REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 9, 2015 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson (departed at 8:46 p.m.; returned at 8:49 p.m.), Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare (departed at 8:24 p.m.; returned at 8:26 p.m.), and Mr. Hutchison. Mr. Lewis was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, Fire Chief Hall, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:39 p.m.).

OPEN FORUM

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

There was no one present wishing to speak during the Open Forum.

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

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 26, 2015

The Minutes of the Regular Council Meeting of October 26, 2015 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

PRESENTATION BY MAYOR CHRISTIANSEN - NATIONAL LEAGUE OF CITIES (NLC) MILESTONE AWARD

Mayor Christiansen presented the National League of Cities (NLC) Milestone Award to Council President Slavin. Mayor Christiansen stated that he had accepted the award commemorating the City's 50 years of continuous membership and leadership in the NLC on behalf of City Council, City staff, and the citizens of the City of Dover during the NLC Conference in Nashville, Tennessee. He explained that in the early 1960s Mayor Crawford Carroll and members of Council worked to establish the Delaware League of Local Governments (DLLG) and, as part of that organization, also joined the NLC in 1965. Mayor Christiansen noted that NLC was an advocate group for cities and towns across the country and the City's participation was a great benefit.

Council President Slavin thanked all of the mayors and members of Council who previously served and authorized the City's membership in the NLC.

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

The City Clerk read the following Proclamation into the record:

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

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

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

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

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 18, 2015 as GIS Day, and November 15 – 21, 2015 as **GEOGRAPHY AWARENESS WEEK** in the City of Dover and urge all residents to adopt the national Geography Awareness Week theme, "Explore! The Power of Maps," and encourage all citizens to participate in this special observance.

Mayor Christiansen presented the Proclamation to Mr. Jason Lyon, Water/Wastewater Manager, Department of Public Works, noting the importance of GIS in the daily operations of the entire City. On behalf of the Public Works Department and the GIS Division, Mr. Lyon thanked the Mayor and members of Council. He reiterated that GIS is an important aspect of the City and informed members that everyone has the ability to access it on their smart phone. Mr. Lyon stated that the amount of material that can be used in GIS is limitless and that the City is going to strive to utilize it as much as they can in the future.

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 1032-1058 SOUTH DUPONT HIGHWAY, OWNED BY BMDR LLC

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 1032-1058 South Dupont Highway, owned by BMDR LLC. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the property is a two (2) story, wood-framed/blocked commercial building. The structure was condemned by City staff on September 3, 2014, due to possible asbestos contamination with businesses located on the first floor of the structure. Renovations and asbestos abatement had begun on the second floor without any permits and the abatement area was not properly contained, causing

asbestos fibers to enter the business tenant spaces on the first floor. Walls were removed without approved building plans or a building permit. Ultimately, the asbestos abatement was completed in accordance with Department of Natural Resources and Environmental Control (DNREC) requirements. Due to the removal of walls on the second floor, the City required a structural engineering report prior to allowing the building to be occupied. Building plans prepared by a licensed architect are required in order for the City to issue a building permit for renovations. To date, building plans and a permit application had not been submitted. The electric and water services were terminated on March 12, 2015. Currently the structure was registered as a vacant building, with no utilities, and numerous outstanding code violations.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 1032-1058 South Dupont Highway: 1) declare this building dangerous; 2) order the property demolished by December 9, 2015 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structure if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mrs. Townshend stated that she and Councilman Hare met onsite with Mr. Robert MacLeish, Sr., Lighthouse Construction, Inc. on Friday, November 6, 2015. She noted that Mr. MacLeish was working with the building owner, Dr. Ramani, and she expected that members would hear from the owners during the public hearing about their plans and a request for time to make repairs.

Responding to Mr. Sudler, Mrs. Townshend stated that Dr. Ramani was the same individual who owned the building last year.

Mr. Sudler asked whether Dr. Ramani had provided an explanation as to why the building had been vacant and not repaired within the last year. In response, Mrs. Townshend indicated that Mr. MacLeish would probably address that question during the public hearing. She stated that Mr. MacLeish and an architect had been working on building plans and it had taken more time, noting that the nuisance condition had put the City in a tough spot regarding this building.

Mr. Hosfelt asked if there had been any criminal complaints logged with the Police Department regarding this property. Responding, Mrs. Townshend stated that she did not have any data from the Police Department but the City had received complaints from the neighbors. She advised that the impetus for the meeting on Friday, November 6, 2015 and this matter being brought forward to Council was an email from a neighbor that was very constructive, but very critical of the time that it had taken for the City to address the nuisance that the property is creating. Mrs. Townshend noted that there may be neighbors present during the public hearing who can speak about the problems that they are experiencing.

In response to Mr. Hosfelt, Mrs. Townshend explained that the company that was doing the asbestos abatement was licensed by DNREC; however, the company was not following the proper protocol and, ultimately, the property owner is responsible. Mrs. Townshend informed members that there was a Secretary's Order from DNREC that specified how the asbestos clean up was supposed to happen, and it was a multi-month process just to get the asbestos issue worked out.

Mr. Hare noted that, since his meeting with Mr. MacLeish on November 6, 2015 to discuss what needed to be done and the expectation, he had been driving by the property on a regular basis. He informed members that a new stockade fence was being put up across the back to separate the property from the homeowners. Mr. Hare stated that it appeared that Miss Utility had been there and sprayed where the lines exist. He indicated that there was another building on the property that would be demolished; however, it was his belief that asbestos would have to be removed first. Mr. Hare expressed his opinion that things had started going in a positive direction. He noted that he had talked to some of the neighbors, some of whom had indicated that they were okay to a certain degree; others said that they would wait and see. Mr. Hare stated that some of the neighbors were concerned about homeless people walking through their backyards.

Council President Slavin declared the public hearing open.

Mr. Bob Hartman, 35 Lotus Street, Dover, stated that he had been to the property and they had begun putting up the fence, but that was the only progress he saw. He informed members that Police Chief Paul Bernat got Mr. Hartman's neighborhood involved with the site next door, and the neighborhood had been talking about vacant buildings and crime in their neighborhood. Mr. Hartman stated that there were robberies, people going through cars, a break-in, vandalism, and spray painting in his neighborhood and, although it might not seem like a lot compared to other neighborhoods, his neighbors were concerned.

Mr. Hartman stated that his neighbors did not understand why the City had not taken action regarding the property located at 1032-1058 South Dupont Highway. He informed members that he was involved in the onsite meeting with the contractor and Councilman Hare and thanked Councilmen Hare and Lewis, as well as Mayor Christiansen, for helping to bring this matter forward to Council.

Mr. Hartman expressed his opinion that, so far, the owner of the property located at 1032-1058 South Dupont Highway had been a very bad neighbor. Referring to the illegal asbestos abatement, he noted that asbestos does not go away. Mr. Hartman indicated that if the owner were to look out the top of the building, where the asbestos was illegally removed, he would see kids playing in the yards behind the building. He stated that there was no fence that separated the yards from the building and expressed his belief that the property owner would not want his kids there. Mr. Hartman stated that the property owner needs to be a better neighbor, and Council needs to recognize that the City needs to do their job and hold the owner's feet to the fire to make him a better neighbor if he will not do it on his own. He asked that if Council gives the property owner another chance, not to give him a second chance and to follow through on this dangerous building and get it taken care of.

Mr. Robert MacLeish, Sr., Lighthouse Construction, Inc., 859 Golf Links Lane, Magnolia, stated that he had been involved with this project since mid-May. He was initially contacted to try to rectify some of the issues on the property and, since that time, the asbestos removal had been completed and approved by DNREC. Mr. MacLeish stated that a structural engineer reviewed the building and a letter was submitted to the City regarding the structural soundness of the building. He explained that they engaged the services of Moonlight Architecture on June 9, 2015 and the initial plan was to renovate the existing building. Mr. MacLeish stated that there were a couple of challenges, including the heights on the second floor, but by the first week of July, they had reviewed the budget with Dr. Ramani and had a meeting with his real estate advisor, who indicated that he would have a lot of trouble trying to rent the spaces on the first and second floor.

Mr. MacLeish advised that during the second week of September, the architect provided plans to maintain the exterior walls of the structure and demolish the interior of the building. These plans were then reviewed by the structural engineer. He stated that he had ongoing conversations with Mrs. Townshend as well. Mr. MacLeish indicated that they were working through the process and then the project came to a halt. Noting that he had been in this business for almost 40 years, he explained that sometimes he has to wait on other individuals and it is just part of the process. Mr. MacLeish informed members that since the onsite meeting, they had started putting up the permanent fence behind the property and he hoped that it would be completed by Wednesday, November 11, 2015.

Mr. MacLeish stated that they had received approval from DNREC for asbestos removal from the other building on the property, which was not part of this request. He informed members that the asbestos removal would be completed the following day and demolition would commence on Monday, November 16, 2015 and, hopefully be completed just after Thanksgiving. Mr. MacLeish indicated that they also got a construction fence which would be poured into the pavement. He explained that this fence was approximately 800 feet long with two (2) main gates and would secure the site. Mr. MacLeish stated that they coordinated with the City Fire Marshal's Office to ensure that access for emergency vehicles is maintained.

Referring to the primary building, Mr. MacLeish stated that bids were due by November 19, 2015, and it was his hope that a contract would be awarded within one (1) week. He indicated that demolition would take two (2) to three (3) weeks, depending on the weather. Mr. MacLeish stated that the final building would be similar to the building that he recently completed on New Burton Road. He noted that the project had been coordinated with the City of Dover, conservation, the Delaware Department of Transportation (DelDOT), etc., in order to begin construction.

Responding to Mr. Hutchison, Mr. MacLeish stated that Fisher Environmental, LLC completed the asbestos abatement and received all of the releases from DNREC.

In response to Mr. Hutchison regarding how long it would take to complete the construction of the building, Mr. MacLeish stated that he expected it to be complete by the end of July 2016.

Mr. Anderson asked how valuable the building was and questioned the value in keeping the exterior walls, rather than demolishing the entire building and building another structure. Responding, Mr. MacLeish stated that he does not value the building, that would be done by an appraiser. He

only looks at the construction cost. In regard to the plans for the current building, Mr. MacLeish advised that there was nothing wrong with the slab or the exterior block walls, and it would be more costly to demolish and rebuild the entire structure. From an economic sense, he would not recommend demolishing a usable structure to any client. He stated that he is always challenged to reuse everything possible.

Mr. Anderson asked, in addition to the fencing, if there were other security plans, such as security cameras, that would make the residents feel more secure. In response, Mr. MacLeish stated that there was currently a fence located on the rear property line, separating the residents from the property. He noted that the fence would be extended and they would be putting up a six (6) foot tall fence as well. Mr. MacLeish stated that the entire site would be enclosed and secure, noting that there would be a lock with a key pad to allow for emergency access if needed. He explained that they did not plan on installing any cameras; however, there would be temporary lighting. He noted that, with the exception of the exterior walls, there was really nothing on the site and someone would have to climb over a six (6) foot tall fence to gain access.

Responding to Mr. Hutchison, Mr. MacLeish confirmed that he had a contract with the property owner to do the project from start to finish.

There being no one else present wishing to speak, the public hearing was closed.

Mr. Neil reminded members that the City is faced with similar problems with individual homes and other dangerous buildings. He stated that the problem with this commercial property had existed for quite some time and there was no sense of responsibility or penalty. Mr. Neil noted that Mr. Hartman pointed out that there was no concern or sense of urgency on the part of the property owner. Mr. Neil expressed his opinion that the City needs to set an example by telling this property owner to get this building done quickly. It was his feeling that the City should demolish this building and set an example. He stated that the City needs to do what it is supposed to do with individual homes, landlords, and slumlords, as well as this property owner who, as a doctor, should know better and have a sense of civic responsibility.

