REGULAR COUNCIL MEETING
AGENDA

OCTOBER 9, 2017 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 30 MINUTES PRIOR TO OFFICIAL MEETING (7:00 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 REVEREND DR. DOUGLAS L. GRIFFIN - PRESBYTERIAN CHURCH OF DOVER

PLEDGE OF ALLEGIANCE LED BY MAYOR CHRISTIANSEN

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 - REGULAR COUNCIL MEETING OF SEPTEMBER 25, 2017**

2. **PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2017-12 WITH STAFF AMENDMENT #1 (SA#1) AND PLANNING COMMISSION AMENDMENT #1 (PCA#1)**

   THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF AUGUST 28, 2017. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS AND ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

   A. **AMENDING APPENDIX B - ZONING, ARTICLE 5 - SUPPLEMENTARY REGULATIONS, AND ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES**

3. **PRESENTATION - 2017 MAYOR'S ARTS AWARDS**
   A. **TERESA EMMONS**
   B. **JACKIE MCCABE**

* **4. COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 26, 2017**

A. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(1) PROPOSED ORDINANCE #2017-13 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS; ARTICLE 5 - SUPPLEMENTARY REGULATIONS; AND ARTICLE 12 - DEFINITIONS (ADULT DAY CARE PROVISIONS) (SPONSORS: NEIL AND HUGG) (SEE ITEM #10-A)

(COMMITTEE RECOMMENDED ADOPTION OF ORDINANCE #2017-13)

B. SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

(1) REQUEST FOR LETTER OF SUPPORT - SEATBELTS FOR SCHOOL BUSES (JANETTA GUINN)

(COMMITTEE RECOMMENDED THAT COUNCIL PROCEED WITH DRAFTING A LETTER OF SUPPORT FOR SEATBELTS FOR SCHOOL BUSES TO THE LOCAL EDUCATION AGENCIES)

(2) PRIORITIZATION OF CITY OF DOVER STATE CAPITAL TRANSPORTATION PROGRAM (CTP) PROJECTS

(COMMITTEE RECOMMENDED APPROVAL OF THE PRIORITY RANKING FOR THE COMING YEAR)

* **5. MONTHLY REPORTS - AUGUST 2017**

A. CITY ASSESSOR'S REPORT
B. CITY COUNCIL'S COMMUNITY ENHANCEMENT FUND REPORT
C. CITY MANAGER'S REPORT
D. CITY PLANNER'S REPORT
E. CONTROLLER/TREASURER'S BUDGET REPORT
F. FIRE CHIEF'S REPORT
G. POLICE CHIEF'S REPORT

6. ACCEPTANCE OF PROPOSAL - HEATING, VENTILATION AND AIR CONDITIONING (HVAC) CONTROL SYSTEMS FOR DOVER PUBLIC LIBRARY

(STAFF RECOMMENDS AWARDING THE PLANNED SERVICE CONTRACT FOR THE HVAC CONTROL SYSTEMS FOR THE DOVER PUBLIC LIBRARY TO THE SOLE VENDOR, JOHNSON CONTROLS, INC., FOR A THREE (3) YEAR AMOUNT OF $25,363)

7. AGREEMENTS BETWEEN THE CITY OF DOVER AND THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) AND BETWEEN THE CITY OF DOVER AND NCALL ALLOWING RIGHTS-OF-WAY USE - PLACEMENT OF ARTWORK ON DELDOT TRAFFIC CONTROL DEVICES AND CITY OF DOVER ELECTRIC EQUIPMENT

8. FY17 EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM - JOINT GRANT WITH SMYRNA POLICE DEPARTMENT AND KENT COUNTY - COBAN IN-CAR CAMERA/COMPUTER SYSTEMS

(STAFF RECOMMENDS APPROVAL OF THE GRANT PROJECT, AS REQUESTED)

9. PROPOSED RESOLUTION NO. 2017-13 CENSURE OF COUNCILMAN BRIAN E. LEWIS

10. FIRST READING - PROPOSED ORDINANCE #2017-13

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. AMENDMENTS TO APPENDIX B - ZONING REQUIRE A PUBLIC HEARING. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION ON NOVEMBER 20, 2017 AND THAT A PUBLIC HEARING BE SET FOR DECEMBER 11, 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. AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS; ARTICLE 5 - SUPPLEMENTARY REGULATIONS; AND ARTICLE 12 - DEFINITIONS (ADULT DAY CARE PROVISIONS) (SPONSORS: NEIL AND HUGG)

(COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

11. ACTING CITY MANAGER'S ANNOUNCEMENTS

12. COUNCIL MEMBERS' ANNOUNCEMENTS

13. 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

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 25, 2017 at 7:31 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil (arrived at 7:32 p.m.), Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell.

Staff members present were Police Chief Mailey, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed a 7:54 p.m.).

OPEN FORUM

Due to a scheduling conflict, the Open Forum was not held.

The invocation was given by Mayor Christiansen, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Lindell moved for approval of the agenda, seconded by Mr. Lewis and unanimously carried.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 11, 2017

The Minutes of the Regular Council Meeting of September 11, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - GIRL SCOUT TROOP #648, SERVICE UNIT #31

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

CERTIFICATE OF APPRECIATION

As part of their Silver Award project, members of Girl Scout Troop #648, Service Unit #31, chose to provide care packages, known as Agape Bags, to some of the most vulnerable members of our community – the homeless population. They performed research by speaking with those in the community who work with the homeless, gathered toiletries and necessities for distribution, and visited City Hall on September 11, 2017 to provide these items to individuals in need. The City of Dover commends:

Lea Hardesty
Lydia Klecan
Teresa Peña

for their efforts on behalf of the homeless, and shares their hope that their public service will inspire others to help in this worthwhile cause.

On behalf of the Mayor and Council, Mayor Christiansen presented the Certificate to troop members and noted that they stood in front of City Hall prior to the last meeting and distributed their packages to those who are less fortunate. He stated that, for the last year, they had heard how uncaring the City of Dover and Kent County were in taking care of those who are less fortunate. Mayor Christiansen advised that Girl Scout Troop #648, Service Unit #31 was a compassionate group and he commended them for setting an example and joining with those who feel the necessity to take care of those who are less fortunate.

PRESENTATION - APPRECIATION AND CONGRATULATIONS - EARL W. HAYES

On behalf of the Mayor and Council, Mayor Christiansen and Mrs. Sharon Duca, Public Works Director, presented Mr. Earl W. Hayes with a City of Dover Plaque in recognition of his 30 years of service to the City from June 1987 through September 2017.

Mr. Hayes stated that he had a lot of good co-workers over his 30 years and thanked members for the recognition.

PROCLAMATION - CYBER SECURITY AWARENESS MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of the City of Dover. Today many citizens, schools, libraries, businesses, and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education, and conducting business. Critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and

WHEREAS, Internet users and our information infrastructure face increasing threats of malicious cyber-attack, invasion of privacy from spyware and adware, and significant financial and personal privacy loss due to identity theft and fraud; and

WHEREAS, Delaware's DigiKnow Campaign is aimed at increasing the understanding of cyber threats and empowering the public to be safer and more secure online. Maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of the City of Dover information infrastructure and economy.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 2017 as **CYBER SECURITY AWARENESS MONTH** in the City of Dover and urge all citizens to learn about cyber security and put that knowledge into practice.

On behalf of the Mayor and Council, Mayor Christiansen presented the proclamation to Mr. Ray Acocella of the Information Technology Department. Mr. Acocella advised that their department is working hard to ensure that the City is secure.

PROCLAMATION - FIRE PREVENTION WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, the City of Dover is committed to ensuring the safety and security of all those living in and visiting our City, and fire is a serious public safety concern both locally and nationally. The 2017 Fire Prevention Week theme, "Every Second Counts: Plan 2 Ways Out!" effectively serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year; and

WHEREAS, a home fire escape plan provides the skill set and know-how to quickly and safely escape a home fire situation and includes two exits from every room in the home, a path to the outside from each exit, smoke alarms in all required locations, and a designated place outside where everyone in the home will meet upon exiting; and

WHEREAS, residents are reminded to close doors behind them as they leave a burning building to slow the spread of smoke, heat, and fire and, once outside, to stay outside and never re-enter a building on fire.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 8 - 14, 2017 as **FIRE PREVENTION WEEK** in the City of Dover and urge all residents to understand that seconds can mean the difference between escaping safely from a fire and lives ending tragically. Residents are encouraged to develop a home fire escape plan with at least two exits from every room and to participate in the many public safety activities and efforts of fire and emergency service personnel.

On behalf of the Mayor and Council, Mayor Christiansen presented the proclamation to Fire Chief Carey. Chief Carey advised that the Fire Department provided fire prevention education to 2,800 children and its goal for this year is 3,000. He noted that the schedule had been extended a week in an effort to reach more schools in October. Chief Carey advised that at least 1,000 children have visited the fire station.

PROCLAMATION - HALLOWEEN TRICK-OR-TREAT

The City Clerk read the following Proclamation into the record:

WHEREAS, the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of emerging from their homes as ghosts, witches, princesses, cartoon characters, caped crusaders, or action heroes and traveling with friends and family door to door throughout the neighborhood to gather treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat and motorists are urged to drive with extra caution and to be ever watchful of our youngsters making their rounds; and

WHEREAS, it is requested that residents indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes which are lighted.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim that the **HALLOWEEN TRICK OR-TREAT** observance be held on the 31st day of October 2017, between the hours of 6:00 p.m. and 8:00 p.m. in the City of Dover and urge all residents, both young and old, to make this a happy and safe occasion for our children.

On behalf of the Mayor and Council, Mayor Christiansen presented the proclamation to Ryker and Locklin Terrary, Jade Gilbert, and Deacon Harrison of St. John's Lutheran School. Mayor Christiansen announced that the Dover Police Department's second annual trunk-or-treat would be held on October 27, 2017 in downtown Dover and he invited everyone to attend.

PROCLAMATION - NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, more than 36 million Americans cannot read or write at the most basic level, and 60 million lack basic math skills and the credentials and skills necessary to succeed in post secondary education. Every year, one in three young adults drops out of high school, while the demand for more educated workers in our country continues to grow. By 2020, America will be short an estimated 7.5 million private sector workers across all skill levels; and

WHEREAS, Adult Education programs contribute to solving these challenges by helping Americans move along the continuum in their educational journey to achieve basic skills and prepare for career and college. Adult Education serves adults, 16 years of age and older, who are no longer enrolled in school and are functioning below the 12th grade level. Educating adults strengthens our community, since low-skilled adults are two times more likely to be in poverty, four times more likely to be in poor health, and eight times more likely to be incarcerated; and

WHEREAS, public schools, colleges, libraries, and other organizations in our community offer programs teaching foundational skills in reading, math, and English, coupled with college and career readiness skills that lead to employment or the transition to post-secondary education or certificates.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim September 24 - 30, 2017 as **NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK** in the City of Dover and urge all citizens to participate in the national Educate & Elevate Campaign, which helps our residents learn about Adult Education options to attain their professional and personal goals.

On behalf of the Mayor, Council, and the citizens of Dover, Mayor Christiansen presented the proclamation to Dr. Betsy Jones, Director of Adult Education at Polytech; Ms. Judy Shelton, Adult Basic Education Instructor; and Ms. Destiny Chandler, Adult Education student.

Dr. Jones advised that their Adult Ed programs serve about 6,000 students in Delaware, 1,000 of which are in Kent County. She noted that there are programs in the Polytech School District and at South Dover Elementary.

PROCLAMATION - NATIONAL COMMUNITY PLANNING MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, change is constant in every community and affects all of us, and community planning can help manage change in a way that provides better choices for how people work and live. Community planning provides an opportunity for all residents to be involved in making choices that determine the future of their community, and the full benefits of planning require public officials and citizens who understand, support, and demand excellence in plan development and plan implementation; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions that sound planning and plan implementation make to the quality of our communities and environment; and

WHEREAS, the 2017 National Community Planning Month theme is "Innovation in Planning," which underscores the important role that planning plays in addressing and adapting to challenges faced by communities in the 21st century. Innovation is everything from using data sources and technology to address issues - including inequality, access to transportation, and social mobility - to celebrating new approaches to creating communities of lasting value.

NOW THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of October 2017 as **NATIONAL COMMUNITY PLANNING MONTH** in the City of Dover, and encourage all citizens to join me in recognizing the participation and dedication of the members of the City of Dover Planning Commission and the valuable contributions made by community and regional planners and our partner agencies at the State and County level. We extend our heartfelt thanks for the continued commitment to public service by these professionals and private citizens.

On behalf of the Mayor and Council, Mayor Christiansen presented the proclamation to Mr. Dave Hugg, Acting Director of Planning and Community Development.

Mr. Hugg advised that the American Planning Association's overriding theme is "Making Great Communities Happen" and he stated that the Dover Planning Department and Planning Commission are committed to that theme.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2017-10 - REZONING REQUEST FOR PROPERTY LOCATED AT 826 FOREST STREET

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 826 Forest Street, consisting of $0.5^{+/-}$ acres, owned by Sarah E. Jones. The property is currently zoned RG-1 (General Residence), subject to COZ-1 (Corridor Overlay Zone) and the proposed zoning is C-1A (Limited Commercial), subject to COZ-1 (Corridor Overlay Zone) (Tax Parcel: ED-05-076.12-01-16.00-000; Fourth Council District; Planning Reference: Z-17-04).

Mr. Neil moved that the Final Reading of Proposed Ordinance #2017-10 be acknowledged by title only, seconded by Mr. Lindell and unanimously carried. *(The First Reading of the*

ordinance was accomplished during the Council Meeting of July 24, 2017. The Final Reading was deferred during the Council Meeting of September 11, 2017.)

Planner's Review

Mr. David Hugg, Acting Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. He noted that the Planning Commission recommended approval of the rezoning request.

Responding to Mr. Sudler, Mr. Hugg stated that the rezoning would improve the potential for continued use, and future use, by putting the entire property in a limited commercial district as opposed to having a portion of it in a general residential district. He also noted that there had been a number of contacts by staff with the property owner.

Mr. Sudler stated for the record to his constituents in that area that this would be an improvement and not a non-improvement, noting that it will be a good thing.

Public Hearing

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

Mr. Sudler moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Neil and, by a unanimous roll call vote, Council adopted Ordinance #2017-10, 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 826 FOREST STREET

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 RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone) to C-1A (Limited Commercial 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 RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone) to C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone) on that property located on the south side of Forest Street between Gibbs Drive and Lincoln Street

at 826 Forest Street, consisting of $0.5^{+/-}$ acres, owned by Sarah E. Jones.
(Tax Parcel: ED-05-076.12-01-16.00-000; Planning Reference: Z-17-04; Council District: 4)

ADOPTED: SEPTEMBER 25, 2017

DOVER HUMAN RELATIONS COMMISSION REPORT - AUGUST 24, 2017

The Dover Human Relations Commission (DHRC) met on August 24, 2017 at 6:00 p.m. with Chairman Henderson presiding.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (Gaddis)

Mr. Gaddis advised that, on August 9, 2017, he had mailed correspondence Police Chief Marvin Mailey to introduce himself and had not yet received a response. Mr. Gaddis stated that he assumed he was supposed to touch base with various organizations within the government, introduce himself, and ask to get together to discuss any concerns or, at the very least, to get to know each other a little. Mr. Henderson suggested that Mr. Gaddis keep up with this and not be discouraged, noting that he thought that Chief Mailey would respond.

Community Engagement Committee (Mullen)

No report was provided.

Education Committee (Fleming)

Mr. Fleming indicated that, prior to the DHRC meeting, he had attended a planning committee meeting for an empowering parents conference that would be held on September 30, 2017 from 10:00 a.m. through 1:00 p.m. at Wesley College and would include lunch. He advised that the conference was in the planning stages and was coming together nicely. Mr. Fleming stated that he had secured the parent of a girl with special needs to be on a panel to discuss the subject of navigating school boards and ways of making sure that his child got the kind of special treatment that she needed. Mr. Fleming indicated that there would be more information forthcoming as meetings are held.

Mrs. Herbert asked if the DHRC would have a table with brochures at the conference. Responding, Mr. Fleming stated that he was unsure if the DHRC would have a table, noting that this had not come up yet. He indicated that he would be willing to sit at a table and, if the DHRC brochure was approved, he would take copies with him.

Mr. Gaddis asked if members could go to the conference as citizens, as opposed to Commission members. Responding, Mr. Fleming asked members who are available to come and wear their DHRC shirts.

Mr. Fleming stated that the planning committee planned to utilize parent-teacher associations at the schools to get the word out, and the event would be advertised in the *Delaware State News* and the *Dover Post*.

Communications Committee (Paige)

Mr. Offredo provided a draft Dover Human Relations Commission brochure, stating that he had worked on the brochure with Ms. Paige. He explained that the brochure was in draft format and that they would be happy to make changes if there were any edits or suggestions. Mr. Offredo stated that there was one (1) glaring omission, which he and Ms. Paige had consciously left out, and that was the section under "What We Do." Mr. Offredo advised that he, Ms. Paige, and the Commission as a whole were still going through the soul-searching process of figuring out what the DHRC does, or at least a way to successfully communicate it to the public. He asked members to review the brochure, noting that it was 90% complete.

Mr. Offredo advised that he and Ms. Paige were starting to cultivate a media resource sheet that would include reporters that they know in the area and their contact information, which could be used when the Commission is ready to reach out to the media to get coverage about the Commission, its mission, what members are doing, and how they are going to try to be active in the community. Mr. Offredo stated that he and Ms. Paige wanted to start to lay the groundwork for publicity; however, he indicated that they thought that the Commission had to determine what message they will tell the media and what role the DHRC will play in the community before deciding to actively pitch local media.

Mrs. Herbert pointed out that the back of the brochure stated, "Meetings are the fourth Thursday of each month from 6:00 - 7:00 p.m." She stated that Mr. Henderson had previously indicated that it would be nice to meet every month; however, she was unsure whether or not that had been decided. Mrs. Herbert advised that she thought that the DHRC should meet monthly. Mr. Henderson stated that he would leave this up to the pleasure of the Commission. He noted that Future Meeting Dates would be discussed during the latter part of the meeting.

Mr. Henderson stated that the brochure was still a draft in progress and asked members who had input to let Mr. Offredo and Ms. Paige know.

Mr. Fleming stated that he had a penchant for a logo that was used in a previous DHRC brochure and thought it was a nice effect for the DHRC. Mr. Offredo asked if the City had the logo on file in the form of a JPEG which he could drop into the brochure. Responding, Ms. Denise Devine, Assistant City Clerk, stated that the Clerk's Office could look into this.

State Human Relations Commission Liaison Report (Herbert)

Mrs. Herbert advised members that the State Human Relations Commission (SHRC) meets at 5:30 p.m., upstairs in the Cannon Building, 861 Silver Lake Boulevard and,

on the day of their meetings, individuals must look to see whether or not a meeting is canceled or ongoing. She explained that she and Mr. Henderson attended the SHRC meeting on August 10, 2017 and asked, during the open period at the beginning of the meeting, if the DHRC would be able to liaise with the SHRC. Mrs. Herbert informed members that during the SHRC meeting she read Long-Term Objective C.2 of the City of Dover Human Relations Commission Strategic Plan 2015 - 2018, which states, "Develop an understanding with the State Human Relations Commission that will delineate the roles and procedures of the two Commissions in the solution of alleged discrimination complaints which fall within the jurisdiction of the State Human Relations Commission, and identify and maintain specific ways the two Commissions will work together." Mrs. Herbert advised that Mr. Calvin Christopher, Chair, SHRC, stated that he would include the DHRC's request on the September 14, 2017 SHRC meeting agenda.

Mrs. Herbert informed members that Mr. Christopher had several suggestions regarding what the SHRC and DHRC needed to talk about, and she had made it clear that the DHRC understood that the DHRC was over Dover and the SHRC was over the whole State. Mrs. Herbert stated that she would be attending the September SHRC meeting and hoped that other members would also attend in case there were questions to which she did not know the answers. Mr. Henderson indicated that he would like to attend the September SHRC meeting.

Mrs. Herbert stated that the meeting that she and Mr. Henderson previously attended was the SHRC's Executive Committee meeting, and the DHRC request would be considered by the full Commission.

DHRC Vacancies

Responding to Mr. Henderson, Mr. Offredo advised that he represents the Fourth District on the DHRC, as does Ms. Paige.

Mr. Henderson indicated that all districts were currently represented by at least one (1) member and the Commission was to have two (2) members from each district and one (1) at-large member. He noted that one (1) additional member is needed from the First District and one (1) from the Second District. Mr. Henderson noted that he had spoken to Council President Timothy Slavin, who stated that he was comfortable with the current number of members. Mr. Henderson stated that he himself would rather have a functioning few than a cluster.

Future Meeting Dates

Mr. Henderson noted that the draft DHRC brochure discussed during the meeting stated that the Commission meets on the fourth Thursday of each month from 6:00 p.m. to 7:00 p.m. He indicated that one (1) of the reasons that he had continued monthly meetings was that he felt that it was necessary to keep the Commission going or it would be lost; however, he stated that since Mr. Gaddis and Ms. Paige became members, the Commission had more or less got itself in a general direction.

Mr. Gaddis moved to recommend that the DHRC meet on the fourth Thursday of the month at 6:00 p.m., seconded by Mrs. Herbert.

Mr. Henderson stated that he wondered if this recommendation needed to be stated in the by-laws and noted that the by-laws state that the DHRC will meet at least three (3) or four (4) times per year. Responding, Ms. Denise Devine, Assistant City Clerk, reminded members that the Commission had rescinded its by-laws. She explained that the Dover Code states that the DHRC meets quarterly, and special meetings can be called by the Chair or three (3) members of the Commission. *(City Clerk's Office Note: Chapter 58 - Human Relations, Article II - Human Relations Commission, Section 58-33(c) - Meetings states that "the commission shall hold at least five meetings per year; one each quarter and one to be determined by the commission. Special meetings may be called by the chairperson or three members of the commission. . . .")*

Mr. Fleming, referring to the DHRC Workshop of January 25, 2017, noted that members had discussed the possibility of presenting proposed amendments to Chapter 58, Article II of the Dover Code for Council consideration. He stated that members had not done this because they had been busy; however, he had drafted proposed language regarding an amendment, and asked if the Commission wanted to consider it.

Mr. Henderson asked Ms. Devine if, in her opinion, the DHRC would have to go to Council to approve the fact that they are meeting once per month. Responding, Ms. Devine stated that she did not think that a Code amendment would be necessary, since the Commission can call special meetings. She noted that regular meetings are held quarterly, and when additional meetings are held the agendas indicate that they are special meetings. Ms. Devine explained that regular meeting dates are set quarterly.

Ms. Devine advised that the Commission had been meeting on the Thursday prior to the fourth Monday of each month, not the fourth Thursday of each month as members indicated. She explained that City Council meets on the fourth Monday, and the DHRC usually meets on the Thursday prior to that, since the City Clerk's Office Staff is typically at City Hall that evening. Ms. Devine indicated that if members preferred to meet on the fourth Thursday of the month, due to their schedules or to make the wording easier in the brochure for the public, staff could definitely work around that.

In regard to the proposed Code amendment Mr. Fleming stated that he drafted, Ms. Devine explained that a Code amendment was not on the current meeting agenda, so members would not be able to consider an amendment at this time. She stated that a proposed amendment could be placed on the next agenda, if the Commission wanted to consider making recommended Code changes to City Council.

Mr. Fleming read the proposed language which he drafted regarding an amendment, as follows:

> Chapter 58 - Article 2 - Meetings:
>
> The Commission will hold as many meetings as is necessary to conduct the business of the Commission. Special meetings may be called by the Chairmen or three members of the Commission. No fewer than five meetings per year. Meetings shall be held at City Hall and other places in the community in accordance of the laws of Delaware regarding the Freedom of Information Act and the City of Dover procedures. The Commission will distribute its agenda and minutes through the City Clerk's Office.

Mrs. Herbert stated that she was concerned that the DHRC does not announce in the paper when they are going to meet, noting that it was necessary for her to go through a lot to find out whether or not the State Human Relations Commission (SHRC) was meeting. She advised that she was concerned that if the DHRC states that they will meet and then they do not have a quorum of members present, or if a meeting is canceled, the public may come to an empty room. Mrs. Herbert stated that there is not an easy way to find a statement on the website that something is canceled or it is going to continue. She advised that there are a lot of people who do not have computers, and the DHRC's business may happen to include people who are not able to easily figure out when the Commission is meeting and when it is not.

Mr. Henderson asked if this matter was something that the Communications Committee could look into. He indicated that the *Dover Post* has a community page where the Rotary Club and other businesses are posted. Mr. Henderson suggested that, after members get the wording straight, this could be an avenue to announce on a regular basis when the meetings are and some of what is talked about.

Ms. Devine explained, for example, that the City's Economic Development Committee has regularly scheduled meetings, as the DHRC is proposing, and does not have a meeting next week. She advised that when a committee has no agenda items to consider, an agenda cancellation notice is posted stating that no meeting will be held. Ms. Devine advised that this notice is posted on the City's website; on the bulletin board in City Hall, per State and Federal law; and in the agenda racks. She noted that if there had not been a quorum of members for the current DHRC meeting, then the door would have been closed, and if the public came at 6:30 p.m., they would not have been able to get into the building to know that there was no meeting. Ms. Devine explained that, similarly, if a DHRC meeting ends by 6:30 p.m., then everyone goes home and, if the public comes, they do not know that a meeting has already been held. She stated that if the public is not present when a meeting begins, there is no way to make it known that the meeting ended early because members finished their business. Mrs. Devine advised that she thought that this was the same for all of the meetings in the community.

Mrs. Herbert suggested that the DHRC allow the first 10 minutes for the public to speak their concerns, as the SHRC does. She stated that the public would know that they need to be present on time and members could find out the feelings that the public have.

Mr. Henderson indicated that an Open Forum could be held once the DHRC gets the public to show up and noted that City Council has an Open Forum before Regular City Council meetings. Mrs. Herbert reiterated that the SHRC has an Open Forum, although they did not at the first meeting she attended; however, she was noticed halfway through the meeting and invited to come to the table. She stated that, based on her experiences trying to get in touch with the SHRC and to find out when their meetings are and where their minutes are, the DHRC should make this as easy as possible, especially if someone is coming with a concern.

Ms. Devine noted that currently those who are interested in City meetings can sign up for meeting notifications for specific boards on the City's website under Meetings and Agendas, or can contact the City Clerk's Office to request notification through the Agendas and Notices email distribution list.

Mr. Fleming stated that he thought that Mrs. Herbert had a good idea regarding holding a 10-minute time period at the beginning of DHRC meetings to allow people who come an opportunity to speak. Mrs. Herbert stated that since members are only allowed to meet between 6:00 p.m. and 7:00 p.m., they may have to go ahead and meet if no one from the public is present to speak. Mr. Henderson advised that City Council allows speakers three (3) minutes, and some people do not use up the whole three (3) minutes and others have to be added on. He noted that he had been to quite a few Open Forum segments when he served as a City Chaplain.

Mrs. Herbert asked if the DHRC would have to wait until 6:10 p.m. if no one from the public was present at 6:00 p.m., noting that they would have lost 10 minutes. Responding, Mr. Fleming stated that he thought that if no one was present at 6:00 p.m., the DHRC would begin their meeting, and if someone arrived at 6:05 p.m. they would be allowed to speak.

Mr. Henderson asked if the Council Chambers would be available if the Commission decided to meet on the fourth Thursday of every month. In response, Ms. Devine stated that she could not answer that question without looking at the Council Chambers schedule.

Mr. Gaddis moved to table the motion to recommend that the DHRC meet on the fourth Thursday of the month pending further research regarding Chapter 58 of the Dover Code and potential other dates. The motion was seconded by Mr. Fleming and unanimously carried.

Responding to Ms. Devine, Mr. Henderson stated that he typically works with Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, to schedule meetings

and then provides the information to members. He advised that, whether or not this matter was tabled, he was sure that it was members' wish to meet next month.

Mr. Fleming stated that he and Mr. Offredo would both be unable to attend a meeting on the fourth Thursday of September. Responding, Mr. Henderson indicated that if it was the Commission's intention to meet in September, it would be a special meeting and they could consider meeting on the third Thursday of the month. Mr. Offredo advised that he would be unavailable on the third Thursday as well; however, Mr. Fleming stated that he would be available. Mr. Henderson stated that members would be informed of the next meeting date.

By consent agenda, Mr. Neil moved for acceptance of the Dover Human Relations Commission Report, seconded by Mr. Anderson and carried by a unanimous roll call vote.

COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 12, 2017

The Council Committee of the Whole met on September 12, 2017 at 6:01 p.m., with Council President Slavin presiding (departed at 7:12 p.m. and returned at 7:15 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce (departed at 6:15 p.m. and returned at 6:16 p.m.; departed at 7:12 p.m. and returned at 7:14 p.m.), Mr. Hare, and Mr. Lindell (arrived at 6:07 p.m.; departed at 7:08 p.m. and returned at 7:12 p.m.). Mayor Christiansen was also present (departed at 7:28 p.m.). Civilian members present for their Committee meetings were Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*), and Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Evaluation of Requests for Proposals (RFP) - Enterprise Resources Planning (ERP)

Mr. Kirby Hudson, Assistant City Manager, reminded members that the Finance Department had solicited proposals (RFP # 16-039FN) for consulting services to assist the City with an Enterprise Resource Planning (ERP) project. The City selected Berry Dunn McNeil & Parker, LLC (BerryDunn) as the consultant to successfully guide the City through the initial project of Phase I which included the ERP needs assessment, software development, vendor selection for Phase II consultant, and contract negotiations with the ERP vendor selected.

Mr. Hudson advised that proposals were solicited for an ERP solution that would best meet the City's requirements in March 2017, and two (2) entities responded to the Request for Proposal - ERP System Selection Project: Edmunds and Associates, and Tyler Technologies. He stated that, after staff's due diligence and with the

technical assistance of BerryDunn, it was staff's recommendation that the Cities enter into an Enterprise Resource Planning Technology Implementation Contract with Tyler Technologies. Mr. Hudson noted that the Tyler proposal provided the best in class functionality and would provide the City with a long-term solution.

Mr. Hudson informed members that City staff selected the City-Hosted Deployment as the ERP solution at an estimated one-time cost of $2,193,832 and an annual maintenance cost of $200,220. He explained that maintenance cost will start upon the installation of each module as the City works through the three-year project schedule. Mr. Hudson stated that the City has requested to price in the E-Notify services (annual cost $24,200) for customer alerts/notifications and the ECitation for Police Code enforcement operations. He advised that these items are being included in the final contract negotiations, so the final pricing will vary but will remain within budget.

Mr. Hudson stated that staff was also requesting authorization to retain the services of BerryDunn to assist with the implementation phase of this project. He advised that their proposal for that service was $186,665, which was within $5,000 of two (2) proposals submitted in the original consulting RFP.

Staff recommended authorization for the Acting City Manager to enter into a contract with Tyler Technologies for the purpose of acquiring an Enterprise Resource Planning system and authorization to retain the services of BerryDunn to assist staff with the implementation phase of this project. Total cost not to exceed the authorized budget unless otherwise approved by City Council.

Responding to Mr. Sudler, Mr. Hudson explained that if the E-Notify module is obtained, Customer Service staff would ask new customers and existing customers who come in to pay their bills for cell phone and email information, which would be needed to contact customers by text and email. He indicated that staff would explain why they were asking for the information, stating his belief that customers would want to provide their information because this service would benefit them. Mr. Hudson noted that ECitation relates to law enforcement and is a separate module.

In response to Mr. Anderson, Mr. Hudson advised that staff did not personally test these solutions. He explained that BerryDunn gave Edmunds and Associates and Tyler Technologies each two-and-a-half days to go through all of their modules, and a number of department heads and staff attended these presentations. Mr. Hudson indicated that staff was able to explain how the current systems work, ask if the companies' modules could perform those functions, and ask questions. He stated that staff was able to get their individual needs addressed and pinpoint some of the things that the City would like to see for particular departments. Mr. Hudson noted that each department looked at modules from their own standpoint, and staff overwhelmingly stated that they liked the Tyler Technologies proposal much better than Edmunds and Associates.

Mr. Anderson asked how system information would be backed up. Responding, Mr. Hudson explained that staff recommended the City-Hosted Deployment, so everything would be located on-site.

In response to Mr. Anderson, Mr. Hudson stated that the annual cost would be lower with the new system, if approved, and that the City still had to enter into the negotiation phase. He noted that BerryDunn negotiates with governments, school systems, and colleges and, as a consultant, BerryDunn had worked with Tyler and many other entities. Mr. Hudson stated that staff believed that, coupled with BerryDunn, they should be able to get the price down.

Responding to Mr. Anderson, Mrs. Donna Mitchell, Acting City Manager, stated that the Town of Georgetown uses the full Tyler Technologies suite, and the City of Newark uses the general ledger (GL) side but not the utility billing. She noted that the City of Newark had another firm doing their utility billing but then had to integrate and experienced a lot of difficulties, and the City of Dover's staff did not want to go down that path. Mrs. Mitchell advised that staff wanted to have one (1) company so that everything would be fully integrated. *(City Clerk's Office Note: Subsequent to the meeting, Mr. Hudson clarified that it was Sussex County, rather than the Town of Georgetown that uses the full Tyler Technology Suite.)*

Mr. Neil noted the large difference of $2M versus $531,000 in price and asked why staff felt the Tyler software was so superior to Edmunds. Responding, Mr. Hudson stated that this could be described as driving a Mercedes Benz and then getting into a Yugo. He advised that every department head and staff member involved believed that the Tyler system was easier to understand, view screens, and work with for their particular module.

Mrs. Mitchell advised that Tyler has much more functionality than Edmunds and, while Edmunds would get the City partway into the 21st century, Edmunds would bring it all the way there. She explained that the Tyler system covers every office that the City has, and the ECitation module for police fines could be integrated as a separate PC system. Mrs. Mitchell stated that the Tyler system covered the whole gamut of everything staff could imagine would be needed for the City's system, including every type of billing, inspections, planning, and code. She indicated that Edmunds was not able to do everything to get the City where it needed to be for the long term, and this was the driving force for staff's recommendation to select Tyler Technologies.

In response to Mr. Lewis, Mr. Hudson indicated that if the proposed system was implemented, staff intended to go forward with the project, rather than doing a trial run, because staff had the opportunity for approximately the last six (6) months to review and test it. He noted that staff had not necessarily been at terminals using the system but they had watched Tyler perform things that were closely related to what staff does on a daily basis.

Mr. Lewis asked how much advance notice customers would be given regarding their billing cycle if the system were approved. Responding, Mr. Hudson advised that staff could tailor the notice, explaining that a robo-call could be issued with a drop-dead date, or alerts could be issued some time before implementation. Mr. Lewis asked if this would be optional for customers. Responding, Mr. Hudson stated that staff would let customers know that the City has a feature that is going to benefit them; however, staff could not make someone provide their information if they do not want to. He indicated that he was unsure why customers would not want to have a reminder that would eliminate the typical excuses that staff frequently hears from customers regarding not paying their bills because they forgot or were away on vacation.

Ms. Slavin stated that he had a little experience with such implementations. He advised software typically comes with standard functionality, and requirements are then mapped into the standard functionality. Mr. Slavin explained that a gap exists, and there is an option to modify the system and have it meet everything that the agency currently does or modify business practices so that they meet the system. He indicated that there is typically an 80/20 rule, whereby 80% is the out-of-the box system and there is a 20% gap between the requirements and the system. Mr. Slavin asked if staff had looked at the gap analysis between the City's requirements and the capability of the software in general terms. Responding, Mr. Hudson stated that the whole idea behind having department heads and staff attend sessions was to come up with ideas, and this was discussed repeatedly. He stated that BerryDunn would also allow staff to submit questions at a later date if things came up at the last minute. Mr. Slavin cautioned that there would be an additional one-time cost for each modification made to the system and, although some of the cost may be included in the customization, modifications may increase the out-year maintenance cost. He advised that the City would be forced into upgrades on the software and would have to upgrade modifications each time as well.

Mr. Slavin stated his assumption that the City would not run ADP and the new system as parallel systems but would have a cut-over date. He stated his belief that what Mr. Lewis had been hinting at was the fact that there would probably be a fairly rigorous acceptance testing to ensure that things are being done correctly, people are being paid the right amount, and bills are being issued for the right amount. Mr. Slavin asked what dates were driving the decision for the cut-over, noting that sometimes it is a fiscal year and sometimes a pay cycle. Responding, Mr. Hudson stated that one (1) of the reasons that BerryDunn was being asked to be the City's consultant and to assist staff with the implementation phase was that they have a lot more experience. Mr. Slavin advised that, although staff may think that the system can be turned on and go live as soon as they get through testing, they would find that they will only have four (4) available dates for any year when this can be done so that everything syncs up.

Mr. Sudler asked if staff had compared success rates for neighboring cities in regard to this system. Responding, Mr. Hudson stated that he had a list of municipalities

throughout the country which were very close to Dover in size, with some a little larger; however, none of them were in Delaware. He explained that staff used a scoring method to compare the companies that presented, noting that BerryDunn helped with this process. Mr. Hudson stated that both systems were scored twice and the results were clearly on the side of Tyler, rather than Edmunds and Associates.

Responding to Mr. Sudler, Mr. Hudson stated that, as a whole, staff did not come across any negatives for the Tyler system. He noted that Edmunds was not able to provide some things that staff would have liked to have seen but they indicated that they may be looking to do them in the future.

Mr. Sudler stated his belief that, if the system were implemented, retaining contact information would have to be mandatory for total success. He advised that it would be a good idea to make it mandatory for customers to provide contact information when they sign up to let them know that their bill may or may not be late. Mr. Hudson advised that staff would be asking all new customers for their contact information and it would not be optional. He indicated that the option would be for existing customers from whom staff would have to ask for additional information.

In response to Mr. Shevock, Mr. Hudson stated that the City's current hardware would not be capable of running the functionality of the new system and new hardware equipment would be needed, in addition to the software.

Mr. Shevock noted that a little more than $2M was budgeted for the current year and asked if the other funds would be budgeted next year to cover everything. Responding, Mr. Hudson stated that the figures that the Committee was reviewing would apply to the implementation of the system. He reminded members that the two (2) additional modules that were added in for Customer Service and the Police Department would be negotiated. Mr. Hudson stated that staff felt that the current price was a sticker price and could still be negotiated.

Mrs. Mitchell reminded members that this project started in September of 2016 when vendors were brought in with demos, and they showed staff what new systems would look like and piqued their interest. She explained that staff set up a process and an RFP was completed to select a vendor to help staff select an ERP system. Mrs. Mitchell stated that she had sent a milestone chart to Council a couple of times letting them know where staff was on the project. She noted that staff had been following the project plan all along and the ERP had been in the Capital Improvement Plan (CIP) for the last two (2) years. Mrs. Mitchell advised that the total funds for this project had been included in the CIP over three (3) years and noted that the timing for paying the fees may be different. She stated that the process took into account the demos that Mr. Hudson had discussed, and staff went through scoring sheets. Mrs. Mitchell estimated that BerryDunn had been to Dover probably three (3) times having seminars with staff, writing seminars, scoring the products, and doing a needs assessment. Mrs. Mitchell explained that staff went through a very

long needs assessment and all departments had to fill out forms regarding their needs to make sure that the system would meet the needs.

Mrs. Mitchell explained that staff was being told that the system would not be a customizable solution but a standard package, and the City would need to change its processes to meet the system. She advised that staff was not looking to do a lot of modifications and customizations because they would be outside of the regular license and maintenance fees. Mrs. Mitchell stated, in regard to customer files, that staff had been told that they could cross modules for taxes, utilities, permits, clean hands, etc., that staff deals with every day. She indicated that when a customer is brought up, everything for that person would be provided, noting that currently the information for each module type was in a silo and the customer's name was entered differently.

Mrs. Mitchell stated that staff met last week and planned to start with the GL, and other functions would be phased in. She advised that the utility billing would be at the end of the three-year time frame. Mrs. Mitchell stated that they met with the tax office, permitting and inspections, and utility billing and told them of the need to get their files matched up. She explained that staff had been told that this could be done before or after the fact, and she did not want to do it after the fact because it would not get done, and she wanted the system to work the way it is supposed to work.

Mrs. Mitchell advised members that staff would be starting with the tax system because it is the main system that includes lot numbers and tax information. She stated that she had her monthly meeting with Mrs. Cheryl Bundek, Tax Assessor, earlier in the day, and Mrs. Bundek and Ms. Patricia Marney, Customer Service Director, had already developed a checklist of all the information that staff has to take from each customer and input, to ensure that the same information is available to everyone who needs to access it. She indicated that staff was already being trained that the City has to change the way it does business.

Mrs. Mitchell stated that this would be a really big project, the consultants had advised that it would take approximately 30% of the time of the key people involved, and staff was being told that they must gear up for it. She expressed her hope that interns could be brought in to help with routine tasks if there were funds left over; however, she did not know if there would be enough funds to do this. Mrs. Mitchell explained that funds were getting close because she was asking to add ECitation to make things easier on the police. She advised that staff was trying to manage to the budget and make sure that everyone is educated on how the project would work and what the expectations are.

Mrs. Mitchell stated that, after reviewing the scope of work from Tyler, she was thinking about relocating a staff member to the former office space of Mr. William Neaton, with the sole responsibility of making sure that everybody stays on track. She noted that she had not yet talked to this staff member. Mrs. Mitchell advised that staying on track would affect the City's pricing, and she stated her belief

that an allowance of approximately 250 hours of leeway would be given and the City would have to pay more for anything over that. She stated that staff understood that this project was a big step for the City; however, the City has had the current system for 20 years and there was a need to move into the future.

Mr. Anderson asked if Edmunds would require the City to use ADP. Responding, Mrs. Mitchell explained that Edmunds has a payroll system but not time and attendance. Mr. Anderson noted that this was another flaw with Edmunds. Mrs. Mitchell advised that staff was trying to keep everything moving into a fully integrated system so there would not be silos, like the City currently has. She stated that staff was trying to get all the pieces communicating and working together.

Dr. Stewart noted that City-Hosted Deployment would be cheaper than Vendor-Hosted and asked if the City has the staff and technical background to actually manage the system once the vendor wraps it up and walks away. Mrs. Mitchell responded yes, stating that the City has an IT programmer for its HTE system who is on an IBM AS400 and is somewhat familiar with SQL. She indicated that staff chose City-Hosted Deployment, and the additional hardware cost of approximately $62,000 was included in the $2,444,000 in the recap of the budget. Mrs. Mitchell noted that the system would take an SQL programmer, and the $2,444,000 included $70,000 for an SQL programmer consultant to help with the project and to train the City's current programmer how to do the job in the future. She noted that she had received the RFP for the consultant earlier in the day. Mrs. Mitchell stated that, rather than telling the current employee that they are not qualified for the job anymore, the City will get the employee qualified for the job by having the consultant train them at the same time they are helping with the project.

The Committee recommended approval of staff's recommendation to authorize the Acting City Manager to enter into a contract with Tyler Technologies for the purpose of acquiring an Enterprise Resource Planning system and authorization to retain the services of BerryDunn to assist staff with the implementation phase of this project. Total cost not to exceed the authorized budget unless otherwise approved by City Council.

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

Proposed City of Dover Ethics Initiative

Mr. Polce stated that, in order for Councilmembers, Council-appointments, Mayoral-appointments and the Mayor to better serve the constituents of the City of Dover in an open, transparent fashion and to further be held accountable for any conflicts of interest, the proposed Ethics and Financial Disclosure Initiative was brought forward for consideration. He reviewed the Initiative as follows:

The following actions shall be taken by each of the designated persons:

1. Councilmembers shall file financial disclosures annually with the Public Integrity Commission. Councilmembers shall submit proper and necessary documentation by August 1st of each calendar year.

2. Committee and Commission appointees shall sign an acknowledgment decree of the ethics policies of the City of Dover. The document shall be read, reviewed, and signed by all appointees by the time of their appointment or re-appointment.

3. Councilmembers, Council-appointments, Mayoral-appointments, the Mayor and all city employees shall undergo and receive annual training on the City of Dover's ethics policies and procedures.

