETED	9/12/15		
	NARRATIVE:				0/00/00
9/12/15	ASSESS FEES	COMPLETED	9/12/15		
	NARRATIVE:				0/00/00
9/12/15	INVOICE	ISSUED	9/12/15		
Respond to:	Ms. Henderson	Date: 10/12/15			

CASE TYPE | DATE ESTABLISHED | STATUS | STATUS DATE
Tax Map Number
ADDRESS | INSPECTOR | TENANT NAME | TENANT NBR

VACANT HOUSE ORDINANCE | 8/12/15 | ACTIVE | 8/12/15
ED-05-076.08-03-250.000-000
131 N KIRKWOOD ST | RON COBURN
DOVER DE 199043143

Send to: OWNER
Mail tracking #:
Name/address: HENDERSON,CHERYL A
131 N KIRKWOOD ST
DOVER, DE 19904
Telephone:
Fax:
EMail:

9/12/15	NOTIFICATION OF REGISTRATION	ISSUED	9/12/15	
Respond to:	Ms. Henderson	Date: 10/12/15		

Send to: OWNER
Mail tracking #:
Name/address: HENDERSON,CHERYL A
131 N KIRKWOOD ST
DOVER, DE 19904
Telephone:
Fax:
EMail:

10/12/15	INSPECTION - ADDITIONAL	COMPLETED	10/12/15	RON COBURN
10/12/15	TRANSFER TO MR	COMPLETED	10/12/15	
	NARRATIVE:			0/00/00
11/12/15	INSPECTION - ADDITIONAL	COMPLETED	1/12/16	RON COBURN
2/12/16	INSPECTION - ADDITIONAL	COMPLETED	2/12/16	RON COBURN
3/12/16	INSPECTION - ADDITIONAL	COMPLETED	7/13/16	RON COBURN
8/12/16	INSPECTION - ADDITIONAL	COMPLETED	8/15/16	RON COBURN
9/12/16	INSPECTION - ADDITIONAL	COMPLETED	9/12/16	RON COBURN
9/12/16	REGISTRATION 2ND YEAR	COMPLETED	9/12/16	
	NARRATIVE:			0/00/00
9/12/16	ASSESS FEES	COMPLETED	9/12/16	
	NARRATIVE:			0/00/00
9/12/16	INVOICE	ISSUED	9/12/16	
Respond to:	Ms. Henderson	Date: 10/12/16		

Send to: OWNER
ADDITIONAL OWNER
Mail tracking #:
Name/address: HENDERSON,CHERYL A
131 N KIRKWOOD ST
DOVER, DE 19904

JPMORGAN CHASE BANK
3415 VISION DR
MAILCODE OH4-7511
COLUMBUS, OH 43219
(888) 310-1506

Telephone:
Fax:
EMail:

9/12/16	RENEWAL 2ND YEAR	ISSUED	9/12/16	
Respond to:	Ms. Henderson	Date: 10/12/16		

Send to: OWNER
ADDITIONAL OWNER
Mail tracking #:

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
Tax Map Number			
ADDRESS	INSPECTOR	TENANT NAME	TENANT NBR
VACANT HOUSE ORDINANCE	8/12/15	ACTIVE	8/12/15
ED-05-076.08-03-250.000-000			
131 N KIRKWOOD ST	RON COBURN		

DOVER DE 199043143

Name/address: HENDERSON,CHERYL A
131 N KIRKWOOD ST
DOVER, DE 19904

JPMORGAN CHASE BANK
3415 VISION DR
MAILCODE OH4-7511
COLUMBUS, OH 43219

Telephone: (888) 310-1506
Fax:
EMail:

10/12/16	INSPECTION - ADDITIONAL	SCHEDULED	RON COBURN
	VBO INTERIOR INSPECTION	PENDING	
	VBO INTERIOR CITATION	PENDING	
	SEND TO COLLECTION	PENDING	
	FLAG ELECTRIC	PENDING	
	INSPECTION - THIRD	PENDING	
	CLOSED CASE	PENDING	

TOTAL TIME:

FINES:

DESCRIPTION	CHARGE	PAID	BILLED	LIEN AMT	LIEN PAID
VACANT BUILDING 1ST YEAR	250.00	250.00	.00	.00	.00
VACANT BUILDING 2ND YEAR	750.00	.00	.00	.00	.00

Violation of Dangerous Building Ordinance 131 N Kirkwood St

Planning & Inspections Department

Dover, Delaware

November 7, 2016

131 N Kirkwood St
Case History

- 8 code enforcement cases since 2014
  - Exterior code violations – Grass violations
  - Interior code violations
- Registered as vacant by the city on September 12, 2015
- The utilities were terminated on May 5, 2015
- City Staff has had to have numerous windows and doors boarded on two separate occasions.

Outstanding Charges

- $750.00 due in Vacant Building Fees
- $50.00 grass citation and grass cutting fees

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*














11/05/2015 16:00


11/05/2015 16:00


11/05/2015 16:01


11/05/2015 16:04


11/05/2015 16:05


11/05/2015 16:05


11/05/2015 16:05


11/05/2015 16:05


11/05/2015 16:05

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **December 7, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

EXHIBIT #7
Special Council Meeting of 11/07/2016

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-7010
Fax: (302) 736-4217

NOTICE

October 20, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bilal Ali Shabazz
407 Fleetwood Rd
York, SC 29745

Bankers First Mortgage Co., Inc.
9505 Reisterstown Road
Owings Mills, MD 21117

Ocwen Loan Servicing LLC
Research PO Box 24736
West Palm Beach, FL 33416

Kent County Tax Office
555 Bay Rd
Dover, DE 19901

RE: 954 Lincoln St, Dover, DE 19904
Parcel #ED05-076.11-01-250.000
Case #15-3975 & 14-3486

Dear Sir or Madam:

The Department of Planning and Inspections for the City of Dover inspected the exterior of the dwelling located at 954 Lincoln St on October 19, 2016, and found that no repairs have been made to correct the violations detailed in a previous letter dated September 16, 2016. The building is in violation of the Dangerous Building Ordinance of the City and is scheduled to be presented to City Council as such on Monday, November 7, 2016 at 6:00 p.m., in accordance with the provisions of Article XI Dangerous Buildings. At this hearing, Staff will recommend that Council order the building to be demolished, including all accessory structures, either by the owner or the City. You may present testimony to City Council stating your case as to why the house should not be declared dangerous and ordered demolished.

On December 14, 2015, City Staff condemned the dwelling after it was found to be unsecured with numerous interior and exterior code violations. Prior to this, City Staff had sent notice that the dwelling was a vacant home and would have to be registered as such. To date, the owner has made no contact with City Staff, but Ocwen Financial Corporation has registered the dwelling and has made payments for the yearly registration fees. On June 23, 2015, the property was found unsecured and City Staff had the rear window secured. And again on August 22, 2016, City Staff found two rear windows busted and had to have both boarded and secured.

Presently the structure is registered as a vacant building, with no utilities and has been condemned as unfit for human occupancy. The structure is a fire hazard and a danger to the residents in the surrounding area. The following defects have been sited from Article XI, Dangerous Buildings, Section 22-381 of the Dover City Ordinance.

- (5) *Unfit for habitation.* Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (9) *General welfare.* Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
- (10) *Code violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
- (12) *Unoccupied buildings.* Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

This property has been duly posted as legally prescribed by the ordinance and all other parties will be notified as required. Please call (302) 736-7010 between 8:30 AM to 5:00 PM if you have any questions concerning this correspondence.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director of Planning and Community Development
atownshend@dover.de.us

cc: Traci McDowell – City Clerk
Timothy M. Taraila – Code Enforcement Supervisor
City Solicitor

Violation of Dangerous Building Ordinance 954 Lincoln St

Planning & Inspections Department

Dover, Delaware

November 7, 2016

954 Lincoln St
Case History

- 5 code enforcement cases since 2014
  - Exterior code violations – Grass violations
  - Interior code violations
- Registered as vacant by the city on October 10, 2014
- The utilities were terminated on April 9, 2014
- City Staff twice had the property boarded
- Ocwen Financial has made most yearly vacant building registration fees
- Outstanding Charges
  - $200.00 due in Vacant Building Fees

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*






















2015/12/11 10:54


2015/12/11 10:54


2015/12/11 10:54


2015/12/11 10:55


2015/12/11 10:56


2015/12/11 10:56


2015/12/11 10:57


2015/12/11 10:57


2015/12/11 10:57


2015/12/11 10:58

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **December 7, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 231 Mifflin Road

Planning & Inspections Department

Dover, Delaware

November 7, 2016

231 Mifflin Road
Case History

- The property was registered vacant by the City on October 20, 2011.
- The utilities were terminated on August 1st, 2011.
- The pool was condemned on June 5, 2014 and was presented to City Council as a dangerous structure on August 25, 2014, where City Council declared that the owner would be giving 30 days to repair or demolish. At that time, the mortgage company made repairs and the case was closed as compliance.

231 Mifflin Road
Case History

- On July 20, 2016, the side gate was found open and the pool was found to be in a serious state of disrepair. Notice was sent to all lien holders and the owner of the property. No repairs were made.
- On September 29, 2016, the pool was declared an unsafe structure.

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*



















Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **December 7, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 14, 2016 at 7:42 p.m. with Council President Slavin presiding. Council members present were Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Deputy Police Chief Mailey, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey (arrived at 8:23 p.m.), City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was absent.

OPEN FORUM

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

Mr. Stephan Hill, 38 Bertrand Drive, Dover, advised that his parents are in their eighties and someone was recently being chased through their yard. He stated that there was shooting and a bullet came through the window of his parents' house. Mr. Hill noted that he has been in that community from February 1969 to the present day and they have been law abiding citizens, but people are coming in that do not live in their neighborhood. He stated that homelessness is a problem because they come through his neighborhood every morning and drop trash. Mr. Hill also stated that there have been break-ins and he feels that enough is enough and something has to be done.

Mr. Hill stated that the only time he sees the police is when something happens and he would like to see more of a police presence to maybe curb the criminal activity, noting that the people have no reverence for the law.

Mr. Steven Hall of Dover read the following statement:

> *"November the 14th, 2016, this is addressed to the state, county, and government officials, along with the governor, and the city officials of Dover. As the winter months approach us, and temperatures continually drop, it saddens me to know that out of all the crying out and pleading that we have done, ignoring our cry for help has been your solution. I'm not asking you to take money out of your personal account. I'm not asking you to take food from your family. Neither am I asking you to take clothes that you're wearing to give to me. What I'm asking you is, "Who cares enough to meet me after this city council meeting in the vestibule and step up and say, 'Steve, I'm here to help.'"*
>
> *As I represent the rest of the homeless people that I know my time is preceding me, I want you to know that I do thank you for listening to us. I realize that it is out of your hands. I'm not here to impress you with fancy words. I'm here for help. I'm tired. I'm oppressed. I know many people that if they were at the point that I'm at, they would consider taking their life to keep from enduring this trauma. It's nice that you listen. Now it's time for you to get out of your chair, and do something and help me. I had said at the last meeting that when your carve your turkey on Thanksgiving*

day, and I'm closing with this, I would like to have keys in my hand to a home that I can call my own, to carve one as well. Thank you for listening to me."

Ms. Ruth Ann Purchase, 3796 Seven Hickories Road, stated that she has been helping an elderly man who is very generous and who wants to spend his retirement years helping other people. She noted that he has often volunteered at the men's homeless shelter and he offered to take a fellow home who had used up his allotted time in the homeless shelter. Ms. Purchase stated that he took him home for just a couple weeks, saying, "Until you get your feet on the ground." She advised that he would drive him to little jobs that he had. Ms. Purchase stated that eventually the man put a lock on the bedroom door and, three years later, her elderly friend has not been in that room since and that man now has the keys to her friend's car and he is in control of her friend's life. Ms. Purchase advised that the elderly man has been a resident in Dover for decades and he is currently in Silver Lake with an injury. She stated that she goes to visit him almost every day and she can do nothing to help him because she is not a family member. Ms. Purchase stated that the homeless man needed help, more help than an elderly man with Asperger's Syndrome could give him.

Ms. Purchase stated that there are very generous people in Dover and in the United States in general. She noted that United States citizens give, and give, and give, and it is statistically proven that they are philanthropists. Ms. Purchase asked for help to know how to help. She stated that we need strategic thinking, we need very clear long-term thinking, and we need not just social services in an office somewhere, but training for every citizen who wants to help. Ms. Purchase encouraged learning more and looking at examples where human citizens of a town are all learning together how to bring peace, how to build up their neighbors, and how to close the technology gap, the financial economic gap, and the skill-set gap. She stated that they could all work together, but they need permission and encouragement to make it happen.

Ms. Teri Staub, 198 Hammond Drive and Wedgewood in South Dover, stated that she and/or her parents have lived at that address for over 48 years consecutively. She stated that Dover is her home, she votes in every city, state, and federal election and she thought that her government was there to represent the interests and concerns of its citizens. Ms. Staub stated that they have been coming to the meeting for months to bring their plans for affordable housing to Council's attention and have asked them to meet and work with them to help house the homeless in their community. She advised that they have wonderful, doable solutions, and are ready to implement them with armies of people waiting to help them with time, resources, money, and supplies. Ms. Staub stated that men and children die in the streets from problems that can be traced to their homelessness while they are waiting for their chance to begin. She asked for bravery, compassion, and for affordable housing to be a priority to address their needs. Ms. Staub stated that they wanted a definitive answer as to whether or not they would ever be put on the agenda.

Mr. Richard Harmon, speaking on the behalf of homeless people, stated that he is 25 years old and has been homeless for quite a while. He stated that he gets help from Victory Church. Mr. Harmon stated that winter is coming and people are sleeping on the ground. Mr. Harmon advised that they need more resources and that people have been leaving the Whatcoat and Interfaith shelters without the things they have been promised, such as affordable housing, or an apartment. He advised that they need more advocates and more programs to teach them financial, stable things.

Ms. Alexis Simms, on behalf of the homeless, stated that all homeless people are not criminals or animals, they are people in need of help. She advised that they were asking for affordable housing, noting that full disability is $733 and a one-bedroom apartment is $650, which would leave $88 to pay an electric bill. Ms. Simms stated that they were asking for the old Dover library or different types of housing.

Mr. Aaron Appling, Pastor at Victory Church, 2660 Forest Avenue, stated that he wanted to speak on a moral issue of ignoring things. He spoke of the history of ignoring the Native Americans, of the ignorance of them being real people, and now there are barely any Native Americans anywhere in this land. It was almost completely genocide. Mr. Appling spoke about ignoring black people as being a real people in times of Martin Luther King. He stated that he thought they were running the risk of ignoring poor people and just going on with daily business, as if somehow they are a sub-par group and they are not real. Mr. Appling stated that the homeless are real people and, although they might act, dress, or think differently, it may be because their ancestors acted, thought, and dressed differently. He said that maybe they do not fit into this system of things and maybe this system is not good for everybody. Mr. Appling stated that when you have a great amount of wealth, resources, or power and you don't use it to do anything to help, that's a responsibility that's being neglected.

The invocation was given by Chaplain Wallace Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF OCTOBER 24, 2016

The Minutes of the Special Council Meeting of October 24, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hosfelt and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 24, 2016

The Minutes of the Regular Council Meeting of October 24, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hosfelt and bore the written approval of Mayor Christiansen.

PRESENTATION - RECOGNITION OF SERVICE - PAUL LAKEMAN - DOWNTOWN DOVER PARTNERSHIP (JUNE 2008 THROUGH JUNE 2016)

On behalf of the Mayor, Council, and City Staff, Council President Slavin presented Mr. Paul Lakeman with a Dover Cup in recognition of his many years of service on the Downtown Dover Partnership (DDP). Mr. Slavin noted that Mr. Lakeman's service to the City included much more than his service on the DDP, indicating that while Mr. Lakeman worked for the Bayhealth Foundation he was very charitable with his time and resources and gave to many people.

Mr. Lakeman expressed appreciation for the honor of being recognized. He noted that he had retired from Bayhealth in June and had been involved in City issues since the mid 1990s. Mr. Lakeman stated that, based on what he had heard this evening, there was a lot of work to be done. He commended Council and staff for having the best interest of the City at heart, and expressed his hope that they would continue to do the work that needs to be done. Mr. Lakeman stated that this is a great place to be and that he hoped that they would continue to make it that great place that it could be.

PRESENTATION - RECOGNITION OF SERVICE - CHARLES A. SALKIN - HISTORIC DISTRICT COMMISSION (AUGUST 2007 THROUGH JULY 2016)

On behalf of the Mayor, Council, and City Staff, Council President Slavin presented Mr. Charles A. Salkin with a Dover Cup in recognition of his many years of service on the Historic District Commission. Mr. Slavin stated that Mr. Salkin's service and contributions to the City did not only include his time on the Historic District Commission, noting that he was the recently retired Director of Delaware State Parks, where he helped to create the First State Heritage Park in Dover.

Mr. Salkin expressed appreciation for the recognition and stated that it was his pleasure to serve on the Historic District Commission. He explained that it is especially important to him because he really believes in the historic integrity of Dover, not just downtown Dover, but all of Dover. Mr. Salkin stated that the Historic District Commission serves a very small area in downtown Dover and expressed his opinion that it needs to be expanded because the City is losing a lot of its historic fabric everyday. He noted that people in the community are always saying why they love Dover, and that they love it in part because of its historic integrity. Mr. Salkin stated that it is the legacy that the City has with old buildings and old stuff, and it is losing it. He expressed his hope that the City will figure out a way to redouble its efforts to pay attention to historic preservation, and to expand the historic district and the incentives for people to participate privately and publicly in that. Mr. Salkin also noted that it behooves everyone to figure out how to find a nexus between historic preservation and housing homeless people, and expressed his hope that members will take that into account when they deliberate that issue.

PROCLAMATION - GEOGRAPHIC INFORMATION SYSTEMS (GIS) DAY AND GEOGRAPHY AWARENESS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, fascination with the earth's geography inspired the early explorers of our country to learn and record information about the surface of the land and its people, environments, resources, political boundaries, and characteristics and today remains a fundamental part of our national heritage; and

WHEREAS, geographic information has many useful applications for our municipal government and is a valuable resource used in the analysis of infrastructure, emergency services, economic development, and long-range planning; and

WHEREAS, Geographic Information Systems (GIS) technology provides an efficient means of managing geographic information and providing data that allows for effective decision-making and improved delivery of services to the residents of the City of Dover and our surrounding area; and

WHEREAS, the City of Dover's GIS Division plays a vital role in the continued growth of the City and has been nationally recognized for its outstanding efforts in the advancement of GIS and its foresight in creating programs that can be used to better manage services in the City;

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 16, 2016 as GIS Day, and November 13 - 19, 2016 as GEOGRAPHY AWARENESS WEEK in the City of Dover and urge all residents to adopt the national Geography Awareness Week theme, "Explore! The Power of Parks," and encourage all citizens to participate in this special observance.

On behalf of the Mayor, Council, and City Staff, Council President Slavin presented the proclamation to Mr. Mark Nowak, GIS Manager, and thanked him and his colleagues in the GIS community. Mr. Slavin indicated that the decisions that Council makes are made better by the use of this technology. He noted that the Planning Department uses this technology, and he expressed his hope that Council would begin to incorporate this type of technology into more and more decisions about the well-being of the City. Mr. Slavin stated that while a picture is worth a thousand words, a well drawn map is worth a thousand pictures.

Mr. Nowak thanked members for the proclamation. He stated that he began working for the City to start the GIS program 11 years ago. Mr. Nowak announced that the City would be celebrating its 10th GIS Day on Wednesday, November 16, 2016 from 10:00 a.m. to 2:00 p.m. in the City Hall Conference Room, where staff would be demonstrating GIS technologies. He noted that it was amazing to see what had happened over the past 10 years and how GIS is now being used. Mr. Nowak explained that it has gone from being on a desktop computer, to laptops, mobile devices, tablets, etc., and can be used at home or in the office. He stated that data can be collected in the field in real time, and it has really benefitted the City a lot. Mr. Nowak noted that he always thinks that the City should be doing more; however, he advised members that when he attends state and county meetings and GIS conferences, he sees that the City is doing a lot and he regularly receives compliments by other municipalities and governments because of that.

PROCLAMATION - NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, all people are encouraged to learn about options for care before they are confronted with a healthcare crisis and to share their wishes through appropriate advance care planning activities with family, loved ones, and their healthcare professionals; and

WHEREAS, hospice and palliative care bring patients and family caregivers the highest quality care delivered by an interdisciplinary team of skilled professionals and volunteers who make the wishes of each patient and family a priority; and

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers, hospice and palliative care focus on quality of living; and

WHEREAS, Each year, hospice saves Medicare more than $2 billion by providing solutions for physicians, care to patients and comfort to families anywhere, at any time; and

WHEREAS, every year more than 1.65 million Americans living with life-limiting illness, and their families, receive care from the nation's hospice programs in communities throughout the United States;

NOW, THEREFORE I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 2016 as National Hospice and Palliative Care Month and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

On behalf of the Mayor, Council, and City Staff, Council President Slavin presented the proclamation to Ms. Elaine Pinkowski, representative, Compassionate Care Hospice.

Ms. Pinkowski thanked the City for recognizing National Hospice and Palliative Care Month, noting that it is an honor and privilege for Compassionate Care Hospice to be able to provide such a wonderful service. She indicated that she had been providing this service for the community of Dover for approximately 14 years and it had been a true honor and a privilege.

PROCLAMATION - WORLD PANCREATIC CANCER DAY

The City Clerk read the following Proclamation into the record:

WHEREAS, in 2016 an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 41,780 people will die from the disease; and

WHEREAS, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause of cancer death in the United States by 2020; and

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

WHEREAS, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world; and

WHEREAS, approximately 140 deaths will occur in Delaware in 2016; and

WHEREAS, the good health and well-being of the residents of Dover are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments;

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 17th 2016 as “World Pancreatic Cancer Day” in the

City of Dover and encourage all citizens to help increase public awareness and support for the individuals and families who are affected by cancer.

On behalf of the Mayor, Council, and City Staff, Council President Slavin presented the proclamation to Mr. Matt Wilson, Volunteer, Affiliate Chair, Delaware Affiliate, Pancreatic Cancer Action Network.

Mr. Wilson expressed appreciation for the proclamation. He informed members that, approximately five (5) years ago, at the age of 29, he went to the Christiana Hospital emergency room for kidney stones and after months of testing, he found out that he had pancreatic cancer, a cancerous tumor on his pancreas. He stated that he is probably one of only a few people who are thankful for a kidney stone, explaining that if it had not been for the kidney stone, statistically, he would not be here today. Mr. Wilson advised that there is no early detection for pancreatic cancer and diagnosis is usually too late, explaining that 78% of people who are diagnosed die within the first six (6) months to a year. He stated that he is very blessed to be here today, noting that tomorrow he would be celebrating his five-year anniversary of being cancer free, and he continues to raise awareness and advocate for this disease, along with many others in Delaware. On behalf of those individuals, Mr. Wilson thanked the City for proclaiming November 17th World Pancreatic Cancer Day. He explained that the City would be joining much of the United States and many countries in turning the world purple, predominantly on social media and throughout newscasts, to raise awareness for this terrible disease, help the fight to double the survival rate by 2020, and ultimately to end pancreatic cancer.

COUNCIL TRIBUTE NO. 2016-01 - DR. EDWARD W. GOATÉ

The City Clerk read a proposed Tribute expressing sympathy and condolences upon the passing of Dr. Edward W. Goaté.

By motion of Mr. Hare, seconded by Mr. Lewis, Council unanimously adopted Tribute No. 2016-01, as follows:

A TRIBUTE EXPRESSING SYMPATHY AND CONDOLENCES UPON THE PASSING OF DR. EDWARD W. GOATÉ

WHEREAS, the Mayor and Council of the City of Dover have been greatly saddened by the death of Dr. Edward W. Goaté, who passed away in Fairfax, Virginia, on October 26, 2016, after a long illness; and

WHEREAS, in 1971, Dr. Goaté moved to Dover and began his career with the Capital School District, serving as Director of Secondary Curriculum, Assistant Superintendent, and ultimately Superintendent of Schools. During his tenure with the District, he worked diligently on programs directly benefitting youth, including drug education; a pilot Children-at-Risk Program; and the Dover High School Wellness Center, which offers free medical and mental health services to youth who were previously unable to secure them. Under the direction of Dr. Goaté, the District was the recipient of many awards, including the prestigious Model School Award, which was given to only 123 public schools throughout the nation that were unusually successful in meeting the educational needs of all of their students. He also offered tremendous support to the Dover Police Department

in their youth programs, and to the City of Dover in the coordination of joint efforts in an array of areas; and

WHEREAS, upon his retirement from the Capital School District in 1992, Dr. Goaté was awarded the City of Dover Bronze Medal by the Mayor and Council as an expression of their sincere appreciation for his contributions to youth and the community. Following his retirement, his passion for volunteerism inspired Dr. Goaté to serve the community as an officer or member of over 20 state and local organizations, including the City of Dover Board of Adjustment, Dover Arts Council, and Sex Offender Legislation Review Committee. He took joy in working with others, particularly with organizations devoted to improving the lives of young people.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council extend their deepest sympathy and condolences to the family and friends of Dr. Edward W. Goaté and hope that they will be consoled by the memories of his exemplary life and commendable achievements.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to place this Tribute in the permanent records of the City of Dover and that a copy of this Tribute be provided to the family of Dr. Edward Goaté.

ADOPTED: NOVEMBER 14, 2016

On behalf of the Mayor and Council, Council President Slavin and Councilmen Hare and Lewis presented Tribute No. 2016-01 to Ms. Denise Goaté, Dr. Goaté's daughter.

Mr. Slavin stated that the only words that he would add to that lovely tribute was that Ms. Goaté's father was a true gentleman. He noted that Dr. Goaté was a gentleman to everyone around him, and that he would miss having him in the City of Dover.

Mr. Hare stated that he had known Dr. Goaté for many years, noting that he had lived around the corner from him and they had many conversations and solved many problems of the world and the City standing on the sidewalk. He stated that Dr. Goaté was a great guy and truly missed.

Mr. Hutchison noted that he was the Police Chief for the City of Dover when Dr. Goaté was the Capital School District Superintendent of Schools, and they became very close friends. He stated that Dr. Goaté was a wonderful supporter of the Police Department. Mr. Hutchison indicated that Dr. Goaté was quite a special person, and noted that he knew that Dr. Goaté was very proud of his daughter.

In accepting the Tribute, Ms. Goaté stated that her dad could write three (3) words on his hand and talk for hours about whatever it was that was on his hand; however, since she did not inherit that quality, she asked members to forgive her. She noted that she was incredibly humbled and very proud to accept this Tribute, and thanked the Mayor and members of Council from the bottom of her heart for this honor. Ms. Goaté stated that her dad would be incredibly blessed, explaining that he loved the City of Dover and its people, and loved helping others. She noted that her dad had set the bar very high for her, in her life, to contribute in her own way, and to always be kind and generous with her time.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-20 - REZONING REQUEST FOR PROPERTY LOCATED AT 51 ROOSEVELT AVENUE

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 51 Roosevelt Avenue, consisting of $7,675^{+/-}$ S.F., owned by Carla M. and John W. Russum. This property is currently zoned R-8 (One Family Residence) and the proposed zoning is C-1 (Neighborhood Commercial) (Tax Parcel: ED-05-077.17-05-72.00-000; Planning References: Z-16-05 and MI-16-13; Council District: 2).

Mr. Neil moved that the Final Reading of Proposed Ordinance #2016-20 be acknowledged by title only, seconded by Mr. Hare and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of September 26, 2016.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She stated that this rezoning is part of the clean-up of non-conforming uses within the residential zones. Mrs. Townshend advised that there is a beauty shop at the location and the proposed zoning of C-1 (Neighborhood Commercial Zone) that has been requested by the applicant is consistent with the Comprehensive Plan for the residential medium density land use classification, and would allow the beauty shop to remain. She stated that if the beauty shop were to close at some point, the proposed zoning would also allow the property to revert back to a residential use. Mrs. Townshend noted that this classification seemed to work very well for both the existing business as well as the long term thoughts about how the property may be used.

Mrs. Townshend informed members that, following a public hearing, the Planning Commission recommended approval of the rezoning request.

Public Hearing

Council President Slavin declared the public hearing open.

Mr. John Russum stated that he lived at 580 Silver Leaf Lane; however, he also owned the property located at 51 Roosevelt Avenue. He indicated that his wife had been at that location for approximately 19 years and nobody was complaining about the beauty shop being there.

Responding to Mr. Russum, Mr. Slavin explained that this matter was not brought forward as a complaint; it was brought forward as a clean-up.

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

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Hutchison and, by a unanimous roll call vote (Mr. Anderson absent), Council adopted Ordinance #2016-20, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 51 ROOSEVELT AVENUE

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from R-8 (One-Family Residence Zone) to C-1 (Neighborhood Commercial Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from R-8 (One-Family Residence Zone) to C-1 (Neighborhood Commercial Zone) on that property located at 51 Roosevelt Avenue, consisting of $7,675^{+/-}$ S.F., owned by Carla M. and John W. Russum.
   (Tax Parcel: ED-05-077.17-05-72.00-000; Planning References: Z-16-05 and MI-16-13; Council District: 2)

ADOPTED: NOVEMBER 14, 2016

COUNCIL COMMITTEE OF THE WHOLE REPORT - OCTOBER 25, 2016

The Council Committee of the Whole Meeting was held on October 25, 2016 at 6:00 p.m., with Council President Slavin presiding (departed at 6:22 p.m., returned at 6:23 p.m., departed at 7:31 p.m. and returned at 7:33 p.m.). Members of Council present were Mr. Anderson (arrived at 6:07 p.m.), Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, and Mr. Hare. Mr. Lewis and Mr. Hutchison were absent. Mayor Christiansen was also present (departed at 6:38 p.m., returned at 6:41 p.m., departed at 7:31 p.m., and returned at 7:33 p.m.). Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock *(Legislative, Finance, and Administration)*. Dr. Stewart (*Legislative, Finance, and Administration*) was absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

Presentation - RideShare Delaware Program (Kathleen Grier)

Ms. Kathleen Grier, Outreach Coordinator, RideShare Delaware, advised members that she had met Mayor Christiansen at Delaware State University while doing a table event for students in their career center. He invited her to provide Council with an overview of the RideShare Delaware Program to allow those in the community to hear about the program.

Ms. Grier reviewed a presentation, entitled, "RideShare Delaware." She explained that the program had been in existence since 1997 and is a free service of Delaware Area Regional Transit (DART) First State. She informed members that the program is funded through state and federal dollars, and its goals are to lessen congestion on the Delaware roadway system and help the air quality in the State. Ms. Grier indicated that the program has several components, including ride matching, which is available to anyone who works, lives, or goes to school in Delaware, and matches participants with other commuters in their vicinities. She noted that this could include residents of Maryland, Pennsylvania, or New Jersey. Ms. Grier explained that program participants who drive, ride the bus, walk, or ride a bike to work or school are guaranteed reimbursement for the cost of alternative travel arrangements up to five (5) times per year if their ride home falls through. For example, Ms. Grier explained that if someone missed the bus or was left behind by their carpool driver, they could be reimbursed for the cost of their ride home with state and federal dollars that are set aside for this program. She noted that RideShare Delaware tries to make the program fun and interactive by offering monthly contests and holiday promotions. In addition, Ms. Grier stated that participants can track their miles and see how much they are saving in money and wear and tear on their cars. She indicated that there is also a Ride Reward Record Program whereby people who use the services up to three (3) times per month are eligible to win a gift certificate.

Ms. Grier advised that those who register their commute are instantaneously provided a list of ride matches with contact information, based on where they live, work, or go to school. It is then up to the individual to reach out to those on their ride match list to set up a carpool. Ms. Grier noted that some participants use RideShare Delaware as a back-up, such as telecommuters who go to their work site only on certain days or those who have a car in the shop or being inspected.

Ms. Grier offered to provide information regarding the program to the City Clerk's Office and invited everyone to share this information with their families and business contacts. *(City Clerk's Office Note: Subsequent to the meeting, Ms. Grier provided the City Clerk's Office with a flyer regarding the RideShare Delaware program.)*

Responding to Mr. Hosfelt, Ms. Grier advised that there are currently 11,000 participants in the database, noting that the database had been purged in the last five (5) months. She noted that she had started working with RideShare Delaware in April 2016.

Request for Four-Way Stop Sign - North New and Mary Streets

Mr. Scott Koenig, City Manager, advised that staff had received a request from a citizen interested in the installation of a four-way stop condition at the intersection of North New and Mary Streets. He stated that the concerns related to children playing in this residential area. Mr. Koenig indicated that the engineering staff in the Department of Public Works did a field investigation on August 10, 2016 and determined that a four-way stop was justified at this location based on the current Manual on Uniform Traffic Control Devices (MUTCD). He stated that the primary

reason for the justification was the lack of sight distance available on each approach to this intersection, specifically on the New Street side. In addition, Mr. Koenig noted that a speed study was done by the Police Department, and speeding was not nearly as much of a problem at this intersection as it was at others. The speed study data indicated that 66% of the cars were driven at 25 miles per hour (m.p.h.) or less in this location and 33% exceeded the 25 m.p.h. speed limit.

Mr. Koenig explained that the intersection of North New and Mary Streets was part of a fairly heavily traveled walking path that extends from Wesley College to the College's Wesley West Athletic Complex. He noted that both New and Mary Streets are residential in this location. Mr. Koenig advised that there are not a lot of small kids; however, there can be a significant amount of walking traffic in the intersection, including kids who walk up and down the area quite often. He stated that staff did not issue a community survey but was recommending the four-way stop to Council based on phone calls received by staff about this area. Mr. Koenig noted that there were four-way stop conditions in the vicinity at the intersection of Mary and North Queen Streets, Cecil and North New Streets, and at a number of intersections in the Fairview area north of William Street. He stated that a four-way stop condition in this area is, in some cases, expected; however, it had not been installed in the subject intersection.

Staff recommended the installation of the four-way stop condition at the intersection of North New Street and Mary Street; however, final action should consider any public testimony received at the Committee meeting.

Mr. Hosfelt advised that he had a conference call earlier in the day with Police Chief Paul Bernat and Deputy Police Chief Marvin Mailey, who fully supported staff's recommendation to make this a four-way stop because of the lack of view coming into that intersection. Mr. Hosfelt noted that he had ridden through the intersection earlier in the day and agreed with staff's recommendation.

Mr. Anderson questioned if Mr. Koenig had any of the other results of the speed study, such as traffic in the 25 to 35 m.p.h. range. Responding, Mr. Koenig stated that 5% of the cars were traveling between 5 m.p.h. and 10 m.p.h., 20% between 10 m.p.h. and 15 m.p.h., and 42% between 15 m.p.h. and 20 m.p.h. He noted that these numbers were cumulative, and 66.6% of the traffic was traveling at 25 m.p.h. or less. Mr. Koenig advised that the percentage of those traveling at 30 m.p.h. or less was 88.4%, so there was not a substantial amount of speeding at this location during the time of the study.

In response to Mr. Anderson, Mr. Koenig stated that a four-way stop would be added at this location rather than shifting a four-way stop from another location. He explained that there was an existing stop condition on Mary Street at North New Street, so stop bars and stop signs would be added on North New Street at its approach to the intersection. Mr. Koenig believed that the curb at this location was already painted yellow, so no parking would be removed at this point. He noted that

there was previously a house at the southwest side of the intersection; however, this property was currently vacant. Mr. Koenig stated that another house would likely be built on this corner, which would reduce sight distance over time. He noted that there are existing structures at the other corners of the intersection and it has a very downtown feel. Since these structures are relatively close to the street, the field of vision narrows, even when traveling at 25 to 30 m.p.h. Mr. Koenig stated that, considering reaction time and that there may be kids running out into the street, he felt that the four-way stop would be a prudent public safety improvement, although it would be somewhat of an inconvenience.

Mr. Anderson stated that he normally would not support such a recommendation without evidence of speeding because he does not like traffic to be broken up. However, since the houses in this location are older homes constructed under old code and are very close to the corner, he did not believe there was much of a choice in this case.

Responding to Mr. Hare regarding the volume of traffic from the study, Mr. Koenig advised that 7,651 vehicles were identified at that location between Friday, September 16, 2016 and Friday, September 23, 2016.

The Committee recommended installation of the four-way stop condition at the intersection of North New Street and Mary Street, as recommended by staff.

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

Initial Assessment of Public Safety Issues Related to Holding Public Meetings in the City Council Chambers

Mr. Scott Koenig, City Manager, advised members that during recent months, several members of City Council voiced concerns about the security of holding public meetings in the City Council Chambers and, as a result, he requested a review of the City Hall facility by the Dover Police Department. Mr. Koenig explained that staff from the Dover Police Department and representatives from the Delaware State Police Delaware Information and Analysis Center (DIAC) conducted a site visit on Wednesday, September 28, 2016 and met with Mrs. Kay Sass, Public Information and Emergency Management Coordinator, on Monday, October 3, 2016. Mr. Koenig indicated that the results of that study were placed into a 35-page report which had a series of specific recommendations, and the report was received on October 21, 2016. He informed members that he expected to forward the recommendations to Council at the next Council Committee of the Whole meeting. Mr. Koenig stated that the recommendations were wide ranging and addressed topics such as improvements that could be made to the facility, and individual security policies and procedures.

Mayor Christiansen noted that a security assessment had also been performed on the City's Reed Street building.

Mr. Slavin asked if the report addressed the capacity of Council Chambers for members of the public. He stated that over the last six (6) weeks, he had observed that the City had not followed its own rules in regard to how many people were crowded into the room. Mr. Slavin stated, for example, that it would have been very difficult to get people out of the room during the City Council meeting held on the previous evening. Responding, Mr. Koenig advised that this would have to do with the Fire Marshal's review and not just the security review. Mr. Slavin requested that the Fire Marshal look at this issue and make a recommendation regarding the capacity of the Chambers and how this could be managed. He felt that there was an obvious public safety component, but also a component with regard to the City playing by the rules in regard to fire and security requirements.

In response, Mr. Koenig stated that he would make this request and information would be brought back in relation to the full assessment.

Mr. Hosfelt asked if this matter would be placed on the agenda for the Council Committee of the Whole/Safety Advisory and Transportation Committee's meeting in one (1) month. Responding, Mr. Koenig stated that it would, noting that he planned to review the recommendations with the Police Chief. He indicated that the full evaluation may not be included in the materials for the meeting because of security concerns related to sensitive information, but staff would present recommendations.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

Dedication of Public Infrastructure

Clearview Meadow Pump Station

Mr. Scott Koenig, City Manager, stated that Knollwood Development Corporation, the responsible party for completing the pump station associated with the construction of the Clearview Meadow Development, had requested that the pump station and associated force main be dedicated to the City of Dover for permanent ownership and maintenance. This acceptance is in accordance with the water main abandonment agreement that was executed with the developer on August 11, 2016. Mr. Koenig advised that this agreement outlined an exchange whereby the developer would abandon a water main that is installed under a stormwater management pond and the City would accept ownership of the existing pump station. He indicated that the total construction value of the infrastructure was $333,993. Mr. Koenig stated that Knollwood Development Corporation had completed construction of the infrastructure in accordance with City standards and specifications.

Mr. Koenig explained that after construction was completed, City staff inspected the infrastructure and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. He advised that, as of

this date, all work required by the Public Works Director had been completed, and a one-year Maintenance Bond and a Release of Liabilities would be submitted as part of the dedication process. The required as-built drawings of the infrastructure had been provided to staff. Mr. Koenig indicated that the infrastructure to be abandoned included a Smith and Loveless 4B2B vacuum primed pump station, approximately 1,740 linear feet of six-inch sanitary force main, and two (2) gate valves, six inches in diameter.

Mr. Koenig explained that this dedication was being recommended as a separate item, noting that the subdivision was currently under construction and the first phase of the development off South Little Creek Road was dedicated several years ago. He stated that the development has a number of duplex houses off South Little Creek Road, as well as a townhouse section. Mr. Koenig advised that the section currently under construction is mostly single-family homes, although there may be some associated duplexes. Mr. Koenig stated that the water main that was installed underneath a portion of the stormwater drainage pond was not to the City's benefit from a long-term maintenance standpoint. He indicated that this was an error that was detected after construction of the basin. Mr. Koenig stated that staff was requesting that the dedication of this pump station be advanced, and in exchange, the contractor had abandoned the water main running underneath this location. He noted that the water main was not required as a looping system and could be abandoned.

Mr. Koenig advised members that the dedication of this station would have happened at some point in the future, when the top coat of the roads and the other infrastructure associated with the subdivision was finished; however, staff and he felt it was in the City's best interest to recommend dedication now. He explained that when a pump station is left in the hands of a developer, houses become occupied, and the developer's response time is not as fast as the City's for pump failures or pump alarms. This creates the potential for back-ups or sanitary sewer issues with customers who are looking to the City to provide service. In addition, Mr. Koenig stated that, from a standpoint of long-term maintenance and integrating this station into the City system, staff recommended advancing the dedication of this pump station because it was always intended to be public infrastructure. He advised that once the developer reaches a dedication point for the streets, the water main, and the sewer mains, staff would bring this back as a separate item under the normal dedication process. Mr. Koenig explained that, in regard to the issue of the water main abandonment agreement, the City could have abandoned the infrastructure; however, the contractor had all the equipment onsite. He noted that the City did provide the fittings to cap the line for the developer; however, the costs to abandon the line were relatively small, and the City did not really have out-of-pocket expenses, except for the capping mechanisms. Mr. Koenig expressed staff's belief that the proposed dedication was the best recommendation for the citizens who are now or soon to be living in the development as the properties become occupied.

Staff recommended acceptance of the pump station and associated force main at the Clearview Meadow Development. Dedication is to include the entire referenced infrastructure.

The Committee recommended approval of staff's recommendation.

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

Water Infrastructure - New Burton Road and Webbs Lane

Mr. Scott Koenig, City Manager, informed members that Kent County, the responsible party for completing the water infrastructure extension from Webbs Lane due south within New Burton Road to the new Kent County Recreation Center, had requested that all water infrastructure within the right-of-way be dedicated to the City of Dover for permanent ownership and maintenance. He reviewed the Water Utility Infrastructure to be dedicated, noting that the total construction value of the infrastructure is $239,900. Mr. Koenig stated that Kent County's prime contractor, A-Del Construction, Co., Inc. completed construction of the infrastructure in accordance with City standards and specifications. After construction was completed, City staff inspected the water infrastructure and developed a list of repairs to be made to meet the City of Dover Water/ Wastewater Handbook. He noted that, as of this date, all work required by the Public Works Director had been completed. Mr. Koenig stated that a one (1) year Maintenance Agreement and a Release of Liabilities will be submitted as part of the dedication process, and required as-built drawings of the infrastructure had been provided to staff.

Mr. Koenig explained that in 2014, Kent County asked if the City was willing to be the water provider for the new Kent County Recreation Center and there were no objections, because this was in the City's overall water master plan or concept. Mr. Koenig noted that under the extension rules, the County was required to pay for the extension of the water main to that area; however, the City asked Kent County to increase the size of the water main along the road from the ten-inch main in their design to a 12-inch main. Mr. Koenig reminded members that Council had authorized a reimbursement in September 2015 in the amount of $30,000 as cost sharing for the increased size of the infrastructure.

Mr. Koenig stated that, in his opinion, this was a good investment for the City's water utility because it would extend the City's water system to the Kent County Recreation Center, which would put the City within a couple hundred feet of the end of the Camden-Wyoming system. He indicated that if there was an opportunity in the future for the City to develop a pipe interconnection and metering system to allow water to be transferred back and forth between the City of Dover and the Camden-Wyoming Water and Sewer Authority, this would be beneficial in the long range because it would: 1) provide a drought protection measure for the City if there was a need to purchase water from them; and 2) provide the potential for Camden-Wyoming to purchase water from the City if this becomes economical for them.

Mr. Koenig informed members that this water main represented some of the southernmost reaches of the City's water system, noting that the property is in unincorporated Kent County; therefore, they are an out-of-City water customer who pays one-and-a-half times the in-City rate. He noted that instead of paying $3 per 1,000 gallons, they are paying $4.50 per 1,000 gallons, which is consistent with how customers in Rodney Village are treated. Mr. Koenig indicated that these customers are out of the City's incorporated limits but are part of the City's water and sewer utility. He explained that the Kent County Recreation Center is a water-only customer for the City, noting that the County extended sewer to this property because there was no City sewer available.

Mr. Koenig explained that staff was asking for the dedication of the infrastructure in the Webbs Lane and New Burton Road right-of-way. He requested that three (3) words be added to language in the staff's recommended action, stating that the recommendation was for acceptance of water infrastructure within the right-of-way of New Burton Road and Webbs Lane or any dedicated easements. Mr. Koenig explained that there would be a jog in the main off the road coming across the Kent County property because the cost of digging in dirt was much cheaper than digging in the edge of the roadway.

Staff recommended acceptance of water infrastructure within the right-of-way of New Burton Road and Webbs Lane or any dedicated easements. Dedication is to include all of the referenced water infrastructure.

The Committee recommended approval of staff's recommendation.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Incentive Program for City Employees Opting Not to Be Covered by the City's Health Care Plan (Deferred by the Committee Chair during the meeting of October 11, 2016)

During the Special Council Meeting - Budget Review of May 26, 2016, Council referred the discussion of the possible inclusion of an incentive program for City employees opting not to be covered by the City's health care plan to the Legislative, Finance, and Administration Committee.

Mr. Scott Koenig, City Manager, advised that staff sought input from the law firm Young, Conaway, Stargatt and Taylor on an opt-out arrangement. He stated that there are currently nine (9) City of Dover employees who are eligible for the City's health insurance plan but have declined or opted out of enrolling in the City's plan.

Mr. Koenig informed members that one (1) employee is represented by the Fraternal Order of Police (FOP), two (2) by the American Federation of State, County, and Municipal Employees (AFSCME), three (3) by the Dover Organization of Employees (DOE), and three (3) are non-bargaining employees. He explained that the reasons for opting out of coverage were as follows: 1) the employee is under the age of 26 and continues to remain on their parent's plan; 2) the employee is retired military and is enrolled in Tricare; 3) the employee is retired from the State of Delaware; and 4) the employee did not provide a reason; therefore, the reason was unknown.

Mr. Koenig informed members that any incentive option must be a conditional opt-out system. He explained that in a conditional opt-out system, the employee must provide documented proof that they have the minimum essential health care coverage through another source other than coverage in the individual private market for themselves and the "expected tax family." Mr. Koenig indicated that if an incentive payment was to be issued on an unconditional opt-out system, the City would be exposed to violations of the Affordable Care Act (ACA); specifically, the health insurance the City provides would be deemed unaffordable.

Mr. Koenig advised that several entities in the Delaware offer incentives for opting out of health care insurance and reviewed the Background and Analysis regarding this matter.