Mr. Hosfelt asked Mr. Hartman if the completion date of July 2016 would be acceptable to the neighborhood. Responding, Mr. Hartman stated that he could not speak for all of the neighbors that are concerned with this property, but that July seemed like a reasonable date to him. He informed members that the neighbors were more interested in the measures that were discussed to keep people out of the property, including lighting, fencing and security. Mr. Hartman noted that there were police reports regarding people stealing metal out of buildings on this property, and the neighbors had called the police numerous times regarding the property. He stated that there had been talk about putting up no trespassing signs as well.

Mr. Slavin asked Mr. Hartman if he felt that it would be fair if Council allowed additional time to complete the project, per the suggested timeline, and also established control dates to bring this matter back to Council for progress reports and to ensure that the timeline is being enforced. In response, Mr. Hartman echoed Mr. Neil's comment that Council should be prepared to make an example. It was Mr. Hartman's opinion that Council should be establishing a timeline for all properties like this and holding the owners accountable, noting that this was not a unique problem

for his neighborhood but something that impacts the whole City. He stated that he would like to see the City go after these things uniformly, and not pick and choose who is squealing the loudest and go after that project.

Mr. Slavin stated that he appreciated Mr. Hartman's perspective. He explained that one (1) of the conundrums for Council is that when a dangerous building comes forward for final action, it is sometimes the first time Council is hearing about it. Council's tendency has been to find a reasonable conclusion and provide additional time, when in fact staff has been working the issue for many months, giving extensions and being patient, before finally bringing the matter forward to Council.

Mr. Hartman expressed his opinion that it is a great idea to bring these matters before Council with the suggestion to demolish, as was initiated with the property this evening.

Mr. Sudler asked if Mr. Hartman would be comfortable if the property owner had an onsite security officer for the premises. Responding, Mr. Hartman noted that no one in his neighborhood had ever mentioned a security officer to him and he could not answer the question without first asking his neighbors. He stated that there would be a community meeting on November 19, 2015 at 7:00 p.m. at St. John's Lutheran Church, 113 Lotus Street and everyone was welcome.

Mr. Hutchison shared Mr. Neil's concerns; however, he thought that this situation was changed by the fact that Mr. MacLeish was involved. He stated that he had known Mr. MacLeish for a long time, and he is well known as an outstanding businessman in the community. Mr. Hutchison expressed his opinion that if there were an opportunity for this building to be saved, Council should consider that and keep the property on the tax rolls. He noted that this situation is different from the typical dangerous building Council considers because Mr. MacLeish has a contract to do the job. Mr. Hutchison expressed his hope that Council would support giving this matter back to the City Planner to make sure that the requested timeline is followed. He stated that he knows, first hand, the reputation Mr. MacLeish has and assured members that he will do what he says he is going to do. Mr. Hutchison thought that it was unfortunate that the doctor chose to wait so long, but Council had an opportunity and responsibility to save the building, if possible.

Mr. Hare stated that he also knew Mr. MacLeish. He reminded members that Mr. MacLeish just got involved with this property in May and had already accomplished many things that needed to be done. Mr. Hare stated, from a fiscal point of view, that the City would be cutting off its nose to spite its face by tearing the building down, because once the building is done it will be a first class building, and the value will be something the City will want to have on the tax rolls. Mr. Hare agreed that Council should monitor the progress and request an update by the end of January.

Mr. Neil stated that this issue was about the property owner and what the owner did not do, not about Mr. MacLeish.

In response to Mr. Neil, Mr. Scott Koenig, City Manager, stated that taxes were currently being collected on this property. Mr. Koenig stated that the only penalties for the owner not following up with the City were fines and the threat of demolition and a lien being placed.

Mr. Neil reiterated that there is a point where the City has to be responsible and say no. He stated that if it is a valuable piece of property, another building would eventually be constructed and the property would be an income producer.

Mr. Anderson stated his belief that the Council needs to follow certain principles, noting that there are many abandoned properties in the City and that is where demolition money is focused. When there is a private sector property owner willing and committed to repairing and upgrading a property, Council gives a reasonable opportunity for repairs with enhanced oversight, and that had worked quite well for the City. Mr. Anderson stated that if the City were to demolish this property just to send a message, it would cost approximately $60,000 and expend all but approximately $7,000 of the City's demolition budget. He stated that if it becomes necessary he would be fine with the City demolishing the building, even if the money had to be appropriated; however, as long as the site is secure, he did not think it was necessary. Mr. Anderson expressed his hope that the owner would consider adding some digital video recording (DVR) cameras as well. He stated that, as long as the site is secure and progress is made, the problems will disappear and there will be something much better that will add value to the City.

Mr. Hare moved to declare the structure located at 1032-1058 South Dupont Highway a dangerous building; order that the property be repaired or demolished by July 1, 2016 by the owner or equity owner at their own risk; order the Building Inspector to cause the demolition of the structure if not completed by the owner within 10 days of the date established by City Council; order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner; and that progress reports be provided at the Council Meetings scheduled for January 11, 2016, March 14, 2016, and June 13, 2016. The motion was seconded by Mr. Hutchison.

Mr. Cole asked if there would be benchmarks for progress, whether the extension would continue if progress was not made because of weather, if there would be penalties if progress was not made, or if Council would simply receive an update and it would be completed in July. Responding, Mr. Hare stated that members of Council would have to use their judgement. If there is 58 inches of snow in the next six (6) weeks and no progress to report in January, Council would have to allow for that; however, if Mr. MacLeish indicates in January that he resigned because he was not being paid, then Council can make a determination.

The motion to declare the structure located at 1032-1058 South Dupont Highway a dangerous building; order that the property be repaired or demolished by July 1, 2016 by the owner or equity owner at their own risk; order the Building Inspector to cause the demolition of the structure if not completed by the owner within 10 days of the date established by City Council; order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner; and that progress reports be provided at the Council Meetings scheduled for January 11, 2016, March 14, 2016, and June 13, 2016 was carried by a roll call vote of five (5) yes (Anderson, Sudler, Hare, Hutchison, and Slavin), three (3) no (Neil, Cole, and Hosfelt), and one (1) absent (Lewis).

Mr. Hutchison requested Mr. MacLeish to notify the City immediately in the event that he is no longer part of the project. Responding, Mr. MacLeish stated that he would absolutely notify the City right away.

Referring to benchmarks, Mr. MacLeish stated that he would submit a schedule to Mrs. Townshend, noting that in addition to the timeline mentioned previously, the demolition work for the interior of the structure would be completed by mid-December. He stated that he would also attend the community meeting on November 19, 2015 at St. John's Lutheran Church to let the citizens know what was going on. Mr. MacLeish thought that the citizens would be able to share any other issues with regard to the security of the site that he is not aware of.

Mr. Sudler asked that the owner keep in contact with a point person in the neighboring community, share information, and try and keep everything transparent, since he is a neighbor and members of Council are concerned about the constituents in the City of Dover. Mr. Sudler also asked that members of Council receive the schedule once it is submitted and noted that he would be visiting the site.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - OCTOBER 26, 2015

The Safety Advisory and Transportation Committee met on October 26, 2015 with Chairman Hosfelt presiding.

Discussion - Prohibited Speed Reduction Devices

Chairman Hosfelt explained that this item was the result of a discussion that took place at a neighborhood meeting at the Greentree Shopping Center involving the owner of the property as well as business owners. Crime issues and speed reduction devices were discussed. Mr. Hosfelt indicated the desire to hear from the public regarding the problems that they were incurring.

Mr. John Anstine, JBA Properties, 1460 Russell Road, Paoli, Pennsylvania, advised members that JBA is the property manager for the Greentree Shopping Center. He indicated that there is a service road in back of the shopping center that extends from Redner's Warehouse Markets to PNC bank between Independence Boulevard and Kenton Road that has become a major cut-through road. Mr. Anstine explained that the space is very tight in that area and tenants must cross over the road to access their dumpsters. He noted that there is a lot of traffic on the road and people drive very quickly. Mr. Anstine expressed his opinion that speed bumps would help to slow people down or deter them from going through there in the first place.

Responding to Mr. Hosfelt, Mr. Anstine stated that, as property manager, he favored speed bumps and noted that although traffic is supposed to be one-way traffic heading west from Independence Boulevard, people disregard the "Do Not Enter" sign and travel in both directions.

Mr. Hutchison stated that there had been previous discussion about changing the dumpsters around to reduce drivers' ability to get through the service road easily and questioned if that had been done. Responding, Mr. Anstine stated the need for 18-wheeled trucks to get through since trucks back in to the loading dock at Redner's and then head out to the west. He noted that some trucks do an illegal U-turn and then go back out.

In response to Mr. Hutchison regarding which businesses have large tractor trailers coming in, Mr. Anstine indicated that Giacomo's Pizza Delight and the UPS store receive deliveries from these large vehicles.

Mr. Hutchison stated that speed bumps had been discussed for many years; however, they do not work well with fire and paramedic apparatuses. He indicated that he very strongly supported measures other than speed bumps.

Mr. Anstine stated that his township in Pennsylvania uses speed bumps on municipal roads, noting that they do slow the traffic in neighborhoods. He indicated that they were open to other ideas to slow people down as well.

Mr. Keller stated that his only objection was that emergency vehicles would run into a problem. He questioned how visible the one-way sign was and whether enforcing it or putting another sign up would help. Responding, Mr. Anstine stated that there was only one (1) sign, and it was clearly visible and met specifications, estimating that it was approximately 18 inches wide by two (2) feet tall. He noted that the ground is also stenciled; however, he expressed his opinion that people do what they want to do. Mr. Anstine explained that the service road previously allowed two-way traffic until Redner's opened and he felt that people have this ingrained in their minds.

Responding to Mr. Keller regarding the traffic in front of the stores, Mr. Anstine stated that pedestrian crossing signs were put out, which helped; however, sometimes people speed through and there is only so much that can be done. He noted that people sometimes run over these signs and do not even know that they have done so.

Mr. Shelton stated that he goes by the area all the time; however, he had not seen the signs. He asked if there was a sign that says "For Deliveries Only." Responding, Mr. Anstine stated that they used to have a "Do Not Enter, Authorized Vehicles Only" sign that was up for years. A truck ran over it and he had it removed and it was never replaced.

Mr. Ed Trumble, Owner, Integrity.PC.Computers, 59 Greentree Shopping Center, advised members that he had concerns not only with the back of the store but also the front. He indicated that he is usually there six (6) or seven (7) days per week, over 12 hours per day, and had been at that location for over one (1) year. He expressed his opinion that it is very dangerous to park in the front lot or to try to cross in the back to take trash out. Mr. Trumble stated that there are three (3) or four (4) one-way

arrows and a "Do Not Enter" sign. There is no speed limit sign out back, but he questioned if this would matter since it is private property and the police would not issue a ticket anyway. Mr. Trumble stated that there is a 15-mph speed limit sign in front of his store; however, he indicated that speeders are not ticketed.

Mr. Trumble advised members that there were speed bumps in Rodney Village, less than five (5) miles away, and in Milford and Christiana and that these speed bumps work. He noted that the police, fire services, and paramedics can function in those municipalities and questioned why they could not do so in Dover. He felt that an ounce of prevention was worth a pound of cure and questioned what would be done when someone gets hurt. Mr. Trumble indicated that he has senior citizen customers that come from as far at Milford to use his services, and he sometimes has to help them carry their equipment in and out and the drivers don't seem to care. He stated that there had been several instances of crime in the shopping center lately and felt that speed bumps would make it less easy for those involved to get in and out, noting that they might not even come if there are speed bumps. Mr. Trumble felt that this was something that needed to be looked at and addressed since the problem was getting worse.

