

COUNCIL COMMITTEE OF THE WHOLE AGENDA



AUGUST 15, 2017 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS, 15 LOOCKERMAN PLAZA - DOVER, DELAWARE

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

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

- 1. ALTERNATIVE SOLAR ENERGY ANNOUNCEMENT BY DSU AND EASTERN WOODLAND HOLDINGS LLC., FOR POTENTIAL PUBLIC PRIVATE PARTNERSHIP OPPORTUNITY SPONSORED BY COUNCILMAN ROY SUDLER, JR. 4TH DISTRICT AND BRIAN LEWIS 2ND DISTRICT COUNCILPERSONS**
- 2. CONWELL STREET DISCUSSION**
- 3. ANNUAL REVIEW AND APPROVAL OF GOVERNING POLICY FOR ENERGY COMMODITY RISK MANAGEMENT (STAFF RECOMMENDS APPROVAL OF THE PROPOSED AMENDMENTS)**
- 4. REVIEW OF CUSTOMER SERVICE DEPARTMENT SHUT-OFF PROCEDURES (2017 BUDGET REVIEW - HARE)**
- 5. ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

- 1. EVALUATION OF PROPOSALS - BANKING AND MERCHANT SERVICES (STAFF RECOMMENDS AWARDED THE CITY'S BANKING SERVICES TO WSFS BANK AND MERCHANT SERVICES CONTRACT TO TSYS)**
- 2. ACCESSIBILITY EVALUATION REPORT (STAFF RECOMMENDS MAKING MINOR IMPROVEMENTS IN THE CURRENT YEAR AND BUDGETING FOR MAJOR IMPROVEMENTS IN FY19)**
- 3. PROPOSED ORDINANCE #2017-12 AMENDING APPENDIX B - ZONING, ARTICLE 5 - SUPPLEMENTARY REGULATIONS, AND ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES (SPONSORS: HARE AND SLAVIN) (STAFF RECOMMENDS ADOPTION OF PROPOSED ORDINANCE #2017-12)**
- 4. PROPOSED AMENDMENT TO COMMITTEES, COMMISSIONS, AND BOARDS APPOINTMENT PROCESS**
- 5. ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING**

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

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

MEMORANDUM

Department of Public Works
P.O. Box 475
Dover, Delaware 19903
Phone: (302) 736-7025
Fax: (302) 736-4217
E-mail: sduca@dover.de.us



TO: Council Committee of the Whole – Utility Committee

CC: Donna Mitchell, Acting City Manager
Jason A. Lyon, P.E., Water / Wastewater Manager

FROM: Sharon J. Duca, P.E., Public Works Director / City Engineer

DATE: July 28, 2017

SUBJECT: Conwell Street Evaluation

ATTACHED: 4th District Constituent’s Official Request for City Road to be Paved, October 2016
Conwell Street Exhibit

BACKGROUND

At the Council Retreat of January 6, 2017, 4th District Councilman Roy Sudler, Jr. submitted a document entitled “4th District Constituent’s Official Request for City Road to Paved, October 2016”. (See attached.) The nature of this request was that Conwell Street, located between College Road and Raymond Street, be paved with asphalt and be provided with drainage, sidewalk and curb appeal related improvements. As a result, the Department of Public Works (DPW) was charged with evaluating this request in conjunction with researching the development history, current status and upgrade options. The results of this evaluation are provided below.

DEVELOPMENT HISTORY

The following is a timeline of events that took place in and around Conwell Street, which was initially platted as part of a development called College Road Settlement. The owner of the residual lands of the subdivision is unknown. The referenced development occurred within Kent County and portions thereof have annexed into the City as noted below.

Date	Event
1899	Subdivision plot of the College Road Settlement, belonging to the College Road Settlement Company was recorded (Plot Book A, Page 85).
5/2/73	Several lots within the College Road Settlement development annexed into the City (Deed N-28-245 and Plot Book 11, Page 56). (See Area #1 on Exhibit.)
10/12/83	Parcels west of what is now Mishoe Street, and the portion of Jason Street (now Raymond Street) to the north, annexed into the City (Deed U-38-10). (See Area #2 on Exhibit.)
4/21/90	Parcel deeded to the City from Hattie B. Mishoe and eventually became Mishoe Street (Deed L-48-107). (See Area #3 on Exhibit.)

Date	Event
6/19/92	Portions of Grove Street and Railroad Avenue abandoned and vacated (Deed F-52-73). (See Area #4 on Exhibit.) As per the Superior Court Petition, since the roads were never constructed, and the land has been used by the adjacent property owners, they therefore have rights to the land.
6/29/92	Parcel deeded to the City from Jemm Investors and eventually became a portion of Mishoe Street (Deed Z-51-195). (See Area #5 on Exhibit.)
1/5/94	Southern portion of Grove Street abandoned and vacated (Deed C-54-164). (See Area #6 on Exhibit.)
4/26/06	Several lots annexed into the City as per annexation application AX-06-02. (See Area #7 on Exhibit.)

CURRENT STATUS OF CONWELL STREET

The right-of-way for Conwell Street, from College Road due north, was subdivided out in the original plat for the College Road Settlement. The roadway of this portion of Conwell Street has never been dedicated as public infrastructure to the City of Dover. Additionally, according to the State of Delaware’s 2016 Municipal Street Aid (MSA) listing, this portion of Conwell Street is not recognized as a public street for the City of Dover. It should also be noted that the current condition of the infrastructure within the right-of-way does not meet the City’s minimum standards for road construction.

Four (4) properties have frontage on Conwell Street. The two (2) northern properties have not been annexed into the City of Dover. The two (2) southern properties have been annexed into the City.

Staff discussed this situation with legal counsel. Due to the fact that the ownership of the right-of-way was not found in the deed research, the City does not have the legal right to enter the Conwell Street right-of-way and improve it. Further research will be required to determine to whom the right-of-way was originally intended to be dedicated. Should the City choose to pursue the improvement of this portion of Conwell Street, the two (2) northern properties adjacent to the right-of-way should be annexed into the City.

As this street is not recognized as a City owned street it was not evaluated as part of the 2016 Street Ratings Program. It should be noted that numerous streets within the City’s network have been determined to be in need of upgrades. Approximately 29.74 miles of the 109.73 miles of City streets, or twenty-seven percent (27%), are in need of reconstruction. The primary funding source for these street upgrades is the annual Capital Improvement Program (CIP) project entitled Street, Concrete and Alley Program (Street Program). This program currently addresses approximately 1.4 miles of City streets, or one percent (1%), per year.

UPGRADE OPTIONS

According to deed research, the existing width of the Conwell Street right-of-way is thirty-five feet (35’). The City of Dover Code states that the width of all streets laid out and those dedicated to the City shall be the width that the City Council determines (Article II, Sec. 98-41). Per the City of Dover Code of Ordinances, Appendix A, Article VI.A, the minimum right-of-way width to accommodate two-way traffic is sixty feet (60’). The minimum roadway width for residential areas is twenty-four feet (24’) wide. Furthermore, if this road were to meet all the requirements of a City street, upright concrete curb and a five-foot (5’) wide concrete sidewalk with a five-foot (5’) grass buffer between the curb and sidewalk would be required. The minimum dimension of a one-way alley right-of-way is sixteen feet (16’). The minimum roadway width of said alley would be twelve feet (12’).

Based upon the above, should Council decide to pursue improvement to this street, various waivers will be required to address the geometric configuration of the street. The street will not be able to provide a two-way cartway meeting minimum width requirements as well as provide the necessary curbing, sidewalk and grass buffer within the available right-of-way. In addition, grading and storm drainage considerations must be

determined based upon field survey data to ensure the roadway design does not cause runoff onto adjacent parcels.

Other design considerations will include upgrading the entrance onto College Road to meet current State of Delaware Department of Transportation (DelDOT) standards. The specific requirements of DelDOT would be ascertained during the review process. It should also be noted that the northern end of Conwell Street abuts a portion of the Raymond Street right-of-way which is also not dedicated to the City or improved in a manner which meets City standards for road construction. If Conwell Street were to be improved the intersection with Raymond Street would also need to be properly obtained and designed to ensure appropriate flow of traffic.

SUMMARY

A request was received to upgrade the portion of Conwell Street which extends from College Road to Raymond Street. It has been determined that this portion of Conwell Street has not been dedicated to the City of Dover nor is currently listed as a City of Dover public street as per the State of Delaware's 2016 MSA listing. In order to proceed with the request the following would be required:

1. Should City Council decide to move this street ahead of others in the annual Street Program, through the City Manager, the following actions must be taken to properly plan and budget the improvements:
 - A. DPW staff, in conjunction with legal counsel, will need to work to obtain the right-of-way for Conwell Street, from College Road to Raymond Street, and Raymond Street, from the current end of Raymond Street as owned by the City to Conwell Street, in order to legally enter the rights-of-way and improve the infrastructure contained therein.
 - B. A field survey will be necessary to analyze drainage characteristics and facilitate engineering design in FY 2019.
 - C. Engineering design will be required to determine the drainage improvements required and feasible geometric configuration of the street. Associated waiver requests would be determined at that time.
 - D. Waiver requests will require the consideration of City Council. A development application may also be required for submission to the Department of Planning & Inspections and Planning Commission.
 - E. Final engineering design will be required based upon waiver authorization and agency reviews. Final plan approvals would be received at that time. A bid specification would then be developed in FY 2020.

Please note, this project has the potential to use a significant portion of the approximately \$950,000 annual budget for the Street Program. Community Transportation Funds may be a funding option.

4TH DISTRICT CONSTITUENT'S OFFICIAL REQUEST FOR CITY ROAD TO BE PAVED

OCTOBER 2016

To the Mayor, City Council Members, City Manager of Dover, 31st District House of Representative and 17th District Senator:

We the people who are Law-Abiding Citizens, Stakeholders, Taxpayers, Residents and Property Owners in the City of Dover and Kent County area are requesting that Conwell St. located between State College Rd. and Raymond St. of Dover, Delaware be paved with **Hot-Asphalt Paving, Drainage System, Sidewalks and Curve Appeal** in an effort to increase the quality of living in our community.



Conwell St. currently consists of over **34 pot-wholes** and is about 12' feet wide and over 400' feet long. Conwell St. is in deplorable condition, which through the years has caused community members to obtain wheel-alignment services and new tires due to the rapid decline in the conditions of Conwell St.

**4TH DISTRICT CONSTITUENT'S OFFICIAL REQUEST FOR
CITY ROAD TO BE PAVED**



Conwell St. between State College Rd. and Raymond St., according to our knowledge has not been paved with a **Hot-Asphalt Application** for over **40 years**.

- We are respectfully asking that the City of Dover honor our request and pave Conwell St. and install drainage system, sidewalks and curve-appeal in an effort to increase the quality of living in our community as soon as possible.

Thank You,

SIGNED BY PROPERTY OWNERS/RESIDENT'S ADDRESS:

1. Donna Ryder 291 State College Road
2. John Ryder 291 State College Road
3. Darlene Ryder 291 State College Rd

**4TH DISTRICT CONSTITUENT'S OFFICIAL REQUEST FOR
CITY ROAD TO BE PAVED**

4. Dandra L Ryder 291 State College Rd
Dover DE 19904
5. Myrtle W Dickson 291 State College Rd
Dover DE 19904
6. Armen M Ryder 291 State College Rd
353 Rita-Kilma Rd. DE 19904
7. Wilma Mishoe
Dover, DE 19904
353 Rita Wilma Rd.
8. Ray Andrew Jr
Dover, DE 19904
320 Raymond St Apt 202
9. William West
Dover Del 19904
320 Raymond St Apt 202
10. Theresa Kumbury
Dover Del 19904
320 Raymond St Apt 101
11. Larris Dupree
Dover Del 19904
320 Raymond St Apt 101
12. Chabriella Benson
Dover Del 19904
320 Raymond 19909
13. John Price
14. Sam C And
510 Raymond St 19904
15. Donna Jones
510 Raymond St 19904
16. Debra Ann Polk 295, State, college. Rd
Dover DE 19904
17. Marvin Sights 320 Raymond St apt. 308, Dover DE 19904
18. Virgil Suter 320 RAYMOND ST, Dover DE 19904
19. Charmie Crandall 320 Raymond. Dover Del. 19904
20. Alfred Zaccardelli 320 Raymond St

4TH DISTRICT CONSTITUENT'S OFFICIAL REQUEST FOR
CITY ROAD TO BE PAVED

21. André P. Johns 320 Raymond St.

22. Theodore Wisner 320 Raymond St.

23. Anna Clark 320 Raymond St.

24. Margaret Wesley 320 Raymond St

25. Charlotte Carey 320 Raymond St.

26. Samuel Ingram 320 Raymond St

27. Lisa Crain 320 Raymond St

28. William Benson 320 Raymond St

29. Jimmy Brown 320 Raymond St reverse 19904

30. Michelle Hughes 320 Raymond St. Apt 102

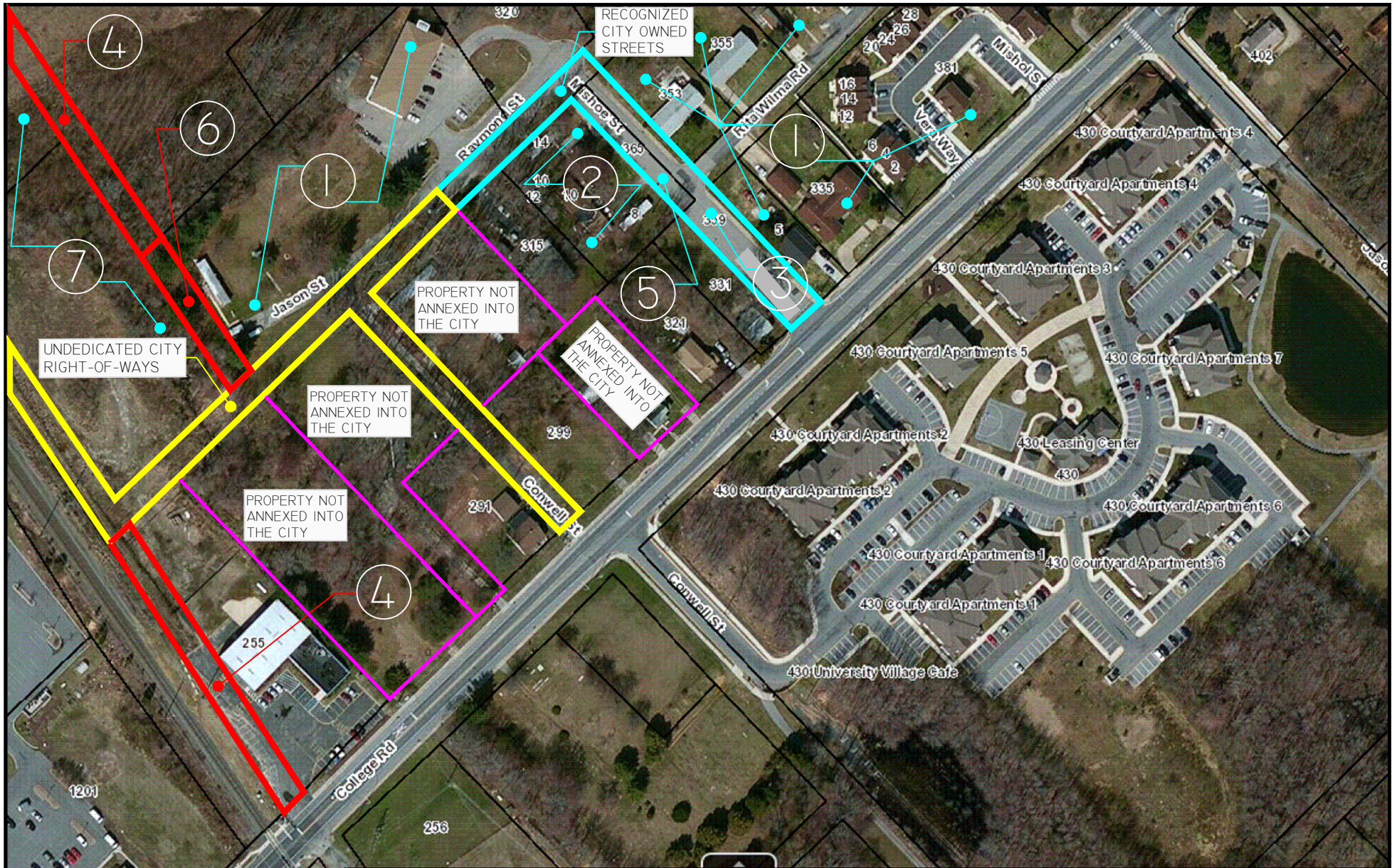
31. Francis Sneller 320 Raymond St + 102

32. _____

33. _____

34. _____

35. _____



CONWELL STREET EXHIBIT

DEPARTMENT OF PUBLIC WORKS

DRAWN:	JAL	DATE:	07/27/17
CKD:	JAL	SCALE:	NTS
APRVD:	SJD	DWG. NO:	

City of Dover, Delaware

Governing Policy

For

Energy Commodity Risk Management

Effective: August ~~24~~28, 201~~5~~7

Approved by: City of Dover Council

Date: ~~August 10, 2015~~August 15, 2017
(Last Revision ~~June 19, 2014~~ August 10, 2015)

TABLE OF CONTENTS

PURPOSE OF THE RISK MANAGEMENT POLICY.....4

A. Introduction4

B. Scope of Policy.....4

C. Objectives and Risk Philosophy.....5

D. Policy Administration5

MANAGEMENT AND CONTROLS6

A. Utility Committee of The City Council.....6

B. Executive Risk Management Committee6

 1. City Manager 8

 2. Director of the Utility..... 8

 3. Controller..... 8

 4. TEA Client Services Manager 9

DISCUSSION OF RISKS9

MARKETING AND TRADING PRACTICES10

A. Standards of Conduct.....10

B. Products, Activities and Limitations.....11

C. Contract Documentation and Confirmations11

D. Training12

E. New Product Protocol.....12

RISK LIMITS AND RISK MEASUREMENTS.....12

A. Limits12

 1. Volume/Maturity/Value Limits 12

 2. Delegation Authority 13

 3. Volume Limits 13

 4. Locational Limits 14

B. Stress Testing and Back Testing.....14

C. Instances of Exceeding Risk Limits14

CREDIT POLICY.....14

A. Measuring Credit Risk14

B.	Analysis and Extension of Credit Limits.....	15
C.	Instances of Exceeding Credit Limits.....	15
	REPORTING	16
A.	Risk Reporting.....	16
B.	Credit Reporting	17
C.	Hedge Effectiveness Reporting.....	17
	INFORMATION TECHNOLOGY SYSTEMS	17
	POLICY DISTRIBUTION AND COUNSEL	18
A.	Distribution Outside The City.....	18
B.	Designated Counsel.....	18
	APPENDIX A – Approved Products	19
	APPENDIX B – Approved Counterparties and Threshold Tables	20
	APPENDIX C – Business Risks.....	<u>2625</u>
	APPENDIX D – Glossary.....	<u>2726</u>
	APPENDIX E – Swap Transaction Representative.....	<u>2928</u>
	APPENDIX F – Authorized Individuals.....	<u>3130</u>

PURPOSE OF THE RISK MANAGEMENT POLICY

A. Introduction

The City of Dover (“**City**”) and its customers are routinely exposed to energy price risk, volume variability risk, basis risk and credit risk – herein referred to collectively as energy commodity risk - in the normal conduct of serving its electric load requirements. Volatility of energy commodity prices and volumetric uncertainty (either supply/generation or load obligations) impose a substantial and direct risk to the City’s financial and operating performance.

By authority of its charter, the City has responsibility for overseeing the City’s electricity operations, including the management of its cost of serving Dover’s customers. By agreement dated May 6, 2011 and approved by the City (the “**EMA**”), the City has engaged The Energy Authority, Inc. (“**TEA**”) to assist the City with Asset Management and Strategic Planning Services, Risk Management Services, and Energy Management Services.

This Policy for Energy Commodity Risk Management (“**Policy**”) is established the explicit understanding that the City has retained and delegated responsibilities to TEA to provide Risk Management Services.

Additionally, the City has issued this Policy for dealing with the philosophy, framework and delegation of responsibilities necessary to govern activities related to Dover’s energy commodity risk management. As set forth herein, the City has established an organizational structure, delegated responsibility and established internal controls and procedures to ensure that all transactional and oversight activities are conducted in compliance with this Policy and in accordance with the City’s normal reporting, legal, financing and regulatory requirements relating to energy assets and transactions.

B. Scope of Policy

This Policy covers all transactions entered into the by the City of Dover designed to meet the City’s electric load requirement and the management of risk related to these transactions.

