COUNCIL COMMITTEE OF THE WHOLE
AGENDA

JULY 26, 2016 - 6:00 P.M.
REVISED
CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

REVISED BY DELETING PREVIOUS LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE ITEM #5 - DESIGNING AND EXPANDING RECRUITMENT FOR CITY COMMITTEES, COMMISSIONS, AND BOARDS

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **VIABILITY OF THE SHOTSPOTTER GUNSHOT DETECTION AND LOCATION SERVICE** (DEFERRED DURING THE MEETING OF JUNE 28, 2016 DUE TO TIME CONSTRAINTS)

2. **ASSESSMENT OF THE POSSIBILITY OF A COMPREHENSIVE REVIEW OF EMERGENCY MEDICAL SERVICES WITHIN THE CITY OF DOVER** (REFERRED TO THE COMMITTEE BY CITY COUNCIL DURING THE SPECIAL COUNCIL MEETING - BUDGET REVIEW OF MAY 26, 2016)

3. **OVERVIEW OF THE AIRPORT ENVIRONS OVERLAY ZONE RELATED TO DOVER AIR FORCE BASE AND FORDHAM BREWERY**
   (COMMITTEE ACTION NOT REQUIRED)

4. **ADJOURNMENT OF SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING**

UTILITY COMMITTEE

(MEETING WILL CONVENE UPON ADJOURNMENT OF THE SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING)

AGENDA ADDITIONS/DELETIONS

1. **EVALUATION OF PROPOSALS - UNDERGROUND UTILITY LOCATING SERVICES CONTRACT**
   (STAFF RECOMMENDS AWARDING A ONE (1) YEAR CONTRACT WITH THE OPTION FOR TWO (2) ONE (1) YEAR EXTENSIONS TO W LOCCO, LLC AS PER THE PROPOSAL SUBMITTED IN RESPONSE TO RFP #16-0044COD)

2. **DEDICATION OF PUBLIC INFRASTRUCTURE - DOVER HIGH SCHOOL PUMP STATION AND FORCE MAIN**
   (STAFF RECOMMENDS ACCEPTANCE OF THE PUMP STATION AND ASSOCIATED FORCE MAIN AT THE DOVER HIGH SCHOOL. DEDICATION IS TO INCLUDE THE ENTIRE REFERENCED INFRASTRUCTURE.)

3. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(MEETING WILL CONVENE UPON ADJOURNMENT OF THE UTILITY COMMITTEE MEETING)

AGENDA ADDITIONS/DELETIONS

1. **DISCUSSION OF DUTIES AND ASSIGNMENTS OF CITY PERSONNEL**

2. **PROPOSAL FOR DOVER PUBLIC LIBRARY TO SERVE AS A PASSPORT ACCEPTANCE FACILITY**
   (STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO SUBMIT THE NECESSARY DOCUMENTATION TO PROVIDE PASSPORT SERVICES AT THE DOVER PUBLIC LIBRARY AND INCUR THE NECESSARY EXPENSES TO IMPLEMENT AND MANAGE THE PROGRAM)

3. **PROPOSAL FOR DOVER PUBLIC LIBRARY TO ADOPT A SMOKE-FREE POLICY**
   (STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO IMPLEMENT A SMOKE-FREE POLICY ON THE CAMPUS AND GROUNDS OF THE DOVER PUBLIC LIBRARY)

4. **REQUEST TO SOLICIT REAL ESTATE SERVICES - GARRISON OAK TECHNICAL PARK**
   (STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO SOLICIT INTEREST AND PROPOSALS FOR PROVIDING REAL ESTATE SERVICES FOR AVAILABLE PROPERTY IN THE GARRISON OAK TECHNICAL PARK. AWARD OF THE SERVICES CONTRACT WILL BE DELEGATED TO STAFF UNLESS OTHERWISE REQUESTED BY CITY COUNCIL.)

5. **CONSIDERATION OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REVIEW AND APPROVAL OF ANY POSITIONS THAT REMAIN OPEN FOR OVER SIX (6) MONTHS WITHOUT BEING RECRUITED** (REFERRED TO THE COMMITTEE BY CITY COUNCIL DURING THE SPECIAL COUNCIL MEETING - BUDGET REVIEW OF MAY 26, 2016)
   (STAFF RECOMMENDS REAFFIRMING THE AUTHORIZATION TO RECRUIT ALL OPEN POSITIONS AS THE CITY MANAGER DEEMS NECESSARY)

6. **PROPOSED ORDINANCE #2016-19 AMENDING CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, CHAPTER 46 - FIRE PREVENTION AND PROTECTION, AND CHAPTER 50 - FLOODS (CONSOLIDATION OF CONSTRUCTION CODE APPEALS COMMITTEE AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS)(SPONSORS: COLE, HUTCHISON, AND NEIL)**
   (STAFF RECOMMENDS ADOPTION OF THE PROPOSED ORDINANCE)

7. **ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING**

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

/TM

REVISED 07/25/2016 AT 1:00 P.M.

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COMMITTEE-AGENDAS\2016\07-26-2016 CCW REVISED.WPD

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

Section 22. - Airport environs overlay zone (AEOZ).

22.1 *Purpose and intent.* The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The city shall work with the Dover Air Force Base to update the provisions of this section as needed.

(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.

22.2 *Definitions.*

(a) *Air installations compatible use zones (AICUZ):* is a department of defense program to achieve compatibility between air installations and neighboring communities.

(b) *Airport environs:* is the geographic area that is affected by airport air traffic operations and defined on the basis of those areas immediately impacted by aircraft noise of the 65 decibels (dBs) and greater noise exposure areas as delineated by the current and approved DAFB air compatibility use zone study. This area is represented as the airport environs overlay zone (AEOZ).

(c) *Day-night average A-weighted sound level (DNL):* is a cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response; a 24-hour energy average sound level expressed in decibels (dBs), with a ten-decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.

(d) *DNL contour:* is an isoline linking together a series of points of equal cumulative noise exposure based on Ldn metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

(e) *Decibel (dB):* is a unit of measure of sound pressure or intensity.

(f) *Ldn metric:* is the average equivalent A-weighted sound level during a 24-hour day, obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.).

(g) *SLUCM:* Standard Land Use Coding Manual, U.S. Department of Transportation.

22.3 *Accident potential zones and noise zones.* The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four nolse zones. The boundaries of each of these zones are delineated on the City of Dover Zoning Map and are further described as follows:

(a) *Accident potential zones:*

(1) *Clear zone (CZ)* is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width (1,500 feet to either side of the centerline of the airport runway);

(2) *Accident potential zone I (APZ I)* is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width; and

(3) *Accident potential zone II (APZ II)* is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.

(b) *Noise zones:*

(1) *Noise zone A (DNL A)* is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.

(2) *Noise zone B (DNL B)* is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.

(3) *Noise zone C (DNL C)* is that area within and bounded by DNL contour lines of between 75 decibels and 79

decibels of noise pressure.

(4) *Noise zone D (DNL D)* is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.

22.4 *Exemptions.* The following uses and structures are exempt from compliance with the provisions of this section:

(a) *Additions to existing one-family dwellings.* Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) *Additions to existing non-residential buildings.*

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) *Temporary uses.* Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed five days.

(d) *Temporary structures.* Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.

(e) *Accessory uses and structures.* Accessory uses and structures incidental to a permitted principal structure or use.

22.5 *Land use and development standards.* Any building or portion thereof constructed or placed within the AEOZ shall comply with the following standards:

(a) Unless specifically exempted under subsection 22.4 above, land uses shall be permitted or prohibited in accordance with subsection 22.6, land use compatibility table.

(b) Proposed structures situated within noise zones A through D shall be constructed with noise attenuation features to achieve the minimum interior noise level reductions specified by building type in subsection 22.6, land use compatibility table.

(c) In APZ I and APZ II, no structure may be erected over 60 feet in height, regardless of zoning district bulk regulations of the individual zoning district.

(d) All building permit applications for construction of new buildings or building additions not exempted under section 22.4, within AEOZ shall be accompanied by a written statement from a licensed architect or engineer, which lists all construction materials to be used and the resultant interior noise level reductions to be achieved. The written analysis provided by the engineer or architect shall demonstrate that the proposed construction will achieve compliance with the minimum required interior noise level reductions specified in subsection 22.6, land use compatibility table.

22.6 *Land use compatibility table.*

LAND USE COMPATIBILITY TABLE

SLUCM No.	Name	Accident Potential Zones			Noise Zones in DNL dBA			
		Clear Zone	APZ I	APZ II	A 65—69	B 70—74	C 75—79	D 80+
10		***Residential***						
11	Household units							
11.11	Single units; detached	N	N	Y[5, 12]	Y[1, 12]	Y[2]	N	N

11.12	Single units; semidetached and attached	N	N	N	Y[1]	Y[2]	N	N
11.31	Apartments	N	N	N	Y[1]	Y[2]	N	N
12	Group quarters	N	N	N	Y[1]	Y[2]	N	N
13	Residential hotels	N	N	N	Y[1]	Y[2]	N	N
14	Mobile home parks or courts	N	N	N	N	N	N	N
15	Transient lodgings	N	N	N	Y[1]	Y[2]	Y[5]	N
16	Other residential	N	N	N	Y[1]	Y[2]	N	N
20	***Manufacturing***							
21	Food & kindred products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
22	Textile mill products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
24	Lumber and wood products (except furniture); manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
25	Furniture and fixtures; manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
26	Paper & allied products; manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
27	Printing, publishing, and allied industries	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
28	Chemicals and allied products; manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
29	Petroleum refining and related industries	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
30	***Manufacturing***							
31	Rubber and misc. plastic products, manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]

32	Stone, clay and glass products manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
33	Primary metal industries	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
34	Fabricated metal products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	N
39	Miscellaneous manufacturing	N	Y[5, 9]	Y[5, 9]	Y[1]	Y[2]	Y[3]	Y[4]
40	***Transportation, Communications and Utilities***							
41	Railroad, rapid rail transit and street railroad transportation	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
42	Motor vehicle transportation	N	Y	Y	Y[1]	Y[2]	Y[3]	Y[4]
43	Aircraft transportation	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
44	Marine craft transportation	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
45	Highway & street right-of-way	N	Y	Y	Y[1]	Y[2]	Y[3]	Y[4]
46	Automobile parking	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
47	Communications	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	N
48	Utilities	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
49	Other transportation communications and utilities	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	N
50	***Trade***							
51	Wholesale trade	N	Y[5]	Y	Y[1]	Y[2]	Y[3]	Y[4]
52	Retail trade-building materials, hardware and farm equipment	N	Y[5]	Y	Y[1]	Y[2]	Y[3]	Y[4]
53	Retail trade-general merchandise	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
54	Retail trade-food	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
55	Retail trade-automotive, marine craft, aircraft and accessories	N	Y[5]	Y[5]	Y[1]	Y[2]	Y[3]	N

56	Retail trade-apparel and accessories	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
57	Retail trade-furniture, home furnishings and equipment	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
58	Retail trade-eating and drinking establishments	N	N	N	Y[1]	Y[2]	Y[3]	N
59	Other retail trade	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
60	***Services***							
61	Finance, insurance and real estate services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
62	Personal services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
62.4	Cemeteries	N	N	Y[11]	Y[1]	Y[2]	Y[3]	N
63	Business services	N	Y[5, 9]	Y[5,9]	Y[1]	Y[2]	Y[3]	N
64	Repair services	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
65	Professional services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
65.1	Hospitals, nursing homes	N	N	N	Y[1]	Y[2]	N	N
65.1	Other medical facilities	N	N	N	Y[1]	Y[2]	Y[3]	N
66	Contract construction services	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	N
67	Governmental services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
68	Educational services	N	N	N	Y[1]	Y[2]	N	N
69	Miscellaneous services	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
70	***Cultural, Entertainment and Recreational***							
71	Cultural activities (including churches)	N	N	N	Y[1]	Y[2]	N	N
71.2	Nature exhibits	N	N	Y	Y[1]	N	N	N
72	Public assembly	N	N	N	Y[1]	N	N	N
72.1	Auditoriums, concert halls	N	N	N	Y[1]	Y[2]	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N	N	N	N	N

72.2	Outdoor sports arenas, spectator sports	N	N	N	Y[6]	Y[6]	N	N
73	Amusements	N	N	Y[9]	Y[1]	Y[2]	N	N
74	Recreational activities (including golf courses, riding stables, water recreation)	N	N	Y	Y	Y	N	N
75	Resorts and group camps	N	N	N	Y[1]	Y[2]	N	N
76	Parks	N	Y[9]	Y[9]	Y	Y	N	N
79	Other cultural, entertainment and recreation	N	N	N	Y[2]	Y[3]	N	N
80	***Resources Production and Extraction***							
81	Agriculture (except livestock)	Y[8]	Y	Y	Y[7]	Y[7]	Y[8]	Y[8]
81.5 to 81.7	Livestock farming and animal breeding	N	Y	Y	Y[7]	Y[7]	N	N
82	Agricultural related activities	N	Y	Y	Y[7]	Y[7]	N	N
83	Forestry activities and related services	N	Y	Y	Y[7]	Y[7]	N	N
84	Fishing activities and related services	N	N	N	N	N	N	N
N	Mining activities and related services	N	N	N	N	N	N	N
89	Other resources production and extraction	N	N	N	N	N	N	N

Y (Yes)—Land use and related structures are compatible without restriction.