In response to Mr. Hosfelt, Mr. Trumble stated that the problem increases in the fall when football teams practice on a nearby field, although more football participants had been parking on the main road rather than in the back lately. He suggested that more yellow striping, like that around fire hydrants, could be added so that motorists do not park so close to the drive. Mr. Trumble noted that he currently has to go beyond the parked vehicles to look left and right to see what is coming before he can cross to dump his trash. He advised members that people are using the service road as a thoroughfare to go from one (1) road to the next, noting that he had observed three (3) or four (4) cars in a 10 to 15 minute period passing through to avoid an intersection or going through the front of the shopping center.

Ms. Susan Whitney, Something Unique, 61 Greentree Drive, stated that customers come from as far as Salisbury, Maryland, and Wilmington to her establishment and have problems crossing the street without somebody hitting them. The stylists who work there also complain about almost being hit by cars. Ms. Whitney felt that this was definitely a problem that was getting worse. In addition, she stated that she recently saw a man beating a woman in front of the store and had to call the police.

Responding to Mr. Hosfelt as to whether her problems were only related to traffic in the front of her store, Ms. Whitney stated that when big tractor trailers come to the back area, she cannot get into her parking space. When backing out to leave, she notices that the football families sometimes leave a lot of trash and park in such a way that it is hard for her to back out. Ms. Whitney confirmed that the service road is used as a thoroughfare to go from one (1) side to the other by those who do not work or live there. She noted that people come and dump their trash in the store's trash cans as well.

Responding to Mr. Keller regarding whether the nature of the problem in the front was disregard for the people crossing or speed, Ms. Whitney stated that it was a combination. She noted that one (1) lady hollered out, "I don't stop for pedestrians." Ms. Whitney indicated that there were elderly clients, 80 or 90 years old, that try to cross. She stated that kids also ride their skateboards and bikes on the sidewalks, which could become an issue if an elderly client is hit.

Referring to the photo of a device that was similar in nature to a portable speed bump, Mr. Hosfelt advised members that this type of speed bump would allow heavy apparatus to cross. He stated that this example was provided by Council President Slavin and forwarded to the City of Dover Police Chief and Fire Chief.

Responding to Mr. Hutchison as to whether these devices were being used in Delaware, Mr. Hosfelt stated that he was unsure and that this would be a better question for Councilman Slavin. Mr. Hutchison stated that he liked the idea.

In response to Mr. Keller, Mr. Hosfelt indicated that he was unsure about the installation of these bumps or if they were just laid down.

Mr. Cole advised members that these devices had been looked at with respect to State Street and the Delaware Department of Transportation (DelDOT) had indicated that these types of devices were being used in upstate Delaware.

Fire Chief Mark Hall expressed his belief that South Governors Avenue had these speed cushions and indicated that the Fire Department was not, at this time, opposed to them. He stated that speed bumps are permanent and that national response time is reduced seven (7) to 11 minutes with the installation of speed bumps, and noted that two (2) firefighters in Dover had been injured by them. Chief Hall indicated that they liked the idea of speed cushions since the wheel base of an apparatus can get through. He stated that he had done some research and it looked like the cushions are bolted to the ground with an eyebolt and, although he was not completely sure, he felt that the City would be able to remove them for snow removal. Chief Hall noted that different types of devices are offered by different companies, stating that the cushions are a speed calming device, whereas a speed bump is more of a speed reduction device. He reiterated that Capitol Park on South Governors Boulevard had them and advised members that the Fire Department had been there for fires in the past and had one (1) issue involving a loose eyebolt that got caught in the wheel well and ended up in someone's yard.

In response to Mr. Hosfelt regarding the devices on South Governors Boulevard, Chief Hall stated that they were similar to those pictured but smaller and for use in developments. He was unsure if they were yellow striped, but indicated that they are accessible to the fire apparatus and wheels can be put between them when traveling through them. Chief Hall indicated that the firefighters' injuries referenced previously were both leg injuries but was unsure of the location of the speed bumps involved. He stated that Kentwood Mobile Home Park has permanent speed bumps and there is a great reduction in the Fire Department's rate of response once they

enter that development. The fire apparatus must come almost to a full stop, and it takes some time to get it back up to speed. Chief Hall stated his belief that the national average response time mentioned previously was based on speed bumps on more open, residential streets as opposed to developments, noting that the current discussion was about private property. He reiterated that he did not have an issue with speed calming devices.

In response to Mr. Hosfelt, Chief Hall clarified that the areas he had mentioned were outside the City of Dover limits and its police jurisdiction, but within the Dover Fire Department's jurisdiction.

Captain David Spicer, Dover Police Department, stated that he had spoken to Police Chief Paul Bernat, who indicated that he was against speed bumps and speed cushions. Captain Spicer stated that they would reduce response time, maybe by seconds, which in their line of work could mean the difference between life and death. He indicated that Chief Bernat had mentioned to him that the City of Harrington was using similar devices and it was his belief that they had worked there; however, it was his understanding that a snow plow had damaged one (1). Captain Spicer noted that if they are fastened to the ground with eyebolts that work their way loose, there could be potential injuries to pedestrians, motorists, and vehicles. Captain Spicer stated that, at this time, they were against this approach.

Responding to Mr. Hosfelt, Captain Spicer confirmed that the Police Department was against these devices on both private property and public roadways.

Mr. Sudler inquired if there were any other mechanisms that residents may be able to utilize to decrease the speeds that the Police Department would favor. Responding, Captain Spicer stated that approximately one (1) month ago, he attended a meeting where different ideas were discussed for Independence Boulevard, Bicentennial Village, and North State Street. The pros and cons of speed cushions, traffic redesign to divert traffic around objects or slow it down, and traffic islands were discussed. Captain Spicer felt that Chief Bernat would be in favor of a traffic circle similar to that on Mifflin Road, which seemed to slow a lot of traffic in that area.

Captain Spicer noted, in regard to signage at the Greentree Shopping Center, that the Police Department is limited in the number of traffic laws that they can enforce on private property, and that inattentive driving, driving under the influence (DUI), and reckless driving on private property could be enforced.

Mr. Hosfelt stated that he would like the Committee to continue this discussion after a couple of months, which would allow him time to do further research, especially in regard to speed cushions. He stated that this subject would not be put aside and was worth investigation. He expressed his thanks to Captain Spicer, Chief Hall, the business owners who participated, and the property manager from Greentree Shopping Center. Although the discussion had concentrated on speed bumps,

Mr. Hosfelt expressed his understanding that some who were present had other concerns regarding crime and stated that he was sure Captain Spicer would make himself available to them regarding any concerns.

Request for Waiver - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 17 - Emergency Access Requirements - Waiver of Emergency Rear Access Requirement for Blue Hen Apartments Phase 2 (Application S-15-12)

Mrs. Dawn Melson-Williams, Principal Planner, reviewed a request from Blue Hen Apartments, LLC, located behind the Blue Hen Corporate Center, for a waiver of the requirement for a 16-foot alley or a 18-foot secondary fire lane and a 18-foot subgrade emergency access lane as emergency access to the rear building areas for two (2) and three (3) story apartment buildings. Mrs. Melson-Williams explained that a site plan had been filed to expand this community of apartment complexes to include 12 additional apartment buildings, two (2) at the intersection of Blue Hen Boulevard and Haslet Street and the remaining buildings in a straight line, running parallel to the Blue Hen Corporate Center building.

Mrs. Melson-Williams reviewed a site plan depicting the proposed layout, noting that all of the buildings had a 24-foot fire lane crossing in front of the main entrances to the buildings. In some cases, given the position of the building, the building would either back up to another street or there would be a secondary driveway in close proximity. Mrs. Melson-Williams advised members that the Planning Commission, in reviewing the application, looked at the overall layout as well as the comments provided by the City Fire Marshal's Office. She noted that, due to their size, the buildings were required to be sprinklered.

Mrs. Melson-Williams noted that there is a fire lane coverage percentage requirement for the front of the building. Fire lanes must be marked on the ground surface, and the buildings are required to have a fire alarm system and a Knox box safe; therefore, they have a high level of fire protection required by other regulations beyond the requirements of the zoning ordinance. She reiterated that the applicant was seeking relief from the secondary rear fire access requirement for either an alley or another fire lane and advised members that the waiver request had been presented to the Planning Commission and members recommended approval.

Responding to Mr. Hutchison, Mrs. Melson-Williams confirmed that the waiver was supported by the Fire Marshal's Office, noting that they were fairly comfortable that the other fire prevention regulations specific to the building construction, including a sprinkler and fire alarm as well as the primary fire lane across the front, would be adequate for response to that type of building.

In response to Mr. Hutchison as to whether a legal opinion had been obtained from the City Solicitor's Office approving the waiver and in regard to any liabilities, Mrs. Melson-Williams stated that the zoning ordinance established that this was a waiver that could be asked for. She explained that the review process is that the

Planning Commission makes a determination which goes through the Committee, with final action by City Council. Mrs. Melson-Williams indicated that she was unsure if the liability question had ever been posed in this regard.

Noting that waivers had been granted previously, Councilman Anderson questioned what the history had been and if there had been any problems. Responding, Mrs. Melson-Williams stated that she was not aware of any problems. She stated that the most recent waiver approved was probably in the Leander Lakes apartment complex, which was now under construction on the west side of Dover High Drive. Mrs. Melson-Williams indicated that the Leander Lakes building project was very similar, sought the same waiver, and was successful. The Leander Lakes project was a three (3) story apartment building with a sprinkler, fire alarm and a front primary fire lane but no ability to provide the rear access via an alley or secondary fire lane due to the layout of the complex. She stated her belief that the existing Blue Hen Apartments project, which was a little older in its construction, also received this waiver previously.

Mr. Anderson inquired if this regulation was outdated due to the current technology in designs, or if this was a unique situation. Responding, Mrs. Melson-Williams stated that staff had come across this situation in multiple instances and had seen a lot of requests for waivers of the rear emergency access provision for apartments, which also applied to townhouse developments. Staff had identified this as one (1) of the sections of the zoning ordinance that needed review. Mrs. Melson-Williams indicated that technology had improved and there were other fire protection requirements and regulations that would greatly supersede and probably be more beneficial than additional pavement to the rear of these units.

Mrs. Donna Mitchell, Controller/Treasurer, expressed her hope that the safety of the public is looked at when approving these waivers, noting that the requirements were included in the code for public safety. She stated that she was speaking as a member of the public and that this was not a professional comment.

Responding to Mr. Sudler's request for elaboration on her comment, Mrs. Mitchell stated that the purpose of the requirement was for safety equipment to get in and out, rather than public access and egress, or to allow two (2) entrances or exits in case there was something that caused an unsafe environment. She also expressed concern that if some of the streets were narrowed, fire apparatus could not get around and maneuver as well, and this was why she felt the provisions were in place.

In response to Mr. Sudler as to whether Mrs. Mitchell was saying that if the waiver were granted some apparatus would not be able to have access, Mrs. Mitchell stated that she was not sure but, as a citizen, she felt that there was a need to make sure that these issues could be handled when making these decisions.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the waiver ability is in the zoning ordinance, so that if it is determined it would not compromise public safety to waive the alley requirement, members had

the ability to do this. In addition, she noted that the section of the zoning ordinance that requires rear access behind apartments predates a lot of the current fire protection regulations and was much more relevant at a time when buildings were not required to be sprinklered. Mrs. Townshend stated that there were a number of cases where waivers had been granted, including townhouse developments such as Senator's Lake, off Silver Lake Boulevard, which subsequently sprinklered the townhouses voluntarily. She indicated that this was not an uncommon waiver.

