# COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on July 12, 2016 at 6:00 p.m., with Council President Slavin presiding (departed at 6:22 p.m., returned at 6:23 p.m., and departed at 6:45 p.m.). Members of Council present were Mr. Anderson (arrived at 6:18 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis (arrived at 6:16 p.m.), Mr. Cole, Mr. Hare, and Mr. Hutchison. Mr. Hosfelt was absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Caldwell (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Ms. Stewart (*Legislative, Finance, and Administration*). Mrs. Horsey (*Parks, Recreation, and Community Enhancement*) was absent.

**Mr. Sudler moved to hold the Legislative, Finance, and Administration Committee meeting prior to the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Cole and unanimously carried.**

# LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

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

**AGENDA ADDITIONS/DELETIONS**

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

**Wesley College Proposal for Former Dover Public Library Building**

Members were provided correspondence dated July 12, 2016 from Robert E. Clark II, President, Wesley College, and a proposal entitled "The Adaptive Re-use of the Former Dover Public Library Proposal." ***(Attachment #1)***. President Clark stated that the proposal was related to the College's acquisition of the old Dover Public Library, but more accurately it related to the community of Dover. He indicated that he did not look at Wesley College as a small college in Dover but as Dover's college. President Clark stated that the proposal would provide the community with an educational building and infrastructure for health care, which was a very highly needed service in the community. He noted that Wesley College would be starting a Master's of Occupational Therapy program this fall, which would be the only such program in the Delaware, Pennsylvania, and New Jersey region. President Clark advised that there are a couple of hundred registered occupational therapists in Delaware and a need for almost 250 more, stating that the proposal would meet this need and, more importantly, connect the downtown to Wesley College and provide an area where there would be students, faculty, and families 24/7. He estimated that there would be at least 500 students using the facility as the program starts off and then grows. President Clark indicated that this would be a walking area that would be an extension of the campus and revitalize that portion of State Street. He noted that he was new to Wesley College; however, the tradition of the Wesley College/Dover partnership goes way back and this partnership was a strong suit of the community and area and one (1) of the things that attracted him to Dover. President Clark stated that he and the Wesley faculty, staff, and students must meet the extended family members in Dover. He noted that the City is also very interested in the future and understands service above self.

President Clark advised members that education is not bound by brick and mortar and a four (4) year time continuum but is a lifelong process. He believed that this facility and this partnership, with the City providing the skeleton, would provide the heart and soul that would move this particular building into an arena where it becomes something living that not only educates the future but gives back to the community right away.

Mr. Hutchison noted that Wesley College would be looking at spending money on the building in order to meet standards and bring it up to code. President Clark stated that engineers had gone through the building. The estimated cost to meet mechanical, electrical, American Disabilities Act (ADA), and fire suppression codes, as well as to provide services for their educators, would be approximately $2M.

Members were provided an email from Mr. Thomas Leary, former City Council President, dated July 12, 2016, regarding Library Giveaway ***(Attachment #2)***. Referring to this email, Mr. Neil expressed sympathy for the idea of spreading the Wesley Campus into the downtown area; however, stated concerns regarding the issues that had been expressed by Mr. Leary. Mr. Neil noted that the value of the building was not known at this time, and he was unsure how much of a delay examining this would cause in the process. He indicated that it was unknown what the building would bring to the City in taxes and other development if it were used for commercial purposes, and he believed this must be determined before saying yes to the proposal. Mr. Neil loved the idea and what it could mean to the City; however, he felt that this step needed to be taken before going ahead. He stated that this was the first time he was seeing the proposal and wanted to be able to study it. Mr. Neil advised that if action is delayed on the proposal, this would not be because he was personally opposed; however, as a member of Council and representative of his constituents in the Third District, he believed this step must be taken.

President Clark stated that he understood, and he appreciated everyone's interest and desire to take a very hard look at the proposal and what it would bring to the community. He felt that the harder the proposal was looked at, the more it would be realized how beneficial it would be to the City and its future. President Clark stated that there is a balance, noting that this matter could be looked at in terms of cash flow and immediacy in terms of fiscal reality and money in hand. He advised that time and time again, history had shown that this approach works very well for the short term; however, the long term is the economic development and the potential that something provides. President Clark stated that, as members review the proposal and receive other input, they would see the long-term benefits, noting that research shows that educational institutions, partnering with communities, provide stimuli. He indicated that a business would bring in the eight (8) to five (5), Monday through Friday presence of those who come to work and leave; however, an educational institution has a 24/7 life of its own. President Clark stated that people would be coming and going, and there would be not only the immediacy of education and the opportunities provided by the curriculum, but the interest that would be drawn from external entities, whether health care consortiums or future students. He indicated that people would be brought into Dover and, more importantly, closer to downtown. President Clark advised that they had done an economic impact study, and the results surprised him, noting that Wesley College alone brings $86M into Kent County annually. He felt that everyone was one (1) team, family, and future, that Wesley is Dover and Dover is Wesley, and he felt that Wesley was blessed to be part of this partnership. He thanked

members for what had been done in the past and looked forward to continuing this partnership going forward.

Mr. Slavin thanked President Clark and stated his appreciation that Wesley College had come forward with this proposal. He advised that President Clark had indicated to him that he wanted to make sure this was heard with full, open transparency both at the committee and Council levels.

In response to Mr. Slavin regarding whether there was an appraisal on this property, Mr. Koenig indicated that there was an appraisal from 2011, and another had been ordered and should be available next week. Mr. Slavin advised that this information would be available in 13 days time when this matter comes forward before the full Council.

Mr. Slavin noted that if the City were to make such an investment, it would not be desired for the property to be flipped and sold for a drive-through McDonald's or something of that nature. He questioned, as an institution, what Wesley College would be willing to take on to ensure that this would be used for educational purposes. Responding, President Clark stated that there could be any type of clause stating that if at any point Wesley College looks to sell or turn the property over, the City would get first rights of refusal. He gave his word that the purpose was not to flip the property or make money but to provide opportunities for the futures of the young men and women who will be the future Doverites that impact the economy and the culture of the City. President Clark reiterated that this was about our community and our kids. He agreed to a clause that has a safe out so that 20, 50, or 100 years down the road, if something gets tight, that will not be used as a bargaining chip. President Clark indicated that it would be an educational institution and an educational building that will provide the opportunities for our children and the community in the future.

Mr. Slavin expressed his opinion that economic development strategy begins with taking care of the existing employers and job base to protect them. He advised that if he was told that an existing employer had come forward, was willing to make a multi-million dollar investment, and would adaptively reuse a building that had been vacant for a number of years, and that all of this would occur in a downtown revitalization area where the City had focused time, energy, and money in getting this exact thing to be done, his only question would be what could be done to help. Mr. Slavin felt that the answer would be that the City would give abatements, tax credits, waivers, and may put other incentives on the table. For example, he felt members should think about the Garrison Oak Technical Park and what incentives the City would put in place. Mr. Slavin indicated that if calculated over the life cycle of the building, the incentives would probably far outstrip the value that the City has in the building. In addition, he expressed concern that there had been no other plan for this building, and it was suffering because of this. He stated the need to address the issue of what would be done with the building because there is very little capacity inside a municipal government to think strategically about vacant properties. Mr. Slavin expressed the need to take advantage of the opportunity when it presents itself. He indicated that he was very supportive of the proposal and thanked President Clark for coming forward and answering questions. Mr. Slavin stated that if there were questions regarding the appraisal, this information could be available at the next full meeting of Council in 13 days and President Clark would be invited back for this.

Mr. Shevock advised that he would like to see the appraisal and, if the proposal is approved, that clawback phrasing would indicate that the building would come back in the same way that it went through.

Responding to Mr. Shevock, President Clark stated that the project would be started almost immediately and the date of project completion would be determined when they decide where things would be put in the footprint. He explained that Wesley's Master's of Occupational Therapy program shares some rooms in Johnston Hall, the former Frear Building. President Clark noted that this new program would start in the fall and was allowed 20 new students by their accreditors. They were now interviewing almost double this number. It was projected that in the next two (2) to three (3) years, they would be at 90 plus, and a couple of rooms would not satisfy this. President Clark advised that there are a lot of preliminary courses for health care programs, including math, science, and higher core freshman courses. As the program grows, these will also grow. He indicated that Cannon Hall was almost at capacity for labs. President Clark stated that the proposal would allow some relief by bringing some of the core science programs to the old Dover library, possibly including some labs that specifically support the health science and health care curriculum.