In the event of conflict between this Policy and the EMA, the Policy shall control. This Policy is separate and distinct from enterprise risk management policies and procedures addressing the City’s safe operation of its generating stations and energy infrastructure, insurance requirements, permit compliance, employee matters regulatory compliance with laws and regulations of the State of Delaware and Federal

Agencies such as EPA, FERC, NERC and CFTC or other potential risks to the City beyond the purchase and sale of fuel and electric power and its ancillary products.

C. Objectives and Risk Philosophy

The objectives of the Policy are to identify energy commodity price and credit risk exposures and give the City a framework for the quantification and management of these exposures. The Policy will identify the reports needed to convey how the identified risk exposures can potentially impact the City's overall cost of providing electricity service to its customers and report on the risk management of the transactions associated with City's electric load requirements.

Under the Policy, risk management activities will be conducted consistent with the City's overall objective of appropriate risk mitigation. There are several objectives of the Policy which, when taken and executed together, serve to manage the City's energy commodity price exposures. Specifically, the Policy:

- Establishes framework for developing credit limits for counterparties and quantifies and manages the credit exposures related to potential counterparty abrogation
- Quantifies the impact of the above exposures on City's financial results
- Manages the impact of the above exposures in line with the City's identified level of risk tolerance
- Provides clear delineation of responsibilities and authority, outline a separation of duties, and ensure reporting of risk is timely and accurate.
- Ensures that the impact of any action affecting the City's position is consistently quantified, monitored and authorized.

The City's risk management activities will be conducted consistent with its overall objective of appropriate risk mitigation and never for purposes of speculation.

D. Policy Administration

This Policy has been approved by the Executive Risk Management Committee and The Utility Committee of the Dover City Council. The Utility Committee must approve modifications to the Policy with the exception of the appendix information which can be modified with the approval of the Executive Risk Management Committee.

MANAGEMENT AND CONTROLS

This Policy articulates the management and organization of the City and TEA to serve as a control framework outlining delegation of duties and responsibilities.

A. Utility Committee of The City Council

The Utility Committee of The City Council (The Committee) has a responsibility to provide approval of this Policy. With this approval, The Committee also assumes additional duties. They will understand the risks the City is and could be exposed to due to their energy commodity risk management activities. In this role, the Committee will have a responsibility to also understand the City's policies and procedures, internal controls and systems which are used to help manage the City's energy commodity risks.

The Committee will approve any amendments to the Policy or limits within. The Executive Risk Management Committee will update the Committee periodically regarding the Policy and its functions. It will be the Committee's responsibility to:

- Discuss guidelines and strategic policies that govern the process by which the Energy Risk Management Committee assesses and manages risks
- Review and approve the risk policy at least annually
- Approve new members of the Executive Risk Management Committee
- Acknowledge the risk inherent in transactions covered under this Policy

B. Executive Risk Management Committee

An Executive Risk Management Committee ("ERMC") has been formed to provide executive management oversight for the City's energy commodity risk management activities. The ERMC is charged with the creation, amendment and administration of this Policy, including acquiring any approvals required by the Utility Committee, and will ensure that all energy commodity risk management activities of the City are performed consistent with this Policy. The ERMC will meet at least monthly to review compliance and conduct its business as described in this Policy.

The ERMC shall be comprised of the following voting members: The City Manager, The Director of Utility, The City's Controller and TEA's Client Service Manager.

The City's ERMC will make decisions following the process outlined in this Policy. TEA's Client Services Manager may include representatives from other areas within TEA in the monthly ERMC meetings who will attend in person or by conference call as non-voting advisors. Other City employees and TEA staff may also be asked to attend

meetings from time-to-time, as the ERMCM deems necessary. The responsibilities of the ERMCM shall include:

- Establish scope and frequency for management reporting to the Utility Committee.
- No less than annually, review the City's Energy Commodity Policies and Procedures for correctness and completeness.
- Review and approve any new risk report or change to an existing risk report provided by TEA to monitor risks outlined in this Policy.
- Understand and approve any models, methodologies, and assumptions used for measuring risks such as volume risk, process risk, counterparty risk and commodity risk.
- Monitor the City's risks and ensure they are within the limits and are being managed according to what is indicated within the City's Policy and associated procedures
- Understand the City's risk management objectives and risk tolerances.
- Review and approve the risk management and trading strategy programs and associated risk. Each program should be reviewed to ensure alignment with Policy objectives and compliance with risk limits within this Policy.
- Periodically review any risk management program approved in light of recent market changes, and ensure continued compliance with its established guidelines
- Review and approve new products, markets, trading counterparties and credit limits
- Review all violations and exceptions to this Policy and report such to the Committee.
- Approve the individuals or companies that engage in the City's commodity transactions and are subject to the limits within this Policy.
- Ensure that the individuals or companies authorized to transact on behalf of the City as well as manage its risks, are appropriately trained and qualified.
- Ensure independence and segregation of duties between front, middle and back office at TEA.
- Recommend changes to this Policy to the City's Utility Committee for approval and ensure the Utility Committee understands the City's overall compliance with this Policy and associated procedures.
- The ERMCM will meet at least monthly to review risks identified and reported on by the Policy, this meeting shall be chaired by The City Manager. Minutes of each meeting of the ERMCM shall be recorded and reflect any decisions and follow-up action items to be performed. These minutes will be reviewed and approved by the members of the ERMCM in a timely manner.

Each member of the ERM C has a unique role as defined below:

1. City Manager

The City Manager is independent of all commercial functions and carries the responsibility of establishment and maintenance of risk management for the City. The City Manager will be a voting member of the ERM C and act as a chair of the ERM C. Other responsibilities include:

- Ensure this Policy is maintained.
- Oversee reviews of the City's energy commodity risks, limits, risk measurement methodologies and models, and programs and recommend changes to the ERM C.
- Ensure potential transactions and their impacts on the City's risks and limits defined within this Policy.
- Develop and monitor the implementation of the Policy, and oversee other risk management processes and procedures established by this Policy or otherwise by the ERM C.

2. Director of the Utility

The Director of the Utility has oversight ~~is responsible~~ for all trading, hedging, pricing, structuring, and market and operational risk management activities associated with the City. The Director of the Utility will be a voting member of the ERM C. Other responsibilities include:

- Review the effectiveness of transaction processing systems and procedures relating to risk measurement.
- Recommend operational risk and business risk assessment guidelines.

3. Controller

The Controller is independent of all commercial functions and carries the oversight responsibility ies associated with ~~of~~ the City's accounting practices. The Controller will be a voting member on the ERM C. Other responsibilities include:

- Perform financial accounting including accounting for hedging and derivatives activities.
- Comply with tax rules and make appropriate tax elections.
- Record realized and unrealized gains and losses.
- Reconcile general ledger, cash transactions and margin accounts.
- Implement tax-hedge accounting policies and other regulatory tax requirements.

- Develop and maintain documentation outlining standard procedures for conducting business.
- Invoice counterparties and resolve billing disputes.
- Perform daily/weekly/monthly transaction checkout with counterparties.
- Develop and maintain documentation outlining standard procedures for conducting business.

4. TEA Client Services Manager

The TEA Client Service Manager roles and responsibilities are defined exhibit B of the EMA between the City and TEA. The TEA Client Service Manager will be a voting member on the ERMC. Other responsibilities include:

- Monitor risk reports between ERMC meetings.
- Report to the Committee and the ERMC on the City's adherence to all limits and functions within this policy.
- Engage the ERMC in discussions regarding events or developments that could expose the company to potential losses.
- Recommend to the ERMC specific risk limits consistent with the City's risk management objectives, risk tolerance, and risk management policy.
- Coordinate and distribute independent market fundamental analysis.
- Provide advisory support and recommendations as specified in Article 5 of the EMA.
- Update RMC on training of TEA employees.

DISCUSSION OF RISKS

This Policy covers the management of all material energy market risks faced by the City. A comprehensive list of risks that are or could be relevant to City is shown in Appendix C of the Policy. Among the most critical of these risks are commodity risk, counterparty risk, process risk, volume risk, and budget risk. These risks are measured by the limit structure and controls outlined in the Policy.

Commodity risk represents the potential adverse impacts to the value of the City's portfolio due to changes in the market. Commodity risk encompasses volatility risk, forward price risk, basis risk, correlation risk and liquidity risk.

Counterparty risk represents the potential losses the City could incur due to delivery risk and receivable risk. Delivery risk stems from a supplier or trading counterparty that is unable or unwilling to perform on its commitments including but not limited to delivery or receipt of commodities. Receivable Risk includes the City's risk associated with a counterparty's timeliness of payment for services rendered.

Process risk represents the risks associated with process problems including, but not limited to, inaccurate data capture, untimely trade execution or settlement problems. Controls over process risks are embedded in the organizational structure of TEA through the design processes and operating procedures.

Volume Risk represents the potential for unforeseen changes from projections of excess or shortfall of capacity or energy from the actual needs. When variances are large coupled with large costs to transact and adverse moves in market prices this risk could be realized. In management of this risk, the City must be aware of the fact that unexpected variations in volume are often highly correlated with price movements.

Budget Risk represents the potential to deviate outside of tolerable bounds of the City's budget. Deviations from budget can be caused by forecast error or unforeseeable adverse changes in market prices.

Regulatory Risk arises from participation in regulated markets. With the Independent System Operator (ISO) implementation of Federal Energy Regulatory Commission (FERC) Order 741, the City faces increasing regulatory risk when participating in wholesale energy markets. The TEA Compliance department works in conjunction with the TEA Risk Control department to help the City manage regulatory risk.

Regulatory risk is managed by:

- Annual Compliance Training for all employees participating in regulated markets;
- Integration of the appropriate compliance culture within the Trading department through ongoing interaction between Compliance and Trading;
- An independent monitoring and exposure measurement on transactions that could trigger an increase in regulatory risk.

MARKETING AND TRADING PRACTICES

A. Standards of Conduct

Individuals authorized to transact for the City shall not misrepresent, conceal or withhold information regarding energy commodity trading and risk management transactions to any person responsible for the accurate recording and/or reporting of such transactions; participate in any such transaction or similar activity for the benefit of any party other than the City; or hold or be a beneficiary of any financial interest in any entity with which the employee is engaged in trading or other business activity (other than ownership of an interest in a mutual fund managed by another party).

Further, no employee authorized to place or execute such transactions may engage in trading power or energy commodities derivative instruments for his or her personal account.

B. Products, Activities and Limitations

Pursuant to achieving the City's core objectives for the purpose of energy commodity risk management, the following limitations shall apply.

- Permissible instruments will be restricted to the products and instruments specified in Appendix A – Approved Products of the Policy;
 - All physical forward transactions shall be governed by the Edison Electrical Institute (EEI), North American Energy Standards Board (NAESB), or similar agreements with counterparties approved by the City.
 - The City reserves the right to enter into financial hedge transactions to effectuate Policy objectives, but does not authorize TEA to enter into financial hedge transactions on its behalf. Any such financial transactions that the City may enter into shall be governed by ISDA agreements with counterparties as approved by the City.
- The maturity for each permissible instrument will be restricted to the maturity limits specified in the risk limits section of the Policy.
- Transaction volumes for each risk management transaction will be restricted to the amounts specified in the Risk Limits section of the Policy.
- Risk management transactions will be outlined in the *City of Dover Hedge Program* which will be approved by the ERMC. Risk management transactions may include the following:
 - Hedging the forward price of purchased power for delivery to the City as needed to meet its electric load requirements.
 - Hedging the forward price of natural gas and fuels as needed to generate power to meet the City's electric load requirements.
 - Unwinding of hedges to accommodate changes in expected load requirements, or for economic reasons subject to explicit constraints set by the ERMC.

C. Contract Documentation and Confirmations

No over-the-counter transaction may be executed until an EEI, NAESB, or similar agreement has been authorized by the City, approved by the ERMC and fully executed by the parties.

Written confirmations will be required from counterparties, as defined in the Master Service Agreement between the City and counterparty, within one business day or such longer time as required by the contract in question for all risk management transactions. Contemporaneous with any commitments and prior to receipt of written confirmations, verbal commitments shall be memorialized internally as to instrument structure, quantity, relevant time horizon, price and any other relevant terms; such internal

documentation shall be time stamped and correlated to the ultimate written confirmation to or from the counterparty. Both the internal documentation as well as the written confirmation from the counterparty shall be provided to TEA's Risk Control Group immediately upon receipt for verification.

In the event that there is a material failure to provide timely documentation or confirmations, then at the City Manager's sole discretion, the offending individual's authorization may be suspended. Similarly, if the failure to provide timely documentation or confirmations is due to the failure of counterparty, then at the discretion of the City Manager, a moratorium may be imposed on transactions with that counterparty. In such cases, the City Manager shall notify the ERM of the issues leading to the suspension or moratorium shall.

Nothing herein shall inhibit the City Manager from bringing control issues to the TEA's Client Services Manager prior to a decision on materiality or the imposition of a suspension of trading privileges or counterparty moratorium.

D. Training

The ERM will ensure that all City employees and/or TEA Staff that will execute transactions on behalf of the City will have appropriate training in the markets in which the transactions occur.

E. New Product Protocol

As required to manage the City's energy commodity risk the ERM shall approve new products provided the requirements of the New Product Approval Procedure are met.

RISK LIMITS AND RISK MEASUREMENTS

A. Limits

The limit structure is designed to quantify the types of risk in City's energy commodity portfolio. The City will manage and report on its energy commodity market risk using Volume/Maturity/Value Limit, Delegation of Authority's Limit, a Cost-of-Service Volume Limit and a Hedge Loss Locational Limit.

1. Volume/Maturity/Value Limits

Transaction limits for the Individuals Authorized in Appendix E to execute transactions and the maturity limits for each permissible instrument are listed below.

~~Transactions for amounts in excess of those listed may be executed only upon approval of the ERM. This limit, maturity and value structure is not intended for use when transacting day-ahead and real time in the PJM market.~~

Volume/Maturity/Value Limits		Maximum Daily Notional Limits	
		Volume	Value (\$000)
Power (MW) Hourly Limit	Balance of the Month through 12 Months	50	20,000
	Between 13 Months and 24 Months	50	20,000
	Between 25 Months and 36 Months	25	10,000
	Between 37 Months and 48 Months	25	10,000
	Between 49 Months and 60 Months	25	10,000
Natural Gas (MMBtu) Monthly Limit	Balance of the Month through 12 Months	30,000	400
	Between 13 Months and 24 Months	30,000	400
	Between 25 Months and 36 Months	10,000	200
	Between 37 Months and 48 Months	10,000	200
	Between 49 Months and 60 Months	10,000	200
#2 Fuel Oil (Bbl) Monthly Limit	Balance of the Month through 12 Months	6,000	400
	Between 13 Months and 24 Months	6,000	400
	Between 25 Months and 36 Months	3,000	200
	Between 37 Months and 48 Months	3,000	200
	Between 49 Months and 60 Months	3,000	200

~~The amounts in the table above refer to the maximum volume of orders that can be placed in any one day the individuals authorized to conduct trades for the specified time period. On any one day the maximum transaction volume placed can be for up to 50 MegaWatts per hour for every hour during a single calendar month (including both on-peak and off-peak hours), OR 25,000 MMBtu per month for all months pertinent to the natural gas transaction, OR 6,000 Bbl per month for all months pertinent to the oil transaction.~~

2.1. Delegation Authority

The Utility Committee delegates the following approval authority limits to the Dover ERM. The ERM may not delegate these authorities to individuals authorized to commit Dover to financial obligations.

Position	Maturity Limit	Term Limit	Notional Value Limit
Dover ERM	5 years	5 years	20,000,000

~~This limit, maturity and value structure is not intended for use when transacting day-ahead and real time in the PJM market.~~

3.2. Volume Limits

For no reason should a transaction be executed that exceeds the City’s electric load requirements. If there is an adjustment to the City’s electric load requirements and the

existing transactions greater than 100% of the adjusted electric load requirements the ERMCM will review and approve the offsetting strategy deployed in sufficient proportion to mitigate the encroachment.

4.3. Locational Limits

Non-Commodity Transactions must support the requirement of one of the City's generation units, native load or transaction locations.

B. Stress Testing and Back Testing

The City's positions shall be periodically stress tested and models shall be back tested. The processes around these tests are outlined in the *Stress Testing and Back Testing Procedure*.

C. Instances of Exceeding Risk Limits

Should the City or TEA enter into a transaction that causes the portfolio to exceed any above mentioned limits the Director of the Utility shall, in addition to notifying the ERMCM, also notify the Chair of The Committee as soon as practicable and shall provide periodic reports to the Chair on the status the transactions for as long as the City is exceeding its limits. The ERMCM will review and determine whether any liquidation or offsetting of transactions is warranted. The incident will be documented as a Policy Exception by the Director of the Utility.

CREDIT POLICY

Credit Risk is the risk due to the uncertainty in a counterparty's ability to meet its contractual obligations. The primary objective of this credit policy is to mitigate, to the extent commercially reasonable, the credit risks associated with transactions covered in this Policy while still allowing the City to achieve its objectives.

A. Measuring Credit Risk

The status of credit risk will be measured and reported through reports provided by TEA.

The current credit exposure will be reported at the agreement level via a Counterparty Credit Report provided by TEA. This information will be made available in real time to TEA trading personnel so that it can be checked prior to executing transactions for the City. Those responsible for risk oversight at the City and TEA will have access to this information no less frequently than once per day. The ERMCM will monitor overall

credit utilization and any credit exceptions at least monthly. When measuring the current credit risk, netting will be applied to the exposure if the City's contract with a counterparty includes provisions for netting.

B. Analysis and Extension of Credit Limits

Physical and financial commodity transactions will be executed with counterparties approved by the ERMCM with credit available to support the transactions. The creditworthiness of a counterparty will be determined by both qualitative and quantitative factors. Factors shall include, but not limited to:

- A company's debt credit ratings provided by the rating agencies.
- Financial data such as an analysis of the income statement, balance sheet, and cash flow, as well as liquidity and capital structure.
- Subjective factors such as company's fuel diversity, overall size, risk management policy and internal controls, geographic diversity, and market intelligence.

A credit limit is the amount of unsecured credit granted to a counterparty. Unsecured credit exposure includes amounts owed by the counterparty, whether billed or not, and the mark-to-market differences in value of any collateral which the counterparty has provided the City. Any net exposure above the collateral threshold will require the posting of collateral by a counterparty. Further information on the City's procedure for establishing credit is contained in the *Counterparty & Credit Review Process*.

Collateral thresholds, term limitations and credit exposure limits will be subject to the maximums indicated in Appendix B, based upon the lower of the S&P and Moody's credit ratings.

At no time will the City incur a credit exposure with any counterparty greater than \$60,000,000.

C. Instances of Exceeding Credit Limits

The City and TEA are restricted by the credit limits approved by the ERMCM. The ERMCM can suspend trading with a counterparty, if that counterparty's credit limit has been reached or exceeded. **The City or TEA traders shall not exceed the Counterparty Credit Limit by executing transactions with any counterparty without approval of the ERMCM.**

The ERMCM will determine when it's appropriate to require additional collateral if a counterparty's credit exposure exceeds its credit limit. Collateral includes standing letter of credit, cash, and prepayments.

All credit exceptions will be documented and reported to the ERM and the Committee as Policy Exceptions.

REPORTING

A. Risk Reporting

Preparation of timely reports is critical to monitoring risk. TEA will furnish the required reports on a regular frequency for the City in a format acceptable to the ERM. In addition, the ERM and its designees will be provided access to the City's risk reports as updated daily via TEA's secure Web Portal.

Reports required on a monthly basis and for periodic meetings of the ERM include the following:

- **Profit and Loss Report**

The Profit and Loss (P&L) Report shows the daily realization of transactions at either the transaction price or the market price as transaction roll from unrealized to realized. This report should show volumes, transaction prices and market prices of realized physical and financial power and fuel transactions.

- **Mark to Market Report**

The Mark to Market ("MTM") Report conveys the potential transaction exposure, of all existing forward transactions executed, if the energy commodity portfolio was liquidated at the most recent market settlement prices. This report should show volumes, transaction prices and market prices of unrealized physical and financial power and fuel transactions.

- **Daily Activity Report**

The Activity Report presents a summary of the day's trades executed in the bilateral energy market.

- **Cost of Service Report**

The City's exposure to energy price risk shall be monitored and reported on a Cost-of-Service basis. All calculations are at the wholesale level. The Cost-of-Service recognizes all prior (expired) months within the Power Year on the basis of actual (incurred) costs, and recognizes all forward (pending) months within the Power Year on the basis of expected forward power and fuel prices and expected forward load-following risks. As defined below, the Cost-of-Service is an aggregation of Forward Energy Commodity Portfolio Cost, the Load Following Cost Expectation and the City's Budget Target for Purchase Power Expense.