N (No)—Land use and related structures are not compatible and are prohibited.

Yx (yes with restrictions)—Land use and related structures generally compatible; see Notes 1—12.

NLR (Noise Level Reduction)—NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation measures into the design and construction of the structures.

NOTES:

[1] Require NLR of 25dB for DNL A.

[2] Require NLR of 30dB for DNL B.

[3] Require NLR of 35dB for DNL C.

[4] Require NLR of 40dB for DNL D.

[5] Require NLR of noise zone and building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources. Measures that reduce outdoor noise should be used whenever practical in preference to measures which only protect interior spaces.

[6] Require NLR of noise zone and special sound reinforcement systems are installed.

[7] Associated residential uses require NLR of noise zone.

[8] Structures are not permitted and personnel should wear hearing protection devices.

[9] Facilities shall be low intensity.

[10] No passenger terminals and no major aboveground transmission lines in APZ I.

[11] Excludes chapels.

[12] Maximum density of one dwelling unit per acre.

22.7 *Design standards.*

(a) All buildings and structures to be constructed or placed within the AEOZ shall be situated on the portion of the lot that affords the least noise impact to the proposed building or structure, wherever and whenever practicable. Buildings and structures shall be designed and oriented to minimize exposure to the noise source and should take maximum advantage of existing physical features to minimize noise impact. Windows, doors and other building openings shall be located the greatest possible distance away from the noise source.

(b) Landscape buffer plantings and related screening material shall be used whenever practicable to deflect noise away from areas intended for human habitation.

22.8 *Prohibited uses.* In addition to uses prohibited by subsection 22.6, land use compatibility table, the following activities are prohibited within the CZ, APZ I and APZ II zones of the AEOZ, including, but not limited to:

(a) Storage of explosives;

(b) Hazardous or toxic materials/waste;

(c) Aboveground transmission lines;

(d) Uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (dust, smoke, etc.);

(e) Uses that produce light emission, direct or indirect, which would interfere with pilot vision;

(f) And uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.

(Ord. of 2-12-2001; Ord. No. 2013-01, 3-11-2013)


State Hwy 1
Fox Rd
APZ II
Fordham Brewery
MCD Dr
Marples Way
Horsepond Rd
Miller Creek Rd
Bart Ct
Bart Dr
Kenrhiarly Ct
Kenrhiarly Dr
Kenrhiarly Pl
Kenrhiarly St
Mountains Ave
Mountains Pl
Mountains St
Pine Ct
Pine Dr
Pine St
Pinehaven Rd
Pinehaven Rd Connector
Lafferty Ln
Bayview Rd
Galaxy Dr
Galaxy Pl
Galaxy Rd
Castle Rd
Tower Ct
APZ I
CZ
Legend
Dover Boundary
Dover Parcels
APZ I
APZ II
CZ
65db Area A
70db Area B
75db Area C
80db Area D
2,000 Feet
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Fordham Brewery

APZ II
APZ I
CZ
APZ I
CZ
APZ II
CZ
CZ
APZ I
APZ I
CZ
APZ II
APZ II

Legend

- Dover Boundary
- Dover Parcels
- APZ I
- APZ II
- CZ
- 65db Area A
- 70db Area B
- 75db Area C
- 80db Area D

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

MEMORANDUM

City of Dover – Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: July 21, 2016

To: City Council Committee of the Whole – Safety Advisory and Transportation

From: Ann Marie Townshend, AICP, Director of Planning & Community Development

RE: **Overview of the Airport Environs Overlay Zone Related to Dover Air Force Base and Fordham Brewery**

Several members of City Council have requested additional information on the zoning determination that I made regarding public events at Fordham Brewery. To help better explain the matter, there are several documents included in the packet.

This matter came about as the Department of Planning and Inspections staff became aware of the increasing number of events being held at the brewery. The Planning Staff shared concerns about the perceived growth of events at Fordham with Jim Lutz, former CEO of Fordham and Dominion Brewery, in December when the Development Advisory Committee reviewed plans for an expansion of the brewery. We were assured that they only planned to have two or three events each year and they did not intend for this to grow. Shortly thereafter, Department of Planning and Inspections staff saw posts on social media that showed evidence of overcrowding during an event at the brewery. With this we determined that we needed to have clearer parameters on events at the brewery and other locations within the Accident Potential Zones around the Dover Air Force Base. The attached documents address these matters in more detail.

Fordham Brewery's attorney presented an alternative proposal to the City, and on June 29, 2016, representatives of Fordham met with Mayor Christiansen, Council President Slavin, Scott Koenig, and Bill Pepper to discuss the matter. This alternative proposal is currently under review by the Planning Office. In reviewing this matter, we have done additional research about encroachment around military installations elsewhere in the country. I expect to have a revised zoning determination within the next two weeks.

I am glad to provide additional information or answer any questions you may have at the Committee meeting on July 26, 2016.

Attachments:

- Dover Code, Appendix B, Article 3, Section 22
- Airport Environs Overlay Zone Maps
- Zoning Interpretation and Administrative Policy – Temporary Uses Involving Public Assembly in the Airport Environs Overlay Zone Accident Potential Zones
- Letter dated May 31, 2106 from Matthew Jordan, USAF to Ann Marie Townshend
- Email dated June 2, 2016 from Ann Marie Townshend to City Council and others
- Letter dated June 6, 2016 to Dan Louder, Fordham Brewery from Ann Marie Townshend
- Letter dated June 21, 2016 from Dover Area Legislators to Ann Marie Townshend
- Letter dated June 24, 2016 to Dover Area Legislators from Ann Marie Townshend

Zoning Interpretation & Administrative Policy

Temporary Uses Involving Public Assembly
within the Airport Environs Overlay Zone Accident Potential Zones

Code Section:

Article 3, Section 22 – Airport Environs Overlay Zone (AEOZ) (Relevant Sections)

22.1 *Purpose and intent.* The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The city shall work with the Dover Air Force Base to update the provisions of this section as needed.

(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.

22.4 *Exemptions.* The following uses and structures are exempt from compliance with the provisions of this section:

(a) *Additions to existing one-family dwellings.* Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) *Additions to existing non-residential buildings.*

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) *Temporary uses.* Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed five days.

(d) *Temporary structures.* Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.

(e) *Accessory uses and structures.* Accessory uses and structures incidental to a permitted principal structure or use.

22.6 Land use compatibility table

SLUCM No.	Name	Accident Potential Zones			Noise Zones in DNL dBA			
		CZ	APZ I	APZ II	A 65-69	B 70-74	C 75-79	D 80+
72	Public assembly	N	N	N	Y[1]	N	N	N

Zoning Interpretation:

The question is whether there is a limit on the number of temporary uses or events (Section 22.4 (c)) that include public assembly that a facility within the Accident Potential Zones (CZ, APZ I or APZ II) can hold. Additionally, are public assemblies permitted as accessory in accordance with Section 22.4 (e)?

The determination is that public assemblies are not permitted as accessory uses in the Accident Potential Zones. They may be permitted as temporary uses, but these temporary uses may not exceed five (5) days in a calendar year.

The Analysis:

As stated in the purpose, the City of Dover has adopted the AEOZ to protect public health, safety, and welfare in the area surrounding the Dover Air Force Base by regulating land use and construction within the Accident Potential Zones and Noise Zones. Additionally, the code specifically states that part of the purpose of the zone is to protect the Dover Air Force Base from encroachment of incompatible uses.

The *2008 Comprehensive Plan* identifies the following land use goal as it relates to the Dover Air Force Base:

> *Create a favorable and compatible environment for Dover Air Force Base through a resolute commitment to provide all reasonable planning accommodations to protect the Base.*

Chapter 10 – Economic Development of the *2008 Comprehensive Plan* states:

> *Dover Air Force Base*

The Dover Air Force Base (DAFB) is one of the largest employers in the City, second only to the State of Delaware. Located on approximately 3,900 acres in southeastern Dover, it plays a major role in national military service, and provides a strong consumer base for the City of Dover. The Base's workforce consists of 6,100 military personnel (4,300 active duty, 1,900 reservists and 1,800 civilians). It also supports approximately 5,100 family members. With an economic impact of over $400 million a year in a 50-mile radius, DAFB provides employment and economic benefit to the surrounding community.

The City also protects the Base's mission by restricting development in areas around the facility with the Airport Environs Overlay Zone (AEOZ). This zone restricts development that would be subject to aircraft noise and conflict with the crash hazard zones. When questioned about the City's policy of protecting the Base's mission, 100% of all respondents to the questionnaire agreed that the City should protect the viability of the Base.

Other statements and recommendations within the *2008 Comprehensive Plan* further support the need to support the Dover Air Force Base and protect the Dover Air Force Base from encroachment of incompatible uses.

The Dover Air Force Base 2010 AICUZ Study, on which the zoning provisions of the AEOZ are based, states that land use guidelines for the APZ I and APZ II have been developed with the to protect public safety by limiting people-intensive ues because there is a greater risk in these areas." Based on this, the land use compatibility table found in Article 3, Section 22.6 specifically identifies public assemblies as incompatible uses.

To determine whether a public assembly use would be considered accessory to the permitted use, staff constulted the Merriam-Webster dictionary for the definition of "incidental," which is defined as:

1. *a* : being likely to ensue as a chance or minor consequence <*social obligations incidental to the job*>
   b : minor

2. : occurring merely by chance or without intention or calculation

Public assembly uses are expressly prohibited in the Accident Potential Zones according to Article 3, Section 22.6 Land use compatibility table. Given the definition of incidental, a use must be determined to be of minor consequence to be allowed as an accessory use. Therefore, public assemblies are not permitted as an accessory use within the Accident Potential Zones.

The *Zoning Ordinance,* Article 3, Section 22.4 (c) specifically indicates that a temporary use must not exceed five (5) days. Therefore, the determination of the City Planner is that any one

location will not be permitted to have a temporary use or series of temporary uses for more than five (5) days in a calendar year.

The determination shall be effective and enforced effective July 1, 2016.



Ann Marie Townshend, AICP
Director, Planning & Community Development

DEPARTMENT OF THE AIR FORCE
436th Civil Engineer Squadron (AMC)
Dover Air Force Base, Delaware 19902-5600

May 31, 2016

Mr. Matthew Jordan
Community Planner
436 CES
600 Chevron Ave.
Dover AFB DE 19902

Mrs. Ann Marie Townshend
Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

Dear Mrs. Townshend,

In May 2016 Dover Air Force Base (DAFB) was informed by the City of Dover that Fordham & Dominion Brewing, located at 1284 McD Drive Dover DE 19901, is holding roughly one large event per week. The Fordham & Dominion Brewing facility is located in Accident Potential Zone (APZ) II according to the AICUZ Study Update, August 2010. According to the Standard Land Use Coding Manual (SLUCM) the Brewery is coded as 21 – food and kindred products manufacturing. This use is permissible within APZ II as long as the floor area ratio (FAR) is a maximum of 0.56, equivalent to less than 50 persons per acre at any one time. Large public gatherings are incompatible in the APZ I & II.

The Department of Defense's Air Installation Compatible Use Zone (AICUZ) Program is intended to promote compatible development in areas surrounding military air installations. The AICUZ program includes three safety zones: Clear Zone, Accident Potential Zone (APZ) I, and APZ II. These zones were developed from the analysis of over 800 major Air Force accidents that occurred within 10 miles of an Air Force installation between 1968 and 1995.