President Clark noted that starting the Master's of Occupational Therapy would be great for bringing people in. In addition, he noted that Wesley College was looking at what they can do for their existing infrastructure, and one (1) of the core components of this would be expanding kinesiology. President Clark advised that this would mean bringing in more professors, adjuncts, and staff to support the undergraduate feed that would lead to the Master's of Occupational Therapy program. He noted that some large schools have pro bono type clinics where children and the community are brought in and pay less than the full price of a large health care institution for these educational and collegiate services. President Clark stated the desire to start immediately and get faculty chairs to lay out what they think would be piece and parcel of the proposal. He stated that he, Provost Jeff Gibson, and the Vice President for Finance had considered this, and he did not want to make decisions for his experts until they had a chance to lay this out. President Clark indicated that he did not want to talk too much about this within his organization and raise undue expectations before coming before Council and until there was a firm path.

Mr. Shevock questioned if part of the proposal would be up and running within three (3) or six (6) months. Responding, President Clark indicated that the former Frear Building had taken a couple of years; however, he felt the current proposal would take a little less time, based on his own engineering background and the engineers who were brought in. He indicated that, although $2M was substantial for them, it was not quite as behind as the former Frear Building was. President Clark stated that he would provide a report once he receives more firm data.

Mr. Shevock questioned how much parking would be required. Responding, President Clark indicated that they were only asking for the parking alongside the old Dover library, noting that the point was not to create a Wesley entity but to join the community. It was desired that students would be walking through town to attend health care courses from the main campus. President Clark believed that the parking, though minimal, would meet their needs because it would provide spaces for extra instructional professors, etc. He expressed the desire for people to be in the streets. His vision and hope that, at sometime in the future, if someone was brought in blindfolded to Bradford,

Loockerman, or State Street, or to Wesley College and the blindfold was removed, that they would identify their location as Dover. President Clark desired that it would all look the same and that Wesley would not be a college in a town but the college of the town and the same community.

Mr. Hare informed members that he had heard it said that to make a downtown area grow, "med or ed" is needed. He felt that this was something that would help downtown grow. Mr. Hare indicated that he had spoken to some commercial realtors, stating his belief that when the appraisal comes out and everything needed to make this building acceptable is determined, this would be a benefit. He indicated that the building had expenses that were costing the City and he was totally in favor of doing this. He felt it would be a benefit for the City and stated that if Wesley College decided to sell the building in 100 years, he did not care.

Mr. Lewis questioned if there had been other bids received or solicited for the building. Responding, Mr. Hare stated that there had not. Mr. Neil noted that there had been a bid; however, the bidder did not identify what he would be using it for. Mr. Hare indicated that there were quite a few things that would have to be done that the City was not willing to do. Mr. Hutchison advised that there had also been many discussions with the State of Delaware pertaining to this building; therefore, there had been more than one (1). Mr. Hare noted that each time, there had been a cost of renovation. Mr. Lewis questioned if the property had been well advertised and Mr. Hare stated that it had been. Mr. Neil indicated that he did not think it had been advertised. Mr. Hare stated that the Economic Development Office had been trying to get rid of the building for the last five (5) years. Mr. Neil advised that the bid that he was aware of was unsolicited.
*(City Clerk's Office Note: Subsequent to the meeting, members of Council were advised that during their meeting of October 21, 2015, the President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library, and Other City Properties considered an unsolicited proposal for the purchase of 45 South State Street and 5 East Reed Street from Mr. L. D. Shank, Dover Renaissance LLC and this matter was referred to City Council for discussion in Executive Session.)*
*(City Clerk's Office Note: According to Mr. Scott Koenig, City Manager, the building, which was vacated by the library in September 2012, was briefly used by the State for the restoration of artifacts damaged in a fire at Legislative Hall and utilized by City staff for several months during the roof replacement at 5 East Reed Street. He advises that the building has never been placed on the market for sale with any real estate company or advertised for sale in any public venue.)*

Ms. Stewart indicated that she would not be voting on this matter because she is a member of the Wesley College Alumni Association.

**Mr. Sudler moved to refer the Wesley College proposal to City Council for a final decision at their next meeting. The motion was seconded by Mr. Cole and carried unanimously, with Ms. Stewart abstaining.**

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

Meeting adjourned at 6:22 p.m.

# PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

**AGENDA ADDITIONS/DELETIONS**

**By unanimous consent, the agenda was approved as presented.**

**Proposed Ordinance #2016-18 Amending Appendix B - Zoning, Article 3 - District Regulations, Section 27 - Corridor Overlay Zone 1 (COZ-1), Subsection 27.66 - Building Height (Sponsors: Hare and Hutchison)**

Mrs. Dawn Melson-Williams, Principal Planner, advised members that Proposed Ordinance #2016-18 related to the height of buildings within the Corridor Overlay Zone 1 (COZ-1). She explained that this Zoning Text Amendment was being brought forth by an applicant who sought sponsors of several City Council members. Mrs. Melson-Williams noted that the applicant, Mr. Phil McGinnis, McGinnis Commercial Real Estate Company, was in the audience. She informed members that the Corridor Overlay Zone is a zoning overlay that exists along the corridors of Route 8, Saulsbury Road, and McKee Road in the City. This Corridor Overlay Zone places additional design parameters on development along those corridors in order to present a more urbanized style of land development activity in that area. Mrs. Melson-Williams indicated that one (1) of the components is a building height limitation of two (2) stories or 35 feet, which may be more restrictive than the base zoning of properties along that corridor, where the building height may be taller. This proposal would make changes to how the building height is presented on the property. Within the first 100 feet of depth of the property from the corridor, it would continue to be limited to two (2) stories or 35 feet in height, but beyond that 100-foot depth it would revert to whatever the base zoning allows. Mrs. Melson-Williams advised, for example, that some areas along that corridor are zoned C-2A, which allows for a building height up to six (6) stories and 75 feet.

Mrs. Melson-Williams advised that the proposal would be an amendment to the Zoning Ordinance; therefore, it would begin at the committee level, would be referred to City Council to set the public hearing dates required for the Planning Commission and City Council, and final action would be taken by City Council. Mrs. Melson-Williams advised that the ordinance specifically related to building height within the Corridor Overlay Zone and staff's recommendation would be formally presented with the Planning Commission part of the process. She noted that staff assisted Mr. McGinnis in crafting the language for his concept. She indicated that staff recognized that there are some issues within the Corridor Overlay Zone related to how some other portions of the Zoning Ordinance had been updated over the years, but had not had the opportunity to concentrate on the Corridor Overlay Zone, noting that this was on their to-do list.

Members were provided correspondence dated July 12, 2016 from Michael J. Harrington, Jr., President, Kent County Association of Realtors, regarding Proposed Ordinance #2016-18 - Corridor Overlay Zone Height Limitation Amendment ***(Attachment #3)***.

Mr. Sudler questioned if there had been feedback from property owners or community members in the surrounding areas and, if so, what the recognized issues were. Responding, Mrs. Melson-Williams indicated that the current agenda item was the first step in the process of the proposed zoning amendment, that a public hearing would be advertised, and the community would then have the opportunity to give input. She indicated that there were several development applications along the corridor that would probably be interested in the potential change and what it may mean for their development opportunities in those areas.

Mr. Neil questioned if the height of the building would interfere with the Dover Air Force Base and the planes flying over. Responding, Mrs. Melson-Williams indicated that it would not, noting that the Corridor Overlay Zone is not on the east side of town but is specific to the corridors of Route 8, Saulsbury Road, and McKee Road. She advised that there is a different zoning overlay in the area of the Dover Air Force Base called the Airport Environs Overlay Zone that has some limitations related to height.

Mr. Neil asked if other buildings could also be expanded in height if this were permitted. Responding, Mrs. Melson-Williams indicated that there was potential that others could seek to add stories along that corridor if they were in a portion of the property that would be subject to this limitation. Mr. Neil questioned if this would add to the assessments. In response, Mrs. Melson-Williams advised that the tax liability could potentially be impacted if buildings were being expanded or renovated.