Mr. Polce noted that the City currently has an Ethics Commission that was put in place before his time on Council. In regard to recommendation #1, he stated that Council members should be held accountable by filing an annual financial disclosure form to the Public Integrity Commission (PIC) that would clearly delineate Council members' personal holdings and highlight any personal conflicts of interest that could arise throughout normal business.

Mr. Polce moved to recommend that the recommendations be forwarded to full Council, seconded by Mr. Lindell.

Mr. Anderson advised that he liked the idea of point #2 and thanked Mr. Polce for bringing the subject up. Responding to Mr. Anderson, Mr. Polce stated that he was open to clarification regarding point #3 and that the annual refresher training was something that could be done online or by paper rather than holding a meeting for that purpose. Mr. Anderson indicated that he would like to see this clarification put in the amendments.

Mr. Anderson asked why members would file disclosures with the PIC, noting that this is not required in the City's Charter and the City is governed under its own ethics. He indicated that he was a bit skeptical of this recommendation, as someone who had been a longtime privacy advocate. Mr. Anderson stated that this requirement would be enough to be intrusive but not enough to do any good at the State level, and he did not see how that would change at the City level.

Mr. Polce expressed appreciation for Mr. Anderson's support for points #2 and #3. He stated that, in regard to point #1, he had filed a PIC disclosure form directly after he was elected, and he knew that other current and past members of Council had filed as well. Mr. Polce noted that this is an easy process, explaining that the form asks

where your sources of income are coming in from and at what amounts. He indicated that this document keeps you true to know where your financial interests lie. Mr. Polce stated that this is a level of transparency for the general public and a way to hold members and their constituency accountable for actions of potential impropriety.

Mr. Anderson asked if a conflict of interest was not governed already under the ethics code. Responding, Mr. Polce stated that the major concern was that a conflict would not be disclosed, noting that currently the Ethics Commission does not require disclosure of financial holdings and vested interests by Council. He noted that members could recuse themselves; however, this would be based on a Council member's personal actions. Mr. Polce advised that his recommendation would: 1) streamline the process; 2) create equity among all Council members, specifically with financial interests; and 3) open the doors for full and open transparency as much as possible.

Mr. Anderson asked if Mr. Polce had any particular reason for the suggestion, or statistical or other background regarding this issue being a problem. In response, Mr. Polce advised that, nationally, numerous municipalities around the same size as the City have financial disclosure documentation. He indicated that Delaware's situation is unique in that it has a State-wide entity whose sole job is to receive these documentations, reconcile them, and be the public watchguard of potential conflicts of interest. Mr. Polce stated that he was pretty sure that not a single municipality or town had taken this step in Delaware, based on his limited research in the State, and the City of Dover would be the first. He advised that there is potential impropriety happening in some of the municipalities across the State, noting that it is seen quite often in the newspaper that council members' discretionary funds, and their personal vested interest in those discretionary funds, raise questions and alarm. He indicated that the recommendation would be a way to create an even playing field for all members to be proactive, disclose their interests, and have transparency to their constituency, which hopefully would allow members to perform better government.

Mr. Sudler stated that, in regard to point #1, he did not have a problem disclosing who he works for and some of his interests, but did have a problem with disclosing how much money he makes. He indicated that this was personal, noting that some things should remain personal and some public, and he did not think disclosing how much he makes or does not make is the public's view. Mr. Sudler advised that the IRS can provide information if someone was really inquisitive as to his finances or if this was an issue; however, he did not think this was necessary. He indicated that he did believe it necessary to provide a member's employer or what other jobs they may have for conflict of interest. Mr. Sudler stated that he did not appreciate the kind of legislation that pries into his personal income. He noted that members are public officials and open to scrutiny; however, they also have a right to privacy.

Mr. Slavin stated that Mr. Sudler had offered a valid concern and, for clarification, Mr. Slavin explained that the PIC filing does not ask for level of income but asks

where the individual is receiving income from over a certain amount and who the individual is in debt to over a certain amount so that they know what entanglements the individual may have.

Responding to Mr. Hare, Mr. Polce explained that individuals are asked if they have any holdings above a certain amount. Mr. Hare asked if individuals are asked about property or business ownership, for example, if someone was a 90% equity owner of a company. Responding, Mr. Slavin stated that a business ownership level over a certain amount would be disclosed; however, he did not believe that individuals are asked for disclosure on real property. Mr. Polce advised that if members owned several homes held in an LLC, they would have to report that information because it is a business entity; however, they would not have to report their personal domicile.

Mr. Hare asked if an individual would have to disclose that they own property that they are trying get the City to do something with, that the City may not want to do, for example annexation. Responding, Mr. Polce stated that this would technically not have to be disclosed.

Mayor Christiansen stated that he appreciated Mr. Polce bringing this forward since Mayor Christiansen was one of the people who originally brought the City's Ethics Commission to fruition. He indicated that he agreed with some of Mr. Sudler's points; however, when there is mischief outside of the City, it is reassuring that Council is addressing these issues. Mayor Christiansen advised that he would be supportive. He indicated that he also agreed with Mr. Anderson, noting that committee members and Council appointees are all on tight schedules and have other lives; therefore, an online option or paper copy should be available. Mayor Christiansen advised that he thought it really important that the public have trust that the members of Council, the Mayor, and City staff are above reproach, and the City owes this to the public. He stated that he appreciated the Legislative, Finance, and Administration Committee and members of Council for being candid in their discussions.

Mr. Slavin stated that he believed very strongly in this proposal and appreciated that it was being brought forward. He advised that this would correct a deficiency that the City has, stating that members receive little to no real guidance on ethics on a one-time or annual basis, through no fault of their own, simply because they do not pay attention to it. Mr. Slavin indicated that members know what is in the ordinance and Code; however, they have other responsibilities as well, and leaving ethics to a case-by-case basis makes for difficulty sometimes. He stated that the recommendation would allow members to be very proactive and would align them with a practice that is already in place for hundreds of public officials of the State, and this is a standard that he thought members should shoot for. Mr. Slavin advised that this would correct a deficiency, which he stated was not meant as a slight to the members of the City's Ethics Commission. He stated that he thought that members of the Ethics Commission would perhaps agree with the statement that when they are nominated by the Mayor and confirmed by Council, they are then in a delicate

position when a member of Council has to come before them. Mr. Slavin explained that the recommendation would take the elected officials out of the Ethics Commission's purview but would leave everyone else, so the Commission would be dealing with appointees and staff.

Mr. Slavin stated, in regard to Mr. Anderson's concern, that PIC filings, which Mr. Slavin had been filing for over 20 years as a public official in Delaware, are eligible under the Freedom of Information Act (FOIA), but they are not published. He noted that when an individual hits the send button, the filing does not go to a website that lets everyone see it.

Mr. Sudler asked, in regard to point #3, if PIC would step in and be the deciding factor for an ethics complaint or issue regarding the Mayor or Council. Responding, Mr. Polce stated that this would apply to the entirety of his recommendations and not specifically to item #3.

Mr. Polce withdrew the motion to recommend that the recommendations be forwarded to full Council, in order to accept amendments to the proposed Ethics and Financial Disclosure Initiative document.

Mr. Sudler stated that he would like to work with Mr. Polce regarding council members and mayor concerns going to the PIC rather than the Ethics Commission. He indicated that he thought this was a great idea.

Mr. Polce stated that he appreciated Mr. Sudler's comment and was committed to adopting feedback from this conversation to ensure members get it right. He indicated that it was a pivotal point that probably lacked clarity within the document that PIC would be the proper channel for recourse for all three (3) points. Mr. Sudler thanked Mr. Polce for his hard work and answering his questions.

Mr. Lewis thanked Mr. Polce for bringing this issue forward, noting that he was a big proponent of transparency. He asked where the training would come from and whether an attorney from PIC would be called in to give members a course. Responding, Mr. Polce indicated that he was committed to making sure that, moving forward to Council, there is clarification in the document. He advised that his commitment was to making sure that the modality is best fitted for the individual, so online training or a written test, as suggested by Mayor Christiansen, would be completely acceptable. Mr. Polce advised that numerous initiatives across the nation have several forms of ethics training, which is most often offered in an online platform that takes a few hours to complete and certification is given. He noted that the State currently requires annual ethics training.

Mr. Lewis asked how technical members would get and if they would reveal 401(k)s and pensions. In response, Mr. Polce advised that, anecdotally, the PIC form is very easy to submit. He noted that it asks where the individual's income is coming from and if they have any vested interests in stocks/bonds, over a certain threshold.

Mr. Polce stated that it did not ask how an individual is vested, such as if the majority share of a rolling Roth is in real estate or not, but does ask very direct, simple questions about financial interests, records them, and holds the individual accountable. Mr. Slavin stated, for clarification, that if holdings were in a mutual or retirement fund, the individual is only required to name the fund. For example, he advised that the State has a Voya retirement fund, and if you are in that, you just state Voya retirement.

Mr. Anderson stated that he would like to get working toward an amendment so that members could move this forward, as he thought it was worthwhile. He asked how members wanted to word the amendments, for instance an amendment regarding the annual training and another regarding the PIC. Responding, Mr. Hare suggested that members let Mr. Polce take the proposal back, tweak it, and bring it back at the next Committee meeting, and Mr. Anderson and Mr. Polce agreed. Mr.Polce thanked his colleagues for their feedback, and promised to incorporate the Committee's recommendations and revisit the subject at the next Legislative, Finance, and Administration Committee meeting.

Mr. Hare stated that this item would be placed on the agenda for the next Legislative, Finance, and Administration Committee meeting and Mr. Polce would have the changes made.

Updated Memorandum of Understanding (MOU) for Preliminary Land Use Services (PLUS) Review

Mr. David Hugg, Acting Director of Planning and Community Development, informed members that, in 2004, the State adopted the Preliminary Land Use Service (PLUS), which is a process at the State level where large projects that have the potential to have impacts beyond the local jurisdiction or of a somewhat regional nature go through a review and comment period separate from local government. He explained that the law that enacted PLUS requires that those projects be submitted by a local government to the PLUS process.

Mr. Hugg informed members that, in 2004, the City adopted a Memorandum of Understanding (MOU) with the Office of State Planning Coordination (OSPC) that sets thresholds and provides baselines for how the process will work. He indicated that since 2004, approximately 6% of all of the land use change/land development applications filed with the City had raised to the level where a PLUS review was needed. Mr. Hugg explained that examples of projects requiring PLUS review were a residential development of more than 125 houses and a commercial or industrial project of more than 75,000 square feet.

Mr. Hugg advised that the City has a certified and adopted Comprehensive Plan from 2009, which is one (1) of the requirements for allowing a jurisdiction to exempt itself from PLUS. Additionally, he advised that the City has its own review process in the Development Advisory Committee, explaining that if a City has a review process that is equal to or more stringent than the State, it can seek a waiver. Mr. Hugg noted that

the provisions of the PLUS process can be avoided for situations such as a very incidental or minor rezoning that requires a de minimis Comprehensive Plan amendment. He explained that the new MOU, developed by the City's Planning Staff and OSPC Staff, clarifies these understandings. Mr. Hugg reviewed the MOU, noting, in particular, that it clarified that projects at Garrison Technical Park do not require PLUS review except in very limited circumstances, raised the threshold limit on residential projects to 125 or more dwelling units, and added in the minor projects waiver provisions. Mr. Hugg advised members that the City's Planning Commission reviewed the MOU at its Quarterly Workshop on August 23, 2017.

The Committee recommended approval of the Memorandum of Understanding (MOU) for Preliminary Land Use Services (PLUS), as recommended by staff.

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

Proposed Code Enforcement Policy and Vacant Building Ordinance Changes

Mr. David Hugg, Acting Director of Planning and Community Development, stated that, as a result of increasing concerns about the time associated with resolution of code enforcement actions, the difficulty in collecting on fines or alternatively causing buildings to be brought into compliance, and the implications of the various exemptions to the vacant building ordinance (VBO), staff had reviewed their authority and proposed changes to procedure and code provisions. He reviewed the proposed changes to Code Enforcement Policy and the VBO, noting that this was the first part of a two-part process that related to policy. Mr. Hugg stated that he had been given the advice that even though he, as Acting Director, can impose policy as long as it is consistent with the underlying code, which this policy was, it should come before the Legislative, Finance, and Administration Committee to be discussed or endorsed. He noted that he had not included in the document that there is a provision in the fee structure in the Dover Code that the City can double fines if corrective action is not taken; therefore, an even greater penalty is available. Mr. Hugg advised that the second piece of the policy would be a rewrite of the VBO to eliminate some of the waivers and loopholes, which would probably come before members in October. He noted that it did not make any sense to him to exempt all the vacant storefronts downtown if they have somebody living upstairs above them, stating that there was no disincentive for the property owner to make improvements. Mr. Hugg indicated that he wanted to make members aware of these policy changes and ensure that they did not have any major concerns.

Mr. Slavin thanked Mr. Hugg and his staff, as well as Mrs. Donna Mitchell, Acting City Manager; Ms. Lori Peddicord, Acting Controller/Treasurer; Mr. Kirby Hudson, Assistant City Manager, and everyone in City government, stating that this spirit of finding and fixing things was contagious. He stated that the City had turned the corner and was now addressing all of these things that were weighing it down. Mr. Slavin stated that this was a good example of seeing something that is wrong

with the ordinance, knowing how to fix it, and doing so. He thanked Mr. Hugg for bringing this matter, and other things, forward.

Responding to Mr. Slavin regarding the particular fines he was discussing, Mr. Hugg advised that fines would be primarily for property maintenance kinds of code violations. He indicated that there is a fee structure associated with grass cutting, which is a separate category of violations. Mr. Hugg explained that grass cutting has its own notice provisions and ability to follow up by having the grass cut if needed. He explained that examples of these violations are cars parked on the grass, trash, buildings with broken windows that do not rise to the level of being a dangerous building but clearly are violations, or something that needs to be addressed.

Mr. Neil congratulated Mr. Hugg and the staff and everyone else who had worked on the policy. He asked if the City or the violator would have to pay court and legal costs. Responding, Mr. Hugg advised that if the City brings an action, part of that action can be a request for recovery of costs if the City is successful. He stated that the thinking behind this was that the most critical thing is to get the building and code violation issues corrected and not necessarily recovery of the money, noting that Mrs. Mitchell might have a different thought. Mr. Hugg advised that, in his experience, when a jurisdiction goes to court, very often the magistrate or Justice of the Peace will waive the financial penalties, noting that they do not have a history in Delaware of being in favor of fining people for code and planning violations, etc. Mr. Hugg stated that the City could say, "We're taking Mr. Anderson to court because he refuses to fix his property and we want $500 plus our court costs," which would be nice; however, at the end of the day the owner would still have a building that has not been fixed up. He indicated that if the City was going to cure some of the blight conditions that it is dealing with, it was much more important to get the property addressed and risk that all of the penalty money might not be paid. Mr. Neil stated that he would like to see it included in the document that the City could do this so that the City would have another tool, and Mr. Hugg stated that he would address this.

Mr. Anderson stated his belief that, in accordance with the ordinance, people are first notified. He noted that the proposed change would associate the warning with a fine and questioned if it would really be a warning if it comes with a fine. Responding, Mr. Hugg stated that this would be like the fine he would probably receive if he ran a red light. He advised that the code officer has discretion and, for example, if there was an issue with debris in the front yard of Mr. Anderson's house, the code officer could say, "Hey, how about picking this up? I don't really want to give you a citation." Mr. Hugg stated that this would be the end of the discussion, a new case would not be opened, and nothing would really happen. He advised that part of the reason he wanted to reduce the penalty to $25 was that the City was expending some cost in sending a person out and writing a citation, and he did not want to just say, "Oh sorry, don't do it again." Mr. Hugg indicated that a little pain should be associated with the violation, which was why it was structured this way.

Mr. Hare stated that a code enforcement officer had advised someone that they were not allowed to park their car on the grass in their front yard and asked them to move it so they did not get a violation. He stated that three (3) days later the employee came back, the car was parked in the grass, and he issued a first violation. Mr. Hare stated the car was moved and had not been there since. He commended Mr. Phillip Lewis, Code Enforcement Officer, who had done a very good job and was very nice. Mr. Hugg noted that the code enforcement staff has that discretion.

Responding to Mr. Lewis, Mr. Hugg stated that he did not know the percentage of fines that are collected; however, most of the initial fines, such as $100 or $250, are collected but fines above that level are not. He noted, in addition, that traditionally penalties for certain kinds of exterior property management violations had not been added as a tax lien because staff was under the impression that they could not do this. Mr. Hugg advised that, after reading the State law carefully with Mr. William Pepper, Deputy City Solicitor, staff would be amending that procedure so a penalty for a property maintenance issue, for a violation such as a sagging front porch, could be applied as a tax lien. Mr. Lewis requested Mr. Hugg to email him with the percentage of fines that are collected. He stated that he concurred with Mr. Hugg regarding liens being implemented on taxes and commended him for integrating this.

Mr. Hare stated that he was unsure if any action was needed on this matter, stating his understanding that it was Mr. Hugg's option to make these changes and he was just presenting them to members for discussion. Mr. Slavin stated that staff was informing members of this action but it was clearly at staff's level to do this.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Chairman Sudler presiding.

Request for Dog Park and Passive Playground - Acorn Farms

Members reviewed a request from Ms. Mahala Duffy, 104 Teak Court, for consideration to build a dog park and passive playground, as well as a petition requesting a dog park and playground for Acorn Farms Park at 1 Acacia Place.

Mr. Sudler acknowledged that members had received correspondence from Ms. Mary E. Bradley, dated September 11, 2017, expressing her strong opposition to the request for a dog park and passive playground in Acorn Farms.

Ms. Duffy advised that members of the community were present to advocate on behalf of the Acorn Farms community.

Ms. Sandra Taylor, 36 Acacia Place, indicated that the Acorn Farms community had talked about a dog park and a playground approximately ten years ago; however, it did not go forward because they thought that they would be liable for any accidents.

She noted that they had been told that it would be at the person's discretion, and if they fell, it would not come on the homeowners; therefore, they brought the matter up again and came up with the dog park and playground. Mr. Sudler asked if Ms. Taylor was in support of a dog park or not, and she stated that she was in support.

Mr. Anderson expressed his thanks that this issue had been brought up, noting that there had been a number of requests for dog parks around the City. He asked if the area was currently owned by the City or would be ceded to the City. Responding, Ms. Duffy stated that the area was currently owned by the City and this was why the request was brought to the City. She explained that she had created a petition and drafted a letter regarding having a City park put into this zoned off area.

In response to Mr. Slavin, Ms. Taylor explained that the Acorn Farms Homeowners Association (HOA) was the underlying property owner; however, during their HOA meeting in July, it was brought to her attention that there was currently a City of Dover sign posted there. She indicated that she did not know what was going on, stating that she thought it was common ground owned by the Acorn Farms HOA. Mr. Slavin suggested that the City might be able to clarify who owns the property.

Mr. Hare stated his understanding that they wanted to put a dog park there at their expense, and not the City's expense, if the land is HOA land. Responding, Ms. Duffy explained that the request was brought for the City to incorporate a dog park. She stated that the area is zoned off to the City and the HOA is no longer a part of owning the area. Mr. Hare asked if they would want to put in a dog park if the City was to give the area back to the HOA. Responding, Ms. Duffy stated that this would have to be discussed within the HOA.

Mr. Hare advised that he had driven through the area and there were quite a few yards with grass that was approximately two (2) feet tall. He asked if the HOA monitors this and calls the City to come and issue summonses. In response, Ms. Taylor advised that they do not monitor this because they do not have the numbers to do so and there is no volunteerism. Mr. Sudler stated, as a point of order, that this was not the issue being discussed.

Responding to Mr. Sudler, Ms. Duffy stated that the request was to convert the park to a dog park. Mr. Sudler advised that he had gone to the park and noted that the area may be open space; however, he had seen "City of Dover Property", and he stated that the City of Dover owns it. He thanked Ms. Duffy and Ms. Taylor for coming out and expressing their concerns and suggested, if there were additional concerns, that a conversation be held outside of Council Chambers with Mr. David Hugg, Acting Director of Planning and Community Development.

Mr. Slavin expressed his thanks that the request was brought forward to members. He explained that this is how parks are born in the City, when people come forward saying that there is a need for recreation, etc. Mr. Slavin noted that he had no idea

what it takes to put a dog park in; however, Mr. Hugg's office would be able to identify that. He indicated that there are key questions about who owns the land and how much land, and there would be issues about parking, etc. Mr. Slavin stated that they should understand that a unique park, like a dog park, would likely attract more vehicular traffic from people outside the neighborhood and this would be a consideration.

Mr. Matt Rooney, 118 Linden Court, stated that he had resided there for ten years. He advised that he was for the dog park, which would do nothing but help the community, bring it together, and do good things for it.

Ms. Paula Duffy, 104 Teak Court, stated that she is a homeowner and had been a resident there for 20 years. She advised that she thought that it was imperative and a good cause to see if the project could come into effect. Ms. Duffy indicated that it would be nice to have some place in their community for dogs to go, stay off the property, and have a place to run. She noted that they were talking about dogs, but it is a family community and it would be nice to have a place for the children to be able to play as well.

Ms. Mary E. Bradley, 209 Mahogany Place, stated that she had written the letter strongly opposing the dog park. She asked if members had read the letter or were aware of its points. Responding, Mr. Slavin noted that the letter had been emailed to members and paper copies were provided during the meeting.

Mr. Anderson thanked everyone for their opinions and engagement.

Mr. Cole advised that the dog park issue was something that he had always been interested in, stating that he had met with Officer Christopher Hermance and the K-9 officer from the Dover Police Department approximately one (1) year ago. He indicated that the Police Department was looking at writing grants and different things to try to find funds, as well as where to put a dog park. Mr. Cole stated that he was unsure where the Police Department was with following through and recommended that Mr. Hugg, Mrs. Donna Mitchell, Acting City Manager, or whoever is moving forward with this matter match up with the Police Department.

Mr. Anderson moved to recommend acceptance of the petition and the letter, seconded by Mr. Sudler.

Responding to Mr. Slavin's request for clarification on the motion, Mr. Anderson stated that the motion would accept the petition and letter into the record. Mr. Slavin requested an amendment to accept and refer the matter to Mr. Hugg for further development of the proposal.

Mr. Anderson moved to recommend acceptance of the petition and letter and referral of the matter to Mr. Hugg, seconded by Mr. Sudler.

Mr. Slavin stated that this matter would come back to the Committee for full vetting once the property ownership issue, space requirements, etc., are understood. He noted that he wanted to be clear that the request was not approved and that members were just recommending approval to have a dialog about it.

Mr. Sudler thanked everyone, whether for or against the proposal, for coming forward and stating their opinions.

The Committee recommended acceptance of the petition and letter, and referral of the matter to Mr. Hugg.

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

Mr. Hugg advised that he would look into whether the Acorn Farms park area was City property or not. He stated that he believed that it was owned, operated, and managed by the HOA.

Proposed Resolution No. 2017-11 In Support of Delaware Outdoor Recreation, Parks and Trails (ORPT) Grant Application - Dover Park Master Plan and Schutte Park Phase I Improvements

Mr. David Hugg, Acting Director of Planning and Community Development, stated that, in May or June 2017, he advised Council that the City had been invited to submit pre-applications for possible park development grants from the State. He noted that this was done, in accordance with State deadlines, and the City was asked to submit formal applications for two (2) of the three (3) projects applied for. Mr. Hugg informed members that, as of September 8, 2017, applications were submitted for 50% matching funds for the Dover Park Master Plan and approximately 35% matching funds for the improvements at Schutte Park. He indicated that the amount of money that the City was able to obtain was less than the actual cost of the improvements that staff wanted to carry out. Mr. Hugg stated that both projects were pending final approval and staff hoped to hear the results soon. He advised that one (1) of the requirements for funding would be adoption of a resolution by Council authorizing Mr. Hugg as the appropriate City official to accept the grant applications and funding, and to manage the projects.

Staff recommended adoption of Resolution No. 2017-11.

Mr. Anderson asked if the covenant restrictions that the City would enter into would apply only to the improvements and if the restrictions would interfere with putting in or expanding indoor facilities at these locations. Responding, Mr. Hugg advised that all of the properties that the City acquires using federal or State recreation funds have an associated covenant that the improvement or property shall be used in perpetuity for outdoor recreation, or for whatever the purposes were. He reminded members that the City had been working on a transfer of land with Capitol Baptist Church in Mayfair, noting that the City acquired a piece of property there with State

funds many years ago and was trying to work out a land swap with the church. Mr. Hugg explained that the covenant would be limited to the things that are actually being funded and would go with the property, noting that if the City were to do something different later, this would have to be addressed. He advised that it would not restrict the City in terms of anything else it does unless the City applies for grant funds for that purpose.

Mr. Lewis asked if the funds would be put toward existing issues and repairs rather than anything new. Responding, Mr. Hugg stated that the funds were for continued improvements. He explained that the funds for Dover Park would be used to develop a master plan, like the plan completed last year for Schutte Park. Mr. Hugg advised that Mr. Eddie Diaz, Planner I, would be the project lead and the City would contribute in-kind services for a substantial majority of its share of the 50/50 matching grant. He indicated that Schutte Park funding would be used to begin implementing the master plan that Council adopted earlier in the year. Mr. Hugg stated that the funds would be used to continue one (1) of the loop trails, explaining that the trail would extend along the road that goes to Wyoming Mill Road, cut back across the park south of the fields, and go back to the Pitts Center. He advised that the grant would also provide for drainage improvements for the parking lots and grading, design, and seeding of new playing fields in the north quadrant. Mr. Hugg indicated that these new improvements were consistent with the capital budget items that were approved as part of the current and previous year budgets. He explained that the improvements in Dover Park could be the subject of a later application, and if it was desired to do a management process for the wooded area, remove and re-align some of the parking, or put in new facilities, the City could go back and seek additional State funding for that purpose.

In response to Mr. Anderson, Mr. Hugg stated that these expenses were budgeted in the current year. He noted that the capital program has a couple of levels of funding specifically for large and small park development projects that would be used. He indicated that there were also funds in the Parkland Reserve Fund, which was a separate fund.

Mrs. Donna Mitchell, Acting City Manager, explained that $15,000 was included in this year's budget for small park improvements, which Mr. Hugg had gotten underway, and $66,000 for more park improvements, $33,000 of which were matching funds from the State. Mr. Hugg advised that some of these funds would be used for Continental Park.

Mrs. Mitchell stated that approximately $190,000 was budgeted for Schutte Park improvements based on pre-conceptuals from the master plan designed by Mr. Diaz. She noted that the preliminary set of numbers was based on the conceptual opinion of the engineer and not fine tuned. Mrs. Mitchell explained that the total master plan engineering costs were $9M, which the City does not have; however, Mr. Hugg was trying to get in pieces of the plan as he could. She indicated that the plan includes laying everything over with sod, and has a lot of components, and there was a need

to make determinations regarding what would be done and what the City can afford to do at the park. Mrs. Mitchell noted that there were still other parks to be done. She advised that the $190,000 would come from the reserve. Mrs. Mitchell noted that the reserve balance was approximately $300,000 last year and she would have to get a new balance; however, it was being depleted and would not have a lot of money in it next year.

The Committee recommended adoption of Resolution No. 2017-11, as recommended by staff.

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

Mr. Hugg reminded members that staff had applied for an AARP Community Challenge Program grant that was competitive nationwide, and he announced that the City of Dover's project was one (1) of 89 projects nationwide, and the only project in Delaware, that was awarded funds. He noted that AARP had already sent $2,000 for promoting and starting signage for the re-opening of the bicycle and pedestrian pathway system along North Street, from the railroad extending to where construction had been undertaken. Mr. Hugg advised that the project must be completed by November 1st and that he was very pleased to get it. He thanked Mr. Diaz, who put the application together in approximately an hour and submitted it, and he noted that there should be an announcement in the newspaper soon.

Update - Continental Park

During the Regular City Council Meeting of August 14, 2017, members received the Continental Park's Workshop Update and accepted the July 2017 Chair's Report. During their August 14, 2017 meeting, members also considered a Back to School Giveaway and Rib-Off Fundraiser Initiative for Dover Park and Continental Park and endorsed the project and made it a City-sponsored event.

Mr. David Hugg, Acting Director of Planning and Community Development, provided members with a proposal and quote from Cunningham Recreation for a play area in Continental Park for children aged two (2) to five (5), and advised members that they were able to get the original price of $17,000 reduced to slightly more than $15,000 for the project. Referring to the drawing for the Continental Park Proposed Playground for Ages 2-5, Mr. Hugg indicated that the play area would be placed in Bicentennial Village around the corner from the existing park. He noted that it would start to meet some of the recreational needs in the community and send the community a signal that the City heard and listened to them and would respond with an area for young children to play.

Mr. Hugg informed members that two (2) park benches that had been located near the PNC fountain were sent to the Public Works Department to be rehabbed and installed on Independence Boulevard in the existing Continental Park, once road improvements are finished there.

Update - City of Dover Partnership with NCALL - Pop-Up Parks

Mr. David Hugg, Acting Director of Planning and Community Development, informed members that approximately a month ago staff was approached by the National Council on Agricultural Life and Labor Research (NCALL) with a request for funds for disposable, consumable items for a pop-up park program that NCALL does periodically in the City. He noted that this concept has also been referred to as a play in the streets or street playground and is a one-morning or one-day program where the street is blocked and play equipment is brought in for an ad hoc park for the kids in the neighborhood. Mr. Hugg advised that Mr. Slavin had generously authorized Mr. Hugg to give NCALL some funding to buy equipment. He noted that funds would be used to buy play equipment instead of helping to buy items like sodas and hot dogs. Mr. Hugg stated that staff had been a little delayed in getting this project off the ground; however, they found NCALL some storage space in the City warehouse for the items, since security and a storage place were concerns. He advised that NCALL was hoping to hold one (1) more pop-up park before the end of the warm weather and that he would make sure that Council and Committee members are made aware of it as soon as he knows when it will occur.

Mr. Sudler welcomed Dr. Warfield as a new member of the Parks, Recreation, and Community Enhancement Committee and thanked her for accepting the challenge and filling out an application. He noted that he had previously had the pleasure of serving with Dr. Warfield on the Dover Human Relations Commission and knew that she would be a great contributor.

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

ACTING CITY MANAGER'S ANNOUNCEMENTS

Mrs. Donna Mitchell, Acting City Manager, announced that Public Power Week would be October 1st through October 7th. She noted that the City's electric crew was featured on a billboard on south-bound Route 13 near the Cheswold Walmart.

Mrs. Mitchell announced that there would be a bike rodeo on October 14, 2017 at the Elks on Route 8.

Mrs. Mitchell advised that the Silver Lake Dam improvements were scheduled to begin that week and the Silver Lake draw-down would begin October 9th through the 21st. She noted that they would be repairing the boat ramp at the same time.

Mrs. Mitchell announced that the water system flushing was scheduled for October 8th through October 27th and leaf collection was due to start Monday, October 16th through Friday, January 12th. She reminded members that yard waste material must be placed in privately owned plastic containers of 35 gallons or less, not regular trash containers. Mrs. Mitchell advised that they could be fined by the Delaware Solid Waste Authority (DSWA) for having yard waste in trash containers.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin reminded everyone that Councilman Sudler's birthday was September 28th and personally wished him a happy birthday.

Mr. Cole commended the Dover Parks and Recreation staff, noting that his son plays in the soccer league for under $50. He noted that the City gives a service to the youth that cannot be matched by any private company or group. Mr. Cole advised that the whole staff and the program are amazing, noting that the number of participants is staggering.

Mr. Hare announced that Cheesetoberfest would be held on Saturday, October 7, 2017, from 12:00 p.m. to 5:00 p.m. at Fordham and Dominion Brewery. He noted that the Delaware Military Support Organization, which supports the active duty military, will be the recipient of the proceeds from beer sales. Mr. Hare advised that they would be selling T-shirts and beer tickets and he invited everyone to come out and support the military.

Mr. Anderson thanked City staff, the Downtown Dover Partnership staff, and the small business people for participating in the downtown business tour. He advised that they did a walk through listening to some of the downtown businesses and they were very receptive.

Mr. Anderson announced that, on November 3, 2017, there would be an expungement hearing held in cooperation with the IMA, Representative Lynn, and others to help people clear their records. He suggested contacting the IMA or emailing him at david.anderson@dover.de.us for more information. Mr. Anderson stated that people need a second chance if they have been living their lives well the last several years. He noted that some money had been set aside to help with the background checks.

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

Meeting adjourned at 8:05 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of September 25, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover City Council for October 9, 2017 Meeting
Recommendation from Planning Commission with Development Advisory Committee Review

Proposed Changes:

Text Amendments to the following:

- *Zoning Ordinance*, Article 5 – Supplementary regulations
  - Section 1 – Supplementary regulations applying to residence zones
  - Section 6 – Supplementary regulations applying to all zones other than single-family residence zones (section proposed for renaming under Staff Amendment #1)
  - Section 7 – Supplementary regulations applying to all non-residential zones
  - Section 15 – Landscape guidelines (changes proposed under Staff Amendment #1)
  - Section 16 – Tree planting and preservation
  - Section 18 – Sidewalk requirements (section proposed for renaming)
  - Section 19 – Building and architectural design guidelines
- *Zoning Ordinance*, Article 6 – Off-street parking, driveways, and loading facilities
  - Section 1 – Permitted accessory parking (changes proposed under Staff Amendment #1)
  - Section 3 – Required off-street parking spaces
  - Section 5 – Supplementary regulations for parking and loading facilities

Summary of Amendment:

The proposed ordinance updates sections of Articles 5 and 6 of the *Zoning Ordinance* in order to enhance the flexibility of the Code in several areas, including dumpster requirements, screening and buffer requirements, tree planting requirements, and curbing requirements. The proposed ordinance also adds requirements for recycling to Article 5, Section 6 and rewrites Article 5, Section 18 to allow the City to require multi-use path instead of frontage sidewalk under specific circumstances.

Ordinance Number:

Proposed Ordinance #2017-12
With Staff Amendment #1 (SA#1)
With Planning Commission Amendment #1 (PCA#1)

File Number:

MI-17-02

Planning Commission Recommendation:

Following a Public Hearing on September 18, 2017, where no members of the public spoke, the Planning Commission voted unanimously (9-0) to recommend in favor of adoption of the proposed Ordinance #2017-12 including Staff Amendment #1; and contingent upon development of an amendment to clarify the requirements of when a project would require the "multi-use paths" (Planning Commission Amendment #1).

Development of the Ordinance

In April of 2017, the Interim Director of the Planning & Inspections Department met with local business leaders and engineers to discuss possible changes to the *Zoning Ordinance* and the *Land Subdivision Regulations* that would remove unnecessary obstacles to development in pursuit of the City's business-friendly policies. The result of these meetings was a document entitled "City of Dover – Business Friendly Suggested Subdivision and Zoning Code Changes," which is attached to this Report.

The current set of ordinance changes was developed largely as a response to this document. Planning Staff discussed the concerns and suggestions raised in the document and divided them into changes that could be made immediately and those that would need extra attention and research. The immediate changes were developed in detail as "Phase 1" fixes. In addition to the suggested immediate changes, Planning Staff added to Phase 1 several additional changes based on concerns raised as part of the review of recent development projects before the Planning Commission.

Upon the implementation of Phase 1, Planning Staff will begin working on the remaining fixes needing extra research. These "Phase 2" fixes will appear before future meetings of the Planning Commission and City Council.

Current Proposed Ordinance

The immediate fixes identified by Planning Staff include text amendments addressing the following topic areas:

Buffering and Screening

- Clarification of the landscaping standards and waiver provisions of Arterial Street Buffers.
- Harmonization of the Arterial Street Buffer requirements for commercially zoned and residentially zoned properties. Under existing code, landscaping for Arterial Street Buffers in residential zones is required to rise to the level of screening.
- Modifications to the Opaque Barrier Requirement eliminating the requirement for a barrier in front yard areas and allowing the accompanying landscaping to be planted on either side of the barrier.
- Clarification of the requirements for parking lot screening, including elimination of the 20-foot distance requirement.

Trash and Recycling

- A requirement that all properties provide at least two dumpsters upon redevelopment, in order to accommodate both trash and recycling needs.

- Elimination of most minimum size requirements for dumpster enclosures. The existing size standards require too much space relative to the actual size of most dumpsters.
- Addition of a trash compactor substitution option for dumpsters.
- Clarification of the approving authority for dumpsters.

Tree Planting and Preservation

- Creation of a "development area" standard for landscaping with the requirement that tree density achieve a required one (1) tree per 3,000 SF of area within the development area. The intent of this change is to ensure developers do not have to landscape large undeveloped areas of a property.
- Clarification of when new or replacement tree plantings must be in accordance with the City's Table of Trees or merely of an acceptable similar species.

Facilities for Pedestrians and Bicycles

- Rewriting of the section on sidewalks so that it also addresses multi-use paths through the creation of "pathway" terminology.
- Expansion of the requirement to install sidewalk (pathway) so that new buildings must provide sidewalk if they are going through administrative review.
- Creation of standards outlining when the Planning Commission or the City Planner may require a multi-use path instead of sidewalk.

Building and Architectural Design Guidelines

- Addition of standards for visible HVAC equipment and utility connections.

Parking and Driveways

- Reassignment of the responsibility for curbing waivers from the Planning Commission to the City Planner.
- Expansion of the responsibility for parking waivers so that the City Planner may reduce the amount of required parking in case of administrative review.
- Relaxation of the requirement that recipients of parking waivers designate an area of open space where the parking waived could be constructed in full in the future. The waiver recipient, at the granting authority's discretion, must designate an area where the full amount or less than the full amount may be constructed in the future.
- Relaxation of the prohibition on motor vehicle fueling in parking lots for multiple dwellings, so that electric vehicle charging stations may be provided.

As text amendments are proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission is required. City Council will conduct a Public Hearing and take Final Action on the proposed Ordinance #2017-12 at their meeting of October 9, 2017.

Agency Review

As part of review by Development Advisory Committee (DAC) members, the Planning Office received comments from the City's Public Works and Electric Departments and from DelDOT. Comments from Public Works and Electric raised concerns about conflicts between landscaping and utilities and infrastructure. These concerns are addressed through Staff Amendment #1 below.

Comments from DelDOT asked that Article 5, Section 18 include maintenance standards for multi-use paths. After consideration, Planning Staff believes the *Zoning Ordinance* is not an appropriate place to include these standards. Maintenance standards will be addressed through proposed changes to the *Dover Code of Ordinances*, Chapter 98 – Streets, sidewalks, storm sewers and other public places, as part of the Phase 2 fixes to follow Phase 1.

The comments received from the other member agencies of the Development Advisory Committee (D.A.C.) are also provided. See Attachments

Recommendation of Planning Staff:
Staff Amendment #1
Following DAC Review, Planning Staff reviewed the current proposed ordinance and developed a Staff Amendment to include corrections, additional clarifications, and changes based on department/agency concerns. The proposed changes presented as Staff Amendment #1 are outlined below.

Staff Recommendation	Ordinance Lines	Proposed Revision	Reason/Notes
1	42	Replace the words "article 5, section 15 of this ordinance" with "Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 15 – Landscape Guidelines".	Clarification of reference
2	44-46	Amend line as follows: "Landscape designs and planting plans which would pose a hazard to traffic on the arterial street**, obstruct underground or overhead utilities or infrastructure,** or ~~**which would**~~ significantly impede visibility of properties from the street shall be prohibited."	Address Public Works & Electric concerns about landscape plantings interfering with utilities and infrastructure
3	59	Replace subsection 7.32" with "subsection 1.82 – Standards for arterial street buffer landscaping."	Clarification of reference
4	70-71	Retitle Section 6 as "Dumpsters for trash and recycling."	With the removal of section 6.4 (see item 7 below) Dumpsters become the sole topic of Section 6.
5	73	Remove the words "or garbage disposal units."	Removed to avoid confusion with trash compactors
6	75	Remove the words "garbage disposal units."	Removed to avoid confusion with trash compactors

7	147-149	Remove section 6.4 in its entirety.	This section will be moved to Article 6 Section 1 (see Item 19 below)
8	193	Add "and to meet the corner visibility standards of Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1.31." after "egress."	Ensure that required parking lot buffers do not interfere with corner visibility
9	194	Add the sentence "The hedge shall be at least two feet in height at the time of planting and shall grow to no more than four feet in height at the time of maturity." Add the sentence before the sentence beginning with "while."	Clarify the minimum and maximum height standards for parking lot screening
10	200-201	Replace the words "a durable and continuous evergreen screen" with "landscaping as required by section 7.22 – Landscaping options"	Clarify that any landscaping permitted by section 7.22 will be permitted in case of a waiver of the fence component of the opaque barrier
11	227-229	Amend line as follows: "Landscape designs and planting plans which would pose a hazard to traffic on the arterial street**, obstruct underground or overhead utilities or infrastructure,** or ~~**which would**~~ significantly impede visibility of properties from the street shall be prohibited."	Address Public Works & Electric concerns about landscape plantings interfering with utilities and infrastructure
12	379	Remove all brackets from the line and making the edits as suggested by the bracketed language.	Formalization of code editor's grammatical edits
13	736-739	Remove the words "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".	Simplify and expand the requirement for parking near multifamily dwellings to be at least 15 feet away from the building
14	753	Add the title "*Parking lots*."	The section needs a title
15	755	Add "and to meet the corner visibility standards of Appendix B – Zoning, Article 5 –	Ensure that required parking lot buffers do not interfere with corner visibility

		Supplementary Regulations, Section 1.31." after "egress."	
16	757	Add the sentence "The hedge shall be at least two feet in height at the time of planting and shall grow to no more than four feet in height at the time of maturity." Add the sentence before the sentence beginning with "while."	Clarify the minimum and maximum height standards for parking lot screening
17	759	Replace the words "Article 10 of this ordinance" with "Appendix B – Zoning, Article 10 – Planning Commission."	Clarification of reference
18		Add Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 15 – Landscape Guidelines to the list of sections being updated by this ordinance (#2017-12). In Article 5, Section 15, add subsection 15.9 to read as follows: "Landscape plantings shall be placed at least 10 feet away from all underground utilities and infrastructure, as measured from the trunk of the planting. Plantings located within 10 feet of overhead utilities or infrastructure shall be of a species that does not grow to the height of the lowest equipment overhead. Placement of all plantings must minimize conflict with required servicing of utilities and infrastructure."	Address Public Works & Electric concerns about landscape plantings interfering with utilities and infrastructure
19		Add Appendix B – Zoning, Article 6 – Off-Street Parking, Driveways, and Loading Facilities, Section 1 – Permitted accessory parking to the list of sections being updated by this ordinance (#2017-12). In Article 6, Section 1, add subsection 1.5 to read as	Section moved from Article 5, Section 6. Article 6, which deals with parking and driveways, is a more appropriate location for this section.

		follows: "*Access drives.* In areas under the joint or overlapping jurisdiction of the Delaware Department of Transportation and the City of Dover, the regulations of the Delaware Department of Transportation relating to ingress and egress drives shall apply."	

Recommendation of the Planning Commission:
Planning Commission Amendment #1

Following a public hearing on September 18, 2017, where no members of the public spoke regarding the proposed text amendment, the Planning Commission voted unanimously (9-0) to recommend the adoption of the proposed Ordinance #2017-12 including Staff Amendment #1; and contingent upon development of an amendment to clarify the requirements of when a project would require the "multi-use paths" (Planning Commission Amendment #1).

The Planning Commission deferred to Staff to draft the language of the amendment to address their concerns on multi-use paths. The proposed changes presented as Planning Commission Amendment #1 are outlined below.

Planning Commission Recommendation	Ordinance Lines	Proposed Revision	Reason/Notes
1	569-585	Add new item as 18.4 (b) to read as follows: "Where it is determined by evaluation of the characteristics of the nearby transportation networks including roadway classification type, the presence and type of existing pathways, and the general character of the area in terms of development, future development potential, and zoning district, a ten-foot wide multi-use path made of concrete or asphalt may be required instead of standard City of Dover sidewalk along the public street frontage." And renumber existing items 18.4 b-d as items 18.4 c-e.	Clarify the requirements for determining when 'multi-use' pathways would be required as a project component instead of the standard sidewalks.

See the included excerpt of the DRAFT Meeting Minutes of the September 18, 2017 Planning Commission meeting.