Mr. Koenig noted that each employee electing to opt out would save the City approximately $7,800 to $8,500. He explained that if Council decided to further pursue an opt-out incentive, staff recommended that the effective date be July 1, 2017 to allow for proper budgeting. Mr. Koenig felt that a $200 per month incentive would be minimally attractive to employees. He noted that the City would have to cover the cost of the nine (9) employees who are already opting out, and would need approximately five (5) or six (6) employees to opt out to reach the break-even point of the analysis. Mr. Koenig advised that this would also depend on what happens with health insurance rates moving forward. He stated that staff believed that the incentive was a method that could be used to potentially entice some people to decline the City's coverage and go to the market to find other coverage.

Staff recommended authorization to bring back a final proposal based on the discussion of an opt-out incentive for employees with respect to health care coverage.

Mr. Slavin questioned if the assumption was that the nine (9) employees who currently opt out would continue to do so. Responding, Mr. Koenig stated that it was not known what will happen in this regard on a year-to-year basis; however, the City's exposure could be that expense.

Mr. Slavin stated his view that if Council passed a motion to provide direction to Mr. Koenig on this matter, this matter could be presented during budget discussions as a possible program to be implemented. He asked if there would be sufficient time between tonight's meeting and March or April 2017, when Mr. Koenig is shaping the

budget, to educate and poll existing workers to provide an idea if there is enough critical mass to make the opt-out incentive work. Mr. Slavin noted that he was not asking for a commitment from employees at this time. He stated that the incentive program may not be worth it, for example, if only two (2) additional employees opted out, since this could create a net loss for the City. In response, Mr. Koenig had no objection to doing an internal survey that would poll those employees who were willing to answer. He stated that the incentive could be put into the budget as a draft line item to allow further discussion.

Mr. Slavin indicated that another option would be to extend the incentive to new employees, so that the existing employee base would not have to be addressed, which may cause confusion. He was unsure if current employees want the incentive or not, noting that they may have already chosen their health insurance. Mr. Slavin suggested that if the results of the employee poll indicate that they are not really interested, the incentive could be implemented with a day-forward approach.

Mr. Koenig expressed concern, from a union standpoint, that if the incentive was out there it would become part of union negotiation discussions. Responding, Mr. Slavin expressed his hope that this would not be the case, noting that the incentive may fit some people's situations exactly but would not fit those of others.

Mr. Koenig reminded members that the health care market was changing rapidly. He felt that the incentive program may be a useful tool for the City, but he could not guarantee it at the moment.

Mr. Slavin noted that someone who opts out of the City's health care coverage can re-enroll during that coverage year if they experience an involuntary loss of coverage, and he felt that was a kind and decent thing.

Mr. Neil questioned at what point an employee could state that they had lost their coverage and wanted to opt back in the City's health care coverage. Responding, Mr. Koenig explained that if an employee experiences a life event that meets the criteria, they could opt back in at that point during the year. He noted that there is also an annual election when there is essentially a renewal of the policy. Mr. Koenig stated that it is possible for an employee to opt out for one (1) to three (3) years and then decide to opt in at the appropriate time.

In response to Mr. Neil regarding the effect of an opt-out incentive on retirees, Mr. Koenig stated that staff did not make a recommendation regarding retirees.

Mr. Hare stated that he was not opposed to having research done; however, he noted that most employers today will not cover health insurance for an employee's spouse if the spouse works somewhere where they can get insurance. He did not believe that $200 would be enough incentive for someone to opt out unless they are retired from the military or the State, because insurance cannot be bought for $200 per month. Responding, Mr. Koenig agreed, stating that the incentive would have to be higher

than $200 to get significant movement on this issue. He indicated that his recommendation at this point was to start at a $200 incentive level.

Mr. Hare believed that $400 would still not be enough to buy insurance. In response, Mr. Koenig believed that $400 would start to look attractive to some people. Mr. Hare noted that the proposal indicated that an employee must state that they have insurance in order to opt out. He felt that, except for the nine (9) employees who already have insurance, $400 would not buy insurance.

Mr. Slavin believed that there were some individuals who have double insurance. He stated that he knows people who get insurance from their employer and are glad to pay to have a secondary policy. Mr. Slavin felt that it was possible that the City could capitalize on this, noting that the incentive could make it more attractive for employees to take family coverage from their spouse's plan. He believed that the incentive would target these individuals but noted that they would have to be non-State employees.

Mr. Koenig recalled that when the City went to 15% cost sharing for health care, several employees were essentially double covered and they discontinued the City's insurance once there was a cost for double coverage. Mr. Koenig reiterated that it would be difficult to determine ahead of time how many employees would opt out.

Mr. Slavin felt that if an incentive was implemented, Council should be careful to implement it for a one-year trial period to see what the data shows and if it is returning the City's investment.

Mr. Slavin moved to recommend instructing the City Manager to further develop a proposal for an incentive program for the opt-out insurance for the FY18 budget negotiations, and to poll existing City workers to gauge their level of interest. The motion was seconded by Mr. Cole.

Mr. Shevock asked if Mr. Koenig would be pursuing a $200, $300, or $400 rate. Responding, Mr. Koenig stated that staff recommended $200.

The Committee recommended instructing the City Manager to further develop a proposal for an incentive program for opting out of health insurance for the FY18 budget negotiations, and to poll existing City workers to gauge their level of interest.

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

Fund to Combat Violent Crime - FY-2017 Grant

Mr. Scott Koenig, City Manager, advised members that the Fund to Combat Violent Crime Program is a recurring grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the

Delaware Code. He stated that the first increment of funding was released during FY13. Mr. Koenig advised that this year's $97,320 allocation of funds was much higher than FY16, which was funded at $64,050.39. He indicated that, as a result of this, not enough funds were budgeted in the FY17 grant budget for the total amount of the grant, so a budget adjustment would be needed to cover the unbudgeted portion in the amount of $17,400.

Mr. Koenig stated that the Police Department was requesting approval to use its grant allocation from this program. He informed members that funds were requested to fund the third-year cost in the amount of $26,320 of the five-year Taser weapons upgrade program for all officers' Tasers and purchase tactical rifles for patrol vehicles at a cost of $52,000, two (2) Unmanned Aerial Vehicles (UAVs) and the parts and training needed for them for $12,000, wrestling mats for use during training for police officers in ground fighting skills at a cost of $5,000, and training/public information materials for victims of violent crimes for $2,000. Mr. Koenig noted that the Police Department had submitted a Grant Application and Analysis Form.

Staff recommended approval of the grant and intended purchases.

In response to Mr. Anderson regarding the purpose of the drones, Mayor Christiansen explained that the Police Department found that they could use drones in such instances as hostage standoffs and to determine if subjects have gone into areas that police officers or dogs cannot readily get into without putting them in harm's way. He stated that drones would have quite a few tactical advantages and could be used in the same way a helicopter is used, without having to disturb an entire community. Mayor Christiansen advised that drones would be used for the safety of police officers as well as the citizens in the community and are very effective.

Mr. Sudler asked if research had done to determine the success rate in using drones in surrounding cities. Responding, Mr. Hosfelt informed members that the use of drones is relatively new in law enforcement and public safety and is being pushed by Homeland Security. He indicated that learning about drones is an ongoing process. Mr. Hosfelt noted that drones could be used for traffic control in the City with regard to major events. He stated that Officer Christopher Hermance would lead this unit at the Police Department. Mr. Hosfelt indicated that Officer Hermance was working hand in hand with officials from the Delaware Department of Transportation (DelDOT) who had been a big part of writing the newly formed State law that passed this year and was signed by Governor Jack Markell regarding the appropriate use of drones and unmanned vehicles.

In response to Mr. Sudler regarding research in surrounding areas, Mayor Christiansen indicated that they had done preliminary research on the success of drones.

Responding to Mr. Sudler regarding an example of a nearby city that had adopted and used this concept, Mayor Christiansen indicated that they could get that information.

Mr. Koenig stated that he did not have that information tonight but could have it by the time the report is considered by Council.

Responding to Mr. Anderson regarding the law that outlines appropriate use, Mayor Christiansen offered to obtain that information, explaining that a policy was in place and the law was signed within the last month or 45 days by Governor Markell.

Mr. Anderson felt that there were benefits to the use of drones but expressed privacy concerns. He stated that drones with cameras could fly low enough to violate privacy by seeing in windows and the like.

The Committee recommended approval of the grant and intended purchases, as recommended by staff.

During the Council meeting, Mr. Hare reminded members that additional information had been requested during the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting, noting that Deputy Police Chief Marvin Mailey was present to provide an update.

Deputy Chief Mailey advised members that the grant would be used to upgrade the Police Department's taser inventory and to purchase Unmanned Aerial Vehicles (UAVs). He stated that the UAVs would be used for aerial surveillance, tracking criminal activities, communication with dangerous subjects in violent situations, and helping citizens and police personnel to observe areas that have previously been considered hazardous for officers. Deputy Chief Mailey explained that the grant funding would also go toward the purchase of rifles for the Department's patrol officers, which he believed would complete outfitting the entire patrol force of approximately 48.

Deputy Chief Mailey informed members that during the past year the City had seen an increase in violent crime, and he reviewed current crime rates. He stated that there were currently 90 confirmed burglaries this year, compared to 88 last year and noted that the Department has a clearance rate of 65%, which is much higher than the national average. Deputy Chief Mailey advised that there were 51 robberies this year, 54 last year, and the Department's clearance rate for robberies is 88%. He stated that, to date, the Department had 33 confirmed shootings where people were injured or property was damaged, and they did not have a number to compare that to for last year. Additionally, Deputy Chief Mailey noted that the Department's Criminal Unit, with the use of detectives and the Street Crimes Unit, had seized 88 guns so far this year. He advised members that the Department investigated two (2) murders this year, and explained that the City is becoming more and more violent, as observed over a three-year time frame. Deputy Chief Mailey stated that the Department's Crime Analyst performed a study which showed that, on average, two (2) out of every 1,000 people in the City will be charged with a weapon violation this year.

Mr. Sudler asked what Deputy Chief Mailey would attribute the increase of the violent crimes to and in what district the increase of violent crimes was in. Responding, Deputy Chief Mailey stated that he would link the City's violent crimes to the sale of heroin and other drugs, noting that it had always been tied to that throughout his career. He explained that it had been crack cocaine, then powder

cocaine and now it is heroin. Deputy Chief Mailey informed members that the Police Department could definitely tie the crime to an increase in the sale of drugs, explaining that virtually every arrest that they make now is for trafficking amounts of heroin, and a lot of home invasions are tied to drug use, drug distribution, etc. He stated that they see a lot of violence as a result of drug crimes.

In response to Mr. Sudler, Deputy Chief Mailey indicated that the increase of violent crimes was mainly in the downtown area; however, the Department sees it throughout the City.

Mr. Hosfelt stated that he believed that one (1) of the original questions regarding the purchase of the UAVs was whether members should expect the Police Department to come up with policies and procedures outlining the use of the UAVs in conjunction with search and seizure protocols. Responding, Deputy Chief Mailey stated that the Department would have a policy. He noted that Lieutenant Chris Hermance would be heading up the UAV program and asked him to elaborate.

In response to Mr. Hosfelt, Lieutenant Hermance informed members that the policy regarding UAVs will be in compliance with search and seizure procedures and regulations. He stated that, additionally, the flying will be in compliance with federal aviation standards, and the policy will be built around those standards in terms of how the Department operates, and when they do and do not operate. Lieutenant Hermance explained that the policy will cover a broad spectrum and will include everything from procedures for flight and checklists to when they do not fly. He informed members that the Department is part of a state-wide team for UAVs called the Maintenance Operations Safety and Training (MOST) Committee, which is a conglomerate of different agencies in the State of Delaware, including the Department of Transportation (DelDOT), Delaware Emergency Management Agency (DEMA), State Police, and Wilmington. Lieutenant Hermance stated that the different agencies are working all together, in their different genres of law enforcement, transportation, etc., on plans, policies, and procedures that work consistently in the UAV arena.

Referring to gun charges, Mr. Hutchison indicated that he had noticed that there had been a lot of violent crimes where weapons were used, typically a gun, and that he constantly sees that those charges are being dismissed. He asked if Lieutenant Hermance saw that as a problem in the State of Delaware. Responding, Lieutenant Hermance stated that he did see that as a problem. Mr. Hutchison asked why those charges were being dismissed. In response, Deputy Chief Mailey stated that the Police Department does see this problem; unfortunately, once they arrest someone and put them into the criminal justice system, they can make some recommendations to the Attorney General's Office; however, how the cases are worked out is usually in the hands of the Department of Justice. He explained that, at that point, it is out of the Police Department's hands.

Mr. Hutchison expressed his hope that Delaware law enforcement would join together to sit down with the Attorney General's Office because gun because the dismissal of gun charges is a very serious problem. He indicated that gun charges carry an automatic five-year mandatory sentence, which may have a lot to do with the charges being dismissed; however, he stated that something needed to be done to express this problem. Deputy Chief Mailey agreed with Mr. Hutchison.

Mr. Lewis asked how long the grant was for. Responding, Deputy Chief Mailey stated that the grant would pay for these purchases; however, it did not encompass a time frame. He explained that the Police Department could apply for it every year, so it is a yearly grant.

Mr. Lewis asked what the Department's intentions were when the grant runs out and whether they would apply again. In response, Deputy Chief Mailey stated that the Police Department applies for the grant every year.

Mr. Hosfelt stated that, in an effort to address some of the concerns that had been brought to light by members of Council, he had asked Police Chief Paul Bernat to compile some statistics. He stated that he was alarmed by some of the news releases and the different things that he had been seeing and was working with Mrs. Traci McDowell, City Clerk, to schedule a briefing from the Police Department for the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting later in the month. Mr. Hosfelt explained that the briefing would allow the Police Department to provide an update and the Department's thoughts, noting that he thought that the questions members were asking this evening would be answered during the briefing or would be better suited for that conversation.

Mr. Hutchison moved for approval of the grant and intended purchases, as recommended by the Committee. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Anderson absent).

Equal Employment Opportunity (EEO) Briefing

During the Council Committee of the Whole/Legislative Finance, and Administration Committee meeting of September 27, 2016, members considered Designing and Expanding Recruitment for City Committees, Commissions, and Boards. During that discussion, Mr. Slavin informed members that he, Mr. Scott Koenig, City Manager, and Mrs. Kim Hawkins, Human Resources (HR) Director had discussed the City's Equal Employment Opportunity (EEO) policies. Mr. Slavin advised that he had asked Mrs. Hawkins to prepare a full briefing on what the City's policy is, what its goals are, where the City is vis-a-vis those goals, and what strategies are in place with recruitment and hiring.

Mr. Scott Koenig advised members that in recent months, several members of Council had inquired about the City's posture and position in regard to EEO and what type of information is made available in this regard. He reminded members that Council President Slavin had inquired about the City's EEO statement, and Mr. Koenig stated that an EEO statement had now been added to the HR section on the new City website. He indicated that the City was transitioning to its new website and a more appropriate position for this statement may be found in the future after people visit the website and understand the functionality of it. Mr. Koenig reminded members that the City has approximately 360 full-time employees, a number of additional part-time employees, Council members, and members of boards and commissions. He stated that labor expenses were approximately $35M - $36M. Mr. Koenig remarked that the workforce is significant, noting that almost nothing happens inside the City of Dover without a human touch, and the City's human capital is its number one asset. Mr. Koenig stated his belief that a number of improvements had been made in recent years to encourage people to come and work for the City, train the City's workforce, offer opportunities, and encourage everyone to participate.

Mrs. Hawkins thanked Council for bringing this matter forward, stating that this required the HR Department to do an audit of their recruiting and reporting efforts. She explained that from that staff had learned that there were some areas for improvement. Mrs. Hawkins advised that staff would be making great strides in the next 60 days to do a full audit of staffing, categorize employees correctly according to Equal Employment Opportunity Commission (EEOC) guidelines, and implement this in the City's ADP payroll software. She stated that staff could then generate reports and look at information at a deeper level than was currently being done.

Mrs. Hawkins explained that in 2011, a Minority Recruitment Committee was formed, led by Dr. Bobby Jones. This Committee presented several recommendations at the beginning of 2012 that dealt with improving employee morale, upward mobility and career ladders, enhanced technology for the City's image in recruiting, and internship for high school and college students. Mrs. Hawkins offered to provide the Minority Recruitment Committee's recommendations to members. *(City Clerk's Office Note: During their Regular meeting of February 13, 2012, Council accepted the Legislative, Finance, and Administration Committee's recommendation that the Minority Recruitment Committee (MRC) Report be referred to staff for a report back to the Committee within 60 days. During their Annual meeting of May 14, 2012, Council accepted the Implementation Plan for the Minority Recruitment Committee Recommendations, as recommended by the Legislative, Finance, and Administration Committee.)* Mrs. Hawkins stated that staff would be revisiting this information to see what could be done to implement these recommendations. Mrs. Hawkins informed members that the HR Department does not recruit for police officers, but offered to relay any specific questions that members may have in this regard to Police Chief Paul Bernat.

Referring to page 3 of her Equal Employment Opportunity (EEO) Briefing memorandum dated October 16, 2016 and the supporting documents, Mrs. Hawkins noted that Article IV - Equal Employment Opportunity and Affirmative Action of the City of Dover Personnel Policy was approved by Council in 2004. Referring to page 5, Section 4 - Responsibilities for Implementation, B - Human Relations Commission, Mrs. Hawkins stated her recollection that the language in the policy had been forwarded to the Dover Human Relations Commission (DHRC) for their review and input. She reiterated that HR staff now had an opportunity to review the policy on a deeper level than had been done in the past and act upon it.

In regard to page 6, Equal Opportunity Reporting, Mrs. Hawkins indicated that she had been asked to present information regarding the City's last three (3) EEO report filings. She expressed concerns regarding discrepancies in the data. For example, Mrs. Hawkins indicated that one (1) report stated that 15 employees were hired; however, a spreadsheet that she maintains reflected that 30 employees were hired. She noted that these discrepancies must be addressed.

In response to Mr. Slavin, Mrs. Hawkins stated that the EEO reports are required to be filed on behalf of the City every other year and are filed in odd years. She explained that the next filing would be due on June 30, 2017.

Mr. Slavin noted that the memorandum stated that "the report for 2013 was unavailable for review" and questioned why it was not available. Responding, Mrs. Hawkins stated that staff did not have a copy of this report but had been able to secure one from the EEOC.

Referring to page 6, Recruitments and Hires, Mrs. Hawkins explained that Facebook and the City's website are used heavily to advertise job announcements. She noted that staff had discontinued advertising through the local media, including *The Dover Post* and *The Delaware State News* due to budget cuts. Mrs. Hawkins advised that individuals in the City's organization had encouraged HR to return to advertising through print media, and they would be looking to do this in the FY 18 budget.

Mr. Slavin noted that each job announcement is mailed to seven (7) colleges, two (2) religious affiliated organizations, and three (3) community organizations and asked that they be identified. Responding, Mrs. Hawkins advised that those who receive announcements include Salisbury State University; Delaware Technical and Community College in Dover; Bible Way Temple Church on Kirkwood Street; Lincoln University; Wilmington University; the Dover Interfaith Mission for Housing; Mount Zion AME Church on Queen Street; Cheyney University of Pennsylvania; the Latin America Community Center in Wilmington; Coppin State University; the University of the District of Columbia; and Mr. Ken Abraham.

Mr. Slavin inquired if staff had been able to correlate if any of these locations were producing any measurable results. In response, Mrs. Hawkins indicated that this information is requested on the last page of the City's employment application; however, this is voluntary information that is most often left blank.

Mr. Slavin asked if it could be surmised where candidates are coming from and if there were candidates from Cheyney University of Pennsylvania. Responding, Mrs. Hawkins stated that she did not have the data to support that.

Mr. Sudler questioned why Delaware State University was not on the list since it is in Dover, and what process was used to determine which institutions were placed on the list for solicitations. Responding, Mrs. Hawkins stated that there had been changes in staff in the HR Department in 2011 and 2012. She advised that staff was able to find a paper copy of the addresses that the Department was mailing job postings to, and there were approximately three (3) pages of addresses. Mrs. Hawkins stated that sometime between 2011 - 2012 and today, it had been reduced to the current number. She advised that Mr. Sudler's query about Delaware State University was an excellent question and stated that she had no response, other than that they will be added. Mrs. Hawkins noted that she was also very alarmed that the National Association for the Advancement of Colored People (NAACP) was not

on the list and that they would be added. She advised that the HR Department was doing a full review of this, explaining that, where they see deficiencies, she has asked staff to start Googling the internet to determine if there are community centers, etc., within the Dover community and Kent County where information could be distributed.

Mr. Sudler suggested that the Solid Rock communities be added.

Mayor Christiansen noted that there are a number of retired military personnel from Dover Air Force Base (DAFB) and asked if contact is made with any of the veterans organizations or with DAFB personnel who are separating. He indicated that those leaving the military have a great work ethic and are a diverse population. Mayor Christiansen stated that he found it unconscionable that Delaware State University was missed totally since it is a school that is right in the City's district. He indicated that it was blatant that someone overlooked a school that is right in the City's backyard and provides highly-educated, highly-qualified people that could fill positions in the City of Dover. Mayor Christiansen expressed his hope that this would be remedied.

Mrs. Hawkins noted that Wesley College was also not on the list. She agreed wholeheartedly with the Mayor and stated that this is why she had expressed thanks for bringing this matter to the Department's attention. Mrs. Hawkins stated that she does not like to look to the past but to the future and reiterated that the list would be expanding. She stated that veterans organizations had not been contacted; however, the Dover Public Library was asked to hire two (2) part-time employees for the passport program and she had direct contact with a woman who assists veterans with recruiting efforts. Mrs. Hawkins assured members that they would be added to the list and personally reached out to for the passport program. She stated that she would be glad to stop by tomorrow to obtain any personal contacts that the Mayor may have in this regard.

Mr. Anderson recommended adding the Employer Support of the Guard and Reserve (ESGR), noting that it is usually a very good source with a very qualified and diverse population. He expressed confusion regarding affirmative action, noting one (1) page of the document reviewed indicated that the City had no Affirmative Action Plan, yet Article IV of the Personnel Policy included an Equal Employment Opportunity and Affirmative Action section. Responding, Mrs. Hawkins advised that, to her knowledge, there was no City of Dover affirmative action plan; however, there was a statement about affirmative action in the Personnel Policy. She stated that if there was a directive from Council, staff would address an affirmative action plan.

Mr. Anderson asked if EEOC filings are used for the EEO report and if there is anything that has the City's overall recruitment goals and directives. Responding, Mrs. Hawkins advised that the EEOC has a specific form with a standard format that is completed by government agencies. She explained that staff is broken down into

eight (8) categories, and there is also a breakdown of gender, race, and salary range. Mrs. Hawkins stated that there are not specific goals in regard to recruiting.

Referring to page 7 of the memorandum and supporting documents from Mrs. Hawkins, Mr. Neil noted that the statistical material indicated that the City did not have a lot of hires. He stated that recruitments decreased from 31 in 2014 to 30 in 2015 and 29 in 2016. Mr. Neil indicated that the number of applicants dropped between 2014 and 2016 and the number applicants with a Dover address also decreased during this time. He was unsure if this was because of recruitment or how the City had been advertising those positions. Mr. Neil pointed out that there were 31 open positions in 2014 with over 1,000 applicants; however, in 2016 there were 29 recruitments and only 558 applicants. He also indicated that the percentages of female and male applicants had switched, noting that this could be the result of the appeal of the jobs being advertised. He found the statistics very interesting but was unsure what story they really told.

In regard to the recruitments, Mrs. Hawkins stated that the number of recruitments in 2014 through 2016 was quite substantial for what their staff was doing, noting that this reflected almost a 10% turnover being experienced in the organization, which was approximately (2) hires per month. She stated that, in the view of HR, recruitment was extensive and consumed approximately 90% of one (1) staff member's time. Mrs. Hawkins explained that an administrative assistant position was recruited in 2014, which typically results in female applicants, and that was the reason for the spike.

Mr. Neil reiterated that applicants from non-Dover addresses were much higher in 2016 than in the other two (2) years reflected. There were approximately 1,000 applicants from outside Dover in 2014, 444 in 2015, and 558 in 2016. Mr. Neil expected that there would be more people from Dover during that period of time due to the unemployment; however, he felt that the statistics could be related to the jobs that were being recruited for. He found it interesting to see how the pattern rises and falls.

Mrs. Hawkins stated that when she and Mr. Koenig were reviewing the numbers, she indicated the need to not just look at a chart but to see what is behind the chart. She commented that positions may or may not be highly qualified positions that require a high skill set. Mrs. Hawkins pointed out that when hiring a city manager there would not be a flood of applications; however, when recruiting for an administrative assistant, applicants are very abundant. She stated that she wished she had a magic ball when recruiting in order to find all the great candidates.

Mrs. Hawkins informed members that employees job hop in the current market. She expressed the need to prove to the community that the City is an organization of choice, and she felt that the City's benefit package meets this need. Mrs. Hawkins advised members that staff has heard from some individuals that the City's salaries are not in line with the market, and it is often indicated that people will travel an hour

north to Wilmington or a little further to Philadelphia and basically double their salary. She informed members that a staff member in her office is from the Philadelphia area and frequently reminds them of this salary difference, although some of the City's positions pay quite a bit more than the private market. Mrs. Hawkins indicated that staff tries to convey the total compensation and the value of the City's health insurance and pension plans. She noted that there have been rumblings that the closure of the defined benefit pension plan in 2009 and the change to offering only a 401 plan is sometimes a deterrent, since people often think that they will have a defined benefit plan if they come to a government organization. However, Mrs. Hawkins noted that two (2) individuals were recently recruited from the State of Delaware and the City was paying them more than they earned at the State, however, they forfeited their defined benefit pension plan for a 401 with the City. Mrs. Hawkins stated that there are different generations in the City's workforce. She indicated that the older generation typically prefers the defined benefit plan, while the younger generation are job hoppers, who will go where the money is. Mrs. Hawkins explained that this relates to retention, noting that after employees are brought onboard, there is a desire to retain them. She stated that if the City invests in training employees, it is desired that this training stays with the City, and this is particularly true in the Police Department and for the line crew.

Mr. Sudler asked how HR defines minority applicants. Responding, Mrs. Hawkins indicated that they would use the definitions in the EEO report. Mr. Sudler questioned if white women would be considered minorities. Responding, Mrs. Hawkins stated that they would not be considered minorities for this report. She explained that the EEO report is broken down by gender and then by race; therefore, there are two (2) categories and staff would classify everyone by gender and classify everyone by race.

Mr. Sudler asked if Mrs. Hawkins was aware that Caucasians are considered minorities. Responding, Mrs. Hawkins stated that she would have to research that.

Mr. Sudler questioned if HR notifies applicants who are not qualified for jobs and how long this takes once applicants have applied. In response, Mrs. Hawkins explained that when applications or resumes are received, HR puts them into its software system, and every applicant receives a letter acknowledging receipt of their application or their resume. She stated that applicants are advised in the letter that if the City wishes to further the conversation, they will be called. Mrs. Hawkins stated that the time frame cannot be defined, noting that each department has their own pace that depends on how eager the department head or department is to fill the position.

Mr. Sudler stated that someone had told him that they had applied over six (6) months ago and had yet to hear back. Responding, Mrs. Hawkins advised that she would be happy to look into the matter, stating that this was not good communication for staff.

Mr. Slavin stated that Mrs. Hawkins had mentioned that an audit of the HR office was being conducted and asked what was involved. In response, Mrs. Hawkins stated that the HR office was conducting an audit of every employee and placing them in the correct EEO categories. Mr. Slavin asked if this was an audit or something that should have been done. Responding, Mrs. Hawkins stated that it should have been done. Mr. Slavin stated that he would not characterize this as an audit, stating that when he heard the word "audit" he assumed that an objective third party was coming in to look at some of the practices that members were now hearing about. He indicated that he had a range of reactions to what he was hearing, stating that he did not believe he had heard everything. Mr. Slavin stated that he was deeply concerned. He advised that this matter was originally triggered because when he went to the City's website to look for the EEO and affirmative action statements, it said "under construction." He stated that he thought it was offensive to the people of Dover that the City had not taken the time to post something as simple and easy as this. Mr. Slavin stated that he was also saddened and alarmed, and was not grandstanding about this.

Referring to Mrs. Hawkins' comment that she did not like to look at the past but to the future, Mr. Slavin stated that part of the problem was that the City had been criticized in the recent past by the minority community time and again about its hiring practices. He indicated that the City should not be surprised by the results that were engendered, stating that what was received was because of what was done. Mr. Slavin expressed his opinion that what was done was not a very thorough or complete job of attempting to manage the issue of the complexion of the City's workforce as it relates to the population being drawn from.

Mr. Slavin stated that page 14, Exhibit C, City of Dover - October 2016, Part-Time New Hires, 1/2/2012 - 10/16/2016, provided a four-year history of part-time new hires which reflected 24 part-time new hires in a four-year period. He noted that four (4) of those new hires were African Americans, which reflected a percentage of 16.67%, and the population of African Americans in Dover is 42.2%. In reference to page 15, Exhibit D, City of Dover - October 2016, Full-Time New Hires, 1/2/2012 - 10/16/2016, Mr. Slavin indicated that there were 103 full-time new hires during the four-year period, 11 of whom were African American, which reflected a rate of 10.68%. Referring to page 18, Exhibit F, City of Dover - October 2016, Gender & Race by Department for all Full-time and Part-time Employees, he stated that the result of all the practices in place was that there were 381 employees, 47 of whom are African American, which is 12.34% for a City whose population is 42.2% African American. Mr. Slavin stated that his interpretation was that over four (4) years, this issue had not been managed at all, and nothing had been done to move the needle and make the City's workforce reflective of what it should be. He stated that these were not questions for now; however, he expressed his belief that there would be a lot of follow-up regarding this issue. Mr. Slavin stated that the process of recruitment was part of this, as well as how the City interviews and puts together interview panels, and the kind of diversity training and awareness being provided to employees throughout the year. He indicated that the City's retention rate for

minorities was also an issue, noting that the information regarding retention of minorities after being hired was not available in the numbers. Mr. Slavin stated that this was not an issue that he would be taking off the front burner.

Mr. Anderson thanked Mr. Slavin for his remarks and stated that he agreed with him 100%. He stated that it seemed that another minority was being overlooked, noting that Dover citizens were also a minority group in the City's workforce. He indicated that he had no issue with a broad base; however, he was curious if the number of citizens hired could be artificially skewed by the City's not recruiting in the local community through the universities, the Dover Air Force Base, and the newspapers. Mr. Anderson also noted that he had not heard about the State's job link and asked if the City was part of that. He advised that this is a job link that the State puts together and promotes online with all of their programs in the Department of Labor. In response, Mrs. Hawkins stated that she would look into it and follow up with Mr. Anderson.

Mr. Anderson asked if the City uses any of the big job boards such as CareerBuilder, Indeed, or GovJobs. In response, Mrs. Hawkins stated that those sources would only be utilized for higher-level or hard-to-fill positions. She noted that the City also utilizes professional organizations, such as the American Public Works Association, American Public Power Association, Library Association, and Planning Association, as well as professional websites and job boards for higher-level or hard-to-fill positions when necessary.

Mr. Hare stated that he has a HR background, and he stated that whenever his organization advertised positions, they would develop a breakdown for each position, including the number of applications received and the number of male and female applicants, as well as information about who was hired. He explained that there may be jobs for which no minorities apply. Mr. Hare suggested having this type of base to keep a record of who did and did not apply for all positions advertised, noting that this is a lot easier to keep than it was 20 years ago. Responding, Mrs. Hawkins stated that this information is captured on the HR Department's monthly report.

During the Council meeting, Council President Slavin reminded members that the Council Committee of the Whole/Legislative, Finance, and Administration Committee had received a briefing regarding equal employment opportunity. He stated that he wanted to begin with an apology to the minority community, explaining that for years the City had said that its best efforts were not yielding the kind of results that it wants to see in regard to hiring, which would be reflective of the population of the City. Referring to the briefing members received, Mr. Slavin stated that what members heard as far as the City's practices was embarrassing and troubling. He expressed his belief that the City did not put its best foot forward regarding this matter, and the results received were due to the type of effort put forth.

Mr. Slavin informed members that, by his discretion, he had directed Councilmen Hosfelt and Cole to initiate a fact-finding investigation on the operations of the Human Resources Office. He stated that they will report back to Council within 30 days with what they have found.

Study of City's Current Recruitment/Hiring Processes (Request of Councilman Lewis)
The Committee deferred this item until the next meeting.

Proposed Ordinance #2016-21 Amending Chapter 2 - Administration, Chapter 22 - Buildings and Building Regulations, and Chapter 46 - Fire Prevention and Protection by Removing the Annual Appointment of the City Clerk, Building Inspector, and Fire Marshal (Deferred by the Committee Chair during the meeting of October 11, 2016)
The Committee deferred this item until the next meeting.

Proposed Ordinance - #2016-22 Amending Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations and Appendix F - Fees and Fines (Deferred by the Committee Chair during the meeting of October 11, 2016)
During their Regular Meeting of August 8, 2016, Council considered a Proposal for Dover Public Library to Adopt a Smoke-Free Policy. Members accepted the Legislative, Finance, and Administration Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library, as amended to include all parks and recs facilities and within 25 feet of City buildings.

Mr. Scott Koenig, City Manager, reviewed Proposed Ordinance #2016-22, explaining that it would amend a portion of the City's smoking regulations. Referring to Appendix F - Fees and Fines, he advised members that the current language states that penalties are "Not to exceed $25.00; each day such violation continues shall constitute a separate offense." Mr. Koenig stated that he believed that the State has a $100 fee for the first violation and not less than $250 for additional violations. He advised members that increasing the City's fine would require staff to adjust the fee table, which was not part of the staff proposal. Mr. Koenig noted that the State's fines were significantly higher than those currently included in Appendix F - Fees and Fines.

Mr. Koenig stated that there had been questions about who would enforce the ordinance, noting that Mr. Kirby Hudson, Assistant City Manager, had met with Councilman Lewis in this regard. Mr. Koenig indicated that staff's position was that it would be enforced by the Police Department, and police officers and cadets would have the authority to write tickets for this type of violation. He explained that it was not intended for Code Enforcement staff, the Fire Marshal's Office, or the inspectors associated with those offices to be the persons that would write these violations. Mr. Koenig believed that the minor changes proposed to the language in the ordinance would allow the Dover Police Department and the cadets to enforce the smoking ban on City property.

Mr. Sudler suggested that Code Enforcement staff be included as agents to enforce the ordinance, since they ride around quite often and inspect units throughout the

City. He also suggested following the State penalty, at least the $100 fee. He was unsure if it should be $250 for additional offenses, stating that the fees should perhaps be $100 for the first offense and $100 for every additional offense.

The Committee recommended adoption of Proposed Ordinance #2016-22.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Anderson absent). *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

Mr. Shevock questioned how City property would be posted for no smoking. Responding, Mr. Koenig indicated that Mr. Hudson had been working with the American Lung Association to obtain signs that meet the guidelines of the City's grant application. He noted that the City was in receipt of a $12,000 grant, with a caveat that the City must put a significant amount of language related to the American Lung Association on the signs. Mr. Koenig indicated that he had not seen the latest size for the signs; however, the original intent was 12 x 18 inches. Mr. Hudson confirmed that the size would be 12 x 18 inches.

Mr. Koenig stated that staff was prepared to place the sign order but wanted to make sure that the ordinance was further along in the approval process before placing a $12,000 sign order. He indicated that the sign would reference Section 54-4 of the Code. He noted that it did not list the dollar amount of the violation, which would be part of Appendix F. Mr. Koenig noted that the sign had been reviewed by the Police Department in regard to enforcement. He stated that staff would obtain a final sign-off from the American Lung Association for the grant approval and would then have signs fabricated and the property posted, noting that this would happen over time.

Mr. Hudson stated that below the Code reference, the signs would say, "Penalties will apply." He explained that anyone looking at it would know there is a penalty if they are caught.

Proposed Charter Amendments - Removal of Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor; Gender Language Amendments; Administrative Amendments; and Typographical Corrections (Deferred by the Committee Chair during the meeting of October 11, 2016)
The Committee deferred this item until the next meeting.

For clarification, Mrs. Traci McDowell, City Clerk, asked if the deferred items would be considered during the Special Council Committee of the Whole meeting scheduled for October 26, 2016. Responding, Mr. Hare stated that the deferred items would be considered during the Council Committee of the Whole meeting scheduled for November 15, 2016.

Mr. Hare moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Hosfelt and unanimously carried.

MONTHLY REPORTS - SEPTEMBER 2016

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

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

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (JULY, AUGUST, AND SEPTEMBER)

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

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

PROPOSED RESOLUTION NO. 2016-12 - PROPOSING INCLUSION OF FOUR SEASONS INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

Mr. Scott Koenig, City Manager, advised members that Kent County has a maintenance operation which it has been offering to subdivisions throughout the County, including subdivisions within the City of Dover since the City does not currently have its own stormwater utility. He explained that the offering creates a maintenance district, whereby the properties of the subdivision will pay into a fund and will receive a service from the Kent Conservation District with respect to maintenance of their stormwater facilities, typically the stormwater management pond.

Mr. Koenig explained that a resolution is required for the subdivision to enter the district. He noted that if the City does create a stormwater utility or its own stormwater maintenance district in the future, these properties would revert to the City's district.

Staff recommended adoption of Proposed Resolution No. 2016-12.

By motion of Mr. Hosfelt, seconded by Mr. Neil, Council unanimously adopted Resolution No. 2016-12, as follows:

A RESOLUTION PROPOSING INCLUSION OF FOUR SEASONS INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

WHEREAS, pursuant to 9 Del. C. §5202 et.seq. and Chapter 187 §90.4E(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the area known as Four Seasons was submitted by a majority of the real property owners within the proposed district; and

WHEREAS, pursuant to Chapter 187 §90.4.E(2) of the Kent County Code, the Kent Conservation District inspected the stormwater management facilities for the proposed stormwater maintenance district, identified required repairs, and developed an operation and maintenance plan; and

WHEREAS, all required repairs have been completed and inspected by Kent Conservation District; and

WHEREAS, Chapter 187 §90.4.E.(7) of the Kent County Code requires that for subdivisions and land developments located within incorporated areas, the petition shall be accompanied by evidence of concurrence of the local governing body.

NOW THEREFORE BE IT RESOLVED:

1. That the proposed stormwater maintenance district expansion is adequate and appropriate; and

2. That all of the property owners within the district are benefitted directly or indirectly thereby; and

3. That it is in the public interest to extend the stormwater maintenance district in the manner proposed; and

4. That the stormwater maintenance infrastructure within Four Seasons, exclusive of that within Delaware Department of Transportation/City of Dover right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed, as defined by Chapter 187 §90.4.B of the Kent County Code; and

5. That the inclusion of Four Seasons within the Stormwater Maintenance District and the resulting infrastructure maintenance managed by the County shall take precedence over any homeowner obligation for stormwater management included in declarations of restrictions or similar development agreements. Any common open space or infrastructure within a community not maintained as part of a stormwater maintenance district shall remain the responsibility of the homeowners; and

6. Inclusion of Four Seasons within the Stormwater Maintenance District shall not exempt lot owners within the subdivision from participation in a stormwater utility should one be established by the City of Dover; and

7. That the Dover City Council concurs with the extension of the Stormwater Maintenance District - Four Seasons.

ADOPTED: NOVEMBER 14, 2016

EVALUATION OF BIDS - DELAWARE AVENUE SANITARY SEWER EXTENSION

Mr. Scott Koenig, City Manager, advised members that during fiscal year 2014, staff identified a combined sewer (wastewater and stormwater) situation in Kent Avenue and the sanitary flow was removed from said pipe. He stated that with the removal of the sanitary sewer in Kent Avenue, a vacant lot on the southwest corner of Kent Avenue and Delaware Avenue would not have access to sanitary sewer if the parcel were to be developed. Mr. Koenig explained that if staff maintained the sanitary sewer main in Kent Avenue to provide sanitary sewer access to this lot, the price would be unjustifiable, due to the implications in the recently upgraded Division Street. He stated that this project will provide a sanitary sewer main extension to provide services to the northwestern portion of the vacant lot.

Mr. Koenig informed members that the bid was initially advertised to the public as a request for quotations in accordance with the City's Purchasing Policy under 2016-008DPW and bids were opened on May 13, 2016. He stated that the City only received one (1) quote, which was in the amount of $49,175, and City staff decided to re-bid the project. Mr. Koenig advised members that the bid was then advertised to the public as an Invitation to Bid in accordance with the City's Purchasing Policy by the City's Purchasing Agent under ITB #17-0011PW and bids were opened on October 5, 2016. He stated that the City received four (4) bids, one (1) each from Eastern States Construction Services, Inc., Gateway Construction, Lindstrom Excavating Contractors, Inc., and Reybold Construction Group, LLC.

Mr. Koenig stated that City staff reviewed the submissions and found that the Gateway Construction bid met all requirements for the qualifications of the project. He reiterated that the City had bid this project out on two (2) separate occasions and, although the bids had come in over budget, staff believed that the price would only increase if the project were to be bid in the spring season, which coincides with the busy season of construction activity.

Mr. Koenig stated that staff recommended awarding the contract to Gateway Construction in the amount of $33,000 for the Delaware Avenue Sanitary Sewer Extension Project. He advised members that the shortfall for this project will be supplemented by a budget amendment from the Inflow/Infiltration (I & I) Removal Project. Mr. Koenig explained that the design contract for this project was accepted and is under budget; therefore, staff would be moving $8,000 from the I & I Removal Project to cover the low bid amount of $33,000 for the proposed Delaware Avenue Sanitary Sewer Extension.

Mr. Neil moved for approval of staff's recommendation to award the contract to Gateway Construction for the City of Dover Delaware Avenue Sanitary Sewer Extension, Bid #17-0011PW, for the amount of $33,000. The motion was seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Anderson absent).

MCKEE RUN UNIT #3 STACK REPAIRS - CHANGE ORDER (PROJECT #EG1613)

Mr. Scott Koenig, City Manager, advised members that NAES Power Contractors - Chimney Division was awarded the original contract work to perform the repairs on the McKee Run Unit #3 boiler stack, which included the removal of the existing stack gunite liner. He stated that the contract was awarded on August 22, 2016 in the amount of $223,852 and the authorized project budget was $485,000 in FY 2016. Mr. Koenig informed members that the requested change order amount was

currently $66,030 ($60,740 for the liner removal and $5,290 for Continuous Emissions Monitoring System (CEMS) platform grating clip repairs), which represents a 29.5% increase over the original contract award.

Mr. Koenig reminded members that the City Manager can approve change orders up to 25% without additional City Council approvals; however, he stated that the City is in the middle of the project and cannot stop for additional Council approvals due to time constraints associated with the planned outage for this work. He stated that the requested change order would need to be approved by City Council after the fact, explaining that if work had been stopped, the City would have incurred additional costs from the contractor due to the delay as well as potential penalties from PJM for the extension of the planned outage for Unit #3.

Mr. Koenig informed members that during the removal of the existing liner, it was discovered that the liner thickness increased at different levels moving downward toward the stack base. He explained that the original technical documents indicated that the liner thickness was 2" throughout the entire length of the stack, as is indicated on the original design stack detail drawing; however, at the 105' height from the base, the gunite thickness increased to 3.5". At the 90' height from the base, it was 5.5" and finally at 85' height from the base, it was measured to be 7.5". Mr. Koenig stated that the initial disposal was for 925 cubic feet of material and, due to the extra thickness of the liner, the actual disposal would be closer to 2,170 cubic feet of material, which would result in an increase in labor costs for removal as well as disposal costs. He explained that there was no documentation that the liner thickness was increased since the original installation, so it was assumed that the insulation was incorrectly installed when the stack was erected. Mr. Koenig noted that, in addition, it was found that the grating clips on the top level platform and the CEMS platforms were either broken or missing, explaining that, under the right weather conditions, this could allow the grating to become dislodged and fall from the stack platforms.

Mr. Koenig informed members that NAES recommended approval of the additional costs and the revised work scope to allow work to continue and be completed on schedule. He stated that, due to a difference between actual conditions inside of the stack and the available inspection documentation used for the bid documents, the change order is required to complete the repairs.

Staff recommended approval of the requested change order in the amount of $66,030 to complete the necessary repairs to the McKee Run Unit #3 boiler stack as detailed.

Responding to Mr. Sudler, Mr. Koenig explained that the construction drawings for the stack indicated that it had a 2" thick liner and there was no indication that the liner thickness had changed, from the drawings or what was seen inside the stack, when the inspection was done for the preparation of the bid documents. He stated that it was not until the contractor began the actual removal of the old liner that they found that the thickness of the liner changed as they went further down the stack, and that resulted in additional material changes. Mr. Koenig explained that since they were in the middle of the construction project, it was not really feasible to stop work and wait.

Mr. Sudler moved for approval of the requested change order in the amount of $66,030 to complete the necessary repairs to the McKee Run Unit #3 boiler stack as detailed. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Anderson absent).

STATUS REPORT - PROPOSAL FOR DOVER PUBLIC LIBRARY TO SERVE AS A PASSPORT ACCEPTANCE FACILITY

During their meeting of August 8, 2016 City Council considered staff's request for authorization to submit an application for the Dover Public Library to serve as a passport acceptance facility for the United States Department of State, and members approved the Council Committee of the Whole/Legislative, Finance, and Administration Committee's recommendation to authorize the City Manager to submit the necessary documentation to provide passport services at the Dover Public Library and incur the necessary expenses to implement and manage the program.

Mr. Scott Koenig, City Manager, informed members that the City's application for the Dover Public Library to serve as a passport acceptance facility was approved by the Department of State on September 8, 2016. He stated that Mrs. Margery Cyr, Library Director, was notified of this approval via a telephone call from the Philadelphia Passport Office.

Mr. Koenig advised that staff is now prepared to advertise the part-time positions and begin recruitment for the program. He stated that the estimated annualized cost to staff the program with two (2) part-time employees, working fifteen (15) hours per week was approximately $23,000, and the start-up costs to purchase the necessary equipment and supplies were estimated at $12,000. Mr. Koenig explained that the FY 2017 budgetary impact was $23,500, with $12,000 for start-up and $11,500 for wages and ancillary costs for the remainder of the budget year.

Mr. Koenig stated that the City of Dover would retain a $25 acceptance fee for each passport application, as well as income from any additional services, such as passport photos, fees for expediting, etc. He explained that, based on a $25 fee for each application, the FY 2017 estimated breakeven target would be 940 passports. Mr. Koenig indicated that the FY 2018 estimated breakeven would be 1,240 passports, which was calculated as follows: $23,500 for personnel + $7,500 for supplies = $31,000/$25 = 1,240 passports.

Mr. Koenig informed members that the service desk for the completion and acceptance of passport applications would be located in the lobby area adjacent to the parking lot side of the Library. He stated that if the program is not deemed successful by the end of the FY 2018 budget, the program can be discontinued.