- The Net Purchased Power Cost shows the net cost of all physical and financial transactions related to the City's anticipated commodity requirements for power and fuel and is based on the price of all hedge transactions plus the forward market price of all unhedged transactions valued at current forward prices for energy commodities, customer-level cost per MWH of all physical and financial transactions related to Dover's actual plus anticipated energy.
- The expected fixed costs defined as load-serving entity (LSE) capacity costs, transmission costs and TEA management fees.
- The Expected Load-Following Cost for a specified power year is defined as the expected cost (or revenue) associated with intra-month load variations due to weather or other events affecting demand. As an interim measure due to lack of necessary market information and the rapid evolution of the PJM RTO market, the ERMCM has specified \$2.50 per MWH as an estimate of the Load Following Cost to be used for estimating the City's Forward Cost-of-Service Report. The ERMCM will update the Expected Load Following estimate while lack of necessary market information persists no less than annually.
- The Budget Target for Purchase Power Expense represents the City's view of expected purchase power expense.

B. Credit Reporting

- **Counterparty Credit Report**

The Counterparty Credit Report conveys the exposure to all counterparties with which the City has credit exposure resulting from its energy commodity risk management activities.

- **CFTC Reporting**

The City understands that transacting over the counter (OTC) swaps carries an additional Commodity Futures Trading Commission (CFTC) reporting function. Once required by the CFTC, the City will report on how the City generally meets its financial obligations associated with entering into non-cleared swaps in a manner acceptable to the CFTC.

C. Hedge Effectiveness Reporting

If the City's transactions require a hedge effectiveness test, those testing results will be reported to the ERMCM no later than one month after the end of the financial reporting period. The report will include a summary of testing methodology, assumptions of the testing and the outcome of results with a pass or fail by transaction.

INFORMATION TECHNOLOGY SYSTEMS

Since information systems play a vital role in The City's trading abilities, the City shall ensure that the information systems and technology used to store all transaction information is maintained and secure. The City's transactions will be stored in TEA's enterprise trading and risk management system. TEA uses the TriplePoint Commodity XL (CXL) system, integrated with Commodity XL for Credit Risk (Credit Risk). TEA has assigned a Database Administrator (DBA) that is charged with the database security and maintenance for the transaction database, CXL.

The following safeguards for data security and backup will be installed:

- Transaction data stored in the system of record will be replicated daily to ensure data redundancy;
- The CXL database will be backed up at least daily after the close of business.

POLICY DISTRIBUTION AND COUNSEL

A. Distribution Outside The City

The City's Policy is restricted to the use of the City and TEA organizations. It shall not be distributed outside these organizations without the consent the ERMC.

B. Designated Counsel

Questions about the interpretation of any matters of this Policy should be referred to ERMC. The ERMC will provide clarification and explanation on any updates to this Policy.

All legal matters stemming from this Policy will be referred to the City's Legal Counsel.

APPENDIX A - Approved Products

The following shall constitute a list of approved products to be utilized by TEA to manage the City's energy commodity portfolio:

- Physical Power
- Physical Natural Gas ~~Delivered Dover via Eastern Shore Pipeline~~
- Physical Residual Fuel Oil (#2) ~~Delivered Dover~~
- Capacity
- Financial Power
- Financial ~~Call Options~~
- ~~Financial Put Option~~
- PJM Demand Bids and Generation Offers
- PJM InSchedules
- PJM Transmission Products
 - Financial Transmission Rights
 - Annual Auction Revenue Rights
- PJM Tier 2 Synchronized Reserves

The above instruments can be executed by TEA on behalf of the City of Dover for the current and next two successive Power Years (July to June).

APPENDIX B - Approved Counterparties and Threshold Tables

This Appendix establishes approved counterparties and their Collateral thresholds. Collateral thresholds, term limitations and credit exposure limits that are subject to the following maximums based upon the lower of the S&P and Moody's credit ratings:

Credit Thresholds from Dover Extended to the Counterparty

Constellation Energy Exelon Generation Company, LLC

Threshold	S&P	Moody's
\$ 60,000,000	AAA	Aaa
\$ 50,000,000	A- to AA+	A3 to Aa1
\$ 40,000,000	BBB+	Baa1
\$ 30,000,000	BBB	Baa2
\$ 20,000,000	BBB-	Baa3
\$ -	Below BBB-	Below Baa3

AEP Energy Partners, Inc.

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
<u>\$ 10,000,000</u>	<u>BBB- and Above</u>	<u>Baa3 and Above</u>
<u>\$ -</u>	<u>Below BBB-</u>	<u>Below Baa3</u>

BP Energy Company

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
<u>\$ 60,000,000</u>	<u>AA- to AAA</u>	<u>Aa3 to Aaa</u>
<u>\$ 45,000,000</u>	<u>A+</u>	<u>A1</u>
<u>\$ 30,000,000</u>	<u>A</u>	<u>A2</u>
<u>\$ 15,000,000</u>	<u>BBB to A-</u>	<u>Baa2 to A3</u>
<u>\$ -</u>	<u>Below BBB</u>	<u>Below Baa2</u>

Integrys Calpine Energy Services, L.P.

Threshold	S&P	Moody's
\$ 20 25,000,000	AAA	Aaa
\$ 20 15,000,000	AA- A- to AA++	Aa3 Aa3 to Aa1 Aa1
\$ 15 10,000,000	A- to A+ A- to A+	A3 to A1 A3 to A1
\$ 5,000,000	BBB+	<u>Baa1</u>
<u>\$ 3,000,000</u>	<u>BBB- to BBB</u>	<u>Baa3 to Baa2</u>
<u>\$ -</u>	<u>Below BBB-</u>	<u>Below Baa3</u>

EDF Trading North America, LLC

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 18,000,000	Fixed	Fixed

PSEG Energy Resources & Trade, LLC

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 20,000,000	BBB- and Above	Baa3 and Above
\$ -	Below BBB-	Below Baa3

Sequent Energy Management, L.P.

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 5,000,000	Fixed	Fixed

Sempra Energy

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 20,000,000	A or above	A2 or above
\$ 20,000,000	A- to A+	A3
\$ 15,000,000	BBB+	Baa1
\$ 10,000,000	BBB	Baa2
\$	BBB- or lower	Baa3 or lower

Conectiv

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
Unspecified *	Above BBB+	Above Baa3
\$ -	Below BBB-	Below Baa3

* Conectiv does not have a defined credit threshold, so for planning purposes, a \$10,000,000 threshold is imposed as a conservative limit

Macquarie Cook PowerEnergy, LLC

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

Morgan Stanley Capital Group

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
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\$	25,000,000	AAA	Aaa
\$	20,000,000	AA- to AA+	Aa3 to Aa1
\$	15,000,000	A- to A+	A3 to A1
\$	10,000,000	BBB+	Baa1
\$	5,000,000	BBB	Baa2
\$	-	BBB- or below	Baa3 or below

FPL-NextEra Energy Marketing, LLC

Threshold	S&P	Moody's
\$ 30,000,000	AAA	Aaa
\$ 25,000,000	AA- to AA+	Aa3 to Aa1
\$ 20,000,000	A- to A+	A3 to A1
\$ 15,000,000	BBB+	Baa1
\$ 10,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

Deutsche Bank

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

Barclays Bank

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

Credit Thresholds from the Counterparty Extended to Dover

AEP Energy Partners, Inc.

Threshold	S&P	Moody's
\$ 10,000,000	BBB- and Above	Baa3 and Above
\$ -	Below BBB-	Below Baa3

BP Energy Company

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 30,000,000	AA to AAA	Aa2 to Aaa
\$ 25,000,000	AA-	Aa3
\$ 20,000,000	A+	A1
\$ 15,000,000	A	A2
\$ 5,000,000	BBB to A-	Baa2 to A3
\$ -	Below BBB-	Below Baa3

Calpine Energy Services, L.P.

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 10,000,000	AA- to AAA	Aa3 to Aaa
\$ 7,500,000	A- to A+	A3 to A1
\$ 5,000,000	BBB+	Baa1
\$ 3,000,000	BBB- to BBB	Baa3 to Baa2
\$ -	Below BBB-	Below Baa3

Exelon Generation Company, LLC

<u>Threshold</u>	<u>Fitch</u>	<u>Moody's</u>
\$ 60,000,000	AAA	Aaa
\$ 50,000,000	A- to AA+	A3 to Aa1
\$ 40,000,000	BBB+	Baa1
\$ 30,000,000	BBB	Baa2
\$ 20,000,000	BBB-	Baa3
\$ -	Below BBB-	Below Baa3

Integrus

<u>Threshold</u>	<u>Fitch</u>	<u>Moody's</u>
\$ 20,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ 1,000,000	BBB-	Baa3
\$ -	Below BBB-	Below Baa3

Sempra Energy

<u>Threshold</u>	<u>Fitch</u>	<u>Moody's</u>
\$ 27,000,000	A or above	A3 or above
\$ 5,000,000	BBB+	Baa1
\$ 1,000,000	BBB	Baa2
\$ -	BBB- or lower	Baa3 or lower

Conectiv

<u>Threshold</u>	<u>Fitch</u>	<u>Moody's</u>
------------------	--------------	----------------

Unspecified *	Above BBB+	Above Baa3
\$ -	Below BBB-	Below Baa3

***Conectiv does not have a defined credit threshold, so for planning purposes, a \$10,000,000 threshold is imposed as a conservative limit**

PSEG Energy Resources & Trade, LLC

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ <u>12,000,000</u> *	Fixed	Fixed

***Threshold is \$12,000,000 as long as Dover maintains a Debt Service Coverage greater than 1.25% and Total Net Assets of at least \$50,000,000 and Total Net Assets do not decline by more than 25% on a fiscal year end basis.**

Morgan Stanley Capital Group

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ <u>25,000,000</u>	<u>AAA</u>	<u>Aaa</u>
\$ <u>20,000,000</u>	<u>AA- to AA+</u>	<u>Aa3 to Aa1</u>
\$ <u>15,000,000</u>	<u>A- to A+</u>	<u>A3 to A1</u>
\$ <u>10,000,000</u>	<u>BBB+</u>	<u>Baa1</u>
\$ <u>5,000,000</u>	<u>BBB</u>	<u>Baa2</u>
\$ <u>-</u>	<u>BBB- or below</u>	<u>Baa3 or below</u>

Macquarie Cook Power Energy, LLC

<u>Threshold</u>	<u>Fitch</u>	<u>Moody's</u>
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	AA3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

FPL-NextEra Energy Marketing, LLC

<u>Threshold</u>	<u>Fitch</u>	<u>Moody's</u>
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\$	23,000,000	AAA	Aaa
\$	18,000,000	AA- to AA+	AA3 to Aa1
\$	13,000,000	A- to A+	A3 to A1
\$	8,000,000	BBB+	Baa1
\$	3,000,000	BBB	Baa2
\$	-	BBB- or below	Baa3 or below

EDF Trading North America, LLC

<u>Threshold</u>	<u>S&P</u>	<u>Moody's</u>
\$ 18,000,000	Fixed	Fixed

Deutsche Bank

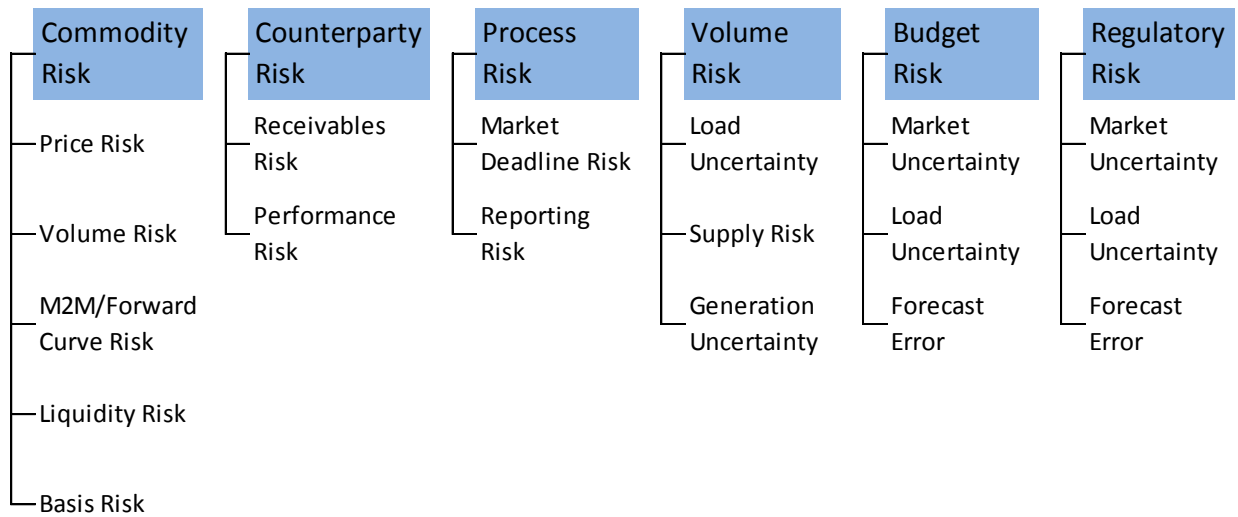
Threshold	Fitch	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	AA3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

Barclays Bank

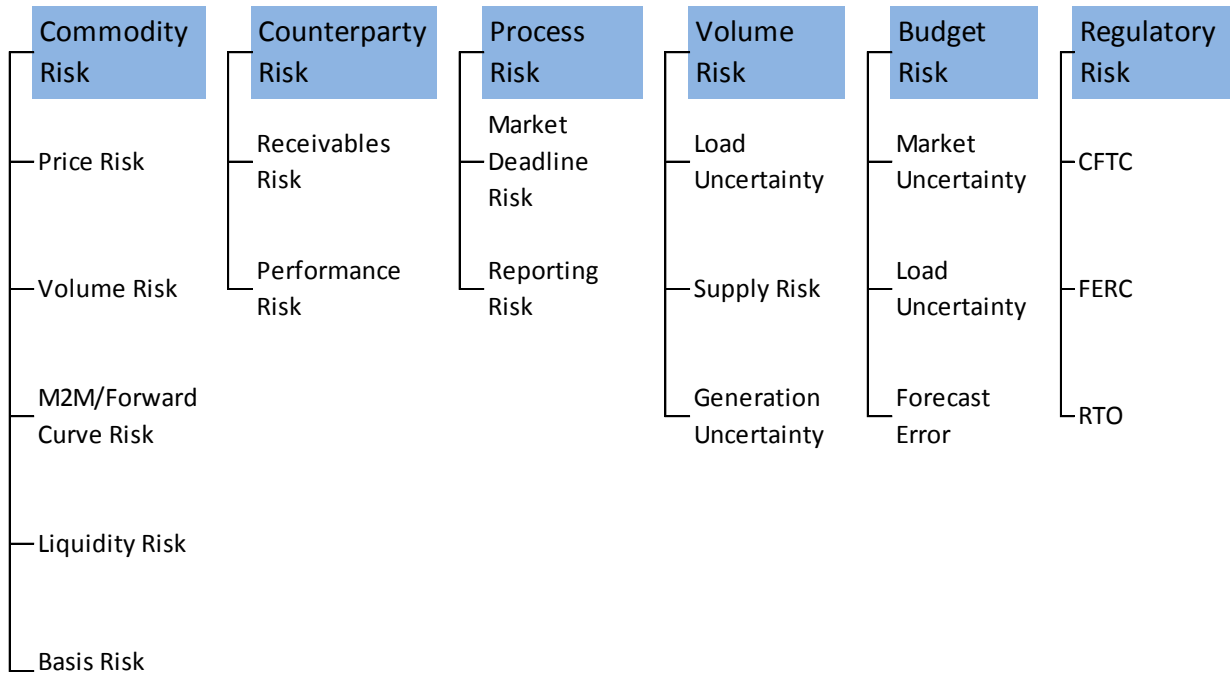
Threshold	Fitch	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	AA3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

APPENDIX C - Business Risks

Business Risks Topology



Business Risks Topology



APPENDIX D - Glossary

Back Office – That part of a trading organization which handles transaction accounting, confirmations, management reporting, and working capital management.

Bilateral Transaction - Any physical or financial transaction between two counterparties, neither of whom is an Exchange or market entity (e.g. MISO).

Capacity – The real power output rating of a generator or system, typically in megawatts, measured on an instantaneous basis.

Commodity - A basic good used in commerce that is interchangeable with other commodities of the same type. Commodities are most often used as inputs in the production of other goods or services. The quality of a given commodity may differ slightly, but it is essentially uniform across producers. When they are traded on an exchange, commodities must also meet specified minimum standards, also known as a basis grade.

Financial Bilateral Transaction – A Bilateral Transaction that is non-physical and is defined by a Source Point, Sink Point, and Delivery Point that may be any CP Nodes as specified by the Midwest ISO.

Financial Forward – An agreement regarding a position in a specified commodity, a specified price, and a specified future settlement date, that does not result in physical delivery of the commodity. Rather one party in the agreement makes a payment to the other party on the basis of the commodity price at the future date.

Front Office – That part of a trading organization which solicits customer business, services existing customers, executes trades and ensures the physical delivery of commodities.

Hedging Transaction - A transaction designed to reduce the exposure of a specific outstanding position or portfolio; “fully hedged” equates to complete elimination of the targeted risk and “partially hedged” implies a risk reduction of less than 100%.

Mark-to-Market Value – A measure of the current value of unrealized positions; includes both Open Positions and Closed Positions.

Middle Office – That part of a trading organization that measures and reports on market risks, develops risk management policies and monitors compliance with those policies, manages contract administration and credit, and keeps management and the Board informed on risk management issues.

Policy – Dover’s Governing Policy for Energy Commodity Risk, as amended and approved by The Utility Committee.

Portfolio – A collection of transactions.

Realized Gains/(Losses) – The amount earned (or lost) from a transaction , considered to be **realized** once the time for performance has lapsed (e.g. delivery of power in the case of physical transactions or expiration of an option in the case of financial transactions).

Term – The total duration of a contract, defined as the number of days between the beginning flow date and ending flow date, inclusive.

Unrealized Gains/ (Losses) – The amount expected to earn (lose) on a specific transaction(s); however, the time for performance has not lapsed. The total value of Unrealized Gains/ (Losses) is the Mark-to-Market value.

APPENDIX E - Swap Transaction Representative

Purpose:

To ensure that the City of Dover, a Special Entity under the Dodd-Frank Financial Reform Act, selects a qualified representative (“Representative”) to provide advice and guidance when entering into swap transactions with Swap Dealers or Major Swap Participants.

Definitions:

Special Entity: As defined in 7 U.S.C. 6s(h)(2)(C) and further interpreted in 17 C.F.R. 23.401(c). The City of Dover is a Special Entity as defined by 17 C.F.R. 23.401(c)(2).

Swap Dealer: As defined in 7 U.S.C. 1a(49) and further interpreted in 17 C.F.R. 1.3(ggg)

Major Swap Participant: As defined in 7 U.S.C. 1a(33) and further interpreted in 17 C.F.R. 1.3(hhh)

Representative: As defined in this policy and 17 C.F.R. 23.450

Policy:

Selection: The City of Dover shall endeavor to seek and employ an individual or entity that will voluntarily act as a Representative for all energy commodity swap transactions between XXXX and any Swap Dealer or Major Swap Participant. The Representative must meet the following qualifications identified in 17 C.F.R. 23.450(b):

- (i) Has sufficient knowledge to evaluate the transaction and risks;
- (ii) Is not subject to a statutory disqualification;
- (iii) Is independent of the swap dealer or major swap participant;
- (iv) Undertakes a duty to act in the best interests of the Special Entity it represents;
- (v) Makes appropriate and timely disclosures to the Special Entity;
- (vi) Evaluates, consistent with any guidelines provided by the Special Entity, fair pricing and the appropriateness of the swap; and
- (vii) In the case of a Special Entity as defined in § 23.401(c)(2) or (4), is subject to restrictions on certain political contributions imposed by the Commission, the Securities and Exchange Commission, or a self-regulatory organization subject to the jurisdiction of the Commission or the Securities and Exchange Commission; provided however, that this paragraph (b)(1)(vii) of this section shall not apply if the representative is an employee of the Special Entity.

The Representative and the City of Dover shall enter into a legal agreement that binds the Representative to comply with items (i) through (vii) in this policy.