Attachments:

- DAC Comments: Department of Public Works, Office of the Fire Marshal and DelDOT
- Excerpt of Draft Minutes from September 18, 2017 Planning Commission Meeting

- Ordinance #2017-12
- Staff Amendment #1 to Ordinance #2017-12
- Planning Commission Amendment #1 to Ordinance #2017-12

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 30, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Text Amendments: Zoning Ordinance, Article 5 and Article 6**

FILE #: **MI-17-02**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Paul Waddell - Electric**
Jason A. Lyon, P.E. – Public Works

CONTACT PHONE #: **ELECTRIC - 302-736-7070 PUBLIC WORKS – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. No objections to proposed amendments.

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed text amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

MI-17-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 09/06/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Text Amendments: Zoning Ordinance Article 5 and Article 6

FILE #: MI-17-02 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal PHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

ADDITIONAL / SPECIFIC COMMENTS:

- **This office has no objections to the proposed amendments as they are not related directly to our office**

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 30, 2017

D E L D O T

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APPLICATION: Text Amendments: Zoning Ordinance, Article 5 and Article 6

FILE#: MI-17-02 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

CITY OF DOVER PLANNING COMMISSION
September 18, 2017
Excerpt from Meeting Minutes – DRAFT

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 18, 2017 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz and Mrs. Kristen Mullaney.

NEW APPLICAITONS

1) MI-17-02 Text Amendments: *Zoning Ordinance*, Article 5 and Article 6 – Public Hearing and Review for Recommendation to City Council on a series of Text Amendments to the Appendix B: *Zoning Ordinance*, Article 5 – Supplementary Regulations and Article 6 – Off-Street Parking, Driveways and Loading Facilities. The proposed Ordinance updates various sections in order to enhance the flexibility of the code in several areas, including dumpster requirements, screening and buffer requirements (Arterial Street Buffer and Opaque Barrier), tree planting requirements, and curbing requirements. The proposed Ordinance also adds requirements for recycling to Article 5, Section 6 and rewrites Article 5, Section 18 – Sidewalk requirements to address pedestrian, bicycle and multi-modal access requirements and to allow the City to require multi-use paths instead of frontage sidewalks under specific circumstances. Ordinance #2017-12.
    - A copy of the Proposed Ordinance #2017-12 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes. https://www.cityofdover.com/ordinances-and-resolutions

The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on August 15, 2017 and First Reading was completed before City Council on August 28, 2017. The Public Hearing and Final Reading before City Council is scheduled for October 9, 2017.

Representatives: None

Mr. Hugg stated that Staff has been working on a variety of improvements to our Ordinances. Some were recommended to them by local businesses and property owners, engineers and developers. A number were on a list that the Planning Staff had been putting together from time to time and waiting for the right moment. They determined as a group that they would take this in bit sized portions. What is before the Commission tonight is Phase 1 of what will be a number of Ordinance changes and amendments including the ones that he mentioned that Staff is currently working on. He thinks that it is important to make note that the intent of all of these updates is to clarify the language, to make the process cleaner, to respond to what seem to be "hot button items" from some members of the development community and just to make the Ordinance more contemporary. The Commissioners have a number of documents in their packets tonight. One being a Petition to Amend Zoning Text (Report) which kind of follows through where the amendments are by section. They also have the form showing which lines and revisions of the Ordinance that Staff is recommending changing including Staff Amendment #1.

As part of our process of reviewing these Ordinances, they ask the DAC members and other agencies to look at what they are proposing. The Public Works Department raised some questions about utilities and tree planting and things of that nature. You will see in the matrix in red and blue, some Staff changes that they are proposing to make the Ordinance even better from that standpoint. They also have the actual Ordinance with all of the strikeouts and add-ins so you can track where various changes have been made. If there are any technical questions, he will have Mr. Diaz respond to them since he has written most of these changes. He would urge the Planning Commission to act favorably on this first set of clarifications and revisions.

Mr. Diaz stated that the areas that are proposed to be updated deal with certain buffering and screening requirements; trash requirements to include in the *Zoning Ordinance* requirements for recycling; updates to the way that tree planting requirements are calculated so that there is a specific area of the property that the tree planting requirements are based on; a rewrite of the section dealing with sidewalks that now deals with multi-use paths as well; a small update to the building architectural guidelines to deal with visible HVAC and utility connections; and some changes to the parking and driveway provisions in Article 6 including the reassignment of the waiver for curbing from the Planning Commission to the City Planner. Foremost all of the proposed changes is of course listed in the DAC Report.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Mrs. Welsh asked for clarification of Section 18.3, Sub-Paragraph A; it has to do with sidewalks. The Commission seems to get a lot of questions on a lot of requests for the elimination of sidewalk. The sentence reads "where frontage sidewalk exists but does not meet the standards of Chapter 98, Article IV, sidewalks shall be re-laid to meet the standards." Is that the applicant that would be responsible for and have the financial responsibility of that? Responding to Mrs. Welsh, Mr. Hugg stated that is correct.

Mrs. Welsh stated that further down in Paragraph C, it talks about the sidewalk being designed to provide reasonable travel times and to disincentivize taking shortcuts. Can that be more specific? She is only asking that because you put in a lot of sidewalks and people will still cut across every place that there is not a sidewalk. Responding to Mrs. Welsh, Mr. Diaz stated that the Planning Commission does have an opportunity to propose an amendment to the text at this meeting. They already have Staff Amendment #1 so there could be a Planning Commissioners Amendment #1. He doesn't know what better language would be off of the top of his head.

Mrs. Welsh stated that she is not really sure that there is a better way to say that herself. She wants to know how that is determined to be set up so that this intent disincentivizes them taking shortcuts. Responding to Mrs. Welsh, Mr. Hugg stated that the intent here is that in part of the development process, one of the things that they would look at as staff and one of the things that they would look at as the Planning Commission is if have we adequately short of figured out where people are going to probably want to go as opposed to building a nice sidewalk that takes you nowhere. He worked for the University of Delaware and at one point they were redesigning the sidewalks on the central campus (the old mall). They decided to wait about one year to see

where everybody walked and then they paved all of the dirt paths. That was probably the more effective way to plan sidewalks. The intent here is to avoid sidewalks that kind of go in straight lines when really people's mode of intended travel is going to be in some other direction.

Mr. Holt questioned if all sidewalks are handicapped accessible? He knows that some of the existing sidewalks in Dover have problems. Responding to Mr. Holt, Mr. Hugg stated that the design standards for all new sidewalks which would be anything installed as part of a Development Plan have to meet the most current ADA requirements. There is also a requirement that if Building Permits are made using Federal money then the road system which includes the sidewalks and street crossing have to be to ADA Standards. He knows that the Public Works Department, as part of their annual street program also address those types of problems. Mr. Holt is correct; there are still older sidewalks in the City as in every location that are inadequate in terms of having been built in earlier times to earlier standards or they simple don't meet the standards at all. Any new sidewalks will definitely be compliant.

Mr. Holt stated that a few years ago some of them went around town in wheelchairs to see what was available and what the difficulties really were and that was an eye-opener.

Mr. Holden stated that there is a new part, Section 18.4 that talks about the potential for multi-modal paths and it provides some framework for when they would be considered but it's not real specific. He was curious for some comments from Staff on where they felt the need was for these and how that language under Section 18.4a would be utilized. He recognizes that there may be roads through the City of Dover that if developed upon, a typical five-foot-wide sidewalk probably doesn't handle the pedestrian traffic that we would like to route onto a safer pathway. His concern with the language as written is that developers want specificity and want to understand what their requirements are going to be. What are we looking to resolve by adding this in? Is there a way to make it a little more specific so people laying out a site might understand whether they want or the City is going to demand a five-foot-wide sidewalk or a ten-foot-wide sidewalk? Responding to Mr. Holden, Mr. Hugg stated that he thinks the intent here is to provide some flexibility to the Planning Staff. You probably recall that in a lot of the Site Plan reviews and other actions that the Planning Staff deals with, there are recommendations and there are suggestions that come from the Staff. Often, those suggestions are in these kinds of areas where meeting the actual standard maybe sufficient but not necessarily the best solution. He sees this as an opportunity if there is really an unusual circumstance to come back to the developer and say to them that they can build their standard sidewalk from Point A to Point B but because of these conditions the public safety is better served by using a ten-foot-wide multi-modal path instead of the standard sidewalk. He doesn't know that we the specificity in the sense of saying that this would only apply in certain places. It is a subset of the 18.3 requirements which are the first requirements that a developer would be required to meet.

Mr. Holden thinks that it benefits the process on the developer's side to understand before they even get to an initial discussion with Planning Staff how much of their site they can develop for a parking lot and a building. An additional five-foot impingement on that footprint is impactful to them. To understand when that would be applied is impactful. If there was a way to use DelDOT road classifications or the number of average daily car trips that DelDOT tracks on all of those major roads might be a threshold at which this might be required. He thinks that as often as we

can provide clarity to the developer for what's going to be required of them before they ever get to an initial discussion benefits the development activity and the rate of it that we see in the City. Responding to Mr. Holden, Mr. Hugg stated that Staff would certainly agree with Mr. Holden in concept. One of the things that they are stressing and continue to stress and where an Ordinance like this becomes most effective, is to encourage developers to come in when they first got that concept in their mind or when they first get a couple of lines on a piece of paper and talk through what they are trying to do and what they would like to achieve. Very often we see a developer who has spent a great deal of money with an engineer, come in with a plan and almost from the get go there are issues and concerns that would have easily been addressed earlier in the design stage or clearly at the DAC process. He thinks that at the same degree this sentence sends a message to developers, maybe a subtle one, that they should take the opportunities to work with Staff; it will save you time and money in the end.

Dr. Jones questioned when the initial application is requested, is there a kind of introductory letter that goes along with that application or is it just the application? She is thinking that ideally an applicant should want to discuss implications of any of the regulations but if there were some type of introductory letter stating that the applicant is advised to come in for a pre-application meeting. Responding to Dr. Jones, Mr. Diaz states that we do always ask when somebody wants to come in and apply for a development application that they should come in before that to have a pre-application meeting with Staff in which they explain the process of application, the application forms and any outstanding issues with the site itself that Staff sees ideally before they have a detailed plan available. That's when they would tell the applicant that they would probably recommend a multi-use path for the site.

Mr. Hugg stated that applicants do receive a fairly complete packet of materials depending on what they are applying for. There is plenty of information already provided about the process and the opportunity for pre-application meetings.

Ms. Maucher stated that she would imagine that the character of the surrounding community would give them an inclination as to whether a sidewalk or a multi-modal path would be required. If there is a ten-foot path out there and you are going to build something, you might be inclined to think that it's going to be continued.

Mr. Holden questioned where in the City that we had such paths? He can think of along Schutte Park and the North Street extension in front of Kraft Foods and Proctor and Gamble where they have an eight or ten-foot-wide path. There is the identified Capital City Trail that was done that was identified to be a path of that sort. Are there a number of other spots? Responding to Mr. Holden, Mr. Diaz stated that there are continuous multi-use trails along North Street and Forrest Avenue. One of the ones that is planned is the Senator Bikeway. That one would actually go through the center of Downtown along Fulton Street. There is another one along Saulsbury Road. Those are the ones that immediately occur to him.

Mrs. Melson-Williams stated that additionally there are segments along the Bay Road Corridor and there are starts of segments of multi-use paths in the Route 13 Corridor as well. We believe that we are seeing DelDOT move to a multi-use path in that Corridor where feasible. There are opportunities beginning north of Division Street for multi-use paths which are prescribed by the

other regulatory agency as part of the process for entrance plan approval with DelDOT.

Mr. Holden stated that the challenge that he sees as it is written now is that an applicant that is coming to Planning Commission for approval doesn't know until they get here whether the Commission is going to require that or not. If he is correct in reading it, if it's a Site Plan that has to come to the Commission per Article 10 that they make that call. He thinks that is a detriment for the sake that any "unknown" in a development plan that a developer or designer can't really nail down up-front adds questions and questions push developers to seek areas that have greater certainty. He thinks that the Ordinance overall makes a lot of sense but he thinks that the section needs to be clarified so that you can have a really good understanding by reading it if it's going to be required or not. Whether that's by specific road designations, by type of road designations using DelDOT's criteria, or by traffic count would be a great way to do that. That would be a way that could be amended as traffic increases which kind of follows the intent of the language written under Part a now.

Mr. Holden moved to recommend approval to City Council for MI-17-02 Text Amendments: Zoning Ordinance, Article 5 and Article 6, contingent upon clarification of when a multi-use path will be required to make clear per the language in what cases that it would be an expected component of a project, seconded by Mr. Holt.

Mrs. Melson-Williams questioned if the motion was to adopt the Ordinance #2017-12 in First Reading format and does that also include the series of items addressed in Staff Amendment #1? Responding to Mrs. Melson-Williams, Mr. Holden stated yes.

The motion was amended to include the adoption of Ordinance 2017-12 in First Reading format and to include the series of items addressed in Staff Amendment #1 and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons previously stated. Mr. Roach voting yes; he thinks that clearing up any confusion to the builders or contractors prior to getting here will be beneficial to all. Ms. Edwards voting yes; based on all reasons previously stated. Mr. Holt voting yes; for all of the reasons previously discussed. Mr. Baldwin voting yes. Dr. Jones voting yes; but would add that she is confident that Staff will tweak it to make it work. Mrs. Welsh voting yes; based on tonight's discussion. Ms. Maucher voting yes; for reasons previously discussed and she is pleased to see cleanup of regulations for clarity and a better understanding. She is happy to have no more curb waivers. Mr. Tolbert voting yes; for obvious reasons. Like the clarity of our amendments and the way that they are worded. This discussion tonight shows how important it can be and how important clarity is and he feels confident that Staff can write the Ordinance to make them as clear as possible.

CITY OF DOVER
STAFF AMENDMENT #1
ORDINANCE #2017-12

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

That Ordinance 2017-12 be amended as follows:

1. Amend line 42 by replacing the words "article 5, section 15 of this ordinance" with "Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 15 – Landscape Guidelines".

2. Amend lines 44-46 as follows: "Landscape designs and planting plans which would pose a hazard to traffic on the arterial street**, obstruct underground or overhead utilities or infrastructure,** or ~~**which would**~~ significantly impede visibility of properties from the street shall be prohibited."

3. Amend line 59 by replacing "subsection 7.32" with "subsection 1.82 – Standards for arterial street buffer landscaping."

4. Amend lines 70-71 by retitling Section 6 as "Dumpsters for trash and recycling."

5. Amend line 73 by removing the words "or garbage disposal units."

6. Amend line 75 by removing the words "garbage disposal units."

7. Amend lines 147-149 by removing section 6.4 in its entirety. (This section will be moved to Article 6; see lines 68-74 of this staff amendment).

8. Amend line 193 by adding "and to meet the corner visibility standards of Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1.31." after "egress."

9. Amend line 194 by adding the sentence "The hedge shall be at least two feet in height at the time of planting and shall grow to no more than four feet in height at the time of maturity." Add the sentence before the sentence beginning with "while."

10. Amend lines 200-201 by replacing the words "a durable and continuous evergreen screen" with "landscaping as required by section 7.22 – Landscaping options"

11. Amend lines 227-229 as follows: "Landscape designs and planting plans which would pose a hazard to traffic on the arterial street**, obstruct underground or overhead utilities or infrastructure,** or ~~**which would**~~ significantly impede visibility of properties from the street shall be prohibited."

12. Amend line 379 by removing all brackets from the line and making the edits as suggested by the bracketed language.

13. Amend lines 736-739 by removing the words "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".

14. Amend line 753 by adding the title "*Parking lots*."

15. Amend line 755 by adding "and to meet the corner visibility standards of Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1.31." after "egress."

16. Amend line 757 by adding the sentence "The hedge shall be at least two feet in height at the time of planting and shall grow to no more than four feet in height at the time of maturity." Add the sentence before the sentence beginning with "while."

17. Amend line 759 by replacing the words "Article 10 of this ordinance" with "Appendix B – Zoning, Article 10 – Planning Commission."

18. Add Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 15 – Landscape Guidelines to the list of sections being updated by this ordinance (#2017-12). In Article 5, Section 15, add subsection 15.9 to read as follows:

    "Landscape plantings shall be placed at least 10 feet away from all underground utilities and infrastructure, as measured from the trunk of the planting. Plantings located within 10 feet of overhead utilities or infrastructure shall be of a species that does not grow to the height of the lowest equipment overhead. Placement of all plantings must minimize conflict with required servicing of utilities and infrastructure."

19. Add Appendix B – Zoning, Article 6 – Off-Street Parking, Driveways, and Loading Facilities, Section 1 – Permitted accessory parking to the list of sections being updated by this ordinance (#2017-12). In Article 6, Section 1, add subsection 1.5 to read as follows:

    "*Access drives.* In areas under the joint or overlapping jurisdiction of the Delaware Department of Transportation and the City of Dover, the regulations of the Delaware Department of Transportation relating to ingress and egress drives shall apply."

SYNOPSIS

The proposed amendment provides for a series of technical corrections and clarifications to ordinance #2017-12. The amendment also addresses Public Works staff concerns about landscaping planted near utilities and infrastructure. The amendment also expands a restriction on parking within 15 feet of buildings with multiple dwellings.

CITY OF DOVER
PLANNING COMMISSION AMENDMENT #1
ORDINANCE #2017-12

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

That Ordinance #2017-12 be amended as follows:

1. Amend lines 579-585 by re-lettering items 18.4 (b), (c), and (d) to be items 18.4 (c), (d), and (e). This is to reserve item (b) for new language.

2. Amend line 579 by inserting the following language as item 18.4 (b) to read as follows: **"Where it is determined by evaluation of the characteristics of the nearby transportation networks including roadway classification type, the presence and type of existing pathways, and the general character of the area in terms of development, future development potential, and zoning district, a ten-foot wide multi-use path made of concrete or asphalt may be required instead of standard City of Dover sidewalk along the public street frontage."**

SYNOPSIS

The proposed amendment provides clarification of the requirements for determining when "multi-use" pathways would be required as a project component instead of standard sidewalks. The concept for the amendment was recommended by the Planning Commission upon their review of Ordinance #2017-12 and review of the proposed provisions for pedestrian, bicycle, and multi-modal access requirements.

FINAL READING

CITY OF DOVER ORDINANCE #2017-12

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

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.8 – Buffers Along Arterial Streets of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

ARTICLE 5. - SUPPLEMENTARY REGULATIONS

Section 1. - Supplementary regulations applying to residence zones.

~~1.8 *Buffers along arterial streets.* Where residential zoned property fronts on an arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way in all residential zones. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of development of the property, be planted with a variety of trees, shrubs and ground cover so as to effectively screen from view the arterial street from the residential property, and to create a distinctive and consistent visual character for the arterial street. The landscape design and planting plan for these arterial street buffer areas shall be subject to the approval of the planning commission as an integral part of the site development plan. When the residential lots have rear yard areas that front on the arterial street, each lot at the time of development shall be provided with uniform fencing along the rear property line. When it can be demonstrated to the satisfaction of the planning commission through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance with this section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the planning commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.~~

1.8 *Arterial Street Buffers.* Where residential zoned property fronts on a principal arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way. This landscape buffer shall be required when the property is subject to site development plan review or site development master plan review by the planning commission according to Appendix B – Zoning, Article 10 – Planning Commission. Arterial street buffers shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street.

1.81 *Landscaping of arterial street buffers.* At the time of development of the property, the arterial street buffer shall be planted with a variety of trees, shrubs and ground cover. The landscape design and planting plan for these arterial street buffers shall be subject to the approval of the planning commission as an integral part of the site development plan.

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1.82 *Standards for arterial street buffer landscaping.* Landscaping in arterial street buffers shall follow the landscape guidelines outlined in article 5, section 15 of this ordinance. Landscaping shall be designed to enhance the appearance of the arterial street, complement the architecture of buildings on site, and integrate with adjacent landscape areas. Landscape designs and planting plans which would pose a hazard to traffic on the arterial street or which would significantly impede visibility of properties from the street shall be prohibited.

1.83 *Planning commission waiver.* The planning commission may approve a buffer less than 30 feet in depth. In approving a lesser amount of buffering, the planning commission shall consider the following factors:

a) Whether there are specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties that would severely limit the development potential of the property if a deep buffer was required.

b) Whether a deep or shallow buffer would cause the property to be out of character with the surrounding built environment.

c) Whether there is significant landscape area within the right-of-way of the arterial street itself that can contribute to the buffer, and whether future road improvement activities are likely to reduce the depth of this area.

d) Whether the landscape design and planting plan for the buffer achieve the standards of subsection 7.32.

(Ord. No. 1-78, 1-24-1978; Ord. of 12-14-1992; Ord. of 4-25-1994; Ord. of 6-13-1994; Ord. of 1-10-1996; Ord. of 5-22-2000; Ord. of 10-23-2006; Ord. of 1-14-2008; Ord. No. 2011-21, 10-10-2011; Ord. No. 2011-26, 12-12-2011; Ord. No. 2015-13, 10-12-2015)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 6 – Supplementary Regulations Applying to All Zones Other Than Single-Family Residence Zones of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 6. - Supplementary regulations applying to all zones other than single-family residence zones.

6.1 *Location of trash receptacles or garbage disposal units.* In all zones of the City of Dover (except in residential zones where standard City of Dover 90-gallon trash containers are used), all trash receptacles, garbage disposal units, and bulk recycling bins (excluding publicly operated recycling drop off centers), which shall be referred to collectively as "dumpsters" in this ordinance, are to be situated in order to allow safe and efficient access by trash collection vehicles, and shall be screened from public view. All dumpsters must comply with the following regulations:

6.11 *Location and screening required.* All dumpsters must be located in approved locations on the lot. Dumpsters **must be placed on hard, paved, dust-free surfaces and** may not be placed in designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view

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whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

6.12 *Minimum dumpsters ~~pads~~ required.* ~~All sites must have provisions for the minimum amount of dumpster pads based on the following table. A dumpster pad shall be provided for each dumpster present on the site. A concrete surface shall be provided to place each dumpster on (unless the pad is reserved for future use). The minimum dimensions for a dumpster pad are 12 feet deep and 12 feet wide. Uses not specified in the table must have dumpster capacity adequate for their needs.~~

Use	Dumpsters ~~Pads~~ Required
Restaurant	Two required for the first 3,000 square feet of gross building area; one required for each additional 3,000 square feet of gross building area or fraction thereof
Shopping center (excluding supermarkets or anchor tenants)	Two required for the first three stores; one required for each store thereafter
Supermarkets & anchor tenants in shopping centers	Two required in addition to requirements for shopping center
Office & retail less than 50,000 square feet	~~One~~ **Two** required for the first ~~8,000~~ **16,000** square feet of gross floor area; one required for each additional 16,000 square feet of gross floor area or fraction thereof
Office & retail greater than 50,000 square feet	Two required for the first 50,000 square feet of gross floor area; one required for each additional 24,000 square feet of gross floor area or fraction thereof
Industrial, warehousing & institutional	~~One~~ **Two** required for the first ~~40,000~~ **80,000** square feet of gross building area; one required for each additional 40,000 square feet of gross building area or fraction thereof
Apartment complex	~~One~~ **Two** required for the first ~~24~~ **48** apartments; one required for each additional 24 apartments or fraction thereof

6.13 *Selection of trash service.* Applicants for site **development** plan ~~or conditional use~~ approval shall specify the proposed method of trash collection (side load or front load) at ~~[~~the~~]~~ time of application. A change in the method of collection may require an alteration of the site plan, subject to approval of the city planner or the planning commission.

6.14 *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 trash collection vehicles.

6.15 *Minimum dimensions for dumpster enclosures.* All dumpster enclosures must be adequate to screen dumpsters from public view. Enclosures for private collection ~~must have interior dimensions of no less than ten feet in width, ten feet in depth, and seven feet of height~~ **must be no less than**

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seven feet in height. The height of enclosures for City of Dover collection may be no less than five feet high.

6.16 *Enclosure construction.* All dumpster enclosures shall be constructed of durable materials that will withstand the normal use and wear expected in trash removal operations. **Whenever a dumpster, in its enclosure, will be visible from a public right-of-way,** ~~T~~the appearance of the dumpster enclosures shall complement the architecture of the principal building on the lot, and be constructed with the same or similar exterior materials.

6.17 *Gates.* Gates are required whenever a dumpster, in its enclosure, will be visible from a public right-of-way. Gates must be designed to swing back behind the front of the enclosure and lock in the open position. If City of Dover trash service is provided, it is the responsibility of the property owner or occupant to open and securely lock back the gates to allow for trash pick up. The gates may be opened 12 hours prior to pick up, and must be closed within 12 hours after pick up.

6.18 ~~*Dumpster pads reserved for future use.* In the event that an establishment is required by this ordinance to have more dumpster pads than they currently need, the additional pad(s) may be reserved on the site for future use. All dumpster pads must meet the minimum design requirements and criteria found in this ordinance. The city planner may require that the owner of record construct the dumpster pad and enclosure on this reserved location or locations upon determining that there is a need for the additional enclosure.~~ ***Reduction of dumpster requirement.*** **When a use is required to provide dumpsters as part of site development plan approval, the required number of dumpsters may be reduced under the following circumstances:**

a) Dumpster pads reserved for future use. An area of the site reserved for a dumpster may be substituted for an actual dumpster. The provided area must be large enough to accommodate a dumpster and must be accessible to trash collection services. The city planner may require that the owner of record of the property provide a dumpster in the reserved location, together with any enclosure required, upon determining there is need for the additional dumpster.

b) Trash compactor substitution. Trash compactors may be substituted for ordinary dumpsters at a two to one ratio. The city planner may approve a higher substitution ratio if specifications are provided indicating the machine will achieve a correspondingly higher trash compaction ratio. Trash compactors must meet the same location and screening requirements as other dumpsters. Sites providing trash compactors must still provide separate receptacles for recycling.

6.2 ~~*Unit location to be approved by planning commission and city manager.* The location of the units on the property and the type of screening necessary shall be approved by the planning commission of the City of Dover in accordance with the site development approval of the property and the same shall be approved by the city manager concerning the desirability of the location for [the] facility in collection of trash.~~ ***Location and screening approval required.*** **The locations of new dumpsters on a site and any screening necessary shall be approved through the site development plan approval process, according to the type of review required in Article 10 of this ordinance.**

6.3 ~~*Location and screening approval required.* It shall be unlawful for any person to maintain a unit on his property unless the location and screening of the same has been approved by the planning commission and the city manager as stated in [sub]sections 6.1 and 6.2.~~ ***Unauthorized dumpsters.***

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Any dumpster not previously approved through the site development plan approval process may be required by the city planner to be moved, removed, or screened if said dumpster is a nuisance to neighboring properties by virtue of its current location.

6.4 *Access drives.* In areas under the joint or overlapping jurisdiction of the Delaware Department of Transportation and the City of Dover, the regulations of the Delaware Department of Transportation relating to ingress and egress drives shall apply.

(Ord. of 9-13-1999)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 7 – Supplementary Regulations Applying to All Non-Residential Zones of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 7. - Supplementary regulations applying to all non-residential zones.

7.1 *Lighting.* Lighting of commercial uses shall provide no less than 1½ footcandles at grade. Light shall be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads.

7.2 ~~*Buffering.*~~ **Opaque Barrier.** Visual and sound screening shall be provided on a non-residential use when abutting a residential use~~.~~**, except in front yard areas. The screening shall be required to be installed on site as part of planning commission or administrative site plan approval. Where required,** ~~S~~screening shall consist of an opaque barrier at least six feet in height, accompanied by landscaping.

7.21 *Opaque barrier options.* The requirement for the opaque barrier may be met by choosing one of the following:

a) An opaque ~~wooden~~ fence **made of durable materials such as wood, vinyl, composite, etc**.

b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete. If the principal structure on the lot is of masonry construction, the wall shall match the exterior of the building.

c) An earthen berm (3:1 slope maximum).

d) An earthen berm (3:1 slope maximum) **with** ~~and~~ either an opaque ~~wooden~~ fence or ~~a~~ wall **constructed on top. Materials of the fence or wall shall be as specified in options a) and b).** ~~constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.~~ The total height of the ~~buffer~~ **barrier** may be no less than six feet high.

7.22 *Landscaping options.* The required opaque barrier must be accompanied by one of the following:

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a) A durable and continuous evergreen planted screen, six feet in height at ~~[~~the~~]~~ time of planting~~, located on the residence side of the barrier~~. In the case of an earthen berm, the evergreen screen may be on the top of the berm.

b) A hedge that will grow to a height of at least six feet at maturity~~, planted on the residence side of the barrier~~. The hedge shall be interspersed with evergreen trees at least six feet high at ~~[~~the~~]~~ time of planting. The hedge shall be at least four feet high at ~~[~~the~~]~~ time of planting.

7.23 *Parking lots.* Whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street ~~and a distance of 20 feet therefrom~~, such hedge 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. **While the hedge is growing to a suitable height, an adjacent four foot high fence may be required by either the planning commission or city planner, according to the type of review required by Appendix B – Zoning, Article 10 – Planning Commission.** ~~A fence five feet high may be required while such hedge is growing to a suitable thickness.~~

7.24 *Planning commission waiver.* The planning commission may waive the requirement for the opaque barrier (wood fence, masonry wall, or earthen berm) and require only a durable and continuous evergreen screen in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative.

7.3 ~~*Buffers along arterial streets.*~~ **Arterial Street Buffers.** Where nonresidential zoned property fronts on ~~an~~ **a principal** arterial street, as designated by the comprehensive plan, a landscape buffer shall be required in addition to normal landscaping of the street right-of-way ~~in all non-residential zones~~. **This landscape buffer shall be required when the property is subject to site development plan review or site development master plan review by the planning commission according to Appendix B – Zoning, Article 10 – Planning Commission. Arterial street buffers shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street.** ~~These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall,~~

7.31 *Landscaping of Arterial Street Buffers.* ~~a~~**A**t the time of development of the property, **the arterial street buffer shall** be planted with a variety of trees, shrubs and ground cover ~~so as to create a distinctive and consistent visual character of the arterial street~~. The landscape design and planting plan for these arterial street buffer**s** ~~areas~~ shall be subject to the approval of the planning commission as an integral part of the site development plan. ~~When it can be demonstrated to the satisfaction of the planning commission through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance with this [sub]section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the planning commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.~~

7.32 *Standards for Arterial Street Buffer Landscaping.* Landscaping in arterial street buffers shall follow the landscape guidelines outlined in Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 15 – Landscape Guidelines. Landscaping shall be designed to enhance the appearance of the arterial street, complement the architecture of

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buildings on site, and integrate with adjacent landscape areas. Landscape designs and planting plans which would pose a hazard to traffic on the arterial street or which would significantly impede visibility of properties from the street shall be prohibited.

7.33 *Planning Commission Waiver.* The planning commission may approve a buffer less than 30 feet in depth. In approving a lesser amount of buffering, the planning commission shall consider the following factors:

a) Whether there are specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties that would severely limit the development potential of the property if a deep buffer was required.

b) Whether a deep or shallow buffer would cause the property to be out of character with the surrounding built environment.

c) Whether there is significant landscape area within the right-of-way of the arterial street itself that can contribute to the buffer, and whether future road improvement activities are likely to reduce the depth of this area.

d) Whether the landscape design and planting plan for the buffer achieve the standards of subsection 7.32 - *Standards for Arterial Street Buffer Landscaping*.

7.4 *Outdoor storage trailers.* Storage trailers accessory to an approved use shall be prohibited on a site, except when meeting the following conditions:

1. The total floor area of storage trailers shall be less than two percent of the gross floor area of the principal building.
2. All storage trailers shall be placed in accordance with all zoning regulations regarding permanent structures, including setbacks, parking, and other bulk regulations.
3. All such trailers shall be screened from public streets, and shall not be located between the principal building and the public road right-of-way.
4. Trailers placed during approved construction phases or those used as collection facilities for non-profit, governmental or philanthropic organizations shall not be calculated into floor area totals used to determine parking requirements, but must conform to setbacks and all other bulk regulations.
5. Storage trailers accessory to an approved use are to be temporary features on a site. No such trailer shall be in place for more than 18 months, except for those trailers to be used during construction or those used as collection facilities for non-profit, governmental or philanthropic organizations.

7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of eight feet above the ground when situated within side and rear yard areas. Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above the ground shall conform to the setback requirements for dwelling

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buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

(Ord. of 3-24-1986; Ord. of 12-14-1992; Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 5-22-2000; Ord. No. 2011-26, 12-12-2011)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 16 – Tree Planting and Preservation of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 16. - Tree planting and preservation.

16.1 *Purpose.* The purpose of this section is to establish standards and requirements for the protection and planting of trees and woodlands because it is recognized that woodlands and trees are not only desirable, but are essential to the health, safety, and welfare of the population in that they provide oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the atmosphere, cleanse water passing into the ground through the root system, provide protection for wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and provide an important physical, aesthetic, and psychological balance to the built environment.

16.2 *Definitions.*

Caliper dimension. The term "caliper dimension" means an outside diameter measurement of the trunk of a tree measured at a vertical distance of three feet above grade.

Clearing. The removal of trees from an area of 5,000 square feet or greater, whether by cutting or other means. ~~[~~The term~~]~~ "clearing" shall not include the removal of trees for landscaping purposes by individual lot owners.

Development Area. The area containing all new site features (buildings, parking and drive areas, pedestrian walks, stormwater management areas, buffer areas etc. but not underground utilities) proposed by a plan. The development area shall be delineated using property lines and lines run straight across the property from one property line to another without bending or curving.

Design professional. ~~[~~The term "design professional"~~]~~ shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.

Dripline. A line on the ground established by a vertical plane extending from a tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown, from which rainfall would drip.

Tree. Any self-supporting, woody perennial plant, usually having a main stem or trunk and many branches and at maturity normally attaining a trunk diameter greater than three inches at any point and height of over ten feet.

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Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this section. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Woodland. An area of contiguous wooded vegetation (7,500 square feet or greater), where trees exist at a density of at least one tree with a caliper dimension of six inches or greater per 375 square feet of land and where the tree branches form a contiguous canopy.

16.3 *Applicability.* The terms and provisions of this section shall apply to any activity on real property which requires conditional use, site plan or subdivision approval of the planning commission as set forth in article 10, except the provisions in ~~[~~sub~~]~~section 16.4 which shall apply to all real property.

16.4 *Tree preservation.*

16.41 *Trees required by planning commission to be replaced.* Trees required by the planning commission as a part of a conditional use, subdivision, or site plan approval shall not be removed unless ~~it is [~~they are~~]~~ diseased or infested, or present a danger to life and property. In cases where such trees are removed, they must be replaced with a tree planting ~~of a similar variety~~ in accordance with the table of trees standards kept in the office of the city planner.

16.42 *Trees of special value.* Trees having an historic value, as determined by the state historic preservation officer, or that are of an outstanding nature due to type or species, age, or other professional criteria, may be required by the planning commission to be preserved. Such trees may be prohibited from being removed by the city planner until such time that the planning commission has granted approval to remove such trees.

16.43 *Tree preservation in wetlands.* No portions of wetland areas shall be developed or cleared of vegetation unless granted permission under state and/or federal permit; ~~[~~and~~]~~ they shall remain as essentially undisturbed areas protected under the provisions set forth in ~~[~~sub~~]~~section 16.7.

16.44 *Clearing prohibited without approval.* Clearing, as defined by this section, for any purpose whatsoever, except the establishment of trails and pathways (not greater than eight feet in width) and open yard areas, shall be prohibited unless approved by the planning commission through the site plan, conditional use, or subdivision review process.

16.5 *Woodland preservation.*

16.51 *Tree preservation and selective clearing plan required.* All site development proposals ~~in woodland areas that require planning commission approval and~~ which involve the development of woodland areas **and require planning commission approval** shall include a tree preservation and selective clearing plan as part of the submission plan. The tree preservation and selective clearing plan shall be prepared in accordance with the provisions of ~~this [~~sub~~]~~section ~~[~~16.5~~,] and [~~sub~~]~~section 16.7 and ~~[~~sub~~]~~section 16.8 of this section.

16.52 *Limited clearing for site development allowed.* Generally, site development plans for the construction of ~~[~~a~~]~~ new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group ~~[~~of~~]~~ buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for new construction, clearing within the area of

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the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.

16.53 *Maximum clearing requirement.* Specifically, no more than 50 percent of a lot, parcel or tract of land occupied by woodland vegetation may be cleared for any purpose.

16.54 *Reserved.*

16.6 *Tree preservation and planting in nonwoodlands.*

16.61 *Tree preservation and planting plan required.* All developments ~~in nonwoodland areas~~ requiring approval of the planning commission shall be required to submit, with its application and plans, a tree preservation and planting plan as set forth in ~~[~~sub~~]~~section 16.8, and shall conform with the following provisions.

16.62 *Tree density.* **For each property required to submit a tree preservation and planting plan, a development area as defined in this section shall be delineated within the nonwoodland area of the property. Within this development area, existing trees may be retained and new trees shall be planted such that the development area shall attain or exceed a tree density of one tree per 3,000 square feet or fraction thereof.** ~~On each property for which a tree preservation and planting plan is required by this section, existing trees may be retained and new trees shall be planted such that the lot shall attain or exceed a tree density of one tree per 3,000 square feet of lot area or fraction thereof. Trees needed to meet buffer requirements shall not be counted towards tree density. Trees required to be planted in parking areas as specified by the planning commission shall not be counted towards tree density.~~

16.63 *Minimum standards for new trees.* For ~~[~~new~~]~~ trees to be counted toward the required tree density, they must be of a species and size as set forth in the table of trees approved by the planning commission and kept on file in the office of the city planner**, or be of an alternate species found acceptable by the commission**.

16.64 *Minimum standards for existing trees.* For existing trees to be counted toward the required tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight inches in caliper dimension shall be removed unless within an area of 30 feet from the proposed building foundation, off-street parking lot, and utility placement.

16.7 *Tree protection and planting requirements.*

16.71 *Application.* The following guidelines and standards shall apply to activities regulated under article V [5], section 15 of this section [ordinance]:

16.72 *Protection required.* To protect the required trees or woodland and their critical root zone, a tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be established. The protection area shall not be disturbed by site utility and grading work, by construction activities such as parking, material storage, concrete washout, sedimentation intrusion or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require tree plans to be revised to compensate for the loss as determined by the building inspector.

16.73 *Protection measures.* Tree protection areas shall be protected by fencing, staking, or continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the

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dripline of the tree or group of trees to be preserved. Protection measures shall be erected prior to construction, and must remain until final landscaping is installed.

16.74 *Planting requirements.* New trees proposed to be planted for credit toward the density requirement shall have spacing that is compatible with the ~~spacial~~ **spatial** site limitations and with responsible consideration toward species size when mature. Species selected for planting must be ecologically compatible with the specifically intended growing site. Trees selected for planting shall be free from injury, pest, disease, and disorders.

16.8 *Tree preservation, planting and selective clearing plans.*

16.81 *Plan specifications.* A tree preservation and planting plan or a preservation and selective clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of a preliminary plat, sketch, or site plan, as appropriate to the proposed development, drawn to the same scale and covering the same area as the other plan documents prepared for the planning commission hearing. The plan may be combined with a required buffer and landscape plan for the project, at the option of the developer. The plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this section will be fully satisfied. The plan shall contain, but need not be limited to, the following:

a. Project name, zone, parcel number, north arrow and scale.

b. Developer's name, address and telephone number.

c. Name, address, and telephone number of the design professional responsible for the preparation of the plan.

d. Delineation of all lot lines, minimum yard areas, buffers, and landscape areas as required by the zoning ordinance [this appendix].

e. Total acreage of the site and total lot area for each lot delineated.

f. Delineation of all wetlands and woodlands.

g. Designation and delineation of all lots in nonwoodland areas expected to retain existing trees to meet the tree density requirement.

h. Approximate location and description of the protective tree fencing, staking, or continuous ribbon to be installed which, at a minimum, shall follow the dripline of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.

i. The location, spacing, caliper dimension, and species of new trees proposed to meet tree density requirements.

j. Measures to be taken to avoid sedimentation intrusions and erosion in tree protection areas, and the location of such devices.

k. A summary table of the number of new trees to be planted and minimum number of existing trees to be retained to meet the tree density requirement, if any, along with calculations showing that the tree density requirement has been achieved. Groupings of trees in the tree protection areas for new trees may be keyed to the summary table by area rather than having each tree individually labeled on the plan.

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l. There shall be a note on the plan indicating that a one-year full price replacement guarantee on all new trees planted is held by the applicant.

16.9 *Tree mitigation.*

16.91 *Planning commission waiver.* The planning commission may waive the provisions of ~~[~~sub~~]~~sections 16.52, 16.53, and 16.62, and require replacement planting for mitigation purposes should the planning commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public convenience. All tree mitigation plantings must occur within the corporate limits of the City of Dover. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

(a) If a waiver is sought from the provisions of ~~§ [~~subsection~~]~~ 16.62, new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Dover table of trees.

(b) If a waiver is sought from the provisions of ~~§ [~~subsection~~]~~ 16.52 and/or ~~§ [~~subsection~~]~~ 16.53, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the planning commission.

(c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the planning commission. When considering off-site locations for tree mitigation, the commission shall consider:

1) A physical hardship related to the land which would otherwise prohibit compliance on the subject site;

2) Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quantity, or aesthetic qualities compared to strict compliance with the ordinance on-site.

16.92 *Tree mitigation required for unauthorized clearing.* In the event that trees or woodland areas to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must be placed on the same lot, parcel, or tract on which the illegal clearing occurred, except as noted below. All replacement trees must be of the same or a similar variety as the trees illegally removed.

(a) If trees have been removed from non-woodland areas, new tree plantings shall be provided in accordance with the table below:

Caliper Dimension of Trees Removed	Number of Trees Required	Caliper dimension at Planting
25″ or larger	5 trees	3″
17″ to 24″	3 trees	3″
9″ to 16″	3 trees	3″
8″ or less	2 trees	3″

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461 * *Note* —All trees replanted must be guaranteed to survive a minimum of one year.

462 (b) If trees have been removed from woodland areas, then mitigation must be in the form of
463 newly created woodland areas. New woodlands shall be created at a rate of 1.75 times the
464 amount of woodlands that were illegally removed. The woodland unlawfully removed
465 must be replanted to satisfy a portion of this requirement. A woodland mitigation plan shall
466 be prepared by a licensed forester, landscape architect, or certified nursery professional, for
467 review and approval by the city planner.

468 (c) If the applicant wishes to provide replacement plantings on any property other than the
469 one on which illegal clearing occurred, the mitigation plan must be reviewed and approved
470 by the planning commission. When considering off-site locations for tree mitigation, the
471 commission shall consider:

472 1) A physical hardship related to the land which would otherwise prohibit
473 compliance on the subject site;

474 2) Whether the mitigation plan proposed by the applicant is superior in terms of
475 environmental benefits, tree quantity, or aesthetic qualities compared to strict
476 compliance with the ordinance on-site.