Fire Chief Mark Hall stated that he had discussed this with the Fire Marshal, and he advised members that without a rear access, the Fire Department could not access the rear of the building, unless they physically walk a 24-foot or 35-foot ground ladder to that side of the building. With respect to the 16-foot to 18-foot alley, Chief Hall stated that it takes anywhere from 20 to 24 feet to set up a ladder truck. In his opinion, eliminating the rear access would be a life safety issue, noting that if someone's apartment was on fire and they were on their balcony or hanging out their window, this would thwart the Department's response to them. Chief Hall indicated that, although the Fire Department would get to them as fast as they could on foot, it would be a lot better with a ladder truck, especially when someone is panicking. In regard to sprinklers for fire protection, he noted that recently there was a fire at Luther Towers and another at Legislative Hall where sprinklers did not activate. He indicated that the sprinklers in place do not always work and he asked members to take that into consideration.

In response to Mr. Sudler regarding how far it would be necessary to walk and carry a ladder to the rear area, Mrs. Melson-Williams stated that new fire prevention regulations require that plans provide perimeter access around the buildings. She estimated that, in most cases, 40 to 50 feet would get firefighters around the short end of the building to the rear. Mrs. Melson-Williams explained that in some situations, there is either another street or another circulation path that covers another side of the building or the rear of the building, depending on the specific building.

In response to Mr. Hutchison regarding the cost of an emergency rear access, Mrs. Melson-Williams stated that she was unsure of the cost. She stated that, in the case of this project, it would be a paved, hard surface and she was unsure that there was space to physically construct it, which would mean a total redesign of the project, depending on which building was being looked at. Mrs. Melson-Williams reiterated that some of the buildings had two (2) means of coverage, including a 24-foot fire lane across the front of all of the buildings, which is the main entry into these buildings and where the Fire Department connection is located.

Mr. Anderson questioned how far the front of one (1) building is to the rear of another and if there was complementary access. Responding, Mrs. Melson-Williams advised members that there were two (2) different situations in this apartment complex. She stated that in one (1) area, the buildings are in a line, the spacing distance between individual buildings was specified in the code, and a second roadway goes between two (2) of the buildings. In the other area of the apartment development, the two (2) proposed buildings were flanked in the rear by either a

street or another existing drive aisle. Mrs. Melson-Williams indicated that there would be some measure to get to the full back and full front of the building. There was capability to get to the full front on the long strip of buildings, but there would not necessarily be access to the rear on the main line of apartment buildings as proposed.

In response to Mr. Hosfelt as to what is at the rear of the development, Mrs. Melson-Williams stated that there is a green, open space area at this location and a pedestrian path a little further away. She expressed her belief that there was a graded swale between the path and the building within that 40-foot area.

Responding to Mr. Hosfelt, Chief Hall stated that access was not something that the brush truck could handle but, if needed, the Fire Department could get the ladder truck behind the area. He noted that the ladder truck would jump the curb and tear up some of the property, but they would do this in order to get to someone needing assistance.

Responding to Mr. Sudler regarding what kind of damage this would do to the apparatus, Chief Hall estimated possible damage from $10,000 to $50,000.

In response to Mr. Sudler regarding the width of the roads in the plans, Mrs. Melson-Williams stated that the drive aisle in the upper left corner, where parking is located in front of the buildings, was a 24-foot-wide, two-way path of travel. These would be the primary fire lanes, which were required to be 24 feet, and there were additional paved areas with parking spaces which could be utilized if there were no cars parked there. She noted that one (1) of the buildings backed up to Blue Hen Boulevard, which was a public street and closer to 30 feet in width.

Fire Chief Hall stated that the diagram appeared very similar to Bay Tree Apartments, where the front apartment building did not have front access and the rear apartment building did not have rear access. He indicated that the Fire Department would have to take pre-planning measures and would figure it out. He noted that the Fire Marshal had provided him information regarding a turn-around at this location, which was a big help.

Responding to Mr. Hutchison as to whether there were after-hours staff or security people at the location, Mrs. Melson-Williams indicated that the Blue Hen Apartment complex had on-site property management, but she was unsure of their work hours or overnight staffing. She indicated that an on-site property office and leasing facility currently manages Phase 1 and would also manage Phase 2.

Mr. Hutchison stated, for the record, that he had the opportunity to personally go out and look at the Blue Hen Apartments, both at day and night, and felt that the operation was very impressive and absolutely first class. Based upon what he had seen personally, he stated that he supported the request.

Mr. Hutchison moved to recommend approval of the request for a waiver of the emergency rear access requirement for Blue Hen Apartments Phase 2, seconded by Mr. Keller.

Mr. Keller indicated that his seconding of the motion was based on Mr. Hutchison's statement.

The Committee recommended approval of the request for a waiver of the emergency rear access requirement for Blue Hen Apartments Phase 2.

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

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - Capital Gateway Study Presentation (Rich Vetter)

Mr. Rich Vetter, Executive Director, Dover/Kent County Metropolitan Planning Organization (MPO) reviewed a presentation, entitled "Capital Gateway Study." He advised members that the MPO had been involved in a planning study, along with the City's Planning Department, for the past month with regard to the area including Division Street from Salisbury Road to State Street and Forest Street from its split from Division Street down to the Duncan Center. The purpose of the study was to develop a land use and transportation master plan for this area. Mr. Vetter explained that the most important part of the study would be to provide a gateway to downtown from the west, which was lacking. He indicated that there was currently no identity or theme in terms of land use and transportation for this area and the goal was beautification, enhancements in streetscapes, and a land use vision. Mr. Vetter explained that the existing land use in this area was mixed and included vacant parcels and areas that were not aesthetically pleasing, and it was desired to develop the gateway theme to present to future developers and property owners in the area. He indicated that landscaping and beautification could be considered, potentially extending what currently exists on Loockerman Street westward.

Mr. Vetter stated that community input was being sought, noting that so far, based on local information, they had heard that bicyclists and pedestrians were an important aspect of the plan, and there could be maintenance and parking improvements as well. He informed members that a charrette process would be used to solicit community involvement, explaining that a charrette is a condensed, hands-on, multi-day planning process which is something of a magic marker session for the community. In a three (3) or four (4) day period, the goal would be to progress from a blank piece of paper to something that could be presented as a community vision. Mr. Vetter stated that public participation was planned for Monday, November 16th; Tuesday, November 17th; and Thursday, November 19th, probably from 5:00 to 7:00 p.m., at the Inner City Cultural League at 54 South Kirkwood Street. He informed members that, during the past couple of weeks, there had been meetings with stakeholders such as Councilman Anderson, the Delaware Department of Transportation (DelDOT), the Delaware Transit Corporation, the Downtown

Dover Partnership (DDP), residents, and business owners to get input in preparation for the charrette. Mr. Vetter indicated that flyers would also be going out in the next couple of weeks and it was hoped that there would be a lot of media coverage.

Mr. Anderson encouraged members to provide input, noting that the questions asked would be valuable and the opportunity to provide constituent input was important.

In response to Mr. Hosfelt, Mr. Vetter stated that business owners and residents in the area would be notified. He stated his belief that Mrs. Ann Marie Townshend, Director of Planning and Community Development, would direct mail to every business and property owner.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that she had received an update on transportation projects from the Delaware Department of Transportation (DelDOT) and there was not much to report since the previous update provided during the Committee's meeting of July 27, 2015. She stated that it was a pleasant surprise that the Bicycle and Pedestrian Program at DelDOT was getting some unexpected funding, which would help with some of the projects on the City's priority list, including planning for the Senator Bikeway, which would help with the construction of sidewalks within the walk zone of the new Dover High School. Mrs. Townshend noted that U.S. 13 sidewalk construction would also be addressed through this funding.

In regard to matters for future discussion, Mr. Anderson advised members that concerns were heard at a recent neighborhood watch meeting about shots being fired and confusion about how to identify where they are coming from. He stated his understanding that there was a State program called Shotspotter that involved grants and wondered if it had any use or viability. Mr. Anderson stated that the program seemed to have pluses and minuses to it.

Mr. Hosfelt stated his belief that the City of Wilmington had looked into the Shotspotter program at one point.

By consent agenda, Mr. Neil moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Cole and carried by a unanimous roll call vote (Lewis absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 26, 2015

The Legislative, Finance, and Administration Committee met on October 26, 2015 with Chairman Hare presiding.

Benchmarks Established for the Economic Development Office

Mr. Bill Neaton, Economic Development Manager, advised members that the Economic Development Office provides a semi-annual review of the benchmarks established for the Economic Development Office.

With respect to the Downtown Dover Partnership (DDP), Mr. Neaton indicated that the History, Heritage and Hops event, which was held in conjunction with the Dover Days Festival, and the Merchants Committee's recent OktDoverfest brought thousands of people to the downtown area. He noted a survey of downtown merchants was finished earlier in the day and results would be reported at the next meeting.

With respect to downtown Dover business growth, Mr. Neaton stated that there were currently two (2) new large Downtown Dover Development District (DDD) projects. He explained that a health care provider would become a tenant of the second floor of the Priscilla Building at 152 South State Street in late November and there was a potential tenant for a portion of the downstairs area of this building that was formerly occupied by a restaurant. Another large project was the Grey Fox Grille and Public House. He stated that a number of DDD initiatives had helped the downtown area and several businesses were utilizing them.

In reference to City-wide economic development, Mr. Neaton stated that four (4) out-of-town businesses were considering moving to Dover, including a boiler-making company and several developers out of New York City.

In regard to strategic objectives for Fiscal Year 2015- 2016, Mr. Neaton stated that he had met with Mr. Brian DiSabatino, President and Chief Executive Officer of EDiS Company, regarding assistance with marketing the Garrison Oak Technology Park (GOTP) and was also scheduled to take a trip there with Ms. Bernice Whaley, Director, Delaware Economic Development Office (DEDO), to determine how the GOTP could best be marketed. Mr. Neaton indicated that the GOTP would be featured on DEDO's website as the primary location for business growth in Delaware.

Mr. Neaton stated that Calpine had been in commercial operation since the first part of June at the GOTP and was in the PJM grid for a 500 MW plant, noting that a second plant could be built on a 37-acre parcel of land at the location. He noted that a ribbon cutting was held for the Uzin Utz facility in early October and they had been so successful that they were getting ready to add a second shift of workers. Mr. Neaton stated that Advantech, Inc. hoped to move forward with building construction at the GOTP after the first of the year.

Status of Discussion Items Proposed During the FY 2015/16 Budget Review

Proposed New Revenue Sources

Members were advised that during the FY-2016 budget hearings City Council directed staff to review various City operations and submit requests for potential revenue sources. Staff requested suggestions internally regarding revenue sources and/or cost recovery sources.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that Mr. Scott Koenig, City Manager, was unable to be present and that she and Mr. Kirby Hudson, Assistant City Manager, would be reviewing the proposed suggestions.

Mrs. Townshend stated that four (4) fees were being proposed as new revenue sources, three (3) from the Planning and Inspections Department and one (1) from the Customer Services Department. She advised members that two (2) of the Planning Department fees were for Temporary Certificate of Occupancy (TCO), noting that the current fee for a residential TCO was $40 dollars. Mrs. Townshend explained that a TCO creates a lot more work for City staff in terms of tracking, noting that there can be loose ends when projects sit on a TCO for much longer than they should. She advised members that other jurisdictions charge more for a TCO and limit the amount of time that it can be applied, which discourages people from keeping projects on a TCO indefinitely. Staff recommended a $75 fee for a residential TCO and a $100 fee for a non-residential TCO. Under this proposal, a TCO would be valid for a maximum of 45 days and the fee would be paid for each renewal.