We greatly value the positive relationship Dover AFB has experienced with its neighbors over the years, and thank you for the opportunity to clarify our concerns.

Sincerely

MATTHEW JORDAN, USAF
Dover AFB Community Planner
302-677-2121

Townshend, Ann Marie

From: Townshend, Ann Marie
Sent: Thursday, June 02, 2016 5:04 PM
Cc: Scott Koenig - City of Dover (skoenig@dover.de.us); Mullaney, Kristen N; Osika, Jason A.; Brown, Matthew; Dawn Melson-Williams - City of Dover (dmelson@dover.de.us); Christiansen, Robin
Subject: Fordham Special Events - Information Only

Importance: High

This e-mail is blind copied to all members of City Council and the Mayor.

I wanted to make you all aware of a letter and zoning interpretation and administrative policy that will be shared with Fordham Brewery later today or tomorrow. When Fordham opened, they were simply a brewery. Over the past 10-15 years, the business model for breweries has changed, and the tasting room/event component has grown significantly. This was not even part of the brewery when they initially opened in Dover.

The Fordham Brewery property is located with the Airport Environs Overlay Zone (AEOZ) – Accident Potential Zone (APZ II). This is the area off the end of the runway where there is a higher likelihood of a crash. The zoning regulations that the City has adopted in the AEOZ are consistent with the recommendations of the Air Installation Compatible Use Zone Study Update for Dover Air Force Base, dated August 2010. The regulations and this study specifically mention people-intensive uses as being incompatible due to the increased risk.

As Fordham's frequency and scale of large events has increased, this has raised red flags for our staff. As you are likely aware, the Department of Defense periodically goes through the Base Realignment and Closure (BRAC) process, and when evaluating military installations through this process, they specifically look at encroachment of incompatible uses. There are installations across the country that have not survived the BRAC process due to the encroachment of incompatible uses.

Given the importance of the Dover Air Force Base to the local and regional economy and the critical nature of the Base's global mission, our staff determined that we needed to develop clear guidelines for temporary uses involving public assemblies. This zoning interpretation and administrative policy will be sent to Fordham today. Under this policy, temporary uses involving public assemblies will be limited to no more than five days per calendar year.

I will copy you on the letter and policy when they are sent out later today or tomorrow. I wanted to make you aware before it goes out because I don't want any of our elected officials caught off guard, and I want you to understand the issue and why we needed to make this move.

If you have any questions, please let me know.

Ann Marie Townshend, AICP
Director Planning & Community Development
Department of Planning & Inspections
Department of Parks and Recreation
(302) 736-7196 Phone
(302) 736-4217 FAX

City of Dover

June 6, 2016

Dan Louder
Fordham and Dominion Brewing Company
1284 McD Drive
Dover, DE 19901

Dear Mr. Louder:

The Fordham Brewery is located within the Airport Environs Overlay Zone (AEOZ), Accident Potential Zone (APZ II). According to the *Zoning Ordinance*, the AEOZ is "expressly intended to protect the public health, safety, and welfare… [and] preserve and promote the integrity of the mission of the Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within specific areas surrounding the DAFB…" Under the provisions of the AEOZ, people-intensive uses are deemed incompatible within the Accident Potential Zones because there is a greater risk in these areas.

Over time, Fordham has begun to hold temporary events at the brewery that are characterized as public assemblies. Such events include festivals, release parties, and other community fundraisers. Unfortunately, these events, and their increasing frequency, are inconsistent with the requirements of the Airport Environs Overlay Zone.

The Planning Office has reviewed the requirements of the AEOZ along with the Air Installation Compatible Use Zone Study Update for the Dover Air Force Base dated August 2010, and we have developed the attached zoning interpretation and administrative policy regarding temporary uses involving public assemblies in the AEOZ – APZ I and APZ II.

Effective July 1, 2016, the City of Dover will no longer allow any property within the AEOZ – APZ I or APZ II to hold temporary public assembly uses for more than five (5) days in a calendar year. The implication of this for Fordham Brewery is that you will only be able to have five (5) public events per year.

If you wish to meet and discuss this matter in more detail, please contact me at (302) 736-7196.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director, Planning & Community Development

cc: Scott D., Koenig, P.E., ICMA-CM, City Manager
The Honorable Robin R. Christiansen, Mayor
Members of Dover City Council
Matthew Jordan, DAFB Community Planner

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

June 21, 2016

Ann Marie Townshend
Director, Planning and Community Development
City of Dover
PO Box 475
Dover, DE 19903

RE: Fordham and Dominion Brewery

Dear Ms. Townshend,

We recently received a copy of a letter dated June 6 from your office to staff at Fordham and Dominion Brewing Co. regarding a new interpretation of city zoning code as it relates to public gatherings on brewery property. It has been brought to our attention that the newly mandated procedures described in your letter would have a serious negative impact on the operations and financial success of this popular, profitable local business.

We are particularly puzzled by the timing of this action. Public events at the brewery have been a regular occurrence practically since it opened in 2009, providing a new and different amenity to be enjoyed by Dover residents and visitors alike. If these events were in conflict with city zoning code, as your letter indicates, why has the brewery been permitted to host numerous events of varying size and scope over the course of the last six years? Since it doesn't appear that the code sections cited in your letter are new or recently revised, we may wonder if the city hasn't done the brewery a disservice by remaining silent with respect to these conflicts for so many years as the brewery and its events grew in popularity.

As you know, the thriving and eclectic craft beer scene in Delaware has contributed to significant gains in tourism and economic development for cities and towns up and down the state. Breweries like Fordham and Dominion not only offer good jobs and sizeable contributions to the local tax base, they have become entertainment destinations that draw visitors from across the region to cities like Dover.

In our opinion, there is more at stake for Fordham and Dominion as a result of your recent administrative directive than just losing a few evening parties and beer tastings. Public events at the brewery are a key component of its business, a major draw for its customers, and a fixture of tourism and entertainment in Dover. Fordham and Dominion has made itself a part of our community, and the community has embraced the brewery as a well-loved institution.

In light of these points, we request that you suspend the actions outlined in your letter of June 6 and learn more about the consequences those plans would entail for the brewery. We encourage you to meet face-to-face with Fordham and Dominion staff and engage with city elected officials, leaders from Dover Air Force Base and our Congressional delegation in order to resolve this matter favorably.

We stand ready to assist in any way we can. Thank you for your kind attention.

Sincerely,

Andria Bennett
State Representative, 32nd District

Trey Paradee
State Representative, 29th District

Sean Lynn
State Representative, 31st District

Bill Carson
State Representative, 28th District

CC: Sen. Tom Carper, Sen. Chris Coons, Rep. John Carney,
Dover City Council, Mayor Robin Christiansen, Scott Koenig

City of Dover

June 24, 2016

The Honorable Sean Lynn, State Representative, 31st District
The Honorable Andria Bennett, State Representative, 32nd District
The Honorable Trey Paradee, State Representative, 29th District
The Honorable Bill Carson, State Representative, 28th District
State of Delaware House of Representatives
Legislative Hall
Dover, DE 19901

Dear Representatives Lynn, Bennett, Paradee and Carson:

I am in receipt of your letter dated June 21, 2016 responding to the letter I sent to Fordham Brewery on June 6, 2016, regarding temporary special events held at the Fordham Brewery site. The City of Dover adopted the Airport Environs Overlay Zone in 2001. This zone includes both noise zones and accident potential zones. The Fordham Brewery began operation in 2004, and is located within the Airport Environs Overlay Zone (AEOZ), Accident Potential Zone (APZ II).

The purpose of the AEOZ as articulated in the *Zoning Ordinance* is "to protect the public health, safety, and welfare… [and] preserve and promote the integrity of the mission of the Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within specific areas surrounding the DAFB…" Under the provisions of the AEOZ, people-intensive uses are deemed incompatible within the Accident Potential Zones because there is a greater risk in these areas.

The Dover Air Force Base is a major economic engine ($400 million per year in a 50-mile radius) for Dover and Kent County and is a strategic global asset of the United States Air Force. Both the City of Dover and Kent County have adopted ordinances to protect the noise zones and accident potential zones from encroachment of incompatible uses. Failure to honor this commitment could threaten the long-term viability of the Dover Air Force Base. If the City allows the growth of public events at Fordham Brewery, we must be consistent in our treatment of similar uses, and it would be nearly impossible to prevent such uses on other properties within this zone. The cumulative effect of this over time could be encroachment of incompatible uses in the area surrounding the Dover Air Force Base. When the federal government evaluates military installations, encroachment of incompatible uses is one of the factors evaluated.

Your letter indicates that public events at Fordham Brewery have been a regular occurrence since 2009. I have reviewed records of the Planning and Inspections Department and have determined that Fordham Brewery opened in 2004 following a site development plan and a series of building permits issued in 2003. The first record of a special event permit at Fordham Brewery was for an event in May 2012. Records indicate that the City of Dover issued four (4) special event permits for events at Fordham Brewery in 2012; seven (7) special event permits in 2013; three (3) special event permits in 2014; and four (4) special event permits in 2016. The City issued no special event permits in 2015 for Fordham Brewery.

If public events have occurred regularly since 2009, it appears many of these events occurred without any approvals from the City of Dover. In December 2015, when Fordham Brewery applied to the Planning Commission for an expansion of the existing brewery, the Planning Staff cautioned then CEO Jim Lutz about the restriction on public events, as the event component at all breweries seems to be an expanding

function. Mr. Lutz assured the Planning Office during a Development Advisory Committee meeting that the brewery had no interest in holding regular events, and that they would hold two (2) to three (3) events per year.

In early 2016, staff from the Fire Marshal's Office began seeing advertisements for events and photos from events on social media. As these events were in the winter, they were inside the brewery, and the photos on social media showed evidence of flagrant overcrowding. As Fordham was not approved as a public assembly, the Fire Marshal's Office contacted the brewery. In this contact, they indicated that the issue of events was difficult due to the restriction on public assemblies within the *Zoning Ordinance*. This caused our staff to more closely monitor events at Fordham Brewery. The Brewery hosted the R2HOP2 Festival in April 2016, and despite the prior contact from the Fire Marshal's Office, no special event permit was obtained. Following this, the Fire Marshal's Office reached out again, indicating the need for the Brewery to obtain a special event permit for any event drawing the public that is more than the typical tour and tasting that would be considered accessory and incidental to the brewery use.

Following this contact from the Fire Marshal's Office, Fordham submitted permit applications for three (3) events in May and release parties scheduled for the first Friday of every month through the summer. They also indicated that they were planning farmer's markets for Saturdays during the summer. This made it clear that the public event function was larger than what had been conveyed to the City, that it was growing, and that it was beyond compliance with the requirements of the AEOZ. Once we determined that the scope of events was beyond the provisions of the *Zoning Ordinance*, I evaluated Article 3, Section 22 of the *Zoning Ordinance* in detail, the 2010 Air Installation Compatible Use Zone Study, and the *2008 Comprehensive Plan* to develop a zoning determination to help us address temporary public assembly uses in a fair and consistent manner.

I have spoken with representatives from Fordham Brewery and will be continuing discussions with representatives from the Brewery over the next week. I have advised them that they can appeal my determination to the Board of Adjustment, or they can request the members of City Council amend the *Zoning Ordinance* to reduce restrictions on public events. However, given the potential for long-term impacts on the viability of Dover Air Force Base, I believe that any change to this determination will need to be done through an appeal or a code amendment.

If you wish to meet and discuss this matter in more detail, please contact me at (302) 736-7196.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director, Planning & Community Development

cc: Scott D., Koenig, P.E., ICMA-CM, City Manager
The Honorable Robin R. Christiansen, Mayor
Members of Dover City Council
Matthew Jordan, DAFB Community Planner
Senator Thomas Carper, Senator Chris Coons, Representative John Carney

ACTION FORM

PROCEEDING: Utility Committee **AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works / Electric **DATE SUBMITTED**: 7/9/16
PREPARED BY: Sharon J. Duca, P.E., Public Works Director and Harry A. Maloney, III, Electric Director
SUBJECT: Evaluation of Proposals – Underground Utility Locating Services Contract
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: City Manager, Controller
EXHIBITS: N/A
EXPENDITURE REQUIRED: As Needed **AMOUNT BUDGETED**: $ 66,000 in FY 17
FUNDING SOURCE (Dept/Page in CIP & Budget): Funding is provided within the operations budget. FY 17 proposed budget includes $35,000 in the Contractual Services account for Water-Wastewater Engineering (412-2600-553.30-31) and $31,000 in the Contractual Services account for Electric Engineering (480-8300-563.30-31).
TIMETABLE: Contract to be executed within two (2) weeks of Council Approval.
RECOMMENDED ACTION: Staff recommends awarding a one (1) year contract with the option for two (2) one (1) year extensions to W Locco, LLC as per the proposal submitted in response to RFP #16-0044COD.