At no longer than any 12 month interval, the City of Dover shall review the performance of the Representative to ensure compliance with items (i) through (vii) in this policy.

|

APPENDIX F – Authorized Individuals

~~As described in RISK LIMITS AND RISK MEASUREMENTS, the ERMIC may delegate approval authority. Dover has delegated to TEA execution authority and with the delegations below, if there is a trade within the limit structure, TEA may execute without ERMIC approval:~~

Position	Maturity Limit	Term Limit	Notional Value Limit
TEA Trader	30 days	30 days	1,000,000



City of Dover

Customer Services Department

5 E Reed Street ~ Dover, DE 19903 ~ (302) 736-7035

Disconnection Policy Review

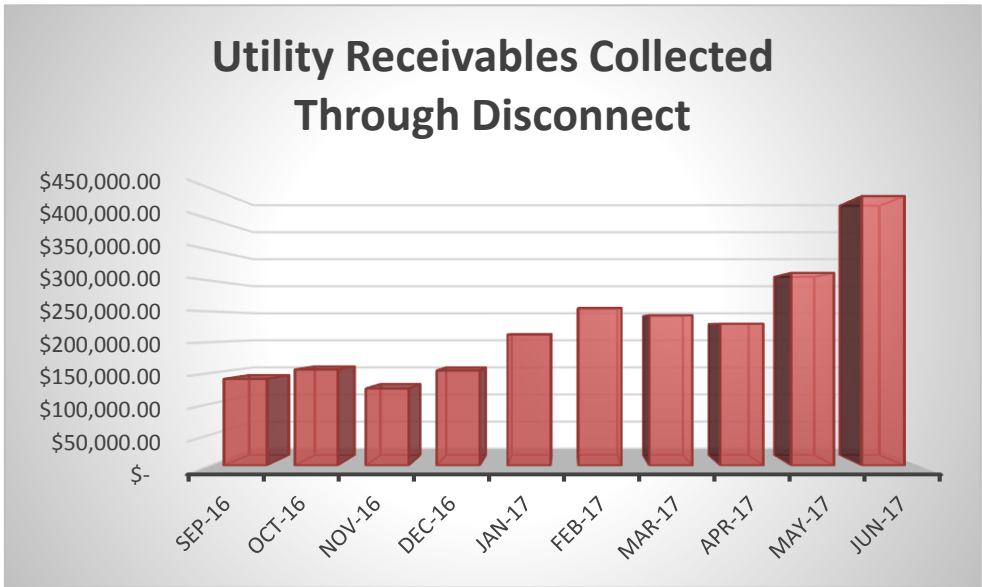
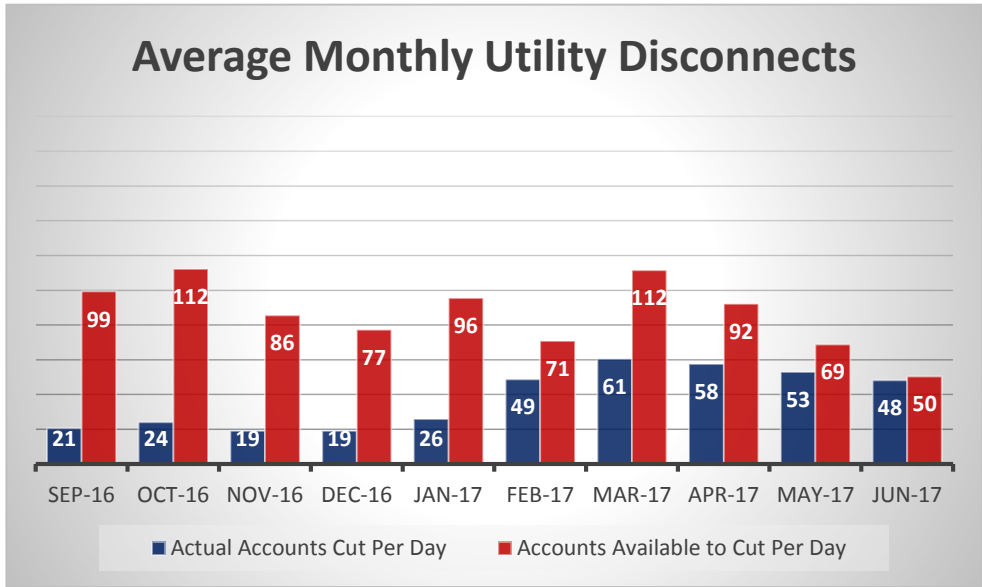
July 28, 2017

Through the utilization of the existing policy, as noted in the Electric Services Handbook (details attached), the Customer Service Staff has been able to reduce the average overall number of daily disconnects from a high of 112 to a low of 50 disconnects per day as demonstrated by the chart below.

Utility receivables collected through the disconnection process from September 2016 through June 2017 range from a low of \$124,907.89 to a high of \$437,125.60.

Factors that may affect disconnections

- Weather
 - Disconnections do not occur in the event the high temperature of the day is 32 degrees or below or 100 or above with the heat index taken into consideration.
- Customer has a current medical determination on file.
- Customer has a payment agreement or extension on file.
- Holidays and Weekends



CITY OF DOVER

ELECTRIC SERVICE HANDBOOK

City Council Approved ~ January 9, 2012

5. CUSTOMER SERVICE

XII. BILLING PERIOD

*Meter readings are obtained by the City's meter reading staff on a monthly basis on a pre-determined route. The area of the service address determines the date the meter is read, billed and due and requests for specific billing date cannot be accommodated. **The electric bill shall be due and payable within twenty-one (21) days after the electric bill is dated.***

XV. FINAL BILLING

*When terminating services, the customer must make a request to the City (1) one business day, or twenty-four (24) hours, prior to the termination date. **The final bill will be due and payable when rendered.** Any service deposit on file will be applied to the final bill. If unpaid, the City may refer the account to a collection agency. The customer will be responsible for any fees, penalties, legal expenses and attorney fees incurred during the collection process.*

XVII. CREDIT POLICY

*It is important to maintain a good payment record. **Payment is due (21) twenty-one days from the billing date indicated on the bill.** Payment arrangements can be made with Customer Service, if the customer meets eligibility requirements. Delinquent balances are subject to penalties at the percentage approved by City Council. More details on the City's credit policy are available by contacting Customer Service.*

XVIII. RETURNED CHECKS AND RETURNED ELECTRIC FUNDS TRANSFERS

The City will charge an established service fee for any check or electric funds transfer returned unpaid for any reason from the bank. In the event the item returned was used for the payment of reconnection of electric service the City may terminate the electric service, without written notice, until the matter is resolved. All returned check payments must be made in cash or money order at Customer Service, during normal business hours. If the returned check resulted in electric service interruption, an additional service fee will apply. To be reconnected, after hours contact the City of Dover Dispatch Center. Only money orders or cashier's checks will be accepted.

XX. ELECTRIC SERVICE RE-CONNECTION; FEE; ARREARAGE

Electric service may be disconnected by the City pursuant to this handbook and shall be reconnected only upon advance payment of published service fees in addition to all arrearage due under the customer's utility service contract, except when it has been necessary to remove service wires to discontinue the electric service. In the latter case electric service shall be restored only upon payment to the City of the cost of discontinuance and restoration.

City of Dover Ordinance Sec. 110-2.

Ordinance: Power to terminate, disconnect or deny city services due to outstanding bills.

The city manager, or his designee, shall have the power to terminate, disconnect or deny all services to any person, firm, or corporation to assist in the collection of any outstanding bill owed the city, along with the power and authority to restore or reconnect city services upon payment, in full, of the outstanding bill or bills. In disconnecting or discontinuing services, the city manager shall utilize existing ordinances pertaining to such disconnection and other due process procedures mandated by ordinance or procedures adopted by the city. **This method of collecting outstanding debts owed the city shall be in addition to any other methods previously enacted or hereinafter authorized by the council.** (Code 1981, Sec. 22-2; Ord. of 3-12-2001)

City of Dover Ordinance Sec. 1-13a,b

Ordinance: Clean Hands: Eligibility to receive city utilities or services.

(a) ***Eligibility to receive city utilities or services.*** No person or entity or owner shall be eligible to receive any city services, utilities, permits, licenses, or approvals if that person, entity or owner owes outstanding payments to the city; or documented violations of the Dover Code of Ordinances that have remained unresolved, or approval is current on some but not all obligations owed to the city, the request shall be denied until the person, entity, or owner is current and in compliance with all city obligations.

(a) ***Obligations which must be current.*** Applicants for city services, utilities, permits, licenses, or approvals shall be current on all of the following obligations to the city, including interest, penalties, court cost, and/or attorney's fees if applicable, prior to receiving such approvals:

- 1) Property taxes.
- 2) Applicable Delaware realty transfer taxes.
- 3) Water, sewer, and electric connection/disconnection, front footage and/or usage charges.
- 4) Trash fees.
- 5) Application fees.
- 6) Permit fees, including building permits, building code and inspection/re-inspection fees.
- 7) Vacant building fees.
- 8) Inspection fees.
- 9) Charges for the costs of razing or demolition of buildings done through public expenditure.
- 10) Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure.
- 11) Assessments for the installation of sewer lines, water mains, sidewalks, and curbing.
- 12) Charges for the costs of removing weeds, grasses, refuse, rubbish, trash, or other waste material done through public expenditure.
- 13) Miscellaneous charges.

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee	AGENDA ITEM NO:
DEPARTMENT OF ORIGIN: Finance Department	DATE SUBMITTED: July 28, 2017
PREPARED BY: Lori Peddicord, Assistant Controller/Treasurer	
SUBJECT: Banking & Merchant Services (5) Year Contract – July 1, 2017 through June 30, 2022 With the option to renew one (1) Subsequent Year	
REFERENCE: RFP 17-0033FN	
REVIEW: Assistant Controller/Treasurer & Acting City Manager	
EXHIBITS: Evaluation Scores & Analysis	
EXPENDITURE REQUIRED: Bank and merchant processing fees	
AMOUNT BUDGETED: \$316,000.00	
FUNDING SOURCE (Dept./Page in CIP & Budget): All Funds	
TIMETABLE: N/A.	
RECOMMENDED ACTION: To approve bank and merchant service recommendation as indicated below.	

BACKGROUND

The City solicited proposals for bank and merchant services. We received proposals from three proposers. The proposals were evaluated by a team selected from the Finance Department. A considerable amount of information was requested in the RFP and additional information was submitted to the City in response to one addendum and a follow up meeting with each of the proposers. The RFP required each bank to submit their current audited financial statement including footnotes and the auditor's opinion. It also required each bank to submit their current Securities and Exchange Commission Form 10K or Form 10Q. The submission and review of these statements are imperative to the City of Dover's due diligence to ensure the security of the City's assets. The RFP requested a copy of each bank's 'SAS' 70. This statement is prepared by independent auditors and attests to the banks internal controls in regards to their online banking tools which will be utilized by the City of Dover. This last piece of due diligence ensures the City of Dover's funds are safe guarded while being transferred using the banks online software.

We scored all the proposals on several factors that included quality, reputation, location of branches, ability to meet the City's Cash Management requirements, completeness of their proposal, record of performance, technology, future enhancements, government banking experience and the qualifications of the team assigned to the City of Dover. All three banks provided use of an Earnings Credit Rating (ECR) and/or Interest Rate Tied to the Fed Fund Target Rate. One of the banks agreed to waive all monthly bank service fees except for the lockbox fees.

We also included two ratios taken from each bank's 2016 Annual Report, Tier 1 Capital Ratio and Total Risk Based Capital Ratio. Risk-based capital requirements exist to protect the bank, their investors and customers and the economy as a whole. Placement of risk-based capital requirements ensure that each financial institution has enough capital to sustain operating losses while maintaining a safe and efficient market.

Below is listed the Estimated combined costs of services for banking/merchant services not to include any ECR or Interest on Balances:

PNC	\$ 270,798
Wells Fargo	\$ 302,706
WSFS	\$ 249,625

We currently have business relations with the recommended bank and merchant provider.

RECOMMENDATION

The Finance Department recommends awarding the City's banking services to WSFS Bank and merchant services contract to TSYS.

**Bank Services RFP
Evaluation Scores**

	<u>Criteria</u>	Possible Points	PNC	Wells Fargo	WSFS
1	Quality, reputation for reliability and method of service. The ability to economically process a large volume of items; have a competitive availability schedule; location of retail branch, and flexibility of deposit deadlines.	(0-15)	15	15	15
2	Overall responsiveness and ability to meet cash management requirements as described in the RFP.	(0-10)	10	10	10
3	The degree to which the City's performance specifications and questionnaire (Attachment A) are addressed by the vendor.	(0-25)	25	25	25
4	Capacity to provide numerous electronic banking services.	(0-25)	25	25	25
5	Price (including cost per identified activity, aggregate banking services, and rate of interest paid and/or earnings credit rate).	(0-15)	8	10	15
6	Experience & governmental knowledge of bank team.	(0-3)	3	2	3
7	References.	(0-2)	2	2	2
8	Special criteria: Ability to meet future needs, including a commitment to maintain a leading edge in the banking community and a sense of innovation and creativity.	(0-5)	5	5	4
9	Total	(0-100)	93	94	99

Pricing				
Interest less Fees		x	x	
Interest/Waived Fees				x

Ratios	Regulatory Well Capitalized Minimum	PNC	Wells Fargo	WSFS
Tier 1 Capital Ratio	6.00%	11.3	12.44	11.19
Total Risk Based Capital Ratio	8.00%	13.4	15.51	11.93

Merchant Services RFP
Evaluation Scores

	<u>Criteria</u>	Possible Points	PNC / PNCMS / First Data	Wells Fargo / First Data	WSFS / TSYS
1	Completeness of responses. The degree to which the City's performance specifications and questionnaire (Attachment D) are addressed by vendor.	(0-25)	5	25	25
2	Organization, Qualifications and structure of the firm.	(0-15)	15	15	15
3	Experience with and responses from references.	(0-15)	10	10	15
4	Responsiveness of the written proposal in clearly stating an understanding of the work to be performed, as outlined in the scope of services & qualifications portions of this request for proposals.	(0-25)	15	25	25
5	Price comparability.	(0-20)	15	12	10
9	Total	(0-100)	60	87	90



MEMORANDUM

To: Council Committee of the Whole - Legislative, Finance & Administration Committee

From: Donna Mitchell, Acting City Manager

Copy: City Clerk's Office; Sharon Duca, Public Works Director

Date: August 7, 2017

Subject: Accessibility Evaluation Report

Please find attached the Accessibility Evaluation conducted by Wilson James Associates, Inc. this past April. The purpose of this evaluation was to identify all elements and spaces that are required to be in compliance with the Americans with Disabilities Act and building code standards. Many areas were found to be in compliance and the report only includes those items requiring remedial action.

For convenience, I have summarized the major points below.

- On-street parking – The signage for the one space reserved for accessible parking should be changed to reflect the one space, not with an arrow pointing in two directions.
- The automated door switch for the double doors is above the maximum reach of 48 inches and should be lowered.
- The number of general seats in the gallery area of the Chamber requires that four (4) seats be accessible. Two fixed seats are designated as accessible. They should also have space sufficiently sized for a wheelchair adjacent to a fixed seat called the companion seat. These adjustments can be made to the seating in the back rows.
- An accessible route to the main floor of the Chamber does not exist. To remedy this situation, Dover has set a portable microphone system that can be used by a mobility-impaired person without leaving their seat. No remedial action is required.
- The ornamental railings are too large for some to grasp safely when using the steps. It is suggested that the appropriately sized, circular rail elements be installed directly beneath the existing rails for grasping purposes.
- The existing door knob on the door to the hallway utility/storage closet should be replaced with a lever type handle, consistent with the other interior doors.
- Both toilet rooms off the hallway should be reconfigured for accessibility standards as both are not in compliance. The single user toilet room off of the Caucus Room cannot be modified for accessibility. Proper signage should be installed for each accessible toilet room.
- When a drinking fountain is provided, ADA requires two fountains, one no higher than 36 inches from the floor. A second fountain should be added or the current fountain removed which is allowable under the City's building/plumbing codes.

Staff will make minor improvements this year and will budget for the major improvements in FY19. Thank you.

Accessibility Evaluation

The City of Dover, DE contracted with Wilson James Associates, Inc. to conduct an accessibility survey of their City Council chambers and the surrounding offices and spaces serving this area. Title II of the Americans with Disabilities Act (the ADA) requires all local governments to ensure that their programs, services and activities are accessible to persons with disabilities. This is commonly referred to as 'program accessibility' and means, in short, that not everything in this existing facility may need to be brought into compliance with the ADA's accessibility guidelines (ADAAG), as would be the case with a newly constructed facility.

A thorough evaluation/inspection was performed to identify all elements and spaces that are required to be in compliance with the ADAAG and/or the current ANSI standards (referenced in the building code) pertaining to accessibility. The entire council chambers area was inspected and included the general circulation path throughout the area, and all elements and spaces along, and surrounding, this route. Since many elements and spaces were found to be in compliance, only those items requiring remedial action are listed in this report. Also included are some recommended modifications that might serve as possible guidance for achieving compliance with the standards so that program accessibility is achieved.

Parking

On-street parking directly in front of the city council area has one space reserved for accessible parking. The old, discontinued sign displaying two arrows pointing in different directions should be replaced with the correct signage indicating one reserved, accessible space.

Exterior Entrance Door

The electric wall switch controlling the power to the automated double doors is located above the maximum reach range of 48 inches above the finished floor. The switch should be lowered to a height within the required reach range.

Interior of the City Council Chambers

The total number of general seats in the seating/gallery area (59) requires that four (4) seats be accessible. Two fixed seats have been designated as accessible, but this is not acceptable. To be an accessible seat, there must be an open space (sufficiently sized for a wheelchair) adjacent to a fixed seat, called the companion seat. This situation can be easily remedied by removing

four fixed seats adjacent to each side of the two aisles of the back row of seats, and reserving the fixed seats next to these spaces as companion seats.

The existing council chambers was constructed (prior to the passage of the ADA) in a manner that does not provide vertical access to the main floor of the below grade council area. An accessible route does not exist. Because of the chamber's design and layout, and due to its limited space, it appears to be technically infeasible to try to modify this area to become accessible to a disabled person wishing to address the council, or the general public attending a meeting or function, from the below grade floor. To remedy this situation, Dover has set up a portable microphone system that can be used by a mobility-impaired person without leaving his seat. This system has proved to be effective and can be deemed to provide equivalent facilitation in lieu of vertical access. No remedial action is required.

The steps, although not on an approved accessible route, can be utilized by an able-bodied person. However, the ornamental railings that serve as a handrail along the steps are not compliant. Because of the size of the tops of these rails, grasping the rail would be difficult and some type of modification to this element is required for safety purposes. Rather than remove the existing rails, it is suggested that the appropriately sized, circular rails be installed directly beneath the existing rails for grasping purposes. This remedy would bring the rail elements into greater compliance, to the maximum extent possible for this situation. This is acceptable under the ADA, when trying to achieve total compliance is not feasible for an existing element or space.

Door Hardware

The existing door knob on the door to the hallway utility/storage closet should be replaced with a lever type handle, consistent with the door hardware now in place on other interior doors.

Toilet Rooms

There are three toilet rooms within the Council Chambers area. Two of these toilet rooms are totally non-compliant with the accessibility requirements. Because of where it's located and due to its inadequate size (approx. 18 sq. ft.), the single-user toilet room just off the council conference room cannot be brought up to compliant standards. It is not technically feasible to do so. It's probably a good idea to keep this room, if for nothing more than having a 'powder' room in the area for some type of emergency use. The single-user, male/female 'accessible' toilet room around the corner from the water fountain is usable by a disabled user, but is not totally compliant. If this room were to remain in use as a toilet room, the existing toilet needs to be moved farther away from the side wall, so that its center line is within 16 to 18 inches from the side wall, as required by both the ADA and the building code. Also, a vertical grab bar on the side wall should be installed. However, this toilet room cannot be used in lieu of having

an accessible toilet room for the women. The existing, non-compliant toilet room for the ladies can, and should be, brought up to accessibility standards. The ADA permits an accessible, single user toilet room to be constructed in the immediate vicinity of an existing toilet room only when it's technically infeasible to modify/upgrade the existing non-compliant toilet room. The current toilet room for the ladies has numerous accessibility violations (no accessible toilet stall, insufficient maneuvering space to exit the room, door width too narrow, to name just a few violations). A list of the elements and/or spaces currently in violation doesn't really need to be itemized here, since the entire room requires a total renovation. And, because compliance with the standards can be achieved within this space, this is the only acceptable remedy. Keeping this toilet room in its current condition is not permitted.

In summation, the women's toilet room is required to be completely renovated up to accessibility standards. The existing men's/women's 'accessible' toilet room (with the changes mentioned above) can still remain as a single user toilet room for the men, but the City may want to consider making this space a men's toilet room for more than one user. Consideration should be given to reconfiguring the fixtures and spaces in this room (for which there is adequate space) to provide the men with additional toilet room fixtures.

Signage

Once the required modifications/alterations have been made to the toilet rooms, the appropriate signage is required to be affixed alongside each door on the latch side.