477 (Ord. of 7-13-1992; Ord. of 7-12-1993, § 4; Ord. of 9-13-1999; Ord. of 4-28-2008(2); Ord. No. 2010-25,
478 11-8-2010)

479 **BE IT FURTHER ORDAINED:**

480

481 That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 18 – Sidewalk Requirements
482 of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue
483 text, as follows:

484

485 Section 18. - ~~Sidewalk requirements~~**Pedestrian, bicycle, and multi-modal access requirements**.

486

487 ~~18.1 Standard City of Dover sidewalk, as per chapter 19 [98], article IV of the Dover Code of~~
488 ~~Ordinances, shall be required to be installed along the public street frontage of a property by the~~
489 ~~property owner or developer whenever such property involves a development proposal which is~~
490 ~~subject to planning commission review and approval.~~

491 ~~18.2 Whenever a private road within a development is proposed, whether planned for future~~
492 ~~subdivision or not, the developer shall be required to install [a] standard City of Dover sidewalk, as~~
493 ~~per chapter 19 [98], article IV of the Dover Code of Ordinances, on both sides of the cartway of the~~
494 ~~private road. Such sidewalk shall include barrier free access ramping at points of intersection with~~
495 ~~street crossing and at other locations so as to afford reasonable barrier free pedestrian movement~~
496 ~~and access to buildings.~~

497 ~~18.3 Within all multifamily residential developments that do not involve subdivision of the land, and~~
498 ~~with all nonresidential developments, [a] standard City of Dover sidewalk shall be required to be~~
499 ~~installed by the developer. Such sidewalk shall be situated so as to provide for pedestrian access~~
500 ~~from parking areas to building entrances and shall provide sidewalk linkages to the existing~~
501 ~~sidewalk network in the neighborhood, if present, or to frontage sidewalk as required in~~

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~~[sub]section 18.1 above, and shall provide pedestrian linkages between buildings and community facilities, including, but not limited to, park areas and laundry buildings.~~

~~18.4 When it can be demonstrated to the satisfaction of the planning commission that strict adherence to the provisions of this section would represent an undue burden on a development, then the planning commission may modify or waive any of the stated requirements, provided that the objective of providing adequate, visible and suitably located walkways as part of the development proposal is secured. When considering a request for modification or waiver, the planning commission shall determine whether or not an undue hardship exists, based on a finding that one or more of the following criteria have been met:~~

~~1) The property is isolated with respect to sidewalks with no existing sidewalk within the immediate vicinity of the property; or~~

~~2) The proposed use would not generate or attract additional pedestrian trips; or~~

~~3) Sidewalk construction to serve the property is planned as part of a state or municipal capital improvement project; or~~

~~4) Physical characteristics of the property are such that sidewalk installation is impractical or impossible.~~

~~18.5 The planning commission may authorize the use of construction materials other than those required of [a] standard City of Dover sidewalk when it can be demonstrated to the satisfaction of the planning commission that:~~

~~(1)Such alternative materials would serve the public as well as [a] standard City of Dover sidewalk; and~~

~~(2)Such alternative materials would be more environmentally desirable or more in keeping with the overall design of the development.~~

18.1 *Purpose*. The purpose of this section is to establish standards and requirements for the construction of transportation networks for pedestrians, bicyclists, and other users of non-motorized forms of transit, in order to ensure safe and convenient multi-modal access to all development within the City of Dover. Sidewalks, multi-use paths, and other hard paved trails, whether adjacent to a roadway or not, shall be referred to collectively as "pathways" within this section. It is the intent of this section that all new pathways installed shall be designed to a standard commensurate with existing and expected future multi-modal traffic volumes, recognizing that the convenience of a growing network of such pathways citywide will encourage residents and visitors to use non-motorized means of travel to reach their destinations.

18.2 *Applicability*. Sidewalks or other pathways according to the requirements of this section shall be installed on a property by the property owner or developer under the following circumstances:

a) When the property is part of a development proposal which is subject to planning commission site development plan review.

b) When the property is part of a development proposal which is subject to planning commission site development master plan review.

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c) When the property is part of a request for a conditional use permit which also requires site development plan review or site development master plan review.

d) When the property is part of a development proposal which is subject to administrative site plan review, provided the proposal involves construction of an entire new building.

18.3 Pathway design standards and location requirements. Pathways shall meet the following minimum standards and requirements in order to allow for pedestrian access:

a) Public street frontage. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.

b) Private street frontage. Wherever a private road within a development is proposed, whether planned for future subdivision or not, Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed on both sides of the cartway of the private road. Such sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.

c) On-site linkages. Within all nonresidential developments and all multifamily residential developments, sidewalk at least five feet wide, constructed of concrete or good paving brick laid substantially in concrete, shall be installed to make pathways between street frontages, parking areas, building entrances, and any other site features needing pedestrian access. Such pathways shall be designed to provide reasonable travel times between these features and disincentivize taking shortcuts across areas inappropriate for pedestrians. Where such pathways must cross drive lanes, standard City of Dover crosswalk shall be installed.

18.4 Alterations to pathway design standards. The planning commission or city planner, according to the type of plan review required by article 10 of this ordinance, may alter the minimum pathway design standards under the following circumstances in order to allow for multi-modal access:

a) Where vehicular traffic on adjacent roadways is of sufficient speed and volume to pose a potential danger to bicyclists and other non-motorized forms of transport using the roadway, or where pedestrian and multi-modal traffic is expected in sufficient volumes to cause conflicts on a narrower sidewalk, a ten-foot wide multi-use path made of concrete or asphalt may be required instead of standard City of Dover sidewalk along the public street frontage.

b) Where an adopted plan recommends installation of multi-modal facilities for a specific site, those facilities may be required to be constructed according to the standards of the agency implementing the plan.

c) Where it can be shown that pathway materials alternate to those specified in this section would be more durable to multi-modal traffic, be more environmentally desirable, or be

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more in keeping with the overall design of the development, use of these alternate materials may be authorized.

18.5 Waiver of pathway location requirements. The property owner or developer may request a waiver from the planning commission or city planner, according to the type of plan review required by article 10 of this ordinance, under the following circumstances in order to reduce or eliminate the requirements for pathway installation:

a) When the property is isolated from the existing pathway network, with no existing pathways within the immediate vicinity of the property.

b) When the proposed use would not generate or attract additional pedestrian, bicycle, or other non-motorized trips.

c) When physical characteristics of the property are such that pathway installation is impractical or impossible.

18.6 State Law Requirements. Where state laws or regulations of the Delaware Department of Transportation applying to right-of-way design conflict with the provisions of this section, the state laws and regulations shall prevail.

(Ord. of 6-13-1994; (Ord. of 9-13-1999)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 19 – Building and Architectural Design Guidelines of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 19. - Building and architectural design guidelines.

The following guidelines shall be used in design of buildings and their architectural characteristics for the purposes of meeting the intent of **Appendix B – Zoning,** ~~a~~Article 10 **– Planning Commission**, section 2, subsection 2.27:

(1) *Physical orientation and facade.*

(i) The principal building facade of proposed buildings shall be oriented toward the primary street frontage, and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner properties shall reflect a public facade on both street frontages.

(ii) Consideration shall be given to the dominant architectural features of existing buildings, but do not necessarily have to mimic those styles. Large expanses of blank walls are to be avoided, ~~[~~and~~]~~ consideration shall be given to windows and entrance ways along frontage, as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.

(2) *Architectural characteristics.*

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(i) *Building proportions.* Consideration shall be given to proportional attributes, including overall height-to-width ratios, of existing building facades, doors, windows, projecting canopies, and other architectural features, found in adjacent existing buildings.

(ii) *Building mass.* Facades of new buildings shall consider, but not mimic, the sense of lightness or weight of existing buildings on neighboring properties and consider similar proportions of solids (i.e., siding, blank walls, etc.) to voids (i.e., windows, door openings, etc.).

(iii) *Materials.* Proposed buildings shall incorporate durable exterior surface materials similar to and complementary with the color, texture, size, and scale of exterior materials reflected on existing buildings in the immediate vicinity.

(iv) *Roofs.* Consideration shall be given to general shape, ridge and eave heights, and material characteristics expressed in existing buildings along the subject street.

(v) *Visible utilities*. Outside HVAC equipment and visible utility connections shall be designed to minimize impact on adjacent property owners, by reducing their overall visible presence and if necessary screening them from public view. Consideration must also be given to equipment placement in proximity to loading areas and public facades of the buildings.

(3) *Exemptions.*

(i) *Building additions.* Proposed building additions which will be designed to match the architectural characteristics and exterior material treatments of the existing building to which the addition is being made shall be exempt from the requirement to submit elevation drawings or other graphic representations.

(Ord. of 9-25-2000)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 3 – Required Off-Street Parking Spaces, Subsection 3.6 – Drainage and Surfacing 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 3. - Required off-street parking spaces.

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~~ **city planner** 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

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loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3).

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 3 – Required Off-Street Parking Spaces, Subsection 3.9 – Adjustments to Parking Requirements of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

3.9 *Adjustments to parking requirements.* The planning commission **or city planner, according to the type of plan review required by Appendix B – Zoning, Article 10 – 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.

(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 planning commission or city planner, according to the type of plan review required by Appendix B – Zoning, Article 10 –**

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Planning Commission, may require the development plans ~~shall~~ **to** have an area of open space designated where parking could be constructed **less than or** equal to the number being reduced**. In such cases** ~~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.

(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)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 5 – Supplementary Regulations for Parking 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:

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. **Except for electric vehicle charging stations, no automobile service** ~~No service of any kind~~ shall be permitted to be extended to users of the lot, including ~~automobile service,~~ **sales,** repair or fueling, and no gasoline, oil, grease, or ~~other~~ **related** 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.

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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.~~ **Whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street, such hedge 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. While the hedge is growing to a suitable height, an adjacent four foot high fence may be required by either the planning commission or city planner, according to the type of review required by Article 10 of this ordinance.**

(Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 10-12-1998; Ord. No. 2009-28, 3-8-2010; Ord. No. 2016-14, 5-9-2016)

ADOPTED: *

S:\ClerksOffice\Ordinances\Ordinance #2017-12 - App B - Zoning, Art 5 - Supp Reg and Art 6 - Off-Street Parking.wpd.doc

SYNOPSIS

The proposed ordinance updates sections of Articles 5 and 6 of the *Zoning Ordinance* in order to enhance the flexibility of the code in several areas, including dumpster requirements, screening and buffer requirements, tree planting requirements, and curbing requirements. The proposed ordinance also adds requirements for recycling to Article 5, Section 6 and rewrites Article 5, Section 18 to allow the City to require multi-use path instead of frontage sidewalk under specific circumstances.

(SPONSORS: HARE AND SLAVIN)

Actions History:

10/09/17 – Scheduled for Public Hearing/Final Reading – City Council
08/28/17 – First Reading – City Council
08/14/17 – Introduced – Council Committee of the Whole/Legislative, Finance, and Administration Committee

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COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on September 26, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:01 p.m.), Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell. Mr. Sudler was absent. Mayor Christiansen (arrived at 6:01 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Garfinkel and Mr. Shelton (*Safety Advisory and Transportation*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS
Mr. Neil moved for approval of the agenda, seconded by Mr. Lewis and unanimously carried.

Proposed Ordinance #2017-13 Amending Appendix B - Zoning, Article 3 - District Regulations; Article 5 - Supplementary Regulations; and Article 12 - Definitions (Adult Day Care Provisions) (Sponsors: Neil and Hugg)
Mr. David Hugg, Acting Director of Planning and Community Development, informed members that the proposed ordinance was a result of the Planning Department's continuing process of looking at ordinances and identifying things that need to be fixed as well as omissions. He explained that a couple of months ago a woman inquired about opening an adult day care center and staff's first reaction was that it was a pretty good idea; however, staff then determined that there was no way that she could open an adult day care center under the existing City Code of Ordinances. Mr. Hugg noted that, while drafting the proposed ordinance, staff reviewed the State law to determine how it relates to the City's ordinance. Mr. Hugg stated that the proposed ordinance would create a new section to address adult day care facilities and clarify language in the existing ordinance as it relates to day care facilities for children.

Staff recommended adoption of Ordinance #2017-13.

Mr. Neil moved to recommend adoption of Ordinance #2017-13, seconded Mr. Shevock and unanimously carried.

Mr. Neil moved for adjournment of the Legislative, Finance, and Administration Committee meeting. The motion was seconded by Mr. Shevock and unanimously carried.

Meeting adjourned at 6:03 p.m.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Request for Letter of Support - Seatbelts for School Buses (Janetta Guinn)

Ms. Janetta Guinn, 749 Slaughter Street, expressed concern that there were not seatbelts on school buses, noting that she hears about accidents on school buses every day on the news. She informed members that she had been trying to get somebody to help her with this proposal.

Mr. Slavin reminded members that Ms. Guinn had attended a recent Council meeting to request Council's support in sending a letter to the legislature, and this item was placed on the Committee's agenda for that purpose. Mr. Slavin stated that he thought that it was a wonderful idea and something that he supports.

Mr. Slavin moved to recommend that Council proceed with drafting a letter of support for seatbelts for school buses to the City's delegation in both the State House of Representatives, and the Delaware State Senate, seconded by Mr. Garfinkel.

Mr. Neil stated that he was concerned because it had not been done and he thought that safety issues for vehicles had been looked at for many years. He explained that he was not certain that he would have the expertise to say that there was a reason not have seatbelts, noting that he thought that there would be complications in terms of whether children would be able to get in or out of the safety belts, in case of emergency. Mr. Neil stated that he thought that this matter should be looked at by safety experts who deal with vehicles. He noted that, while he thought it was a wonderful idea to do anything to protect school children riding in public buses, it is something that may be beyond members' expertise to decide.

Mr. Anderson informed members that, when he had looked at this particular issue years ago, there was a lot of controversy because school buses are made with compartmentalization, which has worked extraordinarily well. He stated that they are the safest vehicles in America, noting that buses over 10,000 pounds have the lowest injury rate of any form of advanced transportation. Mr. Anderson advised that there is an argument that compartmentalization works better than seatbelts, without the hassle. He stated that one (1) of the reasons why the National Transportation Safety Board did not require seatbelts on larger buses or make that recommendation was because there were concerns that students may be in a position to be strangled if a bus overturned, explaining that there would not be enough time for one (1) adult to go through and get all of the students off the bus. Mr. Anderson indicated his belief that some states had adopted seatbelt requirements for buses anyway, and he did not think that there had been any evidence that having seatbelts on the buses increased the risk, particularly if there are at least three (3) points. He stated that he had not seen any reason to believe that they increase the danger; however, he would personally like to find out what the experts at the Delaware Department of Transportation (DelDOT) think. Mr. Anderson indicated that if seatbelts do not increase the danger, he thought that the matter would be worth looking at. He stated that it is an interesting subject; however, it is not a slam dunk because of the way school buses are designed.

Mr. Slavin stated that the National Highway Transportation Safety Administration did make a recommendation, in late 2015, that all new school buses should have seatbelts. He informed members that currently 19 states had legislation before their legislatures debating this issue. Mr. Slavin noted that he did not want to get lost in the bureaucracy, compartmentalization, and whether cars or buses are safe, explaining that he wanted to focus on whether the kids are safe. He stated that the import of this conversation was about a letter from this body saying that they are interested in this issue because children in the community ride on its roads, and members want to make sure that the community has the safest possible way to do this.

Mr. Polce advised members that he also did some research on this topic and found that 19 states do in fact have legislation in front of them, six (6) currently require seatbelts and three (3) of those six (6) have provisions in the language that would simply state "when we have the money." He stated that, on average, it costs $7,000 - $10,000 for every bus to be equipped with seatbelts, and the average total cost of a bus is approximately $80,000 - $120,000, noting that he did not like the $30,000 variance when talking finance.

Mr. Polce suggested that the appropriate entity to send the letter to would be the local education agencies (LEAs), since the LEAs are truly tasked with issues such as this. He explained that Capital School District is the school district that all the schools in Dover fall in; however, that does not necessarily mean that, for instance, Lake Forest or Milford School Districts would take up the same cause. Mr. Polce noted that Delaware has numerous LEAs, including 19 public school LEAs, as well as those for charter schools, and he thought it would be an appropriate course of action to include them in the City's letter.

Mr. Hare expressed concern regarding who would be responsible for ensuring that five- and six-year old children get strapped in when they get on the bus. He asked if the parents or the bus driver would be responsible. In response, Ms. Guinn stated that when her granddaughter was three (3) years old she knew how to unbuckle and buckle her seatbelt, noting that most three-, four-, and five-year old children know how to buckle and unbuckle their seatbelts. Mr. Hare explained that his granddaughter is special ed and did not really know how to buckle and unbuckle her seatbelt until she was nine (9). He stated that this was his only concern and he did not have a problem with recommending it; however, he noted that there would be a lot of issues that would come up. Ms. Guinn noted that there is always an aide on that particular bus and no more or less than 10 or 12 kids. She stated that the majority of the other school buses do not have aides on them.

Mr. Lindell stated that he agreed with the concept for safety purposes; however, he was concerned about not starting at the local education district level in pursuing this issue, because they are the ones who ultimately have to foot the costs of the bill. He indicated that he thought that Mr. Polce's solution of addressing the letter to the local education agencies would be a good start and a reasonable compromise.

By unanimous consent, the motion was amended to reflect that the letter would be addressed to the local education agencies.

Mr. Shelton stated that he thought this was a great idea. He advised members that he had an opportunity to talk to a few bus drivers who worked at the Lake Forest School District to get their opinion on this, and everyone thinks it is a great idea; however, a couple of questions came up about who would make sure that everybody is buckled up. Mr. Shelton indicated that the bus drivers he spoke to said that making sure everyone is buckled up would be an issue because most bus drivers do not have a second person on their bus, so someone would have to be hired to make sure that all of the students are fastened and buckled in. He noted that another issue that was raised was how the bus drivers would be able to get to each student and get them out if there was an accident, especially if the bus was on fire, because young people get very anxious trying to get out. Mr. Shelton indicated that the bus drivers thought that the seatbelts may cause more of a problem than they are actually taking care of. He advised that the bus drivers were concerned about how they would manage seat belts, in addition to their current responsibilities. Mr. Shelton indicated that he thought that the matter really needed to be looked at on the local level, and that the City should make the local level aware and have them come back and possibly make a recommendation from there.

Mr. Garfinkel informed members that his granddaughter is small, so by law he has to put her in a car seat, explaining that it is very dangerous for a small child to be in a seatbelt. He noted that school districts are going to transport pre-K through second grade children who are all about that same size and, by law, need car seats. Mr. Garfinkel asked Ms. Guinn how her observation would reconcile with that and if she was talking about actually having car seats. In response, Ms. Guinn stated that they would have safety seats on the bus too, and noted there are normally aides on the buses for pre-K, kindergartners and toddlers, who can help out with unbuckling seatbelts. She reiterated that regular buses do not have aides but that most five- and six-year-old children know how to unbuckle and buckle a seatbelt. Ms. Guinn stated that her granddaughter comes home every day singing the safety song about fire and buckling up her seatbelt, noting that kids are smart these days and know these types of things.

Mr. Lewis stated that he agreed with Mr. Slavin, explaining that he thought that members needed to put the safety of children first. He reminded everyone that this was only a letter of recommendation and things would probably be ironed out as it progresses.

The motion to recommend that Council proceed with drafting a letter of support for seatbelts for school buses to the local education agencies was unanimously carried.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Mr. David Hugg, Acting Director of Planning and Community Development, advised members that each year City Council develops priorities for road improvements to be forwarded to the Secretary of Transportation and the Dover/Kent Metropolitan Planning Organization (MPO) for consideration in the department's Capital Transportation Plan (CTP). He noted that sometimes the projects that the City believes are a high priority show up in the list and sometimes they do not, but each year the City is offered an opportunity to suggest some projects. Mr. Hugg informed members that the way that the process works is that the City Manager and the City Planning Director compose a list, consult with the Public Works Department and the Police Department, and then bring a recommendation to the Safety Advisory and Transportation Committee and, ultimately, City Council, which gets forwarded to the MPO.

Mr. Hugg reviewed the 2017 Transportation Priorities, noting that, in most cases, the list was the same as the previous year; however, there were a couple of changes. He advised that the Crawford Carroll Avenue Extension was moved up in the priority list, from number eight (8) on the City's 2016 list, to number four (4). Mr. Hugg explained that this change reflected a lot of the new activity that is going on at Delaware State University, as well as some activity that staff believes will occur in that general corridor. He stated that staff also added West Street to the priority list to make DelDOT and the MPO aware that it is an important road segment, noting that it was not on the City's list last year, although it is in the CTP. Mr. Hugg informed members that project #7 - Kings Highway/Route 13 Intersection Improvements was also added to the list, explaining that it is an intersection that is going to be much more heavily impacted as the commercial development from Division Street to Kings Highway occurs in that general area.

Staff recommended approval of the recommended priority ranking for the coming year.

Mr. Hare noted that the curbs were complete on Wyoming Avenue and asked when paving would begin, noting that he had been receiving a lot of calls. Responding, Mrs. Mitchell advised that they were getting ready to begin paving.

Mr. Lindell stated that he only had one (1) concern. He explained that he was happy to see the Kenton Road Corridor Upgrades up to number two (2) on the list; however, he recalled that when the Kenton Road Corridor was discussed during a previous meeting, Mr. Sudler brought up College Road, from McKee to Kenton Roads as well. Mr. Lindell explained that he was concerned that the Kenton Road Corridor Upgrades was listed as number two (2) on the City's priority list; however, the College Road Corridor Upgrades (Kenton Road to McKee Road) was listed as number six (6). He noted that the College Road Corridor Upgrades was in the CTP as priority #77; however, the City's fifth priority on the list was in the CTP as priority #100. Mr. Lindell indicated that he thought that the Kenton Road and College Road Corridor Upgrades would be more closely linked together.

In response to Mr. Lindell, Mr. Hugg stated that the priority numbers are the priorities that the MPO assigns through their rating system which includes a variety of things, such as traffic volume, safety, accident numbers, sight distance, the age of the road, as well as economic development opportunities. He explained that the MPO ranking and the City's ranking do not always correspond. Mr. Hugg stated that he thought that the rationale behind putting Kenton Road where it was on the list was that the City is seeing a lot of development on the west side of the City. He explained that while College Road is also an impacted road, the traffic volumes and safety issues are greater on Kenton Road. Mr. Hugg informed members that it is a subjective process. He stated that there is no guarantee that DelDOT or the MPO will do anything other than thank the City for sending its list, noting that at least the City has the opportunity to have specific input, in addition to the normal transportation planning process.

Mr. Lewis thanked Mr. Hugg for his vigilance in putting this together.

Mr. Neil moved to recommend approval of the priority ranking for the coming year, as recommended by staff. The motion was seconded by Mr. Hare and unanimously carried.

Mr. Neil moved for adjournment of the Safety Advisory and Transportation Committee meeting, seconded by Mr. Cole and unanimously carried.

Meeting adjourned at 6:23 p.m.

Mr. Hare moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Lewis and unanimously carried.

Meeting adjourned at 6:24 p.m.

Timothy A. Slavin
Council President

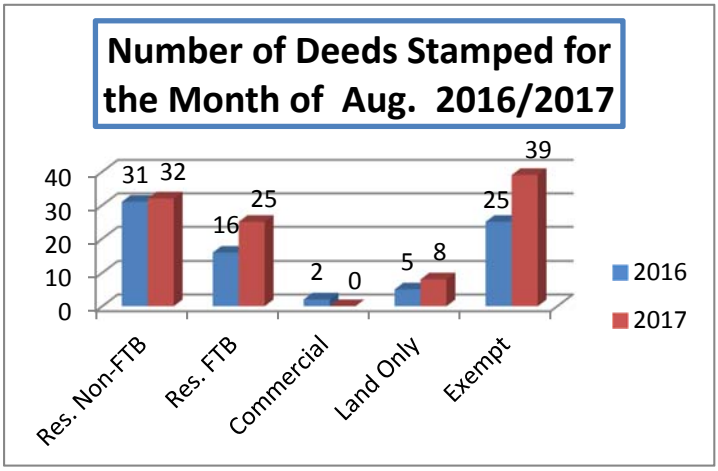
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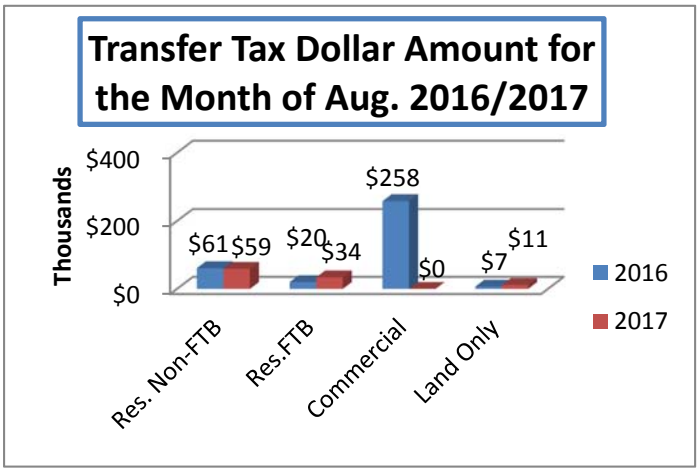
Monthly Report
August 2017

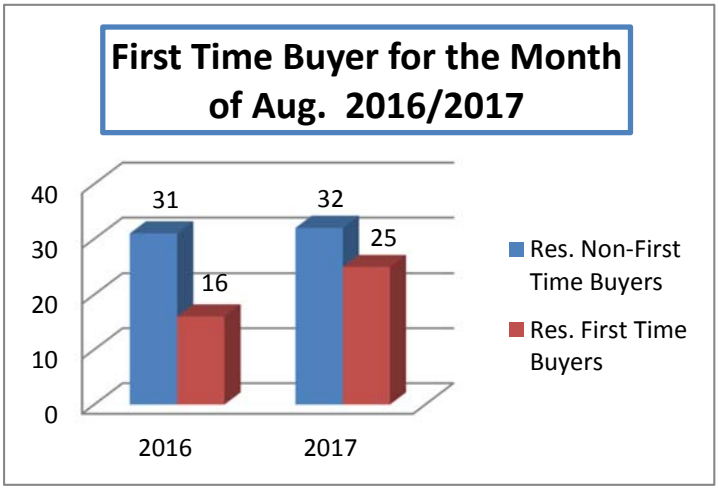


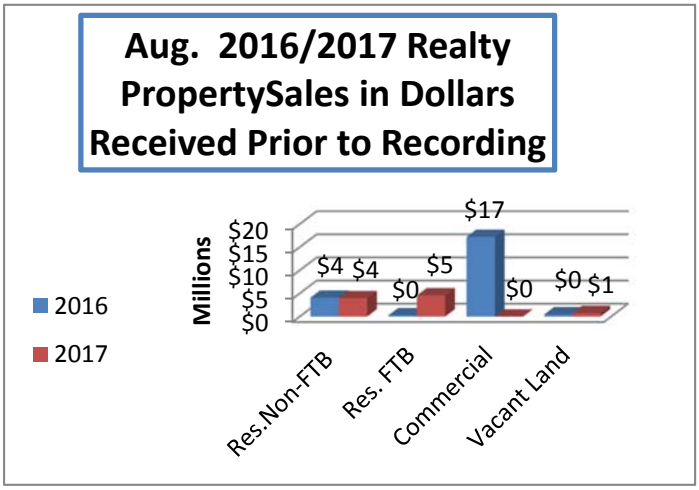
Office of City Assessor

ASSESSOR'S OFFICE









Major Updates

	June - 17	July -17	Aug- 17
Assessment Change	$2,827,800	$501,700	$3,421,900

Residential Sales Ratio Report

Sales in Study	Total Assessed Value	Total Sale Price	Ratio	PRD
40	$5,969,400	$6,720,338	0.89	1.01

Ratio – Assessed Value divided by Sale Price.

PRD – Mean – A PRD above 1.03 tends to indicate assessment regressivity – high valued properties are under appraised relative to low valued properties. A PRD below .98 tends to indicate assessment progressivity – high valued properties are relatively over appraised.

Points of Interest

Scanning & Filing

- All new deeds are being scanned and attached to the CAMA software for easy retrieval.

- All appeal documents and correspondence are being scanned and attached to the CAMA software for easy retrieval.

- All old property record cards are being scanned and indexed into Fortis.

CITY OF DOVER
SALES RATIO REPORT

PARID	NBHD	LUC	ADDRESS	UNITS	STYLE	YRBLT	STORIES	SFLA	GRADE	CDU	TOTAL APPR	SALE DT	PRICE	ASR
ED05-056.20-01-42.00	18	R10	195 MAPLE GLEN DR	1	14	2002	1	2084	B+	AV	224,200	31-AUG-17	250,000	
ED05-066.02-01-12.00	18	R10	145 HOBBYHORSE CT		1	2016	1.7	2658	B+	AV	246,000	17-AUG-17	224,500	
ED05-067.05-02-12.00	18	R10	113 BRANDYWINE DR	1	5	1988	2	2750	A-	AV	258,900	10-AUG-17	295,000	
ED05-067.13-01-80.00	3	R10	18 BALTUSROL CT	1	14	1973	1	1732	C	AV	184,700	23-AUG-17	245,000	
ED05-067.14-03-71.00	2	R10	32 MEADOW GARDEN LN	1	5	1976	2	1896	C	GD	174,200	25-AUG-17	196,000	
ED05-067.20-01-26.00	10	R10	509 PEAR ST	1	16	1963	1	1870	C	AV	124,600	28-AUG-17	189,900	
ED05-067.20-02-52.00	10	R10	521 N GOVERNORS AVE	1	1	1940	1	1856	C+	AV	154,700	21-AUG-17	202,000	
ED05-068.14-06-59.00-	7	R10	10 STARBOARD CT	1	13	1991	2	1328	C	FR	105,300	28-AUG-17	118,900	

PARID	NBHD	LUC	ADDRESS	UNITS	STYLE	YRBLT	STORIES	SFLA	GRADE	CDU	TOTAL APPR	SALE DT	PRICE	ASR
003														
ED05-068.15-03-70.00	6	R10	1416 HOPKINS AVE	1	14	1996	1	1165	C	AV	137,000	31-AUG-17	189,000	
ED05-068.17-01-34.00	8	R10	111 RODNEY RD	1	5	1935	2	2832	B+	AV	198,600	17-AUG-17	216,000	
ED05-068.18-01-51.00	7	R10	128 GREENHILL RD	1	14	1950	1	784	C	AV	99,900	11-AUG-17	147,000	
ED05-068.19-05-37.00	14	R10	186 LEXINGTON PL	1	8	2009	2	1400	C+	GD	159,400	01-AUG-17	151,000	
ED05-068.19-05-50.00	14	R10	169 LEXINGTON PL	1	13	2007	3	2181	C+	GD	155,000	14-AUG-17	189,900	
ED05-068.19-06-08.00	6	R0	444 NOB HILL RD								7,500	08-AUG-17	52,500	
ED05-076.03-02-40.00	14	R10	348 PARADEE DR	1	13	2007	2	1772	C+	AV	126,500	09-AUG-17	127,900	
ED05-076.03-04-52.00	11	R10	417 BEUVALE LN	1	5	2008	2	2884	B	AV	245,900	03-AUG-17	305,000	
ED05-076.04-01-87.00	2	R10	505 RIDGELY BLVD	1	13	2011	2	1720	C+	AV	161,300	22-AUG-17	174,000	
ED05-076.05-01-32.00	14	R10	228 N CAROLINE PL	1	5	1992	2	1847	B-	AV	160,800	15-AUG-17	220,000	
ED05-076.05-02-26.00	14	R10	51 STONEY DR	1	8	1986	2	1893	C+	AV	140,700	11-AUG-17	175,000	
ED05-076.05-04-01.126	102	R50	103 PAR HAVEN DR	1	20	1978	1	1177	C-	AV	48,600	18-AUG-17	49,000	
ED05-076.06-03-61.00	17	R10	245 GREEN BLADE DR	1	8	1983	2	1240	C+	AV	119,700	01-AUG-17	132,000	
ED05-076.06-06-59.00	2	R10	14 GREENWAY LN	1	13	1986	2	1200	C-	AV	84,700	18-AUG-17	110,000	
ED05-076.06-07-60.00-	104	R50	1204 AFTON CT	1	20	1984	1	1171	C+	GD	71,300	08-AUG-17	72,000	

PARID	NBHD	LUC	ADDRESS	UNITS	STYLE	YRBLT	STORIES	SFLA	GRADE	CDU	TOTAL APPR	SALE DT	PRICE	ASR
002														
ED05-076.10-01-24.00	16	R10	1256 N FARMVIEW DR	1	14	1986	1	1236	C	AV	119,900	11-AUG-17	145,000	
ED05-076.13-01-28.00	14	R10	109 TRAFALGAR DR	1	8	1995	2	1734	C+	AV	138,300	29-AUG-17	164,900	
ED05-076.20-04-03.00	5	R10	519 WYOMING AVE	1	14	1992	1	1645	C	AV	166,700	21-AUG-17	200,000	
ED05-077.07-06-13.00	6	R10	254 LADY BUG DR		14	2017	1	1352	B-	AV	183,000	14-AUG-17	222,018	
ED05-077.07-06-73.00	6	R0	432 NOB HILL RD								7,500	08-AUG-17	52,500	
ED05-077.07-06-92.00	6	R10	225 NOB HILL RD		1	2017	2	1680	B-	AV	187,800	18-AUG-17	220,980	
ED05-077.07-06-96.00	6	R10	201 NOB HILL RD		1	2017	2	2200	B-	AV	202,900	18-AUG-17	229,990	
ED05-077.07-07-33.00	6	R10	209 LADY BUG DR		13	2017	2	1220	B-	AV	117,800	18-AUG-17	154,270	
ED05-077.07-07-34.00	6	R10	211 LADY BUG DR		13	2017	2	1220	B-	AV	115,900	18-AUG-17	137,580	
ED05-077.11-03-41.00	6	R10	107 HOLMES ST	1	14	1992	1	1417	C	AV	147,300	21-AUG-17	189,000	
ED05-077.17-03-04.00	4	R10	113 WYOMING AVE	1	2	1930	1	874	C	AV	96,100	30-AUG-17	62,500	
ED05-085.06-01-01.00	11	R10	3 RIVERSIDE RD	1	5	2005	2	2352	B	AV	235,400	31-AUG-17	269,000	
ED05-085.06-01-69.00	11	R10	1048 WYOMING MILL RD	1	1	1938	1	2385	B	AV	338,300	21-AUG-17	202,000	
ED05-085.12-02-51.00	12	R10	343 MOCKINGBIRD AVE	1	5	1968	2	2412	C+	VG	204,800	16-AUG-17	200,000	
LC05-058.14-01-01.220	1	R10	220 W PERSIMMON CIR	1	14	2003	1	1728	C-	GD	87,600	14-AUG-17	55,000	
LC05-058.14-01-01.810	1	R10	810 FARRALL DR	1	14	2005	1	1344	C-	GD	68,900	31-AUG-17	59,000	
LC05-068.10-01-74.00	13	R10	413 EAST WIND DR	1	5	1994	2	2222	C+	AV	161,700	23-AUG-17	125,000	

COMMUNITY ENHANCEMENT FUND
110-1200-512.30-37

Current Balance -	**$20,011.94**

BUDGETED AMOUNT	COMMUNITY ENHANCEMENT FUND - $2,500 FOR EACH COUNCIL MEMBER PER DISTRICT AND $5,000 FOR THE AT-LARGE COUNCIL MEMBER. THE PURPOSE OF THE FUND IS TO ALLOW MEMBERS TO CONTRIBUTE FUNDS TO A SMALL PROJECT OR COMMUNITY NEEDS IN EACH DISTRICT.	**$25,000.00**
TOTAL		**$25,000.00**

DATE	COUNCIL SPONSOR	VENDOR	DESCRIPTION	P.O. #/ INVOICE #	TOTAL CHARGES	YEAR TO DATE	BALANCE
07/12/17	Anderson	Inner City Cultural League, Inc.	Councilman Anderson authorized the use of $600.00 of his community enhancement funds to fund 50% of the membership dues for 5 needy students to participate in the Sankofa African Drum and Dance Troupe.	Email dated 07/11/17 from David Anderson to City Clerk's Office	$600.00	$600.00	$24,400.00
07/16/17	Anderson	MLK Jr. Educational Community Center, Inc.	Councilman Anderson authorized the use of $500.00 of his community enhancement funds to help pay for breakfast and lunch for the Saturday Academy participants.	Email dated 07/16/17 from David Anderson to City Clerk's Office	$500.00	$1,100.00	$23,900.00
07/26/17	Slavin	Central Delaware Habitat for Humanity	Councilman Slavin authorized the use of $670.56 to purchase incidental equipment and play apparatus for the Habitat for Humanity's pop up parks/play streets program. It was noted that the games would be usable for future	Email dated 07/26/17 from Tim Slavin to Traci McDowell	$670.56	$1,770.56	$23,229.44
07/31/17	Hare	Air Force Ball Committee	Councilman Hare authorized the use of $500.00 for the deposit to reserve the Dover Downs ballroom for 436 Squadron's Annual Air Force Ball.	Dover Downs Banquet Event Order (BEO) #24,727 dated 06/27/17	$500.00	$2,270.56	$22,729.44
08/02/17	Cole	Dover Library Foundation	Councilman Cole authorized the use of his community enhancement funds to reimburse the Dover Library Foundation for the purchase of bottled water for the Dover Comic Con 2017 event.	Sam's Club receipt dated 08/15/17; Email dated 08/02/17 from Scott Cole to Traci McDowell	$397.50	$2,668.06	$22,331.94

08/07/17	Neil	3d Airlift Squadron Booster Club	Councilman Neil authorized $100.00 of his community enhancement funds to be donated to the 3d Airlift Squadron Booster Club for the Dover Air Force Base Open House.	Email dated 08/07/17 from Fred Neil to Traci McDowell	$100.00	$2,768.06	$22,231.94
08/14/17	Anderson	Boys and Girls Club of Delaware	Councilman Anderson authorized a donation of $100.00 of his community enhancement funds to the Boys and Girls Club of Delaware, for the Greater Dover Boys and Girls Club - 4th District children.	Emails dated 08/08/17 and 08/14/17 from David Anderson to Debbie Krueger	$100.00	$2,868.06	$22,131.94
08/14/17	Anderson	City of Dover Parkland Reserve	Councilman Anderson authorized a donation of $250.00 of his community enhancement funds for the Back to School Giveaway and Rib-Off Fundraiser Initiative (to be credited to the City's Parkland Reserve)	Email dated 08/14/17 from David Anderson to Debbie Krueger	$250.00	$3,118.06	$21,881.94
08/23/17	Cole	Dover High School AFJROTC Booster Club	Councilman Cole authorized $300.00 of his community enhancement funds to help pay for storage units for the air rifles used by the Rifle Team.	Email dated 08/23/17 from Scott Cole to Traci McDowell	$300.00	$3,418.06	$21,581.94
09/08/17	Polce	City of Dover Clearing Account - Rec Revenue	Councilman Polce authorized the allocation of $250.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17.	Email dated 09/08/17 from Tanner Polce to Donna Mitchell	$250.00	$3,668.06	$21,331.94
09/08/17	Lewis	City of Dover Clearing Account - Rec Revenue	Councilman Lewis authorized the allocation of $250.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17	Email dated 09/08/17 from Tanner Polce to Donna Mitchell	$250.00	$3,918.06	$21,081.94
09/08/17	Slavin	City of Dover Clearing Account - Rec Revenue	Councilman Slavin authorized the allocation of $250.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17	Email dated 09/07/17 from Tim Slavin to Roy Sudler	$250.00	$4,168.06	$20,831.94
09/07/17	Sudler	City of Dover Clearing Account - Rec Revenue	Councilman Sudler authorized the allocation of $300.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17	Email dated 09/07/17 from Roy Sudler to Donna Mitchell	$300.00	$4,468.06	$20,531.94
09/19/17	Anderson	Interdenominational Ministerial Alliance of Dover and Vicinity (IMA)	Councilman Anderson authorized the designation of $520.00 to the Interdenominational Ministerial Alliance of Dover and Vicinity (IMA) for the Expungement Clinic on 11/03/17. The funds are for Dover residents. The cost is estimated to be $52 per	Email dated 09/19/17 from David Anderson to City Clerk's Office	$520.00	$4,988.06	$20,011.94
					$4,988.06		**$20,011.94**

Budgeted Amount	District	Council Sponsor	YTD Expenditures	Balance
$5,000.00	At-Large	Slavin	$920.56	$4,079.44
$2,500.00	1st District	Lindell	$0.00	$2,500.00
$2,500.00	1st District	Polce	$250.00	$2,250.00
$2,500.00	2nd District	Hare	$500.00	$2,000.00
$2,500.00	2nd District	Lewis	$250.00	$2,250.00
$2,500.00	3rd District	Cole	$697.50	$1,802.50
$2,500.00	3rd District	Neil	$100.00	$2,400.00
$2,500.00	4th District	Anderson	$1,970.00	$530.00
$2,500.00	4th District	Sudler	$300.00	$2,200.00
		TOTAL	**$4,988.06**	**$20,011.94**

CITY MANAGER'S MONTHLY



REPORT

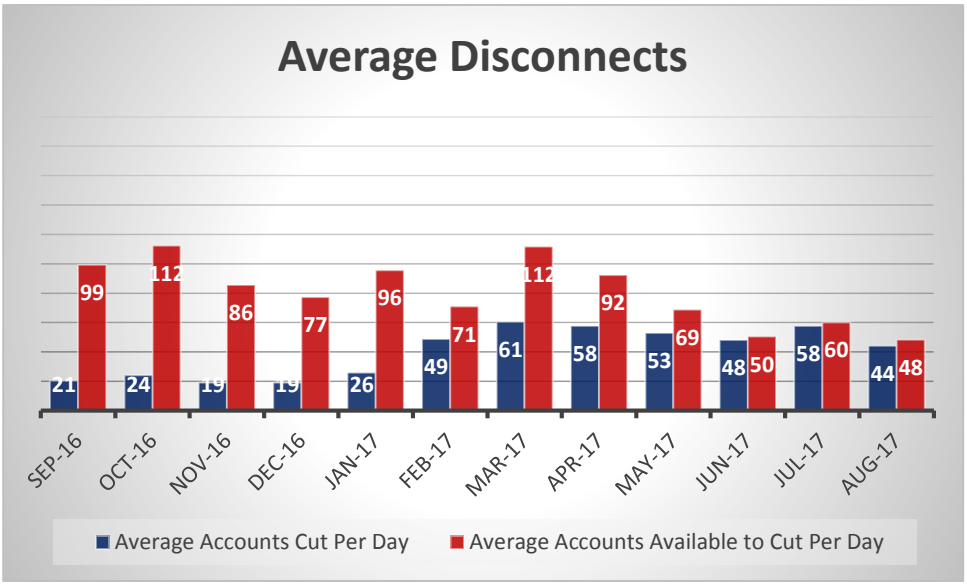
AUGUST 2017

City of Dover
Customer Services Department

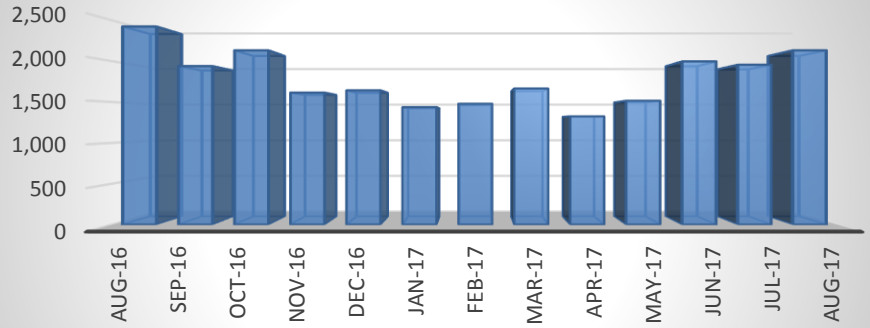
Major Program Updates	Aug 2017	Aug 2016	Difference	FY 2018 Year-to-Date	FY 2017 Year-to-Date
Number of Customers Served	23,734	25,319	(1,585)	55,622	55,496
Final Bills	788	843	(55)	1,418	1,486
Estimated Bills	205	219	(14)	432	433
Penalties Posted	$ 5,629	$ 6,574	(945)	$ 11,544	$ 11,380
Extensions of Credit - Amount Extended	$ 161,879	$ 140,253	21,626	$ 264,493	$ 222,088
Balance Transfers	$ 3,155	$ (3,917)	7,072	$ 11,934	$ (1,039)
Utility Collections	$ 30,131	$ 35,995	(5,864)	$ 54,107	$ 58,964
Special Assessments	$ -	$ -	-	$ -	$ -
Miscellaneous Billings	$ 250,222	$ 309,136	(58,914)	$ 481,545	$ 362,322
CNP through Disconnect Collars	$ -	$ -	-	$ -	$ -
Court Cases	$ -	$ -	-	$ -	$ -
Tamperings	$ -	$ -	-	$ -	$ -
Taxes Levied	$ 1,572,729	$ 2,182,987	(610,259)	$ 1,572,729	$ 2,182,987
Billing Adjustments	$ 17,393	$ (14,881)	32,273	$ 17,393	$ (14,881)
Total Taxes Collected	$ 601,887	$ 1,302,433	(700,546)	$ 601,887	$ 1,302,433
Taxes Outstanding	$ 988,234	$ 865,673	122,561	$ 988,234	$ 865,673