BACKGROUND AND ANALYSIS

The City of Dover is a member of the Utilities Service Protection Center of Delmarva, Inc., also known as Miss Utility. This is an organization that receives excavation requests from all parties and notifies the facility owners of locating requests in our service area. Currently, the City of Dover utilizes W Locco, LLC as our sole locating contractor. Over the last three (3) fiscal years (FY14-FY16), the average cost for using W Locco, LLC is $61,495.47; based upon the proposal this cost would be approximately $60,320, based on hourly rate option.

Proposals were solicited and advertised according to City Policy by the City's Contract and Procurement Manager under RFP #16-0044COD and submissions were received from two (2) contractors. The proposals were evaluated based on work experience with locating water, wastewater, electric and fiber lines; safety record; ability to meet response time; cost; geographical knowledge of Dover; ability to handle all aspects of ticketing and contractors and ability to sustain locators. The proposer evaluated the highest was also the one with the lowest cost proposal. The contractor will be responsible for locating underground utilities owned by the City of Dover and will be liable for damaged utilities due to incorrect locating. Additionally, the contractor will manage the Miss Utility ticket process, which includes receiving the tickets directly from Miss Utility, marking the involved utilities, and entering the information on the web-based reporting system. Dover will be responsible for providing the contractor with periodic updated prints and files of newly installed utilities.

The proposal had two (2) methods of billing, the first is price per ticket, and the second is hourly rate. Staff concluded that the hourly rate would be the cheaper option. Historical data indicates that W Locco can process roughly thirty (30) tickets per day. The proposed contract from W Locco is for a period of one (1) year with two, one (1) year extensions and includes an annual increase of 2% the second year and 1% in the third year.

The following is a summary of the hourly expense from each proposer:

Company Name	Location	Business Hour Rate	After Hours Rate	Evaluated Business Hour Rate	Evaluated After Hours Rate
Century Engineering	Dover, DE	$59.50	$90.00	$57.72*	$87.30*
W Locco, LLC	Georgetown, DE	$29.00	$34.75	$29.00	$34.75

**=Century Engineering claimed Local Vendor Preference, which entitles a 3% reduction on the evaluation of prices.*

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 7/8/16
PREPARED BY: Sharon J. Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Dedication of Dover High School Pump Station & Force Main	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: Attachment A – List of Infrastructure to be accepted by the City of Dover Attachment B – Map	
EXPENDITURE REQUIRED: $ N/A	**AMOUNT BUDGETED**: $ N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIMETABLE: Pump Station and associated force main will become the responsibility of the City of Dover upon acceptance by City Council.	
RECOMMENDED ACTION: Acceptance of the pump station and associated force main at the Dover High School. Dedication is to include the entire referenced infrastructure.	

BACKGROUND AND ANALYSIS

The Capital School District, responsible party for completing the pump station associated with the construction of the new Dover High School, has requested that the pump station and associated force main be dedicated to the City of Dover for permanent ownership and maintenance. Attachment A outlines the entire infrastructure associated with this request. The total construction value of the infrastructure is $565,070. Attachment B shows the general location and configuration of the infrastructure. The State of Delaware has completed construction of the infrastructure in accordance with City standards and specifications. After construction was completed, City staff inspected the infrastructure and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. As of this date, all work required by the Public Works Director has been completed. A one (1) year Maintenance Bond and a Release of Liabilities will be submitted as part of the dedication process. Required as-built drawings of the infrastructure have been provided to staff.

DEDICATION OF INFRASTRUCTURE
DOVER HIGH SCHOOL PUMP STATION

ATTACHMENT A

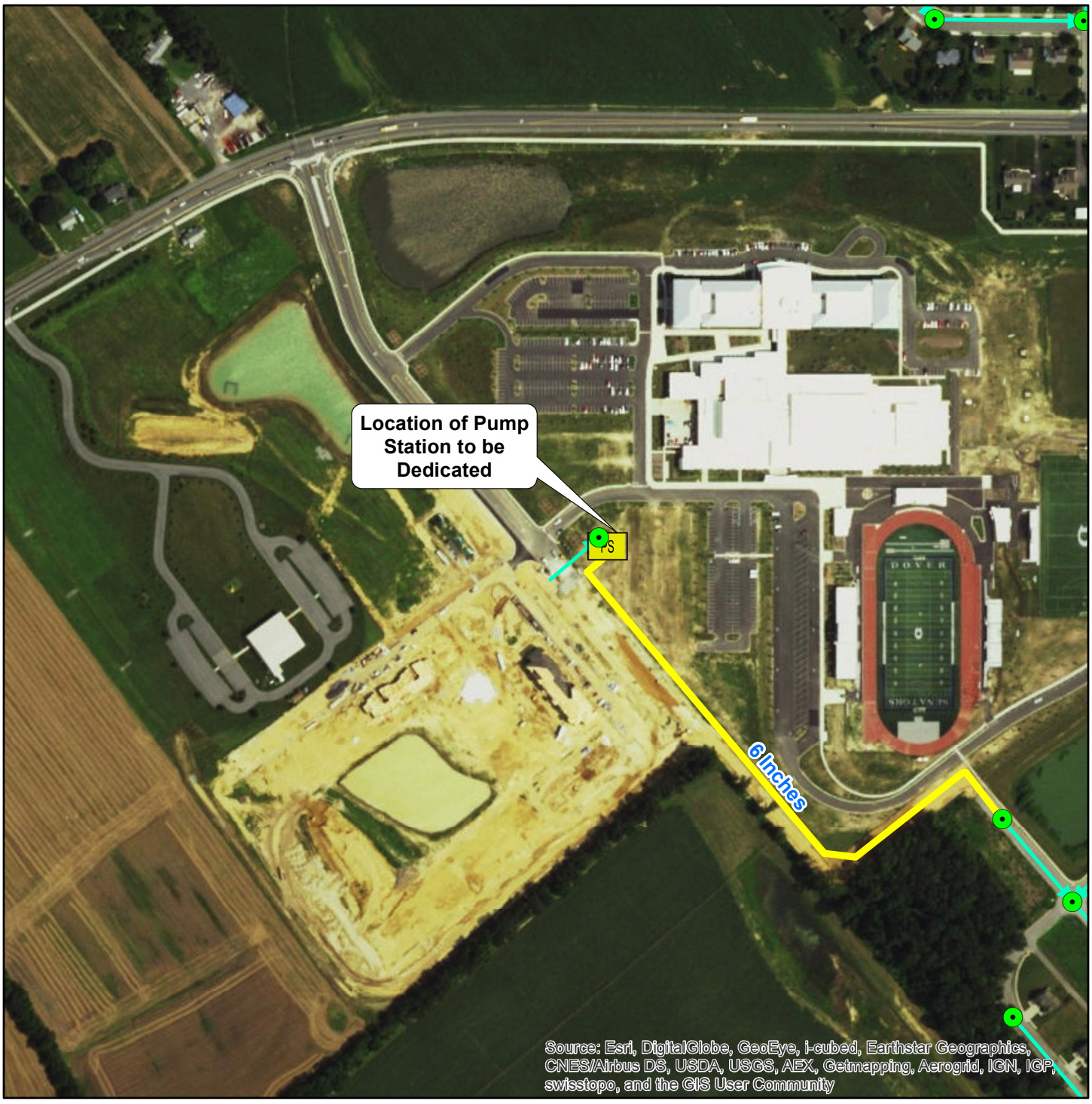
The following is a list of all infrastructure which are to be accepted by the City of Dover:

Sewer Utility Infrastructure (Construction Value = $565,070):

Smith and Loveless 4B2B Vacuum Primed Pump Station	-	1 ea.
6” C-900 SDR 18 PVC Sanitary Force Main	-	1,512 l.f.

Attachment B

Dover High School: Pump Station Dedication



0 125 250 500 Feet

N

Legend

- Manholes
- PS Pump Station
- Force Main

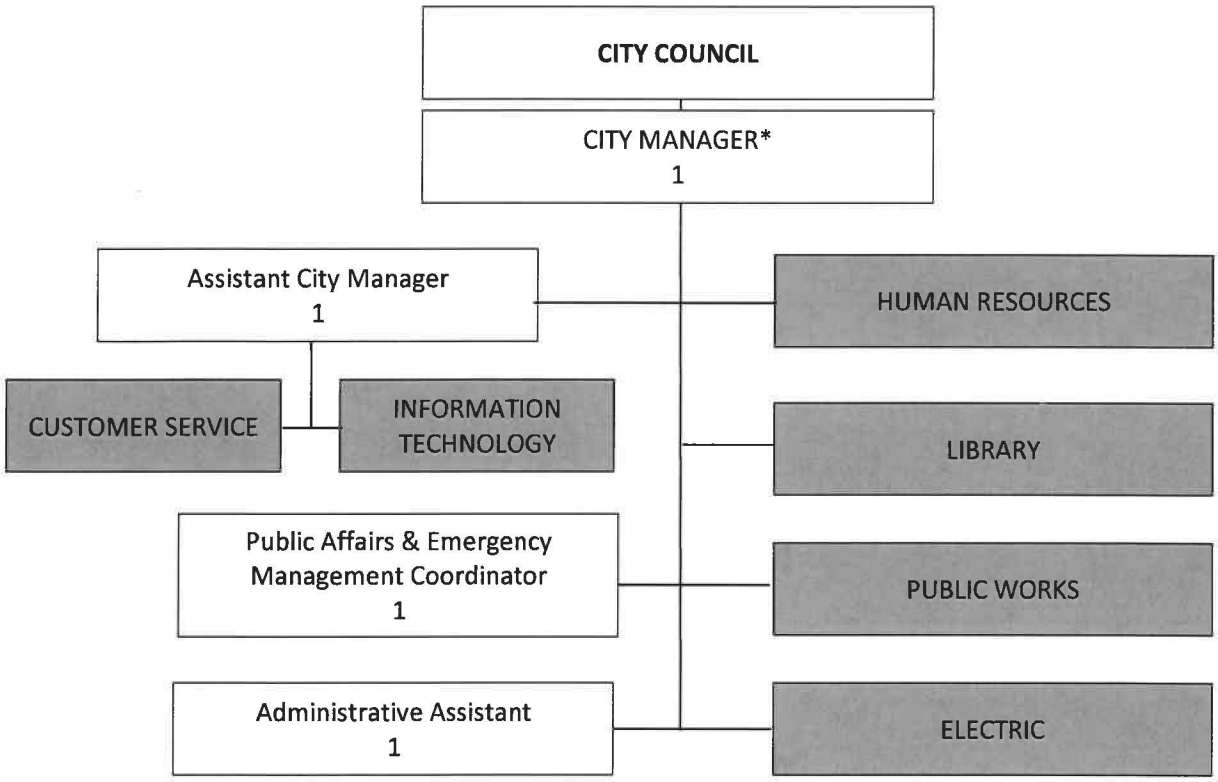
Sewer Line

- 10"
- 12"
- 15"
- 16"
- 18"
- 20"
- 21"
- 24"
- 27"
- 30"
- 35"
- 36"
- 4"
- 6"
- 8"

Date Printed: July 8, 2016
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_dover_high_school_pump_station
Department: Public Works GIS
City of Dover, Delaware