Staff recommended the hiring of the two (2) part-time employees for the purpose of allowing the Dover Public Library to serve as a passport acceptance facility. The estimated budget impact to the Dover Public Library is $23,500 for FY 2017.

Mr. Sudler asked what the passport projection was for the first year, from looking at the amount of passports that were currently being produced. Responding, Mr. Koenig stated that he did not talk to the post office about how many passports they process each month. Mr. Kirby Hudson, Assistant City Manager, stated that it would be difficult to answer Mr. Sudler's question. He indicated that he went to the post office at least twice to try to talk to their staff; however, each time he went, they were busy. Mr. Hudson advised that last week, he did have an opportunity to talk to a post office employee while he was at the New Castle Post Office, which is the biggest post office in the state and where all of the mail is distributed from for Delaware. He explained that the post office employee reiterated to him that passports are not one of the top priorities for post offices, especially

with the cutbacks they have experienced. Mr. Hudson indicated that he explained to the employee that the state was seriously looking at utilizing libraries to help alleviate some of the bottlenecks with passports and informed members that the employee expressed his opinion that it would be a very good service that would be welcomed.

Mr. Hudson reminded members that the operating hours that the Library was considering would be the off hours from the post office, so the Library would not be in competition with them. He stated that the Library would be enhancing the service, especially on Saturdays and Sundays.

Mr. Hudson noted that from all indications the Dover Public Library may end up being, if not the first, one of the only libraries offering this kind of service. He explained that anyone in this particular area or region who wants to get passport services, aside from the Library next door, would have to go up to New Castle County, Baltimore or Washington, D.C., noting that this was one of the reasons why the Governor reached out to Mrs. Cyr. Mr. Hudson referenced the recent presidential election, noting that it was said that there should be an uptick in people traveling abroad, and expressed his belief that passport services would experience an uptick in business. He stated that this is what the City would be looking for, explaining that he was hopeful that the City would be able to generate enough people to come in, in order to bring in more revenue for the Library. Mr. Hudson stated that he thought that, overall, the Library would be able to make a good showing for at least the first year.

Mr. Lewis noted that Mr. Hudson had indicated that, as far as he knew, there were no other libraries in the state currently offering passport services. Mr. Lewis indicated that, as a result, the City did not really know if offering passport services was effective or not. Responding, Mr. Hudson confirmed that he did not know whether offering passport services was effective or not in Delaware. Mr. Lewis questioned whether it was effective nationally. In response, Mr. Hudson stated that he did not have the records with him; however, he offered to email them to members the following day. He stated that he thought that there were only approximately 12,000 of these facilities across the United States. Mr. Hudson noted that one of these facilities was a public library in New Jersey where Mrs. Cyr worked at one time. He stated that when that facility began issuing passports, it was rather busy, and explained that it has been in existence now for several years and is making well over six figures.

Mr. Lewis stated that his only concern with this project was, with it being new, if the City would be stuck in a hole if it does not cut even. He asked if the City has sufficient funds in the budget to cover this project if the City does not break even. Responding, Mr. Hudson stated that it is a service that people who are traveling are going to need. Additionally, he explained that the City would retain any and all money that comes in for any service, including putting the package together and sending it out, expedited service, and photos, which the City is allowed to charge for as well. Mr. Hudson reminded members that the City would be receiving $25 per application and would not have to share that money with anyone. He explained that there are different mechanisms for this service to be profitable, and it is just a matter of trying to determine how many people are actually going to utilize the City's service. Mr. Hudson stated that he tends to believe that the Library is going to be pretty busy, although he indicated that he was not sure how quickly that would occur. Based on what he had heard regarding people wanting passports because of the presumed uptick in traveling, Mr. Hudson stated that he thought the City's service would make a good go of it.

Mr. Lewis asked if there were two (2) part-time positions on hold for budgetary reasons at the Library. In response, Mr. Koenig stated that there had not been any positions on hold at the Library.

Mr. Lewis noted that the City would be putting the money out for the purchase of equipment, and asked if staff was presuming that the City would get that money back through selling these passports. Responding, Mr. Hudson asked for clarification regarding the equipment Mr. Lewis was referring to, explaining that paper, a camera, envelopes, and all of those costs would be paid for by the customer. In response, Mr. Lewis asked if the two (2) part-time positions would be included with the equipment that the City would be putting out the money for up front and if the City would then be hoping to get that revenue back through the sale of the passports. Mr. Hudson indicated that the two (2) part-time positions would be included with the equipment, and there would need to be approximately 1,000 passport sales to breakeven. Mr. Lewis stated that he wanted to be clear and make it clear for the residents because this is tax dollars. Mr. Hudson noted that he believed that the passport service would be a needed service.

Mr. Neil asked how the Library would promote the service, explaining that the key to getting off to a fast start would depend on promoting the service. Responding, Mr. Hudson indicated that staff would promote the service by putting up websites and potentially alerting the media that the City is open for business. He stated that the U.S. Passport Service would also help put the word out that the City is now officially a passport service facility. Mr. Neil stated that he would strongly recommend that, noting that there was a downtick in traveling at this particular time and finding a source for photographs, etc. is a problem. He noted that if the City was going to provide this service during the leisure hours, it would be a marvelous service.

Mr. Neil stated that he presumed that there would be several categories of passports, including one (1) for those who are willing to be recognized as a frequent traveler and one (1) for those who travel within certain areas, for instance up to Canada and back. He explained that if the Library would be able to process all of these, it would be a real service, particularly if it is provided during the off-times, and not during the daytime when some people cannot get off. Mr. Neil noted that the younger generation that is going to be traveling could use this. He stated that he thought that the whole key to the success of this service would be making sure that it is known that people can go to the Library, with lots of parking, in the evening, the off-hours, or on a Saturday and get their passport.

Mr. Hudson informed members of the full extent of what a passport agent at the Library would be doing, explaining that they would have a checklist, look at the application, make sure that the pertinent things that need to be in the package are included, and then send it off. He stated that the City would not ultimately be giving the passports out, the City would simply be like a collection depot. Mr. Neil stated that this service would be a tremendous convenience.

Mr. Hosfelt asked if the $23,500 would be coming out of the Library's budget this year and whether they could accept that. In response, Mr. Koenig confirmed that the $23,500 would be charged to the Library budget. He advised that, at this time, there were some salary savings because of unfilled positions or positions that have been vacated for a short period of time. He expressed his hope that by the end of the year the City could implement the passport program without an overall budget impact that would require budget amendments. Mr. Koenig explained that if a budget amendment

were required, it would probably be less than $20,000, based on the expected expense. He advised that there was some risk, noting that the outside risk was approximately $23,500; however, he expressed certainty that the City would process a certain amount of passports by the end of the year. Mr. Koenig reiterated that for each passport processed, the City would keep a minimum of $25.

Mr. Hosfelt asked if the two (2) positions would be additional City staff or if they would be pulled from somewhere else. Responding, Mr. Koenig explained that when he first presented this item to the Committee, he thought that they were existing staff; however, they are actually two (2) additional part-time people. He stated that 30 hours of part-time work would be added to the overall Library budget, and these two (2) positions would be reserved specifically to process passports.

Mr. Hudson noted that the two (2) employees would know from the very beginning that the City is hoping that the program will be successful and continue, but that if it is a failure, they will end up losing their positions and will not be transitioning to anything else.

Mr. Slavin stated that what Council grants, Council can take away. He explained that the City was being entrepreneurial with this program and he did support it; however, he wanted to be clear that if it does not at least break even, staff can expect that Council will pull the plug and will not carry the expense for a service that cannot carry itself.

Mr. Hare asked if the post office was going to continue its passport service. In response, Mr. Hudson stated that the post office's passport service is provided for very limited hours and it is not every day.

Responding to Mr. Slavin, Mr. Hudson confirmed that the post office's service was by appointment.

Mr. Lewis requested clarification that the two (2) part-time staffers that would be hired, if this is approved, would distinctly be doing passports, and nothing else. Mr. Hudson responded yes; however, he explained that the only thing that could possibly change is if, for instance, there was a slow period while waiting for customers, then that person may be used to help reshelve books, but that would be it. He noted that this help is something that the Library needs anyway.

Mr. Koenig informed members that to monitor this program, the number of passports processed would become part of the Library reporting once the program is up and running. He explained that the monthly reports would show how many passports were processed on a monthly basis and whether the City is meeting the breakeven point.

Mr. Slavin asked that if someone was ready to make a motion, that they consider in that motion that there be a separate quarterly report before Council, explaining that he would be glad to place it as a separate agenda item so that Council does not lose sight of monitoring their concerns about this.

Mr. Hare moved for approval of staff's recommendation to hire two (2) part-time employees for the purpose of allowing the Dover Public Library to serve as a passport acceptance facility. The estimated budget impact to the Dover Public Library is $23,500 for FY 2017. Additionally, quarterly reports will be provided and a review will be conducted after the first year of operation. The motion was seconded by Mr. Neil.

Mr. Lewis stated that he was hesitant on this project and, therefore, would not be supporting it.

The motion to approve staff's recommendation to hire two (2) part-time employees for the purpose of allowing the Dover Public Library to serve as a passport acceptance facility, with an estimated budget impact to the Dover Public Library of $23,500 for FY 2017, and that quarterly reports be provided and a review be conducted after the first year of operation was carried by a roll call vote of seven (7) yes (Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare, Mr. Hutchison, and Mr. Slavin), one (1) no (Mr. Lewis), and one (1) absent (Mr. Anderson).

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT SLAVIN

Council President Slavin requested approval of the following appointments:

Compensation Commission

Thomas J. Leary (to fill the expired term of P. Raquel Bushweller - term to expire May 2018)

Human Relations Commission

Alan P. Gaddis (to fill the unexpired term of James G. McGiffin, Jr. - term to expire February 2017)

By consent agenda, Mr. Neil moved for approval of the appointments of Mr. Thomas J. Leary and Mr. Alan P. Gaddis, as recommended by Council President Slavin. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Anderson absent).

COUNCIL AND COMMITTEE MEETINGS - HOLIDAY SCHEDULE

Council President Slavin noted that, as Council had done in the past, due to the holiday season, it was recommended that the December 27, 2016 City Council meeting and December 28, 2016 Council Committee of the Whole meeting be cancelled. He stated that these meetings were scheduled for Tuesday and Wednesday due to the Monday holiday. Mr. Slavin assured members that if the need arose, special meetings would be called.

Mr. Hare moved to cancel the December 27, 2016 City Council meeting and December 28, 2016 Council Committee of the Whole meeting as presented by Council President Slavin. The motion was seconded by Mr. Hutchison and unanimously carried.

FIRST READING - PROPOSED ORDINANCE #2016-22 WITH STAFF AMENDMENT #1 (SA#1)

Council President Slavin reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers, on the City's website at www.cityofdover.com under "Government," or by contacting the City Clerk's Office at 736-7008 or cityclerk@dover.de.us. Final action by Council on the proposed ordinance will take place during the Council Meeting of November 28, 2016.

Mr. Scott Koenig, City Manager, reviewed Proposed Ordinance #2016-22 with Staff Amendment #1 (SA#1), explaining that the proposed changes would make the City's Code consistent with Council action. Referring to SA#1, Lines 120-149, he advised members that Deputy City Solicitor William Pepper indicated that this language was no longer needed because the City's original

ordinance was adopted prior to recent changes to the Delaware Code. Mr. Koenig referred to Appendix F - Fees and Fines, noting that there were no proposed changes to the fines associated with this ordinance and the penalties are "Not to exceed $25.00; each day such violation continues shall constitute a separate offense."

Responding to Mr. Sudler, Mr. Koenig confirmed that Council would be able to increase the fine in the future, if they deem it necessary.

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

> #2016-22 WITH STAFF AMENDMENT #1 (SA#1) AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES
>
> *(Legislative, Finance, and Administration Committee)*

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, announced that there were a number of construction projects underway all across the City, including various Delaware Department of Transportation (DelDOT) projects, City of Dover projects, water and sewer projects, and soon to be the street programs. He expressed appreciation for the patience of the public, noting that there had been a number of detour issues which staff had been working on with residents and members of Council, as well as State elected officials. Mr. Koenig noted that the City appreciated everyone's patience as the City improves the systems to provide better levels of service to the customers and residents. He stated that any concerns could be submitted to any of the departments, including the Electric or Public Works Departments, or through the City Manager's Office, and staff would do their best to make any adjustments necessary to continue the traffic and improve the system.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin extended early wishes for a happy birthday to Mr. Neil, whose birthday is November 26th.

Mr. Slavin noted that one of the construction projects currently underway in the City has affected North State Street and created a significant issue in the area about where the traffic was going and detouring. He stated that the City continues to learn about driver behavior in a very real way everyday. Mr. Slavin expressed his thanks for the efforts of the Public Works and Police Departments, as well as the Delaware Department of Transportation (DelDOT), who were very responsive in helping to resolve this problem, noting that when you take away people's regular route of travel it becomes really hard.

Mr. Sudler congratulated Union Missionary Baptist Church on the celebration of their 114th anniversary on November 13, 2016.

Mr. Sudler announced that on Thursday, November 17, 2016, from 5:30 p.m. to 6:45 p.m., a special community meeting would be held downstairs in the basement of Union Missionary Baptist Church concerning a Code Purple housing initiative in the community of Simon Circle and Lincoln Park. He stated that the question was "how do you want your council persons to vote on this matter and why."

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

Meeting adjourned at 8:59 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of November 14, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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CERTIFICATE OF APPRECIATION

Presented to

James G. McGiffin, Jr.

Dover Human Relations Commission

March 2014 - October 2016

Your public service, selflessness, and talents have increased the quality of life for the residents of the City of Dover

November 28, 2016

ROBIN R. CHRISTIANSEN	***TIMOTHY A. SLAVIN***
MAYOR	***COUNCIL PRESIDENT***

EXCERPT OF OCTOBER 11, 2016 COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING MINUTES

The Council Committee of the Whole Meeting was held on October 11, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hosfelt (arrived at 6:01 p.m.), Mr. Hare, and Mr. Hutchison. Mr. Neil was absent. Mayor Christiansen was also present (departed at 7:43 p.m.). Civilian members present for their Committee meetings were Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

Request of Fordham & Dominion Brewing Company - Amendment to Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses of the Dover Code/Proposed Agreement Approving 80 Event Hours Over 12 Months

During the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting of July 26, 2016, members were provided an Overview of the Airport Environs Overlay Zone Related to Dover Air Force Base and Fordham Brewery.

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of October 11, 2016, Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to the letter from Mr. Ryan Telle, Vice President of Marketing, Fordham and Dominion Brewing Company, dated September 14, 2016, requesting an amendment to the Zoning Ordinance; the Zoning Interpretation & Administrative Policy - Temporary Uses Involving Public Assembly within the Airport Environs Overlay Zone (AEOZ) dated June 2, 2016; and her letter to Mr. Dan Louder dated August 1, 2016 documenting the agreement between the City and Fordham and Dominion Brewery Company that was reached in June 2016. She advised members that Fordham was requesting an amendment to the Zoning Ordinance.

In response to Mr. Sudler's request for the background regarding her position on this matter, Mrs. Townshend explained that the City adopted the Airport Environs Overlay Zone (AEOZ) in 2001 based on the Air Installation Compatible Use Zone (AICUZ) study performed by the Air Force for the Dover Air Force Base (DAFB) space. She stated that this study was based on modeling that the Air Force does to determine a noise contour, which includes areas where noise from air traffic is expected to be higher. Mrs. Townshend informed members that, within these areas, there are certain recommendations for how building construction is dealt with to attenuate the noise, as well as prohibitions on certain uses, such as residential, in the higher noise zones. She indicated that the study also identified the crash zone and two (2) accident potential zones. She stated that a land use compatibility table came from the AICUZ study that included compatible uses within the different noise zones, the clear zone, and the two (2) accident potential zones, and identified uses that were incompatible. Mrs. Townshend advised that, beginning in 2001, the City adopted these provisions into the Zoning Ordinance and they became part of its land use regulations. She explained that the DAFB updated the AICUZ study in 2010 and the information in the land use tables did not change; however, the noise contour shrank. Mrs. Townshend noted that accident potential zones stayed the same, because these areas off the runways had not changed since the initial adoption of the AEOZ zone in 2001.

Mrs. Townshend advised members that when Fordham and Dominion Brewery Company opened in 2003, they opened as a brewery, which is a manufacturing use, subject to the provisions of the

AEOZ. She stated that, over time, their use evolved beyond what is permitted in the accident potential zone with the number of events they were having. Mrs. Townshend noted her belief that this was an honest evolution and Fordham was not attempting to avoid compliance with the Code. She informed members that Fordham was obtaining permits for some, but not all, of the events, and staff learned that more and more events were being held in the industrial area through social media. Mrs. Townshend indicated that the Fire Marshal's Office reached out to Fordham to get a better sense of the events they were holding, told them they needed to get permits for these events, and determined that Fordham was operating beyond the scope of the ordinance. She explained that the Zoning Ordinance allows an exemption for temporary uses of no more than five (5) days in the AEOZ, and staff determined that these days did not have to be consecutive. Mrs. Townshend stated that staff sent an email to Council in this regard. Referring to her letter to Fordham and Dominion Brewing Company dated August 1, 2016, she stated that, based on discussions that were held, she had followed up with this letter that indicated that Council would allow Fordham to hold 40 hours of events in the second half of 2016, based on five (5) eight-hour days, and Fordham was not happy with this.

Referring to the letter from Mr. Telle, dated September 14, 2016, Mrs. Townshend explained that this was a request for a Zoning Text Amendment to expand the five (5) days to 80 hours. She stated that this was something that could not be done administratively or by a simple vote because it relates to a provision of the Zoning Ordinance.

Mr. Sudler questioned how long Fordham had conducted events that exceeded the permitted usage for events, to staff's knowledge. Responding, Mrs. Townshend stated that no special event permits were issued before 2012 and estimated that two (2) to three (3) permits were issued per year between 2012 and 2016 for events like Cheesetoberfest. She advised that there were some rather big events held there, noting that the Police and Fire Departments had such an event. Mrs. Townshend stated that these events did not raise any flags until staff started seeing more and more things on social media, such as monthly release parties. In December 2015, Fordham came to the Planning Commission for an expansion of the Brewery. Mrs. Townshend informed members that during the Development Advisory Committee (DAC) meeting in December, events were specifically discussed, and staff was told that Fordham has two (2) to three (3) events per year and did not want or expect that aspect of their business to grow. She indicated that everyone present agreed that if this was the expected use, this was in compliance with the Zoning Ordinance. Mrs. Townshend noted that the DAFB Community Planner is part of the DAC.

Mrs. Townshend advised that approximately a month later, staff started seeing more events on social media, and she believed this was because social media was becoming more used. She was told that there were events all along, but they were not events that the City authorized. Mrs. Townshend stated that the Brewery was in an industrial zone and, more importantly, in the AEOZ accident potential zone, and, based on the AICUZ study, the Zoning Ordinance limits uses that would have people gathering in large populations in this location.

Mr. Anderson stated that normally special events are thought of as larger events, rather than small tastings where 20 or 30 people happen to stop by. He questioned what legally constitutes an event. Responding, Mrs. Townshend indicated, as stated in her letter to Mr. Louder dated August 1, 2016,

that the occupant load of the tasting room would be used to determine the threshold at which something is constituted to need a special event permit. The Fire Marshal's Office measured the tasting room and determined the occupant load to be 33, and staff stated at that point that anything with more than 33 people would need a special event permit. Mrs. Townshend advised that a special event permit is needed not only due to the number of people but also when an event involves a use that is not permitted in a zone, or an event is held in a building for which the use has not been approved. She noted that the industrial area was not designed for public assembly. Responding to Mr. Anderson, she indicated that the limit of 33 would apply to the number of people present at any given time when the tasting room is open, rather than 33 people over the course of an event.

Mr. Lewis questioned if the Planning Department saw anything out of the ordinary when the permits were issued. Responding, Mrs. Townshend stated that when Fordham had events there were tents and food trucks, which was what staff would expect for a special event.

Mr. Lewis asked if social media drove the Planning Department to investigate the Brewery. In response, Mrs. Townshend indicated that social media put this matter in front of staff. She explained that events are typically held when staff is not out on the roads and, since this is not a highly traveled area, it is not an area that staff would typically stumble upon. Mrs. Townshend stated that the predominance of social media made staff aware of a Code violation.

Mr. Lewis questioned if it was common for staff from Mrs. Townshend's department to stop by special events to make sure that everything is okay. Responding, Mrs. Townshend stated that staff is typically not assigned to events unless they are very large. She indicated that staff could be assigned to events if there was overtime available, but staff had not been allocated to this. Mr. Jason Osika, Fire Marshal, stated that the first year that the OktDoverfest was held in downtown Dover and Loockerman Street was closed, staff went out prior to the event to look at it. Mrs. Townshend stated that staff goes out and does pre-inspections.

Mr. Lewis expressed confusion, stating his understanding that an event had been going on at Fordham and Dominion for years. He indicated that he had not attended but was aware of it. In response, Mrs. Townshend reiterated that, going back to 2012, staff was receiving permit applications for two (2) or three (3) events per year. She did not know at what point events started happening on a monthly or more than monthly basis. Mrs. Townshend stated that this became more apparent through the use of social media, which was doing its job of letting people know what is happening. She believed that the event aspect of the brewery industry had increased and, as more breweries had come online, breweries had been holding more events. Mrs. Townshend advised that, because staff knew that this was the trend in the industry, when Fordham came in with their application for expansion in December, staff was very clear that the event portion of the business could not grow. She stated that staff was told that it would not grow, and they took Fordham's word for this.

In response to Mr. Hosfelt, Mrs. Townshend confirmed that the five-day limitation was in the original ordinance and still stood.

Responding to Mr. Hosfelt, Mrs. Townshend indicated that Fordham could apply to the Board of Adjustment for a variance if Council did not want to change the ordinance. She explained that the Board of Adjustment meets on the third Wednesday of the month in the morning. Mrs. Townshend believed that Friday, October 14, 2016 was the deadline for the November Board of Adjustment meeting, and the second or third Friday of the month would be the deadline for their December meeting. She confirmed that there was still time for this matter to be placed on the Board of Adjustment agenda for the November meeting. Mrs. Townshend stated that she was aware that Fordham already had an attorney involved because she had spoken to the attorney, and she thought that Fordham would have an attorney come in for a pre-application meeting and put together an application. She recalled that the Code requires four (4) criteria for a variance, as follows: 1) is the use or activity compatible with the zone in which the property lies; 2) is it compatible with the surrounding uses; 3) would it damage the surrounding uses; and 4) is there an exceptional, practical difficulty that would create a hardship for the property if the City did not grant a variance. Mrs. Townshend advised that she had seen skilled attorneys do a very good job on applications like this.

Mr. Hosfelt noted that the Civil Air Patrol was located in this area. In response, Mrs. Townshend stated that a lot of the properties in this area were owned by Kent County and most of them were not in the Overlay Zone. She explained that the path comes off the end of the runway and a lot of areas that one might think intuitively are in the zone are not. Mrs. Townshend indicated that Janes Road in Dover Brook Gardens is not in the zone. She stated that the Air Mobility Command Museum was outside of the clear zone, and the DAFB spent a lot of money to relocate the Museum's entrance, which previously went through the accident potential zone.

Mr. Hosfelt questioned whether there would be time for an ordinance change before the end of the year if Fordham applied for a variance and was not approved. Responding, Mrs. Townshend stated that if Fordham went to the Board of Adjustment in November, it could come back to the Council Committee of the Whole near the end of November, a first reading could be held in December with Planning Commission consideration in January and a final reading before Council in February. She noted that Fordham would be able to hold five (5) events in the interim.

Mr. Shevock questioned if the Air Force would have to approve any changes. Responding, Mrs. Townshend indicated that the DAFB does not approve what the City adopts. She stated that they provide their model to the City and will not comment publicly on specific situations or make any official comments for the record. Mrs. Townshend indicated that the Air Force's official comment is in providing the AICUZ study. She stated that if the City made this change, the Air Force would not have to approve it but would review it. Mrs. Townshend explained that, based on her interaction with the Air Force on this and other matters in the past, she believed that they would be very neutral as to opposing or supporting it, but would probably point back to the AICUZ study.

Mr. Slavin referred to Mrs. Townshend's comment that one would think intuitively that some of the properties are in the zone but they are not. Responding, Mrs. Townshend stated that there are some areas around the DAFB that, intuitively based on their proximity to the DAFB, one might assume they are in the zone. However, when looking at the flight patterns, the runway, and what has been

identified as the accident potential zone, some of the properties that people assume would be more vulnerable are not in the accident potential zones.

Mr. Slavin stated that his conclusion was that it is clear that the zone is not applied evenly or equitably because there are properties that, as Mrs. Townshend had stated, instinctively one would think are in the zone but they are not protected by it. In response, Mrs. Townshend stated that one may think that properties are in the zone because of their proximity to the DAFB. However, the accident potential zones are based off modeling and data that is based on Air Force plane crashes over a number of decades. She explained that modeling and actual crash data are used to develop the accident potential zones. Mrs. Townshend advised that they have a much more scientific method of determining where these zones are than that a property is located near the DAFB, where one would think it would be more vulnerable. Her point was that there are places near the DAFB that are not in the accident potential zone because the modeling does not put them there.

In regard to the AICUZ study, Mr. Slavin stated that he was not comfortable establishing a precedent of the City ceding control over how its land is zoned to a federal study, especially when the agency doing the study would not approve or disapprove of things when asked. He did not believe it was good to establish this precedent when the agency decides to take a silent approach and let the City make up its mind. Mr. Slavin stated that he respected the City's Charter and ordinances; however, he felt that if something is found that is broken, it should be fixed. In regard to economic development, he stated that the subject business was an industry that the City should be inviting and recruiting to build, not turning away or trying to make things more difficult for. For example, Mr. Slavin stated that he attended an event at the Painted Stave in Smyrna on Friday night, which was formerly the old Smyrna Theater. He stated that this building had been a plumbing warehouse for 20 years and was now a public gathering place that holds any number of events during the year. Mr. Slavin advised members that when he asked the town manager of Smyrna how they got a plumbing warehouse to serve this function, she stated that they had made it work. He indicated that he liked the spirit of making it work, noting that there was a willing business, energy, and a desire to make it work rather than hold it up. Mr. Slavin suggested that, rather than holding up what had been said for years, maybe there was a moment to refresh this and take another look. He stated that if the City was going to say that it was business friendly in the community, this is where it would happen, and the City could start to move government aside a bit and let businesses develop and grow. Mr. Slavin indicated that this was discussed the last time that Fordham came before Council. He advised that Fordham's industry is a very fast moving and evolving industry, explaining that when Fordham came in as a bottling factory 10 or 15 years ago, that is what everyone believed it was going to be; however, if they had stayed a bottling factory they would probably not be in business at this time. Mr. Slavin stated that Milton allows and embraces the same activity. He felt the need to widen the lens a little and, rather than getting frustrated with the fact that something was broken or did not fit, he expressed the need to get to the fix and just make this work.

Mrs. Townshend agreed that when the Code is broken it should be fixed; however, she was unsure that all members of Council agreed that the Code was broken in this regard. She stated that it was absolutely the prerogative of Council to change the Code if they felt that it was broken and needed to be changed, and she offered to do this if instructed to put forth an ordinance that does what was requested. Mrs. Townshend felt the need to let members know that the purpose of what the DAFB

had put forward was to protect the public safety around the Base, as well as the longevity and viability of the Base. She stated that she would be remiss if she did not say that members could make this decision and find out in 10 or 20 years that this decision had been made at the expense of the DAFB. Mrs. Townshend stated that she did not want that to happen; however, she explained that the reality was that encroachment is one of the biggest factors that pushes bases out.

Mayor Christiansen asked if the Dover Behavioral Center was in the zone, and Mrs. Townshend responded that it was. She advised that this was discussed with the DAFB when the AICUZ study was done in 2010 when the ordinance was updated, and had also been discussed with them recently. Mrs. Townshend indicated that when the Dover Behavioral Center last expanded approximately five (5) or six (6) years ago, they went to the Board of Adjustment and obtained a variance. She stated her understanding that there was a lot of internal discussion at the DAFB at that time between the Wing Commander, other commanders, engineering which involves community planning, and health personnel, because the DAFB relies on the services of Dover Behavioral Health and it was already located there.

Mayor Christiansen asked if this discussion had been memorialized and could be reviewed by himself and members of Council. Responding, Mrs. Townshend advised that staff had the variance decision; however, she had not been privy to the meetings. She indicated that it was conveyed to her that there had been a lot of internal discussion about it by the DAFB. When staff updated the AEOZ, in discussions with the DAFB, staff asked what would happen if they changed the threshold in the ordinance. Mrs. Townshend explained that the ordinance states that an existing use that predates the ordinance could expand 10% or 20%, and this threshold was changed to 50%. This meant that the hospital that was there could expand 50% without having to go to the Board of Adjustment. Mrs. Townshend informed members that there had previously been attempts to establish a psychiatric hospital in many locations, and it ultimately was established in the 1990s in that location because nobody wanted it in their back yard. She stated that this was before the zone was put in place, and staff was very cautious and worked very closely with the DAFB so that the expansion happened in a way that would not be considered encroachment on the part of the Base. Mrs. Townshend advised that the City would not allow the psychiatric hospital as a new use or do any of the things that the DAFB indicated they would consider encroachment. Mrs. Townshend advised that she and Mr. Scott Koenig, City Manager, had met with engineering staff at the DAFB several times over the last several months and asked how Dover had fared on encroachment when the Air Force had done the Base Closure and Realignment Commission (BRAC) studies. She stated that she and Mr. Koenig were told that the DAFB had always been able to answer that Dover has no encroachment. Mrs. Townshend stated that she specifically asked about the Dover Behavioral Health Center, and DAFB personnel stated that this was a pre-existing facility and the expansions were in conformance with what the City worked out with the DAFB for the ordinance.

Mayor Christiansen questioned if this understanding had been memorialized in writing, stating that anytime there is information like this he would like to see it in writing. Responding, Mrs. Townshend advised that when staff met with the DAFB in August, staff stated that the City was trying to understand the issue of encroachment and knew that the DAFB would not go on the record. She explained that staff asked how the DAFB had answered the question in the past and how the hospital affected it.

Mr. Hare felt that if the DAFB had stated that there had been no encroachment, they did not consider what Fordham had been doing for the last four (4) years as encroachment. In response, Mrs. Townshend stated that the DAFB relies on local government partners to enforce the ordinance. She stated her belief that at some point it would have been considered encroachment and that the DAFB did not know, any more than the City knew, the degree of the events that were going on at Fordham.

Responding to Mayor Christiansen, Mrs. Townshend advised that the Zoning Ordinance does not state that a day constitutes eight (8) hours. Mayor Christiansen stated that five (5) 24-hour days would equal 120 hours of permissible events. In response, Mrs. Townshend indicated that this was what Fordham's attorney had proposed in June 2016. She advised that she was not personally comfortable making that administrative determination because she felt it was against the intent of the ordinance. Mrs. Townshend recommended that Fordham go to the Board of Adjustment, either for a variance or for an interpretation.

Mayor Christiansen asked if Mrs. Townshend would grant that the ordinance states five (5) days, which constitutes 24 hours. Responding, Mrs. Townshend stated that the ordinance states five (5) days, and the responsibility for interpretation of the Zoning Ordinance is by Code assigned to the City Planner, and a decision of the City Planner can be appealed to the Board of Adjustment. Mrs. Townshend stated that she had indicated that she would not be comfortable supporting that determination and it could go to the Board of Adjustment.

In response to Mayor Christiansen, Mrs. Townshend stated that the occupancy calculation of 33 made by the Fire Marshal was based on the tasting room. She advised that 33 people could be there any day of the week, and outside events would involve special event permits.

Mayor Christiansen asked if Fordham had changed their management and if the previous management was not obtaining the required permits for events. Responding, Mr. Telle advised that the person responsible for obtaining permits for Fordham was no longer with the company and Mr. Telle was now in charge. He advised that Fordham had filed for proper permits for every event they had held since they first received a letter from Mr. Jason Osika, Fire Marshal.

Mr. Hutchison felt that the question before members was not one to which they could automatically respond yes or no. He expressed deep concerns about making any change that could be received as encroachment, citing the length of time that the DAFB had been in Dover and the Comprehensive Plan that was in place. Mr. Hutchison noted the first-class partnership the City had and worked to improve with the DAFB, and the Base's 50-year-old relationship with the City of Dover, Kent County, and the State of Delaware. He stated that the DAFB is the City's second-largest employer and the City had been, and must continue to be, very sensitive to the Base. Mr. Hutchison stated that the Comprehensive Plan was put in place to protect Fordham, the citizens, and the DAFB. He did not believe that merely saying yes or no, without getting the facts from both sides, would be fair to anyone.

Mr. Sudler asked which of the four (4) elements that define the criteria for variance acceptance, including activity, compatibility to surrounding usage, damages, or exceptional practical

difficulty/hardship to surrounding areas or the DAFB, was the biggest concern for the DAFB. Responding, Mrs. Townshend advised that Fordham had not applied for a variance, so she was unsure.

Mr. Sudler asked if Mrs Townshend thought this would create a hardship. Responding, Mrs. Townshend stated her belief that Fordham could make the case that not being able to have more events would pose a hardship for them. She explained that they would need to make that case at the Board of Adjustment meeting, and that is what they would hire an attorney for. Mrs. Townshend advised that she could not say that the case is made; however, she believed they could make the case. From the perspective of encroachment, she felt that it would be easier to sell the idea that the City was not encroaching if there was a variance rather than a change to the ordinance.

Mr. Hutchison noted that Article 3, Section 22.4 (c) of the City's Zoning Code addresses temporary uses and asked what this means to staff, as far as authority and flexibility, in addressing these kinds of issues. Responding, Mrs. Townshend stated that the temporary uses allows for five (5) days of temporary use, and explained that staff would view this as flexible, temporary, and no more than five (5) days over the course of the year. She indicated that this could go a little beyond what would normally be allowed as a permitted use in the zone. Mrs. Townshend noted that the DAFB had stated that on the days that there are events, the City could notify them so they could alter their flight paths so as not to interfere with these events. She felt that it would not be desired to do this on a routine basis.

In response to Mr. Hutchison, Mrs. Townshend stated that staff was treating the five (5) days specified as five (5) days in a year.

Mr. Anderson asked if the general guidelines of the study mentioned temporary uses or special permits. Responding, Mrs. Townshend stated that this was not in the table but was in the language that the DAFB provided to the City for the ordinance. She explained that it did not specify which temporary events would be acceptable because it was looking at them as not being longstanding. Mrs. Townshend stated that the five (5) days came from the Air Force, noting that the City had adopted language that was provided. Mr. Anderson stated his understanding that this was model legislation from the Air Force, and Mrs. Townshend confirmed that it was.

Mr. Anderson questioned what the Air Force defined as encroachment. Responding, Mrs. Townshend advised that they had not been very forthcoming with this information and this was part of the challenge. She stated that they had provided the study and staff was able to ask questions, such as whether there had been encroachment, but was not able to get an answer for the question of at what point there would be encroachment. Mrs. Townshend indicated that Virginia Beach had allowed a lot of incompatible uses and the Virginia Naval Air Station almost left. She stated that she was unsure at what point this becomes encroachment and questioned if the City really wanted to find out. Mrs. Townshend noted that part of the challenge was that changing the Code would also open it up for others.

Mr. Sudler questioned, since the Air Force Base was not being very forthcoming, why it was believed that changing the ordinance would be encroachment. Responding, Mrs. Townshend stated

that the request before members was to allow 80 hours of events per year. She explained that this would apply not only to the Fordham Brewery property but that another brewery could go in somewhere else and would also be allowed to have 80 hours of events and, based on the length of the events that Fordham had held, this could be upwards of 20 to 25 events in a year. Mrs. Townshend stated that in the Fall of 2015, she received an inquiry about another property in the accident potential zone from someone who was looking to purchase a property and put in a brewery. She stated that she had no more information and the inquirer had not identified themselves. Mrs. Townshend informed members that, knowing where the industry was going, she had advised the inquirer that a brewery was allowed; however, a large public event component would be a problem, and they did not look at the site. She stated that if the ordinance were changed, it would be changed for everyone and there could be more incompatible uses.

Mr. Hare noted that, as Mrs. Townshend had told the other party, the industry had been changing over the years and asked if this should be reevaluated, questioning whether businesses should be stifled because their industries are changing. He noted that other changes had been made in ordinances, not in the overlay zone but for growth and different things. Mr. Hare felt that this went back to what Fordham's attorney had said regarding the definition of a day, and that 40 hours is five (5) eight-hour days, but when five (5) days is multiplied by 24 hours, it would be 120 hours. He believed that Fordham was asking for 80 hours and may even be willing to accept 60 hours for the year, which would not even be five (5) days. Mr. Hare stated that outdoor events would probably be limited for five (5) months out of the year, from December through March. He agreed with Mr. Hutchison about the need for further information, getting a definition, and determining if five (5) days would be five times 24 hours.

Mrs. Townshend stated that this was the prerogative of Council. She indicated that she was not comfortable administratively determining that factors can be used and multiplied to get something that works. She stated that there were two (2) options, and the first option would be for the matter to go to the Board of Adjustment as a request for a variance or a request for an appeal for a Code interpretation. In this case, the Board of Adjustment would act as a judge, and their determination would be the law until the Code is amended. If the request was for a variance, a variance could be granted that is specific to Fordham's case. Mrs. Townshend advised that the second option would be for Council to change the Code, which was in their purview. She stated her view that this was for members to determine because she had shared her perspective and her background with the AICUZ.

Mr. Slavin stated his understanding that a potential business had already likely been turned aside because of this ordinance and because the explanation was given to them that the zone would not allow the industry that they were bringing in. Responding, Mrs. Townshend confirmed Mr. Slavin's understanding and stated that she had pointed the inquirer to other locations in the City that would allow this use.

Mr. Slavin expressed frustration because when the City was asked to figure out how 80,000 people could camp for three (3) nights in the City, mountains were moved to get it done. He stated that the City annexed and rezoned property and did everything possible to make that happen, and he was proud of the City's efforts. Mr. Slavin stated that he did not understand why there was not the same

spirit in regard to a business that had been loyal to the City and the community. He noted that Mrs. Townshend had stated that this matter was Council's prerogative and he agreed.

Mr. Slavin moved to recommend amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses of the Dover Code as requested by Fordham and Dominion Brewing Company. The motion was seconded by Mr. Anderson.

Mr. Hutchison felt that this was one of the most important votes that members would make as elected officials of the City. He cautioned members about making the wrong move towards the DAFB and encroachment. Mr. Hutchison stated that no one supports economic growth more than he does, and he believed that Fordham had asked a fair question and members had the responsibility to get the answer. Mr. Hutchison stated that doing something tonight without knowing its impact on the DAFB would be wrong, and that he would not support anything that would send a question mark about encroachment on the DAFB. He hoped that members would take a step back and get the answer before voting to do anything to address this issue.

Mr. Hosfelt shared Mr. Hutchison's concerns. He noted that this matter would seem to be common sense; however, he said that common sense and the federal government do not work together. Mr. Hosfelt stated, to those in the room who may not be familiar with the military and the federal government, that if they want to close the base, they will just do so. He stated his belief that the military and the federal government would not care that the DAFB has the biggest mortuary, that they had just put in a new runway, or how much money they spend, and they would just close the base. Mr. Hosfelt was concerned about giving them any ammunition at all. He stated that the DAFB was one (1) of five (5) finalists that may receive another squadron of new tankers, and that would provide economic development for the City. He noted that a decision was supposed to be made in this regard by December 15th. Mr. Hosfelt stated that he understood that the City was trying to help Fordham out; however, with these thoughts in mind, he was leaning toward protecting and securing the sanctity of the DAFB. He noted that the DAFB does not provide a lot of information. Mr. Hosfelt believed that the City would be better off tabling this matter and letting Fordham apply to the Board of Adjustment for a variance rather than changing the entire ordinance. He questioned what would prevent other businesses from coming up with something else that they want to do that exceeds this if the ordinance were changed.

Mr. Anderson stated that he had seconded the motion because he did not want to see it die and thought it had some validity; however, he felt there were more questions that needed to be researched. He indicated that he would have trouble making this decision without seeing what the DAFB says and the definitions that they had given that the ordinance was based upon. Mr. Anderson noted that the DAFB was extraordinarily important to the City when it comes to economic development; however, he did not believe that small and medium-sized businesses should be handicapped. He felt that a balance could be reached; however, he stated that more information was needed and he would like to see this in the next couple of weeks.

Mr. Sudler stated that he would like to have more information from the DAFB and also not stifle the Fordham Brewery. He noted that he had heard his Council colleagues say in the past that if someone

is not present to defend themselves or speak up, than it is obviously not important enough to them. Mr. Sudler stated that he was not saying that this was the case tonight, noting that he did not know how the DAFB operates and what they can and cannot publicly say. Mr. Sudler indicated that he liked the idea of a variance because this would not leave the City open to other entities coming in and taking advantage, as Mrs. Townshend had stated. Mr. Sudler stated that this was a tough decision; however, he was going to support the variance aspect. He recommended that Fordham do a variance so that it would not, at the present moment, affect the ordinance as a whole, and members could get further information and research in regard to how it would affect the City as a whole. Mr. Sudler stated that he did not believe there was enough information to change the ordinance, although he would support an ordinance change if members had enough information.

Dr. Stewart asked if changing the interpretation of the five (5) days from five (5) physical days to five times 24 hours, or 120 hours, would require a Code change or if this would just be a change in interpretation. Responding, Mrs. Townshend stated that this is a power that is given to the Board of Adjustment, not to Council.

Mr. Sudler stated his belief that a legal opinion was required regarding Mrs. Townshend's comment since the City of Dover has a city council-city manager form of government. He felt that City Council runs the City and did not see how the Board of Adjustment would have more power than Council. He felt that changing the interpretation would be a viable option and suggested the Council obtain a legal opinion.

Responding to Mr. Sudler, Mr. Slavin stated that if Council wanted to state the number of hours, they could. He believed that Mrs. Townshend was saying that if members leave it to interpretation, it would go to the Board of Adjustment; however, he explained that Council could interpret it for the City if they choose to do so.

Mr. Hare stated that the interpretation would be what a day is and whether it is eight (8) or 24 hours. Responding, Mr. Lewis stated that he concurred; however, he believed that it would ultimately come back to Council for approval. Mr. Hare stated that if legal counsel said that a day was 24 hours then five (5) days is 120 hours.

Mr. Cole questioned, if the Code was changed, whether it could be changed back if it was found in six (6) months that there was an encroachment issue.

Members were provided an email from Mr. David Bonar, former City Council President, dated October 11, 2016, Subject: Letter to Council, regarding this matter ***(Attachment #1)***.

Mr. Telle stated that he had written the proposal and asked for 80 hours, based upon an agreement that Council President Slavin, Mayor Christiansen, and a few others agreed upon six (6) months ago. He indicated that he was not trying to dissect 24 hours per day but took what was agreed upon for six (6) months and multiplied it by two (2), to get them through 12 months. Mr. Telle advised that Fordham is a small business and does not have marketing budgets to compete with the larger breweries in the country; however, they are the second largest brewery in the State. He indicated that Fordham figured out a few years ago that if they could be creative and let people into their world,

it would work. Mr. Telle advised that they received the letter from the City and were not able to figure out how to come to terms with it, noting that this would 100% have a detrimental effect on their company. In regard to the variance option, he explained that he was still paying for the lawyer Fordham used in regard to the six-month negotiation. Mr. Telle stated that they do not have legal counsel on staff and hoped a decision could be reached today based on his proposal. He indicated that some of their events are for two (2) to three (3) hours and sometimes generate 100 or 300 people, and advised that it would be a problem to operate with five (5) events per year. He stated that they are not long and are held for three (3) hours per day, noting that there are not a lot of people. Mr. Telle advised that events are usually held from 5:00 p.m. to 8:00 p.m., so most people come after work, do not show up until 6:00 p.m. or 6:30 p.m., and are there for an hour-and-a-half to two (2) hours. He stated that these events were small when they first started having them, but the brewery evolved and more people started attending. Mr. Telle acknowledged that it was their fault that they were not pulling the proper permits, because they were unaware. When they were running events incorrectly previously, they were under the impression that those types of larger, ticketed events were the events for which permits were needed, and those were the events that were on file. Mr. Telle stated that he did not want to see anyone lose their jobs over this, noting that this was their 9:00 a.m. to 5:00 p.m. He expressed his hope that this could be figured out and taken care of so that they could go back to doing what they know how to do well.

Representative Sean Lynn, 31st District, 224 Columbia Avenue, felt that Councilmen Hutchison and Hosfelt had raised legitimate points and stated that it was not desired to put the City in the position of jeopardizing one (1) of the biggest economic development drivers to the City. Representative Lynn advised that sacred cows such as Kraft Foods, Dover Downs, DAFB, and Bayhealth are the tent poles of the local economy. He felt that this must be balanced against a larger perception that Dover is not really out for business. Representative Lynn stated that this was a perception but not a reality, and noted that this was not a slight to Mrs. Townshend. He believed that the City was losing to its neighboring cities and that Smyrna and Milford were succeeding in ways that Dover was not, which was unfortunate. Representative Lynn referred to the Painted Stave Brewery mentioned by Mr. Slavin, stating that this was not the only business that was growing in the town of Smyrna. He felt that it was a shame that, for whatever reason, other cities were more successful in getting new businesses and entrepreneurship than Dover. Representative Lynn felt the balancing test related to whether the DAFB would legitimately be in jeopardy if this were done, and secondly, how to work to change the perception about Dover being friendly for business and open and receptive to an ordinance change. He did not necessarily think that a variance would be the right way to go, noting that it would put an onus on the business. Representative Lynn indicated that the business owner had stated that he was still paying off the lawyer who did the previous legal work for him, and seeking a variance would mean more time and money for a small entrepreneurship. He did not believe that this would send the correct message to the rest of the community that Dover is really open for business but would say that the City is more attached to a draconian ordinance than to making things easy for local business. He questioned how to make things easy but not sacrifice or jeopardize the DAFB, which he felt was a valid point. Representative Lynn felt that the easiest solution would be to pass the motion tonight. He noted that members would return in two (2) weeks to discuss this matter as whole during a City Council meeting. Representative Lynn advised that this would allow two (2) weeks to bring the DAFB back into the equation and see whether they genuinely believe that this would be an encroachment issue and get a finite answer for that. He felt that if this

was not determined in two (2) weeks, perhaps it could be tabled for another two (2) weeks until a reasonable response is received from the DAFB. Representative Lynn stated that this approach would not cost a small business money to hire an expensive land use lawyer.