Disconnect Summary Report

	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17
% of Cust Cut	21%	21%	22%	25%	27%	69%	54%	62%	77%	95%	96%	91%
% of Total $ Cut	22%	18%	16%	24%	31%	68%	66%	63%	77%	92%	96%	88%
Total Days Available to Cut	20	20	21	22	22	16	13	16	20	22	12	19
	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17
Average Accounts Cut Per Day	21	24	19	19	26	49	61	58	53	48	58	47
	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17
Average Accounts Available to Cut Per Day	99	112	86	77	96	71	112	92	69	50	60	51
Total on original list	1986	2247	1797	1702	2102	1134	1451	1476	1377	1109	653	885
Total $ on original list	$649,386.35	$863,317.64	$782,883.39	$636,019.34	$675,694.36	$373,545.84	$371,175.90	$362,563.80	$405,699.71	$476,569.79	$210,692.12	$339,268.87
Total Actual Cust Cut	411	482	402	419	570	779	788	922	1059	1059	692	884
Total $ of Actual Cut	$140,573.47	$155,769.34	$124,907.89	$154,000.16	$212,407.49	$255,781.83	$243,763.03	$229,928.08	$312,473.14	$437,125.60	$214,022.39	$315,751.83

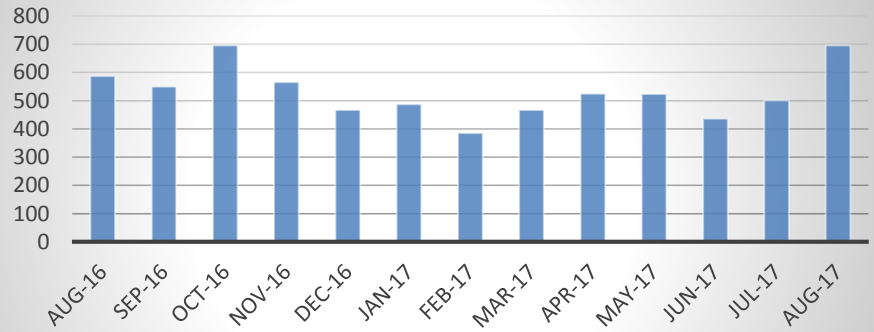


Work Orders Processed



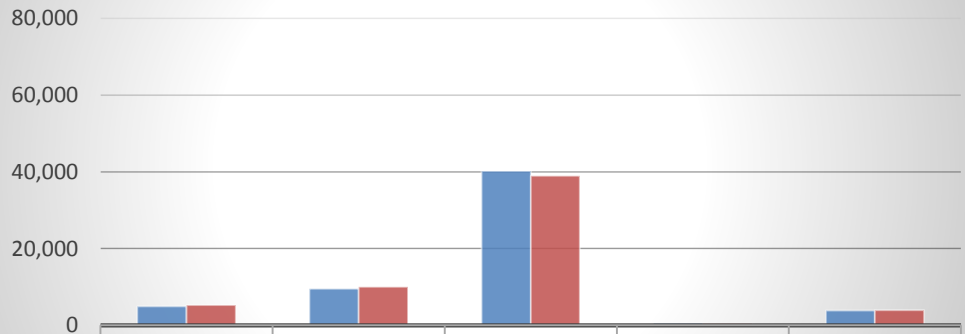
	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17
Series1	2,423	1,939	2,132	1,615	1,643	1,437	1,478	1,665	1,325	1,515	1,996	1,955	2,132

Payment Agreements / Extensions



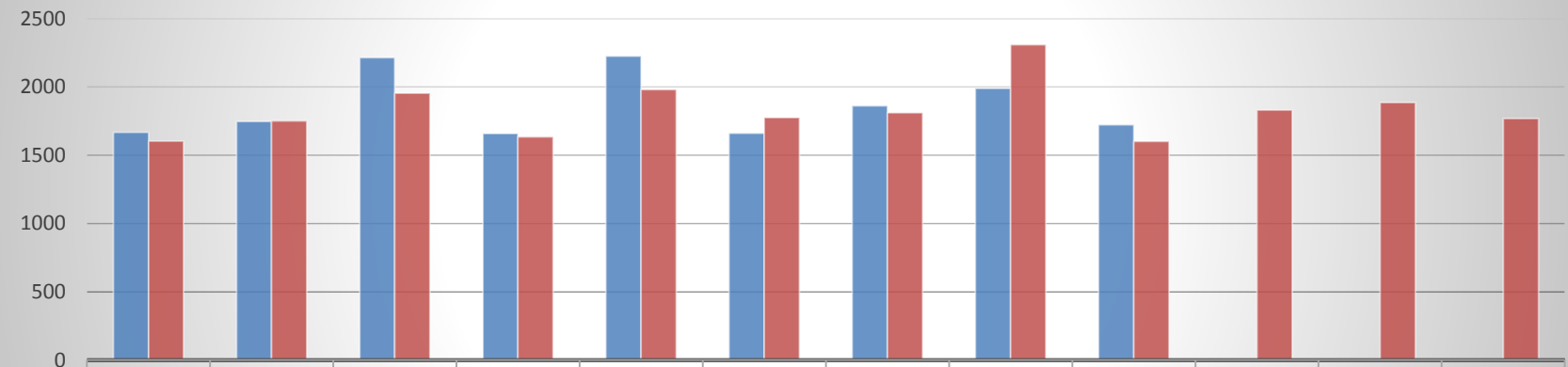
	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17
Series1	587	549	695	565	467	487	385	467	525	523	436	501	695

CUSTOMER PAYMENT USAGE



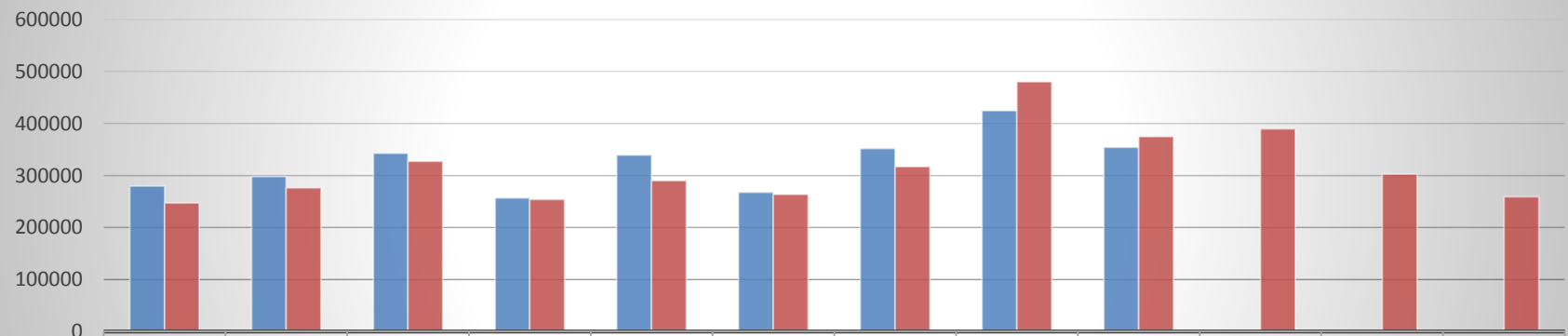
	Drive-Thru Window	Over the Counter	Mail, Drop Box	Credit Cards	Bank Drafts
2018 YTD	4,955	9,509	40,208	491	3,849
2017 YTD	5,240	10,051	38,986	467	3,938

Total Accounts Bank Drafted



	January	February	March	April	May	June	July	August	September	October	November	December
2017	1668	1747	2214	1660	2226	1662	1863	1989	1723	0	0	0
2016	1605	1751	1954	1636	1982	1775	1812	2309	1602	1831	1886	1770

Customer Payments Made Through Bank Draft



	January	February	March	April	May	June	July	August	September	October	November	December
2017	279823.56	297914.5	342455.53	256771.02	339351.31	267485.44	351745.72	424715.11	354068.36	0	0	0
2016	247351.87	276553.6	327013.78	253729.28	289793.16	263957.73	317148.01	480391.62	374575.25	389971.29	302860.98	259092.91

ELECTRIC DEPARTMENT

Electric Divisions

System Peak	
Dec 15	94.64
Jan 16	116.96
Feb 16	110.15
Mar 16	98.93
Apr 16	100.37
May 16	128.16
June 16	133.59
July 16	165.92
Aug 16	162.61
Sept 16	159.99
Oct 16	116.94
Nov 16	98.27
Dec 16	101.04
Jan 17	113.04
Feb 17	106.4
Mar 17	108.2
Apr 17	107.03
May 17	133.93
June 17	155.81
July 17	162.88
Aug 17	157.18

Total System Load	
Dec 15	56,155
Jan 16	62,563
Feb 16	57,888
Mar 16	55,967
Apr 16	53,202
May 16	56,586
June 16	65,414
July 16	80,114
Aug 16	83,086
Sept 16	67,117
Oct 16	57,707
Nov 16	54,812
Dec 16	60,179
Jan 17	63,172
Feb 17	54,811
Mar 17	60,690
Apr 17	54,062
May 17	57,823
June 17	70,081
July 17	79,883
Aug 17	74,534

Month	*outages*	*customers*
Dec 15	2	17
Jan 16	5	245
Feb 16	2	106
Mar 16	7	353
Apr 16	5	672
May 16	2	206
June 16	14	601
July 16	9	307
Aug 16	9	214
Sept 16	7	915
Oct 16	8	224
Nov 16	6	4293
Dec 16	5	207
Jan 17	3	12
Feb 17	1	2
Mar 17	4	160
Apr 17	4	114
May 17	5	148
June 17	7	3084
July 17	19	2556
Aug 17	8	1466

Number Customers Gained	
Dec 15	20
Jan 16	21
Feb 16	14
Mar 16	16
Apr 16	29
May 16	13
June 16	53
July 16	13
Aug 16	13
Sept 16	35
Oct 16	27
Nov 16	41
Dec 16	37
Jan 17	40
Feb 17	31
Mar 17	15
Apr 17	58
May 17	58
June 17	25
July 17	90
Aug 17	24

Electric Monthly Outage Report

The annual outage goal will be less than 295 minutes per customer, which is a Delaware Standard. This will be measured by calculating the System Average Interruption Duration Index.

FY 18 YTD	FY 17	FY 16
42.72	20.64	23.07

Controllable Outages *Annual goal is less than 40*		Average Response Time *Goal is less than 30 minutes*	
Month	**Year-to-date**	**Month**	**Year-to-date**
4	9	41.66 Minutes	39.2 Minutes

PROGRAM UPDATES	AUG 17	AUG 16	FY18 YTD
Tree Trimming	348	372	807
Number of Oil Releases	0	0	0
Lost Time Accidents – All Electric Utility Divisions	0	0	0
New Services	24	13	114

HUMAN RESOURCES
August 2017

Category	August 16	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	March 17	April 17	May 17	June* 17	July 17	Aug 17	Total
Caucasian*	294	296	301	302	300	299	296	293	290	289	291	292	290	n/a
Minorities*	69	71	72	72	71	71	71	72	73	73	74	79	76	n/a
Hired	0	5	9	3	1	5	1	5	1	3	3	9	1	46
Terminated/Resigned/ Retired/Other	4	1	1	2	4	6	4	7	3	4	3	3	6	48
Transferred/Promoted	2	2	0	0	2	2	0	1	1	1	0	3	1	15
Jobs Posted	7	3	3	1	7	2	6	7	5	2	1	7	1	52
Workers Comp. Injuries	3	3	6	3	0	2	2	2	2	4	3	1	0	31
Workers Comp. Hours	340	171	254	319	342	259	252	397	275	648	475	417	396	4545

***334 Full-time Employees: Part-time Employees:** 32 (3 Pitts Center, 1 Recreation, 18 Library, 1 Customer Service, 1 Central Services, 8 Police Department) -Numbers do not reflect, temporary, seasonal, relief fire dispatchers, committee or council members. * Updated

Position Hired: Evidence Technician
Position Transferred/Promoted: MEO I Grounds to Lead Laborer
Position Terminated/Resigned/Retired: Police Officer, Civil Engineer, LAN (Police Department), Customer Service Representative II (Customer Service), MEO I (Sanitation), Utility Maintenance Mechanic I
Positions Posted: MEO III, Water/Wastewater

Recruitment Information
(Positions closed in August)

Position	Total	Female	Male	Unknown	Black	White	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Two Or More	Unknown	In Dover	Out Dover
Public Works Inspector	4	1	3	-	-	2	-	-	1		1	3	1
Electric Director	7	2	5	-	1	5	-	-	-	-	1	1	6
Water Treatment Plant Operator I	12	2	7	3	5	3	-	-	1		3	5	7
Budget Analyst	14	10	4	-	5	4	-	1	-	3	1	4	10
Laborer II	25	3	14	8	6	10	-	-	1	2	6	10	15
MEO III, W/Wastewater	6	-	4	2	-	4	-	-	-	-	2	2	4
Customer Service Clerk II, Collections	62	57	5	-	26	24	-	1	2	2	7	35	27
Office Assistant	97	82	4	11	24	52	-	2	2	5	12	38	59
Gardener I	19	5	11	3	3	9	-	-	3	-	4	10	9
Billing Supervisor	35	27	4	4	8	15	-	1	2	4	5	12	23

Open or Currently Recruiting*

Open or Currently Recruiting by Dept.	August 16	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	March 17	April 17	May 17	June 17	July 17	Aug 17
Electric	4	3	3	4	4	4	4	4	4	4	5	7	7
Public Works	13	11	5	6	6	5	5	6	6	6	7	8	11
Police	3	2	1	1.5	3	5.5	6	7.5	9.5	9	8	6.5	6.5
All Other Departments	10	9	9	14	13.5	11.5	11.5	12	10	9.5	9	7.5	7.5
Totals	29	25	18	25.5	26.5	26	26.5	29.5	29.5	28.5	29	29	32

**Not used for Budgeting Purposes*

***<u>The following has been updated to reflected the Fiscal 2017-18 Budget</u>**

Electric: Lineman 2nd class, Engineering Fieldman; Key Accounts, Electric Director, (2) Substation Technician, Groundworker
Public Works: (2) Utility Maintenance Mechanic I; Laborer II (Grounds); Public Works Inspector, Gardener I, Motor Equipment Operator III (Water/wastewater); Water Treatment Plant Operator I, Field Supervisor II (Grounds), Civil Engineer, Motor Equipment Operator I (Sanitation), Motor Equipment Operator I Grounds
Police: Cadet; (4) Police Officers, (2) Communication Operator
All Other Departments: City Manager, Director Planning & Inspections, Billing Supervisor (Customer Service); Customer Service Clerk II (Collections); Customer Service Clerk I (part-time); Inspector I (Fire Marshal); Budget Analyst; Office Assistant

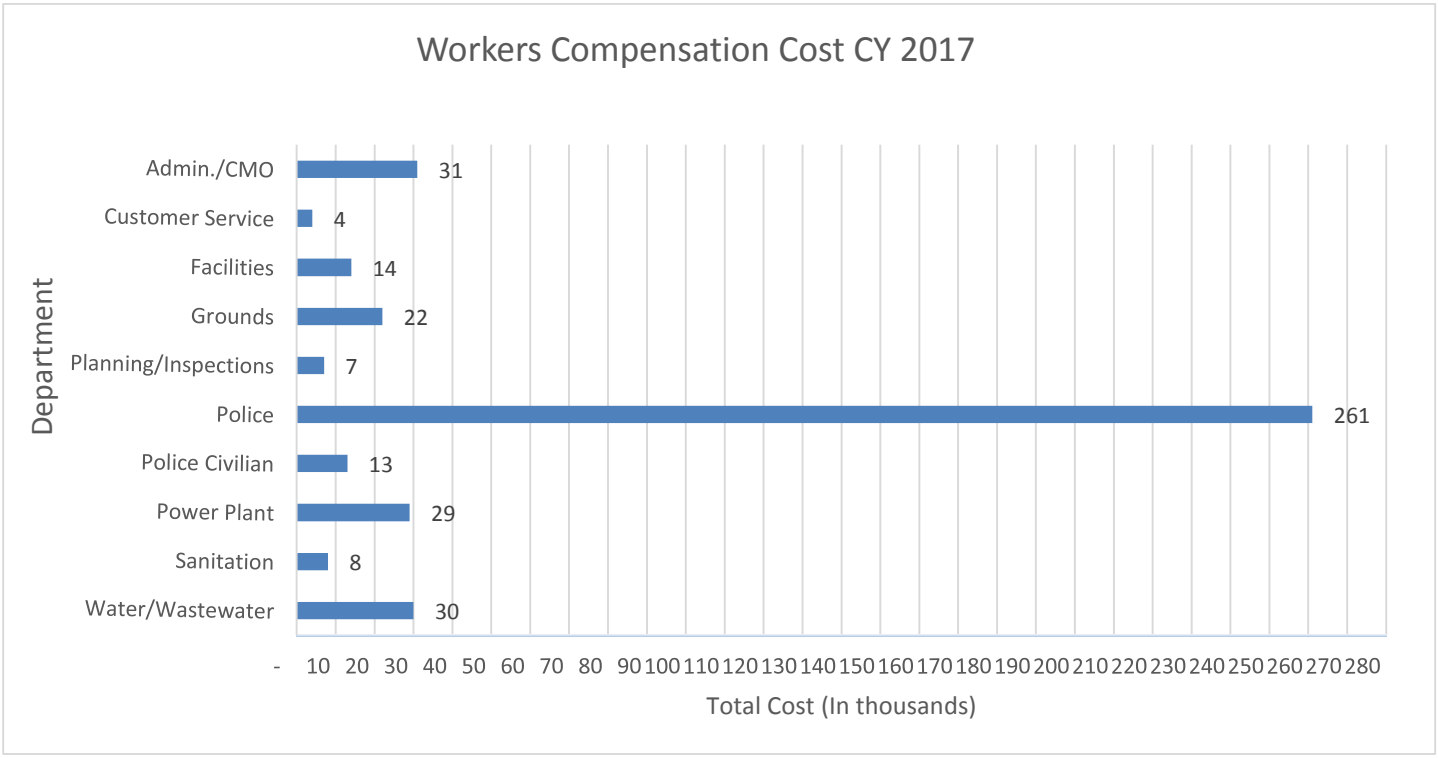
HUMAN RESOURCES
(Continued)

Turnover Statistics

	2010	2011	2012	2013	2014	2015	2016	2017
Total Turnover %	5.57	6.75	11.00	10.91	6.02	12.05	8.68	9.30
Termination Turnover %	0.27	1.08	0.29	1.47	.57	.28	.54	1.09
Resignation Turnover %	2.12	4.05	5.21	5.01	2.29	7.56	6.24	5.20
Retirement Turnover %	3.18	1.62	5.50	4.42	3.15	4.20	1.90	2.46
Other	-	-	-	-	-	-	-	.55
2012 Healthcare cost sharing implemented								
2013 Healthcare cost sharing implemented for DOE								
2016 RIF in Economic Development								

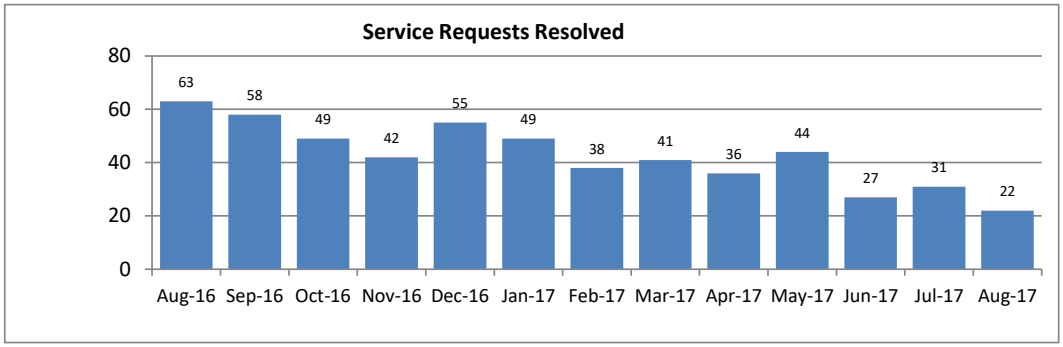
Average Employees

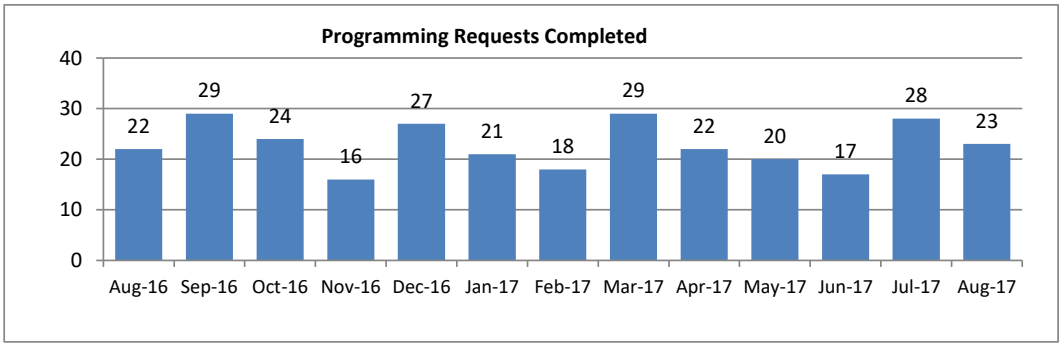
	2010	2011	2012*	2013*	2014	2015	2016	2017
Total Number of Employees Separating from Service	21	25	38	37	21	42	32	34
Average Number of Full-time Employees	362	356	333	325	331	333	340	339
Average Number of Part-time Employees	16	15	12	14	18	24	28	26
*** Healthcare cost sharing implemented**								

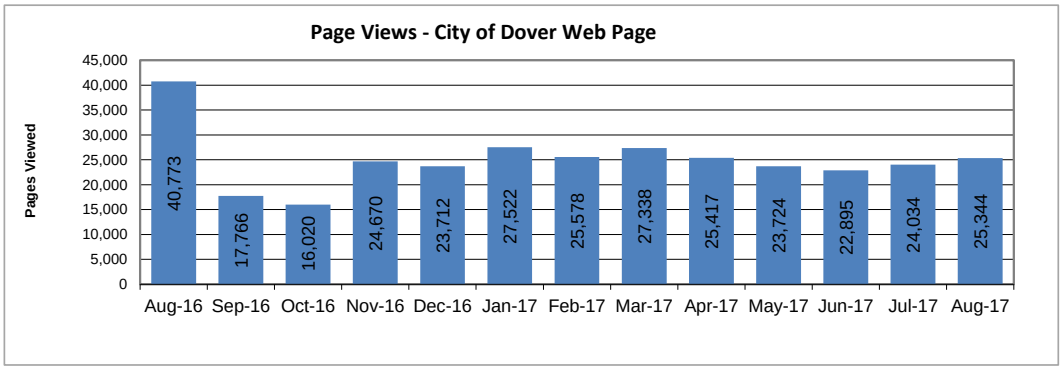


Total $419,000

INFORMATION TECHNOLOGIES







Noteworty:

Continued Contract work with Berry Dunn & Tyler Technologies

Provided assistance to the City of Newark

Finalized a plan for Reed Street staff emergency relocations

August 2017
Monthly Report

DOVER PUBLIC LIBRARY

Highlighted Special Events & Attendance:

Comic Con	10,000
"In Harmony..." Concert Series	170
Energy Conservation How To Workshop	21

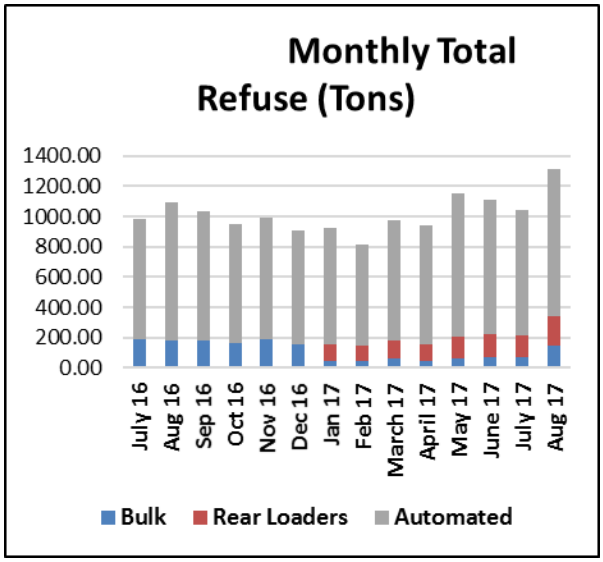
Total Items Checed Out:	33,274				**Programs:**	**Offered**	**Attended**
E-books:	2,630						
					Adult	39	10,590
New Library Cards:	390				**Teens**	29	222
					Children	24	455
Library Card Holders:	36,635				**Job Center**	36	319
Service Area Population:	*59,354*						
Library Visitors:	30,093						
Meeting Rooms Usage:	1,284						
Computer Users:	3,578						
Wireless Users:	2,140						
Items Loaned to/Received from Other Libraries:	6,696						

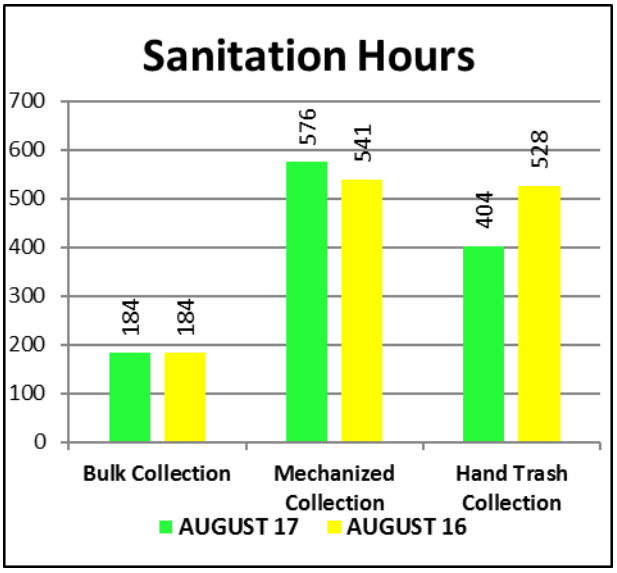
PUBLIC WORKS

Construction Inspection

Subdivisions *The following required inspection services*	***Site Development*** *The following required inspection services*
Seskinore Court	The Grande, Building 4
Chestnut Grove	Chesapeake Utilities- Dover Campus
Clearview Meadows	Eden Hill Medical Center
Eden Hill	Reed Street Apartments
Nottingham Meadows	Leander Lakes
Senators Lakes	Eden Hill Commercial Center
Garrison Oak Technical Park	Islamic Society of Central Delaware
Tall Pines	Whatcoat Apartments

Sanitation





	AUGUST 17	FYTD 18	AUGUST 16	FYTD 17
Trips to DSWA Sandtown Landfill	227	411.00	181	350.00
Total Tonnage to DSWA	1,315.73	2,354.78	1,096.41	2,082.80
90-Gallon Containers Delivered	94	172.00	58	103.00
300-Gallon Containers Delivered	0	0.00	0	0.00
Total Man Hours-containers Delivered	24	48.00	18	37.00

Streets	AUGUST 17	FYTD 18	AUGUST 16	FYTD 17
Signed Installed	7	24.00	6	22.00
Signs Repaired	10	13.00	9	13.00
Curbs Painted Yellow (feet)	0	256.00	26	2,665.00
New Post Installed	8	12.00	11	12.00
Storm Catch Basins Repaired	2	2.00	0	6.00
Storm Catch Basin Repairing (Hrs.)	15	15.00	0.0	5.50
Storm Catch Basins Cleaned	0	20.00	8	11.00
Storm Catch Basins Cleaning (Hrs.)	0.00	15.00	19	22.50
Hot Mix Patching (Tons)	0.00	8.10	0	0.00
Hot Mix Patching (Hrs.)	0	8.00	0	0.00
Cold Mix Patching Hrs.)	13.5	18.58	3.0	31.50
Concrete Work (Hrs)	91.0	103.00	8	12.00
Concrete Patching (Cubic Yards)	8.50	16.50	3.50	3.80
Ditch Work (Hrs).	0	2.00	2	2.00
Street and Alley Maintenance (Hrs)	8.0	34.00	0	0.00
Street Sweeping (Miles)	1,847	3,269.24	2,096	3,958.00
Street Sweeping (Cubic Yards)	118.00	202.25	141	259.58

CURBSIDE RECYCLING STATS	TOTAL # OF HOUSEHOLDS COLLECTED	TOTAL # OF ACCOUNTS	WEIGHT/LBS.	AVE. LBS.
August 2017	21,767	9,450	313,660	14.41

GROUNDS

Work Orders

Total Work Orders = 12	General = 3	Arborist = 9

Arborist Crew	August 2017	August 2016
Trees Trimmed	29	27
Trees Removed	4	7
Stumps Removed	0	47
Trees Planted	0	0
Root Pruning	2	0

Beautification Crew

Cleaned greenhouse for the winter
Tulip bulb order submitted to the warehouse
Watering of hanging baskets
Weeds removed from flower beds

Mowing Crew

All mowing equipment in good operating order
Mowed city properties and parks

Litter Removal

Litter is being picked up on City properties as per the weekly schedule
Litter person has been diligent in the reporting of vandalism in City parks

Miscellaneous

Completed 18 work orders
Serviced mowing equipment
Started trimming trees and bushes at Loockerman Plaza
Mowed shallow wells at treatment plant
Set stage up for 4 events
5 staff members attended training for CEU for spraying
Prepared ball fields for summer league daily

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Other	Created 2 maps for NCALL and provided digital versions for a PowerPoint.
Other	Wild Meadows easement research.
Other	Provide addressing data to Kent Co for 911 purposes.
Public Works	Using data from HTE determined how many out of City trash customers there were.
Public Works	Troubleshoot and resolve ArcGIS Server issue.
Public Works	Made changes to the Jet Truck Protocol according to employee input.
Public Works	Troubleshoot slowdown issues with ArcGIS on one of the Engineers computers.
Public Works	Research and update addresses for the address point file.

FLEET AND FACILITIES MANAGEMENT

Fleet Maintenance

PM Work Orders Completed:	**17**	Number of Tire Repairs:	**10**	Number of Road Repairs:	**7**
Other Work Orders:	**51**	Repair Hours:	**141.5**	Road Repair Hours:	**26.5**
Total Work Orders:	**68**	Fabrication Hours:	**6**	Misc.Hours:	**240.5**
PM Hours:	**72**				

 # Of Scheduled PM's: 37
 # Of Scheduled PM's: Completed: 14

Major Program Updates

MEASURE	August 2017	August 2016	DIFFERENCE
Fleet Maintenance - Scheduled Preventative Maintenance appointments being kept *(Quantity and Percentage)*	14 out of 37 37.84 %	18 out of 37 48.65 %	**- 10.81%**
Facilities Maintenance			
Facilities - Routine work orders completed within 5 days *(Quantity and Percentage)*	27 out of 27 100 %	31 out of 31 100 %	**0 %**
Facilities - Emergency work orders completed within 2 days *(Quantity and Percentage)*	3 out of 3 100 %	1 out of 1 100 %	**0 %**

Water/Wastewater Divisions

	July 16	Aug 16	Oct 16	Nov 16	Sept 16	Jan 17	Dec 16
Total Water Prod.	204,088,000	203,656,000	173,574,000	122,328,000	176,510,000	139,873,000	132,009,000
Billed Consumpt.	181,484,000	179,460,000	159,687,000	133,279,000	184,214,000	114,760,000	114,760,000
Total Flow to County	129,725,000	158,799,000	169,995,000	114,255,000	125,583,000	141,147,600	114,682,000
City Readings	146,440,837	178,307,328	147,838,447	150,270,118	135,635,579	142,470,400	136,196,345

	Feb 17	March 17	April 17	May 17	June 17	July 17	Aug 17
Total Water Prod.	126,731,000	153,874,000	142,087,000	171,797,000	183,692,000	195,693,000	183,352,000
Billed Consumpt.	150,473,000	120,373,000	127,958,000	127,958,009	161,418,000	179,460,000	169,521,000
Total Flow to County	115,346,000	120,431,000	123,927,000	170,213,000	136,745,000	125,926,000	178,219,000
City Readings	148,506,989	134,835,733	135,076,400	168,499,897	141,349,551	138,366,768	167,858,838

ENGINEERING SUMMARY

Major Program Updates	AUGUST 17	AUGUST 16	DIFF	FY18 YTD	FY17 YTD
State and Federal Violations	0	0	0	0	0
Water Quality Complaints	6	11	+1	9	13
Plan Review Completed Within 30 days of Submission	14	12	+2	20	16

OPERATIONAL SUMMARY

Task	AUGUST 17	AUGUST 16	CURRENT FY
Water Production - Daily Average	5,914,581	6,569,548	562,737,000
Average Field Response Time (goal is <30 minutes)	14.50	16.5	17.75
Water Mains Repaired	0	2	0
Water Service Lines Repaired	1	2	4
Wastewater Mains Repaired	1	1	1
Wastewater Service Lines Repaired	1	0	1
Sewer Lines Flushed - linear feet	44,285	76,172	90,647
Sewer Mains Videoed -linear feet	1,833	3,870	2,926
Sewer Manholes Cleaned	216	314	216
Total Fire Hydrants in Service	1,839	1,820	1,839
Total Water Meters in City Distribution System	14,678	14,478	14,678

City Planner's Monthly Report

Planning, Inspections & Recreation

AUGUST 2017

Planning, Inspections & Recreation Highlights

Some Items to Call to Your Attention:

Concern about the condition of the City's Parks system remains a priority. In July playground/equipment surfaces were upgraded in Dover, Silver Lake, Williams, and Mayfair Parks.

Planning staff were actively involved in a number of studies and projects including Restoring Central Dover Community Planning Implementation, Dover/Kent MPO Regional Bicycle Plan update and the Downtown Parking Study. Staff was involved in a coordinated effort to address blighted housing in targeted downtown blocks, review of the Capital Gateway Plan (prepared last year through the MPO), and developing priorities for submission to DelDOT and the MPO for capital transportation projects.

Development activity continues at a healthy pace. In August, 16 permits were issued for new homes, over $1 million of new commercial projects were permitted, and the City received HUD approval for the FFY 17 CDBG programs addressing home ownership, shelter, rental assistance and housing rehab. Building staff issued 288 permits of various kinds (versus 212 in August 2016) and conducted 1069 inspections (versus 787 in August of last year).

But not everyone followed the rules in August. Code Enforcement handled 255 cases of which 93 involved tall grass, weeds or other exterior property maintenance violations.

City Planner's Monthly Report

Planning, Inspections & Recreation

More Highlights!



Eddie Diaz, of the Dover city planning office, shows off suggested parking plans to Tina Graham during a public workshop Aug. 24. The final parking study will be submitted to the city council by the end of September. JEFF BROWN PHOTO

- **Downtown Dover Parking Study Workshop** – A Public Workshop was held on August 24, 2017 at the Dover Public Library. Information and potential strategies for parking in the Downtown were presented for review and comment. Seek Dover Kent County MPO website for information on the study. http://doverkentmpo.delaware.gov/2017/08/25/downtown-dover-parking-study-photos-links/
- Summer Camps: Super Summer Playground our weekly day concluded with **52 kids in August**, Field Hockey Camp hosted **19 kids**. Now the kids are back in school and we are programming fall and winter activities and sports leagues.
- Senior Spree at Nobles Pond: Steve Pickering and Wayne Voshell hosted a booth at the **Senior Spree** expo. The event, presented by the Delaware State News, allowed us to present our programming to the 55+ active adults.
- Performing Arts on The Green: August attendance records show **Sara Garrison** drew in **93** inside at the Pitts Rec. Center due to rain, **Evolution Orange** entertained **219**, **Bad Juju** performed to a crowd of **196**, **Steel Happiness** played to **205** with the **Bad Avenue Band** playing to a crowd of **184**. 2017 Season Sponsors: **City of Dover, YMCA of Dover, Eden Hill Medical Group and Chesapeake Utilities**.
- Bicycle/Pedestrian Subcommittee: Submitted an application to the League of American Bicyclists to designate Dover as a Bicycle Friendly Community. People for Bike grant invitation application was also submitted for a partner project with Capital School District.
- Continental Park: Facilities Management staff began refurbishing benches in the warehouse to be installed at Continental Park. Staff is working with Cunningham Recreation for a small playground layout for the open space area off between Colony Drive and Geo. Washington Street.

PROGRESS IN PICTURES



Dover Chiropractic and Rehabilitation Center at 222 S DuPont Highway



Rose Nails at 450 S. DuPont Highway

PROGRESS IN PICTURES



Clearview Meadows—

254 Lady Bug Drive

Senators Lake—

209-215 Representative Lane



PROGRESS IN PICTURES



The Grande— 101 Dove View Drive



Senators Lake- 2 through 12 Representative Lane

Planning & Inspection Revenues

Revenue Stream	FY '18 Budget	FY ' 18 Actual (YTD) August	% of Budget
Business License	$1,467,000	$ 1,368,951	93%
Trailer License	$19,000	$ 9,720	51%
Building Permits	$800,000	$ 200,565	25%
Cert. of Occupancy	$13,000	$ 4,090	31%
Public Occupancy	$23,000	$ 350	2%
Lodging House	$14,000	$ 28	0%
Plumbing/Heating/Air	$115,000	$ 37,471	33%
Rental Inspection Fee	$437,000	$ 1,280	0%
Miscellaneous	$27,000	$ 2,856	11%
Fire Protection Fees	$65,000	$ 15,677	24%
Code Enforcement Fines	$35,000	$ 5,700	16%
Vacant Building Reg.	$250,000	$ 46,575	19%
Total P&I Revenue	**$3,265,000**	$ 1,693,263	52%

31-Aug-17

PERSONNEL AND TRAINING

Sherwanda Rachal-Speaks completed the following training:

- On August 17, 2017 -Food Bank Annual Mandatory Training- The training was provided by Food Bank of DE for all sites they service .
- On August 28, 2017 -Purchase of Care Training – training on the DE provider self-service portal on how to navigate the system, manage documents, along with updates to the system.

PLANNING OFFICE

The Planning Office is part of the review process for certain types of construction activity permits (Building Permits, Sign Permits, etc.) and Certificate of Occupancy permits. For August 2017, Planning Staff was involved with review of 98 Permits and 29 Certificates of Occupancy permits. This results in a 2017 calendar year to date total of 783 Permits and Certificates of Occupancy (2016 calendar year to date total of 744 Permits and COs compared to 625 for 2015). Planning Staff also reviews new applications for Business Licenses and Rental Dwelling Permits.

COMPREHENSIVE PLAN IMPLEMENTATION

Planning Staff continues to focus on the various implementation items identified in the *2008 Comprehensive Plan* as amended.

- The Planning Office continues to be involved in the following studies and projects: Restoring Central Dover Community Plan implementation, the Dover/Kent County MPO Regional Bicycle Plan Update project, and Downton Dover Parking Study.
- The Planning Office is wrapping up the Study of "Non-conforming Uses" which identified non-compliant uses in specific residential zones. Two Rounds of Notifications to non-conforming property owners occurred in 2016 and early 2017. A number of the identified properties have taken action to resolve the non-conformity issues. The last set of non-conforming properties (Round 2) were notified with sunsetting date of June 30, 2017 if not resolved. For one of the remaining properties, the Planning Commission recommended approval of a rezoning application (Z-17-04) in August with Final Action by City Council to occur in September.

Construction Activity

- Construction activities continue at several multi-family residential projects including the Tall Pines project at 1655 and 1665 Kenton Road (S-14-18), Leander Lakes Apartments (S -12-18), Phase 2 of the Blue Hen Apartment Complex (S-15-12), the reconstruction of Liberty Court Apartments (S-16-22) and the renovations of Whatcoat Village Apartments (S-16-05).
- A Permit was issued to begin construction of the Telecommunications Tower near 118 Galaxy Drive (S-17-08).
- There is residential construction activity in Clearview Meadows PND, Nottingham Meadows, Senators Lake, Seskinore, Village of Cannon Mill, and Village of Westover.
- Certificates of Occupancy were issued to ten (10) one family detached dwellings, ten (10) townhouse dwellings and six (6) apartment buildings in August.

	AUGUST (2017) FY18	TOTAL FOR FY18
New Home Permits Issued	16	35
Value of Commercial Projects	$1,049,046.00	$11,216,575.00
Downtown Incentives (Fees Waived)	$847.00	$2,648.00

BOARD AND COMMISSION ACTIVITY

Planning Commission

The Planning Commission met on August 21, 2017. The next Planning Commission meeting is scheduled for September 18, 2017.

S-17-22 McPoyle Site at 575 North DuPont Highway: Waiver Request – Planning Commission moved to approve a Waiver Request to eliminate the required curbing for the parking lot to be constructed at the rear of 575 North DuPont Highway.

Z-17-04 Lands of Sarah Jones at 826/828 Forest Street– Planning Commission moved to recommend approval of the rezoning application for the parcel located at 826/828 Forest Street. They recommended approval of the rezoning of the properties from the RG-1 (General Residence Zone) to the C-1A (Limited Commercial Zone). The parcel is to remain subject to the COZ-1 (Corridor Overlay Zone).

Z-17-05 Lands of Bennie Smith Real Estate, LLC at 870-872 Forest Street– Planning Commission moved to recommend approval of the rezoning application for the parcel located at 870-872 Forest Street. They recommended approval of the rezoning of the properties from the C-1A (Limited Commercial Zone) to the IO (Institutional & Office Zone). The parcel is to remain subject to the COZ-1 (Corridor Overlay Zone).

C-17-03 Residence at 91 Saulsbury Road Conditional Use Review – Planning Commission moved to grant Conditional Use Plan to permit conversion of an existing building from an office to a one family residence at 91 Saulsbury Road, Dover.

C-17-04 House of Pride Offices at 45 South New Street – Planning Commission moved to grant conditional approval to Conditional Use Plan C-17-04 for conversion of an existing one-family residence at 45 South New Street into office space for the House of Pride as a philanthropic use.

S-17-23 Kent Pediatrics at 53 Roosevelt Avenue – Planning Commission moved to grant conditional approval of a Site Development Plan for construction of a 2,520 S.F. one-story medical office building and associated site improvements at the above referenced parcel at 53 Roosevelt Avenue.

Board of Adjustment

The Board of Adjustment did not meet on August 16, 2017. The next regular scheduled meeting of the Board of Adjustment is scheduled for September 16, 2017.

Historic District Commission

The Historic District Commission met on August 17, 2017. The next Historic District Commission meeting is scheduled for September 21, 2017. Discussion included—Update on FFY2017 CLG Grant Project: Amendment to Design Guidelines for Dover's Historic District (Addendum to *Design Standards & Guidelines for the City of Dover Historic District Zone*: Modern Materials & Technologies)

- Review of Project Narrative
- Project Activities
- Grant Agreement

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CDBG FY17 Projects

The Department of Housing & Urban Development (HUD) has approved the FY17 Action Plan for the FY15-FY19 Multi-Year projects listed below. Once the City receives the funding approval agreement from HUD, the CDBG Administrator will schedule contract signings for funds to be drawn down.

Homeownership Assistance Program

CDBG funds will be used to provide homeownership assistance to first-time homebuyers who purchase affordable housing in the City of Dover.

Dover Interfaith Mission for Housing

CDBG funds will be used to provide operation costs for the shelter.

Connections Community Support Program

CDBG funds will be used to provide rapid re-housing/rental assistance services for homeless households within the City.

Milford Housing Homeowner Rehabilitation/Emergency Home Repair Programs

CDBG funds will be used to rehabilitate existing owner occupied housing in the City that is in violation of the City's Housing Code and complete emergency home repairs to eliminate housing conditions that threaten the health and safety of low income homeowners.

Habitat for Humanity

CDBG funds will be used to complete exterior renovations to existing owner-occupied homes in the Restoring Central Dover Revitalization area.

NSP Program

The City provided $50,000 in NSP grant funds to Diamond State Community Land Trust to assist in acquiring a vacant or foreclosed property in the City of Dover. The property will be fully renovated and sold to a low to moderate income family.