The Planning and Inspections Department also suggested that the City implement a fee for Zoning Verification/Administration Interpretations. Mrs. Townshend advised members that zoning verification letters are often requested by property owners who need an entrance permit from the Delaware Department of Transportation (DelDOT), and these letters may also be needed for settlement or refinancing of property. She stated that the letters take a lot of staff time and there is currently no charge for this service; however, nearly all other jurisdictions charge a fee. As an example, Mrs. Townshend explained that she recently completed a request that involved doing research on 15 properties and preparing 15 letters, and this service was performed at no charge. Staff recommended implementing a $50 fee to capture the cost of the service.

In regard to the Customer Services Department, Mrs. Townshend informed members that staff suggested that the City implement a $1.00 charge for a copy of a utility bill. She indicated that customers often come to Customer Services to pay a bill and request a copy of the bill to take to the cashier to pay. Mrs. Townshend stated that private utilities charge for this and suggested that implementing a charge may reduce the workload because customers may not continue to request copies. This charge would at least allow for the City to recover the cost when this service is provided. Mrs. Townshend explained that Mr. Koenig's conservative revenue estimate for the utility bill copies was $10,000 dollars, since approximately 118 extra utility bills are printed each day, which would annualize to $26,000 dollars. Since it was believed that fewer people would request copies if the fee were implemented, this number was projected to decrease.

Staff recommended adoption of the referenced fees, to be implemented on January 1, 2016.

Responding to Mr. Sudler regarding the proposed fee for zoning verification letters, Mrs. Townshend stated that there was currently no charge for this service and a $50 fee was recommended.

Mr. Anderson expressed his opinion that the proposed adjustments were reasonable and a good balance, noting his desire for there not to be too big of a jump or burden on individuals and businesses in these times, and indicated that he liked the proposal.

Mr. Hudson advised members that Customer Services would be looking at other fees to bring forward to the Committee at a later date. He noted that in many instances staff has to run credit reports, and this need is often attributed to those who habitually pay late or have been cut off. Credit reports may also be used to determine the reliability of new customers. Mr. Hudson stated that those costs were currently being borne by the City. He also indicated that late fees were a little low and that municipalities smaller than Dover were charging a lot more for late fees, noting that the desire was not to make income but to cover costs.

In response to Mr. Cole regarding the number of credit reports done per year or month, Mr. Hudson stated that he did not have this information but offered to provide it the next time this was considered. He indicated that the last figure he saw was in the thousands.

Mayor Christiansen asked why the two (2) fees that Mr. Hudson mentioned were not being considered at this time, noting that they reflected the cost of doing business. Responding, Mr. Hudson stated that he was recently assigned oversight of the Customer Services Department and was shocked to find that these things were not being done.

Noting that the City was losing revenue, Mayor Christiansen asked why these additional fees were not included for consideration. He expressed his opinion that the City should not take half steps but should either be a business that serves the community or not charge anything, and Mr. Hudson agreed.

Responding to Mayor Christiansen regarding the percentage of customers that would be adversely affected by the suggested fees, Mr. Hudson stated that all customers would be affected and estimated that 25% or 30% were “frequent flyers.” In response to Mayor Christiansen as to whether this was due to inability to pay or because these individuals do not accept adult responsibility, Mr. Hudson stated his opinion that the City had been very lenient.

Mrs. Townshend stated her belief that most of the issues currently being discussed were related to item #2B - Review and Maintenance of Fees - Planning and Customer Services Departments, which was the next item on the agenda, and the current item under discussion was the $1.00 charge for a copy of a utility bill. She stated that the effect on a typical customer would be that they would be charged $1.00 if they do not have their bill.

In response to Ms. Maucher, Mr. Hudson confirmed that credit checks were performed to determine whether a deposit is required. He explained that there are certain parameters and a certain scale, and if a score comes in very low because the customer habitually does not pay their bills, then their deposit will be higher than someone with stellar credit.

Ms. Maucher stated that there was an obligation to serve, so regulated utilities generally look at the customer's payment history. If they have been late, the deposit is the equivalent of two (2) months of their annual usage. If there is no history, they can charge their deposits. She thought it was curious that the City found it necessary to run credit checks.

Mrs. Townshend advised members that Customer Services requires a standard deposit; however, the amount of that deposit may be reduced for a customer who has not had an account with the City and has good credit. If the customer has a poor payment history with the City, running the credit report will not help. Mrs. Townshend stated that the customer benefits from the City running the credit report, and the idea was that this cost should be borne by the customer.

In response to Mayor Christiansen, Mrs. Townshend confirmed that running the credit report would be a new source of revenue and Mayor Christiansen expressed his opinion that it could, therefore, be discussed under item #2A - Proposed New Sources of Revenue and Mr. Hudson's recommendation should be considered.

Mr. Sudler noted, in regard to deposits, that in the past if a previous occupant had a bill of $300 or $400, the deposit for the next occupant was almost doubled or tripled. Responding, Mrs. Townshend advised members that the deposit was based on the customer's history, not the history of the customer's unit. Mr. Sudler requested that staff double check this to make sure, noting that he is a landlord and had heard within the last two (2) to three (3) years that the previous occupant's history had been considered, which he felt was unfair.

Mr. Hudson explained that a large deposit is required for those with poor credit to carry the cost and provide something to fall back on if the customer decides to leave without paying.

Mr. Sudler asked what score would determine whether someone has good or bad credit. He expressed his opinion that most people do not have good credit for different reasons, noting the many recent foreclosures. Mr. Sudler stated his desire to make sure that the City is fair and, at the same time, that costs are covered. He thought that a reasonable credit score of at least a C rating should be required, but not an A1.

Mr. Hudson stated that the scores used by the City are within the same limits and to the regular standards that the banks or others would use. The idea was to be fair and follow the same policies that other lending institutions might use but to cover costs.

Mr. Hudson stated that the amounts outstanding for people who had skipped out were in the hundreds of thousands of dollars.

Mr. Sudler moved to recommend adoption of the referenced fees, to be implemented on January 1, 2016, as recommended by staff.

In response to Mr. Cole, Mr. Sudler confirmed that the recommendation included the fees for credit checks and the additional items discussed.

Mr. Anderson asked if there was an amount for the credit check fee.

Mrs. Townshend recommended, since Mr. Koenig had done the research on this and was not present, that this item be removed from the November 9, 2015 City Council Consent Agenda so that the fee could be included and this item could get the proper airing at the Council meeting.

Mr. Anderson stated that the concept of a credit check fee was good but that the amount would matter.

Mr. Sudler withdrew his motion to recommend adoption of the referenced fees, to be implemented on January 1, 2016, as recommended by staff, and including the fees for credit checks and the additional items discussed.

Mr. Hudson stated his belief that the cost for a credit check was $10.

Mr. Anderson felt that $10 or $15 was not an unreasonable fee.

Mr. Hare asked if the hundreds of thousands of dollars that were owed by customers had been given over to a collection agency. Mr. Hudson confirmed that this had been done and that he and Mrs. Donna Mitchell, Controller/Treasurer, may be looking for a new collection agency, preferably one (1) that might be able to go outside the boundaries of the State to pursue those who might have fled to other places.

Mr. Sudler moved to recommend adoption of the referenced fees, to be implemented on January 1, 2016, as recommended by staff, and to add a credit check fee of $20, seconded by Mr. Cole.

Mr. Slavin encouraged incorporating built-in escalators to the fee increases so that it would not be necessary to come back and make amendments as the costs driving the fees increase. For instance, rather than putting a specific amount on the credit check fee, he suggested passing the cost of the credit report along to the customer, so that as the cost goes up, the customer's fee would increase.

In response to Mr. Slavin, Mr. Sudler stated that the motion was only proposing to pass through the amount the City is charged for a customer.

Mr. Slavin suggested an amendment to the motion to say that the fee would be whatever the cost of the credit report would be.

Mr. Sudler inquired if 60 days' notice would be given to residents when these changes are made. Responding, Mrs. Townshend stated that the changes would require adoption of an ordinance that would have a first and second reading. The fees would become effective January 1, 2016, which would give staff an opportunity to communicate information about the fees and put notices up at Customer Services stating that copies of utility bills would cost $1.00.

Responding to Mr. Hare as to whether Customer Services can provide an account balance without printing it, Mrs. Townshend explained that a Customer Services representative can do this; however, a printed copy of the bill must be presented to the cashier with payment.

Mr. Hudson advised members that individuals can look up information for themselves at the kiosk at any time.

Mrs. Townshend stated that customers can print their own bills from the City's website as well.

Responding to Mr. Hare, Mrs. Townshend stated that Customer Services representatives cannot take cash.

Mr. Hudson encouraged members to go by and take a look at the Customer Services area, noting that new walls had been put in and the design was different. He indicated that security improvements were being made and Advantech, Inc. was currently putting in new security doors, etc. Mr. Hudson explained that only those who work with cash will have access to the back area where cash goes in and out.

Mr. Cole stated that an amendment to the motion was needed for the credit check fee to read "will covers costs as is."

Mr. Hare indicated that staff time was involved in addition to the credit check cost, noting that $20 would include a little bit extra over a $10 or $15 credit check cost. Responding, Mr. Hudson stated that one of the supervisors advised him that once the credit report is in hand, it could typically take 15 to 20 minutes to process the customer. He believed that $20 would adequately cover not only time spent with that customer, but also the paper and other things that are associated.

Mrs. Townshend suggested setting the fee at cost of service plus 10% or 15%.

Mr. Hare suggested that the fee be set at the cost of service plus $10.

Mr. Anderson felt that this fee was not unreasonable.

Mr. Sudler moved to amend the motion to specify that the fee for credit checks be set at the cost of service plus $10, seconded by Mr. Cole and unanimously carried.

The Committee recommended adoption of the referenced fees, to be implemented on January 1, 2016, as recommended by staff, and to add a credit check fee at the cost of service plus $10.

During the Regular Council meeting, Mr. Scott Koenig, City Manager, stated that staff had developed several proposed revenue sources. New fees were proposed for temporary certificates of occupancy for residential structures at $75 and non-residential structures at $100, zoning verification/administration interpretations at $50, and copies of utility bills at $1.00. He advised members that during the Committee meeting, members also discussed instituting a credit check fee at the cost of service plus $10 for the administrative processing. Mr. Koenig advised that the estimated value of these new revenues would be approximately $31,760.

Mr. Neil moved for acceptance of the Committee's recommendation to adopt the referenced fees, to be implemented on January 1, 2016, as recommended by staff, and to add a credit check fee at the cost of service plus $10, seconded by Mr. Hutchison.

Mr. Anderson stated that he was pleased that the City did not try to raise the fees too high, too fast, noting that many of the proposed fees had not changed in a decade. He expressed his opinion that the increase was fairly conservative and congratulated staff on making sure that economic growth was not hampered by the need to keep pace with cost. Mr. Anderson stated that he was not big on increasing fees and taxes; however, he would support the proposed fees because he thought that staff's reasoning was valid.

The motion for acceptance of the Committee's recommendation to adopt the referenced fees *(Exhibit #2)*, to be implemented on January 1, 2016, as recommended by staff, and to add a credit check fee at the cost of service plus $10 was carried by a unanimous roll call vote (Lewis absent).