Mr. Anderson stated he was glad that this was coming about, stating that he had been concerned about a lot of the restrictions in the Corridor Overlay Zone. He questioned if there was a timetable for the whole concept to be evaluated. In response, Mrs. Melson-Williams advised that this was identified as one (1) of the research projects for potential zoning text amendments that the Planning Office needed to put on their list, noting that there are currently others that have higher priority. She noted it was identified several years ago when staff focused on some of the commercial zones, clarifying uses, and some of the bulk standards, and this would be a natural next step to that; however, there was no time frame for this.

**Mr. Neil moved to recommend adoption of Proposed Ordinance #2016-18, seconded by Mr. Slavin and carried with Mr. Sudler abstaining.**

**Review of Active Recreation Area Plan (Request for Cash-in-Lieu) - The Grande, Building 4: Planned Neighborhood Design - Senior Citizen Housing Option (Planning Reference C-15-04)**

Mrs. Dawn Melson-Williams, Principal Planner, advised members that this item was related to the project known as The Grande. She noted that the Active Recreation Area Plan was associated with construction of a fourth building on the north side of Forrest Avenue just to the east of the Modern Maturity Center. Mrs. Melson-Williams stated that three (3) buildings were in place and a fourth building project would soon start. As part of the approval process for this building, the active recreation area was reviewed, and there are requirements for the amount of active recreation area based on the number of dwelling units provided on the site. Mrs. Melson-Williams advised that a number of recreational amenities were constructed previously with the three (3) buildings, including items such as walking paths, horseshoe pits, shuffleboard, a swingset, benches, and picnic tables.

The cumulative effect of those amenities still left the applicant with a deficiency in active recreation area for the project. Mrs. Melson-Williams informed members that this was proposed to be satisfied by a cash-in-lieu donation at the time, noting that the Zoning Ordinance specifically outlines how that cash-in-lieu amount is calculated. She stated that, as part of the procedure, the amount, once calculated, must be presented to the Parks, Recreation, and Community Enhancement Committee for confirmation, to City Council, and to the Planning Commission for acceptance. Mrs. Melson-Williams stated that the Planning Office had received the appraisal, which is the starting point for calculating the cash-in-lieu amount and is based on a land value per acre and the amount of recreation area that is deficient. This resulted in a cash-in-lieu requirement of $22,914. She advised that cash-in-lieu payments for active recreation area are specifically designated for the Parkland Reserve Fund and earmarked for the development of parkland throughout the City. Mrs. Melson-Williams explained that members were being asked to consider accepting that calculation amount. The process going forward would be for Council to consider the Committee's recommendation and then the Planning Commission would consider this amount during their August meeting.

Staff recommended acceptance of the $22,914 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance.

**Mr. Hare moved to recommend approval of staff's recommendation, seconded by Mr. Neil and unanimously carried.**

**Mr. Hutchison moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Neil and unanimously carried.**

Meeting adjourned at 6:35 p.m.

## UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

**AGENDA ADDITIONS/DELETIONS**

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

**Presentation - Stormwater Utility**

Mr. Scott Koenig, City Manager, advised that the City of Dover Stormwater Utility Feasibility Study represented close to a year of background work associated with a potential stormwater utility. He indicated that this would be important because it lays out a conceptual foundation for a potential avenue to fund infrastructure and infrastructure repairs going into the future. Mr. Koenig noted that there had been discussions for a long time regarding difficulties with the Municipal Separate Storm Sewer System (MS4) permit, stating that the stormwater utility concept could potentially provide value to the City in the permit over time. He indicated that this would be a very detailed and

technical discussion tonight, and the point would be to introduce the concept to Council and address any questions they may have. Mr. Koenig stated that no direct action was needed because this was the first of many discussions that would be held over a 12 to 18 month period if Council wishes to move forward.

Mr. David Athey, URS Corporation/AECOM, reviewed a presentation entitled, "City of Dover Stormwater Utility Feasibility Study." He noted that there would be many details if the intent was to explore some of the issues, develop a framework for what a utility might look like, and start honing in on potential costs. In regard to Slide 2, Mr. Athey explained that a stormwater utility is totally different from existing enterprise funds, since the water, sewer, and electric utilities have meters so that usage can be gauged. Mr. Athey commented that it is impractical to put a meter on stormwater; therefore, there are various ways that an approximate measure can be done. He stated that members may be asking why there is a fee to handle rain, and explained that rain has been and will be around forever and is natural; however, stormwater is manmade and brings with it a lot of quality issues. In reference to Slide 5, Mr. Athey advised that unmanaged stormwater can do a number of things and can overtax drainage systems, referring to an event that occurred on Water Street two (2) years ago.

Referring to Slide 6, Mr. Athey explained that the main focus of a stormwater utility is that it is a very stable source of revenue. He noted that if there are a couple of northeasters, there is a lot of focus on drainage; however, it is not uncommon for a public body's money for drainage systems to dry up if there is a drought for a couple of years. Mr. Athey stated that a steady, constant investment is needed, and fluctuating investment is not good asset management. He commented that a stormwater utility must be adequate and that there had been approximately a year of effort of really looking at what the City's costs are. Mr. Athey explained that such a utility can be flexible and stormwater rates can be modified depending on changing conditions, as water, sewer, and electric rates can be modified, and it is equitable. He informed members that this idea had been around Delaware for approximately 10 years, going back to former Governor Ruth Ann Minner's task force, which concluded its work in 2006.

In reference to Slide 9, Mr. Athey stated that the costs of National Pollution Discharge Elimination System (NPDES) MS4 permit compliance were not diminishing as permitting requirements increase. He advised that many quantity issues were not currently being addressed. In regard to funding stability, he indicated that this would allow funding for drainage infrastructure to be taken from the General Fund. It would no longer compete with things that are totally different from stormwater, and this would allow for a very focused, detailed, and well understood effort for costs to manage these programs.

Referring to Slide 11, Mr. Athey reviewed the steps that had been taken to date. He informed members that he worked with the City a little more than a year ago on helping to get a grant from the Delaware Department of Natural Resources and Environmental Control (DNREC), which helped to offset half of the costs of the study. There was a detailed investigation into City programs and expenditures and a significant amount of Geographic Information System (GIS) electronic mapping analyses. A complicated spreadsheet model was developed that can be modified to develop different scenarios, and this was used to develop preliminary costs.

In reference to Slide 12, Mr. Athey pointed out that the EFC logo at the bottom right of the slides represented the Environmental Finance Center at the University of Maryland, which was a subcontractor to URS/AECOM. He indicated that they are very good at public outreach materials, which is one (1) of the City's permitting obligations. Mr. Athey stated that EFC made enhancements to the website, came up with a couple of presentations that were posted, and developed a citizen survey to gauge people's understanding of stormwater issues and recommendations.

In reviewing Slide 13, Enterprise Funds and Rates, Mr. Athey indicated that it is easier to develop assessments for individual properties for the City's Water/Wastewater and Electric Funds because properties can be metered. This cannot be done with stormwater. He noted that this type of work would have been very difficult 20 years ago before electronic mapping and GIS systems came in to vogue and greatly simplified things. Mr. Athey indicated that because stormwater cannot be metered, a surrogate or proxy is needed to estimate how much any property is contributing to the system.

Referring to Slide 14, Mr. Athey explained that there is a very direct correlation between the amount of imperviousness, relating to rooftops, pavement, and gravel on a property, and the amount of run-off. Mr. Athey stated that with aerial photography it is possible to determine, with fairly high accuracy, the amount of impervious surface, and the State of Delaware furnishes this every several years. This information can be overlaid on top of an aerial tax parcel map to determine relatively precisely how many square feet or acres of impervious surface are on a given property. The amount of impervious surface then becomes the proxy.

In response to Mr. Blakeman, Mr. Athey explained that the impervious surface includes the rooftops, paving, driveways, parking lots, sheds, sidewalks and anything that will not let water seep into the ground.

Mr. Neil questioned how wetlands affect stormwater. Responding, Mr. Athey indicated that wetlands are more a receiver than a discharger of stormwater. The desire is to seek to develop a proxy or surrogate for the amount of run-off leaving a property. If a parcel is nothing but wetlands, very little runoff is leaving the property. Mr. Athey noted that if five (5) acres of a 10-acre parcel are developed, it would have much less run-off than a 10-acre parcel that is totally built out.