City Manager

Fiscal Year 2017 Organization Chart

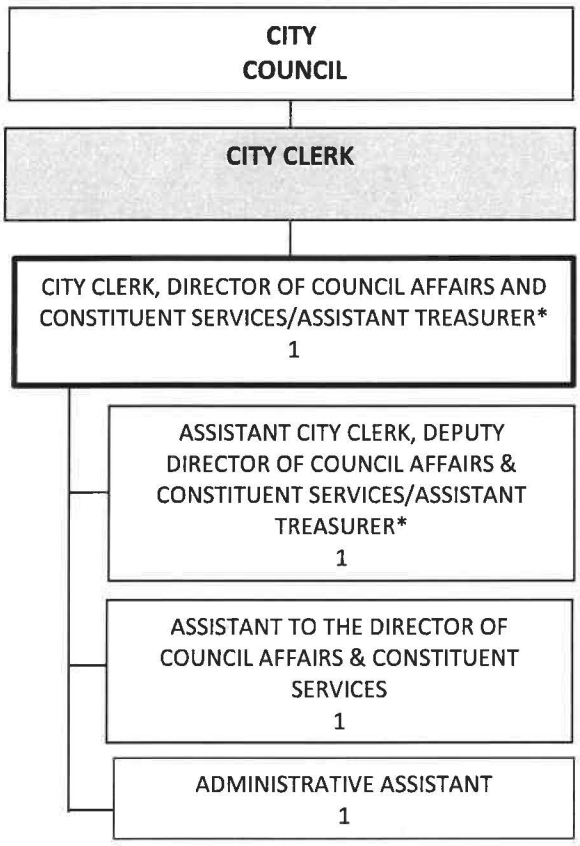


*Appointed by Council

FY 2017 DRAFT ANNUAL OPERATING BUDGET – DOVER, DELAWARE

City Clerk

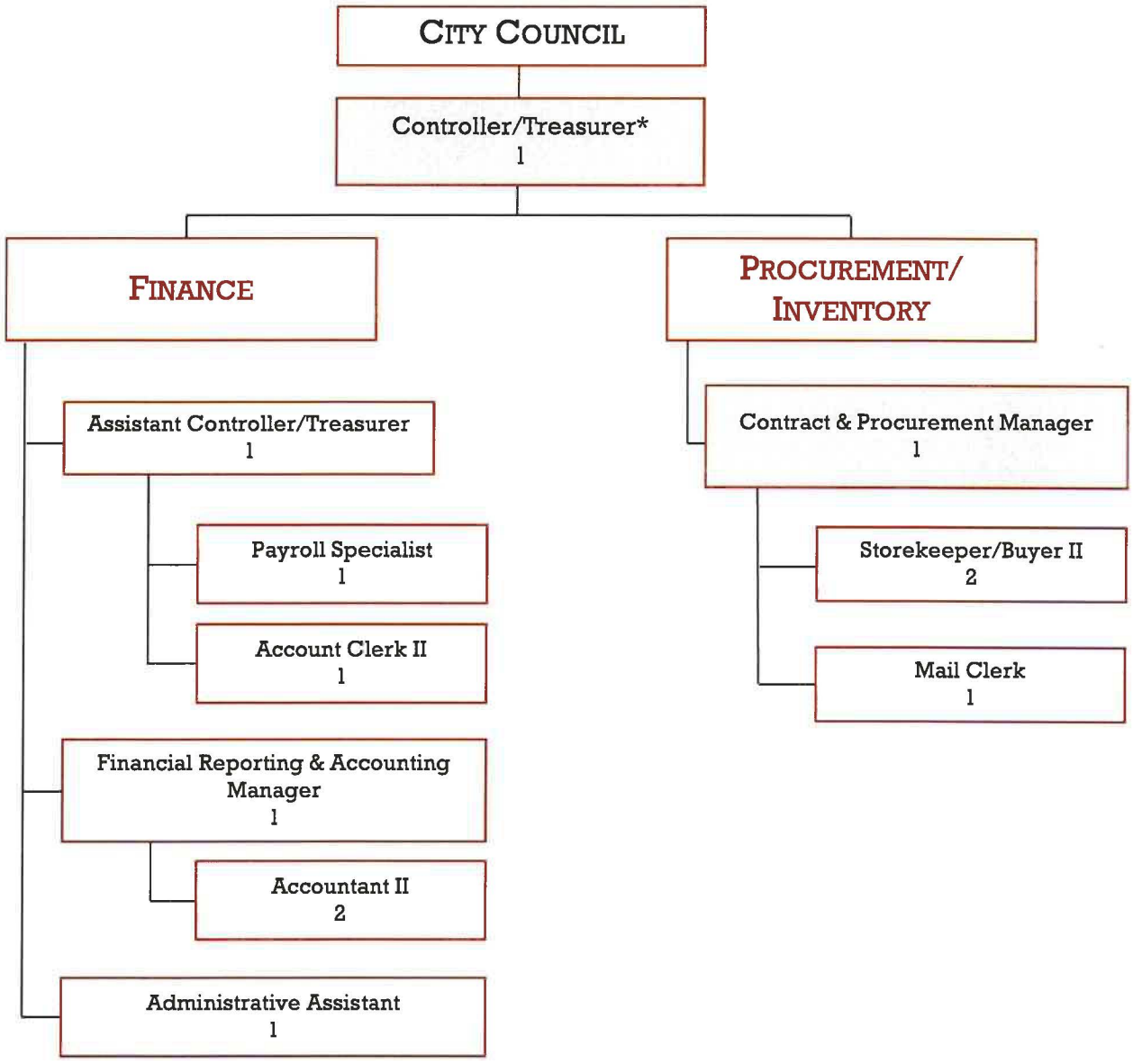
Fiscal Year 2017 Organizational Chart



*Appointed by Council

Finance

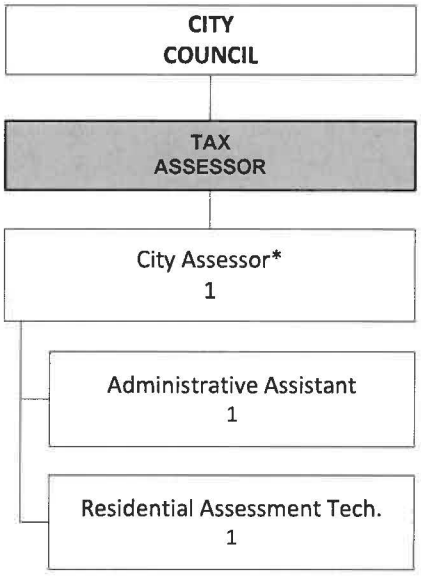
Fiscal Year 2017 Organizational Chart



* Appointed by Council

Tax Assessor

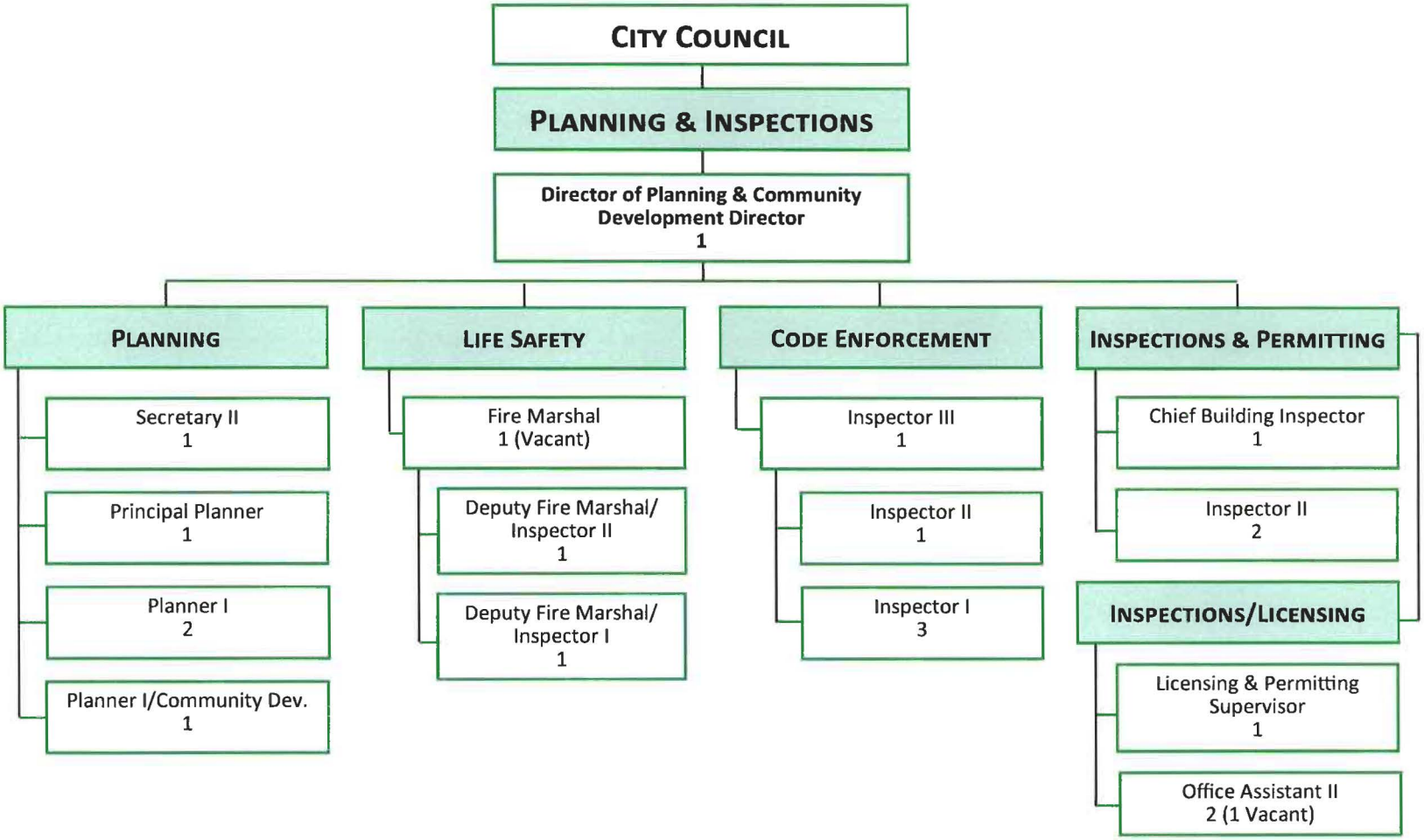
Fiscal Year 2017 Organization Chart



* Appointed by Council

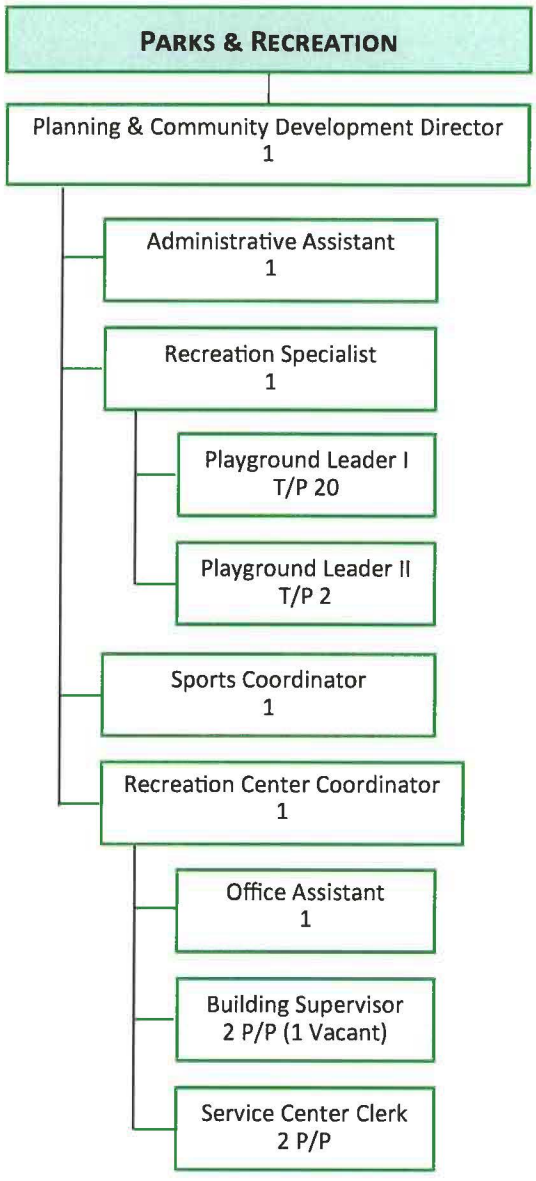
Planning & Inspections

Fiscal Year 2017 Organization Chart



Parks & Recreation

Fiscal Year 2017 Organization Chart



ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Library **DATE SUBMITTED**: 07/15/16
PREPARED BY: Margie Cyr, Library Director and Kirby Hudson, Assistant City Manager
SUBJECT: Proposal for Dover Public Library to Serve as a Passport Acceptance Facility
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott Koenig, P.E., City Manager; Donna Mitchell, Controller
EXHIBITS: Exhibit A – Memo Dated July 11, 2016 from Margie Cyr, Library Director; Exhibit B – Passport Acceptance Program
EXPENDITURE REQUIRED: **AMOUNT BUDGETED**: **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIME TIMETABLE:
RECOMMENDED ACTION: Authorize the City Manager to submit the necessary documentation to provide Passport Services at the Dover Public Library and incur the necessary expenses to implement and manage the program.