Code Enforcement Activity—AUGUST

Case Type	# cases current month	# cases YTD (July to July)	% staff initiated current month	% staff initiated YTD
No valid Rental Permit	0	4	0%	75%
No valid Building Permit	4	16	100%	97%
Tall grass and weeds	52	92	63%	74%
Unregistered vehicle	3	14	100%	76%
Abandoned vehicle	3	5	33%	73%
Annual Housing Inspection	18	46	86%	91%
Property Maintenance – Exterior	41	84	30%	45%
Electric Termination	12	22	100%	96%
Dover Code of Ordinances	19	45	47%	53%
Zoning	2	2	100%	66%
Total Cases	**154**	**331**		
Total # of Inspections For Month	**255**			

Dangerous Buildings, Vacant Buildings & Demolitions

- *954 Lincoln Street*—The property was condemned and taken forward to City Council as a dangerous building on November 7, 2016. Council ordered the owner to demolish the structure by December 7, 2016. The asbestos survey and abatement have been completed . The mortgage company has requested time to make renovations. The demolition has been put on hold.
- *801 North State Street*—The property was condemned on October 21, 2016 due to fire damage. A Demolition Permit has been obtained by the owner with a possible start date in July. The demolition was completed in August.
- *1175 Horsepond Road*—The property was condemned on November 14, 2016 due to the dilapidated condition of the home. Notice was sent to the owner to repair or demolish the structure by February 23, 2017, or City Staff would take the property forward to City Council as a dangerous building. Property was presented to City Council on March 6, 2017; Council declared the property dangerous and ordered the owner to demolish by April 7, 2017. The owner is working to have the building demolished.
- *236 Eisenhower Drive*—The property was condemned on August 29, 2016, due to the dilapidated condition of the home. Notice was sent to the owner to repair or demolish the structure by February 23, 2017, or City Staff would take the property forward to City Council as a dangerous building. Property was presented to City Council on March 6, 2017; Council declared the property dangerous and ordered the owner to demolish by April 7, 2017. The demolition of the structure has begun.
- *803 Westview Terrace*—The in-ground swimming pool has been condemned. Notice has been sent to all lien holders regarding the code violations to the in-ground swimming pool. Staff took this property to City Council on August 7, 2017 as a dangerous building and Council ordered the Owner to demolish the pool by September 7, 2017, or City Staff would have the pool demolished.
- *2292 White Oak Road*—The dwelling was condemned as unfit for human occupancy and notice was sent to the owner to repair or demolish the structure. City Staff took this property to City Council on August 7, 2017 as a dangerous building and Council ordered the Owner to demolish the house by September 7, 2017, or City Staff would have the structure demolished.

- *Vacant Buildings*—During the month of August eight (8) additional buildings were registered as vacant, and $23,475.00 in vacant building registration fees were collected.

Fire Marshal's Office—At a Glance

The Fire Marshal's Office investigated a total of seven (7) incidents in the month of August.

Annual Fire and Life Safety Inspections were conducted at the majority of the schools and colleges.

Staff attended he City wide Defensive Driving classes.

	Month	Year to Date	Previous Year to Date
Annual Fire & Life Safety Inspections	15	21	55
Deficiencies From the Above Inspections	202	211	174
Fire Code Violations/Deficiencies/Complaints	44	49	44
C/O & Fire Equipment Acceptance Tests	16	23	34
Meetings & Walk Through	16	30	20
Fire Plan Review & DAC	21	51	16

	Month	Year to Date	Previous Year to Date
Accidental	4 totaling $12,000	6 totaling $50,000	$220,000
Undetermined	0	0	$23,000
Incendiary	3 totaling $20,501	14 totaling $20,502	$0.00
Arrest Made with DPD	0	0	-
Investigation Time	21 hours	27 hours	-
Injuries	0	0	-
Deaths	0	0	-

Please feel free to contact our office at any time with any questions or concerns. Thank you!

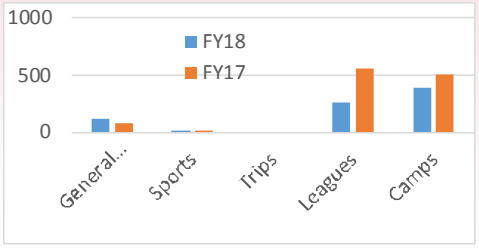
Building Inspections & Licensing Summary

	Current	Aug 17-June18	Aug 2016	Aug 16 -June17
	AUG 18	**FYTD 18**	**AUG 17**	**FYTD 17**
PERMITTING AND LICENSING				
Permits Issued	**AUG (2017) FY 18**	**FYTD 18**	**AUG (2016) FY17**	**FYTD 17**
Administrative Permit	5	7	4	5
Building Addition/Renovation Permits	42	79	37	76
Building Permits	39	73	30	55
Demolition Permits	2	6	2	4
Fence Permits	14	25	5	12
Fire Prevention Permits	30	43	11	21
Mechanical Permits	64	114	66	101
Plumbing Permits	75	140	26	64
Sign Permits	16	33	29	47
Swimming Pool Permits	1	2	2	4
Business Licenses	493	1723	240	1775
Merchant Licenses	115	286	59	304
Contractor Licenses	350	928	155	682
Lodging House Licenses	0	0	0	14
Manufactured Homes	79	213	49	221
Public Occupancy	10	15	14	32
Rental Dwelling	18	34	22	43
BUILDING INSPECTIONS				
Inspections	**AUG (2017) FY 18**	**FYTD 18**	**AUG (2016) FY17**	**FYTD 17**
Building (Inspections/Site Meetings)	376	1052	363	734
Plumbing/Mechanical	664	1127	408	805
Certificate of Occupancy	29	46	16	32

Recreation Division

Enrollment Summary

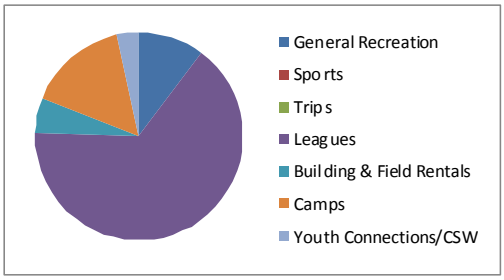
AUGUST FY18 verses AUGUST FY17

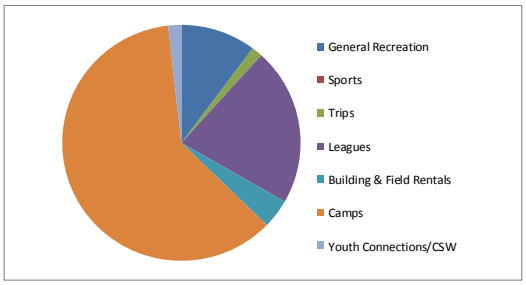




Category	FY/18	FY/17
General Recreation	112	78
Sports	5	5
Trips	0	0
Leagues	250	550
Camps	385	498

Revenue Breakdown: August FY 2018 verses August FY 2017





General Recreation	**$1465.70**
Sports	**$0.00**
Trips	**$0.00**
Leagues	**$9289.00**
Building & Field Rentals	**$800.00**
Camps	**$2211.50**
Youth Connections/CSW	**$500.00**

General Recreation	**$1797.00**
Sports	**$0.00**
Trips	**$259.00**
Leagues	**$3800.00**
Building & Field Rentals	**$700.00**
Camps	**$10,717.00**
Youth Connections/CSW	**$315.00**



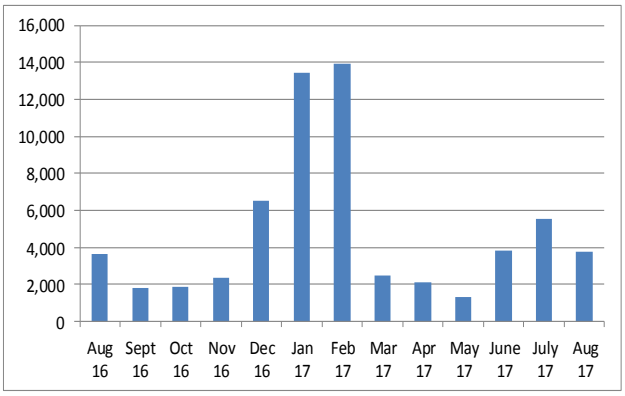




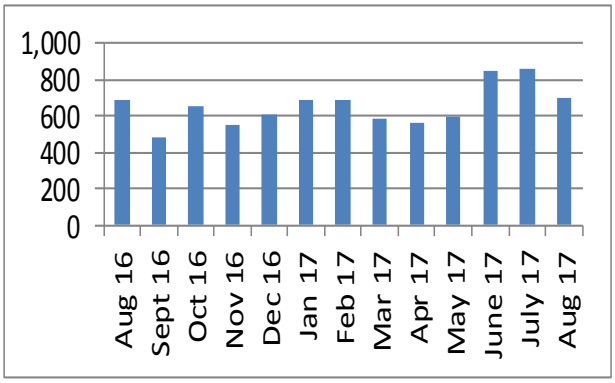


John W. Pitts Recreation Center – AUGUST FY2018

Total Program Attendance



Facility Usage By The Hour



** Program Attendance figures includes daily participants, parents and spectators in the facility.

Facility Usage By The Hour	AUG 18		FYTD 18		AUG 17		FYTD 17
Open Gym	241		320.5		155		227
Fitness Classes	34		71		28		51
Leagues	78		212		85.5		225.5
Camps	335		925		412.5		988.5
Sports Classes	0		0		0		0
Meetings & Rentals	12		30		2		14
Enrichment Classes	0		0		0		0
Total Facility Usage Hours	700		1,558.5		683		1,506

Daily Program Attendance**	AUG 18		FYTD 18		AUG 17		FYTD 17
Total	3,787		9,362		3,666		8,981
Open Gym	266		378		243		355
Fitness Classes	164		255		151		282
Leagues	3,036		7,267		2,812		6,923
Camps	216		1,022		448		1,284
Sports Classes	0		0		0		0
Meetings & Rentals	105		440		12		137
Enrichment Classes	0		0		0		0

Since our opening in late April 2008, we have had 514,944 guests at the John W. Pitts Recreation Center.

Open Gym Registrations and Packages Sold

PACKAGES SOLD:	AUG	MTD	YTD	FYTD
Daily:	0	$0	0	$0
Individual Quarterly:	0	$0	0	$0
Individual Annual:	0	$0	0	0
Family Quarterly:	0	$0	0	0
Family Annual:	0	$0	0	0
Revenue	**0**	**$0**	**0**	**$0**



City of Dover

Finance and Procurement & Inventory Departments — Monthly Budget Reports

AUGUST 2017









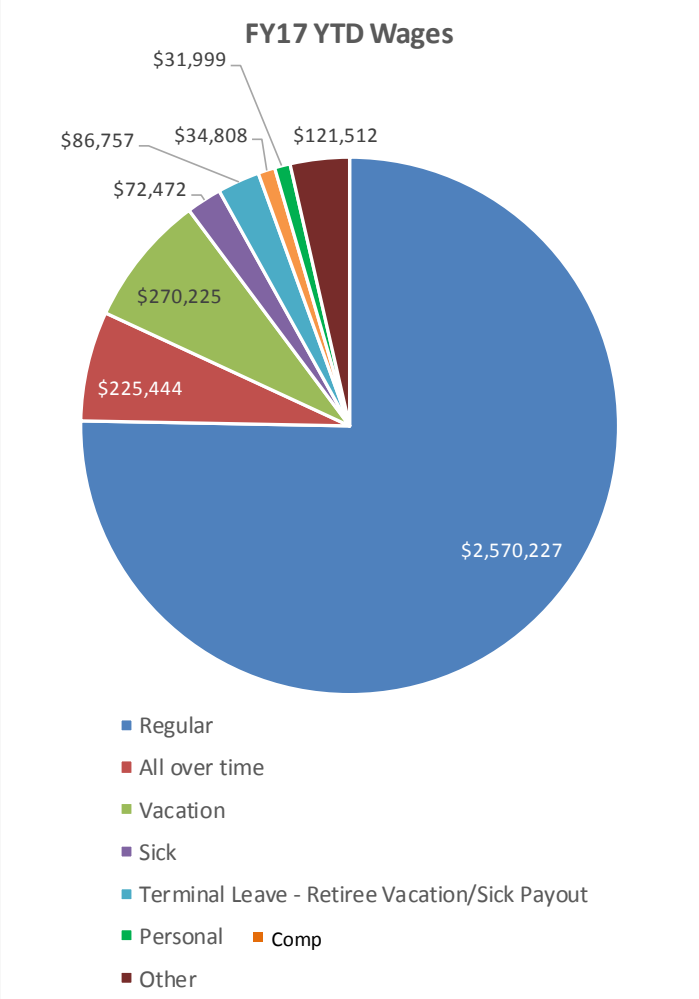
PLEASE NOTE – THIS REPORT PROVIDES TOP LINE INFORMATION ON THE OPERATING FUNDS. IF YOU WOULD LIKE ADDITIONAL INFORMATION, PLEASE FEEL FREE TO CONTACT THE FINANCE DEPARTMENT.

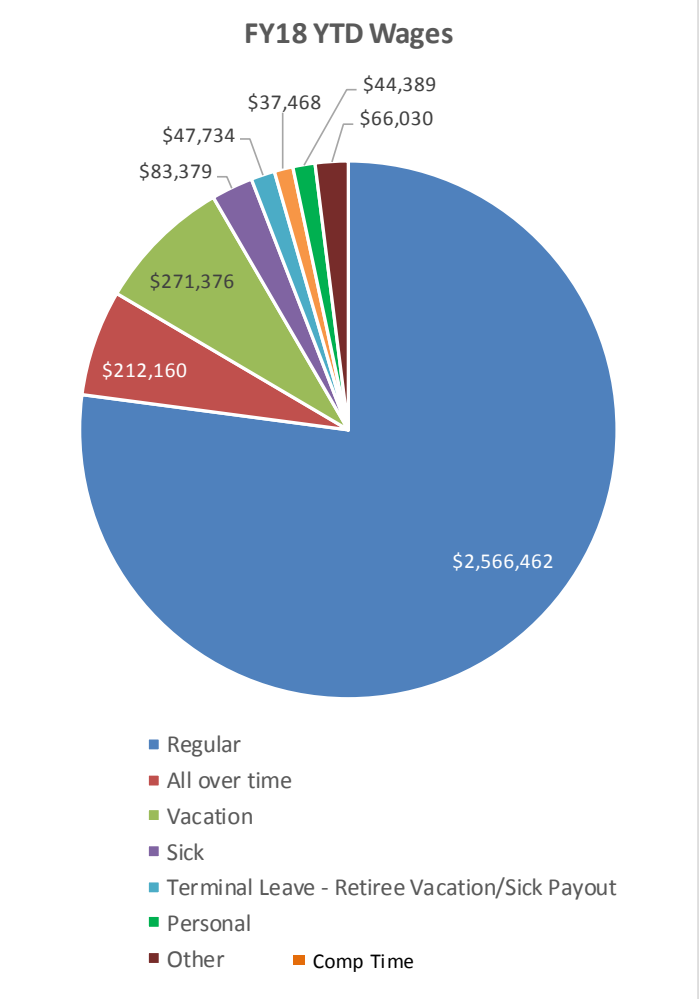
CITY OF DOVER
ACTIVITY REPORTS
AUGUST 2017

FINANCE DEPARTMENT ACTIVITY LEVELS

	FY17 YTD	FY18 YTD
BANK TRENDS		
Number of Deposits Made (Hand, ACH & Wire, Lockbox)	1,290	1,057
Total Amount of All Deposits	$ 33,655,697	$ 33,973,343
Other Activity		
Number of Pay Periods	4	4
Number of Payroll Checks & Direct Deposits Issued	2,452	2,397
Number of Pension Checks Issued	756	761
Total Pension Benefits Paid - Defined Benefit Plan	$ 1,302,251	$ 1,346,512

ACCOUNTS PAYABLE		
Number of Check Vouchers	872	1,068
Number of EFT Vouchers	356	414
Vouchers Dollar Amount Disbursed	$ 10,217,359	$ 12,106,653





City of Dover
General Fund Summary
Fiscal Year to Date (August 2017)

Revenues

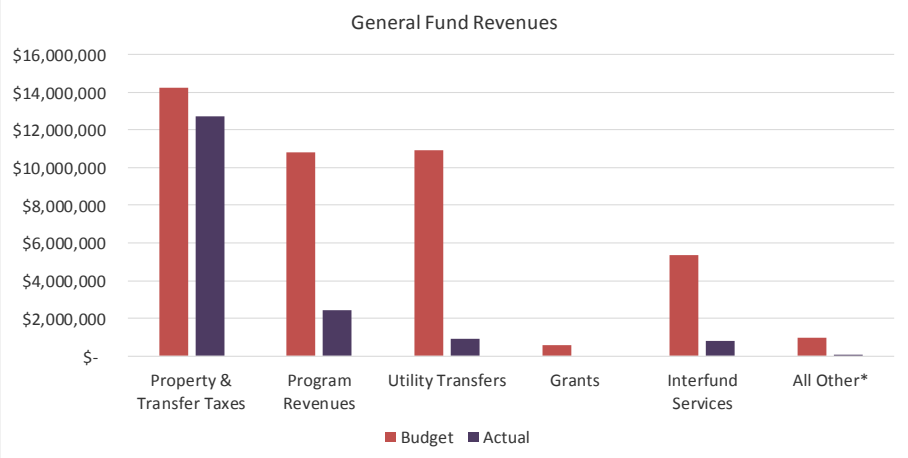
	Budget	Actual	%
Property & Transfer Taxes	$ 14,234,900	$ 12,737,458	89%
Program Revenues	10,834,900	2,453,116	23%
Utility Transfers	10,900,000	910,000	8%
Grants	605,000	-	0%
Interfund Services	5,376,200	811,891	15%
All Other*	980,000	25,400	3%
	$ 42,931,000	$ 16,937,865	39%

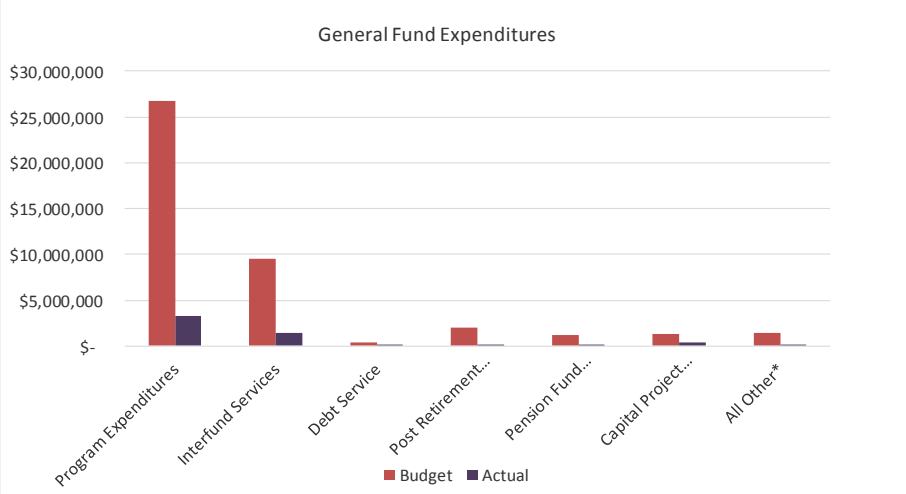
*Includes: Franchise Fees, Miscellaneous Revenues, Garrison Farm Rent, Verizon Grant and Other Reserves

Expenditures

	Budget	Actual	%
Program Expenditures	$ 26,724,500	$ 3,244,909	12%
Interfund Services	9,553,300	1,389,070	15%
Debt Service	443,100	76,057	17%
Post Retirement Benefits	2,063,000	172,000	8%
Pension Fund Contributions	1,224,900	64,000	5%
Capital Project Transfers	1,368,700	342,000	25%
All Other*	1,483,500	145,850	10%
	$ 42,861,000	$ 5,433,886	13%

*Includes: DDP Contribution, Misc. Grant Exp., Bank and CC Fees, New Street Property Acquisitions, Street Lights Expense, Transfer to Capital Asset Reserve, Inventory write-offs, Transfer to Verizon Reserve, & Uncollectibles: Trash and Other, Other Employment Exp.





City of Dover
Water/Wastewater Fund Summary
Fiscal Year to Date (August 2017)

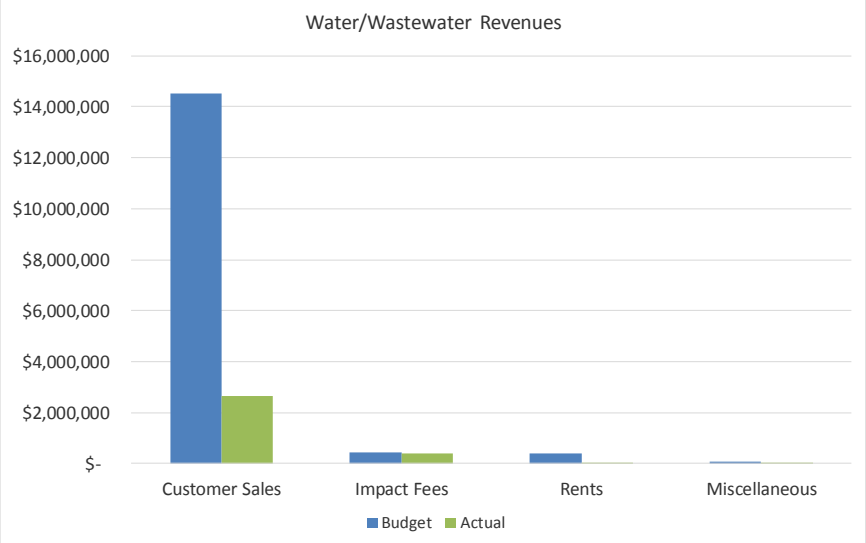
Revenues

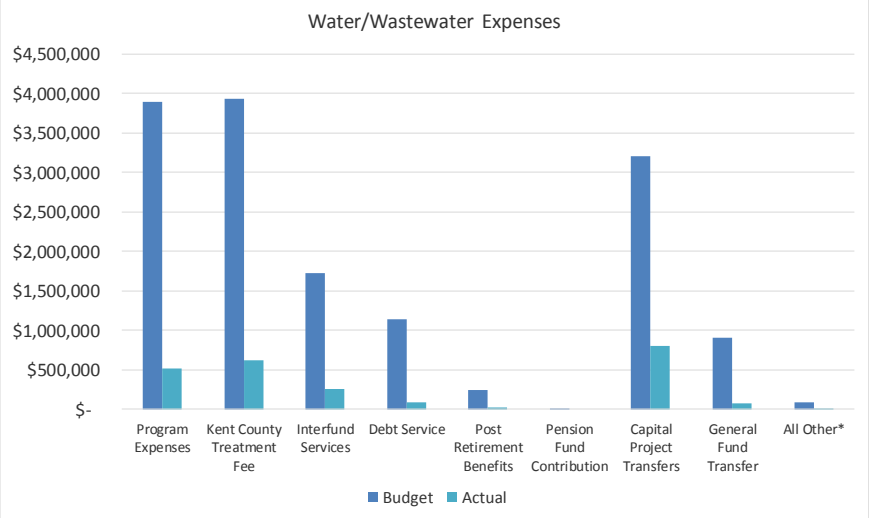
	Budget	Actual	%
Customer Sales	$ 14,535,200	$ 2,648,892	18%
Impact Fees	440,000	382,479	87%
Rents	391,400	7,262	2%
Miscellaneous	72,400	11,585	16%
	$ 15,439,000	$ 3,050,218	20%

Expenditures

	Budget	Actual	%
Program Expenses	$ 3,896,800	$ 509,414	13%
Kent County Treatment Fee	3,926,500	616,095	16%
Interfund Services	1,716,100	255,532	15%
Debt Service	1,137,400	84,600	7%
Post Retirement Benefits	242,200	20,185	8%
Pension Fund Contribution	7,500	-	0%
Capital Project Transfers	3,200,000	800,000	25%
General Fund Transfer	900,000	76,000	8%
All Other*	91,900	5,089	6%
	$ 15,118,400	$ 2,366,915	16%

*Includes: Bank & CC Fees, Bond Issuance Cost, Other Employment Expenses





City of Dover
Electric Fund Summary
Fiscal Year to Date (August 2017)

Revenues

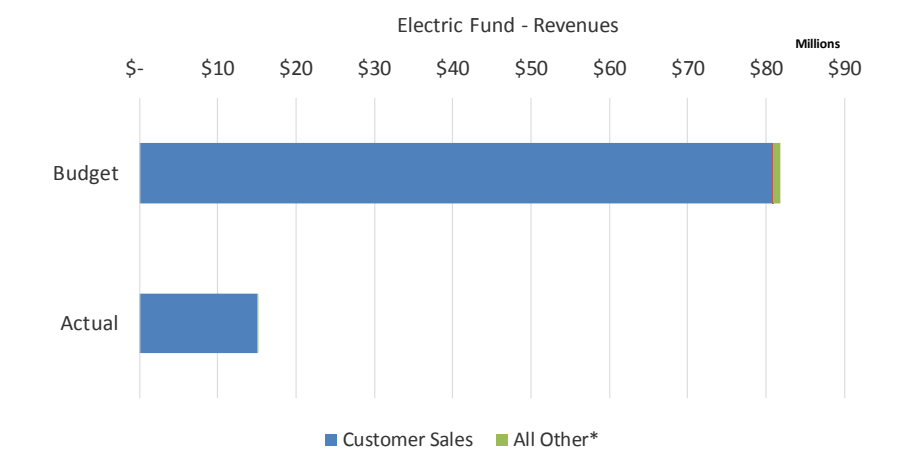
	Budget	Actual	%
Customer Sales	$ 80,892,200	$ 15,038,576	19%
All Other*	982,000	178,261	18%
	$ 81,874,200	$ 15,216,837	19%

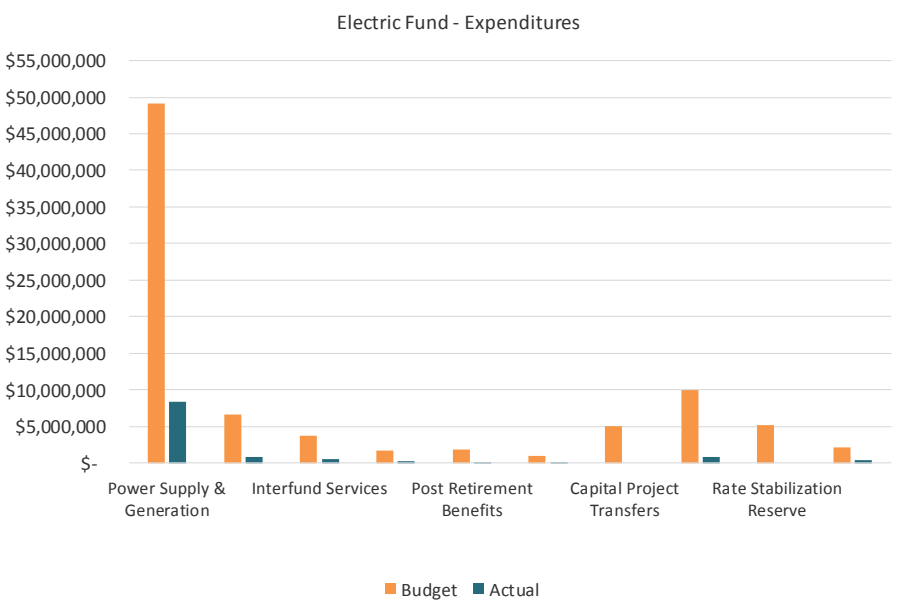
*Includes: Weyandt Hall Rents, Miscellaneous Revenue, Interest Earnings

Expenditures

	Budget	Actual	%
Power Supply & Generation	$ 49,075,100	$ 8,333,485	17%
Electric Operating Division Exp.	6,660,200	791,416	12%
Interfund Services	3,660,100	556,359	15%
Debt Service	1,605,500	269,742	17%
Post Retirement Benefits	1,820,300	151,500	8%
Pension Unfunded Liability	1,000,000	84,000	8%
Capital Project Transfers	5,000,000	-	0%
General Fund Transfer	10,000,000	834,000	8%
Rate Stabilization Reserve	5,200,000	-	0%
All Other*	2,162,400	329,287	15%
	$ 86,183,600	$ 11,349,789	13%

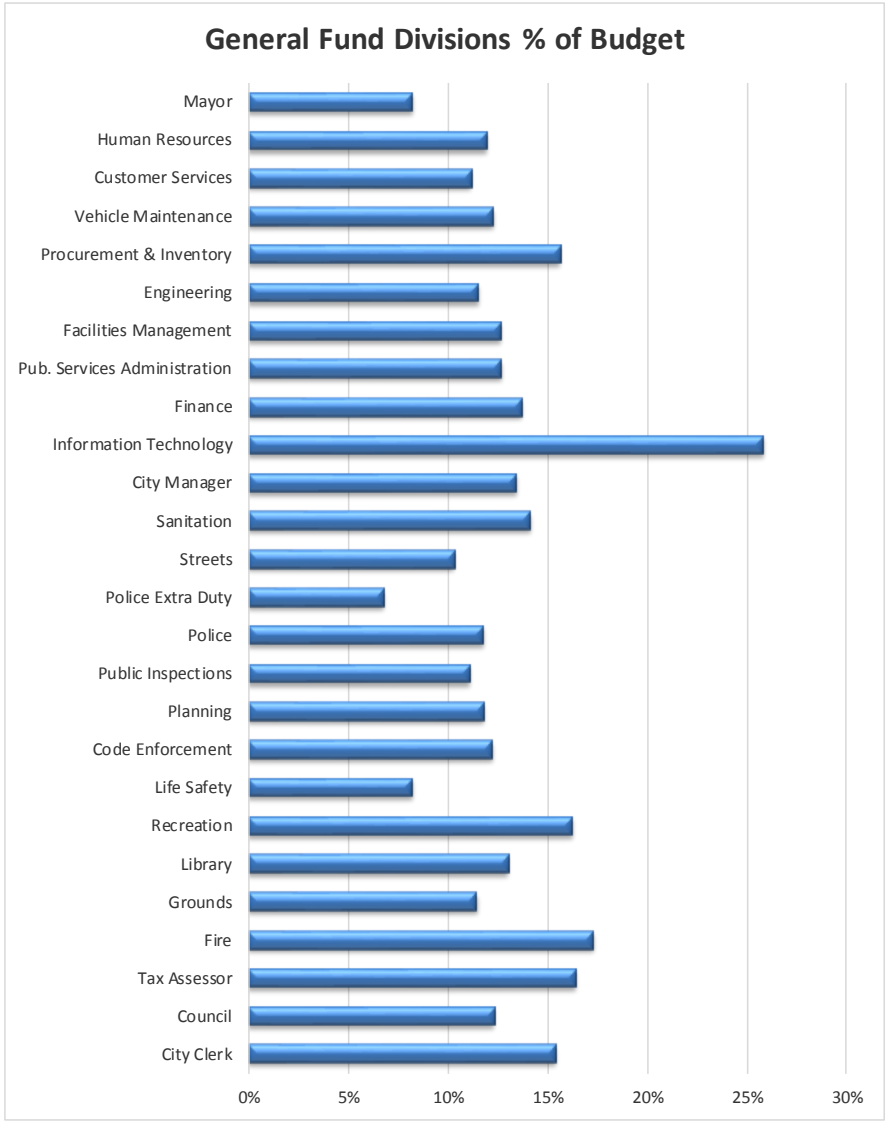
*Includes: Bank & CC Fees, Utility Tax, Interest on Deposit, Legal Exp., Green Energy, A/R Write-offs, Contractual Services, Other Employment Expenses





City of Dover
Division Expense Summary (General Fund)
Fiscal Year to Date (August 2017)

		Budget	% of Budget
City Clerk	$	436,700	15%
Council		155,100	12%
Tax Assessor		238,500	16%
Fire		774,900	17%
Grounds		1,142,000	11%
Library		1,708,300	13%
Recreation		764,200	16%
Life Safety		499,600	8%
Code Enforcement		449,700	12%
Planning		563,400	12%
Public Inspections		721,000	11%
Police		16,483,900	12%
Police Extra Duty		560,000	7%
Streets		1,119,400	10%
Sanitation		2,563,900	14%
City Manager		751,500	13%
Information Technology		777,400	26%
Finance		1,038,900	14%
Pub. Services Administration		718,300	13%
Facilities Management		629,700	13%
Engineering		277,700	12%
Procurement & Inventory		605,100	16%
Vehicle Maintenance		838,200	12%
Customer Services		1,169,500	11%
Human Resources		436,600	12%
Mayor		119,300	8%
	$	35,542,800	



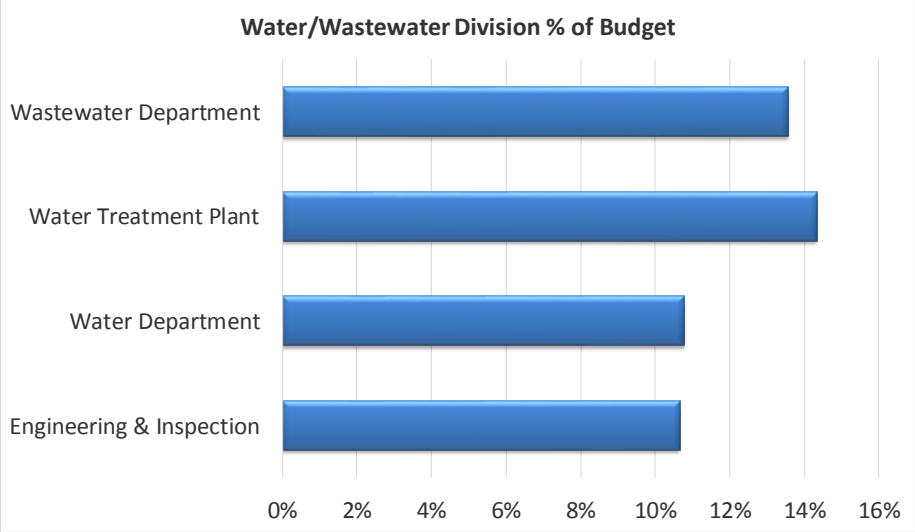
City of Dover
Utilities Summary
Fiscal Year to Date (August 2017)

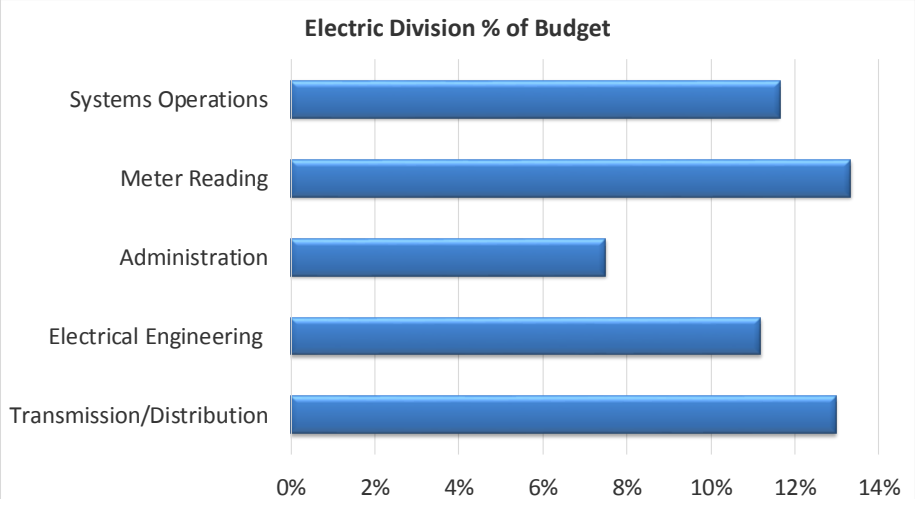
Water/Wastewater Divison Expenses

	Budget	Actual	%
Engineering & Inspection	$ 517,800	$ 55,173	11%
Water Department	635,700	68,516	11%
Water Treatment Plant	1,780,500	255,168	14%
Wastewater Department	962,800	130,557	14%
	$ 3,896,800	$ 509,414	

Electric Division Expenses

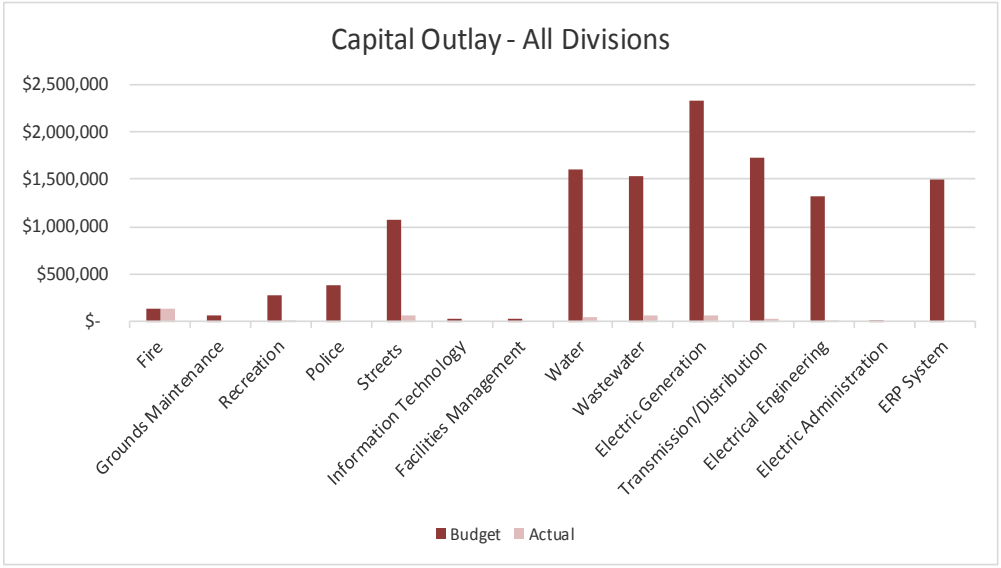
	Budget	Actual	%
Transmission/Distribution	$ 3,599,600	$ 467,393	13%
Electrical Engineering	1,226,400	137,067	11%
Administration	797,000	59,618	7%
Meter Reading	392,500	52,311	13%
Systems Operations	644,700	75,027	12%
	$ 6,660,200	$ 791,416	

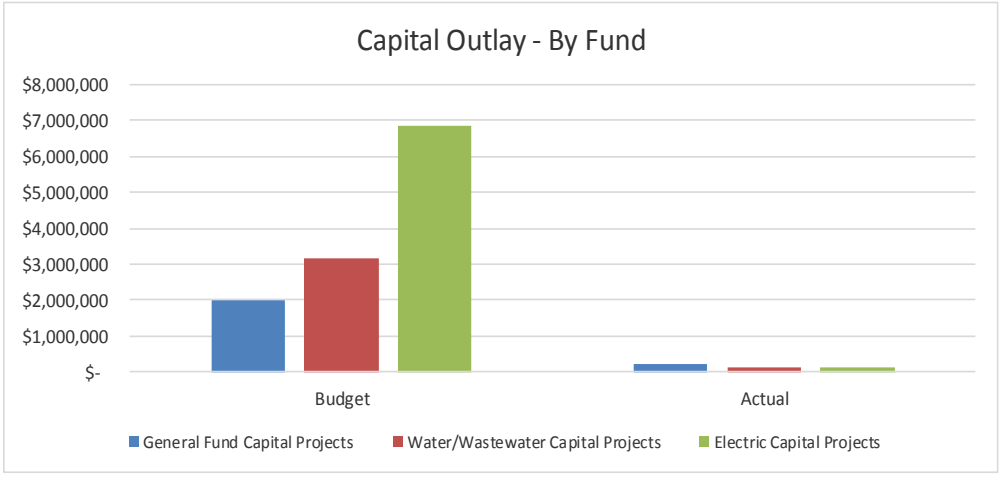




City of Dover
Capital Outlay Summary (All Funds)
Fiscal Year to Date (August 2017)

General Fund	Budget	Actual	%
Fire	$ 145,700	$ 145,614	100%
Grounds Maintenance	62,500	-	0%
Recreation	271,000	2,259	1%
Police	379,900	-	0%
Streets	1,070,000	64,840	6%
Information Technology	36,600	-	0%
Facilities Management	25,100	-	0%
Transfer to Parkland Reserve	-	22,914	0%
General Fund Capital Projects	$ 1,990,800	$ 235,627	12%
Water/Wastewater Fund			
Water	1,608,400	45,693	3%
Wastewater	1,543,000	63,386	4%
Water/Wastewater Capital Projects	$ 3,151,400	$ 109,078	3%
Electric Fund			
Electric Generation	2,328,000	67,245	3%
Transmission/Distribution	1,725,500	28,912	2%
Electrical Engineering	1,315,000	19,011	1%
Electric Administration	8,500	-	0%
ERP System	1,500,000	-	0%
Electric Capital Projects	**$ 6,877,000**	**$ 115,168**	**2%**
Total Capital Projects	**$ 12,019,200**	**$ 459,873**	**4%**





August 2017 Procurement & Inventory Report

Measure	FY 2018	FY 2017	DIFFERENCE
*Issue Effectiveness – How often the warehouse has what the departments need when it's needed. [issues / (issues + back orders)] * 100*	FY 2018 (To date) [755/(755+21)]*100 97.29%	FY 2017 (Total) [4,581/(4,581+119)]*100 97.47 %	- .18 %
Turn Over Rate – Indicates that the material stocked is the material being used. (2016-2017 Goal 1 per year)	August 2017 0.82 Turnovers per year	August 2016 0.60 Turnovers per year	+0.22 Turnovers per year

COMMODITY	BID NUMBER	TERM	REQUESTING DEPARTMENT	STATUS
Metering Test Bench Replacement	18-0001EL	One time	Electric	Forwarded to Electric Department on August 9, 2017
Transformers for Stock	18-0002EL	One time	Electric	Awarded to Ermco on PO #043947 , Irby on PO #043949 , and Central Moloney on PO #043948 .
Hazard Response Services Contract	18-0003EL	Three Years	Electric	Forwarded to Electric and Compliance Environmental on 8/31/2017.
FY 2018 Water Quality Improvement Projects	18-0004PW	One time	Public Works	Cancelled by Public Works on August 11, 2017. Will be re-solicited under different project name.
Consulting Services for Data Conversion from Superion H.T.E to Tyler Munis	18-0005IT	One time	Info Tech	RFP on hold pending City Council authorization.
S. Bradford Street and William Street Water Main Replacement Project	18-0006PW	One time	Public Works	Bid opening Sscheduled for October 4, 2017 @ 2:00 pm
Switchgear for Stock and Project #EE1812	18-0007CS	One time	Procurement	Forwarded to Electric Department on 9/6/2017.
Tulips & Daffodils Quote	18-0008PW	Annual	Public Works	Quotes are due September 19, 2017

FUEL USE	FY 2017 TO DATE	FY 2018 TO DATE
Unleaded:	23,028.4 gallons	22,570.7 gallons
Diesel:	13,573.5 gallons	12,438.1 gallons
Dollars Spent:	$57,289.91	$54,201.60

STOCK WITH OVER 60 MONTH SUPPLY (5 YEARS)

Electric:	$ 450,572.51	314 Line Items
Water:	$ 17,182.14	40 Line Items
General:	$ 44,547.94	150 Line Items
Total:	$ 512,302.59	504 Line Items

Purchase Orders for Stock by Fund

	FY 2017 TO DATE	FY 2018 TO DATE
Electric:	$ 64,302.98	$121,150.79
Water:	$ 49,137.21	$ 30,488.82
General:	$ 17,151.34	$ 28,373.35
Total:	$ 130,591.53	$180,012.96

Issues from Stock by Fund

	FY 2017 TO DATE	FY 2018 TO DATE
Electric:	$152,284.44	$126,447.90
Water:	$ 39,459.26	$ 23,697.44
General:	$ 19,280.08	$ 21,654.71
*Total:	$211,023.78	$171,817.52

Warehouse Stock

	FY 2017	FY 2018
Total Dollar Value:	$ 2,200,372.78	$ 2,238,286.07
Total Line Items:	1,304	1,304

Money Spent for Postage/Postal Services

FY 2017 TO DATE	FY 2018 TO DATE
$26,382.01	$25,000.39

- Total of Issues from Stock by Fund includes Issues from Sale from Stock (SS) and Electric Returns (ER).