Mr. Neil commented that his community has 223 homes and a drainage ditch which fills. He was unsure where the drainage ditch goes or how it affects the community.

Mr. Hare questioned if this would be similar to a rain tax and if more would be paid when it rains more. Responding, Mr. Athey indicated that some people refer to it as a rain tax. He explained that more would be paid if there was more runoff from a property, which relates to being equitable. Mr. Athey stated that a lot of municipalities and counties do not have a water and sewer fund, as the City of Dover does, and these jurisdictions pay for stormwater out of their general or sewer funds. For clarification, he advised that a 10-acre parking lot with one (1) office and one (1) bathroom would contribute tons of runoff; however, if sewer revenues were used, they would hardly be paying anything. He noted that a large facility with many bathrooms and other production facilities would

pay a different rate. Mr. Athey explained the desire was for the rate not to be based on the amount it rains but on the amount of stormwater leaving a property.

Mr. Hare commented that if there was no rain for 12 months, there would be no stormwater leaving his property. Responding, Mr. Athey pointed out that there would still be permitting obligations, pipes that fail, and stream banks that are eroded up to the point of the drought. He noted that any utility, whether water, sewer, electric, or stormwater, needs a fairly steady level of investment to be properly managed.

Responding to Mr. Lewis regarding how the fee paid by property owners would be proportional to their impact on the systems, Mr. Athey referred to Slide 14. He indicated that the amount of impervious cover on every parcel in Dover could be measured, estimating that there were approximately 10,800 parcels in the City, approximately 80% of which are single-family lots. Mr. Athey advised that it would be administratively burdensome to measure the imperviousness on each of these lots, noting that they only make up approximately 17% of the total imperviousness in the City. He stated that it takes a lot of time and does not provide much additional information. Conversely, he indicated that non-residential uses, such as commercial lots and lots on the Route 13 corridor are predominantly larger lots with a lot of imperviousness; therefore, it would be worth the time and effort to calculate the square footage on each of those lots. Mr. Athey stated that what is commonly done in single-family uses is to use tiers.

In reference to Slide 15, Mr. Athey explained that an Equivalent Runoff Unit (ERU) was developed that is an average amount of imperviousness on smaller-zoned parcels. A commercial facility that is 40 times that area would have 40 ERUs, and this would address the equity issue.

Responding to Mr. Blakeman, Mr. Athey explained that the schematic on Slide 15 depicted a house, driveway, and a sidewalk. He stated that the surface area that water will run off would be measured. Mr. Athey indicated that there are ratios, development intents, and other ways to do this; however, he chose a more simplistic route. He advised that purely the amount of imperviousness was considered, and the amount of imperviousness does not change whether it is on a 10-acre or a one (1) acre parcel.

Mr. Athey informed members that through a fairly time-consuming exercise, working with Mrs. Ann Marie Townshend, Director of Planning and Community Development, and the Public Works Department staff, a detailed analysis and GIS mapping were developed to determine the amount of imperviousness on residential parcels and then aggregated and averaged. Referring to Slide 16, he explained that the RG-1, RG-2, RG-3, and RM-1 zoning districts had an average imperviousness in the general area of 2,200 square feet. The RM-2, R-7, and R-8 zoning districts averaged to 3,060 square feet or 1.4 ERUs. Larger lots in the R-10, R-15, and R-20 were approximately 4,850 square feet or over two (2) times the base ERU rate.

Mr. Blakeman noted that there were would have been many parcels larger than 2,200 square feet and many smaller to reach an average of 2,200 feet. Mr. Athey stated that parcel size fluctuated; however, there was a break where none were averaging until close to the 3,000 square foot level, when the next zoning district began. He advised that the idea was to balance administrative

efficiency with equity, explaining that it would be possible to continue to measure each parcel in the City; however, it would be very time consuming. In addition, if someone were to put an addition on their home in the future or do additional paving, it would be necessary to account for this change, which would become an administrative burden in future years. Mr. Athey noted that this would be a policy discussion.

Mr. Blakeman expressed concern about some of the smaller homeowners being lumped into the group. In addition, he noted that owners of larger properties would be penalized less than others. He indicated that he would like to get a feel for how much inequity there would be in the process. Responding, Mr. Athey indicated that they could obtain this information, reiterating that this would be a policy discussion. He advised that some of the 1,500 or so stormwater utilities across the country measure each and every lot and that there is no wrong answer.

Mr. Anderson asked if there was information regarding the median figures, where half the properties would fall above and half below, to compare with the average figures. In response, Mr. Athey stated that he did not have this information but this could easily be done.

Referring to Slide 17, Mr. Athey pointed out that single-family residential lots, which comprised approximately 80% of the total parcels, accounted for only 16% of the overall land. He noted that most of the City is commercial land and that Dover Air Force Base is huge. In reference to Slide 18, Mr. Athey advised that it is not uncommon for tax-exempt entities to challenge a stormwater utility legally on the basis that they are property tax exempt. He informed members that case law is pretty consistently solid behind tax-exempt entities paying into the stormwater utility, just as they may pay a water, sewer, or electric bill, assuming that all of the i's are dotted and all revenues received from the utility are being used for stormwater issues. Mr. Athey indicated that for this study, in coordination with the City of Dover Public Works and Planning staff, it was decided that Dover Air Force Base would be considered an anomaly because the Base is truly a city in and of itself. He noted that the Base has its own systems and maintenance people, even though it is a large percentage of overall imperviousness in the City, and this would be a policy question. Other than the Base, it was assumed that all of the square footage would have an associated fee.

Ms. Arndt asked if tax exempt properties would pay into the stormwater fund. Responding, Mr. Athey explained that this was also a policy question that the City would have to address. His personal opinion was yes, and he advised that case law in general supports this; however, this did not mean that every entity that has stormwater utilities had not carved out some uses in public policy.

In reference to Slide 19, Mr. Athey indicated that existing levels of service were determined to set a benchmark. It was estimated that there were at least 27 employees that spend at least 80% of their time doing stormwater-related work, and he believed that this cost was estimated at approximately $700,000. Mr. Athey stated there were many vehicles and some capital projects, noting that the City had discussed the Tar Ditch project for some time. Referring to Slide 20, Mr. Athey noted that the Public Works staff maintains a number of stormwater-related structures and facilities.

Referring to Slides 21 - 23, Mr. Athey stated that the permitting requirements were not decreasing; therefore, additional expenditures were anticipated. He explained the features of achieving the

compliance and optimum levels of services. Mr. Athey noted that the optimum level would include ongoing maintenance of privately-owned stormwater management structures. He indicated that various other programs could be put into place to have a more gold-plated program. This would include funding for proposed future capital projects.

In reference to Slide 24, Preliminary Rates and Credits, Mr. Athey stressed that a lot of assumptions were made and the data was not perfect. He reviewed the estimated rates and credits for the existing program, compliance level of service, and optimum level of service, stating that the compliance level of service included additional expenditures to pay for various MS4-related programs. The optimum level would include the capital program needs and had a significantly higher rate. Mr. Athey stated that many facilities have stormwater structures on site, such as ponds and more modern controls such as bioswales. He stated that the argument is often made that if a property has some sort of stormwater control or if a subdivision has all the lots drained to a stormwater control, they should receive some sort of credit, and this should also apply to commercial properties. Mr. Athey advised that a policy decision would have to be made in this regard. He noted that a 33% credit was assumed and that there are many different ways to assign credits; however, in the interest of feasibility, it was decided to keep this fairly simple.

In regard to Slide 25, Mr. Athey indicated that a number of policy questions would need to be raised, such as the exemption for Dover Air Force Base. He noted that an impervious cover cap was set at two (2) million square feet. Mr. Athey advised that only nine (9) or ten (10) properties in Dover were larger than this size. He stated that the racetrack, which is in two (2) parcels, fits into that category, which would artificially lower their fee, and whether or how this would be handled would be a policy question. Mr. Athey had also assumed certain escalation rates for all the City's expenditures. He reiterated that the mapping was not perfect, noting if there were a second phase to this, there would need to be a little more specificity. Mr. Athey informed members that Dover is fairly complicated from a planning standpoint in that single-family uses are allowed in multi-family districts and, to some degree, vice versa. Certain assumptions were made regarding how many single-family uses were in multi-family zones, which he had termed a "filter." Mr. Athey stated that this was a little arbitrary, but he felt it was fairly close. If a point was reached where a defendable fee was needed, he felt this would have to be looked at more closely.