Drinking Fountain

Where a drinking fountain is provided, the ADA requires that actually two fountains be provided (one that has a spout no higher than 36 inches, and the second one where the spout is between 38 and 43 inches from the finished floor). The existing fountain meets the criteria for the higher fountain, meaning that only the lower fountain must be added in this immediate area. Or, what is commonly called a 'Hi-Lo' combination fountain, can be used to replace the existing fountain element. The clear floor space for the lower drinking fountain should be positioned for a forward approach, providing sufficient knee and toe space. However, as in all code enforcement decisions, any existing element in violation can be either replaced, repaired or removed. Dover might want to remove the existing fountain and not provide any drinking fountains at all, if this is allowable under the City's building/plumbing codes. The choice would be up to the city since any of these remedies would be acceptable.

Final Review

To ensure that the above report is clearly understood and that there is no confusion as to what is required for achieving accessibility compliance, it is ***strongly*** recommended that all concerned parties meet to thoroughly discuss what has been presented.

Article 5 and 6 updates- 7/27/17

ARTICLE 5. - SUPPLEMENTARY REGULATIONS

Section 1. - Supplementary regulations applying to residence zones.

[beginning of Section 1 not shown]

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

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

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

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

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

- a) Whether there are specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties that would severely limit the development potential of the property if a deep buffer was required.
- b) Whether a deep or shallow buffer would cause the property to be out of character with the surrounding built environment.

Commented [DE1]: The reason the 30' buffer must be additive to required DeIDOT dedications is that the purpose of the buffer is to provide distance from the roadway. When DeIDOT requires a dedication, it is usually so they can expand the roadway in the immediate or further future. If the buffer is not additive, once the roadway is expanded the remaining buffer area will be of inadequate width.

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

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

[end of section 1 not shown]

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

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

6.11 *Location and screening required.* All dumpsters must be located in approved locations on the lot. Dumpsters **must be placed on hard, paved, dust-free surfaces and** may not be placed in designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

6.12 *Minimum dumpsters pads required.* ~~All sites must have provisions for the minimum amount of dumpster pads based on the following table. A dumpster pad shall be provided for each dumpster present on the site. A concrete surface shall be provided to place each dumpster on (unless the pad is reserved for future use). The minimum dimensions for a dumpster pad are 12 feet deep and 12 feet wide. Uses not specified in the table must have dumpster capacity adequate for their needs.~~ The following uses are required to provide a minimum number of dumpsters on site as part of site development plan approval. All other uses must have dumpster capacity according to their needs. All uses, whether specified below or not, must divide their provided dumpster capacity between waste and recycling receptacles.

Commented [DE2]: Smaller establishments will not have need for a dumpster so large as to fill this area.

Use	Dumpsters Pads Required
Restaurant	Two required for the first 3,000 square feet of gross building area; one required for each additional 3,000 square feet of gross building area or fraction thereof
Shopping center (excluding supermarkets or anchor tenants)	Two required for the first three stores; one required for each store thereafter
Supermarkets & anchor tenants in shopping centers	Two required in addition to requirements for shopping center

Office & retail less than 50,000 square feet	One Two required for the first 8,000 16,000 square feet of gross floor area; one required for each additional 16,000 square feet of gross floor area or fraction thereof
Office & retail greater than 50,000 square feet	Two required for the first 50,000 square feet of gross floor area; one required for each additional 24,000 square feet of gross floor area or fraction thereof
Industrial, warehousing & institutional	One Two required for the first 40,000 80,000 square feet of gross building area; one required for each additional 40,000 square feet of gross building area or fraction thereof
Apartment complex	One Two required for the first 24 48 apartments; one required for each additional 24 apartments or fraction thereof

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

6.14 *Maneuvering space.* Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of trash collection vehicles.

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

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

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

6.18 ~~*Dumpster pads reserved for future use.* In the event that an establishment is required by this ordinance to have more dumpster pads than they currently need, the additional pad(s) may be reserved on the site for future use. All dumpster pads must meet the minimum design requirements and criteria found in this ordinance. The city planner may require that the owner~~

~~of record construct the dumpster pad and enclosure on this reserved location or locations upon determining that there is a need for the additional enclosure.~~ *Reduction of dumpster requirement.* When a use is required to provide dumpsters as part of site development plan approval, the required number of dumpsters may be reduced under the following circumstances:

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

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

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

6.3 ~~*Location and screening approval required.*~~ ~~It shall be unlawful for any person to maintain a unit on his property unless the location and screening of the same has been approved by the planning commission and the city manager as stated in [sub]sections 6.1 and 6.2.~~ *Unauthorized dumpsters.* Any dumpster not previously approved through the site development plan approval process may be required by the city planner to be moved, removed, or screened if said dumpster is a nuisance to neighboring properties by virtue of its current location.

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

(Ord. of 9-13-1999)

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

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

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

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

Commented [DE3]: Screening in front yard areas is undesirable for roadway visibility

- a) An opaque **wooden** fence **made of durable materials such as wood, vinyl, composite, etc.**
- b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete. If the principal structure on the lot is of masonry construction, the wall shall match the exterior of the building.
- c) An earthen berm (3:1 slope maximum).
- d) An earthen berm (3:1 slope maximum) **with and** either an opaque **wooden** fence or **a wall constructed on top. Materials of the fence or wall shall be as specified in options a) and b). constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.** The total height of the **buffer barrier** may be no less than six feet high.

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

- a) A durable and continuous evergreen planted screen, six feet in height at **[the]** time of planting, **located on the residence side of the barrier.** In the case of an earthen berm, the evergreen screen may be on the top of the berm.
- b) A hedge that will grow to a height of at least six feet at maturity, **planted on the residence side of the barrier.** The hedge shall be interspersed with evergreen trees at least six feet high at **[the]** time of planting. The hedge shall be at least four feet high at **[the]** time of planting.

Commented [DE4]: Requiring the fence to be between the main part of the property and the screening trees makes the trees very difficult to maintain.

7.23 *Parking lots.* Whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street **and a distance of 20 feet therefrom,** such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. **While the hedge is growing to a suitable height, an adjacent four foot high fence may be required by either the planning commission or city planner, according to the type of review required by Article 10 of this ordinance. A fence five feet high may be required while such hedge is growing to a suitable thickness.**

Commented [DE5]: Note that the requirement for a four-foot fence is discretionary. There are some situations where it may be a good idea, and some situations where it may not.

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

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

Commented [DE6]: The reason the 30' buffer must be additive to required DeIDOT dedications is that the purpose of the buffer is to provide distance from the roadway. When DeIDOT requires a dedication, it is usually so they can expand the roadway in the immediate or further future. If the buffer is not additive, once the roadway is expanded the remaining buffer area will be of inadequate width.

7.31 *Landscaping of arterial street buffers.* ~~and shall,~~ at the time of development of the property, the **arterial street buffer shall** be planted with a variety of trees, shrubs and ground cover **so as to create a distinctive and consistent visual character of the arterial street.** The landscape design and planting plan for these arterial street buffers **areas** shall be subject to the approval of the planning commission as an integral part of the site development plan.

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

~~7.33 Planning commission waiver. When it can be demonstrated to the satisfaction of the planning commission through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance with this [sub]section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the planning commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.~~ The planning commission may approve a buffer less than 30 feet in depth. In approving a lesser amount of buffering, the planning commission shall consider the following factors:

- a) Whether there are specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties that would severely limit the development potential of the property if a deep buffer was required.
- b) Whether a deep or shallow buffer would cause the property to be out of character with the surrounding built environment.
- c) Whether there is significant landscape area within the right-of-way of the arterial street itself that can contribute to the buffer, and whether future road improvement activities are likely to reduce the depth of this area.
- d) Whether the landscape design and planting plan for the buffer achieve the standards of subsection 7.32.

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

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

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

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

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

Section 16. - Tree planting and preservation.

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

16.2 *Definitions.*

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

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

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

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

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

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

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

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

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

16.4 *Tree preservation.*

16.41 *Trees required by planning commission to be replaced.* Trees required by the planning commission as a part of a conditional use, subdivision, or site plan approval shall not be removed unless ~~it is~~ [they are] diseased or infested, or present a danger to life and property. In cases where

such trees are removed, they must be replaced with a tree planting **of a similar variety** in accordance with the table of trees standards kept in the office of the city planner.

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

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

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

16.5 Woodland preservation.

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

16.52 *Limited clearing for site development allowed.* Generally, site development plans for the construction of ~~a~~ new building within existing woodland areas shall limit clearing of the land to those areas necessary to provide for the placement of the building or group ~~of~~ buildings, adequate access onto the property and to the proposed building or group of buildings, utility placement, off-street parking and yard areas to allow for daylight infiltration and building maintenance. When woodland areas are proposed to be cleared to allow for new construction, clearing within the area of the proposed construction shall be limited to an area of 30 feet from proposed building foundation, and 15 feet from off-street parking lots, and utility placement.

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

16.54 *Reserved.*

16.6 Tree preservation and planting in nonwoodlands.

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

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

Commented [DE7]: There has been some confusion in the past about which trees can be counted and which can't, and the distinctions appear to be arbitrary. All trees meeting standards should be allowed to count toward tree density regardless of location.

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

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

Commented [DE8]: The tree table is only lightly enforced, and it makes little sense to limit all the tree species that can grow in the city to a list of about 60 or so.

[Rest of Section 16 not shown]

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

[Remove entire section, and replace with following:]

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

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

- a) When the property is part of a development proposal which is subject to planning commission site development plan review.
- b) When the property is part of a development proposal which is subject to planning commission site development master plan review.
- c) When the property is part of a request for a conditional use permit which also requires site development plan review or site development master plan review.
- d) When the property is part of a development proposal which is subject to administrative site plan review, provided the proposal involves construction of an entire new building.

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

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

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

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

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

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

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

c) Where it can be shown that pathway materials alternate to those specified in this section would be more durable to multi-modal traffic, be more environmentally desirable, or be more in keeping with the overall design of the development, use of these alternate materials may be authorized.

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

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

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

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

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

Section 19. - Building and architectural design guidelines.

The following guidelines shall be used in design of buildings and their architectural characteristics for the purposes of meeting the intent of article 10, section 2, subsection 2.27:

(1) *Physical orientation and facade.*

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

(ii) Consideration shall be given to the dominant architectural features of existing buildings, but do not necessarily have to mimic those styles. Large expanses of blank walls are to be avoided, [and] consideration shall be given to windows and entrance ways along frontage,

as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.

(2) *Architectural characteristics.*

- (i) *Building proportions.* Consideration shall be given to proportional attributes, including overall height-to-width ratios, of existing building facades, doors, windows, projecting canopies, and other architectural features, found in adjacent existing buildings.
- (ii) *Building mass.* Facades of new buildings shall consider, but not mimic, the sense of lightness or weight of existing buildings on neighboring properties and consider similar proportions of solids (i.e., siding, blank walls, etc.) to voids (i.e., windows, door openings, etc.).
- (iii) *Materials.* Proposed buildings shall incorporate durable exterior surface materials similar to and complementary with the color, texture, size, and scale of exterior materials reflected on existing buildings in the immediate vicinity.
- (iv) *Roofs.* Consideration shall be given to general shape, ridge and eave heights, and material characteristics expressed in existing buildings along the subject street.
- (v) **Visible utilities. Outside HVAC equipment and visible utility connections shall be designed to minimize impact on adjacent property owners, by reducing their overall visible presence and if necessary screening them from public view. Consideration must also be given to equipment placement in proximity to loading areas and public facades of the buildings.**

(3) *Exemptions.*

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

Commented [DE9]: This proposed new subsection is adapted from the one comment that is consistently a recommendation under "recommendations suggested as conditions of approval to meet code objectives." If it is always going to be a recommendation, it might as well be a code requirement instead.

(Ord. of 9-25-2000)

ARTICLE 6. - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES

Section 3. - Required off-street parking spaces.

[Beginning of Section 3 not shown]

- 3.2 *Areas computed as parking spaces.* Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than a corner lot as provided in article 5, section 1.3.
- 3.3 *Location and ownership of required accessory parking facilities.* Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided all spaces therein are located within 150 feet walking distance of such lot. In all cases, such parking spaces shall conform to the regulations of the district in which they are accessory and shall be subject to deed restriction, filed with the city clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:
 - (a) Throughout the existence of such use to which they are accessory; or
 - (b) Until such spaces are provided elsewhere.
- 3.4 *Size of spaces.* The minimum parking space dimensions shall be at least nine (9) feet in width and at least 18 feet in length. Disabled accessible spaces shall meet ADA requirements.

- 3.5 *Access.* Unobstructed access to and from a street shall be provided. Each drive lane shall have at least ten feet of width so that one-way drives have at least ten feet of width and that two-directional drives have two lanes of ten feet each. Unless otherwise specified within this section, access shall be provided by at least one two-directional drive lane or two one-directional drive lanes.
- 3.6 *Drainage and surfacing.*
- (a) All open permanent parking areas and access drives shall be properly drained and all such areas shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.
 - (b) All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The **planning commission city planner** may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3).
- 3.7 *Joint facilities.* Required parking spaces, open or enclosed, may be provided in spaces designed to serve, jointly, two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.
- 3.8 *Combined spaces.* When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.
- (a) *Campus Parking Plan.* When a new building or building addition is made to a campus involving multiple buildings under common ownership where one or more of the uses will be generating demand for parking when the other use or uses are not in operation, the applicant shall present a campus parking plan as a part of the site development plan that includes an analysis of the parking needs based on the provisions of section 3.8 of this article.
- 3.9 *Adjustments to parking requirements.* The planning commission **or city planner, according to the type of plan review required by article 10 of this ordinance**, may reduce, in an amount not to exceed 50 percent, the number of parking spaces required when, in the opinion of the commission, it has been demonstrated that the use is adequately served by transportation and parking alternatives, including but not limited to:
- (a) Site plan proposals within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the amount of off-street parking normally required, due to the availability of mass transit, municipal parking and existing pedestrian amenities.
 - (b) Designated off-street parking reserved for car pools, van pools, and bicycle parking facilities, in accordance with the following schedule:
 - (1) Each carpool space shall be equivalent to three standard parking spaces.
 - (2) Each vanpool space shall be equivalent to five standard parking spaces.
 - (3) Every group of five bicycle parking spaces shall be equivalent to one standard parking space.
 - (c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of Transportation.
 - (d) Cash-in-lieu of parking contributions toward the capital construction or improvement of municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be in a monetary amount equivalent to the estimated cost of construction for the number of standard surface parking spaces for which the reduction is sought. To take advantage of this option, the developer shall submit to the city engineer a cost estimate for the parking requested to be waived. The city

engineer shall examine the estimate for accuracy in current prevailing costs of construction at the time of proposal and shall report to the planning commission his/her findings.

- (e) Proposals involving superior urban design which contribute to an enhanced pedestrian environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-way connections with existing sidewalk systems and community facilities, park benches and other street furniture, mass transit connections and shelters, and landscaping and shade tree plantings.

In all areas, except the downtown redevelopment target area, **the planning commission or city planner, according to the type of plan review required by article 10 of this ordinance, may require** the development plans **shall to** have an area of open space designated where parking could be constructed **less than or** equal to the number being reduced. **In such cases and** the plan shall bear a note which explains that the petitioner, in accepting a parking reduction, agrees to construct such additional parking as is otherwise required under the provisions of the zoning ordinance [this appendix], if the planning commission, after a hearing, determines that the reasons for granting said reduction no longer exist. In all such instances where the planning commission determines that the reasons for granting a reduction no longer exist, the owner of record for the subject property for which a reduction was previously granted must construct the parking required to meet the regulations of the city during the next construction season.

Commented [DE10]: Planning Commission or city planner may require that space be reserved, but only Planning Commission should be able to determine that the parking must actually be constructed.

3.10 *Bicycle parking.* Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. The planning commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

3.11 *Maximum number of parking spaces.* The maximum number of parking spaces shall not exceed 25 percent over the number of parking spaces required by the code.

(Ord. of 12-14-1992(2); Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 4-23-2007(4) ; Ord. No. 2009-12, 9-14-2009; Ord. No. 2009-30, 3-8-2010; Ord. No. 2011-29, 1-9-2012; Ord. No. 2011-29, 1-9-2012)

Section 5. - Supplementary regulations for parking and loading facilities.

- 5.1 *Access near street corners.* No entrance or exit for any accessory off-street parking area with over ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of any two street lines.
- 5.2 *On lots divided by zone boundaries.* When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in a residence zone, unless the use to which they are accessory is permitted in such zone, or by special permission of the board of adjustment.
- 5.3 *Supplementary parking regulations for multiple dwellings.* No parking space shall be located in any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof, which wall contains legal windows (other than legal bathroom or kitchen windows) with a sill height of less than eight feet above the level of the said parking space is prohibited. **Except for electric vehicle charging stations, no automobile service no-service of any kind** shall be permitted to be extended to users of the lot, including **automobile service, sales,** repair or fueling, and no gasoline, oil, grease, or **other related** supplies shall be stored or sold in any such lot or in any garage on such lot.
- 5.4 *Supplementary regulations for any parking lots adjacent to residential lots.*

5.41 Whenever space is provided for the parking of ten or more vehicles in the open, such spaces shall be individually identified by means of pavement markings.

5.42 Reserved.

5.43 ~~Wherever a parking lot is located across the street from other land in any residence zone, it shall be screened from the view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, [and] such hedge [is] to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.~~ Whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. While the hedge is growing to a suitable height, an adjacent four foot high fence may be required by either the planning commission or city planner, according to the type of review required by Article 10 of this ordinance.

5.44 Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.

5.5 *Parking for motorsports racing.* During any ten-day period prior to or two-day period following an auto racing event the following provisions shall apply:

5.51 *Automobile parking .*

- a. Property located within a residential zone may be used for fee-based parking of motor vehicles. Fee-based parking shall not include parking of commercial vehicles for use by commercial vendors and sales representatives.
- b. Unimproved surfaces may be used for automobile parking. Such areas shall be reviewed by the fire marshal to ensure adequate emergency access. No stormwater management areas or other preserved open space shall be used for automobile parking.
- c. Automobile parking shall in no case obstruct fire lanes, parking lot drive aisles, emergency access, fire protection equipment, or cross access easements between properties.

5.52 *Recreational vehicle parking.* Recreational vehicle parking shall be permitted within all zones subject to the following requirements:

- a. No more than three recreational vehicles shall be parked on a residential lot.
- b. Property owners wishing to provide parking for more than five recreational vehicles shall apply for a permit from the licensing and permitting division a minimum of 60 days prior to the race event. Fees for the permit will be charged in accordance with appendix F. Prior to issuance of a permit, the property owner or his agent must submit a legible diagram of the camping area to the licensing and permitting division. The diagram shall show recreational vehicle parking location, emergency access, drive aisles, entrance and exit, number of proposed recreational vehicles to be parked, location of power lines, and location of restroom facilities.
- c. Recreational vehicles shall not be parked within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from recreational vehicles shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.
- d. Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings or other structures, as measured from

the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle.

- e. Recreational vehicle parking areas shall have drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather.
- f. Any changes to the layout of recreational vehicle parking areas shall be required to be submitted to the licensing and permitting division at least 30 days prior to the race event.
- g. The Fire Marshal's Office may grant an exception to any provision of section 5.52 if it can be demonstrated that equivalent means of public safety and fire protection is being provided.
- h. The fire marshal's office shall develop policy guidance on the implementation of this section.

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

CITY OF DOVER ORDINANCE #2017-12

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

3
4 That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 1 – Supplementary
5 Regulations Applying to Residence Zones, Subsection 1.8 – Buffers Along Arterial Streets of the Dover
6 Code be amended by deleting the text indicated in red strikethrough and inserting the bold, blue text, as
7 follows:

8
9 **ARTICLE 5. - SUPPLEMENTARY REGULATIONS**

10
11 **Section 1. - Supplementary regulations applying to residence zones.**

12
13 ~~1.8 — *Buffers along arterial streets.* Where residential zoned property fronts on an arterial street, as
14 designated by the comprehensive plan, a landscape buffer shall be required in addition to normal
15 landscaping of the street right-of-way in all residential zones. These buffer areas shall be a minimum of
16 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of
17 development of the property, be planted with a variety of trees, shrubs and ground cover so as to
18 effectively screen from view the arterial street from the residential property, and to create a distinctive
19 and consistent visual character for the arterial street. The landscape design and planting plan for these
20 arterial street buffer areas shall be subject to the approval of the planning commission as an integral part
21 of the site development plan. When the residential lots have rear yard areas that front on the arterial
22 street, each lot at the time of development shall be provided with uniform fencing along the rear
23 property line. When it can be demonstrated to the satisfaction of the planning commission through the
24 plan review process that, due to specific constraints related to existing lot size, lot configuration or the
25 orientation of existing buildings on adjoining properties, that compliance with this section would
26 severely limit the development potential of the property or would cause the property to be out of
27 character with the surrounding built environment, the planning commission may approve a lesser
28 amount of buffering, provided that the basic objective of establishing landscaped green space along
29 arterial roadways is achieved.~~

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

37 **1.81 *Landscaping of arterial street buffers.* At the time of development of the property, the**
38 **arterial street buffer shall be planted with a variety of trees, shrubs and ground cover. The**
39 **landscape design and planting plan for these arterial street buffers shall be subject to the**
40 **approval of the planning commission as an integral part of the site development plan.**

41 **1.82 Standards for arterial street buffer landscaping.** Landscaping in arterial street buffers
42 shall follow the landscape guidelines outlined in article 5, section 15 of this ordinance.
43 Landscaping shall be designed to enhance the appearance of the arterial street, complement
44 the architecture of buildings on site, and integrate with adjacent landscape areas. Landscape
45 designs and planting plans which would pose a hazard to traffic on the arterial street or which
46 would significantly impede visibility of properties from the street shall be prohibited.