Review and Maintenance of Fees - Planning and Customer Service Departments

Members were advised that during the FY-2016 budget hearings, City Council directed staff to review various City fees and submit recommendations for consideration by City Council. Several fees in the Planning and Inspections and Customer Service Departments were recommended for increases.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the recommended proposed fee increases and the estimated annual revenue from the increases. She explained that the recommendations relating to the Customer Services Department were to increase the returned check fee from $25 dollars to $40 dollars and to increase the after-hours utility reconnection fee between the hours of 5:00 p.m. and 9:00 p.m. from $50 to $100, because staff was being paid overtime, on-call pay, or callback pay to reestablish that service.

Staff recommended adoption of the referenced fee changes, to be implemented on January 1, 2016.

Ms. Maucher questioned if a cost-of-service study was done to determine rates, noting that $100 for an after-hours utility reconnection seemed low. Responding, Mr. Hudson stated that the desire was not to become so high as to make money. He stated that the $100 fee had been discussed with the Customer Services Department and this was believed to be a fair amount. Mr. Hudson advised members that this amount would cover the cost.

Mr. Hare asked if $100 would cover all of the expenses to call someone in to turn on service.

Mrs. Townshend stated that typically when someone is called in they are not just reestablishing one (1) service.

Concurring, Mr. Hudson stated that there would be a list of locations, perhaps a hundred for each employee.

Mr. Hare questioned what would happen if this service was needed for only one (1) person.

Responding to Mr. Cole as to whether staff tried to schedule multiple reconnections at the same time, Mrs. Townshend stated that with the number of cuts that the City does, the need would be for more than one (1) reconnection.

Ms. Maucher questioned why there were so many after-hours reconnects and how many of them were typically done. Responding, Mr. Hudson stated that he could provide this information, noting that the number varies. He stated that most reconnections are done during the day; however, there are times when staff has to go out after 5:00 p.m.

Responding to Ms. Maucher as to why reconnections cannot be deferred to the next day, Mr. Hudson stated that these needs occur either because staff may have not been able to get to them or the reconnection was scheduled after the daily schedule was prepared. Mrs. Townshend explained that this sometimes has to do with the time that the customer brings their account current, noting that if this is done in the afternoon, the reconnection cannot be scheduled for that afternoon.

Responding to Mr. Hosfelt, Mr. Hudson and Mrs. Townshend expressed their belief that after-hours utility connections would be done between 5:00 p.m. and 9:00 p.m. and no later than 9:00 p.m.

Mr. Hosfelt asked if there were crews that work 3:00 p.m. to 11:00 p.m. and if this would be overtime or on-call. Responding, Mrs. Townshend stated her belief that this would be overtime but indicated that this could be verified before the Council meeting.

Mr. Hosfelt stated his belief that $100 would not come close to covering the cost of on-call pay and call-out pay on top of that, if he was recalling the union provisions correctly. He felt this amount seemed low.

Mrs. Donna Mitchell, Controller/Treasurer, stated that $100 would probably just cover a meter reader's cost with benefits. She expressed doubt that it would cover an International Brotherhood of Electrical Workers (IBEW) union member, such as a line crewman, etc., noting that gas and equipment would have to be covered.

In order to ensure fairness, Mr. Sudler felt that there should be a time frame specified for when the $100 fee would be charged after the customer brings their account current, such as after 3:00 p.m.

Mrs. Townshend explained that staff goes out around 7:00 a.m. to do disconnects. Customers begin calling when Customer Services opens at 8:30 a.m. People who bring their accounts current in the morning can be scheduled for reconnection in the afternoon. If they do not come in until the afternoon, staff's afternoon reconnection schedule is already full and additional reconnections are done in the evening. When they come in to pay, customers are told what the connection fee will be.

Mr. Sudler asked if there was a fixed time frame indicating, for example, that if the customer comes in after 12:00 p.m. they are subject to the additional charge. Responding, Ms. Townshend stated that this information could be provided at the City Council meeting. Mr. Hudson stated his belief that it was around 11:00 a.m. or 11:30 a.m.

Mr. Sudler noted that 11:00 a.m. and 11:30 a.m. were still in the morning. Responding, Mr. Hudson stated this was getting into the afternoon and people would be taking lunch.

Responding to Mr. Hare, Mrs. Townshend stated that the reconnection rate was $50 during normal working hours.

Mr. Sudler felt that charging the higher fee after 12:00 p.m. would be fair because this would be considered the afternoon.

Mr. Hudson stated his belief that 11:30 a.m. was the cutoff for adding new people to the list before staff goes out for the afternoon.

Mr. Sudler felt that the 11:30 a.m. deadline should be posted so that the constituents of Dover are aware. Mr. Sudler stated that his desire was to ensure that all bases are covered because he could see his constituents complaining about this.

Mr. Hare questioned whether it would be those that do not pay their electric bill that would be complaining about reconnecting.

Ms. Maucher asked if reconnection could be deferred to the next day if customers pay after 1:00 p.m. unless there was an emergency circumstance, feeling that it was odd to send people out after-hours.

Mr. Hudson stated that it was getting cold and staff would prefer to get people reconnected as soon as possible, noting that some have electric heat.

Mrs. Townshend stated that usually if utilities were cut, this would mean water was being cut as well, which would mean these customers would not have plumbing.

Ms. Maucher asked if the additional $50 was just for electric or for any utilities. Responding, Mrs. Townshend stated her belief that the fee was for full reconnection.

Mr. Anderson stated that he was all for adjusting the fees because they made sense, noting that the costs are different for those who come in or go online before 11:30 a.m. and those who do not.

Mr. Anderson advised members that the people he has the pleasure to deal with are not those making $100,000 per year, but are paycheck-to-paycheck people, and if they get the flu and have to miss a week of work, it is a crisis. He expressed the desire to make sure that there are proper extensions for extraordinary circumstances, such as for a person that has been laid up for two (2) weeks with the flu or has been in the hospital and has not been able to pay their bill. He stated that he had dealt with these situations and brought people to City Hall who were unable to pay their bills because they had been in the hospital.

Mr. Hare questioned if these individuals in the hospital that were unable to pay their bills did not have someone to pay their bills for them. Responding, Mr. Anderson said they did not, noting that not everyone has someone who can do this and a lot of people live alone.

Mr. Hudson stated that the average person has 21 days to pay their bill. If they are unable to pay, the amount carries over to the next month. The customer then has a current bill and an unpaid back bill. Mr. Hudson indicated that the customer often pays the back bill, makes a payment arrangement for the bill going forward, and then has another 21 days to pay the current bill that they should have paid. They may continue to not pay the current bill but pay the arrears. If this is a first time situation or not a continued situation, they are given 45 days to pay the bill. *[City Clerk's Office Note: Subsequent to the meeting, the City Clerk's Office was informed that a three (3) day extension is provided to those who are unable to pay their bills at the end of the 45 days.]* Mr. Hudson felt that this was way too long if the City was to be run like a business. He felt that ideally when a bill has a current and previous balance, there should be a note saying that the customer must pay their full bill, noting that back bills were causing a problem for Customer Services and resulting in a lot of receivables. Mr. Hudson felt that the City should put its foot down.

Mr. Anderson stated that instead of using extensions for hardship situations, the City basically went to almost an open-ended system where people could give themselves extensions. He believed that the City had given up its discretion and this could be regained to be used for the people who have a hard time.

Mr. Hudson stated that there are people who know how to play the game and know that if they only pay their back bill they have 21 more days to pay on the front end and can keep carrying this over and over again.

Mr. Sudler stated that it would be great if this could be handled on a case-by-case basis to address outstanding circumstances, but he felt that the new policy should be that the City wants all monies owed when there is a current and a back bill.

The Committee recommended adoption of the referenced fee changes, to be implemented on January 1, 2016, as recommended by staff.

During the Regular Council meeting, Mr. Scott Koenig, City Manager, reviewed the estimated annual revenue projected for the proposed increases for existing fees. He stated that the total estimated annual revenue was approximately $224,305, noting that this total did not include the zoning verification letter revenue, since it was included with the proposed new revenue sources adopted by Council during consideration of the previous agenda item.

Mr. Sudler moved for acceptance of the Committee's recommendation to adopt the referenced fee changes *(Exhibit #3)*, to be implemented on January 1, 2016, as recommended by staff. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Lewis absent). *[City Clerk's Office Note: Subsequent to the meeting, Exhibit #3 was revised to include staff corrections to Exhibit A - Planning Inspections Fees.]*

Status of Performance Audit of Civilian Side of City Government

Due to time constraints, the Committee deferred consideration of this item until the next meeting.

Proposed Change to Committee Meeting Format

Mr. Hutchison stated that he wished to propose a change to the way in which committee meetings were being held. He noted that committee meetings are held on the same day as City Council meetings, with meeting times beginning at 3:30 p.m. and extending until approximately 7:00 p.m. Mr. Hutchison reminded members that three (3) members of Council serve on each committee, with one (1) serving as chair, along with two (2) civilian members. He noted that there are four (4) standing committees: Legislative, Finance, and Administration Committee; Utility Committee; Safety Advisory and Transportation Committee; and Parks, Recreation, and Community Enhancement Committee.

Mr. Hutchison advised members that he and Mrs. Traci McDowell, City Clerk, attended a Kent County Levy Court committee meeting to observe their process and they are run very differently. He explained that the Kent County Levy Court committee meetings are held on a different night than the Levy Court meeting, the

president presides over the committee meeting, each committee has a chairperson, and every elected member of Levy Court is automatically a member of each committee; therefore, there is a committee of the whole. Mr. Hutchison felt that committee meetings were some of the most important things done in the City, outside of Council meetings. He noted that the City's elected officials have full-time jobs, which makes it difficult to attend these meetings.

Mr. Hutchison stated that the City was different from Kent County in that it has civilian committee members, which he thought was fine. He indicated that he was only talking about changing to a format that would allow Council to operate as a committee of the whole, where every Council member is a member of each of committee, there would be one (1) chair of each committee, and the Council President would preside. Mr. Hutchison stated that all nine (9) members of Council would be present at the committee meeting, noting that this had not occurred in his experience. Mr. Hutchison strongly encouraged considering this change, which he felt would be more efficient and effective and would allow greater opportunity for interaction and networking among elected officials and civilians.

Mr. Sudler inquired if Mr. Hutchison had a blueprint of what he was suggesting for members to review. Responding, Mr. Hutchison stated that his purpose was to discuss this suggestion and see what the thoughts were. He promised, if there were a consensus, that he would have a blueprint at the next Committee meeting.

Mr. Sudler indicated that he liked what he heard.

At the request of Mr. Hare, Mr. Hutchison stated that he would bring a blueprint with times for the next meeting, when there would be more time for discussion.

Mr. Hare indicated that this matter would be placed on the next agenda.

Mr. Hare moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Sudler and unanimously carried.

MONTHLY REPORTS - SEPTEMBER 2015

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

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

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

Members were provided the Quarterly Report for the Capital Investment Plan (CIP) as of September 30, 2015.

By consent agenda, Mr. Neil moved for acceptance of the Quarterly Report for the Capital Investment Plan (CIP) as of September 30, 2015, seconded by Mr. Cole carried by a unanimous roll call vote (Lewis absent).

APPOINTMENTS - COMPENSATION COMMISSION - TWO (2) YEAR TERMS TO EXPIRE MAY 2017 (DEFERRED DURING THE MEETING OF MAY 26, 2015)

By consent agenda, Mr. Neil moved for approval of the following appointments to the Compensation Commission, seconded by Mr. Cole and carried by a unanimous roll call vote (Lewis absent).