In regard to Slide 26, Mr. Athey indicated that the fee structure would relate to the ERUs, the type of use, and then various credits. Referring to Slide 27, Fee Examples - Single-Family Residential Lot, Mr. Athey explained that the tier rate for Tier 1 would be the same as the base rate because this is the base. If there were a credit for a stormwater control, it would be 33% of the fee. He noted that, in this case, if the compliance level rate was $3.25 per ERU, with the credit the rate would be reduced to approximately $2.17. Mr. Athey reviewed the fee examples for Tier 2 and Tier 3 properties on Slides 28 and 29.

Ms. Arndt noted that there may be a large house, with more impervious surface, on a large lot, with more pervious surface for the water to run off and dissipate and, therefore, less stormwater issues for the City. Referring to the examples, she felt that a larger house with a larger lot should be paying less than a larger home on a small lot since there would be more runoff. Responding, Mr. Athey stated that some places enact a development intensity factor or ratio to reflect this point. He noted

that 5,000 square feet of imperviousness on a one (1) acre lot would have more runoff than on a 10-acre lot. Mr. Athey indicated that this is a policy question, noting that it would be more complicated and difficult to explain but is doable, and some people do it. He reiterated that, in the interest of a feasibility study, it was chosen to keep it fairly simple.

Ms. Arndt suggested looking at the possibility of having a credit if the impervious surface was 5% or 10% of the lot to account for the runoff on the property. In response, Mr. Athey advised that a previous client had asked them to consider soil types, which is another complicating factor.

Mr. Athey reviewed Slide 30, Fee Examples - Commercial, explaining the credits for stormwater controls.

Mr. Blakeman stated that pervious concrete had been developed in response to the problems in New Orleans. He explained that water percolates down through pervious concrete, and since it is not runoff, owners do not have to pay.

Mayor Christiansen expressed his opinion that, if this system is implemented, funds should be specifically dedicated to infrastructure, where it was supposed to go, rather than to other General Fund issues, and that doing anything else would be totally unconscionable. He stated that he had seen what had been done with transfer taxes and other things that were supposed to be dedicated to specific budget items that suddenly became part and parcel of the General Fund or other issues that they were not dedicated to. Noting that he does not have a vote in this matter, Mayor Christiansen insisted that the money be lockboxed from Council spending for anything other than a deemed emergency. Mr. Athey agreed with Mayor Christiansen, noting that the City could open itself up to legal challenges by not doing this.

Mr. Lewis felt the question was whether this system was needed. Mr. Athey responded that that would be a budget discussion. He indicated that, in working with Public Works and the Planning Departments, expenditures of approximately $1.3M or $1.4M per year had been identified, stating that he could get the exact number. Mr. Athey advised that compliance for MS4 would add a couple hundred thousand dollars to this. In addition, he was unsure how capital projects estimated at several million dollars would be paid for.

Mr. Anderson stated that much of this was now being paid by the Wastewater Fund and questioned if this fund would be lowered, if funds would credited to people, or if people would be double charged. Responding, Mr. Koenig advised that existing expenses are General Fund expenses and not Water or Wastewater Fund expenses. He indicated that the requirements were for the City to get to a compliance level of expenditures, whether through the General Fund or an alternative financing mechanism. The stormwater utility would be an alternative funding mechanism that would lay out financing for a public improvement among all contributing properties. Mr. Koenig stated that there would not be cutouts for properties, noting that the equity issue would have to be addressed. Mr. Koenig indicated that if the City does not identify alternative funding mechanisms, there would be a need to look at general obligation bond debt for large projects, such as the Tar Ditch, or the tax rate. He explained that the general obligation bond rate and General Fund expenses related to MS4 would be paid off by tax revenues or some other fee that is feeding the General Fund. Mr. Koenig

stated that this alternative financing mechanism could be called a rain tax, a development tax, or a number of things, but its purpose would be to obtain equity in addressing an infrastructure issue that everyone has in common. Mr. Koenig did not believe that the fees mentioned, such as $5 a month or $7 per residential house were unreasonable to address infrastructure; however, he noted that the fees in regard to large commercial or industrial properties get very high. He advised members that the message being proposed was not that it was being proposed to hit Dover Downs with a rain tax of an unidentified number of thousands of dollars, it was whether members were interested in alternative financing solutions that were being used in some areas of the country, or if they wish to determine that these are General Fund issues and that the City must accommodate bond issues or additional tax increases as the financing mechanism.

Mr. Anderson questioned why this would necessarily be a General Fund issue as opposed to a Water/Wastewater issue when it comes to infrastructure like the Tar Ditch. Responding, Mr. Koenig advised that expenses of the water/wastewater utility are all dedicated to a specific, recognized enterprise utility with a certificate to serve. He noted that this matter is a little different in that it is very difficult to get an accurate measurement; therefore a measurement must be estimated. Mr. Koenig stated that the amount of water used by a water utility customer is based on how their faucet is turned on, is very definable, and is read and billed every month; however, stormwater utility billing is based on estimates. He noted that rainfall is not homogeneous across the City, and the calculations made to obtain the estimated impervious area, unless done parcel by parcel, are estimated or averaged. There is a certain margin of inequity that people can claim, depending on the public policy decisions that are made, and the City would have to be able to defend this. He indicated that assigning ERUs to zoning categories is defendable by running through the calculations.

In regard to stormwater designs and controls, Mr. Koenig advised that the question becomes how detailed a stormwater utility is desired and whether it should include grass mowing around stormwater ponds, or if this would still be a General Fund expense. He questioned if it would get into the public outreach costs, or if the utility would only be related to the capital infrastructure engineering and construction. Mr. Koenig stated that this would depend upon how much weight is desired to put on the stormwater utility to carry the burden of all of the MS4 permitting and the infrastructure that is associated with the handling of stormwater. Mr. Koenig noted that when it is not raining, there are no problems with stormwater, but when it starts raining, there are flooding problems, and undersized pipe, so future financing mechanisms will be needed for the major costs to resolve these problems.

Mr. Anderson questioned if a reduction in property taxes would be proposed if the stormwater utility were implemented, since items would be pulled from the General Fund. Responding, Mr. Koenig advised that although the current presentation did not address this, he felt that there should be some equalization. If $1M in expenses was pulled from the General Fund, he felt it would seem reasonable to reduce the General Fund burden by $1M and the tax rate could be recalculated, everything else being equal.

Mr. Neil questioned how Kent County Conservation District fits into this. In response, Mr. Koenig indicated that when a development comes in, development application fees are paid to the

Conservation District related to design, review, and construction. If the utility were created, he felt there would be less burden on the Conservation District in the long run because the City would have a better mechanism to control maintenance on stormwater management facilities. Mr. Koenig stated that currently if a homeowners' association has a pond that they are not maintaining, there is a routing through the Conservation District. If this utility were created, he assumed that additional legal authority would be given to the City to compel those types of maintenance to be done very quickly by the homeowners' association, or the City would be able to step in under the utility and create those improvements. Mr. Koenig informed members that Council had approved resolutions for several subdivisions that had entered into the Kent County maintenance district. The City put a caveat in those resolutions saying that the City had no objections to those subdivisions entering into the County maintenance district if they chose to. If the City creates a stormwater utility, Mr. Koenig believed that the City would want to ensure that those properties revert out of the County district and into the City's utility so that everyone is on the same footing. Mr. Koenig advised that as the City gets bigger and has a utility 15-30 years down the road, the City would be on better footing if it had its own approval process. The City would assume the Conservation District duties of being able to review plans, etc.

Mr. Koenig stated that downtown redevelopment is very difficult for the City because there is no way to trade stormwater, and stormwater created on one (1) property cannot be moved to another property for treatment. He indicated that utility planning tends to encourage regional or multi-property addressing of stormwater management because there is an umbrella government entity that can help facilitate this issue. Mr. Koenig noted that a couple of developments in the area were sharing ponds, and this seemed to be working. It was unknown what would happen in the future if parties cannot agree on what needs to be done. He advised that if the utility were created, there is potential that the City, at some point, would want to take over the types of functions currently performed by the Conservation District. Mr. Koenig advised that the City is in partnership with the Conservation District, which is part of the City's MS4 permit, so there is no intent to do this immediately, since it would be necessary for the City to add staff. If the utility were set up, Council could make a better argument to the State saying that the City would like to control its own destiny with development and hire staff to address those issues. Without the utility, Mr. Koenig did not believe the City would have a very strong case to become a delegated agency at the State because of the way the system currently works. He advised that the utility was not being proposed under any circumstances so that the City can become a delegated agency, but this is something that could happen in the future if the circumstances are correct.