47 **1.83 Planning commission waiver.** The planning commission may approve a buffer less than 30
48 feet in depth. In approving a lesser amount of buffering, the planning commission shall
49 consider the following factors:

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

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

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

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

60 (Ord. No. 1-78, 1-24-1978; Ord. of 12-14-1992; Ord. of 4-25-1994; Ord. of 6-13-1994; Ord. of 1-10-
61 1996; Ord. of 5-22-2000; Ord. of 10-23-2006; Ord. of 1-14-2008; Ord. No. 2011-21, 10-10-2011; Ord.
62 No. 2011-26, 12-12-2011; [Ord. No. 2015-13, 10-12-2015](#))

63
64 **BE IT FURTHER ORDAINED:**

65
66 That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 6 – Supplementary
67 Regulations Applying to All Zones Other Than Single-Family Residence Zones of the Dover Code be
68 amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

69
70 **Section 6. - Supplementary regulations applying to all zones other than single-family residence**
71 **zones.**

72
73 6.1 *Location of trash receptacles or garbage disposal units.* In all zones of the City of Dover (except
74 in residential zones where standard City of Dover 90-gallon trash containers are used), all trash
75 receptacles, garbage disposal units, and bulk recycling bins (excluding publicly operated recycling
76 drop off centers), which shall be referred to collectively as "dumpsters" in this ordinance, are to be
77 situated in order to allow safe and efficient access by trash collection vehicles, and shall be screened
78 from public view. All dumpsters must comply with the following regulations:

79 6.11 *Location and screening required.* All dumpsters must be located in approved locations on the
80 lot. Dumpsters **must be placed on hard, paved, dust-free surfaces and** may not be placed in
81 designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or
82 shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view

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

85 6.12 *Minimum dumpsters pads required.* ~~All sites must have provisions for the minimum amount~~
86 ~~of dumpster pads based on the following table. A dumpster pad shall be provided for each dumpster~~
87 ~~present on the site. A concrete surface shall be provided to place each dumpster on (unless the pad~~
88 ~~is reserved for future use). The minimum dimensions for a dumpster pad are 12 feet deep and 12~~
89 ~~feet wide. Uses not specified in the table must have dumpster capacity adequate for their needs.~~

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

90
91 6.13 *Selection of trash service.* Applicants for site **development** plan ~~or conditional use~~ approval
92 shall specify the proposed method of trash collection (side load or front load) at ~~the~~ time of
93 application. A change in the method of collection may require an alteration of the site plan, subject
94 to approval of the city planner or the planning commission.

95 6.14 *Maneuvering space.* Adequate off-street truck maneuvering space shall be provided on-lot
96 and not within any public street right-of-way or other public lands. Internal site circulation lanes are
97 to be designed with adequate turning radii to accommodate the size and efficient maneuvering of
98 trash collection vehicles.

99 6.15 *Minimum dimensions for dumpster enclosures.* All dumpster enclosures must be adequate to
100 screen dumpsters from public view. Enclosures for private collection ~~must have interior dimensions~~
101 ~~of no less than ten feet in width, ten feet in depth, and seven feet of height~~ **must be no less than**

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

104 6.16 *Enclosure construction.* All dumpster enclosures shall be constructed of durable materials
105 that will withstand the normal use and wear expected in trash removal operations. **Whenever a**
106 **dumpster, in its enclosure, will be visible from a public right-of-way,** ~~the~~ appearance of the
107 dumpster enclosures shall complement the architecture of the principal building on the lot, and be
108 constructed with the same or similar exterior materials.

109 6.17 *Gates.* Gates are required whenever a dumpster, in its enclosure, will be visible from a public
110 right-of-way. Gates must be designed to swing back behind the front of the enclosure and lock in
111 the open position. If City of Dover trash service is provided, it is the responsibility of the property
112 owner or occupant to open and securely lock back the gates to allow for trash pick up. The gates
113 may be opened 12 hours prior to pick up, and must be closed within 12 hours after pick up.

114 6.18 ~~*Dumpster pads reserved for future use.* In the event that an establishment is required by this~~
115 ~~ordinance to have more dumpster pads than they currently need, the additional pad(s) may be~~
116 ~~reserved on the site for future use. All dumpster pads must meet the minimum design requirements~~
117 ~~and criteria found in this ordinance. The city planner may require that the owner of record construct~~
118 ~~the dumpster pad and enclosure on this reserved location or locations upon determining that there is~~
119 ~~a need for the additional enclosure.~~ **Reduction of dumpster requirement.** When a use is required
120 to provide dumpsters as part of site development plan approval, the required number of
121 dumpsters may be reduced under the following circumstances:

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

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

133 6.2 ~~*Unit location to be approved by planning commission and city manager.* The location of the~~
134 ~~units on the property and the type of screening necessary shall be approved by the planning~~
135 ~~commission of the City of Dover in accordance with the site development approval of the property~~
136 ~~and the same shall be approved by the city manager concerning the desirability of the location for~~
137 ~~[the] facility in collection of trash.~~ **Location and screening approval required.** The locations of
138 new dumpsters on a site and any screening necessary shall be approved through the site
139 development plan approval process, according to the type of review required in Article 10 of
140 this ordinance.

141 6.3 ~~*Location and screening approval required.* It shall be unlawful for any person to maintain a unit~~
142 ~~on his property unless the location and screening of the same has been approved by the planning~~
143 ~~commission and the city manager as stated in [sub]sections 6.1 and 6.2.~~ **Unauthorized dumpsters.**

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

147 6.4 *Access drives.* In areas under the joint or overlapping jurisdiction of the Delaware Department of
148 Transportation and the City of Dover, the regulations of the Delaware Department of Transportation
149 relating to ingress and egress drives shall apply.

150 (Ord. of 9-13-1999)

151

152 **BE IT FURTHER ORDAINED:**

153
154 That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 7 – Supplementary
155 Regulations Applying to All Non-Residential Zones of the Dover Code be amended by deleting the text
156 indicated in red strikeout and inserting the bold, blue text, as follows:

157

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

159

160 7.1 *Lighting.* Lighting of commercial uses shall provide no less than 1½ footcandles at grade. Light
161 shall be deflected away from adjacent residential areas and shall not be distracting to traffic on
162 adjacent roads.

163 7.2 ~~*Buffering-*~~ **Opaque Barrier.** Visual and sound screening shall be provided on a non-residential
164 use when abutting a residential use-, **except in front yard areas. The screening shall be required**
165 **to be installed on site as part of planning commission or administrative site plan approval.**
166 **Where required, S**creening shall consist of an opaque barrier at least six feet in height,
167 accompanied by landscaping.

168 7.21 *Opaque barrier options.* The requirement for the opaque barrier may be met by choosing one
169 of the following:

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

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

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

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

181 7.22 *Landscaping options.* The required opaque barrier must be accompanied by one of the
182 following:

- 183 a) A durable and continuous evergreen planted screen, six feet in height at ~~{the}~~ time of
184 planting, ~~located on the residence side of the barrier~~. In the case of an earthen berm, the
185 evergreen screen may be on the top of the berm.
- 186 b) A hedge that will grow to a height of at least six feet at maturity, ~~planted on the residence~~
187 ~~side of the barrier~~. The hedge shall be interspersed with evergreen trees at least six feet
188 high at ~~{the}~~ time of planting. The hedge shall be at least four feet high at ~~{the}~~ time of
189 planting.

190 7.23 *Parking lots*. Whenever a parking lot is located across the street from a residential use, it shall
191 be screened from view of such land by a thick hedge located along a line drawn parallel to the street
192 ~~and a distance of 20 feet therefrom~~, such hedge to be interrupted only at points of ingress and
193 egress. The open area between such hedge and the street shall be landscaped in harmony with the
194 landscaping prevailing on neighboring properties fronting on the same street. **While the hedge is**
195 **growing to a suitable height, an adjacent four foot high fence may be required by either the**
196 **planning commission or city planner, according to the type of review required by Appendix B**
197 **– Zoning, Article 10 – Planning Commission. A fence five feet high may be required while such**
198 **hedge is growing to a suitable thickness.**

199 7.24 *Planning commission waiver*. The planning commission may waive the requirement for the
200 opaque barrier (wood fence, masonry wall, or earthen berm) and require only a durable and
201 continuous evergreen screen in cases where noise is not a concern and the vegetation alone is
202 considered a desirable aesthetic alternative.

203 7.3 ~~*Buffers along arterial streets*~~. **Arterial Street Buffers**. Where nonresidential zoned property
204 fronts on ~~an~~ **a principal** arterial street, as designated by the comprehensive plan, a landscape buffer
205 shall be required in addition to normal landscaping of the street right-of-way ~~in all non-residential~~
206 ~~zones~~. **This landscape buffer shall be required when the property is subject to site**
207 **development plan review or site development master plan review by the planning commission**
208 **according to Appendix B – Zoning, Article 10 – Planning Commission. Arterial street buffers**
209 **shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial**
210 **street. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way**
211 **line of the arterial street, and shall,**

212 **7.31 *Landscaping of Arterial Street Buffers***. **a**At the time of development of the property, **the**
213 **arterial street buffer shall** be planted with a variety of trees, shrubs and ground cover ~~so as to~~
214 ~~create a distinctive and consistent visual character of the arterial street~~. The landscape design and
215 planting plan for these arterial street buffers **areas** shall be subject to the approval of the planning
216 commission as an integral part of the site development plan. ~~When it can be demonstrated to the~~
217 ~~satisfaction of the planning commission through the plan review process that, due to specific~~
218 ~~constraints related to existing lot size, lot configuration or the orientation of existing buildings on~~
219 ~~adjoining properties, that compliance with this [sub]section would severely limit the development~~
220 ~~potential of the property or would cause the property to be out of character with the surrounding~~
221 ~~built environment, the planning commission may approve a lesser amount of buffering, provided~~
222 ~~that the basic objective of establishing landscaped green space along arterial roadways is achieved.~~

223 **7.32 *Standards for Arterial Street Buffer Landscaping***. **Landscaping in arterial street**
224 **buffers shall follow the landscape guidelines outlined in Appendix B – Zoning, Article 5 –**
225 **Supplementary Regulations, Section 15 – Landscape Guidelines. Landscaping shall be**
226 **designed to enhance the appearance of the arterial street, complement the architecture of**

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

230
231 **7.33 Planning Commission Waiver. The planning commission may approve a buffer less**
232 **than 30 feet in depth. In approving a lesser amount of buffering, the planning commission**
233 **shall consider the following factors:**

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

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

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

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

244
245 **7.4 Outdoor storage trailers.** Storage trailers accessory to an approved use shall be prohibited on a
246 site, except when meeting the following conditions:

247 1. The total floor area of storage trailers shall be less than two percent of the gross floor area of the
248 principal building.

249 2. All storage trailers shall be placed in accordance with all zoning regulations regarding permanent
250 structures, including setbacks, parking, and other bulk regulations.

251 3. All such trailers shall be screened from public streets, and shall not be located between the
252 principal building and the public road right-of-way.

253 4. Trailers placed during approved construction phases or those used as collection facilities for non-
254 profit, governmental or philanthropic organizations shall not be calculated into floor area totals
255 used to determine parking requirements, but must conform to setbacks and all other bulk
256 regulations.

257 5. Storage trailers accessory to an approved use are to be temporary features on a site. No such
258 trailer shall be in place for more than 18 months, except for those trailers to be used during
259 construction or those used as collection facilities for non-profit, governmental or philanthropic
260 organizations.

261 **7.5 Fences.** Fences or walls shall be limited to a maximum height of four feet above the ground
262 when situated within front yard areas, and shall be limited to a maximum height of eight feet above
263 the ground when situated within side and rear yard areas. Fences situated on corner lots shall be
264 subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with
265 dual street frontage that are not corner lots, a fence situated to the rear of the principal structure
266 shall be limited to a maximum height of eight feet above ground. Fences or walls with a height in
267 excess of eight feet above the ground shall conform to the setback requirements for dwelling

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

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

273

274 **BE IT FURTHER ORDAINED:**

275

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

279

280 **Section 16. - Tree planting and preservation.**

281

282 16.1 *Purpose.* The purpose of this section is to establish standards and requirements for the protection
283 and planting of trees and woodlands because it is recognized that woodlands and trees are not only
284 desirable, but are essential to the health, safety, and welfare of the population in that they provide
285 oxygen, reduce carbon dioxide, stabilize soil, cleanse the air by transpiring clean water into the
286 atmosphere, cleanse water passing into the ground through the root system, provide protection for
287 wildlife and their habitats, provide shade, reduce noise and glare, increase property values, and
288 provide an important physical, aesthetic, and psychological balance to the built environment.

289 16.2 *Definitions.*

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

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

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

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

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

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

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

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

315 16.3 *Applicability.* The terms and provisions of this section shall apply to any activity on real property
316 which requires conditional use, site plan or subdivision approval of the planning commission as set
317 forth in article 10, except the provisions in ~~{sub}~~section 16.4 which shall apply to all real property.

318 16.4 *Tree preservation.*

319 16.41 *Trees required by planning commission to be replaced.* Trees required by the planning
320 commission as a part of a conditional use, subdivision, or site plan approval shall not be removed
321 unless ~~it is~~ ~~{they are}~~ diseased or infested, or present a danger to life and property. In cases where
322 such trees are removed, they must be replaced with a tree planting ~~of a similar variety~~ in accordance
323 with the table of trees standards kept in the office of the city planner.

324 16.42 *Trees of special value.* Trees having an historic value, as determined by the state historic
325 preservation officer, or that are of an outstanding nature due to type or species, age, or other
326 professional criteria, may be required by the planning commission to be preserved. Such trees may
327 be prohibited from being removed by the city planner until such time that the planning commission
328 has granted approval to remove such trees.

329 16.43 *Tree preservation in wetlands.* No portions of wetland areas shall be developed or cleared of
330 vegetation unless granted permission under state and/or federal permit; ~~{and}~~ they shall remain as
331 essentially undisturbed areas protected under the provisions set forth in ~~{sub}~~section 16.7.

332 16.44 *Clearing prohibited without approval.* Clearing, as defined by this section, for any purpose
333 whatsoever, except the establishment of trails and pathways (not greater than eight feet in width)
334 and open yard areas, shall be prohibited unless approved by the planning commission through the
335 site plan, conditional use, or subdivision review process.

336 16.5 *Woodland preservation.*

337 16.51 *Tree preservation and selective clearing plan required.* All site development proposals ~~in~~
338 ~~woodland areas that require planning commission approval and~~ which involve the development of
339 woodland areas **and require planning commission approval** shall include a tree preservation and
340 selective clearing plan as part of the submission plan. The tree preservation and selective clearing
341 plan shall be prepared in accordance with the provisions of ~~this~~ ~~{sub}~~section ~~{16.5,}~~ ~~and~~ ~~{sub}~~section
342 16.7 and ~~{sub}~~section 16.8 of this section.

343 16.52 *Limited clearing for site development allowed.* Generally, site development plans for the
344 construction of ~~{a}~~ new building within existing woodland areas shall limit clearing of the land to
345 those areas necessary to provide for the placement of the building or group ~~{of}~~ buildings, adequate
346 access onto the property and to the proposed building or group of buildings, utility placement, off-
347 street parking and yard areas to allow for daylight infiltration and building maintenance. When
348 woodland areas are proposed to be cleared to allow for new construction, clearing within the area of

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

351 16.53 *Maximum clearing requirement.* Specifically, no more than 50 percent of a lot, parcel or
352 tract of land occupied by woodland vegetation may be cleared for any purpose.

353 16.54 *Reserved.*

354 16.6 *Tree preservation and planting in nonwoodlands.*

355 16.61 *Tree preservation and planting plan required.* All developments ~~in nonwoodland areas~~
356 requiring approval of the planning commission shall be required to submit, with its application and
357 plans, a tree preservation and planting plan as set forth in ~~subsection~~ 16.8, and shall conform with
358 the following provisions.

359 16.62 *Tree density.* **For each property required to submit a tree preservation and planting**
360 **plan, a development area as defined in this section shall be delineated within the nonwoodland**
361 **area of the property. Within this development area, existing trees may be retained and new**
362 **trees shall be planted such that the development area shall attain or exceed a tree density of**
363 **one tree per 3,000 square feet or fraction thereof.** ~~On each property for which a tree preservation~~
364 ~~and planting plan is required by this section, existing trees may be retained and new trees shall be~~
365 ~~planted such that the lot shall attain or exceed a tree density of one tree per 3,000 square feet of lot~~
366 ~~area or fraction thereof. Trees needed to meet buffer requirements shall not be counted towards tree~~
367 ~~density. Trees required to be planted in parking areas as specified by the planning commission shall~~
368 ~~not be counted towards tree density.~~

369 16.63 *Minimum standards for new trees.* For ~~new~~ trees to be counted toward the required tree
370 density, they must be of a species and size as set forth in the table of trees approved by the planning
371 commission and kept on file in the office of the city planner, **or be of an alternate species found**
372 **acceptable by the commission.**

373 16.64 *Minimum standards for existing trees.* For existing trees to be counted toward the required
374 tree density, the tree shall have a minimum caliper dimension of two inches. No trees over eight
375 inches in caliper dimension shall be removed unless within an area of 30 feet from the proposed
376 building foundation, off-street parking lot, and utility placement.

377 16.7 *Tree protection and planting requirements.*

378 16.71 *Application.* The following guidelines and standards shall apply to activities regulated under
379 article V [5], section 15 of this section [ordinance]:

380 16.72 *Protection required.* To protect the required trees or woodland and their critical root zone, a
381 tree protection area delineated by the dripline of a tree or group of trees to be retained, shall be
382 established. The protection area shall not be disturbed by site utility and grading work, by
383 construction activities such as parking, material storage, concrete washout, sedimentation intrusion
384 or erosion, or other activity. Damage to trees or woodlands and their critical root zones shall require
385 tree plans to be revised to compensate for the loss as determined by the building inspector.

386 16.73 *Protection measures.* Tree protection areas shall be protected by fencing, staking, or
387 continuous ribbon and, where necessary, silt screens which shall be situated to coincide with the

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

390 16.74 *Planting requirements.* New trees proposed to be planted for credit toward the density
391 requirement shall have spacing that is compatible with the ~~spacial~~ **spatial** site limitations and with
392 responsible consideration toward species size when mature. Species selected for planting must be
393 ecologically compatible with the specifically intended growing site. Trees selected for planting shall
394 be free from injury, pest, disease, and disorders.

395 16.8 *Tree preservation, planting and selective clearing plans.*

396 16.81 *Plan specifications.* A tree preservation and planting plan or a preservation and selective
397 clearing plan, prepared by or in conjunction with a design professional, shall be shown on a copy of
398 a preliminary plat, sketch, or site plan, as appropriate to the proposed development, drawn to the
399 same scale and covering the same area as the other plan documents prepared for the planning
400 commission hearing. The plan may be combined with a required buffer and landscape plan for the
401 project, at the option of the developer. The plan shall provide sufficient information and detail to
402 clearly demonstrate that all applicable requirements and standards of this section will be fully
403 satisfied. The plan shall contain, but need not be limited to, the following:

- 404 a. Project name, zone, parcel number, north arrow and scale.
- 405 b. Developer's name, address and telephone number.
- 406 c. Name, address, and telephone number of the design professional responsible for the
407 preparation of the plan.
- 408 d. Delineation of all lot lines, minimum yard areas, buffers, and landscape areas as required
409 by the zoning ordinance [this appendix].
- 410 e. Total acreage of the site and total lot area for each lot delineated.
- 411 f. Delineation of all wetlands and woodlands.
- 412 g. Designation and delineation of all lots in nonwoodland areas expected to retain existing
413 trees to meet the tree density requirement.
- 414 h. Approximate location and description of the protective tree fencing, staking, or
415 continuous ribbon to be installed which, at a minimum, shall follow the dripline of all trees
416 to be retained along adjoining areas of clearing, grading, or other construction activity.
- 417 i. The location, spacing, caliper dimension, and species of new trees proposed to meet tree
418 density requirements.
- 419 j. Measures to be taken to avoid sedimentation intrusions and erosion in tree protection
420 areas, and the location of such devices.
- 421 k. A summary table of the number of new trees to be planted and minimum number of
422 existing trees to be retained to meet the tree density requirement, if any, along with
423 calculations showing that the tree density requirement has been achieved. Groupings of
424 trees in the tree protection areas for new trees may be keyed to the summary table by area
425 rather than having each tree individually labeled on the plan.