James Brockton (Councilman Neil)
Clarence (Bud) Wagner II (Councilman Lewis)
Kim Hawkins, Human Resources Director (Ex-Officio)
Donna Mitchell, Controller/Treasurer (Ex-Officio)

REVIEW OF CHAPTER 66 - MANUFACTURED HOMES AND TRAILERS AND APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 1 - ONE-FAMILY RESIDENCE ZONES AND PROPOSED ORDINANCE #2015-20 AMENDING APPENDIX B - ZONING, ARTICLE 12 - DEFINITIONS

Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that, following the issuance of a building permit for the construction of a manufactured home on a property within the R-8 (One Family Residence) Zone, several residents and members of City Council expressed concerns about the appropriateness of this housing type within the One Family Residence Zones. She stated that staff subsequently reviewed literature available about manufactured housing and developed recommendations for amending the code to prohibit manufactured housing in One Family Residence Zones and to update code requirements in the Dover Code of Ordinances, Chapter 66 - Manufactured Homes and Trailers, and Appendix B - Zoning.

Mrs. Townshend reviewed a presentation regarding terminology related to Manufactured Homes ***(Exhibit #4)***.

Staff recommended introduction of an ordinance to amend the definition of "dwelling, one-family" and to add a definition for "manufactured home," with referral to the Planning Commission on December 21, 2015 and public hearing and action by City Council on January 11, 2016. *[City Clerk's Office Note: Subsequent to the meeting, the Clerk's Office was advised that the Planning Commission's December meeting would be rescheduled for December 16, 2015.]*

Staff also recommended, within the next 6 -12 months, the following: 1) full review of Dover Code of Ordinances, Chapter 66 to determine what components of the chapter are relevant and should be retained, and what components should be eliminated. Any provisions that appear to regulate placement should be eliminated, as these requirements need to be in the Zoning Ordinance; 2) full review of MHP (Mobile Home Park) Zone to ensure that the zone is current with best practices; and

3) full review of the Residential Zones and associated definitions. There are other areas that need to be tightened up to provide clarity on a number of matters that could affect the character of neighborhoods throughout the City.

Mr. Neil noted his belief that the City only had three (3) manufactured home communities; however, he stated that problems existed within these communities and it was his hope that this chapter could include licensing for a rental property. He thought that licensing would provide for regular inspections of the communities to ensure they are maintained in accordance with City, State, and Federal codes.

In response to Mr. Hare, Mrs. Townshend stated that a permanent foundation is something that is in footers. She explained that the second part of the definition change is important because it makes it clear that a manufactured home and a mobile home would not be included in the definition and that all one-family dwellings would be constructed in accordance with Chapter 22 - Buildings and Building Regulations of the Dover Code.

Mr. Hare asked whether the manufactured mobile home which was recently permitted for construction on a property within the R-8 (One Family Residence) Zone would be on a permanent, unmovable foundation and if all wheels, axles, and other minor incidental operations would be removed, in accordance with the Dover Code. Responding, Mrs. Townshend explained that the permanent foundation consists of the piers that are set in footings. She stated that one (1) of the City's building inspectors had been certified by the State to inspect the construction of manufactured housing, and it was all being done in accordance with the regulations. Mrs. Townshend advised that there would be a block foundation wall that would also be set on footings, and it was her belief that the axle would be removed but the metal chassis would remain because it was the structural support component. She stated that the chassis would not be viewable because it would be behind the wall. Mrs. Townshend advised that the home would be sitting on a permanent foundation and would look like a ranch house.

In response to Mr. Hare, Mrs. Townshend stated that a certificate of occupancy would not be issued until all code requirements are met.

Mr. Neil moved to accept staff's recommendation for the introduction of an ordinance to amend the definition of "dwelling, one-family" and to add a definition for "manufactured home," with referral to the Planning Commission on December 21, 2015 and public hearing and action by City Council on January 11, 2016, while also looking at the issue of licensing of lease land communities. The motion was seconded by Mr. Hare and unanimously carried. *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

[City Clerk's Office Note: Subsequent to the meeting, the Clerk's Office was advised that the Planning Commission's December meeting would be rescheduled for December 16, 2015.]

Mr. Neil moved to accept staff's recommendation that within the next 6-12 months, the following will occur: 1) full review of Dover Code of Ordinances, Chapter 66 to determine what components of the chapter are relevant and should be retained, and what components should be eliminated. Any provisions that appear to regulate placement should be eliminated, as these requirements need to be in the Zoning Ordinance; 2) full review of MHP (Mobile

Home Park) Zone to ensure that the zone is current with best practices; and 3) full review of the Residential Zones and associated definitions. There are other areas that need to be tightened up to provide clarity on a number of matters that could affect the character of neighborhoods throughout the City. The motion was seconded by Mr. Hare and unanimously carried.

FIRST READING - PROPOSED ORDINANCE #2015-20 AMENDING APPENDIX B - ZONING, ARTICLE 12 - DEFINITIONS

Council President Slavin reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on December 21, 2015 and that a public hearing take place during the Council Meeting of January 11, 2016, at 7:30 p.m., at which time final action by Council will take place. *[City Clerk's Office Note: Subsequent to the meeting, the Clerk's Office was advised that the Planning Commission's December meeting would be rescheduled for December 16, 2015.]*

Mr. Hare moved to refer the amendments and set a public hearing before City Council for January 11, 2016 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Neil and unanimously carried.

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

- PROPOSED ORDINANCE #2015-20 AMENDING APPENDIX B - ZONING, ARTICLE 12 - DEFINITIONS

FINAL READING - PROPOSED ORDINANCE #2015-19

The First Reading of the following proposed ordinance was accomplished during the Council meeting of October 26, 2015.

Proposed Ordinance #2015-19 Amending Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area

Mr. Hutchison moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Hare and unanimously carried.

By motion of Mr. Hare, seconded by Mr. Hosfelt, and carried by a unanimous roll call vote (Anderson and Lewis absent), Ordinance #2015-03 was adopted, as follows:

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

That Appendix C - Downtown Redevelopment, Article II - Definitions, Section 4 - Target Area of the Dover Code be amended to read as follows:

High Priority Target Area shall mean that part of the city more particularly described as bounded by the street center lines as follows:

From the intersection of the centerlines of North Governors Avenue and Mary Street south to the intersection of the centerlines of North Governors Avenue and Fulton Street, east to the intersections of the center lines of Fulton Street and North State Street, south to the intersection of the center lines of South State Street and Loockerman Street, east 202 feet and then south 172 feet and then west 36 feet and south 73 feet, and west along the right-of-way of North Street for 136 feet, and then south 45 feet along the center line of State Street and then east 73 feet along the south right-of-way of North Street and then south 71 feet, and then west 11 feet and south six feet and west 20 feet and south 135 feet and west 8 feet and then south 22 feet, then west following the centerline of The Green to the south intersection of the center lines of South State Street and The Green, south to West Water Street and south 218 feet and west 205 feet and southwest 41 feet and west 246 feet and north 102 feet and west 103 feet and northwest 3 feet and west 40 feet and southwest 9 feet and west 44 feet and north to the intersection of South Governors Avenue and the centerline of West Water Street and west to the intersection of the center lines of West Water Street and South Queen Street, south along the center line of South Queen Street 541.11 feet and then west to the center line of South West Street, and north to the intersection of the center lines of West North Street and South West Street, and west to the intersection of the center lines of West North Street and Clarence Street and north to the intersection of the center lines of Clarence Street and Slaughter Street, and west along the center line of Slaughter Street to Cherry Street and north along the center line of Cherry Street to the intersection with the center line of Lincoln Street, and east along the center line of Lincoln Street to the intersection of the center lines of Forest Street and South West Street, and north along the center line of South West Street to the intersection of the center lines of West Street and West Division Street, and west to the east property line of the Norfolk Southern railroad track, and north along this property line to the intersection with the center line of Mary Street, and west to the intersection of the center lines of Mary Street and North Governors Avenue.

ADOPTED: NOVEMBER 9, 2015

COUNCIL AND COMMITTEE MEETINGS - HOLIDAY SCHEDULE

Council President Slavin noted that, as Council had done in the past, due to the holiday season, it was recommended that the Safety Advisory and Transportation; Utility; and Legislative, Finance, and Administration Committee Meetings and City Council Meeting scheduled for December 28, 2015 be cancelled. He assured members that if the need arose, Special Meetings would be called.

Mr. Neil moved to cancel the Council and Committee Meetings as presented by Council President Slavin, seconded by Mr. Cole and unanimously carried (Anderson and Lewis absent).

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hare announced that there would be a Second District meeting held on Thursday, November 19, 2015 at 7:00 p.m. at St. John's Lutheran Church, 113 Lotus Street, noting that a representative from the Police Department would be in attendance.

Mr. Sudler thanked Tom Armstrong, the owner of Tom's Bullpen for allowing the Fourth District Councilmen to conduct a town hall meeting at his restaurant on November 19, 2015 from 6:30 p.m. to 8:00 p.m., to develop strategies for the Hamlet community to curb the violence in the Hamlet Shopping Center. Mr. Sudler stated that a City of Dover code enforcement officer, as well as a community police officer, would be in attendance to listen to the concerns of the community. He noted that the meeting was for all residents of the City of Dover and light refreshments would be served.

Mr. Hosfelt reminded members that Wednesday, November 11, 2015 is Veterans Day and asked all to take the time to thank a veteran for all of the sacrifices they have made for us and our country.

Mr. Neil moved to adjourn into the Special Council meeting, seconded by Mr. Anderson and unanimously carried.

Meeting adjourned at 8:51 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of November 9, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 1032-1058 South Dupont Highway
Exhibit #2 - Proposed New Revenue Sources - Planning and Inspections Department and Customer Services Department
Exhibit #3 - Proposed Fee Increases - Planning and Inspections Department and Customer Services Department, as Revised by Staff Subsequent to the Meeting
Exhibit #4 - Presentation - Manufactured Homes

Violation of Dangerous Building Ordinance 1032 – 1058 S DuPont Hwy

Planning & Inspections Department

Dover, Delaware

November 9, 2015

EXHIBIT #1
Regular Council Meeting of 11/09/2015

1032 – 1058 S DuPont Hwy
Case History

- The structure was condemned by City Staff on September 3, 2014, due to possible asbestos contamination with businesses located on the first floor of the structure.
- Renovations and asbestos abatement had begun on the second floor without any permits.
- The abatement area was not properly contained, causing asbestos fibers to enter the business tenant spaces on the first floor.
- Walls were removed on the second floor without building plan review or permits
- Utilities were terminated on March 12, 2015
- Registered as a vacant building on March 30, 2015

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


CAPITOL
SHOPPING
CENTER


1050
EXIT
Unity Fashionware & Barbers
302-678-3040
Unity Fashionware
STORE HOURS




















09/03/2014 09:05


09/03/2014 09:05


09/03/2014 09:06


EXIT
09/03/2014 09:06


09/03/2014 09:12


09/03/2014 09:06


09/03/2014 09:11


09/03/2014 09:10


09/03/2014 09:11


09/03/2014 09:11

09/03/2014 09:10


BriteHue
Shuttle
09/03/2014 12:00

Recommended Council Action

- Declare this building on this property dangerous.
- Order the property demolished by **December 9, 2015** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the demolition of the structure if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

ACTION FORM

PROCEEDING: Legislative, Finance, & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: 10/20/2015
PREPARED BY: Scott D. Koenig, P.E., City Manager; Ann Marie Townshend, AICP, City Planner
SUBJECT: Proposed New Revenue Sources
RELATED PROJECT: N/A
REVIEWED BY: City Manager, Controller/Treasurer
EXHIBITS: N/A
EXPENDITURE REQUIRED: **N/A** **AMOUNT BUDGETED**: **N/A** **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Implement new fees on January 1, 2016.
RECOMMENDED ACTION: Recommend to City Council the adoption of the referenced fees.