Mr. Hutchison asked if Mr. Athey had looked at the stormwater utilities in Lewes and Wilmington. Responding, Mr. Athey explained that he had helped to set up the utility in Lewes. He was not as familiar with Wilmington's utility, which was enacted 10 years ago; however, he noted that Wilmington has a combined sewer, with sanitary and stormwater in the same line, and has enormous permitting problems that they must address. Mr. Athey advised that Lewes had kept their rate low. He did not believe they were funding capital projects from it but that it was purely for operational recovery. Mr. Hutchison asked Mr. Athey to go to Wilmington to look at this specifically. He noted that the City of Dover has a larger land mass than the City of Wilmington, and he felt it would be interesting to look at their project, the cost, and how it has impacted them and return with a recommendation. Mr. Athey stated that he could do this; however, he felt it would be an apples and

oranges comparison because Wilmington spent tens of millions of dollars on an enormous storage tunnel to store their combined sewage. He noted that Dover does not have those issues to deal with. Mr. Athey indicated that he would be more than happy to develop a summary of some of the things that Wilmington was doing.

Mr. Blakeman stated that the City of Dover owns the streets and questioned if the City would be charged a fee for stormwater control. Mr. Athey explained that this had been debated, noting that the Delaware Department of Transportation (DelDOT) owns some of streets as well. He stated that enacting a fee for DelDOT would not be easy to do and noted that DelDOT maintains a lot of their storm drainage infrastructure. Mr. Athey indicated that everyone was not on the same page as far as who should be maintaining what. In regard to City streets, he indicated that this would involve one (1) department writing a check to another and felt that this did not seem worth it.

Ms. Arndt noted that a survey of residents had been referenced earlier in the presentation and questioned how many residents were surveyed and what their responses were. Responding, Mr. Athey indicated that the EFC did this survey, stating his belief that there were approximately 70 - 80 responses and a summary was compiled. He offered to make this available.

**Mr. Neil moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Sudler and unanimously carried.**

Meeting adjourned at 7:33 p.m.

**Mr. Neil moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Anderson and unanimously carried.**

Meeting adjourned at 7:34 p.m.

Timothy A. Slavin
Council President

TAS/TM/js/dd
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Attachments

Attachment #1 - Correspondence from Robert Clark II, President, Wesley College, and a proposal entitled "The Adaptive Re-use of the Former Dover Public Library Proposal"

Attachment #2 - Email from Mr. Thomas Leary dated July 12, 2016, regarding Library Giveaway

Attachment #3 - Correspondence dated July 12, 2016 from Michael J. Harrington, Jr., President, Kent County Association of Realtors, regarding Proposed Ordinance #2016-18 - Corridor Overlay Zone Height Limitation Amendment

Wesley
COLLEGE

July 12, 2016

Mayor Robin Christiansen
PO Box 475
Dover, DE 19903

Dear Mayor Christiansen,

Thank you for allowing me the privilege of addressing City Council on this mutually beneficial proposition that I truly believe will help change lives and transform our community. As I look at the unique and historic partnership that Wesley College and the City of Dover has enjoyed since 1873, I felt it only fitting that as I plan to expand the scope and enrollment of our College, I do so ever mindful of the economic and social impact that our students, faculty, staff and families have on the prosperity and future of our great city.

We are both individuals with a keen sense of service over self, and we are both pragmatically optimistic about Dover's future economic potential and the role that Wesley College will play in transforming our community's potential into reality. Enclosed is a proposal from Wesley College for your consideration. It proposes gifting the former Dover Public Library to the College so that the building may be re-purposed as a state-of-the-art educational facility dedicated to health sciences and other high-demand fields of study that address critical local, state and regional needs. In addition to meeting the educational needs of our community and region, the potential seven-day-a-week use of the building will provide a needed influx of commerce into the Dover downtown district.

Thank you for all that you do for our students, our College, our community and our future. I look forward to our partnership in providing the infrastructure that will allow us to meet the educational needs of our region while providing the economic catalyst to revitalize our community.

I LOOK FORWARD TO THE FUTURE & OUR CONTINUED PARTNERSHIP. . . .
ONE TEAM — ONE FAMILY — ONE FUTURE!
GOD BLESS DOVER
Bob.

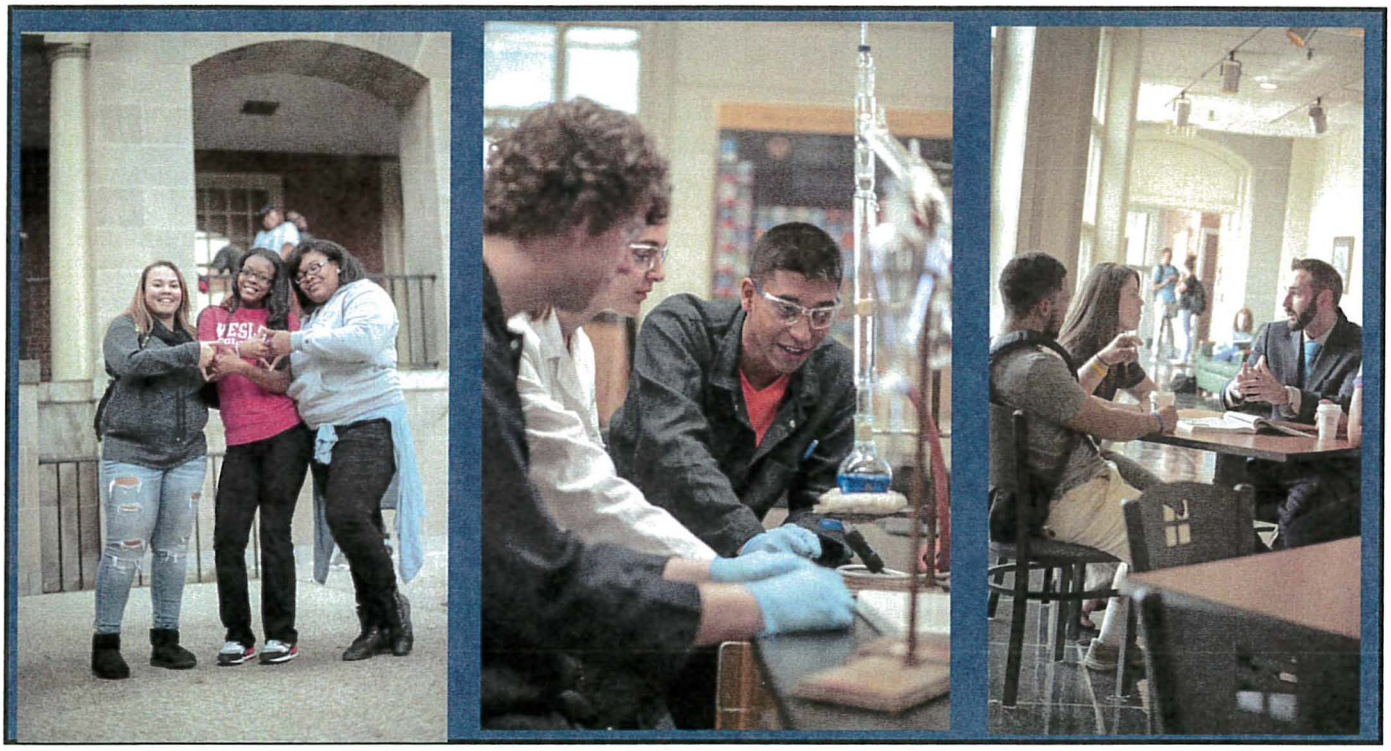
All The Best,

Robert E. Clark II
President of The College

Great Things Await

Office of the President | 120 North State Street | Dover, Delaware 19901-3875
tel (302) 736-2508 | fax (302) 736-2312 | www.wesley.edu

# The Adaptive Re-use of the Former Dover Public Library Proposal



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# Wesley COLLEGE

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## Proposal

Wesley College proposes that in exchange for the conveyance of the former Dover Public Library located on South State Street, the College will convert the building into a state-of-the-art educational facility dedicated to the teaching and training in health science and other high-demand fields of study that would serve the City of Dover and the surrounding area.