Representative Lynn noted that Mrs. Townshend had stated that the DAFB did not believe that existing uses are encroachments. He indicated that Dover Behavioral Health was in the zone, as well as the Dover Post and a number of other businesses which have high density. Representative Lynn stated that he was unsure that Fordham, as currently being operated, was an encroachment issue; however, he noted that if the ordinance was changed, it would still be in Council's purview to change the ordinance back the way it was if density or encroachment started to become an issue. He felt that the City would not want to be like Robins Air Force Base in Georgia, which was buying up mobile homes around the base to deal with encroachment issues. Representative Lynn stated that if members started to see that this was becoming a problem, they could change the ordinance, which he felt would be simpler than requiring an entity to go through an expensive variance process, which could ultimately lead to litigation. He did not think this was the solution and believed it would send the wrong message to the business community. Representative Lynn felt that Council was there to be leaders and send a message to the business community of their desire to work with them, but also send a message to the DAFB that states that they are number one and that the City cares about them the most.

Mr. Hare, referring to Representative Lynn's comments regarding Kraft Foods, Dover Downs, and the DAFB, noted that he had been involved with some of these and the City does go through hoops to help them, possibly because they are large entities with economic impact. He did not believe that they should be treated differently from any other business. Mr. Hare stated that he agreed with Representative Lynn and believed that this could be worked out through getting a definition of whether a day was 24 hours. He felt that the City sometimes learns from its mistakes and sometimes does not. Mr. Hare noted that, years ago, Wal-Mart wanted to put their transportation center in the technical park and the City said no because it was a technical park. He stated that Wal-Mart went to Smyrna and had been thriving there for years, while the City was still sitting out there with a lot of vacant lots.

Mr. Sudler stated that he respected the wisdom of Representative Lynn, who was a former Councilman for the City. He noted that he had also heard the comments from Fordham about financial hardship. Mr. Sudler questioned if members had the ability to change any decision that they made as Council members, and this was confirmed by Mr. Slavin. Mr. Sudler stated that he wanted to send a message that the City was out for business. He noted that he respected DAFB and the thoughts of Mr. Hutchison and Mr. Hosfelt; however, Mr. Sudler felt that members should move forward since they could change their decision in two (2) weeks if this was not where they wanted to be. He stated his support for Council President Slavin's motion.

Mr. Hosfelt asked Mayor Christiansen if he could call the Wing Commander and get his thoughts. Responding, Mayor Christiansen indicated that he would discuss this at 8:00 a.m. on the following day and would take Councilman Hare with him as well.

Ms. Kate Gleeson, EXP Realty, 144 Kings Highway, stated that she would be sad if Fordham did not have more events. She advised members that she had been very excited to co-host a recent event at the Brewery for the Delaware Veterans Trust Fund and had a blast. Ms. Gleeson indicated that they were hoping to get on the calendar to do this again next year and she was planning to contact Fordham soon to see if they could be one (1) of the few events that Fordham could hold. Ms. Gleeson indicated that 144 people attended this three-hour event, they made over $4,000, and Fordham makes very good beer. She stated that this type of event makes people want to go there and she would be upset if this could not go forward somehow. Ms. Gleeson stated that she is a veteran and understands DAFB. She noted that she appreciated the comments made and asked Fordham to allow her to hold the next event.

Mr. Shevock questioned if this matter should be tabled until after the Mayor speaks with the Wing Commander. Responding, Mr. Lewis stated that a motion was on the floor. Mr. Anderson indicated that a motion to table would take precedence. Mr. Slavin stated that the import of the conversation was that the Committee could go ahead and pass this, and by the time it gets to Council, this conversation would have been held with DAFB. He noted that there was not a need to further delay this matter just to have a conversation.

Mr. Shevock asked if Fordham would apply for a variance in case something happened so that they would not lose anything. Responding, Mr. Telle stated that he did not anticipate doing this. He indicated that he had already spoken to a few of his colleagues and did not think they were willing to invest money in legal counsel, so this was not necessary.

Mr. Shevock stated that he was simply looking to save Fordham time. He indicated that this matter was not on the calendar for November and Fordham could lose a quarter of the year. In response, Mr. Telle indicated his understanding.

Mr. Shevock asked if, during this period, there was a chance of moving these events to an off-site location. Responding, Mr. Telle advised that events would be moved to different locations if the 80 hours for 12 months was settled on. He explained that, over the last few years, Fordham had done 80 hours and created a community following for this. Mr. Telle advised that more than 80 hours of events would be held throughout the year, but he was hoping that 80 hours could be done on the premises of the Brewery. He stated that additional events needed to support their marketing efforts would be done off-site.

The motion to recommend amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses of the Dover Code as requested by Fordham and Dominion Brewing Company was carried by a roll call vote of seven (7) yes (Anderson, Sudler, Lewis, Cole, Hare, Slavin, and Stewart), three (3) no (Hosfelt, Hutchison, and Shevock), and one (1) absent (Neil).

/dak

Attachments

Attachment #1 - Email from Mr. David Bonar, former City Council President, dated October 11, 2016, Subject: Letter to Council

Stein, Jody

From: DL Bonar <dlbassociates@gmail.com>
Sent: Tuesday, October 11, 2016 3:50 PM
To: McDowell, Traci; Stein, Jody
Subject: letter to council

It has come to my attention that there are a couple of issues being decided that concern me deeply, as a former Council member, President of Council and Interim Mayor and one who deeply believes in our city.
First, the application of Fordham Brewery to hold 80 hours of public events during 2017 at their property along Horsepond Road.
This issue was raised and addressed with only limited fanfare earlier, when it was determined to give them authority to hold 40 hours of events at the location between June and the end of calendar year 2016. This was granted and alleviated a need for greater discussion.
Now, since no counter offer for 2017 has been forwarded by the City of Dover, Fordham wishes to hold 80 hours of events in all of 2017.
To me, this seems a reasonable number of hours and I hope that members of Council see their way clear to grant this request without further delay or action. If you decide to disapprove it, you should be prepared to publicly justify your decision and back that decision up with facts, not just hypotheticals.

The second item of concern involves finding persons to fill vacancies on the various committees that so aptly serve our citizens. I commend Council for taking a look at this issue, but I fear you may be killing a gnat with a sledgehammer.
The quote in the Delaware State News by one member of Council of "This will make sure we don't just appoint anybody and that we just appoint qualified people," concerns me deeply. I would remind Council that before each is elected and sworn in to office, you are "just anybody" too. We have a difficult enough time in finding persons willing to take their time to serve on these committees, particularly when they learn how much of their time and effort it requires. The men and women serving as members of the community on these committees take time away from their families considering it an honor and civic duty. To make them "apply" to serve or to require those already serving to "reapply" is not only time consuming, but an insult to their willingness to serve. Council already has the responsibility to review applicants and approve or deny them in some cases. The Mayor has the responsibility of appointing committee persons as does the Council President.
Creating obstacles to community service does nothing but create an impediment in finding people willing to serve our city without running for office. I'd remind you that these positions, in all cases, make Council, the Mayor look like true public servants and our residents feel we are open to community input rather than hampering it.

--
David Bonar
218 N State Street
Dover, DE 19904
302-677-0847
302-242-2351(cell)

DOVER HUMAN RELATIONS COMMISSION

The Dover Human Relations Commission (DHRC) meeting was held on October 18, 2016 at 6:10 p.m. with Vice Chairman McGiffin presiding in the absence of Chairman Henderson. Members present were Ms. Mullen, Reverend Paige, and Mrs. Sadusky. Ms. Bogle was absent.

AGENDA ADDITIONS/DELETIONS

Mrs. Sadusky moved for approval of the agenda, seconded by Ms. Mullen and unanimously carried.

Mr. McGiffin welcomed Reverend Rita Paige as a new member, stating that the DHRC was delighted to have her.

Election of Committee Chair - Community Engagement Committee

Reverend Paige nominated Ms. Wanda Mullen to serve as Chair of the Community Engagement Committee. The motion was seconded by Mrs. Sadusky and unanimously carried.

DHRC Diversity Research Project

Mr. McGiffin advised that, a couple of years ago, former Commissioner Gene Ruane had discovered *Reinventing Diversity*, a book about measuring diversity in local government, which Mr. Ruane thought was done well. The book described a very extensive process by which one could investigate a local government to determine where it stood on diversity and cultural competency. Mr. McGiffin advised that, before Mr. Ruane left the DHRC due to moving to California, it was agreed that the DHRC would conduct a diversity survey. Rather than hiring someone to do the extensive academic-level survey recommended by the book, it was agreed to do a non-scientific study that would assess the City government on issues of diversity and cultural competency.

Mr. McGiffin explained that he had developed questions that would allow the Government Policy, Programs, and Practices (GPPP) Committee to interview department heads for about 45 minutes regarding diversity, and he also devised an online or paper survey that would be made available to all staff. It was hoped that information received from the survey and interviews would allow the DHRC to come to some conclusions about where the City was with respect to diversity and make recommendations. Mr. McGiffin stated that he and Mr. Henderson interviewed eight (8) or nine (9) staff members from December 2015 through January 2016. They then posted the online survey and made printed copies available. Mr. McGiffin estimated that there were approximately 23 responses to the survey. Noting that the City has over 300 employees, he stated that between the interviews and the surveys, they heard from approximately 10% of the employee base. Mr. McGiffin wrote up the results in the Dover Human Relations Commission Diversity Research Project report, which was distributed to members of the Commission. He had hoped that members would read and react to the report by making observations and possibly developing recommendations, which had been their assignment between the last and current meetings.

Referring to his email dated October 6, 2016, DHRC Diversity Research Project, Mr. McGiffin stated that he had submitted his own observations regarding the report. Members were provided a handout entitled "Response, Observations and Recommendations to DHRC Regarding Cultural Competency and Diversity Survey Conducted by Jim McGiffin and Ted Henderson," which was

submitted by Mrs. Sadusky ***(Attachment #1)***. Mr. McGiffin advised that other members had not been heard from in regard to the report.

Mr. McGiffin explained that the report was not something that the City could rely on as scientifically valid; however, he believed it provided some insight on where the City is with respect to diversity and cultural competency. For example, he noted that City staff tended to respond well regarding the City Manager with respect to diversity issues and thought that the City Manager was sensitive, aware, and talked about and promoted diversity. However, Mr. McGiffin stated that the City has a profound commitment to diversity in some documents and most department heads do not know about it unless it is something that they work with. For example, he indicated that the finance director knows what the budget states about diversity because she writes the budget, and the Human Resources (HR) Director knows what the HR policies are with respect to diversity; but no one else knows about these things. Mr. McGiffin believed that employees have a sense that the City tries to promote diversity in the workplace, either through recruiting and hiring or through actual workaday matters, but they do not really have a sense about where that comes from, and he found it interesting that staff was unaware. He noted that there was also a sense among some of the survey respondents that talking about diversity is a load of rubbish and distracts people from doing their jobs, or that it is too political and the City has no business doing it.

Mr. McGiffin asked members to share their thoughts regarding how they would like to proceed. Mrs. Sadusky stated that she believed that members should come up with some formal recommendations, noting that she had suggested that two (2) DHRC members meet to discuss this. Mr. McGiffin felt that the Government Policy, Programs, and Practices (GPPP) Committee could discuss formal recommendations. He indicated that the GPPP Committee currently consists of himself and Mr. Henderson, and Mr. Henderson sat in on all of the interviews and was an active participant. He expressed disappointment that Mr. Henderson was not present because he felt that Mr. Henderson's perspective might be different than his own, noting that he and Mr. Henderson come from very different backgrounds. Mr. McGiffin stated that they had both talked to the same people at the same time, and he would love to hear how the information struck Mr. Henderson. Mr. McGiffin believed it would make sense to work up some recommendations and he believed the GPPP Committee could do this.

Mr. McGiffin believed that the survey revealed that there were issues regarding diversity awareness all through the ranks of City staff, with the possible exception of the City Manager, who received positive ratings from those addressed. He noted that he and Mr. Henderson had not talked to the City Clerk's Office about diversity, because he felt they were part of the DHRC. Mr. McGiffin did not feel that there was a lack of goodwill; however, he felt there may be a lack of awareness regarding: a) how important the City has made diversity and cultural competency, b) how important diversity and cultural competency are on their own, and c) how spending more time and giving more attention to diversity and cultural competency might make the City a better place to work and live. He noted that respondents pointed out a lot of positive things that the City does; for example, they loved the cadet program, which they felt was recruiting people from diverse backgrounds, which was a great thing.

Responding to Mrs. Sadusky, Mr. McGiffin explained that the cadets are employees who are in the jurisdiction of the police who are trained but are not armed officers. He noted that there are cadets who work at the libraries and patrol on bicycles.

Mr. McGiffin noted that respondents also liked the clean-up day and the many festivals, stating his opinion that the diversity of these festivals was interesting. He felt that there were some very good things that the City was not publicizing or making information available about to staff and the general public, so there would be room for recommendations and growth in this area.

Ms. Mullen agreed that there was room to educate employees from the top level all the way down. She expressed interest in hearing from staff who are not managers regarding their feelings, knowledge, and ideas about cultural diversity and competency, as well as what kind of training they had been provided. Ms. Mullen advised that she is a firm believer that anything that is not understood can easily be abused. She expressed a desire to get information out on this subject as something that needs attention and felt that there was room for improvement.

Reverend Paige asked if there was a mandatory requirement for diversity training in City government. Responding, Mr. McGiffin stated that such a requirement was not discovered through the course of the interviews and survey, although he knew that training had been available. He indicated that, when serving as a City Council representative, he attended training that was not specifically diversity training but had to do with gender roles in the workplace. Mr. McGiffin stated that the training was not well received by participants, and he got the sense that employees were required to be there. He was not aware of any mandatory training on diversity or cultural competency. *(City Clerk's Office Note: Subsequent to the meeting, Mrs. Kimberly Hawkins, Human Resources Director, advised the City Clerk's Office that diversity/harassment training is required for all employees under the supervision of the City Manager.)*

Reverend Paige felt that diversity training should be required, at least for senior staff and supervisors. Responding, Mr. McGiffin stated that they had talked to a lot of the senior staff and no one had mentioned any type of training; therefore, he did not believe there was this type of mandatory training. Reverend Paige suggested that this be a recommendation, and Mr. McGiffin agreed.

Reverend Page asked if there was a requirement that at least one (1) member on interview panels be a minority. Responding, Mr. McGiffin could not recall whether there was any particular requirement for panel composition.

Responding to Mr. McGiffin, Mrs. Jody Stein, Administrative Assistant, advised that the HR Department has three (3) staff members. Mr. McGiffin stated that Mrs. Kimberly Hawkins, Human Resources Director, had impressed Mr. Henderson and himself with her knowledge of diversity issues in the workplace, particularly in recruiting and hiring; however, there was not a lot of protocol that Mrs. Hawkins was bound to follow. They got the sense that Mrs. Hawkins generally does the right thing, but there were not a lot of requirements. He explained that Mrs. Hawkins indicated that she was open to improvement, as were all of the managers they spoke with. Mr. McGiffin stated that diversity issues were a high priority for HR and Procurement, but not for other departments.

Mr. McGiffin felt it would be helpful for a couple of people to develop a plan regarding the observations and conclusions from the report outside of a DHRC meeting, but he was unsure who those people would be. Mrs. Sadusky offered to work with Mr. Henderson on developing a plan in this regard. Mr. McGiffin stated his understanding that members would encourage Mr. Henderson to get a couple of members together to develop a plan.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (McGiffin)
No update was provided.

Community Engagement Committee
No update was provided.

Education Committee (Bogle)
No update was provided.

New Business

Development of Concise Statement - Mission and Functions of DHRC

During the Dover Human Relations Commission meeting of September 21, 2016, members discussed DHRC Updates, Education Committee report. Ms. Bogle felt it would be useful for DHRC members to have a session to develop an "elevator speech" or unified message about the DHRC, and for members to know what each of its committees stands for so that they could speak intelligently about what they do. Mr. McGiffin suggested putting discussion of who the DHRC is and what they do on the next meeting agenda.

Mrs. Mullen moved to table the discussion regarding the "elevator speech", seconded by Mrs. Sadusky.

Mrs. Sadusky suggested that members give themselves some homework and look at the DHRC's mission and vision statements and each come up with a thumbnail message in layman's language.

Mr. McGiffin asked if notice could be sent out to remind members to do this homework and questioned if it would be appropriate for it to come from Mr. Henderson. He suggested that Mr. Henderson be asked to send something to members asking them to review the mission statement and other documents in anticipation of the discussion of this agenda item. Mrs. Sadusky asked if this could possibly be done a week prior to the meeting.

Mr. McGiffin requested the Clerk's Office to request Mr. Henderson to send something out to members a week before the meeting to remind them to review the Commission's mission and vision statements and to develop a thumbnail message in layman's language.

The motion to table the discussion regarding the development of "an elevator speech" was unanimously carried.

Old Business

DHRC Vacancies (First and Fourth District)

Mr. McGiffin advised that this would be the only meeting where he would share attendance with Reverend Paige because he had been appointed to another governmental entity and, under the City's rules, he could not serve in his new capacity and on the DHRC. Mr. McGiffin noted that a number of engaged, talented, and interested individuals had been unable to continue service on the DHRC because they had been appointed in a capacity that made them ineligible to serve on the Commission, and he felt that this prohibition reduces the pool of potential commissioners. Mr. McGiffin advised

that he had suggested someone who was unaffiliated to take his place and that Mrs. Sadusky also had some potential candidates in mind.

Responding to Mr. McGiffin, Mrs. Jody Stein, Administrative Assistant, stated that the DHRC had two (2) vacancies in the First District and one (1) in the Fourth District. In addition, she noted that Mr. McGiffin's seat in the Third District would become vacant effective October 19, 2016. She indicated that several applications had been submitted and provided to Council for review, one (1) of which was from the Third District.

In response to Mrs. Sadusky regarding the appointment procedure, Mrs. Stein explained that the Council President makes nominations for DHRC appointments, which must be approved by City Council.

Mr. McGiffin suggested that members schedule their next meeting. Ms. Mullen stated that she preferred Tuesday nights to Wednesdays. After further discussion, members agreed to tentatively schedule the next meeting for Thursday, November 17, 2016 at 6:00 p.m., subject to Mr. Henderson's approval.

Mrs. Sadusky expressed thanks to Mr. McGiffin for his service on the Commission and her regrets that he was leaving and members congratulated him on his new opportunity.

Reverend Paige moved for adjournment, seconded by Ms. Mullen and unanimously carried.

Meeting adjourned at 6:38 p.m.

James G. McGiffin, Jr.
Vice Chair

JGM/JS/tm
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Attachment
Attachment #1 - Response, Observations, and Recommendations to the DHRC Regarding Cultural Competency and Diversity Survey Conducted by Jim McGiffin and Ted Henderson, submitted by Mrs. Lynne Sadusky

Response, observations and recommendations to DHRC regarding Cultural Competency and Diversity Survey conducted by Jim McGiffin and Ted Henderson

In light of the importance of the survey and interviews conducted, it seems it may be advantageous and beneficial for at least 2 DHRC commissioners to meet at least 2 times to discuss the results and make recommendations back to the DHRC by January's meeting as to make recommendations of Action Steps. Then after approval of the recommendations by full DHRC, request to meet with at least two council members to discuss the recommendations, and give a final report to City Council by May 2017. And finally follow up and discover how city responded to the recommendations by May 2018. By Sept. 2018 DHRC will report/recommend/revisit to discover if more DHRC action is needed or may be beneficial at that time.

Possible Immediate Action Steps:

1. Recommend City ensures by Dec. 2017, that 90% of all official city documents reflect diversity and cultural competency as a value.

2. Ask City Council to provide a plan to DHRC as to how the **value of diversity and cultural competency** will be communicated to all staff/employees of the city, as internal policy. Or if it is already being done, report how this is already accomplished.

3. Recommend city plan one ½ day staff training on the importance of the value of diversity, cultural competency and inclusion in the workplace. As a follow – up recommend city provide at least 2 subsequent workshops, (possibly show movie and discussion sessions) during 2 additional staff training reflecting the value of cultural competency and diversity within any work environment.

Lynne Sadusky

I recommend this important survey and results be evaluated more closely by at least two commissioners with recommendations made to DHRC by Jan 2017 and to City Council by

SPECIAL COUNCIL COMMITTEE OF THE WHOLE

A Special Council Committee of the Whole Meeting was held on October 26, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:24 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole (arrived at 6:40 p.m.), Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Keller was present. Mr. Shelton was absent. Mayor Christiansen was also present.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Fire Department Response to Public Safety Study - Fire/EMS Operational & Administrative Analysis

Mr. Brian Bashista, President, Robbins Hose Company, expressed appreciation on behalf of the Robbins Hose Company, stating that the members of Council and the City Manager spent a lot of time putting the Fire/EMS Operational & Administrative Analysis together and the report proved a lot to the Company. He indicated that parts of the analysis, if approved, would be beneficial in enhancing public and fire safety; however, other parts would be catastrophic to volunteerism within the City of Dover. Mr. Bashista noted that the Fire Department held eight (8) meetings about this report, starting in March, and indicated that 11 very senior members of the Fire Department were involved. Mr. Bashista noted that he had been with Robbins Hose Company for 23 years and that, of those present, he probably had the least amount of time with the Department. He advised that there was a lot of knowledge of the day-to-day operation of the Fire Department and what was necessary for continued volunteerism in the City. Mr. Bashista explained that they spent a tremendous amount of time trying make sure they could answer questions and opened their eyes to look at new ideas or things that could be done differently in the future.

Mr. Rhodes apprised members of the background of the fire company, stating that in 1869 the town purchased 40 fire buckets, six (6) ladders, and four (4) fire hooks in case of fire. In November 1882, 17 men met at Odd Fellows Hall on Loockerman Street and one (1) dollar was collected from each of the men present, and the treasury for Robbins Hose Company was established. He stated that on January 28, 1883, the first fire was reported. A committee was later appointed to visit the State Legislature in an effort to obtain appropriations. Mr. Rhodes advised that the Robbins Hose Company was granted $200 and an Act of Incorporation was established on January 25, 1883.

Mr. Rhodes indicated that the Dover Fire Department is composed of all volunteers, explaining that a volunteer is defined as "a person who voluntarily offers himself or herself for a service or undertaking willingly and without pay." He explained that Robbins Hose Company volunteers are grandparents, fathers, mothers, sons, daughters, and even grandchildren. Mr. Rhodes stated that the majority of their volunteers are residents of the City of Dover, and the remaining volunteers live

within the City's fire district, which is not limited to the City of Dover. He indicated that most of the volunteers are men and women in the community who work full-time jobs, while others are students and some are retirees. Mr. Rhodes stated that some volunteers are second and third generation firefighters. He advised that when the fire siren blows, these volunteers stop what they are doing and respond to the stations to answer the call for service, leaving dinner tables, birthday parties, and family events. Mr. Rhodes noted that in some of the most severe weather conditions, they are gone from their families for several hours, and sometimes for days. He pointed out that families at home also make sacrifices, and without their support the Robbins Hose Company could not be successful. Mr. Rhodes indicated that those who were seated behind him were a group of very dedicated individuals who continue to respond and support the goals and objectives of the Robbins Hose Company. He informed members that Robbins Hose Company responded to 1,345 calls for service in 2016 and they had responded to 1,074 calls to date in 2016, totaling 800.09 hours of on-the-street service. Mr. Rhodes advised members that at any given time, these individuals risk their lives to protect the life and property of the citizens that they serve without hesitation.

Mr. Paul Eichler, Firefighter, Robbins Hose Company, stated that he had held several past positions with the Fire Department and was a member of the committee that President Bashista formed to review the report. He advised that the Company's committee was formed in March and was comprised of President Bashista, Fire Chief Buck Carey, Deputy Chief Ron Rhodes, past Chief William Rhodes, Mr. James Hurley, past Chief Wayne Hutchison, past President Brian Wasko, past President and present Treasurer Terry Whitham, past Chief and past President Carlton Carey Sr., Secretary Al Farling, and Mr. Eichler.

Mr. Eichler reviewed a presentation entitled, "Analysis by the Center for Public Safety Management, LLC - Comments by the Robbins Hose Company No. 1, Inc. of Dover, Delaware" ***(Attachment #1)***. He credited Mr. Farling for the presentation, noting that Mr. Farling had spent more hours putting this together than anyone could possibly imagine.

Mr. Hosfelt expressed appreciation for what the Fire Department does, stating that the reason for many of the City's questions was that, other than the Mayor, they do not have the experience that members of the Fire Department have and do not live in their world.

Mr. Neil stated that one of the greatest things that a person can do is to put their life on the line for their neighbor, which the Fire Department does. He stated that this was brought home vividly by the recent Wilmington fire. Mr. Neil advised members that he came from Baltimore, where he served as news and sports director for a major Baltimore radio station, and later as press officer for the Mayor of Baltimore. He recalled being called out for a four-alarm fire at midnight while he was watching a movie, stating that he understood what members of the Robbins Hose Company must do when there are such calls. Mr. Neil expressed great regard for these individuals, noting that the report also praised them. He assured them that his questions did not mean that he did not support them and noted that his senior community looks forward to the Fire Department's annual visit to the community with Santa at Christmastime.

Mr. Neil stated that he recognized that the cost of a paid fire service would probably be beyond the City's means, unless taxes were raised. Referring to CPSM Recommendations #21 (The City of

Dover should reassign the dispatching function at the Dover Fire Department and move all fire dispatching to the Kent County 911 Dispatch Center) and #37 (The City of Dover should transfer its fire dispatching duties to the Kent County 911 Communications Center), Mr. Neil noted that the Fire Department had commented that moving fire dispatch would increase the number of general alarms and decrease the number of silent alarms. They had also indicated that this would lead to more apparatus on the road and fewer responders due to volunteer burnout. Mr. Neil asked why they believed these things would happen.
*(City Clerk's Office Note: The list of recommendations has been excerpted from the CPSM Operational and Administrative Analysis Final Report and enumerated (**Attachment #2**).*

Responding, Mr. Eichler indicated that the Fire Department's dispatchers go through training regarding the types of calls that the Department runs for the types of property throughout the district, which ranges from a very heavy urban area to a very rural area. They are able to discern the type of response with guidance from the leadership of the organization and the relationships that have already been established through the efforts of the Fire Marshal's Office. Mr. Eichler explained, for example, that Robbins Hose Company has relationships with Wesley College and Delaware State University and has experience in responding to alarms on those campuses.

In addition, Mr. Eichler informed members that, as stated by Chief Rhodes, the Fire Department received over 1,300 calls last year, which indicates that they are hitting the street more than three (3) times per day, just in regard to fires. He advised that they have nothing to reflect the number of Emergency Medical Services (EMS) runs, expressing his belief that the study referenced over 7,000 to 8,000 runs. Mr. Eichler indicated that there are a lot of demands on the Department's dispatchers, including providing the appropriate response, tracking the response while en route and at the scene, and further communications between the City Fire Marshal's Office, Building Inspector's Office, and State Fire Marshal's Office. He noted that these demands are continuously expanding, since calls are increasing within their fire district and throughout the County. Mr. Eichler stated that the burden carried by the Fire Department's dispatchers was doubtless matched by the burden faced by the County, due to the increase in population and the incredible problems at the societal level today. He indicated that it would be a huge disservice to Kent County's organization and to the citizens of the City and the Fire Department's fire district to put the County in a position of trying to take care of the very generic mix of the volume in Dover in addition to the volume that the County carries. Mr. Eichler advised that the Department takes a lot of pride in being unique not only to the City but to the County. He stated that it would be a huge step backwards to place Robbins Hose Company in the position of being one (1) of 18 organizations, noting that he was not disparaging any of the fire companies that they work with, some of whom had members who were currently covering Station No. 1 at Governors Avenue for them. Reiterating that the call volume throughout Kent County was ever increasing, Mr. Eichler stated that a message would be missed or there would be an error in response, and unfortunate incidents such as the one in Wilmington could become very prevalent in Dover. He explained that dispatchers fulfill a specific, valuable, need based upon criteria that had been developed by the City with regard to the responsibilities that are handled in-house, and they provide a tremendous benefit to the citizens that are served. Mr. Eichler indicated that the City could not get a better value for its money than the services provided by the dispatchers through the Fire Department.

Mr. Neil stated that, according to what he read in the report, PrimeCare perhaps did not maximize emergency service; therefore, it was suggested that the City issue a national Request for Proposals (RFP) to see if a national company could be brought in to provide maximum service at a lower cost. He indicated that this possibility was connected to how many trucks would be in the two (2) firehouses. Mr. Neil asked if EMS could be housed in the fire houses. Responding, Mr. Eichler advised that there had been at least three (3) renovations of 103 South Governors Avenue through the years. Each time the renovations were designed and implemented to best benefit the fire apparatus housed in those buildings at the time. Mr. Eichler noted that they also currently house the City of Dover Fire Marshal's inspections truck, and are happy to do so; however, it puts a squeeze on the space. He indicated that the number of apparatus required gives them no leeway in terms of moving things out or reducing the fleet. In addition to considerations related to housing vehicles, Mr. Eichler stated that they were not equipped or set up for the living quarters, administrative space, and everything else that would be needed to support an EMS function out of 103 South Governors Avenue. He noted that members were currently "sitting in each others' laps administratively" in the available space. Mr. Eichler explained that, while they do have bunk space available, it is designed for very limited use specific to either bad storms or wintertime sleep-ins, when crews stay there in anticipation of bad weather. He stated that it would be a tremendous cost for Robbins Hose Company and the City to even consider making those changes since the buildings were not designed for that use. In addition, Mr. Eichler advised that he personally would be very hesitant to put an ambulance crew in one of the buildings because of the way that the Fire Department operates, noting that this approach would change a lot of the culture within the Fire Department.

Mr. Hosfelt, referring to CPSM Recommendation #21 (The City of Dover should reassign the dispatching function at the Dover Fire Department and move all fire dispatching to the Kent County 911 Dispatch Center), questioned why there would be a decrease in the number of silent alarms if the fire dispatchers were moved. Responding, Mr. Eichler explained that there are arrangements specific to Wesley College and Delaware State University because of the number of false alarms received from those facilities. In past administrations, the Fire Chief and Fire Marshal explained to these institutions that Robbins Hose Company could not run to their campuses for problems caused by a kid who pulled a pull station, etc. They had worked with the institutions' public safety forces so that those forces would get there first and identify whether or not there was an actual problem. In regard to silent alarms, Mr. Eichler stated that when they are notified of a call they check to see who is available in the station, noting that there may be four (4) people in the station who are able to take an engine to respond. He advised that this is a luxury they would not be able to enjoy if the dispatching function was moved to Kent County

Responding to Mr. Hosfelt, Mr. Eichler clarified that the term "silent alarm" is something that the Fire Department uses in-house, and a "cold response" refers to going without lights and sirens. He stated that cold responses fall under the Fire Department's protocols for each type of call.

In regard to CPSM Recommendation #31 (The Dover Fire Department should mandate that all officers participate in additional officer related training each year in order to be eligible to retain their positions), Mr. Hutchison asked if more training was needed than was being received on a regular basis. In response, Mr. Eichler stated this was absolutely true and that there are challenges placed on the Department and its membership. He noted that when someone calls, Robbins Hose Company

shows up and works hand in hand with responders from other agencies. Mr. Eichler indicated that there are resources available to allow them to take care of these problems; however, there have been expansions in the demand for special operations and increasing challenges regarding new construction and how it is affected by fire. Mr. Eichler stated there was a need for more time to be applied to training, as well as training on different topics.

Mr. Hutchison asked how long duty officers had been in place in the Department. Fire Chief Carey explained that this began in the mid 1970s, but really got going in 1997 when he became chief. He noted that they also began running silent alarms in 1997. In regard to the responsibility of the duty officer, Chief Carey advised that when there is an incident at DSU or Wesley College, rather than waking everyone up, the dispatcher calls the duty officer assigned for the day. This officer makes a decision whether to ride to the location or wait for security so they know what the incident is.

Responding to Mr. Hutchison regarding the duties and responsibilities of dispatchers, Chief Carey explained that they clean and maintain the trucks, check the fluids and water, make sure there are no leaks, and check the lights and air pressure. They use a daily checklist to go over the trucks and make sure that the air bottles are all holding up on pressure, since they sometimes leak. Chief Carey stated that if there is a leak in the air pressure for the braking systems, the dispatchers notify the proper people, and they check the radio systems as well. They also clean and perform maintenance on the building.

Responding to Mr. Hutchison, Chief Carey advised that in the event that the Kent County 911 Center goes down, the County sends some people to the Dover Fire Department. In regard to CPSM's recommendation to move the dispatching function at the Dover Fire Department to the Kent County 911 Dispatch Center, Chief Carey stated that this would put more burden on the Kent Center. He indicated that he would not get into the details of how things are run in the County for 17 out of the 18 companies that they run; however, he indicated that he would not want to be part of it.

Mr. Hutchison advised that he had reviewed the document regarding the operations of the Robbins Hose Company and stated that the Company should be very proud of this document. Speaking as a resident and as someone who served 25 years with the Dover Police Department, including five (5) years as Police Chief, 10 years as Mayor, and a current member of Council, he stated that the citizens of the City could be very proud of each member of the Fire Department. Mr. Hutchison indicated that the document allowed the opportunity to look at the Department from a different point of view. Although there were possible changes that Chief Carey would look at and that staff had commented on, he stated that past and current members of Robbins Hose Company could be proud of their accomplishments. Mr. Hutchison thanked Chief Carey and his staff for the comments and stated that he looked forward to working with them in the future.

Mr. Sudler thanked the members of the Dover Fire Department for the excellent job that they do. He asked what challenges the Department is faced with in regard to new construction materials. Responding, Mr. Eichler stated that there are concerns specific to the lightweight construction practices that had come about within the last 10 years or so, and he noted that this relates for the most part to the construction of single-family and multi-family residential dwellings. He indicated that truss construction is very strong when it is unaffected by heat and other factors; however, when

it is affected by heat it falls apart very quickly. Mr. Eichler advised that a house fire earlier this year off Wyoming Mill Road started toward the back of the house and was helped considerably by vinyl siding. The fire went into the attic space of the house, which took away the structural integrity of the roof, and there was a roof and ceiling collapse with members inside. In addition, Mr. Eichler explained that open floor plans, with a wide-open foyer and living area, are now popular. He informed members that the older housing throughout the City is well compartmentalized, which makes firefighting a little easier, noting that a door that is shut helps to contain fire. Mr. Eichler advised that a recent fire on Kirkwood Street was contained to one (1) bedroom specifically because of this type of construction; however, the newer type of construction would fail under fire conditions.

Mr. Slavin echoed the comments made by his fellow Council members and stated that it may be difficult for members to express their thanks personally because of the depth of the Fire Department's service, which was breathtaking. He advised that he always states that the Dover Fire Department has kept his family safe every minute of their lives, and he appreciated that and wanted to thank them personally. Mr. Slavin stated that those chosen to represent the Fire Department, including Chief Carey, Mr. Eichler, and others, had conducted themselves in a way that reflected a very high degree of professionalism. He explained that in every conversation held with them, they were open to listening and firm in their commitment to the Fire Department, and the City came to understand the Department's concerns a lot deeper through their spirit and what had been achieved. Mr. Slavin reiterated Mr. Hosfelt's comment that the City does not live in the world of the Fire Department and is trying to understand it a little more. He indicated that the City understood the Fire Department's concerns and hoped that they had begun to understand some of the City's concerns. It was Mr. Slavin's opinion that this matter pertained to the safety of the Fire Department's members on the job, the well-being of Robbins Hose Company, and the safety of the citizens of Dover, and he hoped that a series of shared concerns was beginning to develop. He advised that good organizations are not exempt from critical analysis, stating that questions can always be asked about how they can get better. Mr. Slavin stated that exemplary organizations welcome such looks to incorporate them into continuous improvement, and he advised that he saw this from the Robbins Hose Company and from the City. He expressed pride that everyone was able to look at this together, stating that sometimes consultants understand and sometimes they do not, which was reflected in the report, and he stated that this was okay. Mr. Slavin stated that this healthy dialogue had allowed for a deeper knowledge and appreciation for what the Fire Department does and that he hoped that the dialogue would continue beyond this meeting and report, and that it would be something that the City and the Fire Department could rely on over time.

Mr. Slavin indicated that he had questions related to the Robbins Hose Company comments that they did not have an opinion, or when they commented that CPSM's recommendations related to City of Dover ordinance issues; however, he would like to discuss them in-depth at another time to determine if the Fire Department thought these were good ordinances, if they could help to improve them, if they could help to make a better decision, or if the City could help to make these issues better for the citizens, Robbins Hose Company, and everyone involved. Mr. Slavin thanked the Fire Department for their efforts, acknowledging that this was a nerve-wracking undertaking with a lot of attached anxiety; however, he indicated that this was a sign of a healthy organization, where members believe in what they are doing and are protective of the health and well-being of the organization.

Referring to CPSM Recommendation #10 (The DFD should work with the Dover 911 Police Communications Center in an effort to classify and dispatch fire calls into emergency and nonemergency response categories), Mr. Hosfelt asked for an explanation of the difference between a fire called in on a land line and a call made on a cell phone. He questioned how calls are transferred and what decisions are made. Responding, Chief Carey explained that all 911 calls made through a cell phone or from those who live in the City of Dover go directly to the Dover Police Department. If they find out that there is a fire, they automatically transfer the call to the Dover Fire Department dispatchers as a one-button transfer. Chief Carey indicated that response times would not be any quicker if referred to the Kent Center because 80% of the Fire Department's calls are through the Dover Police Department. He advised that the remaining 20% of the Fire Department's calls come through the County and relate to a smaller rural area in the County. Chief Carey advised that everything is tied into the City.

Mr. Hosfelt questioned if the Robbins Hose Company's area of responsibility was greater than the City itself, and Chief Carey stated that the Fire Department does go outside the City limits.

In response to Mr. Hosfelt regarding CPSM Recommendation #13 (Dover should request from ISO a reevaluation of its August 2015 review after making adjustments in its fire hydrant testing procedures and the transfer of fire dispatching to Kent County), Mr. Eichler explained that ISO refers to the Insurance Services Organization.

Referring to CPSM Recommendation #18 (The City of Dover should reorganize the structure of fire department operations so that the supervision and management of the Dover Fire Department is unified and under the direction of the City Manager), Mr. Hosfelt asked if the charter, constitution, and by-laws of the Robbins Hose Company could be provided. Responding, Mr. Bashista stated that those documents would be provided.

In regard to CPSM Recommendation #23 (The City of Dover, through the Emergency Services Manager, should review all selection, promotional, and personnel issues carried out by the Volunteer Association in order to ensure compliance with city regulations, and state and federal guidelines), Mr. Hosfelt noted that Robbins Hose Company's comments referenced the City Solicitor's opinion of December 8, 2008 and asked for elaboration. Mr. Eichler provided a copy of a legal opinion from Mr. Nicholas Rodriguez, City Solicitor, dated December 8, 2008 ***(Attachment #3)***. He explained that this correspondence was generated as a result of inquiries from previous Robbins Hose Company administrators regarding issues going on in the Fire Department at that time.

Referring to CPSM Recommendation #24 (The City of Dover should revisit its current prohibition of allowing employees to respond as volunteer firefighters without docking their pay or requiring utilization of leave time), Mr. Hosfelt advised members that when he previously worked for the Dover Police Department, he had gone against this policy. He explained that, at that time, if a firefighter was working for the Police Department and the Police Department wanted them to respond and could clear this individual, the individual was allowed to respond. Mr. Hosfelt asked if there had been issues with Robbins Hose Company members in the City's workforce who were unable to respond while working, and if the Company had been caught short-staffed because of this. Responding, Mr. Eichler stated that there are provisions, such as letters of insurance, coverage, and

training, that allow for members of other fire companies to ride with the Dover Fire Department, and this opportunity is open to City employees. Mr. Eichler indicated that if there is a call of sufficient magnitude and they are short-staffed, they would call other fire companies anyway. The assistance that they would get from a City employee leaving their regular responsibility would be welcome; however, they would hopefully have a lot more additional people on the street.

Regarding CPSM Recommendation #28 (The city, under the direction of the new Emergency Service Manager, should be responsible for fleet maintenance and vehicle acquisition for the Dover Fire Department), Mr. Hosfelt asked if Robbins Hose Company agreed that if the City is putting up funds for a ladder truck or engine, this purchase should go through the City's purchasing policy and bid process. He questioned if this recommendation was a matter of the Fire Department having a position on the committee that chooses the apparatus. In response, Mr. Eichler indicated that Robbins Hose Company had previously established this relationship and noted that Fire Department personnel communicate with Mrs. Donna Mitchell, Controller/Treasurer, with regard to how the financing for the apparatus will be structured and how monies are included for maintenance. He stated that he would absolutely defer to members of Robbins Hose Company regarding the design and need for the apparatus, what would fit, where the apparatus would be taken, and how it would be used within the City. Mr. Eichler indicated that there are different aspects to the process, reiterating that the relationships are there already, and this would depend on what part of the process was being discussed.

Mr. Anderson thanked the Robbins Hose Company for their service and taking the time to answer questions. He asked why fire technicians would not fulfill some of the dispatch duties and why Robbins Hose disagreed with the creation of an Emergency Services Manager. In regard to an Emergency Services Manager, Mr. Eichler responded that they did not feel that this position was necessary, noting that the Fire Department has a recognized process and chain of command that is listed in the City code. He advised that their organization is set up administratively and operationally such that they have processes in place for leadership in providing fire services to the citizens of the fire district, not just the citizens of the City. Mr. Eichler noted that they had established relationships with the City Fire Marshal's Office and Code Enforcement Office and work very well together with them. He indicated that, when looking at where improvements could take place, they did not see any advantage to an Emergency Services Manager as far as the day-to-day running of the Fire Department. Mr. Eichler explained that they have people in place with training, experience, and knowledge, including the subtle institutional knowledge of access through the neighborhoods and what will aggressively take care of a problem. He noted that the leadership structure was there already. In regard to a fire technician or other position that would be developed, Mr. Eichler advised that there were already processes in place, and that conversations regarding pre-planning and these types of things had been such that they were now better prepared. Acknowledging that they could always do a better job, he reiterated that they already have a rapport with City departments and communications go back and forth. Mr. Eichler indicated that he did not see the Emergency Services Manager as a necessity or a vast improvement to the operations serving the citizens.

In regard to CPSM Recommendation #40 (The DFD should conduct a formal Standards of Response Coverage analysis under the guidelines of the Commission on Fire Accreditation International (CFAI)), Mr. Anderson noted the reference to organizations that "deal with volunteer fire

organizations." He asked if the Commission on Fire Accreditation International (CFAI) does not deal as much with volunteer organizations. Responding, Mr. Eichler stated that he did not know the full scope of the services that the Commission offers; however, they largely direct their efforts toward large municipal departments that are fully staffed. He indicated that a lot of their criteria is based upon the integration of many departments and divisions falling under a fire department. Mr. Eichler advised that Robbins Hose Company would be happy to see what programs they have available; however, it would be too far outside the scope of the Department's operations to be applicable. He stated that their comment made note of the National Volunteer Fire Council, which is an organization specifically dedicated to volunteer fire departments. Mr. Eichler stated that they had commented on continued communications with ISO, on how they rate the City, the input that insurance companies and entities can take into consideration for coverage, and how the Fire Department's protection levels affect this. He stated that, while the CFAI is probably far outside the scope of the citizens, there are plenty of other organizations that the Dover Fire Department would be able to find if they need resources.

Mr. Anderson stated that there is a lot of value to an accreditation process; however, it takes a major resource investment. He asked if this type of investment would take a volunteer organization away from its core function or help with its core function. Responding, Mr. Eichler advised that taking on an accreditation process would be a tremendous burden upon Robbins Hose Company and the City of Dover, regardless of what organization they would affiliate with to attain the accreditation.

Mayor Christiansen thanked the members of Robbins Hose Company for their service over the last 134 years, noting that it was his privilege to have been part of it for a time. He indicated that the men and women of Robbins Hose Company have continued to perfect their skills, as exemplified in the report. Referring to CPSM Recommendation #22 (The City of Dover should reduce the number of full-time dispatchers from five to two, reclassify this position to a Fire Technician designation, and eliminate the Fire Chief's Assistant position), Mayor Christiansen stated that attending to the workload of leading the Fire Department, as well as their home lives, takes a lot of officers' time. He indicated that adding the Fire Chief's Assistant was one of the things that was of the greatest assistance in the smooth running of Robbins Hose Company. Mayor Christiansen stated that he was bothered that many of the recommendations made by CPSM were already in place and he questioned who they had talked to. He noted that they had extensive conversations with members and officers of the Fire Department, and some of these best practices were already in place. Mayor Christiansen stated that some of the recommendations were substantiated handily by the members of the Robbins Hose Company that were present. He stated that he did not think that this was the best report that could have been obtained for the dollars that were spent on it. Mayor Christiansen thanked the members of the Department for their continued service to the City and echoed Mr. Slavin's words by thanking them for protecting his family 24/7, 365 days per year.

Referring to CPSM Recommendation #11 (The DFD should modify its response protocols in an effort to reduce the number of units responding to those calls that are screened sufficiently to determine that they are nonemergency in nature), Mr. Anderson noted that Robbins Hose Company follows the best practice protocols and questioned whether these practices are State Fire Commission or national standards. In response, Mr. Eichler indicated that best practice protocols fall back to Robbins Hose Company's experience regarding the type of call volume experienced in the City.

Referring to page 55 of the Public Safety Study - Fire/EMS Operational & Administrative Analysis, he noted that the study identified that the use of the silent alarm and duty officer was a best practice. Mr. Eichler advised that there is a combination of sources in this regard. He noted that this also tied back to the earlier discussion regarding calls from Wesley College and Delaware State University, stating that presumably practices would be based on the experience the Fire Department had in properly taking care of the different types of calls.

Mr. Anderson questioned why Robbins Hose Company believed that the Fire Marshal was best left with building code and not the Fire Department. In response, Mr. Eichler stated his understanding that a lot of the concerns that come from the work of the Fire Marshal relate immediately and specifically to the building code issues and ordinances that the City had undertaken. He indicated that this was a well-established relationship that should continue and was probably the least resistant path to getting problems taken care for both City staff and citizens in terms of the immediacy of addressing problems. Mr. Eichler advised that the Fire Department receives information from the Fire Marshal regarding concerns raised through their inspections and has a strong history with the Office itself, regardless of who is occupying the Fire Marshal position.