MONTHLY REPORT



AUG. 2017

Incident Run Log

Dover Fire Department

Date Range: From 08/01/2017 to 08/31/2017
Company: All Companies
Sorted by: Not selected

Date	FDID	Incident#	Alarm	###	Address	Suite	Type	Lgth
08/01/2017	30046	2017-000687	09:16	195	WILLIS RD		Detector activation, no fire - unintentional	0.2
08/01/2017	30046	2017-000688	16:11		SR1 & US 113 /SR 10		Good intent call, other	0.3
08/01/2017	30046	2017-000689	19:14	190	JOHN HUNN BROWN RD		Medical assist, assist EMS crew	0.3
08/01/2017	30046	2017-000690	23:36	6	VERA WAY		Cooking fire, confined to container	0.1
08/02/2017	30046	2017-000691	09:34	501	N BRADFORD ST		Cooking fire, confined to container	0.1
08/02/2017	30046	2017-000692	09:52	4564	S DUPONT HWY		Cover assignment, standby, moveup	1.4
08/02/2017	30046	2017-000693	10:55	501	N BRADFORD ST		Cooking fire, confined to container	0.3
08/02/2017	30046	2017-000694	20:20		S GOVERNORS AVE & W WATER ST		Person in distress, other	0.3
08/02/2017	30046	2017-000695	20:42	36	COURTSIDE DR	A	Smoke detector activation, no fire - unintentional	0.3
08/03/2017	30046	2017-000696	07:44	409	KENT AVE		Passenger vehicle fire	0.4
08/03/2017	30046	2017-000697	08:49	1704	E LEBANON RD		Special type of incident, other	0.2
08/03/2017	30046	2017-000698	14:48	150	SAULSBURY RD		False alarm or false call, other	0.4
08/03/2017	30046	2017-000699	17:17	121	PARK DR		System malfunction, other	0.4
08/03/2017	30046	2017-000700	17:36	1200	N DUPONT HWY		System malfunction, other	0.1
08/03/2017	30046	2017-000701	17:50	1200	N DUPONT HWY		Water or steam leak	0.3
08/03/2017	30046	2017-000702	17:59	333	KESSELRING AVE		Electrical wiring/equipment problem, other	0.6
08/03/2017	30046	2017-000703	19:18	1211	N DUPONT HWY	D	Smoke scare, odor of smoke	0.7
08/03/2017	30046	2017-000704	21:35	932	RUTH WAY		Smoke detector activation due to malfunction	1.7
08/05/2017	30046	2017-000705	13:28	1596	S DUPONT HWY		Special type of incident, other	0.0
08/05/2017	30046	2017-000706	15:40	507	RIDGELY BLVD		Service Call, other	0.1
08/05/2017	30046	2017-000707	17:57	500	PERSIMMON TREE LA	7	Municipal alarm system, malicious false alarm	0.4
08/05/2017	30046	2017-000708	22:15		WHITEOAK RD OVERPASS & SR1		Dispatched & canceled en route	0.1
08/06/2017	30046	2017-000709	12:17	459	WINDING CREEK RD		Unauthorized burning	0.3
08/06/2017	30046	2017-000710	20:20	171	IRMA ST		Dispatched & canceled en route	0.1
08/06/2017	30046	2017-000711	22:16	222	S DUPONT HWY		False alarm or false call, other	0.6
08/07/2017	30046	2017-000712	11:25	1200	N DUPONT HWY		False alarm or false call, other	0.1
08/07/2017	30046	2017-000713	17:27	8	IRONWOOD CIR		Wind storm, tornado/hurricane assessment	1.0
08/07/2017	30046	2017-000714	20:43	834	S GOVERNORS AVE		Smoke detector activation due to malfunction	0.2
08/08/2017	30046	2017-000715	03:33	1175	MCKEE RD		Smoke detector activation due to malfunction	0.5
08/08/2017	30046	2017-000716	05:17	32	W LOOCKERMAN ST		Smoke detector activation due to malfunction	0.3
08/09/2017	30046	2017-000717	19:23	111	PERIWINKLE DR		Smoke detector activation due to malfunction	0.3
08/09/2017	30046	2017-000718	23:00		OLD COLLEGE RD N/O WYNDER		Smoke detector activation due to malfunction	0.2
08/10/2017	30046	2017-000719	02:11	320	RAYMOND ST		Electrical wiring/equipment problem, other	1.4
08/10/2017	30046	2017-000720	07:05		GARTON LA & WEBBS LA		Power line down	0.6
08/10/2017	30046	2017-000721	14:36	699	ROBERTA AVE		Good intent call, other	0.7
08/10/2017	30046	2017-000722	20:28	550	S NEW ST		System malfunction, other	0.3
08/11/2017	30046	2017-000723	01:41	311	MAIN ST		Dispatched & canceled en route	0.1
08/11/2017	30046	2017-000724	01:45	287	MARSHTOWN RD		Cover assignment, standby, moveup	1.3
08/11/2017	30046	2017-000725	11:57	83	MANCHESTER CT		Smoke detector activation, no fire - unintentional	0.0
08/11/2017	30046	2017-000726	13:13	213	N BRADFORD ST		False alarm or false call, other	0.1
08/11/2017	30046	2017-000727	21:05	1289	WALKER RD BUILD A		Good intent call, other	0.2
08/12/2017	30046	2017-000728	08:39	1570	N DUPONT HWY		False alarm or false call, other	0.2
08/12/2017	30046	2017-000729	13:11		E REED ST & S STATE ST		Dispatched & canceled en route	0.0
08/12/2017	30046	2017-000730	15:42	1570	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.4
08/12/2017	30046	2017-000731	16:21	691	N DUPONT HWY		Passenger vehicle fire	0.3
08/13/2017	30046	2017-000732	02:13	779	N DUPONT HWY		Extrication of victim(s) from vehicle	0.3
08/13/2017	30046	2017-000733	10:08	600	JEFFERIC BLVD		Smoke detector activation, no fire - unintentional	0.4
08/13/2017	30046	2017-000734	14:52	3140	NORTH DUPONT HIGHWAY		Special type of incident, other	1.9
08/13/2017	30046	2017-000735	22:15	301	KIMBERTON CT		System malfunction, other	0.5
08/14/2017	30046	2017-000736	06:38	942	BEDFORD DR		Smoke detector activation, no fire - unintentional	0.1
08/14/2017	30046	2017-000737	11:06		W LOOCKERMAN ST & S BRADFORD		Public service assistance, other	0.1
08/14/2017	30046	2017-000738	17:29	430	COUNTRY DR		Gas leak (natural gas or LPG)	0.9
08/14/2017	30046	2017-000739	18:23	353	N GOVERNORS AVE		Cooking fire, confined to container	0.1
08/14/2017	30046	2017-000740	19:35	30	BAYARD AVE		Electrical wiring/equipment problem, other	0.4
08/15/2017	30046	2017-000741	14:56		SCARBOROUGH RD		Extrication of victim(s) from vehicle	0.7
08/15/2017	30046	2017-000742	20:27	396	PARADEE DR		Smoke detector activation, no fire - unintentional	0.4
08/17/2017	30046	2017-000743	14:19	827	EAST DIVISION STREET		Smoke detector activation, no fire - unintentional	0.3
08/17/2017	30046	2017-000744	23:10	1008	S GOVERNORS AVE		Sprinkler activation, no fire - unintentional	1.1
08/18/2017	30046	2017-000745	00:57	3583	FORREST AVE		Medical assist, assist EMS crew	0.9

Date	FDID	Incident#	Alarm	###	Address	Suite	Type	Lgth
08/18/2017	30046	2017-000746	15:20	988	FORREST ST		Extrication of victim(s) from vehicle	0.3
08/18/2017	30046	2017-000747	18:06	1570	N DUPONT HWY		Smoke detector activation due to malfunction	0.2
08/18/2017	30046	2017-000748	19:39	1202	WHITEOAK RD		System malfunction, other	0.3
08/18/2017	30046	2017-000749	19:57	1300	S FARMVIEW DR	A	Cooking fire, confined to container	0.3
08/19/2017	30046	2017-000750	06:35	1200	N DUPONT HWY		Smoke detector activation due to malfunction	0.2
08/20/2017	30046	2017-000751	01:15	1127	S DUPONT HWY		Alarm system sounded due to malfunction	0.6
08/20/2017	30046	2017-000752	02:13	950	WHATCOAT DR		Cooking fire, confined to container	0.2
08/20/2017	30046	2017-000753	13:38	200	Plaza drive		Passenger vehicle fire	0.7
08/20/2017	30046	2017-000754	21:41	3847	HAZLETTVILLE RD		Extrication of victim(s) from vehicle	1.7
08/21/2017	30046	2017-000755	20:49	208	N NEW ST		Good intent call, other	0.3
08/22/2017	30046	2017-000756	05:05	800	BAY RD		Smoke detector activation due to malfunction	0.6
08/22/2017	30046	2017-000757	07:11	1200	N DUPONT HWY		System malfunction, other	0.1
08/22/2017	30046	2017-000758	11:10	1289	WALKER RD BUILD K		Gas leak (natural gas or LPG)	0.8
08/22/2017	30046	2017-000759	16:51	120	N STATE ST		Smoke detector activation due to malfunction	0.1
08/22/2017	30046	2017-000760	20:25	49	BALTUSROL RD		Electrical wiring/equipment problem, other	0.6
08/23/2017	30046	2017-000761	11:42	3140	N DUPONT HWY		Motor vehicle accident with injuries	0.5
08/23/2017	30046	2017-000762	13:31	154	S GOVERNORS AVE		Smoke scare, odor of smoke	0.3
08/23/2017	30046	2017-000763	14:41	411	ALDER RD		CO detector activation due to malfunction	0.4
08/23/2017	30046	2017-000764	15:48	343	MOCKINGBIRD AVE		Alarm system activation, no fire - unintentional	0.3
08/24/2017	30046	2017-000765	01:14		HAZLETTVILLE RD		Motor vehicle accident with no injuries.	0.2
08/24/2017	30046	2017-000766	13:20	306	N BRADFORD ST		Smoke detector activation, no fire - unintentional	0.2
08/24/2017	30046	2017-000767	21:41	167	ORCHARD AVE		Passenger vehicle fire	2.5
08/25/2017	30046	2017-000768	08:04	1200	N DUPONT HWY		Detector activation, no fire - unintentional	0.1
08/25/2017	30046	2017-000769	13:33	606	PEAR ST		False alarm or false call, other	0.1
08/25/2017	30046	2017-000770	15:15	120	N STATE ST		False alarm or false call, other	0.1
08/25/2017	30046	2017-000771	17:18	100	PENNY LANE		Steam, other gas mistaken for smoke, other	0.7
08/25/2017	30046	2017-000772	20:21	561	N DUPONT HWY		Smoke detector activation due to malfunction	0.6
08/25/2017	30046	2017-000773	22:54	1200	N DUPONT HWY		Alarm system sounded due to malfunction	0.1
08/26/2017	30046	2017-000774	05:27	834	S GOVERNORS AVE		Smoke detector activation due to malfunction	0.2
08/26/2017	30046	2017-000775	09:32	43	PINE ST		Good intent call, other	0.3
08/26/2017	30046	2017-000776	11:13	1	IVY HALL		False alarm or false call, other	0.1
08/26/2017	30046	2017-000777	17:35	97	PAR HAVEN DR	J	Local alarm system, malicious false alarm	0.2
08/26/2017	30046	2017-000778	17:55	222	S DUPONT HWY		Cooking fire, confined to container	1.0
08/26/2017	30046	2017-000779	22:06	213	N BRADFORD ST		Smoke detector activation due to malfunction	0.1
08/27/2017	30046	2017-000780	14:15		BROAD ST		Dispatched & canceled en route	0.2
08/27/2017	30046	2017-000781	18:44	223	CHARRING CROSS DR		Good intent call, other	0.2
08/28/2017	30046	2017-000782	00:09	500	PERSIMMON TREE LA	4	Hazardous condition, other	0.6
08/28/2017	30046	2017-000783	04:50	302	N BRADFORD ST		Water or steam leak	0.5
08/28/2017	30046	2017-000784	06:41	500	W LOOCKERMAN ST		Smoke scare, odor of smoke	1.0
08/28/2017	30046	2017-000785	08:51	32	W LOOCKERMAN ST		Electrical wiring/equipment problem, other	0.2
08/28/2017	30046	2017-000786	18:42		11 BEECHWOOD AVE		Good intent call, other	0.3
08/28/2017	30046	2017-000787	21:11	112	FULTON ST		Alarm system sounded due to malfunction	0.1
08/28/2017	30046	2017-000788	21:26	112	FULTON ST		Alarm system sounded due to malfunction	0.2
08/28/2017	30046	2017-000789	21:36	14	N GOVERNORS AVE		Electrical wiring/equipment problem, other	0.7
08/29/2017	30046	2017-000790	14:26	250	BEISER BLVD	101	Smoke detector activation due to malfunction	0.4
08/29/2017	30046	2017-000791	18:22		S. DUPONT HIGHWAY		Rescue, EMS incident, other	0.2
08/30/2017	30046	2017-000792	20:35	66	GREENWAY SQUARE	S	Smoke detector activation, no fire - unintentional	0.2
08/31/2017	30046	2017-000793	16:24	23	N GOVERNORS AVE		Smoke detector activation, no fire - unintentional	0.1
08/31/2017	30046	2017-000794	18:33	3046	SHARON HILL RD		Public service assistance, other	0.3
08/31/2017	30046	2017-000795	18:50	177	WILLIS RD		Electrical wiring/equipment problem, other	0.3
08/31/2017	30046	2017-000796	19:22	24	STONEY DR		Gas leak (natural gas or LPG)	0.7
08/31/2017	30046	2017-000797	19:57	1440	N DUPONT HWY		Good intent call, other	0.6
08/31/2017	30046	2017-000798	20:02	300	S STATE ST		Public service	0.5

Total Number of Incidents: 112

Total Length of Incidents: 47.9 Hours

Robbins Hose Company # 1, Inc.
Profit & Loss
August 2017

	Aug 17
Ordinary Income/Expense	
Expense	
Apparatus Repairs & Maintenance	8,500.04
Building Maintenance Supplies	7.59
Contract Employee	3,013.08
Electricity	4,262.20
Gasoline	874.50
Heating Expenses- Gas	125.48
Office Supplies	42.16
Other Equipment Repairs	163.99
Telephone	469.78
Training & Travel Expenses	1,000.00
Water/Sewer	333.75
Total Expense	18,792.57
Net Ordinary Income	-18,792.57
Net Income	**-18,792.57**

FY 17-18 City Funded Account Balance Sheet

ACCOUNT	BUDGET	SPENT	BALANCE
Apparatus Repairs & Maintenance	$ 101,300.00	$ 8,897.24	$ 92,402.76
Building Maintenance Supplies	$ 1,500.00	$ 7.59	$ 1,492.41
Contract Services-Admin Assist	$ 38,500.00	$ 5,586.08	$ 32,913.92
Contractual Services	$ 9,000.00		$ 9,000.00
Electricity	$ 45,000.00	$ 4,969.24	$ 40,030.76
Gasoline	$ 15,000.00	$ 874.50	$ 14,125.50
Heating Expenses- Gas	$ 12,000.00	$ 234.30	$ 11,765.70
Medical Supplies	$ 1,000.00		$ 1,000.00
Office Supplies	$ 1,500.00	$ 42.16	$ 1,457.84
Other Equipment Repairs	$ 1,500.00	$ 163.99	$ 1,336.01
Program Expenses	$ 45,000.00	$ 5,500.00	$ 39,500.00
Radio Repairs	$ 2,000.00		$ 2,000.00
Safety & Security	$ 1,500.00		$ 1,500.00
Small Tools	$ 3,500.00		$ 3,500.00
Telephone	$ 9,000.00	$ 991.98	$ 8,008.02
Training & Travel	$ 10,000.00	$ 1,000.00	$ 9,000.00
Uniforms & Firefighting Gear	$ 30,000.00		$ 30,000.00
Water/ Sewer	$ 2,500.00	$ 376.71	$ 2,123.29







Dover Police Department

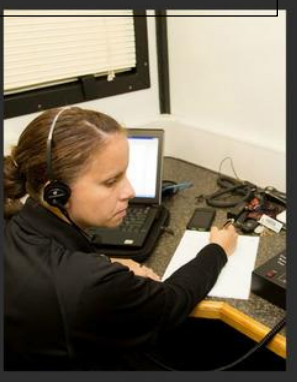
Monthly report

August 2017

Chief Marvin C. Mailey







DEPARTMENT OF POLICE

Marvin C. Mailey
Chief of Police

400 South Queen Street
Dover, Delaware 19904
302-736-7111
Fax: 302-672-1842

October 9, 2017

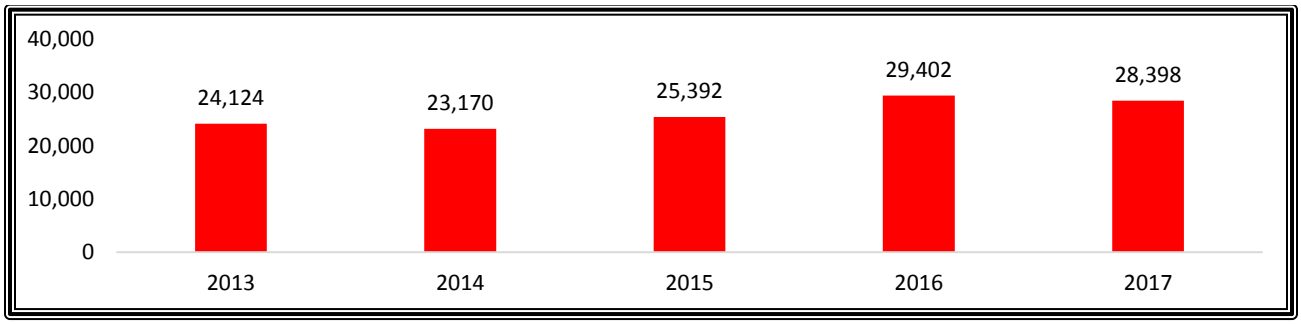
Honorable Robin Christiansen, Mayor
Member of Dover City Council
City Hall
Dover, DE 19901

Mayor Christiansen and Council Members:

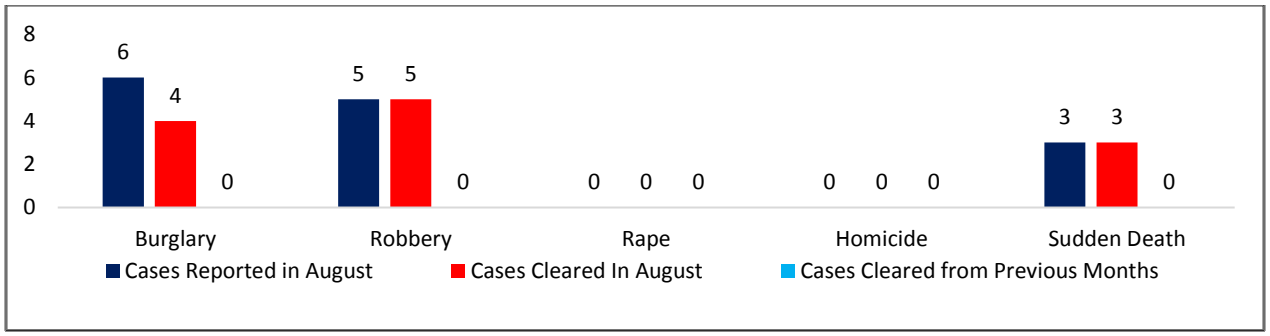
The following is the monthly report for Dover Police Department activities for the month of August 2017:

COMPLAINTS

Total complaints received through August 31st, 2017, numbered 28,398 this is a decrease of 1,004 complaints over the same period last year.

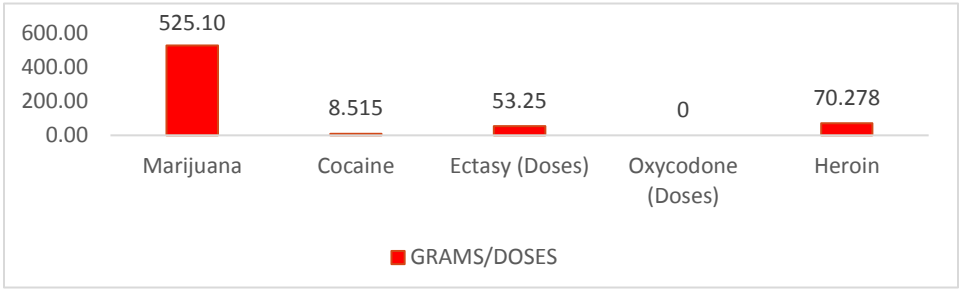


CRIMINAL INVESTIGATIONS

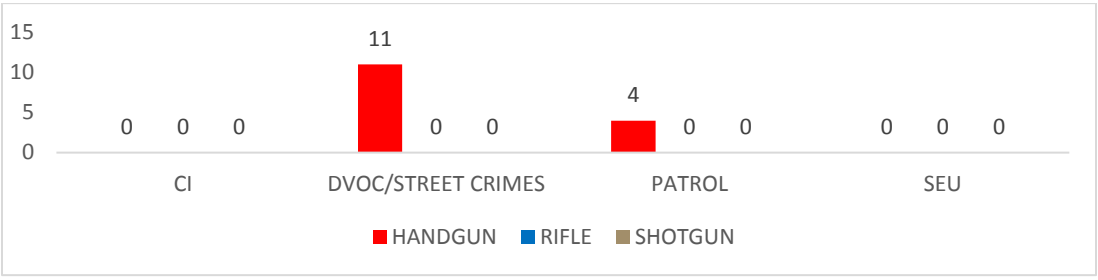


DRUGS, VICE, & ORGANIZED CRIME (DVOC) AND STREET CRIMES SECTION SEIZURES

Along with the drug seizures below, the units also recovered 5.5 grams of miscellaneous other drugs and $4,745.00 USD during the month of August.



FIREARM SEIZURES



COMMUNITY POLICING

COMMUNITY POLICING	***CONTACTS***
ABANDONED VEHICLES	*3*
ALCOHOL VIOLATIONS/DUI'S	*0*
ASSIST OTHER	*10*
WARRANTS ON FILE	*0*
BIKE ON SIDEWALK	*1*
CITY PARK VIOLATIONS	*0*
CRIMINAL ARRESTS	*1*
DRUG RELATED ARRESTS	*0*
LOUD MUSIC	*0*
MISCELLANEOUS VIOLATIONS	*7*
PARKING VIOLATIONS	*11*
PEDDLER	*0*
MEETINGS	*83*
CRIME PREVENTION CHECK	*0*
TRAFFIC ARRESTS	*0*
WARNINGS	*2*
FUGITIVE	*0*
DCO	*0*
PROSTITUTION	*0*
TOTAL CONTACTS	***118***

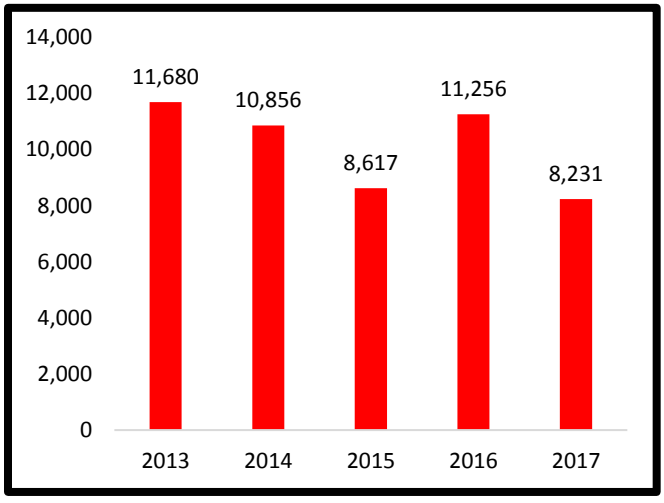
CADETS	***CONTACTS***
PARKING	*52*
DCO'S	*69*
OPEN CONTAINER	*9*
LOUD NOISE	*0*
LEWDNESS	*0*
OTHER	*8*
BUSINESS CONTACTS	*88*
LIBRARY CHECKS	*22*
COMPLAINTS ASSIGNED	*71*
SPECIAL EVENT	*5*
TOTAL CONTACTS	***324***

STREET CRIMES

STREET CRIMES ENFORCEMENT	CONTACTS
ABANDONED VEHICLES	0
ALCOHOL VIOLATIONS/DUI'S	0
ASSIST OTHER	11
WARRANTS ON FILE	0
CITY PARK VIOLATIONS	0
CRIMINAL ARRESTS	41
DRUG RELATED ARRESTS	48
LOUD MUSIC	0
MISCELLANEOUS VIOLATIONS	0
PARKING VIOLATIONS	0
PEDDLER	0
MEETINGS	5
CURFEW CHECKS	10
CRIME PREVENTION CHECKS	45
TRAFFIC ARRESTS	12
WARNINGS	30
FUGITIVES	8
DCO'S	2
PROSTITUTION	0
TOTAL CONTACTS	212

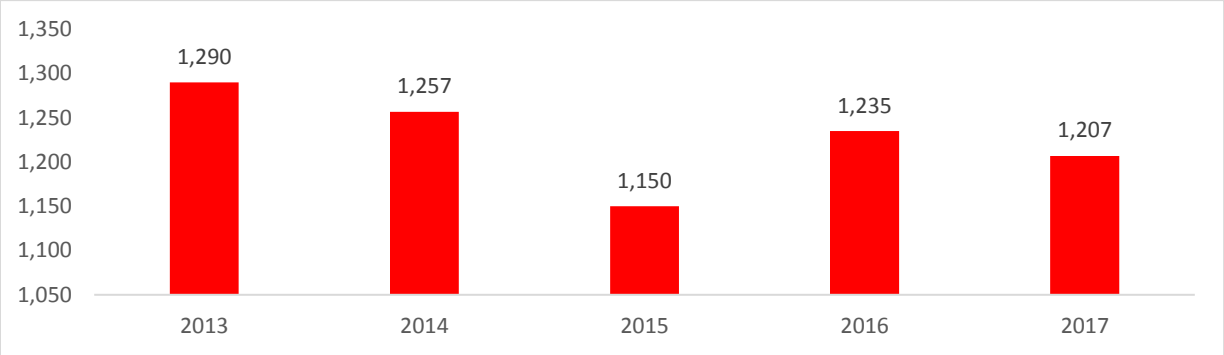
TRAFFIC ARRESTS

The department issued 8,231 traffic citations through this reporting period; this is a decrease of 3,025 citations over the number issued during the same period last year.



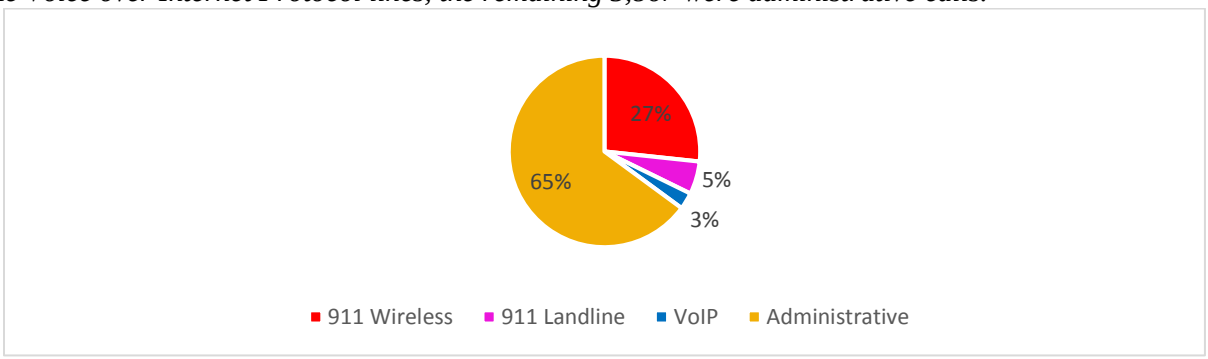
TRAFFIC CRASHES

Through August 31, 2017, the Dover Police investigated 1,207 traffic crashes, a decrease of 28 crash investigated during the same period last year.



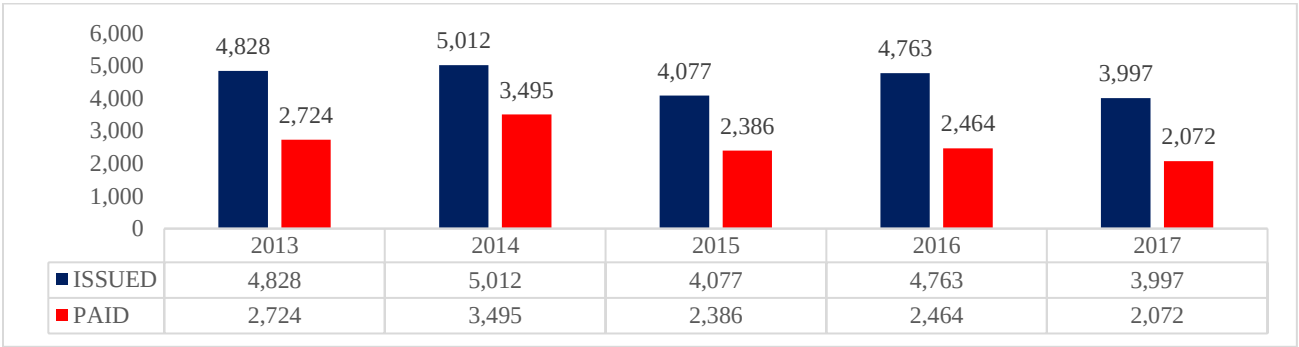
911 Center

During the month of August, the Dover Police Department handled a total of 9,038 calls averaging 292 calls per day. Dispatchers handled 2,412 on the 911 wireless lines, 503 on the 911 landlines, and 256 on the Voice over Internet Protocol lines, the remaining 5,867 were administrative calls.



CITY ORDINANCE SUMMONS

Through August 31st, 2017, we issued 3,997 city ordinance summons, a decrease of 766 summonses for the same period last year. Note: Of those summonses issued in August, 5 DCO's were issued for handicapped parking violations and 2 for fire lane parking violations, 187 for false alarms (119 for 1-2 alarms, 49 for 3-5 alarms, 11 for 6-9 alarms, 8 for 10-15 alarms, and 0 for 16 or more alarms) and 7 for noise violations 6 for vehicle violations and 1 for residence violations).

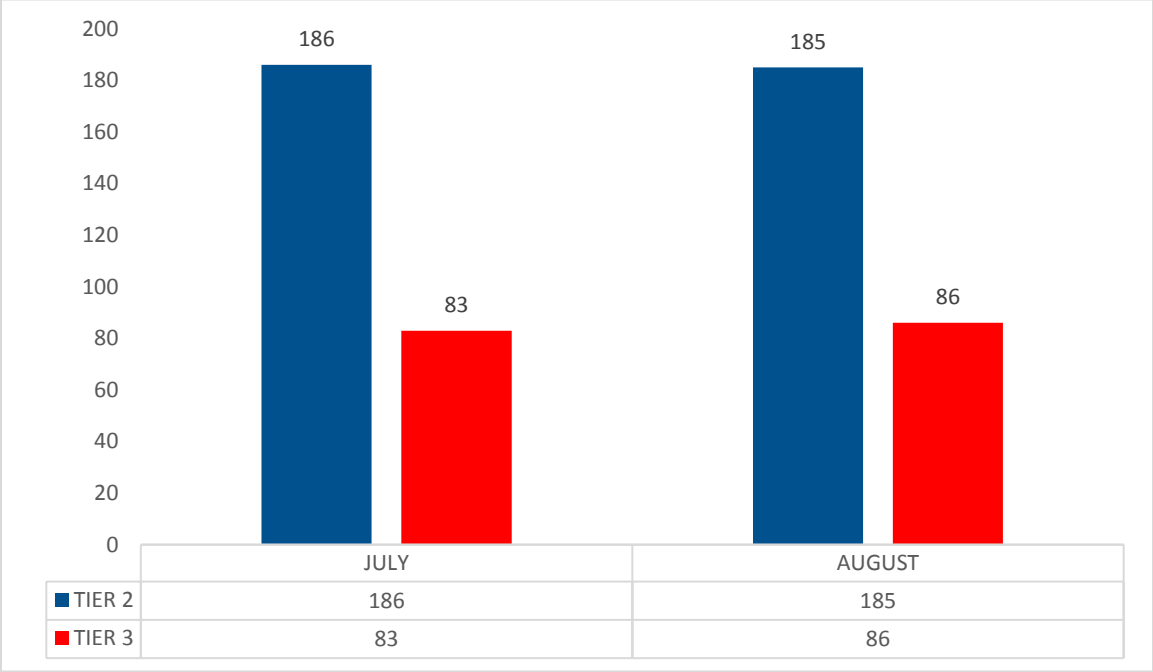


	2013	2014	2015	2016	2017
ISSUED	4,828	5,012	4,077	4,763	3,997
PAID	2,724	3,495	2,386	2,464	2,072

SEX OFFENDER STATISTICS/AUGUST

	VERIFICATIONS	NOTIFICATIONS	MONTHLY REVERIFICATIONS	NON COMPLIANT WARRANTS
TIER 1	0	0	0	0
TIER 2	11	1013	26	2
TIER 3	19	2549	29	1

ACTIVE SEX OFFENDERS THAT RESIDE IN THE CITY OF DOVER *(please note, Tier 1 offenders are not contacted by Dover Police Sex Offender Agents).*



(Please note, Tier 1 offenders are not contacted by Dover Police Sex Offender Agents).

Please visit our website at www.doverpolice.org for up to date information on crimes and activities in the City of Dover.

Respectfully Submitted,

Marvin C. Mailey
Chief of Police

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 09-29-17
PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer	
SUBJECT: Acceptance of Proposal – Heating, Ventilation and Air Conditioning (HVAC) Control Systems for Dover Public Library	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Proposal and Sole Vendor Information from Johnson Controls, Inc.	
EXPENDITURE REQUIRED: $25,363* over three (3) fiscal years **AMOUNT BUDGETED**: $17,600 (FY-2018)	
FUNDING SOURCE (Dept./Page in CIP & Budget): Library, Operational Budget, Account No.: 110-1500-523.30-31. * = Costs to be divided as follows: Fiscal Year 2018 = $8,205, Fiscal Year 2019 = $8,452, Fiscal Year 2020 = $8,706. FY-2019 & FY-2020 will be budgeted accordingly.	
TIME TABLE: Public Works Director will execute proposal and provide a notice to proceed within ten (10) days of Council approval.	
RECOMMENDED ACTION: Staff recommends awarding the Planned Service Contract for the HVAC Control Systems for the Dover Public Library to the sole vendor, Johnson Controls, Inc., for a three (3) year amount of $25,363.	

BACKGROUND AND ANALYSIS

The purpose of this operational level program is to provide planned preventative maintenance services to the Control Systems of the City of Dover Public Library's HVAC system. For each year of the proposal, various items will be serviced biannually and others will be serviced annually. Each year a control system software subscription is included.

It is recommended that this three (3) year contract for planned services to the HVAC Control Systems for the Dover Public Library be awarded to Johnson Controls, Inc. This is due to the fact that Johnson Controls is the original equipment manufacturer and therefore can be the only provider to make the necessary upgrade to subscriptions which are proprietary to Johnson Controls and the Metasys product brand.

The contract is necessary to guarantee the efficient operation of the HVAC system as well as the building.

Planned Service Proposal



CUSTOMER DOVER LIBRARY SITE	
LOCAL JOHNSON CONTROLS OFFICE 812 FIRST STATE BLVD WILMINGTON,DE 19804-3573	
AGREEMENT START DATE: 07/11/2017	
PROPOSAL DATE: 07/22/2017	
ESTIMATE NO: 1-NXGV2KV	



Partnering with you to deliver value-driven solutions

A Planned Service Agreement with Johnson Controls provides you with a customized service strategy designed around the needs of your facility. Our approach features a combination of scheduled, predictive and preventative maintenance services that focus on your goals.

As your building technology services partner, Johnson Controls delivers an unmatched service experience delivered by factory-trained, highly skilled technicians who optimize operations of the buildings we work with, creating productive and safe environments for the people within.

By integrating our service expertise with innovative processes and technologies, our value-driven planned service solutions deliver sustainable results, minimize equipment downtime and maximize occupant comfort.

YORK BY JOHNSON CONTROLS

METASYS BY JOHNSON CONTROLS

Johnson Controls

Executive Summary

PLANNED SERVICE PROPOSAL FOR DOVER LIBRARY SITE

Dear Mike Hamlett,

We value and appreciate your interest in Johnson Controls as a service provider for your building systems and are pleased to provide a value-driven maintenance solution for your facility. The enclosed proposal outlines the Planned Service Agreement we have developed on your facility.

Details are included in the Planned Service Agreement summary (Schedule A), but highlights are as follows:

- In this proposal we are offering a service agreement for 3 Years - starting 07/11/2017 and ending 07/10/2020.
- The agreement price for first year is $8,205.00; see Schedule A, Supplemental Price and Payment Terms, for pricing in subsequent years.
- The equipment options and number of visits being provided for each piece of equipment are described in Schedule A, Equipment list.

As a manufacturer of both mechanical and controls systems, Johnson Controls has the expertise and resources to provide proper maintenance and repair services for your facility.

Again, thank you for your interest in Johnson Controls and we look forward to becoming your building technology services partner.

Please contact me if you have any questions.

Sincerely,

Jerek Hodge

Jerek Hodge
Assoc Acct Rep Owner
(302) 650 - 2269

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Schedule A - Equipment List

DOVER LIBRARY SITE	**DOVER, DE 19904-7350**

Boiler

Quantity: 1
Coverage Level: Basic
Equipment: Controls (Controller/End Devices)
Style: Generic Input/Output
Type: Johnson Controls
Size: 0-20 points

Services Provided
2 Operational

Asset #	Manufacturer	Model #	Serial #

Engine Verification

Quantity: 3
Coverage Level: Basic
Equipment: Controls (Controller/End Devices)
Style: Metasys Performance Verification
Type: Johnson Controls
Size: 1 Engine

Services Provided
1 Performance Verification

Asset #	Manufacturer	Model #	Serial #

VAV Box

Quantity: 1
Coverage Level: Basic
Equipment: Controls (Controller/End Devices)
Style: Variable Air Volume (VAV)
Type: Johnson Controls
Size: 0-25 points

Services Provided
2 Operational

Asset #	Manufacturer	Model #	Serial #

Software Subscription Package

Quantity: 1
Coverage Level: Basic
Equipment: Controls Software
Style: Supervisory/Server/UI
Type: Johnson Controls
Size: ADS

Services Provided
1 Graphics Generation Tool Software (Graphics+) Upgrade
1 ADS Site Dir Software Subscription 3-year (up to 4 engines) - Subscription Only

Asset #	Manufacturer	Model #	Serial #

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Supplemental Price & Payment Terms (Applies to Multi-Year Contracts Only)

Year	Total Annual Dollar Amount	Payment Frequency
Year1	$8205.00	Annually
Year2	$8452.00	Annually
Year3	$8706.00	Annually

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September 29, 2017

City of Dover
15 Lockerman Plaza
Dover, DE. 19901

RE: Public Library Metasys Service

Agreement To Whom It May Concern:

This letter is to further define and support the services needed for the Johnson Controls Metasys building controls system installed at the Public Library. The Metasys technology is supported by application software which has subscriptions associated with them. Johnson Controls is the original equipment manufacturer (OEM) and as such can be the only provider to make the necessary upgrades to subscriptions which are proprietary to Johnson Controls and the Metasys product brand. Subscriptions can and will expire over time and it is necessary to keep the subscriptions up to date for a properly functioning system. The proposed planned service agreement will address and remedy the current situation with the Metasys subscription at the Public Library. I hope this helps clarify the City of Dover's needs. We look forward to providing services to the City of Dover at the Public Library.

Best Regards,

Jerek Hodge
Ass. Account
Executive Johnson
Controls, Inc.

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

September 19, 2017

City of Dover
ATTN: Donna Mitchell, Acting City Manager
15 Loockerman Street Plaza
P.O. Box 19903
Dover, DE 19903

REF: STATE OF DELAWARE HIGHWAY RIGHT OF WAY USE AGREEMENT

Dear Mrs. Mitchell:

THIS AGREEMENT, made this _____ day of _____, 20____, by and between the City of Dover, (hereinafter called "**Permittee**"), and DELAWARE DEPARTMENT OF TRANSPORTATION, an agency of the State of Delaware, (hereinafter called "**DelDOT**").

WHEREAS, Permittee wishes to install or allow others to install artwork on traffic control cabinets owned by DelDOT on state maintained roadways within their Municipal boundaries; and

WHEREAS, DelDOT is the owner of that certain dedicated and built right-of-way and the traffic control cabinet; and

WHEREAS, DelDOT has given its consent and authorization for Permittee to install or allow others to install artwork on traffic control cabinets in the Right-of-Way; and

WHEREAS, Permittee and DelDOT have reached an agreement regarding the process to be followed regarding the design, installation, and maintenance of the artwork for the above stated purpose and as more fully set forth herein, subject to the following terms, conditions, agreements and covenants.

THEREFORE, that for and in consideration of the sum of One Dollar ($1.00), the receipt of which is hereby acknowledged, together with other good and valuable consideration, the sufficiency of which is hereby acknowledged and the mutual covenants, promises, conditions, covenants and stipulations contained herein, the parties hereto covenant and agree as follows:

DelDOT

1. Incorporation of Recitals. The foregoing recitals are incorporated by reference as if fully set forth herein.

2. Location of Traffic Control Cabinet. Permittee shall request, in writing, for artwork to be installed on a specific traffic control cabinet. Electronic mail is acceptable and preferred. The request shall be submitted to the DelDOT Chief Traffic Engineer or designee. The request shall include the latitude and longitude of the traffic control cabinet, the names of the cross roads of the adjacent intersection, and a proposed schedule for installation. No artwork may be installed until the location is approved in writing by DelDOT. Permittee shall maintain an accurate, up-to-date spreadsheet of approved locations and shall submit this spreadsheet with each new request.

3. Description of Artwork. Artwork shall be installed with paint. The cabinet shall not be damaged in any way, including but not limited to drilling of holes, cutting, or sanding without approval in writing from the DelDOT Chief Traffic Engineer or designee. Artwork design shall be approved by the Permittee with the following stipulations. Artwork will be in compliance with all State laws and regulations. Of special note are laws and regulations regarding outdoor advertising, including, but not limited to 17 Del. C. §1101-1132 and 2 Del. Admin. Code 2601. Artwork shall not be offensive, controversial, or political. Under no circumstances shall any form of advertisement of any kind be included in the Artwork or on the traffic control cabinet.

4. Installation. Artwork shall be installed by Permittee or an agent of the Permittee. Pedestrian access to sidewalks/paths shall be maintained at all times. Should access to the roadway be required to install the artwork, a Safety Permit shall be obtained from the DelDOT Public Works Section.

5. Maintenance. Permittee shall be responsible for any and all maintenance of the artwork, including but not limited to wear over time or defacing by graffiti.

6. Removal. DelDOT reserves the right to remove or paint over artwork for any reason without notice, including but not limited to public complaints, maintenance issues, and operational issues. DelDOT reserves the right to remove the cabinet completely for any reason without notice, including but not limited to damage, projects, or asset management efforts. Should DelDOT remove and replace a cabinet, Permittee shall submit a new request for permission to install artwork on the new cabinet as specified in Item 2.

7. Costs. All design, installation and maintenance costs of artwork will be borne by Permittee or others. DelDOT will not participate in these costs. Should DelDOT incur costs to remove artwork, repair the cabinet due to artwork related damage, or fully replace the cabinet due to artwork related damage, DelDOT will invoice the Permittee for these costs, and Permittee agrees to pay DelDOT within 30 days of receipt of an invoice.

8. Limitation on Permittee's Improvements in Right-of-Way. Permittee shall not place, erect or permit the placement, or erection of any items within the Right-of-Way other than those specifically approved and authorized by DelDOT. Any activities, other than the placement of the

Artwork on the traffic control cabinet, within the Right-of-Way shall require the prior written consent and approval of DelDOT (via a permit).

9. Severability. If any term or provision of this Agreement or application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law or in equity.

7. Compliance with Laws. Permittee covenants and agrees to comply with all applicable Federal, State and County statutes, laws, ordinances, regulations, orders and directives or other governmental enactments (the "Laws") relating to the installation and maintenance of the artwork. Permittee further covenants and agrees, at its sole cost and expense, to obtain and maintain any and all required permits, licenses or other authorizations with respect to the artwork. Permittee shall comply with all applicable Laws arising out of any obligation or duty imposed upon Permittee with respect to the rights and entitlements granted to or retained or reserved by Permittee under this Agreement.