BACKGROUND AND ANALYSIS

See attached exhibits. Staff is requesting support to apply to become a Passport Acceptance Facility and incur the necessary expenses related to the implementation and management of the program.

Exhibit A

DOVER PUBLIC LIBRARY

July 11, 2016

To: Kirby Hudson, Assistant City Manager

Fr: Margie Cyr, Library Director

Re: Passport Services

Senator Chris Coons' office has advised us that the United States Department of State, anticipating a gross increase in U.S. Passport renewals in 2017, has opened the window on creating new Passport Acceptance Facilities. Senator Coons is encouraging eligible libraries to consider this opportunity.

In order to be eligible to be a Passport Acceptance Facility, the entity must:

Meet all of the following requirements:

- Is a public sector entity (Federal, state, county, city, municipal office)
- Is not managed or directly affiliated with a non-profit, religious, or commercial (private sector) entity
- Have two (2) trained and certified Passport Agents

The benefits to the City/Library:

- Provides a vital service in the community
- Retain the $25 acceptance fee for each passport application
- Retain the income from any added service such as Passport Photos, expedited shipping fees, etc.

U. S. Passport Services provides the facility with:

- Direct email and telephone support from the regional passport agency's customer service staff
- Forms and program-related materials and supplies
- *Passport Agent's Reference Guide (PARG)*
- Web-based training and classroom training held at the regional passport agency or at selected locations in the region
- Newsletters and updates from the regional passport agency
- Invitations to participate in Passport Fairs and other outreach events
- An open invitation to visit the regional passport agency

The Library is proposing that Passport Services could be implemented:

- Mondays-Fridays, 5:00 – 7:00 PM
- Saturdays, 1:00-4:00 PM
- Sundays, 1:00-4:00 PM

These hours are considered to meet the needs of working families and to prevent competition with the U.S. Post Office which also provides Passport Services.

In order to provide these hours, two (2) Passport Agents will need to be hired at fifteen (15) hours per week. We are recommending that Veterans be given preference in the hiring process.

While we do not know how much income will be generated from this new service, I can say that in 2008 prior to my arrival in Dover, the library I managed in central New Jersey generated an income in excess of $90,000 annually with evening and weekend Passport services. This same program has now grown to be a full-time (67 hours per week) operation with two full-time employees and now generates income in excess of six figures.

We propose that the income from the Passport Services be used to fund the hourly pay of two Passport Clerks at the Library Clerk I level and supplies and equipment needed to support the services (camera, paper, envelopes, postage, etc.) And any income earned over and above these costs be split 75% to the Library and 25% to the City's general fund.

The Library anticipates using its share of such funding to increase the book, the e-book and the audiovisual budgets. These budgets have been decreasing in recent years while costs and demands have increased. For example:

- FY 08, the book budget was $64,254 and the audiovisual budget was $1,327
- FY 10, the book budget was $64,789 and the audiovisual budget was $1,100
- FY 14, the book budget was $54,000 and the audiovisual budget was $1,100
- FY 15, the book budget was $54,000 and the audiovisual budget was $0

We thank you for your consideration.

U.S. Department of State

Passport Services

Passport Acceptance Program

Exhibit B

Thank you for your interest in the Department of State's Passport Acceptance Program!

A U.S. passport is the key to international travel. The Department of State's Passport Services Directorate issues passports to U.S. citizens and protects the integrity of the U.S. passport at home and around the world.

This information packet provides an overview of the Directorate of Passport Services, the passport application process, and the duties and responsibilities of passport acceptance facilities. After reviewing this information packet, we hope you will have enough information to decide if you would like to join the Passport Acceptance Program as a designated passport acceptance facility. Your participation in the Passport Acceptance Program will not only bring revenue to your facility, but will provide an important service to those members in your community with plans to travel abroad.



Introduction to Passport Services and the Passport Acceptance Program

The mission of Passport Services is to issue secure travel documents while providing the highest level of customer service, professionalism, and integrity. This is accomplished through the regional passport agencies and network of approximately 7,300 public sector offices throughout the United States and its Territories designated to accept passport applications. These offices are referred as "passport acceptance facilities" and are a critical component of the Passport Acceptance Program.

Did you know?

- For Americans travelling outside the United States, the U.S. passport is the only singular document that serves as both identification and proof of U.S. citizenship and is recognized around the world.
- By statute, the U.S. Secretary of State has the sole authority to grant and issue U.S. passports. Within the Department of State, the Bureau of Consular Affairs is responsible for serving Americans at home and abroad. The Directorate of Passport Services, within the Bureau, serves U.S. citizens by providing convenient passport application services while, at the same time, protecting the integrity of the U.S. passport as a premier citizenship and identity document.
- During fiscal year 2015, approximately 7.9 million passport applications were accepted by passport acceptance facilities. This number accounts for more than 60% of all passports issued during that time.
- The demand for passports is projected to be at 18 million issuances annually over the next 3 years.

Program Benefits: What's in it for me?

Your facility benefits by:

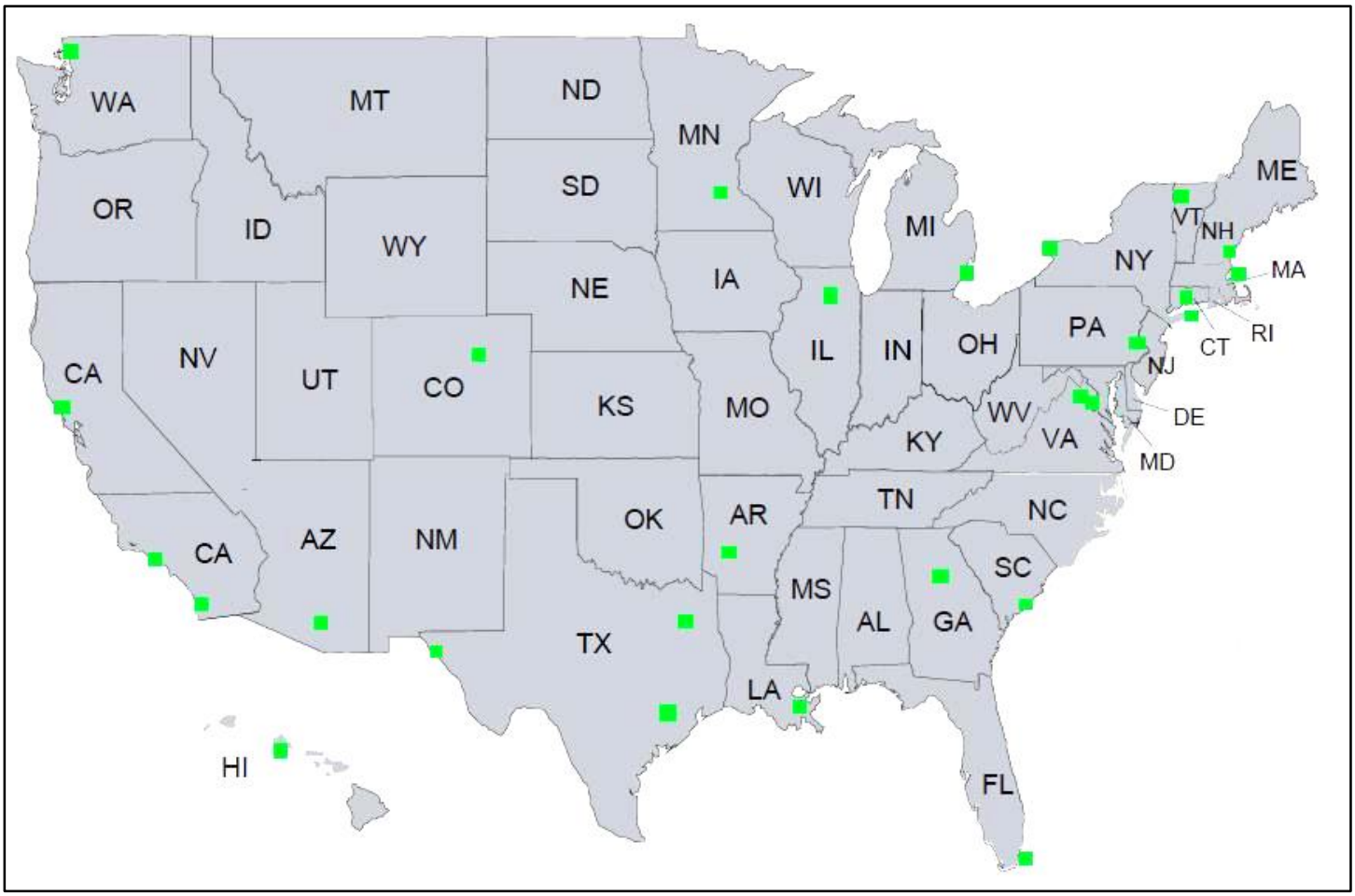
- Providing a vital service in your community to fellow Americans
- Retaining the $25 acceptance fee for each passport application

Passport Services provides you with:

- Direct email and telephone support from your regional passport agency's customer service staff
- Forms and program-related materials and supplies
- *Passport Agent's Reference Guide (PARG)*
- Web-based training and classroom training held at your regional passport agency or at selected locations in the region
- Newsletters and updates from your regional passport agency
- Invitations to participate in Passport Fairs and other outreach events
- An open invitation to visit your regional passport agency

Passport Agencies and Centers

There are a total of 24 strategically located passport agencies throughout the United States, three high-volume passport centers, two printing facilities, and one Special Issuance Agency.



Regional Passport Agencies:

- Hot Springs, AR
- Atlanta, GA
- Boston, MA
- Buffalo, NY
- Chicago, IL
- Denver, CO
- Norwalk, CT
- Dallas, TX
- Detroit, MI
- El Paso, TX
- Honolulu, HI
- Houston, TX
- Los Angeles, CA
- Miami, FL
- Minneapolis, MN
- New Orleans, LA
- New York, NY
- Philadelphia, PA
- San Diego, CA
- San Francisco, CA
- San Juan, PR
- Seattle, WA
- St. Albans, VT
- Washington, DC

Passport Centers:

- National Passport Center
  Portsmouth, NH
- Charleston Passport Center
  Charleston, SC
- Western Passport Center
  Tucson, AZ

Passport Printing Facilities:

- Tucson Printing Center
- Arkansas Printing Center

Special Issuance Agency - Washington, DC

Passport Services Network



Passport Services is comprised of the regional passport agencies and centers, the headquarters office in Washington, DC, and two customer contact centers in Lansing, Michigan and Phoenix, Arizona, which make up the National Passport Information Center (NPIC). NPIC assists the public via phone or email by providing information about the passport process, or assisting with a customer's in-process passport application.

Also servicing U.S. citizens are approximately 7,300 conveniently located passport acceptance facilities nationwide. The vast majority of customers who apply for a passport do so in-person at a passport acceptance facility near where they live or work. It is through these facilities and their passport acceptance agents, that the Department of State is able to provide quality service to our customers efficiently and effectively. In addition to the passport acceptance facilities, customers traveling with within two weeks or less may apply in-person at one of our regional passport agencies or centers located strategically throughout the country.

The Passport Application and Issuance Process

So How Does This All Work?

The following is an overview of a typical first-time routine passport application's process from start to finish. Some stages of the process may differ depending on workload, location, and other factors.