Mr. Anderson questioned if there was some concern about adopting the 2015 International Code Council International Fire Code standards in the building and real estate community. He asked if doing so would raise costs without bringing much more into the safety mix. Responding, Mr. Eichler indicated that, in addition to being a firefighter with Robbins Hose Company, he is Chairman of the Delaware Fire Sprinkler Coalition. He explained that the 2015 edition of the International Residential Code is the latest edition that is becoming available for jurisdictions to adopt and to implement. Mr. Eichler noted that since 2009, a provision for the inclusion of residential fire sprinkler systems had been included within that residential building code. He indicated that, unfortunately, state-wide, when jurisdictions adopt that particular edition of the Residential Building Code they specifically delete the sprinkler requirement, whether they are small towns or large municipalities. Mr. Eichler indicated that a lot of concern is based upon myth and misconceptions, specifically regarding the cost that it adds. He noted that, at this time, the national average cost of adding residential sprinklers to a property is $1.61 a square foot. Mr. Eichler stated that the houses under construction in Dover are approximately 1,500 to 3,000 square feet, so the total added cost would be less than $5,000. He explained that statistics from Prince George's County, Maryland; the State of Maryland; Scottsdale, Arizona; as well as the State of California specifically and directly state that sprinklered properties have yet to suffer a fire fatality. Mr. Eichler advised that the subjective desire not to install sprinklers due to the added cost is largely a misdirection of intention at best. He explained that, with the passage of House Bill #133 at the State level last spring, builders are required to provide educational materials to all customers coming in for new homes regarding the installation of residential sprinklers. Mr. Eichler indicated that a growing coalition in Delaware is pushing to revise the ordinances that are on the books. He stated that the specific recommendation from the study recognized that it is largely nothing but a benefit, not only for those who live on a property but for those persons surrounding that property. Mr. Eichler stated that a fire does not stay in one place, noting that there are many examples, such as three (3) houses in Magnolia that were taken out by one (1) fire. He encouraged members to look at including residential fire sprinklers in the adoption of the building code to protect persons in the home. Mr. Eichler noted that there were construction projects going on now through Habitat for Humanity,

which he stated was a wonderful organization. He indicated that the families with the opportunity to take ownership of these properties may be the least able to suffer and recover from a fire. Mr. Eichler pointed out the need to look at the protection of the immediate neighborhood and the members of the Robbins Hose Company when they respond to calls, so that they would not be subjected to some of the factors regarding the failure of lightweight construction when subjected to heat. Mr. Eichler stated that sprinklering was almost a no-brainer, and this was a good recommendation from the study and a trend that he hoped would be followed and pursued.

Fire Chief Carey thanked Mr. Slavin and Mr. Hosfelt for working together with himself and Mr. Bashista since this matter began. He noted that it had been frustrating to the Fire Department and thanked members for their support and working with the Department. He expressed his hope that this matter could be finalized after the next month or so and that everyone would approve of how this matter proceeds.

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

Meeting adjourned at 7:26 p.m.

Timothy A. Slavin
Council President

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Attachments
Attachment #1 - Presentation - Analysis by the Center for Public Safety Management, LLC - Comments by the Robbins Hose Company No. 1, Inc. of Dover, Delaware
Attachment #2 - List of recommendations excerpted and enumerated from the CPSM Report
Attachment #3 - City Solicitor - Legal Opinion from Mr. Nicholas Rodriguez, City Solicitor, dated December 8, 2008

Operational and Administrative Analysis
Dover Fire Department
Dover, Del.
March 2016

Analysis by the
Center for Public Safety Management, LLC

Comments by the
Robbins Hose Company No. 1 Inc.
of Dover, Delaware

ROBBINS HOSE COMPANY No. 1

DOVER'S VOL. FIRE DEPT.
Since 1882



CPSM Recommendation:

(1) The City of Dover should create a full-time position of Emergency Services Manager.

RHC Response:

Dover City Code provides that the fire department report to City Council and RHC concurs with that arrangement. RHC should continue to follow City Code, ARTICLE II. – FIRE DEPARTMENT.

CPSM Recommendation:

(2) City and Volunteer Association should enter into a contractual agreement that specifies the terms and conditions involved in the delivery of fire services.

RHC response:

The RHC is a private, non-profit, volunteer organization that provides fire protection within the RHC fire district in accordance with the Delaware State Fire Commission rules and regulations, Dover City Code, and the Haggerty and Haggerty Agreement. (cont.)

Dover City Code provides that the fire department report to City Council and RHC concurs with that arrangement. RHC should continue to follow Dover City Code, ARTICLE II, Sec. 46.

CPSM Recommendation:

(3) The Emergency Services Manager should be assigned the administration of the contract with PrimeCare and should coordinate the emergency management activities for the City.

RHC response:

ESM not applicable to the fire department operations which has an established chain of command.

CPSM Recommendation:

(4) City of Dover and the Volunteer Association should specify those city personnel policies that apply to members of the Volunteer Association and place these provisions in the service agreement.

RHC response:

RHC is not aware of any City personnel policies that apply to the volunteers.

CPSM Recommendation:

(5) City of Dover should facilitate the development of a strategic plan for the Dover Fire Department which focuses on the department's long-term needs and anticipated service demands.

RHC response:

RHC agrees and it should be a joint effort.

CPSM Recommendation:
(6) The Fire Chief and/or the duty officer, when dispatched to an incident, should respond with their assigned command vehicle to the incident scene and assume the role of incident commander.

RHC response:
RHC already does this - RHC follows best practices dependent upon the incident reported.

CPSM Recommendation:
(7) The DFD should standardize its response to a single unit to automatic fire alarm soundings and other non-emergency situations (when these are unconfirmed as a true emergency).

RHC response:
RHC follows best practices dependent upon the incident reported.

CPSM Recommendation:

(8) The DFD should limit its fleet of primary response apparatus to three engines, one ladder truck, and two command vehicles.

RHC response:

The State Fire Prevention Commission requires two engines in each station. It is best practice for a City of Dover's size and call volume to have two ladder trucks in service.

CPSM Recommendation:

(9) The DFD should build at least a portion of its training regimens and tactical strategies around the exterior or transitional attack when the fire scenario and the number of responding personnel warrant this approach.

RHC response:

The OIC makes a tactical decision on each incident as to the best attack mode, keeping in mind how far the fire has advanced, the risk to fire personnel, the possibility of entrapped victims, and exposures.

CPSM Recommendation:

(10) The DFD should work with the Dover 911 Police Communications Center in an effort to classify and dispatch fire calls into emergency and nonemergency response categories .

RHC response:

This is a long standing practice of the RHC. The RHC dispatchers are trained and certified to classify fire calls in accordance with current policies. Additional resources are available in-house to assist with classifying calls.

CPSM Recommendation:

(11) The DFD should modify its response protocols in an effort to reduce the number of units responding to those calls that are screened sufficiently to determine that they are non-emergency in nature.

RHC response:

RHC follows best practice protocols for responses to call types and the amount of apparatus that responds.

CPSM Recommendation:

(12) The DFD should institute a unified incident and activity reporting system for emergency response and other support activities carried out by all personnel.

RHC response:

RHC has had such a system (Red Alert) in place for over 20 years.

CPSM Recommendation:

(13) Dover should request from ISO a reevaluation of its August 2015 review after making adjustments in its fire hydrant testing procedures and the transfer of fire dispatching to Kent County.

RHC response:

* **RHC met with ISO and was informed that:**
  ISO rating is 50% fire, 40% water, 10% dispatch.
* **10 pts were lost due to lack of a response by the City Fire Marshal's Office.**
* **3 pts were lost due to the City not properly flow testing fire hydrants.**
* **RHC disagrees with transferring fire dispatch to Kent County.**

CPSM Recommendation:

(14) The City should include a requirement for residential fire sprinklers when it adopts the 2015 International Code Council International Fire Code.

RHC response:

RHC agrees. This would protect civilian lives and property while reducing the risk of injury to first responders.

CPSM Recommendation:

(15) The DFD should require all new firefighters to meet the training qualifications of the NFPA Standard 1001, *Standard for firefighter Professional Qualifications for Firefighter I & II.*

RHC response:

RHC follows the guidelines of the Delaware State Fire Prevention Commission.

RHC trains to the Fire Fighter I & II standard.

CPSM Recommendation:

(16) The DFD training program should be revised in order to schedule weekly training meetings and drills through out the year.

RHC response:

This recommendation will be taken under consideration. RHC normally schedules weekly training January thru May and September into December.

CPSM Recommendation:

(17) The DFD should revise the ongoing training requirements for all active members (including life members) to ensure that skills and proficiency training is carried out to sufficiently ensure firefighter readiness and safety.

RHC response:

This recommendation will be taken under consideration.

CPSM Recommendation:

(18) The City should reorganize the structure of fire department operations so that the supervision and management of the DFD is unified and under the direction of the City Manager.

RHC response:

RHC feels that the present organization functions well. RHC is a stand-alone organization with a charter, constitution, and by-laws that reports to the President of City Council and the Delaware State Fire Prevention Commission.

CPSM Recommendation:

(19) The City Fire Marshal and Fire Inspectors (Deputy Fire Marshals), along with fire code enforcement, plans review, and fire inspection duties, should be assigned under the supervision of the Emergency Services Manager.

RHC response:

RHC does not see the need for an Emergency Services Manager.

CPSM Recommendation:

(20) All officer positions, including Captain, Assistant Fire Chief, Deputy Fire Chief, and Fire Chief, should be filled on the basis of firefighting/emergency services training, certifications, and experience, along with successful completion of a formal, openly competitive assessment process, including a practical skills evaluation.

RHC response:

RHC follows and supports the procedures as provided in the Dover City Code of Ordinances

CPSM Recommendation:

(21) The City of Dover should reassign the dispatching function at the Dover Fire Department and move all fire dispatching to the Kent County 911 Dispatch Center.

RHC response:

RHC disagrees – the dispatchers are Emergency Fire Dispatch certified at the same level as the County dispatchers (cont.)

RHC response: continued

Moving fire dispatch will increase the number of General Alarms and decrease the number of Silent Alarms due to having to follow County policies and procedures. Could cause loss of institutional knowledge of the City fire district. Timely dispatch could be jeopardized.

CPSM Recommendation:

(22) The City of Dover should reduce the number of full-time dispatchers from five to two, reclassify these positions to a Fire Technician designation, and eliminate the Fire Chief's Assistant position.

RHC response:

RHC disagrees – the dispatchers are an integral part of the daily operations of the RHC. The Fire Chief's Assistant provides essential continuity in the Fire Chief's office and a point of contact with City staff and residents.

CPSM Recommendation:

(23) The City of Dover thru the Emergency Services Manager, should review all selection, promotional, and personnel issues carried out by the Volunteer Association in order to ensure compliance with city regulations, and state and federal guidelines.

RHC response:

RHC disagrees – RHC is a private non-profit corporation that follows its Constitution, By-Laws, and Policies. We fully agree with the City Solicitor's opinion of December 8, 2008.

CPSM Recommendation:

(24) The City of Dover should revisit its current prohibition of allowing employees to respond as volunteer firefighters without docking their pay or requiring utilization of leave time.

RHC response:

This is a City of Dover personnel issue.

CPSM Recommendation:

(25) The DFD should conduct a formal fire risk analysis that concentrates on its downtown areas, high rise structures, and manufacturing and institutional occupancies.

RHC response:

The existing program could be improved with the RHC and City Fire Marshal working together.

CPSM Recommendation:

(26) The City of Dover should adopt an apparatus replacement schedule to serve as a guide for the financial planning and replacement of fire apparatus.

RHC response:

RHC has submitted such plans to the City as part of the CIP process for many years. Following is the most current plan.

Dover Fire Department

Modified CIP - 10 Year Apparatus Replacement Schedule

Fiscal Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Total
Engine 7 ($625,000)		73,400	73,400	73,400	73,400	73,400	73,400	73,400	73,400	73,400	-	625,000
Engine 3 ($625,000)	-	73,400	73,400	73,400	73,400	73,400	73,400	73,400	73,400	73,400		625,000
Engine 6 ($635,000)	-	-	63,500	63,500	63,500	63,500	63,500	63,500	63,500	63,500	63,500	571,500
Engine 4 ($645,000)	-	-	-	64,500	64,500	64,500	64,500	64,500	64,500	64,500	64,500	516,000
Engine 2 ($655,000)							43,667	43,667	43,667	43,667	43,667	218,335
Totals:	-	146,800	210,300	274,800	274,800	274,800	318,467	318,467	318,467	318,467	171,667	2,555,835
Updated 10/3/2016												
Rescue 1 ($1.25million)							?					$1.25 million
Ladder 1 ($920,000)	145,700	145,700	145,700									437,100
Ladder 2 ($1.25million)				?								$1.25 Million

*Curent Ladder 1 will be replaced in 20; 2026 estimated cost (: ($1.25million)

DOLLAR AMOUNTS ARE PRINCIPAL AMOUNTS ONLY

CPSM Recommendation:

(27) The City should adopt an apparatus replacement program that allocates annual funding that is earmarked for future apparatus purchases.

RHC response:

RHC agrees.

CPSM Recommendation:

(28) The City, under the direction of the new Emergency Service Manager, should be responsible for fleet maintenance and vehicle acquisition for the DFD.

RHC response:

RHC disagrees. RHC is best qualified to be responsible for fire apparatus maintenance and purchasing.

CPSM Recommendation:

(29) The DFD should undertake a concerted effort to develop a comprehensive set of performance measures that monitors its system performance and system outcomes. The process of developing the measures should utilize input from DFD members, the community, elected officials, and city administrators.

RHC response:

RHC is willing to look at continuous performance improvement and will work to develop meaningful performance measures.

CPSM Recommendation:

(30) The DFD should expand the responsibilities of the Fire Technician position to include inspection and code enforcement, including the prefire planning of key occupancies.

RHC response:

RHC does not support the concept of the Fire Technicians. Preplanning should be accomplished jointly by the Fire Marshal's Office and RHC.

CPSM Recommendation:

(31) The DFD should mandate that all officers participate in additional officer-related training each year in order to be eligible to retain their positions.

RHC response:

RHC will take this under advisement.

CPSM Recommendation:

(32) The City of Dover should consider the re-assignment of the Fire Marshal's Office and its fire code enforcement duties under the Fire Department's Emergency Services Manager.

RHC response:

RHC disagrees with the creation of the Emergency Services Manager position and hence with this recommendation.

CPSM Recommendation:

(33) The DFD should develop an annual training budget that identifies the needed training for its membership and the associated cost for each element of the training program

RHC response:

RHC has an annual training plan and training budget and provides the training needed for all of its members.

CPSM Recommendation:

(34) Under the direction of the Emergency Services Manager, the DFD should form a committee comprised of a cross-section of the department's membership to develop standard operating guidelines (SOGs).

RHC response:

RHC already has Standard Operating Guidelines (SOGs) and has had for many years.

CPSM Recommendation:

(35) The City of Dover should ensure that all Fire Department personnel are familiar with applicable city policies and that these are included in the annual training curriculum.

RHC response:

The Robbins Hose Company is a private non-profit corporation. See City Solicitor's memo of December 8, 2008. We agree and look forward to discussing this with the City.

CPSM Recommendation:

(36) The City of Dover should ensure that the hazard mitigation efforts of Kent County are aligned with the needs of the city and should identify those key infrastructure and public outreach efforts necessary to protect all city residents.

RHC response:

RHC agrees.

CPSM Recommendation:

(37) The City of Dover should transfer its fire dispatching duties to the Kent County 911 Communications Center.

RHC response:

RHC disagrees. This will result in more General Alarms, fewer silent alarms, more apparatus on the road, and fewer responders due to volunteer burn out.

Fire dispatchers are an integral part of the RHC by reduction of General Alarms, assistance with Fire Prevention, public outreach, apparatus maintenance, station cleaning, and security.

CPSM Recommendation:

(38) The City should consider the relocation of all Fire Department operations, including Fire Code Inspections/ Enforcement, EMS transport, and the emergency management functions, to the main fire station at 103 S. Governors Ave..

RHC response:

RHC disagrees. The Stations are not built as public facilities, there is not sufficient space, there are liability issues, there would be a substantial cost to the City, and fire inspections need to be with building inspections.

CPSM Recommendation:

(39) The City of Dover should integrate its community risk analysis and hazard mitigation efforts with Kent County.

RHC response:

RHC agrees, to some extent this is ongoing with LEPC.

CPSM Recommendation:

(40) The DFD should conduct a formal Standards of Response Coverage analysis under the guidelines of the Commission on Fire Accreditation International (CFAI).

RHC response:

Robbins Hose should work with the National Volunteer Fire Council, ISO, and NFPA which all deal with volunteer fire organizations.

CPSM Recommendation:

(41) The DFD should develop a comprehensive, department-wide risk management plan as recommended in NFPA 1500.

RHC response:

RHC agrees, however there is a substantial cost associated with development and implementation.

CPSM Recommendation:

(42) The DFD should make it a priority to establish a formal pre-incident planning program with the goal of having an up-to-date preplan for every business and commercial occupancy (including schools, churches, etc.) within its response area.

RHC response:

RHC agrees; with assistance from the Fire Marshal's Office and Building Inspections.

CPSM Recommendation:

(43) The City of Dover should revise its performance criteria in future contracts with the ambulance provider, with specific guidelines relating to unit availability, turnout time, and overall response time, measured at the 90 percent fractile rates.

RHC response:

RHC has no opinion on this recommendation.

CPSM Recommendation:

(44) The City of Dover should amend its future ambulance contract to require that all ambulances operating within the City be staffed with a minimum of two (2) EMTs.

RHC response:

RHC has no opinion on this recommendation.

CPSM Recommendation:

(45) At the close of the current contract with Prime Care, the City should consider issuing a national RFP for an ambulance provider for the City service area.

RHC response:

City of Dover issue.

CPSM Recommendation:

(46) The City should consider the housing and deployment of ambulance units from the Dover fire stations.

RHC response:

RHC disagrees with this recommendation. There is neither sufficient nor adequate space in the fire stations for this activity.

CPSM Recommendation:

(47) The Dover Fire Department should consider CPSE accreditation in the future.

RHC response:

When linked with item #40, this amounts to double accreditation. There is significant cost associated with accreditation, at what benefit? RHC feels its resources are better utilized working with ISO, which provides a measurable cost benefit to the public it serves.

CPSM Recommendation:

(48) Personnel seeking to become an officer should be required to start at the rank of captain and serve in each successive rank for a minimum period of time before seeking a higher office.

RHC response:

RHC follows and supports the procedures as provided in the Dover City Code of Ordinances.

CPSM Recommendation:

(49) The City should develop Continuity of Operations Plans (COOP) for each department and align these plans with an overall Continuity of Government Plan.

RHC response:

This is a City of Dover issue. RHC would willingly work with the City in the development of a COOP.

QUESTIONS





EXCERPTED RECOMMENDATIONS FROM CENTER FOR PUBLIC SAFETY MANAGEMENT (CPSM) OPERATIONAL AND ADMINISTRATIVE ANALYSIS DOVER FIRE DEPARTMENT DOVER, DE Final Report - March 2016

Initial Phase Recommendations

Recommendation #1 - The City of Dover should create a full time position of Emergency Services Manager and transfer the day to day oversight of the fire department and the other closely related emergency services and support functions under this position. We recommend that this new position be a direct report to the City Manager.

Recommendation #2 - The City of Dover and the Volunteer Association should enter into a contractual agreement that specifies the terms and conditions involved in the delivery of fire services.

Recommendation #3 - The Emergency Services Manager should be assigned the administration of the contract with PrimeCare and should coordinate the emergency management activities for the City of Dover.

Recommendation #4 - The City of Dover and the Volunteer Association should specify those city personnel policies that apply to members of the Volunteer Association and place these provisions in the service agreement.

Recommendation #5 - The City of Dover should facilitate the development of a strategic plan for the Dover Fire Department which focuses on the department's long term needs and anticipated service demands.

Recommendation #6 - The Fire Chief and/or the duty officer, when dispatched to an incident, should respond with their assigned command vehicle to the incident scene and assume the role of incident commander.

Recommendation #7 - The DFD should standardize its response to a single unit to automatic fire alarm soundings and other nonemergency situations (when these are unconfirmed as a true emergency).

Recommendation #8 - The DFD should limit its fleet of primary response apparatus to three engines, one ladder truck, and two command vehicles.

Recommendation #9 - The DFD should build at least a portion of its training regimens and tactical strategies around the exterior or transitional attack when the fire scenario and the number of responding personnel warrant this approach.

Recommendation #10 - The DFD should work with the Dover 911 Police Communications Center in an effort to classify and dispatch fire calls into emergency and nonemergency response categories.

Recommendation #11 - The DFD should modify its response protocols in an effort to reduce the number of units responding to those calls that are screened sufficiently to determine that they are nonemergency in nature.

Recommendation #12 - The DFD should institute a unified incident and activity reporting system for emergency response and other support activities carried out by all personnel.

Recommendation #13 - Dover should request from ISO a reevaluation of its August 2015 review after making adjustments in its fire hydrant testing procedures and the transfer of fire dispatching to Kent County.

Recommendation #14 - The City of Dover should include a requirement for residential fire sprinklers when it adopts the 2015 International Code Council International Fire Code.

Recommendation #15 - The Dover Fire Department should require all new firefighters to meet the training qualifications of the National Fire Protection Association (NFPA) Standard 1001, *Standard for Firefighter Professional Qualifications for Firefighter I and II*.

Recommendation #16 - The DFD training program should be revised in order to schedule weekly training meetings and drills throughout the year.

Recommendation #17 - The DFD should revise the ongoing training requirements for all active members (including life members) to ensure that skills and proficiency training is carried out to sufficiently ensure firefighter readiness and safety.

Second Phase Implementation

Recommendation #18 - The City of Dover should reorganize the structure of fire department operations so that the supervision and management of the Dover Fire Department is unified and under the direction of the City Manager.

Recommendation #19 - The city Fire Marshal and Fire Inspectors (Deputy Fire Marshals), along with fire code enforcement, plans review, and fire inspection duties, should be assigned under the supervision of the Emergency Services Manager.

Recommendation #20 - All officer positions, including Captain, Assistant Fire Chief, Deputy Fire Chief, and Fire Chief, should be filled on the basis of firefighting/emergency services training, certifications, and experience, along with successful completion of a formal, openly competitive assessment process, including a practical skills evaluation.

Recommendation #21 - The City of Dover should reassign the dispatching function at the Dover Fire Department and move all fire dispatching to the Kent County 911 Dispatch Center.

Recommendation #22 - The City of Dover should reduce the number of full-time dispatchers from five to two, reclassify this position to a Fire Technician designation, and eliminate the Fire Chief's Assistant position.

Recommendation #23 - The City of Dover, through the Emergency Services Manager, should review all selection, promotional, and personnel issues carried out by the Volunteer Association in order to ensure compliance with city regulations, and state and federal guidelines.

Recommendation #24 - The City of Dover should revisit its current prohibition of allowing employees to respond as volunteer firefighters without docking their pay or requiring utilization of leave time.

Recommendation #25 - The DFD should conduct a formal fire risk analysis that concentrates on its downtown areas, high rise structures, and manufacturing and institutional occupancies.

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Recommendation #37 - The City of Dover should transfer its fire dispatching duties to the Kent County 911 Communications Center.

Third Phase Implementation

Recommendation #38 - The city should consider the relocation of all Fire Department operations, including Fire Code Inspections/Enforcement, EMS transport, and the emergency management functions, to the main fire station at 103 S. Governors Ave.

Recommendation #39 - The City of Dover should integrate its community risk analysis and hazard mitigation efforts with Kent County.

Recommendation #40 - The DFD should conduct a formal Standards of Response Coverage analysis under the guidelines of the Commission on Fire Accreditation International (CFAI)

Recommendation #41 - The DFD should develop a comprehensive, department wide risk management plan as recommended in NFPA 1500.

Recommendation #42 - The DFD should make it a priority to establish a formal pre incident planning program with the goal of having an up to date preplan for every business and commercial occupancy (including schools, churches, etc.) within its response area.

Recommendation #43 - The City of Dover should revise its performance criteria in future contracts with the ambulance provider, with specific guidelines relating to unit availability, turnout time, and overall response time, measured at the 90 percent fractile rates.

Recommendation #44 - The City of Dover should amend its future ambulance contract to require that all ambulances operating within the city be staffed with a minimum of two (2) EMTs.

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Recommendation #46 - The city should consider the housing and deployment of ambulance units from the Dover fire stations.

Recommendation #47 - The Dover Fire Department should consider CPSE accreditation in the future.

Recommendation #48 - Personnel seeking to become an officer should be required to start at the rank of captain and serve in each successive rank for a minimum period of time before seeking a higher office.

Recommendation #49 - The City of Dover should develop Continuity of Operations Plans (COOP) for each department and align these plans with an overall Continuity of Government Plan.

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December 8, 2008

RECEIVED
DEC 11 2008
OFFICE OF THE CITY CLERK

Traci McDowell, CMC, City Clerk
City of Dover City Hall
P.O. Box 475
Dover, Delaware 19903-0475

Dear Traci:

I am responding to your e-mail dated December 3, 2008, asking whether the City Code (Chapter 46) or the Robbins Hose Company Articles of Incorporation would be controlling and have precedence in certain situations.

In our opinion, anything that deals with the City of Dover directly and Robbins Hose directly would be controlled by our Charter and the Municipal Code.

On the other hand, the Robbins Hose Company Articles of Incorporation would govern their interactions over their members and business dealings so long as they do not relate directly to the City of Dover.

Very truly yours,

NICHOLAS H. RODRIGUEZ

NHR:cef
cc: William W. Pepper, Sr., Esquire

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on November 15, 2016 at 6:02 p.m., with Council President Slavin presiding. Members of Council present were Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mr. Neil were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Mr. Blakeman (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*). Ms. Arndt *(Utility)* was absent.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

AGENDA ADDITIONS/DELETIONS

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

Proposed Ordinance #2016-25 Amending Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities and Article 12 - Definitions

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Proposed Ordinance #2016-25 had been requested by Council President Slavin. She explained that the City had received a number of complaints from residents about tractor-trailers parked in commercial parking lots, mainly when these vehicles are not in a loading zone. Mrs. Townshend stated that the Proposed Ordinance would not allow tractor-trailers to be parked in the lesser intense commercial zones or in all residential zones. She explained that active loading or unloading would be permitted; however, long-term parking would not. Mrs. Townshend indicated that in the higher intensity commercial zones, such as service commercial, highway commercial, institutional and office, and community and regional shopping center, tractor-trailer parking would be permitted only in areas that are designated as loading zones or loading areas. She advised that if this amendment to the Zoning Ordinance came out of committee, there would be a first reading before City Council. It would then be referred to the Planning Commission, where it would be subject to a public hearing. It would then be subject to another public hearing before City Council.

Mr. Hare asked if the owner of a shopping center could allow someone to park a tractor-trailer on their private property. Responding, Mrs. Townshend stated that the ordinance would not allow it. She advised that it would allow parking in a loading zone in a highway commercial, service commercial, larger shopping center, or institutional and office zone. Mrs. Townshend noted that tractor-trailers were often being parked in front of commercial buildings in parking areas that are striped for car parking.

Mr. Slavin explained that very large vehicles had been parking for extended periods of time, which detracted from the quality of life at some of the neighborhood strip malls, noting that these vehicles

idle overnight and during the day while drivers are at rest. He indicated that this was an issue that the City had been pursuing for years. Mr. Slavin stated that the City had gotten some resolution when Royal Farms opened on Pearson's Corner Road; however, tractor-trailers were beginning to be seen back in the City. He informed members that he had heard related concerns from a number of residents living in different districts in the City, and he stated that this was a worthwhile amendment.

Mr. Hosfelt moved to recommend adoption of Proposed Ordinance #2016-25, seconded by Mr. Hutchison and unanimously carried.

Community Development Block Grant (CDBG) Program Quarterly Update (July, August, and September)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred members to the Community Development Block Grant (CDBG) Quarterly Report for July, August and September 2016. She stated that the grant year had just started; therefore, expenses were beginning to be incurred. Mrs. Townshend indicated that funds had been expended only on the Dover Interfaith Mission for Housing project at this point, noting that contracts were signed with the City's grant recipients in the fall and expenses would be coming in over the next several months.

Mr. Cole moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Hare and unanimously carried.

Meeting adjourned at 6:09 p.m.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

AGENDA ADDITIONS/DELETIONS

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

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) (July, August, and September)

Mr. Scott Koenig, City Manager, reviewed the Quarterly Report for the Capital Investment Plan (CIP) as of September 30, 2016. Referring to the Capital Investment Plan - Project Tracking Report, He explained that the draft report is issued by the Finance Department and sent to the Public Works and Electric Departments to update the notes section prior to distribution to Council. Mr. Koenig stated that the total funding source for the CIP was $18,825M as of September 30, 2016.

In reference to the General Fund - Major CIP Projects, Mr. Koenig stated that the General Fund Projects were design projects at this point. He advised that the Old PW2 Site Improvements project was in design and would provide a good idea about what could be built at the old PW2 site, as the City transitions from a storage facility to what was hoped to be a wetlands restoration project.

Mr. Koenig noted that improvements would be moved from the Old PW2 site to the Schutte Park site.

Mr. Koenig advised that the FY-16 Street and Alley Program had been completed and closeout documents were being finalized. He stated that the Valve Replacement - Silver Lake Dam was also complete and staff was working on final invoicing and project close-out. Mr. Koenig indicated that the Salt Storage Barn project had been bid several times, and the last time this was done, the City rejected the bids. He informed members that the project had gone back to the purchasing agent for distribution under a performance standard to obtain an acceptable building condition and layout, and it was hoped that those bids would be back soon for Council's review. In reference to the Persimmon Park Place Drainage Study, Mr. Koenig explained that the City had been working with several State legislators to fund and to evaluate drainage problems that are occurring on the boundary between Persimmon Park Place and the Wild Meadows subdivision. He stated that staff expected to bid this project out shortly, and funding would come before Council.

Regarding the FY 2017 projects, Mr. Koenig advised that staff was working on vehicle purchases and pointed out the Annual Contribution to Robbins Hose Company for Ladder 1. He stated that staff would be working on park improvements this year and noted that the Video Storage Array was part of the Police Department's funding. Mr. Koenig reminded members that the FY 17 Street and Alley Program had been authorized by City Council and construction would begin shortly and noted that there were several other small CIP changes in the General Fund.

Referring to the Community Transportation - Major CIP Projects, Mr. Koenig advised that there were funds left over from the Pat Lynn Drive/Dover High School Storm Drain Pipe project from a number of years ago, and staff must complete the paperwork to move this funding to another project. He explained that the Lincoln Park Center project was on hold, noting that funding was not available at the moment for the acquisition of land. Mr. Koenig indicated that the project's design had been prepared and, if the project is picked up at a future date, staff could move forward at the point where they left off on the project. He informed members that construction was underway for the East Water Street Brick project. Mr. Koenig advised that the knee wall had been built and estimated that the contractor would complete the project, clean up, and backfill everything in the next two (2) to three (3) weeks. He stated that the project seemed to be going well, even though this was a high traffic area.

In regard to the FY 2016 projects, Mr. Koenig noted that the Boggs Drive Paving Project was a Community Transportation Fund (CTF) project that was carried forward into the FY 2016 Street program, which had now been awarded. He indicated that this project would get underway with paving in either late Fall 2016 or early Spring 2017 and reminded members that this was a location where a sewer line was replaced approximately 16 - 18 months ago. Mr. Koenig stated that Mrs. Ann Marie Townshend, Director of Planning and Community Development, had brought forward the Pedestrian Enhancement - Mallard Pond Pathway project, which was mostly complete. He advised that staff was working on the final change order and closeout documents and noted that this was a major improvement to the park on the west side of town that enhances the walking path extending toward the Dover High School property.

Referring to FY 2017 projects, Mr. Koenig stated that funding had been received to improve a paper alley, which he stated he thought was located between Kirkwood and West Streets. He advised that 200 feet of this alley would be improved with a stone underlay and a two-inch mat to provide access to the rear paper alley properties. Mr. Koenig stated that staff was working to fund portions of the FY 2017 Street Program. He noted that Senator Brian Bushweller had committed some funds and Representative Sean Lynn had also indicated that he would be committing funds. Mr. Koenig stated that the General Assembly needed to make changes to prevailing wage language related to CTF. He stated his understanding that those changes would take place in January.

In reference to Electric Improvement & Extension Fund - Major CIP Projects, Mr. Koenig informed members that Mr. Harry Maloney, Electric Director, was working on the interconnection meter upgrades listed under FY 2014, explaining that these meters read the interconnection between the City's and Delmarva's systems. Mr. Koenig explained that staff was also evaluating whether the City should advance in the direction of smart metering technology and the timeline for advancement.

In reference to FY 2015 projects, Mr. Koenig indicated that staff was also working on items related to the West Dover Connector. There was a lot of utility relocation work going on, especially in the North Street area, as the Delaware Department of Transportation (DelDOT) widens the intersection of the West Dover Connector and Hazlettville Road at the Royal Farms. Mr. Koenig advised that staff received a letter that day from DelDOT authorizing reimbursement for approximately $150,000 of electric work that the City would perform. He explained that staff was also working on the 69kV Rebuild at Horsepond Road, as well as dropping portions of the Towne Point Distribution Feeders underground.

In regard to the FY 2016 projects, Mr. Koenig informed members that the Blue Hen Apartments and the Tall Pines Condos were complete, noting that these were private projects where the City made system improvements. He noted that the developer pays the City for these improvements, which are completed in concert with the development. Mr. Koenig advised that there would soon be 24 new housing units at Tall Pines, located at Kenton and Chestnut Grove Roads, where exterior work was currently being done.

Mr. Koenig advised that a number of FY 2017 projects were in process, noting that some projects related to Hirsh Industries were complete. He indicated that there were also a number of small improvements going on in the system. Mr. Koenig stated that large projects, such as the Van Sant Inspections and McKee Run Boiler Repairs, were moving forward and the power plant contractor and staff were working their way through the FY 2017 CIP. He noted that Council had reviewed a Change Order regarding the McKee Run boiler repairs during the Regular City Council Meeting of November 14, 2016.

In reference to the Water/Wastewater Improvement & Extension Fund - Major CIP Projects, Mr. Koenig stated that the proposed 1.0 million gallon (MG) elevated water storage tank that was intended to be near Maple Glen at the northern boundary of the City had been outstanding for some time. Staff had been working on an alternative site, and he advised that he thought it had been tied down with the developers, and staff had been working on an agreement with them. Mr. Koenig explained that as soon as an executed agreement was obtained, staff would come forward to Council

to authorize the City's side of the agreement for potential site purchase and location of a new 1.0 MG elevated tower on the north central boundary of the City in the McKee Road area.

Mr. Koenig informed members that the Westover Pump Station had been authorized for construction for a while; however, there were some conflicts with overhead power lines that had to be adjusted. He advised that this project would start up again late in 2016 or very early in the Spring of 2017 under the same parameters and costs.

Under the FY 2015 projects, Mr. Koenig stated that the Hazlettville Road Interceptor Sewer project had been bid out several times, and a bid was finally obtained that was reasonable to go to construction. He noted that the project was complete in the field and they were working on the close-out documentation. Mr. Koenig advised that the Retreat Pump Station was under construction, and he hoped that project would close out in the next few months.

Mr. Koenig stated that, under FY 2016 projects, the design work was wrapping up for Water Treatment Plant Process Improvements. He noted that staff had been working with the State on the Revolving Loan Fund and the project would go out to bid shortly. Mr. Koenig indicated that staff had to meet all the conditions of the funding and project guidelines for the State. He advised that design of the Rolling Acre Pump Station occurred last year, construction was proposed for this year, and the construction package was being coordinated with the procurement officer. Mr. Koenig reminded members that the bids for the Delaware Avenue Sanitary Sewer were approved by Council during their meeting of November 14, 2016.

With regard to the FY 2017 projects, Mr. Koenig noted that there were vehicle and equipment purchase, water meter and sewer meter replacement, and wellhead redevelopment projects. He stated that a fence project at Well #6 was authorized several meetings ago, and staff was also working on a future supply well. Mr. Koenig advised that projects related to pump stations that are in design would be completed this year, and construction would follow shortly in the following fiscal year. He advised that Inflow and Infiltration (I&I) projects would also be developed and brought forward, stating that he thought they would include Bradford Street sewer improvements that staff would bring forward later in the current fiscal year.

Mr. Koenig advised that the capital plan was moving forward, reiterating that approximately $18M was being spent on improvements related to these projects. He indicated that some projects were moving very quickly and others had experienced minor glitches; however, he was very proud of how staff was working the projects through the system, noting that a number of backlogged projects in the inventory had been completed. Mr. Koenig stated that staff had been experimenting with the project summary that was being sent to Council and expressed his hope that some electric projects would come forward shortly in a similar fashion.

Updates

Green Energy Funding and Programming

Mr. Scott Koenig, City Manager, reviewed the Green Energy Summary as of October 28, 2016, explaining that this document is used by the Electric Department for tracking. He reminded members that the City collects Green Energy Funds as part of a fee that appears on electric bills.

Mr. Koenig stated that a portion of the funds that the City collects is dedicated to the repayment of improvements related to the Dover Public Library, and funds are also distributed in relation to individual grants. He advised that approximately one (1) year ago, the City put a hold on new solar grants because of changes being made at the State level. In Mr. Koenig's opinion, the flow of requests for grants had slowed down.

Mr. Koenig informed members that there was increased activity and interest in load management, energy efficiency, and going through buildings and trying to evaluate ways to improve efficiency, noting that there are companies that perform audits of individual properties. He explained that there are opportunities through the Sustainable Energy Utility (SEU) to finance things such as LED lighting. Mr. Koenig noted that although there are such opportunities for the City, in general the City's electric load seemed to be flattening out as the City grows. He indicated that the long-term expectancy is for businesses to invest in higher efficiency units for pumps, motors, and HVAC, which reduces their load. Mr. Koenig stated that as new businesses and housing are brought in, they are basically replacing the load that is becoming more efficient. He advised that this trend was expected to continue for the foreseeable future, as people become more adept at looking at their energy bills and figuring out how to save money and drive down the cost.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit

Mr. Scott Koenig, City Manager, advised members that the City had struggled to maintain its National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit for some time. He explained that staff had made a lot of progress over the last few months in getting the City into compliance. Mr. Koenig stated that the City had received verification that it had completed the outstanding items from the Department of Natural Resources and Environmental Control (DNREC) Conciliation Order by Consent that was issued earlier in 2016. He indicated that a majority of the items were related to delivering paperwork to DNREC and then continuing to follow up and improve the City's paperwork and reporting processes. Mr. Koenig stated that staff had installed new inlet skimmer boxes at industrial sites to decrease the amount of unwanted materials entering the stormwater system, and had also been working with the St. Jones Reserve and the Partnership for the Delaware Estuary to create additional public outreach partnerships, which are all part of the permit. In addition, he advised that they had been working on things like only rain down the drain placards on catch basins and had also been working with its authorized contractor on the Illicit Discharge and Detection and Elimination Program. Mr. Koenig explained that the gentleman who was originally running this program for the City left for a private sector job, and another young man, who would be introduced to members at some point, had now taken over this position. Mr. Koenig advised that this staff member had hit the ground running and was helping to coordinate these activities. He noted that this was a very labor intensive permit with a personal touch, and a combination of things that were being done operationally must be reported. Mr. Koenig advised that some things related to construction would add value to the permit, and staff must write all these things into the permit response. Mr. Koenig stated that staff was moving toward compliance and had been successful at adjusting the annual reporting period to line up better with budgeting. He indicated that the Public Works Department Monthly Report would gravitate toward items that are required and important for the permit, so that multiple reporting avenues used by staff could feed information into the permit over time. Mr. Koenig noted that staff had made a lot of

progress and expressed pride that they had been working diligently to come into compliance. He stated that this permit would be an ongoing expense since it must be maintained in perpetuity.

Mr. Sudler moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Blakeman and unanimously carried.

Meeting adjourned at 6:29 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda, seconded by Mr. Hosfelt and unanimously carried.

Customer Service Staffing Plan

Mr. Kirby Hudson, Assistant City Manager, stated that members had probably seen complaints from some of their constituents regarding the lag time being experienced at the Customer Service Department. Mr. Hudson reminded members that the Customer Service Department provides support for more than 23,000 utility accounts and performs other functions to support City operations. He noted that staff levels had been reduced in recent budgets to meet general budget targets; however, the department was very inefficient at its current level. Mr. Hudson stated that some key employees in the department had decided to retire, compounding the problem. He advised that a request for retirement had been received last week from Ms. Denise Roberson, Customer Service Supervisor, who had been with the department for approximately 25 years. Mr. Hudson stated that her last day would be December 16, 2016, and she would be sorely missed.

Mr. Hudson stated that staff was recommending revising the staffing plan for the Customer Service Department to restore staffing to the level it was several years ago. He noted that the wages and salary budget for the Department would be increased by $97,500 for the remainder of FY 2017 and, if approved, budget amendments would be made at the appropriate time. Mr. Hudson stated that increased customer interaction was required and customer satisfaction was reduced to an unacceptable level. He indicated that the Customer Service Department was continuously experiencing long phone waiting times, lines in the drive-through, and lines in the lobby extending out of the door and into the vestibule. Mr. Hudson advised that this was unacceptable and was creating customer dissatisfaction and adding to high levels of stress on the remaining staff. He noted that several members of Council, in particular Councilmen Hutchison and Sudler, had expressed concerns over these issues, and staff had been requested to prepare an optimal staffing plan for consideration. Referring to the Customer Service Department Staffing Needs Assessment, Mr. Hudson explained that staff was requesting an increase of five (5) full-time employees, which would be partially offset by the reduction of part-time employees from four (4) to two (2). He indicated that staff would be added to the Billing and Collection, Customer Services, Cashiers, and

Meter Reading sections. Mr. Hudson informed members that the annualized cost for the proposed increase in staffing levels for this department would be approximately $195,000 in FY 2017.

Mr. Hudson advised that, for the remainder of FY 2017, a budget increase of $97,500 would be necessary to cover the anticipated cost of the proposed changes, noting that this increase in funds could be covered through a budget amendment from the anticipated carry-forward balances as follows:

Electric Fund:	$ 97,500 x .625 = $ 60,937.50
Water/WW Fund:	$ 97,500 x .201 = $ 19,597.50
General Fund:	$ 97,500 x .174 = $ 16,965.00

Mr. Hudson indicated that the Electric Fund currently had an FY 2016 favorability of approximately $7.5M, the Water/Wastewater Fund had an FY 2016 favorability of approximately $374,000, and the General Fund had an FY 2016 favorability of approximately $930,000. He stated that these funds could be used to fund the proposed staffing plan, provided that Council authorized the changes.

Staff recommended approval of the revised staffing plan for the Customer Services Department. The wages and salary budget for the Department will be increased by $97,500 for the remainder of FY 2017. Budget adjustments will be made at the appropriate time.

Mr. Sudler thanked Mr. Hudson, stating that approximately 60 to 75 days ago he had called the Customer Service Department to inquire about utility services and it took over 37 minutes on more than two (2) separate occasions to speak with a representative. He expressed concern that the time period that one must wait to speak to a representative could impact potential earnings and businesses for the City. Mr. Sudler advised that he believed that looking at the budget again and approving the requested increase would bring additional earnings to the City and also satisfy constituents. He asked how many positions would go to Customer Service, Meter Reading, and Billing, noting that he would like to see at least three (3) go to Customer Service, perhaps one (1) to Meter Reading, and one (1) to Billing. Mr. Sudler stated that he believed that Customer Service was likely the top priority to obtain satisfaction in the process.

Responding to Mr. Sudler, Mr. Hudson advised that the Customer Service area had been revamped to address security issues.

Mr. Hudson stated that staff was requesting to put five (5) Customer Service Representatives in this area, which he calls The Fish Bowl, noting that at one time there had been four (4) part-time employees there. He indicated that these four (4) part-time positions would be reduced to two (2) part-time employees, who would be removed from that area and placed into a small call center that was placed in an area in the back. These employees would have staggered times; therefore, there would be a dedicated person to aid in answering the phone at any point during the day. Mr. Hudson explained that general operations currently require the five (5) full-time employees who are on the Customer Service floor to take care of customers in front and also answer the phone. He indicated that by having one (1) or two (2) people constantly on the phone in the back and also having the

ability to monitor the phone, different people could be appointed to make calls between servicing customers.

Mr. Hudson explained that three (3) employees would be serving as cashiers, including two (2) at the window and one (1) at the drive-thru, noting that there was a supervisor in this area. He stated that the metering section had lost an individual due to retirement, and Mr. Ryan Carroll was the logical choice to fill this position since he had previously worked in metering. He advised members that Ms. Kathy Divver, Customer Service Manager, had retired, and her position had been budgeted to be upgraded to a Director, since a Director for the Department was sorely needed. Mr. Hudson reiterated that Ms. Roberson would have to be replaced and this position was also budgeted.

Mr. Sudler questioned what the projection was for decreasing the amount of time that a customer would have to wait to be accommodated. Responding, Mr. Hudson indicated that staff would start off by attempting to decrease the wait time to the 10-minute range, if not lower. He advised that with five (5) Customer Service agents on the floor, at least one (1) part-time person who would be able to service the phone at key high-volume times, and the ability to see how many calls are coming into the queue, this should allow for alternating some of the employees who are on the floor. As soon as employees are finished servicing a face-to-face client, they could pick up a phone call, and once the phone level reduces a little, the employees in the back should be able to service them.

Referring to the Customer Service Department Staffing Needs Assessment, Mr. Hosfelt noted that there were currently six (6) vacancies and asked if five (5) additional positions would be added.

In response, Ms. Patricia Marney, Billing Supervisor, advised that six (6) employees had left the City, and these positions were currently being recruited. The five (5) requested positions would be additions to the current staff level. Responding to Mr. Hosfelt, Ms. Marney stated that after the six (6) vacant positions were filled, there would be 11 total staff.

Mr. Hudson stated that exceptionally poor service was being experienced. He noted that five (5) or six (6) people had left and staff had not had an opportunity to fill these positions, although they had started the interview process. Mr. Hudson explained that there had been one (1) interview for the Director the previous day, two (2) that day, and one (1) was scheduled for the following day. Staff was looking to get a favorable response any day to start a cashier, after which Mr. Carroll would be permanently removed. Mr. Hudson advised that Mr. Carroll was covering for an employee in Meter Reading who was on vacation. He stated that staff was slowly ramping back up and was hoping that with the requested staffing all the issues that members had been hearing about would disappear.

Referring to the figures reflected in the Background and Analysis section of the request, Mr. Hosfelt asked Mrs. Donna Mitchell, Controller/Treasurer, if she had any concerns. Responding, Mrs. Mitchell indicated that the she did not have concerns, stating that although an ordinance had not yet been brought forth for the carry-forward balances, there was sufficient money to cover the amounts listed.

Mr. Hutchison thanked Mr. Hudson and Mr. Scott Koenig, City Manager, for bringing this matter forward. He indicated that he, like Mr. Sudler, had a firsthand opportunity to call and see a delay

in Customer Services. Mr. Hutchison stated that this matter needed to be addressed and he would gladly support it, noting that what the Customer Service Department does every day for the City's customer base is very important.

Mr. Hudson informed members that the previous day had been an exceptionally bad day for staff since the receptionist had to go to the doctor and one of the billing people received an emergency call from her son's school and had to leave because he was ill. He stated that two (2) employees were on vacation and the customer line was going out the door. Mr. Hudson advised that Councilman Lewis came by the Department the previous day and was concerned to see eight (8) people in line, and Mr. Hudson had responded that only eight (8) people represented a good day since the line usually extends out the door. Mr. Hudson informed members that these were the sorts of things that staff was trying to resolve.