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

428 16.9 *Tree mitigation.*

429 16.91 *Planning commission waiver.* The planning commission may waive the provisions of
430 ~~§~~subsections 16.52, 16.53, and 16.62, and require replacement planting for mitigation purposes
431 should the planning commission determine, after demonstration by the applicant, that due to
432 physical limitations of the land which would otherwise prohibit the reasonable use of the land, or
433 for purposes of preserving, protecting and promoting the interest of public health, safety, welfare
434 and/or public convenience. All tree mitigation plantings must occur within the corporate limits of
435 the City of Dover. Tree mitigation may occur off-site in accordance with the provisions listed below
436 in this ordinance:

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

440 (b) If a waiver is sought from the provisions of ~~§~~subsection 16.52 and/or ~~§~~subsection
441 16.53, then mitigation must be in the form of newly created woodland areas. New
442 woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed.
443 A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or
444 certified nursery professional, for the consideration of the planning commission.

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

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

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

453 16.92 *Tree mitigation required for unauthorized clearing.* In the event that trees or woodland areas
454 to be preserved under this ordinance or as a condition of a site plan, subdivision, or conditional use
455 approval are illegally removed, tree mitigation shall be required. All tree mitigation plantings must
456 be placed on the same lot, parcel, or tract on which the illegal clearing occurred, except as noted
457 below. All replacement trees must be of the same or a similar variety as the trees illegally removed.

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

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

460

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

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

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

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

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

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

479 **BE IT FURTHER ORDAINED:**

480
481 That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 18 – Sidewalk Requirements
482 of the Dover Code be amended by deleting the text indicated in red strikethrough and inserting the bold, blue
483 text, as follows:

484

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

486

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

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

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

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

504 ~~18.4—When it can be demonstrated to the satisfaction of the planning commission that strict adherence~~
505 ~~to the provisions of this section would represent an undue burden on a development, then the~~
506 ~~planning commission may modify or waive any of the stated requirements, provided that the~~
507 ~~objective of providing adequate, visible and suitably located walkways as part of the development~~
508 ~~proposal is secured. When considering a request for modification or waiver, the planning~~
509 ~~commission shall determine whether or not an undue hardship exists, based on a finding that one or~~
510 ~~more of the following criteria have been met:~~

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

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

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

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

518 ~~18.5—The planning commission may authorize the use of construction materials other than those~~
519 ~~required of [a] standard City of Dover sidewalk when it can be demonstrated to the satisfaction of~~
520 ~~the planning commission that:~~

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

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

525 **18.1 Purpose.** The purpose of this section is to establish standards and requirements for the
526 construction of transportation networks for pedestrians, bicyclists, and other users of non-
527 motorized forms of transit, in order to ensure safe and convenient multi-modal access to all
528 development within the City of Dover. Sidewalks, multi-use paths, and other hard paved
529 trails, whether adjacent to a roadway or not, shall be referred to collectively as “pathways”
530 within this section. It is the intent of this section that all new pathways installed shall be
531 designed to a standard commensurate with existing and expected future multi-modal traffic
532 volumes, recognizing that the convenience of a growing network of such pathways citywide
533 will encourage residents and visitors to use non-motorized means of travel to reach their
534 destinations.

535 **18.2 Applicability.** Sidewalks or other pathways according to the requirements of this section shall
536 be installed on a property by the property owner or developer under the following
537 circumstances:

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

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

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

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

546 **18.3 Pathway design standards and location requirements. Pathways shall meet the following**
547 **minimum standards and requirements in order to allow for pedestrian access:**

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

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

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

569 **18.4 Alterations to pathway design standards. The planning commission or city planner,**
570 **according to the type of plan review required by article 10 of this ordinance, may alter the**
571 **minimum pathway design standards under the following circumstances in order to allow**
572 **for multi-modal access:**

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

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

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

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

586 **18.5 Waiver of pathway location requirements.** The property owner or developer may request a
587 waiver from the planning commission or city planner, according to the type of plan review
588 required by article 10 of this ordinance, under the following circumstances in order to
589 reduce or eliminate the requirements for pathway installation:

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

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

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

596 **18.6 State Law Requirements.** Where state laws or regulations of the Delaware Department of
597 Transportation applying to right-of-way design conflict with the provisions of this section,
598 the state laws and regulations shall prevail.

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

600

601 **BE IT FURTHER ORDAINED:**

602

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

606

607 **Section 19. - Building and architectural design guidelines.**

608

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

612 (1) *Physical orientation and facade.*

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

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

622 (2) *Architectural characteristics.*

- 623 (i) *Building proportions.* Consideration shall be given to proportional attributes, including
624 overall height-to-width ratios, of existing building facades, doors, windows, projecting
625 canopies, and other architectural features, found in adjacent existing buildings.
- 626 (ii) *Building mass.* Facades of new buildings shall consider, but not mimic, the sense of
627 lightness or weight of existing buildings on neighboring properties and consider similar
628 proportions of solids (i.e., siding, blank walls, etc.) to voids (i.e., windows, door openings,
629 etc.).
- 630 (iii) *Materials.* Proposed buildings shall incorporate durable exterior surface materials similar
631 to and complementary with the color, texture, size, and scale of exterior materials reflected
632 on existing buildings in the immediate vicinity.
- 633 (iv) *Roofs.* Consideration shall be given to general shape, ridge and eave heights, and material
634 characteristics expressed in existing buildings along the subject street.
- 635 (v) **Visible utilities. Outside HVAC equipment and visible utility connections shall be**
636 **designed to minimize impact on adjacent property owners, by reducing their overall**
637 **visible presence and if necessary screening them from public view. Consideration**
638 **must also be given to equipment placement in proximity to loading areas and public**
639 **facades of the buildings.**
- 640 (3) *Exemptions.*
- 641 (i) *Building additions.* Proposed building additions which will be designed to match the
642 architectural characteristics and exterior material treatments of the existing building to
643 which the addition is being made shall be exempt from the requirement to submit elevation
644 drawings or other graphic representations.

645 (Ord. of 9-25-2000)

646

647 **BE IT FURTHER ORDAINED:**

648

649 That Appendix B - Zoning, Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 3
650 – Required Off-Street Parking Spaces, Subsection 3.6 – Drainage and Surfacing of the Dover Code be
651 amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

652

653 **ARTICLE 6. - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES**

654

655 Section 3. - Required off-street parking spaces.

656

657 3.6 *Drainage and surfacing.*

- 658 (a) All open permanent parking areas and access drives shall be properly drained and all such
659 areas shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.
- 660 (b) All permanent parking areas shall be enclosed with upright concrete curbing at least six
661 inches in height. The ~~planning commission~~ **city planner** may relax this requirement for a
662 portion of a parking area when there is a demonstrated need to convey stormwater to a
663 proposed or approved stormwater management area. Curbing shall not be required for

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

666

667 **BE IT FURTHER ORDAINED:**

668

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

673

674 3.9 *Adjustments to parking requirements.* The planning commission **or city planner, according to**
675 **the type of plan review required by Appendix B – Zoning, Article 10 – Planning Commission,**
676 may reduce, in an amount not to exceed 50 percent, the number of parking spaces required when, in
677 the opinion of the commission, it has been demonstrated that the use is adequately served by
678 transportation and parking alternatives, including but not limited to:

679 (a) Site plan proposals within the downtown redevelopment target area, as described in
680 appendix C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the
681 amount of off-street parking normally required, due to the availability of mass transit,
682 municipal parking and existing pedestrian amenities.

683 (b) Designated off-street parking reserved for car pools, van pools, and bicycle parking
684 facilities, in accordance with the following schedule:

685 (1) Each carpool space shall be equivalent to three standard parking spaces.

686 (2) Each vanpool space shall be equivalent to five standard parking spaces.

687 (3) Every group of five bicycle parking spaces shall be equivalent to one standard
688 parking space.

689 (c) Employer participation in a traffic-mitigation plan approved by the Delaware Department
690 of Transportation.

691 (d) Cash-in-lieu of parking contributions toward the capital construction or improvement of
692 municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be
693 in a monetary amount equivalent to the estimated cost of construction for the number of
694 standard surface parking spaces for which the reduction is sought. To take advantage of this
695 option, the developer shall submit to the city engineer a cost estimate for the parking requested
696 to be waived. The city engineer shall examine the estimate for accuracy in current prevailing
697 costs of construction at the time of proposal and shall report to the planning commission his/her
698 findings.

699 (e) Proposals involving superior urban design which contribute to an enhanced pedestrian
700 environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-
701 way connections with existing sidewalk systems and community facilities, park benches and
702 other street furniture, mass transit connections and shelters, and landscaping and shade tree
703 plantings.

704 In all areas, except the downtown redevelopment target area, **the planning commission or city**
705 **planner, according to the type of plan review required by Appendix B – Zoning, Article 10 –**

706 **Planning Commission, may require** the development plans ~~shall~~ **to** have an area of open space
707 designated where parking could be constructed **less than or** equal to the number being reduced. **In such**
708 **cases and** the plan shall bear a note which explains that the petitioner, in accepting a parking reduction,
709 agrees to construct such additional parking as is otherwise required under the provisions of ~~the zoning~~
710 ~~ordinance~~ ~~[this appendix]~~, if the planning commission, after a hearing, determines that the reasons for
711 granting said reduction no longer exist. In all such instances where the planning commission determines
712 that the reasons for granting a reduction no longer exist, the owner of record for the subject property for
713 which a reduction was previously granted must construct the parking required to meet the regulations of
714 the city during the next construction season.

715 (Ord. of 12-14-1992(2); Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 4-23-2007(4) ; Ord. No. 2009-
716 12, 9-14-2009; Ord. No. 2009-30, 3-8-2010; Ord. No. 2011-29, 1-9-2012; Ord. No. 2011-29, 1-9-2012)

717
718 **BE IT FURTHER ORDAINED:**
719

720 That Appendix B - Zoning, Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 5
721 – Supplementary Regulations for Parking and Loading Facilities of the Dover Code be amended by
722 deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:
723

724 **Section 5. - Supplementary regulations for parking and loading facilities.**
725

726 5.1 *Access near street corners.* No entrance or exit for any accessory off-street parking area with
727 over ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of
728 any two street lines.

729 5.2 *On lots divided by zone boundaries.* When a lot is located partly in one district and partly in
730 another district, the regulations for the district requiring the greater number of parking spaces or
731 loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be
732 located without regard to district lines, provided that no such parking spaces or loading berths shall
733 be located in a residence zone, unless the use to which they are accessory is permitted in such zone,
734 or by special permission of the board of adjustment.

735 5.3 *Supplementary parking regulations for multiple dwellings.* No parking space shall be located in
736 any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles
737 within 15 feet of any wall or portion thereof, which wall contains legal windows (other than legal
738 bathroom or kitchen windows) with a sill height of less than eight feet above the level of the said
739 parking space is prohibited. **Except for electric vehicle charging stations, no automobile service**
740 ~~No service of any kind~~ shall be permitted to be extended to users of the lot, including **automobile**
741 ~~service, sales,~~ repair or fueling, and no gasoline, oil, grease, or ~~other related~~ **supplies** shall be stored
742 or sold in any such lot or in any garage on such lot.

743 5.4 *Supplementary regulations for any parking lots adjacent to residential lots.*

744 5.41 Whenever space is provided for the parking of ten or more vehicles in the open, such spaces
745 shall be individually identified by means of pavement markings.

746 5.42 Reserved.

747 ~~5.43 Wherever a parking lot is located across the street from other land in any residence zone, it~~
748 ~~shall be screened from the view of such land by a thick hedge located along a line drawn parallel to~~
749 ~~the street and a distance of 20 feet therefrom, [and] such hedge [is] to be interrupted only at points~~
750 ~~of ingress and egress. The open area between such hedge and the street shall be landscaped in~~
751 ~~harmony with the landscaping prevailing on neighboring properties fronting on the same street. A~~
752 ~~fence five feet high may be required while such hedge is growing to a suitable thickness.~~
753 **Whenever a parking lot is located across the street from a residential use, it shall be screened**
754 **from view of such land by a thick hedge located along a line drawn parallel to the street, such**
755 **hedge to be interrupted only at points of ingress and egress. The open area between such**
756 **hedge and the street shall be landscaped in harmony with the landscaping prevailing on**
757 **neighboring properties fronting on the same street. While the hedge is growing to a suitable**
758 **height, an adjacent four foot high fence may be required by either the planning commission or**
759 **city planner, according to the type of review required by Article 10 of this ordinance.**

760 (Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 10-12-1998; Ord. No. 2009-28, 3-8-2010; [Ord. No.](#)
761 [2016-14, 5-9-2016](#))

762
763 **ADOPTED:** *
764 S:\ClerksOffice\Ordinances\Ordinance #2017-12 - App B - Zoning, Art 5 - Supp Reg and Art 6 - Off-Street Parking.wpd.doc
765
766

767 **SYNOPSIS**

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

773
774 (SPONSORS: HARE AND SLAVIN)
775

776 Actions History:
777 08/14/17 – Scheduled for Introduction – Council Committee of the Whole/Legislative, Finance, and
778 Administration Committee

**COUNCIL MINUTES HISTORY - APPLICATION AND RECRUITMENT PROCESS
FOR CITY COMMITTEES, COMMISSIONS, AND BOARDS**

An Excerpt from the Minutes of the Regular City Council Meeting of January 9, 2017:

**CLARIFICATION OF APPOINTMENT APPLICATION REQUIREMENTS/PROPOSED
AMENDMENTS TO APPLICATION**

During their Regular Meeting of October 10, 2016, City Council approved revisions to the application for appointment to a City Committee, Commission, or Board. After having received the new applications, Staff requested clarification on whether the application was sufficient or if a resume should also be requested, both for new applicants and members wishing to be reappointed.

Mr. Lewis advised that, after discussion with Mrs. McDowell, City Clerk, he agreed that the application should be revised to include more detailed information related to job duties and responsibilities and the requirement for resumes be eliminated.

Mr. Lewis moved for approval of the revised application (Exhibit #1) and elimination of the resume requirement for new appointments and re-appointments. The motion was seconded by Mr. Hare and unanimously carried.

An Excerpt from the Minutes of the Regular City Council Meeting of October 10, 2016:

**COUNCIL COMMITTEE OF THE WHOLE REPORT -
SEPTEMBER 27, 2016**

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

Designing and Expanding Recruitment for City Committees, Commissions, and Boards

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of August 23, 2016, members considered Designing and Expanding Recruitment for City Committees, Commissions, and Boards. Members deferred this matter until September 27, 2016 to allow the ideas to be solidified, Mr. Lewis and Mr. Anderson to review and refine it further, and for Mrs. Sass and the City Clerk's Office to work together.

Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, stated that she had reviewed the information pertaining to committees, commissions, and boards with the City Clerk's Office. She noted that at the previous meeting, she had suggested that social media postings of vacancies could be distributed through five (5) or six (6) postings starting at 10 to 12 weeks prior to applications being due, with repostings at six (6) to eight (8) weeks, two (2) to four (4) weeks, three (3) to five (5) days, and on the final date of the acceptance of applications. Mrs. Sass explained that she and the City Clerk are the individuals who are authorized to post on social

media for the City and could cover this responsibility. She stated that they also believed that a link could be placed on the main page of the City website showing the listing of available committees, the openings, and the application. Mrs. Sass expressed her hope that each member had an opportunity to review the application that was proposed at the previous meeting, which she felt was a big improvement from the current application. She noted that it was much more thorough and requested information from applicants that should result in a diverse selection of individuals from across the City. Mrs. Sass explained that, when creating the application, Mrs. Traci McDowell, City Clerk, compared different applications, including those from Newark and the State of Delaware, and the best portions were incorporated in the proposed City application. It was Mrs. Sass's opinion that there were benefits to having laymen on committees, noting that some people approach matters by considering their financial impact, some by the time management impact, and others by the impact on the community as a whole. She expressed her hope that members would be open to not limiting an applicant because they did not believe that they were a subject matter expert. Mrs. Sass felt that everyone could offer something and felt it important to keep an open mind, noting that there are subject matter experts on staff that could help to clarify matters. She encouraged all individuals to apply and personally felt that committees should not be limited but should reflect the community as a whole.

Mr. Hutchison expressed his compliments regarding the proposed application and questioned how long applications remain on file after submission. Responding, Mrs. McDowell stated that applications are kept forever.

Dr. Stewart noted that she had not been present when this was previously discussed and asked whether the goal was to obtain more applicants, more qualified applicants, or more diverse applicants. Responding, Mr. Anderson stated his belief that the City was not hearing from enough people and indicated that he had been approached by people who wanted to be involved in the City but were unsure how to do so, what positions were available, or were hearing about openings too late. He explained that he wanted to make the process simple so that individuals could go to one (1) place to see openings and how to apply. Mr. Anderson stated that the goal for the application was to provide useful information for members to review. He indicated that applications are currently not distributed unless requested. Mr. Anderson noted that if someone applies and is not chosen for a committee, their application would provide useful information that would allow them to be considered for different opportunities. He expressed the desire to get more people involved and to provide a pool of individuals that can be contacted to fill other vacancies. Mr. Anderson noted that it would also be helpful to be able to provide an explanation when asked about why someone was chosen and to be able to state, for example, that they had some background or interest, or that they were the only applicant. He stated that

there are vacancies that have existed for years as a result of the current process, and he felt this illustrated that information was not getting distributed since there are frequently people who state they want to serve.

Mr. Neil stated his belief that people do not realize that they have an opportunity to serve and volunteer their time, and that opening up the pool for committees would give them an opportunity to become involved in government. He noted that Councilman Lewis was not present this evening but had previously suggested requiring training through the Delaware League of Local Governments (DLLG). Mr. Neil stated that it was difficult to find people who are interested enough in the City to volunteer their time and effort. He felt that they should not be discouraged by imposing requirements, which would close more doors than it would open. Mr. Neil suggested bringing individuals in, letting them experience what is here, and allowing them to go to staff and Council to understand aspects of government. He felt that staff had done a marvelous job in heading up this effort and providing a form to allow for a greater pool of people.

Mrs. Sass clarified that information had always been available on the website for all of the openings that had existed and that it was not a matter of this not being there for the public. She stated that sometimes it is a matter of people not being interested, and suggested that perhaps another way must be found.

Mr. Anderson disagreed, stating that he was aware of existing vacancies that were not reflected on the website. Responding, Mrs. Sass stated that the City had just converted to a new website and the priority was to make sure that meeting minutes and agendas required by law were posted. She noted that there would be several weeks of correcting errors found throughout the entire site. Mr. Anderson stated that he had looked at the website earlier in the day and all the vacancies were not listed. For example, he noted that the listing for the Dover Human Relations Commission (DHRC) was not current and that Mr. Kenneth Roach was still listed as the Fourth District Representative, although this position was vacant. Mr. Anderson noted that another committee listing was not current, although he could not recall what it was.

Mr. Hare stated that there were vacancies on the DHRC in the First and Fourth Districts and noted that it was incumbent on Council members to encourage people to get involved and make recommendations for committees. He asked if Mr. Anderson had made recommendations for the Fourth District. Responding, Mr. Anderson stated that he had not made a recommendation yet; however, he had reached out to people who were considering applying.

Mr. Hare stated that a vacancy on the Compensation Commission was about to be filled. He expressed his belief that requiring committee members to be trained

through the DLLG might be counterproductive, noting that these were not high-paid positions but volunteer opportunities, and putting restrictions on them might discourage applicants. Mr. Hare agreed with the application process and having vacancies listed.

Mrs. Sass advised that staff would be happy to start promoting openings if Council was ready and wanted staff to do so.

Mr. Slavin stated that the reason for the discussion was to develop a wide expanse of diverse candidates with deep, varied backgrounds. He indicated that better information was also needed to vet candidates. Mr. Slavin stated that Councilman Lewis had raised this issue. As someone with responsibility of making many of these appointments, Mr. Slavin stated that he had not been calling members to tell them that there were vacancies and request names, noting that the process was not as simple as just thinking about who would do well in a position. He explained that he had run into roadblocks, noting that in some cases individuals were already serving on other boards or commissions at the State or County level. In addition, Mr. Slavin noted that an individual's appointment must be vetted by their employer to make sure there are no conflicts of interest, and they must go through the City's Clean Hands Ordinance. He stated that some boards require residence by district, and some do not. Mr. Slavin advised that it is not a simple process of penciling in names on rosters and obtaining appointees. He indicated that some are volunteer positions and others offer a meager amount of pay, and that people work a lot these days, often working varied hours, leaving those who work Monday through Friday from 9:00 a.m. to 5:00 p.m. few and far between. Mr. Slavin stated that Council would continue to work at this.