BACKGROUND AND ANALYSIS

During the FY-2016 budget hearings, City Council directed staff to review various city operations and submit requests for potential revenue sources. Staff conducted internal requests for suggestions regarding revenue sources and/or cost recovery sources. Below is a listing of the items staff is recommending action on and the annual revenue associated with the item:

Proposed New Revenues

Fee Type	Proposed Amount	Projected Revenue	Explanation
Temporary Certificate of Occupancy (TCO) - Residential	$75.00	$200.00	Currently regular CO fee is charged. Other locations charge a separate fee for TCO due to the work involved in tracking them and following up. Under this proposal, a TCO would be valid for a maximum of 45 days and the fee would be paid for each renewal.
Temporary Certificates of Occupancy - Non-Residential	$100.00	$2,000.00	
Zoning Verification/Administrative Interpretations	$50.00	$5,000.00	Zoning verification letters and administrative interpretations involve staff time to complete, and currently there is no fee. Other jurisdictions charge a fee. The proposed fee is to reflect capturing the cost of the service provided.
Utility Bill Copies - Customer Service	$1.00	$10,000.00	A random sample day yielded 118 copies printed in a day. This equates to $26,550.00 annualized. Staff believes the actual revenue will substantially decline once a charge is adopted.
Total Projected Revenue		**$17,200.00**	

ACTION FORM

PROCEEDING: Legislative, Finance, & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: 10/20/2015
PREPARED BY: Scott D. Koenig, P.E., City Manager; Ann Marie Townshend, AICP, City Planner
SUBJECT: Review & Maintenance of Fees – Planning & Customer Service Departments
RELATED PROJECT: N/A
REVIEWED BY: City Manager, Controller/Treasurer
EXHIBITS: Exhibit A – Planning & Inspections Fees
EXPENDITURE REQUIRED: **N/A** **AMOUNT BUDGETED**: **N/A** **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Implement revised fees on January 1, 2016.
RECOMMENDED ACTION: Recommend to City Council the adoption of the referenced fee changes.

BACKGROUND AND ANALYSIS

During the FY-2016 budget hearings, City Council directed staff to review various city fees and submit recommendations for consideration by City Council. Exhibit A is a listing the various Planning & Inspections Department fees being recommended for increases. In addition, there are several fees in Customer Services being recommended for increases. These include the Returned Check Fee being increased from $25.00 to $40.00 and the Service Fee for After Hours Utility Reconnection from $50.00 to $100.00 between 5:00 p.m. – 9:00 p.m. The anticipated additional annual revenue is summarized below.

Estimated Annual Revenue from Proposed Increases	
Planning Application Fees	$ 7,000
Zoning Verification Letter	$ 5,000
Public Occupancy Increase	$ 10,000
Certificates of Occupancy	$ 4,000
Mechanical	$ 23,400
Plumbing	$ 13,000
Rental Permits	$ 80,000
Itinerant Merchant License	$ 7,300
Vacant Buildings	$ 40,000
Sign Permits	$ 9,000
Returned Check Fees	$ 10,605
Service Fee for After Hours Utility Reconnection	$ 20,000
Total	$ 229,305

Type	Sub Type	Last Updated	Current Fee	Proposed Fee
Sign Permits (22-65)		2004	$.50 per SF/minimum fee $15	$.75 per SF/minimum fee $50
Temporary Sign Permits (Appendix B, Article 5)		2004	$ 15	$ 50
Business License	Itinerant Merchant	2010	$ 41.50	$ 100
Mechanical	Heating permit	2004	$30.00 first 10,000 BTUs and $5.00 each additional 10,000 BTUs or multiple thereof	$40.00 first 10,000 BTUs and $7.00 each additional 10,000 BTUs or multiple thereof
Mechanical	Air conditioning permit	2004	$30.00 per ton for the first five tons and $5.00 per ton over five tons or multiple thereof	$40.00 per ton for the first five tons and $7.00 per ton over five tons or multiple thereof
Mechanical	Heat pump permit	2004	$15.00 first 10,000 BTUsand $5.00 each additional 10,000 BTUs or multiple thereof and $2.50 for each additional 10,000 BTUs or multiple thereof and an additional $15.00 for the first five tons and $2.50 per ton for over five tons or multiple thereof	$40.00 first 10,000 BTUs and $7.00 each additional 10,000 BTUs or multiple thereof or $40.00 per ton for the first five tons and $7.00 per ton over five tons or multiple thereof
Plumbing	Fixtures	2004	$25.00 first five fixtures and $2.00 for each additional fixture	$35.00 first five fixtures and $3.00 for each additional fixture
Plumbing	Garbage Disposal & Hot Water Heaters	2004	Minimum of $25	Minimum of $35
Plumbing	Gas, water and sewer inspection underground	2004	$20.00 for first 150 feet and $0.50 for each additional ten feet or multiple thereof	$30.00 for first 150 feet and $0.75 for each additional ten feet or multiple thereof
Rental Permits	Single-family detached dwelling, each dwelling	2000	$ 90	$ 100
Rental Permits	Single-family attached dwelling, each dwelling	2000	$ 70	$ 80
Rental Permits	For the first three dwelling units	2000	$ 90	$ 100
Rental Permits	For each additional dwelling unit in excess of three	2000	$ 30	$ 35

Rental Permits	Condominium units and accessory apartments located within structures principally used for owner occupancy, each	2000	$ 30	$ 35
Vacant Building	< 1 year	2006	$ 250	$ 375
Vacant Building	1-2 years	2006	$ 500	$ 750
Vacant Building	2-5 years	2006	$ 1,000	
Vacant Building	2-3 years		$ 1,000	$ 1,500
Vacant Building	4-5 years		$ 1,000	$ 3,000
Vacant Building	5+ years	2006	$ 2,000	$ 5,000
Public Occupancy Permits	Churches	1993	$ 25	$ 50
Public Occupancy Permits	Civic auditoriums	1993	$ 25	$ 50
Public Occupancy Permits	Clubhouses	1993	$ 50	$ 100
Public Occupancy Permits	Commercial auditoriums	1993	$25.00 first 200 seats and $2.50 for each additional 50 seats	$50.00 first 200 seats and $5.00 for each additional 50 seats
Public Occupancy Permits	Day care facilities	1993	$ 25	$ 50
Public Occupancy Permits	Hospitals, nursing homes or rest homes	1993	$5.00 first ten rooms and $1.25 for each additional room	$15.00 first ten rooms and $2.00 for each additional room
Public Occupancy Permits	Mercantile (10,000 square feet of area or greater)	1993	$ 25	$ 50
Public Occupancy Permits	Outdoor public events, including but not limited to firework displays, carnivals, and outdoor music concerts ..... (would be amended to just include fire works displays)	1993	$ 25	$ 250
Public Occupancy Permits	Public office buildings	1993	$ 25	$ 50
Public Occupancy Permits	School	1993	$ 25	$ 50
Public Occupancy Permits	Theaters	1993	$25.00 for the first 200 seats and $2.00 for each **50** additional seat**s**	$50.00 for the first 200 seats and $5.00 for each **50** additional seat**s**
Public Occupancy Permits	Restaurants (10,000 square feet of area or greater)…..	N/A	N/A	$ 50
Public Occupancy Permits	Restaurants of any size that serve alcoholic beverages	N/A	N/A	$ 75
Subdivision	Preapplication; filing fee	2004	$ 200	**200**

Subdivision	Preliminary layout; filing fee	2004	$ 325	**325**
Subdivision	Plat; review fee	2004	$150.00, plus $65.00 per acre for the first ten acres, $40.00 per acre for the next ten acres and $25.00 per acre for each acre thereafter	$200.00, plus $85.00 per acre for the first ten acres, $60.00 per acre for the next ten acres and $45.00 per acre for each acre thereafter
Subdivision	Minor Lot Line Adjustment	2004	Plats for minor lot line adjustments shall require a review fee of $100.00	$ 150
Subdivision	Minor Subdivision	2004	Plats for minor subdivisions shall require a review fee of $100.00	$150 plus $15 per lot
Certificates of occupancy	All properties zoned single-family residential	2004	$ 40	$ 60
Certificates of occupancy	All other property in other zoning classifications, other than single-family residential	2004	$40.00 for the first 20,000 square feet of building area plus the sum of $10.00 for each additional 10,000 square feet of building area in excess of the first 20,000 square feet or multiple thereof	$75.00 for the first 20,000 square feet of building area plus the sum of $15.00 for each additional 10,000 square feet of building area in excess of the first 20,000 square feet or multiple thereof
Board of Adjustment	Variance for Residential	2004	$ 200	$ 300
Board of Adjustment	Variance for Non-Residential	2004	$ 300	$ 600
Board of Adjustment	Appeal	2004	$ 200	$ 300
Conditional Use		2004	$325 plus $15 per acre	$425 plus $25 per acre
Site Plan	Administrative Site Plans	2004	$ 125	$ 300
Site Plan	Site Plan	2004	$ 325	$425 plus $25 per acre
Historic District Comm.		2004	$ 250	$ 250
Rezoning		2004	$325 plus per acre fee	$425 plus per acre fee
Rezoning	~~**R-7**~~, R-8, R-10, R-15, and R-20	2004	$10 per acre	$25 per acre
Rezoning	RG-0, RG-1, RG-2, RG-3, ~~RG-4~~, RG-5, RM-1, ~~and~~ RM-2**, and MHP**	2004	$30 per acre	$50 per acre
Rezoning	C-1, C-1A, C-2, C-2A, C-3, **C-4,** CPO, RC and IO	2004	$50 per acre	$70 per acre
Rezoning	SC-1, SC-2 and SC-3	2004	$60 per acre	$75 per acre
Rezoning	M**,** ~~and~~ IPM, **and IPM2**	2004	$60 per acre	$75 per acre

Manufactured Homes

Planning Office
Dover, Delaware
November 9, 2015

EXHIBIT #4
Regular Council Meeting of 11/09/2015

Dover Code – Chapter 66 & Zoning Ordinance (Appendix B)

- Inconsistencies between provisions
- Outdated definitions
- Zoning definition for “Dwelling, One Family” does not preclude manufactured homes

Terminology

- **Manufactured Home:** A factory-built housing unit designed and constructed to meet the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as “manufactured homes”.

Terminology

- **Mobile Home:** A factory-built unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.
- **Trailer:** Trailers are technically recreational vehicles that do not conform to either local building codes or the HUD code. While still used by many to refer to mobile or manufactured homes, these are not technically trailers.

Terminology

- **Modular Home:** While often built in the same factories, modular homes are built to the same state or local building codes as site-built homes and are always placed on permanent foundations. Homes are assembled in pieces at a factory and towed to the building site where they are assembled to construct the unit. This may be as simple as two rectangular pieces, similar to a multi-section manufactured home, or very complex.

Key Distinctions

- Manufactured Homes
  - Post June 15, 1976
  - Built to HUD standards – not local building codes
- Mobile Homes
  - Pre June 15, 1976
  - Not built to HUD standards or local building codes
- Modular Homes
  - Stick built off site
  - Required to comply with local building codes

Recommended Code Changes

- Immediate amendment to definition of “dwelling, one family” and addition of definition for “manufactured home”
- Full review (6-12 months) of Chapter 66, MHP Zone, Residential Zones and associated definitions

Dwelling, one family

Dwelling, one-family: A **permanent** dwelling unit **placed on a permanent foundation and** designed and intended for use by only one family**. One-family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22 – Buildings and Building Regulations.**

Manufactured Home

Manufactured Home: A factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."