Mr. Slavin asked how long it had taken to accumulate the number of vacancies that the Department currently had. Responding, Ms. Marney indicated that the vacancies were since January when Ms. Robin Parker, Customer Service Clerk II - Collections, left.

Mr. Hudson explained that Ms. Robin Parker was initially hired as a part-time collector; however, because staff was experiencing issues on the floor and needed more help, she was never fully given an opportunity to do collections and was constantly being pulled out of the office to help the cashiers or Customer Service. He advised that a long-time employee in Metering retired soon after that. Mr. Hudson indicated that Ms. Dorothy Morris, Customer Service Clerk III - Cashiers, who worked in the drive-thru, recently retired and he reiterated that Ms. Roberson was getting ready to retire and Ms. Divver had already done so.

Mr. Slavin asked what the typical length of time would be to replace an employee who announces they are leaving; for example, if an employee gave two (2) weeks notice tomorrow. Mr. Hudson stated that the length of time varies and that staff would start putting paperwork together instantly.

Mr. Slavin asked how long the process takes and for the position to be posted. Responding, Mr. Hudson explained that the issue was not so much that it takes long for the process or for the position to be posted, but when the Human Resources (HR) Department is able. He advised that it was not just the Customer Service Department that had issues. He noted that the Public Works Department had up to 13 or 14 vacant positions at one time. Mr. Hudson advised that emphasis was put on trying to hurry with a lot of those key positions and Customer Service was in this battle at the same time as Public Works.

Mr. Slavin asked how long a period is required after an employee is hired and begins working before staff is comfortable having them on the floor. He noted that the Department currently had five (5) vacancies and was asking to hire six (6) employees, and he did not want anyone on Council to feel there would be an immediate fix once members vote yes. Mr. Slavin indicated that it would be a long, slow process to get employees to the point of being independent workers. Responding, Mr. Hudson stated that when he and HR interview candidates, they look to see if they can get people who have not only customer service experience but also experience dealing with utilities, which is

difficult to find. He estimated that it would take approximately six (6) months to be comfortable.

Mr. Hudson invited members to come by the Customer Service Department. Aside from being given a tour, he stated that he would like members to look at what employees have to do, noting that it is more than just greeting customers and taking their money. Mr. Hudson explained that it is not an easy job, and there are a lot of different screens and other things that go into it. He noted that things must move quickly, and the phone is ringing while people in line are waiting and wondering why staff is on the phone when they could be taking care of their needs. Mr. Hudson invited those members who have an interest to come by to see what staff goes through. He stated that within 10 or 15 minutes they would understand that it takes a very disciplined individual to sit there and take the heat that staff does every day, and he commended staff.

Mr. Slavin thanked Mr. Hudson for bringing this forward. He stated that he believed that there are a few places in City government where if certain things are done wrong, the City will hear about it, no matter what else is done right, and one of those is how people interact with the City to pay a bill, whether on the phone or in person. Mr. Slavin advised that if there is undue delay or any kind of duress, immediate judgment is invited on the rest of the City's operations; therefore, the City would do well to take care of those retail moments when people are walking in the door and interacting with staff. Mr. Slavin noted that it had been stated that the City had sufficient funds to cover the request from the carry-forward balances, and he assumed this was after applying the financial policy regarding where those balances would be directed. He expressed the desire to remind Council of those financial policies.

Mrs. Mitchell explained that the policy states that if the City has favorable revenues, they go toward capital, and if there are favorable personnel expenses, they are to go toward Other Post-Employment Benefits (OPEB) and pension liabilities. She indicated that any favorability in operating expenses is not designated. Mrs. Mitchell advised that this money would have to come from either the revenue bucket or personnel favorability. She indicated that she had not looked at this recently; however, the last time she did, the operating expenses were generally breaking even and there was enough favorability in personnel to cover this request.

Mr. Slavin stated that the reason for those policies was so that if a large transfer tax or other source of revenue is known when the year starts, this revenue would be dedicated to a one-time expense rather than an ongoing expense. In addition, Mr. Slavin stated that there would be a little bit of risk, since the City could meet its bills this year but would be pushing hard on FY 2018 and would be adding additional expenses there.

Mrs. Mitchell agreed, stating that approximately $700,000 of the $900,000 in the General Fund was revenue, some of which had been used to purchase capital – the land by the police station. She reiterated that the $900,000 favorability was in the General Fund, noting that the Water/Sewer and Electric Funds were fine and had no problems.

Mr. Slavin stated that if the request receives a favorable recommendation, members may want to ask staff for more information by the time it comes to Council for action.

Mr. Hosfelt asked if $197,000 would be the total cost for five (5) employees plus benefits. Responding, Mr. Hudson noted that health care was expensive. Mr. Hosfelt stated that he thought it would be more, and this figure sounded low to him. In response, Mr. Hudson stated that this was what staff saw in the figures.

Dr. Stewart indicated that she shared Mr. Hosfelt's concern about the vacancies and asked what the center looked like when fully staffed. She questioned how many extra hours per week would be gained by moving two (2) positions to full-time and if this would justify basically doubling the cost. In response, Mr. Hudson stated that these employees would be busy and would not have down time or be sitting around. He indicated that the part-time employees currently work 29 hours per week and would work 40 hours per week as full-time employees.

Mr. Hare stated his understanding that, if the request was approved, there would be 24 employees in the Department, consisting of 22 full-time and two (2) part-time staff members. There would be a Meter Reading Supervisor, Cashier Supervisor, Billing Supervisor, and Customer Service Supervisor. Mr. Hudson noted that there would also be a Director. Mr. Hare asked if the supervisors are working supervisors. Responding, Mr. Hudson advised that supervisors have duties, do not just go out on the floor and direct, and are working supervisors.

Mr. Hare asked if meter readers work eight (8) hour days five (5) days per week. Responding, Mr. Hudson explained that meter reading includes reading and servicing meters, as well as doing disconnections and reconnections.

Mr. Hare questioned if this would be eight (8) hours a day, five (5) days per week for four (4) or five (5) people. Responding, Mr. Hudson stated that staff cannot keep up with the daily reports that they receive for cuts because they do not have enough individuals, noting that staff could experience anywhere from 175 - 200 cuts in one (1) day. In addition, he noted that staff must turn the power back on when the customer pays. Mr. Hudson explained that there had been issues in the past when they performed approximately 60 cuts in one (1) day. He stated that when a customer comes in at the end of the day after work and wants their electricity turned back on, this may not be done until the next day because the City does not have enough personnel to return and turn the power back on.

Dr. Stewart asked if staff had thought about hiring more part-time people instead of taking positions to full-time, since benefits become quite expensive. In response, Mr. Hudson explained that there had been problems in the past with hiring part-time employees, since these individuals are typically looking for full-time work. Although it was thought that some of those hired as part-time would become great employees, they ended up leaving because they needed full-time work with benefits. In addition, Mr. Hudson stated that part-time people do not put their heart and soul into the job because they are only there for a few hours, and the work ethic is not there. Mr. Hudson advised that staff is planning for two (2) part-time positions for the call center, one (1) of which will be filled by a current part-time employee who does not want any more hours. He indicated that staff hoped to find a retiree or someone who wants part-time work for the other position, but those individuals are few and far between.

Mr. Cole asked when the Department was last evaluated with its full staffing of 17 full-time and four (4) part-time employees. He noted that the current level was 11 full-time and four (4) part-time employees and the Department was obviously shorthanded, so there were a lot of waiting and calls. Mr. Cole stated that he was open to the request; however, five (5) more employees were being requested and it was not known what the Department would be like with 17 full-time and four (4) part-time employees.

Mr. Hudson explained that staff has a high number of interactions with people, some of whom consider this to be the height of their day, especially the elderly. He advised that, although he did not want to call these people complete shut-ins, they like coming in and talking to someone, and staff are probably the only ones that they will get a chance to talk to and they have to cut them off and move them on in the most courteous way. Mr. Hudson indicated that students come in, as well as realtors, since there are a lot of people moving in and out at certain times. He noted that he had been overseeing this operation for over a year.

Mr. Cole questioned if the Department had ever been fully staffed. Mr. Hudson stated that it had not. He indicated that the Mayor could attest to the fact that, at its height before employees started leaving, the Department was less in size than it had been some years ago.

Mr. Cole asked if the request for 17 full-time and four (4) part-time employees was based on where the Department needed to be or if staff was looking for more employees based on the 11 full-time and four (4) part-time employees. In response, Mr. Hudson stated that the Department was at 17 four (4) years ago, before the population in Dover grew. He explained that staff was asking for more people than everyone was now used to seeing; however, the request was for the Department to be exactly the same as it used to be years ago. Mr. Hudson advised that he was asking for the jobs that were in place before he came to the City and before Council cut jobs.

Mr. Cole stated that positions had not been cut, but the Department was reduced through attrition and retirement. Responding, Mr. Hudson stated that the Department was gutted. Mr. Cole noted that the Department was at 17 full-time and four (4) part-time positions and was still funded at that level. He advised that the request was now for 22 full-time and two (2) part-time positions, and was currently at 11 full-time and four (4) part-time, which was a total of 15 employees. He indicated that the Department was now short six (6) positions. Mr. Cole stated that the Department had always been at 17 and four (4) but had not been fully staffed.

Mr. Scott Koenig, City Manager, informed members that approximately five (5) or six (6) budgets ago, the Customer Service Department had no part-time employees and had only full-time employees. He noted that there was an additional cashier. Mr. Koenig advised that the City went through a period when the number of meter readers was downsized, as the City went to such things as automated metering. Mr. Koenig stated his recollection that there may have been a reduction-in-force in meter reading at one point; however, the reduction in Customer Service Representatives, etc. happened through attrition as the budget contracted. He advised that the City went through a three (3) or four (4) year period prior to 2011 when there was a contraction in the total number of employees. Mr. Koenig advised that previously there probably had been as many as 22 full-time employees, the same level that was now being requested. To Mr. Koenig's recollection, there had

been no part-time employees, and he noted that the issue of part-time employees had been debated internally. He indicated that, although he would love to be able to say that staff could meet needs with part-timers, there had not been as much success with part-timers in this department as there had been, for example, in the library, which has a different type of work and work environment. Mr. Koenig explained that part-time employees in Customer Service may start out well, but then something changes, noting that they may not need to work anymore, or they get a full-time job elsewhere and are instantly gone. He stated that several months are spent training these employees, and then they take a position that is associated with full-time work.

Mr. Koenig indicated that the meter reader and managers who retired were all employees in the defined benefit pension plan, and the payroll burden of those wages was significant. He advised that new people coming in are in the defined contribution plan and, although the numbers for the medical package benefit are increasing, the overall payroll is not spiking like it would if they were in a defined benefit plan.

Mr. Koenig stated that if members reviewed some of the prior budgets from a number of years ago, they would see that staffing levels were at about the level requested. He indicated that the hope was to become more efficient; however, staff was challenged because the City, as a municipality, requires more paperwork than some other entities. Mr. Koenig explained that as there are more students, there are more required rental agreements, and the City tries to enforce rental permit ordinances and gets copies of leases and additional paperwork. He noted that the City does a lot of work for Catholic charities and people who are paying other people's utility bills, and also works with medical notes. Mr. Koenig indicated that the City has tried to apply additional pressure to get customers to pay, and staff must be able to take the money, cut the power, and turn the power on in a defined window. He noted that if it is too hot, staff has trouble cutting the power, and if it is too cold, the City cannot cut power by law. Mr. Koenig explained that staff has a backlog of work that had been growing over a number of years that had reached the point that the level of service was not being developed. He stated that a number of discussions had been held about changing the Enterprise Resource Systems. Mr. Koenig stated that, assuming this project goes forward, it would have a major impact on these employees because they are the interface of entering information into the billing system and pulling it out, and a workforce that is paying attention to detail is needed to accomplish this.

Mr. Koenig reiterated that a number of retirements were being seen, stating that staff was thin on corporate knowledge, and he noted that, in a municipality, corporate knowledge has meaning and value. He acknowledged that the request was a significant increase, stating his hope that at some point, if the positions were filled, the Enterprise Resource System is replaced, the new E-billing begins, and these type of process improvements are made, consideration could be given to whether the next position is needed, or if it should be altered to part-time. Mr. Koenig stated that the City had reached a level where Council members had expressed frustration and unhappiness, and the City's customers were at a disadvantage because the City was not providing the expected level of service.

Mr. Sudler moved to recommend acceptance of staff's recommendation and approval of the additional staffing for Customer Service as presented. The motion was seconded by Mr. Hutchison.

Dr. Stewart moved to amend the motion to three (3) full-time positions instead of the requested five (5). The motion was seconded by Mr. Hosfelt.

Mr. Sudler asked Mr. Hudson if three (3) full-time positions would work and how he felt about the amendment. Responding, Mr. Hudson indicated that staff would be behind and that they were hurting across the board. Customer Service agents were constantly moving those employees who could be moved into other areas of the operation because of sickness, emergency, or vacations. Mr. Hudson advised that staff had figured out that the request was at the optimal level needed so that the department is adequately covered if employees are on vacation or sick. He stated that the department may be a little thinner; however, they could still transparently cover all bases. Mr. Hudson stated that cutting two (2) people in an effort to save money could not work and urged members to come by and take a look if they did not believe him.

Mr. Hutchison advised that a lot of the people coming in for service are upset, whether for being cut or for something else, and having to wait in line makes the situation worse. He stated that this department has a very important job of serving the community day in and day out, and it was important that they have adequate staff to be able to do the work.

Mr. Hosfelt stated that this situation reminded him of an occasion before he was on Council when 10 police officers were added, and the impact of the addition was not known. He noted that there was an upcoming budget and it was unknown what the budget would bring in the coming year. Mr. Hosfelt expressed concern that adding five (5) positions mid-year sounded good now; however, he was unsure what it would sound like in July.

Mr. Hare noted that Mr. Hudson had invited members to come by, and Mr. Hare stated that he had been by and seen people standing in line while two (2) people in the side offices were sitting, laughing, and talking. Responding, Mr. Hudson indicated that he did not know what Mr. Hare had seen. Mr. Hare stated that when there is a line, there should not be anyone in the offices and employees should be out there doing something, whether they are a director, supervisor, or something else. He indicated that he did not disagree with hiring three (3) employees to get back to full staff, and if two (2) more were needed, two (2) more could be brought in. Mr. Hare stated that Mr. Hudson had advised that it takes six (6) months to hire an employee. Responding, Mr. Hudson advised that he had said that it takes six (6) months once employees are onboard to be trained to a proficient level.

Mr. Hare indicated that he did not think that anything would be lost by adding just three (3) employees, noting that if two (2) more were needed in three (3) to five (5) months, members could return to this matter, since only so many employees could be trained at one time. Responding, Mr. Hudson asked what Council was basing this on, stating that staff deals with this every day. He indicated that staff's request was not so that things would be easy for staff and so they could sit back, but they were making this request for a reason.

Responding, Mr. Hosfelt indicated that he did not think the request was for the purpose of making things easy for staff; however, he was concerned that the department had not been fully staffed for a period of time that Mr. Hosfelt was still not clear on, yet they want to be fully staffed and add

five (5) positions. He stated that he did not understand why the department could not become fully staffed incrementally, see where it stood, and then come back and ask for two (2) or three (3) more employees if needed. Mr. Hosfelt advised that this would make more sense to him, stating that he was looking through the information and understood it; however, he stated that he did not think it was fair to come to Council asking to fill six (6) vacancies and state that five (5) more employees were needed.

Mr. Hudson advised that everyone was quick to say that they did not remember the Customer Service Department having this many issues years ago. He explained that over a number of years the department had been through attrition and had lost people, and they had not been able to get new people in. Mr. Hudson recalled having a conversation with Mr. Koenig when Mr. Hudson first came, and the idea at that time was that staff could not be added because Council had mandated not adding to the head count. Mr. Hudson stated that he did not know what else he could do and had to work with what he had; however, after doing this for a year, a number of people were coming to see him on a daily basis, the Mayor, or Mr. Koenig. Mr. Hudson stated that this problem would not go away by kicking the can down the road and putting a couple people here or there. He noted that he was not trying to put a strain on the budget; however, many members had been there and seen the types of issues that staff was going through.

Responding to Mr. Hudson, Ms. Marney stated that there were four (4) employees who had been discussed in terms of vacations. Mr. Hudson advised that four (4) employees had been neglecting to take vacations because they felt this would put an undue burden on their co-workers, and some of these individuals were in danger of losing time that they had accrued if it is not taken before the end of the year. He indicated that there was no way they would be able to do this, stating that he was asking for these employees to be able to take vacation without having to worry about being an undue burden on their co-workers.

Mayor Christiansen stated that he respected the opinions of all members of Council; however, he goes to Customer Service two (2) or three (3) times per week and it was absolute chaos when he was there the morning before. He indicated that he believed that, in addition to being fiscally responsible to its citizens, the City owes citizens a modicum of customer service, and he asked Council to consider this. Mayor Christiansen advised that he had worked with Mr. Hudson and Customer Service staff from time to time and saw some of the angst that they go through. He stated that members should rely on Mr. Hutchison's observations, as well as those of the remaining Customer Service staff, and provide the customer service that members of Council and staff had pledged to provide to the citizens. Mayor Christiansen noted that when he was there the day before, there were 13 people in line waiting for the three (3) Customer Service Representatives that were there, as well as office staff, to have their bills resolved, or to have bills reprinted as the City required in new procedures that were adopted in January. He advised that he was the tenth person in line waiting to pay his bill. Mayor Christiansen indicated that he was unsure if Customer Service should be sacrificed, since this results in people contacting the City about the lack of customer service. Mayor Christiansen advised that he was unsure if this matter should be explored more; however, people need to be put in the trenches, and he is not someone that does that willy-nilly.

Mr. Slavin stated that members were trying to make decisions and there was a hunger for more information in order to do so. In the interest of compromise and keeping the wheels in motion, he asked the makers of the motion to amend the original motion to withdraw their motions, and that the Committee consider entertaining a motion to pass this matter on without recommendation at this time, with instructions to bring it back to Council two (2) weeks hence with the staffing plan for all 11 positions, when the posting dates and hiring dates would be, what the impact of those dates would be, and financial information from Mrs. Mitchell, including whether all 11 would be hired and start on the same day and, if not, if some would start in this fiscal year and others after July 1, 2017. In this way Council could address some of the concerns about what the costs are.

Mr. Hare asked how long it would take to get back to the original staffing level of 17 full-time and four (4) part-time positions. Responding, Mr. Hudson advised that paperwork holds up hiring, noting that after the interview and everything else, selectees who have college degrees must get their transcripts and then go through a background check, which takes time. He noted that entering the holidays might affect those who are responsible for the background checks, stating that his own hiring in January was held up by the things such as having to get his undergraduate and graduate degree information from the University of Pittsburgh during the holiday time.

Mr. Hare agreed that this matter could be deferred as Mr. Slavin had requested, noting that staff was authorized to hire 17 full-time and four (4) part-time positions and this would not happen in two (2) or three (3) months.

Mr. Slavin stated that he had offered the opportunity for Mr. Hudson and others to put the request together position by position, including when it was anticipated to advertise, interview, and hire for the positions and members could then consider the fiscal impact of that. He advised that there were two (2) concerns: 1) the staffing level and timing, and 2) the impact on the budget. Mr. Slavin stated that he thought everyone was in agreement that they wanted to solve the problem of customer service, expressing his appreciation for what everyone there had been going through. He informed members that he had been to Customer Service, but staff did not know this because he had pulled his baseball hat over his head since he had not paid his electric bill. Mr. Slavin advised that staff was not only doing a good job, but when they were under duress he did not see one person working for the City act like they were under pressure, and they did nothing but act in a professional manner. He asked Mr. Hudson to pass that along to everyone there and thank them.

Mr. Sudler withdrew the motion to recommend approval of staff's recommendation for additional staffing for Customer Service, as presented. Mr. Hutchison withdrew his second.

Dr. Stewart withdrew the motion to amend the motion to three (3) full-time positions instead of the requested five (5). Mr. Hosfelt withdrew his second.

Mr. Slavin moved that the Council Committee of the Whole pass this matter on without recommendation to full Council for consideration at the next Council meeting, that staff be instructed to provide a staffing plan with details of the timing of all 11 proposed hirings, as well as the fiscal impact on both FY 17 and FY 18. The motion was seconded by Mr. Hosfelt and unanimously carried.

Study of City's Current Recruitment/Hiring Processes (Request of Councilman Lewis) (Deferred by the Committee during the meeting of October 25, 2016)

Mr. Lewis moved to defer this matter until the conclusion of the Human Resources fact-finding investigation, which was just approved at last night's Council meeting. The motion was seconded by Mr. Sudler and unanimously carried.

Proposed Ordinance #2016-21 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment; Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment; and Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal (Deferred by the Committee during the meeting of October 25, 2016)

Mr. Hutchison informed members that under the current ordinance, the Fire Marshal, the Building Inspector, and the City Clerk come up for reappointment at the Annual Council meeting, and these individuals serve at the pleasure of Council. He recalled that Mr. Lewis had made a very good point at his very first meeting that he did not feel comfortable in voting to support these individuals because he did not know them and had not had an opportunity to work with them. Mr. Hutchison stated that if the ordinance were changed, these individuals would not have to come up for reappointment, and he reiterated that, once they are appointed, they serve at the pleasure of Council.

Mr. Sudler asked if members would have to evaluate their performance if they were not up for reappointment and, if not, if Council would be able to terminate their employment without a performance appraisal. Responding, Mr. Hutchison stated that the Proposed Ordinance would do nothing about evaluation and Council would still have a responsibility to evaluate its staff on a regular basis.

Mr. Sudler questioned what the advantage would be of changing what is currently in place. In response, Mr. Hutchison stated that these individuals, in most cases, had been appointed a long time ago, and the advantage would be that new individuals who were just elected to City Council and do not know staff would not have to vote on them. Mr. Hutchison noted that these individuals would have already been confirmed based upon their education, experience, and job knowledge and they would still serve at the pleasure of the Council.

Mr. Lewis stated, with all due respect to Councilman Hutchison, that he thought members were treading in murky water with this proposal. He noted that, when first sworn in to Council, he had made the comment that he did not have time after just coming onto Council to evaluate or review the personnel files, and thought it would be inappropriate to vote on someone that he knew nothing about. He indicated that he still stood by this. Mr. Lewis stated concern that by adopting the ordinance, members would be creating a Supreme Court where these people would be put in for life terms.

Mr. Hutchison stated that it was important to keep in mind that staff appointees serve at the pleasure of Council and they would carry on after having been appointed by Council before. He reiterated that every year newly elected officials were being asked to look at someone that they really do not know.

Mr. Lewis asked if it was not members' duty as elected officials to reappoint these individuals, noting that this practice had been in existence for years. He stated he was sure that this practice had been in practice when Mayor Christiansen was serving as City Council President and that it had been implemented for a reason.

Mr. Hutchison asked members to keep in mind that these employees serve at Council's pleasure.

Mr. Lewis stated that he understood; however, he had dialect with the Human Resources (HR) Director and was told that this was not true and that Council and the employees may serve at Council's pleasure, but Council cannot just dismiss these employees like that and has to take progressive discipline. Mr. Hare stated that Council did not have to.

Mr. Hutchison expressed his hope that Council would use progressive discipline. He stated that it would not be fair to even consider telling someone who walked in today that they were done, and it would absolutely be the responsibility of Council to sit down, discuss this, and evaluate them.

Mr. Lewis indicated that if Council would like to dismiss a Council appointee mid-year, this would become very controversial and possibly bring lawsuits, and Council would be stuck trying to find somebody, as opposed to keeping the current practice and deciding not to reappoint them at Council's annual meeting if they were dissatisfied with performance. Mr. Hutchison questioned how many times this had been done over the last 50 years. Responding, Mr. Hare indicated that he knew of two (2) times. Mr. Hutchison asked members to consider appointing these individuals and not having to reappoint them every year at the Annual Meeting.

Following up on what Mr. Lewis had said, Mr. Hare stated that two (2) years ago there were five (5) new Council members. He asked what those five (5) people would do if they did not want to reappoint someone who had been there forever. Responding, Mr. Hutchison advised that if Council had a problem with one (1) of these staff members, they would not want to wait until the Annual Meeting to say goodbye.

Mr. Hosfelt stated that if an employee was not reappointed, as Fire Marshal for example, they would still be employed by the City, and Council would not be able to terminate a person without cause because they have five (5) votes. He indicated that he thought that this would probably apply to only two (2) positions within the City.

Mr. Hare indicated that he thought the City Solicitor and Deputy City Solicitor should be appointed every year because members might want to find out if someone else could offer a better deal rather than Council saying that they would not worry about it and go with whatever the City is charged. Mr. Hare estimated that it takes approximately 10 minutes every year to reappoint everyone and stated that he thought this would be changing something that really does not need to be changed.

Mr. Sudler advised that he is always open to new ideas but was not comfortable with how this would impact Council's power in regard to removing or appointing. He indicated that he would abstain from voting if this matter was voted on that night, stating that he was not comfortable and that more information and clarity was needed to make an educated decision on how this would affect City

Council members and their right and power to appoint or remove someone. Mr. Sudler stated that, with all that had gone on recently in general, he was not comfortable giving someone supreme power where they would be appointed forever.

Mr. Slavin thanked Mr. Hutchison for bringing this issue up. Noting that this conversation was probably unsettling to appointees, he advised that he wanted to make sure that they understood that this was not directed to anyone in particular, stating that this was not the import of the dialogue that members were having. Mr. Slavin stated that, in his opinion, there was a huge difference between removing an appointee and simply not reappointing someone. He advised that at-will employees serve at Council's pleasure and that the advice that Mr. Lewis was given was simply not the case. Mr. Slavin stated that there is a legal opinion that states that they serve at Council's pleasure, and case law supports that as well; however, there is a court of public opinion, and removing someone in the middle of an appointment requires Council to explain that in ways that are understood and accepted by a large portion of the City. As a clear example, he indicated that the ordinance governing the City Manager states that if the City Manager is removed, Council has to provide reasons why. Mr. Slavin stated that it is clear that there is a reappointment process, but there is also a process which is similar, yet not similar, for removal. He advised that he would be very careful about this, stating that he feels it would be a very slippery slope and he has the feeling that it is not broken.

Mr. Lewis stated that he had just been offering a synopsis with respect to why he did not think this measure should be approved. Mr. Slavin stated that Mr. Lewis had referenced receiving advice saying that Council had to go through progressive discipline and, legally, this was not the case. Mr. Lewis stated that he had dialect with the HR Director and that is what he was told.

Mr. Sudler moved to defer this matter for additional research and clarity for future reference.

As a point of order, Mr. Slavin stated that deferring usually carries a date to be deferred until and that Mr. Sudler could postpone it indefinitely. Mr. Sudler withdrew his motion.

Mr. Lewis stated that, with respect to having dialect with the HR Director, he was also told that progressive discipline was in the City's Employee Handbook.

Mr. Slavin moved to postpone the issue indefinitely, seconded by Mr. Hosfelt and unanimously carried.

Proposed Ordinance #2016-26 Amending Chapter 2 - Administration, Article III - Standing Council Committees

Members were advised that during their Regular Meeting of December 14, 2015, City Council adopted Resolution No. 2015-16, which changed the Committee meeting format to a Committee of the Whole format on a trial basis. On May 23, 2016, Resolution No. 2016-05 amending Resolution No. 2015-16 by setting the Committee of the Whole meetings for the second and fourth Tuesdays of the month through May 31, 2017, was adopted. It also directed that, if Council chooses to adopt this meeting format, an Ordinance amendment regarding the Standing Committees would be presented for adoption prior to the Annual Meeting in May.

Mrs. Traci McDowell, City Clerk, advised members that the Proposed Ordinance would set up the Council Committee of the Whole with each of the Council standing committees serving as subcommittees. The Council President would chair the Council Committee of the Whole and select the chairs of the subcommittees. She advised that the Council President and the chairs of the committees would each select one (1) civilian member to serve, as is currently done.

Mr. Lewis asked, if this route was chosen, if only one (1) civilian would be appointed, since the whole Council would be present. Responding, Mr. Hare stated that the Council President and the committee chair would each appoint one (1) civilian member.

Mr. Lewis questioned if civilians were necessary if the full Council would be present. Responding, Mayor Christiansen stated that when the original committee format was established many years ago, it was felt that civilians should be brought on as part of the committees in order to have a broad view of City issues and the input of the public. He stated that he thought it imperative that this format continue because, while the Mayor and members are elected officials, it is important to have citizens participate on any issues brought before Council. Mayor Christiansen cautioned Council not to abandon the time-honored tradition of having citizens participate from ground zero in the committee format. Mr. Lewis stated that he had the utmost respect for Mayor Christiansen and would definitely keep this under advisement.

Mr. Sudler moved to recommend adoption of Proposed Ordinance #2016-26, seconded by Mr. Hosfelt and carried, with Mr. Lewis abstaining.

Proposed Ordinance #2016-27 Amending Chapter 18 - Animals, Section 18-4 - Running at-large, Section 18-5 - Dog licenses required, and Section 18-10 - Same-Seizure and impoundment, and Appendix F - Fees and Fines

Lieutenant Christopher Hermance, Special Forces Unit Commander, Dover Police Department, advised members that in January, the Department's Animal Control Officer initiated warrants on a suspect. In the text of the charge, the City ordinance referred to Title III and Title VII of the Delaware Code; however, at the first of the year the State changed all the animal-related charges to Title XVI under Health and Human Services, which the Office of Animal Welfare falls under. Lieutenant Hermance stated that the City's ordinances were referring to charges that do not exist. He reviewed changes made in the Proposed Ordinance, noting that, Sec. 18-4. - Running at large. (a) Unlawful would be changed to state that "It shall be unlawful for any person to permit any dog to run at-large" rather than any animal. Lieutenant Hermance noted that the Department can only enforce the ordinance in relation to dogs, since this was all that they are capable of handling at this time.

Staff recommended adoption of the Proposed Ordinance.

Mr. Hosfelt moved to recommend adoption of Proposed Ordinance #2016-27, seconded by Mr. Hutchison.

Mr. Hare asked if the City would eventually get to cats. Responding, Lieutenant Hermance informed members that the Department was only able to take dogs to the Brandywine County Society for the

Prevention of Cruelty to Animals (SPCA), and there are no contractors for cats at this time. He noted that staff was working with the Office of Animal Welfare to look at agencies that might come in with grant-related activities to collect the numerous cats in town.

The motion to recommend adoption of Proposed Ordinance #2016-27 was unanimously carried.

Proposed Charter Amendments - Removal of Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor; Gender Language Amendments; Administrative Amendments; and Typographical Corrections (Deferred by the Committee during the meeting of October 25, 2016)
Mr. Lewis moved to postpone this matter indefinitely, seconded by Mr. Cole and unanimously carried.

Mr. Lewis moved for adjournment of the Legislative, Finance, and Administration Committee meeting, seconded by Mr. Cole and unanimously carried.

Meeting adjourned at 7:45 p.m.

By unanimous consent, the Council Committee of the Whole meeting adjourned at 7:45 p.m.

Timothy A. Slavin
Council President

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ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: November 4, 2016
PREPARED BY: Kirby A. Hudson, Assistant City Manager & Scott D. Koenig, P.E., City Manager
SUBJECT: Customer Service Staffing Plan
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott D. Koenig, P.E., City Manager
EXHIBITS: Exhibit #1 – Customer Service Needs Assessment; Exhibit #2 – Proposed Customer Service Organizational Chart; Exhibit #3 – Wage & Benefit Analysis for the Modified Staffing Plan
EXPENDITURE REQUIRED: $195,000 (Annualized) **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: FY-2016 Carry Forward Balances
TIME TIMETABLE: Begin recruitment immediately after Council approval. Employees to begin as soon as possible after January 1, 2017.
RECOMMENDED ACTION: Staff recommends the approval of the revised staffing plan for the Customer Services Department. The wages and salary budget for the department will be increased by $97,500 for the remainder of FY-2017. Budget adjustments will be made at the appropriate time.

BACKGROUND AND ANALYSIS

The Customer Services Department provides support for more than 23,000 utility accounts as well as other functions to support City operations. In recent budgets, staffing levels have been reduced to meet general budget targets. In addition, there have been several key retirements in the past year. Increased customer interactions and inquiries are reducing customer satisfaction to unacceptable levels. We are continuously experience long phone waiting times as well as long lines for service in the lobby area. All of these issues are creating customer dissatisfaction as well as high levels of stress on the remaining staff. Several members of Council have expressed concerns over the issues described above. Staff was requested to prepare an optimal staffing plan for consideration. An internal Needs Assessments (NA) was conducted and the resulting requests are included in Exhibit #1.

In summary, staff is requesting an increase of five (5) full-time employees. This increase will be partially offset by the reduction of part-time employees from four (4) to two (2). Staff will be added to the following areas: Billing & Collection (1); Customer Services (2); Cashiers (1); and Meter Reading (1). **The annualized cost for the proposed increase in staffing levels for this department is approximately $195,000 in FY-2017 dollars.**

For the remainder of FY-2017, it is estimated that a budget increase of **$97,500** ($195,000 X 6/12) would be necessary to cover the anticipated costs of the proposed changes. The increase in funds can be covered through a budget amendment from the anticipated carry forward balances as follows:

Electric Fund:	$ 97,500 x .625 = $ 60,937.50
Water/WW Fund:	$ 97,500 x .201 = $ 19,597.50
General Fund:	$ 97,500 x .174 = $ 16,965.00

Currently, the Electric Fund has an FY-2016 favorability of approximately $7.5 million. The Water/WW Fund has an FY-2016 favorability of approximately $374,000. The General Fund has an FY-2016 favorability of approximately $930,000 (a portion of which has been committed to other budgetary items). These funds can be used to fund the proposed staffing plan provided Council authorizes the changes.

Current budgeted staffing levels are: 17 Full-Time and 4 Part-Time staff dispersed among the Customer Service, Cashier, Billing and Collections, Metering and Management segments. There are currently 6 vacancies in the department.

Segment	Full-Time	Part-Time	Total
Management & Assistant	2	0	2
Billing & Collections	3	1	4
Customer Services	5	3	8
Cashiers	3	0	3
Meter Reading	4	0	4
Total	17	4	21

A change request is illustrated below and on the attached organization chart. This request will increase the total head count from (21) to (24) staffers. The change will add (3) additional Full-Time staff and reclassify (2) Part-Time positions to Full-Time status.

Segment	Full-Time	Part-Time	Total
Management & Assistant	2	0	2
Billing & Collections	4	0	4
Customer Services	7	2	9
Cashiers	4	0	4
Meter Reading	5	0	5
Total	22	2	24

Additional staffing requirements will allow the Customer Service Department the ability to:

- **Adhere strictly to the January 1, 2016 policy changes** which will allow the department to aggressively pursue disconnections and collections of debts.
  - Additional Field Service Technician will be needed for connects and disconnects. (estimated at 75-100 per day during peak times)
  - Additional Cashiers and Customer Service Representatives are needed to handle the influx of telephone calls and people traffic.
  - Allowing for the Collections position to become Full-Time will **aid in the department's ability to aggressively collect bad debts.**
- Part-Time Customer Service Representatives will be utilized in a **dedicated call center** capacity to **reduce Customer hold times.**
- The Customer Services Department currently has a large back log of unused sick and vacation time. **Allowing for additional staff will aid personnel in their ability to take time off without detriment to the department's needs.**
- **Allow for department succession planning.** [Metering (2), Customer Services (2), Admin (1)]
- What will we do in down time?
  - Customer Services Representatives will **continue to work on department projects including but not limited to essential community services such as:**
    (Please note that many of the services below require manual processes and are not automated.)
    - Catholic Charities – LIHEAP (heating and cooling program)
      - Current servicing approximately 1,000 accounts per season.
    - First State Community Action – H.E.L.P program and partnership
    - Crisis Intervention Programs (examples)
      - Delaware Health and Social Services
      - Connections
    - Security Deposit Assistance Programs
  - Metering Department will **aid in interdepartmental assistance** with the Water Meter Change out program.
  - Billing and Collections can assist the Electric Administration Department with their street lights research as well as assist the Key Accounts Person with reporting requirements.

FY 2017 ANNUAL OPERATING BUDGET – DOVER, DELAWARE

Proposed Changes

Position title change from Account Clerk III to Billing Supervisor.

Part-Time position transitioned to F/T
Customer Service – 1
Billing (Collections) – 1
Total (2)

Additional F/T staff
Customer Service – 1
Cashiers – 1
Metering – 1
Total (3)

Check Figures =
17 + 5 = 22 Full-Time
4 - 2 = 2 Part-Time
Total Head Count
24

Customer Service

Fiscal Year 2017 Organization Chart

Overall Department Count Change
22 Full-Time
2 Part-Time
Changed from
Management & Assist.
2 Full-Time
Customer Service
5 Full-Time
3 Part-Time
Billing & Collections
3 Full-Time
1 Part-Time
Cashier
3 Full-Time
Meter Reading
4 Full-Time
Total
17 Full-Time
4 Part-Time
= 21

CITY MANAGER

ASSISTANT CITY MANAGER

CUSTOMER SERVICE

Customer Service Director
1

Count
2 F/T

Office Assistant
1

BILLING / COLLECTIONS

Count
4 F/T

Billing Supervisor – Full-Time
1

Account Clerk II – Full-Time
2

Account Clerk II – Full-Time
1

CUSTOMER SERVICES

Count
7 F/T
2 P/T

Customer Services Supervisor – Full-Time
1

Account Clerk I – (3) Full-Time
Account Clerk II – (3) Full-Time
(1)

Account Clerk II – Part-Time (Call Center)
2

CASHIERS

Count
4 F/T

Account Clerk III – Full-Time
1

Account Clerk II – Full-Time
3

METER READING

Count
5 F/T

Field Service Representative III – Full-Time
1

Field Service Representative II – Full-Time
4

Customer Service Department
Staffing Needs Assesment
Update 11/18/2016

Current Vacancies

Segment	Position	Status / Hours	Vacated By	Vacated Date	Reason for Vacancy	Permission to Recruit Date	Position Posting Date	Interviews	Chosen Candidate	Hire Date
Vacancies Reported on Needs Assesment as of 9/21/16										
Billing & Collections	Customer Service Clerk II - Collections	Part-Time - 29 Hours - No Benefits	Former Employee	20-Jan-16	Resigned	4/15/2016	*5/16/2016 & 9/22/2016	Dec-16	TBT	
Cashiers	Customer Service Clerk I - Cashier	Full-Time - 40 Hours - Benefits	Dorothy Morris	22-Jun-16	Retired	6/7/2016	7/14/2016	Oct-16	Candidate Chosen	pending
Metering	Meter Reader	Full-Time - 40 Hours - Benefits	Thomas Olsen	15-Jul-16	Retired	6/8/2016	8/29/2016	Sep-16	Ryan Carroll	1-Dec-16
Administration	Customer Service Director (formerly C/S Manager)	Full-Time - 40 Hours - Benefits	Kathy Divver	22-Jul-16	Retired	9/3/2016	9/13/2016	Nov-16	TBT	
Customer Service	Customer Service Clerk I	Part-Time - 29 Hours - No Benefits	Former Employee	20-Sep-16	Resigned	9/12/2016	9/14/2016	Oct-16	Candidate Chosen	pending
Customer Service	Customer Service Clerk I	Part-Time - 29 Hours - No Benefits	Former Employee	31-Aug-16	Discharged	9/9/2016	9/14/2016	Oct-16	Candidate Chosen	pending
* No Candidate Selected With First Posting										
Additional Vacancies Not Reported on Needs Assesment Prepared on 9/21/16										
Customer Service	Customer Service Supervisor	Full-Time - 40 Hours - Benefits	Denise Roberson	16-Dec-16	Retiring	11/7/2016	not posted	not scheduled		
Customer Service	Customer Service Clerk I	Full-Time - 40 Hours - Benefits	Ryan Caroll	1-Dec-16	Transfer to Metering	10/10/2016	not posted	not scheduled		

New Positions

Segment	Position	Status / Hours	Vacated By	Vacated Date	Reason for Vacancy	Permission to Recruit Date	Position Posting Date	Interviews	Chosen Candidate	Anticipated Fill Date
Customer Service	Customer Service Clerk I	Full-Time - 40 Hours - Benefits				1/1/2017	1/15/2017	TBT	TBT	3/15/2016
Customer Service	Customer Service Clerk I	Full-Time - 40 Hours - Benefits /replace P/T				1/1/2017	1/15/2017	TBT	TBT	3/15/2016
Billing & Collections	Customer Service Clerk II - Collections	Full-Time - 40 Hours - Benefits /replace P/T				1/1/2017	1/15/2017	TBT	TBT	3/15/2016
Cashiers	Customer Service Clerk I - Cashier	Full-Time - 40 Hours - Benefits				1/1/2017	1/15/2017	TBT	TBT	3/15/2016
Metering	Meter Reader	Full-Time - 40 Hours - Benefits				1/1/2017	1/15/2017	TBT	TBT	3/15/2016

N/A new positions

Succession Planning

Segment	Position	Status / Hours	To Be Vacated By	Anticipated Vacate Date	Reason for Vacancy	Permission to Recruit Date	Position Posting Date	Interviews	Candidate	Hire Date
Customer Service	Customer Service Clerk I	Full-Time - 40 Hours - Benefits	Current Employee	2017	Elligibile to Retire					
Customer Service	Customer Service Clerk I	Full-Time - 40 Hours - Benefits	Current Employee	2017	Elligibile to Retire					
Metering	Meter Reader	Full-Time - 40 Hours - Benefits	Current Employee	2017	Elligibile to Retire					
Metering	Meter Reading Supervisor	Full-Time - 40 Hours - Benefits	Current Employee	2017	Elligibile to Retire					
Administration	Admin Assistant	Full-Time - 40 Hours - Benefits	Current Employee	2019	Elligibile to Retire					
Metering	Meter Reader	Full-Time - 40 Hours - Benefits	Current Employee	2021	Elligibile to Retire					
Cashiers	Cashiers Supervisor	Full-Time - 40 Hours - Benefits	Current Employee	2021	Elligibile to Retire					

Cost Evaluation - Prepared by Kim Hawkins

Cost of Adding and Modifying Headcount in Customer Service and Metering
October 2016
Prepared by Kim Hawkins

			Collections Converting from PT to FT Budget		Customer Service Converting from PT to FT Budget		Customer Service New Position	Cashier New Position	Metering New Position	
Wages and Benefits	**Rates**	**Rates for Metering**	Part-time	Full-time	Part-time	Full-time	Full-time	Full-time	Full-time	
Hourly Rate				$13.40		$13.40	$13.40	$13.40	$13.40	
Yearly Wages			$20,300.00	$27,872.00	$20,300.00	$27,872.00	$27,872.00	$27,872.00	$27,872.00	
FICA	7.65%	7.65%	1,550.95	2,132.21	1,550.95	2,132.21	2,132.21	2,132.21	2,132.21	
Health Insurance -PPO Employee & Child(ren) 20% cost sharing	$12,358.46	$12,358.46		12,358.46		12,358.46	12,358.46	12,358.46	12,358.46	
Vision	$39.60	$39.60		39.60		39.60	39.60	39.60	39.60	
Life	0.000155	0.000155		51.84		51.84	51.84	51.84	51.84	
AD & D	0.00003	0.00003		10.03		10.03	10.03	10.03	10.03	
STD	0.44	0.44		165.09		165.09	165.09	165.09	165.09	
Workers Compensation	0.00324	0.0504	65.77	90.31	65.77	90.31	90.31	90.31	1,404.75	
Pension	8.00%	8.00%		2,229.76		2,229.76	2,229.76	2,229.76	2,229.76	
OPEB	9.70%	3.80%		2,703.58		2,703.58	2,703.58	2,703.58	1,059.14	
			$21,916.72	$47,652.88	$21,916.72	$47,652.88	$47,652.88	$47,652.88	$47,322.88	
Net Increase				$25,736.16		$25,736.16	$47,652.88	$47,652.88	$47,322.88	$194,100.96

Prepared by: Patricia Marney
11/18/16

Mitchell, Donna

From: Mitchell, Donna
Sent: Monday, November 21, 2016 5:02 PM
To: Hudson, Kirby A
Cc: Koenig, Scott; City Clerks Office
Subject: FY16 & FY17 Budget Savings

Kirby,

The **FY16** budget savings for the General Fund expenses would equate to $45,695 for the General Fund after reducing the $345,695 for the increase we made with an audit adjustment to the Uncollectible Reserve to cover the demolition write offs ($300,000). This doesn't show up in the analysis since it is in the Fund expenses. See below table. The current fiscal year budget **(FY17)** indicates there is year-to date savings in the total personnel line items of $42,100 after all expenses through October. Calculated as follows – Annual Personnel Budget (($1,097,000 divide by 12) times 4) = YTD Budget $365,600. YTD Actual $323,500 through October.

Thank you,

Donna S. Mitchell, CPA
(not in public practice)
City of Dover
Controller/Treasurer
5 E. Reed Street, Suite 300
Dover, DE 19904
(302) 736-7018
dmitchell@dover.de.us

City of Dover
FY 2016 Division Variances
Revised Budget to Actual

Division	Account Type	YTD Actual	Revised Budget	Variance Pos/(N
	PERSONNEL COSTS Total	26,551,157	26,884,700	333,543
	MATERIALS & SUPPLIES Total	1,426,895	1,399,500	(27,395)
	ADMIN EXPENDITURES Total	5,088,953	5,128,500	39,547
	GENERAL FUND TOTAL	33,067,005	33,412,700	345,695
	PERSONNEL COSTS Total	2,419,170	2,520,900	101,730
	MATERIALS & SUPPLIES Total	291,937	329,100	37,163
	ADMIN EXPENDITURES Total	828,330	897,100	68,770
	Water Wastewater Fund TOTAL	3,539,437	3,747,100	207,663
	PERSONNEL COSTS Total	4,436,009	4,545,300	109,291
	MATERIALS & SUPPLIES Total	611,422	688,200	76,778
	ADMIN EXPENDITURES Total	961,628	1,123,700	162,072
	Electric Fund TOTAL	6,009,059	6,357,200	348,141
	Total of All Funds Total	42,615,501	43,517,000	901,499

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **City Council**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **November 22, 2016**

Subject: **Utility Connection Assistance – 420 W. Reed Street**

During the City Council meeting of September 26, 2016, there was substantial discussion regarding requests for utility connection assistance for projects within the Downtown Development District (DDD). After detailed debate, the City Council voted 5-4 to support the request of Mr. Brandon Pelton in the amount of $30,000 for a proposed extension of water service (fire line) to the building located at 131 West Loockerman Street. City council then voted 8-1 to refer the request for 420 Reed Street back to staff and report back in sixty (60) days. The utility connection assistance for 420 Reed Street included electrical system upgrades of $7,100 and water/sewer system upgrades of $59,915. The project at 420 Reed Street includes six (6) duplex residential units and is being developed by Mr. Michael Maupin, Managing Director, Mautiste Investment Group.