1. A customer comes into an acceptance facility to apply for a U.S. passport. The Acceptance Agent collects the completed Form *DS-11, Application for a U.S. Passport*, a 2"x2" passport photograph, certified U.S. birth certificate as evidence of U.S. citizenship, driver's license as evidence of identity (with accompanying photocopy), and two checks for payment: one to the acceptance facility for accepting the application, and another made out to the U.S. Department of State for the passport fees.
2. The acceptance agent notates the application, returns the evidence of identity, and administers the passport oath. The applicant attests to the information on the application and then signs the application. The acceptance agent collects the passport fees, then signs and stamps the application. This is now a legally-binding document.
3. Each passport application is logged onto a transmittal form and temporarily stored in a secure location. At the end of the day, all applications are sent via traceable mail to a secure lockbox facility. (A bank provides lockbox services via a U.S. Treasury contract.) It is here that the passport fees are deposited, information from the applications is data-entered, and the applications and photograph are electronically scanned.
4. The applications are then shipped to regional the passport agencies. The application data and scanned photo images are sent electronically. Applications are batched together for efficient processing and photos are checked for quality.
5. Applications are then adjudicated by *Passport Specialists*. This is a detailed process where specialists review all the information on the application, evidence of citizenship and identity, and any other corresponding documents to determine if the applicant is eligible to receive a U.S. passport. If all of the requirements are met, the specialist will notate the documents submitted and stamp the application to show its approval.
6. The application data is then sent electronically to one of Passport Services' two printing facilities located in Hot Springs, Arkansas and Tucson, Arizona. The printing facility will print, perform quality assurance checks, and mail out the applicant's new passport book and/or passport card. The originating passport agency then receives an electronic confirmation, notifying that they may now send back the applicant's original documents.
7. The originating passport agency will then return the applicant's evidence of citizenship, and send the original application to Record Services in Washington, DC for permanent archival.

Roles and Responsibilities of Passport Acceptance Facilities

As a Passport Acceptance Facility, your office will…

- Initially complete a Certification of Program Compliance, then complete a Re-Certification annually and update pertinent information as needed
- Ensure that all employees recommended as passport acceptance agents meet qualification requirements, receive advance approval from Passport Services, and fulfill training requirements before accepting applications
- Make certain that acceptance agents are available for training as required by Passport Services.
- Facilitate remediation, or discontinue an acceptance agent's service if his/her performance raises questions of quality
- Post/publicize days and hours of passport application acceptance
- Accept applications from residents and non-residents of your community
- Provide all available types of passport applications and related materials
- Provide all service options: routine, expedited, and hand-carry, as appropriate
- Follow all guidance outlined in the *Passport Agent's Reference Guide (PARG)*
- Ensure that all acceptance agents read periodic newsletters from the Regional Passport Agency and use the PARG and notices as their main references for questions
- Only charge fees authorized by the U.S. Department of State
- Ensure that enough trained acceptance agents are available during advertised hours and able to provide quality service

Program Eligibility

Still Interested in Becoming a Passport Acceptance Facility?

First, make certain that your facility is eligible to be a Passport Acceptance Facility. Your facility must meet all of the following requirements:

- Is a public sector entity (Federal, state, county, city, municipal office)
- Is not managed or directly affiliated with a non-profit, religious, or commercial (private sector) entity

Second, make certain that your facility has enough resources and accessibility to the public to take on this important commitment. We require that passport acceptance service is available during all hours of operation. Employees at your facility are eligible to accept passport applications if they meet all of the following requirements:

- Are eighteen years of age or older
- Are U.S. citizens or U.S. nationals
- Are permanent full-time or part-time employees (not temporary, contractual, ad hoc, or volunteer)
- Are not on parole or probation related to any Federal, State, or local felony or misdemeanor related to breach of trust or moral turpitude (i.e. embezzlement, document fraud, drug offense, or dishonesty carrying out a responsibility involving public trust)
- Are not presently under indictment for any Federal, State, or local felony or misdemeanor related to breach of trust or moral turpitude
- Are free of any Federal, State, or local felony convictions or misdemeanor convictions related to breach of trust or moral turpitude

If your facility performs <u>any</u> duties dealing with birth records, such as birth certificates, or identity documents, such as driver's licenses, the following additional condition must be met:

- Facility personnel will not have access to or overlapping duties between passport acceptance functions and birth or identity document printing, amending or issuance functions, including performing duties on different days or hours.

Next Steps

If you would like to become a Passport Acceptance Facility, please contact:

Customer Service Manager:	Linda Schaidt and Bridget Bielicki
Regional Passport Agency:	Philadelphia Passport Agency
Contact Phone:	(215)931-4536
Contact Email:	Philadelphia-CS@state.gov

The Customer Service Manager will ask you some questions to further ensure your eligibility in the Passport Acceptance Program. Upon approval, you will then be mailed a Designation Packet for you to complete and submit to the Regional Passport Agency.

PLEASE NOTE: The Department of State may only consider applications for designation based on certain criteria such as passport demand and existing acceptance facilities located in communities. Submission of the designation packet does not automatically grant enrollment to the Passport Acceptance Program. Your facility's request for designation may be declined at the Department of State's discretion.

We thank you for your interest in the Passport Acceptance Program!



ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Library **DATE SUBMITTED**: 07/15/16
PREPARED BY: Michelle Hughes, Assistant Library Director and Kirby Hudson, Assistant City Manager
SUBJECT: Proposal for Dover Public Library to Adopt a Smoke-Free Policy
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott Koenig, P.E., City Manager
EXHIBITS: Exhibit A – Request for Library property to be designated "Smoke-free" area; Exhibit B –Smoke Free PowerPoint
EXPENDITURE REQUIRED: **AMOUNT BUDGETED**: **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIME TIMETABLE:
RECOMMENDED ACTION: Authorize the City Manager to implement a Smoke-Free Policy on the Campus and Grounds of the Dover Public Library.

BACKGROUND AND ANALYSIS

See attached exhibits. Staff will be presenting these exhibits as support for the request to convert the Dover Public Library campus and grounds to a "smoke-free" area.

Exhibit A

Request for Library property to be designated "Smoke-free" area

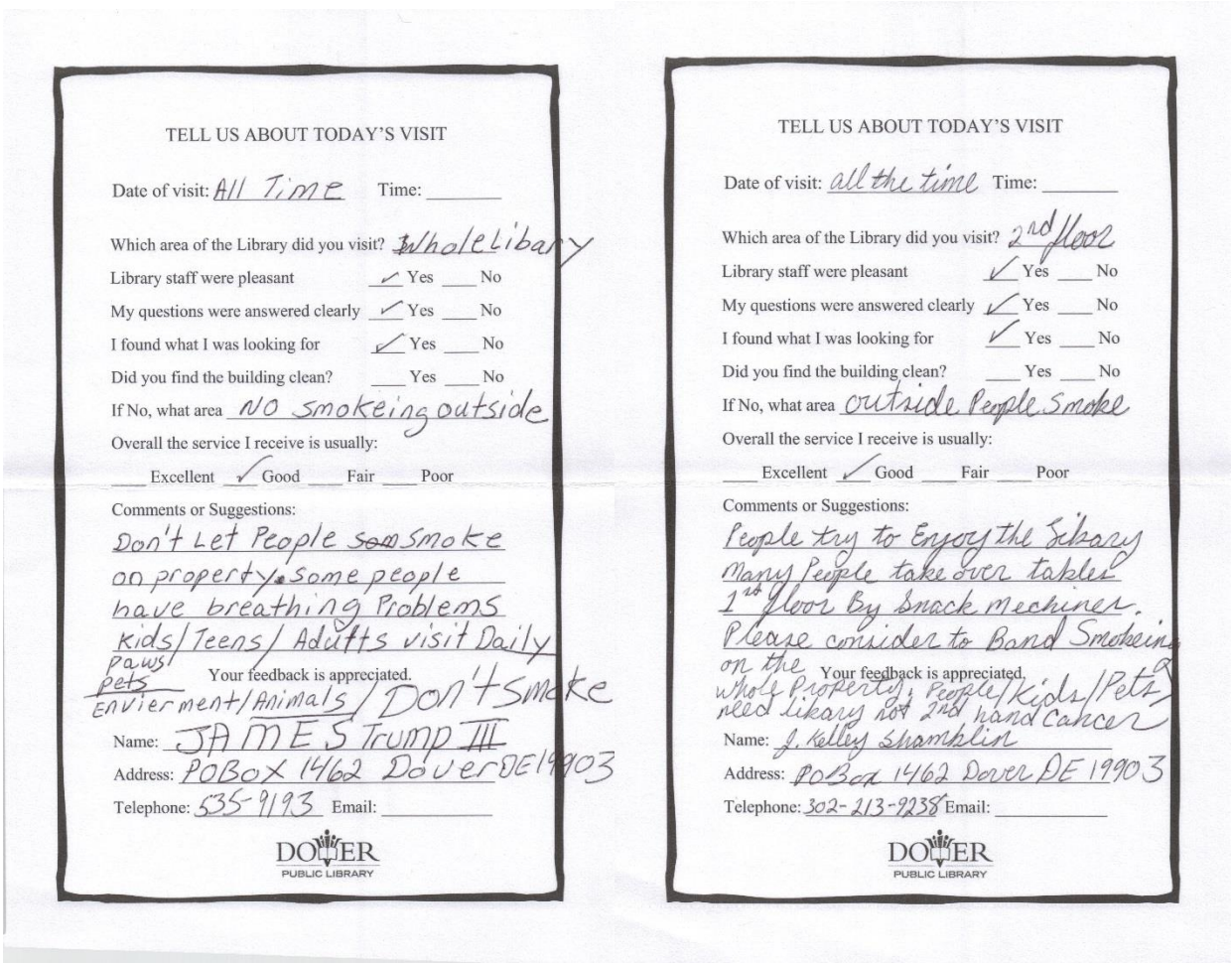
The Dover Public Library respectfully requests that Library grounds be designated as a smoke-free area.

Of paramount importance is the health and well-being of employees and visitors to the Library. The Library serves many very young and old patrons, and exposure to second-hand smoke may be extremely damaging to immature or weakened systems. Scientific studies on the damaging effects of cigarette smoke are abundant. State, and many local governments in the surrounding area have already adopted smoke-free policies. Some of those entities are listed below:

- All New Castle County libraries designated smoke-free in 2015.
    - Appoquinimink Community Library
    - Bear Library
    - Brandywine Hundred Library
    - Claymont Library
    - Elsmere Library
    - Garfield Park Lending Library
    - Hockessin Library
    - Kirkwood Library
    - Newark Free Library
    - Woodlawn Library
- "City of Newark office facilities and vehicles shall be entirely smoke-free". (http://www.cityofnewarkde.us/DocumentCenter/Home/View/95, 7/11/16)
- City of Wilmington bans smoking in public places in 2014.
- State of Delaware code: Title 16, Chapter 29. Clean Indoor Air Act
    - All State of Delaware buildings, facilities, indoor and outdoor spaces and the surrounding grounds owned by the State (including parking lots, walkways, and State vehicles) are tobacco-free.
- Bayhealth facilities smoke-free since 2010.
- Christiana Care smoke-free.
- Beebe smoke-free since 2007.
    - Article dated 12/7/12 from the Cape Gazette entitled: "Beebe Medical Center won't hire tobacco users".

Besides health concerns, the Library also faces concerns regarding the overall appearance and upkeep of Library grounds. The grounds surrounding the front Reading Garden are littered with cigarette butts. The receptacle used to extinguish cigarette butts overflows when it rains, which washes cigarette butts all over the ground.

The Library receives complaints from members of the public regarding the allowance of smokers in the front reading garden area and on the back steps in front of the DNREC property line. Two recent survey cards are attached below:



TELL US ABOUT TODAY'S VISIT

Date of visit: All Time Time: _____

Which area of the Library did you visit? ~~the~~ whole Library

Library staff were pleasant ✓ Yes ___ No

My questions were answered clearly ✓ Yes ___ No

I found what I was looking for ✓ Yes ___ No

Did you find the building clean? ___ Yes ___ No

If No, what area NO smokeing outside

Overall the service I receive is usually:

___ Excellent ✓ Good ___ Fair ___ Poor

Comments or Suggestions:

Don't Let People ~~so~~ Smoke on property. some people have breathing Problems Kids/Teens/ Adults visit Daily Paws! pets Enviernment/Animals/ Don't Smoke

Your feedback is appreciated.

Name: JAMES Trump III

Address: POBox 1462 Dover DE 19903

Telephone: 535-9193 Email: _____

DOVER PUBLIC LIBRARY

TELL US ABOUT TODAY'S VISIT

Date of visit: all the time Time: _____

Which area of the Library did you visit? 2nd floor

Library staff were pleasant ✓ Yes ___ No

My questions were answered clearly ✓ Yes ___ No

I found what I was looking for ✓ Yes ___ No

Did you find the building clean? ___ Yes ___ No

If No, what area outside People Smoke

Overall the service I receive is usually:

___ Excellent ✓ Good ___ Fair ___ Poor

Comments or Suggestions:

People try to Enjoy the Library Many People take over tables 1st floor By Snack mechines. Please consider to Band Smoking on the whole Property's People/Kids/Pets need Library not 2nd hand Cancer

Your feedback is appreciated.