In regard to training, Mr. Slavin felt there should be an onboarding process for new appointees to any committee, commission, or assignment, similar to the process that a full-time or part-time employee goes through. He asked that the City Clerk's Office or the Human Resources Director look at this process and provide members with an overview of what that process involves. Mr. Slavin stated that he was not convinced that sending these individuals to another organization for training would fit the City's needs, noting that he was unsure what training Mr. Lewis was proposing that they be sent to. Mr. Slavin believed that useful information would include how meetings are run, how to access information on the City's website, who appointees can call within the City, and what resources are available to them. He noted that a huge portion of the training would be related to Freedom of Information Act (FOIA) laws so that people would be grounded when they walk in the door.

Mr. Hare recalled that, in the 1990s, one-hour workshops were held for newly-appointed committee members, and explanations were provided about FOIA rules,

etc. He agreed with this approach, rather than sending members elsewhere for training.

Mr. Slavin stated that it may be cheaper to bring a resource in to train all appointees in one (1) place, rather than sending them elsewhere.

Referring to page 4 of the proposed application, Mr. Shevock questioned why it would be desired to have applicants indicate if they or a relative have a disability, and to describe their disability, gender, and ethnicity. He noted that providing this information was optional; however, he questioned what it had to do with working on a committee. Responding, Mrs. Sass indicated that it would be up to members' discretion whether this should be included; however, she advised that this was included to make sure that the committees, commissions, and boards represent a true snapshot of the Dover community. She explained the desire to ensure that minorities include various groups such as African-Americans, women, and Indians. Mrs. McDowell stated her belief that these questions came from the State and probably dealt with obtaining someone with the experience needed for a particular committee. She noted that, in creating the new application, there was a lot of discussion about diversity and the makeup of committees. Mrs. McDowell noted that staff could not say what the races or nationalities of current members were because they never ask. Mr. Slavin explained that these questions reflect standard information gathering required by Equal Employment Opportunity (EEO) practices. He stated that this information is optional, but the City would try to capture it to show that its recruitment process is fair.

Mr. Neil suggested including a statement that the City does not discriminate under any circumstances in regard to ethnicity, gender or disability. He also expressed the importance of making sure that the disabled can get into the City's facility. Mr. Neil noted that there could be difficulty because it is not very convenient for someone in a wheelchair to come into the Council Chambers to serve on a committee, and allowances may have to be made.

Mr. Anderson felt it was a good suggestion to add that the City provides equal opportunity and does not discriminate on any lawful basis.

Mr. Slavin indicated that the discussion had pivoted and was now addressing EEO policies. He advised that he, Mr. Scott Koenig, City Manager, and Mrs. Kim Hawkins, Human Resources Director, had discussed this approximately two (2) weeks ago. Mr. Slavin stated that had noticed that when he clicked on the EEO policy statement on the old City website, it indicated that it was "under construction," and he was unsure what had caused this. He informed members that he had asked Mrs. Hawkins to prepare a full briefing on what the City's policy is,

what its goals are, where the City is vis-a-vis those goals, and what strategies are in place with recruitment and hiring. Mr. Slavin indicated that he believed that some of his questions had been shared with members of Council. He stated that this matter was scheduled for consideration during the Council Committee of the Whole/Legislative Finance, and Administration Committee's second meeting in October. Mr. Slavin expressed his opinion that the EEO statement should go on everything that the City has, not just hiring-related information.

Mr. Anderson agreed with Mr. Slavin and stated his hope that members would review the report prepared by Dr. Bobby Jones related to recruitment that Council passed and enacted, which he felt had fallen a little by the wayside. *(City Clerk's Office Note: During their Regular meeting of February 13, 2012, Council accepted the Legislative, Finance, and Administration Committee's recommendation that the Minority Recruitment Committee (MRC) Report be referred to staff for a report back to the Committee within 60 days. During their Annual meeting of May 14, 2012, Council accepted the Implementation Plan for the Minority Recruitment Committee Recommendations, as recommended by the Legislative, Finance, and Administration Committee.)*

The Committee recommended acceptance of staff's recommendation.

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

Members were provided "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards", as submitted by Councilman Lewis. Referring to this document, Mr. Anderson noted that most of the five (5) recommendations it included had been implemented.

The Committee recommended that the five (5) points submitted by Councilman Lewis be adopted, with division of the question between point #4 and point #5, and that point #5 be voted upon separately.

At the request of Mr. Anderson, Mrs. McDowell read "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" into the record.

Referring to the recommendation regarding advertising and publishing vacancies, Mrs. Sass advised members that she had absolutely no problem doing the social media and website postings; however, she explained that she did not have an advertising budget and suggested that this recommendation be rephrased. Responding, Mr. Anderson stated that it would be up to members to come up with

the money to advertise and it was not for Mrs. Sass to be concerned with. He noted that the recommendation was to “advertise/publish” and did not mandate advertising; therefore, a press release could be issued and would have no cost.

Responding to Mr. Neil, Mr. Anderson stated that advertising would not necessarily mean paid advertising.

By consent agenda, Mr. Sudler moved for approval of the Committee’s recommendation for adoption of “Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards” points #1 - #4. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

The Committee deferred consideration of “Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards” point #5, related to the requirement of training for board, committee, and commission appointees, until the next meeting of the Council Committee of the Whole/Legislative, Finance, and Administration Committee, and to recommend that the City Clerk’s Office and the Human Resources Director come back with an explanation of the onboarding process for new appointees.

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

Mr. Hare questioned if this would relate to members of committees, commissions, and boards attending DLLG training. Responding, Mr. Slavin stated that this question would be deferred until members determine what can be taught in-house.

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

An Excerpt from the Minutes of the Regular City Council Meeting of September 12, 2016

COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 23, 2016

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

Designing and Expanding Recruitment for City Committees, Commissions, and Boards

During the Regular City Council Meeting of July 11, 2016, members considered reappointments recommended by Mayor Christiansen and members referred the issue of designing and expanding the recruitment for City committees, commissions and boards to the Council Committee of the Whole. Mr. Hare suggested requesting

Councilmen Anderson and Lewis to get together and make recommendations to the Committee in this regard.

Mr. Lewis advised members that he had not spoken with Mr. Anderson and was unsure of his ideas; however, Mr. Lewis had several suggestions, as follows:

- 1) Advertise or place news briefs through the local media regarding vacancies on boards or committees.
- 2) Place postings of such vacancies on the City's website or Facebook with information on how to apply for the particular board or vacancy.
- 3) When applications come in, have the City Clerk or person receiving applications provide Council members with copies of resumes and applications to review before the City Council meeting.
- 4) Require all individuals interested in serving on a board or commission, including members wishing to be reappointed, to fill out an application with a resume since reappointed members may have new information they need to provide.
- 5) With respect to training, Mr. Lewis advised that he would inquire through the Delaware League of Local Governments (DLLG) if basic training was offered for individuals who want to serve, for example, on the Planning Commission or Dover Human Relations Commission. He explained that, while he was serving as a school board member, the Delaware School Board Association had offered training on how to be a good school board member, including training on finances and various things that Mr. Lewis thought were essential.

Mr. Sudler agreed with Mr. Lewis, believing that this type of training would enhance individuals' understanding of the duties and expectations of committee members, as well as the City of Dover in general.

Mr. Neil indicated that this was not a new idea, noting that the State of Delaware has an entire board for this process. He explained that the State also has forms to be filled out and applicants must have resumes stating their expertise, noting that the City may not need a process that was this extensive. Mr. Neil was unsure if this should be a matter for the City Clerk's Office or Human Resources Department, but

thought that in essence it was part of Human Resources. He did not feel there was a need to reinvent the wheel but to style a process for the City and determine who would receive and hold the information. Mr. Neil stated that news releases to the media would get the word out without additional expense.

Mr. Lewis concurred that a process already existed; however, he expressed the need to advance and improve it, particularly in regard to recruiting.

Mrs. Kay Sass, Public Affairs and Emergency Management Officer, stated that everything Mr. Lewis had mentioned could easily be covered and that there were many options with no cost, including use of social media through Facebook. She recommended that a link be placed on the main page of the City's website to the listing of available committee openings, and the application. Mrs. Sass advised that press releases could be done; however, funds would have to be budgeted if other advertising was desired.

With respect to social media, Mrs. Sass recommended a total of five (5) posts in order to issue information with the greatest impact on the community, starting at 10-12 weeks prior to applications being due and with reposting at six (6) to eight (8) weeks, two (2) to four (4) weeks, three (3) to five (5) days, and on the due date. She explained that staff asks for notice of at least two (2) weeks when accepting information from the community to post on Facebook so to allow adequate time to incorporate this in their schedule, since Facebook is not a primary focus of staff's job duties that is done daily.

Referring to the proposed Application for Committee, Commission, or Board Appointment, Mrs. Sass advised that the City Clerk had developed this application, which covered many of the concerns expressed by Councilmen Lewis, Sudler, and Anderson. She noted that the application asked applicants to describe the skills they have that would enhance the productivity of the committee, commission, or board. Mrs. Sass felt that the proposed application was a big improvement from the current application as it was much more thorough and requested applicants to identify their districts, allowing the ability to obtain a cross section from the community. Mrs. Sass commented that many changes would be made to the City's website, hopefully within the next few days.

Responding to Mr. Lewis, Mrs. Sass indicated that it is very easy to have press releases put in the newspaper. Although they are not always guaranteed to be printed, she felt it likely that the media would be more than happy to pick up on them.

Mr. Slavin suggested that this would be an opportunity to pilot Facebook boosts and Twitter ads, which are very inexpensive. He explained that a Facebook boost will boost a message beyond the people who “like” a page or who are from the area. Mr. Slavin indicated that the frequency can be specified, analytics can be received regarding effectiveness, and this would also allow for periodic release, as suggested previously by Mrs. Sass. He indicated that the cost to boost an ad is only \$5.

Mr. Shevock questioned who would develop the qualifications and review the applications to determine who is qualified. Responding, Mrs. Sass stated her understanding that Council wanted to start this conversation among the Committee members to establish some guidelines. Mr. Shevock noted that each committee would need different qualifications and felt the qualifications should be advertised before someone completes an application.

Mr. Hare advised that he did not totally agree with the City putting out the qualifications and felt this was a question of what an applicant feels they can bring to a committee, such as a former parks and recreation director or someone with experience in public utilities. He believed that members would limit the committees by requiring utility experience for members of the Utility Committee. Mr. Hare believed there were individuals who do not have a financial background but would make very good Legislative, Finance, and Administration Committee members because they had run a business, etc. In his opinion, members should let the applicant tell them what they can bring to the committee.

Mr. Neil advised that the State application includes recommendations from at least three (3) individuals endorsing or supporting the application. He felt it would be up to the councilmen who would review the application, recommendations, and skills that an applicant brings and hopefully the district representatives could get together to make an appointment. Mr. Neil did not believe that the City would be deluged with applications.

For clarification, Mr. Slavin noted that the Council President or Mayor makes appointments and Council approves appointments.

Mr. Hare noted that civilian members of standing City committees are paid a stipend.

Mr. Sudler felt that, although a detailed job description was not needed, a statement could be included that experience is preferred. He believed that applicants need to know exactly what will be expected of them and make an educated decision on whether or not a committee suits them. He suggested perhaps providing a summary of what the committee does so applicants could know whether or not they are

eligible. Responding, Mrs. Sass pointed out that this information is currently available on the website for each committee.

Mr. Hare felt that it was up to Council members to actively reach out and find individuals in their districts that they believe would do well on committees and recommend them to the Mayor and Council President. Responding, Mr. Lewis stated that he had recommended individuals with experience who were not appointed. Mr. Hare stated that he shared this experience; however, the individuals who were appointed were also good people.

Mr. Lewis stated that he would like to see a better recruitment tool, which he felt could be accomplished through Mrs. Sass. He reiterated that he planned to check with the DLLG to see if they offer training for individuals that do not have the experience. In Mr. Lewis's opinion, it would behoove applicants to have some experience to serve on committees.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that her department staffs three (3) boards and commissions, and she believed that a bigger pool of interest was needed. She expressed concern about waiting until there is a vacancy to solicit for it. Mrs. Townshend felt that an application could be made available, people should be encouraged to apply, and they should be allowed to self-select what they feel they are qualified for and interested in. She expressed concern with waiting to advertise until there is a vacancy since there may not be an applicant from the district with a vacancy. Mrs. Townshend noted that the Planning Commission, like Council, has two (2) representatives from each district and one (1) at-large member. She suggested a rolling application process so there would not be a large expanse of time while trying to find someone to serve.

Mr. Slavin felt that a rolling application process would create a large expanse of time if people submit an application and there is no spot for them. He stated that they would then have a legitimate complaint that they tried to serve and the City never took them up on their offer. Responding, Mrs. Townshend noted that many appointments are made at the same time of year. Mr. Slavin stated the need to be sensitive to this issue and felt that a solution could not be created without looking at all angles.

Mrs. Townshend explained that the Planning Commission, Board of Adjustment, Historic District Commission, and standing Council committees are all appointed between May and July, and suggested having a window that the application process is open with lead time. She noted that there was currently a vacancy on the Planning Commission, and that members are sometimes unable to attend meetings. Mrs. Townshend advised that approximately a year ago a Planning Commission

meeting had been canceled because there was no quorum. She stated that this was the first time that this had happened since she had been with the City and expressed concern that perpetuating vacancies could create an operational issue.

Referring to Mr. Lewis's comment that current members should submit an application when their term is expiring, Mr. Hare suggested that they submit a shorter application and a letter of interest.

Mr. Neil moved to defer this matter to allow the ideas to be solidified and brought back. He stated that a very good start had been made with the application prepared by the City Clerk and felt that Mr. Anderson and Mr. Lewis should review this matter, refine it further, and bring it back. The motion was seconded by Mr. Lewis.

Mr. Lewis reiterated that he would like to hear Mr. Anderson's ideas, noting that they were supposed to collaborate together. He stated that he liked Mrs. Sass's suggestions and would like to see them initiated.

Mr. Hare thought that Mrs. Sass had summarized the entire issue.

Mr. Sudler asked if Mrs. Sass and the City Clerk's Office would work together on this and if this would be part of the motion or if members would leave this open, and questioned if this item would be brought back in 30 or 60 days. Responding, Mr. Hare indicated that they would work together and the matter would be brought back at the second meeting in September.

The Committee deferred this matter until September 27, 2016 to allow the ideas to be solidified, Mr. Lewis and Mr. Anderson to review and refine it further, and for Mrs. Sass and the City Clerk's Office to work together.

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

An Excerpt from the Minutes of the Regular City Council Meeting of July 11, 2016:

**REAPPOINTMENTS RECOMMENDED BY MAYOR CHRISTIANSEN (DEFERRED
DURING THE COUNCIL MEETING OF JUNE 27, 2016)**

Mayor Christiansen recommended the following reappointments:

Board of Adjustment - Three (3) Year Terms to Expire July 2019
K.C. Sheth, Chairman
William A. Hufnal

Planning Commission - Three (3) Year Term to Expire June 1, 2019
Kathleen Welsh - First District

Council President Slavin advised that the reappointments were deferred during the Council meeting of June 27, 2016 because Mr. Lewis had questions regarding the appointments and Mayor Christiansen was not in attendance at the meeting to answer them.

Mr. Lewis advised that he subsequently spoke with Mayor Christiansen regarding the appointments, noting that the issue he had was with the process and how they were recruiting appointees. He stated that he would like to see the process changed in the future, possibly by setting up a committee to do a better job in recruiting. Councilman Lewis stated that Mayor Christiansen advised him that openings on boards and commissions are not advertised or placed on the website. Mr. Lewis noted that when the Mayor was running for office, he had indicated that he wanted to see new people on these commissions with new and innovative ideas.

Mr. Sudler stated that he concurred with Councilman Lewis that it would serve the best interests of the City of Dover if appointees have some kind of credentials for their appointment to a commission or board. He did not feel that people should just be appointed because they want to be on a committee. Mr. Sudler believed that an appointee's resume should reflect the position that they are being appointed to, so that the decisions being made on that committee will reflect the knowledge that they have, rather than having someone just fill a position.

Mr. Anderson stated that the application for appointment to a committee, commission, or board is available on the City's website and encouraged anyone who may be interested to apply. He stated his feeling that there needed to be more promotion, such as linking it to the City's Facebook page and advertising in the newspapers, especially prior to the annual appointments. Mr. Anderson felt that the appointments currently under consideration were all solid and he intended to vote for their confirmation.

Mr. Anderson moved to request the City Clerk's Office to coordinate a public relations plan for expanding appointments to City committees, commissions, and boards and report to the Legislative, Finance, and Administration Committee in the next 60 days. The motion was seconded by Mr. Lewis.

Mr. Slavin suggested providing a demographic analysis showing the committee, commission, and board representation.

Mr. Sudler stated that he felt the current system was working; however, his main concern was ensuring that individuals applying have a skillset or a resume that reflects that they have the qualifications for the committee they are being appointed to. Mr. Lewis disagreed that the current system was working, noting that he knows of many people in the community who would like to serve government, and there is no way for them to know that there is a vacancy on boards and

commissions. He added that he would like to see people appointed to these committees with expertise in the field of the committee that they are serving on.

Mr. Cole agreed with the concept; however, he reminded members that these are Mayor and Council President appointments and it is their responsibility to find someone who is qualified without asking staff to recruit for them. Mr. Hutchison concurred.

Mr. Hare stated that he felt they were qualified to recommend people with credentials to appoint to the committees. He stated that he makes those he knows who are interested in serving aware of any openings. Mr. Hare felt this was their responsibility as Councilmen and that they had obtained good people to serve on committees.

Mr. Sudler asked if any vacancies were currently being advertised, recalling that at one time this had been done. Responding, Mrs. Traci McDowell, City Clerk, stated that the Dover Human Relations Commission advertised its vacancies many years ago; however, vacancies were not currently being advertised. She advised that all of the committees are listed on the City's website, and there is a link to the application within the list.

Mr. Lewis asked if Mr. Anderson would consider withdrawing his motion to request the City Clerk's Office to coordinate a public relations plan for expanding the appointments to City committees, commissions, and boards and report to the Legislative, Finance, and Administration Committee in the next 60 days, noting that he would be more inclined to have a volunteer committee of a few Council members set up to try and resolve this matter. Mr. Anderson withdrew his motion and Mr. Lewis, as the seconder, agreed.

As someone who has to make recommendations for appointments, Mr. Slavin advised that, in addition to qualifications, he wants to make sure that there is male/female balance on the committees. He has also tried to ensure that there is minority representation on every committee and to bring new faces to the committees as much as possible. Mr. Slavin advised that fair district representation must be considered, noting that there are also some veteran retired employees and people who have been involved with the City who could bring great value to the discussions.

Mr. Anderson noted that the City has a Public Relations Officer who already does the job of putting out press releases, updating the website and Facebook, so it would not be overwhelming to anyone to make sure links are put on the site and that major appointments are released to the media a couple months beforehand, and that they are promoted on the site. Mr. Anderson felt that this should be planned.

Mr. Anderson moved to refer the issue of designing and expanding the recruitment for City committees, commissions, and boards to the Council Committee of the Whole. The motion was seconded by Mr. Lewis.

Mr. Neil reminded members that when a person is recommended for appointment, the City Clerk requests them to send a biography for Council's consideration so they are not blindly appointing members. He agreed that there was nothing wrong with letting the public know how to contact them if they are interested in serving and what their qualifications should be. Mr. Lewis stated that all he was looking for was a better recruitment tool so the public as a whole is aware that there is an opening on a particular board or committee.

Mr. Hare suggested, instead of referring the matter to the Council Committee of the Whole, requesting Councilmen Anderson and Lewis to get together and make recommendations to the Council Committee of the Whole.

Mr. Hutchison stated that he liked the idea of creating some type of method whereby more people could at least get their resumes in for consideration, noting that the ultimate recommendation is for either the Mayor or the Council President to offer for Council's consideration.

The motion to refer the issue of designing and expanding the recruitment for City committees, commissions, and boards to the Council Committee of the Whole was carried with Mr. Hare voting no.

Mr. Slavin requested that Mrs. Kay Sass, Public Affairs Coordinator, and Mrs. Traci McDowell, City Clerk, be present at the Council Committee of the Whole meeting on Tuesday, July 26, 2016 to talk through some of the issues of how to promote and publicize committee appointment vacancies.

Mr. Sudler moved for approval of the reappointments of K.C. Sheth and William Hufnal to the Board of Adjustment and Kathleen Welsh to the Planning Commission, as recommended by Mayor Christiansen. The motion was seconded by Mr. Anderson and carried with Mr. Lewis not voting.

/dak