In addition to building and strengthening the partnership between the City of Dover and Wesley College, the transfer of ownership of the former Dover Public Library will relieve the city of associated costs of the building and ensure that an unutilized building with limited parking is now put to productive use.

Uniquely, and most importantly, the transfer and partnership will bring new life to Downtown Dover with the influx of students, faculty, and families who will utilize the facility seven days a week, morning and evening.

**Offering health science and other high demand fields of study**




View from State Street

# Projected Costs

The College is estimating the total projected cost of renovation and retrofit for this building will be in excess of $2 million.

This cost estimate is based upon the report commissioned by Wesley College from Becker Morgan and Allen and Shariff Engineering. Their findings indicate the former Dover Public Library will require substantial upgrades to building systems, fire suppression and Americans with Disabilities Act to be brought up to current building codes, and to meet basic expectations of a modern work environment. This baseline cost for systems upgrades alone is estimated to cost $310,000 for mechanical systems, $142,000 for the electrical system, and $163,000 for plumbing. In addition to the aforementioned $615,000, fire suppression and ADA requirements will easily add an additional $300,000 - $400,000 to the baseline renovation, resulting in approximately $1 million simply to bring the facility to code.



An additional $1 million will be required for the required renovation and retrofit of the building for the specific desired educational purposes, such as classrooms, labs etc. This amount is an estimate based upon renovation costs per square foot of the former Frear Federal Building on New Street (now known as Johnston Hall). The College acquired this facility from the United States Government in 2012 and consequently renovated and retrofitted for similar use.



## Consistent With the Objectives Of the Downtown Development District

The awarding of the former Dover Public Library to Wesley College, to offer education in health sciences and other high demand fields of study, is completely consistent with the objectives of the General Assembly's Downtown Development Districts Act. The stated objectives are:

- Spur private capital investment in commercial business districts and other neighborhoods;
- Stimulate job growth and improve the commercial vitality of our cities and towns;
- Help build a stable community of long-term residents in our downtowns and other neighborhoods.

Respectfully, this project accomplishes all three objectives.

# Economic Impact

A recently completed economic impact analysis for Wesley College demonstrated in vivid terms the positive economic influence Wesley has on the local area, state and region. According to the analysis, Wesley College contributes approximately $86,000,000 to the economy of Kent County. While a specific number for Dover was not provided, it is certainly defensible that the vast majority of this amount is realized in the City of Dover as the College sits in the very heart of the city. The stability and continuing growth of Wesley College directly impacts the economic, intellectual, social and cultural vitality of the residents of the City of Dover. In recent years Wesley has consolidated its educational offerings from both Kent and New Castle counties to the Dover campus and Dover Air Force Base, resisting overtures to locate satellite services elsewhere.



Master's of Occupational Therapy class

The acquisition and repurposing of the former Dover Public Library would produce economic activity and new jobs within the city. Significant numbers of students, faculty, and visiting families of prospective students would be moving each day from the main campus to the former Dover Library site, as well as Johnston Hall. This foot traffic through the downtown, particularly the Loockerman Street corridor, will have significant impact on the local businesses and hence the economy, both short and long term. The number of students annually utilizing the new facility would be estimated to be in excess of 500. While impossible to put a number on this economic activity, it is obvious that it would be significant.

In addition to the long-term and sustained economic benefit to the City, short-term economic benefit will be realized as renovation and upgrades are initiated. As plans for the facility are formulated, preliminary estimates call for 5 to 7 initial permanent jobs, with additional ones to follow. Salary and benefits for these new positions would be estimated at $250,000 to $350,000. Also, construction jobs and other ancillary positions will benefit from renovation that will take several months to complete.

Wesley College is committed to being an integral partner to the continuing revitalization of downtown Dover. As the College continues to grow, the increasing integration of the Wesley campus and the downtown area is a part of the strategic direction envisioned by the College leadership. Wesley believes that an ever increasing vitality for the city benefits the College, and a strong and growing Wesley benefits Dover.

## Ownership Vs. Leasing

Wesley College is prepared to raise the necessary funding to renovate the former Dover Library.

As already mentioned, we have a proven track record of success.

However, we would not be eligible for significant revenue streams upon which we would depend for this renovation if the College did not own the facility outright.

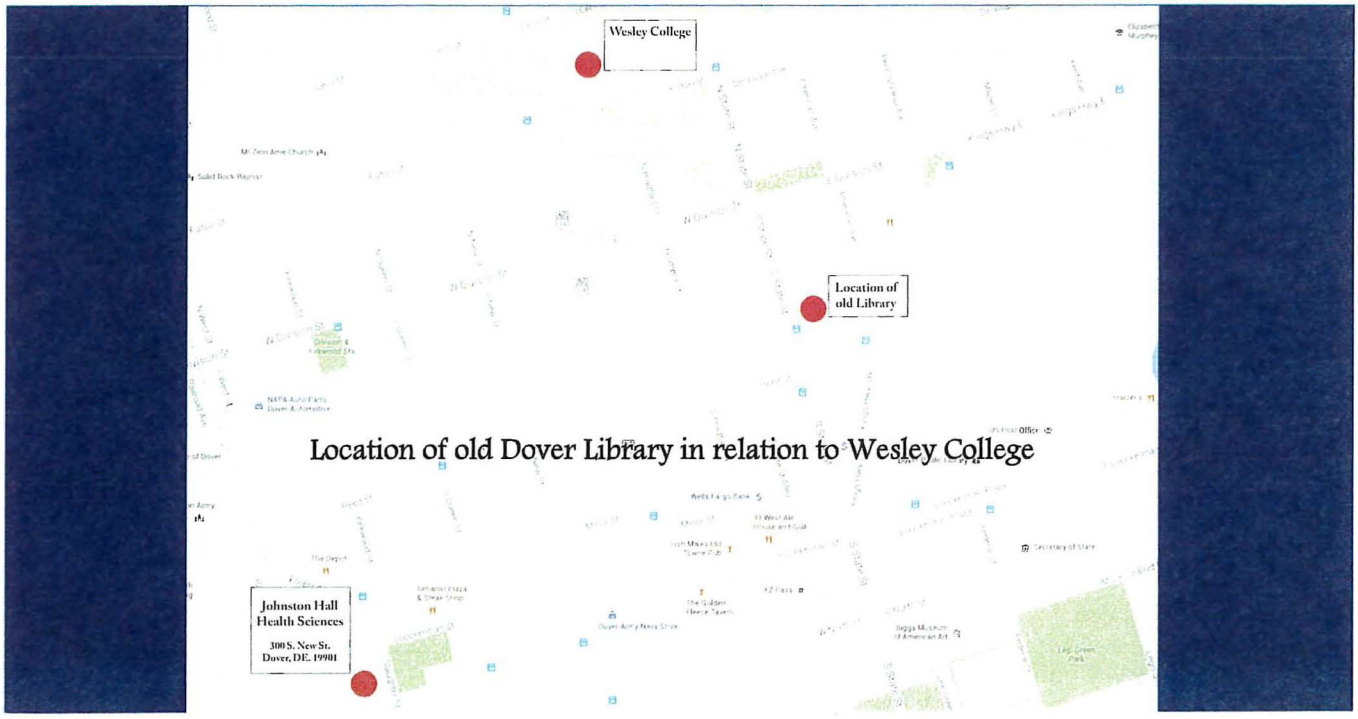
Partners, including foundations and federal or state grants, require that the building in which their dollars are invested be owned by the College. Private donors also would be less likely to invest significant dollars in a leased facility.

# History of Public/Private Partnerships

Wesley College has enjoyed an excellent working relationship with both the City of Dover, the Levy Court, the governor, and state legislators. Cooperation between the college and government entities in two significant public/private partnerships over the past few years has greatly benefited both Wesley College and the community.

In 2011 Wesley completed the North and South Plazas on the campus. This streetscape project converted public through streets into pedestrian walkways, buried utility lines, erected lighting for safety and aesthetics, converted a playground into a parking lot, and created new greenspaces. The transformation to the campus was significant. None of this would have been possible without the full support of the Dover City Council who deeded the streets to the College. Dover also worked with Wesley to be the municipal sponsor of Community Transportation Funds which created the public parking lot on the campus. A $1,580,000 grant from the Delaware Infrastructure Fund, coupled with private fundraising from the College, produced a transformative $3,000,000 initiative that has enhanced the campus and the community.