Name: J. Kelley Shamblin

Address: POBox 1462 Dover DE 19903

Telephone: 302-213-9238 Email: _____

DOVER PUBLIC LIBRARY

The Library has sustained some damage due to small mulch fires started from cigarette butts that were not properly extinguished. The most recent incident occurred in June 2016. The Dover PD cadet on duty had to use a fire extinguisher to put out the fire. There is much concern over the possibility of a mulch fire happening after hours when staff would not be on hand to notice the fire and extinguish it.

Talk of replacing the mulch with rocks has been discussed. We feel this would not be a good idea for several reasons:

- The cost to replace mulch with rocks is cost prohibitive
- Maintenance issues with weeds still persist with rocks
- Rocks pose a potential vandalism issue

Research indicates that more businesses and local governments are adopting a smoke free policy.

- There is a federal proposal currently under evaluation that would make public housing in the US smoke free.
    - Nation's Health. Mar2016, Vol. 46 Issue 2, p1-16. 2p.; accessed 7/14/16
- Town of Bethany Beach prohibited smoking in all public parks, on the beach, and along the Boardwalk & Bandstand Plaza
    - www2.townofbethanybeach.com/nonsmokingmap.pdf; accessed 7/14/16
- June 2015, Delaware Senate approves indoor e-cigarette ban
    - www.no-smoke.org; accessed 7/14/16

The Dover Public Library requests that the Committee recommend the Library grounds be designated as a smoke free area. Thank you for your consideration.

Exhibit B

DOVER PUBLIC LIBRARY

Smoke Free

Presented to Committee, 7/26/2016

Exhibit B

Examples of cigarette butts littering Library property



Exhibit B



Exhibit B



Exhibit B



According to a 2012 Bayhealth Kent General Hospital Community Health Needs Assessment

Tobacco Use: Adults and Teens

Tobacco Use	Adults Who Smoke	Teens Who Smoke
All Location Types		
County / State	%	%
Kent	25.1	13.0
New Castle	21.2	13.0
Sussex	21.8	16.0
State of Delaware	21.8	14.0

Let’s get Dover on the road map to becoming healthier



ACTION FORM

PROCEEDING: Legislative, Finance, & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: July 20, 2016
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Request to Solicit Real Estate Services – Garrison Oak Technical Park
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott D. Koenig, P.E., City Manager, Donna Mitchell, Controller
EXHIBITS: N/A
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIME TIMETABLE: N/A
RECOMMENDED ACTION: Authorize the City Manager to solicit interest and proposals for providing Real Estate Services for available property in the Garrison Oak Technical Park. Award of the services contract will be delegated to staff unless otherwise requested by City Council.

BACKGROUND AND ANALYSIS

During the recent discussion regarding the city-wide objectives for Economic Development, staff discussed the use of professional real estate services to market the available property in the Garrison Oak Technical Park. Staff is requesting authorization to solicit these services via a Request for Proposals (RFP) for professional services. Award of the contract is requested to be delegated to staff unless otherwise requested by City Council. The goal is to have the property listed within ninety (90) days.

ACTION FORM

PROCEEDING: Legislative, Finance, & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: July 20, 2016
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Consideration of Legislative, Finance, and Administration Committee Review of Any Positions That Remain Open for Over Six (6) Months Without Being Recruited
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott D. Koenig, P.E., City Manager, Donna Mitchell, Controller
EXHIBITS: Exhibit A – Summary Table of Positions Open for Six (6) Months or More
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIME TIMETABLE: N/A
RECOMMENDED ACTION: Reaffirm the authorization to recruit all open positions as the City Manager deems necessary.

BACKGROUND AND ANALYSIS

The attached table identifies all authorized positions in the city budget that have been open more than six (6) months. In addition, the current status of recruitment is listed.

Positions Open for Six (6) Months or More
July 20, 2016

	Position	Department	Resignation Received	Last Day of Employment	Time Position Vacant	Permission to Recruit Rec'd	Posting Date	Position Closing Date	Interviews Held	Recommendation (Write up) Rec'd
1	Customer Service Rep - Collections	Customer Service	1/6/2016	1/20/2016	6 months	4/18/2016	5/17/2016 - Decision made 7/12/16 to repost	5/25/2016	6/20/2016 and 7/5/16	
2	Electric Generation Superintendent	Electric	New Position		8 months		6/23/2016	Until Filled	7/29/2016	
3	Key Accounts Representative	Electric	New Position		13 months		3/15/2016	3/28/2016	Throughout June/July	
4	PW Operations Manager	Public Works	New Position		13 months		5/19/2016	Until Filled	Tentative August 3-5, 2016	
5	MEO II Grounds	Public Works	11/3/2015	11/23/2015	8 months	3/30/2016	4/20/2016	Until Filled	4/18/16; 5/24/2016; 6/9 - 6/15/2016	
6	Crew Leader Grounds	Public Works	12/16/2015	1/17/2016 (terminal leave)	6 months	3/30/2016	4/22/2016	Until Filled	6/8/16 and 6/23/2016	7/19/2016
7	Utility Maintenance Mechanic II	Public Works	12/10/2015	1/4/2016	7 months	4/12/2016	4/25/2016	Until Filled	5/3 and 5/11/16 6/29/16	6/14/2016; write up dated 6/9/16
8	MEO I Water (2)	Public Works		3/20/15 and 5/11/13	3 years and 3 months 1 year 4 months		4/6/2016	Until Filled	4/23 - 30/2015 12/18-23/2015 4/18/2016 6/9-15/2016	7/12/2016
9	MEO I Sanitation	Public Works		7/13/2015	1 year		4/25/2016	Until Filled	12/18-23/2015 4/18/2015 6/9 -15/2016	7/12/2016
10	Admin Assistant - IT	IT	3/20/2015	16 months						
11	AS400/System Operator	IT	6/26/2015	13 months						

CITY OF DOVER PROPOSED ORDINANCE #2016-19

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

That Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction Code Appeals Committee of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Sec. 22-1. - ~~Construction code appeals committee~~ Construction and property maintenance code board of appeals.

(a) Established; composition; appointment. There shall be a committee to be referred to as the **~~"construction code appeals committee,"~~ "construction and property maintenance code board of appeals,"** consisting of **~~three~~ five (5)** members, one of whom shall be the city manager**. The council president shall appoint ~~and the other~~** two **(2) ~~being~~** elected city officials **and the mayor shall appoint one (1) city resident generally selected as a representative of homeowners and one (1) representative of the local real estate industry association**. **~~The city officials shall be appointed by the city council president at the council annual meeting.~~ Members shall serve one-year terms unless sooner removed. All appointments are subject to confirmation by the city council at its second regular meeting in May. The construction and property maintenance code board of appeals shall elect one of its members as chairperson.**

(b) *Appeals*. Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the **~~construction code appeals committee~~ construction and property maintenance code board of appeals**. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing*. Upon receipt of such an appeal, the **~~construction code appeals committee~~ construction and property maintenance code board of appeals** shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the **~~construction code appeals committee~~ construction and property maintenance code board of appeals** shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, Subsection (a) - International Building Code adopted, Section 113 - Board of Appeals of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Section 113 BOARD OF APPEALS. See Chapter 22-Buildings and Building Regulations, Article I-In General, Sec. 22-1 **~~Construction code appeals committee~~ Construction and property maintenance code board of appeals**.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, Subsection (b) - International Residential Code Adopted, Section R112 - Board of Appeals of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

SECTION R112 BOARD OF APPEALS See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 ~~Construction code appeals committee~~ **Construction and property maintenance code board of appeals**.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-221 - Adopted, Subsection (a), Section 111 - Means of Appeal of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, ~~Article VII - Property Maintenance Code, Sec. 22-225 Property maintenance code board of appeals~~ **Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals**.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-225 - Property Maintenance Code Board of Appeals of the Dover Code be amended by deleting it in its entirety, as follows:

~~**Sec. 22-225. - Property maintenance code board of appeals.**~~

~~**There shall be a board to be referred to as the "property maintenance code board of appeals," consisting of three members, one of whom shall be the city manager, one a resident generally selected as a representative of homeowners, and one representative of the local real estate industry association. The members shall be appointed by the mayor, subject to confirmation of a voting majority of the city council at its annual meeting. Decisions of the board shall be final.**~~

(Code 1981, § 10-5; Ord. of 7-10-1989; Ord. of 4-10-2000)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-406 - Appeals of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Sec. 22-406. - Appeal~~s~~ of the 25 percent over market rate.

~~**(a) Any appeal of the building inspector's decision must be made in writing within 30 days of the decision. The appeal would be heard by the property maintenance code board of appeals.**~~

~~(b)~~ An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

BE IT FURTHER ORDAINED:

That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-125 - Construction Code Appeals Committee of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Sec. 46-125. - ~~Construction code appeals committee~~ Appeal; hearing.

~~(a) Composition; appointment. There shall be a committee to be referred to as the "construction code appeals committee," consisting of three members, one of whom shall be the city manager and the other two being elected city officials. The city officials shall be appointed by the city council president at its annual meeting.~~

~~(b)~~ Appeal; hearing. Whenever any person is aggrieved by a decision of the fire marshal with respect to the provisions of this chapter, it is the right of that person to appeal to the ~~construction code appeals committee~~ **construction and property maintenance code board of appeals, as provided for in Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction and property maintenance code board of appeals**. Such appeal must be filed, in writing, within 30 days after the determination by the fire marshal. Upon receipt of such appeal, the ~~construction code appeals committee~~ **construction and property maintenance code board of appeals** shall set a time and place, in not less than ten or more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the ~~construction code appeals committee~~ **construction and property maintenance code board of appeals** shall be final in all cases.

(Code 1981, § 7-60; Ord. of 5-10-1982; Ord. of 11-22-1993)

BE IT FURTHER ORDAINED:

That Chapter 50 - Floods, Article IV - Variances, Section 50-46 - Variances of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Sec. 50-46. - Variances.

The City of Dover ~~Construction Code Appeals Committee~~ **construction and property maintenance code board of appeals, as provided for in Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction and property maintenance code board of appeals,** shall have the power to authorize, in specific cases, such variances from the requirements of these regulations and the flood load and flood load and flood-resistant construction of the building code, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) *Application for a variance.*

a. Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the floodplain administrator.

b. At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in section 50-46(2) and the limitations and conditions of section 50-46(3).

(2) *Considerations for variances*. In considering variance applications, the City of Dover ~~**Construction Code Appeals Committee**~~ **construction and property maintenance code board of appeals** shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

a. The danger that materials may be swept onto other lands to the injury of others.

b. The danger to life and property due to flooding or erosion damage.

c. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.

d. The importance of the services provided by the proposed development to the community.

e. The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.

f. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.

g. The compatibility of the proposed use with existing and anticipated development.

h. The relationship of the proposed use to the comprehensive plan for that area.

i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) *Limitations for variances*.

a. An affirmative decision on a variance request shall only be issued upon:

1. A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.

2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.

3. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

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4. A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
5. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
6. A determination that the structure or other development is protected by methods to minimize flood damages.
7. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the City of Dover ~~**Construction Code Appeals Committee**~~ **construction and property maintenance code board of appeals** may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

c. The City of Dover ~~**Construction Code Appeals Committee**~~ **construction and property maintenance code board of appeals** shall notify any applicant in writing to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements only, and that the cost of federal flood insurance will be commensurate with the increased risk.

(Ord. No. 2014-09, 6-9-2014)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-19 CONSOLIDATION OF PROPERTY MAINTENANCE & CONTRUCTION CODE BOARDS OF APPEAL\Proposed Ordinance #2016-19 Amending Ch 22-Building and Building Regulations, Ch 46-Fire Prevention and Protection; and Ch 50-Floods.wpd

SYNOPSIS

The proposed ordinance would consolidate the Construction Code Appeals Committee and the Property Maintenance Code Board of Appeals. This consolidation will put appeals related to Chapters 22, 46, and 50 under one committee consisting of five members instead of three. The plan is to create the Construction and Property Maintenance Code Board of Appeals with the sitting members of the existing groups. The appointments will continued to be shared by the Mayor and Council President.

(SPONSORS: COLE, HUTCHISON, AND NEIL)

Actions History

07/26/2016 - Scheduled for Introduction at Council Committee of the Whole/Legislative, Finance, and Administration Committee

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