The City Manager's recommendation with respect to these types of requests in the Downtown Development District is as follows: The City of Dover should budget a total of $150,000 per budget year ($50,000 for each of the utility funds: Water, Sewer & Electric) for utility connection assistance. These funds would be reserved on a first come, first served basis, and funding would be capped at a maximum of $25,000 per utility per project. The above referenced allocation of $30,000 from the water fund would be honored but future requests cannot exceed $25,000. For FY-2017, the $150,000 ($50,000 per utility) would become part of the first budget amendment to be considered by City Council in the coming weeks. The Water/Sewer and Electric funds have prior year favorability from FY-2016 which can be used to fund this incentive for FY-2017. Future funding will become part of the baseline budget request for FY-2018 in the amount of $150,000.

If the City Manager's FY-2017 recommendation for these incentives related to utility connection assistance is adopted by City Council, then the Mautiste Investment Group would quality for $7,100 of reimbursement for electric connection expenses, up to $20,000 in water connection assistance and up to $25,000 in sewer connection assistance.

<u>Recommended Motion</u>: Authorize the City Manager to budget $150,000 in the first amendment to the FY-2017 budget and implement a utility connection assistance incentive in the Downtown Development District. With the exception of the previously approved incentive in the amount of $30,000 for 131 W. Loockerman Street, the incentive package will not exceed $25,000 per utility per project. Incentives are committed on a first come, first served basis.

sdk/SDK

Attachments: Minutes of the September 26, 2016 City Council Meeting (pages 11-24)
Packet from the September 13, 2016 Economic Development Committee (5 pages)

In response to Mayor Christiansen, Mrs. Townshend confirmed that it was desired to develop a valid application for the loan, but the September 30, 2016 deadline could not be met.

Review of Requests for Utility Connection Assistance

Mr. Scott Koenig, City Manager, informed members that two (2) requests had been received for utility connection assistance. The first was from Mr. Michael Maupin, Managing Director, MauTiste Investment Group, for financial relief from the fees associated with electrical, water, and sewer utility connections for MauTiste Square, a six (6) townhome project at 420 Reed Street. Mr. Koenig advised that the property had been purchased and old buildings were torn down. He noted that there was existing water and sewer service to the property; however, it did not meet the needs of the new buildings. Mr. Koenig indicated that the request was to have utilities extended from Reed Street and to upgrade the electrical infrastructure for ground transformers and primary service to the new buildings. He explained that, under the current Electric and Water/Sewer Handbooks, the code requires developers to incur those costs, since the City does not incur them as part of the development application. Mr. Koenig advised that the City was redeveloping the infrastructure along this road, and staff knew ahead of time where the connections needed to be. He indicated that the City would potentially have installed these lines as there was an associated capital project.

Mr. Koenig noted that Mr. Maupin was asking for consideration for the costs associated with the electrical service and the extension of water and sewer services from where they exist in the road to at least the right-of-way or the building. He was also asking for consideration of geotechnical services, which were required because a building had been demolished at the location. Mr. Koenig explained that the City wanted reasonable assurance that there would not be settlement after construction because the City did not want to be responsible for future homeowner claims that the City did not do its duty by requiring someone to build in accordance with acceptable practices.

Mrs. Townshend stated that the building code requires a certain pound per square inch (PSI) figure, and the geotechnical report would substantiate the PSI.

In response to Mayor Christiansen regarding the projected cost, Mr. Koenig noted that Mr. Maupin had also asked for asbestos abatement and the total request was for approximately $84,000. In Mr. Koenig's opinion, there would be no consideration for the geotechnical engineering or the asbestos abatement request, and the Committee could only weigh in on whether the City wanted to offset any of the costs regarding the extension of electric or water and sewer services to the facilities. He stated that these were not budgeted expenses and would be out-of-pocket costs that the City would have to incur or reimburse the property owner for. Mr. Koenig stated that the only source for financing this request would be funding that was intended for capital improvements or reserve funds. He explained that staff could not create a

capital improvement project or move money from the reserves without authorization from Council.

Mr. Koenig felt that the real issue was the precedent that would be set, noting that this request would probably total $65,000 and that there was another application that had requested $30,000. If this concept was approved, he felt that every development application in the Downtown Development District (DDD) would likely make a request, and their requests would be based on equity.

Mayor Christiansen questioned if requests would be judged on a case-by-case basis. Responding, Mrs. Townshend explained that there were non-profit housing partners, including NCALL, Habitat for Humanity, and Milford Housing Development Corporation (MHDC) that currently have five (5) homes under construction and have submitted plans for additional homes. These organizations were paying these same costs for water and sewer connection, and discussions had been held with Habitat for Humanity regarding cost concerns relating to electric infrastructure and water and sewer connection. Mrs. Townshend noted that they had also been required to provide geotechnical reports because they were building on demolished sites.

Responding to Mayor Christiansen, Mrs. Townshend stated that she did not believe that the cost for these entities would amount to the costs for the MauTiste project; however, she noted that Mr. Maupin's project included six (6) units; therefore, his cost was not a per unit amount. She stated that she believed, if funds were provided, that there would be requests that had merit from other entities. Mrs. Townshend also stated that everything being built by non-profit groups was required to be owner occupied and not rented. She acknowledged that Mr. Maupin was hoping for owner occupation; however, she indicated that there were no assurances.

Mr. Kirby Hudson, Assistant City Manager, advised that Mr. Maupin had stated that he was not interested in renting the units and that he wanted to develop affordable housing that he could turn around and sell. According to Mr. Maupin, based on the current costs, the housing price would be unaffordable.

In regard to the second request for utility connection assistance, Mr. Todd Stonesifer, owner of The Moving Experience Real Estate, advised members that he was working extremely hard to bring economic development to the downtown area. He had been working closely with a current business and property owner in the downtown area regarding the property at 131 West Loockerman Street, most recently known as Computers Fixed Today. Mr. Stonesifer explained that a restaurant was proposed for that gateway location; however, the owner discovered that the water mains large enough for the building's required sprinkler system were located across either Governors Avenue or Loockerman Street. Mr. Stonesifer explained that the cost of connection would be approximately $30,000. He indicated that he and the owner were $30,000 apart on the real estate deal and could not make it happen without bringing a sprinkler across the street, which would involve the Delaware Department of Transportation (DelDOT), street repairs, etc. Mr. Stonesifer suggested that

perhaps the first project mentioned could take advantage if the sprinkler line was across the street, and future projects would not have to absorb this extra cost and could also tap into it as the building stock is updated.

In response to Mr. Stonesifer, Mr. Koenig stated that there was a water line on Loockerman Street but it was on the south side of the street and on the west side of Governors Avenue. Mr. Koenig believed that the cut would be made on Loockerman Street; however, this would depend on where the connection would be in the building.

Mrs. Townshend asked if this connection could be done in a way that would serve other buildings for fire suppression. Responding, Mr. Koenig explained that it would depend on the actual fire need for the building being serviced.

In response to Mayor Christiansen, Mr. Brandon Pelton, owner of 33 West Ale House and Grill, stated that the downstairs area of the building at 131 West Loockerman Street was approximately 2,000 square feet. He indicated that he had spoken with the Fire Marshal and the downstairs area was the only part that needed to be sprinklered. Mr. Pelton stated that he needed to put in a two (2) hour firewall and a sprinkler system downstairs due to the apartments upstairs. He explained that the cost of installing the sprinkler system would be $30,000 and bringing the stub across the street would be an additional $30,000. Mr. Pelton recalled that this would be a six (6) inch sprinkler, and he stated that he could cover the cost of the system. He indicated that he would have to put in a dry sprinkler system over the overhang and that the $30,000 cost of going across the street would consume all of his emergency funds.

Responding to Mr. Moore, Mr. Pelton stated that he was interested in purchasing the building as a capital investment and would probably renovate the apartments in approximately a year as they become vacant. In response to Mayor Christiansen, Mr. Pelton stated that there was one (1) apartment on the third floor and two (2), two-bedroom apartments on the second floor. He noted that they share a doorway with the Raubacher building next door, where a game store and Uncorked Canvas are located.

Mayor Christiansen noted that the downtown area would have to be brought up to code as it develops and questioned if reconstruction or remodeling projects would require sprinkler systems. Responding, Mrs. Townshend stated that it would depend on the use. In this case, a sprinkler system was required because the facility would be a restaurant serving alcohol and was due to the occupant load rather than the building size. She stated that it would have to meet National Fire Protection Association (NFPA) standards for retrofits and the drivers would be alcohol being served and an occupant load past 100. Mrs. Townshend explained that an art studio would not necessarily require a sprinkler system.

Mr. Koenig noted that, ideally, all of the structures would be sprinklered for their preservation over time, especially due to the close proximity of the structures. He noted that a property owner would not want to invest a lot of money in a structure that has unsprinklered structures around it.

Mrs. Townshend stated that she felt it was a better scenario to sprinkler the building than to try to find loopholes. She expressed concern that the business district had a lot substandard building stock, stating that money must be put into it to bring it to current code standards instead of finding ways around the code standards. Mrs. Townshend believed that sprinklering was important and that both of the projects being discussed were consistent with the objectives set forth in the City's DDD plan and could be beneficial. Her concern was the precedent and dealing with other requests that would come in. Mrs. Townshend questioned if a lien that is forgivable over a period of time should be put in place to ensure that people do not walk away from these properties and that they are developed as planned.

Mayor Christiansen believed that if the City was truly dedicated to economic development downtown and revitalizing the neighborhood that surrounds it, it would behoove the City to look for sources of revenue. He asked Mrs. Donna Mitchell, Controller/Treasurer, if a mechanism could be put in place to make these projects happen, noting that there were developers wanting to invest substantial money on both projects that would be beneficial to the downtown area. Responding, Mrs. Mitchell stated that the City already had a DDD incentive program and if the program was to be expanded, it must be approved by City Council.

Responding to Mr. Hudson, Mrs. Townshend stated that the USDA grant program could not be utilized because this was a loan program and funds would need to be paid back. In addition, she explained that the uses proposed were not eligible for the first round of funding from the USDA program.

Responding to Mayor Christiansen, Mrs. Mitchell stated that if the requests for assistance were taken to Council, there was not currently a source of revenue to cover the cost of both projects. Mr. Koenig advised that there was no line item in the budget for such extensions of service. If the committee recommended supporting the requests, funds would have to be identified and there would have to be a budget amendment listing it as a miscellaneous expense. Mr. Koenig noted that these were substantial expenses; however, he indicated that the $30,000 investment would significantly increase the value and safety of a downtown building, regardless of who makes the investment. He stated that there would be a long payback period for the utility since it would take a long time to regenerate $30,000 profit under the water utility with current rates. Mr. Koenig reminded members that there had been complaints about the quality of the buildings downtown and noted that they would not get better by themselves. He stated that his initial reaction was that he was not in favor of the requests; however, he noted that there was a substantial benefit to the City and the DDD and he expressed the need to talk through it. Mr. Koenig stated that he felt it should not be viewed as if the service could be expanded to other

properties because it would be driven by engineering calculations, and it would be difficult to know where the extensions could be used.

In response to Mayor Christiansen, Mr. Koenig advised that either a six-inch or eight-inch tap in would be required off the water line from Governors Avenue. If an eight-inch tap was used, a two-inch domestic service could be taken off that and a brand new fire and domestic service would be available, eliminating the concern about water infrastructure for the foreseeable future. Mr. Koenig stated that he believed that a new building like this in a shopping mall would have an eight-inch tap with a six-inch fire service, and a one-and-a-half or two-inch domestic service. Mr. Koenig stated that funding would have to be taken from funds used to expand and improve the overall water system or from other reserves to make it available for this project and it was not in the budget.

Mrs. Townshend asked, since the improvements would be in the right-of-way, if the City would bid the work and award the contracts. Responding, Mr. Koenig stated that if the Committee recommended in favor of the requests, the project should be bid out as a separate project by the City using City guidelines. A third-party contractor would be hired to make the tap and run the line. In response to Mr. Moore, Mr. Koenig stated that this would also be true of the six (6) townhouses because the City did not have the staff to do this project.

Mrs. Townshend stated that she would prefer that the City use a contractor so that procurement policies are followed.

Mr. Moore felt that the six (6) townhouses would enhance the residential mix of the downtown area, as would adding a new restaurant to this corner downtown. He noted that, if this request was not supported, he believed this property would remain vacant.

Mr. Pelton stated that he had done due diligence and put numbers together with other available grant funds. If the funds were there, he had no problems with whatever wording members wanted to include. Mr. Pelton stated that if he were to receive twice as much as he thought through grant funding, he would pay for bringing the stub across the street; however, he stated that he could not move forward without having money for emergencies. Mr. Pelton noted that, otherwise, he would be putting in more than $60,000 before taking out a piece of flooring or knocking down drywall. He stated that he would be happy to establish some sort of contingency.

Mr. Stonesifer questioned whether any future building would be able to connect to that line without going across the street if a large enough supply line was brought across Loockerman Street. Mr. Moore explained that this would not be easy because the line must be taken vertically in front of the building and the sidewalk or street must be torn up. He felt it would likely be cheaper to tap into another location if the building is three doors down. Mr. Moore stated that this might be possible for a building next door, but there would be a limit to how far horizontally one could go.

Mr. Stonesifer stated that he felt it would be less expensive for the next couple of buildings to go under the sidewalk to that tap than to go across the street. He noted that he understood that there was no guarantee; however, he believed that it would benefit more than just one building.

Mrs. Townshend stated that the DDD district grants do not include expenses for the extension of services, noting that expenses eligible for grant reimbursement are only those on the site. She advised that the 20% rebate would not apply to bringing utilities to the site. Responding to Mr. Hudson, Mrs. Townshend stated that the demolition and asbestos removal expenses related to the duplex project would be eligible for the 20% rebate available through the DDD grant program.

In response to Mayor Christiansen, Ms. Tamika Graham, National Council on Life and Labor Research (NCALL), Neighborhood Revitalization Coordinator, stated that NCALL's mini-grant program had limited funding and was set up primarily to go through work groups, so it would not be available directly for this use.

Mrs. Townshend explained that Mr. Maupin was already working with the NCALL loan fund on his project, noting that this was a loan rather than a grant.

Mr. Moore moved to recommend funding the utility extensions to provide for the restaurant at 131 West Loockerman Street and the six (6) townhouses.

Mr. Koenig questioned if the motion was to fund the water service. Responding, Mr. Moore stated that he had mentioned the utilities. Mrs. Townshend stated her belief that the motion was for the water and sewer connections. Mr. Koenig stated that utilities would include electric service. In response, Mr. Moore stated that he did not know that electric service was being considered. Mrs. Townshend explained that Mr. Maupin's request included $7,100 for electric expenses.

Mrs. Townshend seconded the motion to recommend funding the utility extensions to provide for the restaurant at 131 West Loockerman Street and the six (6) townhouses, with the amendment that the City ensure that the costs are managed using the bidding process through the City's procurement policy.

Mrs. Townshend stated her concern that the cost might be inflated.

Mr. Moore stated that the motion would include electrical and plumbing services. He felt that geotechnical engineering and asbestos would get into a broader area and, from a precedent setting standpoint, could include every building in the City. Mr. Moore believed that the infrastructure issue in the downtown, in the sense of water and sewer access, as well as sprinkler access to townhomes and duplexes, was limiting the ability for growth. He felt that if geotechnical engineering or asbestos removal were provided for, developers would request assistance with geotechnical engineering for their foundations and asbestos removal for their renovations, and he believed that these were normal costs. Mrs. Townshend concurred, noting that

geotechnical engineering and asbestos removal costs were eligible for the 20% rebate from the City, whereas the utilities were not.

Ms. Chantell Scott, 214 Thornton Street, stated that she had heard someone mention that there were water system funds and asked Mrs. Mitchell if this was correct. Responding, Mrs. Mitchell stated that the City Manager had been referring to the water utility budget itself. She indicated that there was capital improvement project money that would have to be reallocated. Mrs. Mitchell believed that Mr. Koenig had indicated that funds would have to be taken from what they were originally budgeted for to be used for these projects.

Ms. Scott questioned if there were any funds in the budget that had not been allocated for a project. Responding, Mr. Koenig indicated that there were funds allocated to water quality improvements and the bids for those funds had not been fully authorized by Council, so there was money allocated for water quality improvements.

Ms. Scott questioned if some of those funds could be used for these two (2) projects. Responding, Mr. Koenig stated that if Council were to authorize funding the projects, the water components could be charged to the water budget.

Ms. Scott questioned if a motion could be made to recommend funding the requests so that this part of the projects could be taken care of since it was her understanding that was money available. In response, Mr. Koenig indicated that money had been budgeted. Mrs. Townshend explained that it was budgeted for water quality improvements; however, this was not a water quality improvement. Mr. Koenig advised that the money had been budgeted for a purpose and had not been converted to a contract. Mrs. Townshend stated that Ms. Scott's proposal would be taking funds away from another project.

Ms. Scott stated her understanding that these funds had not been allocated for a project and were extra funds. In response, Mrs. Townshend indicated that water quality improvement funds were allocated in the capital budget for improvements in water infrastructure to eliminate the brown water problem. While it may not be allocated to a certain pipe, she explained that it was allocated for that purpose.

Ms. Scott stated her belief that Mr. Koenig had indicated that there was money allocated for infrastructure improvement and had not mentioned brown water. She stated that she has brown water in her home, which was newly constructed, and she just runs her water until it stops being brown. Ms. Scott stated that these young men wanted to take a section on the corner of Loockerman Street and Governors Avenue that had been empty for many years and make a restaurant. She felt that they needed help and that this water main fell under water infrastructure. In response, Mr. Koenig advised that it could fall under water structure.

Ms. Scott requested members to make a motion to take this money from this specific budget. Mrs. Townshend stated that this was not within the Committee's purview but

was in City Council's purview. Mr. Moore explained that the Economic Development Committee did not have a budget and did not have access to the City's budget. He stated that he wanted the Committee to vote on the requests for utility connection assistance to direct Council regarding the Economic Development Committee's recommendation. Mrs. Townshend noted that Mr. Moore had made a motion to fund the projects and that she had seconded this motion.

Mr. Moore clarified that his motion was to fund the utilities for both projects; however, he did not agree on funding the geotechnical and asbestos aspects. Ms. Scott questioned if the money was technically available. Responding, Mrs. Townshend stated that it was the responsibility of the City Manager, Finance Director, and City Council to determine how it would be paid for and this was beyond the scope of the Committee. Mr. Koenig explained that these costs, according to the handbooks, are developer related and the property owner and/or developer is responsible under the Code for these types of cost.

Ms. Scott stated that in the Economic Development Committee meeting it was decided that it was in the best interest of the City to help with this development because, technically, this water main was in the middle of the road, which belonged to the City and that these young men would be helped. Responding, Mr. Koenig stated that members had not made that determination.

In response to Mayor Christiansen, Mrs. Stein stated that there was amendment to the motion to require using the City's bidding process. Mrs. Townshend withdrew the amendment of the motion.

Mr. Moore stated that the motion was to recommend funding for further enhancing six (6) residential units and one (1) new business by approving the infrastructure for water, plumbing, and electric to these two (2) areas as an economic development initiative from this Committee. The motion was seconded by Mrs. Townshend.

Mr. Koenig explained that there was a distance from the main to the right-of-way line and a distance from the right-of-way line into the building for the six (6) townhouses. He did not believe that the City should, in any circumstances, be discussing the private side of the line.

In response to Mayor Christiansen, Mr. Koenig stated that he was unsure how Mr. Maupin had developed his $59,000 estimate or what it included. He stated that the developer cost that the City was proposing to discuss was from the main to the right-of-way line. Mr. Moore concurred.

Mr. Brandon Pelton, owner of 33 West Ale House and Grill stated that he already had budgeted to take it from the sidewalk to the building. Mr. Koenig stated that, for 131 West Loockerman Street, the right-of-way was the building or approximately one (1) foot from the building, which was different from the residential project. He wanted it to be clear, because of the way the handbook is written, that there is a

distinction between where the private responsibility starts and where the public infrastructure ends. Mr. Koenig did not want to pay for private infrastructure, i.e., the cost of going from the curb stop at the road into the house. He was unsure if that number was part of the plumbing estimate provided.

Mr. Moore indicated that he was not saying that he agreed with the numbers provided. He noted that the request was to take a line from the main, which is a public facility, to the right-of-way, which is the end of the public responsibility, and that it would be the developer's responsibility to get it in the building. Mr. Moore stated that the City should not be doing this work inside buildings or houses, which was the developer's responsibility. Mrs. Townshend stated that once the extension is on the property, they are eligible for a 20% rebate. Mr. Moore stated his belief that Mr. Koenig's clarification was part of his motion.

The Committee recommended that the City pay for the cost of extending the electrical and water/sewer infrastructure for the projects at 420 Reed Street and 131 West Loockerman Street as it relates to the water and sewer from the main to the right-of-way line and the remainder would be the private property owners' responsibility.

Mr. Koenig explained that he opposed the motion because he would like to see a cap of $25,000.

During the Council meeting, Mr. Scott Koenig, City Manager, advised that the Economic Development Committee had been discussing a number of ways to encourage economic activity throughout the City. He noted that, in this case, the recommendations were coming specifically out of the Downtown Development District efforts. Mr. Koenig reminded members that there are a number of incentives associated with the Downtown Development District including reimbursement of project expenses through the State or Kent County and the waiving of fees and tax abatement from the City of Dover.

Mr. Koenig advised that the Committee discussed two (2) requests received from developers for incentives. He noted that one request was from MauTiste Investment Group for financial relief from the fees associated with electrical, water, and sewer utility connections for MauTiste Square, a six (6) town home project at 420 Reed Street and the other was from Mr. Brandon Pelton, owner of 33 West Ale House and Grill, for assistance with the $30,000 cost of bringing the water main across the street for the sprinkler at the corner of Loockerman Street and Governors Avenue. Mr. Koenig stated that, in both cases, the development applicants are requesting reimbursement or offsetting of costs related to utility expansion. He advised that, currently, all costs associated with electric, water, or sewer infrastructure expansion for development projects in the City of Dover are the responsibility of the developer. Mr. Koenig stated that, in some cases, a majority of that infrastructure is turned over for ownership and maintenance to the City of Dover.

Mr. Koenig noted that the request associated with the development of six (6) residential units at 420 Reed Street was related to the extension of infrastructure for six (6) new water, sanitary sewer, and ancillary electric services to the properties, noting that the previous building was a single,

commercial structure with only one service to the building. He advised that there would be costs of approximately $67,000 for extension of the infrastructure.

Mr. Koenig advised that the request associated with the development of property located at the corner of Loockerman Street and Governors Avenue was related to the extension of a water main. He noted that there is an existing water service to the property and the water main extension would be an upgraded fire service so that the building could be sprinklered. The estimated cost of that extension is $30,000 and the applicant is requesting that the City contribute $30,000 to offset the cost. He advised that commercial and residential space is proposed to be refurbished with this project.

Mr. Koenig stated that, in both cases, there are long term improvements that the City has been requesting developers to make. He also noted that the utility expansions would create long term public value, including renewal of residential stock and improved fire safety and suppression in the downtown area.

Mr. Koenig advised that none of these costs were currently identified in the City budget and noted that he would like to see the program capped at $25,000. He advised that, at the $25,000 range, there could be the potential of over $100,000 of investment and authorizing the full cost could be in the range of several hundred thousand dollars of investment.

He stated that he understood that the City was in a difficult position because they want to encourage investment downtown; however, there are applicants saying that the utility costs are making the projects non-economical and non-feasible. Mr. Koenig noted that these requests could become substantial moving forward with the Downtown Development District and advised that if Council was in favor of these types of investments, they would bring a budget amendment forward to fund the changes, as well as guidelines for how the funds should be expended, how many quotations for work should be submitted, and who should prepare those estimates. He indicated that if the current requests are approved, they were likely to receive two or three additional requests.

Mr. Anderson stated that if they were supposed to focus on development and economic inclusion in the Downtown Development District they should provide the infrastructure to do it, noting that they put millions into Garrison. He advised that he felt a few hundred thousand dollars to revitalize the downtown seemed appropriate. Mr. Anderson also stated that he was hesitant about approving something without a process and suggested referring this matter to either the Utility or Legislative, Finance, and Administration Committee to work out the details. Responding, Mr. Koenig stated that if Council endorsed the concept, he thought that the process needed to be laid out by Staff, including identifying a level of funding, how the requests would be budgeted, the process for improvements, milestones that have to be met, and the process for considering applications. The process could then be endorsed by City Council and the developers would have an understanding of the funding they would have to work with in the future.

Responding to Mr. Hosfelt, Mr. Koenig stated that this money was not currently identified in the budget. Mr. Hosfelt asked if the City had done this type of thing with the utilities in the past. Mr. Koenig responded that they had waived fees related to economic development; however, he could not recall contributing cash to a private developer or funding individual utility services for

commercial development. He noted that there had been some instances where the City would pay a developer the price difference to install oversized pipe in a residential subdivision to accommodate future extension.

Mr. Hosfelt stated that he was concerned that this item was placed on the Consent Agenda and if they had not read their packets or were not paying attention, they would have approved the spending of $97,000 which was not budgeted for this project. He also expressed concern that Staff, whom he considers to be leaders, did not direct the requests to a committee and he noted that he thought it was a problem that should be addressed.

Mr. Hosfelt expressed concern that a greater issue will be getting into the business of picking and choosing who gets how much money. He felt that even if they were to budget at a cap of $25,000 per project, they are still at $50,000 which has not been budgeted. Mr. Hosfelt stated that he wanted to see the downtown developed just like everybody else; however, he was not sure that they should be in the business of supporting landlords and restaurants.

Mr. Slavin advised that the requests were considered by the Economic Development Committee and it would be up to Council to decide if it needed an additional look. He stated that he believed that the City, as a government, is being outpaced by the market. Mr. Slavin advised that the City has some business owners who want to expand or open new businesses downtown, and they have been coming to members and requesting what they get from other municipalities. He noted that this is the kind of infrastructure improvements that are usually laid in downtown areas to encourage growth; however, the City of Dover chose not to, for whatever reason. Mr. Slavin stated that the City would now have to do that on a case by case basis and this is the exact moment when the City can either expand businesses downtown or not.

Mr. Slavin stated that no one was making a request for several hundred thousand dollars and there was no need to inflate the request that was brought forward. He noted that members could be very good bureaucrats and wait until they get processes established and the forms right, and everything else. Mr. Slavin advised that, in the mean time, the City is getting beat to the market, not by Philadelphia or Annapolis, but by Smyrna and Milford.

Mr. Slavin stated that he was just as much a steward of the public's money as anybody else; however, he questioned how the old way of government was working for the City in attracting businesses downtown. He noted that there are people who want to improve two (2) eye sores and make them better properties and they want to expand existing businesses or add additional business to the downtown area, in addition to addressing life safety issues for both of those structures.

Mr. Slavin stated that he understood and respected Mr. Hosfelt's concerns; however, he also stated that he thought that members needed to move a little quicker on these things in order to be responsive to what the market is presenting them. Mr. Hosfelt responded that he thought it went back to a greater question, which is that they, Council and Staff, do not plan ahead; for example, they were just going to spend $97,000, which they do not have. Mr. Hosfelt stated that if it was something that was budgeted for, and they did a long range planning, then he could see maybe supporting it; however, at this point, he did not know how members could support something that

is not in the budget, especially at this expense. Mr. Slavin reminded members that some of the discussions they had earlier were about larger expenses that may come from the budget as well.

Responding to Mr. Cole, Mr. Koenig stated that the request from the MauTiste Investment Group identified approximately $7,000 in electrical costs and just under $60,000 in water and sewer extension costs.

Responding to Mr. Hare, Mr. Koenig advised that MauTiste Investment Group is a for-profit investment company that is building residential housing units. Mr. Koenig stated that he thought the intent was for the properties to be owner occupied. Mayor Christiansen stated that they would be owner occupied.

Mr. Hare stated that he understands that a business wants to relocate downtown; however, he suggested that it should be stipulated that the business is going to be there for the long term. He expressed concern that this could open the door for a lot of realty companies buying up properties, rehabilitating them, and then the City pays for a lot of their expenses and they make the profit without paying the City back. Mr. Hare stated that he felt there was a difference between helping a business that would stay downtown and helping a developer.

Mr. Hosfelt recalled that he read in the Economic Development Committee meeting minutes that they were not sure if the properties were going to be owner occupied or rented. There was no commitment one way or the other.

Mayor Christiansen stated that the developer's intent is to have owner-occupied properties and he has a reputation that they have vetted out. He stated that this person is committed to the same vision that he believes the members of Council are, which is revitalizing the downtown area.

Mayor Christiansen advised that, at this point in time, the downtown area is 82% rental properties and it is their intent to stabilize the neighborhood with owner-occupied housing, which will result in other savings to this community and to all of Dover's citizens.

Mr. Hosfelt stated that if he had concern with one over the other, it is definitely the fact that they want to help somebody build six (6) town homes and sell them for a profit. He noted that he knows what the owner of 33 West Ale House and Grill brings to downtown and there is already a commitment there that he believes in. Mr. Hosfelt advised that he was unsure of the other developers commitment and wondered if they should say no to both requests out of fairness and to stay out of the business of trying to determine which business is better than the other.

Mr. Neil stated that he would prefer not to have additional rental properties and suggested that there should be some sort of a claw back to return the money to the treasury. He also stated that he would prefer to have a system in place, as suggested by the City Manager, so that they will know the amount of the incentive being provided. Mr. Neil noted that the City would eventually receive taxes on the town homes.

Mr. Anderson advised that City Council agreed to a terrific plan that was developed for downtown Dover when they endorsed the Restoring Central Dover plan. He noted that the plan was six-fold

and included bringing back both residential home ownership and a vibrant business district. Mr. Anderson indicated that what members were considering was traditionally a government piece and noted that the infrastructure is not a private infrastructure that serves or is owned by one group but is in place to allow them to do the things they have known they were going to have to do. Mr. Anderson indicated that members know the infrastructure in that area has to be expanded anyway and the question, in his view, was not if they should proceed but how they should proceed. He stated that he thought members should endorse a concept and refer this matter to an appropriate Committee, develop procedures, and move relatively quickly. Mr. Anderson noted that he would personally like to see this matter referred to Staff to see what they come up with in the next 60 days. He stated that he did not think the City should allow investment opportunity to go away and that investment money will find a place to invest.

Mr. Sudler stated that he had witnessed the dedication, commitment, and patience that the 33 West owner and its patrons have endured with the pipe system and sewer and that he would support this request because the owner had shown his dedication and was worthy of assistance. Mr. Sudler indicated that he could not support the request of MauTiste Investment Group because he had not seen that they were committed to the City of Dover.

Mr. Hare stated that he had no issue with supporting Mr. Pelton's request for 131 West Loockerman Street and suggested giving an $11,000 credit to MauTiste Investment Group when each of the six (6) town houses are built, sold, and become owner occupied.

Mr. Cole stated that he would support providing MauTiste with credits and suggested establishing a 30 or 60 day window moving forward, noting that there are going to be other businesses, owners, and groups coming forward. He noted that, while he is supportive, he wants to start with some type of process and a cap.

Mr. Lewis stated that he had concerns with funding the requests and setting a precedence, noting that what they have to do for one, they have to do for all.

Mr. Sudler moved to support the request of the potential owner of 131 West Loockerman Street, as referred to in the Economic Development Committee Report. The motion was seconded by Mr. Anderson.

Mr. Neil stated that his preference would be to table this matter until the next Council meeting with a specific plan for handling requests and how much money they will allocate under these circumstances. He noted that he was particularly concerned with the building of homes and if they are being sold or rented. Mr. Neil stated that he could not currently support this request and he hoped that tabling it would allow them to develop a plan for the future, including how requests would be funded.

Mr. Hutchison stated that Council should support the concept; however, he felt that a business plan was needed. He suggested that this matter be referred to the City Manager to come back with a proposal to provide a clear direction of where the funds will be applied.

Mr. Sudler, noting that the Mayor, City Manager, Planning and Zoning Director, and two (2) Council persons serve on the Economic Development Committee, stated that he felt there were enough credentials on the Committee that if they were going to make this recommendation, or at least bring it to the table, that they would have already thought it out to the extent that Council should move forward. Mr. Sudler stated that he understood the budget issue; however, he noted that the City is trying to revitalize the businesses downtown and he believed members should support the businesses that are already there. He reiterated that he supported the 131 West Loockerman Street request.

The motion to support the request of the potential owner of 131 West Loockerman Street, as referred to in the Economic Development Committee Report, was carried by a roll call vote of five (5) yes (Anderson, Sudler, Cole, Hare, and Slavin) and four (4) no (Neil, Lewis, Hosfelt, and Hutchison).

Mr. Anderson moved to refer the request for 420 Reed Street back to Staff and report back in 60 days. The motion was seconded by Councilman Sudler and carried by a roll call vote of eight (8) yes (Anderson, Sudler, Neil, Lewis, Cole, Hare, Hutchison, and Slavin) and one (1) no (Hosfelt).

Economic Development Committee Transition Discussion (continued)

Provide an Orientation to the Initiative
This item was deferred due to time constraints.

Review Purpose of Team
This item was deferred due to time constraints.

Adopt a Goal/Vision
Mr. Hudson introduced Dr. Michael Casson, Delaware State University (DSU), Director of the University Center for Economic Development and International Trade (UCEDIT). He informed members that an opportunity had been extended through Mayor Christiansen to Dr. Casson relating to a seat at the table regarding the Economic Development Committee, and Mr. Hudson advised that this would be recommended to City Council. He informed Dr. Casson that, prior to his arrival at the meeting, the Committee had agreed to recommend the appointment of two (2) minority members to the Committee that had a business or economic development orientation.

Mayor Christiansen stated that the Economic Development Committee had previously discussed developing a Memorandum of Understanding (MOU) with Dr. Casson. He asked if Dr. Casson had made progress on the MOU so that it could be included in the vision of the Committee. Responding, Dr. Casson explained that, after discussing this matter with Mr. Hudson, he consulted with colleagues on campus. He indicated that there would be several points of entry for a university such as DSU to support the initiatives of the City of Dover, and from the feedback he received from leadership on campus, they would look forward to having additional leadership at this table. In regard to an MOU with the University, Dr. Casson noted

ECONOMIC DEVELOPMENT COMMITTEE
AGENDA

SEPTEMBER 13, 2016 - 4:00 P.M.

CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

AGENDA ADDITIONS/DELETIONS

1. **ECONOMIC DEVELOPMENT COMMITTEE TRANSITION DISCUSSION** (DEFERRED DURING THE MEETING OF AUGUST 16, 2016 DUE TO TIME CONSTRAINTS)
   - **A. PROVIDE AN ORIENTATION TO THE INITIATIVE**
   - **B. REVIEW PURPOSE OF TEAM**
   - **C. ADOPT A GOAL/VISION**
   - **D. IDENTIFY CHALLENGES TO THE GOAL/VISION AND DEVELOP STRATEGIES**
   - **E. REVIEW TEAM MEMBERSHIP TO DETERMINE IF OTHERS ARE NEEDED TO ACCOMPLISH THE GOAL/VISION**

2. **ORGANIZATIONAL ITEMS** (DEFERRED DURING THE MEETING OF AUGUST 16, 2016 DUE TO TIME CONSTRAINTS)
   - **A. IDENTIFY MEETING ROLES**
   - **B. DISCUSS AND ADOPT GROUND RULES FOR FUTURE MEETINGS**

3. **RURAL ECONOMIC DEVELOPMENT LOAN PROGRAM (REDL)**

4. **REVIEW OF REQUESTS FOR UTILITY CONNECTION ASSISTANCE**

5. **SETTING THE NEXT AGENDA AND SCHEDULING THE MEETING**

6. **ADJOURNMENT BY 5:00 P.M.**

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Misc-Agendas\ECONOMIC DEVELOPMENT COMMITTEE\09-13-2016 EDC.wpd

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

Fwd: Request for Utility Assistance

Townshend, Ann Marie

Thu 9/1/2016 6:05 AM

To:Jackson, Beverly <bjackson@dover.de.us>;

Ann Marie Townshend

Sent from my iPhone

Begin forwarded message:

From: Michael Maupin <mmaupin@mautiste.com>
Date: August 31, 2016 at 8:54:57 PM EDT
To: <rchristiansen@dover.de.us>
Cc: "Townshend, Ann Marie" <ATownshend@dover.de.us>, "Hudson, Kirby A" <khudson@dover.de.us>, "Koenig, Scott" <SKoenig@dover.de.us>
Subject: Request for Utility Assistance

Mayor Christiansen,

As we discussed, MauTiste Investment Group (MIG) is formally requesting that the city of Dover provide financial relief from the exorbitant fees associated with electrical, water and sewer utility connections for our (6) Townhome project at 420 Reed Street called MauTiste Square.

For nearly 20 years MIG has specialized in inner-city development in blighted areas. We offer newly constructed upscale homes that are affordable for everyone. Because of our business model, cost efficiency is extremely important. Late last year, I expressed some concerns regarding cost associated with the utility connections (including electric). When I mentioned this concern, Mr. Koenig offered to see what the city could do to help since all of the costs associated with updating the City's utility service should not fall on a single developer. One problem MIG faces in all of our development efforts is that impact fees are much more difficult for an affordable housing developer to absorb because they are not based on the project's market value. **A luxury developer building a $500,000 home in the suburbs is charged the same impact fees as MIG. Considering this, other cities have provided us relief.** I have recently learned that Mr. Koenig has exhausted all of his options without finding a means to provide MIG any relief. In my nearly 20 years of development, these are by far the highest impact fees for land development. This includes ALL of my development efforts and some projects have been much larger. When I requested relief last year, it was prior to knowing that these cost would be **3-times what we had budgeted**. Below are

detail the land development cost areas. **I trust that there is something you can do to offset these costs. As of right now, these fees have put our project on hold.**

Category	Cost
Electrical	$7,100
Plumbing	**$59,915**
Geotechnical Engineering	$3,600
Asbestos Abatement	$13,940
Total	**$84,555**

I have thoroughly enjoyed working with all of the people in the city of Dover. MIG has been working to develop Dover's inner-city for over 18 months and we are reviewing several additional homes that we plan to rehabilitate. However, we first need to resolve the issue of the impact fees. I appreciate your consideration.

Regards,

Michael Maupin
Managing Director
MauTiste Investment Group
Office: 610-363-6900
Fax: 877-798-0005
mmaupin@mautiste.com

FW: City of Dover - Economic Development

Townshend, Ann Marie

Wed 8/31/2016 4:40 PM

To:Jackson, Beverly <bjackson@dover.de.us>;

Ann Marie Townshend, AICP
Director Planning & Community Development
Department of Planning & Inspections
Department of Parks and Recreation
(302) 736-7196 Phone
(302) 736-4217 FAX

From: Todd Stonesifer [mailto:todd@toddstonesifer.com]
Sent: Wednesday, August 17, 2016 2:48 PM
To: Christiansen, Robin <rchristiansen@dover.de.us>; Sass, Kay <ksass@dover.de.us>
Cc: Townshend, Ann Marie <ATownshend@dover.de.us>; Koenig, Scott <SKoenig@dover.de.us>
Subject: City of Dover - Economic Development

Good afternoon-

I have been working diligently to target business owners with proven track records in hopes they may take some interest in our beautiful Downtown Dover area. I have one very interested in taking ownership of 131 W Loockerman Street. This would be a great move for multiple reasons. It would move the property ownership into someone who is passionate about the area, it would be completely renovated and therefore the appearance of that side of Loockerman Street as a whole and specifically that building would take on new life and energy. And, finally, if I can make the deal happen, we would all benefit from a new, hip restaurant that would open. Business begets more business and attractive facades beget more attractive facades. The problem is the financial. The Seller is holding fast to a number. The Buyer has calculated their costs and we are slightly off from making the deal happen. The problem lies in sprinkling the building.

Currently, the water main suitable for the sprinkler is across the street from the building. The cost to connect is too burdensome. My client was receiving proposals of somewhere in the range of $30,000.00. The **BREAKS THE DEAL.** I believe the City can utilize your public works department and road maintenance employees and do this for much less than a private contractor. The solution is for the City of Dover to incur the cost to "stub" a water main across the street. This would make this deal happen AND would also make future sprinkler taps much more affordable for the other vacant buildings on the north side of Loockerman Street.

Please discuss this at your next economic development meeting and see if your team can make this happen. I am happy to present any information necessary and to be present at the meeting if you would like.

Let me know if you have any questions.

Thank you for your consideration.

Todd Stonesifer | The Moving Experience Real Estate
m: 302-242-2122
w: www.themovingexperiencede.com
fb: www.facebook.com/themovingexperience
o: 302-241-0899

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OFFICE OF THE CITY CLERK

ROBBINS HOSE COMPANY No. 1

DOVER'S VOL. FIRE DEPT.
Since 1882

November 21, 2016

To: Traci McDowell

From: Brian Bashista, President

Al Farling, Secretary

Reference: 2017 Fire Line Officer Election Results

Dear Ms. McDowell:

The following are the results of the November 21, 2016, Dover Fire Department Fire Line Officer Election as certified by the election judges:

Chief:	Carleton Carey, Jr. (uncontested)
Deputy Fire Chief:	Ronald Rhodes (uncontested)
First Assistant Fire Chief:	David Carey (uncontested)
Second Assistant Fire Chief:	Glenn Whitt (uncontested)
Third Assistant Fire Chief:	Michael O'Connor, Jr. (uncontested)
Fourth Assistant Fire Chief:	Michael O'Connor, III (uncontested)
First Fire Line Captain:	Christopher Jacobs
Second Fire Line Captain:	Sean Byron (uncontested)

Please forward the above names to City Council for their review and approval.

Respectfully,

Al Farling, Secretary

Brian Bashista, President

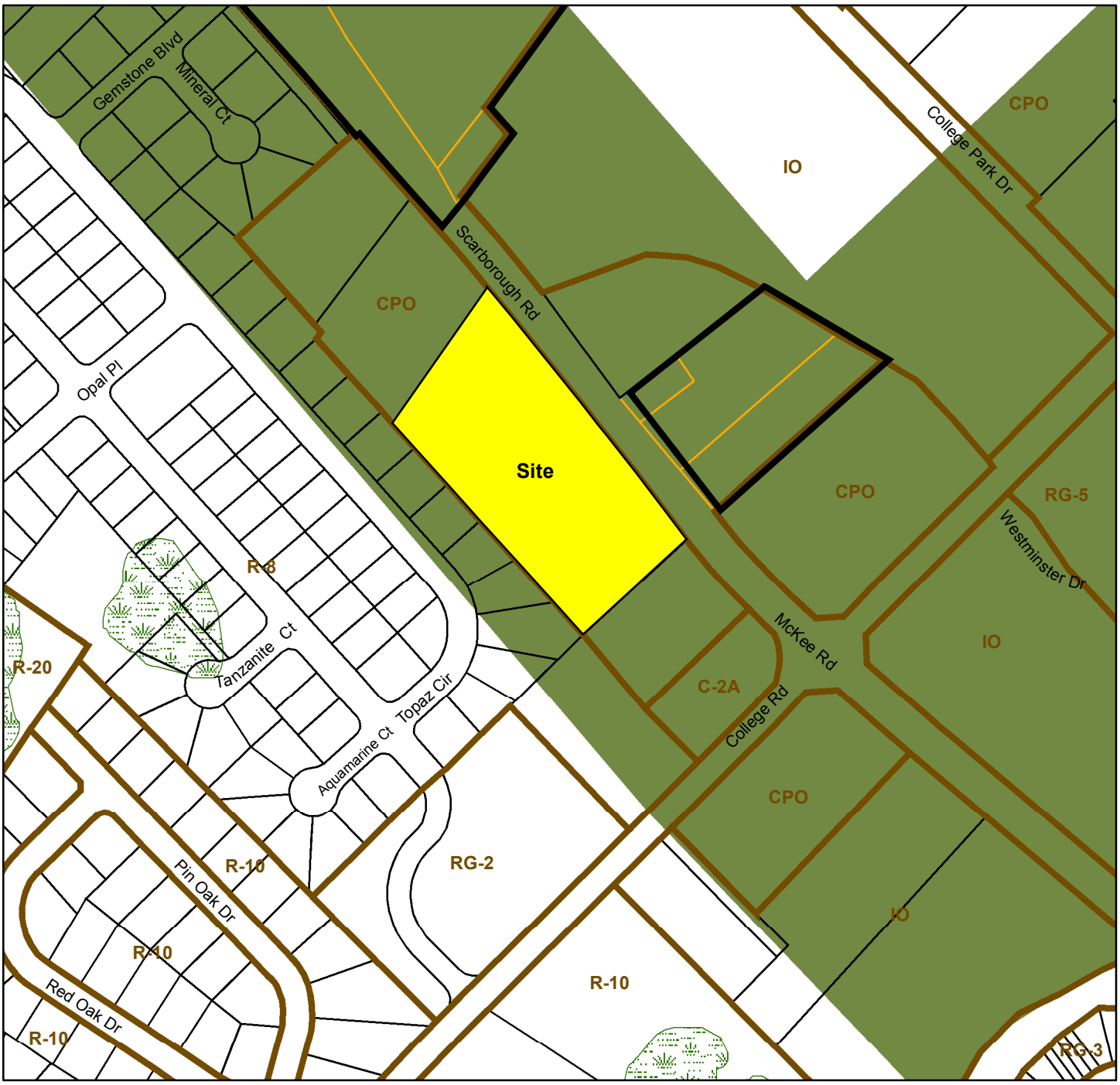
PETITION TO AMEND THE ZONING DISTRICT
First Reading before the Dover City Council
November 28, 2016

Applicants:	Medcore Partners c/o Michael Graham
Owners:	George J. Kays & John J. Kays
Address:	Unaddressed parcel on McKee Road
Location:	West side of McKee Road north of College Road, between 1216 and 1282 McKee Road
Tax Parcel ID #:	ED-05-067.00-01-33.00-000
Size:	4.35 acres +/-
Present Use:	Vacant parcel
Proposed Use:	Rehabilitation Hospital
Comprehensive Plan Designation:	Office
Present Zoning:	C-PO (Commercial and Professional Office Zone) with COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	IO (Institutional and Office Zone) with COZ-1 (Corridor Overlay Zone)
File Number:	Z-16-07
Ordinance Number:	2016-28

City of Dover

Department of Planning & Inspections

Application No.: Z-16-07



Title: Kays Property at McKee Rd
Ordinance#: 2016-28
Address: Unaddressed
Parcel ID: ED-05-067.00-01-33.00-000
Existing Zoning: C-PO, COZ-1
Proposed Zoning: IO, COZ-1
Owner: George J. Kays and John J. Kays
Date: 11/16/2016

Legend

- Zoning
- Dover Parcels
- Kent County Parcels
- Subject Property
- Corridor Overlay Zone

N W E S

0 180 360 720 Feet

FIRST READING

City of Dover

PROPOSED ORDINANCE #2016-28

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) to IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone).