In 2012 the General Services Administration (GSA) of the United States Government transferred ownership of the former Allen Frear Federal Building on New Street to Wesley College. The GSA declared the building as surplus in order to avoid the costs of modernization. The acquisition of this building was the culmination of nearly three years of effort by Wesley to make a strong case for the relocation of our acclaimed nursing program to that facility conveniently located between the campus and Bayhealth. Significant support from the Mayor and City Council of Dover, coupled with the united voices of the Levy Court, Kent County legislators, the Governor, both of Delaware's U.S. Senators and House Member, as well as Bayhealth, convinced the GSA that Wesley was the logical recipient. The College spent approximately $3,500,000 to repurpose the facility into a state-of-the art health sciences building. Wesley was successful in fundraising these dollars from individual donors, foundations, corporations, and a state appropriation. Today, the building which is now known as Johnston Hall, is a busy and bustling location for students, faculty and staff. *(continued on page 5)*




Location of old Dover Library in relation to Wesley College

*History of Public/Private Partnerships continued from page 4*

Wesley College has an established record of success in public/private partnerships. The College has proven itself to be a good steward of the resources given and to follow through on promises made.

The Carriage House that sits adjacent to the former Dover Library is a separate facility that Wesley would be pleased to have Dover consider as the location for a Dover Museum in honor of the city's pending 300th birthday celebration. As a central part of Dover's history since the College's founding in 1873, Wesley College would welcome a partnership with the City of Dover for a joint venture to share the city's rich history and celebrate its future. Wesley faculty and students offer a significant source of human capital to enhance this project.



**Johnston Hall (former Frear Building)**

- Former Allen Frear Federal Building decommissioned and awarded to Wesley College in November 2012
- $3 million dollars in gifts and grants utilized to refurbish building
- Opened to students in January 2014
- Named in honor of Dr. and Mrs. William Johnston in May 2015

## Master's of Occupational Therapy Demand

In Delaware there are only two Certified Occupational Therapy Programs

Starting Fall 2016 the only graduate program in Delaware will be Wesley's Master's in Occupational Therapy program

Nearest institutions located in Philadelphia, PA

Only nine graduate programs within 100 mile radius

230 Occupational Therapists employed in Delaware
*(Bureau of Labor Statistics)*

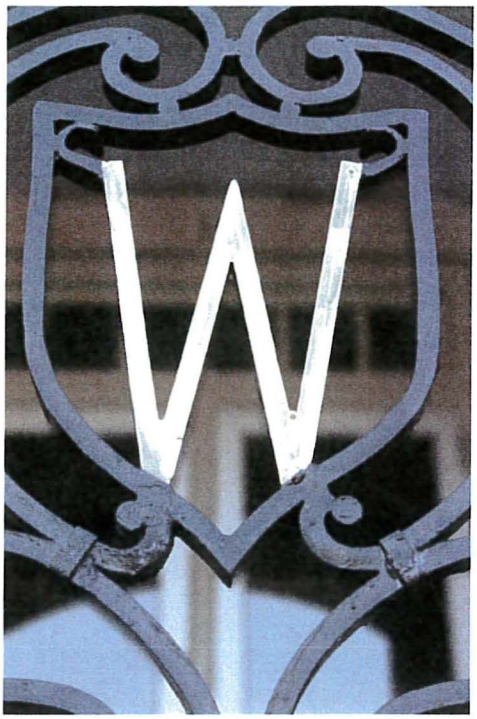
Over 185 Job Vacancies in Delaware
*(Indeed.com)*

Top 10 Best Careers
*(Time)*

These Are Among the 5 Most In-Demand Jobs Right Now
*(TIME, January 2014)*

**Projected Growth**

29% Nationally



## Summary

The re-purposing of the former Dover Library is a great opportunity to make a positive impact on the future of our community and region. Wesley College has been approached by other municipalities to open similar satellites, but has remained committed to Dover and the transformation that collectively can be realized for our community and our future. Wesley will assume the liability of this property, which is costing Dover to maintain, needs significant capital investment for modernization, offers little parking for commercial ventures, and has been under utilized since the relocation of the library to Loockerman Street. The College intends this facility to be used only for educational purposes. Wesley would be pleased to negotiate a right of first refusal to the City of Dover should the building ever cease to be used for this purpose and put on the market for sale.

Most importantly, Wesley College will ensure the revitalization of a building that will be renovated and put to a useful purpose, namely the training of young professionals including, but not limited to, occupational therapists, who are in very high demand in Delaware. New jobs will be created, foot traffic into the downtown will be increased, and an unused building will be re-purposed. Both Wesley College and the City of Dover are the long-term beneficiaries from this proposal.

For more information about this proposal please contact Wesley College President Robert E. Clark II at 302-736-2508.

Wesley
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### HIGHLIGHTS

- The 50-acre main campus features a library, 19 buildings, recreational facilities plus a location at DAFB
- First Master's of Occupational Therapy program in Delaware (Fall 2016)
- 1,600 students attend Wesley from 30 states (46% from Delaware) and 18 countries
- The student to faculty ratio is 17 -1
- Over 35 areas of study in arts and sciences, business, health sciences, education, and fine arts including graduate programs
- NCAA Division III level athletics in 18 sports, several of which, including football, consistently rank among the top programs in the country
- College Raptor Inc. named Wesley the top "Hidden Gem" institution in the state of Delaware

**From:** Tom Leary
**To:** City Council; Christiansen, Robin
**Cc:** City Clerks Office
**Subject:** Library giveaway
**Date:** Monday, July 11, 2016 8:02:21 PM

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To hold a public office is a solemn undertaking. One is responsible for many things . Some decisions have short term results and others are more of a long term nature. Sometimes the short term priority and the long term are in opposition and then the decision to resolve, to take the best course for our constituents, must be even more deliberative and less impulsive. One must be even more wary of the short term gratification.

You are the public trustees and charged, as your oath of office demands, to protect our city for future generations. So as important as current expense management might seem to some , longer term repercussions must be considered as well.

I am simply stunned that anyone in city government thinks that it is a good idea to hand over a valuable taxpayer owned asset without any financial compensation at all. It is equally incredible that you would take the word of the acquirer of the property as to what needs to be done by way of repairs. The naïveté is palpable.

What independent appraisals, if any, have been performed?

Have other competing bids been received or recently solicited?

Is the proposal before you the result of some private arrangement thus giving it the air of cronyism?

How does this "fit" with the city's long term plan? Is there a plan?

The short term benefit might be some relatively small budget savings but it is a long term disaster...a decision made without the usual customs that surround a city transaction.

The argument to move forward with the Wesley proposal is devoid of any sound ethics on behalf of the taxpayers you are charged to represent.

Some members of council are fond of saying that "the city should be run more like a business."
That surely is not happening here.

My recommendation is to pull this from the agenda while your and Wesley's reputations are still intact.

Councilman (ret) Thomas Leary

Sent from my iPad

# Kent County Association of REALTORS®

July 12, 2016

Tim Slavin, Council President
Dover City Council
The Plaza
Dover, DE 19901

RE : Proposed Ordinance #2016-18
Corridor Overlay Zone Height Limitation Amendment

Dear Council President,

The Kent County Association of REALTORS ® supports the text amendment to the Corridor Overlay Zone modifying the height limitations.

The Corridor Overlay Zone is a 25-year- old ordinance that supersedes the development guidelines as defined in the specific zoning ordinance, and is now obsolete.

We have for many years promoted a Smart Growth program which promotes density, mixed uses, place making, and less reliance on automobiles, and the City has adopted many of these ideals in updated zoning ordinances, Comprehensive Plan amendments, and place making goals. Limiting height from what is allowed in the specific zoning ordinance within the COZ is contrary to the policies that the City has adopted.

KCAR supports the text amendment as submitted, and hopes that you pass this text amendment at the earliest possible date.

Respectfully submitted,

Michael J Harrington, Jr
2016 KCAR President

cc : Members, Dover City Council Members
Members, Dover Planning Commission
Members, Parks, Recreation and Community Enhancement Committee

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