8. Indemnification for Permittee's Acts or Omissions. DelDOT and its agents, servants, and employees shall not be liable for, and Permittee hereby covenants and agrees to defend, indemnify, and save DelDOT, its subsidiaries and affiliates and its and their respective officers, directors, employees, agents and servants harmless from and against all liability, loss or expense (including reasonable costs and attorneys' fees) for any suit, claim, settlement, award, penalty, fine or judgment (hereinafter referred to singly or collectively as "Claim") because of (i) personal injury (including death at any time resulting there from); (ii) loss of or damages to property (including loss of use thereof), arising out of or resulting from the performance or non-performance of acts by Permittee or its agents in connection with the maintenance or placement of the artwork and the rights granted hereunder or the use and enjoyment of the rights granted under this Agreement.

9. Right of Termination. DelDOT shall have the right to terminate this Agreement at any time and for any reason, at no cost to DelDOT. All termination notices required under this Section shall be given to Permittee at 15 Loockerman Street Plaza, Dover, Delaware 19903.

10. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Delaware.

11. Entire Agreement. This Agreement constitutes the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding on either party except to the extent incorporated in this Agreement.

12. Amendments. This Agreement may not be modified, changed, or supplemented, nor may any of the obligations and rights be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing and then only to the extent set forth in such instrument.

13. Counterparts. This Agreement may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument.

ATTEST:

APPROVED FOR THE DEPARTMENT OF TRANSPORTATION

BY: _____

Lanie Thornton

Director of Finance

BY: _____

Robert McCleary

Director, Transportation Solutions

DATE

_____

ATTEST:

APPROVED FOR: City of Dover

BY: _____

Witness Signature

Donna Mitchell, Acting City Manager

BY:

_____

Witness Print Name

APPROVED AS TO FORM

_____

Ann C. Cordo, Deputy Attorney General

DelDOT

City of Dover

NCALL Agreement #1

September 25, 2017

National Council on Agricultural Life & Labor Research Inc. (NCALL)
ATTN: Joe Myer, Executive Director
363 Saulsbury Rd.
Dover, DE 19904

REF: DELDOT/CITY OF DOVER EQUIPMENT ARTWORK AGREEMENT

Dear Mr. Myer:

THIS AGREEMENT, made this 25th day of September, 2017, by and between National Council on Agricultural Life & Labor Research Inc. (NCALL), (hereinafter called "**Permittee**"), and the City of DOVER, DE, (hereinafter called "**City**").

WHEREAS, Permittee wishes to install or allow others to install artwork on traffic control cabinets owned by DelDOT on state maintained roadways, within Dover municipal boundaries; and

WHEREAS, DelDOT is the owner of that certain dedicated and built right-of-way and the traffic control cabinets; and

WHEREAS, DelDOT has given the City its consent and authorization for the City or its Permittee to install or allow others to install artwork on traffic control cabinets in the Right-of-Way; and

WHEREAS, Permittee and the City have reached an agreement regarding the process to be followed regarding the design, installation, and maintenance of the artwork for the above stated purpose and as more fully set forth herein, subject to the following terms, conditions, agreements and covenants.

THEREFORE, that for and in consideration of the sum of One Dollar ($1.00), the receipt of which is hereby acknowledged, together with other good and valuable consideration, the sufficiency of which is hereby acknowledged and the mutual covenants, promises, conditions, covenants and stipulations contained herein, the parties hereto covenant and agree as follows:

1. Incorporation of Recitals. The foregoing recitals are incorporated by reference as if fully set forth herein.

2. Location of Traffic Control Cabinets. Permittee shall request, in writing, for artwork to be installed on specific traffic control cabinets. Electronic mail is acceptable and preferred. The request shall be submitted to the City Planning & Inspection Department. The

request shall include the latitude and longitude of the traffic control cabinet, the names of the cross roads of the adjacent intersection, and a proposed schedule for installation. No artwork may be installed until the location is approved in writing by DelDOT and the City. Permittee shall maintain an accurate, up-to-date spreadsheet of approved locations and shall submit this spreadsheet with each new request.

3. Description of Artwork. Artwork shall be installed with paint. The cabinet shall not be damaged in any way, including but not limited to drilling of holes, cutting, or sanding without approval in writing from DelDOT and the City Planning & Inspection Department. Artwork design shall be approved by the Permittee with the following stipulations. Artwork will be in compliance with all State laws and regulations. Of special note are laws and regulations regarding outdoor advertising, including, but not limited to 17 Del. C. §1101-1132 and 2 Del. Admin. Code 2601. Artwork shall not be **offensive, controversial, or political**. Under no circumstances shall any form of advertisement of any kind be included in the Artwork or on the electric distribution equipment.

4. Installation. Artwork shall be installed by Permittee or an agent of the Permittee. Pedestrian access to sidewalks/paths shall be maintained at all times. Should access to the roadway be required to install the artwork, a Safety Permit shall be obtained from DelDOT and the City Public Works Department.

5. Maintenance. Permittee shall be responsible for any and all maintenance of the artwork, including but not limited to wear over time or defacing by graffiti.

6. Removal. DelDOT and the City reserve the right to remove or paint over artwork for any reason without notice, including but not limited to public complaints, maintenance issues, and operational issues. DelDOT reserves the right to remove the equipment completely for any reason without notice, including but not limited to damage, projects, or asset management efforts. Should DelDOT remove and replace a cabinet, Permittee shall submit a new request for permission to install artwork on the new cabinet as specified in Item 2, if desired.

7. Costs. All design, installation and maintenance costs of artwork will be borne by Permittee or others. The City will not participate in these costs. Should the City incur costs to remove artwork, repair the cabinet due to artwork related damage, or fully replace the cabinet due to artwork related damage, the City will invoice the Permittee for these costs, and Permittee agrees to pay the City within 30 days of receipt of an invoice.

8. Limitation on Permittee's Improvements in Right-of-Way. Permittee shall not place, erect or permit the placement, or erection of any items within the Right-of-Way other than those specifically approved and authorized by DelDOT and the City. Any activities, other than the placement of the Artwork on the traffic control cabinets, within the Right-of-Way shall require the prior written consent and approval of DelDOT and the City (via a permit).

9. Severability. If any term or provision of this Agreement or application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law or in equity.

10. Compliance with Laws. Permittee covenants and agrees to comply with all applicable Federal, State and County statutes, laws, ordinances, regulations, orders and directives or other governmental enactments (the "Laws") relating to the installation and maintenance of the artwork. Permittee further covenants and agrees, at its sole cost and expense, to obtain and maintain any and all required permits, licenses or other authorizations with respect to the artwork. Permittee shall comply with all applicable Laws arising out of any obligation or duty imposed upon Permittee with respect to the rights and entitlements granted to or retained or reserved by Permittee under this Agreement.

11. Indemnification for Permittee's Acts or Omissions. DelDOT and the City and its agents, servants, and employees shall not be liable for, and Permittee hereby covenants and agrees to defend, indemnify, and save DelDOT and the City, its subsidiaries and affiliates and its and their respective officers, directors, employees, agents and servants harmless from and against all liability, loss or expense (including reasonable costs and attorneys' fees) for any suit, claim, settlement, award, penalty, fine or judgment (hereinafter referred to singly or collectively as "Claim") because of (i) personal injury (including death at any time resulting there from); (ii) loss of or damages to property (including loss of use thereof), arising out of or resulting from the performance or non-performance of acts by Permittee or its agents in connection with the maintenance or placement of the artwork and the rights granted hereunder or the use and enjoyment of the rights granted under this Agreement.

12. Right of Termination. The City shall have the right to terminate this Agreement at any time and for any reason, at no cost to the City. All termination notices required under this Section shall be given to Permittee at 363 Saulsbury Rd, Dover, DE 19904.

13. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Delaware.

14. Entire Agreement. This Agreement constitutes the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding on either party except to the extent incorporated in this Agreement.

15. Amendments. This Agreement may not be modified, changed, or supplemented, nor may any of the obligations and rights be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing and then only to the extent set forth in such instrument.

16. Counterparts. This Agreement may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument.

The Honorable Robin R. Christiansen
Mayor, City of Dover
Dover, Delaware

The Honorable Timothy A. Slavin
President, Dover City Council
Dover, Delaware

Dave Hugg
Acting Director of Planning and Community Development
Dover, Delaware

Joe Myer
Executive Director, NCALL
Dover, Delaware

City of Dover

NCALL Agreement #2

September 25, 2017

National Council on Agricultural Life and Labor Research (NCALL)
ATTN: Joe Myer, Executive Director
363 Saulsbury Road
Dover, DE 19904

REF: CITY OF DOVER EQUIPMENT ARTWORK AGREEMENT

Dear Mr. Myer:

THIS AGREEMENT, made this 25th day of September, 2017, by and between National Council on Agricultural Life and Labor Research (NCALL), (hereinafter called "**Permittee**"), and the City of DOVER, DE, (hereinafter called "**City**").

WHEREAS, Permittee wishes to install or allow others to install artwork on electrical distribution equipment owned by the City within their Municipal boundaries; and

WHEREAS, the City is the owner of that right-of-way and the electrical distribution equipment, and

WHEREAS, the City has given its consent and authorization for Permittee to install or allow others to install artwork on electrical distribution equipment in the Right-of-Way; and

WHEREAS, Permittee and the City have reached an agreement regarding the process to be followed regarding the design, installation, and maintenance of the artwork for the above stated purpose and as more fully set forth herein, subject to the following terms, conditions, agreements and covenants.

THEREFORE, that for and in consideration of the sum of One Dollar ($1.00), the receipt of which is hereby acknowledged, together with other good and valuable consideration, the sufficiency of which is hereby acknowledged and the mutual covenants, promises, conditions, covenants and stipulations contained herein, the parties hereto covenant and agree as follows:

1. Incorporation of Recitals. The foregoing recitals are incorporated by reference as if fully set forth herein.

2. Location of Electric Distribution Equipment. Permittee shall request, in writing, for artwork to be installed on specific electric distribution equipment. Electronic mail is

acceptable and preferred. The request shall be submitted to the City Electric Department Engineering section. The request shall include the latitude and longitude of the electric distribution equipment, the names of the cross roads of the adjacent intersection, and a proposed schedule for installation. No artwork may be installed until the location is approved in writing by the City. Permittee shall maintain an accurate, up-to-date spreadsheet of approved locations and shall submit this spreadsheet with each new request.

3. Description of Artwork. Artwork shall be installed with paint. The cabinet shall not be damaged in any way, including but not limited to drilling of holes, cutting, or sanding without approval in writing from the City Electric Department Engineering section. Artwork design shall be approved by the Permittee with the following stipulations. Artwork will be in compliance with all State laws and regulations. Of special note are laws and regulations regarding outdoor advertising, including, but not limited to 17 Del. C. §1101-1132 and 2 Del. Admin. Code 2601. Artwork shall not be **offensive, controversial, or political**. Under no circumstances shall any form of advertisement of any kind be included in the Artwork or on the electric distribution equipment.

4. Installation. Artwork shall be installed by Permittee or an agent of the Permittee. Pedestrian access to sidewalks/paths shall be maintained at all times. Should access to the roadway be required to install the artwork, a Safety Permit shall be obtained from the City Public Works Department.

a. There will be no obstruction, covering or removal of any City numbering, warning labels or data plates on the selected equipment.
b. There will be no sanding, re-shaping or malformation of the equipment from the originally designed shape.
c. All vent holes or weep holes, if any, will remain clear of obstruction and covered during the painting process to prevent paint build up.

5. Maintenance. Permittee shall be responsible for any and all maintenance of the artwork, including but not limited to wear over time or defacing by graffiti.

6. Removal. The City reserves the right to remove or paint over artwork for any reason without notice, including but not limited to public complaints, maintenance issues, and operational issues. The City reserves the right to remove the equipment completely for any reason without notice, including but not limited to damage, projects, or asset management efforts. Should the City remove and replace a cabinet, Permittee shall submit a new request for permission to install artwork on the new cabinet as specified in Item 2.

7. Costs. All design, installation and maintenance costs of artwork will be borne by Permittee or others. the City will not participate in these costs. Should the City incur costs to remove artwork, repair the cabinet due to artwork related damage, or fully replace the cabinet

due to artwork related damage, the City will invoice the Permittee for these costs, and Permittee agrees to pay the City within 30 days of receipt of an invoice.

8. Limitation on Permittee's Improvements in Right-of-Way. Permittee shall not place, erect or permit the placement, or erection of any items within the Right-of-Way other than those specifically approved and authorized by the City. Any activities, other than the placement of the Artwork on the electric distribution equipment, within the Right-of-Way shall require the prior written consent and approval of the City (via a permit).

9. Severability. If any term or provision of this Agreement or application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law or in equity.

10. Compliance with Laws. Permittee covenants and agrees to comply with all applicable Federal, State and County statutes, laws, ordinances, regulations, orders and directives or other governmental enactments (the "Laws") relating to the installation and maintenance of the artwork. Permittee further covenants and agrees, at its sole cost and expense, to obtain and maintain any and all required permits, licenses or other authorizations with respect to the artwork. Permittee shall comply with all applicable Laws arising out of any obligation or duty imposed upon Permittee with respect to the rights and entitlements granted to or retained or reserved by Permittee under this Agreement.

11. Indemnification for Permittee's Acts or Omissions. The City and its agents, servants, and employees shall not be liable for, and Permittee hereby covenants and agrees to defend, indemnify, and save City, its subsidiaries and affiliates and its and their respective officers, directors, employees, agents and servants harmless from and against all liability, loss or expense (including reasonable costs and attorneys' fees) for any suit, claim, settlement, award, penalty, fine or judgment (hereinafter referred to singly or collectively as "Claim") because of (i) personal injury (including death at any time resulting there from); (ii) loss of or damages to property (including loss of use thereof), arising out of or resulting from the performance or non-performance of acts by Permittee or its agents in connection with the maintenance or placement of the artwork and the rights granted hereunder or the use and enjoyment of the rights granted under this Agreement.

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15. Amendments. This Agreement may not be modified, changed, or supplemented, nor may any of the obligations and rights be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing and then only to the extent set forth in such instrument.

16. Counterparts. This Agreement may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument.

_____ _____

The Honorable Robin R. Christiansen Date
Mayor, City of Dover
Dover, Delaware

_____ _____

The Honorable Timothy A. Slavin Date
President, Dover City Council
Dover, Delaware

_____ _____

David S. Hugg III Date
Acting Director of Planning
And Community Development
Dover, Delaware

_____ _____

Joe Myer Date
Executive Director, NCALL
Dover, Delaware

_____ _____

Paul Waddell Date
Engineering Services & System Operation Superintendent
Electric Department
Dover, Delaware

Format of Signature blocks

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 8/31/17
PREPARED BY: Captain Chad Bernat / Administrative Division Commander	
SUBJECT: FY17 Edward Byrne Justice Assistance Grant Program – Joint Grant with Smyrna Police Department & Kent County	
REFERENCE: Annual Recurring Grant Funding	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $59,281	**PROJECT BUDGET:** $60,000
FUNDING SOURCE (Dept./Page in CIP & Budget): USDOJ Grant (Fund 712	
TIMETABLE: The grant should be awarded in September or October. Once received and accepted, the items will be ordered.	
RECOMMENDED ACTION: Approve the grant project as requested.	

BACKGROUND

The Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2017 Justice Assistance Grant (JAG). Similar to previous years, Dover Police Department was identified as a disparate funding agency along with Smyrna Police Department and Kent County. This disparate condition requires the submission of a joint grant application for the three agencies.

Although no funds were designated for Kent County in the allocation document, a Memorandum of Understanding will be completed and signed by all three agencies and will state that Kent County will waive any claim to funding on the grant. The Dover Police Department will serve as the fiscal and administrative agent for the grant. The following table shows the breakout for the grant funds:

Department	**Amount**
Dover Police Department – COBAN in-car camera/computer systems	$48,071
Smyrna Police Department – Evidence processing equipment and associated supplies	11,210
Grand Total	$59,281

ACTION REQUESTED

The Legislative and Finance Committee and Council approve the receipt of this grant and the purchases identified.

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

General Information

Department: Police Staff Contact: Capt Bernat

Grant/Project Title: FY17 Byrne Memorial Justice Assistance Grant (JAG)

Brief Grant/Project Description: Recurring formula based Federal grant program which provides funding for various Law Enforcement programs. This grant is a joint grant with Smyrna Police Department and Kent County, but no funds will be allocated to Kent County, since they have no Law Enforcement element in their structure. As in the past, The Dover Police Department will serve as the administrative agency and complete all the reports and documentation required.

Application Information

Due Date: 9/5/17

New ☐

Recurring ☒

Related Grants: Previous years' grants

Anticipated Award Date: 10/1/17

Anticipated Notification Date: 10/1/17

Start Date: 10/1/16

End Date: 9/31/19

Award Amount: $51,549.00

Cash ☐ Reimbursement ☒

Approx. reimbursement turn-a-around time 1-2 weeks

Council Approval Needed: Yes ☒ No ☐

Which apply?

Match amount ☐

Project shortage ☐

Other grant requirement ☒

Grant/Project Costs

Budget Category	Award Amt	Match Amt	Match Source
Contractual			
Equipment/Supplies	$59,281.00	$0.00	Not Applicable
Indirect Cost (ie, vehicle repairs, mileage, IT, telephone)			
Personnel			
Additional Personnel/Over-time (ie, support costs, administrative salaries)			
Travel/Training			
Capital Voicemail System			
Other (ie, informant/buy money)			
Total	$59,281.00	$ 0.00	

GRANT TOTAL $59,281.00 **Award + Match**

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

Other Information

1. Are any of this project's costs included in the City budget?
   Yes, currently the Dover Police Department has $60,000 programmed in its computer budget for the replacement of mobile computers in the vehicles. These funds will be combined with the grant funds to purchase ten systems.

2. Are there any long-term costs or commitments?
   Maintenance costs for the systems will be picked up by the Dover Police Department budget after the end of the five year warranty period.

3. How will this program/project be funded after the grant expires?
   Not Applicable.

4. What is the maximum amount of funds available from this funding source?
   The amounts shown on the preceding table are the maximum amounts available.

5. If the Department receives only a portion of the amount requested, how will the project be funded?
   The funds are explicitly authorized for Dover PD's and Smyrna PD's use, so the full amount will be available.

6. Are there other departments in the City eligible for this funding?
   No.

7. Are other departments in the City willing to collaborate on this project?
   Not Applicable.

8. Will this project duplicate or compete with other services or programs provided by the City or other local agency?
   No.

PROPOSED COUNCIL RESOLUTION NO. 2017-13

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

WHEREAS, Councilman Brian E. Lewis, through his actions and words, promoted an unfounded allegation of a potential ethics violation against a member of Council, a method which violates the spirit and purpose of City Ordinance Chapter 30 - Code of Conduct and Ethics Commission, Article III - Ethics Commission; and

WHEREAS, Councilman Brian E. Lewis requested and received a legal clarification from City Solicitor Nicholas Rodriguez on September 13, 2017 as to whether a conflict of interest relating to the above referenced Council member existed; and

WHEREAS, on September 13, 2017, Councilman Brian E. Lewis received a legal clarification from City Solicitor Nicholas Rodriguez that there was no conflict of interest in the matter; and

WHEREAS, according to published reports on September 26, 2017, on September 16, 2017 and again on September 19, 2017, Councilman Brian E. Lewis contacted the *Delaware State News* to encourage news coverage of the perceived conflict of interest; and

WHEREAS, according to published reports, Councilman Brian E. Lewis did not disclose to the *Delaware State News* reporter that he had received a response from the City Solicitor that no conflict of interest existed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of Council, in Council met, that Councilman Brian E. Lewis is publicly censured for violating the spirit and purpose of City Ordinance Chapter 30 - Code of Conduct and Ethics Commission, Article III - Ethics Commission and, furthermore, for conducting himself in a manner which violates the spirit and purpose of his oath of office administered on May 11, 2015.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2017\DRAFT\RESOLUTION NO. 2017-13 CENSURE OF COUNCILMAN BRIAN E LEWIS\RESOLUTION NO. 2017-13 - Censure of Councilman Brian E. Lewis.wpd

ROBIN R. CHRISTIANSEN	TIMOTHY A. SLAVIN
MAYOR	COUNCIL PRESIDENT

Actions History
10/09/2017 - Scheduled for Introduction - City Council

From: Anderson, David
To: Slavin, Tim
Cc: City Clerks Office
Subject: Censure resolution response for Council President, Council, Mayor and packet
Date: Friday, October 06, 2017 9:42:48 AM
Attachments: ACLU Brian Lewis 8 2 16 ltr.pdf

President Slavin:

Thank you for sharing the resolution and your concerns. I have concerns about the resolution of Censure of Councilman Brian Lewis based upon four grounds beside the perception that I have of selective ethics enforcement that I raised. I believe that if Council exercises its ability to censure in this case, it will be a grave and disturbing misuse of its power. This resolution should not be placed on the agenda.

Curlett v. Madison Industrial Services Team, Inc., decided May 31, 2012, by the U.S. District Court for the District of Delaware expands the original interpretation of the Delaware Whistleblower Law to include all employees in the State of Delaware. Our employer is the people, but we are listed as part-time employees. A person cannot be harassed for or prevented from bringing an issue to the public without raising serious questions especially when that person's employer is the public to whom he/she has an obligation to report.

I know that you are familiar with the ACLU opinion sent to Mr. Lewis in 2016. I have attached it for the public record. It states that the first amendment rights are not abrogated by virtue of our office. It also notes that we have the same obligations as the public regarding libel. If Mr. Polce has an issue with Mr. Lewis, he may file it with the ethics committee or if he believes himself to be a victim of libel, he has the right to pursue it. The right of freedom of speech is not abridged by the existence of an ethics committee. It is one avenue, but the question was one of propriety not a judgment. While I think the connection should have been disclosed, it was and is my judgment that he received no benefit personally and was not required to recuse himself. If some benefit arises in the future, he will have to justify it to the public, but that is not within our jurisdiction nor should it be. This is my opinion which was confirmed, but one having a different opinion does not merit a censure. The email was an initial finding, not a formal opinion.

Section 30-2 states that a financial interest exists if One “is associated with the enterprise and received from the enterprise during the last calendar year, or might reasonably be expected to receive from the enterprise during the current or the next calendar year, income in excess of $5,000.00 for services as an employee, officer, director, trustee, or independent contractor;” Mr. Polce stated in the Delaware State News on September 26, 2017 "Mr. Polce said he would never be swayed politically by a part-time teaching job at Wesley College that pays him around $5,000 per year." Without the other factors which create a conflict of interest, I do not believe a conflict of interest exists and therefore was not required to recuse himself, but I

do believe that he should have disclosed a potential conflict of interest. I have no reason to doubt his integrity or that of the College and I am not calling for an investigation.

I am pointing out that an error was made which a reasonable person would more than likely than not would see a potential conflict of interest existed. I am a reasonable person and when I heard it, my first response was oops, he should have disclosed it before the vote, but since he did not benefit materially or otherwise, which is the definition of conflict of interest that he probably did not run afoul of the code. Another reasonable response would be to follow the Hosfelt precedent where he always recused himself regarding his employer. I believe there is a difference, but it is perfectly within the realm of propriety to have this discussion either in public or in private. Mr. Lewis, therefore, saw himself acting as a whistleblower to a process he thought was tainted. This impression was bolstered when he made an inquiry and the solicitor did not send him a legal opinion, but a one paragraph email with no legal references either to code or case law. It is reasonable to believe that he saw this as his concern just being swept under the rug and the only recourse to that would be public disclosure. We have a right to disagree with him. I do not think our city solicitor had such intention but was attempting to provide his best judgment quickly for a councilman. Nevertheless, we do not have the right to defame Mr. Lewis by wrongfully claiming he broke rules that do not apply in any way based upon language that does not exist anywhere. His statement that he did not receive a legal opinion was accurate which eliminates the other basis for the resolution.

A reasonable person can see the dispute at the base of this conflict both ways, therefore it is unreasonable to take the route of this resolution. Based upon the reading of Section 30-2 of the Dover City Code a person could draw the conclusion reached by Mr. Lewis. If his conclusion is that of a reasonable man, there is no basis for the charges in the resolution or basis for censure. The question is not whether members agree with Mr. Lewis. The question is whether or not a reasonable person could draw that conclusion from the plain language of the code. The inescapable conclusion is in the affirmative.

Lastly, the ethics code does not say anywhere that a member is prohibited from speaking about items not filed before the ethics committee. If we go that route, we strike at the core of our duty to bring to light incidents which we believe compromise the public interest. The code does say that not following the laws is malfeasance in office. Please explain how we can make new precedent based on the "spirit of the code" based upon what it does not say, but not base it upon what it does say? Do the ethics rules change based on how the "spirit of the code" moves the Council President politically? That is an outcome that I fear more than bad publicity.

My belief is that we should let it all drop and move on. No one benefits from pursuing these issues when there is no evidence of intentional wrongdoing on anyone's behalf. We are at a challenging juncture in the city and do not need to blow up Council when the city needs us the

most. This is uncharacteristic of your leadership. I believe that you are being pressured into a mistaken course even though your intentions are good. There have already been enough mistakes in this episode on all sides. We need not compound them.

My intention is to object to consideration of this agenda item on the basis that it could place us in jeopardy of a legal challenge needlessly and would set a precedent injurious to the public interest. I further request that my objections in the form of this statement and its attachment be placed in the public record and meeting packet with the resolution.

Respectfully,

The Honorable David L. Anderson
4th District Dover City Council
(302)736-7006 office
(302) 339-1047 Cell (personal)
david.anderson@dover.de.us
davidlevianderson@gmail.com (personal)

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
of DELAWARE
100 W 10TH ST, SUITE 706
WILMINGTON, DE 19801
T/302-654-5326
F/302-654-3689
WWW.ACLU-DE.ORG

S. ELIZABETH LOCKMAN
PRESIDENT

KATHLEEN M. MacRAE
EXECUTIVE DIRECTOR

RICHARD H. MORSE
LEGAL DIRECTOR

RYAN R. TACK-HOOPER
STAFF ATTORNEY &
LEGISLATIVE ADVOCATE

August 2, 2016

BY EMAIL
Councilman Brian E. Lewis
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Brian:

The First Amendment gives you the same right to post on Facebook that everyone else has. Other people may criticize you for what you post there and you are, of course, subject to the libel laws and such, but I am aware of no reason why your position on Dover City Council would deprive you of that right.

Sincerely yours,

Richard H. Morse

Richard H. Morse

SUDLER'S OVERVIEW OF PROPOSED RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL 3 MET: 4

WHEREAS, Councilman Brian E. Lewis, through his actions and words, promoted an unfounded allegation

5 of a potential ethics violation against a member of Council, a method which violates the spirit and purpose

6 of City Ordinance Chapter 30 - Code of Conduct and Ethics Commission, Article III - Ethics Commission;

Sudler's Opinion in Regards to Chapter 30

The Resolution doesn't specify what subsection under Section 30 that Councilman Lewis has Allegedly Violated according to the Oath that we all took as City of Dover Councilpersons.

Sec. 30-31. - Applicability; statement of policy.

(a)

Applicability. **This article shall be applicable to all elected and appointed officials and all employees of the city.**

(b)

Statement of policy. **The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of conduct for all city employees and officials. The purpose of this code of conduct is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The city council finds and declares as matters of public policy goals and objectives for all city employees and elected and appointed officials, the following:**

(1)

Public trust. **In our democratic form of government, the conduct of officials and employees of the city must hold the respect and confidence of the people. They must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.**

(2)

SUDLER'S OVERVIEW OF PROPOSED RESOLUTION

Standards. **To ensure propriety and to preserve public confidence, officials and employees of the city must have the benefit of specific standards to guide their conduct and disciplinary mechanisms to guarantee uniform maintenance of those standards. Some standards of this type are so vital to government that violation thereof should subject the violator to criminal penalties.**

(3)

Public service. **In our democratic form of government, it is both necessary and desirable that all citizens should be encouraged to assume public office and employment, and that, therefore, the activities of officers and employees of the city should not be unduly circumscribed.**

(4)

Performance of duty. **Elected city officials are obligated to uphold the fundamental legal principles of our system of government, as set forth in the United States Constitution, the state constitution, and the city Charter, as well as all applicable provisions of federal, state and local law and court decisions. They are bound to do so, and the failure to so act shall constitute malfeasance in office.**

(5)

Fairness. **City officials and employees shall strive for the highest standard of fairness in all of their activities and shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.**

(6)

Use of private information. **In the course of their official responsibilities, city officials and employees are often privy to categories of information which are of a private nature and are legally protected from public disclosure. City officials and employees shall maintain the privacy of such information, and they shall not take advantage of such information for personal gain, or the personal gain of friends or family.**

(Code 1981, § 2-8; Ord. of 7-13-1998)

7 and 8 WHEREAS, Councilman Brian E. Lewis requested and received a legal clarification from City Solicitor

Sudler's Review!

DOVER — Dover City Councilman Brian Lewis said one of his constituents approached him recently about concerns that Councilmen Tanner Polce might have crossed the line when it comes to conflict of interest.

In his letter to the city solicitor, Mr. Lewis wrote, "My understanding is Councilman Polce was one of the council members casting a vote on this agreement. It has come to my awareness that Councilman Polce is a current employee of Wesley College and this fact was not disclosed prior to the vote.

SUDLER'S OVERVIEW OF PROPOSED RESOLUTION

"I would appreciate you reviewing and advising if this is a potential conflict of interest."

---

9 Nicholas Rodriguez on September 13, 2017 as to whether a conflict of interest relating to the above 10 referenced Council member existed; and

Sudler's Response!

According to the article, Nick Rodriguez failed to answer the initial request to review and advise Councilman Lewis, if there was a "POTENTIAL CONFLICT OF INTEREST", which by definition is different from CONFLICT OF INTEREST.

Sudler's Research on the Matter!

- ✓ As noted in this publication from the North Carolina Board of Ethics:

POTENTIAL CONFLICT refer,

As a general matter, to situations that do not necessarily constitute or appear to constitute a COI but where there is a reasonable possibility of an actual or apparent COI coming into play.

(I should stress that, given the thousands of laws, regulations and rules regarding COIs, this is not the only definition of a potential COI.

But it is reasonably common and, in my view, reasonably logical.)

For an example:

Where A works at company X, which has as a supplier company Y, and A's daughter B is considering applying for a job at Y, this is not yet an actual or apparent conflict because B has not yet moved her job plans forward. But (depending on a variety of facts not provided in this example) the potential for a conflict is there.

SUDLER'S OVERVIEW OF PROPOSED RESOLUTION

"Potential conflicts of interest … are the most misunderstood concept in public service ethics.

Many Public Officials give 'potential conflict' a negative connotation, when in fact it is neutral. 'Potential' [merely] means 'capable of being but not yet in existence' – possible."

The same analysis holds true, I believe, in the private sector context.

Given this widespread misunderstanding, I think it is important to discuss potential (as well as actual and apparent) ----------COIs in codes of conduct, other policies, training and other C&E communications – particularly because, as a practical matter, waiting until a potential COI has ripened into an actual, or apparent one might be too late to achieve a satisfactory resolution of the issue.

Indeed, the need for focusing on potential COIs assumes particular importance in light of certain findings of the emerging field of "moral intuitionism" which is discussed in this recent post.

As noted there, one of the strong moral intuitions humans have is loyalty, and this suggests that when a COI that triggers loyalty instincts does appear – e.g., a conflict involving a family member, close friend or other individual to whom "in-group" loyalty is felt – our intuitions might not lead us to deal with it an ethical way.

To revert to our hypothetical, it is probably easier and certainly more effective for A to get guidance from the C&E office about what to say to or ask his daughter B beforehand about the conflict of interest that could arise from her applying for a job at Y than dealing with the situation after she has already done so (when, due to is loyalty instincts, he might well lapse into a defensive mode).

For this reason, preparing in advance to address a conflict may be particularly important. And focusing on potential COIs in one's C&E program – again, through the code, other policies, training and other communications – can help make that happen.

SUDLER'S OVERVIEW OF PROPOSED RESOLUTION

11 WHEREAS, on September 13, 2017, Councilman Brian E. Lewis received a legal clarification from City 12 Solicitor Nicholas Rodriguez that there was no conflict of interest in the matter; and

Sudler's Research on the Matter

A CONFLICT OF INTEREST (COI)

Conflict of interest rules in the public sphere mainly focus on

Financial relationships since they are relatively more objective, fungible, and quantifiable, and usually involve the political, legal, and medical fields.

It is a situation in which a person or organization is involved in multiple interests, financial or otherwise, one of which could possibly corrupt the motivation or decision-making of that individual or organization.

The presence of a conflict of interest is independent of the occurrence of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs.

A conflict of interest exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that a decision *may* be unduly influenced by other, secondary interests, and not on whether a particular individual *is actually* influenced by a secondary interest.

A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest.

***Primary interest* refers**

To the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public officer.

SUDLER'S OVERVIEW OF PROPOSED RESOLUTION

Secondary interest **includes**

Personal benefit and is not limited to only financial gain, but also such motives as the desire for professional advancement, or the wish to do favors for family and friends.

These secondary interests are not treated as wrong in and of themselves, but become objectionable when they are believed to have greater weight than the primary interests.

13 WHEREAS, according to published reports on September 26, 2017, on September 16, 2017 and again on

14 September 19, 2017, Councilman Brian E. Lewis contacted the Delaware State News to encourage news

15 coverage of the perceived conflict of interest; and

Councilman Lewis's question to City Solicitor in regards to alleged potential conflict of interest by research and definition of the meaning of potential conflict justifies his position on the matter in my opinion.

16 WHEREAS, according to published reports, Councilman Brian E. Lewis did not disclose to the Delaware

17 State News reporter that he had received a response from the City Solicitor that no conflict of interest 18 existed.

Sudler's Response

Again, pursuant to the City Solicitor's Response to Councilman Lewis's initial inquiry to the legal term of Potential Conflict, the City Solicitor

never officially responded to the question, he only commented on the Legal Term of Conflict of Interest and not "Potential Conflict of Interest", which to my understanding has a different legal meaning in the term defined.

19 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Members of Council, in Council met, that

20 Councilman Brian E. Lewis is publicly censured for violating the spirit and purpose of City Ordinance

21 Chapter 30 - Code of Conduct and Ethics Commission, Article III - Ethics Commission and, furthermore,

22 for conducting himself in a manner which violates the spirit and purpose of his oath of office administered

23 on May 11, 2015.

Sudler's Conclusion

In regards to Council Members meeting to elaborate or orchestrate censorship methods to be sanctioned upon fellow Councilman Brian Lewis for Alleged Ethics Violations, in my opinion, this attempt supersedes the spirit of the Ethics Commission's Duties and Responsibilities to ensure Due Process for all defendants including Councilman Brian Lewis.

Sec. 30-73. - Complaints; hearings; dispositions.

(d) *Actions by ethics commission.* With respect to any violation with which a person has been charged and which the ethics commission has determined as proved, the ethics commission may take any one or more of the following actions:

(1) *Reprimand.* Issue a written reprimand or censure of that person's conduct.

4) *Recommend fine.* With respect to an elected city official, recommend that such official be fined in an amount recommended by the ethics commission.

(e) *Rights of person charged.* In any proceeding before the ethics commission, upon the request of any person charged with a violation of this chapter, such person shall be permitted to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which will be used as evidence against that person in a disciplinary hearing and which are material to the preparation of his defense.

Sec. 30-74. - Judicial review.

In the event that the ethics commission finds that any person has violated any provision of this chapter, said person shall have a right of appeal to the superior court of any such finding, and of any sanctions imposed with respect thereto, by filing a notice of appeal with the superior court within 30 days of the final action by the ethics commission in a particular case. The appeal shall be on the record without a trial de novo. If the court determines that the record is insufficient for its review, it shall remand the case to the ethics commission for further proceedings on the record. The court's review, in the absence of actual fraud, shall be limited to a determination of whether the ethics commission's decision was supported by substantial evidence on the record. The burden of proof in any such appeal shall be on the appellant.

(Code 1981, § 2-15.1; Ord. of 7-13-1998)

In Closing, I would be very disappointed if the Council and Mayor was sued for Conspiracy to Defame Councilman Lewis's Political Profile and therefore, I ask that this resolution be set-aside in the seat of emotions and character that truly defines our great City Council of Dover, as we are faced with local and global matters that truly deserves our united attention.

Councilman Sudler's Recommendation:

- Executive Session on the Matter and Move On, as Councilman Tanner Polce so elegantly stated in the Delaware State News for the Best Interest of Council, Mayor and the Constituents of Dover.

FIRST READING

CITY OF DOVER ORDINANCE #2017-13

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 1 – One-Family Residence Zones, of the Dover Code be amended by inserting the text indicated in bold, blue font as follows:

ARTICLE 3. - DISTRICT REGULATIONS

Section 1. - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)].
(R-20, R-15, R-10, R-8, R-7.) (See also article 5, Supplementary Regulations; and article 6, Off-Street Parking, Driveways and Loading Facilities.)

1.1 *Uses permitted.* In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with article 5, section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with article 10, section 2.

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. **Child** ~~D~~**d**ay care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:

i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.

ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.

iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space.

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Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.

v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.

vi. Courts shall conform to the requirements of article 5, section 3 hereof.

(b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

(c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

i. Outdoor entertainment, live or mechanical;

ii. The use of outdoor public address systems for any purpose; and

iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

(d) Adult day care facilities in accordance with Article 5 – Supplementary Regulations, Section 22 – Adult Day Care Facilities.

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

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(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals as pets, provided not more than three (3) dogs over six months old, shall be permitted.

(e) Keeping of chickens for individual domestic purposes subject to the following restrictions:

i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.

ii. No more than five (5) chickens shall be permitted on a residential lot.

iii. Chickens shall be registered with the Delaware Department of Agriculture.

iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.

v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.

vi. Any odor associated with the chickens shall not be discernable from property lines.

vii. Keeping of roosters shall be prohibited.

viii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

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1.16 [1.2] *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

1.17 [1.3] *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

1.18 [1.4] [*Closed zone.*] Zone R-7 is a closed zone in accordance with article 10, section 5.19.

1.19 [1.5] [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 1-8-1979; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2009-12, 9-14-2009; Ord. No. 2011-21, 10-10-2011; Ord. No. 2016-01, 4-11-2016)

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 10 – Institutional and Office Zone of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Section 10. - Institutional and office zone (IO).

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

(a) Business, professional, or governmental offices.

(b) Banks.

(c) Research, design, and development laboratories.

(d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.

(e) Public utility rights-of-way and structures necessary to serve areas within the city.

(f) **Child** ~~D~~day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.

(g) Emergency shelters and transitional housing.

(h) Adult day care facilities provided they are established in accordance with all applicable state regulations pertaining to adult care and provided that they are established and maintained in accordance with article 5, section 22 of this ordinance.

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

(a) Firearm ranges, prisons, and correctional facilities.

(b) Public incinerators.

(c) Hotels and restaurants.

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

(a) Clinics, cafeterias, and recreational facilities.

(b) Motor vehicle storage and repair facilities accessory to a public or institutional use.

(c) Restaurants that are on a campus and intended to support users of the campus.

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

(a) Landfills, dumps.

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

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

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

(Ord. of 10-24-1983; Ord. of 12-14-1992; Ord. of 7-12-1993, § 7; Ord. of 4-25-1994; Ord. of 10-12-1998; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-23-2007(1); Ord. of 4-23-2007(2); Ord. No. 2014-08, 7-14-2014)

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 –Supplementary Regulations, Section 14 – Day Care Facilities of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Section 14. ~~–~~ **Child** ~~D~~day care facilities.

14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of **child** day care services and facilities, wherever there is a need, is a

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necessary public objective; and

14.12 Day care programs **for children** shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 *Definitions.*

Child ~~D~~day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 **Child ~~D~~d***ay care center.*

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Child ~~D~~day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home**-children***. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children **with a maximum of three children allowed for after school care**. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home**-children***~~-~~. A facility which provides child care for more than six, but less than 13 children **with a maximum of three children allowed for after school care**. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

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14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 ~~*Signs in all residential zones.* Signage shall be limited as follows:~~***Signage for child day care facilities***

(a) Signs in residential zones.

~~(a)~~ i**.** *Family day care homes-**children** and large family day care homes-**children**.* One wall-mounted sign limited to two square feet.

~~(b)~~ ii**.** ***Child*** ~~*D*~~*day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

(b) *Signs in nonresidential zones.* **Child** ~~D~~day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* **Child** ~~D~~day care facilities must meet state **licensing** standards~~, and a license from the state shall be submitted to the department of planning and inspections prior to the issuance of~~ **and must be inspected by the City of Dover Fire Marshal's Office.** ~~a~~**A** City of Dover Business License **and a Public Occupancy Permit is required**.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

Editor's note— The subsections of this section have been numbered by the editor to retain format.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 –Supplementary Regulations of the Dover Code be amended by inserting a new Section 22 – Adult Day Care Facilities, as follows:

Section 22. – Adult day care facilities

Adult day care facilities **shall be permitted to locate in any zoning district provided that state licensing requirements have been met and such facilities are subject to the following requirements:**

22.1 ***Definitions***

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Adult day care facilities **apply to any program that provides health, social and related support services for four or more functionally impaired adults who requires supervision due to cognitive or physical impairment or who cannot independently perform one or more activities of daily living. These services are provided to adults for a period of less than 12 hours during the day and are provided in a setting other than a participant's home or the residence of the facility operator.**

Small adult day care facility**. A facility that provides services for four adult participants but less than 16 adult participants.**

Large adult day care facility**. A facility that provides services for 16 or more adult participants.**

22.2 ***Review Process***

(a) Adult day care facilities are permitted as accessory uses to existing facilities that provide services to adult participants.

(b) ***Residential zones.*** **A conditional use site plan application shall be required in accordance with Appendix B-Zoning, Article 10-Planning Commission section 1 for adult day care facilities in residential zones.**

(c) ***Non-residential zones.***

i. Site development plan approval in accordance with Appendix B-Zoning, article 10, section 2 hereof shall be required for small adult day care facilities.

ii. A conditional use site plan application shall be required in accordance with Appendix B-Zoning, article 10 section 1 for large adult day care facilities.

22.3 ***Zoning criteria***

22.31 Off-street parking**. One space per each adult attendant, plus one space for every four adult participants.**

22.32 ***Signage for adult day care facilities***

(a) ***Signage in a residential zone.*** **One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.**

(b) ***Signs in nonresidential zones.*** **Adult day care facilities within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care facility is located.**

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22.33 *Licensing requirements.* Adult day care facilities must meet state licensing standards and must be inspected by the City of Dover Fire Marshal's Office. A City of Dover Business License and a Public Occupancy Permit are required.

BE IT FURTHER ORDAINED:

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

Adult day care facilities: Apply to any program that provides health, social and related support services for four or more functionally impaired adults who require supervision due to cognitive or physical impairment or who cannot independently perform one or more activities of daily living. These services are provided to adults for a period of less than 12 hours during the day and are provided in a setting other than a participant's home or the residence of the facility operator.

(a) Small adult day care facility: A facility that provides services for four adult participants but less than 16 adult participants.
(b) Large adult day care facility: A facility that provides services for 16 or more adult participants.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 – Definitions – Day care facility of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

~~*Day care facility:* For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by [a] parent or guardian for periods of less than 24 hours per day shall be defined as follows:~~

Child ~~D~~day care facility: For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian for periods of less than 24 hours per day shall be defined as follows:

(a) ***Child ~~D~~day care center:***

i. Any place, other than an occupied residence, which receives children for day care or large family day care home; and

ii. Any place, including an occupied residence, which receives 13 or more children for day care.

(b) *Family day care home-**children**:* An occupied residence in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given to six or fewer children **with a maximum of three children allowed for after school care**. Such child care shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

(c) *Large family day care home-**children**:* A facility which provides child care for more than six, but less than 13 children **with a maximum of three children allowed for after school care**. This care may be offered in a private home or in a property converted to the purpose of providing child day care.

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ADOPTED: *

SYNOPSIS

The proposed ordinance Article 5 section 22 will be a new section added to the *Zoning Ordinance* to allow Adult day care facilities to be permitted in any zoning district provided that state licensing and city code requirements have been met. The proposed amendment under Article 5 section 14 of the *Zoning Ordinance* are revisions to the existing ordinance that identifies Child day care facilities. Other amendments revise references and definitions pertaining to these uses.

(SPONSORS: NEIL AND HUGG)

Actions History:
10/09/17 - Scheduled for First Reading – City Council
09/25/17 – Introduction – Council Committee of the Whole/Legislative, Finance, and Administration Committee

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