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

1) That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) to IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) on an unaddressed parcel located on the west side of McKee Road north of College Road between 1216 and 1282 McKee Road, consisting of $4.35^{+/-}$ acres, owned by George J. Kays and John J. Kays. The equitable owner is Medcore Partners c/o Michael Graham.
(Tax Parcel: ED-05-067.00-01-33.00-000; Planning Reference: Z-16-07; Council District: 1)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-28 - REZONING - WEST SIDE OF MCKEE ROAD\Ordinance #2016-28 - Rezoning - West Side of McKee Road - FIRST READING.wpd

Actions History

11/28/2016 - Scheduled for First Reading - City Council

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FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2016-24

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 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Section 22. - Airport environs overlay zone (AEOZ).

22.1 *Purpose and intent*. The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The city shall work with the Dover Air Force Base to update the provisions of this section as needed.

(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.

22.2 *Definitions*.

(a) *Air installations compatible use zones (AICUZ)*: is a department of defense program to achieve compatibility between air installations and neighboring communities.

(b) *Airport environs*: is the geographic area that is affected by airport air traffic operations and defined on the basis of those areas immediately impacted by aircraft noise of the 65 decibels (dBs) and greater noise exposure areas as delineated by the current and approved DAFB air compatibility use zone study. This area is represented as the airport environs overlay zone (AEOZ).

(c) *Day-night average A-weighted sound level (DNL)*: is a cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response; a 24-hour energy average sound level expressed in decibels (dBs), with a ten-decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.

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(d) *DNL contour*: is an isoline linking together a series of points of equal cumulative noise exposure based on Ldn metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

(e) *Decibel (dB)*: is a unit of measure of sound pressure or intensity.

(f) *Ldn metric*: is the average equivalent A-weighted sound level during a 24-hour day, obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.).

(g) *SLUCM*: Standard Land Use Coding Manual, U.S. Department of Transportation.

22.3 *Accident potential zones and noise zones*. The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four noise zones. The boundaries of each of these zones are delineated on the City of Dover Zoning Map and are further described as follows:

(a) *Accident potential zones*:

(1) *Clear zone (CZ)* is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width (1,500 feet to either side of the centerline of the airport runway);

(2) *Accident potential zone I (APZ I)* is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width; and

(3) *Accident potential zone II (APZ II)* is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.

(b) *Noise zones*:

(1) *Noise zone A (DNL A)* is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.

(2) *Noise zone B (DNL B)* is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.

(3) *Noise zone C (DNL C)* is that area within and bounded by DNL contour lines of between 75 decibels and 79 decibels of noise pressure.

(4) *Noise zone D (DNL D)* is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.

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22.4 *Exemptions*. The following uses and structures are exempt from compliance with the provisions of this section:

(a) *Additions to existing one-family dwellings*. Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) *Additions to existing non-residential buildings*.

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) *Temporary uses*. Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed ~~five days~~ **80 hours in a calendar year**.

(d) *Temporary structures*. Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.

(e) *Accessory uses and structures*. Accessory uses and structures incidental to a permitted principal structure or use.

22.5 *Land use and development standards*. Any building or portion thereof constructed or placed within the AEOZ shall comply with the following standards:

(a) Unless specifically exempted under subsection 22.4 above, land uses shall be permitted or prohibited in accordance with subsection 22.6, land use compatibility table.

(b) Proposed structures situated within noise zones A through D shall be constructed with noise attenuation features to achieve the minimum interior noise level reductions specified by building type in subsection 22.6, land use compatibility table.

(c) In APZ I and APZ II, no structure may be erected over 60 feet in height, regardless of zoning district bulk regulations of the individual zoning district.

(d) All building permit applications for construction of new buildings or building additions not exempted under section 22.4, within AEOZ shall be accompanied by a written statement from a licensed architect or engineer, which lists all construction materials to be used and the resultant interior noise level reductions to be achieved. The written analysis provided by the engineer or architect shall demonstrate that the proposed construction will achieve compliance with the minimum required interior noise level reductions specified in subsection 22.6, land use compatibility table.

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22.6 Land use compatibility table.

LAND USE COMPATIBILITY TABLE								
SLUCM No.	Name	Accident Potential Zones			Noise Zones in DNL dBA			
		Clear Zone	APZ I	APZ II	A 65—69	B 70—74	C 75—79	D 80+
10	***Residential***							
11	Household units							
11.11	Single units; detached	N	N	Y[5, 12]	Y[1, 12]	Y[2]	N	N
11.12	Single units; semidetached and attached	N	N	N	Y[1]	Y[2]	N	N
11.31	Apartments	N	N	N	Y[1]	Y[2]	N	N
12	Group quarters	N	N	N	Y[1]	Y[2]	N	N
13	Residential hotels	N	N	N	Y[1]	Y[2]	N	N
14	Mobile home parks or courts	N	N	N	N	N	N	N
15	Transient lodgings	N	N	N	Y[1]	Y[2]	Y[5]	N
16	Other residential	N	N	N	Y[1]	Y[2]	N	N
20	***Manufacturing***							
21	Food & kindred products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
22	Textile mill products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
24	Lumber and wood products (except furniture); manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
25	Furniture and fixtures; manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
26	Paper & allied products; manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
27	Printing, publishing, and allied industries	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
28	Chemicals and allied products; manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
29	Petroleum refining and related industries	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
30	***Manufacturing***							
31	Rubber and misc. plastic products, manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
32	Stone, clay and glass products manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
33	Primary metal industries	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
34	Fabricated metal products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	N
39	Miscellaneous manufacturing	N	Y[5, 9]	Y[5, 9]	Y[1]	Y[2]	Y[3]	Y[4]
40	***Transportation, Communications and Utilities***							

135	41	Railroad, rapid rail transit and street railroad transportation	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
136	42	Motor vehicle transportation	N	Y	Y	Y[1]	Y[2]	Y[3]	Y[4]
137	43	Aircraft transportation	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
138	44	Marine craft transportation	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
139	45	Highway & street right-of-way	N	Y	Y	Y[1]	Y[2]	Y[3]	Y[4]
140	46	Automobile parking	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
141	47	Communications	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	N
142	48	Utilities	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
143	49	Other transportation communications and utilities	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	N
144	50	***Trade***							
145	51	Wholesale trade	N	Y[5]	Y	Y[1]	Y[2]	Y[3]	Y[4]
146	52	Retail trade-building materials, hardware and farm equipment	N	Y[5]	Y	Y[1]	Y[2]	Y[3]	Y[4]
147	53	Retail trade-general merchandise	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
148	54	Retail trade-food	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
149	55	Retail trade-automotive, marine craft, aircraft and accessories	N	Y[5]	Y[5]	Y[1]	Y[2]	Y[3]	N
150	56	Retail trade-apparel and accessories	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
151	57	Retail trade-furniture, home furnishings and equipment	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
152	58	Retail trade-eating and drinking establishments	N	N	N	Y[1]	Y[2]	Y[3]	N
153	59	Other retail trade	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
154	60	***Services***							
155	61	Finance, insurance and real estate services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
156	62	Personal services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
157	62.4	Cemeteries	N	N	Y[11]	Y[1]	Y[2]	Y[3]	N
158	63	Business services	N	Y[5, 9]	Y[5],9	Y[1]	Y[2]	Y[3]	N
159	64	Repair services	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
160	65	Professional services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
161	65.1	Hospitals, nursing homes	N	N	N	Y[1]	Y[2]	N	N
162	65.1	Other medical facilities	N	N	N	Y[1]	Y[2]	Y[3]	N
163	66	Contract construction services	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	N
164	67	Governmental services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
165	68	Educational services	N	N	N	Y[1]	Y[2]	N	N
166	69	Miscellaneous services	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
167	70	***Cultural, Entertainment and Recreational***							
168	71	Cultural activities (including churches)	N	N	N	Y[1]	Y[2]	N	N
169	71.2	Nature exhibits	N	N	Y	Y[1]	N	N	N
170	72	Public assembly	N	N	N	Y[1]	N	N	N

72.1	Auditoriums, concert halls	N	N	N	Y[1]	Y[2]	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N	Y[6]	Y[6]	N	N
73	Amusements	N	N	Y[9]	Y[1]	Y[2]	N	N
74	Recreational activities (including golf courses, riding stables, water recreation)	N	N	Y	Y	Y	N	N
75	Resorts and group camps	N	N	N	Y[1]	Y[2]	N	N
76	Parks	N	Y[9]	Y[9]	Y	Y	N	N
79	Other cultural, entertainment and recreation	N	N	N	Y[2]	Y[3]	N	N
80	***Resources Production and Extraction***							
81	Agriculture (except livestock)	Y[8]	Y	Y	Y[7]	Y[7]	Y[8]	Y[8]
81.5 to 81.7	Livestock farming and animal breeding	N	Y	Y	Y[7]	Y[7]	N	N
82	Agricultural related activities	N	Y	Y	Y[7]	Y[7]	N	N
83	Forestry activities and related services	N	Y	Y	Y[7]	Y[7]	N	N
84	Fishing activities and related services	N	N	N	N	N	N	N
N	Mining activities and related services	N	N	N	N	N	N	N
89	Other resources production and extraction	N	N	N	N	N	N	N

Y (Yes)-Land use and related structures are compatible without restriction.
N (No)-Land use and related structures are not compatible and are prohibited.
Yx (yes with restrictions)-Land use and related structures generally compatible; see Notes 1-12.
NLR (Noise Level Reduction)-NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation measures into the design and construction of the structures.
NOTES:
1 Require NLR of 25dB for DNL A.
2 Require NLR of 30dB for DNL B.
3 Require NLR of 35dB for DNL C.
4 Require NLR of 40dB for DNL D.
5 Require NLR of noise zone and building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources. Measures that reduce outdoor noise should be used whenever practical in preference to measures which only protect interior spaces.
6 Require NLR of noise zone and special sound reinforcement systems are installed.
7 Associated residential uses require NLR of noise zone.
8 Structures are not permitted and personnel should wear hearing protection devices.
9 Facilities shall be low intensity.
10 No passenger terminals and no major aboveground transmission lines in APZ I.
11 Excludes chapels.
12 Maximum density of one dwelling unit per acre.

22.7 *Design standards*.

(a) All buildings and structures to be constructed or placed within the AEOZ shall be situated on the portion of the lot that affords the least noise impact to the proposed building or structure, wherever and whenever practicable. Buildings and structures shall be designed and oriented to minimize exposure to the noise source and should take maximum advantage of existing physical features to minimize noise impact. Windows, doors and other building openings shall be located the greatest possible distance away from the noise source.

(b) Landscape buffer plantings and related screening material shall be used whenever practicable to deflect noise away from areas intended for human habitation.

22.8 *Prohibited uses*. In addition to uses prohibited by subsection 22.6, land use compatibility table, the following activities are prohibited within the CZ, APZ I and APZ II zones of the AEOZ, including, but not limited to:

(a) Storage of explosives;
(b) Hazardous or toxic materials/waste;
(c) Aboveground transmission lines;
(d) Uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (dust, smoke, etc.);
(e) Uses that produce light emission, direct or indirect, which would interfere with pilot vision;
(f) And uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.

(Ord. of 2-12-2001; Ord. No. 2013-01, 3-11-2013)

ADOPTED: *

SYNOPSIS

The Proposed Amendment would increase permitted temporary uses from a maximum of five (5) days to a maximum of 80 hours in a calendar year.

(SPONSOR: COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

Actions History
11/28/2016 - Scheduled for First Reading - City Council
10/24/2016 - First Reading Deferred - City Council

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CITY OF DOVER PROPOSED ORDINANCE #2016-25

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

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

ARTICLE 6. - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES

Section 1. - Permitted accessory parking.

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

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

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

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

(Ord. of 9-12-1983; Ord. of 1-10-1996; Ord. of 11-13-2007; Ord. No. 2016-16 , 8-8-2016)

Section 2. - Permitted accessory loading berths.

2.1 Off-street loading berths, open or enclosed, are permitted accessory to any use, except residences for one or two families. However, no off-street loading berth shall be located in a front yard.

Section 3. - Required off-street parking spaces.

3.1 *Schedule of requirements*. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article 4-Zoning Bulk and Parking Regulations, or as specified below for each use in any zone, whichever is greater.

(a) *Exceptions*.

i. Where Article 3-District Regulations, specifies a minimum parking requirement, this parking requirement shall prevail.

ii. For existing buildings within the C-2 zoning district, the requirements of Article 4, Section 4.14-[C-1, C-1A, C-2, C-2A zoned], bulk and parking regulations governing the C-2 zoning district shall prevail.

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For:	At Least One Parking Space For Each
Places of worship	Two hundred (200) square feet of floor area, but not less than one (1) space for each four (4) seats, where provided
Libraries	Three hundred (300) square feet of floor area
Medical offices—All types	Three hundred (300) square feet of floor area
Nursery school or kindergarten	Adult attendant, plus one for every 20 children
Elementary or junior high school	Eight (8) seats in main auditorium/cafeteria or gymnasium
High school, technical school, college or university	Five (5) seats in main auditorium/cafeteria or gymnasium; if none, see Article 4—Zoning, Bulk and Parking Regulations
Hospitals or sanitariums	Three beds
Apartments	Two (2) per dwelling unit and one (1) for every two hundred (200) square feet of office space and 0.25 per dwelling unit for visitor space
Roominghouses	Guestroom
Dormitories	Three (3) beds
Eating and drinking places	Four (4) seats plus one (1) for every three (3) bar seats
Funeral homes	Two (2) employees, plus five (5) spaces for each chapel
Hotels and motels	Guestroom, plus one (1) for every 200 square feet of office space, banquet hall, or meeting areas
Athletic fields, baseball, football or boxing stadiums and arenas; race tracks	Three (3) seats
Golf courses	Per employee and four (4) parking spaces for each hole
Golf or baseball driving range	One-half (½) stall
Airports	Per employee and for each two (2) airplanes in storage

3.2 *Areas computed as parking spaces*. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than a corner lot as provided in article 5, section 1.3.

3.3 *Location and ownership of required accessory parking facilities*. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided all spaces therein are located within 150 feet walking distance of such lot. In all cases, such parking spaces shall conform to the regulations of the district in which they are accessory and shall be subject to deed restriction, filed with the city clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

(a) Throughout the existence of such use to which they are accessory; or
(b) Until such spaces are provided elsewhere.

3.4 Size of spaces. The minimum parking space dimensions shall be at least nine (9) feet in width and at least 18 feet in length. Disabled accessible spaces shall meet ADA requirements.

3.5 Access. Unobstructed access to and from a street shall be provided. Each drive lane shall have at least ten feet of width so that one-way drives have at least ten feet of width and that two-directional drives have two lanes of ten feet each. Unless otherwise specified within this section, access shall be provided by at least one two-directional drive lane or two one-directional drive lanes.

3.6 Drainage and surfacing.

(a) All open permanent parking areas and access drives shall be properly drained and all such areas shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.

(b) All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The planning commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3).

3.7 *Joint facilities*. Required parking spaces, open or enclosed, may be provided in spaces designed to serve, jointly, two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

3.8 *Combined spaces*. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.

(a) *Campus Parking Plan*. When a new building or building addition is made to a campus involving multiple buildings under common ownership where one or more of the uses will be generating demand for parking when the other use or uses are not in operation, the applicant shall present a campus parking plan as a part of the site development plan that includes an analysis of the parking needs based on the provisions of section 3.8 of this article.

3.9 *Adjustments to parking requirements*. The planning commission may reduce, in an amount not to exceed 50 percent, the number of parking spaces required when, in the opinion of the commission, it has been demonstrated that the use is adequately served by transportation and parking alternatives, including but not limited to:

(a) Site plan proposals within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the amount of off-street parking normally required, due to the availability of mass transit, municipal parking and existing pedestrian amenities.

(b) Designated off-street parking reserved for car pools, van pools, and bicycle parking facilities, in accordance with the following schedule:

(1) Each carpool space shall be equivalent to three standard parking spaces.
(2) Each vanpool space shall be equivalent to five standard parking spaces.
(3) Every group of five bicycle parking spaces shall be equivalent to one standard parking space.

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(c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of Transportation.

(d) Cash-in-lieu of parking contributions toward the capital construction or improvement of municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be in a monetary amount equivalent to the estimated cost of construction for the number of standard surface parking spaces for which the reduction is sought. To take advantage of this option, the developer shall submit to the city engineer a cost estimate for the parking requested to be waived. The city engineer shall examine the estimate for accuracy in current prevailing costs of construction at the time of proposal and shall report to the planning commission his/her findings.

(e) Proposals involving superior urban design which contribute to an enhanced pedestrian environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-way connections with existing sidewalk systems and community facilities, park benches and other street furniture, mass transit connections and shelters, and landscaping and shade tree plantings.

In all areas, except the downtown redevelopment target area, the development plans shall have an area of open space designated where parking could be constructed equal to the number being reduced and the plan shall bear a note which explains that the petitioner, in accepting a parking reduction, agrees to construct such additional parking as is otherwise required under the provisions of the zoning ordinance [this appendix], if the planning commission, after a hearing, determines that the reasons for granting said reduction no longer exist. In all such instances where the planning commission determines that the reasons for granting a reduction no longer exist, the owner of record for the subject property for which a reduction was previously granted must construct the parking required to meet the regulations of the city during the next construction season.

3.10 *Bicycle parking*. Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. The planning commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

3.11 *Maximum number of parking spaces*. The maximum number of parking spaces shall not exceed 25 percent over the number of parking spaces required by the code.

(Ord. of 12-14-1992(2); Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 4-23-2007(4) ; Ord. No. 2009-12, 9-14-2009; Ord. No. 2009-30, 3-8-2010; Ord. No. 2011-29, 1-9-2012; Ord. No. 2011-29, 1-9-2012)

Section 4. - Required off-street loading berths.

4.1 ~~[~~*Uses for which required*.~~]~~ Accessory off-street loading berths shall be provided for any lot or any use specified herein. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purposes of such requirements. Loading berths shall be designed and located so as not to impede fire lane access or the safe and efficient vehicular and pedestrian circulation and shall be in accordance with the following:

4.11 *Dimensions*. One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading berth area shall be 14 feet.

4.12 *Maneuvering space*. Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

4.13 *Location*. Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths are not permitted between the street and building, except where a property fronts on three or more streets. This [sub]section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.

4.14 *Obstructions*. All loading berths and maneuvering spaces shall be accessible at all times.

4.15 *Fire exit or emergency access*. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

4.16 *Maximum number of loading berths required*. For buildings up to 150,000 square feet, a maximum of three loading berths will be required. Additional loading berths are permitted if needed by the property owner or occupant.

4.2 *Loading berths required*. Off-street loading berths will be required for the following uses:

4.21 For a public library, museum, art gallery, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with [a] floor area of 10,000 square feet, one berth, [and] for each additional 25,000 square feet or fraction thereof, one additional berth.

4.22 For buildings with professional, governmental, or business offices, or laboratory establishments with [a] floor area of 10,000 to 25,000 square feet, one berth, [and] for each additional 25,000 square feet or fraction thereof, one additional berth.

4.23 For buildings with retail sales and service establishments, one berth for 8,000 square feet to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.

4.24 For funeral directors, one berth for each chapel. (Such berths shall be at least ten feet wide, 20 feet long, and 7½ feet high, in lieu of the standard dimensions found in [sub]section 4.11 above.)

Draft

4.25 For hotels, one berth for each 25,000 square feet of floor area, or fraction thereof.

4.26 For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning establishments and laundries, one berth for 5,000 to 10,000 square feet of floor area in such uses, and one additional berth for each additional 10,000 square feet of floor area or fraction thereof so used.

4.27 For manufacturing, wholesale, or storage uses in the M or IPM zone, and for buildings in excess of 150,000 square feet in any zone, sufficient off-street loading berths shall be provided. Staff will determine the sufficiency of the loading berths after reviewing written documentation from the applicant through the site plan review process.

4.3 *Joint facilities*. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve, jointly, two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

4.4 *Planning commission waiver*. The planning commission may waive required loading berths in the following instances:

1) On an improved lot, when it can be demonstrated that retrofitting the site for loading berth(s) is impractical or impossible;

2) When the applicant can demonstrate that the intended use is such that no deliveries by large vehicles is expected, now or in the future;

3) When the applicant can demonstrate that the requirements of this ordinance are far in excess of [the] actual needs on the site;

4) In the downtown redevelopment target area, where on-street loading areas are provided nearby.

In all cases, except in the downtown redevelopment target area, land for at least one standard sized loading berth meeting all requirements of this ordinance must be reserved. The city planner may direct that this loading berth be constructed by the owner of record due to any change in use for the site, or if the department of planning and inspections determines that large vehicles are loading and unloading on the site, creating the need for the loading berth.

(Ord. of 9-13-1999)

Section 5. - Supplementary regulations for parking and loading facilities.

5.1 *Access near street corners*. No entrance or exit for any accessory off-street parking area with over ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of any two street lines.

5.2 *On lots divided by zone boundaries*. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be

located in a residence zone, unless the use to which they are accessory is permitted in such zone, or by special permission of the board of adjustment.

5.3 *Supplementary parking regulations for multiple dwellings*. No parking space shall be located in any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof, which wall contains legal windows (other than legal bathroom or kitchen windows) with a sill height of less than eight feet above the level of the said parking space is prohibited. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no gasoline, oil, grease, or other supplies shall be stored or sold in any such lot or in any garage on such lot.

5.4 *Supplementary regulations for any parking lots adjacent to residential lots*.

5.41 Whenever space is provided for the parking of ten or more vehicles in the open, such spaces shall be individually identified by means of pavement markings.

5.42 Reserved.

5.43 Wherever a parking lot is located across the street from other land in any residence zone, it shall be screened from the view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, [and] such hedge [is] to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.

5.44 Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.

5.5 *Parking for motorsports racing*. During any ten-day period prior to or two-day period following an auto racing event the following provisions shall apply:

5.51 Automobile parking.

a. Property located within a residential zone may be used for fee-based parking of motor vehicles. Fee-based parking shall not include parking of commercial vehicles for use by commercial vendors and sales representatives.

b. Unimproved surfaces may be used for automobile parking. Such areas shall be reviewed by the fire marshal to ensure adequate emergency access. No stormwater management areas or other preserved open space shall be used for automobile parking.

c. Automobile parking shall in no case obstruct fire lanes, parking lot drive aisles, emergency access, fire protection equipment, or cross access easements between properties.

5.52 *Recreational vehicle parking*. Recreational vehicle parking shall be permitted within all zones subject to the following requirements:

Draft

a. No more than three recreational vehicles shall be parked on a residential lot.

b. Property owners wishing to provide parking for more than five recreational vehicles shall apply for a permit from the licensing and permitting division a minimum of 60 days prior to the race event. Fees for the permit will be charged in accordance with appendix F. Prior to issuance of a permit, the property owner or his agent must submit a legible diagram of the camping area to the licensing and permitting division. The diagram shall show recreational vehicle parking location, emergency access, drive aisles, entrance and exit, number of proposed recreational vehicles to be parked, location of power lines, and location of restroom facilities.

c. Recreational vehicles shall not be parked within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from recreational vehicles shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.

d. Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle.

e. Recreational vehicle parking areas shall have drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather.

f. Any changes to the layout of recreational vehicle parking areas shall be required to be submitted to the licensing and permitting division at least 30 days prior to the race event.

g. The Fire Marshal's Office may grant an exception to any provision of section 5.52 if it can be demonstrated that equivalent means of public safety and fire protection is being provided.

h. The fire marshal's office shall develop policy guidance on the implementation of this section.

Section 6. - Tractor Trailer Parking

6.1 Parking of tractor trailers, or any part of a tractor trailer, is prohibited in all residential zones, and in the following nonresidential zones: CPO, C-1, C-1A, C-2, C-2A, SC-1.

6.2 Parking of tractor trailers within the C-3, C-4, IO, SC-2 and SC-3 zones is permitted only in areas designated as loading zones or loading areas.

BE IT FURTHER ORDAINED:

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

Draft

Tractor trailer: A large truck with a long trailer attached to the back of it.

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-25 APDX B-ZONING, ART 6-OFF-STREET PARKING\Proposed Ordinance #2016-25 Appendix B, Art 6 - Off-Street Parking - Tractor Trailer Parking-1st Reading.wpd

SYNOPSIS

The proposed amendment would prohibit the parking of tractor trailers, or any part of a tractor trailer, in all residential zones and in certain nonresidential zones. It would also limit the parking of tractor trailers to designated loading zones or areas in non-residential zones.

(SPONSORS: SLAVIN AND COLE)

Actions History

11/28/2016 - Scheduled for First Reading - City Council

11/15/2016 - Introduction - Council Committee of the Whole/Safety Advisory and Transportation Committee

Draft

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2016-26

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

That Chapter 2 - Administration, Article III - Standing Council Committees of the Dover Code be deleted in its entirety and inserting in lieu thereof the following:

ARTICLE III. - STANDING COUNCIL COMMITTEES

Sec. 2-81. - Committee of the whole.

(a) *Created*. There is hereby created a committee of the whole as a standing committee. The committee of the whole shall be an advisory body.

(b) *Members*. All members of the city council shall be members of the committee of the whole with the council president serving as chair.

Sec. 2-82. - Committee of the whole sub-committees.

(a) *Created*. There are hereby created the following committee of the whole sub-committees:

(1) *Legislative, Finance and Administration Committee*. The legislative, finance, and administration committee shall advise the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; and shall advise the city council on financial matters, including the city's budget, assessments, and taxation; and advise the city council on administrative issues, policy, procedures, and operations of the city. The legislative, finance, and administration committee shall act as an advisory committee to the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any omitted or new departments or committees, and other areas as deemed appropriate.

(2) *Parks, Recreation and Community Enhancement Committee*. The parks, recreation, and community enhancement committee shall advise the city council on parks, playgrounds, open space, and other recreational facilities and programs; shall advise the city council on matters relating to community enhancements by reviewing and commenting on community plans, and recommend appropriate funding for each community improvement project; and shall advise the city council on landscaping and beautification programs and tree preservation requirements, and assist in developing an understanding of the objectives and methods of tree conservation. The parks, recreation, and community enhancement committee shall act as an advisory committee to the city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.

Draft

(3) *Safety Advisory and Transportation Committee*. The safety advisory and transportation committee shall advise the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The safety advisory and transportation committee shall act as an advisory committee to the city council regarding matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.

(4) *Utility Committee.* The utility committee shall advise the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer, communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The utility committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate.

(b) *Members.* The committee of the whole sub-committees shall be composed of all members of the city council. The council president shall appoint elected city officials to serve as committee of the whole sub-committee chairpersons. The council president and the sub-committee chairpersons will each appoint one city resident as a sub-committee member. All sub-committee appointments shall be for one-year terms unless sooner removed and are subject to confirmation of a voting majority of the city council.

(c) *Removal.* A member of such sub-committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.

Secs. 2-83 - 2-200. - Reserved.

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-26 CH 2 ADMINISTRATION, ART III STANDING COUNCIL COMMITTEES\Proposed Ordinance #2016-26 CH 2, ART III - STANDING COUNCIL COMMITTEES-1st Reading.wpd

SYNOPSIS

The proposed amendments create a committee of the whole with the current standing committees becoming its sub-committees.

(Sponsors: Resolution No. 2016-05)

Actions History

11/28/2016 - Scheduled for First Reading - City Council

11/15/2016 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

The deleted text is provided below for reference.

~~**ARTICLE III. - STANDING COUNCIL COMMITTEES**~~

Draft

~~**DIVISION 1. - GENERALLY**~~

~~**Secs. 2-81—2-100. - Reserved.**~~

~~**DIVISION 2. - LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE**~~

~~**Sec. 2-101. - Created.**~~

~~**There is hereby created a legislative, finance, and administration committee.**~~

~~**(Code 1981, § 2-146; Ord. of 9-22-2003)**~~

~~**Sec. 2-102. - Members.**~~

~~**(a) *Composition; selection; terms.* The legislative, finance, and administration committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.**~~

~~**(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.**~~

~~**(Code 1981, § 2-147; Ord. of 9-22-2003)**~~

~~**Sec. 2-103. - Functions.**~~

~~**The legislative, finance, and administration committee shall advise the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; and shall advise the city council on financial matters, including the city's budget, assessments, and taxation; and advise the city council on administrative issues, policy, procedures, and operations of the city. The legislative, finance, and administration committee shall act as an advisory committee to the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any omitted or new departments or committees, and other areas as deemed appropriate.**~~

~~**(Code 1981, § 2-148; Ord. of 9-22-2003)**~~

~~**Secs. 2-104—2-120. - Reserved.**~~

~~**DIVISION 3. - PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE**~~

~~**Sec. 2-121. - Created.**~~

~~**There is hereby created a parks, recreation, and community enhancement committee.**~~

Draft

~~(Code 1981, § 2-156; Ord. of 9-22-2003)~~

~~Sec. 2-122. - Members.~~

~~(a) *Composition; appointment; terms.* The parks, recreation, and community enhancement committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.~~

~~(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.~~

~~(Code 1981, § 2-157; Ord. of 9-22-2003)~~

~~Sec. 2-123. - Functions.~~

~~The parks, recreation, and community enhancement committee shall advise the city council on parks, playgrounds, open space, and other recreational facilities and programs; shall advise the city council on matters relating to the community enhancements by reviewing and commenting on community plans, and recommend appropriate funding for each community improvement project; and shall advise the city council on landscaping and beautification programs and tree preservation requirements, and assist in developing an understanding of the objectives and methods of tree conservation. The parks, recreation, and community enhancement committee shall act as an advisory committee to the city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.~~

~~(Code 1981, § 2-158; Ord. of 9-22-2003)~~

~~Secs. 2-124—2-140. - Reserved.~~

~~DIVISION 4. - SAFETY ADVISORY AND TRANSPORTATION COMMITTEE~~

~~Sec. 2-141. - Created.~~

~~There is hereby created a safety advisory and transportation committee.~~

~~(Code 1981, § 2-161; Ord. of 9-22-2003)~~

~~Sec. 2-142. - Members.~~

~~(a) *Composition; appointment; terms.* The safety advisory and transportation committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the~~

~~two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.~~

~~(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.~~

~~(Code 1981, § 2-162; Ord. of 9-22-2003)~~

~~Sec. 2-143. - Functions.~~

~~The safety advisory and transportation committee shall advise the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The safety advisory and transportation committee shall act as an advisory committee to the city council regarding matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.~~

~~(Code 1981, § 2-163; Ord. of 9-22-2003)~~

~~Secs. 2-144—2-160. - Reserved.~~

~~DIVISION 5. - UTILITY COMMITTEE~~

~~Sec. 2-161. - Created.~~

~~There is hereby created a utility committee.~~

~~(Code 1981, § 2-166; Ord. of 9-22-2003)~~

~~Sec. 2-162. - Members.~~

~~(a) *Composition; appointment; terms.* The utility committee shall be composed of five members, four of which are appointed by the council president and one appointed by the committee chairperson, with all appointments subject to confirmation of a voting majority of the city council. Three of the members shall be elected city officials, and the two remaining members shall be city residents. The members of the committee shall serve one-year terms unless sooner removed.~~

~~(b) *Removal.* A member of such committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.~~

~~(Code 1981, § 2-167; Ord. of 9-22-2003)~~

~~Sec. 2-163. - Functions.~~

~~The utility committee shall advise the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other~~

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~~infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer, communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The utility committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate.~~

~~(Code 1981, § 2-168; Ord. of 9-22-2003)~~

~~Secs. 2-164—2-200. - Reserved.~~

Draft

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2016-27

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

That Chapter 18 - Animals, Section 18-4 - Running At-Large, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-4. - Running at-large.

(a) ~~***Permitting unlawful***~~ ***Unlawful***. It shall be unlawful for any person to permit any ~~**animal**~~ **dog** to run at-large.

(b) *Duties of police and animal control officer*. It shall be the duty of every police officer and animal control officer to apprehend any dog found running at-large contrary to the provisions of this section and to impound it. Such person shall make a record of the breed, color and sex of the dog and the number of its license tag, if any. A compilation of the records of all dogs caught and impounded shall be maintained at the police headquarters station. Should any police officer or animal control officer be unable, after using reasonable and diligent efforts, to apprehend such animal, he may destroy it.

(c) *Authority of citizens*. Any citizen of the city may take up any animal found running at-large and deliver it to an animal control officer or police officer, or other authorized person, to be impounded.

(d) *Notice to owner*. It shall be the duty of the animal control officer or police officer or other person taking or impounding any animal to notify the owner, if known, within a reasonable time, either personally or by a written notice left at his usual place of abode or, if unknown, by five or more written or printed notices posted in public places within the city.

(e) Any person convicted of a violation of this section shall pay a fine as provided for in Appendix F-Fees and Fines.

(Code 1981, § 4-4; Ord. of 8-28-1995; Ord. No. 2009-09, 6-22-2009)

BE IT FURTHER ORDAINED:

That Chapter 18 - Animals, Section 18-5 - Dog licenses required, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-5. - Dog licenses required.

(a) *Generally*. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to ~~**7 Del. C. § 1702**~~ **16 Del. C. § 3042F**, and any owner or possessor who shall fail to comply with the provision of the laws of the state shall pay a fine as provided for in Appendix F-Fees and Fines.

(b) Enforcement. The provisions of this section may be enforced by any police officer or by any person designated to act as an animal control officer.

(Code 1981, § 4-4.1; Ord. of 8-28-1995; Ord. No. 2009-09, 6-22-2009)

Draft

BE IT FURTHER ORDAINED:

That Chapter 18 - Animals, Section 18-10 - Same - Seizure and Impoundment, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-10. - Same-Seizure and impoundment.

(a) *Person bitten*. When a person has been bitten by a vicious dog or animal, the person, or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the city police department immediately and give the name and address of the person bitten and the owner of the animal, along with a description of the animal. All animals that bite a person shall be immediately confined for ten days in a city-approved animal shelter or veterinary facility, at the expense of the owner.

(b) *Confinement*. If the owner of a dog or cat that has bitten a person can provide proof of a currently valid rabies vaccination, that dog or cat may be quarantined on the premises of the owner or custodian.

(c) *Impoundment if not confined*. Any dangerous or vicious animal may be impounded by an animal control officer or police officer to protect the public safety. Said impoundment will be in a city-approved animal shelter or veterinary facility at the owner's expense. No dangerous or vicious animal will be returned to the owner unless said animal is confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of its owner. Every person harboring a vicious animal, vicious dog or a wild animal is charged with an affirmative duty to confine said animal in such a way that the public does not have access to such animal.

(Code 1981, § 4-9; Ord. of 8-28-1995)

State Law reference- Similar provisions, ~~**3 Del. C. § 8208**~~ **16 Del C. §3073F**.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 18 - Animals, Section 18-5 - Dog licenses required; for each violations be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-5. Dog licenses required; for each violation	**First offense -** Not less than $~~**25.00**~~**50.00**or more than $~~**1,000.00**~~**500.00.** **Second and subsequent offenses occurring within 12 months of prior offense - not less than $100 and not more than $500. The minimum fine for a subsequent offense shall not be subject to suspension. Conviction for the failure to pay the license fee is a violation.**

ADOPTED: *

SYNOPSIS

The proposed amendments will align the Dover Code with the recently amended Delaware Code.

(SPONSORS: HUTCHISON AND HOSFELT)

Actions History

11/28/2016 - Scheduled for First Reading - City Council

11/15/2016 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2016-22
WITH STAFF AMENDMENT #1 (SA#1)
(Staff Amendment #1 Indicated in Yellow Highlight)

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

That Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 54-4. - Smoking regulations.

(a) *Generally*. The Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (secondhand smoke) to a variety of negative health conditions in nonsmokers, which has prompted the council to enact smoking regulations for the health, welfare and safety of residents of the city and to strike a reasonable balance between the rights of smokers and nonsmokers by regulating smoking in certain public places and places of employment.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bar or cocktail lounge area means that part of any restaurant or other establishment, to a depth of 20 feet from such bar, primarily engaged in the business of selling or dispensing alcoholic beverages or other beverages and duly licensed by the state for the same, but secondary to the restaurant or other primary use of the establishment.

Employee means any person who renders or has rendered any service to another for a consideration or its equivalent, under an expressed or implied contract, and who is or was under the control and direction of the latter when rendering the services, including temporary, provisional, casual or part-time employment.

Employer means an individual, partnership, association, corporation, governmental body or agency, or any other entity, for whom or for which one or more persons renders or have rendered any service on a salary, commission or other compensation basis.

Health care facility means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions.

Place of employment means any enclosed area under the control of a public or private employer, which employees normally frequent during the course of employment. A private residence is not considered to be a place of employment for the purpose of this section, nor is a motor vehicle of the employer used by employees in the course of employment.

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Public conveyance means any taxicab, mass transit vehicle or school bus, or any vehicle offered to passengers for a fee.

Public meeting includes any meeting or assembly held in any room, auditorium or chamber wherein public, civic or governmental business is conducted and which is open to the public either as participants or spectators.

Public place includes any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks; educational facilities; health care facilities; day care centers, retirement homes, rest or nursing centers; property owned, occupied or operated by the city or any agency thereof; public transportation facilities; lobbies and reception areas, but not including the offices or work areas not entered by the public in the normal course of business or use of the premises. A private residence is not a public place, but the lobby or common area of a multifamily dwelling is a public place.

Restaurant means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for a consideration and which has seating at tables for 35 or more persons, and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of meals. Any such establishment shall be duly licensed as a restaurant by the city and state.

Retail store means any establishment, the primary purpose of which is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, articles or food for consumption off the premises.

Secondhand smoke means the smoke to which a person may be involuntarily exposed, either through a smoker exhaling the smoke of or from a tobacco product, or through the lighting or burning of any tobacco product.

Smoking includes the lighting, burning, holding or carrying of, or emitting, or inhaling, or exhaling the smoke of, a pipe, cigar or cigarette of any kind or any form of lighted object or device which contains tobacco.

Sports arena means any indoor facility primarily used for sports, cultural or similar events.

Taproom means any establishment which is regulated and licensed as such by the state pursuant to the Delaware Alcoholic Beverage Control Act (4 Del. C. § 101 et seq.), and which is provided with special space and accommodations and operated primarily for the sale by the glass for consumption on the premises of alcoholic beverages with the sale of food as a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Tavern means any business selling spirits, wine or beer by the glass at retail for consumption on the premises, and which is duly licensed and regulated as such pursuant to the Delaware Alcoholic Beverage Control Act, and in which the sale of food is a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Theater means any indoor facility primarily used for the exhibition of any motion picture, stage

drama, musical recital, dance, lecture or other similar performance.

(c) *Prohibitions*. Smoking is unlawful **on all city-owned property and** in "public places" as such term is defined in subsection (b) of this section, and in the following public places during the hours in which they are open to the public:

(1) Art galleries, libraries, museums and similar cultural facilities;
(2) Classrooms and lecture halls;
(3) Restaurants;
(4) Elevators;
(5) Health care facilities;
(6) Public conveyances;
(7) Public meetings;
(8) Retail stores, other than retail tobacco stores, the primary activity of which is the sale or promotion of tobacco and tobacco products and accessories; provided, however, that smoking may be permitted in those areas of enclosed shopping centers or malls that are external to the retail stores and are used by customers as a route of travel from one store to another and consist primarily of walkways and seating arrangements; and further provided that where smoking is permitted, the proprietor shall post a sign to that effect;
(9) Theaters and indoor sports arenas;
(10) Restrooms located in "public places" as such term is defined in subsection (b) of this section, and in the facilities listed in subsections (c)(1), (c)(2), (c)(5), (c)(6), (c)(8), and (c)(9) of this section; and
(11) Places of employment not exempted in 16 Del. C. § 2904.

(d) Violations; penalties; appeals.

(1) *Violations*. The following acts constitute violations of this section:

a. Smoking **on city-owned property or** in a posted nonsmoking area;
b. Failure to post a "No Smoking" sign as required by this section;
c. Failure to inform any person who violates this section, when such duty to inform arises as set forth in subsection (f) of this section;
d. Willful destruction or defacement of a sign posted as required by this section;
e. Failure to adopt a smoking policy as set forth in subsection (f) of this section.

(2) Penalties. Anyone who violates any provision of this section shall be liable for a fine as provided for in Appendix F-Fees and Fines. Each day such violation continues, shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(3) Appeals. In the event that the enforcement of this section causes undue and extraordinary financial hardship peculiar to any person, then that person shall have the right to appeal this hardship to the council by written request directed to the city clerk. In considering the appeal, the council shall have the power to alter the terms and conditions of this section to meet any peculiar and extraordinary hardship proven by the person as long as such alteration or relief does not detract from the purpose and intent of this section.

(e) *Signs*. The owner or other person having the authority to manage and control any area designated

as a no-smoking area pursuant to this section shall post, or cause to be posted, and prominently display, and shall maintain, no-smoking signs in conspicuous locations within such areas. Such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international no-smoking symbol and shall cite "Section 54-4 of the city Code." Signs shall be of sufficient number and prominent location to convey the message clearly and legibly to a person of reasonable sensibilities. Signs shall be at least one square foot in size, shall be affixed to the structure of the building and/or shall be so distributed that from any point in the no-smoking area at least one such sign is visible. A combination of fixed or pedestal type signs may be used.

~~(f) Places of employment.~~

~~(1) Written smoking policy. Every employer of 25 or more employees at any one location in the city, if exempted in 16 Del. C. § 2904, shall adopt, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions:~~

~~a. Accommodate preferences. A statement providing that the employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of smoking and nonsmoking employees; provided, however, that the employers are not required to incur any expense to make structural or physical modifications to accommodate individual preferences; however, if a satisfactory accommodation cannot be reached, the preferences of nonsmoking employees shall prevail;~~

~~b. Offices. Smoking may be permitted in private, enclosed offices, even though such offices may be visited in the normal course of business by nonsmoking employees;~~

~~c. Common use. Prohibition of smoking in auditoriums, classrooms, elevators, medical facilities, conference rooms and rooms containing photocopying or other office equipment used in common by employees;~~

~~d. Cafeterias, lunchrooms, and lounges. Designation of some portion of the seating capacity of cafeterias, lunchrooms and employee lounges as no-smoking areas; provided, however, that if there are two or more lounges available for employee use, one entire lounge may be designated as a smoking area;~~

~~e. Disputes. A procedure to resolve employee disputes and objections arising under the smoking policy; and~~

~~f. Retaliation. A statement providing that the employer will not retaliate or take any adverse personnel action against any employee exercising his rights granted under the smoking policy.~~

~~(2) Copies of policy to be provided to employees. Employers shall supply a written copy of the smoking policy to all current employees within 30 days of the date of adoption of such policy and shall supply copies of it to all future employees at the time of their entry into employment.~~

~~(3) Posting of policy. Employers shall post the smoking policy conspicuously in the place of employment.~~

(~~g~~ **f**) Enforcement.

(1) *Authority to restrict in employment and public areas*. The owner, proprietor, manager, or other person having the authority to manage and control any public place or place of employment, or a designated agent of such owner or manager, shall inform persons smoking in restricted areas of such places in order to warn them that they are in violation of the law. Any person may file a complaint with the licensing division of the department of planning and inspections or with the police department, alleging a violation of any provision of this section.

(2) *Procedures*. Upon complaint to the licensing division of the department of planning and inspections or the police department, each department shall have concurrent jurisdiction to enforce the provisions of this section by any of the following actions:

a. Notice. Serving notice requiring the prompt correction by the owner, proprietor, manager or other person having the authority to manage and control any public place or place of employment of any violation of this section;

b. Legal action. Advising the city solicitor of violations of this section in order to maintain an action at law or in equity to enforce the provisions of this section, recover the fines and costs of prosecution, or prevent, enjoin, abate or remove or otherwise cause the correction of any such violation of the provisions of this section;

c. Summons. Issue to any person a citation or summons to appear in the justices of the peace court to answer to a charge of any violation of this section.

(h) Miscellaneous provisions.

(1) *Other prohibitions*. Nothing in this section shall be construed to permit smoking where it is otherwise prohibited by law or regulation.

(2) *Authority of owner*. Nothing in this section shall be construed to preclude any owner or other person having the authority to manage and control any public place or place of employment from prohibiting smoking to a greater extent than is provided by this section.

(3) *Fire safety*. Nothing in this section shall be construed to permit or authorize, or be permitted to result in a fire safety hazard or violation, as may be determined by the fire marshal, by anyone in attempting to comply with the provisions of this section.

(Code 1981, § 14-15; Ord. of 4-8-1991; Ord. of 4-12-1993; Ord. of 9-22-2003; Ord. No. 2009-09, 6-22-2009)

State Law reference- Clean Indoor Air Act, 16 Del. C. § 2901 et seq.

BE IT FURTHER ORDAINED:

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That Appendix F - Fees and Fines, Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations, Subsection (d) - Violations; Penalties; Appeals, Subsection (2) - Penalties of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Chapter 54. - Health and Sanitation

Chapter 54. Health and Sanitation	**Fees and Fines**
Article I. In General	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-4. Smoking regulations	
Subsec. (d) Violations; penalties; appeals	
Subsec. (2) Penalties	Not to exceed $25.00; each day such violation continues shall constitute a separate offense
Article II. Food and Food Handlers	
Sec. 54-52. Fee	
Subsec. (a) Type of establishment	
Mobile food units	$50.00
Push carts	$25.00
For-profit temporary eating places	$25.00
Membership clubs	$50.00
Institutions	$100.00
Subsec. (b) Services provided	
Breakfast service	$15.00
Lunch service	$18.00
Dinner service	$18.00
Salad bar service	$15.00
Hot and cold buffet, including salad bar service	$40.00
Drive through service	$75.00
Delivery service	$20.00
Catering service	$15.00
Takeout service	$20.00
Seating service:	
100—150	$50.00
151—200	$75.00
201 or more	$100.00

Article V. Rat Control	
Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-155. Compliance with notice to ratproof	Unless the work and improvements have been completed by the owner in the time specified in the written notice, which in no event shall be more than 15 days, or within the time to which a written extension may have been granted by the health inspector, then the owner shall be punished by a fine of not less than $25.00, nor more than $1,000.00
Sec. 54-156. Compliance with notice to eradicate rats	Unless eradication measures are undertaken within five days after receipt of the notice, the owner or occupant shall be punished by a fine of not less than $25.00, nor more than $1,000.00

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-22 CH 54 - HEALTH & SANITATION, ART I - IN GEN, SEC 54-4 - SMOKING REGULATIONS\ORDINANCE #2016-22 W SA#1 - CH 54 - HEALTH & SANITATION, ART I - IN GEN, SEC. 54-4 - SMOKING REGULATIONS FINAL RDG.wpd

SYNOPSIS

The proposed ordinance would implement a smoke-free policy on all City-owned property.

Actions History

11/28/2016 - Scheduled for Final Reading - City Council
11/14/2016 - First Reading - City Council
10/25/2016 - Introduced at Council Committee of the Whole/Legislative, Finance, and Administration Committee
10/11/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee

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